

Agenda of: November 17, 2005

Item No.: 9.a.

Staff: Aaron Mount

STAFF REPORT - SPECIAL USE PERMIT

FILE NUMBER: S05-0012

APPLICANT: Tiffany and Andrew Blakeman

REQUEST: Special use permit for a commercial kennel permit that would allow for a Commercial Animal Establishment for the specific intent of rescue and adoption of domesticated dogs. A maximum of 20 dogs and 5 cats would be housed within the kennel and residence on the subject parcel.

LOCATION: On the east side of Mosquito Road, approximately one mile northeast of the intersection with Lupin Lane, in the Swansboro area. (Exhibit A)

APN: 085-010-10

ACREAGE: 40 acres

2004 GENERAL PLAN: Natural Resources (NR) (Exhibit B)

ZONING: Unclassified (U) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15303 of the CEQA Guidelines

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: Mountain House Animal Rescue and Sanctuary, Inc. was incorporated in September, 2002, and is operated by the applicants on the subject parcel. Initial contact with El Dorado County started on July 23, 2004, with a bite report to Animal Control. Upon inspection, the applicants were directed by Animal Control to obtain a license for the rescue operation. The applicants submitted the special use permit application on May 13, 2005, and the application was deemed complete on June 21, 2005.

STAFF ANALYSIS

Staff has reviewed the project for compliance with County's regulations and requirements. An analysis of the permit request and issues for Planning Commission consideration are provided below.

Project Description: A special use permit for a commercial kennel permit that would allow for a Commercial Animal Establishment for the specific intent of rescue and adoption of domesticated dogs. A maximum of 20 dogs and 5 cats would be housed within the kennel and residence on the subject parcel. Facilities for cats are not included in the permit, and the limit of five is intended for the applicant's personal cats and occasional rescues. No employees are proposed as all work will be done by the residents of the subject parcel. All adoptions will take place offsite at the residence of the person adopting the dog.

Kennel Design

- a. **Building Design/Space/Air:** The applicant proposes to construct a 600 square foot building for the commercial kennel use and construct 10 individual kennels to house the dogs. Each kennel enclosure is to be constructed of chain link fencing. The enclosures are to be 6 feet by 12 feet in size and are to be 6 feet in height. A sunscreen shield is to be provided between the roofs and along the sides of each kennel to protect the dogs. The perimeter of the exercise and kennel area is to be enclosed by a 6 foot tall chain link fence. Each dog is to be provided a dog house in each individual kennel.
- b. **Food/Water:** It is important that food be stored and handled in a clean, uncontaminated manner. Food left out too long in the kennel setting can be a breeding ground for all types of unwanted germs. To eliminate the chance of contamination, uneaten food should be discarded regularly. An ample supply of fresh water is needed, and sanitation is the key. Fresh water is to be provided for each dog in a sanitary condition. The applicant feeds the dogs once daily or more depending on the condition of the dog (new mother, puppies, breeding). Each dog is to be provided with its own food and water bowl. Dry food is kept within the shed/out building. Opened food bags are stored within a sealed garbage can between feedings.
- c. **Sanitation:** The applicant has proposed a sewage disposal plan for the commercial kennel use. The applicant proposes a 1,200 gallon tank to address waste water and solids from the kennel. The Environmental Management Department reviewed the proposed wastewater plan on July 6, 2005, and found it to be adequate for the kennel use.

In addition to the liquid waste, fecal matter in the yard shall be picked-up each day and bagged and placed in trash cans. The Environmental Management Department has determined that the bagging and removal of the fecal matter is adequate for the use, provided that an adequate number of solid waste enclosures for both mixed waste and recycle bins are provided at the site.

Site Description: The project site is 40 acres located at an elevation of approximately 3,200 feet above mean sea level in the Swansboro area. The site coverage is 60 percent Sierra mixed conifer, 30 percent manzanita, and 10 percent pasture grass. Access to the subject site is via an existing privately maintained 14 to 16 foot wide gravel surfaced road, Sanctuary Trail, which is accessed from Mosquito Road. Existing improvements include a single family residence, a stable, and a mobile structure currently used as a dog quarantine enclosure.

Adjacent Land Uses:

	Zoning	2004 General Plan	Land Use/Improvements
Site	U	NR	Single Family Residence
North	A	NR	Usdi, Bureau Of Land Management
South	U	RR	Undeveloped
East	U	NR	Usdi, Bureau Of Land Management
West	A	NR	Usdi, Bureau Of Land Management

Discussion: The subject parcel is 40 acres in size with the kennel and dog runs located on the north-eastern side of the property approximately 2,500 feet away from the closest developed residential use.

General Plan: The 2004 Adopted General Plan designates the subject site as Natural Resources. This land use designation permits agriculture, rangeland, forestry, wildlife management, recreation, water resources development, and single-family dwellings. The following General Plan policies apply to this project:

Policy 2.2.5.2: Applications for discretionary projects or permits, including special use permits, shall be reviewed to determine consistency with General Plan policies. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan.

Kennels are permitted by special use permit in the Unclassified Zone District, pursuant to Section 17.26.040 (A) of the El Dorado County Code. The applicant proposes to operate a commercial kennel at the site as a nonprofit home business, which would be incidental to the main residential use at the site. The dogs would be completely contained within a fenced yard and kennel on the 40 acre site. All waste generated by the dogs must be disposed of in a manner approved by the El Dorado County Environmental Health Department. It can be found through the discretionary special use permit process that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan. Staff finds that the project, as conditioned, will be compatible with the adjacent and surrounding properties and conforms to the General Plan.

Policy 2.2.5.21: Development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.

The rescue and adoption kennel is to be developed in a Natural Resources and Rural Residential neighborhood. The 40 acre site is surrounded by the Bureau of Land Management on the north, east, and west sides and undeveloped parcels to the south. The kennel is to be located towards the north-east of the 40 acre site, with the closest neighbor located approximately 2,500 feet from the kennel use. It is believed that the proposed use would be compatible with the rural residential character of the neighborhood and would be compatible with the Unclassified zoning of the property.

Zoning: The proposed use is permitted in the Unclassified Zone District, pursuant to Section 17.26.040 (A) of the El Dorado County Code. In order to approve the use, the approving authority must find that the use is consistent with the General Plan and would not be detrimental to the public health, safety and welfare nor injurious to the neighborhood. Based on comments received from public agencies, staff finds that the project would not be detrimental to the public health, safety and welfare and would not be injurious to the neighborhood

Special Use Permit Findings

In order to approve the use, the Planning Commission must find that:

1. The issuance of the permit is consistent with the 2004 General Plan;

The 2004 General Plan designates the subject site as Natural Resources. This land use designation establishes areas for residential and agricultural development. These lands will typically have limited infrastructure and public services and will remain for the most part in their natural state. The commercial kennel shall be kept in a sanitary condition. All dogs will be contained on the 40 acres at all times, and dogs will be kept in enclosed and approved structures, as required by the El Dorado County Animal Control Division. The proposed use will be incidental to the main residential use and will be compatible to the surrounding properties.

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

The proposed use shall comply with the regulations specified by the El Dorado County Animal Control Division. The facility shall be maintained in a clean and sanitary manner, and all droppings will be removed daily. Proof of rabies vaccination shall be available for inspection for all dogs over the age of four months upon request. Wastewater disposal shall be provided in a manner approved by El Dorado County Environmental Health Department. The owners of the property will care for the dogs. The owner plans to exercise the dogs to keep the dogs active and help reduce the potential for barking. In addition, the kennels are to be located at the north east corner of the 40 acre site, approximately 2,500 feet away from the closest residential use. If barking were to occur, impacts would be minimal.

3. The proposed use is specifically permitted by special use permit pursuant to this Title.

The proposed commercial kennel use is permitted in the Unclassified Zone District, pursuant to Section 17.30.040.E of the El Dorado County Code, with the issuance of a special use permit. The applicant proposes that the commercial kennel use will be incidental to the main residential use.

El Dorado County Animal Control Division and County Code Title 6 - Animals

Title 6 of the El Dorado County Code regulates the control and humane treatment of animals within the boundaries of El Dorado County for the protection of the safety and welfare of the public. Chapter 6.04.020 of the El Dorado County Code defines a Commercial Kennel as any place where five or more domestic dogs of at least four months of age are kept or maintained for sale, barter, or hire. Because the dogs are kept for adoption, the El Dorado County Animal Control Officer has determined that a Commercial Kennel permit is required.

Section 6.25.020 of the El Dorado County Code states that commercial kennels shall be licensed by the Animal Control Officer. No person can own or operate a commercial kennel without first applying to and receiving a license from the Director of Animal Control. Upon receipt of an application for a commercial animal establishment license, the Animal Control Officer is required to forward the application to Planning Services to ascertain whether or not the applicant's plan is in conformity with the zoning regulations. Planning Services must either approve or deny the permit. If all approvals were to be obtained from the Planning and Environmental Management Departments, the Animal Control Officer would then investigate the application further and render a decision. In the case of the subject application, a special use permit is required for the commercial kennel to be allowed within the Unclassified Zone District.

All commercial kennels are subject to the following regulations:

- a. The location of the establishment as specified in the application shall not violate any law or ordinance of this county or any law of the state.
- b. The establishment shall be kept and maintained so as not to endanger the peace, health, or safety of county residents.
- c. The applicant shall not, within the immediately preceding year, have been denied a commercial animal establishment license, as provided for herein, or have had a permit revoked.
- d. Housing facilities and runs for animals shall be structurally sound and shall be maintained in good repair to protect animals from injury, restrict entrance of other animals, and prevent the escape of enclosed animals from stalls, paddock, or corral.
- e. All animals and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.

- f. All animals shall be supplied with sufficient good and wholesome food and water as often as the feeding habits of the respective animals require and must be done in an approved container.
- g. All reasonable precautions shall be taken to protect the public from the animals and animals from the public.
- h. Every building or enclosure wherein animals are maintained shall be properly ventilated to prevent drafts and to minimize odors. Heating and cooling shall be provided as required according to the physical needs of the animals.
- i. All animal rooms, cages, runs, stalls, paddocks, and corrals shall be of sufficient size to provide adequate and proper housing for animals kept therein to prevent overcrowding.
- j. Animal runs, if constructed, shall be of concrete construction material and in such repair as to be readily maintained in a clean and sanitary condition. Runs shall also be provided with adequate drainage into an approved sewer or individual sewer disposal installation.
- k. All animals shall be taken to a licensed veterinarian for examination and treatment if so ordered by the director of animal control.
- l. Every violation of applicable regulations shall be corrected within a reasonable time.
- m. The establishment shall not be operated and no animals shall be boarded prior to completion of the entire facility as shown in the submitted plans.
- n. Licenses issued pursuant to this chapter are not transferable.
- o. Failure of applicant for the license to comply with any one of the conditions set forth in this section, as defined in California State Penal Code section 597(f), shall be deemed just cause for the denial of any license, whether original or renewal.
- p. Complete records to be maintained showing name, address, and telephone number of all persons supplying any animals, bought or received for sale, or to be held for any purpose. All records to be available for inspection by any authorized agent of the Division of Animal Control.

The El Dorado County Animal Control Division has reviewed the application and conducted a site visit. The construction of the kennel is adequate for the intended use. The El Dorado County Animal Control Division has no objections with the completion and approval of this project as a Commercial Animal Establishment.

Agency and Public Comments: The following agencies provided comments on this application, and their concerns are addressed within the conditions of approval:

- El Dorado County Environmental Management Department, Air Quality Management District
- El Dorado County Department of Transportation
- El Dorado County Public Health, Animal Control Department
- El Dorado County Environmental Management Department, Environmental Health

Copies of their written comments are available at the Planning Services office.

At the time of the preparation of this report, staff had not received any comments from the public. New issues may arise as a result of the public notice of the hearing which will be discussed at that time.

ENVIRONMENTAL REVIEW

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15303 of the CEQA Guidelines stating that the construction of accessory structures associated with a single family residence do not have a significant effect on the environment. Pursuant to Resolution No. 240-93, a \$35.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15303 of the CEQA guidelines.
2. Approve Special Use Permit S05-0012 based on the findings in Attachment 2, subject to the conditions in Attachment 1.

SUPPORT INFORMATION

Attachments to Staff Report:

- Attachment 1Conditions of Approval
- Attachment 2Findings
- Exhibit AVicinity Map
- Exhibit BGeneral Plan Land Use Map
- Exhibit CZoning Map
- Exhibit D1-D2Site Plan
- Exhibit E1-E2Mountain House Animal Rescue Brochure

ATTACHMENT 1
CONDITIONS OF APPROVAL

FILE NUMBER S05-0012

CONDITIONS

1. This special use permit approval is based upon and limited to compliance with the project description, dated November 17, 2005, and Conditions of Approval set forth below. 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 project description is as follows:

Issuance of Special Use Permit S05-0012 to allow a commercial kennel permit that would allow for a Commercial Animal Establishment for the specific intent of rescuing and adopting dogs to be located at 3285 Sanctuary Trail within the U (Unclassified) Zone District. The rescue and adoption kennel and residence shall provide care for no more than 20 dogs and 5 cats. A 600 square foot building is to be constructed as a kennel. Each dog shall be contained in a kennel enclosure. Each kennel enclosure shall be constructed of chain link fencing and shall be 6 feet by 12 feet in size and 6 feet in height. A sunscreen shield is to be provided between the roofs and along the sides of each kennel to protect the dogs. The perimeter of the exercise and kennel area is to be enclosed by a 6 foot tall chain link fence. Each dog is to be provided a dog house in each individual kennel. Each dog is to be provided with its own water and food bowl.

PROJECT SPECIFIC CONDITIONS

Planning Services

2. All site improvements shall conform to Exhibits D1 and D2.
3. The commercial kennel shall be subject to the following regulations:
 - a. Operation of the commercial kennel shall be subject to a license issued by the Animal Control Officer. All dogs kept on the property shall be confined in a manner approved by the Animal Control Officer.
 - b. The location of the establishment as specified in the application shall not violate any law or ordinance of this county or any law of the state.
 - c. The establishment shall be kept and maintained so as not to endanger the peace, health or safety of county residents.

- d. The applicant shall not, within the immediately preceding year, have been denied a commercial animal establishment license, as provided for herein, or have had a permit revoked.
- e. Housing facilities and runs for animals shall be structurally sound and shall be maintained in good repair to protect animals from injury, restrict entrance of other animals and prevent the escape of enclosed animals from stalls, paddock or corral. The Animal Control Officer shall review the project site plan prior to issuance of the commercial kennel license.
- f. All animals and all animal buildings or enclosures shall be maintained in a clean and sanitary condition. The plan for removal and disposal of solid waste shall be reviewed and approved by the El Dorado County Environmental Health Department prior to issuance of the commercial kennel license.
- g. All animals shall be supplied with sufficient good and wholesome food and water as often as the feeding habits of the respective animals require and must be done in an approved container.
- h. All reasonable precautions shall be taken to protect the public from the animals and animals from the public.
- i. Every building or enclosure wherein animals are maintained shall be properly ventilated to prevent drafts and to minimize odors. Heating and cooling shall be provided as required according to the physical needs of the animals. The Animal Control Officer shall review the project site plan prior to issuance of the commercial kennel license.
- j. All animal rooms, cages, runs, stalls, paddocks and corrals shall be of sufficient size to provide adequate and proper housing for animals kept therein to prevent overcrowding. The Animal Control Officer shall review the project site plan prior to issuance of the commercial kennel license.
- k. Animal runs, if constructed, shall be of concrete construction material and in such repair as to be readily maintained in a clean and sanitary condition. Runs shall also be provided with adequate drainage into an approved sewer or individual sewer disposal installation. The plan for removal and disposal of solid waste shall be reviewed and approved by the El Dorado County Environmental Health Department prior to issuance of the commercial kennel license.
- l. All animals shall be taken to a licensed veterinarian for examination and treatment if so ordered by the Director of Animal Control.
- m. Every violation of applicable regulations shall be corrected within a reasonable time, as ordered by the Director of Animal Control.
- n. The establishment shall not be operated and no animals shall be boarded prior to completion of the entire facility as shown in the submitted plans.

- o. Licenses issued pursuant to this chapter are not transferable.
 - p. Failure of applicant for the license to comply with any one of the conditions set forth in this section, as defined in California State Penal Code section 597(f), shall be deemed just cause for the denial of any license, whether original or renewal.
 - q. Complete records to be maintained showing name, address and telephone number of all persons supplying any animals bought or received for sale or to be held for any purpose. All records to be available for inspection by any authorized agent of the Division of Animal Control.
- 4. A maximum of 20 dogs and 5 cats shall be maintained at the site at any given time.
 - 5. All adoptions shall take place offsite.

El Dorado County Building Services

- 6. The applicant shall obtain a building permit from El Dorado County Building Services prior to commencement of all construction.

El Dorado County Animal Control Division

- 7. The applicant shall obtain a commercial kennel license from the El Dorado County Animal Control Division to operate a Commercial Animal Establishment prior to commencement of the use.

El Dorado County Air Quality Management District

- 8. The applicant shall obtain any necessary permits from the District prior to commencement of all construction.

ATTACHMENT 2
FINDINGS

MOUNTAIN HOUSE ANIMAL RESCUE
Assessor's Parcel Number 085-010-10

FILE NUMBER S05-0012
November 17, 2005

1.0 CEQA FINDING

- 1.1 The project is found to be exempt from CEQA pursuant to Section 15303 (a) Conversion of Small Structures.
- 1.2 The Planning Commission finds that the proposed project could not have a significant effect on the environment.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 ADMINISTRATIVE FINDINGS

2.1 Use Permit S05-0012 Findings

Issuance of Special Use Permit S05-0012 to allow a commercial kennel permit that would allow for a Commercial Animal Establishment for the specific intent of rescuing and adopting dogs within the Unclassified Zone District, pursuant to Section 17.26.040(E) of the El Dorado County Code.

2.1.1 The issuance of the permit is consistent with the General Plan

The 2004 General Plan designates the subject site as Natural Resources. This land use designation establishes areas for residential and agricultural development. The commercial kennel shall be kept in a sanitary condition. All dogs shall be contained on the 40 acres at all times, and dogs shall be kept in enclosed and approved structures, as required by the El Dorado County Animal Control Division. The proposed use shall be incidental to the main residential use and will be compatible to the surrounding properties.

The proposed site is currently developed with a single family home. All waste generated by the dogs shall be disposed of in a manner approved by the El Dorado County Environmental Health Department. As conditioned, the project will be compatible with the adjacent and surrounding properties.

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

The proposed use shall comply with the regulations specified by the El Dorado County Animal Control Division. The facility shall be maintained in a clean and sanitary manner and all droppings shall be removed daily. Proof of rabies vaccination shall be available for inspection for all dogs over the age of four months upon request. Wastewater disposal shall be provided in a manner approved by El Dorado County Environmental Health Department.

2.1.3 The proposed use is specifically permitted by Special Use Permit pursuant to this Title

The proposed commercial kennel use is permitted in the Unclassified Zone District, pursuant to Section 17.26.040(A) of the El Dorado County Code, with the issuance of a Special Use Permit. The commercial kennel use shall be incidental to the main residential use. The owners of the property shall care for the dogs. The owner plans to exercise the dogs daily to keep the dogs active and help reduce the potential for barking. If barking were to occur, impacts would be minimal.

2.2.0 The proposed use is consistent with the policies in the adopted 2004 El Dorado County General Plan.

The 2004 General Plan designates the subject site as Natural Resources. This land use designation permits agriculture, rangeland, forestry, wildlife management, recreation, water resources development, and single-family dwellings. The following policy applies to the subject project:

Policy 2.2.5.2: Applications for discretionary projects or permits, including special use permits, shall be reviewed to determine consistency with General Plan policies. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan.

It can be found through the discretionary Special Use Permit process that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan. Staff finds that the project, as conditioned, conforms to the General Plan.

Policy 2.2.5.21: Development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.

The rescue and adoption kennel is to be developed in a Natural Resources and Rural Residential neighborhood. The 40 acre site is surrounded by sparse residential development. The kennels are to be located towards the north east of the 40 acre site, with the closest neighbor located approximately 2,500 feet from the kennel use. It can be found that the proposed use is compatible with the rural residential character of the neighborhood, and with the residential-agricultural zoning of the property.