

OWNER: GARY AND DONNA BLAKE
1621 EAST HILL ROAD
WILLITS, CA 95490

APPLICANT: DONNA BLAKE
1621 EAST HILL ROAD
WILLITS, CA 95490

REQUEST: Use Permit for establishment of a dog daycare and boarding facility within an existing single family residence and fenced yard.

LOCATION: Approximately 2 miles south-east of Willits, lying south of East Hill Road (CR 301) just east of its intersection with Center Valley Road (CR 303); APN 103-160-22.

TOTAL ACREAGE: 0.4± Acres

GENERAL PLAN: Rural Residential – 5 Acre minimum (RR5)

ZONING: Rural Residential – 5 Acre minimum (RR5)

EXISTING USES: Residential

ADJACENT ZONING: North: Agriculture- 40 acre minimum (AG 40 A)
East: Rural Residential – 5 Acre minimum (RR5)
South: Rural Residential – 5 Acre minimum (RR5)
West: Rural Residential – 5 Acre minimum (RR5)

SURROUNDING LAND USES: Residential/Agricultural

SURROUNDING LOT SIZES: North: 5.0± acres
East: 4.9± acres
South: 5.2± acres
West: 0.4± acres

SUPERVISORY DISTRICT: 3

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

PROJECT DETERMINATION: Approve with Conditions

OTHER RELATED APPLICATIONS ON SITE OR SURROUNDING AREA: Use Permit #U 2014-0008 was approved on September 11, 2014 allowing the expansion of an existing veterinarian clinic located at 1200 East Hill Road, APN 103-160-67, 0.25± miles west of current case site.

PROJECT DESCRIPTION: The applicant is seeking to expand a pre-existing dog-care and overnight boarding business. The total day time “occupancy” would be increased to a total of 15 dogs, with a maximum of eight (8) dogs boarding overnight. Dogs not to be boarded are picked up before 6 PM according to typical day schedule provided by applicant (attached).

The property is 0.4 acres with a single family dwelling. The master bedroom has been converted into a boarding area for the dogs staying overnight. An outdoor area of approximately 95 feet by 65 feet, surrounded by six (6) foot tall fencing, is used for supervised play time for the dogs. Dogs are to be outside in rear yard from 10 AM to 12 PM and again from 1 PM to 4 PM, at which point all dogs return inside the house.

The property is relatively flat. Trees line virtually the whole of the property line. These trees successfully provide a sight and sound barrier between the dogs’ outside play area and neighboring properties. Staff confirmed that the property is well fenced.

The subject property is located on East Hill Drive east of Willits, and is surrounded by agricultural and large lot residential uses. Animal drop off and pick up will be conducted in the driveway of the residence, which has been approved by Mendocino County Department of Transportation in its current condition. The project is not expected to generate significant additional traffic to the area.

Referral Agency	Referral Not Returned	Referral Received “No Comment”	Referral Received
DOT			X
Environmental Health			X
Building Inspection		X	
Ag. Commissioner	X		
Assessor	X		
AQMD	X		
Dept. Fish & Wildlife	X		
Little Lake Fire District			X
Animal Care & Control			X

KEY ISSUES:

Issue #1-Welfare of the animals: The Mendocino County Animal Care and Control has inspected the property and has noted that the facilities are very well maintained and set-up. The evaluating officer noted that they have received “nothing but great comments from the public who take their animals there.” Applicant has also obtained a Certificate of Approval from Mendocino County Animal Care Services.

The Mendocino County Division of Environmental Health has recommended that standard septic conditions apply. The applicant must hire a qualified site evaluator and provide the results of that site evaluation to the Department of Environmental Health (See Condition # 5).

Issue #2-Noise: It is foreseeable that dog barking will periodically increase the ambient noise levels in the project vicinity. Staff does not anticipate any significant impacts to noise levels as a result of this project. However Condition Number 9 would require that noise levels created by the operation as measured at the nearest residence other than that of business operator shall not exceed 50 dBA. This is to prevent and mitigate potential impacts that are a result of housing a kennel of dogs. Applicant has provided staff with an action plan of preventative measures to be taken to mitigate any potential noise issues, including separating any distressed dogs from the others and the use of “barking cones”.

Issue #3-Transportation/Circulation: The project proposes to have the dogs dropped off and picked up by their owners in the driveway. Staff has applied the parking standards for a day care center per County Code Section 20.180.030 to this project. While that section requires “one (1) space for every ten (10) persons”, staff is substituting dogs for persons in its interpretation of parking requirements for this project. This interpretation by staff finds that four (4) parking spaces will be required for the project as proposed. There is ample space on the parcel to fulfil this requirement. The Mendocino County Department of Transportation does not require any improvements to be made given the limited nature of vehicle traffic to the residence. This project will not generate enough traffic to become a nuisance.

GENERAL PLAN CONSISTENCY RECOMMENDATION: The proposed project qualifies as a “kennel” according to Mendocino County Code Section 20.008.038, which are allowed with a Minor Use Permit on parcels zoned Rural Residential per County Code Section Sec. 20.048.015. This project is consistent with County Land Use practices.

STAFF RECOMMENDATION: The project is consistent with County land use practices and no significant environmental impacts are anticipated as a result of this project. Staff recommends the approval of #U 2015-0007.

RECOMMENDED MOTION:

Environmental Findings: The Zoning Administrator finds that the environmental impacts identified for the project can be adequately mitigated through the conditions of approval or features of the project design so that no significant adverse environmental impacts will result from this project; therefore, a Mitigated Negative Declaration is adopted.

General Plan Consistency Finding: As discussed under pertinent sections of this report, the proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions being recommended by staff.

Project Findings: The Zoning Administrator approves #U 2015-0007 subject to the conditions of approval recommended by staff further finding:

1. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Access to the site is provided from an existing driveway off East Hill Road that solely serves the subject property. The project will generate a minor amount of additional traffic in conjunction with the proposed project. This will not result in a significant increase in traffic along local roads or traffic hazards to motor vehicles, bicyclist or pedestrians.

2. That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.

The project has the potential to temporarily affect the surrounding environments with noise and odors from the animals. The increase in traffic that would be expected to result from this project is negligible. None of these impacts have the potential to be considered significantly detrimental to any persons in the surrounding areas.

3. That such use preserves the integrity of the zoning district.

The land use classification for the parcel is Rural Residential 5 Acre minimum (RR5). Within the RR5 classification, a commercial kennel is a conditional use, subject to approval of a use permit. The Mendocino County General Plan defines the intent of the RR classification as follows:

The RR classification is intended to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area, and residences should be located as to create minimal impact on agricultural viability.

The Mendocino County Agriculture Commissioner has not responded. According to the applicant, the only agriculture use on the surrounding properties occurs to the south. There does not appear to be any visibly obvious form of agricultural uses on the parcel to the south, leading staff to conclude that it

is either non-existent or non-intensive; the proposed kennel use would not significantly impact this agricultural use.

RECOMMENDED CONDITIONS:

1. That the application along with supplemental exhibits and related material are considered elements of this entitlement and that compliance be mandatory, unless a modification has been approved by the Zoning Administrator.
2. That this permit is subject to the securing of all necessary permits from County, State and Federal agencies having jurisdiction for the proposed development and eventual use. Any requirement imposed by an agency having jurisdiction shall be considered a condition of this permit. Evidence of compliance with all permits shall be submitted to the Mendocino County Department of Planning and Building Services.
4. Noise levels created by the operation as measured at the nearest residence other than that of the business operator shall not exceed 50 dB/Ldn.
5. Before permit is issued, the applicant shall provide the Mendocino County Division of Environmental Health with the results of an evaluation of the septic system performed by a qualified site evaluator showing that it meets that department's minimum standards.
6. Before permit is issued, the applicant shall provide Little Lake Fire District with an emergency plan, to include the emergency evacuation of staff and "clients" to a safe area.
7. This permit shall be subject to revocation or modification by the Zoning Administrator upon a finding of any one (1) or more of the following grounds:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

8. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
9. In the event that archaeological resources are encountered during construction on the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
10. Before permit is issued, the applicant/operator shall secure all required permits/clearances from the Mendocino County Animal Control Department for the operation of the facility. The applicant shall submit written verification to the Department of Planning and Building Services that this condition has been met to the satisfaction of the County Animal Control Department.
11. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fee required by section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2260.00 shall be made payable to the Mendocino County clerk and submitted to the Department of Planning and Building Services no later than 5:00 pm on July 24, 2015. If the project is appealed, the payment will be held by the Department of Planning and Building services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the county clerk (if the project is approved) or returned to the payer (if the project is

denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.

12. This permit shall become effective after all applicable appeal periods have been expired or appeal processes exhausted. Failure of the applicant to make use of this permit within one year of Zoning Administrator approval shall result in the automatic expiration of this permit. In the event that the use of the facility should cease operation for a period exceeding one year or more, the use shall be deemed invalid and a new permit will be required for the operation as approved by #U 2015-0007.

DATE

GRAHAM HANNAFORD
PLANNER II

GH/at
May 8, 2015

Negative Declaration
Appeal Fee - \$910.00
Appeal Period - 10 days

ATTACHMENTS:

- A. Initial Study
- B. Location Map
- C. Topo Map
- D. Aerial Map
- E. Site Plan
- F. Adjacent Parcels
- G. Zoning Map
- H. General Plan Map
- I. Fire Hazard Map
- J. Daily Routine "Stay and Play"