

**EL DORADO COUNTY DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of: December 15, 2010
Item No.: 4.a.
Staff: Aaron Mount

SPECIAL USE PERMIT

FILE NUMBER: S08-0029

APPLICANT: Terri Crisp

REQUEST: Special use permit to allow a noncommercial kennel consisting of seven dogs as adult companion animals owned by the family and will reside in the family residence.

LOCATION: On the south side of Bronco Trail, approximately one mile north of the intersection with Bucks Bar Road in the Somerset area, Supervisorial District II. (Exhibit A)

APN: 093-140-24 (Exhibit B)

ACREAGE: 9.61 acres

GENERAL PLAN: Rural Residential-Important Biological Corridor (RR-IBC) (Exhibit C)

ZONING: Estate Residential Ten-Acre (RE-10) (Exhibit D)

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

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

1. Certify that the project is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (Conversion of Small Structures); and
2. Approve Special Use Permit S08-0029 based on the findings in Attachment 2 and subject to the conditions in Attachment 1.

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 Zoning Administrator consideration are provided in the following sections.

Project Description: The application is a request for a special use permit for a noncommercial kennel as required by Section 17.70.100.I of the RE-10 zone district and defined in Chapter 6.25 of the County code. The request is for seven dogs which are adult companion animals owned by the family and would reside in the family home. No commercial kennel services are proposed. All animals are spayed or neutered and therefore will not be bred. As the seven dogs are family animals, no employees are requested, no signs are proposed, and there will be no hours of operation.

Site Description: The 9.61 acre developed residential parcel is at an average elevation of 2,300 feet above mean sea level. Existing improvements include a single family residence, a residential garage, and a barn. The parcel is accessed by Bronco Trail which is a privately maintained road. The project parcel contains fairly dense oak tree canopy and associated undergrowth.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	RR-IBC	Residential/Single Family Residence and Accessory Structures
North	RE-10	RR-IBC	Residential/Single Family Residence and Accessory Structures
South	RE-10	RR-IBC	Residential/Single Family Residence and Accessory Structures
East	RE-10	RR-IBC	Residential/Single Family Residence and Accessory Structures
West	RA-20	NR	Residential/Single Family Residence and Accessory Structures

Discussion: The subject parcel is in a rural area of the County and is bounded on the west side by an approximately 40 acre parcel and on the south by an approximately 20 acre parcel. Parcels to the north and east of the project parcel are consistent with the acreage of the project parcel each

containing approximately ten acres. The requested non-commercial kennel would be incidental to the site's residential use and would not be incompatible with adjacent residential and agricultural parcels.

Potential Impact to the Neighborhood: This special use permit is being requested for a noncommercial kennel as the parcel owner has greater than four dogs on the premises. No commercial uses are being requested and the seven dogs on the site will not be used for breeding. No additional traffic will result from the project beyond the existing residential traffic occurring at this time. The seven dogs will live in the family residence and no kennel structure is proposed. No increase to noise levels is expected as the difference between the noise levels created by four dogs allowed by right and seven dogs should be less than significant.

General Plan:

The General Plan designates the subject site as Rural Residential-Important Biological Corridor. 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. This category is appropriate for lands that are characterized by steeper topography, high fire hazards, and limited or substandard access as well as "choice" agricultural soils. The Important Biological Corridor (-IBC) overlay shall be as set forth in Policy 7.4.2.9, which states *the Important Biological Corridor (-IBC) overlay shall apply to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors*. No development is proposed with this project and the requested increase from four to seven dogs would be considered an expansion of the residential use that would have little potential effect on wildlife movement. As shown on the project site plan, a fenced area would lessen this potential impact to wildlife movement by restricting the dogs to a portion of the project parcel that is adjacent to the residence. This special use permit can be found to be consistent with the Rural Residential land use designation and the Important Biological Corridor overlay.

Zoning:

The proposed project is specifically permitted with a special use permit in the Estate Residential Ten-Acre Zone District, pursuant to Section 1717.70.100.I. In order to approve the project, the approving authority must find that the project 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 Animal Services and as discussed above, staff finds that the project would not be detrimental to the public health, safety and welfare and would not be injurious to the neighborhood.

ENVIRONMENTAL REVIEW

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines consists of 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.. Pursuant to Resolution No. 240-93, a \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Map Page
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E	Site Plan
Exhibit F	Applicants Project Description

ATTACHMENT 1
CONDITIONS OF APPROVAL
File Number S08-0029
Crisp Dog Keeping
Zoning Administrator/December 15, 2010

1. The project, as approved, consists of the following:

This special use permit is based upon and limited to compliance with the project description, the exhibits marked Exhibit D 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.

Project Description: This Special Use Permit shall allow a non-commercial kennel with a maximum of seven dogs to be housed in the main residence as companion animals. No sales or breeding of dogs is allowed. No employees are allowed.

Planning Services

2. 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.

3. Prior to issuance of any permits or initiation of use, the applicant shall pay all Development Service fees.
4. Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.

El Dorado County Department of Public Health-Animal Services

5. A kennel license from Animal Services shall be obtained within 30 days from the date of approval of this special use permit.

ATTACHMENT 2

FINDINGS FOR APPROVAL

File Number S08-0029

Crisp Dog Keeping

Zoning Administrator/ December 15, 2010

1.0 CEQA FINDINGS

- 1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines which apply to 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. No development is proposed with this project and the requested increase from four to seven dogs would be considered an expansion of the residential use that would have no significant physical effects.
- 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 Division at 2850 Fairlane Court, Placerville, CA.

2.0 SPECIAL USE PERMIT FINDINGS

2.1 **The issuance of the permit is consistent with the General Plan;**

The proposed use would be consistent with the Rural Residential-Important Biological Corridor which establishes areas for residential and agricultural development. The requested special use permit for a non-commercial kennel to house seven dogs would be an expansion of the residential use and would be incidental to residential occupancy. No development is proposed with this project and the requested increase from four to seven dogs would be considered an expansion of the residential use that would have little potential effect on wildlife movement. As shown on the project site plan, a fenced area would lessen this potential impact to wildlife movement by restricting the dogs to a portion of the project parcel that is adjacent to the residence consistent with the intent of the Important Biological Corridor overlay.

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

The proposed non-commercial kennel would not generate excessive noise levels or other impacts that would be detrimental to the neighborhood. No traffic above the existing

residential traffic would result from this project as the dogs are being housed as personal companions. No commercial uses are proposed.

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

The application is a request for a special use permit for a noncommercial kennel as required by section 17.70.100.I of the RE-10 zone district and defined in Chapter 6.25 of the County code