



Sonoma County Board of Zoning Adjustments STAFF REPORT

Sonoma County Permit and Resource Management Department

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FILE: PLP11-0042
DATE: March 15, 2012
TIME: 1:05 P.M.
STAFF: Melinda Grosch, Project Planner

Appeal Period: 10 calendar days

SUMMARY

Applicant/Owner: Heidi Niemann

Location: 6445 Highway 12, Santa Rosa
APNs: 030-110-036 Supervisorial District No.: 1

Subject: Use Permit and Design Review

PROPOSAL: Request for a Use Permit for a Boarding Kennel and Doggie Daycare for up to 50 dogs. Training and grooming will also be included. Up to five full-time and three part-time employees are anticipated when the facility is in full operation. The kennel will be open from 7:00 a.m. to 7:00 p.m. for pick-up and drop-off.

Environmental Determination: Mitigated Negative Declaration

General Plan: Diverse Agriculture 10 acres per dwelling unit density

Specific/Area Plan: North Sonoma Valley Specific Plan
Land Use: Agricultural and Residential 10 to 20 acres per Dwelling Unit

Ord. Reference: Section 26-08-020(n)6

Zoning: DA (Diverse Agriculture) B6-10 ac/du, SR (Scenic Resources), VOH (Valley Oak Habitat)

Application Complete for Processing: November 30, 2011

RECOMMENDATION: Adopt the Mitigated Negative Declaration and approve the Use Permit as modified by the conditions of approval and mitigation measures.

ANALYSIS

Background:

In 2010 the applicant requested and was granted a Use Permit for a 10 dog doggie daycare facility at the subject location. It has been in operation for approximately one year. Neighbors began complaining to staff about dogs barking in response to the public notices being posted for the doggie daycare, which was prior to Ms. Niemann completing her purchase and moving onto the subject site. However, no formal complaints about barking have been made to either Animal Control or PRMD's Code Enforcement section.

Due to continued requests for overnight boarding from her daycare clients and others, Ms. Niemann decided to expand her business and applied for a full-service boarding kennel on March 24, 2011. The file was deemed complete for processing on November 30, 2011.

Project Description:

The application is a request for a Use Permit for a boarding kennel and doggie daycare for up to 50 boarded/daycare dogs (not including Ms. Neiman's own dogs which cannot exceed four). Training and grooming will also be included. Training will be accomplished through a board-and-train program with the dog's owner(s) working one-on-one with the dog trainer after training is complete to help the owner understand the dog training received and how to use the commands. Group classes of up to five owners at a time will also be conducted. Both private instruction and group classes are to be held on Saturdays – private lessons from 9:00 a.m. to 11:00 a.m. and group lessons from 1:00 p.m. to 3:00 p.m. Grooming will be for dogs that are boarded or participating in the doggie daycare program a minimum of five hours per week. A maximum of two dogs per day will be groomed. Both the dog trainer and the groomer will be on-call.

Up to five full-time and three part-time employees are anticipated when the facility is in full operation. The kennel will be open from 7:00 a.m. to 7:00 p.m. for pick-up and drop-off.

A new 1,496 square foot kennel building is proposed and will be located along the south side of the existing single family dwelling. It will house 37 kennel runs and will be painted to match the existing house and detached garage which has been converted to a kennel for 13 runs. The former 880 square foot garage also is already plumbed for hot and cold water and has appropriate electrical outlets for dog grooming equipment. This is where the dog grooming will be established.

The Design Review Committee reviewed the proposed building and recommended that additional landscaping be planted along the south elevation (Highway 12 side). The committee particularly wanted to see additional oaks in naturalized plantings along this side. The applicant has agreed to the recommendation and will plant additional oaks.

Site Characteristics:

The three acre site is mostly flat, sloping from the south to north and also slightly east to west. The site is located on the valley floor and is open grassland. The site is developed with a single family dwelling with a large landscaped yard, a detached garage and semi-circular drive. The property is fenced and cross fenced and the detached garage has been converted to a kennel area to keep the doggie daycare clients inside for rest periods or to separate dogs into appropriate play groups. The site is served by a private, unnamed road, well, and septic system.

Surrounding Land Use and Zoning:

To the north is a hilly area going up into the Mayacamas Mountains. The use is rural residential and open space. To the east is the Sonoma Valley, and immediately adjoining the property is a vineyard. To the south is the Oakmont Retirement Community (City of Santa Rosa) comprised of single family dwellings. To the west are rural residential lands leading into the City of Santa Rosa.

Zoning:

North: DA (Diverse Agriculture) B6 10 acres/dwelling and RRD (Resources and Rural Development) B6 20 or 40 acres/dwelling.
East: LIA (Land Intensive Agriculture) B6 60 acres/dwelling.
South: City of Santa Rosa (Oakmont), single family residential
West: DA B6 10 acres/dwelling

DISCUSSION OF ISSUES

Issue #1: General Plan and Zoning Consistency

The General Plan for the site is Diverse Agriculture (DA) 10 acre density. This designation is applied to areas where the land is suitable for agriculture but the parcel sizes are too small to allow for agriculture to be the primary source of income for the owner of the parcel. The zoning designation is DA (Diverse Agriculture) B6 10 acres/dwelling unit. This designation includes the following under Section 26-03-020(n)6 Uses Allowed with a Use Permit.

26-03-020(n)6 reads: *The following nonagricultural uses; provided, that the applicant must demonstrate that the use meets a local need, avoids conflict with agricultural activities and is consistent with Objective AR-4.1 and Policy AR-4a of the Agricultural Resources Element.*

From the 2020 General Plan:

Objective AR-4.1:

Apply agricultural land use categories only to areas or parcels capable of the commercial production of food, fiber and plant material, or the raising and maintaining of farm animals including horses, donkeys, mules, and similar livestock. Establish agricultural production as the highest priority use in these areas or parcels. The following policies are intended to apply primarily to lands designated within agricultural land use categories.

Policy AR-4a: The primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses. Residential uses in these areas shall recognize that the primary use of the land may create traffic and agricultural nuisance situations, such as flies, noise, odors, and spraying of chemicals.

The three acre parcel is relatively small and not likely to support an agricultural use which could be the sole support of the property owner. However, the owner has raised and intends to continue to raise some sheep each year. They will be used to graze all the paddock areas to keep weeds and grasses short. Carrying capacity for grazing of sheep is probably no more than 3 or 4 sheep with supplemental feed, fewer without. Due to the small size of the parcel it is unlikely that more agriculture will be established, so agriculture is not the primary use of the parcel and has not been since at least the 1970's. However, the current fencing and cross fencing of the paddocks is similar to the horse facilities to the east and the dog kennel will not interfere with adjoining vineyards or horse facilities.

Staff believes that the proposed kennel is an appropriate use of the site despite that fact that agriculture is not the primary use of the property. The fact that dog kennels are an allowed use in agriculturally zoned areas likely reflects the need to locate them on large lots which allows them to be separated from adjoining residential uses. The site has not been under agricultural cultivation since at least the 1970's when the parcel was created.

The combining districts of SR (Scenic Resources) and VOH (Valley Oak Habitat) are also applied to reflect the Community Separator, Scenic Landscape Unit, and Scenic Corridor (Highway 12) designated areas that are a part of the site. Highway 12 is also a state designated Scenic Highway in this area. The site is in the North Sonoma Valley Specific Plan, a plan which is to be deleted and is used only for design guidelines. The guidelines contained in the specific plan are encompassed in the SR regulations. See the discussion of visual aspects of the property in Issue 2.

Issue #2: Design Review/Visual Impacts

Due to the site's multiple designations for scenic resources, Scenic Landscape Unit, Scenic Corridor, Community Separator, and State Scenic Highway, Design Review is required. On December 7, 2011 the Design Review Committee reviewed the proposed building and the sign to make recommendations on how the new building and sign meet the various criteria for the scenic areas.

Signage:

The sign is a particular concern, especially for the neighborhood. The committee made some recommendations for the sign to help it better convey the rural character of the neighborhood and also recommended moving it further onto the property so that it is visible from both directions of travel on Highway 12 to help people prepare for the turn onto the private road accessing the site. Additionally, the Committee recommended an alternative to signage by replacing it with distinctive fencing or other feature (i.e., a piece of sculpture) that is unique to the site thus notifying clients that they have arrived at the site without the use of signs. The fence would have the advantage of being more visible to people traveling east towards Sonoma on Highway 12 and allow them to prepare for a turn into the kennel in advance. At a minimum the Committee recommended that the sign incorporate natural materials and landscaping so that it has a more rural feel and blends in with the area.

Building and Landscaping:

The proposed new building will line up with the existing detached garage, outside the Scenic Corridor setback. The new kennel building is single story, housing 37 indoor/outdoor runs along both of the long sides. The wood siding will be painted to match the existing dwelling. The tile roof will match the existing roofs of the single family dwelling and detached garage previously converted to a 13-run kennel. A six foot high, solid wood fence on the south side of the building provides some screening of the building from Highway 12. The Design Review Committee recommended planting additional trees along this fence, preferably oaks, for additional softening and screening of the structure. The Committee recommended that they be planted in naturalized groupings rather than in a straight line along the fence. A number of evergreen trees have already been planted along the fence along Highway 12.

The Committee also made recommendations on the lighting. The lighting plan will meet Dark Sky International standards, be downward facing, fully shielded, and on motion detectors to reduce light to the absolute minimum necessary for safety purposes.

Issue #3: Noise

Barking dogs are always a concern for neighbors of any kennel facility. As requested by staff, the applicant had a Noise Study prepared. The results of the Noise Study indicated that with proper noise insulation, the building will sufficiently mitigate barking to allow the project to meet the noise standards for nighttime noise. During the day dogs will be allowed outside at which point management of the dogs will be important in maintaining the noise levels below the General Plan threshold. The applicant has provided a detailed supervision and management plan for play groups including having enough people supervising to ensure a ratio of 8 to 10 dogs per person. Also, dogs are screened before they are allowed to participate in doggie daycare. People who will monitor the dogs during play sessions will be instructed to interrupt inappropriate play, shush dogs making noise, and ultimately remove disruptive dogs to the kennel area for a time out. In addition, only 20 dogs will be allowed in the outside play areas

at any one time with a maximum of 10 in the paddocks and 10 in the garden areas. Dogs who bark chronically will not be allowed to return to the kennel.

In the event that there are any noise complaints, PRMD staff and Sonoma County Animal Care and Control will investigate. If it is determined that appropriate noise standards have been or may have been exceeded, PRMD will work with the applicant to resolve the issue. If voluntary compliance fails then PRMD may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. Animal Control can initiate their own enforcement actions for barking dogs which could lead to the revocation of the facility's kennel license. Loss of the kennel license from Animal Control will result in revocation of the Use Permit.

Issue #4: Traffic and Safety

The private lane off Highway 12 drops off rather steeply which means that cars entering the Highway must wait until there is a big enough gap to safely enter the highway since the elevation change makes it impossible to enter the highway at a speed consistent with the highway flow of traffic. The applicant has proposed the use of a van to pick-up and drop-off dogs which can help to reduce the number of trips in and out of the site as several dogs could be transported at a time. The traffic study prepared by TJKM indicates that there will be up to 100 trips per day generated by the proposed project with approximately 20 of these trips occurring in either the a.m. or p.m. peak hours. Potential changes to the intersection include left turn pockets, deceleration lanes or shoulder widening. However, neither CalTrans nor Sonoma County Department of Transportation and Public Works recommended any improvements for this intersection as the number of trips does not significantly increase the potential for accidents. The Mitigated Negative Declaration was forwarded to CalTrans for review.

STAFF RECOMMENDATION

Adopt the Mitigated Negative Declaration and approve the Use Permit request for a 50 dog boarding kennel and doggie daycare with training and grooming as modified by the mitigation measures and conditions of approval.

FINDINGS FOR RECOMMENDED ACTION

1. The primary use of the three acre parcel is not agriculture. However, the parcel will conform to the general appearance of adjoining parcels in that it will remain open paddocks which will be grazed by sheep in addition to their use as play areas for the dogs. The owner will continue to raise sheep each year on a seasonal basis in the paddocks which comprise approximately 50% of the parcel. The DA (Diverse Agriculture) zoning designation expressly allows commercial kennels subject to approval of a conditional Use Permit. Implementation of the conditions established for location, landscaping, colors, and lighting for the new kennel building will ensure compliance with the SR (Scenic Resources) designation of the site.
2. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, because mitigation measures have been incorporated into the project as Conditions of Approval. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.
3. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are: a) the potential visual impacts from the construction of a new kennel building are adequately mitigated by the proposed location, colors, landscaping, and

lighting; b) the potential noise impacts will be mitigated by a dog management plan, insulation in the building, pre-screening of dogs who are allowed to stay at the kennel, and confining dogs to the kennel building between 7:00 p.m. and 7:00 a.m.; and c) the project will generate as many as 100 trips per day which will be dispersed over the operating hours. No more than 20 trips are anticipated during the a.m. and p.m. peak hours.

LIST OF ATTACHMENTS

- EXHIBIT A: Draft Conditions of Approval
- EXHIBIT B: Proposal Statement
- EXHIBIT C: Vicinity Map
- EXHIBIT D: General Plan Map
- EXHIBIT E: Zoning Map
- EXHIBIT F: Site Plan
- EXHIBIT G: Building Elevations
- EXHIBIT H: Sign
- EXHIBIT I: Draft Resolution

Separate Attachment for Commissioners: Mitigated Negative Declaration, Correspondence for and against the application, and full size site plans and building elevations.

- e. Applicable Hazardous Materials Business Plan and Inventory Statement shall be provided where required by the 2010 California Fire Code as adopted and amended by Sonoma County Code.
- f. Roadways, driveways, bridges and gates shall be in compliance with Sonoma County Fire Safe Standards Division-B, including but not limited to the following: roadway grades, widths, lengths, surfaces; turnouts and turn-arounds; bridge load capacities, widths, and signage.
- g. Addressing shall be in compliance with Sonoma County Fire Safe Standards Division-C.
- h. Defensible space shall be required and maintained throughout the life of the building(s) as required in Sonoma County Fire Safe Standards Division E, and the 2010 California Fire Code as adopted and amended by Sonoma County Code.

HEALTH:

"The conditions below have been satisfied" BY _____ DATE _____

PRIOR TO PROJECT OPERATION AND VESTING THE USE PERMIT:

Water:

- 5. Prior to project operation and vesting the Use Permit, the applicant shall provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) arsenic and nitrate analysis results of a sample of the well water tested by a California State-certified lab. If the analysis shows contamination, the applicant will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this department may be required. Copies of all laboratory results must be submitted to the Project Review Health Specialist.

Septic:

- 6. Prior to project operation and vesting the Use Permit, the applicant shall have a capacity/wastewater flow analysis and proper functioning of the wastewater system inspection completed by a Registered Civil Engineer or Registered Environmental Health Specialist regarding the existing septic system's ability to accommodate the peak flows from all sources granted in the Use Permit and any additional sources from the parcel.

Any necessary system expansion or modifications, and demonstration of reserve areas, shall be done under permit and the current standards from the PRMD Well and Septic Section and may require both soils analysis, groundwater and percolation testing. If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Section that all required septic system testing and design elements have been met.

- 7. Toilet facilities shall be provided for employees prior to vesting the Use Permit. A copy of the Floor Plan showing the location of the restrooms shall be submitted to the Project Review Health Specialist prior to issuance of building permits.

Vector Control:

- 8. A Mosquito and Vector Control Plan (mosquitoes for the 1 foot pond and rats for the dog food) acceptable to the Marin-Sonoma Mosquito and Vector Control District (telephone 707-285-2200) shall be submitted prior to the construction of any ponds and prior to vesting the Use Permit. The Project Review Health Specialist shall receive a copy of the Mosquito and Vector Control Plan and

an acceptance letter from the Marin-Sonoma Mosquito and Vector Control District.

OPERATIONAL REQUIREMENTS:

Water:

9. A safe, potable water supply shall be provided and maintained.

Septic:

10. Maintain the Annual Operating Permit for any alternative (mound or pressure distribution) or experimental sewage disposal system installed per Sonoma County Code 24-32, and all applicable waste discharge requirements set by the Regional Water Quality Control Board.

11. Prior to project operation and vesting the Use Permit, the applicant shall have a capacity/wastewater flow analysis and proper functioning of the wastewater system inspection completed by a Registered Civil Engineer or Registered Environmental Health Specialist regarding the existing septic system's ability to accommodate the peak flows from all sources granted in the Use Permit and any additional sources from the parcel.

Any necessary system expansion or modifications, and demonstration of reserve areas, shall be done under permit and the current standards from the PRMD Well and Septic Section and may require both soils analysis, and groundwater and percolation testing. If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements.

Mitigation Monitoring: The Project Review Health Specialist shall receive a final clearance from the Well and Septic Section that all required septic system testing and design elements have been met.

12. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
13. All future sewage disposal system repairs shall be completed in the Designated Reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required, as determined by PRMD.

Noise:

14. All dogs being considered for care shall be screened to eliminate dogs that are not well behaved in the absence of their owners.
15. Only neutered dogs shall be accepted for care at this kennel.
16. A kennel attendant shall be present when client dogs are allowed outdoors.
17. Disciplining collars (i.e., bark activated citronella spray or electronic shock) shall be used as needed.
18. Outdoor Dogs:

- a. No client dogs shall be permitted outdoors between the hours of 7 p.m. and 7 a.m.
- b. Grouping of dogs in the four "Exercise Areas" combined shall not exceed 10 dogs total at any time.
- c. Grouping of dogs in the "Yard" and "Garden" areas combined shall not exceed 10 dogs total at any time.
- d. As implied by numbers b and c above, no more than 20 dogs shall be permitted outdoors at any one time. The remainder of the dogs on-site shall be housed within kennel buildings.

19. Indoor Dogs

- a. No more than 50 dogs total shall be permitted on the site. In particular, no more than 50 dogs shall be housed in the kennel buildings.
- b. Any new kennel building added to the property shall not be closer to Highway 12 than the existing kennel building.
- c. The new kennel building shall incorporate a building shell with interior/exterior sound insulation equal to or better than the shell for the existing building. An acceptable building shell would include: a) wood siding, b) composition roof, c) gypsum board interior walls and ceiling, and d) total window area less than 10% of the net wall area.
- d. All doors and windows of any kennel building shall be kept closed, except as needed for entry and egress.

Mitigation Monitoring: Any noise complaints will be investigated by PRMD staff and Sonoma County Animal Care and Control. If such investigation indicates that the appropriate noise standards have been or may have been exceeded, the permit holders shall be required to install, at their expense, additional professionally designed noise control measures. Failure to install the additional noise control measure(s) will be considered a violation of the use permit conditions. If noise complaints continue, PRMD shall investigate complaints. If violations are found, PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. Animal Control may initiate their own enforcement actions for barking dogs which could lead to the revocation of their kennel license. Loss of the kennel license will result in revocation of the Use Permit.

- 20. Noise shall be controlled in accordance with Table NE-2 (or an adjusted Table NE-2 with respect to ambient noise as described in General Plan 2020, Policy NE-1c,) as measured at the exterior property line of any affected residential or sensitive land use:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric ¹ , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (5 minutes in any hour)	60	55
L02 (1 minute in any hour)	65	60

¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.

- 21. If noise complaints are received from nearby residents, and they appear to be valid complaints in

PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards.

Solid Waste:

22. All garbage and refuse on this site shall accumulate or be stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. Garbage and refuse on this site shall accumulate or be stored for no more than seven calendar days, and shall be properly disposed of at a County Transfer Station or County Landfill before the end of the seventh day.

PUBLIC WORKS:

"The conditions below have been satisfied" BY _____ DATE _____

23. Prior to issuance of any permit that results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code.

PLANNING:

"The conditions below have been satisfied" BY _____ DATE _____

24. This Use Permit allows the applicant to run a boarding kennel, doggie daycare, training, and grooming facility for a maximum of 50 dogs on-site at any one time (not including the applicant's own dogs which cannot exceed four).

Training will be accomplished through a board-and-train program with the dog's owner(s) working one-on-one with the dog trainer after training is complete to help the owner understand the dog training received and how to use the commands that the dogs was trained. Group classes of up to five owners at a time will also be conducted. Both private instruction and group classes are to be held on Saturdays – private lessons from 9:00 a.m. to 11:00 a.m. and group lessons from 1:00 p.m. to 3:00 p.m. The dog trainer will be on an on-call basis as demand for services dictates.

Grooming will be for dogs that are boarded or participating in the doggie daycare program a minimum of five hours per week only. A maximum of two dogs per day will be groomed. The groomer will be on an on-call basis as demand for services dictates. Dog bathing and grooming will be conducted inside the former detached garage now a 13 run kennel.

The new kennel building to house 37 kennel runs is 1,496 square feet and shall be located adjacent to the south side of the single family dwelling a minimum of 200 feet from Highway 12.

Up to five full-time and three part-time employees are permitted when the facility is in full operation. The kennel will be open from 7:00 a.m. to 7:00 p.m. for pick-up and drop-off.

25. The applicant shall maintain a minimum of 5 parking spaces on-site to serve the boarding, doggie day care, grooming, and training facility. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein.

26. This Use Permit PLP11-0042 shall supersede all prior Use Permits, upon implementation or when all the pre-operational conditions have been met and this Use Permit is vested.
27. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation.
28. Prior to establishment of the use, a license from the Sonoma County Animal Regulation Division shall be obtained. A copy of the approved license shall be submitted to the Project Planner. If the license is revoked, proper notification shall be made to PRMD and the Use Permit may also be revoked at that time.
29. The applicant shall plant additional landscaping (oak trees) along the south side of the proposed kennel building subject to review and approval of Project Review staff prior to building permit final and issuance of an occupancy permit. The building plans shall show all lighting and clearly show the fixture types that will be located at each place where outdoor lighting is indicated.

Mitigation Monitoring: The project planner shall perform a final inspection before the building permit receives final occupancy to ensure that landscaping is installed and exterior lighting is fully shielded and downward facing and meet the International Dark-Sky Association's criteria as outlined in their website: <http://www.darksky.org/>

30. All light fixtures in the kennel buildings shall be fitted with low energy bulbs such as fluorescent or L.E.D. bulbs.

Mitigation Monitoring: The project planner shall not sign-off on project operation until all lights are shown to have the appropriate low energy use bulbs.

31. Prior to commencing the use or issuance of building permits, an exterior lighting plan shall be submitted for design review by PRMD Project Review. Lighting shall be downward facing, fully shielded, and located at the lowest possible point to the ground to prevent spill over onto adjacent properties, glare, nighttime light pollution and unnecessary glow in the rural night sky. Security lighting shall be put on motion sensors. Flood lights and uplights are not permitted. Luminaires shall have a maximum output of 1000 lumens per fixture. Total illuminance beyond the property line created by simultaneous operation of all exterior lighting shall not exceed 1.0 lux.

Light fixtures shall be full cut-off fixtures, take ground fog into consideration, shall not be located at the periphery of the property and shall shut off automatically when the use is not operating. No lighting shall be directed towards off-site areas.

Mitigation Monitoring: The Project Review planner shall not approve the construction of the kennel building or operation of the boarding kennel until a lighting plan has been reviewed and approved.

32. Lighting plans shall be designed to meet the Lighting Zone LZ2 for rural standards from Title 24 effective October 2005.
33. All exterior fixtures shall be limited to lamps not exceeding 100 watts (incandescent) or equivalent lumens.
34. A revised sign design shall be submitted for review and approval by PRMD Project Review staff prior to sign installation. The applicant shall provide a site plan indicating relocation of the sign unless it is replaced with distinctive fencing or sculpture. Additionally, the sign shall be landscaped and the use of natural materials around the base to make the sign more compatible with the rural nature of the site.

Mitigation Monitoring: Prior to issuance of Final Occupancy for the new kennel building the project

planner shall inspect the site, to ensure that the sign or alternative identification is appropriately landscaped and installed.

35. The following dust control measures will be included in the project:
- a. Water or other dust palliative will be applied to unpaved portions of the construction site, unpaved roads, parking areas, staging areas and stockpiles of soil daily as needed to control dust.
 - b. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
 - c. Paved roads will be swept as needed to remove any visible soil that has been carried onto them from the project site.

Mitigation Monitoring: Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above measures are included on the building, grading and/or improvement plans. The applicant shall be responsible for notifying construction contractors about the requirement for dust control measures to be implemented during construction. If dust complaints are received, PRMD staff shall conduct an on-site investigation. If it is determined by PRMD staff that complaints are warranted, the permit holder shall implement additional dust control measures as determined by PRMD or PRMD may issue a stop work order.

36. Dog waste shall be removed as it is deposited and at a minimum two times per day (morning and evening) from all areas that the dogs have access to. Waste shall be placed in air tight containers and removed from the site at least once a week. Runs shall not be hosed down. Solid waste shall be removed and residue and liquid waste shall be mopped up and the area cleaned with a disinfectant solution. The gravel areas shall be disinfected routinely with a dilute mixture of chlorine bleach and water.

Mitigation Monitoring: Kennels are routinely inspected by Sonoma County Animal Care and Control who are checking for overall cleanliness, as well as security, and proper control of dogs at the kennel. If complaints are received they will be investigated by both PRMD staff and Animal Control. Failure to comply with the manure management plan will result in more frequent inspections and may result in the revocation of the kennel license.

37. All building and/or grading permits shall have the following note printed on plan sheets:

"In the event that archaeological resources such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work shall be halted in the vicinity of the find and County PRMD - Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to PRMD. PRMD staff may consult and/or notify the appropriate tribal representative from tribes known to PRMD to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic resources include hearths, firepits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than 50 years of age including trash pits older than fifty years of age. When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. PRMD may refer the mitigation/protection plan to designated tribal representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by PRMD - Project Review staff. Mitigations may include avoidance, removal, preservation and/or recordation in

accordance with California law. Archeological evaluation and mitigation shall be at the applicant's sole expense.

If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and PRMD staff, County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated and the appropriate provisions of the California Government Code and California Public Resources Code will be followed."

Mitigation Monitoring: Building/grading permits shall not be approved for issuance by Project Review staff until the above notes are printed on the building, grading and improvement plans.

38. The project's landscaping shall comply with the Sonoma County Water Efficient Landscape Ordinance <http://library.municode.com/HTML/16331/level1/CH7D3WAEFLA.html>.

Mitigation Monitoring: The project planner shall ensure that the project has satisfactorily completed Water Efficient Landscape plan check and approval process prior to building permit issuance.

39. Construction activities for this project shall be restricted as follows:

- a. All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
- b. Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on weekends and holidays. If work outside the times specified above becomes necessary, the applicant shall notify the PRMD Project Review Division as soon as practical.
- c. There will be no start up of machines nor equipment prior to 7:00 a.m., Monday through Friday or 9:00 am on weekends and holidays; no delivery of materials or equipment prior to 7:00 a.m. nor past 7:00 p.m., Monday through Friday or prior to 9:00 a.m. nor past 7:00 p.m. on weekends and holidays and no servicing of equipment past 7:00 p.m., Monday through Friday, or weekends and holidays. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer's phone number for public contact.
- d. Pile driving activities, if any, shall be limited to 7:30 a.m. to 7:00 p.m. weekdays only.
- e. Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.
- f. The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. The Project Manager's phone number shall be conspicuously posted at the construction site. The Project Manager shall determine the cause of noise complaints (e.g. starting too early, faulty muffler, etc.) and shall take prompt action to correct the problem.

Mitigation Monitoring: PRMD staff shall ensure that the measures are listed on all site alteration, grading, building or improvement plans, prior to issuance of grading or building permits. Any noise complaints will be investigated by PRMD staff. If violations are found, PRMD shall seek

voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings.

40. The applicant shall pay all applicable development fees prior to issuance of building permits.
41. Prior to building permit issuance or prior to exercising this approval, whichever comes first, the property owners shall execute and record a Right-to-Farm declaration on a form provided by PRMD.
42. At the time of submitting a building permit application, the applicant shall submit to PRMD a Condition Compliance Review fee deposit (amount to be determined consistent with the ordinance in effect at the time). In addition, the applicant shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final inspection being granted.
43. This "At Cost" entitlement is not vested until all permit processing costs are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs are paid in full.
44. All grading and development on site shall be done in compliance with the County Tree Protection Ordinance, including protection of trees during construction with a chain link fence at the dripline, and replacement of damaged or removed trees. The project's grading and landscape plans shall detail all tree protection implementation measures.
45. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.
46. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the conditions is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.

The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.

47. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if:
(a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.

In any case where a Use Permit has not been used within two (2) year after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

PROPOSAL STATEMENT

6445 Sonoma Hwy
Santa Rosa, CA 95409

Note there are three revisions
March 30, 2011
September 7, 2011
December 7, 2011

Re: UPE09-0069

Request to modify existing use permit to overnight boarding, training and group lessons. Days of operation Monday through Sunday.

My current daycare clients are requesting boarding, training and group lessons. I realize this is an important need for my neighboring community of Glen Ellen, Kenwood and Oakmont. The traffic could decrease as I only take 10 dogs per day and boarding would mean less picking up and dropping off.

When I purchased 6445 Sonoma Highway last year, the home had a detached work shop where race cars were worked on. It was noise proof to start engines and fix specialty race cars. It was a beautiful shop with security camera's, double paned windows, fully insulated, television, hot and cold running water with a huge sink and two large roll up doors. I wanted a facility for dogs and added chain link kennels and guilotine dog doors. I have been currently using the kennel for dogs to rest in. I give my own 3 dogs baths from here because it has hot and cold running water.

I would like to propose overnight boarding for my daycare dogs in the existing kennel. Nothing would change as it is currently set up for boarding and nothing would change with regard to the size or shape of the building. The kennel area has always been alarmed with ADT for fire and security. I keep this current/active with a monthly fee.

The fire department said my building is now safer, since I cleaned away the gas cans and chemicals, that were abundant in this enclosure. It is considered an upgrade with their standards. Boarding would be for existing daycare clients. The kennel will be locked down in the evening, all dogs enclosed.

Currently the average number of daily traffic trips is ~~20~~ which would decrease to ~~10~~, if boarding is approved, as clients would not be picking up their dogs and/or I would not be dropping them off twice per day.

I would like to have the noise study waived as this is a well done race car, engine roaring noise proof, insulated building with stucco and wood siding and roman steel roof. The three windows are all double paned. It has two large garage doors and a side entry.

The maximum number of dogs I wish to accommodate is ~~my~~ ~~permitted~~ ~~10~~ there will be no overlap.

I do not wish to have employees at this time. But, under my most successful scenario would like to have 3. This is when I would want a groomer.

I will be finishing my landscaping of adding more redwood trees and a one foot high water hole with sand and pea gravel all around it.

All my exterior fencing is 6 feet high. The interior fencing is 5 feet. I have 6 separate enclosed areas for safety and control. I have an agility course being added and several kiddie pools. The water hole will be added this summer. I have an existing swimming pool that is enclosed for private play.

I have dog poop picked up immediately, it is in an enclosed gravel . Poop is picked up immediately and put in a small garbage bucket and at the end of the day into a large garbage can that is picked up on Thursdays, once a week.

It is my intention to be know as a "No Bark" facility like Olivet Kennel. I use citronella spray collars, water (spray) bottles and the word "tsk tsk," like Cesar Malon, (my TV role model). I am very hands on and will not allow barkers to stress each other out nor the neighbors. We will use e-collars as a last resort. Barking is controlled immediately.

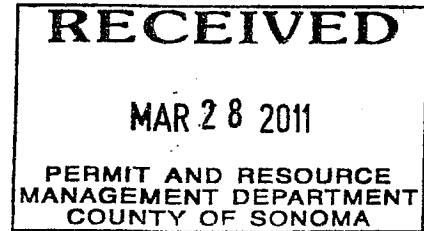
Eventually I would like a storage and workroom with shelves for kennel materials: chain link fencing and Red Brand fencing, dog doors, tools, tractor, drills, etc.

I have a contract with Clarks Pest Control to come out quarterly to service for spiders and vector control (888) 892-7791. I have a contract with ADT for fire and burglary. I am a member of the Pet Care Services Association (PCSA) and am proud to meet their standards.

Heidi Niemann

March 30, 2011

County of Sonoma
Permit and Resource
Melinda Grosch



Re: UPE11-0020/6445 Highway 12, Santa Rosa

Dear Melinda,

This is my response to your request to provide additional detail to add overnight boarding, grooming, and training to my approved daycare (UPE09-0069).

1. A) Hours of operation for clients to come and go from the site is 7am to 7pm. In the winter. 7am to 8pm in the Summer
 B) Boarded dogs will be allowed access to the outdoors as early as 7am.
 C) Boarded dogs will be allowed access to the outdoors up until 7:00pm January thru May. 8:00pm May thru October.

2. Estimated number of trips to and from site: I will take no more than two dogs per hour to alleviate traffic congestion. Whether picking up or dropping off during business hours.

3. Pest Control Plan: Clarks (1(888) 891-7791 (account under Heidi Niemann) services my property from inside to out. They set mouse and rat traps. The cats seem to take that job away from the traps most of the time. Milo is the mosquito man for me. He works for the county and sets me up with mosquito fish all around my property in my lily flower pots. For the flies I use the hanging water tanks from Western Farm Center.

UPE11-0020
March 30, 2011

4. Training Classes: I only want to train the dogs that are boarded with me. I want to call it "Live in Training". No leash pulling, no jumping, no barking, stay in your spot, do your business and all the manners that follow inbetween.

5. Grooming: The current 15 run kennel has hot and cold running water for full service grooming. Grooming would consist of how many empty kennels I have available from daycare and boarding. I would groom dogs myself by apt only. I could hire a part-time groomer if I saw that I was making money to afford that.

I would like to have permission for 20 dogs instead of 10. If Elnoka is approved by the city, the talk is of widening Hwy 12 to help with traffic.

I would also like to add that my sign needs to sit 6 feet high from the street. It is currently 6 feet below street level as my property sits even with the ditch. Four neighbors have told me my clients go down the road to look for me, where before when it was 6 feet high from the street, clients came right in.

I am currently getting names and numbers from Oakmont residents who would approve boarding at my site for the community.

I will await, eagerly, for the review of your departments and agencies.

Heidiniemann@sbcglobal.net

Sincerely,



Heidi Niemann
Owner

September 7, 2011

Re: UPE11-0020
6445 Sonoma Hwy, Santa Rosa
The Meadows Kennel

Dear Melinda,

Thank you for being patient with my delay amending my application on file. I have been enjoying getting "my feet wet" and meeting on a limited scale, dog owner and dog needs. This letter is to provide current detail to move forward and operate as a full service dog kennel.

For some time now, my clientele of Oakmont, Kenwood, Glen Ellen and Sonoma has and is requesting boarding, grooming and training. For many months now, I have witnessed the definite need for me to figure out if I could service their needs. The zoning of the kennel property is Diversified Agriculture, the location 6445 Sonoma Highway is convenient for clients, the expressed interest is abundant and I love to care for dogs. The Meadows Kennel meets 'dog needs' 100% of the time to alleviate neighbor concerns of barking, crying and stressed out dogs. Currently when a client needs a safe place for their dog, overnight, their dog sleeps in my home. I have no boarding fee as I express to my clientele I am applying for a boarding permit.

I contacted the appropriate businesses to conduct noise and traffic studies for this properties maximum potential of dogs within County and Cal Trans guidelines; reports are enclosed. With help, I studied how to design my property to accommodate the maximum number of dogs safely and within county requirements. I separated my 3.5 acre property into 12 large areas. Taking the noise, traffic, community need, zoning and property assets into consideration I am requesting a permit to operate with up to fifty dogs. I propose live in grooming and training for existing boarders to minimize daily traffic. I would also like to add that my sign needs to sit 6 feet from my properties high point versus 6 feet from the lowest point as the sign does not currently mark my property. The colors I chose are green and white to stay with the scenic landscape.

I would like to submit plans to the building department for a thirty run kennel similar to the current existing kennel. My hours of operation for clients would be from 7am to 7pm; Monday through Sunday. My screening process eliminates aggressive and unbalanced dogs.

I would like to have ten dogs in the garden, ten dogs in the pool area, ten dogs on the grass, ten dogs on the gravel, and ten dogs in the kennel area. My current clientele is mostly retired and do not bring dogs to The Meadows Kennel during peak commute times, but I do want boarded dogs to have outside access from 7am to 7pm.

I give five to ten tours with dog behavioral tests almost every day. Most of my clientele are elderly and retired with middle age to elderly dogs. There is a strong, local, community need for The Meadows Kennel to accommodate the long list of names I have on file. My clients have continual doctor appointments, chemotherapy, radiation, hospital stays, travel etc. Customers currently leave keys under their mat for me to pick up their dog in emergencies.

Dogs here have plenty of room on this three plus acres. At the present time the parcel is divided into over 12 large play, rest and swim areas where dogs can hang out with whatever I am doing. It has been my current experience that up to ten dogs can be together peacefully, in any one of these areas. I propose up to ten dogs in any divided area with one employee present. That is fifty dogs and five employees, not counting me.

I could currently, comfortably board twenty dogs in the extra large day care kennel I currently have on site. Per the site plan I would build a thirty run kennel to make a total of fifty large kennels.

Surface in play areas and kennel runs is concrete, pea gravel and grass. Areas subject to heavy wear-and-tear shall be treated frequently to ensure no wear down to dirt. Areas around drinking water are on concrete and stepping stones.

All garbage, refuse and dog feces on this site shall be collected daily and accumulated or stored in non absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal containers with tight fitting lids and picked up by the disposal company every Thursday unless there is a holiday.

I am aware of voiced concern with barking being an issue with The Meadows Kennel request to expand. I would like to say that I am among those whom don't approve of dogs barking. Cared for dogs do not bark. The Meadows Kennel can care for dogs so they don't cry and bark. It not only stresses people out, but dogs too. I believe we all want the same thing; to live in a peaceful and cared for environment. I have lived in Santa Rosa for over fifty years supporting and volunteering from 4-H, Animal Rescue, The Humane Society and many more.

In conclusion, I am pleased to be meeting strong, local community needs in the following important ways. My clientele needs a safe, convenient location for their dogs. The genuine need for these folks to feel their dog is cared for relieves stress for them and their dog. Especially for folks who happen to live alone. For these persons in particular, it is hard to find help with feeding, cleaning, exercising and petting their dog(s) on the occasions when they are unable to do so. I want to enhance this operation to support and protect my neighbors and their dogs to alleviate unnecessary stress and barking, to secure a safe and healthy place for neighbors, owners and dogs.

Lastly, as a small business I would be able to satisfy labor needs, providing employment; which increases a revenue stream. In turn these employees provide income to our community as they buy goods and services. Not to mention *I love what I am doing.*

Sincerely,



Heidi Niemann

Owner

The Meadows Kennel

Enclosures

Dec. 7, 2011

Melinda Grosch
PRMD
Re: The Meadows Kennel

Proposal Statement in more detail

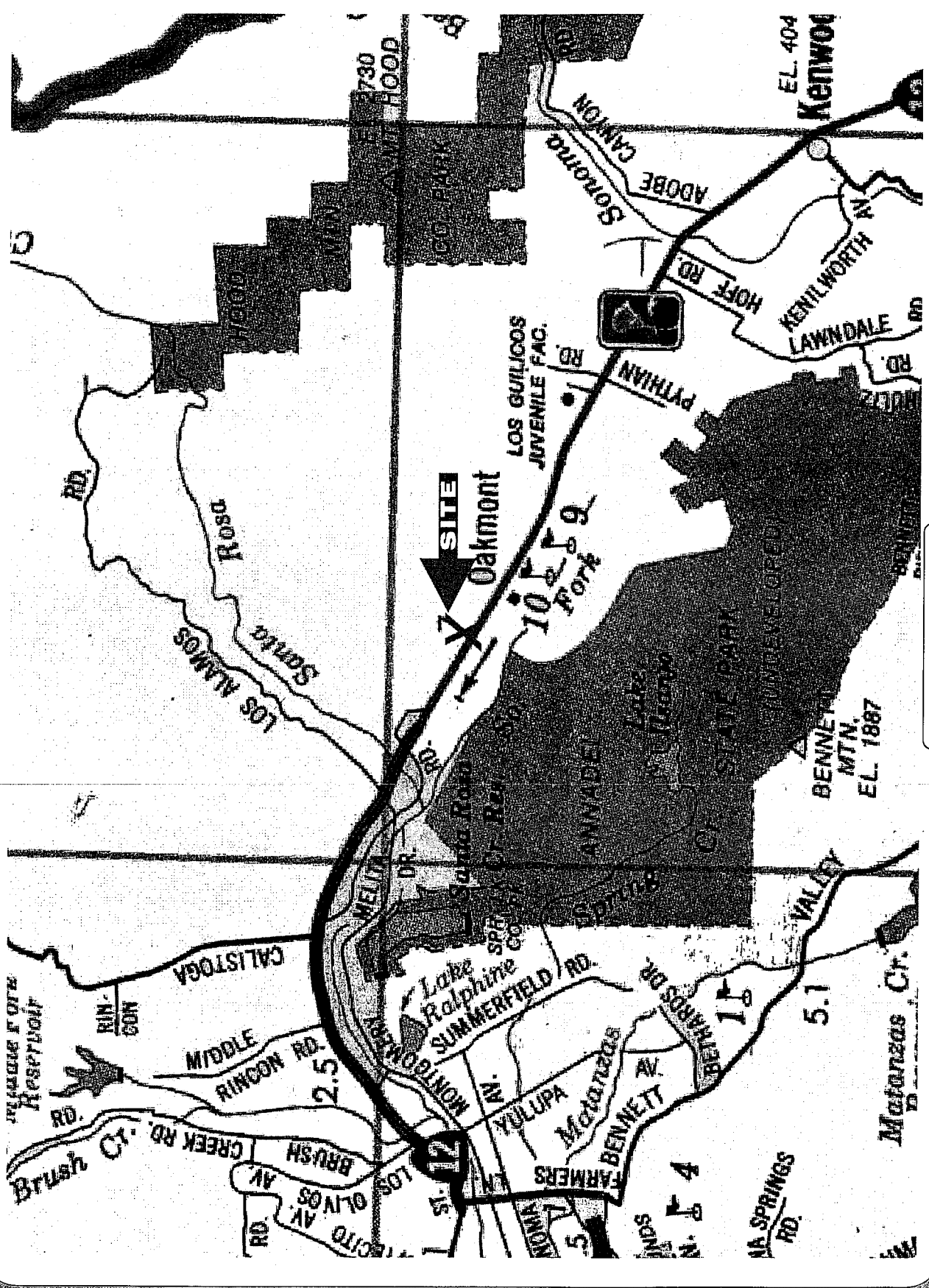
Measures to control barking: If a dog needs to be managed to stop barking, the first step would be to understand why dog is barking. If such dog cannot be satisfied owner will be called or their emergency contact. If owner has authorized use of citronella or bark collar we will use them.

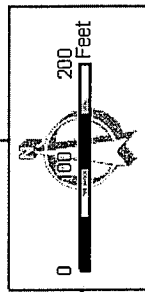
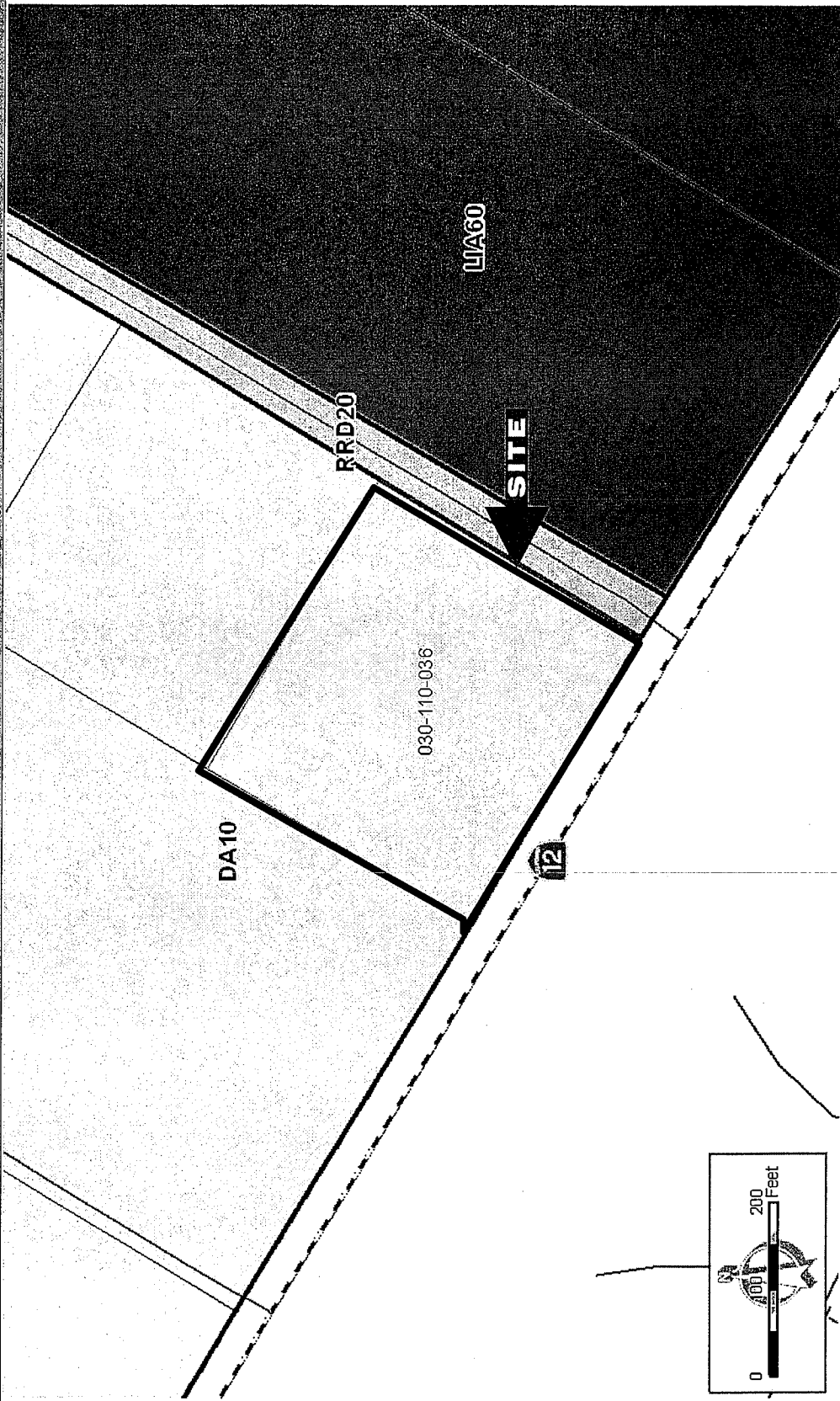
The Meadows Kennel is set up so outside runs do not face play areas, eliminating any visual excitement. We also primarily use the two large back yard areas (one acre) which are on the other side of the kennel and residence.

Live-in-Training: Classes from 1 – 4 weeks. First week would be teaching the foundation of basic obedience. Second week would be voice command training. Third week would be off leash and hand training and fourth week is all combined with distractions. Clients can pick one or all. I would like one trainer on call. Her name is Faye. The 1.2 acre Pooches Pool and Loafers Lounge will be where training is conducted and where an owner will receive instruction on a Saturday from 9am to 11am prior to taking their dog home. A group session will consist of five owners at one time on Saturdays from 1pm to 3pm.

Grooming: Folks that need their dog to be groomed have to have such dog boarded or in day care for up to 5 hours. No more than two dogs groomed per day with one groomer on call. Grooming will be conducted in existing kennel, when dogs are out playing. Hot and cold running water already exist, with GFI outlets.

Vicinity Map





General Plan Land Use

- Diverse Agriculture
- Land Extensive Agriculture
- Land Intensive Agriculture
- Resources & Rural Development
- Rural Residential
- Urban Residential
- Recreation / Visitor-Serving Commercial
- General Commercial
- Limited Commercial
- Limited Commercial Traffic Sensitive
- General Industrial
- Limited Industrial
- Public / Quasi-Public

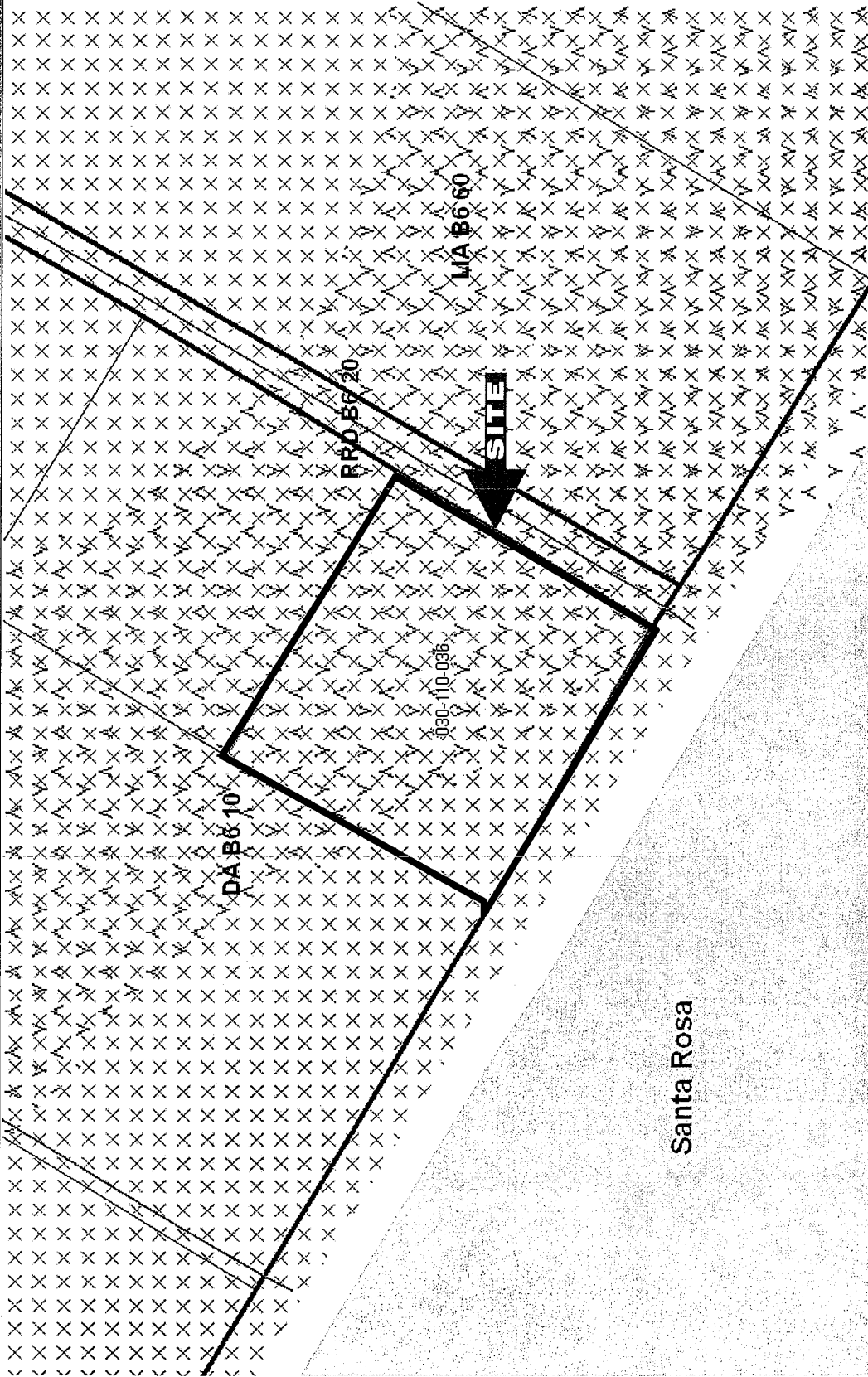
- Planning Area Policy
- Affordable Housing
- City

Base Map Data

- Coastal Commission Boundary
- Urban Service Area Boundary
- Highways
- Perennial Streams
- Intermittent Streams

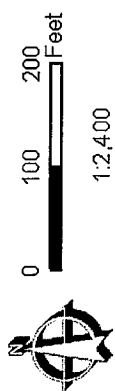
Numbers on map indicate maximum density in Acres/Unit, except Urban Residential where numbers indicate Units/Acres.

General Plan

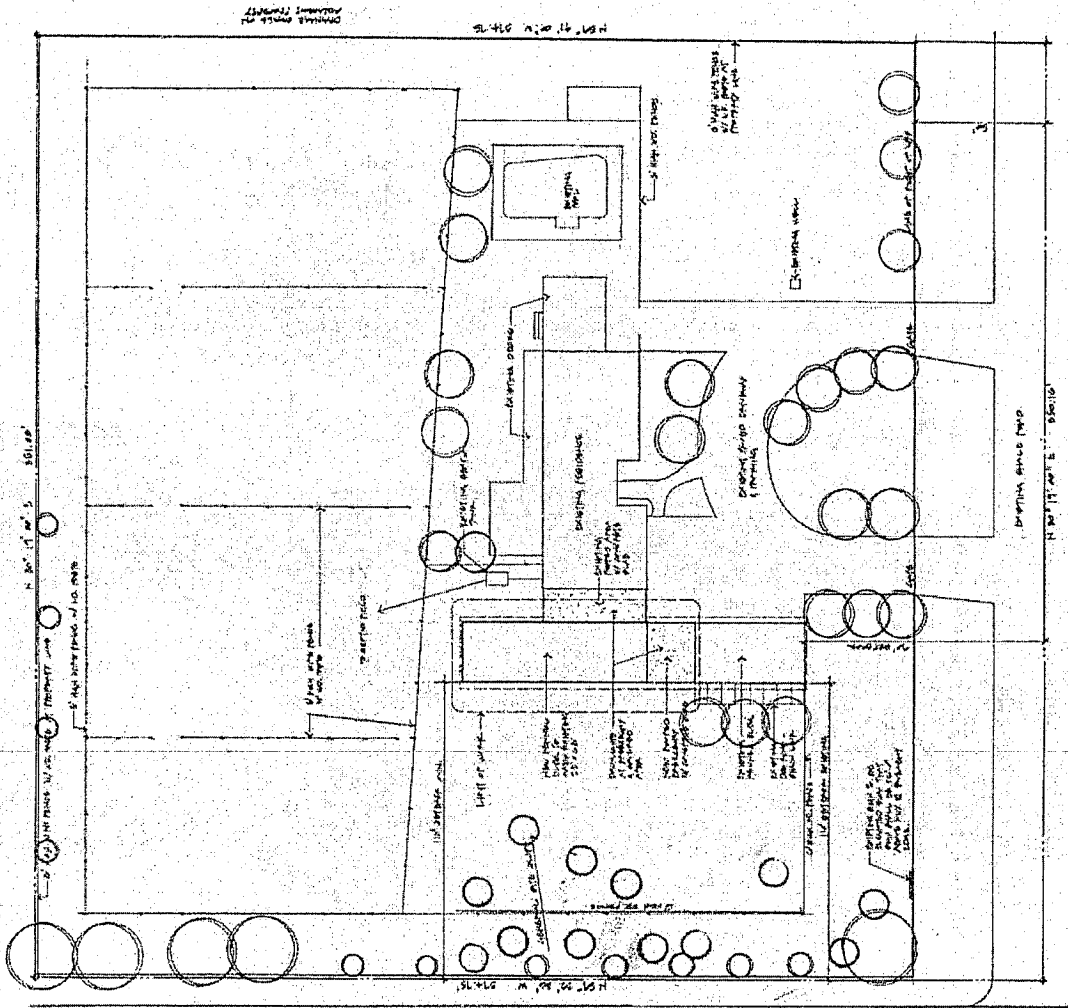


Zoning and Combining Districts

- City Limit
- AH Affordable Housing
- LU Policy
- HD Historic District
- SD Scenic Design
- SR Scenic Resource
- VOH Valley Oak Habitat
- BR Biotic Resource
- MR Mineral Resource
- G Geologic Hazard
- F1 Floodway
- F2 Floodplain

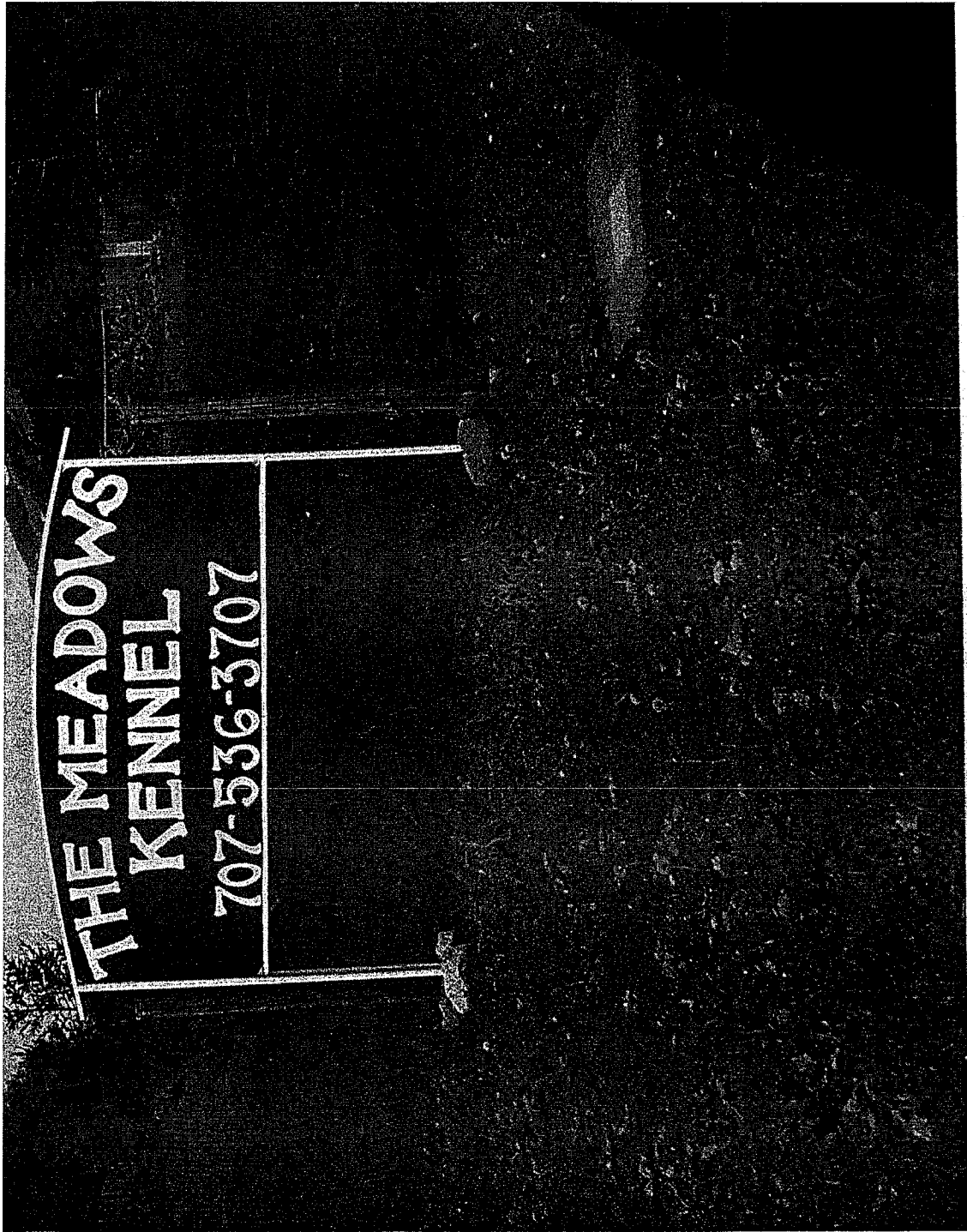


Zoning Map



OFFICE HIGHWAY 12
 1" = 20'
 ALL DIMENSIONS ARE IN FEET
 ALL ANGLES ARE IN DEGREES
 ALL DISTANCES ARE IN FEET

Site Plan



PLP11-0042

Current Sign

Resolution Number

County of Sonoma
Santa Rosa, California

March 15, 2012
PLP11-0042 Melinda Grosch

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS,
COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING A
NEGATIVE DECLARATION AND GRANTING A USE PERMIT TO HEIDI
NIEMANN, FOR PROPERTY LOCATED AT 6445 HIGHWAY 12, SANTA
ROSA; APN 030-110-036.

WHEREAS, the applicant, Heidi Niemann, filed a Use Permit application with the Sonoma County Permit and Resource Management Department for Use Permit and Design Review for a Boarding Kennel and Doggie Daycare for up to 50 dogs. Training and grooming will also be included. Located at 6445 Highway 12, Santa Rosa; APN 030-110-036; Zoned DA (Diverse Agriculture), B6-10 acre density, SR (Scenic Resource), VOH (Valley Oak Habitat); Supervisorial District No 1; and

WHEREAS, a Mitigated Negative Declaration was prepared and posted for the proposed project in accordance with the appropriate law and guidelines; and

WHEREAS, in accordance with the provisions of law, the Board of Zoning Adjustments held a public hearing on March 15, 2012, at which time all interested persons were given an opportunity to be heard.

NOW THEREFORE BE IT RESOLVED that the Board of Zoning Adjustments makes the following findings:

1. The primary use of the three acre parcel is not agriculture. However, the parcel will conform to the general appearance of adjoining parcels in that it will remain open paddocks which will be grazed by sheep in addition to their use as play areas for the dogs. The owner will continue to raise sheep each year on a seasonal basis in the paddocks which comprise approximately 50% of the parcel. The DA (Diverse Agriculture) zoning designation expressly allows commercial kennels subject to approval of a conditional Use Permit. Implementation of the conditions established for location, landscaping, colors, and lighting for the new kennel building will ensure compliance with the SR (Scenic Resources) designation of the site.
2. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, because mitigation measures have been incorporated into the project as Conditions of Approval. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.
3. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are: a) the potential visual impacts from the construction of a new kennel building are adequately mitigated by the proposed location, colors, landscaping, and lighting; b) the potential noise impacts will be mitigated by a dog management plan, insulation in the building, pre-screening of dogs who are allowed to stay at the kennel, and confining dogs to the kennel building between 7:00 p.m. and 7:00 a.m.; and c) the project will generate as many as 100 trips per day which will be dispersed over the operating hours. No more than 20 trips are anticipated during the a.m. and p.m. peak hours.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring Program set forth in the Conditions of Approval. The Board of Zoning Adjustments certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with comments received during the public review process, in compliance with CEQA and State and County Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment of the Board.

EXHIBIT I

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby grants the requested Use Permit, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Board's decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments' action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

THE FOREGOING RESOLUTION was introduced by Commissioner _____, who moved its adoption, seconded by Commissioner _____, and adopted on roll call by the following vote:

Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing resolution duly adopted; and

SO ORDERED.