

# EL DORADO COUNTY DEVELOPMENT SERVICES STAFF REPORT



**Agenda of:** July 19, 2006  
**Item No.:** 6.d.  
**Staff:** Aaron Mount

## SPECIAL USE PERMIT

**FILE NUMBER:** S04-0039R

**APPLICANT:** Theresa DeLater

**REQUEST:** Special use permit revision to allow three (3) additional structures, totaling 888 square feet, for the purpose of enlarging an existing approved commercial kennel as an expanded home occupation.

**LOCATION:** 3060 Graybar Mine Road, which is located on the west side of Graybar Mine Road, approximately 20 feet south of the intersection with Highway 193 in the Garden Valley area (Exhibit A).

**APN:** 060-110-42

**ACREAGE:** 18.45 acres

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

**ZONING:** Estate Residential Five-Acre (RE-5) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Exempt from CEQA pursuant to Section 15303 of the State CEQA Guidelines.

**SUMMARY RECOMMENDATION:** Conditional Approval

**BACKGROUND:** Special Use Permit S04-39 was approved by the Zoning Administrator on May 4, 2004.

## STAFF ANALYSIS

**Project Description:** The applicant is requesting a revision to an existing Special Use Permit to allow enlargement of the existing facility as approved under permit number S04-0039. The addition is comprised of three sheds totaling 888 square feet (an existing 100 square foot shed and two proposed sheds of 432 square feet and 256 square feet) that will contain a total of seven (7) rooms for boarding dogs. The original project description is as follows and will not change except for the additional proposed structures:

“The applicant is requesting a Special Use Permit pursuant to Section 17.28.200.H of the El Dorado County Code, to allow a commercial dog kennel, to be located within an existing 785 square foot barn and a 195.5 square foot shed structure to be located at 3060 Graybar Mine Road within the RE-5 (Estate Residential) zoning district. Dog care will include daily and long term care. The maximum dogs that could be cared for at the facility would be 15. No other employees other than the owners of the property are anticipated to work for the “Dog Woods Resort”. Dogs will be outside in the dog run areas during the daylight hours and will be brought into the kennel areas during the evenings. The drop-off and pick-up hours will be 7:00AM to 7:00PM, Monday through Sunday. The facility includes over 18 acres of fully fenced wooded acres, with a creek located on the property. Dogs will be exercised off leash twice daily. Each kennel room provides in and out access to a large fenced wooded yard. An agility course, flyball and kiddie pools are provided. A variety of bedding for maximum comfort for each dog is provided. A bath is provided for each dog before they return home.”

**Site Description:** The project site is situated in the western foothills of the Sierra Nevada Mountains, adjacent to the Georgetown Creek and near the Manhattan Creek. The site is heavily wooded with oak and pine trees, and covered with various shrubs such as blackberry and scotch broom. The site is developed with a single family residence and accessory buildings, and is gently sloped residing at an elevation of approximately 2,418 feet.

**Project Access:** The project is located on the west side of Graybar Mine Road, approximately 20 feet south of the intersection with State Highway 193. Access to the project site is provided by an unpaved gravel driveway. El Dorado County Department of Transportation has conditioned improvement of the on-site and off-site portions of Graybar Mine Road to Standard Plan 101C (24 foot wide with 2 foot shoulders) but, has stated that a reduction to Fire Safe Standards is an acceptable design waiver. The applicant received a letter from Garden Valley Fire verifying that the on-site and off-site portions of Graybar Mine Road related to this project, meets the Fire Safe Standards of 18 feet wide. Due to verification by the Garden Valley Fire Department the conditions related to improving Graybar Mine Road, excluding signs, have been removed. All other conditions from El Dorado County Department of Transportation are applicable.

---

**Adjacent Land Uses:**

The subject property is 18.45 acres in size and is surrounded by the following land uses:

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	RE-5	LDR	Single Family Residence
<b>North</b>	RE-10/RE-5	LDR	Undeveloped
<b>South</b>	RE-10	LDR	Single Family Residence
<b>East</b>	RE-10	LDR	Single Family Residence
<b>West</b>	RE-10	LDR	Single Family Residence

**Discussion:** The surrounding uses include single-family residential uses and undeveloped land. The subject site is at the corner of Graybar Mine Road and Highway 193, and is only boarded by one single-family parcel to the west. The kennels and dog runs are located on the eastern half of the property, away from the adjacent residential use.

**General Plan:** The 2004 General Plan designates the subject site as Low Density Residential. This land use designation establishes areas for single-family residential development in a rural setting. 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.

Kennels are permitted by special use permit in the Estate Residential Five-acre (RE-5) Zone District. The proposed site is currently developed with a single family home. The applicant is operating a commercial kennel at the site as a home business, which is incidental to the main use at the site. The dogs are completely contained within a fenced yard on the 18.45 acre site. The dogs are enclosed during the evening hours to eliminate barking impacts to neighboring property owners. All waste generated by the dogs is 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.

**Zoning:** The existing approved commercial kennel use is permitted in the Estate Residential Five-acre (RE-5) Zone District, pursuant to *Section 17.28.200.H* of the *El Dorado County Code*, with the issuance of a special use permit. The proposed revision is consistent with the approved permit and the Zoning Ordinance.

**New or Amended Conditions:** The following revisions were made:

Conditions 2.a, 2.e, 2.i, 2.j, and 7 were amended due to the issuance of a kennel license as conditioned by S04-0039. El Dorado County Animal Control has verified that the facility is licensed and in good standing.

Conditions 2.f, 2.k, and 5 were amended due to conditions having been met by S04-0039. El Dorado County Environmental Health has verified that the proposed structures are capable of tying into the existing septic system.

Conditions 5 and 6 are new conditions from the El Dorado County Department of Transportation.

**Agency and Public Comments:** The following agencies provided comments on this application:

- El Dorado County Environmental Management Department, Environmental Health Division
- El Dorado County Department of Transportation
- Garden Valley Fire protection District
- El Dorado County Public Health Department, Animal Control Division

Copies of their written comments are available at the Planning Services office. The above agencies had no specific concerns regarding the proposed project that are not addressed and accounted for by this report and the attached Findings and Conditions.

Additional issues may be raised 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 Categorical Exempt from the requirements of CEQA pursuant to *Section 15303* of the *CEQA Guidelines* stating that consists of construction and location of limited numbers of new, small facilities or structures. This revision proposes a total of 788 square feet of new construction and conversion of an existing 100 square foot structure. Pursuant to Resolution No. 240-93, a \$35.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption.

**RECOMMENDATION**

Staff recommends that the Zoning Administrator take the following actions:

- 1. Find that the project is Categorically Exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines; and
- 2. Approve Special Use Permit S04-0039R, subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

**SUPPORT INFORMATION**

**Attachments To Staff Report:**

Attachment 1 .....Conditions of Approval  
Attachment 2 .....Findings  
Exhibit A .....Vicinity Map  
Exhibit B .....General Plan Land Use Map  
Exhibit C .....Zoning Map  
Exhibit D .....Site Plan  
Exhibit E1-2 .....Elevations  
Exhibit F .....Kennel Brochure

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

File Number S04-0039R  
Dog Woods - Theresa DeLater  
July 19, 2006 Zoning Administrator Hearing

### CONDITIONS OF APPROVAL

1. This Special Use Permit approval is based upon and limited to compliance with the project description, dated ~~May 4, 2005~~ July 19, 2006, 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 a Special Use Permit (S04-0039R) to allow a commercial dog kennel, "Dog Woods Resort" as a home occupation, to be located within an existing 785 square foot barn, ~~and a 195.5 square foot shed structure, an existing 100 square foot shed structure, a 432 square foot shed structure, and a 256 square foot shed structure~~ to be located at 3060 Graybar Mine Road within the RE-5 (Estate Residential) Zoning District. Dog care will include daily and long term care. The maximum dogs that could be cared for at the facility would be 15. No other employees other than the owners of the property are permitted to work for the "Dog Woods Resort". Dogs will be outside in the dog run areas during the daylight hours and will be brought into the kennel areas during the evenings. The drop-off and pick-up hours will be 7:00AM to 7:00PM, Monday through Sunday. The facility includes over 18 acres of fully fenced wooded acres, with a creek located on the property. Each kennel room provides in and out access to a large fenced wooded yard with outdoor recreation features provided for the dogs. ~~An agility course, flyball and kiddie pools are provided. A variety of bedding for maximum comfort for each dog is provided. A bath is provided for each dog before they return home.~~

### PROJECT SPECIFIC CONDITIONS

#### **Planning Services**

2. All site improvements shall conform to Exhibits F D and ~~G~~ E1-2.
  - 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.
3. A maximum of 15 dogs shall be boarded at the site at any given time, excluding the owners' three (3) personal dogs.

### **Department of Transportation**

4. The applicant is subject to all County regulations including, but no limited to the County of El Dorado *Design and Improvement Standards Manual*, the *Grading, Erosion and Sediment Control Ordinance*, the *Drainage Manual*, the *Storm Water Management Plan*, the *Off-Street Parking, Loading Ordinance*, and the *Traffic Impact Mitigation Fee Program*. The applicant shall obtain the necessary permits from the Department of Transportation prior to the commencement of all construction.
5. The applicant shall irrevocably offer to dedicate a 50-foot wide road and public utilities easement for the on-site portion of Graybar Mine Road.
6. The applicant shall be subject to an encroachment permit, Standard Plan 103B-1 (including signage as necessary – stop sign, street name signs, warning signs, etc.), minimum driveway width of 20 feet for the access to Carson Road.



**El Dorado County Department of Environmental Management**

- ~~5. The applicant shall obtain the necessary permits from the El Dorado County Environmental Health Department prior to upgrading the septic system in compliance with the Sewage Disposal Plan dated March 16, 2005, prior to commencement of the use.~~

**El Dorado County Building Services**

76. The applicant shall obtain a building permit from the 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 prior to commencement of the use.~~

## **ATTACHMENT 2 FINDINGS**

File Number S04-0039R  
Dog Woods - Theresa DeLater  
July 19, 2006 Zoning Administrator Hearing

### **1.0 CEQA FINDING**

- 1.1 The project is found to be exempt from CEQA pursuant to Section 15303 Conversion and Construction of Small Structures.
- 1.2 The Zoning Administrator 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 base are in the custody of Planning Services at 1850 Fairlane Court, Placerville, CA.
- 1.5 The project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91 is applicable.

### **2.0 ADMINSTRATIVE FINDINGS**

#### **2.1 Use Permit S04-0039 Findings**

Issuance of a Special Use Permit (S04-0039R) to allow an expansion of a commercial kennel within the RE-5 Zone District, pursuant to Section 17.28.200.H 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 Low Density Residential. This land use designation establishes areas for single-family residential development in a rural setting. The General Plan encourages home occupations to the extent that they are compatible with adjacent or surrounding properties. The commercial kennel will be kept in a sanitary condition. All dogs will be contained on the 18.45 acres at all times, and dogs will be kept in an enclosed and approved structure between the hours of nine p.m. and six-thirty a.m., 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.

The proposed site is currently developed with a single family home. The applicant is currently operating a commercial kennel at the site as a home occupation, which is incidental to the main use

at the site. The dogs will be completely contained within a fenced yard on the 18.45 acre site. The dogs will be enclosed during the evening hours to eliminate barking impacts to neighboring property owners. All waste generated by the dogs will 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 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.

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

The commercial kennel use is permitted in the RE-5 zone district, pursuant to Section 17.28.200.H of the El Dorado County Code, with the issuance of a Special Use Permit. The proposed commercial kennel use is considered a home occupation, whereas, the use is incidental to the main residential use. The owner of the property will be the only employee of the business. The “Dog Woods Resort” will provide a service for the community, with minimal impact on the surrounding properties. Barking would be kept to a minimum because the dogs are exercised twice a day and are content during their stay. In addition, the layout of the fencing and size of the yards minimizes fence fighting.