

**COUNTY OF EL DORADO PLANNING AND BUILDING
DEPARTMENT**



**PLANNING COMMISSION
STAFF REPORT**

Agenda of: January 23, 2020

Staff: Tom Purciel

CONDITIONAL USE PERMIT

FILE NUMBER: CUP19-0004/Kelli's Love For Labs Dog Kennel

PROPERTY

OWNER/APPLICANT: Kelli Dragony

REQUEST: A Conditional Use Permit to allow the operation of a private dog kennel for up to 10 Labrador Retriever dogs as an expanded home occupation.

LOCATION: On the southwest side of Newtown Road approximately one mile northwest of the intersection with Fort Jim Road in the Placerville area, Supervisorial District 3. (Exhibits A, B & C)

APN: 077-040-011 (Exhibit D)

ACREAGE: 5.36 acres

GENERAL PLAN: Low Density Residential (LDR) (Exhibit E)

ZONING: Residential Estate, 5-Acre (RE-5) (Exhibit F)

ENVIRONMENTAL DOCUMENT: Categorically Exempt Pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Find the project Exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small Structures); and

2. Approve Conditional Use Permit CUP19-0004 based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Approval of Conditional Use Permit CUP19-0004 would allow the operation of private dog kennel, as an expanded home occupation, for purposes of keeping and breeding the property owner's AKC-registered Labrador Retriever dogs, and sale of puppies under four months of age. There would be a maximum of 10 adult dogs on site. Dogs would be secured in a fenced, approximately 60' x 100' outdoor dog run with no climb fencing during daylight hours and housed indoors in portions of an existing residence and attached garage between the hours of 7:00 pm and 7:00 am daily. Customers for puppy sales would be by appointment only on weekdays between the hours of 11:00 am and 7:00 pm. Puppy sales would be limited to no more than six months per calendar year. There would be up to two employees on site. No signs are proposed as part of the project. The project will be consistent with all applicable Zoning regulations and General Plan policies.

OTHER PROJECT CONSIDERATIONS

Noise: Noise from barking dogs associated with kennel operations has historically been a significant public concern throughout the unincorporated County. As noted in Zoning Ordinance Section 130.37.050 (Acoustic Analysis Requirements), an acoustic analysis, prepared by an acoustic specialist, shall be required prior to discretionary permit approval when new noise generating uses could potentially exceed the noise limits found in Table 130.37.060.1 (Noise Level Performance Standards for Noise Sensitive Land Uses Affected by Non-Transportation Sources). Due to potential noise conflicts associated with the project, an Environmental Noise Assessment was completed on April 25, 2019 by Saxelby Acoustics (Exhibit H). The noise assessment found that daytime dog barking (7:00am to 7:00 pm) would not exceed the limits in Table 130.37.060.1. However, the assessment also found that night and evening dog barking (between 7:00 pm and 7:00 am) could potentially exceed required thresholds, and therefore, recommended the outdoor dog run be used during daytime hours only. To ensure compliance with noise limits during night time hours, this restriction has been included in the project description.

ENVIRONMENTAL SETTING

The project parcel is located in the west-central portion of El Dorado County on the southwest side of Newtown Road, a County-maintained roadway, approximately one mile northwest of the intersection with Fort Jim Road in the Placerville area (Exhibit B). The parcel elevation is approximately 2,300 feet above sea level. The requested kennel site is located in the north central portion of the project parcel, approximately 60 feet from the southwest edge of Newtown Road. Access to the site is via an existing gravel driveway from the southwest side of Newtown Road. The site consists of a flat, previously disturbed building pad adjacent to and behind the existing residence and attached garage. The site is located approximately 50' to 75' from the north bank

of the South Fork of Weber Creek, a perennial stream. Review of current FEMA flood zone maps shows the project site is designated as Flood Zone "X" (not located in a mapped flood zone, floodplain or regulatory floodway). Therefore, significant stream flooding is not expected to occur in this area. The site is surrounded by a combination of mixed conifer/black oak woodland and scattered landscape trees. No oak trees are proposed to be impacted by the project and no ground disturbance or new construction is proposed. Existing uses include a single-family residence and attached garage, permitted in 1975, several minor residential accessory structures and an approximately 60' x 100' fenced animal enclosure.

The project parcel is surrounded by residentially-zoned parcels (Refer to the Zoning Map, Exhibit F). However, there are no existing residences within close proximity to the project site. The closest residences are located approximately 500 feet to the northwest and 600 feet to the southwest of the project parcel (Refer to the site aerial photo, Exhibit C).

PROJECT DESCRIPTION

The proposed conditional use permit is for a private dog kennel, operated as an expanded home occupation, for purposes of keeping and breeding the property owner's AKC-registered Labrador Retriever dogs, and sale of puppies under four months of age. There would be a maximum of 10 adult dogs on site. Dogs would be secured in a fenced, approximately 60' x 100' outdoor dog run with no climb fencing during daylight hours and housed indoors in portions of an existing residence and attached garage between the hours of 7:00 pm and 7:00 am daily. All dogs will be exercised twice daily for 30-60 minutes. Water for the facility would be provided by an existing domestic well and dog waste would be collected and stored in waste containers for weekly pickup by El Dorado Disposal. Customers for puppy sales would be limited to appointments only on weekdays between the hours of 11:00 am and 7:00 pm. Puppy sales would be limited to no more than six months per calendar year. There would be up to two employees on site to assist the property owner with business administration, care and feeding of the dogs. No oak trees will be removed and no ground disturbance, new construction or signs are proposed as part of the project.

If approved, prior to operation, the applicant would be required to obtain an appropriate kennel license from the County Animal Services Division and a County business license from the Treasurer-Tax Collector's office. Access to the project site would be from Newtown Road, a County-maintained roadway, via a private residential driveway. To ensure adequate vehicular and emergency vehicle access is available at the project site, the applicant would be required to obtain a DOT encroachment permit and pave the existing residential driveway encroachment consistent with Standard Plan 103C (with modifications for existing driveway alignment) within one year of project approval.

STAFF ANALYSIS

Environmental Review: Staff reviewed the project and found it exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines applying to new construction or conversion of small structures from one use to another where only minor modifications are made in the exterior of

the structure. Specific examples of new or converted structures under this exemption include but are not limited to single-family residences, garages, carports, patios and fences.

General Plan Consistency: Staff has reviewed the project for consistency with all applicable General Plan policies including Policy 2.2.1.2 (appropriate land use types and density), Policy 5.1.2.1 (adequacy of public services and utilities), Policy 5.1.2.2 (adequate public services for new discretionary development), Policy 5.7.2.1 (adequate fire protection services), Policy 6.2.3.2 (adequate emergency access) and Policy 7.4.4.4 (impacts to oak resources). Staff has determined that the project is consistent with these policies and related requirements in the El Dorado County General Plan, as discussed in more detail in Section 2.0 of the Findings.

Zoning Ordinance Consistency: Staff has determined that the project is consistent with applicable regulations and requirements in Title 130 of the County Ordinance Code, including the Conditional Use Permit requirement for a private kennel (Table 130.24.020 – Residential Zone Use Matrix), Chapter 140.40.160 (Home Occupations), Chapter 130.37 (Noise Standards), and the definition of “(Dog) Kennel, Private” (Chapter 130.80 – Glossary). For details, please refer to the discussion in Section 3.0 of the Findings.

Public and Agency Comments: The project was distributed to all applicable public agencies and organizations for review and comment including the County Department of Transportation (DOT), the County Environmental Management Department (EMD), the County Animal Services Division, the County Stormwater Unit, the County Fire Protection District and the El Dorado Disposal waste management company. Of these agencies and organizations notified of the project, comments were received from DOT, EMD and the Animal Services Division. None of these agencies had any significant issues or concerns regarding the project and recommended standard conditions of approval to ensure the project will comply with their respective regulations. To date, no public comments have been submitted for the project.

Public Outreach: No formal public outreach was conducted, and a public outreach plan was not required for this project pursuant to the County Zoning Ordinance. However, the project was duly noticed for a Planning Commission public hearing with a public notification range of 1,000 feet and legal advertisement was published in applicable local newspapers. In addition, project notification was also sent to the County's Planning Commission email subscription list and posted on the Planning Services Planning Commission webpage. No physical sign posting is required for Conditional Use Permits.

Conditions of Approval: The project was distributed to six applicable agencies and organizations for review and comment. Of those agencies and organizations, only three (DOT, EMD and Animal Services) submitted comments, however, none of these agencies expressed significant issues or concerns regarding the project. DOT, EMD and Animal Services recommended standard conditions of approval which have been incorporated into the project as Conditions No. 5 (DOT), No. 6 (EMD) and No. 7 (Animal Services).

SUPPORT INFORMATION

Attachments to Staff Report:

Findings
Conditions of Approval

Exhibit A.....Vicinity Map
Exhibit B.....Location Map
Exhibit C.....Site Aerial Photo
Exhibit D.....Assessor's Parcel Map
Exhibit E.....General Plan Land Use Map
Exhibit F.....Zoning Map
Exhibit G.....Site Plan
Exhibit H.....Environmental Noise Assessment by Saxelby
Acoustics, April 25, 2019