



## PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING JULY 21, 2004  
Agenda Item #6

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**Request:** 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

**Planner:** Douglas G. Libby, AICP

<b>Applicant</b>	<b>Property Owner</b>
Homeward Bound Jody and Mike Jones 7495 Natomas Road Elverta, CA 95626	Norma J. Latham P. O. Box 2094 Vallejo, CA 94592

### **Staff Recommendation**

Make the findings as recommended by staff, delete Condition No. 27 and renumber the conditions as needed and approve the extension of Use Permit 02-15 without a time restriction.

### **Project Description**

The Planning Commission approved Use Permit 02-15 for a Golden Retriever rescue animal shelter kennel for up to 25 dogs at its August 7, 2002 meeting. The permit was issued for a one year period, and was renewed for another one year term at your August 6, 2003, meeting. Due to the one-year time limit being reached, the project is being brought back to the Commission to consider extension of the permit.

### **Setting**

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.

There are three single family homes located within 300-feet to the south of the project site. The remaining surrounding area is used agriculturally.

	<b>Land Use</b>	<b>Zoning Designation</b>	<b>General Plan Designation</b>
Site	Residential /Kennel	General Agriculture	Industrial/Commercial Reserve
North	Agricultural	General Agriculture	Industrial/Commercial Reserve
South	Agricultural/Residential	General Agriculture	Industrial/Commercial Reserve
East	Agricultural	General Agriculture	Industrial/Commercial Reserve
West	Agricultural	General Agriculture	Industrial/Commercial Reserve

**Previous Actions**

A review of Planning Commission records indicate that a total of 13 use permits for kennels have been approved throughout the County. 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, UP #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.

**Analysis**

Homeward Bound has been operating with a Use Permit for two years. 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 graveled their driveway and parking areas.

During that period, planning staff has conducted numerous unannounced site inspections, including Saturday 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. As a result, staff is recommending that Condition 27 be removed and the remaining Conditions be renumbered as needed so that further annual renewals will not be required. Staff will continue to work with the applicants and address issues as they may arise in the future.

A use permit amendment was recently approved by staff (No 04-019) granting approval to install a 10' X 27' X 4' in-ground swimming pool for use by the kennel dogs along with the construction of a 16' X 24' covered patio to be located at the east entrance to the kennel. These modifications are reflected on the site plan attached to this report.

### **Environmental Analysis**

The extension of time for Use Permit No. 02-15 is exempt from the California Environmental Quality Act (CEQA) pursuant with Section 15061 b (3) of the CEQA Guidelines that exempts projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

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.

### **Recommended Findings**

Based upon information contained in this staff report and/or testimony received at the public hearing, staff recommends the following findings:

#### **CEQA**

The time extension is exempt from the California Quality Act (CEQA) pursuant to Section 15061b (3) of the CEQA Guidelines.

#### **General Plan**

The kennel project is consistent with the General Plan.

#### **Use Permit**

The continued operation and maintenance 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 because of the conditions and mitigation measures incorporated into the project.

### **Recommended Action**

Should the Planning Commission agree with staff's recommendations, the following motions would be appropriate:

“I move that the Planning Commission make the findings as recommended by staff, delete Condition No. 27 and renumber the conditions as needed and approve the extension of Use Permit 02-15 without a time restriction.”

### **Attachments**

- A. Study Sketch
- B. Site Plan
- C. Conditions of approval adopted by the Planning Commission on August 7, 2002.

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