



**CALAVERAS COUNTY BOARD OF SUPERVISORS AGENDA SUBMITTAL**

<b>Short Name/Subject</b> 2018-024 GPA for Calaveras Humane Society	<b>Board Meeting Date</b> April 9, 2019	<b>Agenda Number</b> <b>32</b>
<b>Dept:</b> Planning <b>Contact:</b> Peter Maurer <b>Phone:</b> (209) 754-6394	<b>Supervisory District Number</b> District 4	Regular Agenda
<b>Published Notice Required?</b> Yes <b>Public Hearing Required?</b> Yes		<b>Estimated Time:</b> 1 Hour
<b>Type of Document?</b> Resolution <b>PowerPoint Presentation Included?</b> Yes <b>Budget Transfer Included (Must be signed by Auditor)?</b> No <b>Complete Agreement Required?</b> No <b>Position Allocation Change?</b> No		

**RECOMMENDATION:**

Conduct a public hearing and adopt a Resolution amending the General Plan of APN: 058-001-009 from Residential Suburban to Commercial Recreation within the City of Angels Sphere of Influence for the Calaveras Humane Society, Application No. 2018-024.

**DISCUSSION/SUMMARY:**

**PROJECT DESCRIPTION:** The project includes a General Plan Amendment from the current, Residential Suburban to Commercial-Recreation within the City of Angels Sphere of Influence, a Zoning Amendment from General Commercial – Planned Development (C2-PD) to Rural Commercial – Planned Development (RC-PD), and a Conditional Use Permit and Planned Development Permit to convert the existing building located on the subject property to an animal shelter for the Calaveras County Humane Society.

**APPLICANT AND LANDOWNER:** Calaveras Humane Society, PO Box 528, Altaville CA 95221

**CONTRACTOR:** Dean Morris, 2901 Willow Creek Rd., San Andreas CA 95249

**AGENT:** Aspen Street Architects, Inc. PO Box 370, Angels Camp CA 95222

**PROJECT LOCATION:** The property is located at 1209 Hwy 49, approximately 1.5 miles northwest of the intersection of SR49 and SR4 in Angels Camp. APN: 058-001-009 is a 0.49-acre parcel located in a portion of Section 19, T03N, R13E, MDM.

Figure 1 - Location Map shown as attachment No. 1

**ANALYSIS:** In December of 2017, the Calaveras Humane Society purchased the subject parcel with the intent of operating the Calaveras Humane Society animal shelter from the existing building located onsite. Unaware that the zone district of the recently purchased parcel does not permit an animal shelter, the applicant submitted a land use application to the Planning Department for consideration of a Planned Development (PD) Permit required pursuant to Chapter 17.50 of County Code set forth to further regulate site development and aesthetics related to the proposed project.

Upon review of the land use application for the PD permit, Planning Staff determined that further entitlements are necessary to approve the PD Permit and allow the operation of the animal shelter. The animal shelter falls under the Zoning Code's definition of "Commercial Kennel" (17.06.1050). A commercial kennel is not a permitted or conditionally permitted use in the current General Commercial (C2) zone, finding it necessary to re-zone the parcel to accommodate the intended use of the property. With approval of a Conditional Use Permit, a commercial kennel is a conditionally permitted use in the Rural Commercial (RC) Zone. However, the RC zone is not a consistent zone in the current General Plan land use designation. A general plan amendment is necessary in order to consider the zoning amendment and conditional use/planned development permit.

It should be noted that Title 6 of the Calaveras County Code defines "commercial kennel" differently for purposes of kennel licensing, and the applicant will be required to demonstrate compliance with Title 6 as one of the conditions included with the Conditional Use Permit.

### **General Plan & Zoning**

Figure 2 - General Plan Map (Sphere of Influence) shown as attachment No. 2

In the General Plan, the subject parcel is located within the City of Angels Sphere of Influence. The sphere of influence represents the potential incorporated territory of the City of Angels for which land use classifications, consistent zoning districts and development policies are included in the City's General Plan but is within the legal jurisdiction of the County. In 1982, the County Board of Supervisors (BOS) approved the current C2 zoning. With a recommendation to approve, the BOS findings concluded that the City of Angels' Planning Commission had no objections to the commercial zone district contrary to the Sphere of Influence. The staff report implies that the proposed C2 zone district was inconsistent with the "Mixed Use" land use designation at time, but was approved based on evidence that the existing structure/use was commercial and zoning the property commercial was appropriate.

Subsequent to that time, the land use designation was amended to the current designation continuing an inconsistency between the commercial zoning and use of the property and the land use designation. The current land use designation of the subject parcel is designated in the Sphere of Influence as Residential Suburban. Consistent zones in the Residential Suburban designation presently include General Agriculture (A1) and Residential Agriculture (RA). Amending the General Plan from the current designation will not affect agricultural resources. Being less than ½ acre in size, the subject parcel is not suitable for conducting agriculture operations as they relate to the General Agriculture (A1) zone. A1 is the primary resource production zone in the County classifying lands for general farming and ranching practices with a 20-acre minimum parcel size. The subject parcel is neither adequate in size nor contains adequate resources necessary for sustaining a viable agricultural operation. Furthermore, the location of the parcel in its proximity to SR 49 is not a prime location for residential and small-scale agricultural development permitted in the Residential Agriculture (RA) zone. Since these are the only two zone districts consistent with the current designation, re-designating this parcel will not be detrimental to agricultural resources.

The applicant proposes to amend the General Plan Land Use Designation to Commercial-Recreation for adopting the zoning amendment to RC. Two zone districts; Recreation (REC) and Rural Commercial (RC) are consistent with the Commercial-Recreation designation. The REC zone is intended to provide for local and visitor-oriented recreational activities. The parcel size and location makes the subject parcel unfavorable for location-specific recreation activities; however, the parcel may adequately provide support services for destination recreation

resources if there were such resources in the immediate area. Previous uses demonstrate the land's ability to sustain commercial uses compatible with the rural community. The City of Angels has no objections to the General Plan Amendment or to re-zoning the property, but does request that the PD combining zone be retained (RC-PD) providing them with an opportunity to review future development plans.

For the past 37 years, the parcel has housed various small businesses such as a veterinary clinic, chiropractic/doctor offices, an exercise facility, a small distillery and numerous professional offices. Adjacent to SR 49, the parcel is approximately ½ mile northwest of the city limits of Angels Camp. Current land uses within a one-mile radius of the subject parcel include open space being utilized for grazing cattle, large lot residential properties and commercial uses such as Spence Ranch Feed & Supply, the Grubstake Mini Storage and Angels Camp Veterinary Hospital. Surrounding zoning primarily consists of Unclassified (U) and General Agriculture (A1). Other zones in the general vicinity include Rural Residential (RR) and Residential Agriculture (RA) with the mini storage being zoned General Commercial (C2). Although a commercial zone located in the middle of natural resource lands is unusual and generally contradicts common planning practices, the purpose of the RC zone is to provide land for commercial use in small towns, community centers, and isolated areas, which perfectly describes this location. The parcel size, shape and lack of district water supply and sewer services limits the development potential for this specific site, keeping future business moderately sized and rural in nature.

Figure 3 - Zoning and Surrounding Area Land Use shown as Attachment No. 3

When comparing the proposed RC zone to the existing C2 zone, it becomes apparent that the RC zone is the less intensive commercial zone district permitting fewer uses than in C2. More intense uses permitted in the C2 zone are conditional uses in the RC zone requiring approval of a conditional use permit (CUP) by the County Planning Commission. Appropriately, consideration of performance standards and compatibility with surrounding land uses will occur during the CUP process.

The County is in the process of updating the County General Plan. Although findings of consistency with the draft update are not mandated, it is important to understand the direction land use is taking with the adoption of the General Plan Update (GPU) and how current projects will conform to the future plan. In this particular case, the GPU proposes to amend the current land use designation to Commercial/Office. Consistent zones in the new land use designation are proposed to be Local Commercial (C1), General Commercial (C2), Professional Office (CP) and Rural Commercial (RC). Maintaining consistency with the GPU is important. Subsequent to the Board of Supervisor's final adoption of the GPU, the County will resolve all zoning inconsistencies created by the adoption of new land use designations. When appropriate, the County should avoid the creation of further inconsistencies and consider continuity with the County's future land use plan. In this situation, amending the zoning to RC will be compatible with the proposed land use designation in the General Plan Update and, assuming the proposed land use designation is retained, there will be no need to re-zone this parcel upon completion of the GPU.

**Figure 4 - General Plan Update Map shown as Attachment No. 4**

#### **Conditional Use and Planned Development Permit**

The intent of the PD combining zone is to regulate site development and aesthetics, not the type of use. The conditional use permit however, provides an opportunity to review a proposed land use that is generally consistent with the purpose of a base-zoning district, but

has the potential to cause conflicts with neighboring land use and zoning. The following paragraphs address the project's consistency with the General Plan, compatibility with neighboring land use and zoning while specifically addressing performance standards required of commercial development in the PD combining zone.

Pursuant to County Code Section 17.50.060, performance standards shall apply to all construction within the planned development (PD) combining district for which a permit is required for physical exterior changes. The existing structure is a 3,904 sq. ft. single story wood-framed building. The remodel includes demolition of interior walls to accommodate a new layout for housing dogs, cats and other small animals, spaces for offices, and restrooms. Exterior remodel includes 5 new outdoor enclosures attached to the building as part of the indoor/outdoor kennels for dogs and a 144 sq. ft. outdoor play area for cats, new window openings, necessary structure modifications, and the replacement of existing siding with new mineral fiber cement siding. Improvements required to meet PD performance standards include parking lot improvements with two new encroachments onto SR 49, new landscaping, fencing and signage.

Figure 5 - Site Plan with Landscaping shown as Attachment No. 5

Figure 6 - Exterior Elevations show as Attachment No. 6

Figure 7 - Image of the front Elevation shown as Attachment No. 7

Figure 8 - Image of Side Elevation shown as Attachment No. 8

County code Chapter 17.50.060 requires a minimum area equal to 10 percent of the gross disturbed area to be planted with new landscaping. The existing structure and parking area equal approximately 8,494 sq. ft. The proposed 955 sq. ft. of new landscaping exceeds the minimum 10 percent requirement. A perimeter-planting strip shall screen the parking areas from SR 49 with a minimum of three feet of vegetation. The County has never adopted a landscaping ordinance regulating design and types of plants. Thus, landscape design is at the discretion of the project proponent. However, CEQA guidelines section 15304(b) exempts minor alterations to land when new gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping. Given the recent year's droughts and wildfire devastation, the county encourages water efficient and fire-safe landscaping as recommended by Cal Fire. A local nursery, landscape contractor or the County's UC Cooperative Extension service can provide advice on fire-resistant plants that are suited for this area of the County. Water efficient and fire-safe landscaping must be planted in a manner that improves the visual quality of the project and must be maintained in a vigorous and healthy condition in perpetuity. The images shown in figures 7 and 8 are prior to Caltrans comments prohibiting improvements in the State ROW. The fence and flower boxes were both located in the ROW and have since been re-designed in a new location of the project.

Chapter 17.70.040 Off-street parking requirements shall only apply to new construction, enlargement of existing buildings and conversions of a single-family residence. The project does not propose any of the scenarios that trigger the off-street requirements; therefore, the parking lot improvements only include the improvement of an ADA Compliant parking space. The project proponent will construct two new encroachments meeting Caltrans requirements for design and location. The 20' rolling gate is for public access and will remain open during business hours to prevent vehicles from waiting in the State ROW. The 10' wide swing gate will serve as emergency and service access only. Both gates will be located outside the State ROW, a minimum of 30' from edge of the travel lane of SR49.

The front of the property will be fenced for the safety of the animals of the shelter. The fence is a single curved steel wire, structurally reinforced with horizontal wires. The fence will be 62

inches high and black in color. The gates are constructed of the same material and mimic the appearance of the fencing. Images of the fencing are shown in Figures 7 & 8.

Sign area for single businesses located on a parcel with no other businesses shall not exceed one square foot of sign area for each linear foot of structure frontage up to a maximum of two hundred square feet. The principle elevation of the structure is 60', allowing a maximum of 60 sq. ft. of total signage for the project. The off structure sign is a double-sided sign with a maximum area of 51.1 sq. ft., cumulatively. Disregard the structure-mounted sign illustrated in figure 8. Subsequent to the drawing, the Humane Society decided to eliminate the structure mounted sign from the project. The proposed signage is well within the maximum allowed by code.

Figure 9 - Proposed Signage shown as Attachment No. 9

The Humane Society will employ two (2) full-time and six (6) part-time people. The facility is capable of housing a maximum of twelve (12) dogs and twenty-four (24) cats with both indoor and outdoor accommodations for the animals. Dogs will remain locked indoors at night while being allowed to roam both indoor and outdoor within the enclosed kennels during the daytime hours. The facility will be open to the public Wednesday through Sunday, 11 a.m. to 5 p.m.

### **Conclusion:**

Currently, there is an inconsistency between the land use designation and zoning. The proposed amendments will not only create consistency, but will also allow the continued use of the existing commercial structure in a way that is more compatible with the surrounding area. Additionally, the proposed amendments are consistent with the General Plan Update; therefore, the parcel will not be subject to further amendments upon final adoption of the General Plan Update. Title 17 defines the proposed animal shelter use as a commercial kennel. A commercial kennel is best suited in rural areas of the County isolated from community centers and medium to high-density residential development. Located outside the City limits of Angels Camp and a distance from residential development, the subject parcel is a suitable location for the proposed Rural Commercial zoning and the proposed animal shelter. When compared to the current C2 zone, the RC zone is a down zone requiring a conditional use permit for a number of uses permitted outright in the C2 zone. Being that the parcel is located in the Sphere of Influence, Planning staff consulted with the City of Angels. They have expressed support for the proposal with one caveat, to retain the PD combining zone. Since there are no adopted design guidelines to regulate site development and aesthetics of a project in this area of the county, the City wishes to maintain the ability to provide input on future projects. Planning staff has no objections to retaining the PD combining zone upon amending the base zone of the property. The exterior modifications to the existing structure, the fence and sign are compatible with the project location and its natural environment. Water efficient and fire resistant landscaping shall be planted in a manner that will screen the parking area from view of Hwy 49 and add a visual quality to the project. The fence and gates will enhance the project and provide additional security for the sheltered animals while satisfying Caltrans requirements for location and design. The circulation of the project application did not result in any agency concerns that have not otherwise been resolved through this process. During a duly noticed public hearing on March 14, 2019, the Planning Commission considered all of the information presented to it, including its staff report, information presented by the project proponent, and public testimony presented in writing and at the meeting. On a 5-0-0-0 vote, the Planning Commission recommends approval of all four entitlements necessary to operate the animal shelter.

**ENVIRONMENTAL REVIEW:** Section 15301(a) of the CEQA Guidelines provides that existing facilities, interior or exterior alterations to an existing structure are exempt from CEQA. The structural alterations do not include expansion or re-location of the existing building. Repair of structural damage, installation of new siding, windows and column re-facing will only alter the appearance of the building. Pursuant to Section 15303 new construction or conversion of small structures is exempt from CEQA. Minor modifications to the existing structure are necessary to create a suitable facility for the change in use to an animal shelter. Pursuant to Section 15304 minor alterations to land are also exempt from CEQA. New landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping is exempt under this section. The activity is also covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment, as set forth in Section 15061(b)(3). The proposed general plan and zoning amendments will create consistency while allowing the continued use of the existing building to a manner that better conforms to the surrounding area. The proposed zone district is a less intense commercial zone permitting fewer uses than permitted in the current zone. The circulation of the project application did not result in agency concerns and revealed no environmental effects.

**FINANCING:**

An application Fee of \$3,546.00 was collected by the Planning Department. This covers the administrative costs of processing the application.

**ALTERNATIVES:**

The Board may deny the General Plan Amendment. The Humane Society shall not be permitted to commence operation of an animal shelter at the subject location.

**APPROVED BY:**

  
Peter Maurer, Director

3/26/2019

  
Julie Moss-Lewis, Deputy County Counsel

3/26/2019

  
Diane Severud, Deputy Clerk of the Board of Supervisors

3/27/2019

  
Christa Vo-Latta, Deputy CAO

3/29/2019

BOARD OF SUPERVISORS, COUNTY OF CALAVERAS  
STATE OF CALIFORNIA  
April 9, 2019

Resolution  
No. (ID # 4373)

**A RESOLUTION APPROVING GENERAL PLAN  
AMENDMENT 2018-024 FROM RESIDENTIAL SUBURBAN  
TO COMMERCIAL RECREATION WITHIN THE CITY OF  
ANGELS SPHERE OF INFLUENCE ON APN: 058-001-009.**

WHEREAS, the Planning Department of the County of Calaveras received an application from the Calaveras Humane Society requesting approval of a General Plan Amendment from the City of Angels Sphere of Influence, Residential Suburban to Commercial Recreation, a Zoning Amendment from General Commercial – Planned Development (C2-PD) to Rural Commercial – Planned Development (RC-PD), a Conditional Use Permit to operate a commercial kennel and a Planned Development Permit authorizing the exterior changes to the existing building and the project related site improvements; and

WHEREAS, the proposed project is located on real property in the unincorporated portions of the County of Calaveras at 1209 Hwy 49, Angels Camp and more particularly described as APN: 058-001-009, a portion of Section 19, T3N, R13E, MDM; and

WHEREAS, a notice of exemption has been prepared for this project pursuant to Article 19, Categorical Exemptions, Section 15303, conversion of small structures, Section 15301, existing structures, Section 15304, minor alterations of land and Article 5, Section 15061(b)(3), the general rule that CEQA applies only to project with the potential to have a significant effect on the environment; and

WHEREAS, during a duly noticed public hearing on February 28, 2019, the Planning Commission considered all of the information presented to it, including its staff report, information presented by the project proponent, and public testimony presented in writing and at the meeting; and

WHEREAS, project action was postponed to the March 14, 2019 Planning Commission meeting for consideration of a modified sign plan relative to the Planned Development Permit portion of this project application; and

WHEREAS, that the Planning Commission recommends approval of the General Plan Amendment; and

BE IT THEREFORE RESOLVED, that the Board of Supervisors approves the General Plan Amendment to Commercial Recreation as shown in Exhibit "A" based upon the following findings:

1. The project is exempt from further environmental review under the California Environmental Quality Act (CEQA).

Evidence: Section 15301(a) of the CEQA Guidelines provides that existing facilities and interior or exterior alterations to an existing structure are exempt from CEQA. The structure alterations do not include expansion or re-location of the existing building. Repair of structural damage, installation of new siding, windows and column replacement will only improve the appearance of the building. Pursuant to Section 15303 new construction or conversion of small structures is exempt from CEQA. Minor modifications to the existing structure are necessary to create a

suitable facility for the operation of an animal shelter. Pursuant to Section 15304 minor alterations to land are also exempt from CEQA. Proposed new landscaping includes the replacement of existing conventional landscaping with water efficient or fire resistant landscaping. The activity is also covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment, as set forth in Section 15061(b)(3). The proposed general plan and zoning amendments will create consistency while allowing the continued use of the existing building to a manner that better conforms to the surrounding area. The proposed zone district is a less intense commercial zone permitting fewer uses than permitted in the current zone. The circulation of the project application did not result in agency concerns and revealed no concerns about environmental effects.

2. The proposed General Plan Amendment is consistent with the goals and policies of the General Plan and surrounding land uses.

Evidence: Coordination with the City of Angels occurs for all land use proposals on properties included in the Angels Sphere of Influence. The City of Angels responded with support for the proposed General Plan Amendment citing no concerns with the proposal to amend the land use designation to Commercial Recreation.

3. The subject property is suitable for the type of development proposed.

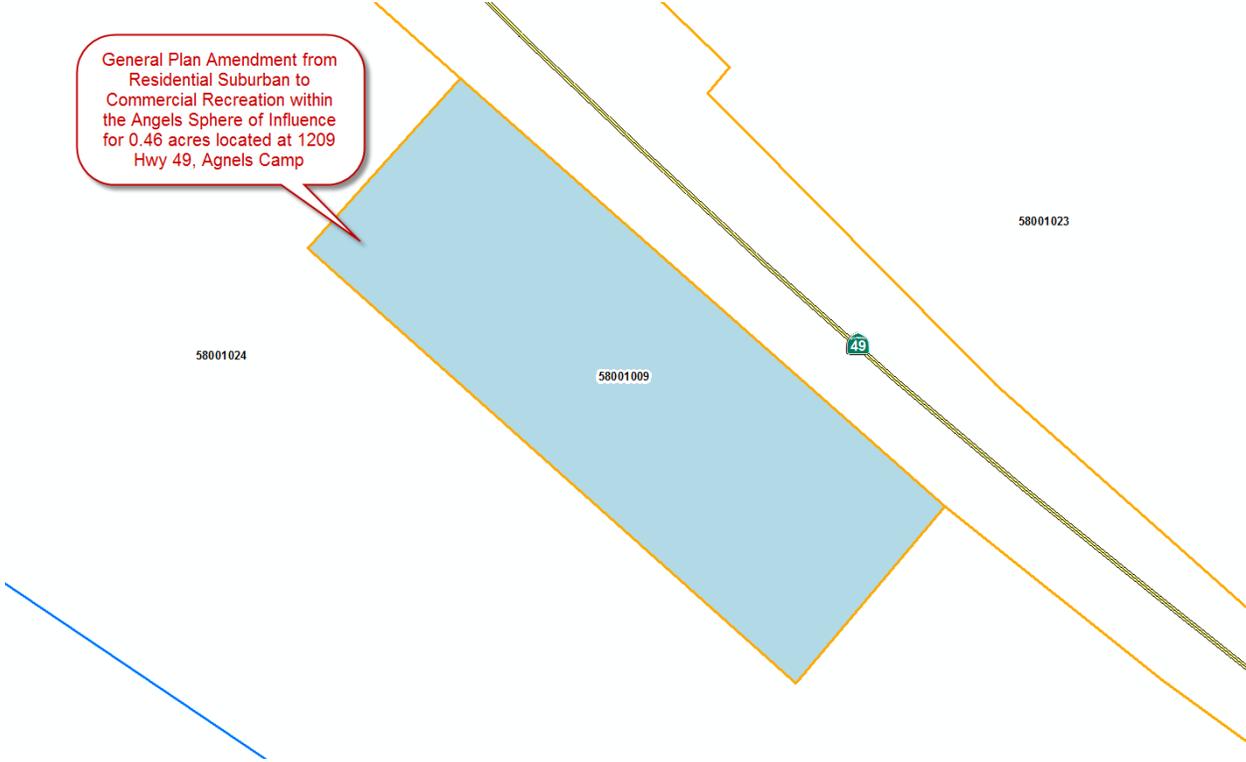
Evidence: The subject parcel is developed with a 3,904 sq. ft. building. The project includes interior and exterior modifications to that existing building to accommodate an animal shelter. There is no expansion of the existing building footprint; however, the project does include 480 sq. ft. of outdoor dog kennels off the southeast side of the building. The site plan shows adequate area to accommodate the entire project including the future septic and leach field area.

4. There is no significant public controversy on public record regarding environmental issues associated with this project.

Evidence: The application was circulated to various Local, State & Federal Agencies as well as appropriate interest groups. Regulatory comments were received, but no objections to the request. The General Plan Amendment and Zoning Amendment are consistent with Community Plan and the surrounding neighborhood. No public comments have been received opposing the proposed General Plan Amendment.

Exhibit "A"

General Plan Amendment from Residential Suburban to Commercial Recreation within the Angels Sphere of Influence for 0.46 acres located at 1209 Hwy 49, Agnells Camp



\_\_\_\_\_  
Chair

**ATTEST**

Rebecca Turner, Ex-Officio Clerk  
of the Board of Supervisors, County of Calaveras

\_\_\_\_\_  
Deputy Clerk