



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

Planning Commission Staff Report

Hearing Date	June 9, 2022
Project Number/Name	2022-006 ZA for Quentin & Lisa Failing
Supervisory District Number	D1 – Gary Tofanelli
Assessor's Parcel Number(s)	046-004-002
Planner	Gina Kathan, Planner IV <i>GK</i>

Date: May 18, 2022

PROJECT DESCRIPTION: The application proposes to amend the zoning designation of a 0.82-acre parcel off Hwy 12 in the community of Burson from General Agriculture (A1) to Rural Residential (RR) for consistency with surrounding RR zoned parcels.

LOCATION: The subject parcel is a 0.88-acre lot located at 2082 Hwy 12, 1.40 miles east of the Burson Road/Hwy 12 intersection in the Burson Community. APN: 042-002-006 is a portion of Section 22, T4N, R10E, MDM.



APPLICANT: Quentin & Lisa Failing, 2182 W Hwy 12, Valley Springs CA 95252

ANALYSIS: The subject parcel was zoned General Agriculture (A1) by Sectional Zoning Map 2 back in the early 1960s. The applicants have owned the parcel since 2001 and currently reside in the on-site residence constructed in 1986. In 2021, the applicants obtained ownership of APN: 046-004-012, a 1.76-acre parcel lying immediately to the west and south of the subject parcel. The applicants desire that the two parcels be zoned consistently.



APN: 046-004-012 is currently zoned Rural Residential – Mobile Home (RR-MH). Staff's recommendation for re-zone does not include the MH combining zone as this is an obsolete zone which has no meaning in today's code. The RR zone is a residential zone district where the A1 zone is a resource zone. Although some similarities exist with allowable uses, the two zones are intended for much different uses of land and have different site development standards. If zoned the same, the owner could merge the two parcels or adjust the boundary between the two parcels without zoning conflicts and be able to utilize the land consistently.

General Plan/Zoning: The subject parcel is currently designed in the County General Plan as Working Lands and lies just outside the western boundary of the Burson Community Area. This designation identifies lands suitable for agricultural and forestry practices on parcels smaller than those designated Resource Production to reflect existing development patterns and/or to recognize their location in or adjacent to existing

communities. This category includes lands with a combination of residential and home-based businesses. This category also includes, but is not limited to, lands with conservation easements and critical habitat areas. These lands allow the continuation of small-scale resource production and other rural home-based business operations that are compatible with rural residential development. Typical uses include small-scale agriculture, forestry, timber production and harvesting, mineral extraction, small scale commercial/industrial uses secondary to the principle residence, animal husbandry, livestock, orchard, gardens, public or quasi-public uses, and other similar or compatible uses. Generally, these lands have limited access to services and infrastructure. The Working Lands designation is intended for parcels of 20-40 acres in size. Compatible zones within the Working Lands designation include, General Forest (GF), Timber Production (TP), General Agriculture (A1), Agriculture Preserve (AP), Residential Agriculture (RA), Rural Residential (RR), Rural Home Industry (RM), Recreation (REC) and Public Service (PS).

The RR zone is intended to provide lands for personal ranches in which residential use is the primary land use. The RR zone is established to permit small-scale farming primarily for personal use and not as the primary use for the property. The subject parcel is currently developed with a single-family residence, and two 1,584 sq. ft. metal storage/carport buildings. All the current uses on the subject parcel are permitted uses in the proposed RR zone district.

Services: Direct access to the subject parcel is over an existing encroachment to Hwy 12. The parcel is not located within a public water or public sewer service area. Therefore, the parcel is served by an onsite well and an on-site wastewater system. This area of the County has a moderate to high groundwater potential. Soil types in the Burson area are described as group 2 - shallow, well-drained gravelly soils with finer subsoils, good natural drainage and a slight to moderate erosion hazard. The parcel is in the Calaveras Consolidated Fire 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 high fire hazard zone. The parcel frontage along Hwy 12 is planted with evergreen trees and other commercial shrubs. The parcel is void of all native vegetation as the entire lot not planted with landscaping is devoted to structures and a compacted gravel driveway.

Surrounding Land Use/Zoning: The surrounding land use is a mixed-use area consisting of commercial, industrial, residential and agriculture zoned parcels. Parcels immediately to the west and north of the subject parcel are zoned RR consisting of single-family residences on parcels of 0.75 to 1.80 acres in size. Further west is an undeveloped 12.36-acre commercial parcel zoned General Commercial (C2). There is a single 1.23-acre General Industrial (M2) zoned parcel to the North (north of Evans Road) which was previously an automotive dismantling yard. Further to the North and West of the subject parcel, larger parcels zoned AP are currently under Agriculture Preserve contracts with the County. Parcels to the south, across Hwy 12 consist of residential subdivisions of parcels 5-20 acres in size and zoned RR and a larger 22-acre parcel zoned A1 with a single-family residence. The County General Plan designates the land to the north of the subject parcel all resource production and working lands. The commercially zoned parcel to the west is

designated Commercial, and most of the land across Hwy 12 to the South is designated Rural Transition A & B, which also finds RR a consistent zone.

Biological Recourses: Bear Creek runs along the North boundary of the parcel. As previously mentioned, the parcel is void of natural vegetation as it is completely developed with structures and compacted gravel surface leaving no undisbursed area on the parcel. Although the California Natural Diversity Database does identify special status species such as California Tiger Salamander, Patterson's Navarretia and Hoover's Calycadenia, within 5-mile radius of the subject parcel, the parcel is not suitable habitat as it has been completely disturbed. The parcel is not located in any designated critical habitat areas of the County.

Process: The zoning amendment application was routed for 30 days to various County departments, local public agencies, and State agencies. Two letters, one from Caltrans and the other from the County Public Works Department, were received by the Planning Department, both with no comments. Additionally, notice of the application was mailed to all property owners within a 300' radius of the subject parcel, resulting in no comments or concerns being voiced either verbally or in writing.

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 the subject parcel from A1 to RR will result in less intensive permitted uses being allowed to occur. The potential residential development will not change as 1-SFR/1-ADU is permitted/legal parcel of land in both A1 and RR. The parcel is completely disturbed with commercial landscaping, structures, and compacted gravel driveway surfaces. Being only 0.88 acres in size and completely developed, the parcel is not conducive to commercial scale agriculture. In terms of evaluation of property uses, the zoning amendment from A1 to RR is a down zone by further restricting the use of the land to residential and small-scale personal farming activities.

CONCLUSION: In conclusion, staff finds the proposed re-zone to RR consistent with the General Plan including the General Plan Implementation Measures requiring review of development applications and compatible 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 and more beneficial as an RR zoned lot because residential is the primary use of land zoned RR. In addition, the production of food and fiber on a commercial scale is not conducive on a parcel of 0.88 acres.

RECOMMENDATION: Staff recommends that: (a) the Planning Commission approve Resolution 2022-005; and (b) recommend approval of the Notice of Exemption and

adoption of Zoning Amendment 2022-006 to the Board of Supervisors amending the zoning of APN: 046-004-002 from General Agriculture (A1) to Rural Residential (RR).

ATTACHMENTS

1. Draft Resolution 2022-005
2. Notice of Exemption
3. Assessor Parcel Map

Attachment 1

Draft Resolution 2022-005

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

RESOLUTION NO. 2022-005

**>>A RESOLUTION RECOMMENDING THE BOARD OF SUPERVISORS APPROVE
THE NOTICE OF EXEMPTION AND ADOPT ZONING AMENDMENT 2022-006
AMENDING THE ZONING OF APN: 042-002-006 FROM GENERAL AGRICULTURE
(A1) TO RURAL RESIDENTIAL (RR)**

WHEREAS, the Planning Department of the County of Calaveras received application 2022-006 from Quentin and Lisa Failing to amend the zoning of a 0.88 acre parcel from General Agriculture (A1) to Rural Residential (RR); and

WHEREAS, the proposed project is located at 2082 Hwy 12, 1.40 miles east of the Burson Road/Hwy 12 intersection in the Community of Burson near Valley Springs. APN: 042-002-006 is a portion of Section 22, T4N, R10E, 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 9, 2022, 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). The Notice of Exemption reflects the independent judgement and analysis of the County.

Evidence: Re-zoning the subject parcel from A1 to RR will result in less intensive permitted uses being allowed to occur. The potential for residential development will not change as 1-SFR/1-ADU is permitted/legal parcel of land in both A1 and RR. The parcel is completely disturbed with commercial landscaping, structures, and compacted gravel driveway surfaces; thus, there is no suitable biological habitat on site. 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 Working Lands for which the RR zone is found to be a consistent zone. The parcel is not located within the Burson Community Area and there are no General Plan Implementation Measures requiring development application review applicable to this request. The current use of the property is permitted in the RR zone and the size of the parcel is more beneficial to residential as the primary use of the land rather than the A1 zone which is intended to be the primary resource zone for commercial scale production of food and fiber.

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

Evidence: Neighboring and adjacent parcels are zoned RR and are used residentially, the same as the subject parcel. The purpose of this zoning amendment is to zone the subject parcel RR, the same as the adjacent parcel owned by the applicants.

Approved by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on June 9, 2022, on a motion by Commissioner _____ and seconded by Commissioner _____

AYES:
NOES:
ABSTAIN:
ABSENT:

Chair, Planning Commission

ATTEST:

Gina L Kathan, Planner IV

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: Calaveras

891 Mt. Ranch Rd.

San Andreas CA 95249

From: (Public Agency): Calaveas County Planning
891 Mt. Ranch Rd.

San Andreas CA 95249

(Address)

Project Title: 2022-006 Zoning Amendment

Project Applicant: Quentin & Lisa Failing

Project Location - Specific:

2082 Hwy 12, Valley Springs in the community of Burson APN: 042-002-006

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

Description of Nature, Purpose and Beneficiaries of Project:

Amend the zoning of a 0.82 acre parcel off Hwy 12 near Burson from General Agriculture (A1) to Rural Residential (RR).

Name of Public Agency Approving Project: Calaveas County Board of Supervisors

Name of Person or Agency Carrying Out Project: Gina Kathan, Calaveras County Planning

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: 15061(b)(3) Commonsense Exemption
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

No possibility that activity will significantly effect the environment b/c density will not increase, site is completely disturbed, proposed zone is less intense.

Lead Agency

Contact Person: Gina Kathan Area Code/Telephone/Extension: 209-754-6394

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: Planner IV

☐ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.

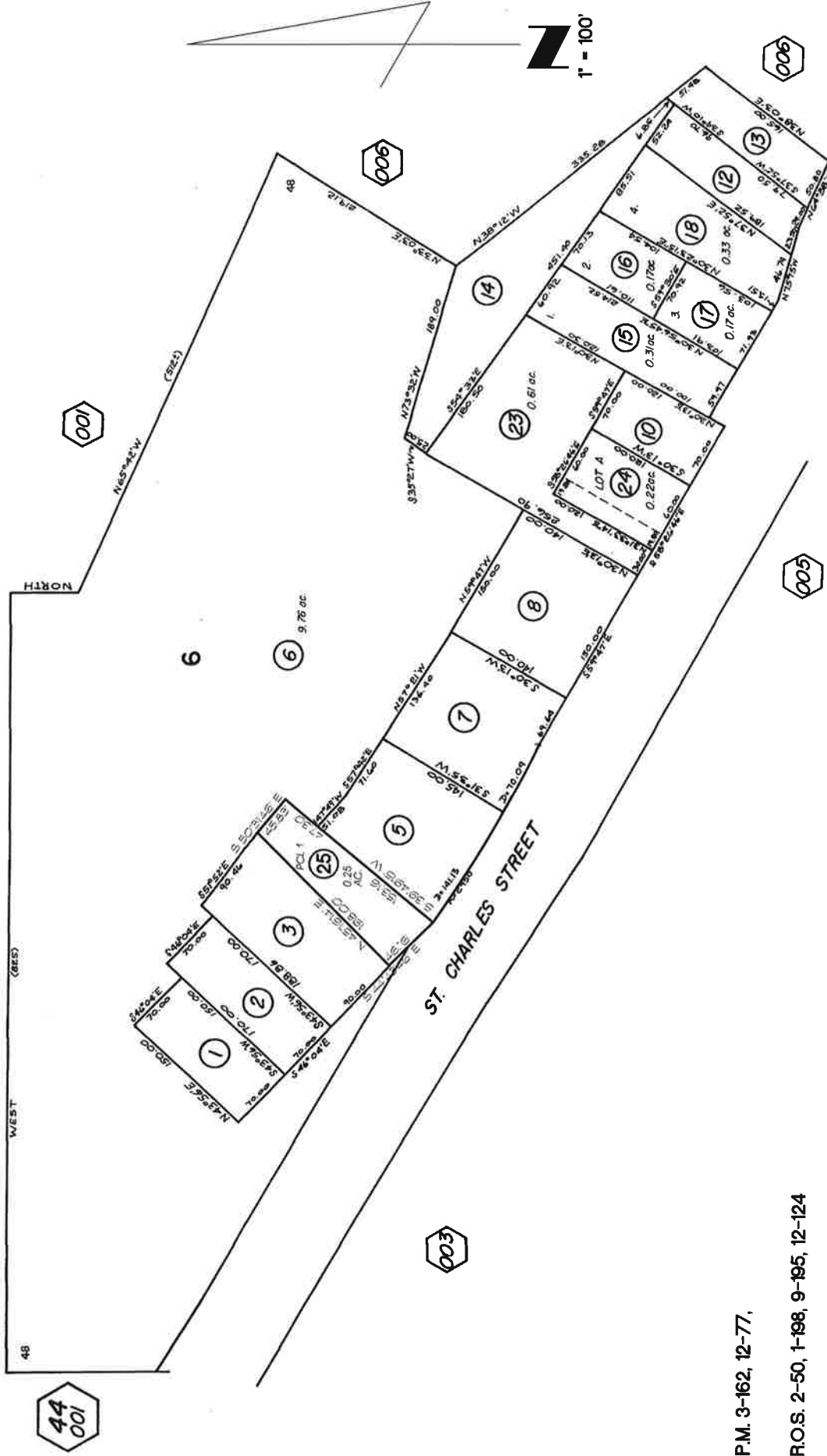
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Attachment 3

Assessor Parcel Map

001 SAN ANDREAS TWST. POR. BLK. 6 TAX AREA CODE 51-047



CALAVERAS COUNTY
ASSESSOR'S MAPS
BOOK 42 PAGE 002

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

P.M. 3-162, 12-77,

R.O.S. 2-50, 1-198, 9-195, 12-124

REV. 08 04/08/2010