

COUNTY OF CALAVERAS, STATE OF CALIFORNIA  
PLANNING COMMISSION

**RESOLUTION NO. 2019-004**

>>A RESOLUTION RECOMMENDING THE BOARD OF SUPERVISORS APPROVE ZONING AMENDMENT 2018-024 FROM GENERAL COMMERCIAL – PLANNED DEVELOPMENT (C2-PD) TO RURAL COMMERCIAL – PLANNED DEVELOPMENT (RC-PD) ON APN: 058-001-009.

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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 is 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

BE IT THEREFORE RESOLVED, that the Planning Commission recommends approval of the Zoning Amendment to Rural Commercial – Planned Development (RC-PD) as shown on Exhibit A of this resolution, which depicts the proposed zoning based upon the following findings:

1. Based on the whole record, there was no substantial evidence that the project as designed will have a significant effect on the environment. A Notice of Exemption has been prepared in accordance with 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 Zoning Amendment is consistent with the County's General Plan, as amended, and applicable policies of the Calaveras County Zoning Code, Title 17.

**Evidence:** Approval of the general plan amendment from Residential Suburban to Commercial Recreation would provide for consistency with the surrounding area, since the RC zone is a compatible zone in the Commercial Recreation designation. The project site is located outside the City limits of Angels Camp and a distance from residential development. Further support for this recommendation is discussed in the accompanying staff report, which is incorporated by reference. The RC zoning is an appropriate zone at this location, providing sufficient area to meet the commercial needs of the area. The City of Angels staff support the proposal if the PD combining zone is retained providing for continued involvement with land use decisions.

3. The proposed Zoning Amendment is consistent with neighboring and adjacent land uses and zoning.

**Evidence:** The RC zone is compatible with the isolated area outside the City limits, adjacent to large lot residential, agricultural land and rural commercial businesses.

PASSED AND ADOPTED by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on March 14, 2019 on a motion by Commissioner Laddish and seconded by Commissioner Wooster.

AYES: Bechelli, Laddish, Plotnik, Wooster, Henderson

NOES

ABSTAIN:

ABSENT:

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Chair, Planning Commission

ATTEST:

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Gina Kathan, Planner III

The project files are available for public review in the Planning Department, County of Calaveras, Government Center, 891 Mountain Ranch Road, San Andreas, CA. 95249, between the hours of 8:00 a.m. and 4:00 p.m.

### Exhibit "A" – Zoning Exhibit

