



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

UNAPPROVED

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TUOLUMNE COUNTY PLANNING COMMISSION MEETING MINUTES

September 20, 2023

PRESENT: Vice-Chair Catherine Santa Maria and Commissioners Jerry Morrow, Wes Brinegar and Jim Cherry

ABSENT: Chair Linda Emerson, and Commissioners Jim Jordan and Kara Bechtle

STAFF: Quincy Yaley, Community Development Director; Cody Nesper, County Counsel; Dave Ruby, Planning Manager; Taryn Vanderpan, Administrative Technician

CALL TO ORDER/WELCOME:

Vice-Chair Santa Maria called the meeting of September 20, 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****

Staff had no reports for the Commission.

Commissioner Morrow reported that the California County Planning Commission Association event will be taking place at Black Oak Casino, October 6 – 7, 2023.

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 September 6, 2023

It was moved by Commissioner Morrow and seconded by Commissioner Brinegar to approve the minutes of September 6, 2023, as presented.

Staff roll called for the vote:

Chair Emerson: Absent
Vice-Chair Santa Maria: Aye
Commissioner Cherry: Aye

Commissioner Morrow: Aye
Commissioner Bechtle: Absent
Commissioner Jordan: Absent
Commissioner Brinegar: Aye

Vice-Chair Santa Maria called for the vote; 4, Ayes, 0; Noes, 0; Abstain

Motion carried: 4 – 0 – 0 With Chair Emerson and Commissioners Jordan and Bechtle being absent.

NEW BUSINESS:

PUBLIC COMMENT:

Vice-Chair Santa Maria 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:

1. LESLIE,

1. Approval of the Mitigated Negative Declaration for Zone Change RZ18-011 and Conditional Use Permit CUP18-013.
2. Ordinance for Zone Change RZ18-011 to rezone a 5.4± acre parcel from RE-5 (Residential Estate, Five Acre Minimum) to C-1 (General Commercial) and O (Open Space) under Title 17 of the Tuolumne County Ordinance Code (TCOC).
3. Conditional Use Permit CUP18-013 to allow outdoor storage of commercial equipment, vehicles, and materials on the site consisting of two parcels totaling 6.2± acres.

The project site consists of two parcels totaling 6.2± acres located at 18456 Wards Ferry Road, on the northwest corner of Wards Ferry Road and Tuolumne Road. Within Sections 9 and 10 of Township 1 North, Range 15 East, Mount Diablo Baseline and Meridian. Assessor's Parcel Numbers 097-140-007 and 097-140-009. Within Supervisorial District Number 4.

Quincy Yaley, Community Development Director, gave a PowerPoint Presentation on the proposed project location and description.

Commissioner Morrow reported that he visited the project site and met with the project proponent. He asked if the approved Demolition Permit was reviewed by the Historic Preservation Review Commission (HPRC).

Ms. Yaley responded that the Demolition Permit was reviewed and approved by the HPRC Demolition Review Committee.

Commissioner Morrow discussed Condition 18, which states "no commercial log milling or processing on the project site". He asked if the property owner could rezone the property in the future to allow commercial log milling and processing.

Ms. Yaley responded that that proposal would need a zone change and a General Plan Amendment to allow commercial log milling and processing. She explained that those types of additions would require a new application. She explained the project would also go through a new Environmental Review Process.

Commissioner Cherry questioned if the public's concerns had been adequately addressed.

There were three members of the public who spoke against the proposed project. They noted that several cultural resources were demolished from the grading that took place prior to the application was submitted to the County. They discussed how the project has been out of compliance for over five years with limited intervention from the County. They expressed frustration with the Code Compliance process, indicating property owners can circumvent the permitting process for years, and the County will help them get into compliance without any repercussions for the damage they already caused. They reported that the grading permit was approved only after a Code Compliance case was open.

There were three people who spoke in favor of the project. They noted that although they understand the concerns made by the neighbors, the concerns were exaggerated. They raised concerns that a cultural resource study was completed for the project but has not been reviewed by the Historic Preservation Review Commission. They noted that the tribes had been contacted regarding the project, and to date, no comments have been received. They raised concerns about Condition 18, asking if that meant the property owner couldn't cut wood for his own personal use on the property.

Vice-Chair Santa Maria asked if there was anyone else who wished to speak in favor. Seeing no one, she asked if there was anyone who wished to speak neutrally.

A member of the public asked which agencies would be responsible for enforcement of the Conditional Use Permit if approved.

Ms. Yaley noted that different agencies are responsible for enforcement of their applicable conditions.

Vice-Chair Santa Maria asked if there was anyone else who wished to speak neutrally on the project. Seeing no one, she closed the public comment period and referred the item back to the Commission.

It was moved by Commissioner Morrow and seconded by Commissioner Brinegar to recommend approval of the Mitigated Negative Declaration based on Findings A through F; recommend approval of Zone Change RZ18-011 based on Findings A through D; and approve Conditional Use Permit CUP18-013 based on Findings A through F and subject to Conditions 1 through 39.

Chair Emerson: Absent

Vice-Chair Santa Maria: Aye

Commissioner Cherry: No

Commissioner Morrow: Aye

Commissioner Bechtle: Absent

Commission Jordan: Absent

Commissioner Brinegar: Aye

Chair Emerson called for the vote. 3; Ayes, 1; Noes, 0; Abstain

Motion Failed: 3 – 1 – 0 With Commissioner Cherry voting no and Chair Emerson and Commissioners Jordan and Bechtle being absent.

Commissioner Morrow asked what happens with the Conditional Use Permit if the Commission cannot agree on a vote.

Ms. Yaley asked for a recess for staff to confer with County Counsel.

Vice-Chair Santa Maria called for a 10-minute recess.

Vice-Chair Santa Maria called the meeting back in session at 7:28.

Ms. Yaley addressed a comment made during the public hearing portion regarding the Cultural Resource Study not being reviewed by the HPRC. She noted that the HPRC does not review Cultural Resource Studies for entitlement permits.

Ms. Yaley explained that per the adopted Tuolumne County Planning Commission procedures, if the Commission is unable to take-action with regards to the Conditional Use Permit, the matter would automatically be referred to the Board of Supervisors for an action.

It was moved by Vice-Chair Santa Maria and seconded by Commissioner Morrow to recommend approval of the Mitigated Negative Declaration based on Findings A through F; recommend approval of Zone Change RZ18-011 based on Findings A through D; and approve Conditional Use Permit CUP18-013 based on Findings A through F and subject to Conditions 1 through 39.

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

Chair Emerson called for the vote. 3; Ayes, 1; Noes, 0; Abstain

Motion Failed: 3 – 1 – 0 With Commissioner Cherry voting no and Chair Emerson and Commissioners Jordan and Bechtle being absent.

It was moved by Commissioner Morrow and seconded by Commission Brinegar to send the project back to staff and rehear the project on the first meeting in November 2023.

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

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

Motion Carried: 4 – 0 – 0 With Chair Emerson and Commissioners Jordan and Bechtle being absent.

2. **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:

APN/Location/Acreage	GP/Zoning Before	GP/Zoning After
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.

Mr. Ruby reported that the Hatton project had been pulled from tonight's TCPC meeting and would be brought back at a later date.

ADJOURNMENT:

Vice-Chair Santa Maria adjourned the meeting at 7:31 pm.

Respectfully,

Quincy Yaley, AICP
Community Development Department Director

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