

**S08-0017/Companion Animal Hospital (Applicant-requested Revocation)** - As approved by the Planning Commission on June 13, 2019

## **Findings**

Based on the review and analysis of this project by staff, and supported by discussion in the staff memorandum and evidence in the record, the following findings can be made:

### **1.0 CEQA FINDINGS**

- 1.1 The revocation of the Conditional Use Permit is Categorical Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines. Class 1 exemptions consist “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”. The revocation of the Conditional Use Permit is simply a project that removes the Conditional Use Permit requirements associated with the use of the commercial structure by the animal/veterinarian hospital because the use is now a permitted use within the Zone.
- 1.2 The documents and other materials that constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

### **2.0 GENERAL PLAN FINDINGS**

#### **2.1 The proposed use is consistent with General Plan Policy 2.2.1.2.**

The Commercial (C) land use designation provides a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County.

Rationale: The project will continue to provide a valuable commercial service to the residents, businesses, and visitors of El Dorado County through continuation of the existing veterinarian clinic/animal hospital use after removal of the Conditional Use Permit.

#### **2.2 The proposed use is consistent with General Plan Policy 2.5.2.2.**

Policy 2.5.2.2 states that all applications for discretionary projects or permits, including but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and Conditional Use Permits shall be reviewed to determine consistency with the policies of the General Plan.

Rationale: Review of General Plan policies applicable to revocation of Conditional Use Permit S08-0017 show that the continued use of the existing

veterinarian clinic/animal hospital business in the Commercial land use designation is consistent with the policies of the General Plan related to commercial uses.

### **3.0 ZONING FINDINGS**

#### **3.1 The proposed use is consistent with Title 130, Article 2, Table 130.22.020.**

The existing project site is located within the Community Commercial zoning designation.

Rationale: Table 130.22.020 identifies that Veterinary Clinic is an allowed use in the Community Commercial zone district.

#### **3.2 The project is consistent with Section 130.52.021.**

Section 130.52.021 specifies the applicability, review authority, and specific findings required to authorize a use permit based on any single use that triggers the need for the Conditional Use Permit.

Rationale: As discussed in the project background the veterinarian clinic/animal hospital use was established through the approval of a Conditional Use Permit by the Planning Commission on January 22, 2009 consistent with the provisions of Section 130.52.021.

#### **3.3 The project is consistent with Section 130.54.040.**

Section 130.54.040 specifies that any Conditional Use Permit granted in compliance with Chapters 130.51 and 130.52 shall be deemed to run with the land through any change of ownership of the subject site from the date of the effective permit.

Rationale: Since authorization of S08-0017 in 2009, the property has changed ownership and the Conditional Use Permit has continued to run with the land through the change of ownership consistent with the provisions of Section 130.54.040.

#### **3.4 The project is consistent with Section 130.54.090(A)(1) through (6).**

Section 130.54.090 specifies the procedures for revocation or modification of permits by the County, the appeal procedures in compliance with Section 130.52.090, and uses after revocation, when it is found that the permit has been violated, has lacked substantial compliance, or when the use is determined to be a public nuisance.

Rationale: Section 130.54.090(A)(1) identifies the procedures for revocation of previously approved permits or authorizations, including that the review

authority of original jurisdiction shall hold the public hearing to revoke the permit. The original Conditional Use Permit was authorized by the Planning Commission. Therefore, the proposed revocation is being heard by the Planning Commission consistent with Section 130.54.090(A)(1).

Sections 130.54.090(A)(2) and (3) identify that notice shall be provided to the owner of the property, and to the Applicant for the permit or approval if different from the property owner on which the use or structure authorized by the permit being considered for revocation, and that that notice shall be mailed through U.S. Postal Service, certified, first class, and postage paid, at least twelve days prior to the public hearing for permits being considered for revocation. Planning has notified both the owner of the property and the project Applicant consistent with the requirements of Sections 130.54.090(A)(2) and (3).

Section 130.54.090(A)(4) identifies the required findings that any one of must be made for any permit or authorization to be revoked or modified. The required findings are all associated with changes, misrepresentation by the Applicant, lack of compliance with conditions of approval, improvements in violation of applicable codes, laws, ordinances, etc., improvements or uses that have become detrimental to the public health, safety, or welfare; or the manner of operation constitutes and/or is creating a public nuisance. However, S08-0017 is in compliance with its authorization and the associated conditions of approval. The permit is not in violation or become detrimental to public health, safety, or welfare, nor has it become a public nuisance. Revocation of the Conditional Use Permit by the County at the request of the applicant is simply the only mechanism for which the permit may be revoked and the Applicant can proceed with the use as permitted in Table 130.22.020 (see Finding 3.1 above).

Section 130.54.090(A)(6) identifies that the County's action to revoke a permit or authorization shall have the effect of terminating it and denying the privileges granted by the original approval. The Applicant understands the revocation terminates privileges granted by the original approval. However, the use is now a permitted use and no additional privileges would be required to continue operating the use at the existing location.

### 3.5 **The project is consistent with Section 130.54.090(B).**

Section 130.54.090(B) identifies that any permit revoked by the review authority may be appealed in compliance with Section 130.52.090.

Rationale: The decision by the Planning Commission is appealable to the Board of Supervisors consistent with Section 130.54.090(B)

**3.6 The project is consistent with Section 130.54.090(C).**

Section 130.54.090(C) specifies the when an approved permit or authorization has been revoked, no further development or use of the property authorized by the revocation shall be continued, except in compliance with the approval of a new permit or authorization required by this Title.

Rationale: On February 15, 2019 the Applicant's contractor submitted a building permit (BP #0307092) for the expansion of the Companion Animal Hospital into Suite E. Subsequent to the revocation of the Conditional Use Permit the authorization of the expansion of the existing veterinarian clinic/animal hospital will be authorized through issuance and finalization of the building permit.