



Staff Report to the Zoning Administrator

Application Number: **08-0243**

Applicant: Betty Cost
Owner: Jack Solma
APN: 080-102-17

Agenda Date: November 21, 2008
Agenda Item #: 3
Time: After 10:00 a.m.

Project Description: Proposal to recognize a Canine Training Facility and the associated kennels, sheds, office and other structural development appurtenant to the Canine Training Facility. Requires a Commercial Development Permit.

Location: Located at 720 Comstock Lane, at the end of Comstock Lane approximately 1/3 mile northwest of the intersection with Pine Flat Road in Bonny Doon.

Supervisory District: Third District (District Supervisor: Neal Coonerty)

Permits Required: Commercial Development Permit
Technical Reviews: archeological resources survey

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 08-0243, based on the attached findings and conditions.

Exhibits

- | | |
|---|--------------------------------------|
| A. Project plans | F. Assessor's parcel map |
| B. Findings | G. Zoning map |
| C. Conditions | H. Canine Facility Program Statement |
| D. Categorical Exemption (CEQA determination) | |
| E. Location Map | |

Parcel Information

Parcel Size:	10.7 acres
Existing Land Use - Parcel:	Small Commercial (canine training) and residential
Existing Land Use - Surrounding:	Residential and Open Space
Project Access:	From private driveway at end of Comstock Lane
Planning Area:	Bonny Doon

Land Use Designation: RR (Rural Residential)
Zone District: RA (Residential Agriculture)
Coastal Zone: ☐ Inside ☒ Outside
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: 10-20% gentle slopes
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed; portion mapped as Timber Resource
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Archeology: Mapped as potential resource; Phase I survey dated 8/18/08 showed no evidence of resources

Services Information

Urban/Rural Services Line: ☐ Inside ☒ Outside
Water Supply: Private well
Sewage Disposal: Private septic
Fire District: County Fire
Drainage District: N/a

History

An earlier application, # 01-0293, for recognition of the existing canine training facility, was abandoned. An unresolved issue at the time was the need to obtain a legal access easement to the subject parcel. A recorded access easement over APNs 080-102-14, -15 and -16 has now been provided by the neighboring Bosch Baha'i School.

Project Setting

The project site is in a rural and lightly developed area of large parcels in Bonny Doon. Surrounding land uses include a Baha'i school and single-family residences. Development on the 10.9-acre site consists of pre-1952 buildings and newer pre-fabricated structures. A pre-1952, 1-story, 2,562 square foot single-family residence is located in the southeast portion of the parcel. Other structural development includes a water tank, pump house, chicken coop and bird pens, and multiple small structures associated with dog kennels and the canine training operation. One shed, a travel trailer, a dog shelter and the existing portable toilet are to be removed, and all other structures will be brought into compliance with current Building Code requirements, including accessibility standards. The kennels are clustered toward the center of the large parcel, at a minimum of several hundred feet from nearby residences on parcels to the east. The training facility structures are in the west portion of the parcel, and the nearest structures on the Baha'i school parcel are approximately 150 feet from the west property line. All required setbacks are met, and the canine facility is not visible from neighboring parcels.

Hours of operation, noise control, dog waste disposal measures, and the proposed maximum number of employees and number of dogs onsite are specified in a Program Statement submitted by the applicant. Twenty-eight parking spaces are provided, which is more than adequate for the maximum number of employees and visitors.

Zoning & General Plan Consistency

The subject property is a 10.9-acre lot, located in the RA (Residential Agriculture) zone district, a designation that allows commercial uses. The existing structures appurtenant to a canine training facility are a principal permitted use within the zone district and the project is consistent with the site's (RR) Rural Residential General Plan designation.

Environmental Review

Environmental review of the proposed project per the requirements of the California Environmental Quality Act (CEQA) has resulted in the determination that the proposed project is exempt per CEQA Section 15301 (Class 1- Existing Facilities).

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **08-0243**, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

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Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for residential and agricultural uses that include animal-keeping activities and is not encumbered by physical constraints to development. The existing structures and site improvements are being brought into compliance with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The structures appurtenant to the canine training operation will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structures meet all current setbacks that ensure access to light, air, and open space in the lightly-settled rural neighborhood.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the locations of the structures appurtenant to canine training and the conditions under which they are operated and maintained are consistent with all pertinent County ordinances and the purpose of the RA (Residential Agriculture) zone district in that the primary use of the property will be a canine training operation that meets all current site standards for the RA zone district. All structures meet the required setbacks for the RA zone district. The kennels are clustered toward the center of the large parcel, at a minimum of several hundred feet from nearby residences on parcels to the east. The training facility structures are in the west portion of the parcel, and the nearest structures on the Baha'i school parcel are approximately 150 feet from the west property line. All required setbacks are met, and the canine facility is not visible from neighboring parcels.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed commercial use is consistent with the use and density requirements specified for the Rural Residential (RR) land use designation in the County General Plan.

The structures appurtenant to canine training will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meet all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), and the structures appurtenant to canine training do not adversely shade adjacent properties, and meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

The structures appurtenant to canine training are not improperly proportioned to the parcel size or the

character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the structures comply with the site standards for the RA zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and are consistent with a design that could be approved on any similarly sized lot in the vicinity. The facility is not visible off-site from neighboring parcels.

A specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the structures appurtenant to canine training are constructed on an existing developed lot. Recognition of the existing structures used in the canine training facility will not result in a change or increase in the existing use patterns or create increased traffic to the subject property and will not adversely impact existing roads and intersections in the surrounding area.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the canine training facility structures are located in a rural large-parcel neighborhood containing a variety of architectural styles, and the structures are consistent with the land use intensity and density of the neighborhood. None of the structures or activities of the canine training facility are visible off-site. The dogs that are boarded at the facility overnight are kept in indoor kennels in the middle of the property, and bark collars are used as needed to ensure that there are no noise impacts for neighboring parcels.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the structures appurtenant to canine training are of an appropriate scale and design that will not impair the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area. The facility is not visible from nearby residences.

Conditions of Approval

Exhibit A: Project Plans, 4 pages, by William C. Kempf, Architect, and Bowman and Williams, Civil Engineers, dated June 9, 2008 and revised August 27, 2008.

- I. This permit recognizes structures appurtenant to a canine training facility as shown on "Exhibit A", and permits the use of the facility for a commercial canine training operation and kennel. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
 - B. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.
 - C. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
 - D. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services, if needed.
 - E. Meet all requirements and pay any applicable plan check fee of the County Fire

Protection District.

- F. Provide required off-street parking for 28 cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.

III. Prior to final building inspection, the applicant/owner must meet the following conditions:

- A. All site improvements shown on the final approved Building Permit plans shall be installed.
- B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- C. Obtain a kennel permit from Environmental Health.
- D. Obtain dog licenses from the SPCA.
- E. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

IV. Operational Conditions

- A. Hours of operation for dog training activities shall be from 9 a.m. to 3 p.m. seven days a week.
- B. No dogs shall be left outdoors at night. Noise collars shall be used as needed in order to reduce barking during daytime operations. Entrances to buildings used for training shall be kept closed while in use in order to contain barking.
- C. Dog waste shall be removed weekly as specified by Environmental Health.
- D. A maximum of 15 dogs shall be using the training facility at one time.
- E. A maximum of 25 dogs shall be kept overnight. An employee of the kennel facility shall be on site 24 hours a day.
- F. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County

inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

Application #: 08-0243
APN: 080-102-17
Owner: Jack Solma

Minor variations to this permit that do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires two years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

Alice Daly
Project Planner

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 08-0243

Assessor Parcel Number: 080-102-17

Project Location: 720 Comstock Lane

Project Description: Proposal to recognize a Canine Training Facility and its associated structures

Person or Agency Proposing Project: Betty Cost

Contact Phone Number: 831-724-4597

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
D. ☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

E. ☒ **Categorical Exemption**

Specify type: Section 15301: Existing Facilities

F. Reasons why the project is exempt:

The project is to permit an existing facility with no expansion of use.

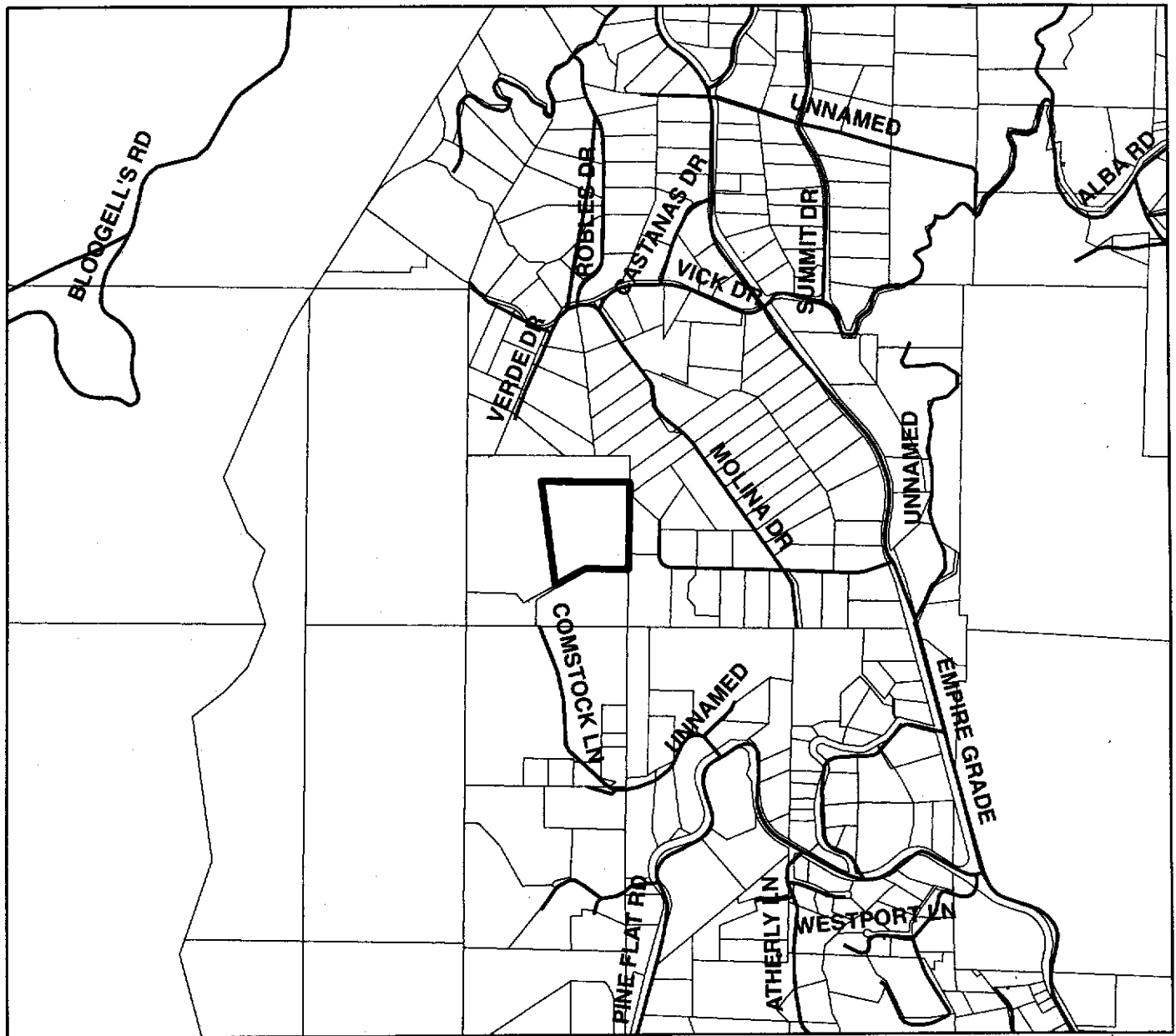
In addition, none of the conditions described in Section 15300.2 apply to this project.

Alice Daly, Project Planner

Date: _____






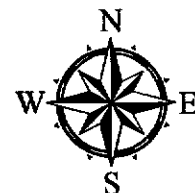
Location Map



0 1,100 2,200 4,400 6,600 8,800 Feet

LEGEND

-  APN: 080-102-17
-  Assessors Parcels
-  Streets



Map Created by
County of Santa Cruz
Planning Department
June 2008

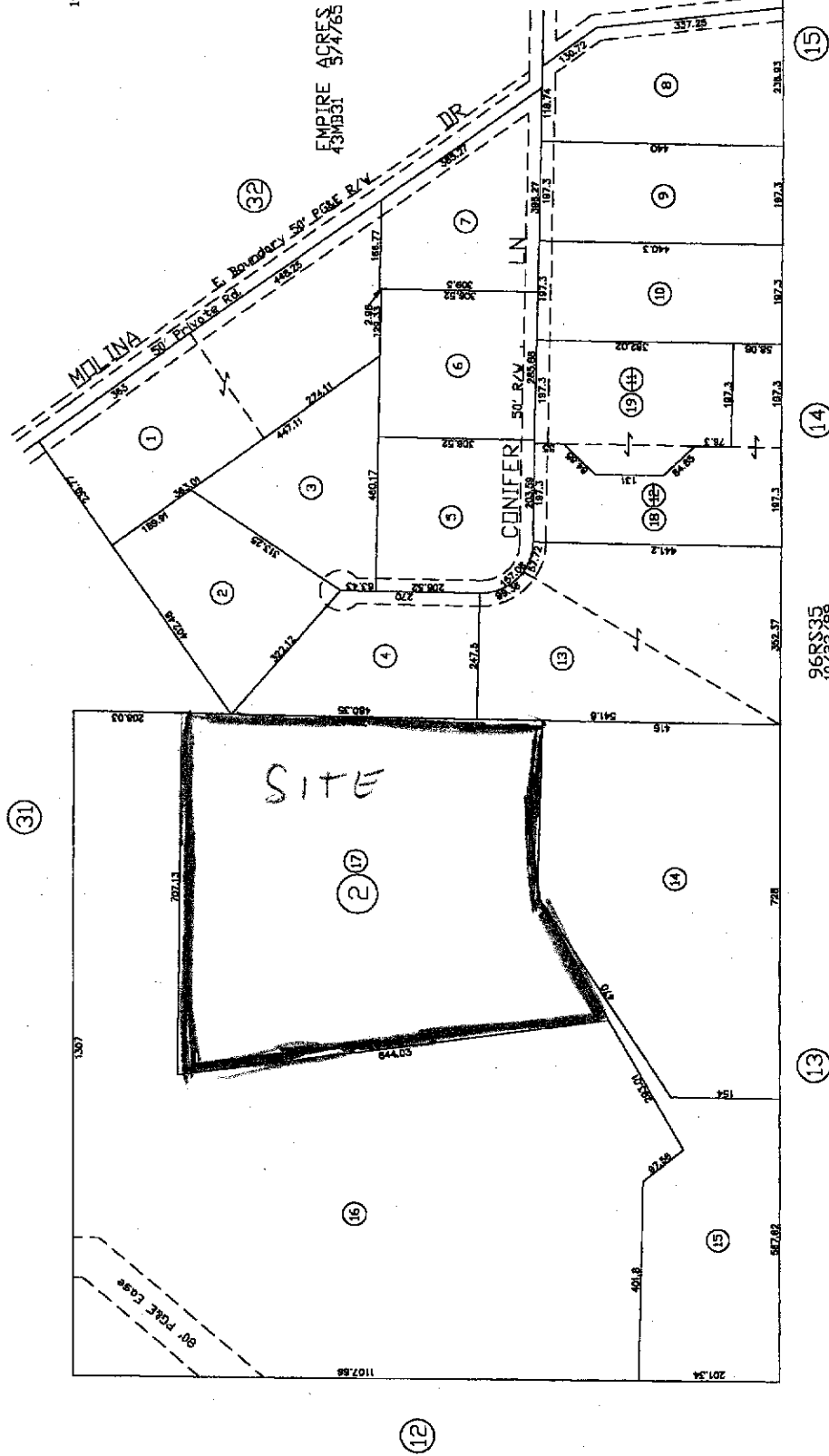
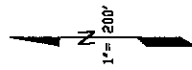
EXHIBIT E

FOR TAX PURPOSES ONLY
 THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY AND ASSUMES ANY
 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
 © COPYRIGHT, SANTA CRUZ COUNTY ASSESSOR 2000

POR. S. 1/2 SEC. 1, T.10S., R.3W., M.D.B. & M.

Tax Area Code
 58-001

80-10



Electronically Reborn 9/19/00 NW
 Rev. 8/8/03 NW (changed page title)

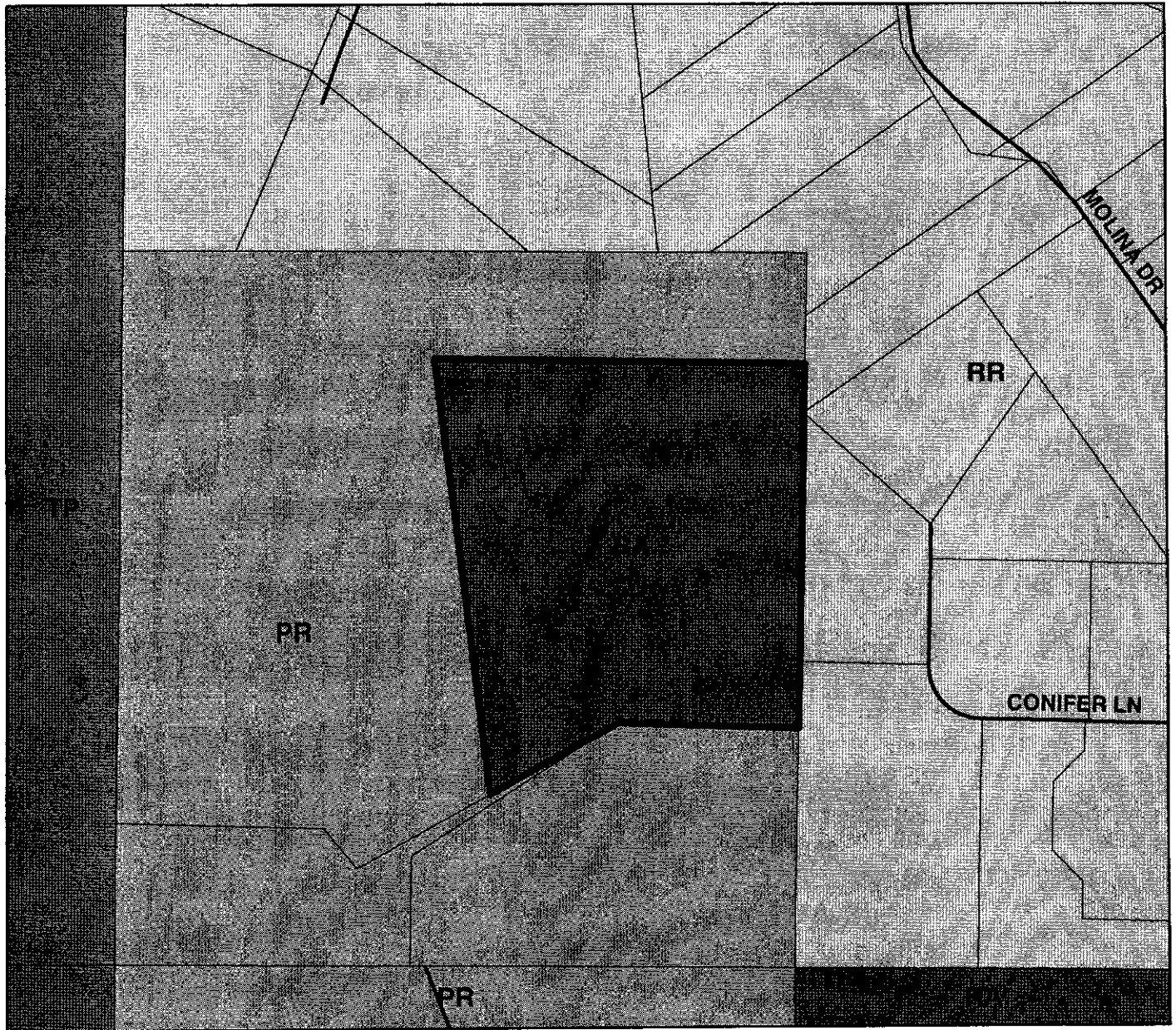
Note - Assessor's Parcel & Block
 Numbers Shown in Circles.

96RS35
 10/22/99

Assessor's Map No. 80-10
 County of Santa Cruz, Calif
 Sept., 2000

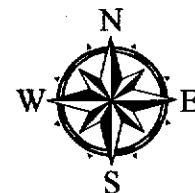


Zoning Map



LEGEND

- APN: 080-102-17
- Assessors Parcels
- Streets
- AGRICULTURE RESIDENTIAL
- RESIDENTIAL-RURAL
- TIMBER PRODUCTION
- PARK



Map Created by
County of Santa Cruz
Planning Department
June 2008

**VON FALCONER CANINE TRAINING FACILITY
APN 080-102-17; 750 COMSTOCK LANE, BONNY DOON**

PROGRAM STATEMENT

USE:

This facility is used for private individual and group classes for training dogs, and for kennel dog care for dogs being placed with new owners or while owners are on vacation.

TRAINERS & EMPLOYEES:

There are 3 trainers, all of whom live on site and take care of and train the dogs. There are also 1.5 employees who care for the site and the dogs. Someone is on site 24 hours.

NUMBER OF DOGS ON SITE:

There are at most about 15 dogs being trained at the facility at any one time in the public group or police training classes. Private classes are one dog at a time. Some of the dogs being trained are there for training for extended periods and therefore stay overnight. Some dogs are cared for while their owners are on vacation. Some dogs are there until they can be placed with new owners. The maximum number of these "staying overnight" dogs is 25 dogs, and this maximum is usually only during the Christmas holidays.

There are 3 pet dogs. The owners breed their own dogs and have usually one litter at a time, which is predominantly in the summer. There are usually 1-2 litters per year, with 6-9 puppies per litter. Each puppy sold and its new owner are given 4 free training classes.

HOURS OF OPERATION:

We are requesting that the hours of operation for training be from 9 A.M. until 3 P.M. seven days a week. However, currently there is only one group class for the public, on Saturdays between 10 a.m. and 12 noon. There is individual instruction on Sunday and during the week.

The site is donated to the local sheriff and police departments for police seminars for training the departments' own police dogs to assist in police work: narcotics search, bomb detection, search and rescue, and tracking. There are about 10 departments using the facilities now. These training seminars are taught by Marvin Gangloff of Mar/Ken Police Canine and are usually about 2 times per

week. They are currently held on Mondays and Thursdays from 9 am to 11 am. Some of the dogs being trained by the facility also participate in these seminars.

Some training sessions are conducted off-site.

NOISE CONTROL:

All dogs staying overnight are brought indoors to the various buildings at night to eliminate noise. No dogs are left out in runs at night. Noise collars are used to reduce barking noise, and entrances to buildings used in training are enclosed to reduce excited barking noise during training.

BUILDINGS ON SITE:

There is an agility training yard, a scent detection building, and 3 vehicles used for scent detection. One building is used as an office. The only habitable building is the main house. Other buildings are used for the dogs at night. All structures have electricity for cooling fans, heating units and radios for the comfort of the dogs at night or during inclement weather.

PARKING:

There is space for 28 vehicles, which is more than enough for the proposed use.

OTHER DETAILS:

Dog waste is eliminated from the site by the use of a portable waste removal unit (porta-potty), which is removed weekly. This has been approved by Environmental Health. A kennel permit will be obtained from Environmental Health. Dog licenses will be obtained from the SPCA. Both of these processes have been begun, but need County Use Permit and building permit approval to complete.

8/28/08