

SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for the Gullo Appeal and the Cheney Appeal of the Hollon's Hounds
Commercial Boarding Project

Hearing Date: April 29, 2020
Staff Report Date: April 9, 2020
Case Nos.: 20APL-00000-00004 and
20APL-00000-00005
Environmental Document: Exempt
pursuant to Sections 15301 and 15303 of
the State CEQA Guidelines

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This site is identified as Assessor Parcel Number 141-121-021, located at 1601 Edison St. in the Santa Ynez Area, Third Supervisorial District.

Zoning Administrator Approval:
Appeals Filed:

January 27, 2020
February 6, 2020

1.0 REQUEST

The public hearing concerns a request by appellant Isabelle Gullo and appellant Peter Cheney, who filed separate appeals on Case No. 19CUP-00000-00015, a Minor Conditional Use Permit that was approved on January 27, 2020, and authorized a commercial dog boarding facility, daycare kennel operation, and rescue operation. The subject property is zoned AG-I-10 and is located at

1601 Edison Street, Santa Ynez area (Assessor Parcel No. 141-121-021), Third Supervisorial District. The appeal was filed in compliance with Chapter 35.102 of the Land Use and Development Code (LUDC).

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below, deny the appeals, Case Nos. 20APL-00000-00004 and 20APL-00000-00005, and affirm the decision of the Zoning Administrator to conditionally approve Case No. 19CUP-00000-00015 marked "Officially Accepted, County of Santa Barbara April 29, 2020, County Planning Commission Attachments A-J" based upon the project's consistency with the Comprehensive Plan, including the Santa Ynez Valley Community Plan, and based on the ability to make the required findings.

The Commission's motion should include the following:

1. Deny the appeals, Case Nos. 20APL-00000-00004 and 20APL-00000-00005.
2. Make the required findings for approval of the project specified in Attachment A of this staff report, including California Environmental Quality Act (CEQA) findings.
3. Determine the project is exempt from CEQA pursuant to CEQA Guidelines Sections 15301 and 15303, included as Attachment C.
4. Grant *de novo* approval of the project, Case No. 19CUP-00000-00015, subject to the conditions included as Attachment B.

Refer back to staff if your Commission takes other than the recommended action for appropriate findings and conditions.

3.0 JURISDICTION

This project is being considered by the County Planning Commission based on Section 35.102.040.4 of the LUDC, which states that "...Any decision of the Zoning Administrator to approve, conditionally approve, or deny an application for a Conditional Use Permit..." may be appealed to the Commission. As the Minor Conditional Use Permit was approved by the Zoning Administrator and subsequently appealed, the County Planning Commission is the decision maker.

Pursuant to Section 35.42.060 of the LUDC, a commercial kennel requires a Minor Conditional Use Permit (MCUP) in the AG-I zone district, while a private kennel is exempt from permits. A commercial kennel is defined as "[a] kennel...which may include boarding facilities, where the dogs are for other than private enjoyment of the occupants of the premises, and where boarding services are offered to the public." A private kennel is defined as "[a] kennel...where the dogs are kept for the private enjoyment of the occupants of the premises."

The Applicant's project description, as stated in Section 5.2 of the staff report, includes both a commercial and private kennel component. The applicant included both project components in their project description. The daycare and kenneling operation functions as a commercial kennel. The kenneling operation therefore requires an MCUP in the AG-I zone district. Though the property owner solicits donations from the public to fund rehabilitation and adoption services, the rescue operation is non-commercial in nature and functions as a non-profit to facilitate the adoption of dogs; it does not include commercial boarding or raising of animals where such services are offered to members of the public, and therefore it can be considered a private, non-commercial kennel exempt from permitting. Nonetheless, LUDC Section 35.42.060(F)(1)(d) requires that all animal keeping activities be carried on in a manner so as not to be injurious to the health, safety or welfare of the neighborhood as determined by the Director after advice from the Public Health Department. Therefore, the entire project is considered in Project Analysis (Section 6.0), the Findings (Attachment A), the Conditions of Approval (Attachment B), the Notice of Exemption (Attachment C), the Waste Management Plan (Attachment H), the Sound Level Survey and Addendum (Attachment I), and the Sound Management Plan (Attachment J).

4.0 ISSUE SUMMARY

The project on appeal before the County Planning Commission is a request for a Minor Conditional Use Permit (CUP), Case No. 19CUP-00000-00015, to authorize a commercial dog boarding facility, and rescue operation. The Zoning Administrator approved the permit on January 27, 2020.

On February 6, 2020, two appeals of the Zoning Administrator's decision were submitted in the appropriate filing period. Appellant #1, Isabelle Gullo, cites the following as the basis of her appeal: animal neglect, inhumane treatment of animals, and lack of consultation with Santa Barbara County Animal Services. Appellant #2, Peter Cheney, cites the following as the basis of his appeal: detriment to the neighborhood, incompatibility with the surrounding area, and requirement of CEQA review. The appeal issues raised by both appellants are discussed in detail in Section 6.1, below.

Staff reviewed the appeals and finds that the proposed project is consistent with the Santa Barbara County Comprehensive Plan and the Land Use and Development Code. The information included in this staff report supports *de novo* approval of Case No. 19CUP-00000-00015.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	Rural, A-I-10 (Agriculture I, minimum parcel size of 10 acres)
Ordinance, Zone	LUDC, AG-I-10 (Agriculture I, minimum parcel size of 10 acres)
Site Size	9.69 acres

Site Information	
Present Use & Development	The parcel includes a single-family dwelling, residential second unit, a horse barn, pole barn, horse arena, and two covered stables. The rescue kennel is currently in operation.
Surrounding Uses/Zone(s)	North: AG-I-10; residential, animal keeping, equestrian, agricultural South: AG-I-10; residential, animal keeping, equestrian, agricultural East: AG-I-5; residential, animal keeping, equestrian, agricultural West: AG-I-10; residential, animal keeping, equestrian, agricultural
Access	Existing driveway off Edison Street
Public Services	Water Supply: Santa Ynez River Water District #1 Sewage: onsite wastewater treatment system Fire: County Fire Police Services: County Sheriff

5.2 Project Description

The project is a request by owner and applicant Breann Hollon for approval of a Minor Conditional Use Permit (MCUP) to allow for a commercial dog boarding, daycare kennel operation, and rescue operation on a 9.69-acre parcel zoned AG-I-10. A MCUP is required for a commercial kennel in the AG-I zone district.

The proposed project would provide a “home-style” boarding experience and pet retreat for use by locals and tourists. Combined, the kenneling and rescue operations would include up to 21 dogs. Three personal dogs (household pets) exist on the parcel as well. Up to 24 dogs (three household pet dogs, 21 as a part of the kenneling or rescue operations) would be allowed on the property at any given time.

Existing structures on the project parcel include a horse barn, pole barn, horse arena, two covered stables, single-family dwelling, and residential second unit with an attached garage. The dogs would be confined to the stables, residential second unit, and the play yards located on the southwestern portion of the parcel. The covered stables, which have fenced turnouts, are located in the southwestern portion of the parcel. Each stable would be fitted with two doghouses, a kiddie pool, and toys. A play yard would be utilized in 30-minute increments throughout the day to allow for the dogs to expend energy and play. Removable shade sails with a maximum size of 10 ft. wide by 10 ft. long would be used in the play yard on hot days. The dogs being kept on the property for rescue and boarding purposes would not enter the blue line creek. When dogs are moved from the kenneling area to the play yard, they would be leashed and would utilize an existing culvert to cross the creek.

The applicant would utilize their grooming van to shuttle dogs enrolled in the daycare kennel service to and from the property from 8:00 AM to 5:30 PM on a daily, as-needed basis. The daycare component of the facility would operate from 9:00 AM to 5:00 PM up to seven days a week. Overnight kenneling would also be allowed. Client trips to the facility would be by-appointment only; a total of one to two client trips to the site are anticipated on a weekly basis. No grooming, breeding, or training services would occur onsite. No signage is proposed. The operation would utilize up to four employees, all of whom live on-site in the approved single-family dwelling and residential second unit. Supervision of the dogs and management of the operation would take place 24 hours a day. At least one employee or property owner will be onsite to supervise the dogs at any given time. The project includes the implementation of a noise management plan. The Project also includes the implementation of a waste management plan, which has been approved by County Animal Services and County Environmental Health Services.

No new structures are proposed. No exterior lighting is proposed. The project does not include any grading. Landscaping would consist of 80 five-gallon privets. Forty privets would be planted on the west and north sides of the play yard; twenty privets would be planted to the west of the covered stables; and twenty privets would be planted on the north side of the existing barn. Irrigation to the new landscaping would be provided by a drip system. The parcel is enclosed by an existing split-rail fence. Access to the project is provided by two existing paved driveways off Edison Street. The project is located at 1601 Edison Street (APN 141-121-021) within the Santa Ynez Valley Community Plan area, Third Supervisorial District.

5.3 Background Information

On March 11, 2019, the Planning and Development Department received a complaint about the unpermitted operation of a commercial kennel on the subject parcel. Zoning enforcement staff investigated the complaint and opened a zoning violation case (Case No. 19ZEV-00000-00093). Subsequently, the property owner submitted a Minor Conditional Use Permit (MCUP) application to Planning and Development on March 28, 2019, for the operation of a boarding facility for up to 30 dogs during the day and 15 dogs overnight; the Applicant later extended the project description to include the operation of a rescue facility for up to an additional 21 dogs. In total, the applicant proposed to have up to 54 dogs during the day and up to 39 dogs overnight.

On June 18, 2019, Planning and Development staff conducted a site visit and reviewed the existing development and uses on the parcel. Staff evaluated the MCUP application for consistency with the County of Santa Barbara Comprehensive Plan and Santa Ynez Valley Community Plan policies regarding land use development, hillside and watershed protection, visual resources, noise, odor, agricultural production and viability, wastewater and public services. Staff recommended project conditions of approval for a Sound Management Plan and Waste Management Plan (Attachments B, J, and H) to ensure that the facility would be consistent with the Land Use and Development Code (LUDC), Comprehensive Plan, and Santa Ynez Valley Community Plan. The Waste Management Plan has been approved by County Environmental Health Services and County Animal Services.

The Zoning Administrator (ZA) first considered the project on December 16, 2019. At the December hearing, the ZA requested the following information and clarifications, which were addressed in the memo dated January 10, 2020:

- a. Project description clarity and the inclusion of Milton's Mutts (the rescue operation) in the permit scope.
- b. Summary of other types of animals on the property and their housing locations.
- c. Summary of other commercial animal boarding facilities in the area.
- d. Condition of approval for boarded animal pick-up and drop-off.
- e. Additional information on the adequacy of the CEQA document.

Additionally, the Applicant reduced the proposed number of total dogs in the kenneling and rescue operations to a maximum of 21 dogs at any given time (including overnight) prior to preparation of the January 10, 2020 memo.

The MCUP application returned to hearing on January 27, 2020, and was approved by the ZA based on the project's consistency with the LUDC, the Comprehensive Plan, and the Santa Ynez Valley Community Plan. The project description and conditions of approval have been modified in Attachment B for clarity.

Two Appellants filed an appeal of the ZA's approval on February 6, 2020 (Attachments D and E). The appeal issues and staff's responses are addressed in Section 6.1 below.

6.0 PROJECT ANALYSIS

6.1 Appeal Issues

The appeal issues raised by Appellants are summarized below, followed by staff's analysis. Appeal issues raised by Isabelle Gullo, Appellant #1, are discussed in Section 6.1.1 and include animal neglect, inhumane treatment of animals, and lack of consultation with Santa Barbara County Animal Services. Appeal issues raised by Peter Cheney, Appellant #2, are discussed in Section 6.1.2 and include concerns that the project is a detriment to the neighborhood, incompatibility of the project with the surrounding area, and the requirement of CEQA review.

6.1.1 Appellant #1, Isabelle Gullo

Appellant #1, Appeal Issue #1 – Animal Neglect

The Appellant contends that animal neglect and inhumane treatment of animals has occurred at the subject facility. The Appellant mentions three witnesses of said neglect in the appeal package (Attachment D):

- The Appellant lived on the subject property from February through July 2017, and attests to a failure by the Applicant to provide food and water regularly; filthy and inadequate housing conditions; and lack of supervision of the animals in the care of the Applicant.
- Valerie Wheeler was employed by the Applicant from December 2017 through January 2019 and testified at the December 2019 Zoning Administrator hearing to inhumane treatment of animals, including unsanitary housing conditions; lack of provision of food and water; and lack of provision of veterinary care for sick animals. Additionally, Ms. Wheeler testified that the Applicant adopts out some rescue animals unaltered (i.e. without spaying or neutering), which is illegal in the State of California.
- Angela Adan was a tenant at Hollon's Hounds in 2018 when the boarding operation occurred at 1553 Meadowvale Road in Santa Ynez. The Appellant states that Ms. Adan witnessed the same inhumane conditions during her stay at the Meadowvale boarding facility, including lack of supervision of animals, no access to water for long periods of time, unclean living conditions with stalls covered in feces for days, lack of veterinary care for sick animals, and lack of proper record keeping.

Staff Response

For clarity, the Meadowvale facility referenced in the appeal issue is known as the KNine Solutions Commercial Dog Kennel and is located at 1551 Meadowvale Road approximately 0.2 miles from the subject property. It was similarly reported in a zoning complaint on March 29, 2019, and investigated by a P&D enforcement officer. The facility was found to be unpermitted, and the property owner was granted a Minor Conditional Use Permit by the Zoning Administrator on September 9, 2019. The CUP was not appealed. While the subject facility and KNine Solutions formally had employees in common, the operations are unrelated and are under separate ownership.

Though animal welfare and compliance with County Code of Ordinances Chapter 7 (Animals and Fowl) are not under the purview of Planning and Development, it is the practice of the Department to consult with relevant County Departments on projects that concern their jurisdiction. Prior to docketing staff report for the December 16, 2019 ZA hearing, staff confirmed with Julia Bixby, Supervising Animal Control Officer, that the Applicant was in compliance with all Animal Services requirements (November 13, 2019), and that all dogs on the property were properly licensed as of October 1, 2019. At the time of consultation, staff also worked with Animal Services to prepare Condition No. 3 (Attachment B), which incorporates requirements from Chapter 7 of the County Code of Ordinances [Animals and Fowl], and ties compliance checks for licensure and kennel permitting to regular inspections by Planning and Development Permit Compliance staff.

On March 26, 2020, staff again confirmed with Julia Bixby of Animal Services that the Applicant complies with all Animal Services requirements and that all complaints against the Applicant

regarding animal abuse and neglect have been investigated; however, as of April 15, 2020, the Applicant had not renewed licensing that expired on April 1, 2020, and had not renewed her permit for a grooming operation. As of April 15, 2020, the Applicant had not applied with Animal Services for a kenneling permit; approval of an Animal Services kennel permit and proof of licensure are required prior to Zoning Clearance Issuance (Condition No. 3). After required zoning approvals are obtained as required by the Animal Keeping Section of the LUDC (Section 35.42.060), Animal Services reviews kennels annually for compliance with Section 7-5 and 7-6 of the County Code of Ordinances. Section 7-5 includes provisions for the proper care and comfort of animals in kennels, and Section 7-6 includes Animal Services permitting requirements. These reviews are outside of the jurisdiction of Planning and Development.

Appellant #1, Appeal Issue #2 – Failure to Consult with Animal Services

The Appellant contends that Santa Barbara County Animal Services was not involved in the process of granting the Applicant a Conditional Use Permit to operate a commercial boarding facility on the subject property. The Appellant states that “Animal Services should have been involved from the start, presenting records and bringing forward any animal welfare complaints relating to Breann Hollon and her operations. In this case, there are many such complaints on file.”

Staff Response

As discussed above in the response to Appeal Issue #1, animal welfare is not within the purview of Planning and Development's land use entitlement process. Nonetheless, staff worked in consultation with Animal Services to process Case No. 19CUP-00000-00015. Animal Services reviewed and approved the Waste Management Plan (Attachment H) on September 24, 2019; at that time, the Applicant was not in compliance with licensing requirements and had outstanding citations from Animal Services. As discussed above in the prior response, Animal Services was again consulted regarding the Applicant's compliance with their requirements on November 13, 2019, and confirmed that the citations were resolved. On March 26, 2020, staff again confirmed with Julia Bixby of Animal Services that the Applicant complies with all Animal Services requirements and the all complaints against the Applicant regarding animal abuse and neglect have been investigated.

6.1.2 Appellant #2, Peter Cheney

Appellant #2, Appeal Issue #1 – Detrimental to Neighborhood

The Appellant contends that the project will be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood. Specifically, the applicant states that the fencing required in Condition of Approval No. 6 does not encompass all areas where the Applicant's commercial boarding and rescue dogs will be kept, nor does it adequately describe the type of fencing required to be installed. The required fencing is therefore inadequate to prevent the Applicant's dogs from escaping onto neighboring properties, which could cause serious injury to surrounding property owners and their guests and animals. Additionally, noise and waste from the Project will jeopardize the comfort, convenience, health and welfare of the surrounding properties.

Staff Response

As discussed in the project findings (Attachment A) and the NOE (Attachment C), the existing permitted structures proposed for kennel use have been consistently used for animal keeping, and have been used as kennels since 2017 when the rescue operation opened. Furthermore, the proposed project is consistent with the number of dogs previously kept on the property and no increase in dogs is proposed. According to the Applicant, the existing rescue facility on the parcel had 21 dogs while 3 personal dogs were also kept on the property. This information is consistent with inspection records kept by Animal Services, which document that approximately 23 dogs (rescue and personal) were kept on the property in 2019. The Applicant is proposing to limit dogs on the property to a maximum of 24 dogs in total, including the existing rescue use, household pet use, and the commercial kennel use. The project is conditioned to include additional fencing, noise management, and waste management procedures in order to ensure that the proposed project would conform to all applicable County requirements to ensure that detrimental effects will not occur to the health, safety, comfort, convenience, and general welfare of the neighborhood.

The applicant has proposed additional shielding in the form of 80 five-gallon privets. Forty privets will be planted on the west and north sides of the play yard; twenty privets will be planted to the west of the covered stables; and twenty privets will be planted on the north side of the existing barn. The locations of proposed landscaping are shown in Attachment G. Condition No. 6 requires that the applicant install a 6-foot high solid fence around areas utilized for the kennel facility, including the residential second unit, the play yard, and the covered stables. The condition requires that the fencing must be adequate to keep all dogs from escaping. Fencing design shall be to the satisfaction of P&D and Animal Services and is required to be maintained in good condition for the life of the facility. The fencing location and details shall be shown on the site plan prior to issuance of Zoning Clearance permits and shall be installed within 30 days of Zoning Clearance Issuance. P&D compliance staff would inspect fencing installation. Condition No. 6 clearly delineates the areas that are allowed to be used as a part of the rescue and boarding operation and requires them to be fenced. The only time dogs would be outside of a fenced area would be when they are moved from the kenneling area to the play yard. During the transport, they would be leashed, as is required in Condition No. 1.

Regarding noise generated by the facility, the provided sound level survey and addendum (Attachment I) state that project-related noise with 24 dogs on the property does not exceed an average of 65 dBA at any of the nearest property lines. Additionally, the facility is subject to a Sound Management Plan (Attachment J), which was not in place when the study was conducted. The plan includes the use of "no bark" collars on vocal dogs during evening hours, site barriers, and pet correctors to further ensure noise will not exceed an average 65 dBA at the property lines. To ensure that noise generated by the use remains below County regulatory requirements, a sound level survey must be conducted prior to scheduled inspections (Condition No.7). If any future noise study required by Condition No. 7 indicates that project-related noise exceeds an average of 65 dBA at any of the property lines, additional soundproofing will be required to be installed within 30 days of noise study completion to the satisfaction of P&D. An additional noise study would be conducted after the installation of soundproofing materials to confirm compliance with the Noise

Element. The soundproofing measures may include, but are not limited to, additional sound proofing panels or material within kennel spaces and/or additional landscaping for sound dampening.

In response to concerns related to waste and the need to be consistent with Land Use Element – Hillside and Watershed Protection Policy 7, the project includes a Waste Management Plan that was approved by County Environmental Health Services and County Animal Services. As part of the Waste Management Plan, all kennel floors are treated with a heavy-duty epoxy floor paint and are mopped daily. Concrete areas are sanitized daily. Dog waste would be collected from both outdoor and indoor areas, and deposited in a 5-gallon bucket lined with a trash bag; this would be completed at least three times daily, with one pick-up at morning feeding between 7:00 AM and 9:00 AM, one pick-up around noon, and one pick-up at evening feeding between 5:00 PM and 7:00 PM. After the evening pick-up each day, the trash bag is tied and taken to the commercial waste disposal bin, which is picked up weekly for waste disposal. With implementation of the proposed Waste Management Plan, dog waste would be consistent with Policy 7 and would not degrade the unnamed intermittent blue line creek.

Appellant #2, Appeal Issue #2 – Incompatibility with Surrounding Area

The Appellant contends that the project will not be compatible with the surrounding area because the project is surrounded by equestrian training and boarding facilities, residences and agricultural properties. The Appellant mentions that safety concerns, noise, and waste caused by the project would make the project incompatible with the surrounding area.

Staff Response

The project can be found compatible with the surrounding area because of the prevalence of animal boarding operations in the immediate vicinity of the proposed project, and the inclusion of conditions of approval to the project to further ensure that the proposed uses do not create negative impacts in terms of safety, noise, and animal waste.

There are at least six other permitted commercial animal boarding facilities within a mile of the project site. These facilities are also located on agriculturally-zoned properties near residences, and were found by review authorities to be compatible with the surrounding area. These facilities all support twenty to thirty animals and have comparable staffing levels to the proposed boarding and rescue facility.

To address safety, noise and waste concerns voiced by neighbors, a number of provisions have been included in the project description and conditions of approval; these provisions are outlined in the response to Appeal Issue #1.

Appellant #2, Appeal Issue #3 – CEQA Review Required

The Appellant contends that the project requires CEQA Review because the project will be located on either side of a blue line creek that is identified as a resource of critical concern in the Santa

Ynez Valley Community Plan. The Appellant states that the impact of up to 21 dogs crossing the blue line creek multiple times daily threatens to contaminate the creek. Additionally, the Appellant contends that noise from the project will create a potentially significant environmental impact and that the project's potential environmental impacts require CEQA review.

Staff Response

As discussed in Attachment C, the Notice of Exemption (NOE), a mapped, unnamed intermittent blue line creek runs north to south across the western third of the parcel adjacent to the existing pole barn and covered stables. These structures were permitted in 1988 and 1989, respectively and will continue to be utilized for animal sheltering. These structures have been utilized as kennels since 2017. All proposed fencing would be located outside of the blue line creek. The proposed project is exempt from environmental review under CEQA pursuant to Section 15303 [New Construction or Conversion of Small Structures] and Section 15304 [Minor Alterations to Land] of the State CEQA Guidelines. Class 1 exemptions include the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The existing permitted structures proposed for continued use for commercial dog boarding and dog rescue were approved for animal shelter and have been used for goats, horses and dogs in the past. The proposed use would continue to utilize these structures for animal shelter. According to the most recent inspection records kept by Animal Services, approximately 23 dogs (rescue and household pet) were kept on the property in 2019. The Applicant is proposing to limit dogs on the property to a maximum of 24 dogs in total, including the existing rescue use, household pet use, and the commercial kennel use. Therefore, the proposed activity will involve negligible or no expansion of existing or former use, and a Class 1 exemption applies to the proposed project. Class 1 exemptions are not qualified by consideration of where the project is located. Nonetheless, the NOE (Attachment C) does include a discussion of the creek and establishes why it would not be impacted by the proposed project.

Additionally, the project includes a Waste Management Plan that was approved by the County Environmental Health Services and County Animal Services. As part of the Waste Management Plan, all kennel floors are treated with a heavy-duty epoxy floor paint and are mopped daily. Concrete areas are sanitized daily. Dog waste would be deposited in a 5-gallon bucket lined with a trash bag. Every evening, the trash bag is tied and taken to the commercial waste disposal bin, which is picked up weekly for waste disposal. With implementation of the proposed Waste Management Plan, animal waste would be consistent with Policy 7 and would not degrade the unnamed intermittent blue line creek. The dogs being kept on the property for rescue and boarding purposes would not enter the blue line creek. As discussed in the project description, when dogs are moved from the kenneling area to the play yard, they would be leashed and would utilize an existing culvert to cross the creek. Regarding noise generated by the facility, as is discussed in staff's response to Appeal Issue #1 and Section 6.3 of the staff report, the provided sound level survey and addendum (Attachment I) state that project-related noise with 24 dogs on the property does not exceed an average of 65 dBA at any of the nearest property lines. Pursuant to the Noise Thresholds included in the Santa Barbara County Environmental Thresholds and Guidelines Manual, the project would therefore not be presumed to have a significant noise impact. The above

response outlines additional requirements for monitoring and soundproofing measures, as required by Condition No. 7.

6.2 Environmental Review

The proposed project is exempt from environmental review under CEQA pursuant to Section 15301 [Existing Facilities] and 15303 [New Construction or Conversion of Small Structures] of the State CEQA Guidelines. Class 1 exemptions include the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The existing permitted structures proposed to be used for commercial dog boarding and dog rescue were previously approved for animal shelter and have been used for goats, horses and dogs in the past. The proposed use would continue to utilize these structures for animal shelter. According to the most recent inspection records kept by Animal Services, approximately 23 dogs (rescue and household pet) were kept on the property in 2019. The Applicant is proposing to limit dogs on the property to a maximum of 24 dogs in total, including the existing rescue use, household pet use, and the commercial kennel use. Therefore, the proposed activity will involve negligible or no expansion of existing or former use.

Class 3 exemptions include construction and location of limited numbers of new, small facilities or structures and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Section 15303 specifically exempts accessory construction and location of limited numbers of new, small facilities or structures, installation of small new equipment and facilities in small structures, and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The applicant is proposing to install additional fencing around kenneling facilities. The proposed project is for a dog boarding and rescue facility to be located within existing permitted structures designed for animal use; these structures are already used for dog keeping and no conversion of these structures is proposed. No new permanent structures are proposed as part of this project.

See the Notice of Exemption (Attachment C) for a more detailed discussion of the CEQA exemption.

6.3 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
<i>Land Use Development</i>	
<i>Land Use Element – Land Use Development Policy 4: Prior to issuance of a use permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and</i>	Consistent: The proposed project is served by adequate public and private services, and resources are available to serve the proposed project. Santa Ynez River Water District #1 would provide water for the project. Wastewater treatment would be provided by an existing on-

<i>resources (i.e. water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.</i>	site septic system. The Santa Barbara County Fire Department would continue to provide Fire services to the subject parcel. No structural development is proposed as part of the project. The County Sheriff would continue to provide police services to the subject parcel. Parcel access would continue to be provided from Edison Street via an existing driveway. The applicant would utilize their grooming van to shuttle dogs enrolled in the daycare kennel service to and from the kennel, pursuant to a contract signed by clients (Conditions Nos. 1 and 8). Consistent with Condition Nos. 1 and 8, client trips to the facility would be by-appointment only and would be limited to two per week. Parking is available onsite for visiting clients. If additional client visits are being conducted or are required in the future, the Conditional Use Permit must be amended to include and analyze additional trip generation, parking requirements, and regulatory consistency (Condition No. 8).
<i>Hillside and Watershed Protection</i>	
<i>Land Use Element – Hillside and Watershed Protection Policy 7:</i> <i>Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.</i>	Consistent: The project is consistent with all applicable policies related to hillside and watershed protection. An unnamed intermittent blue line creek runs north to south across the western third of the parcel adjacent to the existing pole barn and covered stables. These structures were permitted in 1988 and 1989, respectively. The project includes a Waste Management Plan that was approved by County Environmental Health Services and County Animal Services. As part of the Waste Management Plan, all kennel floors are treated with a heavy-duty epoxy floor paint and are mopped daily. Concrete areas are sanitized daily. Dog waste would be collected from both outdoor and indoor areas, and deposited in a 5-gallon bucket lined with a trash bag; this would be completed at least three times daily, with one pick-up at morning feeding between 7:00 AM and 9:00 AM, one pick-up around noon, and

	one pick-up at evening feeding between 5:00 PM and 7:00 PM. After the evening pick-up each day, the trash bag is tied and taken to the commercial waste disposal bin, which is picked up weekly for waste disposal. With implementation of the proposed Waste Management Plan, dog waste would be consistent with Policy 7 and would not degrade the unnamed intermittent blue line creek.
Noise	
Noise Element – Noise Policy 1: <i>In the planning of land use, 65 dB Day-Night Average Sound Level should be regarded as the maximum exterior noise exposure compatible with noise-sensitive uses unless noise mitigation features are included in project designs.</i> Santa Ynez Valley Community Plan Policy LUG-SYV-7: <i>The public shall be protected from noise that could jeopardize health and welfare.</i>	Consistent: The project is consistent with all applicable policies related to noise. Residential uses are considered noise-sensitive uses. Single-family residences exist on the parcels adjacent to the subject property. A single-family residence and residential second unit exist on the subject property. The proposed footprint of the facility includes the stables, residential second unit, and the play yard located west of the horse arena. The total area of the property utilized for the facility is approximately 0.6 acres. The residential second unit and stables are located approximately 110 ft. from the northern property line, 65 ft. from the southern property line, and 300 ft. from the western property line, and 950 ft. from the eastern property line, all of which border parcels containing single-family dwellings. The play yard is located on the western and southern property lines, but is approximately 375 ft. from the nearest permitted residence. According to the provided sound level survey and addendum (Attachment I), project-related noise does not exceed an average of 65 dBA at any of the nearest property lines with 24 dogs on the property. The number of dogs included in the survey was previously unstated; the applicant has since stated that 24 dogs were on the property during the sound study. According to the most recent inspection records kept by Animal Services, approximately 23 dogs (rescue and household pets) were kept on the property in 2019. The applicant has reduced the

	proposed total number of dogs on the property to 24 (3 household pet, 21 rescue and boarding dogs). The eastern property line borders Edison Street and is 950 ft. from the facility boundary. Noise from the project will not travel to parcels across Edison Street and will be masked by noise generated by motor vehicles using the Edison and Highway 154. Additionally, facility operation is subject to a Sound Management Plan (Attachment J), which includes the use of “no bark” collars on vocal dogs during evening hours, site barriers, and pet correctors, to further ensure noise will not exceed an average 65 dBA at the property lines. Additionally, a sound level survey shall be conducted prior to scheduled Permit Compliance inspections (Condition No.7) to ensure that noise generated by the use remains below County regulatory requirements. If any future noise study required for compliance with Condition No. 7 indicates that project-related noise exceeds an average of 65 dBA at any of the property lines, additional soundproofing will be required to be installed within 30 days of noise study completion to the satisfaction of P&D. The soundproofing measures may include, but are not limited to, additional sound proofing panels or material within kennel spaces and/or additional landscaping for sound dampening.
Odor	
<i>Santa Ynez Valley Community Plan Policy LUG-SYV-8: The public shall be protected from air emissions and odors that could jeopardize health and welfare.</i>	Consistent: The project is consistent with all applicable policies related to odor and air emissions. The proposed project would include a maximum of 24 dogs (21 from the rescue and kenneling operations, three household pet) at any given time. The total number of dogs for commercial uses that would exist on the parcel during the day would be up to 21 (excluding the three household pet dogs). As discussed in the project description, trips to the site would be limited and dogs would be primarily transported

	in the grooming van (Condition Nos. 1 and 8), thus limiting emissions due to transportation. The project includes a Waste Management Plan that was approved County Environmental Health Services and County Animal Services. As part of the Waste Management Plan, dog waste would be taken to the commercial waste disposal bin and picked up weekly. Due to the proposed Waste Management Plan, odor would not be excessive as a result of the commercial dog boarding kennel and rescue operation.
Visual Resources	
Land Use Element – Visual Resources Policy 2: <i>In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.</i> Santa Ynez Valley Community Plan Policy VIS-SYV-1: <i>Development of property should minimize impacts to open space views as seen from public roads and viewpoints and avoid destruction of significant visual resources.</i> Santa Ynez Valley Community Plan Policy VIS-SYV-2: <i>All plans for new or altered buildings and structures within the Design Control Overlay shall be reviewed by the Central Board of Architectural Review.</i> Santa Ynez Valley Community Plan Policy VIS-SYV-3: <i>The night sky of the Santa Ynez Valley shall be protected from excessive and unnecessary light associated with new development and redevelopment.</i>	Consistent: The project is consistent with all applicable policies related to visual resources. All structures are existing and the project does not include new structural development beyond fencing required by Condition No. 6. The project site is bordered by other inner-rural parcels zoned AG-I-10 to the north, west, and south. Edison Street borders the parcel to the east. The proposed facility is located approximately 900 ft. from Highway 154, a State-designated scenic highway. Due to the distance, intervening structural development, and location of mature trees to the east of the site, the existing structures and kennel facility are not substantially visible to travelers on Highway 154. The applicant has proposed additional shielding in the form of 80 five-gallon privets. Forty privets will be planted on the west and north sides of the play yard; twenty privets will be planted to the west of the covered stables; and twenty privets will be planted on the north side of the existing barn. The locations of proposed landscaping are shown in Attachment G. The privets are required to be planted within 30 days of Zoning Clearance Issuance (Condition No. 24). Additionally, 6-foot tall solid fencing will be installed around the facility to ensure dogs remain within the established confines of the kennel and cannot escape (Condition No. 6).

	No new nighttime lighting would be installed on the project site. No new structures or utilities are proposed. The visual character of the area would not be changed. The project would not obstruct a scenic vista or substantially change the visual character of the project site. No existing structures would be altered as a result of the project, and review by Central Board of Architectural Review is therefore not required.
Agriculture	
Agricultural Element, Goal I: Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County. Agriculture shall be encouraged. Where conditions allow, (taking into account environmental impacts) expansion and intensification shall be supported. Agricultural Element Policy I.A: The integrity of agricultural operations shall not be violated by recreational or other non-compatible uses. Agricultural Element, Policy II.D: Conversion of highly productive agricultural lands whether urban or rural, shall be discouraged. The County shall support programs which encourage the retention of highly productive agricultural lands. Santa Ynez Valley Community Plan Policy LUA-SYV-3: New development shall be compatible with adjacent agricultural lands.	Consistent: The proposed facility would not affect the integrity of agricultural operations. The project is consistent with all applicable policies related to agriculture. The subject parcel contains permitted agricultural accessory structures, including a horse barn, pole barn, horse arena, two covered stables. The stables will be utilized for the proposed facility. Operation of the commercial dog boarding facility would not impact the existing keeping of goats, cows, or other animals considered agricultural in nature, or reduce the potential for the parcel to expand on its agricultural uses. No new structural development is proposed, and the operation would take place within existing buildings located on the parcel that are already used for dog kenneling. Operations associated with the project, including dog kenneling and daycare, are an allowed use in agriculturally zones. The proposed project is adjacent to an existing equestrian facility. Equestrian facilities are considered to be a recreational use in the LUDC (Table 2-1, Recreation, Education & Public Assembly Uses). Therefore, the adjacent equestrian facility is not considered an agricultural operation for the purposes of this analysis.
Wastewater	

<i>Santa Ynez Valley Community Plan Policy WW-SYV-1: Development and infrastructure shall achieve a high level of wastewater treatment, in order to best serve the public health and welfare.</i>	Consistent: Existing development on the subject property is consistent with all applicable policies related to wastewater treatment, and is served by an existing permitted septic system. This system has been reviewed and approved by Environmental Health Services. The proposed project does not include an expansion of wastewater treatment; therefore, compliance with this policy is maintained.
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6.4 Zoning: Land Use and Development Code Compliance

AG-I-10 (Agriculture, 10-acre minimum parcel size) zone district. The AG-I zone district is applied to areas appropriate for agricultural land uses within Urban, Inner Rural, and Existing Developed Rural Neighborhood areas, as designated on Comprehensive Plan maps. The intent of the zone is to provide standards that support agriculture as a viable land use and encourage maximum agricultural productivity. The subject parcel contains permitted agricultural accessory structures, including a horse barn, pole barn, horse arena and two covered stables. The operation of the existing commercial dog boarding and daycare kennel facility would not affect the existing agricultural operation or reduce the potential for the parcel to expand its agricultural uses. Therefore, the project is an allowable use in the AG-I zone district. Additionally, the project meets all LUDC requirements. Approval of the proposed existing commercial dog boarding and daycare kennel would not cause existing development on the project site to become non-compliant with the applicable AG-I-10 zoning requirements.

Animal Keeping. Land Use and Development Code Section 35.42.060 identifies the locations, types, and numbers of animals that may be kept, as well as the methods by which animals shall be kept, raised, and maintained, under the circumstances specified. The intent of this Section is to ensure that animal keeping does not create an adverse impact on adjacent properties (e.g., dust, fumes, insect infestations, noise, odor, pollution of streams, creeks and wetlands due to soil erosion and sedimentation, propagation). Under Section 35.42.060, commercial kennels are allowed in the AG-I zone with the approval of a Minor Conditional Use Permit, and non-commercial kennels are exempt from permitting requirements. The project includes commercial dog boarding and a daycare kennel, which fall under the definition of commercial kennel. As discussed above in Section 3.0 of this staff report, the rescue operation can be classified as a private, non-commercial kennel, which does not require a permit, but is subject to the requirements outlined in LUDC Section 35.42.060 [Animal Keeping]. Adequate parking would be provided onsite. The requirements of LUDC Section 35.42.060 and the project's compliance with these requirements are outlined in the table below:

Standard	LUDC Section	Compliance
<i>Animal keeping activities are subject to the requirements of</i>	35.42.060.C.2	Consistent: As discussed in Section 3.0 of the staff report, LUDC Section

<i>this Section regardless of whether a permit is required.</i>		35.42.060(F)(1)(d) requires that all animal keeping activities be carried on in a manner so as not to be injurious to the health, safety or welfare of the neighborhood as determined by the Director after advice from the Public Health Department. Therefore, the entire project is considered in Project Analysis (Section 6.0), the Findings (Attachment A), the Conditions of Approval (Attachment B), the Notice of Exemption (Attachment C), the Waste Management Plan (Attachment H), the Sound Level Survey and Addendum (Attachment I), and the Sound Management Plan (Attachment J).
<i>Additional permits may be required by other provisions of this Development Code for structures used to enclose or house animals.</i>	35.42.060.C.3	Consistent: As discussed in Section 6.0 of the staff report, the pole barn and covered stables being utilized as kennels were permitted in 1988 and 1989, respectively.
<i>Certain animal keeping activities may also be subject to the permit requirements of County departments other than the Department in compliance with the County Code.</i>	35.42.060.C.4	Consistent: As required in Condition No. 6 (Attachment B), permits from Animal Services are required prior to Zoning Clearance Issuance.
<i>Types of animals, permit requirements, maximum numbers, and minimum site areas for animal keeping.</i>	35.42.060.D	Consistent: As discussed in Section 3.0 of the staff report, Table 4-2 allows three dogs and non-commercial kennels in the AG-I zone district without a permit, and commercial kennels with an MCUP. No limitation on the number of dogs allowed in a commercial or non-commercial kennel is provided. No minimum site areas are provided for these uses.

7.0 APPEALS PROCEDURE

The action of the Planning Commission may be appealed to the Board of Supervisors within the 10 calendar days following the date of the Planning commission's decision by the applicant or an aggrieved person. The appeal fee to the Board of Supervisors is \$685.06.

ATTACHMENTS

- A. Findings
- B. Conditions of Approval
- C. CEQA Notice of Exemption
- D. Appellant #1 Appeal Package
- E. Appellant #2 Appeal Package
- F. Zoning Administrator Action Letter, dated February 3, 2020
- G. Project and Landscaping Plans
- H. Waste Management Plan
- I. Sound Level Survey and Addendum (dated September 9 and 23, 2019, respectively)
- J. Sound Management Plan