



# COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP  
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

## UNAPPROVED

48 Yaney Avenue, Sonora  
Mailing: 2 S. Green Street  
Sonora, CA 95370  
(209) 533-5633  
(209) 533-5616 (Fax)  
(209) 533-5909 (Fax – EHD)  
www.tuolumnecounty.ca.gov

### TUOLUMNE COUNTY PLANNING COMMISSION MEETING MINUTES

September 6, 2023

**PRESENT:** Chair Linda Emerson, Vice-Chair Catherine Santa Maria and Commissioners Jerry Morrow, Kara Bechtle and Jim Cherry

**ABSENT:** Commissioners Jim Jordan and Wes Brinegar

**STAFF:** Quincy Yaley, Community Development Director; Dave Ruby, Planning Manager; Clark Sintek, Planner I; Taryn Vanderpan, Administrative Technician

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#### CALL TO ORDER/WELCOME:

Chair Emerson called the meeting of September 6, 2023, to order at 6:00 p.m. and led the Commission and audience members in the Pledge of Allegiance.

#### PLANNING COMMISSION BUSINESS:

##### 1. Reports from Commissioners and staff

**\*\* Reports are a brief oral report from a Committee or Commission member and/or County staff, and no Committee or Commission action will occur. This item is not intended to include in depth presentations or reports, as those matters should be placed on an agenda for discussion\*\***

Dave Ruby, Planning Manager, gave an update on the Title 17 Update, the Airport Land Use Compatibility Plan Update. He reported that the California County Planning Commissioners' Association conference is being held in Tuolumne County October 6-7, 2023. He noted that the following week there would be interviews for the Planner II position.

##### 2. Report from the Agricultural Advisory Committee Representative

Commissioner Morrow noted there was no meeting; therefore, there was nothing to report.

#### Minutes of the meeting of August 16, 2023

Chair Emerson noted that Commissioner Jordan was reported in the minutes as being absent and present for the meeting of August 16, 2023.

It was moved by Vice-Chair Santa Maria and seconded by Commissioner Bechtle to approve the minutes of the August 16, 2023, with corrections.

Staff roll called for the vote:

Chair Emerson: Aye  
 Vice-Chair Santa Maria: Aye  
 Commissioner Cherry: Aye  
 Commissioner Morrow: Aye  
 Commissioner Bechtle: Aye  
 Commission Jordan: Absent  
 Commissioner Brinegar: Absent

Chair Emerson called for the vote; 5, Ayes, 0; Noes, 0; Abstain

Motion carried: 5 – 0 – 0 With Commissioners Brinegar and Jordan being absent.

**NEW BUSINESS:**

**PUBLIC COMMENT:**

Chair Emerson opened the 15-minute public comment period, during which anyone wishing to could come forward and address the Commission on any item not on the printed Agenda. She indicated that there would be a three-minute time limit of public comment. Seeing no one, she closed the public comment period.

**PUBLIC HEARING:**

- HATTON**, The proposed Zone Change RZ23-004, in advance of a Lot Line Adjustment, is to rezone a 1.37± acre parcel (APN 076-080-001) from RE-2:MX (Residential Estate Two Acre Minimum:Mobilehome Exclusion Combining) to RE-10:MX (Residential Estate Ten Acre Minimum:Mobilehome Exclusion Combining) and to rezone 2 portions of a 266.64± acre parcel (APN 071-320-025) as follows:

<b>APN/Location/Acreage</b>	<b>GP/Zoning Before</b>	<b>GP/Zoning After</b>
Central Portion (APN:071-320-025) 253.69± Acres	General Plan: LR Zoning: AE-37	General Plan: unchanged Zoning: RE-10
North Portion (APN:071-320-025) 3.16± Acres	General Plan: AG Zoning: AE-37	General Plan: unchanged Zoning: O

The proposed zone change is in advance of a proposed Lot Line Adjustment between APNs 076-080-001 and 071-320-025, whereby the north property boundary line would be extended at a northeasterly angle making it a 12.95± acre parcel and giving 1.37± acres to APN 071-320-025 by way of Lot Line Adjustment on the western boundary of APN 076-080-001.

The project site is located 1,200± feet southwest of a forked road intersection, in which Llanura Drive becomes Solambo Mine Road in the Lake Don Pedro subdivision. Within a portion of Sections 30 & 31, Township 2 South, and Range 15 East. Within Supervisorial District 4. Assessor’s Parcel Numbers 076-080-001 & 071-320-025.

Clark Sintek, Planner I, gave a PowerPoint presentation on the proposed project location and description.

Chair Emerson asked if the Commission had any questions of staff.

Commissioner Cherry raised concerns with the format and content in the Agenda Report. He suggested a more concise executive summary format.

Mr. Ruby responded that there would be changes made to the formatting of future reports to better facilitate the Commission’s decision.

Commissioner Morrow asked for clarification on the cited gravestone on the project site.

Mr. Sintek responded that the gravestone was on an adjacent parcel from the proposed project site.

Mr. Morrow asked staff to address the response comment by CSERC stating “The Advisory Notice incorrectly states, “The General Plan anticipated the zone change and was evaluated in the General Plan and the Environmental Impact Report (EIR).”

Quincy Yaley, Community Development Department Director, responded that the General Plan Land Use Designation would allow 10-acre parcels with the zoning of RE-10. She reported that parcels containing the LR Designation were evaluated within the General Plan Environmental Impact Report as allowing for 10-acre minimum parcels, which this project site falls under.

Commissioner Bechtle asked for clarification on why the zone change was required prior to the lot line adjustment.

Mr. Ruby responded that for a lot line adjustment to occur, the zoning on the area being adjusted must match the zoning of the receiving parcel.

Chair Emerson asked if there were any more questions of staff. Seeing none, she opened the public comment period and asked if there was anybody who wished to speak in favor of the proposed project.

David Ragland, Land Surveyor, discussed the reasoning behind the zone change application.

Commissioner Morrow asked why they did not keep the larger parcel zoned AE-37.

Mr. Ragland indicated that it prevented the property owner from having to adjust the zoning in the future.

Chair Emerson asked if there was anyone else who wished to speak in favor of the project. Seeing no one, she asked if there was anyone who wished to speak in opposition of the project.

There were four members of the public who spoke against the project. They stated that most parcels surrounding the project site were also zoned AE-37. They raised concerns with there being no infrastructure in the area to support future development. They noted that the assertion that no new parcels will be created by the rezone is misleading. They explained that any approval of a rezone to RE-10 will greatly increase the likelihood of future intensive development of the agricultural parcel. They raised concerns that the stakeholder notification was very misleading in suggesting that the parcel was reviewed under the General Plan Environmental Impact Report. They had issues with staff’s assertion that the General Plan EIR considered the environmental effects of changing the zoning for this property. They reported that there was no analysis of wildlife, water, traffic, fire, or any of the issues tied to this site. They asked for the project to be sent back to staff and to recommend there be approval of the zone changes necessary for the applicant to have a 13-acre lot line adjustment. They noted that the 253± acre parcel should not be rezoned, as there was no analysis completed. They indicated that once a parcel is zoned compatible with the General Plan Land Use Designation, county staff can recommend approval for any future development, as the parcel would be zoned for that type of land use. They had issues with the acreages noted within the agenda report not adding up, suggesting that legally the project should be sent back to staff to correct prior to a decision being made.

Chair Emerson asked if there was anyone who wished to speak neutrally on the proposed project. Seeing no one, she asked if there was anyone else who wished to speak in opposition to the project. Seeing no one, she asked if there was any rebuttal.

Mr. Ragland reported that the proposed zone change of the 253± acre parcel was to preserve the right for future lot line adjustments, not for a future subdivision.

Chair Emerson asked if there was anyone who wished to speak in surrebuttal. Seeing no one. She closed the public comment period and referred the item back to the Commission.

A discussion ensued on the contents of the Agenda Report needing to be more concise. They raised concerns that the comments received were not thoroughly addressed in the report; therefore, not providing the Commission the full summary to recommend approval. They discussed with staff when development and analysis would be completed if there was a future application for development.

It was moved by Vice-Chair Santa Maria to recommend approval of Zone Change RZ23-004 based on Findings A through D.

There was no second to the motion; therefore, the motion did not pass.

It was moved by Commissioner Cherry and seconded by Commissioner Morrow to send Zone Change RZ23-004 back to staff to address concerns raised by the Commission.

Chair Emerson: Aye  
Vice-Chair Santa Maria: No  
Commissioner Cherry: Aye  
Commissioner Morrow: Aye  
Commissioner Bechtle: Aye  
Commission Jordan: Absent  
Commissioner Brinegar: Absent

Chair Emerson called for the vote. 4; Ayes, 1; Noes, 0; Abstain

Motion carried: 4 – 1 – 0 With Commissioners Jordan and Brinegar being absent.

**ADJOURNMENT:**

Chair Emerson adjourned the meeting.

Respectfully,

Quincy Yaley, AICP  
Community Development Department Director

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