

**COUNTY OF EL DORADO DEVELOPMENT SERVICES  
PLANNING COMMISSION  
STAFF REPORT**



<b>Agenda of:</b>	December 9, 2010
<b>Item No.:</b>	8.b
<b>Staff:</b>	Tom Dougherty

**SPECIAL USE PERMIT**

**FILE NUMBER:** S10-0008/Cosenza Dog Kennel

**APPLICANTS:** Linda and Carlo Cosenza

**REQUEST:** Special Use Permit to allow the operation of a non-commercial kennel for up to 25 dogs to be housed within an existing residence and dog run.

**LOCATION:** On the east side of Screech Owl Creek Road approximately 6,000 feet southwest of the intersection with Marble Mountain Road in the El Dorado Hills area, Supervisorial District II. (Exhibit A)

**APN:** 119-010-11 (Exhibit B)

**ACREAGE:** 10 acres

**GENERAL PLAN:** Low Density Residential (LDR) (Exhibit D)

**ZONING:** Estate Residential 10-Acre (RE-10) (Exhibit E)

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt pursuant to Section 15301 of the CEQA Guidelines.

**RECOMMENDATION:** Staff recommends the Planning Commission take the following actions:

1. Find the project is Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (Existing Facilities); and
2. Approve Special Use Permit S10-0008 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

## **BACKGROUND**

The applicants have been housing animals inherited from patients from their workplace and were informed that Animal Services has requested they obtain a non-commercial kennel license which has necessitated the requirement for the Special Use Permit. Under current County Code, a Special Use Permit is required for a kennel which is defined as the keeping of five or more dogs for commercial or personal purposes.

The 10-acre parcel was created by Parcel Map PM 10-66 in March of 1976.

**Building Permit History:** The 7,441 square-foot primary dwelling was approved by Building Permit 88056979 on August 21, 1989. The 216 square-foot pool house building was approved by Building Permit 93083063 on March 19, 1993. The swimming pool was approved by Building Permit 93083064 on March 19, 1993.

## **STAFF ANALYSIS**

Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the Special Use Permit request and issues for Planning Commission consideration are provided in the following sections.

**Project Description:** The applicants are requesting a Special Use Permit pursuant to Section 17.70.100.I of the El Dorado County Code to allow a non-commercial kennel to house a maximum of 25 dogs for the purpose of providing a "safe haven" for pets acquired from the applicant's patients that have either passed away or have been committed to a medical facility. The owners license and tag the dogs (chip) for the purpose of locating them if lost and identifying their owners. Many of the dogs are geriatric and/or have health problems. The dogs are not sold but could be available for adoption in some instances however; the facility is not operated as a public facility. The kennel would consist of the use of the interior of the existing single-family dwelling and an attached outdoor fenced dog run with one permanent employee proposed.

**Site Description:** The site is located at the 1,280-foot elevation above sea level. The primary paved driveway begins at Screech Owl Creek Road at the west parcel boundary ends at a turnaround at the existing primary residential dwelling and dog runs as shown in Exhibit F. The parcel is covered in native oak trees with the majority of the parcel containing annual grasses. The numerous accessory buildings shown on the site plan (Exhibit F) are used to shelter various livestock such as sheep, horses, emus, ostriches, cattle and ducks, not related to the kennel operation.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	RE-10	LDR	Residential/ Single-family residence.
<b>North</b>	RE-10	LDR	Residential/ Single-family residence.
<b>South</b>	RE-10	LDR	Residential/Single-family residence.
<b>West</b>	VW-SP	AP	Residential/Valley View Specific Plan, currently vacant.
<b>East</b>	RE-10	LDR	Residential/ Single-family residence.

Discussion: All surrounding parcels are designated for residential uses by the General Plan. Exhibit H shows the parcel is one of four surrounded on three sides by parcels designated by Valley View Specific Plan for residential uses. The closest residences on a surrounding parcel are located approximately 500 feet to the north and south, (see Exhibits K-1 and K-2). The kennel exists in a low density residential area. The 10-acre site is surrounded by sparse residential development. The kennel area is located towards the western parcel boundary and has been in operation at the site previous to this Special Use Permit request. Staff finds that, as conditioned, the proposed use would be compatible with the rural residential character of the neighborhood and would be compatible with the residential zoning of the property.

**General Plan:** The General Plan currently designates the subject site as Low Density Residential (LDR). *LDR establishes areas for single-family residential development in a rural setting. The maximum allowable density shall be one dwelling unit per 5.0 acres. Parcel size shall range from 5.0 to 10.0 acres.* With an approved Special Use Permit, the project would conform to the existing General Plan land use designation. The policies and issues that affect this project are discussed below:

**Noise Impacts:** Policy **6.5.1.7** states that *noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 6-2 for noise-sensitive uses.*

Consistent: Historically kennels have been approved in the County conditioned to mitigate potential noise impacts to neighbors. The current project proposes to house the dogs within the existing single-family dwelling however, an outside dog run is used periodically by the owners for the dogs. Because the surrounding parcels are zoned for ten-acre sizes and the periodic use of the dog run, Planning determined the requirement for a noise study was not warranted but is recommending a Condition be added to assure quiet during the hours most people are at home-during the evening and night. Section 6.12.060.F of County Code requires dogs in non-commercial kennels to be confined within the hours of nine p.m. and six-thirty a.m. With the inclusion of this Condition, the project would be compliant with these Policies.

**Conclusion:** The project has been reviewed in accordance with the El Dorado County General Plan policies, and it has been determined that the project would be consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

**Zoning:** The proposed non-commercial kennel use is permitted by Special Use Permit in the RE-10 Zone District, pursuant to Section 17.70.100.I of the Zoning Ordinance. El Dorado County Animal Control would be able to consider a non-commercial kennel license, following approval of a Special Use Permit by the Planning Commission. In order to approve the project, the approving authority must find that the project is consistent with the General Plan and meet the Findings contained in Section 17.22.540. Based on comments received from public agencies, as described in Attachment 2, Findings, staff finds that the project would not be detrimental to the public health, safety and welfare and would not be injurious to the neighborhood.

**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 El Dorado County for the protection of the safety and welfare of the public. Because the dogs are not owned for breeding and for sale or showing, a Non-Commercial Kennel License is required for the keeping of five or more dogs.

The El Dorado County Animal Services Department has reviewed the application and conducted a site visit on September 10, 2010. During the site inspection, 19 full grown dogs were observed. They determined that after the inclusion of their recommended Conditions of Approval numbers 12-14, that the use of the existing single-family dwelling to house the dogs would be adequate for the intended use.

**Environmental Management Department-Hazardous Materials/Solid Waste Division:** Environmental Management staff has inspected the project site and have recommended Conditions of Approval 10 and 11 to require the proper disposal of animal and medical wastes.

**Existing Accessory Structures:** Exhibit F shows numerous other accessory building that were constructed without a Building Permit. After a discussion with the applicant and the Code Compliance Officer, Condition of Approval number 3 was added to the project to correct these violations.

## **ENVIRONMENTAL REVIEW**

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines which exempts *the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.* A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Location Map
Exhibit B .....	Assessor's Parcel Map
Exhibit C .....	Parcel Map PM10/66
Exhibit D .....	General Plan Land Use Designations Map
Exhibit E .....	Zoning Map
Exhibit F .....	Site Plan, dated April 2010
Exhibit G .....	Applicant submitted <i>Project Description</i>
Exhibit H .....	Valley View Specific Plan Map
Exhibit I .....	Clarksville U.S.G.S. Quadrangle
Exhibits J-1 to J-3 .....	Site visit photos
Exhibits K-1, K-2 .....	Aerial photos

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

### Special Use Permit S10-0008/Cosenza Dog Kennel Planning Commission/December 9, 2010

#### El Dorado County Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits F, G and J-2, 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:

Approval of this Special Use Permit allows a non-commercial kennel to house a maximum of 25 dogs within the 7,441 square-foot primary dwelling and as located in Exhibit F. There will be one permanent employee allowed and all other operations will be carried out by the owners of the parcel. Any improvements or modifications to the following structures that would change the size, capacity or uses allowed would require the review of Development Services. The other currently approved structures are as follows:

- a. The 251 square-foot pool house for pool accessory purposes and identified and located as the "Existing Poolhouse" in Exhibit F; and
- b. The existing swimming pool identified and located as the "Existing Pool" in Exhibit F.

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 conditions of approval 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 conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

2. Project improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein and shall substantially comply with Exhibit F. Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require review and approval by the Planning Services prior to project modifications.

3. The applicants shall schedule a meeting with the El Dorado County Code Compliance Division no more than 15 days following the end of the ten-day appeal period subsequent to the approval of the subject Special Use Permit in order to determine which accessory buildings shown, but not labeled in Exhibit F, are subject to a Building Permit. The applicants shall then file for a Building Permit within 30 days of said meeting with the Code Compliance Officer. The subsequent Building Permits shall then be finalized within 120 days after issuance. The applicants shall then submit a revised site plan showing and labeling all approved accessory buildings 10 days subsequent to issuance of final occupancy for all approved buildings.
4. The “Existing Travel Trailer” located and shown in Exhibits F and J-2 shall be disconnected from all permanent utilities and is not permitted as a residential or storage structure within the context of this Special Use Permit unless allowed for those uses through approval of a future County permit.
5. For the purposes of compliance with General Plan noise policies, all dogs shall remain within the single family dwelling labeled as “Existing Residence” and located as shown in Exhibit F, between the hours of 9 p.m. and 6:30 a.m.
6. The applicant shall be responsible for complying with all Conditions of Approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, nuisance complaints, and/or abandonment of the facility are ultimately the responsibility of the property owner.
7. All Development Services Department fees for processing this application shall be paid in full within 30 days following final action on the application by the approving authority.
8. A \$50.00 administration fee is required by the County Recorder to file the Notice of Exemption. This fee shall be made payable to El Dorado County and shall be submitted to Planning Services after the end of the ten working day appeal period of a final project
9. All outdoor lighting shall be fully shielded pursuant to the Illumination Engineering Society of North America’s (IESNA) full cut-off designation. Should lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.
10. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the applicant and landowner 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 applicant and land owner shall defend, indemnify, and hold harmless County of El Dorado and its agents, officers, and employees from any claim, action, or proceeding

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

**El Dorado County Environmental Management Department-Hazardous Materials/Solid Waste Division**

11. All solid waste, including animal waste must be stored in trash containers with tight fitting lids and hauled from the site at least once every seven days for proper disposal.
12. Any and all infectious medical waste and sharps must be properly handled, stored, transported and disposed of in accordance with the California Medical Waste Act.

**El Dorado County Animal Services Department**

13. The interior of the primary single-family dwelling and any rooms therein where the dogs are kept must be kept clean and sanitary and all floor surfaces shall be sealed in a manner that prevents all absorption of urine and feces to be suitable for disinfection. A clean and sanitary manner is to include the removal, cleaning and disinfection of areas where urine and feces are present for the health of the animals.
14. No commercial boarding or grooming shall be allowed under this Special Use Permit.
15. A non-commercial kennel license shall be obtained from Animal Services within 30 days of approval of this Special Use Permit. Said license shall comply with all conditions of El Dorado County Ordinance 6.25.020, License Required.

## **ATTACHMENT 2**

### **FINDINGS**

#### **Special Use Permit S10-0008/Cosenza Dog Kennel Planning Commission/December 9, 2010**

#### **1.0 CEQA FINDINGS**

- 1.1 The non-commercial kennel is found to be Categorically Exempt from CEQA pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines which exempts *the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.*
- 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 Development Services Department, Planning Services, at 2850 Fairlane Court, Placerville, CA.

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

- 2.1 As conditioned, the project is consistent with the intent of 6.5.1.2 and 6.5.1.7 (noise impacts) and will use existing facilities with no exterior expansion, would have minimal impacts on visual resources, existing utilities, and on the existing surrounding residences. There are adequate services to facilitate the site, such as water, power and solid waste disposal services. As conditioned, the project would not add excessive noise levels nor affect biological resources in a significant manner.

#### **3.0 ZONING FINDINGS**

- 3.1 The non-commercial kennel use is permitted in the RE-10 Zone District, pursuant to Section 17.70.100.I of the El Dorado County Code, along with the issuance of a Special Use Permit.
- 3.2 The project, as shown and described in Exhibits F, G, and J-2, and as conditioned, meets all applicable development standards contained within the El Dorado County Zoning Ordinance Sections 17.70.110 A-G.

#### **4.0 SPECIAL USE PERMIT FINDINGS**

- 4.1 The issuance of the permit is consistent with the General Plan. The applicant's proposal has been determined to be in compliance with County regulations, addressing environmental issues and health and safety concerns. The proposed use is consistent with

the policies in the El Dorado County General Plan, as discussed in the General Plan section of this Staff Report. The proposed use is consistent with all applicable policies and will occupy existing facilities, will not create excessive noise, waste or additional traffic. The project allows a non-commercial kennel operation, carried out by the owners and their family, and one permanent employee. Therefore, staff finds that the project, as conditioned, conforms to the General Plan.

- 4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood, based on the conclusions contained in the Staff Report. The use will not conflict with the adjacent uses as it has been conditioned to comply with County Codes. The project will result in insignificant environmental, visual, noise, and traffic impacts to surrounding residents. After review of the submitted site plan and upon consultations with concerned agencies, it has been determined that the impacts of allowing the project, will not have a detrimental affect nor be injurious to the neighborhood. The proposed use would not create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the Staff Report.
- 4.3 The proposed use is specifically permitted by Special Use Permit. Section 17.70.100.I of the County Code requires a Special Use Permit within the RE-10 zoning district. The project must be found to not change the residential character of the premises or adversely affect the other uses permitted in a residential area. After review of the submitted information and with consultation from concerned agencies, staff has determined that, as proposed, the project is consistent with these requirements and would not affect the existing area in a significant manner.