

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development AC

BOARD AGENDA # 9:15 a.m.

Urgent Routine

AGENDA DATE August 11, 2009

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Consider Planning Commission's Recommendation for Approval of General Plan Amendment Application No. 2008-06, Rezone Application No. 2008-06, Use Permit Application No. 2008-27 and Vesting Tentative Parcel Map Application No. 2008-15, O'Brien Veterinary Hospital, a Four-Part Request to Consider:

(Continued on page 2)

PLANNING COMMISSION RECOMMENDATIONS:

After conducting a duly advertised public hearing at its regular meeting of July 2, 2009, the Planning Commission, on a unanimous 9-0 (Souza/Pires) vote, recommended the Board approve the project as follows:

1. Adopt the Negative Declaration pursuant to California Code of Regulations Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgement and analysis.

(Continued on page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2009-545

On motion of Supervisor Grover, Seconded by Supervisor Chiesa
and approved by the following vote,

Ayes: Supervisors: Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: O'Brien

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

INTRODUCED, ADOPTED, AND WAIVED THE READING OF ORDINANCE C.S. 1064

ATTEST: 
CHRISTINE FERRARO TALLMAN, Clerk

SUBJECT: (Continued)

1) Approval of a Use Permit to Allow a Large Animal Veterinary Hospital to Be Established; 2) Approval of a Vesting Tentative Parcel Map to Subdivide 24.36 Acres into a 2.22-acre Parcel and a 22.14-acre "Remainder" Parcel; 3) Approval to Amend the 2.22-acre Parcel's General Plan Designation from Agriculture to P-D (Planned Development); and, 4) Approval to Amend the 2.22-acre Parcel's Zoning Designation from A-2-40 (General Agriculture) to a P-D (Planned Development) Zone to Allow the Large Animal Facility to Also Be Used as a Small Animal Veterinary Hospital, on Property Located at 3254 Beckwith Court, Just West of Hwy 99, in the Modesto Area. APNs: 005-034-009, 010, 011

PLANNING COMMISSION RECOMMENDATION: (Continued)

2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. In relation to the Use Permit request, find:
 - A. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "General Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
 - B. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
 - C. The establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity.
 - D. It is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage.
4. In relation to the Parcel Map request, find:
 - A. The proposed map is consistent with applicable general and specific plans as specified in Section 65451.
 - B. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

- C. The site is physically suitable for the type of development.
 - D. The site is physically suitable for the proposed density of development.
 - E. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - F. The design of the subdivision or type of improvements is not likely to cause serious public health problems.
 - G. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.
 - H. Find the project will increase activity in and around the project area, thereby increasing demands for roads and services, thereby requiring dedications and improvements.
5. In relation to the request for a General Plan Amendment and Rezone, find:
- A. The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses.
 - B. The County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service.
 - C. The amendment is consistent with the General Plan goals and policies.
 - D. Overall, the proposal is consistent with the goals and policies of the General Plan.
 - E. There is evidence on the record to show a demonstrated need for the proposed project based on population projections, past growth rates, and other pertinent data.
 - F. No feasible alternative site exists in areas already designated or planned for the proposed uses.

- G. Approval of the proposal will not constitute part of, or encourage piecemeal conversion of a larger agricultural area to non-agricultural uses, and will not be growth-inducing (as used in the California Environmental Quality Act).
 - H. The proposed project is designed to minimize conflict and will not interfere with agricultural operations on surrounding agricultural lands or adversely affect agricultural water supplies.
 - I. Adequate and necessary public services and facilities are available or will be made available as a result of the development.
 - J. The design of the proposed project has incorporated all reasonable measures, as determined during the CEQA review process, to mitigate impacts to fish and wildlife resources, air quality, water quality and quantity, or other natural resources.
 - K. The proposed Planned Development zoning is consistent with the proposed Planned Development General Plan designation.
 - L. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
6. That the proposed alternative buffer is found to provide equal or greater protection to surrounding agricultural uses.
 7. Approve Use Permit Application No. 2008-27, subject to the attached Development Standards/Conditions of Approval.
 8. Approve Vesting Tentative Parcel Map Application No. 2008-15 subject to the attached Development Standards/Conditions of Approval.
 9. Approve General Plan Amendment No. 2008-06.
 10. Find that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation.
 11. Approve Rezone Application No. 2008-06, subject to the attached Development Standards/Conditions of Approval and Development Schedule.

DISCUSSION:

This request is a four part application which consists of the following: 1) a request for a Use Permit to allow a large animal veterinary hospital to be established on a 24.36± acre parcel; 2) a Vesting Tentative Parcel Map request to subdivide 24.36± acres into a 2.22± acre parcel and a 22.14± acre remainder parcel; 3) a request to amend the 2.22± acre parcel's General Plan designation from Agriculture to P-D (Planned Development); 4) a request to amend the 2.22± acre parcel's Zoning designation from A-2-40 (General Agriculture) to a P-D (Planned Development) zone to allow the large animal facility to also be used as a small animal veterinary hospital. The General Plan and Zoning designation of the 22.14± acre Remainder parcel would not change nor is any development proposed to take place on this parcel.

The proposed development includes a 14,000 square foot veterinary hospital building and a 5,000 square foot "treatment barn". The main hospital building will contain a reception area, office space, examination rooms, a laboratory, a radiology room, and various storage/supply rooms. The "treatment barn" will consist of a treatment/hospitalization room and stalls which will house various types of large animals. At full capacity, it is estimated that the total number of employees would be 15 with some of those being part-time positions. Normal hours of operation will be 7:00 am - 7:00 pm, Monday thru Saturday. The facility will also provide 24 hour emergency services seven days a week. The applicant proposes to treat between 10-40 animals per day. The actual number of vehicles/trailers that will access the facility may be considerably less than the total number of animals treated because the nature of transporting "large animals" is such that more than one animal may arrive in the same vehicle/trailer. The project will have its own well and septic system, unrelated to that which presently serves the two existing single-family dwellings which are located on the proposed "Remainder" parcel.

The applicant has proposed the development to occur in two phases. Phase I will be completed by the fall of 2012 or within three years of approval and include all construction related to the veterinary hospital and "treatment barn". The proposed Phase I development will also include on-site vehicle parking, septic/well, associated landscaping, lighting and fencing. Phase II (to be completed by the Fall of 2014) does not include any major construction but instead allows the applicant the ability to treat "small animals" at the existing facility.

Approvals

The applicant states the purpose of this project is to create a full service veterinary hospital that would provide care to both small and large animals. Large animal veterinary hospitals are classified as an "Agricultural Service Establishment" and may be permitted in the A-2 Zoning District with approval of a "Tier Two" Use Permit. However, small animal veterinary hospitals are not considered an "Agricultural Service Establishment" and are not permitted in the A-2 Zoning District. As such, a General Plan Amendment and Rezone of the project site to a Planned Development Zoning District is required for the "small animal" portion of

this project. This project has been processed in a four part request to allow independent consideration of the large and small animal components and to allow the development to take place on only 2.22 acres of the 24.36 acre parcel.

The following is a brief overview of the project's four parts in the sequential order needed for approval of the entire project:

- **Use Permit** - The proposed "large animal" veterinary hospital use falls under Section 21.20.030(B) of the County Zoning Ordinance as an "Agricultural Service Establishments" classified as a Tier Two use requiring a use permit. The character of the "large animal" veterinary hospital is agricultural in nature and as proposed does not appear to be substantially detrimental to or in conflict with agricultural use of other property in the area.

In the past, both large and small animal veterinary hospitals were viewed as permitted uses within the A-2 zoning district, subject to approval of a Use Permit. As discussed in the attached Planning Commission Staff Report, changes in the definition of "Agricultural Service Establishment" have made it difficult to classify "small animal" veterinary hospitals as an "Agricultural Service Establishment".

- **Parcel Map** - The applicant has requested to create a 2.22± acre parcel, containing the "large animal" veterinary hospital and a 22.14± acre parcel which would remain as an almond orchard. The site is currently designated as General Agriculture and zoned A-2-40, which requires a minimum lot size of 40 acres for the creation of new parcels. In this particular case, the applicant is using a distinct provision of the A-2 zoning ordinance (Section 21.20.060) which allows an exemption from the minimum site area requirements. This exemption was created for the purpose of separating a "use" approved by a use permit or of legal non-conforming status, from a larger, separate farming operation.
- **General Plan Amendment** - Amend the Land Use Element Map of the County General Plan from Agricultural (AG) to Planned Development (PD) on the 2.22± acre parcel. This amendment would not include the 22.14± acre remainder parcel.

To evaluate a General Plan Amendment, the goals and policies of the General Plan must be reviewed. A summary and analysis of the proposed project and its consistency to the goals and policies of the County General Plan is provided in the attached Planning Commission Staff Report. (See Attachment "1")

The Planned Development designation (PD) is intended for land that, because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental effects to surrounding properties. Staff believes that the proposed Planned Development designation, that would potentially allow the large animal facility to be used for the care of small animals, is appropriate given the unique character of the site. The project site is surrounded by two existing uses, a legal

non-conforming truck parking facility to the east and a dog kennel established under a Use Permit to the west. Although these neighboring uses are not entirely consistent with the current A-2 zoning district, the uses have been in business at this location for many years and have shown that they can be compatible and consistent with the surrounding agricultural uses in the area.

The project site is located in a productive agricultural area; however, the site itself has a diminished agricultural value because of the Hetch Hetchy right-of-way which bisects the northern end of the project site and the surrounding commercial businesses. The project site is not enrolled under a Williamson Act contract and is not adjoining any parcels enrolled under the Williamson Act. The proposed facility removes a total of 2.22± acres from agricultural production, although the Hetch Hetchy right-of-way does present a definite divide between the remaining portion of the property.

Staff believes the "small animal" portion of this project is a logical extension of the "large animal" facility which can be established under a Use Permit. The treatment of both large and small animals is somewhat unique given the amount of area required to treat both types of animals. Generally, such a large piece of land can not be found within an urbanized area. It is unlikely that an alternative site, already designated or planned for such a use can be found within one of the surrounding incorporated or unincorporated communities. As the proposed Use Permit will establish the "large animal" veterinary hospital, the introduction of this new use (treatment of small animals) shouldn't necessarily set precedence for encouraging piecemeal conversion of a larger agricultural area to non-agricultural uses.

- **Rezone** – The Rezone of the 2.22± acre parcel from Agricultural (A-2-40) to a Planned Development (PD) designation would allow the "large animal" facility to also be used as a "small animal" veterinary hospital. No change in the zoning designation is proposed on the 22.14± acre remainder parcel. To approve a Rezone, the Board must find that it is consistent with the General Plan. In this case, Planned Development zoning would indeed be consistent with the proposed Planned Development designation.

A detailed discussion of this project, including site plan, landscape plan, and conceptual building elevations, is provided in the attached Planning Commission Staff Report. (See Attachment "1")

Planning Commission Hearing

The Planning Commission held a public hearing on this project at its regular meeting on July 2, 2009 (see Attachment No. "2", Planning Commission Minutes). Staff recommended approval of the project based on analysis that showed the request was consistent with the Goals and Policies of the General Plan. Following staff's recommendation, Chair Layman opened the public hearing. No one spoke in opposition to the project. The applicant,

Michael O'Brien and the applicant's representative, Jim Freitas of Associated Engineering, spoke briefly in favor of the project. The Planning Commission generally expressed positions in favor of the project on grounds that the establishment of a veterinary hospital that treats both large and small animals is very much needed in the County. The Commission also recognized the limitations of the site due to the Hetch Hetchy power/water lines and the new policy of the San Francisco Public Utilities Commission to not allow trees to be planted within the Hetch Hetchy right-of-way. On a motion by Commissioner Souza and seconded by Commissioner Pires, the Planning Commission voted unanimously (9-0) to recommend the Board of Supervisors approve they request, as outlined on pages 13-15 of the July 2, 2009, Planning Commission Staff Report (Attachment No. "1").

POLICY ISSUES:

The policy question to consider is whether to grant the requested amendment to the Stanislaus County General Plan Land Use Diagram. The General Plan is a policy document which helps guide land use patterns and development for the future of the community. The Board should consider the potential conformance of this project with the priorities of maintaining a strong local economy, a strong agricultural economy/heritage, and a well-planned infrastructure system.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

ATTACHMENTS:

1. Planning Commission Staff Report, July 2, 2009
 - Exhibit A - Maps
 - Exhibit B - Site Plan, Parcel Map, Landscaping & Elevations
 - Exhibit C - Application & Applicant's Statement
 - Exhibit D - Development Standards/Conditions of Approval
 - Exhibit E - Development Schedule
 - Exhibit F - Initial Study
 - Exhibit G - Negative Declaration
 - Exhibit H - Alternative Buffer Proposal
 - Exhibit I - Ag Advisory Board Agenda & Minutes - Feb 2, 2009
 - Exhibit J - Applicant's General Plan Evaluation as Submitted by the Applicant - **Available from the Clerk**
 - Exhibit K - Environmental Review Referrals

2. Planning Commission Minutes, July 2, 2009

STANISLAUS COUNTY PLANNING COMMISSION

July 2, 2009

STAFF REPORT

GENERAL PLAN AMENDMENT APPLICATION NO. 2008-06
REZONE APPLICATION NO. 2008-06
USE PERMIT APPLICATION NO. 2008-27
VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2008-15
O'BRIEN VETERINARY HOSPITAL

REQUEST: THIS IS A FOUR PART REQUEST: 1) USE PERMIT REQUEST TO ESTABLISH A LARGE ANIMAL VETERINARY HOSPITAL ON A 24.36± ACRE PARCEL; 2) VESTING TENTATIVE PARCEL MAP TO SUBDIVIDE 24.36± ACRES INTO A 2.22± ACRE PARCEL AND A 22.14± ACRE REMAINDER PARCEL; 3) REQUEST TO AMEND THE 2.22± ACRE PARCEL'S GENERAL PLAN DESIGNATION FROM AGRICULTURE TO PLANNED DEVELOPMENT; 4) REQUEST TO AMEND THE 2.22± ACRE PARCEL'S ZONING DESIGNATION FROM A-2-40 (GENERAL AGRICULTURE) TO A P-D (PLANNED DEVELOPMENT) ZONE TO ALLOW THE LARGE ANIMAL FACILITY TO ALSO BE USED AS A SMALL ANIMAL VETERINARY HOSPITAL. THE GENERAL PLAN AND ZONING DESIGNATION OF THE 22.14± ACRE REMAINDER PARCEL WOULD NOT CHANGE NOR IS ANY DEVELOPMENT PROPOSED TO TAKE PLACE ON THE PARCEL.

APPLICATION INFORMATION

Engineer:	Associated Engineering Group, Inc.
Owners /Applicant:	Michael O' Brien & Charles M. O'Brien
Location:	3254 Beckwith Court, just west of Modesto's city limits and Sphere of Influence
Section, Township, Range:	14-3-8
Supervisory District:	Three (Supervisor Grover)
Assessor's Parcel:	005-034-009, 010, 011
Referrals:	See Exhibit K Environmental Review Referrals
Area of Parcel(s):	24.36± acres Proposed Parcel 1: 2.22± acres Proposed Remainder: 22.14± acres
Water Supply:	Private well
Sewage Disposal:	Septic
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	Agriculture
Williamson Act:	Not applicable
Environmental Review:	Negative Declaration
Present Land Use:	Almond Orchard and two single-family dwelling

Surrounding Land Use: Top Notch Dog Kennel, single-family dwellings, and agricultural uses to the west, south, and north. To the east is legal non-conforming truck parking facility and the City of Modesto.

SITE DESCRIPTION

The project site is located in an unincorporated area of Stanislaus County at 3254 Beckwith Court, just south of Beckwith Road and west of Highway 99. The city limits and LAFCO adopted Sphere of Influence for the City of Modesto are to the east of the project site. The project site is bordered by Top Notch Dog Kennel to the west and a legal non-conforming truck parking facility, established prior to the current A-2 zoning being put in place, to the east. Production agricultural parcels, consisting mainly of almond and walnut orchards, are to the north and south of the project site. The 24.36± acre parcel is currently planted as an almond orchard and contains two (2) single-family dwellings. The north end of the project site is bisected by the City of San Francisco owned Hetch Hetchy right-of-way/easement. This right-of-way/easement is 110-foot wide and contains overhead power lines and under ground water pipelines.

PROJECT DESCRIPTION

This request is a four part application which consists of the following: 1) a request for a Use Permit to allow a large animal veterinary hospital to be established on a 24.36± acre parcel; 2) a vesting tentative parcel map request to subdivide 24.36± acres into a 2.22± acre parcel and a 22.14± acre remainder parcel; 3) a request to amend the 2.22± acre parcel's General Plan designation from Agriculture to P-D (Planned Development); 4) a request to amend the 2.22± acre parcel's Zoning designation from A-2-40 (General Agriculture) to a P-D (Planned Development) zone to allow the large animal facility to also be used as a small animal veterinary hospital. The General Plan and Zoning designation of the 22.14± acre Remainder parcel would not change nor is any development proposed to take place on this parcel.

The proposed development includes a 14,000 square foot veterinary Hospital building and a 5,000 square foot "Treatment" Barn. The main Hospital building will contain a reception area, office space, examination rooms, a laboratory, a radiology room, and various storage/supply rooms. The "Treatment Barn" will consist of a treatment/hospitalization room and stalls which will house various types of large animals. At full capacity, it is estimated that the total number of employees would be 15 with some of those being part-time positions. Normal hours of operation will be 7:00 am - 7:00 pm, Monday thru Saturday. The facility will also provide 24 hour emergency services seven days a week. The applicant proposes to treat between 10-40 animals per day. The actual number of vehicles/trailers that will access the facility may be considerably less than the total number of animals treated because the nature of transporting "large animals" is such that more than one animal may arrive in the same vehicle/trailer. The project will have its own well and septic system, unrelated to that which presently serves the two existing single-family dwellings which are located on the proposed Remainder parcel.

The applicant has proposed the development to occur in two phases. Phase I will be completed by the fall of 2012 or within three years of approval and include all construction related to the Veterinary Hospital and "Treatment" Barn. The proposed Phase I development will also include on-site vehicle parking, septic/well, associated landscaping, lighting and fencing. Phase II (to be completed by the Fall of 2014) does not include any major construction but instead allows the applicant the ability to treat "small animals" at the existing facility. Any construction related to this Phase would consist of interior modifications to the existing hospital building and be characterized as minor in nature. Please see the attachments for a more detailed project description, site plan, landscaping plan, and conceptual building elevations (see Exhibit B - Site Plan, Parcel Map, Landscaping & Elevations).

It is worth noting that the applicant has expressed the desire to establish the Veterinary Hospital as one of the few LEED (Leadership in Energy and Environmental Design - US Green Building Council) Certified buildings within Stanislaus County. This certification process is completely voluntary and is determined based off five categories consisting of: sustainable site development, water savings, energy efficiency, materials and resources selection, and indoor environmental quality.

DISCUSSION

The applicant is currently practicing veterinary medicine at the Maze Veterinary Hospital located at 201 Maze Boulevard in the City of Modesto. The applicant states the purpose of this project is to create a full service veterinary hospital that would provide care to both small and large animals. Due to it's limited space and "urban" location within the City of Modesto, the current facility on Maze Boulevard is limited to providing on-site care for small animals only.

The site which would house the proposed hospital is a very unique piece of property given that it is bisected by the Hetch Hetchy right-of-way and is in between two existing "non-agricultural" businesses located in an Agricultural zoning district. The proposed layout in effect, creates a logical disconnect from the larger piece which currently is and will continue to be in agricultural production. The applicant has expressed that the 2.22 acre piece has a limited agricultural production value because of the difficulties of farming and irrigating a piece that in effect is cut-off from the rest of the property by the Hetch Hetchy. The other unique aspect of the 2.22 acre portion is that it is also situated on a cul-de-sac that's the result of Hwy 99, the Southern Pacific rail lines and the Beckwith/Standiford interchange.

Veterinary hospitals that provide care to both large and small animals have previously been permitted in the A-2 zoning district, with similar facilities currently operating under a Use Permit. The most recent Veterinary Hospitals permitted by Use Permit include:

Use Permit No. 99-07: Use Permit approved to allow a small and large animal veterinary hospital to be established at 3924 Oakdale Road, in the Modesto area.

Use Permit No. 96-04: Use Permit approved to allow a small and large animal veterinary hospital to be established at 1231 Taylor Road, in the Turlock area.

Previous proposals for veterinary hospitals had been viewed as being allowable under a Tier Two Use Permit, classified as an "Agricultural Service Establishment", and required to be consistent with the criteria listed in the County's General Plan. In 2007, as part of the overall update to the Agricultural Element of the General Plan, the definition of an Agricultural Service Establishment was modified. The modifications to the Agricultural Element in 2007 did not really drive or change staff's determination of what can and can not be considered an "Agricultural Service Establishment." The change in the "Agricultural Service Establishment" definition occurred due to discussions related to various projects and decisions that were made by both the Planning Commission and Board of Supervisors.

Overall, this specific change to the definition within the Agricultural Element was in response to an evolution in policy over the last few years. Based on the "policy evolution" reflected in the 2007 Agricultural Element and the definition of an Agricultural Service Establishment, staff is presently under the opinion that a small animal veterinary hospital would not meet the definition of an Agricultural Service Establishment the same way a large animal facility would. Although, the terminology within the A-2 zoning district states an Agricultural Service Establishment is a business which **primarily** engages in the provision of agricultural services to farmers was never modified to coincide with that of the Agricultural Element.

The definition of an Agricultural Service Establishment within the Agricultural Element is as follows: (the specific changes made in 2007 are reflected in bold and strikeout font)

*A business engaging in activities designed to aid ~~farmers~~ **production agriculture in the tilling of soil, hauling of produce, or repair of farm equipment**. Service does not include the provision of tangible goods except those sold directly to farmers and used specifically to aid in production of farm animals or crops. Nor does service include any business which has the primary function of manufacturing products. (Agricultural Element 1992, Page 61; Agricultural Element 2007, Page 7-29)*

The current description of an Agricultural Service Establishment is as follows:

In general, agricultural service establishments can be difficult to evaluate due to their wide diversity of service types and service areas. This diversity often leads to requests for uses which provide both agricultural and non-agricultural services and/or have a wide-spread service area. Maintaining a focus on production agriculture is key to evaluating agricultural service establishments in the agricultural area. In order to control the scale and intensity of processing facilities, such as wineries and canneries, the County requires such facilities in the agricultural area to show a direct connection to production agriculture in Stanislaus County and applies limitations on the number of employees. (Agricultural Element 2007, Page 7-5)

Staff's interpretation of an Agricultural Service Establishment based off the above definition and description was that it does not fit nor include a use such as a small animal veterinary hospital, thus the applicant was given instructions to proceed with a General Plan Amendment/Rezone. Staff's

view is that the current application is appropriate, in fact Staff feels that all the findings can be made to approve the current request. However, the Planning Commission could interpret the proposed uses as being consistent with and permissible as a Tier Two Use Permit.

FINDINGS

Use Permit

The proposed "large animal" use falls under Section 21.20.030(B) of the County Zoning Ordinance which defines "agricultural-related commercial and industrial uses" as Tier Two uses requiring a use permit. In order to approve a Tier Two use the following findings must be made:

1. The establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; and
2. The establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity; and
3. It is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage.

Staff feels that the findings necessary to approve the large animal veterinary hospital as a Tier Two use can be made. The character of the project being requested can be considered agricultural in nature and as proposed does not appear to be substantially detrimental to or in conflict with agricultural use of other property in the area. Due to the nature of the proposed use and associated clientele, this request would be better suited to be located within an agricultural area as opposed to an industrial or commercial area. Staff also believes that such an establishment will not create or lead to a concentration of commercial and industrial uses in the vicinity.

Adverse impacts generally associated with similar facilities include flies, noise, dust, glare, and traffic. In this case, the animals are to be cared for within the proposed building and barn, limiting the amount of noise that would be generated. The main source of noise generated from a facility such as this would be noise generated from traffic. Given that the area is already impacted by traffic-type noise from Highway 99 and the adjacent railroad, any noise generated by traffic is anticipated to be consistent with current noise levels. The outdoor pasture areas will be used to exercise recovering animals and planted grass to greatly minimize impacts associated with dust. The Public Works Department has reviewed the project for traffic impacts and found that with conditions of approval in place, traffic related impacts are at a less than a significant level. The site contains adequate area to accommodate the anticipated parking needs and conditions of approval have also been added to ensure consistency with county development standards.

Parcel Map

The site is currently designated as General Agriculture and zoned A-2-40, which requires a minimum lot size of 40 acres for the creation of new parcels. The applicant has requested to create a 2.22± acre parcel, containing the Veterinary Hospital and a 22.14± acre parcel which

would remain as an almond orchard (See Exhibit B - Site Plan, Parcel Map, Landscaping & Elevations). In this particular case, the applicant is using a distinct provision of the A-2 zoning ordinance which allows an exemption from the minimum site area requirements. This exemption was created for the purpose of separating a "use" approved by a use permit or of legal non-conforming status, from a larger, separate farming operation. Section 21.20.060 of the Zoning Ordinance, states:

The following shall be exempt as to the minimum parcel size requirements provided the parcels are consistent with the subdivision ordinance and all other applicable county regulations:

(D) Parcels created and used pursuant to Sections 21.20.030 (Uses Requiring a Use Permit) and 21.20.040 (Uses Requiring Board of Supervisors Approval).

A general concern associated with a Parcel Map request such as this is the requirement that the parcel actually be used as approved by the Planning Commission prior to the split itself. This requirement is in place to insure that the division of the parcel is occurring in association with the need to divide the use from the remaining land (agricultural operation). A condition will be placed on the parcel map that prior to recording, substantial construction of the veterinary hospital must take place (Development Standard No. 21). Given that Staff believes the appropriate findings for the Use Permit can be made, staff believes that the proposed Parcel Map request is consistent with the findings necessary to approve, as listed in the provision of the A-2 zoning district regarding site area exemption.

General Plan Amendment

With environmental impacts not an issue with this project, the keys to approval or denial of a general plan amendment (and subsequent rezone) are land use issues. The brief history given above in the Discussion section of this report is relevant in helping understand the nature of the use being proposed. General Plan Amendments affect the entire County and any evaluation must give primary concern to the County as a whole; therefore, a fundamental question must be asked in each case: "Will this amendment, if adopted, generally improve the economic, physical and social well-being of the County in general?" Additionally, the County in reviewing General Plan Amendments shall consider the additional costs to the County that might be anticipated (economic, environmental, social) and how levels of public and private service might be affected. In order to approve a General Plan Amendment, three findings must be made:

1. *The General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses.*
2. *The County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service.*
3. *The amendment is consistent with the General Plan goals and policies.*

Any impacts to County services will be mitigated through the payment of impact mitigation fees and compliance with development standards.

To evaluate a General Plan Amendment, the goals and policies of the General Plan must be reviewed. In addition, County policy, adopted by the Board of Supervisors, sets forth additional findings, listed above, necessary for approval of a request to amend the General Plan. The goals and policies of the General Plan listed below are focused on those goals and policies which staff believes are most relevant to making the findings necessary for determining the subject project's consistency with the overall General Plan. Goals and policies which can be found consistent with the proposed project with incorporation of development standards/mitigation measures have not been included in the list below. A copy of the General Plan may be obtained by contacting the Planning Department directly or on the Planning Department's internet site. Exhibit J consists of the applicant's General Plan evaluation. Due to the length of the evaluation, hard copies have only been provided to the Planning Commission and copies for the general public are available by contacting the Planning Department directly or on-line.

The following are the relevant goals and policies of the General Plan that apply to this project:

Land Use Element

Goal One - Provide for diverse land use needs by designating patterns which are responsive to the physical characteristics of the land as well as to environmental, economic and social concerns of the residents of Stanislaus County.

Policy 3 - Land use designations shall be consistent with the criteria established in this element.

Policy 10 - New areas of urban development (as opposed to expansion of existing areas) shall be limited to less productive agricultural areas.

Implementation Measure No. 1 - Requests for designation of new urban areas shall be reviewed by the County to determine whether the land is located in a less productive agricultural area based on considerations identified in the Agricultural Element. (See Agricultural Element goals/policies/implementation measures listed below.)

Implementation Measure No. 3 - Proposed amendments to the General Plan map that would allow the conversion of agricultural land to non-agricultural uses shall be approved only if they are consistent with the conversion criteria stated in the Agricultural Element. (See Agricultural Element goals/policies/implementation measures listed below.)

Goal Two - Ensure compatibility between land uses.

Policy 14 - Uses shall not be permitted to intrude into an agricultural area if they are detrimental to continued agricultural usage of the surrounding area.

Goal Three - Foster stable economic growth through appropriate land use policies.

Policy 16 - Agriculture, as the primary industry of the County, shall be promoted and protected.

Policy 18 - Accommodate the siting of industries with unique requirements.

Conservation Element

Goal Three - Provide for the long-term conservation and use of agricultural lands.

Policy 11 - In areas designated "Agriculture" on the Land Use Element, discourage land uses which are incompatible with agriculture.

Agricultural Element (2007)

Goal One - Strengthen the agricultural sector of our economy.

Policy 1.10 - The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.

Implementation Measure No. 1 - The County shall require buffers and setbacks for all discretionary projects introducing or expanding non-agricultural uses in or adjacent to an agricultural area consistent with the guidelines presented in Appendix "A" (Agricultural Element).

Goal Two - Conserve our agricultural lands for agricultural uses.

Policy 2.5 - To the greatest extent possible, development shall be directed away from the County's most productive agricultural areas.

Implementation Measure No. 1 - Until the term "Most Productive Agricultural Areas" is defined on a countywide basis, the term will be determined on a case-by-case basis when a proposal is made for the conversion of agricultural land. Factors to be considered include but are not limited to soil types and potential for agricultural production; the availability of irrigation water; ownership and parcelization patterns; uniqueness and flexibility of use; the existence of Williamson Act contracts; existing uses and their contributions to the agricultural sector of the local economy. As an example, some grazing lands, dairy regions and poultry-producing areas as well as farmlands can be considered "Most Productive Agricultural Areas." Failure to farm specific parcels will not eliminate them from being considered "Most Productive Agricultural Areas." Areas considered to be "Most Productive Agricultural Areas" will not include any land within LAFCO-approved Spheres of Influence of cities or community services districts and sanitary districts serving unincorporated communities.

Implementation Measure No. 2 - Uses on agricultural land located outside a LAFCO-adopted Sphere of Influence shall be primarily devoted to agricultural and compatible uses supportive of the long-term conservation of agricultural land. Agriculturally-related uses needed to support production agriculture and uses which by their unique nature are not compatible with urban uses, may be allowed on agricultural land provided they do not conflict with the agricultural use of the area.

Policy 2.7 - Proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to non-agricultural uses shall be approved only if they are consistent with the County's conversion criteria.

Implementation Measure No. 1 - Procedures for processing General Plan amendments shall incorporate the following requirements for evaluating proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to urban uses:

Conversion Consequences: The direct and indirect effects, as well as the cumulative effects, of the proposed conversion of agricultural land shall be fully evaluated.

Conversion Considerations: In evaluating the consequences of a proposed amendment, the following factors shall be considered: plan designation; soil type; adjacent uses; proposed method of sewage treatment; availability of water, transportation, public utilities, fire and police protection, and other public services; proximity to existing airports and airstrips; impacts on air and water quality, wildlife habitat, endangered species and sensitive lands; and any other factors that may aid the evaluation process.

Conversion Criteria: Proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to urban uses shall be approved only if the Board of Supervisors makes the following findings:

- A. Overall, the proposal is consistent with the goals and policies of the General Plan.
- B. There is evidence on the record to show a demonstrated need for the proposed project based on population projections, past growth rates and other pertinent data.
- C. No feasible alternative site exists in areas already designated for the proposed uses.
- D. Approval of the proposal will not constitute a part of, or encourage, piecemeal conversion of a larger agricultural area to non-agricultural uses, and will not be growth-inducing (as used in the California Environmental Quality Act).

- E. The proposed project is designed to minimize conflict and will not interfere with agricultural operations on surrounding agricultural lands or adversely affect agricultural water supplies.
- F. Adequate and necessary public services and facilities are available or will be made available as a result of the development.
- G. The design of the proposed project has incorporated all reasonable measures, as determined during the CEQA review process, to mitigate impacts to agricultural lands, fish and wildlife resources, air quality, water quality and quantity, or other natural resources.

Based on the above goals and policies of the General Plan, the following is a summary and analysis of the proposed project and its consistency to those goals and policies.

The Planned Development designation (PD) is intended for land that, because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental effects to surrounding properties. Staff believes that the proposed Planned Development designation, that would potentially allow the large animal facility to be used for the care of small animals, is appropriate given the unique character of the site. The project site is surrounded by two existing uses, a legal non-conforming truck parking facility and a dog kennel established under a Use Permit. Although these neighboring uses are not entirely consistent with the current A-2 zoning district, the uses have been in business at this location for many years and have shown that they can be compatible and consistent with the surrounding agricultural uses in the area.

Staff believes that the "small animal" portion of this project is a logical extension of the "large animal" facility which can be established under the existing A-2 zoning. Furthermore, in the past a large and small animal hospital may have been viewed as allowable and consistent to the A-2 zoning district, subject to approval of a Use Permit. As discussed above, when the Ag Element was updated in 2007, the change in the definition of an "Agricultural Service Establishment" made a use such as this hard to meet. The previous Use Permits have shown that a Veterinary Hospital such as this, can be compatible to the surround agricultural operations.

The project site is located in a productive agricultural area, however, the site itself has a diminished agricultural value because of the Hetch Hetchy right-of-way and the surrounding commercial businesses. The project site is not enrolled under a Williamson Act contract and is not adjoining any parcels enrolled under the Williamson Act. The adjoining "commercial" uses have existed next to this site for many years and, to the best of staff's knowledge, agricultural conflicts have been non-existent. The proposed facility removes a total of 2.22± acres from agricultural production, although the Hetch Hetchy right-of-way does present a definite divide between the remaining portion of the property.

With respect to meeting the required conversion criteria outlined above, staff believes that the treatment of both large and small animals is somewhat unique given the amount of area required to treat both types of animals. Generally such a large piece of land can not be found within an urbanized area. It is unlikely that an alternative site, already designated or planned for such a use

can be found within one of the surrounding incorporated or unincorporated communities. As the proposed Use Permit will establish the "large animal" veterinary hospital, the introduction of this new use (treatment of small animals) shouldn't necessarily set a precedence for encouraging piecemeal conversion of a larger agricultural area to non-agricultural uses. Since other large and small animal facilities exist and have proven to be compatible with surrounding agricultural operations.

In summary, the General Plan Amendment for the proposed "small animal" use on this specific site is consistent with the goals and policies of the County's General Plan. Since the "small animal" use can be seen as a logical extension of the "large animal" use that can be approved under a Use Permit, it does not add any residential or new commercial uses in an agricultural area.

In evaluating Goal Two, Policy 14 which states, "Uses shall not be permitted to intrude into or be located adjacent to an agricultural area if they are detrimental to continued agricultural usage of the surrounding area," must be given serious consideration. The previously approved small and large animal facilities have shown that they can be compatible with the surrounding agricultural uses. This proposed facility would be expected to be no different than those already established and consistent with this policy.

Agricultural Element - Buffer Requirement

The Agricultural Element contains numerous goals and policies that call for the conservation of agriculture in the County of Stanislaus. These goals and policies are designed to preserve economically productive farm and ranch land, to guide high-density development away from rural, agricultural lands, and to protect agricultural lands from adverse urban influence. This project is subject to the Agricultural Element Buffer requirements adopted in 2007. The buffer requirement is applicable to new and expanding non-agricultural uses within or adjacent to the A-2 zoning district. The purpose of these buffers is to protect the long-term health of agriculture by minimizing conflicts resulting from the interaction of agricultural and non-agricultural uses. Current buffer guidelines require a project, such as this proposal, to provide a 150-foot setback, solid fencing and a double row of landscaping around the perimeter of the proposed development.

With the proposed development situated on a relatively small parcel, the buffer guidelines as outlined in the Agricultural Element can not be met. Appendix A - Buffer and Setback Guidelines of the Agricultural Element, allows the project applicant to propose an alternative buffer to be reviewed and supported by the Stanislaus County Agricultural Advisory Board. An alternative buffer was presented to the Agricultural Advisory Board on February 2, 2009.

The applicant's alternative can be seen in Exhibit H - Alternative Agricultural Buffer. The unique location of the project site and the surrounding agricultural uses show that the main area of concern would be located on the future southern property line of the 2.22± acre parcel. The main hospital building can meet the 150-foot setback from the southern property line but parking lot areas, the treatment barn, and pasture would not be able to meet this setback. Because of this, the applicant proposed vegetative screening, consistent with the County's Buffer Guidelines, that would extend along the entire southern property line. No fence or wall was proposed along the southern property

line because the applicant felt that it was unnecessary since the property to the south would be under the same ownership. No screening or fencing was proposed on the western or eastern property lines given that there is no agricultural use on these properties. To the north of the project site the nearest agricultural operation is approximately 400-feet away, meeting the 150-foot setback.

The Agricultural Advisory Board supported the applicant's proposal with one modification. They felt that the opportunity for trespassing was too great not to have fencing along the southern property line. The final recommendation was for the proposal to include a chain link fence and vegetative screen to prevent any issues with the general public trespassing in the orchard to the south. They also felt that the justification for the reduced setbacks, screening, and fencing were warranted given the surrounding uses to the north, south, and east.

In addition to the required Agricultural Advisory Board's support, the Stanislaus County Planning Commission, in accordance with Appendix A - Buffer and Setback Guidelines of the Agricultural Element, shall make a finding that the buffer alternative is found to provide equal or greater protection to surrounding agricultural uses.

This General Plan Amendment is a policy decision to be approved by the Board of Supervisors. If this property's General Plan designation is to be changed and ultimately rezoned, the Board needs to determine that this project will be a logical land use pattern that would not be detrimental to existing and planned land uses.

Rezone

To approve a Rezone, the Planning Commission must find that it is consistent with the General Plan. In this case, Planned Development zoning on the 2.22± acre parcel would indeed be consistent with the proposed Planned Development designation. As stated earlier in this Staff Report, no change in the zoning designation is proposed on the 22.14± acre Remainder parcel.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment (see Exhibit K - Environmental Review Referrals). Based on the comments received and the Initial Study discussion, a Negative Declaration is being recommended for adoption (see Exhibit F - Initial Study and Exhibit G - Negative Declaration). Development Standards/Conditions of Approval have been added to this project (see Exhibit D - Development Standards/Conditions of Approval).

RECOMMENDATION

Based on all evidence on the record, and on the ongoing discussion, staff recommends that the Planning Commission recommend that the Board of Supervisors approve General Plan Amendment Application No. 2008-06, Rezone Application No. 2008-06, Use Permit Application No. 2008-27, and Vesting Tentative Parcel Map Application No. 2008-15 - O'Brien Veterinary Hospital, subject to the following actions:

1. Adopt the Negative Declaration pursuant to California Code of Regulations Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the negative declaration reflects Stanislaus County's independent judgement and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. In relation to the Use Permit request, find:
 - A. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "General Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County; and
 - B. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity;
 - C. The establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity; and
 - D. It is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage.
4. In relation to the Parcel Map request, find:
 - A. The proposed map is consistent with applicable general and specific plans as specified in Section 65451.
 - B. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
 - C. The site is physically suitable for the type of development.
 - D. The site is physically suitable for the proposed density of development.
 - E. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

- F. The design of the subdivision or type of improvements is not likely to cause serious public health problems.
 - G. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.
 - H. Find the project will increase activity in and around the project area, thereby increasing demands for roads and services, thereby requiring dedications and improvements
5. In relation to the request for a General Plan Amendment and Rezone, find:
- A. The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses,
 - B. The County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service,
 - C. The amendment is consistent with the General Plan goals and policies,
 - D. Overall, the proposal is consistent with the goals and policies of the General Plan,
 - E. There is evidence on the record to show a demonstrated need for the proposed project based on population projections, past growth rates, and other pertinent data,
 - F. No feasible alternative site exists in areas already designated or planned for the proposed uses,
 - G. Approval of the proposal will not constitute part of, or encourage piecemeal conversion of a larger agricultural area to non-agricultural uses, and will not be growth-inducing (as used in the California Environmental Quality Act),
 - H. The proposed project is designed to minimize conflict and will not interfere with agricultural operations on surrounding agricultural lands or adversely affect agricultural water supplies,
 - I. Adequate and necessary public services and facilities are available or will be made available as a result of the development,

- J. The design of the proposed project has incorporated all reasonable measures, as determined during the CEQA review process, to mitigate impacts to fish and wildlife resources, air quality, water quality and quantity, or other natural resources,
 - K. The proposed Planned Development zoning is consistent with the proposed Planned Development General Plan designation,
 - L. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements,
- 6. That the proposed alternative buffer is found to provide equal or greater protection to surrounding agricultural uses.
 - 7. Approve Use Permit Application No. 2008-27, subject to the attached Development Standards/Conditions of Approval.
 - 8. Approve Vesting Tentative Parcel Map Application No. 2008-15 , subject to the attached Development Standards/Conditions of Approval.
 - 9. Approve General Plan Amendment No. 2008-06.
 - 10. Find that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation.
 - 11. Approve Rezone Application No. 2008-06, subject to the attached Development Standards/Conditions of Approval and Development Schedule.

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project. Therefore, the applicant will further be required to pay \$2,050.00 for the Department of Fish and Game, and the Clerk Recorder filing fees. The attached Development Standards ensure that this will occur.

Report written by: Joshua Mann, Associate Planner, June 18, 2009

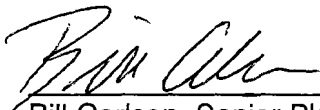
Attachments:

- Exhibit A - Maps
- Exhibit B - Site Plan, Parcel Map, Landscaping & Elevations
- Exhibit C - Application & Applicant's Statement
- Exhibit D - Development Standards/Conditions of Approval
- Exhibit E - Development Schedule
- Exhibit F - Initial Study
- Exhibit G - Negative Declaration
- Exhibit H - Alternative Buffer Proposal
- Exhibit I - Ag Advisory Board Agenda & Minutes - Feb 2, 2009

- Exhibit J* - Applicant's General Plan Evaluation as submitted by the applicant
- Exhibit K - Environmental Review Referrals

* Copies of the Applicant's General Plan Evaluation may be obtained by contacting the Planning Department directly or on-line at <http://www.stancounty.com/planning/pl/act-projects.shtm>

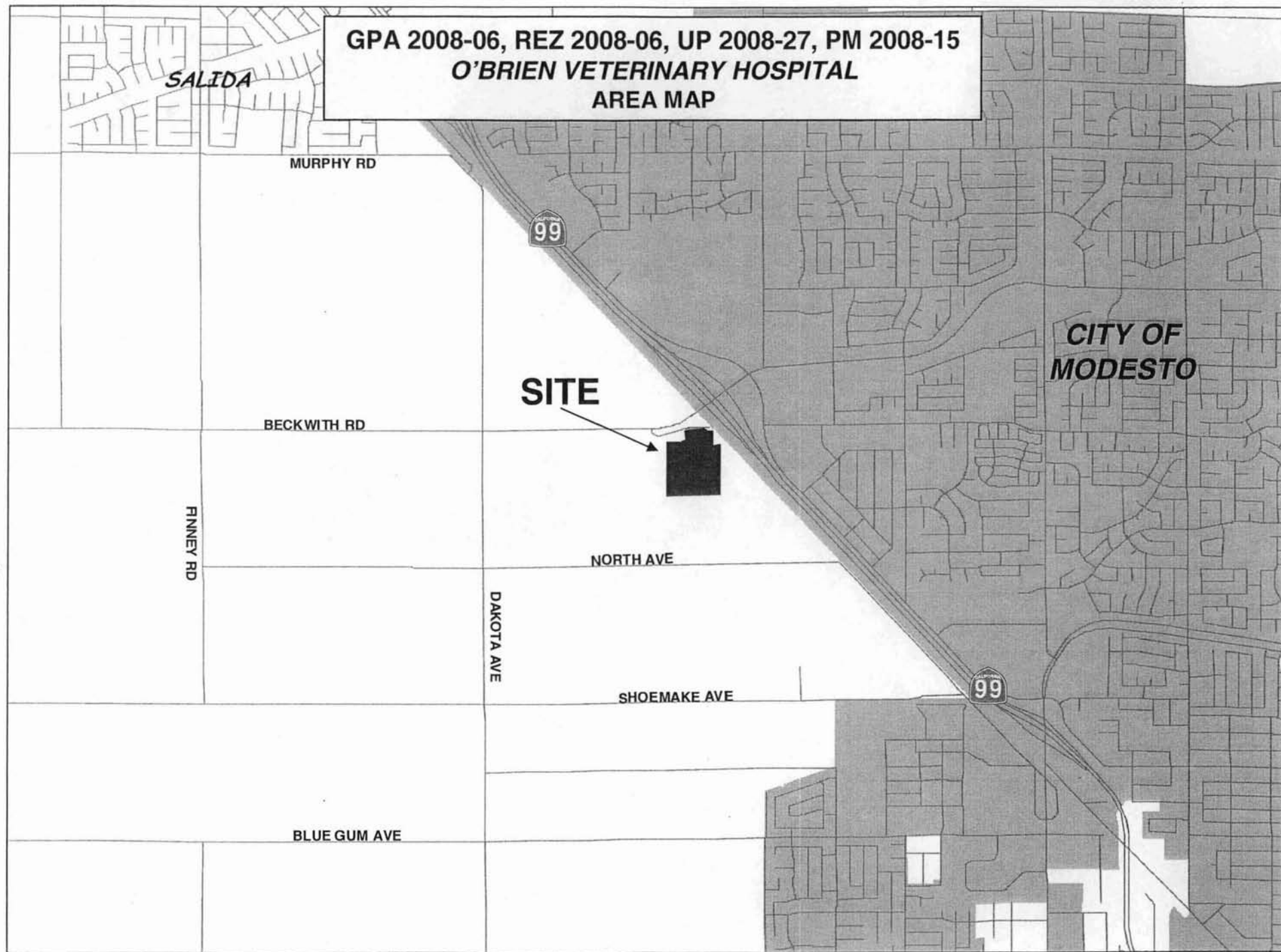
Reviewed By:



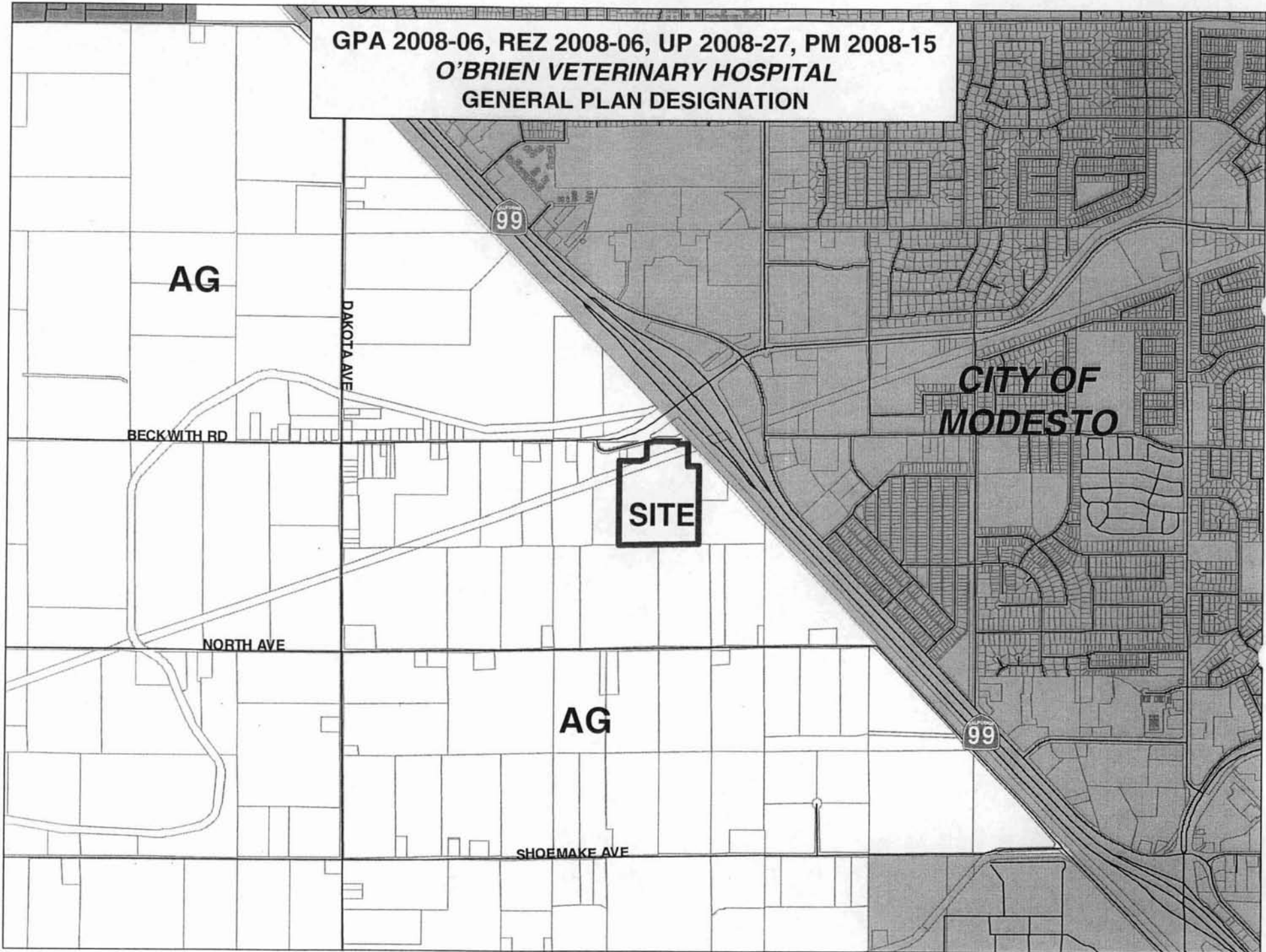
Bill Carlson, Senior Planner

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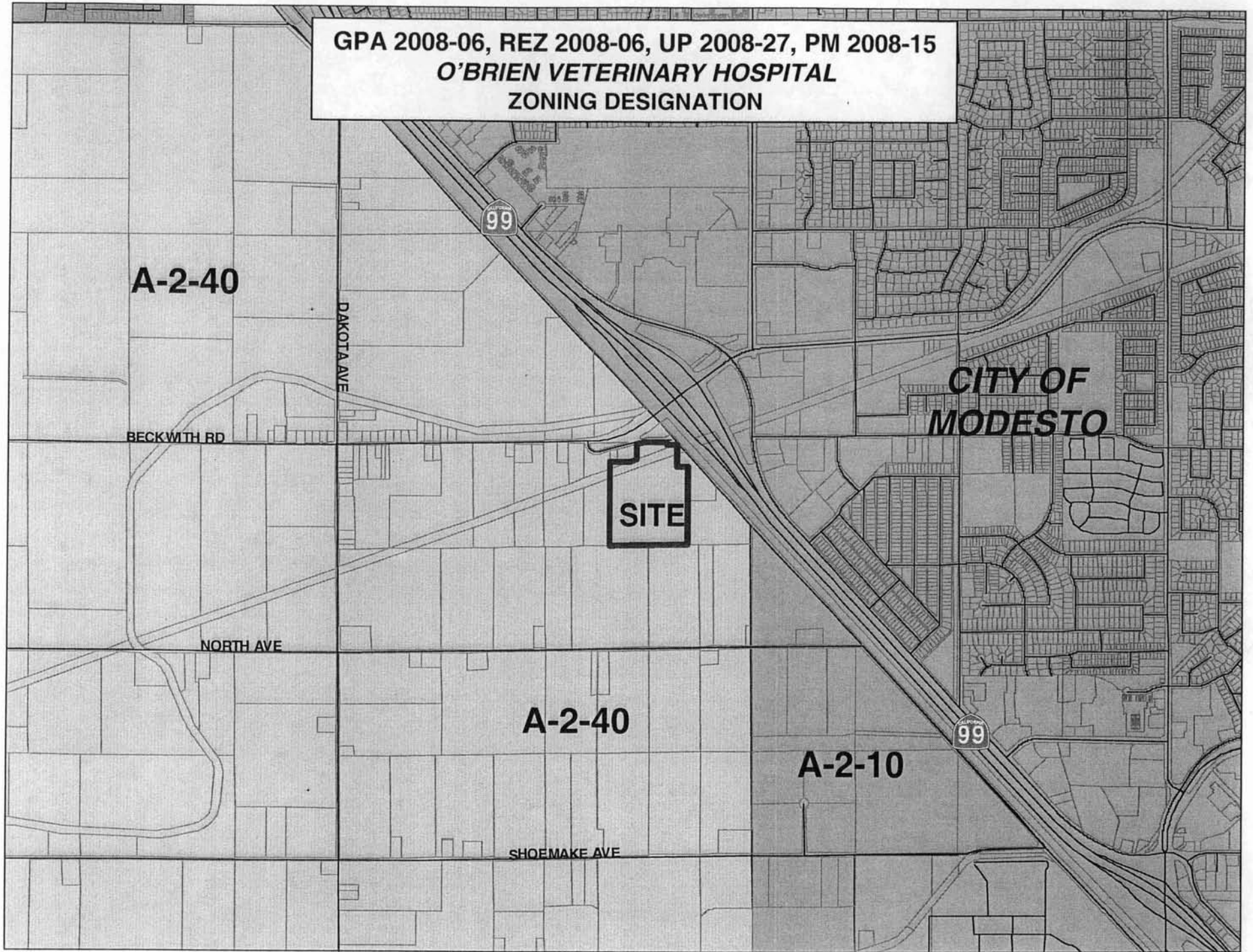
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O'BRIEN VETERINARY HOSPITAL
AREA MAP**



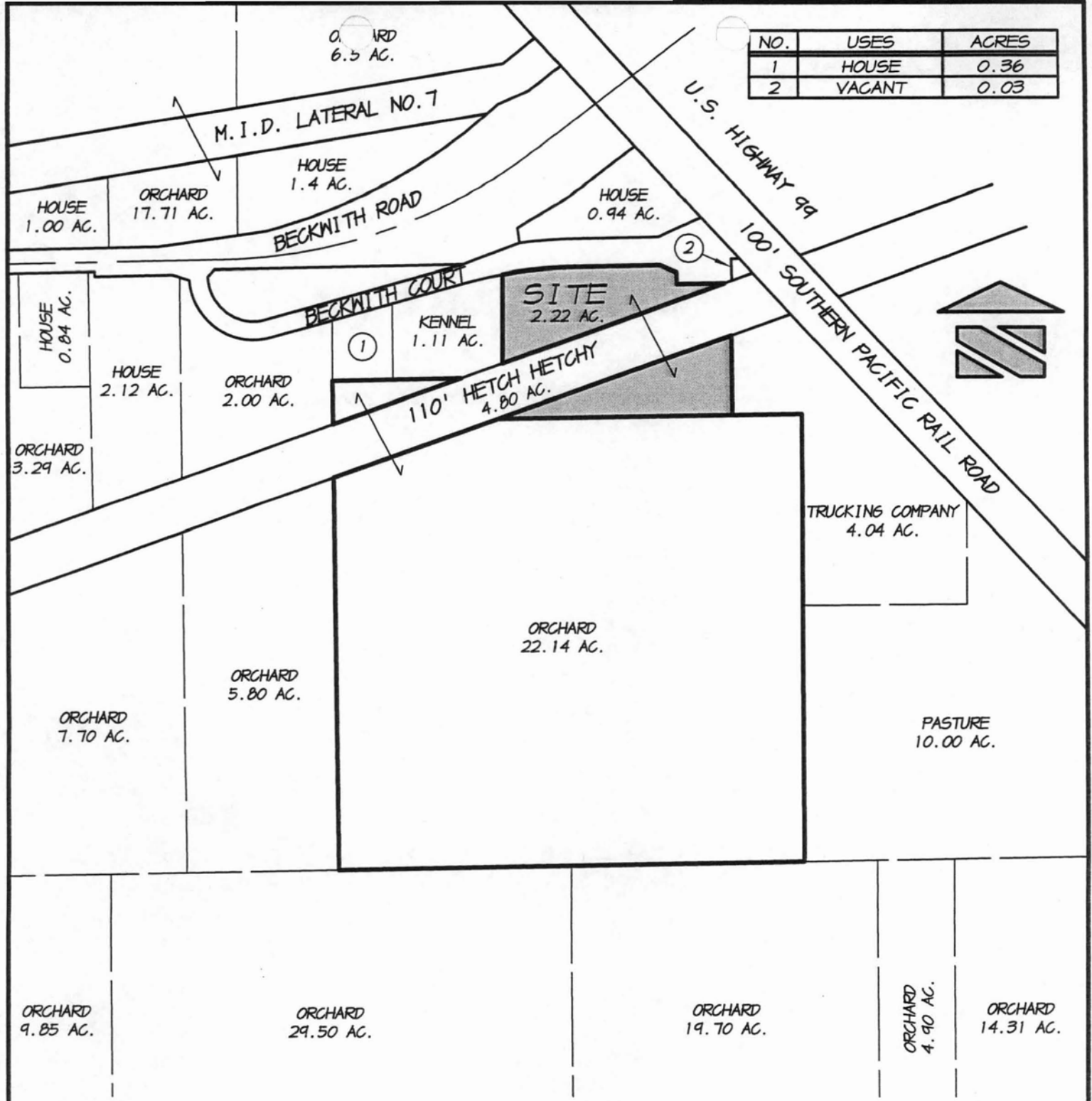
GPA 2008-06, REZ 2008-06, UP 2008-27, PM 2008-15
O'BRIEN VETERINARY HOSPITAL
GENERAL PLAN DESIGNATION



**GPA 2008-06, REZ 2008-06, UP 2008-27, PM 2008-15
O'BRIEN VETERINARY HOSPITAL
ZONING DESIGNATION**



NO.	USES	ACRES
1	HOUSE	0.36
2	VACANT	0.03



PROJECT SITE

A.P.N. 005-034-010 & 011
 3254 BECKWITH COURT
 MODESTO, CA 95350

DRAWN	R.M.U.
DATE	11/4/08 10:42
SCALE	1"=300'
JOB #	673-08
DWG.	AREA MAP

AREA MAP

O'BRIEN PROPERTY

STANISLAUS COUNTY CALIFORNIA



ASSOCIATED ENGINEERING, INC.
 Surveying · Design · Planning
 4206 TECHNOLOGY DRIVE
 MC EXHIBIT A-3
 PH: (209)



PROJECT SITE

A.P.N. 005-034-010 & 011
 3254 BECKWITH COURT
 MODESTO, CA 95350

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DWG.	AERIAL

AERIAL MAP
O'BRIEN PROPERTY
 STANISLAUS COUNTY CALIFORNIA

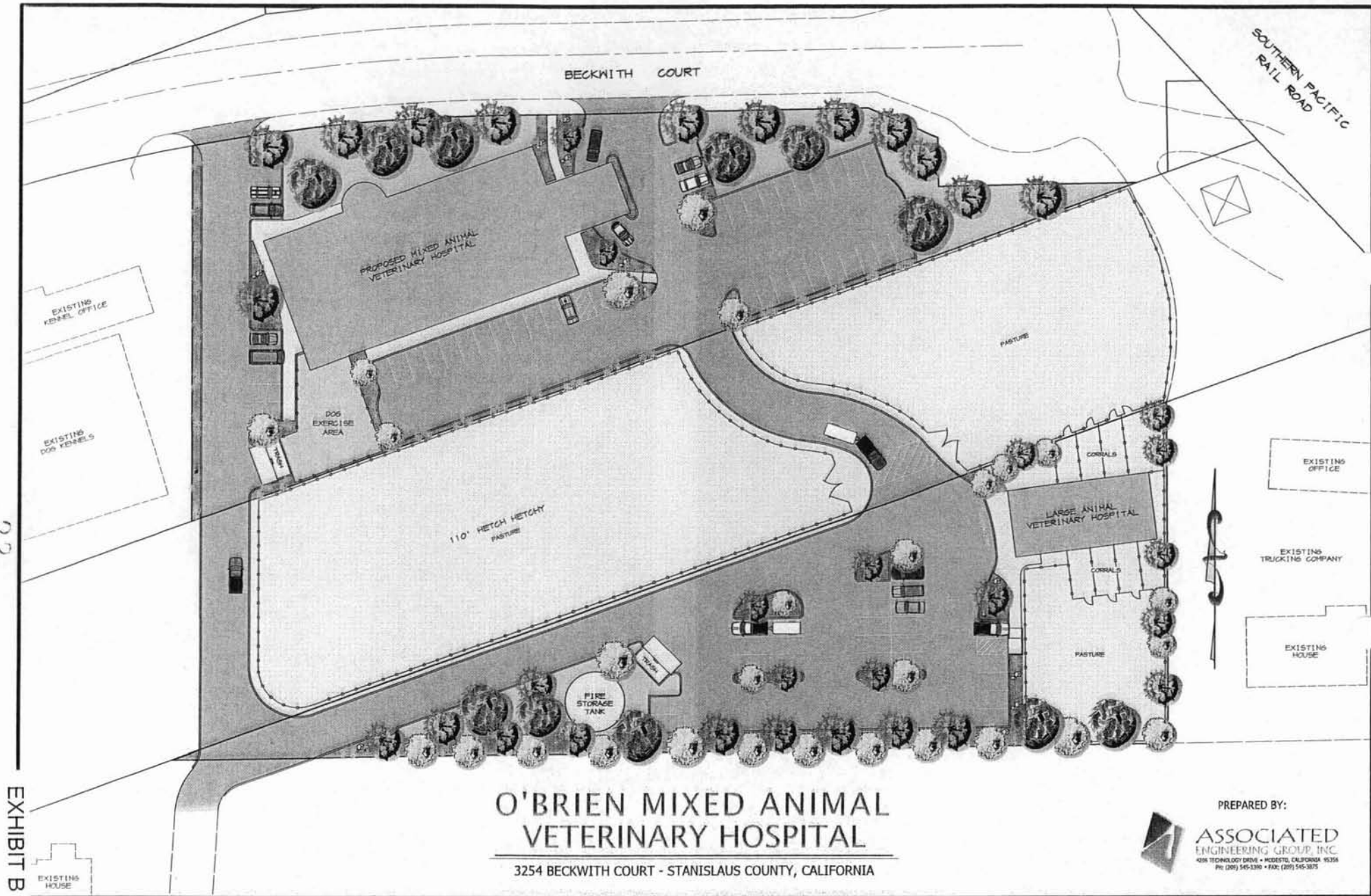


ASSOCIATED ENGINEERING, INC.
 Surveying • Design • Planning
 4206 TECHNOLOGY DRIVE
 MOE EXHIBIT A-4
 PH: (209)

**GPA 2008-06, REZ 2008-06, UP 2008-27, PM 2008-15
O'BRIEN VETERINARY HOSPITAL
AERIAL PHOTO (2006)**



23



O'BRIEN MIXED ANIMAL VETERINARY HOSPITAL

3254 BECKWITH COURT - STANISLAUS COUNTY, CALIFORNIA

PREPARED BY:



ASSOCIATED ENGINEERING GROUP, INC.
 4206 TECHNOLOGY DRIVE • MIDDLETOWN, CALIFORNIA 95366
 PH: (209) 545-1330 • FAX: (209) 545-3075

EXHIBIT B

EXISTING HOUSE

OWNER/APPLICANT:

MICHAEL O'BRIEN & CHARLES M. O'BRIEN
 201 HAZE BOULEVARD
 MODESTO, CA. 95351
 PH. (209) 524-9281

GENERAL NOTES:

1. ASSESSOR'S PARCEL NUMBER: 005-034-004, 010 & 011
2. SITE SUMMARY: TOTAL SITE 2.22 ± AC.
3. SITE LOCATION: 3254 BECKWITH COURT MODESTO, CA. 95358
4. PRESENT ZONING: A-2-40, GENERAL AGRICULTURE
5. PROPOSED ZONING: P-D, PLANNED DEVELOPMENT
6. ALL IMPROVEMENTS TO BE INSTALLED SHALL BE INSTALLED IN ACCORDANCE OF STANISLAUS COUNTY STANDARDS.
7. THE PROPERTY LINE DISTANCE, BEARINGS, AND ALL OTHER DIMENSIONS SHOWN ON THIS MAP ARE TAKEN FROM DEEDS, ASSESSOR'S MAPS, OR BOTH, AND PRELIMINARY FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL FIELD SURVEY.

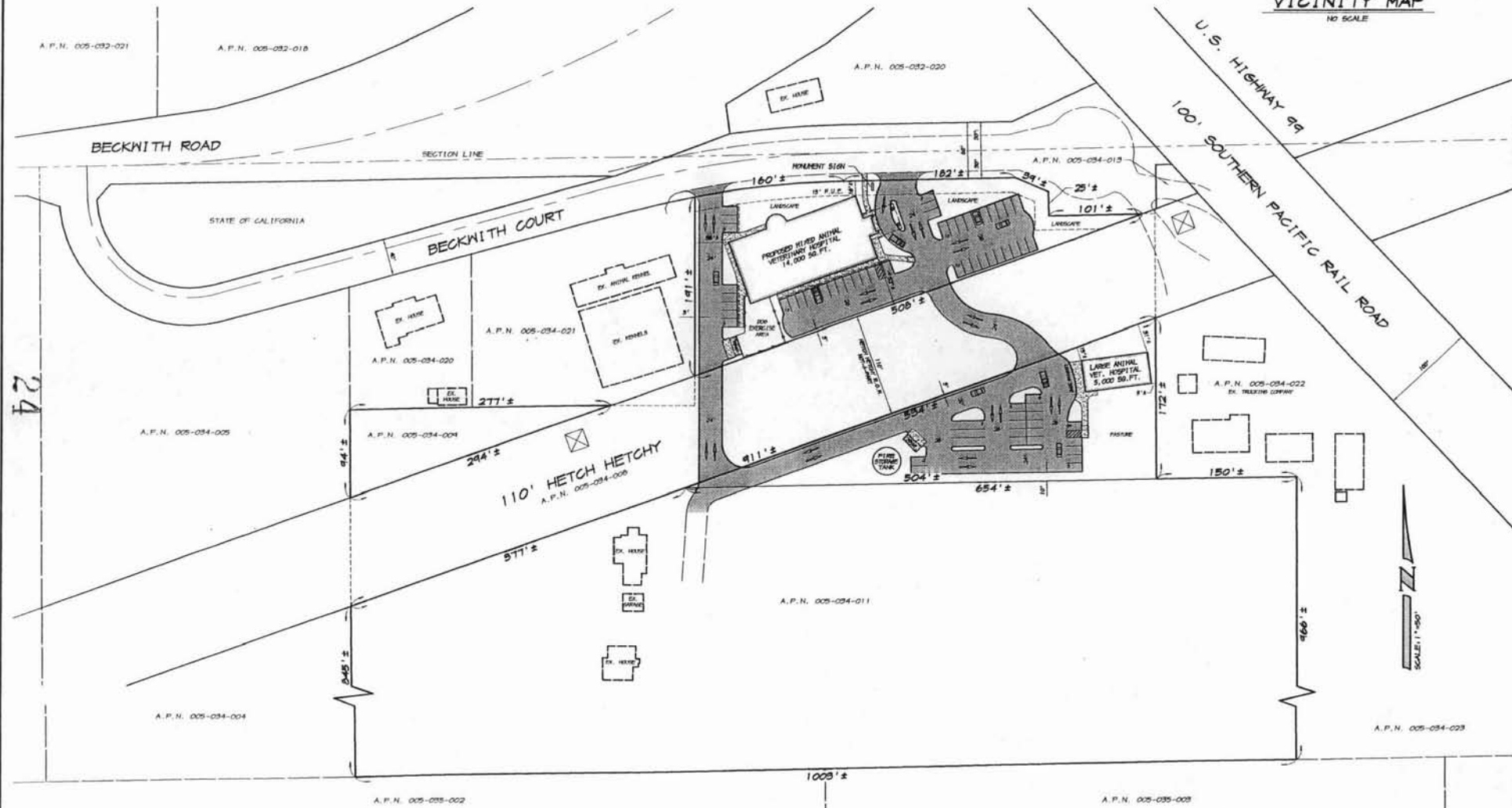
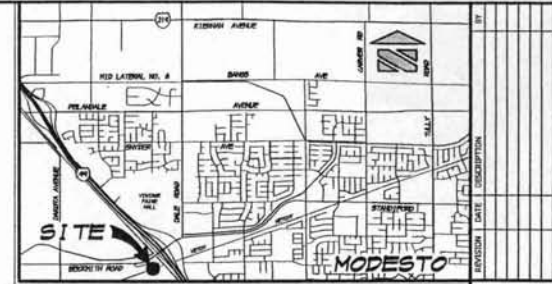
SITE SUMMARY:

PROJECT SITE COVERAGE: (EXCLUDING HETCH HETCHY)
 PROPOSED BUILDINGS = 19,000 # ± (20% COVERAGE)
 PAVEMENT = 43,135 # ± (44% COVERAGE)
 LANDSCAPE AREA = 24,142 # ± (36% COVERAGE)
 TOTAL SITE = 86,277 # ± (100% COVERAGE)

PARKING SUMMARY:
 PARKINGS REQUIRED: PROFESSIONAL OFFICE
 1 PER 300 SQ. FT.
 19,000/300 = 64 STALLS

PARKINGS PROVIDED = 63 STANDARDS STALLS
 2 HANDICAP STALLS

TOTAL STALLS = 65 PARKING STALLS



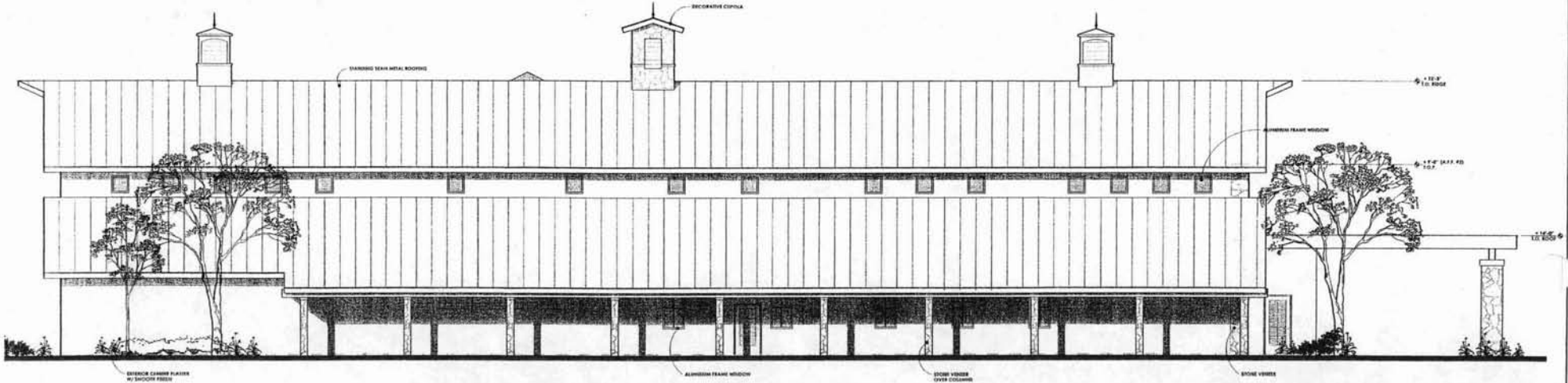
ASSOCIATED ENGINEERING & ARCHITECTURE, INC.
 DESIGN & PLANNING SURVEYING & ARCHITECTURE
 1000 J STREET, SUITE 100
 MODESTO, CALIFORNIA 95358

SITE PLAN TO ACCOMPANY
 PLANNED DEVELOPMENT
 BRIEN MIXED ANIMAL
 VETERINARY HOSPITAL

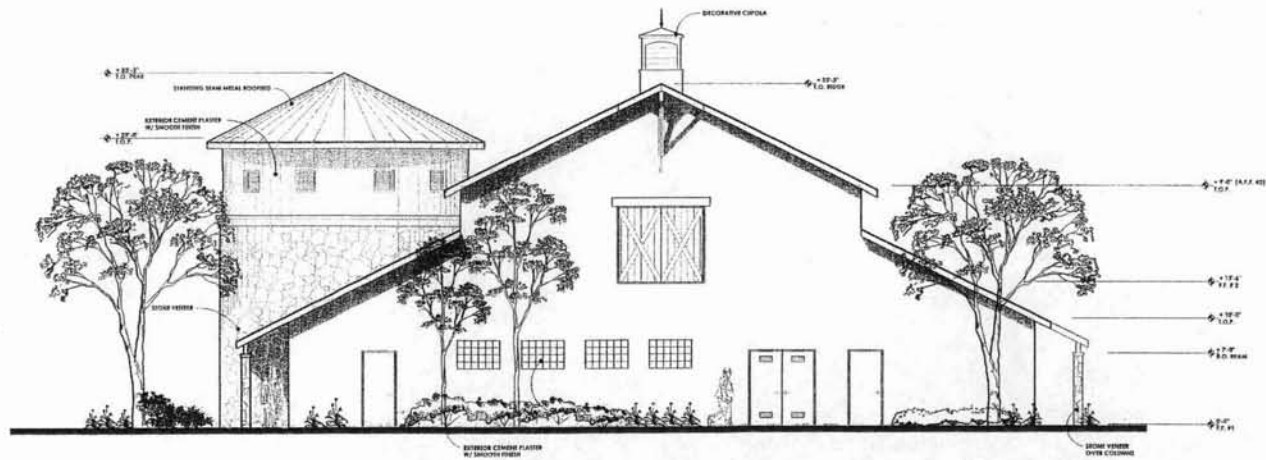
BYRON DANIEL, R.C.S., REGISTERED SURVEYOR
 6045 WILKINSON, L.S. 718

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 CIVIL: PD-SITE
 CHECKED: [Signature]
 JOB #: 678-08

SHEET 1
 OF 1



PROPOSED SOUTH ELEVATION - SMALL ANIMAL HOSPITAL / ADMIN. OFFICES
SCALE: 3/16" = 1'-0"



PROPOSED WEST ELEVATION - SMALL ANIMAL HOSPITAL / ADMIN. OFFICES
SCALE: 3/16" = 1'-0"

27

PROPOSED NEW DEVELOPMENT:
VETERINARY HOSPITAL
Beckwith Court
Stanislaus County, CA.

PLANNING ARCHITECTURE
api
ARCHITECTURE PLUS INC.
1207 13TH STREET SUITE 4
MODESTO, CA 95354
ph. 209.577.4661
fx 209.577.0213
www.aplac.com



PROPOSED NORTH ELEVATION - SMALL ANIMAL HOSPITAL / ADMIN. OFFICES

SCALE 3/4" = 1'-0"



PROPOSED EAST ELEVATION - SMALL ANIMAL HOSPITAL / ADMIN. OFFICES

SCALE 3/4" = 1'-0"

28

PROPOSED NEW DEVELOPMENT:
VETERINARY HOSPITAL
 Beckwith Court
 Stanislaus County, CA.

PLANNING ■■■
 ARCHITECTURE ■■■

api

ARCHITECTURE PLUS INC.
 1207 13TH STREET SUITE 6
 MODESTO, CA 95354

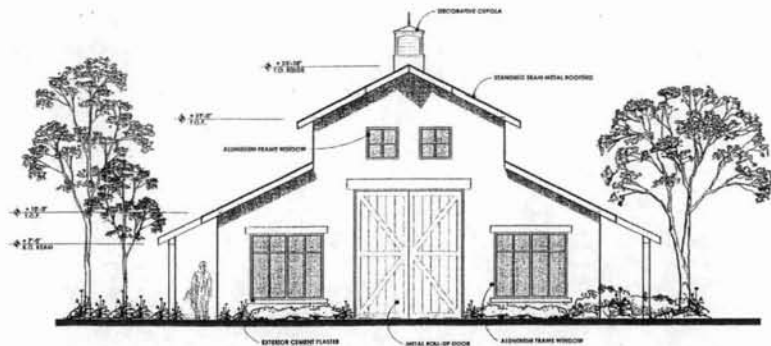
ph. 209.577.4661
 fx. 209.577.0213

www.aplac.com



PROPOSED NORTH ELEVATION - LARGE ANIMAL HOSPITAL

SCALE: 3/16" = 1'-0"



PROPOSED EAST ELEVATION - LARGE ANIMAL HOSPITAL

SCALE: 3/16" = 1'-0"

PROPOSED NEW DEVELOPMENT:

VETERINARY HOSPITAL

Beckwith Court
Stanislaus County, CA.

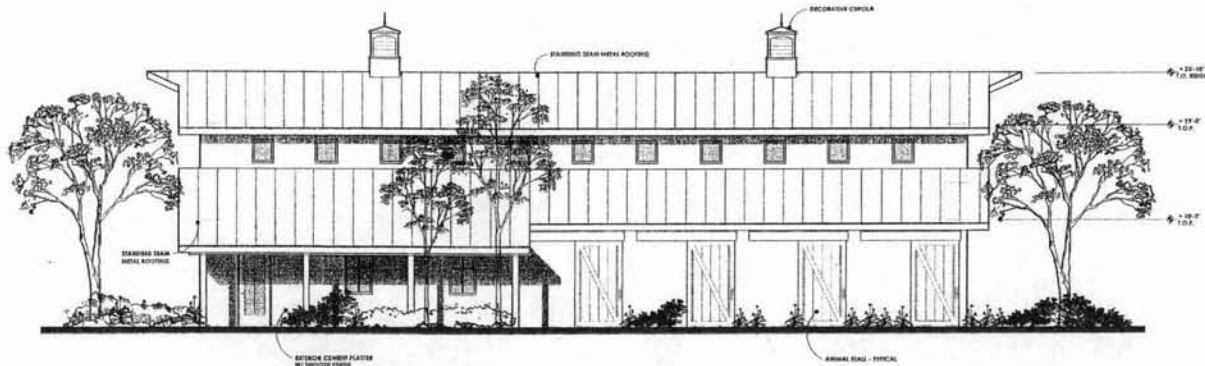
PLANNING ■■■
ARCHITECTURE ■■■

api

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1207 13TH STREET SUITE 6
MODESTO, CA 95354

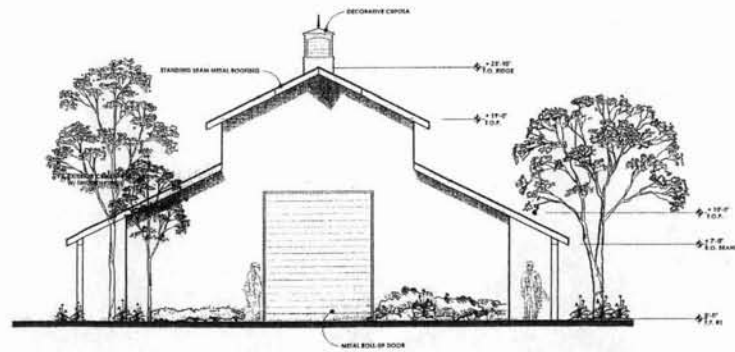
ph: 209.577.4661
fx: 209.577.0213

www.apibarc.com



PROPOSED SOUTH ELEVATION - LARGE ANIMAL HOSPITAL

SCALE: 3/16" = 1'-0"



PROPOSED WEST ELEVATION - LARGE ANIMAL HOSPITAL

SCALE: 3/16" = 1'-0"

PROPOSED NEW DEVELOPMENT:

VETERINARY HOSPITAL

Beckwith Court
Stanislaus County, CA.

PLANNING ■■■
ARCHITECTURE ■■■

api

ARCHITECTURE PLUS INC.
1207 13TH STREET SUITE 6
MODESTO, CA 95354

ph 209.577.4661
fx 209.577.5213

www.apicorp.com

Project Description O'Brien Veterinary Hospital

INTRODUCTION AND PROJECT DESCRIPTION

Project Information

Parcel Ownership

Michael O'Brien & Charles M. O'Brien,

Applicant

Michael O'Brien,

Engineer

Associated Engineering Group, Inc., 4206 Technology Drive, Modesto, CA 95356
Phone: (209) 545-1143

Project Location

The property is located South of Beckwith Court and West of Highway 99,
Assessor's Parcel Number's: 005-034-009, 010 & 011.

Application Components:

1. *Proposed Use Permit*

The application proposes a Use Permit to operate a large animal hospital utilizing a hospital building and an administration/office building (to be utilized upon approval of proposed PD designation as mixed-use animal facility.)

2. *Proposed Parcel Map*

The application, pursuant to Stanislaus County Code 21.20.060 (D) proposes a 2.22 acre parcel and a 22.14 acre remainder.

3. *Proposed General Plan Designation*

The application proposes an amendment from "Agriculture" to "Planned Development."

4. *Proposed Zoning*

The application proposes to change the zone from A-2-40 (General Agriculture) to P-D (Planned Development).

Project Description

This is a request for: a Use Permit to operate a large animal hospital utilizing two buildings, a Tentative Parcel Map (TPM), amending the General Plan designation from "Agriculture" to "Planned Development," and lastly to change the zone from A-2-40 (General Agriculture) to P-D (Planned Development). The TPM will consist of Lot 1 totaling 2.2 +/- acres for the large animal facility (Use Permit), and the 22.14 remainder will remain agriculture. The subsequent P-D designation will allow for the facility to be further utilized as a mixed-animal facility. The proposed project plans to build 19,000 square feet of veterinary hospital buildings on approximately 2.2-acres. The project will benefit the adjacent existing dog kennel to the West as well as both the agricultural community and urban development areas. The property is located South of Beckwith Court and West of Highway 99 within the City of Modesto's Sphere of Influence. The Assessor's Parcel Number's are 005-034-009, 010 & 011. The development will be called the O'Brien Veterinary Hospital.

The applicant proposes to construct a full-service, mixed animal complex. This facility will provide both in-patient and out-patient services along with emergency services. Dr. Michael O'Brien currently practices at the Maze Veterinary Hospital located at 201 Maze Boulevard, in the City of Modesto. His intent is to establish a veterinary hospital for large animals as well as small animals at the proposed site. The hospital will contain a reception area, office space, examination rooms, laboratory, radiology, hospitalization area, storage, corrals, and pasture access. The proposed mixed animal practices, will primarily see pigs, goats, cattle, sheep, and some wild animals in addition to companion animals.

The proposed hours of operation are 7:00 a.m. to 7:00 p.m., Monday through Saturday with possible emergencies throughout the evening when needed. There will be approximately 15 employees part and full time caring for approximately 10 large and small hospitalized animals per day. The daily caseload will reflect the numbers currently at Maze Animal Hospital of about 40 per day. These numbers reflect the in and out as well as hospitalized numbers.

Findings

The San Joaquin Valley is experiencing an increasingly severe shortage of veterinarians who treat animals in the food supply. Few young veterinarians are choosing to focus on farm animals. At the same time, many old-time farm vets are nearing retirement age.

According to the American Veterinary Medical Association (AVMA) there are 429,947 food animals and a total of 32 large animal veterinarians in Stanislaus County as of September of 2007. That is 1 veterinarian for every 13,436 food animals. California, the leading dairy state, would be hard hit, economically, if an epidemic disease were to spread among its 1.7 million dairy cows without having the sufficient number of large animal veterinarians available to provide treatment.

More than 60 percent of North American veterinarians in private practice treat only cats, dogs and other small animals, according to the AVMA. About 14 percent specialize in large animals, including horses, with only 1 percent practicing exclusively on cattle.

In California, that trend is even more pronounced with nearly 80 percent of veterinarians in small-animal practice, according to a 2004 University of California task force report.

Nationwide, there are about 2,400 dairy veterinarians to care for 9.6 million dairy cows. Due to the potential threats to the health and safety of livestock and meat, AVMA recently forecasted that demand for food animal vets could raise 12-13 percent, with a 4-5 percent shortfall, by 2016.

Last year, 60 percent of the vet school graduates went into private practice, with just 5 percent in large animal veterinary medicine exclusively and 41 percent in small animal practice.

The trend isn't just bad news for farmers. It's potentially bad for consumers as well.

The shortage of large animal veterinarians alarms many veterinary leaders and public-safety experts, who say those veterinarians play crucial roles in making sure meat and milk supplies are safe, preventing the spread of diseases from animals to people and ensuring the humane treatment of food animals.

Economics also play a role; the willingness of pet owners to spend money to treat their cats and dogs has created a perception among veterinarians that it is more lucrative to treat household pets rather than farm animals. Large animal services cannot compete with small animal services; farmers pay a vet \$50 to \$100 to treat a cow while pet owners are willing to pay \$800 to \$1,000 for their cat or dog. Treating livestock is strictly a business decision made upon economic terms, whereas pets are virtually priceless to their owners.

As treating small animals is proving to be a more lucrative business than treating large animals, it does not make economic sense for a veterinarian to open a hospital that just serves large animals. The costs associated in establishing and obtaining the necessary resources to exclusively provide a full service large animal hospital in today's business climate are more than almost any veterinarian can afford.

While the largest percentage of veterinarians are treating small animals, there is also a substantial percentage who are working for national, state and local government agencies such as: Agricultural Departments, the Centers for Disease Control and Prevention, the Department of Homeland Security and other agencies responsible for protecting public safety.

For years, farmers and veterinarians have talked about upcoming shortage of large animal vets and the reasons for that shortage. It has challenged veterinarians to re-think their roles and how they can best serve their community, what has resulted is an increased number of veterinarians planning to enter a mixed practice.

The shift in resources has changed to more suit both needs of the farmer and the pet owner. Unfortunately the existing facilities within the urban areas are not well suited to service large animals. However, agricultural areas are well suited and allow for large animals facilities but have no provisions to allow for small animal practices, whereas the urban developed areas allow for small animal practices but are not suited for large animal care. The need to establish mixed animal practices within a transitional area between urban and rural areas is a real and current need.

The selected site is well suited for a mixed animal hospital due to the proximity of the urban and agricultural areas surrounding the site. The proposed site is two triangular shaped parcels and is encumbered by the Hetch Hetchy right-of-way. The unique characteristics of the site make it difficult to maintain as an almond orchard along with the proximity of the existing urban development and Highway 99.

The proposed site has been configured to match the current land use and positioned to the proposed use by placing the large animal hospital portion adjacent to the agricultural area and mixed animal hospital adjacent to the existing urban area. The site will also incorporate the requirements for buffer design standards pursuant to Stanislaus County Buffer and Setback Guidelines.

Justification Statement

Based on the information above, we feel the following criteria have been satisfied:

1. The change is consistent with the intent, goals, objectives, policies, guiding principles and programs of adopted plans (as identified in the Goals Policies and Implementation Document);
2. The change would be compatible with the existing land use pattern as referenced above;
3. The proposed change would not create a substantial adverse impact in the adjacent area of the City of Modesto or the County in general; and
4. The proposal is of adequate shape and size to accommodate the proposed change.
5. With this amendment, the proposal will improve the economic, physical and social well-being of the County by adding a mixed animal veterinary hospital to the West side of Highway 99. The need for a large animal facility within the proposed area is evident by the proximity of other similar approved facilities within the County (Figures 1, 2 & 3). The County, in reviewing General Plan Amendments, shall consider how the levels of public and private service might be affected. In this case, in order to take affirmative action regarding the General Plan amendment application, it must be found that:
 - a. The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses.

Logical land-use patterns would change from "Agriculture" to "Planned Development". Farming and growing operations will remain on the remainder of the site. The difference between the A-2 Zone and the proposed change would be the "mixed animal" veterinary services. Level of service in regards to County services would be minimal, i.e. electricity, water, sewer, and traffic would be minimal.

- b. The County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service.

Levels of service would be similar with a commercial operation as it would with a veterinary hospital operation. The County and other agencies would be minimally affected by the proposal. A development plan is attached that shows the proposed uses and facilities.

In the case of a proposed amendment to the diagram of the Land Use Element, an additional finding must be established.

- c. The amendment is consistent with the goals and policies.

The amendment is consistent with the local development of the area. It does not add residential dwelling in an agricultural area, and it does not add significant growth to the surrounding community.

The proposed General Plan Amendment will promote the public welfare and will be consistent with the goals and policies of the County General Plan and the elements thereof. Please see the Goals Policies and Implementation Document that reflects this explanation and justification.



APPLICATION QUESTIONNAIRE

Please Check all applicable boxes

APPLICATION FOR:

Staff is available to assist you with determining which applications are necessary

- | | |
|--|--|
| <input checked="" type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Subdivision Map |
| <input checked="" type="checkbox"/> Rezone | <input checked="" type="checkbox"/> Parcel Map |
| <input checked="" type="checkbox"/> Use Permit | <input type="checkbox"/> Exception |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Williamson Act Cancellation |
| <input type="checkbox"/> Historic Site Permit | <input type="checkbox"/> Other _____ |

PLANNING STAFF USE ONLY:

Application No(s): _____
 Date: _____
 S _____ T _____ R _____
 GP Designation: _____
 Zoning: _____
 Fee: _____
 Receipt No. _____
 Received By: _____
 Notes: _____

In order for your application to be considered COMPLETE, please answer all applicable questions on the following pages, and provide all applicable information listed on the checklist on pages i – v. Under State law, upon receipt of this application, staff has 30 days to determine if the application is complete. We typically do not take the full 30 days. It may be necessary for you to provide additional information and/or meet with staff to discuss the application. Pre-application meetings are not required, but are highly recommended. An incomplete application will be placed on hold until all the necessary information is provided to the satisfaction of the requesting agency. An application will not be accepted without all the information identified on the checklist.

Please contact staff at (209) 525-6330 to discuss any questions you may have. Staff will attempt to help you in any way we can.

PROJECT INFORMATION

PROJECT NAME: O'BRIEN VETERINARY HOSPITAL
 (Desired name for project, if any)

CONTACT PERSON: Who is the primary contact person for information regarding this project?

Name: Jim Freitas, Associated Engineering Group, Inc. **Telephone:** _____

Address: _____

Fax Number: _____ **email address:** _____

(Attach additional sheets as necessary)
PROPERTY OWNER'S NAME: Michael O'Brien & Charles M. O'Brien

Mailing Address _____

Telephone: _____ **Fax:** _____

PROJECT SITE INFORMATION

Complete and accurate information saves time and is vital to project review and assessment. Please complete each section entirely. If a question is not applicable to your project, please indicated this to show that each question has been carefully considered. Contact the Planning & Community Development Department Staff, 1010 10th Street – 3rd Floor, (209) 525-6330, if you have any questions. Pre-application meetings are highly recommended.

ASSESSOR'S PARCEL NUMBER(S): Book 005 Page 034 Parcel 009

Additional parcel numbers: 005-034-010 & 005-034-011

Project Site Address
or Physical Location: 3254 Beckwith Court

Modesto, CA 95358

Property Area: Acres: 24.58 +/- or Square feet: _____

Current and Previous Land Use: (Explain existing and previous land use(s) of site for the last ten years)

Agricultural

List any known previous projects approved for this site, such as a Use Permit, Parcel Map, etc.: (Please identify project name, type of project, and date of approval)

Existing General Plan & Zoning: General Plan: Agriculture & Zoning: A-2-40

Proposed General Plan & Zoning: General Plan: & Zoning: Planned Development
(if applicable)

ADJACENT LAND USE: (Describe adjacent land uses within 1,320 feet (1/4 mile) and/or two parcels in each direction of the project site)

East: U.S. Highway 99, Southern Pacific Rail Road & a Trucking Company

West: Agricultural - Kennel Facility, Single-Family Residences & Orchards

North: Agricultural - Beckwith Court & Road, Single-Family Residences & Orchards

South: Agricultural - Orchards & Single-Family Residences

WILLIAMSON ACT CONTRACT:

Yes No

Is the property currently under a Williamson Act Contract?

Contract Number: _____

If yes, has a Notice of Non-Renewal been filed?

Date Filed: _____

Yes No

Do you propose to cancel any portion of the Contract?

Yes No

Are there any agriculture, conservation, open space or similar easements affecting the use of the project site. (Such easements do not include Williamson Act Contracts)

If yes, please list and provide a recorded copy: _____

SITE CHARACTERISTICS: (Check one or more)

Flat

Rolling

Steep

VEGETATION: What kind of plants are growing on your property? (Check one or more)

Field crops

Orchard

Pasture/Grassland

Scattered trees

Shrubs

Woodland

River/Riparian

Other

Explain Other: _____

Yes No

Do you plan to remove any trees? (If yes, please show location of trees planned for removal on plot plan and provide information regarding transplanting or replanting.)

GRADING:

Yes No

Do you plan to do any grading? (If yes, please indicate how many cubic yards and acres to be disturbed. Please show areas to be graded on plot plan.) See site plan.

STREAMS, LAKES, & PONDS:

Yes No

Are there any streams, lakes, ponds or other watercourses on the property? (If yes, please show on plot plan)

Yes No

Will the project change any drainage patterns? (If yes, please explain - provide additional sheet if needed) _____

Yes No

Are there any gullies or areas of soil erosion? (If yes, please show on plot plan)

Yes No

Do you plan to grade, disturb, or in any way change swales, drainages, ditches, gullies, ponds, low lying areas, seeps, springs, streams, creeks, river banks, or other area on the site that carries or holds water for any amount of time during the year? (If yes, please show areas to be graded on plot plan)

Please note: If the answer above is yes, you may be required to obtain authorization from other agencies such as the Corps of Engineers or California Department of Fish and Game.

STRUCTURES:

Yes No Are there structures on the site? (If yes, please show on plot plan. Show a relationship to property lines and other features of the site.)

Yes No Will structures be moved or demolished? (If yes, indicate on plot plan.)

Yes No Do you plan to build new structures? (If yes, show location and size on plot plan.)

Yes No Are there buildings of possible Historical significance? (If yes, please explain and show location and size on plot plan.) _____

PROJECT SITE COVERAGE:

Existing Building Coverage: 2,695 Sq. Ft. Landscaped Area: 34,742 Sq. Ft.

Proposed Building Coverage: 19,000 Sq. Ft. Paved Surface Area: 43,135 Sq. Ft.

BUILDING CHARACTERISTICS:

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) _____

Small Animal Hospital & Office- 14,000 & Large Animal Hospital & Treatment Barn- 5,000

Number of floors for each building: Two

Building height in feet (measured from ground to highest point): (Provide additional sheets if necessary) _____

36' +/-; see attached elevations

Height of other appurtenances, excluding buildings, measured from ground to highest point (i.e., antennas, mechanical equipment, light poles, etc.): (Provide additional sheets if necessary) _____

Light poles - 26'+/-

Proposed surface material for parking area: (Provide information addressing dust control measures if non-asphalt/concrete material to be used) _____

Asphalt & pavers

UTILITIES AND IRRIGATION FACILITIES:

Yes No Are there existing public or private utilities on the site? Includes telephone, power, water, etc. (If yes, show location and size on plot plan)

Who provides, or will provide the following services to the property?

Electrical: M.I.D.

Sewer*: Private Septic

Telephone: AT&T

Gas/Propane: Propane

Water**: Private Well

Irrigation: M.I.D.

***Please Note:** A "will serve" letter is required if the sewer service will be provided by City, Sanitary District, Community Services District, etc.

****Please Note:** A "will serve" letter is required if the water source is a City, Irrigation District, Water District, etc., and the water purveyor may be required to provide verification through an Urban Water Management Plan that an adequate water supply exists to service your proposed development.

Will any special or unique sewage wastes be generated by this development other than that normally associated with resident or employee restrooms? Industrial, chemical, manufacturing, animal wastes? (Please describe:)

No

Please Note: Should any waste be generated by the proposed project other than that normally associated with a single family residence, it is likely that Waste Discharge Requirements will be required by the Regional Water Quality Control Board. Detailed descriptions of quantities, quality, treatment, and disposal may be required.

Yes No Are there existing irrigation, telephone, or power company easements on the property? (If yes, show location and size on plot plan.)

Yes No Do the existing utilities, including irrigation facilities, need to be moved? (If yes, show location and size on plot plan.)

Yes No Does the project require extension of utilities? (If yes, show location and size on plot plan.)

AFFORDABLE HOUSING/SENIOR:

Yes No Will the project include affordable or senior housing provisions? (If yes, please explain)

RESIDENTIAL PROJECTS: (Please complete if applicable – Attach additional sheets if necessary)

Total No. Lots: _____ Total Dwelling Units: _____ Total Acreage: _____

Net Density per Acre: _____ Gross Density per Acre: _____

(complete if applicable)	Single Family	Two Family Duplex	Multi-Family Apartments	Multi-Family Condominium/Townhouse
Number of Units:	_____	_____	_____	_____
Acreage:	_____	_____	_____	_____

COMMERCIAL, INDUSTRIAL, MANUFACTURING, RETAIL, USE PERMIT, OR OTHER PROJECTS: (Please complete if applicable – Attach additional sheets if necessary)

Square footage of each existing or proposed building(s): Small Animal Hospital & Office- 14,000 &

Large Animal Hospital & Treatment Barn- 5,000

Type of use(s): Small and large animal veterinary hospital.

Days and hours of operation: Monday - Friday; 7am - 7pm & Saturday; 8am - 1pm

Seasonal operation (i.e., packing shed, huller, etc.) months and hours of operation: N/A

Occupancy/capacity of building: Small Animal Hospital = 62, Large Animal Hospital = 20

Number of employees: (Maximum Shift): 15 (Minimum Shift): _____

Estimated number of daily customers/visitors on site at peak time: 10 - large animals & 40 - small animal owners

Other occupants: N/A

Estimated number of truck deliveries/loadings per day: 1

Estimated hours of truck deliveries/loadings per day: 15 minutes

Estimated percentage of traffic to be generated by trucks: Less than 1%

Estimated number of railroad deliveries/loadings per day: N/A

Square footage of:

Office area: N/A Warehouse area: N/A

Sales area: N/A Storage area: N/A

Loading area: N/A Manufacturing area: N/A

Other: (explain type of area) _____

Yes No Will the proposed use involve toxic or hazardous materials or waste? (Please explain)

ROAD AND ACCESS INFORMATION:

What County road(s) will provide the project's main access? (Please show all existing and proposed driveways on the plot plan)

Beckwith Road & Beckwith Court

- Yes No Are there private or public road or access easements on the property now? (If yes, show location and size on plot plan)
- Yes No Do you require a private road or easement to access the property? (If yes, show location and size on plot plan)
- Yes No Do you require security gates and fencing on the access? (If yes, show location and size on plot plan)

Please Note: Parcels that do not front on a County-maintained road or require special access may require approval of an Exception to the Subdivision Ordinance. Please contact staff to determine if an exception is needed and to discuss the necessary Findings.

STORM DRAINAGE:

How will your project handle storm water runoff? (Check one) Drainage Basin Direct Discharge Overland

Other: (please explain) _____

If direct discharge is proposed, what specific waterway are you proposing to discharge to? _____

Please Note: If direct discharge is proposed, you will be required to obtain a NPDES permit from the Regional Water Quality Control Board, and must provide evidence that you have contacted them regarding this proposal with your application.

EROSION CONTROL:

If you plan on grading any portion of the site, please provide a description of erosion control measures you propose to implement.

Best Management Practices (BMP's) _____

Please note: You may be required to obtain an NPDES Storm Water Permit from the Regional Water Quality Control Board and prepare a Storm Water Pollution Prevention Plan.

ADDITIONAL INFORMATION:

Please use this space to provide any other information you feel is appropriate for the County to consider during review of your application. (Attach extra sheets if necessary)

DEVELOPMENT STANDARDS / CONDITIONS OF APPROVAL

**GENERAL PLAN AMENDMENT APPLICATION NO. 2008-06
REZONE APPLICATION NO. 2008-06
USE PERMIT APPLICATION NO. 2008-27
VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2008-15
O'BRIEN VETERINARY HOSPITAL**

Stanislaus County - Department of Planning & Community Development

1. This use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. Hours of exterior construction on the site shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Saturday.
3. During the construction phases of the project, if any human remains, significant or potentially unique are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist.
4. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include but not be limited to the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).
5. Roof-mounted equipment, including but not limited to air conditioners, fans, vents, antennas, and dishes shall be set back from the roof edge, placed behind a parapet wall, or in a wall, so they are not visible to motorists or pedestrians on the adjacent roads or streets. Screening for equipment shall be integrated into the building and roof design by the use of compatible materials, colors, and forms. Wood lattice and fence-like coverings shall not be used as screening materials.
6. All outside storage and mechanical equipment shall be screened from the view of any public right-of-way by a screen fence of uniform construction as approved by the Planning Director or his appointed designee. Any required water tanks for fire suppression shall be painted to blend with the surrounding landscape and/or screened with landscaping and shall not be used as a sign unless approved by the Planning Director or his appointed designee.
7. A sign plan for all proposed on-site signs shall be submitted indicating the location, height, area of the sign(s), and message must be approved by the Planning Director or his appointed designee prior to installation.

8. All exterior trash enclosures shall be screened from public view by a minimum six-foot masonry wall constructed of materials compatible with the architecture of the development. Trash enclosures shall be placed in locations as approved by the refuse collecting agency and the Planning Director or his appointed designee. All trash bins shall be kept in trash enclosures.
9. A final landscape plan prepared in accordance with Section 21.102 of the Stanislaus County Zoning Ordinance and consistent with the alternative buffer requirements, shall be submitted prior to issuance of any building permit or approved use of the project site. Final plans shall be approved by the Planning Director or his appointed designee prior to the issuance of any building permit or approved use of the project site.
10. Any required landscaping plan shall be reviewed by the Stanislaus County Agricultural Commissioner's Office prior to installation of any landscaping and include plant species and identification of the plants origin. Said review is necessary to help stop the spread of the Glassy-winged Sharpshooter, an injurious insect to agriculture, which can enter our County on the leaves of landscape plants.
11. The applicant, or subsequent property owner, shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety. Any dead trees shall be replaced with a similar variety of a 15-gallon size or larger.
12. Any approved business (current & future) operating on-site shall obtain and maintain a valid business license. Application may be made with the Planning Department. (Section 6.04 of the Stanislaus County Ordinance Code)
13. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
14. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2009), the applicant is required to pay a Department of Fish and Game filing fee at the time of recording a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,050.00** made payable to **Stanislaus County**, for the payment of Fish and Game, and Clerk Recorder filing fees.

Pursuant to Section 711.4 (e)(3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.

15. The applicant is required to defend, indemnify, or hold harmless the County, its officers and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
16. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary.
17. Pursuant to Section 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate stream-bed alteration agreements, permits or authorizations, if necessary.
18. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.
19. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
20. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
21. Prior to the Parcel Map being recorded, substantial development of the veterinary hospital site must be under way and the building permits for the hospital buildings must be ready to be issued.
22. Proper disposal of "large animal" waste/horse manure, and bedding materials shall not accumulate on site so as to create nuisance odors and flies. Fly abatement must be conducted on a frequent and permanent basis. Waste material disposal shall be conducted in a manner consistent with local health and safety codes and state agricultural code regulations and shall not result in nuisance odors or flies.

Stanislaus County - Department of Public Works

23. The recorded parcel map shall be prepared by a licensed land surveyor or a qualified registered civil engineer.
24. All existing non-public facilities and/or utilities that do not have lawful authority to occupy the road right-of-way shall be relocated onto private property upon the request of the Department of Public Works.
25. All structures not shown on the tentative parcel map shall be removed prior to the parcel map being recorded.
26. The new parcel, Parcel 1, shall be surveyed and fully monumented.
27. An Encroachment Permit must be obtained for any work in the right of way.
28. The applicant shall make road frontage improvements along the entire parcel frontage on Beckwith Court. These improvements shall include a 12' wide paved vehicle lane and a 4' wide paved asphalt shoulder. Improvement plans are to be submitted to this department for approval. The structural section and cross slopes shall meet Stanislaus County Public Works Standards and Specifications. The plans shall be approved prior to the issuance of any building permit. The work shall be installed prior to occupancy of any building permit.
29. An Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined.
30. A financial guarantee in a form acceptable to the Department of Public Works shall be deposited for the street improvement installation along the frontage of the parcel on Beckwith Court with the Department prior to the issuance of a building or grading permit.
31. A grading and drainage plan will be submitted prior to moving any dirt on-site. This plan will be approved prior to the issuance of a grading permit.
32. All driveways and parking areas shall be paved and double striped per county standards.
33. Any new driveway locations and widths shall be approved by this Department.

Stanislaus County - Building Permits Division

34. All development shall comply with the current adopted Title 24 and 2007 California Building Codes (C.B.C.).

Stanislaus County - Department of Environmental Resources (DER)

35. For the small animal portion of this project, animal waste shall not create a nuisance. Waste shall be washed into an approved septic system or collected, double bagged and placed into a garbage can/bin with tight fitting lids, on a daily basis. If a new septic system is to be installed, a permit must be taken out from the Department of Environmental Resources.
36. The water well onsite or proposed may be defined by state regulations as a public water system. Water supply for the project is defined by the State regulations as a public water system. Water system owner must submit plans for the water system construction or addition; and obtain approval from the Department of Environmental Resources (DER), prior to construction. The owner must apply for and obtain a Water Supply Permit from DER. The Water Supply Permit Application must include a technical report that demonstrates compliance with State regulations and include the technical, managerial and financial capabilities of the owner to operate a public water system.
37. On-Site wastewater disposal system (OSWDS) shall be by individual Primary and Secondary wastewater treatment units, operated under conditions and guidelines by Measure X. The engineered OSWDS design shall be designed for the maximum occupancy of a building and total fixture units proposed within the building. The leach field shall be designed and sized using data collected from soil profile and percolation tests performed at the location. The OSWDS designed system shall provide 100% expansion area.
38. The applicant shall determine, to the satisfaction of the Department of Environmental Resources (DER), that a site containing (or formerly containing) residences or farm buildings, or structures, has been fully investigated (via Phase I and II studies) prior to the issuance of a grading permit. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of DER.
39. The applicant should contact the Department of Environmental Resources regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to the following: (Calif. H&S, Division 20)
 - A. Permits for the underground storage of hazardous substances at new or the modification of an existing tank facilities.
 - B. Requirements for registering as a handler of hazardous materials in the County.
 - C. Submittal of hazardous materials Business Plan by handlers of materials in excess of 55 gallons or 500 pounds of a hazardous material or of 200 cubic feet of compressed gas.
 - D. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program that must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section §302.

- E. Generators of hazardous waste must notify DER relative to the: (1) quantities of waste generated; (2) plans for reducing wastes generated; (3) proposed waste disposal practices.
- F. Permits for the treatment of hazardous waste on-site will be required from the hazardous materials division.
- G. Medical waste generated must complete and submit a questionnaire to the department for determination if they are regulated under the Medical Waste Management Act.

Stanislaus County - Fire Prevention Bureau

- 40. All buildings constructed shall meet the Salida Fire Protection District's requirements for on-site water for fire protection and/or fire hydrants and hydrant locations, blue reflective street hydrant markers, fire sprinkler and fire alarm systems, key-box rapid entry systems and adherence to all applicable codes and ordinances, etc.
- 41. All buildings 5,000 square feet and greater and/or containing five or more dwelling units shall be provided with an automatic fire sprinkler system.
- 42. The project shall comply with fire apparatus access standards. Two ingress/egress accessed shall be provided.

Modesto Irrigation District (MID)

- 43. There are existing irrigation pipelines running along the west line of Parcel 1 and the Remainder Parcel as well as the north and east lines of the Remainder Parcel as noted on the attached maps. The pipelines continue beyond the applicant's property to convey water to land downstream and must be protected by 15' irrigation easements as required by MID.
- 44. The applicant's plans call for paved driveways and parking areas as well as landscape areas that will conflict with existing irrigation pipelines. Portions of the pipelines that are impacted by the applicant's development must be replaced using reinforced concrete pipe or PVC pipe as required by MID.
- 45. Prior to any development improvement plans must be submitted to the MID Irrigation Engineering Department for review and approval.
- 46. In conjunction with related site improvement requirements, existing overhead electric facilities within or adjacent to the proposed development shall be protected required by the District's Electric Engineering Department. Appropriate easements for electric facilities shall be granted as required.
- 47. Relocation or Installation of electric facilities shall conform to the District's Electric Service Rules.

48. Costs for relocation and/or undergrounding the District's facilities at the request of others will be borne by the requesting party. Estimates for relocating or undergrounding existing facilities will be supplied upon request.
49. A 15' PUE is required adjacent to the existing 12kv overhead lines along the Beckwith Court street frontage in order to protect the existing electrical facilities and maintain necessary safety clearances.
50. A 30' PUE is required centered on the existing 12kv overhead lines that cross Parcel "1". This easement is required in order to serve the existing structures on the remainder parcel and to protect the existing electrical overhead facilities and to maintain the necessary safety clearances.
51. Electric service to the proposed veterinary hospital is not available at this time. The customer should contact the District's Electric Engineering Department to coordinate service requirements and arrange for electric service. Additional easements may be required with development of this property.

Salida Fire Protection District

52. This project will be subject to Fire Service Impact Mitigation Fees as adopted by the District Board of Directors and currently in place at the time of issuance of construction permits.
53. This project shall meet the District's requirements of on-site water for fire protection prior to construction of combustible materials. Fire hydrant(s) and static source locations, connections, and access shall be approved by the District.
54. Prior to, and during, combustible construction, the District shall approve provisions for serviceable fire vehicle access and fire protection water supplies.
55. A District specified Rapid Entry System (Knox) shall be installed and serviceable prior to final inspection allowing fire department access into gated and/or limited access points.
56. Buildings of 5,000 square feet and greater shall be required to have fire sprinklers meeting the standards listed within the adopted California Fire Code and related amendments.
57. For buildings of 30 feet or three (3) or more stories in height, gated 2 ½" hose connections (Class III) for fire department use shall be installed on all floors in each required exit stairwell.
58. The project shall meet fire apparatus access standards. Two ingress/egress accesses to each parcel meeting the requirements listed within the California Fire Code.
59. Prior to recording the Parcel Map or issuance of a building permit, the owner of the property(s) will be required to form or annex into a community facilities district for operational services with the Salida Fire Protection District. *(This process may take 60-120 days to complete.)*

San Joaquin Valley Air Pollution Control District (SJVAPCD)

60. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
61. Project shall comply with the following rules from the SJVAPCD:
- Regulation VIII (*Fugitive PM10 Prohibitions*)
 - Rule 4102 (*Nuisance*)
 - Rule 4601 (*Architectural Coatings*)
 - Rule 4641 (*Cutback, Slow Cure, and Emulsified Asphalt, Paving, & Maintenance operations*)
 - Rule 9510 (*Indirect Source Review*)

San Francisco Public Utilities Commission (SFPUC)

62. Any paved area within the Hetch Hetchy easement/right-of-way shall be constructed of pavers, cobble stone or other similar material.

*Please note: If Development Standards/Conditions of Approval are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Conditions of Approval/Development Standards, new wording is in **bold**, and deleted wording will have a ~~line through it~~.*



**O'BRIEN VETERINARY HOSPITAL
DEVELOPMENT SCHEDULE**

June 2009

Phase	Phase Description	Years	Approximate Acreage	%
1	Large Animal Hospital	Fall 2009 – Fall 2012	1 Acres +/-	45.5%
2	Small Animal Hospital	Fall 2012 – Fall 2014	1.2 Acres +/-	54.5%
	Total Project	5 years +/-	2.2 Acres +/-	100%



Stanislaus County

Planning and Community Development

1010 10th Street, Suite 3400
Modesto, California 95354

Phone: (209) 525-6330
Fax: (209) 525-5911

CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, October 26, 1998

1. **Project title:** General Plan Amendment Application No. 2008-06, Rezone Application No. 2008-06, Use Permit Application No. 2008-27 and Vesting Tentative Parcel Map Application No. 2008-15 - O'Brien Veterinary Hospital
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Joshua Mann, Associate Planner
(209) 525-6330
4. **Project location:** 3254 Beckwith Court, just west of the City of Modesto city limits and Sphere of Influence.
(APN: 005-034-009, 010, 011)
5. **Project sponsor's name and address:** Michael O' Brien & Charles M. O'Brien
201 Maze Boulevard
Modesto, CA 95351
6. **General plan designation:** Agriculture
7. **Zoning:** A-2-40 (General Agriculture)
8. **Description of project:**

This application is a four part application which consists of the following: 1) A request for a Use Permit to allow a Large Animal Veterinary Hospital to be established; 2) A Vesting Tentative Parcel Map request to subdivide 24.36 acres into a 2.22-acre parcel and a 22.14 acre "Remainder" parcel. The creation of parcels, less than the minimum parcel size requirement, is allowed under Section 21.20.060 of the Zoning Ordinance; 3) A request to amend the 2.22-acre parcel's General Plan designation from Agriculture to P-D (Planned Development); 4) A request to amend the 2.22-acre parcel's Zoning designation from A-2-40 (General Agriculture) to a P-D (Planned Development) zone to allow the large animal facility to also be used as a small animal veterinary hospital. The General Plan and Zoning designation of the 22.14 acre "Remainder" parcel would not change nor is any development proposed to take place on this parcel. The proposed development includes a 14,000 square foot veterinary hospital and office, a 5,000 square foot "Treatment" Barn, parking lot, and landscaping.
9. **Surrounding land uses and setting:** Dog Kennel, Legal Non-Conforming Truck Parking Facility, Agricultural uses and single-family dwellings.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Department of Public Works
Department of Environmental Resources
Modesto Irrigation District
San Francisco Public Utilities Commission

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

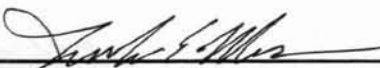
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- Aesthetics
- Agriculture Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology /Soils
- Hazards & Hazardous Materials
- Hydrology / Water Quality
- Land Use / Planning
- Mineral Resources
- Noise
- Population / Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities / Service Systems
- Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature 

April 27, 2009
Date

Joshua Mann, Associate Planner
Printed name

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

- a) **Earlier Analysis Used.** Identify and state where they are available for review.
 - b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) **Mitigation Measures.** For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
 - 7) **Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
 - 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
 - 9) The explanation of each issue should identify:
 - a) the significant criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

ISSUES

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X
<p>Discussion: The site itself is not considered to be a scenic resource or a unique scenic vista. Community standards generally do not dictate the need or desire for architectural review of residential subdivisions or residential structures. The applicant has submitted extensive landscaping plans and building elevations for the development to ensure that visual character and quality of the site will be improved. The building elevations submitted for this project show that the development will be consistent with existing area developments and is in an architectural style that is commonly found in an Agricultural area. A Condition of Approval will be added to the project to require that any new outdoor lighting be aimed downward in order to address glare to surrounding areas.</p>				
<p>Mitigation: None.</p>				
<p>References: Application information, Stanislaus County General Plan and Support Documentation¹.</p>				
II. AGRICULTURE RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?			X	
<p>Discussion: The project site is not currently enrolled under a Williamson Act Contract. The project site is currently planted as an almond orchard utilizing flood irrigation. The majority of the site is designated as Prime Farmland by the California State Department of Conservation Farmland Mapping and Monitoring Program. On the west half of the site, the soils are Handford fine sandy loam, deep over silt, 0 to 1 percent slopes, Index Rating of 100, Grade 1. The eastern half of the property consists of Handford fine sandy loam, 0 to 3 percent slopes, Index Rating of 100, Grade 1. This project will not conflict with any bonafide agricultural activities in the area and/or lands enrolled under the Williamson Act. The County has a Right-to-Farm Ordinance in place to protect the agricultural users in the area from unjust nuisance complaints.</p>				

In December of 2007, Stanislaus County adopted an updated Agricultural Element which incorporated guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 Zoning District. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts such as spray drift and trespassing resulting from the interaction of agricultural and non-agricultural uses. These guidelines allow the Agricultural Advisory Board the opportunity to review and support the applicant's alternative to the buffer requirements. Alternatives may be approved provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. Current buffer guideline standards require a project to provide solid fencing and a double row of landscaping around the perimeter of the proposed operation.

On February 2, 2009, an alternative to the buffer requirements was presented to and approved by the Agricultural Advisory Board. The northern property line fronts both Beckwith Court and the Beckwith Road/Hwy 99 interchange. The nearest agricultural use is 400 feet to the north. The eastern and western property line abuts a dog kennel (west) and a legal non-conforming truck parking facility (east). The "People Intensive" area near the southern property line (of the proposed 2.22-acre parcel) would consist of a vegetative screen (double row of trees and shrubs) and fence. The 150 foot buffer setback requirement would not be incorporated. Because of the existing uses on the adjacent properties, the eastern and western side of the development would not provide a "buffer".

Mitigation: None.

References: Eastern Stanislaus Soil Survey (1957), California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2006, Stanislaus County General Plan and Support Documentation¹.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?				X

Discussion: The project site is within the San Joaquin Valley Air Basin, which has been classified as "severe non-attainment" for ozone and respirable particulate matter (PM-10) as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. As such, the District maintains permit authority over stationary sources of pollutants.

The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin. This project was referred to the district and a comment letter was received stating that in addition to being subject to Regulation VIII (Fugitive PM10 Prohibitions) the project will be subject to Rule 9510 (Indirect Source Review), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance

Operations). Rule 9510 will require the applicant to submit an Air Impact Assessment (AIA) application prior to issuance of the first building permit related to the development. These "Rules" will be reflected in the project's Conditions of Approval. A Condition of Approval will also be added that will require any construction, as a result of this project, to comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.

Mitigation: None.

References: Referral response dated December 4, 2008, from the San Joaquin Valley Air Pollution Control District (SJVAPCD), San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis, Stanislaus County General Plan and Support Documentation¹.

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Discussion: It does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. The site is not identified as being within any biologically sensitive areas as shown in the California Natural Diversity Data Base (CNDDB). The project is also not within any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Mitigation: None.

References: California National Diversity Data Base (CNDDB), Stanislaus County General Plan and Support Documentation¹, California Department of Fish and Game California Natural Diversity Database.

V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X
<p>Discussion: Cultural resources are not known to exist on the project site. It does not appear this project will result in significant impacts to any archaeological or cultural resources. On March 1, 2005, the State of California established procedures for consultation between local governments and tribal governments on local General Plan Amendment land use decisions. As part of this project, the local area tribes were sent a referral and an invitation to consult with the applicants and Stanislaus County. To date, no contact has been made by any of the local tribes. The applicant received a letter from the Central California Information Center (CCIC) which stated that no significant resources exist on site. Although, as is the case with most properties, a possibility may exist that the site may contain resources which are not on record. A Condition of Approval will be added to this project to address any discovery of cultural resources during the construction phases.</p>				
<p>Mitigation: None.</p>				
<p>References: Letter dated June 9, 2008 from the Central California Information Center (CCIC), Stanislaus County General Plan and Support Documentation¹.</p>				
VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	

d) Be located on expansive soil, as defined in Table 1804.2 of the California Building Code (2007), creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	

Discussion: As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5. However, as per the 2007 California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Public Works Standards and Specifications which considers the potential for erosion and run-off prior to permit approval. Likewise, any addition of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources through the building permit process, which also takes soil type into consideration within the specific design requirements.

Mitigation: None.

References: California Building Code (2007), Stanislaus County General Plan and Support Documentation - Safety Element¹.

VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
<p>Discussion: No known hazardous materials are on site. Pesticide exposure is a risk in agricultural areas. Sources of exposure include contaminated groundwater which is consumed and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. The intent of the "buffer" requirements (listed in the Agriculture Resources section above) is to limit the possibility or risk of spray drift exposure to the general public. The County Department of Environmental Resources (DER) is responsible for overseeing hazardous materials in this area and has not indicated any particular concerns on the project site. Standard Conditions of Approval will be added to address Hazardous Material related issues. The groundwater is not known to be contaminated in this area.</p>				
<p>Mitigation: None.</p>				
<p>References: Referral response dated December 2, 2008, from the Department of Environmental Resources (HazMat), Stanislaus County General Plan and Support Documentation¹.</p>				
VIII. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?				X

Discussion: Run-off is not considered an issue because of several factors which limit the potential impact. These factors include a relative flat terrain of the subject site, and relatively low rainfall intensities. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act. The project site itself is not located within a recognized flood zone and, as such, flooding is not an issue with respect to this project. By virtue of pavement for a roadway and parking areas (lots), the current absorption patterns of water placed upon this property will be altered. County standards require a review of drainage and grading prior to issuance of any building permit for structures resulting from this project. This project has been referred to the Regional Water Quality Control Board for review, but no comments have been received to date. Any future development will be served by private on-site wells and aerobic septic systems so as to comply with the Primary and Secondary Sewage Treatment Initiative (Measure X) requiring cleaner waste water discharges.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

IX. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?			X	
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Discussion: The project site is zoned A-2-40 (General Agriculture) and the General Plan is Agriculture. The project, if approved, would allow a Large Animal Veterinary Hospital under a Tier Three Use Permit and reclassify these designations (Zoning/GP) as Planned Development to allow the facility to care for small animals. The proposed project will not conflict with any applicable habitat conservation plan or natural community conservation plan and will not physically divide an established community.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

X. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site.				
Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation ¹ .				
XI. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
Discussion: The construction phases of this project may temporarily increase the areas ambient noise levels, however a significant impact is not anticipated. Conditions of Approval will be added to this project to limit the hours of construction. Noise impacts associated with increased on-site activities and traffic is not anticipated to exceed the areas existing level of noise.				
Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation ¹ .				

XII. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
<p>Discussion: The proposed use of the site will not create significant service extensions or new infrastructure which could be considered as growth inducing. The Remainder Parcel currently has a single-family dwelling, which will remain in place. No housing or persons will be displaced by this project.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
XIII. PUBLIC SERVICES:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	
<p>Discussion: The applicant will construct all buildings in accordance with the current adopted building and fire codes. The County has adopted Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance. Conditions of Approval will be added to this project to insure the proposed development complies with all applicable fire department standards with respect to access and water for fire protection. The Salida Fire Protection District responded to an Early Referral, stating that prior to the recording of the parcel map, the owner of the property will be required to annex into a Community Facilities District for operational services with the District. This condition, along with other comments received from the District will be reflected in the project's Conditions of Approval.</p>				
<p>Mitigation: None.</p>				
<p>References: Referral response dated December 5, 2008 from the Salida Fire Protection District, Stanislaus County General Plan and Support Documentation¹.</p>				

XIV. RECREATION:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	
<p>Discussion: The increased use of existing recreational facilities as a result of this project is anticipated to be less than significant. The project was referred to the Stanislaus County Parks Department and no comments were received.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
XV. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?			X	
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
<p>Discussion: This project will not substantially increase traffic for the surrounding area. Any modifications to the current traffic conditions that occur as a result of this project will not have significant environmental impacts.</p>				
<p>The applicant proposes to have an average of fifty (50) customers per day and will operate the business with fifteen (15) full time employees. The actual number of vehicles/trailers that will access the facility will be considerably less than fifty (50) because of the nature of transporting the large animals. Often more than one animal will arrive in the same vehicle, or the doctor will visit the animal's "residence". The parcel will have customer and employee access from Beckwith Court, which is a County-maintained road. An average of one (1) delivery per day will access the facility off of Beckwith Court. The Stanislaus County Public Works Department has reviewed this project and has identified the need for an encroachment</p>				

permit and additional road frontage improvements along the entire frontage on Beckwith Court. All work, including that within the facility's parking lot, will be done to County Standards. Public Works has also indicated that with certain Conditions of Approval in place, the project will not create a significant traffic impact. The City of Modesto responded to the Early Referral indicating that the applicant would need to provide an irrevocable offer of dedication for the future extension of Brink Road and that future access be restricted to only Brink Road. The applicant's representatives have provided an estimate of the future alignment of Brink Road, which appears to not provide adequate frontage for a future access point. As a result, this condition will not be included in the project's Conditions of Approval. No response was received from either CalTrans or StanCOG indicating any significant impacts associated with this project.

Mitigation: None.

References: Referral response dated December 8, 2008 from the Stanislaus County Department of Public Works, referral response dated December 15, 2008 from the City of Modesto, Stanislaus County General Plan and Support Documentation¹.

XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	

Discussion: Limitations on providing services have not been identified. The project will be served by private on-site wells and septic systems, subject to the Department of Environmental Resources (DER) approval. A response has been received from DER and it does not indicate any significant impacts related to the proposal. A response was received from the Modesto Irrigation District (MID) which indicated the need for a 15' irrigation easement (for an irrigation pipeline) along the west line of Parcel "1" and the Remainder Parcel. Also, any MID irrigation pipeline(s) impacted by the development must be replaced using reinforced concrete pipe or PVD pipe as required by MID. These conditions as well as other MID comments will be reflected in the project's Conditions of Approval. The project site also contains an easement for the Hetch Hetchy water and power lines. As such, the project was independently referred to the San Francisco Public Utilities Commission (SFPUC) for review. The SFPUC has responded stating that they would prefer to have any pavement which crosses the Hetch Hetchy easement to be constructed of cobbles or pavers. This request will be reflected as a Condition of Approval.

Mitigation: None.				
References: Referral response dated December 3, 2008 from the Modesto Irrigation District (MID), letter dated April 13, 2009 from the San Francisco Public Utilities Commission (SFPUC), Stanislaus County General Plan and Support Documentation ¹ .				
XVII. MANDATORY FINDINGS OF SIGNIFICANCE:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X
Discussion: Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area.				

I:\Staff\p\GPA\2008\GPA 2008-06, REZ 2008-06, UP 2008-27, PM 2008-15 O'Brien Veterinary Hospital\Initial Study.wpd

¹Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and updated elements of the General Plan and Support Documentation: **Agricultural Element** adopted on December 18, 2007; **Housing Element** adopted on December 12, 2003 and certified by the California Department of Housing and Community Development Department on March 26, 2004; **Circulation Element** and **Noise Element** adopted on April 18, 2006.

NEGATIVE DECLARATION

NAME OF PROJECT: General Plan Amendment Application No. 2008-06, Rezone Application No. 2008-06, Use Permit Application No. 2008-27 and Vesting Tentative Parcel Map Application No. 2008-15 - O'Brien Veterinary Hospital

LOCATION OF PROJECT: 3254 Beckwith Court, just west of the City of Modesto city limits and Sphere of Influence. (APN: 005-034-009, 010, 011)

PROJECT DEVELOPERS: Michael O' Brien & Charles M. O'Brien
201 Maze Boulevard
Modesto, CA 95351

DESCRIPTION OF PROJECT: This application is a four part application which consists of the following: 1) A request for a Use Permit to allow a Large Animal Veterinary Hospital to be established; 2) A Vesting Tentative Parcel Map request to subdivide 24.36 acres into a 2.22-acre parcel and a 22.14 acre "Remainder" parcel. The creation of parcels, less than the minimum parcel size requirement, is allowed under Section 21.20.060 of the Zoning Ordinance; 3) A request to amend the 2.22-acre parcel's General Plan designation from Agriculture to P-D (Planned Development); 4) A request to amend the 2.22-acre parcel's Zoning designation from A-2-40 (General Agriculture) to a P-D (Planned Development) zone to allow the large animal facility to also be used as a small animal veterinary hospital. The General Plan and Zoning designation of the 22.14 acre "Remainder" parcel would not change nor is any development proposed to take place on this parcel. The proposed development includes a 14,000 square foot veterinary hospital and office, a 5,000 square foot "Treatment" Barn, parking lot, and landscaping.

Based upon the Initial Study, dated April 27, 2009, the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts which are individually limited but cumulatively considerable.
4. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, California.

Initial Study prepared by: Joshua Mann, Associate Planner

Submit comments to: Stanislaus County
Planning and Community Development Department
1010 10th Street, Suite 3400
Modesto, California 95354



February 2nd, 2009

MEMO TO: Ag Advisory Board
FROM: Department of Planning and Community Development
SUBJECT: **GENERAL PLAN AMENDMENT APPLICATION NO. 2008-06, REZONE APPLICATION NO. 2008-06 AND PARCEL MAP APPLICATION NO. 2008-15 - O'BRIEN VETERINARY HOSPITAL**

The Stanislaus County Department of Planning and Community Development has received an application to establish a Small and Large Animal Veterinary Hospital on Beckwith Court in the Modesto area. As a part of this application, the 26+/- acre property will be divided to create a 2.22 acre Hospital site and a 24+/- acre parcel, which will remain in production as an almond orchard. The applicant has proposed an alternative to the Agricultural buffer standards which requests a reduced setback and alternative vegetative screen. The applicant's proposal and the County's Buffer and Setback Guidelines are outlined below:

Stanislaus County Buffer & Setback Guidelines Requirements

- All new non-agricultural uses shall incorporate a minimum 150-foot wide buffer.
- The buffer shall incorporate a solid wall and a vegetative screen consisting of two staggered rows of trees and shrubs along any portion of a buffer where the project site and the adjoining agricultural operation share a common parcel line.

Applicant's Proposal

- The applicant is proposing to locate the "large animal" vet building within 96+/- feet from the proposed southern property line of the 2.22 acre parcel. The "small animal" vet building will meet the 150-foot buffer requirement.
- The proposed southern property line of the 2.22 acre parcel will include a screening that consists of two staggered rows of trees and shrubs, consistent with the County Guidelines. Screening to the east and west is not proposed.
- No solid wall is proposed.
- The northern property line fronts both Beckwith Court and the Beckwith Road/Hwy 99 overpass and is roughly 400 feet from the nearest agricultural use. The eastern and western property line abuts an existing dog kennel and a legal non-conforming truck parking facility.

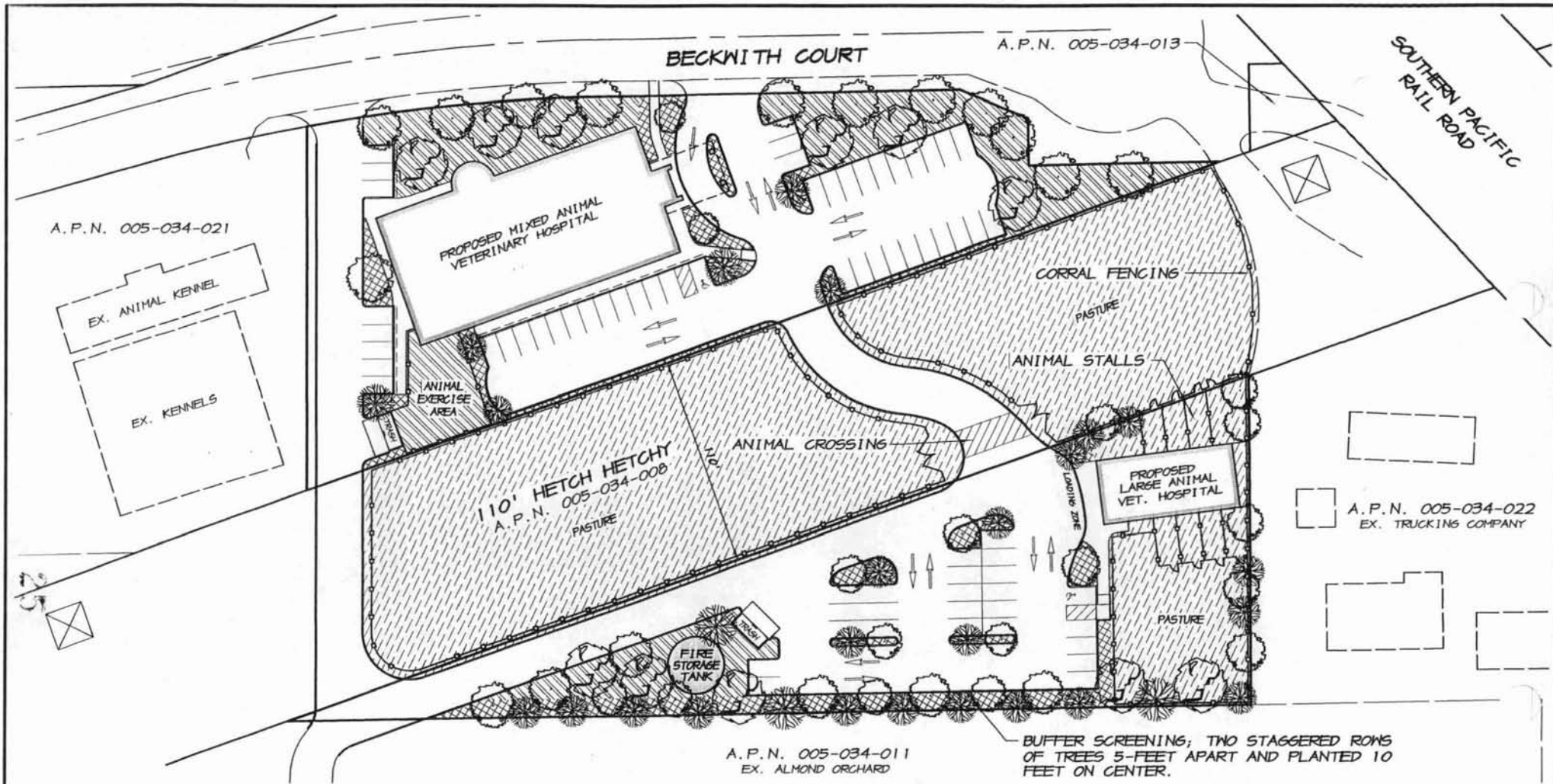
The applicant's statement and reasoning for the alternative buffer is attached.

O'Brien Mixed Animal Veterinary Hospital Agricultural Buffer





The proposed buffer is along the southern boundary adjacent to the existing almond orchard which is owned by the applicant. The surrounding property is as follows; north is Beckwith road and hwy. 99; south is an almond orchard; east is an existing trucking facility; west is an existing dog kennel. The buffer area will be 196 ft. and comprise of landscape screening, pasture, parking and a large animal facility. The large animal facility is an allowed use within the agricultural zoning and would not typically be subject to the buffer setback. The proposed large animal structure is 96 +/- ft. from the proposed southern property line. The proposed southern property line was determined based on the following:

- To be placed at the existing irrigation line and along an existing farming road in an effort to minimize the impact of the existing orchard.
- To follow existing irrigation and orchard patterns.
- The grade difference at the proposed property line is 2-3 ft.
- Shifting the proposed property line any further south would require relocation of existing irrigation facilities and the removal of additional orchard trees.


Furthermore the site is bisected by the existing Hetch Hetchy Right-of-Way. The owner/applicant has recently been contacted by a Hetch Hetchy representative and advised pursuant to the Right-of-Way Deed that it prohibits the owner from planting trees within the 110' Right-of-Way and that they were required to remove the existing trees. The northern area would still have to be maintained if the remaining trees were to stay in production; flood irrigation from the existing irrigation line from the south; weed control and abatement would need to occur within the Hetch Hetchy Right-of-Way for the benefit of the entire orchard. The northern 2 +/- acre area would then be problematic and costly area to continue farming due to the encumbrance of Hetch Hetchy Right-of-way.



LEGEND

-  LAWN AREA
-  NATURAL GRASSES (PASTURE)
-  LOW LEVEL SHRUBS AND FLOWERING GROUND COVER
-  SMALL CANOPY SHADE TREES
MAYTENUS BOARIA / MAYTEN TREE
PYRUS KAWAKAHII / EVERGREEN PEAR

-  LARGE CANOPY SHADE TREES
PISTACIA CHINENSIS / CHINESE PISTACHE
PLATANUS ACERIFOLIA / LONDON PLANE TREE
SALIX BABYLONICA / WEEPING WILLOW

-  ACCENT COLOR TREES
CORNUS FLORIDA / EASTERN DOGWOOD
CRATAEGUS PHAENOPYRUM / WASHINGTON THORN
LAGERSTROEMIA FAURIEI / GRAPE MYRTLE



NOTE:
THIS DRAWING IS DIAGRAMMATIC AND IS FOR ILLUSTRATIVE PURPOSES ONLY. THIS DRAWING IS NOT BINDING AND DOES NOT REPRESENT ANY REQUIRED IMPROVEMENTS.

DRAWN	R. M. U.
DATE	11/4/08 10:44
SCALE	1"=50'
JOB #	673-08
DWG.	LANDSCAPE

CONCEPTUAL
LANDSCAPE PLAN
**O'BRIEN MIXED ANIMAL
VETERINARY HOSPITAL**
STANISLAUS COUNTY CALIFORNIA



**ASSOCIATED
ENGINEERING, INC.**
Surveying • Design • Planning
4205 TECHNOLOGY DRIVE
MODESTO, CALIFORNIA 95356
PH: (209) 545-3390 FAX: (209) 545-3875

BECKWITH ROAD

100' SOUTHERN PACIFIC RAIL ROAD
U.S. HIGHWAY 99

A.P.N. 005-032-020

EX. HOUSE

BECKWITH COURT

A.P.N. 005-034-013

A.P.N. 005-034-021

EX. ANIMAL KENNEL
EX. KENNELS

PROPOSED MIXED ANIMAL
VETERINARY HOSPITAL

110' HETCH HETCHY
A.P.N. 005-034-008

196' ±
BUFFER ZONE

PROPOSED
LARGE ANIMAL
VET. HOSPITAL

EX. OFFICE

A.P.N. 005-034-022
EX. TRUCKING COMPANY

EX. HOUSE

SEE PROPOSED CONCEPTUAL
LANDSCAPE PLAN FOR
VEGETATIVE SCREENING

EX. HOUSE

EX. GARAGE

EX. HOUSE

A.P.N. 005-034-011
EX. ALMOND ORCHARD

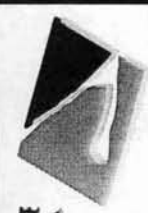


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DRAWN	R. M. U.
DATE	11/4/08 10:38
SCALE	1" = 100'
JOB #	673-08
DWG.	BUFFERS

**PROPOSED
BUFFER ZONE**

**O'BRIEN MIXED ANIMAL
VETERINARY HOSPITAL
STANISLAUS COUNTY CALIFORNIA**



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72



**EXISTING
DOG
KENNEL**

400'

PROPOSED 20,000 SQ. FT.
VETERINARY HOSPITAL

110' METAL WAREHOUSE

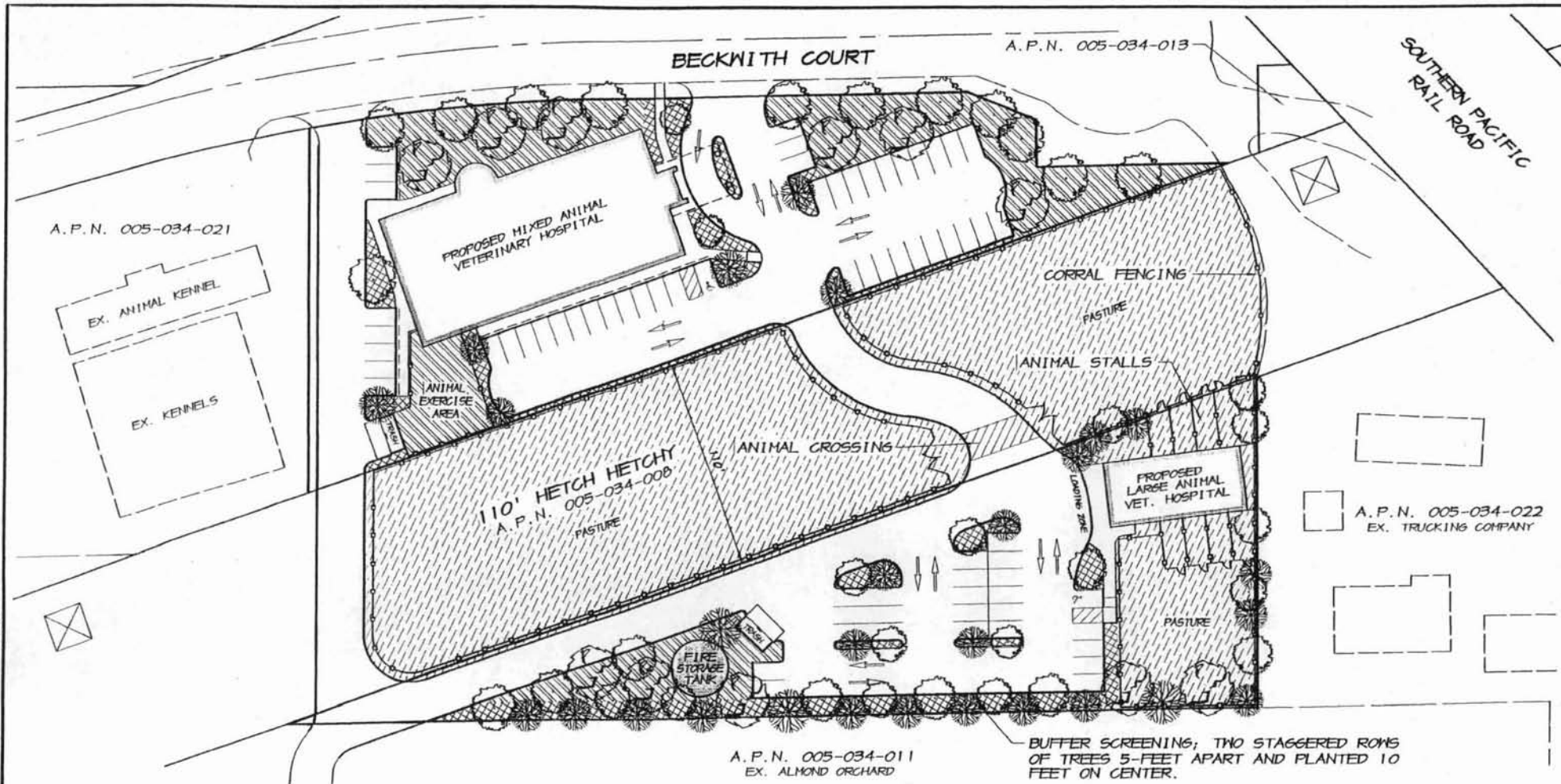
LARGE ANIMAL
VETERINARY HOSPITAL

EXISTING STORAGE AREA

**"LNC"
TRUCK
PARKING**





FUTURE PROPERTY LINE



96'



73

LEGEND

-  LAWN AREA
-  NATURAL GRASSES (PASTURE)
-  LOW LEVEL SHRUBS AND FLOWERING GROUND COVER
-  SMALL CANOPY SHADE TREES
MAYTENUS BOARIA / MAYTEN TREE
PYRUS KAWAKAHII / EVERGREEN PEAR

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DRAWN	R. M. U.
DATE	11/4/08 10:44
SCALE	1"=50'
JOB #	673-08
DWG.	LANDSCAPE

CONCEPTUAL
LANDSCAPE PLAN
**O'BRIEN MIXED ANIMAL
VETERINARY HOSPITAL**
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**AGRICULTURAL COMMISSIONER'S OFFICE AND
SEALER OF WEIGHTS & MEASURES**

Gary Caseri
Agricultural Commissioner/Sealer

3800 Cornucopia Way, Suite B
Modesto, California 95358
Phone: 209.525.4730 Fax: 209.525.4790

**STANISLAUS COUNTY
AGRICULTURAL ADVISORY BOARD
February 2, 2009
Stanislaus County Agricultural Center
Conference Room H/I
10:00 a.m.**

AGENDA

- I. Pledge of Allegiance to the Flag
- II. Public Comment Period*
- III. Approval of Minutes from December 15, 2008 Meeting
- IV. Alternative Agricultural Buffers/O'Brien Veterinary Hospital – Angela Freitas
- V. Tertiary Wastewater Report – Wayne Zipser/Ed Perry/Chris Hartley
- VI. TEWG – Terrorism Early Watch Group – Gary Caseri
- VII. Truck Parking on Ag Land – Gary Caseri
- VIII. Next Meeting Date and Time (Set Date and Call for Agenda Items)
- IX. Adjournment/Lunch

*Members of the public may be heard on any item of the Advisory Board agenda. A person addressing the Advisory Board will be limited to five minutes unless the Chair of the Advisory Board grants a longer period of time. Comments by members of the public on an item of the agenda will only be allowed during consideration of the item by the Advisory Board.



**AGRICULTURAL COMMISSIONER'S OFFICE AND
SEALER OF WEIGHTS & MEASURES**

Gary Caseri
Agricultural Commissioner/Sealer

3800 Cornucopia Way, Suite B
Modesto, California 95358
Phone: 209.525.4730 Fax: 209.525.4790

Agricultural Advisory Board

MINUTES

Monday, February 2, 2009
Stanislaus County Ag Center
Conference Room H/I
10:00 a.m.

Committee Members Present:

Chris Hempleman Ray Prock, Jr.
John Herlihy Ed Perry
Norman Kline Richard Gibson

Committee Members Absent:

John Azevedo Bridget Riddle Alan Cover
Wayne Zipser Rowe Barney

Ex-Officio:

Supervisor Jim DeMartini – Present
Supervisor Vito Chiesa (Alternate) - Present
Gary Caseri, Ag Commissioner – Present

Others Present:

Cynthia Darmstandler, Ag Comm Office
Angela Freitas, Stan Co. Planning
Jim Freitas, Associated Engineering
Denny Hoeh, Ag Comm Office
Joshua Mann, Stan. Co. Planning
Michael O'Brien, Veterinarian/Project Applicant
Tom Orvis, Stanislaus Farm Bureau

I. PLEDGE OF ALLEGIANCE TO THE FLAG

II. PUBLIC COMMENT PERIOD

There was no public comment.

III. APPROVAL OF MINUTES FROM DECEMBER 15, 2008 MEETING

Since there was not a quorum, approval of the minutes from the December 15, 2008 meeting were deferred.

IV. ALTERNATIVE AGRICULTURAL BUFFERS – O’Brien Veterinary Hospital

Angela Freitas stated that the Ag Element allows for alternative agricultural buffers, but they must be supported by the Ag Advisory Board. The current proposal is an application to establish a Small and Large Animal Veterinary Hospital on Beckwith Court in the Modesto area. The application calls for a division of the 26 acre parcel into a 2.22 acre Hospital site and a 24 acre parcel, which will remain in production as an almond orchard. The applicant has proposed an alternative to the Agricultural buffer standards which requests a reduced setback and alternative vegetative screen. On the south side which borders the almond orchard, the buffer is proposed to consist of a double row of trees and shrubs instead of a solid wall. Angela stated that this vegetative barrier would be sufficient for spray drift.

While there was not a quorum present, the Ag Advisory members recommended a chain link fence on the south border in addition to the vegetative screen to prevent children from running into the orchard during or after pesticide application.

V. TERTIARY WASTEWATER REPORT

Ed Perry reported that the Tertiary Wastewater Subcommittee is ready to bring information back to the Ag Advisory Board with a feasibility report and then will seek direction from the Board of Supervisors regarding moving forward with this matter. Ed stated that the subcommittee is meeting tomorrow, on February 3rd.

John Herlihy commented that he was disappointed by the lack of stakeholders attending the meetings. Tom Orvis stated that since the current water situation is so difficult, the tertiary wastewater might be a source of future water for ag. Supervisor Chiesa agreed.

VI. TEWG – Terrorism Early Watch Group

Gary Caseri explained that this is an informational item only. Recently, the Department of Homeland Security contacted Gary in order to possibly form a Terrorism Early Watch Group (TEWG) in Stanislaus County. The purpose of TEWG is to respond to issues such as Avian Influenza, Hoof and Mouth disease, and other agricultural emergencies. While TEWG is a separate entity, the Agricultural Commissioner’s Office has been involved in emergency response planning for several years now and the Stanislaus County group will be exercising its emergency response plan on April 22nd.

Gary would like the Ag Advisory Board to know that he will be working with the Stanislaus Office of Emergency Services to see if a TEWG program would be feasible for the ag community. It would involve having “early watch” individuals in the ag community. The goal is the early detection of ag emergencies and Gary and OES will be working to determine if it is practical and would help protect the local ag industry. Apparently, this idea was broached a few years ago, but was never established.

VII. Truck Parking on Ag Land

Gary reported that Stan Risen of the Chief Executive Office, along with Planning Director Kirk Ford, met with Richard Keyes and Gary Shoffner, two key contacts, and developed an extensive list of issues regarding truck parking on ag land.

Supervisor DeMartini added that he toured the areas with the County group to look at some of the properties and there are still a lot of unanswered questions as to what will and will not be acceptable. Supervisor DeMartini believes however, that small operations with trucks can be accommodated. Some of the questions include fencing, storm drainage, etc. The County group is still working on this and the Dept of Environmental Resources and the Planning Dept will be putting together a draft to address the issue.

OTHER ITEMS NOT ON THE AGENDA:

Iris Gardens

John Herlihy brought an article from the Modesto Bee highlighting nuisance complaints for Iris Gardens, which ultimately led this business to close. John asked the question of why did this ag industry have to go? Supervisor DeMartini stated that this should be addressed and that vertical integration of agriculture should be promoted. The Ag Advisory Board would need some type of direction from the Board of Supervisors to look into this matter, or it could be brought up at the General Plan Update Committee.

Ag Venture

Ed Perry and Denny Hoeh attended the recent Ag Venture in San Joaquin County, which educates young people on the importance of agriculture. Both were impressed with the organization and the interest of the children. Tom Orvis and others are hoping to do something like this in Stanislaus County.

VI. NEXT MEETING

A. Meeting Date/Time:

The next scheduled meeting is **Monday, March 2, 2009 at 10:00 a.m.**
at the Stanislaus County Ag Center, Conference Room H/I

B. Agenda Items

- ✓ Tertiary Wastewater Report
- ✓ Alternative Ag Buffers

Please contact John Herlihy, Gary Caseri or Cynthia Darmstandler with items you wish placed on the agenda.

VII. ADJOURNMENT

John Herlihy adjourned the meeting.

Minutes Respectfully
Submitted,



Cynthia Darmstandler
Confidential Assistant IV
Stanislaus County

Exhibit J*

- Applicant's General Plan Evaluation -

**Copies of the Applicant's General Plan Evaluation may be obtained by contacting the Planning Department directly or on-line at <http://www.stancounty.com/planning/index.shtm>*

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: GPA 2008-06, REZ 2008-06, UP 2008-27 & PM 2008-15 - O'BRIEN VETERINARY HOSPITAL

REFERRED TO: DATE: May 27, 2009	2 WK	30 DAY	PUBLIC HEARING NOTICE	RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
				YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
AGRICULTURE COMMISSIONER	X	X			X							
AIRPORT LAND USE COMMISSION	X	X			X							
BUILDING PERMITS DIVISION	X	X		X						X	X	
CALTRANS DISTRICT 10	X	X	X	X				X		X		X
CHIEF EXECUTIVE OFFICE	X	X			X							
CITY OF: MODESTO	X	X	X	X				X		X		X
COOPERATIVE EXTENSION	X	X			X							
COUNTY COUNSEL	X	X			X							
ENVIRONMENTAL RESOURCES	X	X		X		X				X	X	
FIRE PROTECTION DIST: SALIDA	X	X	X	X		X				X	X	
FISH & GAME, DEPT OF	X	X	X		X							
HAZARDOUS MATERIALS	X	X		X		X				X	X	
IRRIGATION DISTRICT: MODESTO	X	X	X	X		X				X	X	
LAFCO	X	X			X							
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
PARKS & FACILITIES	X	X		X				X		X		X
PUBLIC WORKS	X	X		X		X				X	X	
PUBLIC WORKS - TRANSIT	X	X			X							
REGIONAL WATER QUALITY CONTROL	X	X	X		X							
SCHOOL DISTRICT 1: HART-RANSOM	X	X	X		X							
SCHOOL DISTRICT 2: MODESTO	X	X	X		X							
SHERIFF	X	X		X				X		X		X
StanCOG	X	X			X							
STANISLAUS COUNTY FARM BUREAU	X	X	X		X							
STANISLAUS ERC	X	X		X		X				X		X
STANISLAUS FIRE PREVENTION BUREAU	X	X	X	X		X				X	X	
STATE CLEARINGHOUSE	X	X	X	X		X				X		X
SUPERVISORIAL DISTRICT 3: GROVER	X	X			X							
TELEPHONE COMPANY: AT&T	X	X	X		X							
TRIBAL CONTACTS	X	X	X		X							
UNITED STATES MILITARY AGENCIES (SB 1462) (5 agencies)	X	X	X		X							
VALLEY AIR DISTRICT (SJVAPCD)	X	X	X	X		X				X	X	

VII. PUBLIC HEARINGS

NON-CONSENT ITEMS

B. GENERAL PLAN AMENDMENT APPLICATION NO. 2008-06, REZONE APPLICATION NO. 2008-06, USE PERMIT APPLICATION NO. 2008-27 & VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2008-15 - O'BRIEN VETERINARY HOSPITAL - This is a four-part request consisting of the following:

1) A request for a Use Permit to allow a Large Animal Veterinary Hospital to be established; 2) A request for a Vesting Tentative Parcel Map to subdivide 24.36 acres into a 2.22-acre parcel and a 22.14-acre "Remainder" parcel; 3) A request to amend the 2.22-acre parcel's General Plan designation from Agriculture to P-D (Planned Development); 4) A request to amend the 2.22-acre parcel's zoning designation from A-2-40 (General Agriculture) to a P-D (Planned Development) zone to allow the large animal facility to also be used as a small animal veterinary hospital. The General Plan and Zoning designation of the 22.14-acre "Remainder" parcel would not change nor is any development proposed to take place on this parcel. The proposed development includes a 14,000 square foot veterinary hospital and office, a 5,000 square foot "Treatment" Barn, parking lot, and landscaping. The 24± acre site is currently zoned A-2-40 (General Agriculture) and is located at 3254 Beckwith Court, just west of Hwy 99, in the Modesto area. A CEQA Negative Declaration will be considered on this project.

APN: 005-034-009, 010, 011

Staff Report: Joshua Mann Recommends **APPROVAL**.


Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: Jim Freitas, Associated Engineering; Michael O'Brien

Public hearing closed.

Souza/Pires, Unanimous (9-0), **RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS.**

<p style="text-align: center;">EXCERPT</p> <p style="text-align: center;">PLANNING COMMISSION</p> <p style="text-align: center;">MINUTES</p> <p style="text-align: center;"></p> <hr/> <p style="text-align: center;">Secretary, Planning Commission</p> <p style="text-align: center;">7-23-09</p> <hr/> <p style="text-align: center;">Date</p>
--

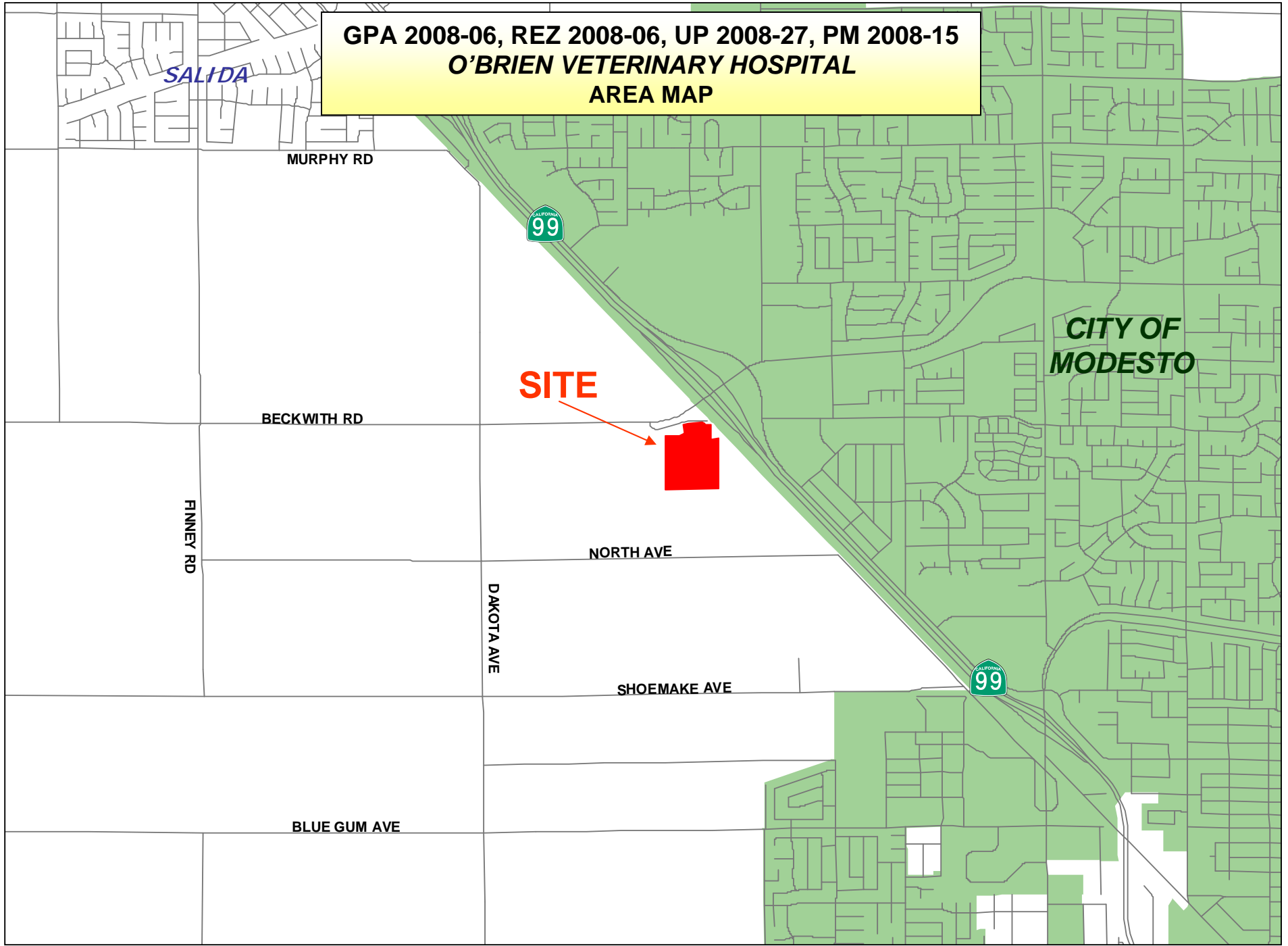
GENERAL PLAN AMEND. APPLICATION NO. 2008-06
REZONE APPLICATION NO. 2008-06
USE PERMIT APPLICATION NO. 2008-27
VEST. TENT. PARCEL MAP APPLICATION NO. 2008-15

O'BRIEN VETERINARY HOSPITAL

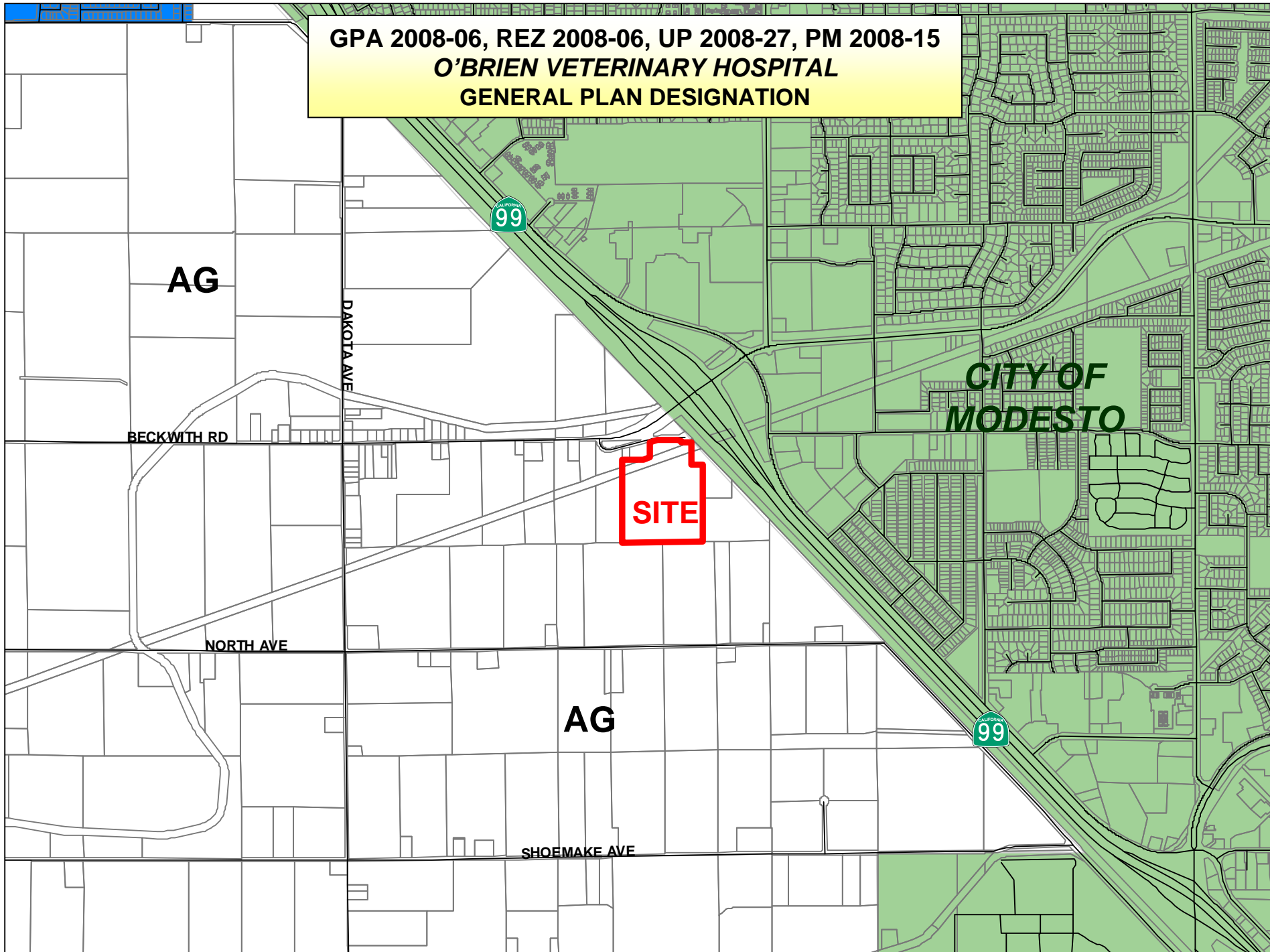
3254 BECKWITH COURT
LOCATED JUST WEST OF HWY 99
& THE CITY OF MODESTO



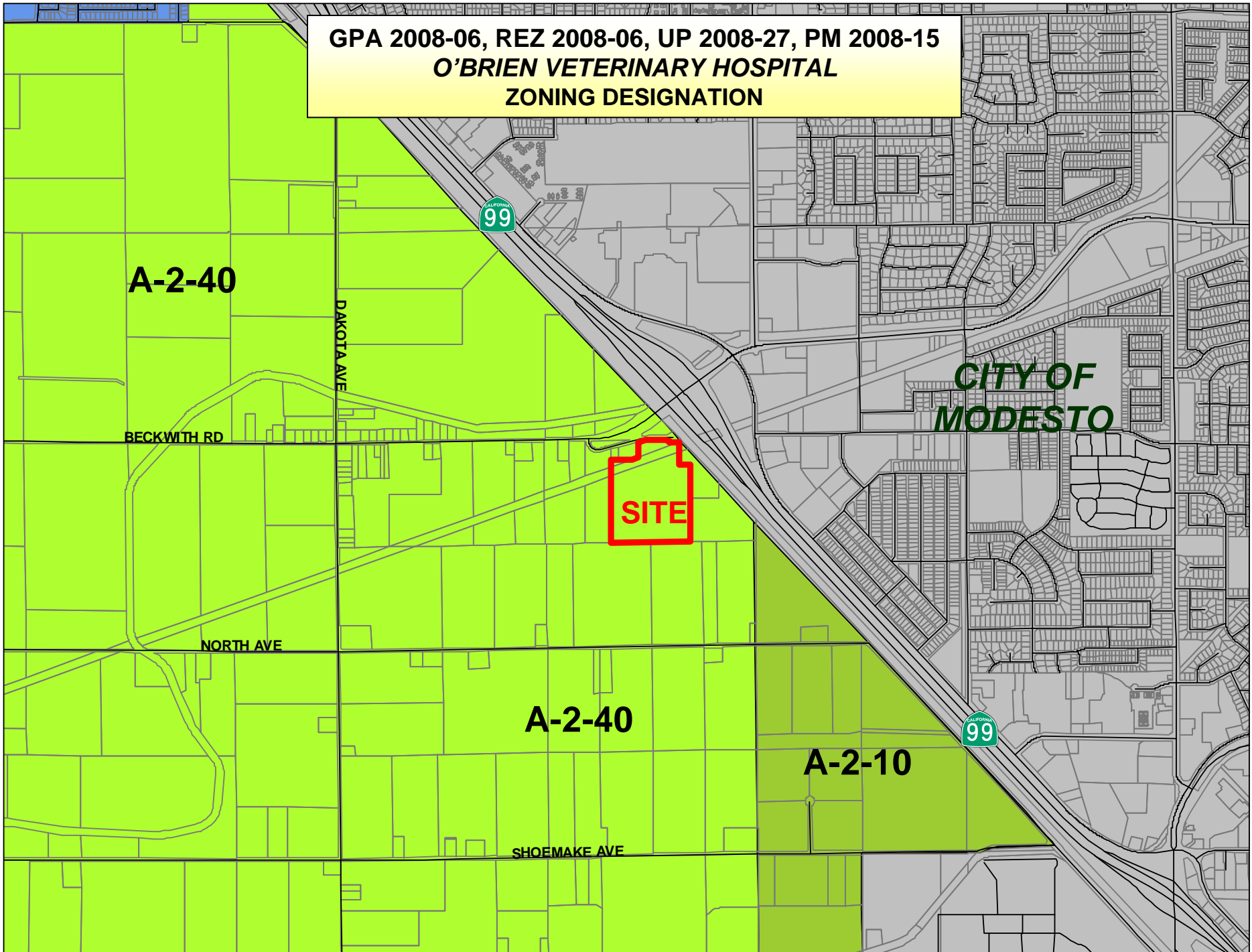
**GPA 2008-06, REZ 2008-06, UP 2008-27, PM 2008-15
O'BRIEN VETERINARY HOSPITAL
AREA MAP**



**GPA 2008-06, REZ 2008-06, UP 2008-27, PM 2008-15
O'BRIEN VETERINARY HOSPITAL
GENERAL PLAN DESIGNATION**



**GPA 2008-06, REZ 2008-06, UP 2008-27, PM 2008-15
O'BRIEN VETERINARY HOSPITAL
ZONING DESIGNATION**



A-2-40

DAKOTA AVE

BECKWITH RD

NORTH AVE

A-2-40

SHOEMAKE AVE

A-2-10

**CITY OF
MODESTO**

SITE

99

99

GPA 2008-06, REZ 2008-06, UP 2008-27, PM 2008-15
O'BRIEN VETERINARY HOSPITAL
AERIAL PHOTO (2006)

BECKWITH RD

SITE



PROJECT DESCRIPTION

REQUEST IS A 4-PART APPLICATION WHICH INCLUDES THE FOLLOWING:

USE PERMIT REQUEST

- Establish a Large Animal Vet. Hospital on a 24.36± acre parcel
- 14,000 square foot “Hospital” building
- 5,000 square foot “Treatment” Barn
- Associated landscaping, parking lot...etc.



PROJECT DESCRIPTION

PARCEL MAP REQUEST

- Create a 2.22± acre parcel, containing the Veterinary Hospital
- And a 22.14± acre “Remainder” parcel, which would continue to be farmed as an almond orchard



PROJECT DESCRIPTION

PARCEL MAP REQUEST (CONT'D)

- The current A-2-40 Zoning requires a minimum parcel size of 40 acres
- Applicant is using an exemption which allows a “Use” approved by a Use Permit to be separated from the larger Ag operation
- This exemption is listed under Section 21.20.060



PROJECT DESCRIPTION

GENERAL PLAN & REZONE REQUEST

- Amend the 2.22± acre parcel's GP designation from "Agriculture" to "Planned Development"
- Amend the 2.22± acre parcel's Zoning designation from "A-2-40" to "Planned Development"



PROJECT DESCRIPTION

GENERAL PLAN & REZONE REQUEST (CONT'D)

- To allow the Large Animal Facility to be used for Small Animals
- The 22.14± acre “Remainder” Parcel’s GP & Zoning designation would not change nor is any development proposed





BECKWITH COURT

SOUTHERN PACIFIC
RAIL ROAD

PROPOSED MIXED ANIMAL
VETERINARY HOSPITAL

EXISTING
KENNEL OFFICE

EXISTING
DOG RUNNELS

DOG
EXERCISE
AREA

110' HETCH HETCHY
PASTURE

PASTURE

LARGE ANIMAL
VETERINARY HOSPITAL

PASTURE

EXISTING
OFFICE

EXISTING
TRUCKING COMPANY

EXISTING
HOUSE

FIRE
STORAGE
TANK

EXISTING
HOUSE

O'BRIEN MIXED ANIMAL VETERINARY HOSPITAL

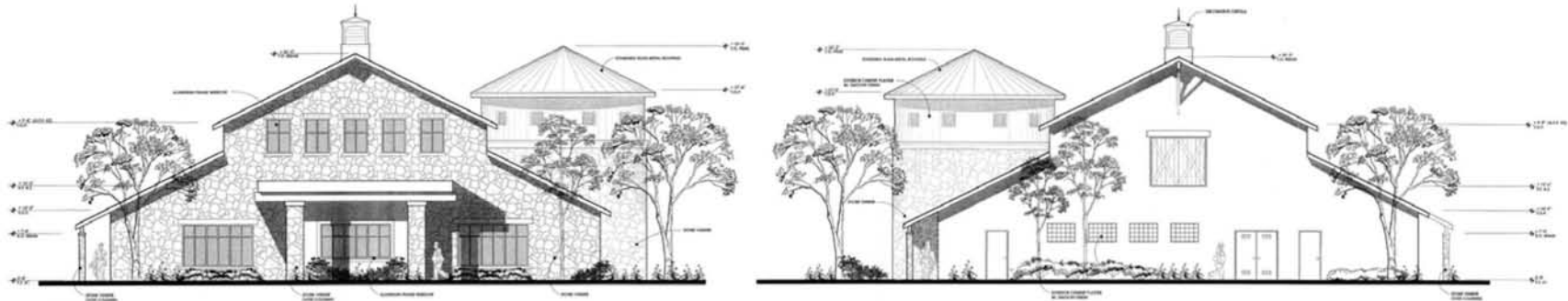
3254 BECKWITH COURT - STANISLAUS COUNTY, CALIFORNIA

PREPARED BY:



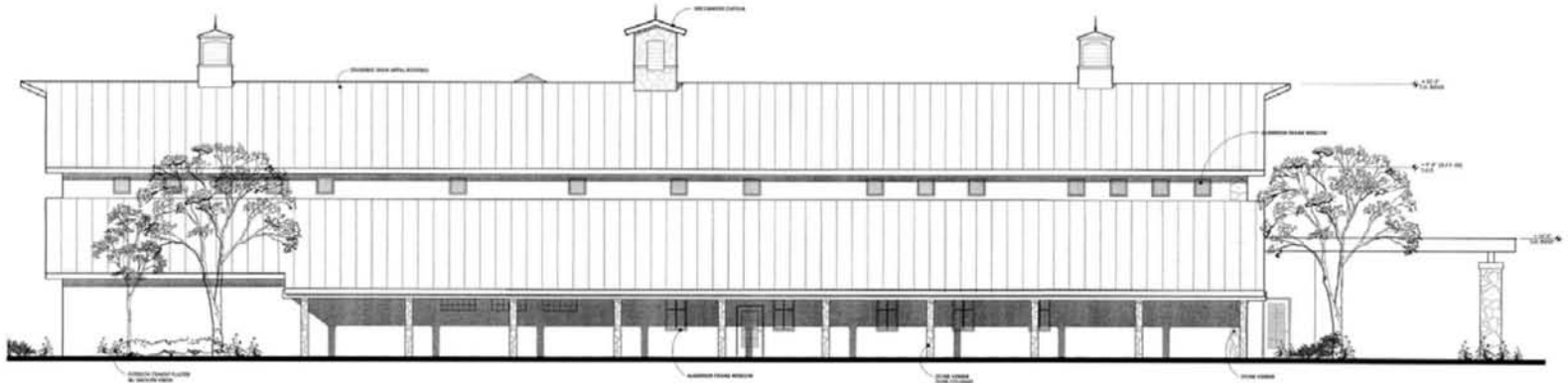
**ASSOCIATED
ENGINEERING GROUP, INC.**
1628 TECHNOLOGY DRIVE • MENARD CALIFORNIA 95239
PH: (209) 567-3366 • FAX: (209) 567-8375

GPA 2008-06, REZ 2008-06, UP 2008-27, PM 2008-15
O'BRIEN VETERINARY HOSPITAL
MAIN HOSPITAL BUILDING - ELEVATIONS



PROPOSED EAST ELEVATION - SMALL ANIMAL HOSPITAL / ADMIN. OFFICES

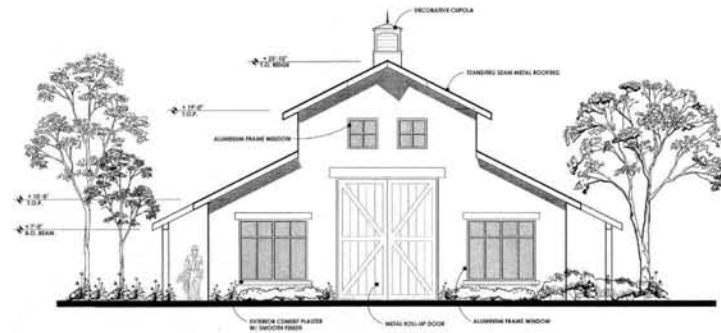
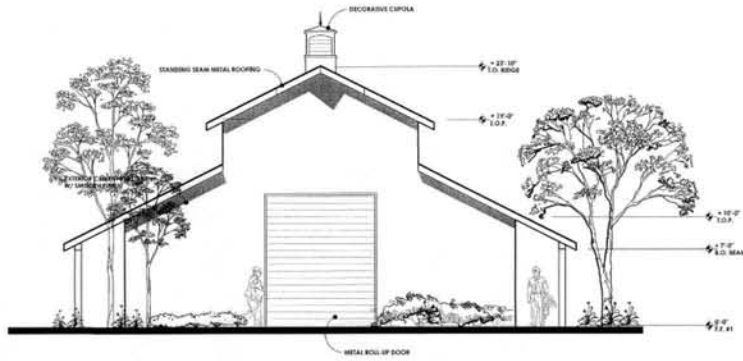
PROPOSED WEST ELEVATION - SMALL ANIMAL HOSPITAL / ADMIN. OFFICES



PROPOSED SOUTH ELEVATION - SMALL ANIMAL HOSPITAL / ADMIN. OFFICES

SCALE 3/4" = 1'-0"

GPA 2008-06, REZ 2008-06, UP 2008-27, PM 2008-15
**O'BRIEN VETERINARY HOSPITAL
 TREATMENT BARN - ELEVATIONS**



PROPOSED WEST ELEVATION - LARGE ANIMAL HOSPITAL

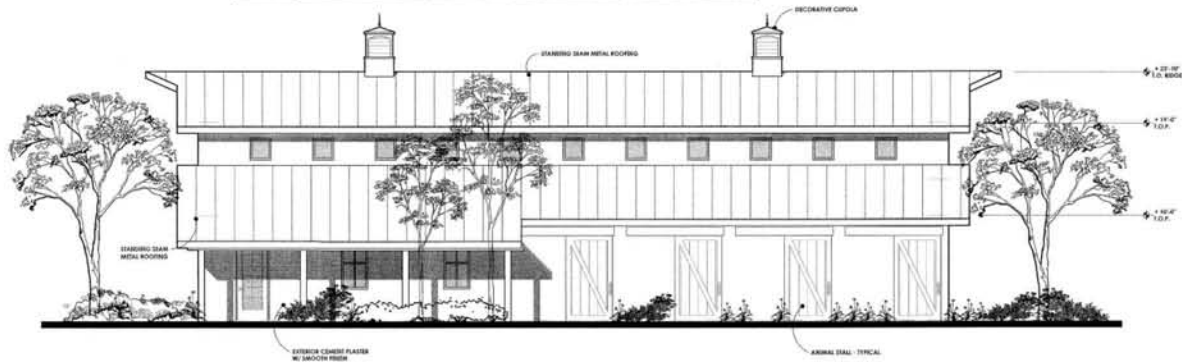
SCALE: 3/16" = 1'-0"

PROPOSED EAST ELEVATION - LARGE ANIMAL HOSPITAL

SCALE: 3/16" = 1'-0"



PROPOSED NORTH ELEVATION - LARGE ANIMAL HOSPITAL



PROPOSED SOUTH ELEVATION - LARGE ANIMAL HOSPITAL

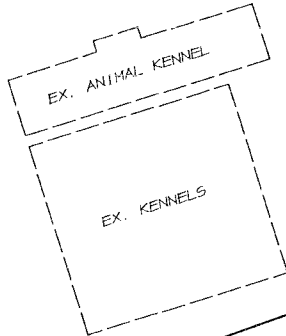
SCALE: 3/16" = 1'-0"

BECKWITH COURT

A.P.N. 005-034-013

SOUTHERN PACIFIC
RAIL ROAD

A.P.N. 005-034-021



PROPOSED MIXED ANIMAL
VETERINARY HOSPITAL

ANIMAL
EXERCISE
AREA

110' HETCH HETCHY
A.P.N. 005-034-008
PASTURE

ANIMAL CROSSING

CORRAL FENCING

PASTURE

ANIMAL STALLS

PROPOSED
LARGE ANIMAL
VET. HOSPITAL





PASTURE



A.P.N. 005-034-022
EX. TRUCKING COMPANY

A.P.N. 005-034-011
EX. ALMOND ORCHARD

BUFFER SCREENING; TWO STAGGERED ROWS
OF TREES 5-FEET APART AND PLANTED 10
FEET ON CENTER.

LEGEND

-  LAWN AREA
-  NATURAL GRASSES (PASTURE)
-  LOW LEVEL SHRUBS AND FLOWERING GROUND COVER
-  SMALL CANOPY SHADE TREES
MAYTENUS BOARIA / MAYTEN TREE
PYRUS KAWAKAHII / EVERGREEN PEAR

-  LARGE CANOPY SHADE TREES
PISTACIA CHINENSIS / CHINESE PISTACHE
PLATANUS ACERIFOLIA / LONDON PLANE TREE
SALIX BABYLONICA / WEEPING WILLOW
-  ACCENT COLOR TREES
CORNUS FLORIDA / EASTERN DOGWOOD
CRATAEGUS PHAENOPYRUM / WASHINGTON THORN
LAGERSTROEMIA FAURIEI / GRAPE MYRTLE



NOTE:
THIS DRAWING IS DIAGRAMMATIC AND IS FOR ILLUSTRATIVE
PURPOSES ONLY. THIS DRAWING IS NOT BINDING AND DOES
NOT REPRESENT ANY REQUIRED IMPROVEMENTS.

DRAWN	R.M.U.
DATE	11/4/08 10:44
SCALE	1"=50'
JOB #	673-08
DWG.	LANDSCAPE

CONCEPTUAL
LANDSCAPE PLAN
**O'BRIEN MIXED ANIMAL
VETERINARY HOSPITAL**
STANISLAUS COUNTY CALIFORNIA



**ASSOCIATED
ENGINEERING, INC.**
Surveying · Design · Planning
4206 TECHNOLOGY DRIVE
MODESTO, CALIFORNIA 95356
PH: (209) 545-3390 FAX: (209) 545-3875

HISTORY

- In the past, both large & small animal veterinary facilities were viewed as permitted uses within the A-2 Zoning District, subject to a Use Permit.
- Viewed as an “Agricultural Service Establishment”



HISTORY

- Changes in 2007 made it difficult to classify “Small Animal” facilities as an “Agricultural Service Establishment”
- The result is this application in it’s current format



FINDINGS

- The appropriate findings & a summary of Staff's Evaluation are available on pages 5-15 of the Planning Commission Staff Report
 - Use Permit
 - Parcel Map
 - General Plan Amend.
 - Rezone



SUMMARY OF STAFF'S EVALUATION

- As discussed in the Staff Report, previous Large & Small Animal facilities have shown to be compatible and consistent within the A-2 zoning district
- They have also shown to be compatible and consistent with the surrounding Agricultural land uses



SUMMARY OF STAFF'S EVALUATION

- Staff also found that the proposed P-D designation would be appropriate given the unique character of the site
- Hetch Hetchy Right-of-way bisects the site
- Site is situated between a Dog Kennel & Legal Non-Conforming Truck Parking Facility



BUFFER REQUIREMENTS

- This project is subject to the 2007 Agricultural Element Buffer requirements:
 - 150' setback
 - Solid fencing & a double row of landscaping along the perimeter of the development



ALTERNATIVE BUFFER

- The applicant proposed an alternative buffer to the Ag Advisory Board on February 2, 2009
- Applicant proposed reduced setbacks and no fencing
- The alternative was supported with the addition of a chain link fence on the southern property line



GPA 2008-06, REZ 2008-06, UP 2008-27, PM 2008-15
**O'BRIEN VETERINARY HOSPITAL
ALTERNATIVE BUFFER**



ENVIRONMENTAL REVIEW

- Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment.
- Based on the comments, a Negative Declaration is being recommended.



PLANNING COMMISSION RECOMMENDATION

JULY 2nd, 2009

“O’BRIEN VETERINARY HOSPITAL”

**THE PLANNING COMMISSION
RECOMMENDED (9-0) THAT THE BOARD
APPROVE THIS REQUEST, SUBJECT TO THE
DEVELOPMENT STANDARDS AND
DEVELOPMENT SCHEDULE AS LISTED IN
THE PLANNING COMMISSION STAFF
REPORT**





ORDINANCE NO. C.S. 1064

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.990 FOR THE PURPOSE OF AMENDING A 2.22± ACRE PORTION OF A 24.36± PARCEL'S ZONING DESIGNATION FROM A-2-40 (GENERAL AGRICULTURE) TO A P-D (PLANNED DEVELOPMENT) ZONE TO ALLOW THE LARGE ANIMAL FACILITY TO ALSO BE USED AS A SMALL ANIMAL VETERINARY HOSPITAL ON PROPERTY LOCATED AT 3254 BECKWITH COURT, JUST WEST OF HWY 99, IN THE MODESTO AREA. APNS: 005034-009, 010, 011

The Board of Supervisors of the County of Stanislaus, State of California, ordains as follows:

Section 1. Sectional District Map No. 9-110.990 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:

(Insert Map Here)

Section 2. This ordinance shall take effect and be in full force thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against same, in the Modesto Bee, a newspaper of general circulation published in Stanislaus County, State of California.


Upon motion of Supervisor Grover, seconded by Supervisor Chiesa, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 11th day of August, 2009, by the following called vote:

AYES: Supervisors: Chiesa, Grover, Monteith, and Chairman DeMartini

NOES: Supervisors: None


ABSENT: Supervisors: None

ABSTAINING: Supervisors: O'Brien

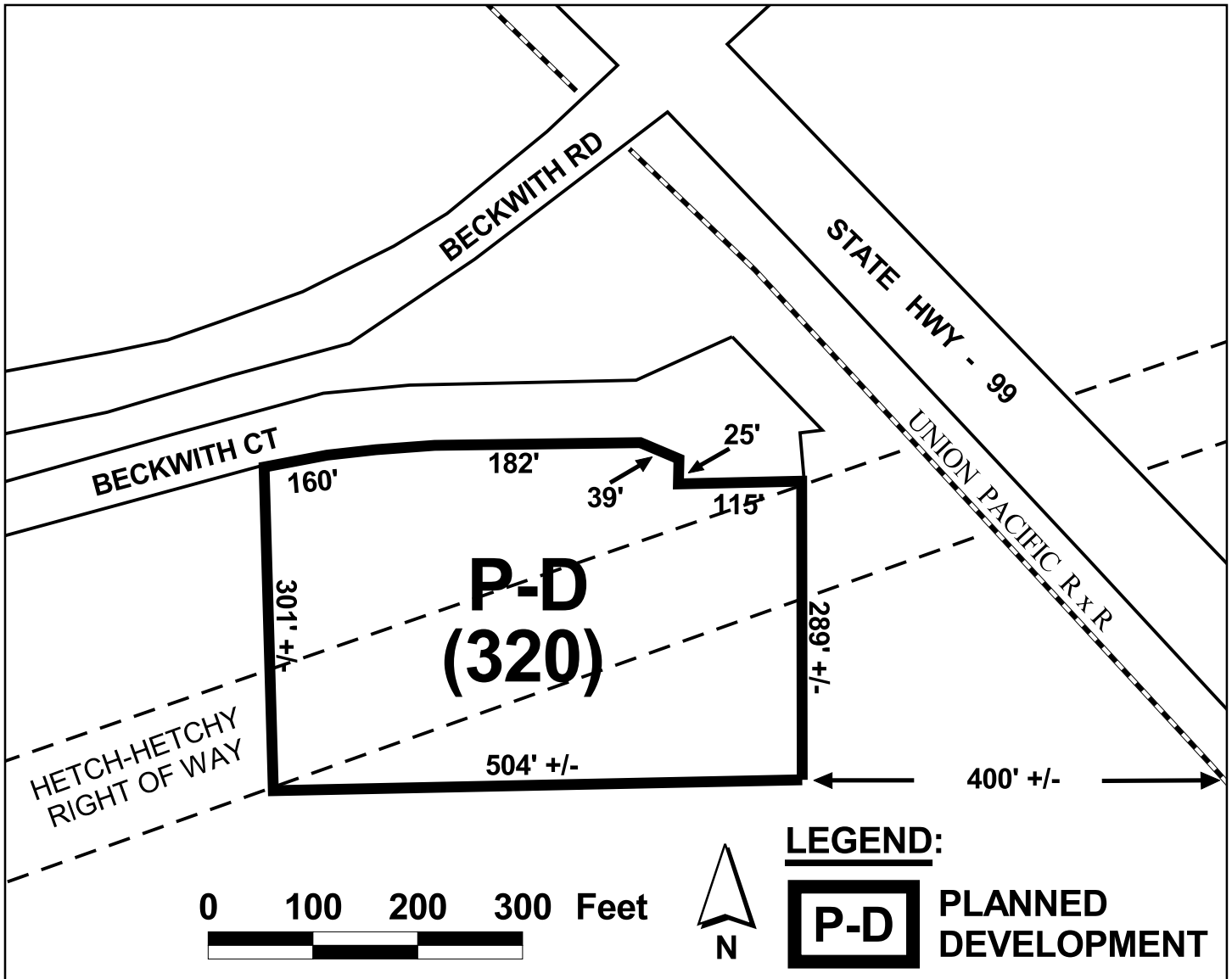


CHAIRMAN OF THE BOARD OF SUPERVISORS
of the County of Stanislaus,
State of California

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors of
the County of Stanislaus,
State of California


BY: _____
Susan E. Seibert, Deputy Clerk of the Board

SECTIONAL DISTRICT MAP NO. 9-110.990



**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**


**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am a printer and principal clerk of the publisher of **THE MODESTO BEE**, which has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, under the date of **February 25, 1951, Action No. 46453**. The notice of which the annexed is a printed copy has been published in each issue thereof on the following dates, to wit:

AUGUST 21, 2009

I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration was executed at **MODESTO**, California on

AUGUST 21, 2009

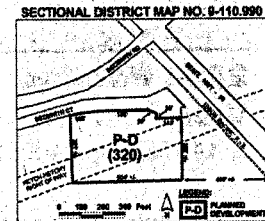

(Signature)

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AYES: Supervisors: Chiesa, Grover, Monteith, and Chairman DeMartini
NOES: Supervisors: None
ABSENT: Supervisors: None
ABSTAINING: Supervisors: O'Brien

Jim DeMartini
CHAIRMAN OF THE BOARD OF SUPERVISORS of the County of Stanislaus, State of California

ATTEST: **CHRISTINE FERRARO**
TALLMAN, Clerk of the Board of Supervisors of the County of Stanislaus, State of California

BY: **Susan E. Seibert, Deputy**
Clerk of the Board