

Findings

1.0 CEQA FINDINGS

- 1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines. As no new structures are proposed and there will be a negligible expansion of an existing use, this project would not have a significant impact to the environment. A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.
- 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 Development Services Division at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan policy 2.2.1.2.

The Low-Density Residential (LDR) land use designation establishes areas intended for single-family residential development in a rural setting. In rural regions, this designation is to provide a transition from Community regions and rural centers into the agricultural, timber, and more rural areas of the county.

Rationale: The El Dorado County General Plan designates the subject site as Low-Density Residential, and is located adjacent to, but outside of, the Shingle Springs Community Region. Other large-lot residential lots, rural land, and agricultural land are located further to the south of the site. The site is proposed for use as a private kennel for up to 12 dogs, along with a private residence. This use is consistent with the intent of the Low-Density Residential land use designation.

2.2 The project is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The site contains existing residential development surrounded by other large-lot single-family residences to the north, west, and south, and industrial land to the east. Across Shingle Lime Mine Road to the East of the site is Barnett Business Park. The parcel is located in the Rural Region south of Cameron Park. An environmental noise study conducted by J.C. Brennan and Associates measured 24-hour noise and short-term noise at several points at the perimeter of the site. The buildings and yards

currently exist on site, and no additions or changes to the site or building are proposed. Conditions of approval limiting the number of dogs and use of the outdoor areas are included to avoid noise disturbances and maintain character of the neighborhood.

2.3 The project is consistent with General Plan Policy 5.1.2.1.

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: The site currently is served by adequate public services and utilities, and no increase in services would be required as a result of the accessory use of the site as a private kennel. There are no employees needed for this use. The project would not generate a substantial increase in solid waste, however, the project would be required to comply with county recycling standards.

2.4 The project is consistent with General Plan Policy 5.2.1.2.

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The site is currently served by El Dorado County Fire Protection District for fire protection. No comments or concerns about the project were provided by this agency. The site is served by both a private well and public water provided by EID, and a septic system. No additional water or sewer would be needed for this project. The project does not include any proposed new construction.

2.5 The project is consistent with General Plan Policy 6.2.3.2.

Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: The Transportation Division and Long Range Planning Division reviewed the application materials and site plan for adequate access for emergencies. The project was required to address the adequacy of vehicle parking for anticipated demand, vehicle types, and zoning requirements. It was determined that a traffic study was not required. Also, the roads serving the development are rural in nature and would be able to accommodate any added traffic without resulting in changes to the level of service. No additional site access or improvements to the existing roads are required. The project is in compliance with the General Plan Policy.

2.6 The project is consistent with General Plan Policy 6.5.1.7.

Policy 6.5.1.7, Noise Standards, requires 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.

Rationale: The noise produced as a result of this project would comply with the standards in the General Plan for Rural Regions. Noise will result from occasional dog barking. An environmental noise study conducted by J.C. Brennan and Associates measured 24-hour noise and short-term noise at several points at the perimeter of the site. Noise measurements were taken from several locations at the perimeter of the property between 3:00 p.m. and 5:00 p.m., when eight dogs were outdoors and at play at four separate locations. The measurements include all noise sources, including those associated with the Comroe Dog Kennel, Highway 50, local roadway traffic and neighborhood dogs. The average noise level measured between 44 and 49 dBA Leq range, and the maximum noise level measured at 54 to 67 dBA.

The study concludes that because the other noise sources such as aircraft overflights, roadway traffic and neighborhood dogs account for the majority of the background hourly Leq noise levels noise in the vicinity of the project, hourly Leq values due to the Comroe Kennel are a minimum of 3 dB less than the measured noise levels. Based upon the noise level measurements and the field observations, the Comroe Dog Kennel will result in hourly noise levels of less than 43 dB Leq, and 50 dB Lmax, which complies with the Daytime standard of 50 dB Leq, and 60 dB Lmax, as well as the evening standard of 45 dB Leq, and 55 dB Lmax. A condition limiting the times that the dogs will have access to the outdoors will ensure that the noise levels comply with those required at night (10 p.m. to 7 a.m.) for Rural Regions. For the purposes of compliance with noise policies and the required license for noncommercial kennels, all dogs shall remain within the single family dwelling or the kennel building as shown in Exhibit G, between the hours of 9 p.m. and 7 a.m. As conditioned, the project would not add excessive noise levels. The proposed project will not expose people to noise levels in excess of standards established in the General Plan.

3.0 ZONING FINDINGS

3.1 The project is consistent with Title 130.

The Residential Estate (RE) zone is to provide for the orderly development of land having sufficient space and natural conditions compatible to residential and accessory agricultural and horticultural pursuits and provide for the protection from encroachment of unrelated uses tending to have adverse effects on the development of the areas so designated.

Rationale: The parcel is zoned Residential Estate Five-Acre (RE-5). Section 130.28.200 establishes those uses that require Planning Commission approval of a Special Use Permit in the RE-5 zone district. Kennels are specifically permitted by Special Use Permit.

Private Kennels are defined as the keeping of five or more live domestic dogs or cats of at least four months of age in any building(s) or land designed or arranged for the care of dogs and cats belonging to the property owner that are kept for personal purposes of show, hunting, working, or as pets. The applicant requests a Special Use Permit in order to operate a non-commercial kennel for up to 12 dogs to be housed within an existing residential lot. The kennel building currently exists and no construction is proposed for the site. This use does not include indoor and outdoor boarding of dogs, cats, and similar small animals, or dog training centers. The number of dogs would be limited to no more than 12 at one time, and would not involve the need for any employees to manage or maintain the kennel. A club meeting no more than once per year of up to 20 people is also proposed. The building and outdoor areas are existing, and no changes are proposed.

4.0 SPECIAL USE PERMIT FINDINGS

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

Rationale: As discussed above in Section 2.0, General Plan Findings, the Special Use Permit is consistent with the applicable policies and requirements in the El Dorado County General Plan.

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

Rationale: The use will not significantly conflict with surrounding uses. The proposed use will comply with the Development Standards of the RE-5 zone district, including setbacks or building dimensions. The proposed use is consistent with the surrounding land uses which include large lot single family residences. The project is not expected to result in any changes to the current use or condition of the site. As conditioned, the project is not anticipated to result in significant environmental, visual, or noise impacts to the surrounding residents. After review of the submitted information and with consultation from concerned agencies, staff has determined that, as proposed, the project would not change the residential character of the premises or adversely affect the other uses permitted in a residential area.

4.3 The proposed use is specifically permitted by Special Use Permit.

Rationale: Kennels are specifically permitted in the RE-5 zone by Special Use Permit pursuant to Section 130.28.200 and 6.04.020 of the County code. The applicant has submitted an application for a use permit to be reviewed by and subject to the approval of the Planning Commission.