



CALAVERAS COUNTY PLANNING DEPARTMENT
891 Mountain Ranch Road,
San Andreas, California 95249
(209) 754-6394

Planning Commission Staff Report

Hearing Date	June 22, 2023
Project Number/Name	2023-016 Zoning Amendment for Angelia Ramage
Supervisory District Number	D2 – Jack Garamendi
Assessor's Parcel Number(s)	010-029-002
Planner	Madeleine Flandreau, Planner III

Date: June 1, 2023

APPLICANT: Angelia Ramage, P.O. Box 494, West Point, CA 95255

LANDOWNER: Jerry & Kristi Clark, P.O. Box 61, Wilseyville, CA 95257

PROJECT DESCRIPTION: The application proposes to amend the zoning of approximately 0.98 acres of APN 010-029-002 from GF (General Forest) to A1 (General Agriculture) in order to make its zoning consistent with the applicant's adjacent A1 zoned parcel (APN 010-029-001) and to concurrently process a boundary line adjustment reflecting the change in ownership.

LOCATION: The subject parcel is a 4.24-acre lot located at 7908 Schaad Road in Wilseyville, 5.2 miles east of the intersection of Rail Road Flat Road and Blue Mountain Road in the Community of Wilseyville. APN: 010-029-002 is part of the SW ½ of the NW ¼ of Section 9, T06N, R14E, MDM.

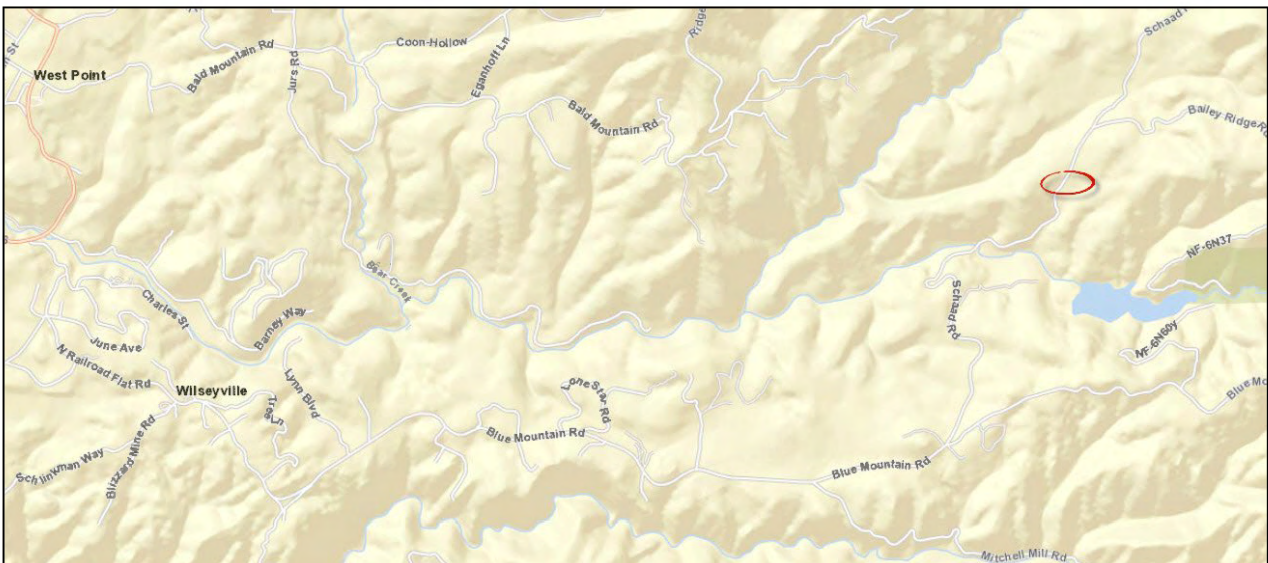


Figure 1- Location Map

GENERAL PLAN LAND USE DESIGNATION:

The subject parcel is currently designated in the County General Plan as Resource Production and lies outside of the West Point and Wilseyville Community Plan Areas. This designation identifies those lands capable of and primarily used for agricultural operations, timber production and/or mineral resource production; in order to maintain the land's viability and economic productivity and protect these lands from the intrusion of incompatible uses or activities. Resource Production Lands have the capability of being utilized for several resource production uses and/or compatible activities. The County's zoning code would allow for these multiple uses. This designation also includes, but is not limited to, lands with conservation easements and lands designated as critical habitat areas, agricultural preserves, and timber production (including lands zoned for timberland production pursuant to the California Timberland Productivity Act of 1982). Typical uses include irrigated and non-irrigated crop production, orchards and vineyards, grazing and raising of livestock, timber and forest product production and harvesting, mineral exploration and extraction, resource conservation, other uses/activities that support these operations (e.g. production and processing facilities, farm stands, tasting rooms), small scale commercial/industrial uses secondary to the resource use of the land; public and quasi-public uses; and other similar and compatible uses. Generally, these lands have limited access to services and infrastructure. The Resource Production designation is intended for parcels of 40-160 acres in size. Compatible zones within the Resource Production designation include, General Forest (GF), Timber Production (TP), General Agriculture (A1), Agriculture Preserve (AP), Rural Home Industry (RM), Recreation (REC) and Public Service (PS).



Figure 2- Resource Production Land Use Designation

PROPOSED ZONING:

The A1 zone is intended to be the main resource production zone. It is to classify areas for general farming and ranching practices and assign such uses the primary emphasis for the area. It is the purpose of the A1 zone that residential uses are placed in a position of secondary importance when compared to the commercial scale production of food and fiber. The subject parcel is currently developed with a single-family residence. Only the portion adjacent and to the southeast of APN 010-029-001 will be rezoned in order to complete the boundary line adjustment. All the current uses on the subject parcel are permitted uses in the proposed A1 zone district.

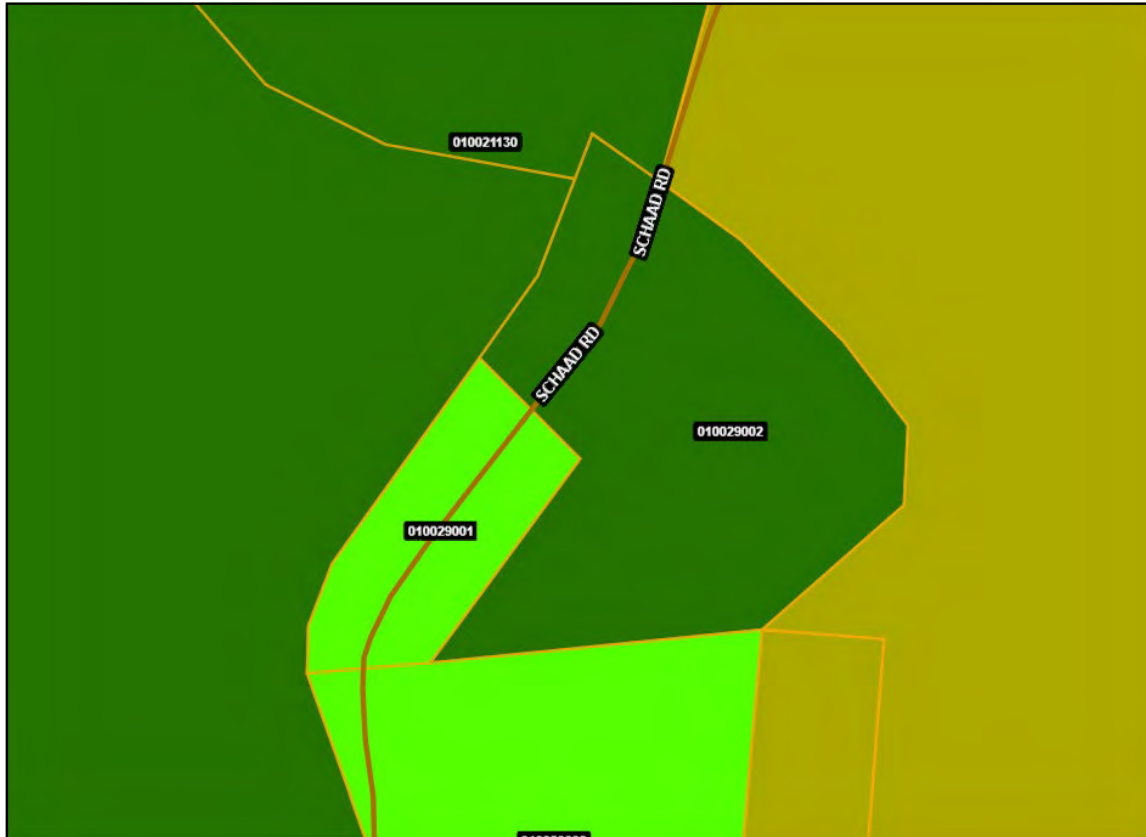


Figure 3: Current Zoning (GF- dark green; A1- light green; TP- brown)

ADJACENT LAND USES AND ZONING:

North:	TP (Timber Production), Sierra Pacific Industries; and GF (General Forest), vacant parcel
South:	A1 (General Agriculture), single family residence; and TP (Timber Production), Sierra Pacific Industries
East:	TP (Timber Production), Sierra Pacific Industries
West:	GF (General Forest), vacant parcel

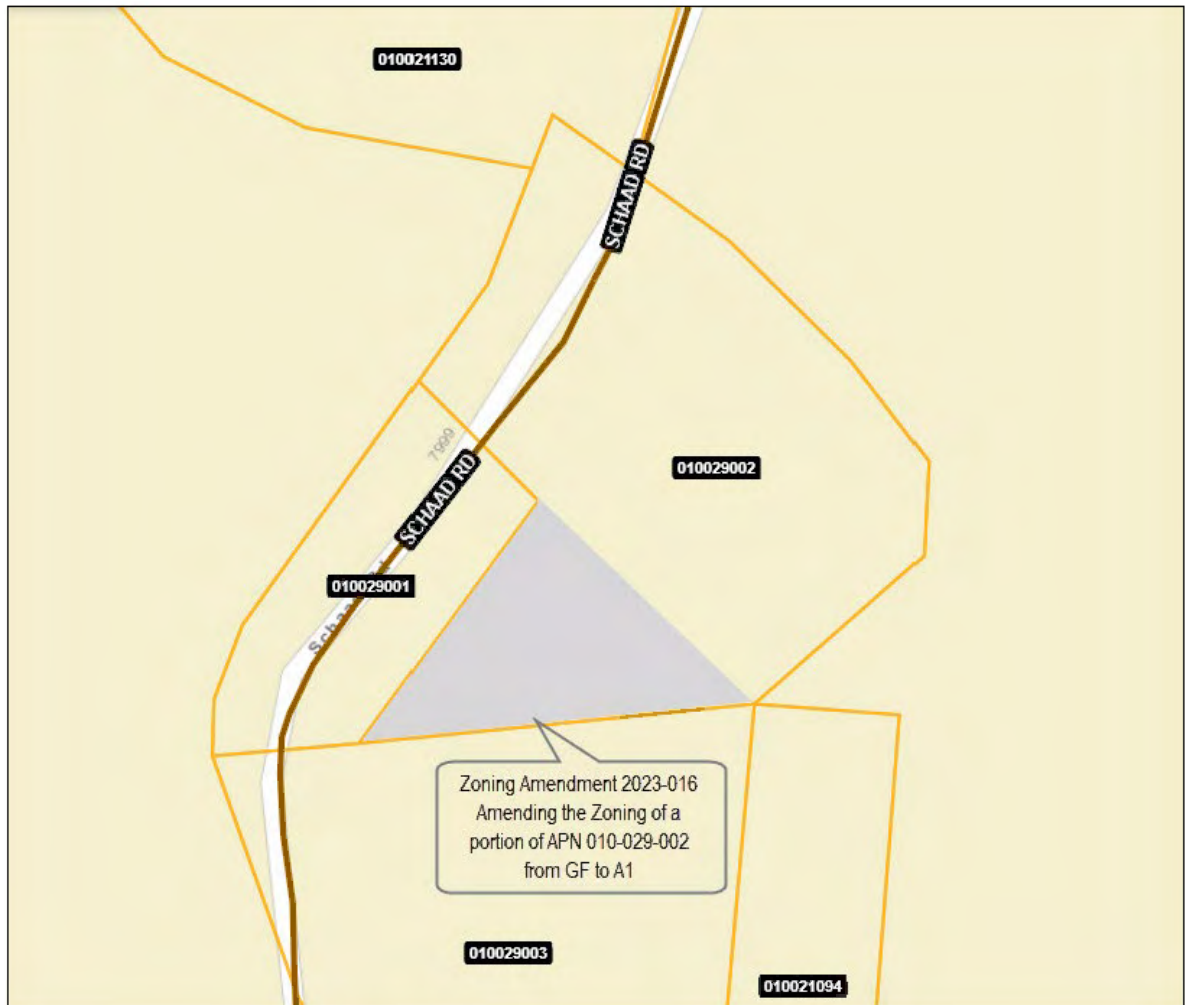


Figure 4- Proposed Zoning Amendment

ENVIRONMENTAL SETTING:

The parcel contains a single-family residence in the northern portion. The portion proposed to be rezoned is vacant. Topography is generally flat with slight sloping down to the south. Vegetation in the area consists of coniferous forest with some grasslands. The parcel is located within the jurisdiction of the West Point Fire Protection District. Both the local fire district and CalFire work together to provide mutual aid for structure fires and wildland fires alike. The general vicinity is designated as being in a very high fire severity zone. The parcel is served by an onsite well and an onsite wastewater system. This area of the Wilseyville has a moderate to high groundwater potential, although groundwater varies greatly in this part of the County.



Figure 5- 2022 County Aerial Image (note that the property lines are not accurately depicted)

SERVICES AVAILABLE:

Water:	Domestic well
Sewer:	On Site Septic
Fire Protection:	West Point Fire District
Power:	Pacific Gas and Electric
Telephone:	Volcano

AGENCIES CONTACTED/RESPONSE:

Assessor:	No response	California Valley Miwok Tribe:	No response
Building Department:	No comment	Ione Band of Miwok Indians:	No response
Environmental Management:	No comment	Calaveras Band of Miwok Indians:	No response
Onsite Wastewater:	No comment	Fire District – West Point:	No response
Public Works:	No comment		

ANALYSIS:

The applicant owns the adjacent parcel, APN 010-029-001, and has been offered the 0.98-acre portion of APN 010-029-002 by the landowner. The applicant is requesting to rezone this portion of APN 010-029-002 to A1 in order to make its zoning consistent with the APN 010-029-001 and to concurrently process a boundary line adjustment reflecting the change in ownership. A lot line adjustment application was received in May of 2022 by the Surveyor's office and is awaiting the approval of this zoning amendment to complete the process. If this portion is rezoned, the landowners could adjust the boundary between the two parcels without zoning conflicts and be able to utilize the land consistently.

The subject parcel was rezoned from Rural Residential (RR) to General Forest (GF) during the County's 2020 Zoning Map Update in order to be consistent with the Resource Production land use designation after the adoption of the 2019 General Plan. Both the GF and the A1 zones are resource zones. Although some similarities exist with allowable uses, the two zones are intended for much different land uses. The proposed zoning is compatible with the RP designation and, while the parcel size will remain non-conforming, no new parcel is being created and no non-conforming use is being expanded. The zoning code only requires a 20-acre minimum in A1 for "new parcels". Therefore, the proposed ZA is consistent with both the GP and zoning code.

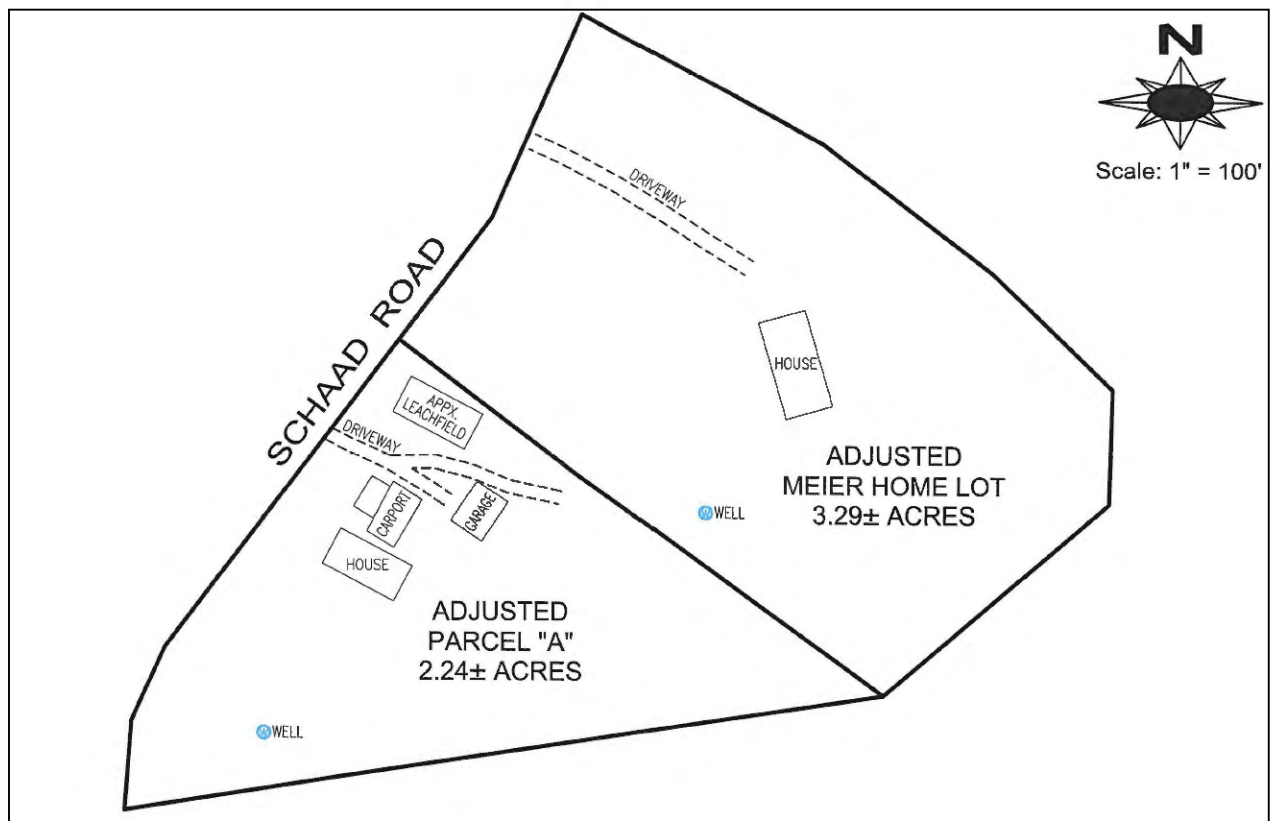


Figure 6- Proposed Boundary Line Adjustment

Biological Resources: The subject parcel is located approximately 1,500 feet to the north of Schaads Reservoir and the Middle Fork of the Mokelumne River. The portion of the subject parcel proposed to be rezoned contains natural vegetation and is devoid of structures. Although the California Natural Diversity Database does identify special status species such as foothill yellow-legged frog, yellow-lipped pansy monkeyflower, northern goshawk, and sharp-shinned hawk within a 5-mile radius of the subject parcel, the rezoning of an approximately 0.98-acre portion of the subject parcel in order to be merged with the adjacent parcel 1.29-acre parcel will not change the current primary residential uses of either parcel. The parcel is not located in any designated critical habitat areas of the County.

ENVIRONMENTAL REVIEW: Pursuant to § 15061(b)(3) this project is exempt from the California Environmental Quality Act (CEQA) and a notice of exemption has been prepared. This activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Re-zoning a 0.98-acre portion of the subject parcel from GF to A1 will not result in more intensive permitted uses being allowed to occur due to the size of the parcels. The potential for residential development will not change as 1 single family residence and 1 accessory dwelling unit are permitted per legal parcel of land in both A1 and GF.

CONCLUSION: In conclusion, staff finds the proposed re-zone to A1 consistent with the General Plan including the General Plan Implementation Measures requiring review of development applications and compatibility with surrounding land uses and zoning. The project will not have a significant effect on the environment due to the zoning restrictions and existing site limitations. The proposed zone is consistent with the current use of the property.

RECOMMENDATION: Staff recommends the Planning Commission take the following action:

1. Approve Planning Commission Resolution 2023-006, recommending the Board of Supervisors amend the zoning of an approximately 0.98-acre portion of APN: 010-029-001 from General Forest (GF) to General Agriculture (A1), as shown in Exhibit A of Planning Commission Resolution 2023-006; and
2. Approve the Notice of Exemption finding that the project is exempt from CEQA pursuant to § 15061(b)(3)

ATTACHMENTS

1. Draft Planning Commission Resolution 2023-006
2. Notice of Exemption
3. Project Application
4. Assessor Parcel Map

Attachment #1

Draft Planning Commission Resolution 2023-006

**COUNTY OF CALAVERAS, STATE OF CALIFORNIA
PLANNING COMMISSION**

RESOLUTION NO. 2023-006

>>A RESOLUTION RECOMMENDING THE BOARD OF SUPERVISORS APPROVE THE NOTICE OF EXEMPTION AND ADOPT ZONING AMENDMENT 2023-016, AMENDING THE ZONING OF AN APPROXIMATELY 0.98-ACRE PORTION OF APN 010-029-002 FROM GENERAL FOREST (GF) TO GENERAL AGRICULTURE (A1) TO FACILITATE A BOUNDARY LINE ADJUSTMENT

WHEREAS, the Planning Department of the County of Calaveras received application 2023-016 from Angelia Ramage to amend the zoning of an approximately 0.98-acre portion of a parcel from General Forest (GF) to General Agriculture (A1); and

WHEREAS, after the concurrent boundary line adjustment is completed, the parcel will not have split zoning; and

WHEREAS, the proposed project is located at 7908 Schaad Road in Wilseyville, 5.2 miles east of the intersection of Rail Road Flat Road and Blue Mountain Road in the Community of Wilseyville. APN: 010-029-002 is part of the SW ½ of the NW ¼ of Section 9, T06N, R14E, MDM; and

WHEREAS, pursuant to §15061(b)(3) this project is exempt from CEQA, and a notice of exemption was prepared; and

WHEREAS, during a duly noticed public hearing on June 22, 2023, the Planning Commission considered all the information presented to it, including its staff report, and information presented by the project proponent; and

BE IT THEREFORE RESOLVED that the Planning Commission recommends the Board of Supervisors approve the Notice of Exemption and the Zoning Amendment as shown in Exhibit "A", based on the following findings:

1. Based on the whole record, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to § 15061(b)(3). The Notice of Exemption reflects the independent judgment and analysis of the County.

Evidence: Rezoning the subject parcel from GF to A1 will not result in more intensive permitted uses being allowed to occur due to the size of the parcel. The potential for residential development will not change as 1 single family residence and one accessory dwelling is permitted per legal parcel of land in both A1 and GF and there is already a residence on the parcel to be rezoned. Any agricultural uses

will be limited due to the small size of the parcel and the elevation of this area (approximately 3,080 feet). The subject parcel is developed with residential structures, and compacted gravel driveway surfaces; however, the portion proposed to be rezoned is undeveloped with native vegetation. The parcel is not located within designated critical habitat of any protected species in Calaveras County.

2. The proposed Zoning Amendment is consistent with the land use map and applicable policies of the County's General Plan and the standards of the Calaveras County Zoning Code, Title 17.

Evidence: The subject parcel is currently designated in the County General Plan as Resource Production for which the A1 zone is found to be a consistent zone. The parcel is not located within the West Point or Wilseyville Community Areas and there are no General Plan Implementation Measures requiring development application review applicable to this request. The current residential use of the property is permitted in the A1 zone and the size of the parcel is more beneficial to a residential primary use of the land rather than a resource zone which is intended to for commercial timber production and related uses. While the existing parcel size is non-conforming in size for the Resource Production land use designation, a 20-acre minimum parcel size is only required if a new parcel is being created. No new parcel is being created here. A simultaneous lot line adjustment is being processed to reflect the change in ownership of the rezoned portion of the parcel, and the A1 zoning will be consistent throughout the parcel and with the applicant's adjacent A1-zoned parcel.

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

Evidence: Neighboring and adjacent parcels are zoned A1, GF and TP, and are used residentially and for commercial timber production. The purpose of this zoning amendment is to rezone a 0.98-acre portion of the subject parcel to A1, the same zoning as the adjacent parcel owned by the applicant.

Approved by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on June 22, 2023, on a motion by Commissioner _____ and seconded by Commissioner _____

AYES:

NOES:

ABSTAIN:

ABSENT:

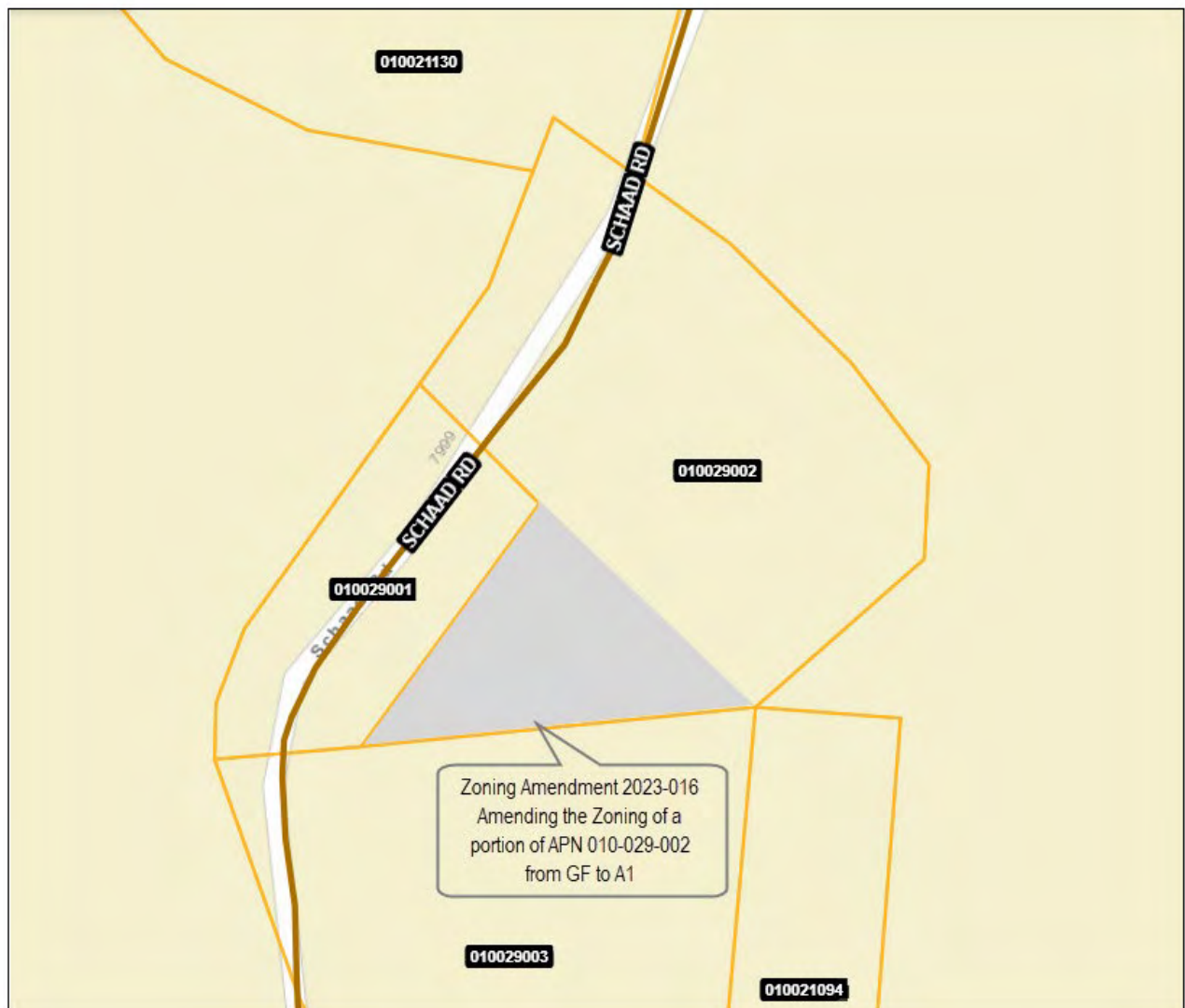
Chair, Planning Commission

ATTEST:

Madeleine Flandreau, 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"



Attachment #2

Notice of Exemption

Notice of Exemption**Appendix E**

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: _____

From: (Public Agency): _____

(Address)

Project Title: _____

Project Applicant: _____

Project Location - Specific:

Project Location - City: _____ Project Location - County: _____

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: _____

Name of Person or Agency Carrying Out Project: _____

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: _____
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Lead Agency _____

Contact Person: _____ Area Code/Telephone/Extension: _____

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Attachment #3

Project Application

Project No. _____



Calaveras County Planning Department

Phone (209) 754-6394

Fax (209) 754-6540

www.planning.calaverasgov.us

APPLICATION FOR LAND USE DEVELOPMENT

<input type="checkbox"/>	General Plan Amendment	(GPA)	<input type="checkbox"/>	Administrative Use Permit	(AUP)
<input checked="" type="checkbox"/>	Zoning Amendment	(ZA)	<input type="checkbox"/>	Conditional Use Permit	(CUP)
<input type="checkbox"/>	Tentative Subdivision Tract Map	(TSTM)	<input type="checkbox"/>	Planned Development	(PD)
<input type="checkbox"/>	Tentative Parcel Map	(TPM)	<input type="checkbox"/>	Other _____	

NOTE: FAILURE TO FULLY COMPLETE APPLICABLE FIELDS AND PROVIDE REQUIRED ATTACHMENTS COULD DELAY THE PROCESSING OF YOUR APPLICATION.

Applicant (s):

Name Angelia Ramage
Project Address 7908 Schaad Rd City Wilseyville
Mailing Address PO Box 494 City/ZIP West Point 95255
Phone (Business) 209-419-2525 (Home) _____
Email angielink@1@gmail.com

Landowner (s):

Name Jerry & Kristi Clark as Clark Family Trust
Mailing Address PO Box 161 City/ZIP Wilseyville 95257
Phone (Business) 209-256-4770 (Home) _____
Email _____

Name and address of property owner's duly authorized Agent who is to be furnished with notice of hearing. (Section 65091 - Calif. Govt. Code):

Authorized Agent:

Name _____
Mailing Address _____ City/ZIP _____
Phone (Business) _____ (Home) _____
Email _____

RECEIVED

MAR 23 2023

Project No. _____

Assessor's Parcel Number(s): 010-029-002-000 Parcel Size: 4.24 acres

rezoning just over an acre

see map

Site location, including physical address, with directions to the project site:

From Blue Mountain Road take Schaad Road, go about
2 miles where you will find 7908 Schaad Rd on the
right

Detailed Project Description (or attach separate document):

My neighbor has offered to give me a piece of
their property that they don't use. I will use
it to park a trailer on and as a play area
for my grandkids. In order to do the lot line
adjustment I need to change the zoning of that
piece of land to match mine.

EXISTING LAND USE INFORMATION

Describe the existing use of the property:

☐

Agricultural
Timber

☐

Commercial
Industrial

☒

Residential
Multi-family Residential

☐

Public Service
Recreational

Existing General Plan Designation(s): Resource Production

Existing Zoning Designation(s): General Forest (GF)

RECEIVED

MAR 23 2023

Project No. _____

Describe the existing man-made features of the subject property, including buildings, roads, wells, septic systems, etc.:

House, 2 small out buildings, septic system
3 wells

Describe any known archaeological, paleontological, or historical resources on the subject property. Provide Archaeological Sensitivity designation from the General Plan Map V-13. Check appropriate level. (High) ☐ (Medium/Moderate) ☐ (Low) ☐. If sensitivity is shown as high or medium/moderate an archaeological assessment study will be required prior to completing the environmental review. If an assessment has been completed on a prior project that included the project area, provide the information where the study can be found.

Describe the existing natural features of the subject property, including terrain or topography, vegetation, bodies of water, wetland habitat (marsh, riparian, vernal pools), etc.:

trees along southern edge

Describe the existing land uses within 500 feet of the subject property. (Example: Five single family residences to the north, a duplex and pine forest to the west, a state highway and a gas station to the east, and grazing land to the south.) Be specific:

North: Pine forest
South: Pine forest
East: Pine forest
West: 1 single family home

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MAR 23 2023

Calaveras County
Planning Department

Project No. _____

Access:

Name of road on which property fronts: Schaad Rd

If property fronts on a private road, provide the name of nearest publicly maintained road:

If the subject property does not have frontage on a County road or State highway, describe the legal access to the property from the nearest public road: _____

Level of Service (Check with Calaveras County Public Works Department): _____

PROJECT SPECIFIC QUESTIONS

Will grading be required to implement the proposed use? ☐ Yes ☒ No

If yes, estimate the total cubic yards that will be moved and explain what will be done with the graded material:

Will there be any potentially hazardous materials or toxic substances, flammables or explosives used, stored, manufactured or disposed of at the site? ☐ Yes ☒ No

If yes, list and describe the method of disposal of these items:

Describe any odor, noise, smoke, or dust which will result from the proposal: _____

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MAR 23 2023

**Calaveras County
Planning Department**

Project No. _____

ANSWER THE FOLLOWING QUESTIONS APPLICABLE TO YOUR APPLICATION

GPA Proposed General Plan Designation: _____

ZA Proposed Zoning: AI _____

TSTM Proposed Land Division: _____

& TPM Total Acres: _____ Number of Lots: _____

Minimum Lot Size: _____ Average Lot Size: _____

TSTM Type of proposed land uses for land divisions: _____

& TPM Natural Resource: Ag/Timber/Mineral _____ lots _____ total acres

Single Family Residential _____ lots _____ total acres

Multi-Family Residential _____ lots _____ total acres

Commercial _____ lots _____ total acres

Industrial _____ lots _____ total acres

Public Service _____ lots _____ total acres

Recreation/Open Space _____ lots _____ total acres

CUP/PD Is the proposed use an expansion of an existing use? ☐ Yes ☐ No

If yes, when was it established? _____

CUP/PD Is the proposed use part of an intended larger future project? ☐ Yes ☐ No

If yes, describe: _____

CUP/PD Will all proposed uses be confined within a building? ☐ Yes ☐ No

If no, describe what activities will not be (including storage that will occur outdoors):

CUP/PD Expected total number of people to be employed at the proposed uses:

Full Time _____ Part Time _____

CUP/PD For commercial uses, the number of parking spaces to be provided: _____

CUP/PD Estimated number of vehicles to use the facilities daily: _____

CUP/PD How many trees with a breast-height diameter of 12" or greater will be removed as a result of the site development? _____

Project No.

Any additional information or explanations supporting the proposal is encouraged and may be submitted on a separate sheet of paper.

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MAR 23 2023

Calaveras County
Planning Department

Project No. _____

ACKNOWLEDGMENT / AUTHORIZATION / VERIFICATION PAGE¹

Calaveras County Agriculture Disclosure Statement

Real property within or adjacent to areas zoned for agricultural operations or areas in zones which permit agricultural operations may be subject to inconveniences or discomfort arising from such operations. Calaveras County has determined that the use of real property for agricultural operations, as defined by County Code, is a high priority and a proper and necessary use, and will not consider the inconveniences or discomforts arising from agricultural operations to be a nuisance if such operations are consistent with accepted agricultural practices and standards.

By our signatures below, I (We), as applicant(s) and property owner(s), hereby acknowledge having read and understood this disclosure.

Right of Entry

By our signatures below, I (We), as applicant(s) and property owner(s), hereby acknowledge that by making this application, and under the authority of Government Code Section 65105, County agency personnel, in the performance of their functions, may enter upon the subject property and make examinations and surveys, provided that the entries, examinations and surveys do not interfere with the use of the land by those persons lawfully entitled to the possession thereof.

Verification of Application / Declaration Under Penalty of Perjury

NOTE: If someone other than an individual applicant or landowner signs below (e.g. business entity representatives, agents) satisfactory documentation of signature authority must be provided [see application instructions]. Each record title property owner must sign the application.

APPLICANT(S):

By my signature(s) below, I (we) provide the acknowledgment and consent described above and furthermore declare under penalty of perjury that I am (we are) the applicant(s) for the project described in this application, and I (we) have completed and verified the truthfulness and accuracy of this application and all other documents required for its submittal.

Printed Name(s) of Applicant(s): Angelia Ramage
Authorized Signature: Angu Ramage Date: 3/23/23
Authorized Signature: _____ Date: _____

LANDOWNER(S):

By my signature(s) below, I (we) provide the acknowledgment and consent described above and furthermore declare under penalty of perjury that I am (we are) the record title owner(s) of the property on which the project described in this application will be located and I (we) consent to the applicant's(applicants') preparation and submission of this application.

Printed Name(s) of Property Owner(s): Jerry & Kristi Clark
Authorized Signature: Jerry Clark Date: 3/23/23
Authorized Signature: Kristi Clark Date: 3/23/23

FOR OFFICIAL USE ONLY

Receipt Number PLUG 375
Application Number 2023-016
Method of Payment ☐ Cash ☒ Check # 1490
Amount \$ 7,006.00

RECEIVED

Date Stamp
MAR 23 2023

Calaveras County
Planning Department
(Revised August 11, 2022)

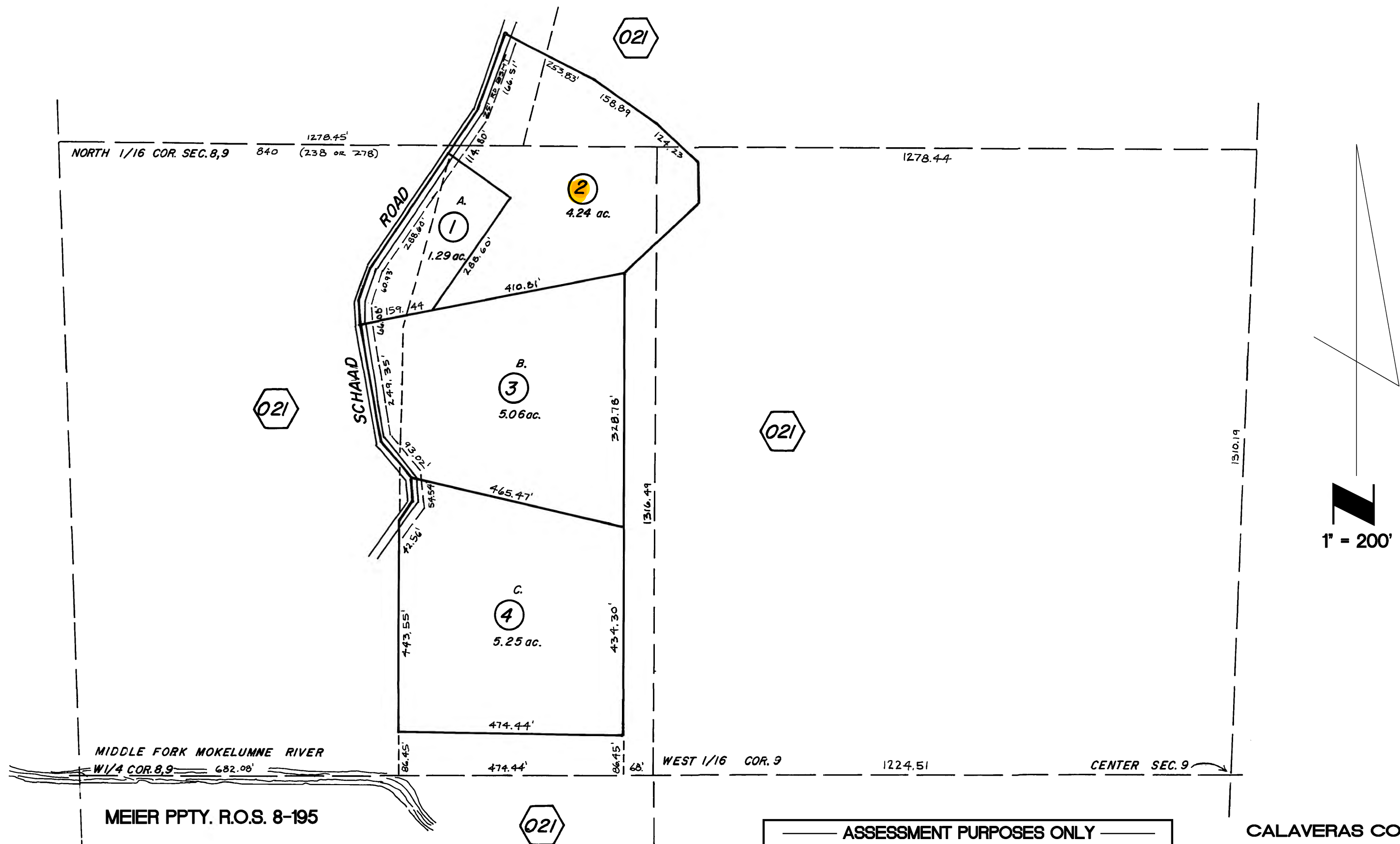
¹ May be signed in counterparts.

Attachment #4

Assessor's Parcel Map

T.6N., R.14E. SEC.9 POR. S1/2 OF NW1/4

TAX AREA CODE 51-027



ASSESSMENT PURPOSES ONLY
NO LIABILITY IS ASSUMED FOR THE
ACCURACY OF THE DATA DELINEATED HEREON

CALAVERAS COUNTY
ASSESSOR'S MAPS
BOOK 10 PAGE 029