

**CUP19-0004/Kelli's Love For Labs Dog Kennel** – As approved by the Planning Commission on January 23, 2020

**Findings**

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

**1.0 CEQA FINDINGS**

- 1.1 CUP19-0004 has been found categorically exempt 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.
- 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 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.**

General Plan Policy 2.2.1.2 establishes an appropriate range of land use types and densities within the County. The Low-Density Residential (LDR) land use designation establishes areas suitable for single-family residential development in a rural setting. The LDR designation establishes minimum parcel sizes of 5.0 to 10.0 acres.

Rationale: The project has an LDR General Plan Land Use Designation. The project site is 5.36 acres in size and surrounded by similarly sized large-lot residential parcels. As proposed and conditioned, the project will be compatible with the existing landscape and surrounding residential uses, and therefore, consistent with this policy.

**2.2 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 project was reviewed by the County Department of Transportation, the County Environmental Management Department and the El Dorado Disposal waste management company for adequate public services and utilities. All three agencies/organizations deemed public services and utilities adequate to serve the project, as there would be adequate water, waste disposal and access available for the project's needs. Electric service is currently provided to the

project parcel by Pacific Gas and Electric and there would be no change to existing electric service as part of the project. As proposed and conditioned, the project is consistent with this policy.

**2.3 The project is consistent with General Plan Policy 5.1.2.2.**

General Plan Policy 5.1.2.2 requires adequate levels of public services be provided to new discretionary development, including quantity and quality of water and adequate fire protection services.

Rationale: The project was distributed to affected public service agencies and organizations serving the project parcel including the El Dorado County Fire Protection District, the County Department of Transportation (DOT), the County Environmental Management Department (EMD) and the El Dorado Disposal waste management company. These agencies/organizations reviewed the project and determined adequate public services will be available to serve the project. To ensure transportation, water and waste disposal services, including liquid waste, continue to be adequate in perpetuity, the County DOT and EMD recommended standard conditions of approval which have been incorporated into the project.

**2.4 The project is consistent with General Plan Policy 5.7.2.1.**

General Plan Policy 5.7.2.1 requires the responsible fire protection district review all applications to determine the ability of the district to provide required services and to ensure services will not be reduced below acceptable levels.

Rationale: The project was distributed to the El Dorado County Fire Protection District (District) for review. After reviewing the project plans, the District determined the project would not affect the District's ability to provide required fire services to the project parcel, and therefore, did not submit any comments or concerns regarding this project. Therefore, the project is consistent with this policy.

**2.5 The project is consistent with General Plan Policy 6.2.3.2.**

General Plan 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 project was reviewed by the El Dorado County Transportation Department (DOT) and the El Dorado County Fire Protection District and both agencies determined the project site has adequate capacity for emergency vehicle access. Further, to ensure emergency vehicle access is developed and maintained in perpetuity, DOT recommended an encroachment permit be

required to pave the existing driveway and modify its alignment to better accommodate emergency vehicles. This requirement has been incorporated as (DOT) Condition of Approval No. 4.

**2.6 The project is consistent with General Plan Policy 7.4.4.4.**

General Plan Policy 7.4.4.4 requires all new non-exempt development projects that would result in impacts to oak resources be mitigated in accordance to the standards of the Oak Resources Management Plan (ORMP).

Rationale: No oak trees will be removed or impacted as part of the project.

**3.0 ZONING FINDINGS**

**3.1 The project is consistent with allowed uses in the RE-5 Zone (Table 130.24.020 - Residential Zone Use Matrix).**

Table 130.24.020 lists uses allowed within each of the residential zones. For listed uses, this table also indicates whether a use is allowed by right ("P"), or by Conditional Use Permit ("CUP") or other planning permit.

Rationale: For the RE-5 zone, a private kennel is allowed by CUP, and therefore this CUP request is consistent with Table 130.24.020.

**3.2 The project is consistent with Chapter 130.40.160 (Home Occupations).**

The project will be operated as an expanded home occupation and is subject to the regulations of Chapter 130.40.160. This chapter regulates home occupations to minimize conflicts with adjacent property owners, maintain the residential character or neighborhoods and protect the public health, safety and welfare. Accordingly, staff reviewed the project for consistency with applicable home occupation regulations under Chapter 130.40.160, including Table 130.40.160.1 (Home Occupation Use Matrix), Section 130.40.160.C ([Home Occupation] Standards) and Table 130.40.160.2 (Home Occupation Employee Limits).

Rationale: Operation of the proposed private dog kennel will be consistent with the allowed uses, development standards and employee limits of Chapter 130.40.160 as shown below:

- A. **Consistent with Table 130.40.160.1 (Home Occupation Use Matrix):** A home occupation, when in compliance with the applicable standards in Section 130.40.160.C, is an allowed use in the RE-5 zone.
- B. **Consistent with Section 130.40.160.C ([Home Occupation] Standards):** Business operations would be conducted primarily within the main residence and attached garage, with customers by appointment

only during specified hours of operation. No student instruction, additional structures, special equipment, commercial vehicles, goods or equipment will be used on site.

- C. **Consistent with Table 130.40.160.2 (Home Occupation Employee Limits):** The number of home occupation employees may be either one (1) or two (2) based on parcel size and zone. For the project parcel, zoned RE-5 and with over five acres, two employees are allowed.

### 3.3 **The project is consistent with Chapter 130.37 (Noise Standards).**

Chapter 130.37 prescribes noise standards and thresholds applicable to all discretionary planning permits to ensure new noise generating uses adjacent to sensitive receptors (noise-sensitive land uses) do not cause noise levels exceeding required thresholds.

Rationale: An Environmental Noise Assessment was completed on April 25, 2019 by Saxelby Acoustics (Exhibit H) and found that daytime dog barking (7:00am to 7:00 pm) would not exceed the noise thresholds in Table 130.37.060.1 (Noise Level Performance Standards for Noise Sensitive Land Uses Affected by Non-Transportation Sources). However, the assessment also found that night and evening dog barking (between 7:00 pm and 7:00 am) could potentially cause noise in excess of the thresholds of Table 130.37.060.1, and recommended the outdoor dog run be used during daytime hours only. To ensure night time noise would remain below the thresholds shown in Table 130.37.060.1, this restriction has been included in the project description.

### 3.4 **The project is consistent with the definition of “(Dog) Kennel, Private” (Chapter 130.80-Glossary).**

Chapter 130.80 (Glossary) defines “**kennel**” as “The keeping of five or more live domestic dogs or cats of at least four months of age”, under two categories: either “commercial” or “private”. A “**private**” kennel is defined as “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”.

Rationale: The project is consistent with the above definitions for private kennels. All dogs will belong to the property owner and be kept for personal purposes as described in the definition. While puppies less than 4 months of age may be temporarily housed at the facility, puppies are not regulated for purposes of zoning regulations as described in the above kennel definition.

## 4.0 **CONDITIONAL USE PERMIT FINDINGS**

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

The proposed use is consistent with the policies and requirements in the General Plan as discussed in the General Plan section of the Staff Report. The proposed use is consistent with all applicable policies as set forth in Finding 2.0 above.

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

The proposed use will not conflict with adjacent residential and agricultural uses. As proposed and conditioned, the project will be compatible with the residential and agricultural character of the neighborhood and has been planned to minimize conflicts with adjacent property owners. With the exception of daytime use of the proposed outdoor dog run, all other uses would take place within the property owner's current residence and attached garage. The outdoor dog run would be located in the center of a 5.0-acre parcel and would be screened from view by a combination of surrounding forest, the existing residence and landscape trees. Dog waste would be cleaned on a regular basis and the facility would be licensed and inspected on a regular basis as required by the Animal Services Division. As proposed and conditioned, the proposed use would not be detrimental to public health, safety and welfare, and therefore, Finding 4.2 can be made.

**4.3 The proposed use is specifically permitted by Conditional Use Permit.**

A private kennel is listed as a use allowed by Conditional Use Permit for the RE-5 zone under Zoning Ordinance Section 130.24.020 (Matrix of Allowed Uses). Therefore, Finding 4.3 can be made.