

Findings

1.0 CEQA FINDINGS

- 1.1 Conditional Use Permit (CUP) CUP23-0001 has been found Categorically Exempt pursuant to Section 15303, New Construction and Conversion of Small Structures, of the California Environmental Quality Act (CEQA) Guidelines. The proposed use would result in no expansion of and would not require substantial exterior modifications to the existing structures on site.
- 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 Planning and Building Department, Planning 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.

General Plan Policy 2.2.1.2 identifies that the purpose of the Rural Residential (RR) land use designation establishes areas for residential and agricultural development. Lands designated as RR can be located only in the Rural Regions.

Rationale: Operation of a kennel is consistent with this policy with the issuance of a CUP. This project does not propose any changes to the land use designation applied to the site. Therefore, the proposed project is compatible with the land use designation.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

This policy requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.

Rationale: Staff has prepared this section on General Plan findings to document the project's consistency with the policies of the General Plan.

2.3 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 project site is developed with one (1) residence, a detached garage, and an in-ground pool. The adjoining properties are similarly zoned and mostly developed as residential properties. No land use conflicts are anticipated as the kennel use would be conducted entirely within existing structures. Therefore, the project has been located and designed to be compatible with adjoining land uses.

2.4 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 existing garage on site would include the kennel use. No change in the use of water, sewer, and or electrical services is proposed beyond what is currently being utilized on the project site. Therefore, the project will not result in impacts to utility services.

2.5 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 current project includes the added kennel use which will not result in a substantially increased need for water or fire protection services. The project is consistent with this Policy.

2.6 The project is consistent with General Plan Policy 5.7.1.1.

General Plan Policy 5.7.1.1 (Fire Protection in Rural Regions and Rural Centers) requires the applicant to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection would be provided concurrent with development.

Rationale: El Dorado County Fire Protection District currently provides fire protection service to the project site. There will be no changes to the current site water supply, storage, conveyance, or site access. Therefore, the site will remain in compliance with this Policy.

2.7 The project is consistent with General Plan Policy 6.2.3.2.

Policy 6.2.3.2 (Adequate Access for Emergencies) requires 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: There will be no changes to site access as all changes proposed would result in interior renovations only. Therefore, the project is consistent with this Policy.

2.8 The project is consistent with General Plan Policy 8.1.3.5.

Policy 8.1.3.5 requires that agricultural parcels larger than 10 acres must have the Agricultural Commission consider and make a recommendation on the agricultural use of the parcel, or whether the request will diminish or impair the existing or potential use prior to any discretionary permit being approved

Rationale: While parcel is zoned RL-10, it is only five acres, and this finding would not be applicable. However, it has been sent to the Agricultural Commission on August 13th, 2025, for review. The project is consistent with this policy.

2.9 The project is consistent with General Plan Policy 8.1.4.1.

Policy 8.1.4.1 requires the Agricultural Commission to review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and
- B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and
- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

Rationale: This project was presented and reviewed by the Agricultural Commission on August 13th, 2025. The Agricultural Commission recommended that the project be approved and commented that the project would not impact existing or potential agricultural uses. The project is consistent with this policy.

3.0 ZONING FINDINGS

3.1 The project is consistent with Section 130.21.030.

Section 130.21.030 (Agricultural, Rural, and Resource Zone Development Standards) prescribes site-specific development standards for new lots, allowed uses and associated structures within the Rural Lands – 10 Acres (RL-10) zone district.

Rationale: The proposed operation of a kennel is allowed within the RL-10 zoning designation with approval of a CUP.

4.0 CONDITIONAL USE FINDINGS

4.1 The project is consistent with the General Plan.

Rationale: As discussed in Finding 2.2.5.2, this project is consistent with the policies of 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: As discussed within the General Plan Findings section above, the proposed use would not result in adverse impacts to services in the area. Furthermore, the project would not result in additional development, nor the allowance of a use not allowed within the zone. Pursuant to Exhibit F, the project would comply with County Noise Standards.

4.3 The proposed use is specifically allowed by a Conditional Use Permit pursuant to this Title.

Rationale: The proposed kennel use is specifically allowed in the RL-10 zone with approval of a CUP. This is pursuant to Zoning Ordinance 130.21.020 as it is a commercial kennel.

Conditions of Approval

1. This Conditional Use Permit (CUP) is based upon and limited to compliance with the project description, Conditions of Approval set forth below, and the hearing exhibits marked:

Exhibit ESite Plan Including Interior Photos

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 would constitute a violation of permit approval.

The project description is as follows:

The proposed project includes a CUP request for the operation of a small home-based kennel and dog training business consisting of up to five (5) dogs at a time. The home-based business would not include retail sales or other drop-in business. This entitlement scope includes only a use with no additional site development. The project also allows up to four domestic dogs of at least four months of age owned by the owner under the scope of a non-commercial, Private Kennel that is allowable by right.

The proposed use would include three (3) large kennels, all located in the garage in the center of the parcel. Dimensions of the three (3) kennels are as follows:

- 8-foot by 8-foot
- 8-foot by 6-foot
- 8-foot by 10-foot

Operation of a kennel is an allowed use in the Rural Lands – 10 Acres (RL-10) zone with the issuance of a CUP. No expansion of or addition to site developments are proposed as part of this project. Additionally, no signs, landscaping, parking, or exterior lighting are being proposed as part of this project. Further, a kennel use must follow El Dorado County Title 6 regarding animals and requires the acquisition of a business license subject to review by the County Tax Collector's Department.

The development, use, and maintenance of the property, the size, shape, and the protection and preservation of resources shall conform to the project description and the hearing exhibits above 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.

The applicant is requesting up to five (5) dogs at one time, fitting the definition of Commercial Kennel. This would not preclude the applicant from having an additional four

(4) non-commercial dogs of their own, as a Private Kennel is allowed in this zone by right as per Zoning Ordinance 130.21.020.

Planning Division

2. **Permit Implementation:** In Compliance with County Code Section 130.54.060 (Time Limits, Extensions, and Permit Expiration), implementation of the project must occur within 24 months of approval of this CUP, or 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. **Indemnity:** 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 landowner 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 CUP.

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

4. **Change in Ownership:** In the event of any change of ownership of the subject parcel (Assessor's Parcel Number [APN]: 089-070-029) or any change in primary or accessory use, it is the responsibility of the future property owners to ensure all changes are consistent with this CUP, the El Dorado County General Plan, Zoning Ordinance, and all applicable standards in place at such time.
5. **Days of Operation:** There shall be no on-site sales. All sales shall be conducted online, and transfer of cat(s) and/or dog(s) and any associated items shall be handled off-site. Cat and dog support services required for the health and safety of the pets may be conducted on site and can include the presence of employees not living on site.
6. **Business License:** Prior to operation of the kennel business, a business license must be acquired. This will require coordination with and review by the County's Tax Collector's Department.

Air Quality Management District (AQMD)

7. **Fugitive Dust:** A Fugitive Dust Mitigation Plan (FDP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of any construction. If during the course of the project a grading permit is required from the Building Division, dust control measures shall comply with the requirements of AQMD Rule 223, Fugitive Dust – General Requirements and Rule 223.1 – Construction, Bulk Material Handling, Blasting, Other Earthmoving Activities and Trackout Prevention.
8. **Construction Emissions:** During any construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall follow the California Air Resources Board (CARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (Section 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). Questions on applicability should be directed to CARB at 1.866.634.3735. CARB is responsible for enforcement of this regulation.
9. **Paving:** Road construction shall adhere to AQMD Rule 224, Cutback and Emulsified Asphalt Paving Materials.
10. **Painting/Coating:** The application of architectural coating shall adhere to AQMD Rule 215 Architectural Coatings.
11. **Odors:** Odors that may result from the kennel operations shall comply with AQMD Rule 205. It shall be a nuisance when animal waste is allowed to accumulate and creates an obnoxious smell impacting any neighboring property. Therefore, animal waste must be maintained such that no obnoxious odors would occur.
12. **Open Burning:** Burning of wastes that result from “Land Development Clearing” must be permitted through the AQMD. Only dry vegetative waste materials originating from the property may be disposed of using an open outdoor fire (Rule 300 Open Burning).
13. **New Point Source:** Prior to construction/installation of any new point/stationary source emissions units (e.g., emergency standby engine greater than 50 horsepower, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emissions estimates (Rule 501 and 523).
14. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with CARB. A copy of the current portable equipment registration shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, and daily hours of operations of each piece of equipment.

Animal Services

15. **Commercial Animal Establishments:** Commercial animal establishments, including both dog breeding and cat breeding uses, are required to comply with El Dorado County Code, Title 6 – Animals. Title 6 requires dog and cat breeding business allow annual inspection of the premises by Animal Services and the maintenance of an active business license through the duration of all commercial activities. Animal Services has determined that the site may not, at any given time, house more than eight (8) adult cats along with an average of eight (8) kittens as well as not more than nine (9) adult dogs along with an average of 10 puppies.