

July 30, 2003

To: Sutter County Planning Commission

Re: Agenda Item #7: Public hearing for extension of Use Permit #02-15 to allow a kennel facility for abandoned Golden Retriever dogs; AG (General Agricultural) District; located at 7495 Natomas Road, Elverta; A. P. #35-170-080; applicant - Homeward Bound Golden Retriever Rescue and Sanctuary/property owner - Norma J. Latham (Location: District 5 - Commissioner Shannon)

Current Proposal

A. Project Description:

The Planning Commission approved a use permit for a Golden Retriever rescue animal shelter kennel for up to 25 dogs at its August 7, 2002. The permit was issued for a one year period, subject to extension by the Commission. Due to the one-year time limit being reached, the project is being brought back to the Commission to consider extension of the permit.

B. Environmental Consideration:

The Planning Commission adopted a mitigated negative declaration for the project at its August 7, 2002, public hearing. Twelve mitigation measures were adopted in order to reduce anticipated impacts to a less than significant level. A Notice of Determination was filed with the County Clerk on August 12, 2002.

Background

A. Property Description:

The 8-acre parcel is developed with a single family dwelling and a 3,360 square foot shop building that has been modified for use as a kennel. The property contains two on-site septic systems and one well. Three fenced exercise areas for the dogs have been constructed on the property. A 6-foot high solid wood fence has been constructed along the south property line to separate and screen the kennel activities from neighboring residences to the south.

B. Surrounding Land Use, Zoning District and General Plan Designation:

	Use	Zoning	General Plan
Subject Property	Residential/ kennel	AG	Industrial/Commercial Reserve
North	Agricultural	SSCI	Industrial/Commercial Reserve
East	Agricultural	AG	Industrial/Commercial Reserve
South	Agricultural/ residential	AG/SSCI	Industrial/Commercial Reserve
West	Agricultural	SSCI	Industrial/Commercial Reserve

C. Previous Commission Actions and/or Policies:

A review of County records indicates that the County has approved a total of 13 prior use permits for kennels. Staff does not have current information to substantiate how many of these kennels are still active.

A use permit for a caretaker mobile home was approved for this property on March 15, 1989, Use Permit #1578. That mobile home was relocated onto an adjacent parcel to the south so that the kennel could utilize the septic system that the mobile home had previously used.

Staff Comments

A. Planning Division (P):

Homeward Bound has been operating with a use permit for one year. Over that period, they have converted a metal barn into a kennel, constructed a solid fence along the south property line, constructed fenced outdoor exercise areas for the animals, installed landscaping and recently graveled their driveway and parking areas.

During that period, planning staff has conducted ten unannounced site inspections of the property to evaluate compliance with the adopted conditions and mitigations. There have been no inspections where the 25 dog limit was exceeded (Condition 32).

Staff has received occasional telephone inquiries and/or complaints from people living in the area. Complaints have ranged from the amount of traffic being generated, lighting impacts, dogs getting loose and the operators not abiding by the project’s restricted hours of operation.

When issues have arisen, they have been discussed with the applicants on a case by case basis and it is staff’s belief that concerns have been addressed in a timely fashion.

The applicants have requested a minor reconfiguration of the location and size of the outdoor exercise areas. The large exercise area located on the north side of the property has been reduced in size by 0.42 acre. In exchange, a new exercise area is proposed along the north side of the kennel sized 0.22 acre. The affect will be a reduction in the size of outdoor exercise areas by 0.2 acre, or 8,973 square feet. Staff believes this modification is minor in nature and will not intensify the use or result in any new impacts.

Due to the kennel facility only now nearing completion, it is staff’s recommendation that the use permit be extended for another one year period. If the kennel operators can demonstrate compliance

with the adopted conditions while operating the completed kennel facility over the next year, staff may recommend a longer period of time between reviews in the future.

Recommended Findings

Based upon information contained in the staff report and/or testimony received at the public hearing, the Planning Commission finds:

- A. There has been no material change in the project since the use permit was approved on August 7, 2002.
- B. The continued maintenance and operation of the kennel will not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the kennel, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
- C. The kennel project continues to be consistent with the General Plan.
- D. The reconfigured outdoor exercise area is minor in nature and consistent with the character of the existing use and will not result in an increase in the intensity of the use of the site.

Recommended Action

- A. Make the findings as recommended by staff.
- B. Amend Condition 27 to read as follows:
 - 27. The use permit shall be extended for a term period not exceeding one year (until August 4, 2004), subject to further extension by the Planning Commission. (P)
- C. Extend Use Permit #02-15, including all other conditions previously adopted and reconfigure the outdoor exercise areas as shown on the updated site plan.

Sincerely,
DANELLE STYLOS
PLANNING DIVISION CHIEF

Douglas G. Libby, AICP
Senior Planner

Attachments: Exhibit A - Study Sketch
Exhibit B - Site Plan and Kennel Floor Plan
Exhibit C - Conditions adopted as part of Use Permit #02-15

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