



**COUNTY OF EL DORADO  
PLANNING AND BUILDING DEPARTMENT  
ZONING ADMINISTRATION  
STAFF REPORT**

**Agenda of:** November 17, 2021  
**Item No.:** 5.a.  
**Staff:** Evan Mattes

**CONDITIONAL USE PERMIT**

**FILE NUMBER:** CUP20-0013/Slate Creek Animal Hospital

**PROPERTY**

**OWNER/APPLICANT:** Paul and Christina Vos

**REQUEST:** A Conditional Use Permit (CUP) bringing an existing 1,936 square foot legal non-conforming veterinary clinic into compliance with zoning standards and to allow for the 1,886 square foot (sq/ft) large animal care expansion with associated increased parking facilities.

**LOCATION:** On the south side of Mother Lode Drive, approximately 300 feet west of the intersection with Davidson Road, in the El Dorado area, Supervisorial District 3. (Exhibit A)

**APN:** 331-040-026 (Exhibit B)

**ACREAGE:** 2.17 acres

**GENERAL PLAN:** Industrial (I) (Exhibit C)

**ZONING:** Light Industrial (IL) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt Pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines

**RECOMMENDATION:** Staff recommends the Zoning Administrator take the following actions:

1. Find the project Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (Existing Facilities); and

2. Approve CUP CUP20-0013 based on the Findings and subject to the Conditions of Approval (COA) as presented.

## **EXECUTIVE SUMMARY**

The proposed CUP is for a 1,886sq/ft expansion of a legal nonconforming veterinary clinic. The expansion would allow for all animal care to be conducted on the ground floor. The IL zone requires the approval of a CUP for the establishment and operation of veterinary services. Approval of the CUP would bring the veterinary services in compliance with the zoning ordinance and the use would no longer be considered legal nonconforming. Should the CUP be denied, the facility would revert to it's current legal nonconforming status.

## **BACKGROUND**

The existing Slate Creek Animal Hospital was established in the mid 1970's and has continued operation in the original 800 square foot building. The adopted 2015 Targeted General Plan Amendment Zoning Ordinance Update (TGPA-ZOU) updated the zoning requirements of the IL zone, which now requires the approval of a CUP for the establishment and operation of veterinary services. The animal hospital has continued to operate as a legal non-conforming use.

## **SETTING**

The project parcel is located in the west-central portion of El Dorado County on the south side of Mother Lode Drive approximately 300 feet west of the intersection with Davidson Road in the El Dorado area (Exhibit A). The parcel elevation is approximately 2,300 feet above sea level. The requested expansion would be located off the southern portion of the existing structure, approximately 25 feet from the western property line. The existing veterinary clinic includes a 2,834sq/ft two-story animal hospital with a 980 square foot kennel for dog boarding and a circular horse corral. The second story contains offices and small animal care with the first story consisting of large and small animal care. A gated access to the site is via an existing driveway from the south side of Mother Lode Drive (Exhibit E). There is landscaping along the parcel frontage with Mother Lode Drive and the western property line.

The parcel is bordered to the north and west by IL zoned parcels with residentially zoned parcels to the east and south (Exhibit D). The nearest residence is approximately 800 feet to the south.

## **PROJECT DESCRIPTION**

The proposed CUP is for a 1,886 square foot expansion of a legal nonconforming veterinary clinic. The expansion would include restrooms, walk-in freezers, laundry facilities, horse paddocks and stall, office space, storage and a covered large animal hospital area (Exhibit F). Currently the animal hospital operates a 2,834sq/ft, two-story building facility consisting of small animal (dogs and cats) and large animal care. The 900sq/ft second floor consists of small animal care, while the 1,936sq/ft ground floor consists of both small and large animal care. With the proposed expansion, the second floor would no longer be used for animal care, and would be converted to offices and an employee break room. All animal care would occur on the ground

floor. By locating the large animal care to southern expansion this would allow for easier access to the existing examination pen. Additionally, locating small animal care exclusively to the ground floor would increase accessibility, through the removal of stairs. Hours of operation and number of employees would not change as a result of the project. No oak trees are proposed to be removed. Existing landscaping along Mother Lode Drive would remain. An additional eight parking spaces would be added along the northwestern property boundary. New pavement would be added to the existing accessible parking space located at the northeastern portion of the property. COA 7 would require the installation of a new dry barrel fire hydrant, which would connect into existing water facilities.

The expansion of a legal nonconforming use is allowable through the approval of a CUP. Additionally the IL zone requires the approval of a CUP for the establishment and operation of veterinary services. Approval of the CUP would bring the veterinary services in compliance with the zoning ordinance and the use would no longer be considered legal nonconforming. This CUP is not for the expansion of a legal nonconforming structure. Should the CUP be denied, the facility would revert to it's legal nonconforming status.

The project adheres to the applicable development standards of the IL zone, including the setbacks from residential and nonresidential properties, structure height and parking and lighting standards.

## **STAFF ANALYSIS**

**Environmental Review:** Staff reviewed the project and found it exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines applying to existing facilities including the addition of 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive.

**General Plan Consistency:** Staff has reviewed the project for consistency with all applicable General Plan policies including Policy 2.2.1.2 (appropriate land use types and density), Policy 5.1.2.1 (adequacy of public services and utilities), Policy 5.1.2.2 (adequate public services for new discretionary development), Policy 5.7.2.1 (adequate fire protection services), Policy 6.2.3.2 (adequate emergency access) and Policy 7.4.4.4 (impacts to oak resources). Staff has determined that the project is consistent with these policies and related requirements in the El Dorado County General Plan, as discussed in more detail in Section 2.0 of the Findings.

**Zoning Ordinance Consistency:** Staff has determined that the project is consistent with applicable regulations and requirements in Title 130 of the County Ordinance Code, including the CUP requirement for an animal services-veterinary clinic (Table 130.23.020) and the design review requirements (130.27.050). For details, please refer to the discussion in Section 3.0 of the Findings.

**Public and Agency Comments:** The project was distributed to all applicable public agencies and organizations for review and comment including the County Department of Transportation (DOT), the County Environmental Management Department (EMD), , the County Stormwater

Unit, the Diamond Springs Fire Protection District (Fire District) and the El Dorado Disposal waste management company. The Fire District and El Dorado Irrigation District (EID) had comments relating to fire protection and fire flow, which have been incorporated as COA. Being within the Diamond Springs-El Dorado Community Region this project was forwarded to the Diamond Springs-El Dorado Community Advisory Committee (DSEDCAC). DSEDCAC was in support of the project and offered no additional comment. To date, no public comments have been submitted for the project (Exhibit G).

**Public Outreach:** No formal public outreach was conducted, and a public outreach plan was not required for this project pursuant to the County Zoning Ordinance. However, the project was duly noticed for a Zoning Administrator public hearing with a public notification range of 1,000 feet and legal advertisement was published in applicable local newspapers. In addition, project notification was also sent to the County’s Zoning Administrator email subscription list and posted on the Planning Services Planning Commission webpage. No physical sign posting is required for CUPs.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Findings	
Conditions of Approval	
Exhibit A.....	Location Map
Exhibit B.....	Assessor’s Parcel Map
Exhibit C.....	General Plan Land Use Map
Exhibit D.....	Zoning Map
Exhibit E.....	Aerial Map
Exhibit F.....	Project Plans
Exhibit G.....	Diamond Springs-El Dorado CAC Comment Letter
Exhibit H.....	Project Narrative

## **FINDINGS**

### **Conditional Use Permit CUP20-0013/Slate Creek Animal Hospital Zoning Administrator/November 17, 2021**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

#### **1.0 CEQA FINDINGS**

- 1.1 The project has been found categorically exempt pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines applying to existing facilities including the addition of 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive.

Rationale: The project is located on a parcel with existing facilities, including water, sewer and power. The proposed expansion is less than 10,000 square feet is not located within an environmentally sensitive area including, designated important biological corridors and rare plant mitigation zones 0 and 1.

- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department, Planning Services Division, at 2850 Fairlane Court, Placerville, CA, 95667.

#### **2.0 GENERAL PLAN FINDINGS**

- 2.1 **The project is consistent with General Plan Policy 2.2.1.2.**

General Plan Policy 2.2.1.2 establishes an appropriate range of land use types and densities within the County. The Industrial (I) land use designation establishes areas suitable for a full range of light and heavy industrial uses. This designation is considered appropriate within Community Regions, Rural Centers and Rural Regions.

Rationale: The project has an Industrial General Plan Land Use Designation. As proposed and conditioned, the project will be compatible with the existing landscape and surrounding industrial and residential uses, and therefore, consistent with this policy.

- 2.2 **The project is consistent with General Plan Policy 5.1.2.1.**

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: The project was reviewed by the County Department of Transportation (DOT), the County Environmental Management Department (EMD) and the

El Dorado Disposal waste management company for adequate public services and utilities. All three agencies/organizations deemed public services and utilities adequate to serve the project, as there would be adequate water, waste disposal and access available for the project's needs. Electric service is currently provided to the project parcel by Pacific Gas and Electric and there would be no change to existing electric service as part of the project. As proposed and conditioned, the project is consistent with this policy.

**2.3 The project is consistent with General Plan Policy 5.1.2.2.**

General Plan Policy 5.1.2.2 requires adequate levels of public services be provided to new discretionary development, including quantity and quality of water and adequate fire protection services.

Rationale: The project was distributed to affected public service agencies and organizations serving the project parcel including the Diamond Springs Fire Protection District (Fire District), DOT, EMD and the El Dorado Disposal waste management company. These agencies/organizations reviewed the project and determined adequate public services will be available to serve the project.

**2.4 The project is consistent with General Plan Policy 5.7.2.1.**

General Plan Policy 5.7.2.1 requires the responsible fire protection district review all applications to determine the ability of the district to provide required services and to ensure services will not be reduced below acceptable levels.

Rationale: The project was distributed to the Fire District for review. After reviewing the project plans, the Fire District determined the project would not affect the Fire District's ability to provide required fire services to the project parcel as conditioned. Therefore, the project is consistent with this policy.

**2.5 The project is consistent with General Plan Policy 6.2.3.2.**

General Plan Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: The project was reviewed by DOT and the Fire District, both agencies determined the project site has adequate capacity for emergency vehicle access.

**2.6 The project is consistent with General Plan Policy 7.4.4.4.**

General Plan Policy 7.4.4.4 requires all new non-exempt development projects that would result in impacts to oak resources be mitigated in accordance to the standards of the Oak Resources Management Plan (ORMP).

Rationale: No oak trees will be removed or impacted as part of the project.

**3.0 ZONING FINDINGS**

**3.1 The project is consistent with allowed uses in the IL Zone (Table 130.23.020 - Residential Zone Use Matrix).**

Table 130.24.020 lists uses allowed within each of the industrial zones. For listed uses, this table also indicates whether a use is allowed by right (“P”), or by Conditional Use Permit (CUP) or other planning permit.

Rationale: For the IL zone, a veterinary clinic is allowed by CUP, and therefore this CUP request is consistent with Table 130.23.020.

**3.2 The project is consistent with Chapter 130.23.030: Commercial Zones Development Standards.**

Section 130.23.030 of the Zoning Ordinance establishes development standards for Commercial Zones. The proposed use conforms to mandatory minimum setbacks, height restrictions, and floor area ratio requirements.

Rationale: The project expansion will be a minimum of 10 feet from the front property line, and 5 feet from side and rear property lines, and is under the 50-foot maximum allowable height.

**4.0 CONDITIONAL USE PERMIT FINDINGS**

**4.1 The issuance of the permit is consistent with the General Plan.**

Rationale: The proposed use is consistent with the policies and requirements in the General Plan as discussed in the General Plan section of the Staff Report. The proposed use is consistent with all applicable policies as set forth in Finding 2.0 above.

**4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.**

Rationale: The proposed use will not conflict with adjacent residential and agricultural uses. As proposed and conditioned, the project will be compatible with the residential and industrial character of the neighborhood and has been planned to minimize conflicts

with adjacent property owners. As proposed and conditioned, the proposed use would not be detrimental to public health, safety and welfare, and therefore, Finding 4.2 can be made.

**4.3 The proposed use is specifically permitted by Conditional Use Permit.**

Rationale: A veterinary clinic is listed as a use allowed by CUP for the IL zone under Zoning Ordinance Section 130.24.020 (Matrix of Allowed Uses). Therefore, Finding 4.3 can be made.

**5.0 DESIGN REVIEW FINDINGS**

**5.1 Design Review- Community Combining Zone**

Rationale: The project site is within a Design Review- Community Combining Zone (DC). Per Zoning Ordinance code section 130.52.030 projects located on parcels within a DC zone must complete the Design Review Permit process. The existing structure utilizes agrarian architectural features, which would be continued with the expansion. There would be no change in design, which could be seen from the public right of way. Existing landscaping along Mother Lode Drive would remain. There are no adopted design standards for this area of El Dorado County. Compliance with County Design Standards was analyzed and found to be consistent with the review requirements in 130.52.030 in previous findings.

## CONDITIONS OF APPROVAL

### Conditional Use Permit CUP20-0013/Slate Creek Animal Hospital Zoning Administrator/November 17, 2021

#### Planning Services

1. This Conditional Use Permit (CUP) is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval (COA) set forth below:

Approval of the CUP allows for the 1,886 square foot expansion of a legal nonconforming veterinary clinic. The expansion would include restrooms, walk-in freezers, laundry facilities, horse paddocks and stall, office space, storage and a covered large animal hospital area. Should the CUP be denied, the facility would revert to its legal nonconforming status.

Exhibit F.....Site Plan

Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and COA below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and COA hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

2. **Permit Expiration:** Pursuant to Zoning Ordinance Section 130.54.060.A, implementation of the project shall occur within 24 months of approval of this permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with COA.
3. **Legal Indemnity/Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the land owner agrees to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado

County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a CUP.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

**Diamond Springs Fire Protection District:**

4. The potable water system with the purpose of fire protection shall provide a minimum required fire flow of 1500 GPM at 20 psi residual for 2 hours for a non-sprinklered building up to 3,600 sf of V-B construction in accordance with Appendix B, Table 105.1(2) and Table B105.2 of the 2019 California Fire Code (CFC) as locally amended. This fire flow rate shall be in excess of the maximum daily consumption rate for this project. A set of engineering calculations reflecting the fire flow capabilities of this system shall be to the Fire Department for review and approval.
5. After installation, all rods, nuts, bolts, washers, clamps and other underground connections and restraints used for underground fire main piping and water supplies except thrust blocks, shall be cleaned and thoroughly coated with bituminous or other acceptable corrosion retarding material. All private fire service mains shall be installed per National Fire Protection Association (NFPA) 24 and shall be inspected, tested, and maintained per NFPA 25 California Edition.
6. Ensure that the project meets all acceptable current code requirements (CFC Title 24, Part 9, Chapter 9/NFPA 72. Etc.) and all other relevant sections. Examples of applicable codes are:
  - 901.2
  - 901.4
  - 901.5
  - 901.6
  - 907 (all applicable)
  - NFPA 72 modified locally to provide bac-up power for 72 hours due to power outages.
    - 10.6.7.2 CapacityEnsure that all alarm components are listed and current with the California Office of the State Fire Marshal Listing Service (OSFM).
  - Include all current OSFM listings with the submittal
  - Include all current device cut sheets with the submittal
  - Assure overall compatibility between all components that may be present from prior installations.

Per local ordinance, 2019.01 Section 907.2.b the addition of the building requires a fire alarm/detection system to be installed/increased per the new square footage. Per local ordinance, Section 907.2.c the fire alarm/detection system shall be connected directly

through and monitored by a U.L approved central station. Deferred submittal of the fire alarm plans is required to be submitted and approved by the Diamond Springs Fire Protection District (Fire District).

7. This development shall install Dry Barrel Fire Hydrants, which conform to El Dorado Irrigation District (EID) specifications for providing water for fire protection if water models produce significant figures to install a fire hydrant. The spacing between hydrants for this project shall not exceed 500 feet per 2019 CFC Table C102.1. The exact location of each hydrant on private roads and main County-maintained roadways shall be determined by the Fire Department.
8. Approved fire apparatus access roads and driveways shall be provided for every facility, building, or a portion of a building. The fire apparatus access roads and driveways shall comply with the requirements of Section 503 and Appendix D of DSP as well as State Fire Safe Regulations.
  - All roadways shall be a minimum of 20 feet wide, providing two ten foot traffic lanes and parking on both sides of the roadway, not including shoulder and striping.
  - The roadway is required to meet an imposed load for fire apparatus access at a minimum of 75,000 lbs.
  - Driveways and roadways shall have an unobstructed vertical clearance of 15' and a horizontal clearance providing a minimum 2' on each side of the required driveway and roadway width.
9. This development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump/dip section of the roadway. All other proposed traffic calming devices shall require approval by the fire code official.
10. Should the existing gates near the southwest corner of the building as well as the front north access is automatic, a knox key switch shall be required to be installed. If the gates are manual they shall have a knox padlock.
11. All access roadways and fire hydrant systems shall be installed and in service prior to combustibles being brought on site.
12. Lots that back up to wildland open space shall be required to use non-combustible type fencing.
13. A commercial grade knox box is required to be ordered and installed within 10 feet of the front door. All necessary keys shall be provided, labeled and tested prior to being placed in the Knox box.
14. The roadway around the west side of the proposed addition is 20' in width. This roadway is required to meet the standard with either fire lane curbing or signage to ensure no parking is on either side of 20' roadway.

15. Should auxiliary power to the building be installed a knox key shunt system shall be installed to terminate power to all back up power generators or auxiliary power systems.
16. Approved numbers or addresses shall be provided for all new and existing building in such a position as to be visible and legible from the street or road fronting the property.
17. Portable fire extinguishers shall be installed in the following locations in new and existing Group A, C, E, F, H, I, L, M, R-1, R-2, R-2.1, R-2.2, R-3.1, R-4 and S occupancies. General portable fire extinguishers conforming to the requirements of California Code of Regulations Title 19, Division 1, Chapter 3, shall be installed and maintained in accordance with guides established therein. Extinguishers shall be located so the maximum travel distances shall not exceed 75 feet.

### **El Dorado Irrigation District**

18. Install a new fire hydrant on the northern side of Mother Lode Drive connecting the existing 6” water line where it is tied into the 24” water line. If it is not feasible to connect to the existing 6” water line, then the project shall directly connect (hot tap) to the 24” water line. This option will only be considered in the absence of any other options.
19. Proposed water lines, sewer lines and related facilities must be located within an easement accessible by conventional maintenance vehicles. When water lines or sewer lines are within streets, they shall be located within the paved section of roadway. No structures will be permitted within the easements of any existing or proposed facilities. Easements for any new District facilities constructed by this project must be granted to the District prior to District approval of water and/or sewer improvement plans, whether onsite or offsite.