

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



Agenda of: September 27, 2012
Item No.: 8
Staff: Tom Dougherty

SPECIAL USE PERMIT

FILE NUMBER: S12-0012/Badger's Dog Training

APPLICANT: Jeff and Renee Badger

REQUEST: Special Use Permit to allow the use of an existing horse arena for dog training as an expanded home occupation.

LOCATION: South side of Austin Lane, approximately 600 feet east of the intersection with Green Valley Road, in the Greenstone area, Supervisorial District 3. (Exhibit A)

APN: 319-060-61 (Exhibit B)

ACREAGE: 5.00 acres

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

ZONING: Estate Residential Five-Acre (RE-5) (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 S12-0012 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

PROJECT INFORMATION

Project Description: Special Use Permit request to allow the use of an existing horse arena for dog training as an expanded home occupation. The training classes are proposed for a maximum of five dogs per class, one evening a week, up to three classes per evening, for up to 30 weeks a year. Additionally, the applicants are requesting to hold up to three combined class competitions per year for up to 10 dogs and 20 people. No dogs are permitted to be left onsite and owners would be present at all times. The project would utilize existing equipment and no new grading or construction is part of the proposal.

Site Description: The site is within a five-acre parcel located at approximately the 1,400-foot elevation above sea level. There is an existing single-family dwelling and attached garage located on the parcel approximately 150 feet to the south of the proposed dog training arena area which is relatively flat and surrounded by metal corral-type fencing. The majority of the site is covered with tree canopy with the exception of the proposed training area, existing dwelling area, and driveway which are cleared.

Background: The project parcel was one of two parcels created by the filing of Parcel Map PM29-113 in August of 1981. The applicants have been training rescued dogs on a volunteer basis within the existing arena for the past ten years. The equipment needed is already located within the arena. They are now seeking to make that practice official through the special use permit and business license processes.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR	Residential/Single-family residence
North	RE-5	LDR	Residential/Vacant
South	RE-5	LDR	Residential/ Single-family residence
East	RE-5	LDR	Residential/Single-family residence
West	RE-5	LDR	Residential/ Single-family residence

Discussion: The surrounding parcels are designated for residential uses by the General Plan. The closest residential structure on a surrounding parcel is located approximately 330 feet to the west of the arena area measured by air photo.

STAFF ANALYSIS

The parcel is zoned Estate Residential Five-Acre (RE-5). Pursuant to Section 17.28.200.G, home occupations that require special considerations that are not specifically listed in Section 17.28.190.C require a special use permit. 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.

Project Issues: The primary discussion items for this project include access, land use compatibility, noise, and parking.

Access: The project site is accessed from an existing encroachment from Austin Lane onto Green Valley Road. The site has a secondary ingress/egress via Sylvan Lane to Ringtail Lane to Green Valley Road.

DOT and the Diamond Springs-El Dorado Fire Protection District have reviewed the project and determined that the access roads are adequate for the proposal and neither has any recommended conditions of approval.

Land Use Compatibility: Policy 2.2.5.21 directs that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses. The applicants have been voluntarily training dogs for people for ten years at the site. Development Services has not received any complaints about the site in that time. Sylvan Lane, the emergency ingress/egress road for the project, is not typically utilized for through traffic. The closest neighboring dwelling to the project is approximately 330 feet to the west of the arena.

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. Because the project is conditioned that dogs cannot be left onsite, have owners present, and that the classes are for short periods of time, the project would be anticipated to create only occasional noise impacts from a potential random bark. No significant noise impacts would be anticipated.

Parking: The project would have a maximum of 20 people and ten dogs for their combined classes. Planning has determined that ten dogs would typically mean that ten parking spaces would be required. Exhibit G identifies parking for ten vehicles. This is sufficient to accommodate the parking needs of the proposed use. Planning is recommending that the following condition be added that limits the dust, mud, and vegetation for safety:

The applicants shall assure that all parking areas are maintained to be dust and mud free, and all grasses in those areas shall be kept clear to a two-inch stubble.

This condition has been added to Attachment 1.

Conclusion: The project has been reviewed in accordance with the General Plan policies, and it is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

El Dorado County Animal Services: The Chief/Animal Control Officer performed a site inspection on August 31, 2012 and determined the subject property has adequate space and proper containment with good perimeter fencing. His letter summarizing the site inspection is included as Exhibit K.

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 Number Map
Exhibit C.....	Parcel Map PM29-113
Exhibit D.....	General Plan Land Use Designations Map
Exhibit E.....	Zoning Designations Map
Exhibit F.....	Site Plan
Exhibit G.....	Parking Plan
Exhibit H.....	Applicant-submitted Project Description (two pages)
Exhibits I-1 to I-3.....	Site Visit Photos
Exhibit J.....	Aerial Photo
Exhibit K.....	El Dorado County Animal Services Letter; August 31, 2012

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit S12-0012/Badger's Dog Training Planning Commission/September 27, 2012

Planning Services

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

Exhibit F.....Site Plan
Exhibit G.....Parking 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.

Approval of the Special Use Permit allows the use of an existing horse arena for dog training as an expanded home occupation within the existing 1.66-acre parcel identified by Assessor's Parcel Number 319-060-61, and consisting of the following:

- a. Training classes for a maximum of five dogs per class, one evening a week, up to three classes per evening, for up to 30 weeks a year;
- b. Up to three combined class competitions per year for up to 10 dogs and 20 people; and
- c. No dogs are permitted to be left onsite and owners shall be present at all times.

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. **Expiration:** Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four 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 conditions of approval.

3. **Changes or Expansions of the Approved Project:** Expansions to the approved project shall be subject to review and approval by the Development Services Director. Should the Director find that additional expansions of the use or facilities would significantly change what was approved, the Director shall decide if the changes can be approved administratively or will be reviewed by the Zoning Administrator or the Planning Commission through an amendment to this Special Use Permit. This review shall always occur prior to any approved project modifications.
4. **Lighting:** Any outdoor lighting utilized by the project shall comply with County Code Section 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Should any installed light 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.
5. **Compliance Responsibility:** The property owners are responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the property owners.
6. **Parking:** The applicants shall assure that all parking areas are maintained to be dust and mud free, and all grasses in those areas shall be kept clear to a two-inch stubble.
7. **Fish and Game Fee:** 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 immediately following the hearing project approval.
8. **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 developer and landowner agree 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 developer and 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 Special Use Permit.

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

Air Quality Management District

9. The proposed project has the potential to generate and release particulate matter (PM10) in the form of fugitive dust during the dog training activities. To prevent fugitive dust, the applicant shall be in compliance with AQMD Rule 223 Fugitive Dust at all times.
10. The proposed project has the potential to generate odors. The applicant shall be in compliance with AQMD Rule 205 Nuisance at all times.

ATTACHMENT 2

FINDINGS

Special Use Permit S12-0012/Badger's Dog Training Planning Commission/September 27, 2012

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 dog training facility is found to be Categorical 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, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 The Planning Commission finds the project is consistent with the following General Plan policies:
 - a. 2.2.5.21 (compatibility with surroundings) because as conditioned, it would be compatible with surrounding uses, have minimal impacts on visual resources, existing utilities, existing emergency response access and times, and will create noises at insignificant levels. There are adequate services to facilitate the site, such as water, power and telephone communication facilities.
 - b. 6.2.3.2 (adequate access) because both DOT and the Diamond Springs-El Dorado Fire Protection District have found that the project has adequate emergency access capability.
 - c. 6.5.1.7 (noise exposure) because project is conditioned that dogs cannot be left onsite, have owners present, and that the classes are for short periods of time and the project is anticipated to create only occasional noise impacts from a potential random bark. No significant noise impacts are anticipated that will conflict with County standards listed in Table 6-2 in the General Plan that limits noise emission levels.

3.0 ZONING FINDINGS

- 3.1 The project site is zoned RE-5 and pursuant to Section 17.28.200.G, home occupations that require special considerations including home occupations conducted outside of the residence. The project, as proposed and conditioned, is compliant with the Zoning Ordinance.

4.0 SPECIAL USE PERMIT FINDINGS

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

The proposed use is consistent with the policies and requirements of the General Plan, as set forth in Finding 2.1.

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

The use will not conflict with the adjacent uses as the use is not anticipated to 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.**

The proposed use complies with the requirements of County Code Section 17.28.200.G (special use permit required for the RE-5 Zone District), and 17.28.210 (development standards for the RE-5 Zone District).