



COMMUNITY DEVELOPMENT DEPARTMENT

BEV SHANE, AICP
Director

BUILDING AND SAFETY - PLANNING - GIS - HOUSING - ENVIRONMENTAL HEALTH

JAMESTOWN AREA PLANNING COMMISSION DECISION FOR CONDITIONAL USE PERMIT CUP10-004

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

DATE: November 12, 2010

SURFACE/MINERAL

RIGHTS OWNER: Golf Links Land Company/Ronald and Lesley Robinson, Trustees
Goble Family Limited Partnership/Ernest L. Goble, Jr.
Jacob and Paul Barendregt, et. al

APPLICANT: Ronald Kopf and Ragland Engineering and Land Surveying

PROJECT AND LOCATION

PROJECT

DESCRIPTION: Conditional Use Permit CUP10-004 to allow the following

- A 1.2± acre lot to be developed with up to eight (8) units consisting of townhouses, condominiums or duplexes;
- A 2.9± acre lot to be developed with a one or two-story buildings containing up to 15,000 square feet of office, commercial and community center space and up to three apartments;
- A 4.2± acre lot to be developed with one- or two-story buildings for an assisted care facility with up to 125 rooms and related office and support facilities or 50 condominium or apartment units, or a combination of any three; and
- A 0.8± acre lot for storage and the parking and storage of recreational vehicles, boats, campers, trailers and/or other vehicles and an associated office and apartment.

LOCATION: The project site is located on the north side of Golf Links Road, east of Jamestown Road and west of McKibbin Drive in Jamestown. It is a portion of Sections 2 and 3, Township 1 North, Range 14 East; Assessor's Parcel Number 59-020-46.

DECISION

On November 10, 2010, a decision was rendered by the Jamestown Area Planning Commission, approving Conditional Use Permit CUP10-004 based upon the following Findings and subject to the attached list of Conditions.

FINDINGS

Negative Declaration:

- The proposed project will not result in significant adverse impacts to the environment.
- The Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA) and State and County guidelines for the implementation of CEQA.

- C. The Negative Declaration reflects the independent judgment of the County of Tuolumne.
- D. Pursuant to Section 21081.6(a)(1) of the Public Resources Code, a reporting and/or monitoring plan has been prepared, as incorporated into the conditions of Vesting Tentative Subdivision Map T10-010, Conditional Use Permit CUP10-004 and Planned Unit Development Permit PUD10-002, in order to avoid significant effects on the environment.
- E. The conditions of Vesting Tentative Subdivision Map T10-010, Conditional Use Permit CUP10-004 and Planned Unit Development Permit PUD10-002 are roughly proportional to the respective potential environmental impacts associated with the proposed project.
- F. Pursuant to Section 21081.6(a)(2) of the Public Resources Code, the custodian and location of the documents and materials which constitute the record of proceedings upon which this decision to adopt the Negative Declaration had been made are as follows:

Environmental Coordinator/Community Development Director, Tuolumne County Community Development Department, 48 West Yaney, Sonora, California.

Director of Public Works, Tuolumne County Public Works Department, 48 West Yaney, Sonora, California.

Fire Prevention Division, Tuolumne County Fire Department, 48 West Yaney, Sonora, California.

Air Pollution Control Office, 22365 S. Airport Road, Sonora, California.

Clerk of the Board of Supervisors, 2 South Green Street, Sonora, California.

Conditional Use Permit CUP10-004:

- A. The proposed development is consistent with the Tuolumne County General Plan.
- B. The proposed development is in accordance with the Tuolumne County Ordinance Code.
- C. The proposed project will not overburden existing municipal facilities.
- D. The size and terrain of the project site are suitable for the proposed use.
- E. Under the circumstances of the particular case, the proposed use will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use, or be substantially detrimental or injurious to property and improvements in the neighborhood.

CONDITIONS

Please refer to the attached list of Conditions.

Effective Date

This permit shall not become effective until any appeal filed pursuant to Section 17.68.130 of the Tuolumne County Ordinance Code has been concluded or the time for filing an appeal has expired.

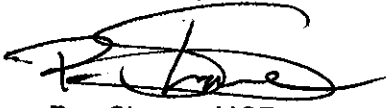
Appeal

If the applicant or any aggrieved person is dissatisfied with this decision, he or she may appeal it to the Board of Supervisors in accordance with Section 17.68.130 of the Tuolumne County Ordinance Code.

Expiration

If the change in the use of land or buildings for which this permit is granted is not begun prior to November 10, 2013, this permit shall expire and be of no further effect.

Respectfully,



Bev Shane, AICP
Community Development Director

BJS:AP:cm

cc: Assessor
CDD - Building and Safety Division
Fire Prevention Bureau
PW - Engineering
Caltrans – District 10
File Copy
Applicant/Property Owner

NOTE: THIS IS NOT A BUILDING PERMIT.

CONDITIONS FOF
CONDITONAL USE PERMIT CUP10-004

General Conditions:

1. PD Developer/permittee/applicant/property owner/subdivider, and the successor in interest shall defend, indemnify, and hold harmless the County of Tuolumne, its officers, agents, and employees from any and all claims, actions, proceedings, or liability of any nature whatsoever (including attorney's fees and costs awards) arising out of, or in connection with the County's review or approval of the application or project on which this condition is imposed, or arising out of or in connection with the acts or omissions of the above described person, and his/her/its agents, employees, or contractors, during any work performed in connection with the application or project. With respect to review or approval, this obligation shall also extend to any effort to attack, set aside, void, or annul the approval of the project including any contention the project approval is defective because a county ordinance, resolution, policy, standard, or plan is not in compliance with local, state or federal law. With respect to acts or omissions of the above described person and his/her/its agents, employees, or contractors, the obligation hereunder shall apply regardless of whether the County prepared, supplied, or approved plans, specifications or both. If the defense right is exercised, the County Counsel shall have the absolute right to approve any and all counsel employed to defend the County. To the extent the County uses any of its resources to respond to such claim, action or proceeding, or to assist the defense, the above described person will reimburse County upon demand. Such resources include, but are not limited to, staff time, court costs, County Counsel's time at its regular rate for non-County agencies, or any other direct or indirect cost associated with responding to, or assisting in defense of, the claim, action, or proceedings. For any breach of this obligation the County may, without notice, rescind its approval of the application or project to which this covenant/condition is attached. (TCOC, Section 17.68.150)

2. ED/PD All internal roads shall be constructed to the following standards and shall be allowed within the O (Open Space) zoning:
 - A. Access roads or related parking areas shall be provided within 150 feet of all portions of the exterior walls of any proposed building as measured by an approved route around the exterior of the building.

 - B. For dead-end access roads in excess of 150 feet in length, an area shall be provided to allow fire apparatus to turn around as approved by the Fire Prevention Division.
(TCOC Title 11; CEQA, Section 15041, [Initial Study, "Traffic and Circulation,"])

3. PD The property owner shall apply for and obtain approval of a Site Development Permit to allow the development of the Assisted Care /

condominium / apartment units Lot. A landscape plan shall be submitted for review and approval to the Community Development Director prior to issuance of the Site Development Permit. (CEQA Section 15041, [Initial Study, "Land Use and Planning" and "Biological Resources"])

4. PD The property owner shall apply for and obtain approval of a Site Development Permit to allow the development of the community center Lot. A landscape plan shall be submitted for review and approval to the Community Development Director prior to issuance of the Site Development Permit. (CEQA Section 15041, [Initial Study, "Land Use and Planning" and "Biological Resources"])
5. PD The property owner shall apply for and obtain approval of a Site Development Permit to allow the development of the RV parking and storage Lot. A landscape plan shall be submitted for review and approval to the Community Development Director prior to issuance of the Site Development Permit. (CEQA Section 15041, [Initial Study, "Land Use and Planning" and "Biological Resources"])

Conditions to be met during the construction phase of the proposed project:

6. PD If a cultural resource is discovered during the activities authorized by this Permit, the person in possession of the parcel for which the permit was issued and all persons conducting any activity authorized by this permit shall comply with the following provisions:
 - A. The person discovering the cultural resource shall notify the Community Development Department by telephone within 4 hours of the discovery or the next working day if the department is closed.
 - B. When the cultural resource is located outside the area of disturbance, the Community Development Department shall be allowed to photodocument and record the resource and construction activities may continue during this process. On parcels of two or more gross acres, the area of disturbance includes building pads, septic areas, driveways or utility lines, grading and vegetation removal, plus 300 feet. On parcels of less than 2 gross acres, the area of disturbance equals the boundaries of the parcel.
 - C. When the cultural resource is located within the area of disturbance, all activities that may impact the resource shall cease immediately upon discovery of the resource. All activity that does not affect the cultural resource as determined by the Community Development Department may continue. A qualified professional, as defined in Section 17.04.657 of the Tuolumne County Ordinance Code, such as an archaeologist or an historian, shall be allowed to conduct an evaluative survey to evaluate the significance of the cultural resource.
 - D. When the cultural resource is determined to not be significant, the qualified professional or Community Development Department

shall be allowed to photodocument and record the resource. Construction activities may resume after authorization from the Community Development Department.

- E. When a resource is determined to be significant, the resource shall be avoided with said resource having boundaries established around its perimeter by a qualified professional archaeologist or historian or a cultural resource management plan shall be prepared by a qualified professional to establish measures formulated and implemented in accordance with Sections 21083.2 and 21084.1 of the California Environmental Quality Act (CEQA) to address the effects of construction on the resource. The qualified professional shall be allowed to photodocument and record the resource. Construction activities may resume after authorization from the Community Development Department. All further activity authorized by this permit shall comply with the cultural resources management plan.

A cultural resource is any building, structure, object, site, district, or other item of cultural, social, religious, economic, political, scientific, agricultural, educational, military, engineering or architectural significance to the citizens of Tuolumne County, the State of California, or the nation which is 50 years of age or older or has been listed on the National Register of Historic Places, the California Register of Cultural Resources, or the Tuolumne County Register of Cultural Resources. (TCOC, Section 14.10.150)

MONITORING PROVISION: A Notice of Action shall be recorded for Conditions 1 through 6 to notify all owners of this parcel of the conditions of this entitlement and these responsibilities. Any violations observed by the Community Development Department during regular site inspections or in response to complaints shall be referred to the agency having jurisdiction over the condition for resolution or referred to the Code Compliance Officer for enforcement. (PRC, Section 21081.6; TCOC, Section 17.68.150)