

COUNTY OF CALAVERAS, STATE OF CALIFORNIA
PLANNING COMMISSION

RESOLUTION NO. 2019-005

>>A RESOLUTION RECOMMENDING THE BOARD OF SUPERVISORS APPROVE CONDITIONAL USE PERMIT 2018-024 TO PERMIT A COMMERCIAL KENNEL AS DEFINED BY THE ZONING CODE FOR THE OPERATION OF THE CALAVERAS HUMANE SOCIETY ANIMAL SHELTER LOCATED 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

BE IT THEREFORE RESOLVED, that the Planning Commission recommends approval of Conditional Use Permit 2018-024:

1. Based on the whole record, there is 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 development is consistent with the applicable policies of the General Plan.

Evidence: The land is suitable for an animal shelter being located outside the City limits and a distance from residential development. Pursuant to General Plan Policy II-7-A, the City of Angels reviewed and provided comments on the proposed project. The City recommends approval of the project.

3. The proposed development is consistent with Calaveras County Zoning Code, Title 17.

Evidence: This application proposes a zoning amendment to Rural Commercial (RC). The subject parcel meets the minimum requirements for the RC zone. A commercial kennel is a conditional use in the RC zone.

4. The subject property is adequate in land area to accommodate the proposed project.

Evidence: The subject parcel has an existing 3,904 sq. ft. building on site. 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 attached to 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.

5. The animal shelter is compatible with neighboring land use 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 such as the Grubstake Mini Storage, Spence Ranch Feed and Supply and the Angels Camp Veterinary Hospital. The primary zoning of the parcels in the vicinity are Unclassified and General Agriculture with pockets of Rural Residential and Residential Agriculture.

Kennels, both commercial and private, are also conditional and accessory uses in the General Agriculture, Residential Agricultural and Rural Residential zone districts.

6. The public and private roads providing access to the subject property meet necessary standards to provide safe and adequate access, or have been amended by conditions of the project approval to satisfy the access requirements.

Evidence: The project takes direct access from SR 49. Caltrans reviewed the project and requested that no improvements be placed in the State right of way. At the request of Caltrans, the public gate will remain open during business hours to prevent vehicle stacking in the State RIGHT OF WAY. The project proponent has obtained a Caltrans encroachment permit for the improvement of the two encroachments. No other improvements are required.

7. Conditions of project approval are necessary for protection of the public health, safety and welfare and to reduce or eliminate potential environmental effects.

Evidence: As part of the project description, dogs must be kept indoor at night, but allowed to roam the indoor/outdoor kennels during daytime hours. This will reduce the potential for nuisance caused by barking dogs. As previously stated, Caltrans conditioned the permit to require the public gate accessing the site remain open during business hours to prevent vehicle stacking in the State right of way.

BE IT FURTHER RESOLVED, that the Planning Commission approves the Conditional Use Permit based on the following conditions:

I. GENERAL CONDITIONS:

- I-1 Conditional use permit 2018-024 is exclusively to allow the operation of an animal shelter facility located at 1209 Hwy 49 Angels Camp, APN: 058-001-009.
- I-2 The maximum number of dogs permitted at the facility under this permit is twelve (12) at any one time.
- I-3 The maximum number of cats permitted at the facility under this permit is twenty-four (24) at any one time.
- I-4 Expansion of the permitted use or facility shall require Planning Commission approval of a modification to Conditional Use Permit 2018-024.
- I-5 All construction shall be in conformance with the approved site plan, including fencing and landscaping, exterior elevations and signage.
- I-6 The 20' rolling gate for public access will remain open during business hours to prevent vehicles from waiting in the State right of way.

- 1-7 Dogs shall be kept indoors at night.
- 1-8 Prior to validation of this permit, the applicant must complete conditionally approved BLA 2018-30, merging the two legal parcels comprised within APN: 058-001-009.
- I-10 Exterior lighting shall be shielded and directed in such a manner that it does not directly shine into adjoining residences or SR 49.
- I-11 Prior to validation of this permit, the applicant shall provide a written letter from the Director of Calaveras County Animal Services stating that the facility complies with all applicable provisions of Title 6 of the County Code.
- I-12 To be valid, this permit shall be activated prior to 11:59 p.m. on December 31, 2020.
- I-13 The Applicant(s) and Owner(s); and their Heirs, Successors, and Assigns shall abide by all terms of the Indemnification Agreement, dated April 23, 2018 and on file in the Planning Department's records for 2018-024.

II CALTRANS

- II-1 Prior to validation of this permit, the applicant must provide proof of a Caltrans encroachment permit for the two encroachments onto SR 49.

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:

Chair, Planning Commission

ATTEST:

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.