

# STANISLAUS COUNTY PLANNING COMMISSION

May 5, 2016

## STAFF REPORT

USE PERMIT APPLICATION NO. PLN2015-0012  
TOP NOTCH KENNELS – PEE WEE COTTAGE

**REQUEST: TO ESTABLISH A DOG KENNEL FACILITY FOR 33 SMALL DOGS IN A CONVERTED 1,680 SQUARE-FOOT RESIDENTIAL DWELLING.**

### APPLICATION INFORMATION

Applicant/property Owner:	Lisa Moore, Top Notch Kennels
Agent:	Keith Landmeier, Yeakel & Landmeier Architecture & Planning
Location:	3306 Beckwith Court, east of Dakota Avenue, west of State Highway 99, in the Modesto area.
Section, Township, Range:	14-3-8
Supervisorial District:	Three (Supervisor Withrow)
Assessor's Parcel:	005-034-020
Referrals:	See Exhibit H Environmental Review Referrals
Area of Parcel(s):	0.42±
Water Supply:	Private well
Sewage Disposal:	Septic/leach system
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	AG (Agriculture)
Sphere of Influence:	N/A
Community Plan Designation:	N/A
Williamson Act Contract No.:	N/A
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	Dog kennel
Surrounding Land Use:	Scattered single-family dwellings, and farmland to the north; dog kennel, veterinary hospital, and State Highway 99 to the east; orchards, and scattered single-family dwellings to the south; scattered single-family dwellings to the west.

### RECOMMENDATION

Staff recommends the Planning Commission approve this request based on the discussion below and on the whole of the record provided to the County. If the Planning Commission decides to approve the project, Exhibit A provides an overview of all of the findings required for project approval, which includes use permit findings.

### PROJECT DESCRIPTION

The project is a request to establish a dog kennel facility for 33 small dogs in a converted 1,680 square-foot residential dwelling. The applicant has identified small dog breeds as those dogs

weighing 20 pounds and under. Undeveloped space in the side and rear yard will accommodate exercise space for the dogs. The dog kennel building consists of a lobby, three (3) kennel rooms, a playroom, a prep room (converted kitchen), and one employee restroom. (See Exhibit B - *Maps, Site Plan, Floor Plan*).

Public hours of operation are Monday through Saturday 8:00 a.m. to 6:00 p.m., and Sunday 2:00 p.m. to 6:00 p.m. Staff arrives at 6:00 a.m. to care for the dogs, and leaves at 9:00 p.m. after putting the dogs to bed for the evening. The dogs will be cared for by staff consisting of a maximum of four (4) employees.

The project anticipates an average of 19.5 clients over a 10 hour period of time (8:00 a.m. to 6:00 p.m.). Clients will be on site for an estimated 15 minutes to drop off/pick up their dogs.

The proposed facility will receive water from a private well located on the adjacent parcel to the east (3302 Beckwith Court). The water will be provided under an existing agreement between all property owners. The water agreement was entered on April 1, 2015, and will remain in effect until it is mutually modified; however, it is not a recorded agreement. A Condition of Approval will be added to the project to ensure that the project site shall have an independent water supply if the water agreement becomes null. (See Exhibit C - *Conditions of Approval*.)

The existing 1,680 square-foot residential unit has been converted without the required land use or building permits. The non-permitted dog kennel facility was reported to County Code Enforcement in 2013, which led to the submittal of a Use Permit application in 2015 to request authorization to operate the dog kennel at this site.

## **SITE DESCRIPTION**

The site is located at 3306 Beckwith Court, east of Dakota Avenue, south of Beckwith Road, west of State Highway 99 in the Modesto area. The .42± project site is currently developed with a 1,680 square foot converted dwelling, and a 630 square-foot shed. Roughly 50-percent of the property consists of undeveloped space.

The project site consists of six (6) parking spaces, which includes one (1) ADA accessible parking space located in the south-eastern portion of the site. The project site will operate independently from the dog kennel located on the adjacent property to the east (3302 Beckwith Court) in regards to parking and will be physically separated by a fence and landscaping.

The project site reflects a recently recorded lot line adjustment (PLN2015-0063 – Moore & Kline) that added .09± acres from the adjacent parcel to the east, which adjusted the property line to align with current property improvements.

Surrounding land uses include orchards, open farmland, Beckwith Court, and Beckwith Road to the north; a dog kennel, veterinary hospital, and State Highway 99 to the east; almond and walnut orchards, and scattered single-family dwellings to the south; and an orchard to the west.

## **ISSUES**

In review of this project, staff has identified noise as a potential environmental issue. To address potential noise impacts, the applicant submitted an acoustical analysis completed by Brown-Buntin Associates, Inc., dated August 18, 2004, which was used for the adjacent dog kennel to the east (UP 2004-30 – Top Notch Kennels) (Exhibit G – *Brown-Buntin Associates Inc. - Acoustical Study, dated August 18, 2004*). Use Permit 2004-03 was for the expansion of the facility by adding a 4,095 square-foot kennel which would board 40-80 dogs on the property.

This noise study provided the measurement of sound from two locations on the adjacent property, during what the applicant deemed as the loudest time of the day (feeding time), and with the kennel doors open and closed. The close proximity of the property to both State Highway 99 and the Union Pacific rail lines were factored into the overall noise measurements. The results of the analysis showed that noise generated from the kennel was below the County's hourly noise level standards.

The County's maximum allowable hourly average noise exposure is 55dBA from 7:00 a.m. to 10:00 p.m., and 45dBA from 10:00 p.m. to 7:00 a.m. The maximum level of noise exposure is 75dBA 7:00 a.m. to 10:00 p.m. and 65dBA from 10:00 p.m. to 7:00 a.m.

Even though this Use Permit is for a different type of kennel facility, the applicant and staff agreed to include the previous noise mitigation measures identified for the larger kennel facility as identified and recommended by Brown-Buntin Associates in 2004. The following mitigation measures ensure that any possible noise impacts are mitigated to less than significant:

**Mitigation Measures:**

1. Exterior doors shall be weather-stripped and threshold sealed to prevent "leakage" of noise from doors.
2. Sound absorptive material shall be added to the underside of the kennel facility roof and to the walls to reduce reflected sound energy with a minimum Noise Reduction Coefficient, NRC of 0.65. Materials to be used shall be certified by a licensed engineer to meet required NRC requirements and be submitted for approval by the Department of Planning and Community Development as part of the projects required building permits.

No noise complaints have been reported to County Code Enforcement since the project site converted the single-family dwelling to the dog kennel facility. The project is required to submit for all required building and grading permits within three (3) months of Use Permit approval and have obtained permit finals and a Certificate of Occupancy within six (6) months of Use Permit approval.

**GENERAL PLAN CONSISTENCY**

The site is currently designated "Agriculture" in the Stanislaus County General Plan. The agricultural designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas. This designation establishes agriculture as the primary use in land so designated, but allows dwelling units, limited agriculturally related commercial services, agriculturally related light industrial uses, and other uses which by their unique nature are not compatible with urban uses, provided they do not conflict with the primary use.

To minimize conflicts between agriculture operations and non-agricultural operations, Buffer and Setback Guidelines (Appendix A of the Agricultural Element) have been adopted. The purpose of these guidelines is to protect the long-term health of local agriculture by minimizing conflicts resulting from normal agricultural practices as a consequence of new or expanding uses approved in or adjacent to the A-2 (General Agriculture) zoning district.

Appendix A of these guidelines states that all projects shall incorporate a minimum 150-foot wide buffer setback. Permitted uses within a buffer area shall include: Public roadways, utilities, drainage facilities, rivers and adjacent riparian areas, landscaping, parking lots, and similar low-people intensive uses. Walking and bike trails shall be allowed within buffers setback areas provided they are designed without rest areas.

The site meets the required buffer setbacks to the north and east as these areas are developed with public roadways and non-agricultural uses. The applicant has proposed an alternative agricultural buffer consisting of undeveloped space (side and rear yards) less than the required 150-foot setback and landscaping scattered around the perimeter of the site. The project site is adjacent to agricultural uses to the south and west. The only activities proposed in the undeveloped space is dog exercising which is consistent with walking and bike trail activity allowed within a buffer area. The applicant is proposing a six-foot chain link perimeter fence, meeting the buffer requirements for a six-foot fence of uniform construction to prevent trespassing onto adjacent agricultural lands. The decision making body (Planning Commission), shall have the ultimate authority to determine if a use is low-people intensive, and if an alternative buffer and setback standards may be approved by the Planning Commission provided the proposed alternative is found to provide equal or greater protection to the surrounding agricultural uses. This project was referred to the Stanislaus County Agricultural Commissioner's office and no comment has been received to date. In light of the sites past residential use and the limited activity to occur in the undeveloped yard space, the impact to the adjacent agricultural uses is not anticipated to be greater as a result of this project.

### **ZONING ORDINANCE CONSISTENCY**

The site is zoned A-2-40 (General Agriculture, 40 acre minimum). Section 21.20.030(C) (a) of the Stanislaus County Zoning Ordinance allows public stables, including boarding and training, and kennels subject to approval of a Tier Three Use Permit. Tier Three uses are not directly related to agriculture but may be necessary to serve the A-2 District or may be difficult to locate in an urban area. Tier three uses may be allowed when the Planning Commission makes the following findings:

1. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
2. The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas" as that term is used in the Agricultural element of the General Plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future.

Additionally, the following finding is required for approval of any use permit:

- The establishment, maintenance and operation of the proposed use or building applied for is consistent with the general plan 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.

In determining "most productive agricultural areas", 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; and existing uses and their contributions to the agricultural sector of the economy.

Staff believes that the project site is not considered to be a "most productive agricultural area" due to its .42+ acre size and existing residential development. The project site is not enrolled in a Williamson Act Contract and has not been actively farmed.

Staff believes the necessary findings can be made. With included Conditions of Approval, there is no indication that, under the circumstances of this particular case, the proposed project will be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use, or that it will be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.

## **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 and no significant issues were raised. (See Exhibit H - *Environmental Review Referrals*.) A Mitigated Negative Declaration has been prepared for approval prior to action on the Use Permit itself as the project will not have a significant effect on the environment. The two Mitigation Measures identified in the Initial Study have been refined to provide greater clarity and are reflected as Conditions of Approval No. 38 and 39 (See Exhibit C - Conditions of Approval.)

As permitted by CEQA Guidelines Section 15074.1, the revisions to the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program (See Exhibit F – *Mitigation Monitoring and Reporting Program*) may be approved by the Planning Commission without a new period of environmental review if the Planning Commission can find that the revisions are equivalent or more effective in mitigating or avoiding potential significant effects and that they will not cause any potentially significant effect on the environment. (See Exhibit A - *Findings and Actions Required for Project Approval*.)

The minor changes in the language of the mitigation measures will ensure that the applicant shall sufficiently mitigate any potential noise impacts. Planning staff believes that the modification meets this statute and that re-circulation of the environmental assessment document is not required. The applicant is in agreement with the amended Conditions of Approval. Standard Conditions of Approval reflecting referral responses have been placed on the project. (See Exhibit C - *Conditions of Approval*.)

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**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 **\$2,267.25** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Contact Person: Timothy Vertino, Assistant Planner, (209) 525-6330

### Attachments:

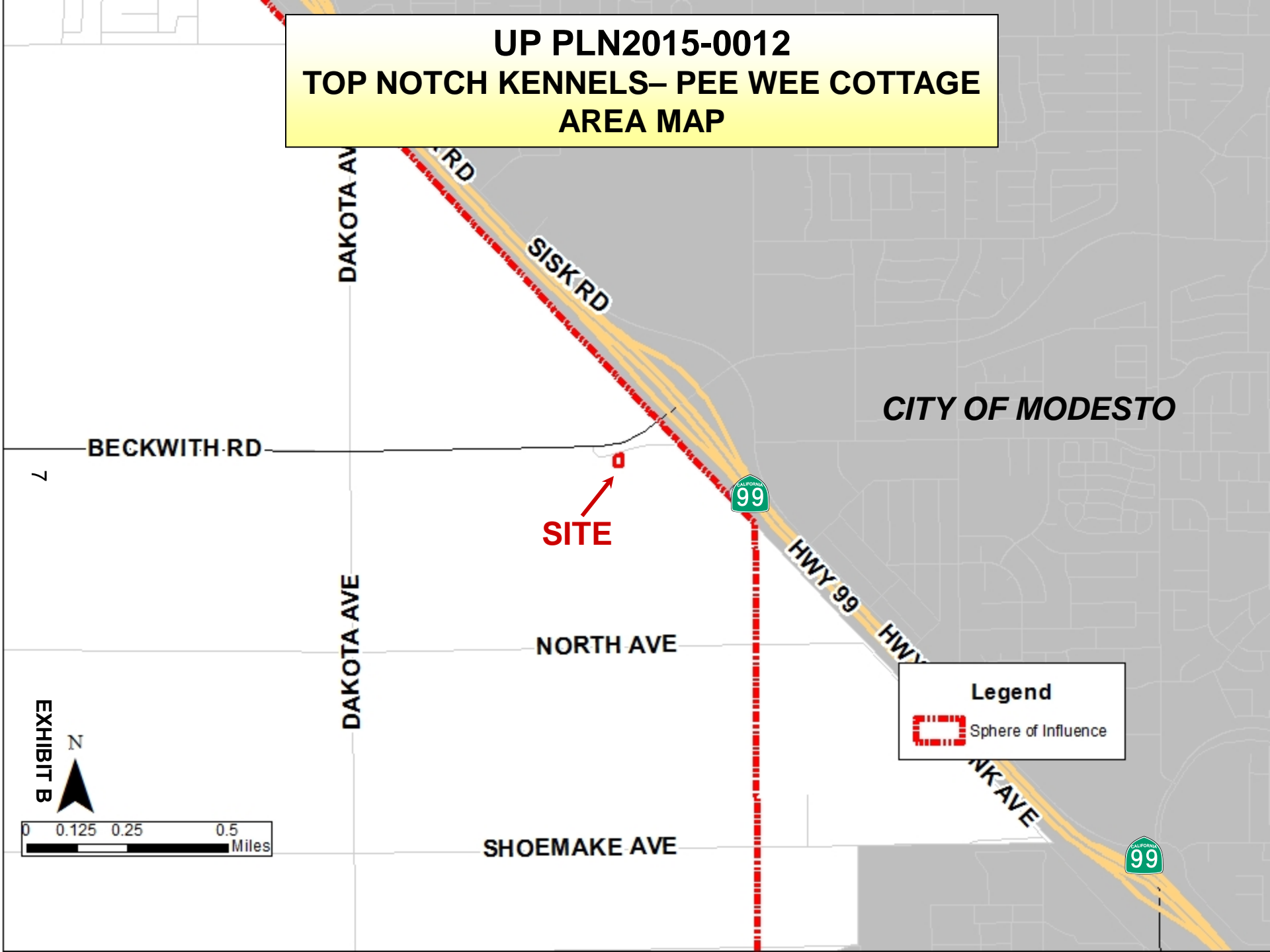
- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps, Site Plan, Floor Plan
- Exhibit C - Conditions of Approval
- Exhibit D - Initial Study (with proposed amendments reflected in bold and stricken text)
- Exhibit E - Mitigated Negative Declaration (with proposed amendments reflected in bold and stricken text)
- Exhibit F - Mitigation Monitoring and Reporting Program (with proposed amendments reflected in bold and stricken text)
- Exhibit G - Brown-Buntin Associates Inc. - Acoustical Study, dated August 18, 2004
- Exhibit H- Environmental Review Referral

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**Exhibit A**  
**Findings and Actions Required for Project Approval**

1. Find that the attached Mitigation Monitoring and Reporting Program, which includes amended Conditions of Approval No. 38 and 39, are equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment, pursuant to CEQA Guidelines Section 15074.1.
2. Adopt the Mitigated Negative Declaration pursuant to CEQA Guidelines 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 Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis.
3. Order the filing of a Notice of Determination with the Stanislaus County Clerk Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
4. Find that:
  - (a) The establishment, maintenance and operation of the proposed use or building applied for is consistent with the general plan 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 parcel on which such use is requested is not located in one of the county's "most productive agricultural areas", as the term is defined in the Agriculture Element of the General Plan.
  - (d) The use as proposed shall be considered a low-people intensive use, and the proposed alternative landscape buffer is acceptable.
  - (e) The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
5. Approve Use Permit Application No. PLN2015-0012 – Top Notch Kennels – Pee Wee Cottage, subject to the attached Conditions of Approval.

**UP PLN2015-0012  
TOP NOTCH KENNELS- PEE WEE COTTAGE  
AREA MAP**



**UP PLN2015-0012  
TOP NOTCH KENNELS- PEE WEE COTTAGE  
GENERAL PLAN MAP**

CALIFORNIA  
99

AG

CITY

BECKWITH RD

BECKWITH CT

**SITE**  
.42 ±  
acres

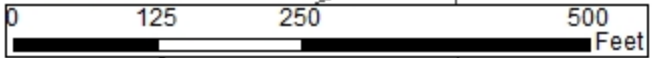
AG

PD





AG

8

EXHIBIT B-1



**Legend**

-  Sphere of Influence
-  AG= AGRICULTURE
-  CITY OF MODESTO
-  PD= PLANNED DEVELOPMENT



**UP PLN2015-0012  
TOP NOTCH KENNELS- PEE WEE COTTAGE  
ZONING DESIGNATION MAP**

A-2-40

BECKWITH RD

BECKWITH CT

P-D (320)

**SITE**  
.42 ±  
acres

A-2-40

A-2-40

**Legend**





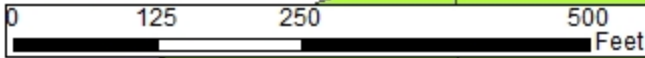
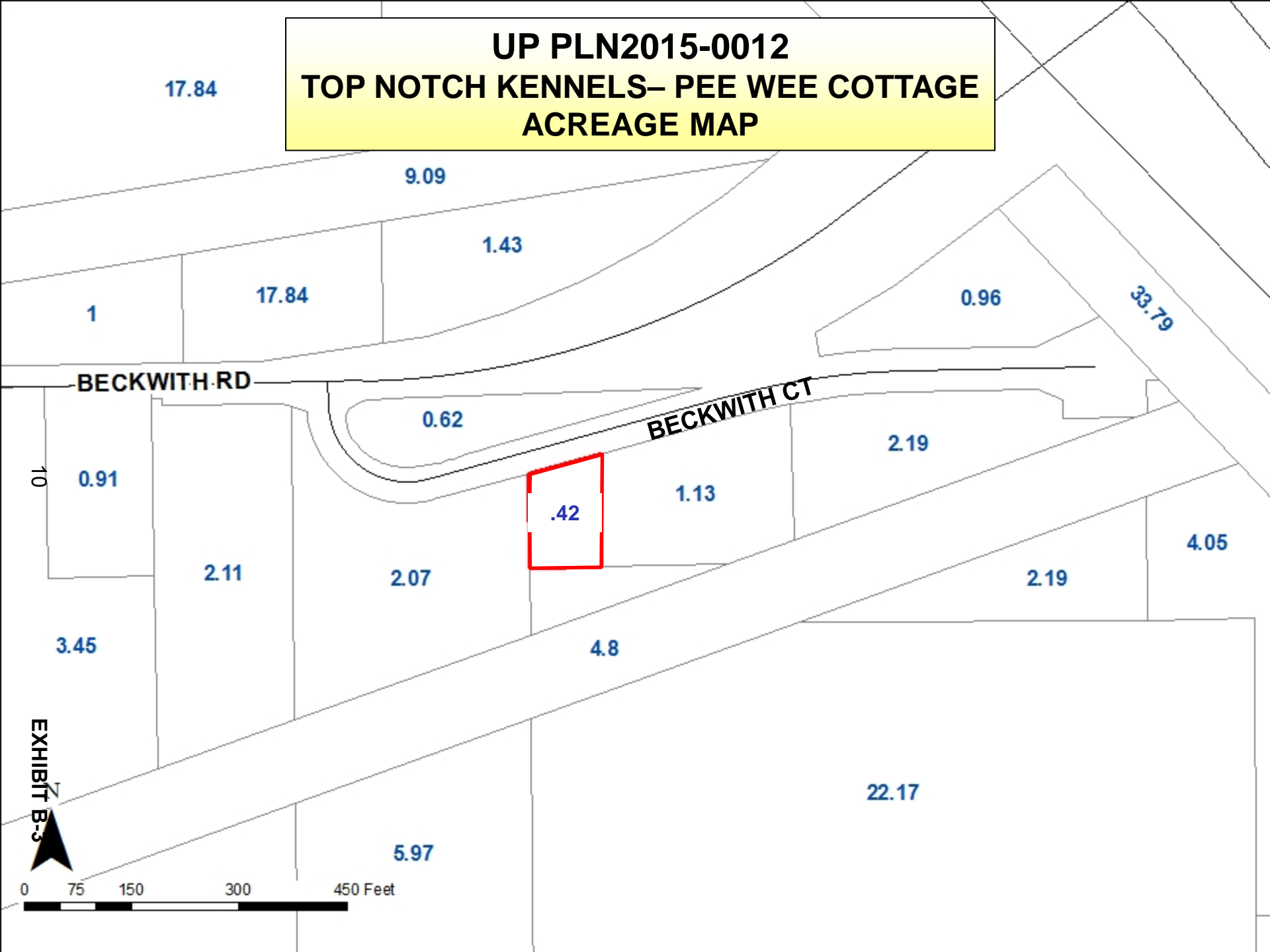
-  Sphere of Influence
-  A-2-40= AGRICULTURE
-  CITY OF MODESTO
-  P-D= PLANNED DEVELOPMENT

EXHIBIT B-2



9

**UP PLN2015-0012  
TOP NOTCH KENNELS- PEE WEE COTTAGE  
ACREAGE MAP**



17.84

9.09

1.43

0.96

33.79

1

17.84

BECKWITH RD

BECKWITH CT

0.62

2.19

10

0.91

1.13

.42

4.05

2.11

2.07

2.19

3.45

4.8

22.17

5.97

EXHIBIT B-3

0 75 150 300 450 Feet

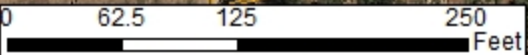
**UP PLN2015-0012  
TOP NOTCH KENNELS- PEE WEE COTTAGE  
2015 COUNTY AERIAL**

**BECKWITH RD**

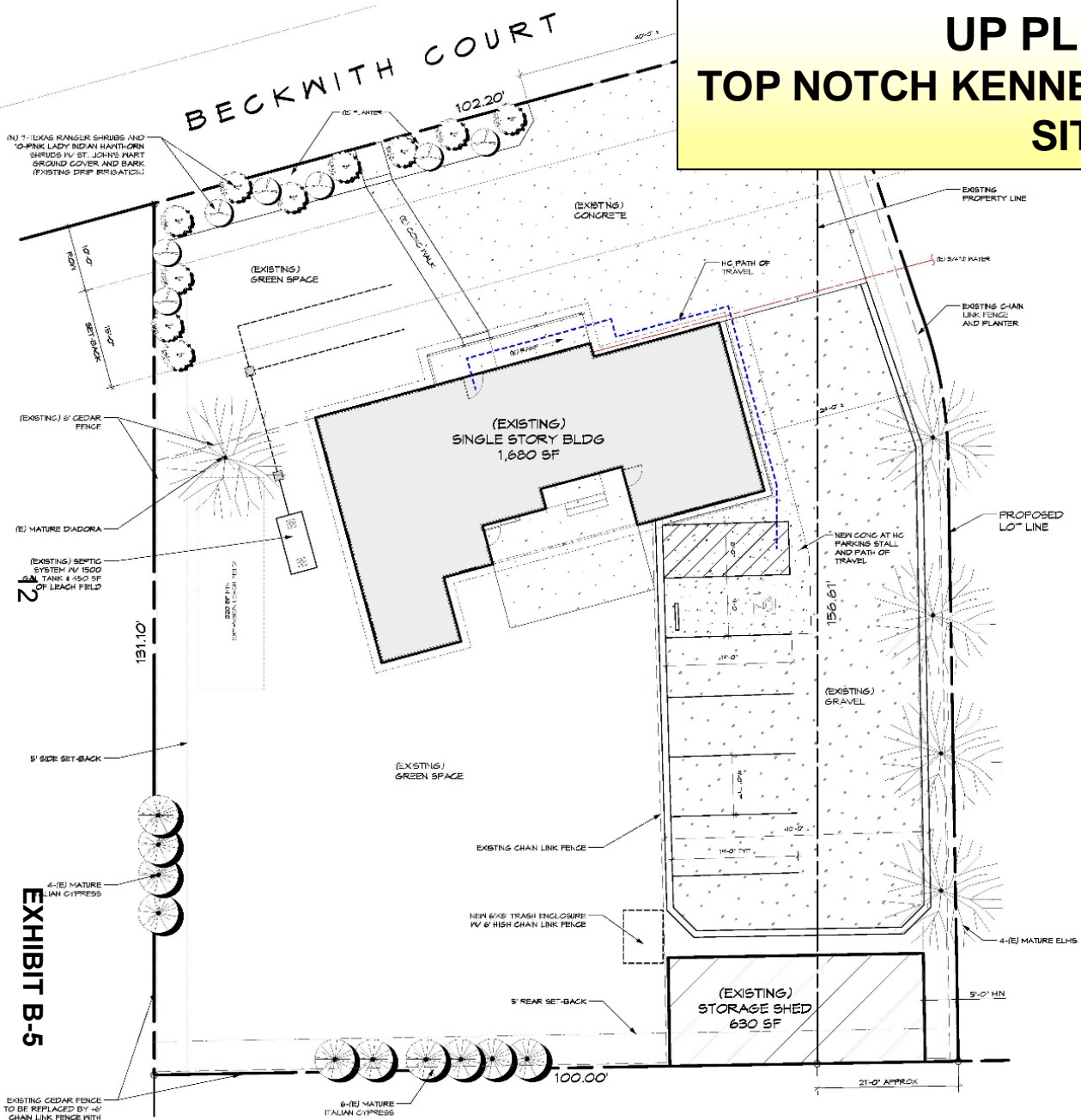
**BECKWITH CT**

**SITE**

**EXHIBIT B-4**



# UP PLN2015-0012 TOP NOTCH KENNELS- PEE WEE COTTAGE SITE PLAN



## LANDSCAPE NOTES

- FOR VINES ON ALL WEST AND SOUTH CHAIN LINK FENCE USE: STAR JASMINE (*Trachelospermum jasminoides*)
- GROUND COVER AT NEW SLOPED PLANTERS USE: ST. JOHN'S-WORT (*Hypericum calycinum*) OR BARK
- LANDSCAPE IRRIGATION IS EXISTING DRIP IRRIGATION. ONLY MINOR RELOCATION AND EXTENSION SHOULD BE REQUIRED

## MODEST

## PROJECT DATA

LOCATION: 9306 BECKWITH  
 API:  
 BASED ON:  
 TYPE OF CONSTRUCTION:  
 OCCUPANCY GROUP:  
 TOTAL OCCUPANCY LOAD (FACTOR 1):  
 STORIES:  
 SPRINKLERS:  
 MAX ALLOWABLE BLDG HT:  
 ACTUAL BLDG HT:  
 MAX ALLOWABLE BLDG AREA (WITHIN):  
 ACTUAL PROJECT BUILDING AREA:  
 ACCESSORY BLDG AREA (NO WORK):  
 EXISTING PROPERTY (APPROX) AREA:  
 REVISED PROPERTY (APPROX) AREA:  
 BUILDING COVERAGE:  
 GREEN SPACE COVERAGE:  
 OWNER:  
 ARCHITECT:  
 CIVIL ENGINEER:

## GENERAL NOTE

## SCOPE OF WORK

SCOPE OF WORK FOR THE PEE WEE COTTAGE IS LIMITED TO RENOVATION OF EXISTING SINGLE FAMILY RESIDENCE BUILDING AND SITE TO ACCOMMODATE TENANT IMPROVEMENTS INCLUDING: REMOV. OF DOORS & SOME GLASS, PAINT, SHEET ROCK, INSULATION, TILES & TEXTURE, INTERIOR TRIM & FINISHES, CEILING & CEILING TREATMENTS, FLOOR FINISHES, MINOR NON-BEARING PARTITION, FRAMING, CASING, PLUMBING ADJUSTMENTS AT RESTROOM REMODEL, AND ANY REQUIRED REARRANGEMENT OF PIPES FOR INTERIOR SPACE REMODEL, MINOR EXTERIOR FRESH FACELIFTING, MINOR RIVAL DUCT & RESTROOM RELOCATION, MINOR GRADING & DRAINAGE, CONCRETE PLAYWORLD, FENCE WORK AND LANDSCAPING. NO SQUARE FOOTAGE IS BEING ADDED TO THIS STRUCTURE. NO STRUCTURAL MODIFICATIONS TO BEARING CONDITIONS AT EXISTING BUILDING ARE ANTICIPATED. SIGNAGE IS BY OTHERS. DEFECTIVE APPROVAL MUST BE OBTAINED FROM STANISLAUS COUNTY.

## NOTE:

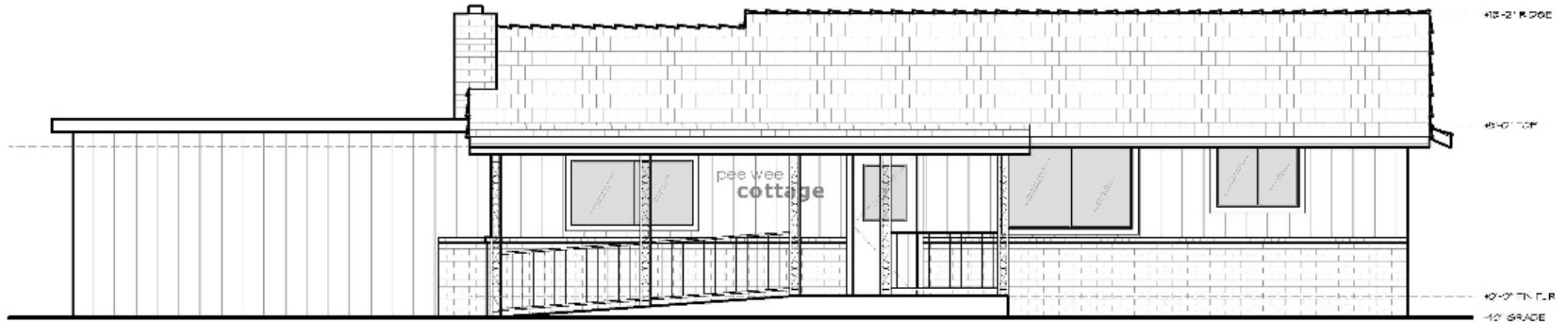
THIS PROJECT IS LIMITED TO THE TENANT IMPROVEMENT CONSISTING OF CONVERTING A RESIDENTIAL HOUSE/LOT TO A BUSINESS. \*YEARLY AIA & LAND-USE ARCHITECTURE & PLANNING DOES NOT TAKE ANY RESPONSIBILITY FOR THE EXISTING STRUCTURE OR EXISTING SYSTEMS AND DOES NOT ASSUME IN ANY WAY THE STATUS OF EXISTING ELEMENTS. ALL NEW WORK TO BE PER 2015 CBC AND RELATED CODES.

EXHIBIT B-5

1 SITE PLAN  
SCALE: 1/8" = 1'-0"

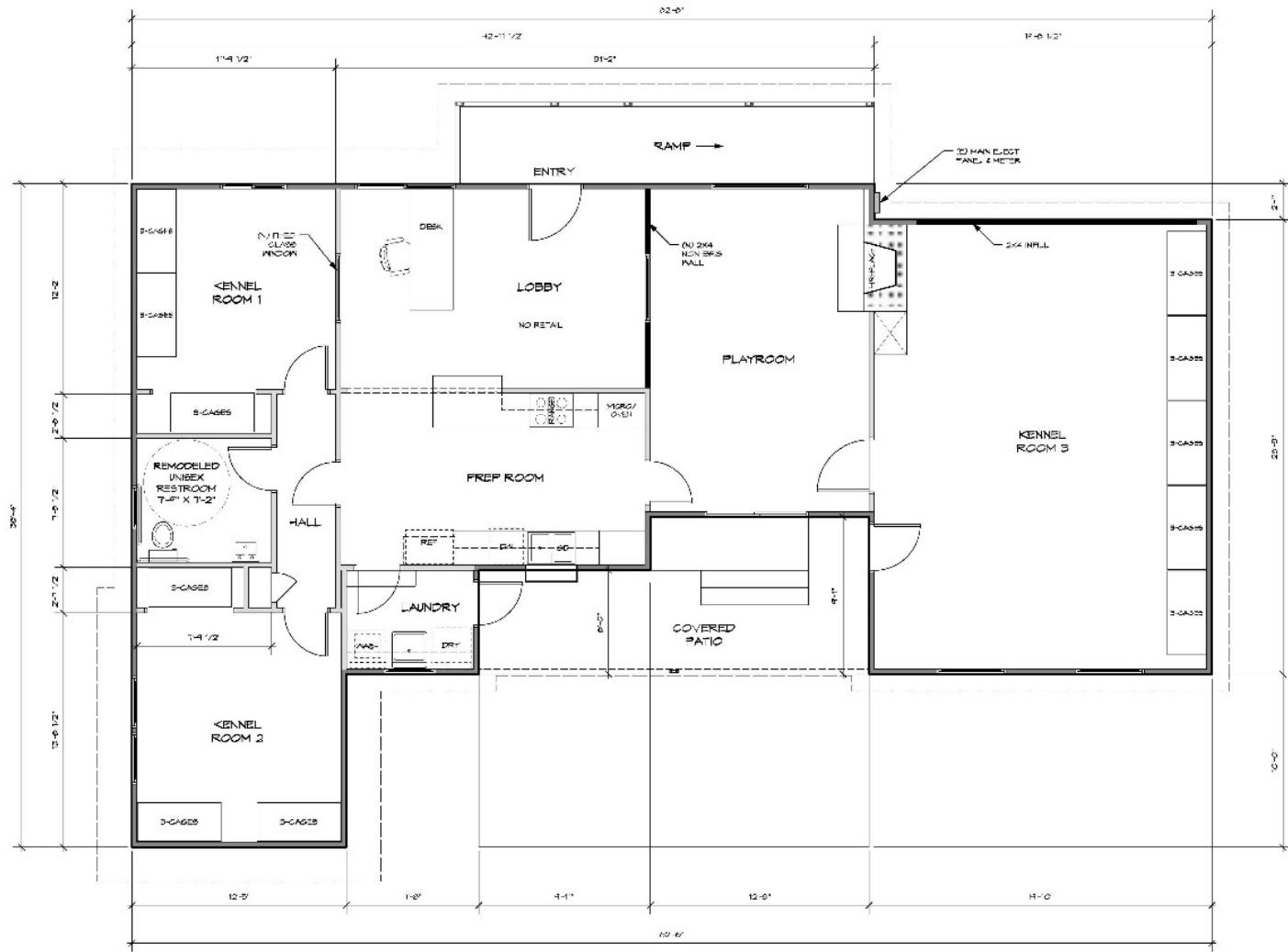


**UP PLN2015-0012  
TOP NOTCH KENNELS- PEE WEE COTTAGE  
ELEVATION**



**2** NORTH ELEVATION  
SCALE: 1/4" = 10"

# UP PLN2015-0012 TOP NOTCH KENNELS- PEE WEE COTTAGE FLOOR PLAN



14

EXHIBIT B-7

1
**FLOOR PLAN**
1,680 SF

SCALE: 1/4" = 10"

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NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 18 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of the following actions must occur: (a) a valid building permit must be obtained to construct the necessary structures and appurtenances; or, (b) the property must be used for the purpose for which the permit is granted. (Stanislaus County Ordinance 21.104.030)

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## **CONDITIONS OF APPROVAL**

### **USE PERMIT APPLICATION NO. PLN2015-0012 TOP NOTCH KENNELS – PEE WEE COTTAGE**

#### **Department of Planning and Community Development**

1. The use 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. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2016), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing 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 **\$2,267.25**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife 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.
3. 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.
4. The applicant/owner 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.
5. 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).
6. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.

7. A sign plan for all proposed on-site signs indicating the location, and height, area of the sign(s) shall be approved by the Planning Director or appointed designee(s) prior to installation.
8. 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.
9. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.
10. Any noise generated on-site shall comply with adopted County noise control standards.
11. All businesses 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).
12. The maximum number of animals boarded on-site shall not exceed thirty-three small breed dogs. Small breed dogs typical do not exceed 20 pounds in weight size.
13. A landscaping plan indicating plan species, initial size, location and method of irrigation shall be approved by the planning director, or designee, at time of building permit review. All landscaping shall be in compliance with County Code and California Model Water Efficiency Landscape Ordinance.
14. The property owner shall provide an independent water supply, if the private water agreement with 3306 Beckwith Court becomes null.

#### **Department of Public Works**

15. An encroachment permit shall be taken out for the driveway on Beckwith Court.
16. Beckwith Court is classified as a 60 foot Local Road. The required width of Beckwith Court is 60 feet. If 60 feet of the road right-of-way does not exist, then the shortage amount to complete a 60-foot right-of-way shall be dedicated with an Irrevocable Offer of Dedication for the entire parcel frontage.
17. A grading and drainage plan for the project site shall be submitted within 90 days of the approval of the Use Permit. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:
  - A. The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.
  - B. The grading and drainage plan shall comply with the current Stanislaus County National Pollutant Discharge Elimination System (NPDES) General Permit and the Quality Control standards for New Development and Redevelopment contained therein.



- C. The grading, drainage, and associated work shall be accepted by Stanislaus County Public Works prior to a final inspection or occupancy, as required by the building permit.
  - D. The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the building and/or grading plan.
  - E. The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.
18. No parking, loading, or unloading of vehicles shall be permitted within the Beckwith Court right-of-way. The developer will be required to install or pay for the installation of all required signs and/or markings.

**California Regional Water Quality Control Board (RWQCB)**

19. Prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if any of the following are required: a Construction Storm Water General Permit; a Storm Water Pollution Prevention Plan (SWPPP); a Phase I and II Municipal Separate Storm Sewer System (MS4) Permit; an Industrial Storm Water General Permit; a Clean Water Act Section 404 Permit; a Clean Water Act Section 401 Permit-Water Quality Certification; or Waste Discharge Requirements (WDR). If a SWPPP is required, it shall be completed prior to construction and a copy shall be submitted to the Stanislaus County Department of Public Works.

**San Joaquin Valley Air Pollution Control District (SJVAPCD)**

20. The proposed project may be subject to District Rules and Regulations, including Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving, and Maintenance Operations). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance office. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).

**Building Permits Division**

21. Building permits are required and the project must conform with the California Code of Regulations, Title 24.
22. A change of occupancy permit shall be finalized within six (6) months of the issuance of the Use Permit.

**Modesto Irrigation District**

23. There is an existing Modesto Irrigation District (MID) irrigation pipeline (Little Shoemake) that runs along the south line of the applicant's property. MID has a 60-foot right-of-way centered on the pipeline (refer to Vol. 10 Misc. Records Page 320 and Vol. 9 Misc. Records Page 269, Stanislaus County Records). No encroachment into the right-of-way is permitted without written authorization from MID.

24. Existing MID electric facilities shall be protected as required by the District's Electric Engineering Department.
25. Relocation or installation of electric facilities shall conform to the District's Electric Service Rules.
26. Costs for relocation and/or under grounding the District's facilities at the request of others will be borne by the requesting party. Estimates for relocating or under grounding existing facilities will be supplied upon request.
27. A 10' Public Utility Easement (PUE) is required along the Beckwith Court street frontage.

#### **Stanislaus Animal Services Agency**

28. Shall comply with all State laws and County Ordinances pertaining to care and treatment of animals, including rabies vaccinations and license compliance.
29. Kennel operator shall take all steps necessary to eliminate and reduce frequency, duration and nighttime barking.
30. A portion of the exterior exercise space shall provide for protection from the elements: heat, dampness, wind etc.
31. The kennel shall be constructed to provide security and insure confinement of dogs.
32. The animals shall be fed at least once daily and must have fresh clean water consistently available. Opened dry dog food must be stored in a sealed metal or plastic container.
33. No diseased animals will be kept in the kennel except on approval of a veterinarian and separate area provided to isolate the diseased or sick animals.
34. The kennel operator will take whatever steps necessary to prevent odors, fly breeding, fleas, and rodents.
35. An annual inspection of the kennel will be made by Animal Services Department personnel to determine compliance with the above standards. Inspections are unannounced visits.

#### **Department of Environmental Resources**

36. On-site wastewater disposal system (OWTS) shall be by individual Primary and Secondary wastewater treatment units.
37. If the project site and the adjacent parcel's (APN: 005-034-021) on-site water well serves an excess of 25 individuals daily at least 60 days a year, it shall be subject to a public water system.

## MITIGATION MEASURES

**(Pursuant to California Public Resources Code 15074.1: Prior to deleting and substituting for a mitigation measure, the lead agency shall do both of the following: 1) Hold a public hearing to consider the project; and 2) Adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.)**

38. Exterior doors shall be weather-stripped and threshold sealed to prevent “leakage” of noise from doors.
  
39. Sound absorptive material shall be added to the underside of the kennel facility roof and to the walls to reduce reflected sound energy with a minimum Noise Reduction Coefficient, NRC of 0.65. Materials to be used shall be certified by a licensed engineer to meet required NRC requirements and be submitted for approval by the Department of Planning and Community Development as part of the projects required building permits.

\*\*\*\*\*

*Please note: If Conditions of Approval/Development Standards 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~~.*



**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

1010 10<sup>th</sup> Street, Suite 3400, Modesto, CA 95354  
Phone: 209.525.6330 Fax: 209.525.5911

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## **CEQA INITIAL STUDY**

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, December 30, 2009

1. **Project title:** Use Permit Application No. PLN2015-0012 - Top Notch Kennels - Pee Wee Cottage (SCH No. 2015032029)
2. **Lead agency name and address:** Stanislaus County  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354
3. **Contact person and phone number:** Timothy Vertino, Assistant Planner  
(209) 525-6330
4. **Project location:** 3306 Beckwith Court, south of Beckwith Road, west of State Highway 99, and west of the City of Modesto (APN 005-034-020).
5. **Project sponsor's name and address:** Keith Landmeier, Yeakel & Landmeier  
Architecture & Planning  
401 Crane Avenue  
Turlock CA, 95380
6. **General Plan designation:** Agriculture
7. **Zoning:** A-2-40 (General Agriculture)
8. **Description of project:**  

Request to establish a dog kennel facility in a converted 1,680 square-foot residential dwelling on a .42 acre parcel. The proposed kennel will board a maximum of 33 small dogs. Existing greenspace in the side and rear yard will accommodate exercise space for the dogs. The dogs will be cared for by the property owner and staff with a maximum of three employees. Staff arrives at 6:00 a.m. and leaves at 9:00 p.m. with the dogs staying overnight.
9. **Surrounding land uses and setting:** To the east a dog kennel and veterinary hospital. To the west an almond orchard. To the north, vacant land, and Beckwith Court and Road. To the south, almond and walnut orchards, and scattered single-family dwellings on surrounding parcels.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** County Animal Services  
Department of Environmental Resources  
Department of Public Works  
Modesto Irrigation District  
Regional Water Quality Control Board

**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.

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural Resources               | <input type="checkbox"/> Geology / Soils                    |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials    | <input type="checkbox"/> Hydrology / Water Quality          |
| <input type="checkbox"/> Land Use / Planning      | <input type="checkbox"/> Mineral Resources                | <input checked="" type="checkbox"/> Noise                   |
| <input type="checkbox"/> Population / Housing     | <input type="checkbox"/> Public Services                  | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems      | <input type="checkbox"/> 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.

Timothy Vertino  
Signature

March 2, 2016 (amended April 26, 2016)  
Date

## **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, than 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). References 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	

**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 agricultural or residential subdivisions. The proposed use will take place in an existing single family dwelling; therefor, no aesthetic changes will be made. Any development resulting from this project will be consistent with existing area developments.

To prevent glare onto neighboring properties, 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). This will be reflected within the Conditions of Approval for the project.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.

II. AGRICULTURE AND FOREST 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. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- 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) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

**Discussion:** The project site is not enrolled in a Williamson Act Contract, and the existing footprint of the parcel will not change. According to the Department of Conservation Important Farmland Map the land has been classified as Urban and Built-Up Land. This land classification is described by land that is occupied by structures with a building density of at least one unit to 1.5 acres parcel.

The proposed project is considered a permitted use in the A-2 (General Agriculture) zone by obtaining a Tier III Use Permit. Tier III uses are not directly related to agriculture but may be necessary to serve the A-2 District or may be difficult to locate in an urban area.

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 resulting from the interaction of agricultural and non-agricultural uses. Current buffer guidelines require a project to provide a 150-foot setback, solid fencing and a double row of landscaping around the perimeter of the proposed operation.

However, staff believes that this Tier III Use Permit is not a people intensive use, as the project has proposed a maximum of three employees per shift. Therefore, the applicant has proposed an alternative agricultural buffer, which consists of a six foot chain link fence with trees/hedges along the fence or landscaping vine on the fence to replace the existing older wooden fence at the western and southern boundaries.

**Mitigation:** None.

**References:** State of California Department of Conservation Farmland Mapping and Monitoring Program-Stanislaus County Farmland 2010 [http://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/sta14\\_no.pdf](http://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/sta14_no.pdf); and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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	



<b>d) Expose sensitive receptors to substantial pollutant concentrations?</b>			<b>X</b>	
<b>e) Create objectionable odors affecting a substantial number of people?</b>			<b>X</b>	

**Discussion:** The proposed project is located within the San Joaquin Valley Air Basin (SJVAB) and, therefore, falls under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In conjunction with the Stanislaus Council of Governments (StanCOG), the SJVAPCD is responsible for formulating and implementing air pollution control strategies. The SJVAPCD's most recent air quality plans are the 2007 PM10 (respirable particulate matter) Maintenance Plan, the 2015 for the 1997 PM2.5 standard (fine particulate matter), and the 2007 Ozone Plan (The District has also adopted similar ozone plans such as 2014 RACT SIP and 2013 Plan for the Revoked 1-Hour Ozone Standard). These plans establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SJVAB, which has been classified as "extreme non-attainment" for ozone, "attainment" for respirable particulate matter (PM-10), and "non-attainment" for PM 2.5, as defined by the Federal Clean Air Act.

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. Any additional traffic created by this parcel map would be for normal residential uses if single family dwellings are constructed, and or farming purposes. Therefore, these changes will create a less than significant impact on air quality.

Construction activities associated with new development can temporarily increase localized PM10, PM2.5, volatile organic compound (VOC), nitrogen oxides (NOX), sulfur oxides (SOX), and carbon monoxide (CO) concentrations a project's vicinity. The primary source of construction-related CO, SOX, VOC, and NOX emission is gasoline and diesel-powered, heavy-duty mobile construction equipment. Primary sources of PM10 and PM2.5 emissions are generally clearing and demolition activities, grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed surfaces.

The project was referred to the SJVAPCD on March 6, 2015, but no response was received to date. Standard Conditions of Approval will be placed on the project requiring compliance with applicable SJVAPCD regulations.

**Mitigation:** None.

**References:** San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>IV. BIOLOGICAL RESOURCES -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>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?</b>			<b>X</b>	
<b>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 U.S. Fish and Wildlife Service?</b>			<b>X</b>	

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:** Consequently, it does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. There are no known sensitive or protected species or natural communities located on the site and/or in the surrounding area.

**Mitigation:** None.

**References:** California Department of Fish and Game California Natural Diversity Database; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>

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 § 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 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	

**Discussion:** As the site has been previously developed and no new building construction is being proposed, the potential for disturbing cultural and/or historical resources is minimal. It does not appear that this project will result in significant impacts to any archaeological or cultural resources. A condition of approval will be placed on the project requiring that, if any resources are found, construction activities will halt at that time. The project was referred to the Native American Heritage Commission via the State Clearinghouse on March 6, 2015, but no response has been received to date.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>

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 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 Five 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 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 as part of the building permit process. 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 consider 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 (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>

VII. GREENHOUSE GAS EMISSIONS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

**Discussion:** The proposed dog kennel facility is not expected to generate significant levels of greenhouses gases. The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources. The applicant has provided a traffic count, which indicated that on an average day the dog kennel has 19.5 clients (one automobile per client) on site for approximately 15 minutes per trip.

The project was referred to the SJVACPD on March 6, 2015 but no referral response was received to date.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>

VIII. 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

**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.

DER is responsible for overseeing hazardous materials in this area. The project was referred to the DER Hazardous Materials Division (HazMat) via the Environmental Review Committee (ERC), but no response has been received to date.

The EnviroStor database was accessed to determine if any of the properties were listed as potential hazardous waste or superfund sites, 3306 Beckwith Court was not identified as a hazardous site.

**Mitigation:** None.

**References:** Application information; Department of Toxic Substances Control (<http://www.envirostor.dtsc.ca.gov>); Stanislaus County General Plan and Support Documentation<sup>1</sup>

IX. 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, Panel 06099C0325E. 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. No grading is being proposed, and all run-offs will stay on site.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>X. LAND USE AND PLANNING -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Physically divide an established community?</b>				<b>X</b>
<b>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?</b>			<b>X</b>	
<b>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</b>				<b>X</b>

**Discussion:** The site is zoned A-2-40 General Agriculture). Dog kennels are permitted by obtaining a Tier III Use Permit in the A-2 zone. The proposal is not known to conflict with any State agency or County policies with jurisdiction over the land which would be affected by this proposal. The project will not conflict with any applicable habitat conservation plan or natural community conservation plan.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XI. MINERAL RESOURCES -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>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?</b>			<b>X</b>	
<b>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?</b>			<b>X</b>	

**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<sup>1</sup>

<b>XII. NOISE -- Would the project result in:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>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?</b>		<b>X</b>		
<b>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</b>			<b>X</b>	
<b>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</b>			<b>X</b>	

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 Stanislaus County General Plan identifies noise levels up to 75 dB Ldn (or CNEL) as the normally acceptable level of noise for agricultural, industrial, manufacturing, and other similar land uses. There are no residential dwellings on parcels adjacent to the proposed kennel. The nearest sensitive noise receptor is a residential home 300± feet north from of the existing facility footprint. To the east of the project site is an existing dog kennel, and a veterinary hospital. The adjacent dog kennel, Top Notch Kennels (PLN 20040-0030) submitted a noise study (Brown-Buntin Associates on 08/18/04), which showed that the noise levels produced were below the County’s hourly noise level standards.

In a memo from the applicant’s architect, the project has accepted the same mitigation measures to insure that noise is not a nuisance to surrounding properties.

**Mitigation:** ~~1. Weather strip exterior doors and providing threshold seals. This will prevent “leakage” of noise from the doors.~~

**1. Exterior doors shall be weather-striped and threshold sealed to prevent “leakage” of noise from doors.**

~~2. Sound absorptive material shall be added to the underside of the kennel roof and to the walls to reduce reflected sound energy with a minimum Noise Reduction Coefficient, NRC of 0.65. The material should keep the exterior noise levels at or below the county level of 75 dB Ldn (or CNEL). The material must also be approved by a licensed engineer and the Department of Planning and Community Development.~~

**2. Sound absorptive material shall be added to the underside of the kennel facility roof and to the walls to reduce reflected sound energy with a minimum Noise Reduction Coefficient, NRC of 0.65. Materials to be used shall be certified by a licensed engineer to meet required NRC requirements and be submitted for approval by the Department of Planning and Community Development as part of the projects required building permits.**

**References:** Noise memo from applicant dated February 5, 2016; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>

XIII. 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	

<b>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</b>				<b>X</b>
--	--	--	--	----------

**Discussion:** The proposed project is consistent with the General Plan and Zoning Ordinance. The proposed project does not include new residential development, which would create an increase in population or housing.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XIV. PUBLIC SERVICES --</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Would the project result in the 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:</b>				
<b>Fire protection?</b>			<b>X</b>	
<b>Police protection?</b>			<b>X</b>	
<b>Schools?</b>			<b>X</b>	
<b>Parks?</b>			<b>X</b>	
<b>Other public facilities?</b>			<b>X</b>	

**Discussion:** The County has adopted a standardized mitigation measure requiring payment of all applicable 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. A condition of approval has also been added to ensure that both the existing and proposed structures comply with all applicable fire department standards with respect to access and water for fire protection.

The project was referred to Salida Fire Department and the Sheriff's Department, but no comments were received to date.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XV. RECREATION --</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>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?</b>			<b>X</b>	
<b>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?</b>			<b>X</b>	

**Discussion:** As the existing dwelling is being converted to a commercial use, there is no additional increase to the use of or need of recreational facilities. The project will not create any impacts of parks or recreational demands.

**Mitigation:** None.



**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XVI. TRANSPORTATION/TRAFFIC -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards 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) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X

**Discussion:** The project anticipates an average of 19.5 clients over a 10 hour period (8:00 a.m. to 6:00 p.m.), with one client per car. The project site has five (5) dedicated parking spaces, including one (1) ADA accessible parking space in the side-rear yard.

The Stanislaus County Public Works Department has identified Beckwith Court as a 60 foot Local Road, although the existing road width is 40 feet. An Irrevocable Offer of Dedication is required for the remaining 20 feet along the entire parcel frontage.

**Mitigation:** None.

**References:** Referral response from Public Works dated March 16, 2015; application information; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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				X

drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				
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:** The project site is served by a septic system with a 1500 gallon tank and 450 square feet of leach field. The project parcel (3306 Beckwith Court) currently does not have an independent water supply. The adjacent parcel to the east (3302 Beckwith Court) has agreed to supply domestic water to the project site.

A Modesto Irrigation District (M.I.D.) 60-foot wide irrigation easement runs along the southern property line. The project is not proposing any new structures, but any future development occurring within this easement will need written approval from the irrigation district. M.I.D. has also commented that a 10 foot Public Utility Easement (PUE) is required along Beckwith Court.

**Mitigation:** None.

**References:** Referral response from Modesto Irrigation District dated February 24, 2016; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>

XVIII. 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.

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<sup>1</sup>Stanislaus 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 August 28, 2012; ***Circulation Element*** and ***Noise Element*** adopted on April 18, 2006.

## MITIGATED NEGATIVE DECLARATION

**NAME OF PROJECT:** Use Permit Application No. PLN2015-0012 – Top Notch Kennels – Pee Wee Cottage. (SCH No. 2015082043)

**LOCATION OF PROJECT:** 3306 Beckwith Court, south of Beckwith Road, west of State Highway 99, and west of the City of Modesto. APN: 005-034-020

**PROJECT DEVELOPER:** Keith Landmeier, Yeakel & Landmeier Architecture & Planning. 401 Crane Avenue Turlock CA, 95380

**DESCRIPTION OF PROJECT:** Request to establish a dog kennel facility in a converted 1,680 square-foot residential dwelling on a .42 acre parcel in the A-2-40 (General Agriculture) zoning district. The project site is located at 3306 Beckwith Court, south of Beckwith Road, west of State Highway 99, and west of the City of Modesto. The proposed kennel will board a maximum of 33 small dogs.

Based upon the Initial Study, dated **March 2, 2016 (amended April 26, 2016)**, 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 aforementioned findings are contingent upon the following mitigation measures (if indicated) which shall be incorporated into this project. The strikethrough text indicates the previously circulated mitigation measures, and the bold represents the new amended mitigation measures.

~~1. Weather-strip exterior doors and threshold seals shall be installed to prevent "leakage" of noise from doors.~~

**1. Exterior doors shall be weather-striped and threshold sealed to prevent "leakage" of noise from doors.**

~~2. Sound absorptive material shall be added to the underside of the kennel roof and to the walls to reduce reflected sound energy with a minimum Noise Reduction Coefficient, NRC of 0.65. The material should keep the exterior noise levels at or below the county level of 75 dB Ldn (or CNEL). The material must also be approved by a licensed engineer and the Department of Planning and Community Development.~~

**2. Sound absorptive material shall be added to the underside of the kennel facility roof and to the walls to reduce reflected sound energy with a minimum Noise Reduction Coefficient, NRC of 0.65. Materials to be used shall be certified by a licensed engineer to meet required NRC requirements and be submitted for approval by the Department of Planning and Community Development as part of the projects required building permits.**

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: Timothy Vertino, Assistant Planner

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

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# Stanislaus County

## Planning and Community Development

1010 10th Street, Suite 3400  
Modesto, CA 95354

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

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### Mitigation Monitoring and Reporting Program

Adapted from CEQA Guidelines sec. 15097 Final Text, October 26, 1998

**MARCH 2, 2016 (amended APRIL 26, 2016)**

1. Project title and location: Use Permit Application No. PLN2015-0012 – Top Notch Kennels – Pee Wee Cottage. (SCH No. 2015082043)  
  
3306 Beckwith Court, west of State Highway 99, and west of the City of Modesto. APN: 005-034-020
2. Project Applicant name and address: Lisa Moore  
3302 Beckwith Court  
Modesto CA, 95358
3. Person Responsible for Implementing Mitigation Program (Applicant Representative): Keith Landmeier  
Yeakel & Landmeier Architecture & Planning  
401 Crane Avenue Turlock CA, 95380
4. Contact person at County: Timothy Vertino, Assistant Planner (209) 525-6330

#### MITIGATION MEASURES AND MONITORING PROGRAM:

List all Mitigation Measures by topic as identified in the Mitigated Negative Declaration and complete the form for each measure.

#### XII. NOISE

- No. 1 Mitigation Measure: ~~Weather-strip exterior doors and threshold seals shall be installed to prevent "leakage" of noise from doors.~~

**Exterior doors shall be weather-striped and threshold sealed to prevent "leakage" of noise from doors.**

- |   |  |
|---|--|
| Who Implements the Measure:             | Applicant  |
| When the measure should be implemented: | Prior to issuance of a building permit   |
| When should it be completed:            | Prior to issuance of Change of Occupancy Permit  |
| Who verifies compliance:                | Stanislaus County Planning and Community Development Department, Building Permits Division |
| Other Responsible Agencies:             | N/A  |

No. 2 Mitigation Measure: ~~Sound absorptive material shall be added to the underside of the kennel roof and to the walls to reduce reflected sound energy with a minimum Noise Reduction Coefficient, NRC of 0.65. The material should keep the exterior noise levels at or below the county level of 75 dB Ldn (or CNEL). The material must also be approved by a licensed engineer and the Department of Planning and Community Development.~~

**Sound absorptive material shall be added to the underside of the kennel facility roof and to the walls to reduce reflected sound energy with a minimum Noise Reduction Coefficient, NRC of 0.65. Materials to be used shall be certified by a licensed engineer to meet required NRC requirements and be submitted for approval by the Department of Planning and Community Development as part of the projects required building permits.**

Who Implements the Measure:	Applicant
When the measure should be implemented:	Prior to issuance of a building permit
When should it be completed:	Prior to issuance of a change of occupancy permit
Who verifies compliance:	Stanislaus County Planning and Community Development Department, Building Division
Other Responsible Agencies:	N/A

I, the undersigned, do hereby certify that I understand and agree to be responsible for implementing the Mitigation Program for the above listed project.

Signature on file.  
Person Responsible for Implementing  
Mitigation Program

4/28/2016  
Date

**ACOUSTICAL ANALYSIS**  
**TOP NOTCH KENNEL, SECOND PHASE**  
**STANISLAUS COUNTY, CALIFORNIA**

**PREPARED FOR**

**TOP NOTCH KENNELS, INC.**  
**3302 BECKWITH COURT**  
**MODESTO, CALIFORNIA 95358**

**PREPARED BY**

**BROWN-BUNTIN ASSOCIATES, INC.**  
**VISALIA, CALIFORNIA**

**AUGUST 18, 2004**



## INTRODUCTION

Top Notch Kennel is located south of Beckwith Court and west of the Union Pacific Railroad and Highway 99 near Modesto in Stanislaus County. The second phase of the kennel proposes a second metal/masonry building identical to the building constructed for the first phase. An acoustical analysis of the project has been requested by Stanislaus County. Figure 1 shows the existing and future kennel buildings.

Appendix A provides definitions of the acoustical terminology used in this report. Unless otherwise stated, all sound levels reported in this analysis are A-weighted sound pressure levels in decibels (dB). A-weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear. Most community noise standards utilize A-weighted sound levels, as they correlate well with public reaction to noise.

## NOISE CRITERIA

The Stanislaus County General Plan Noise Element sets noise compatibility standards. For noise sources that can be controlled by the County (e.g., commercial and industrial uses), the County sets a noise level standard of 60 dB DNL or less at noise-sensitive locations, *and* the hourly standards shown in Table I.

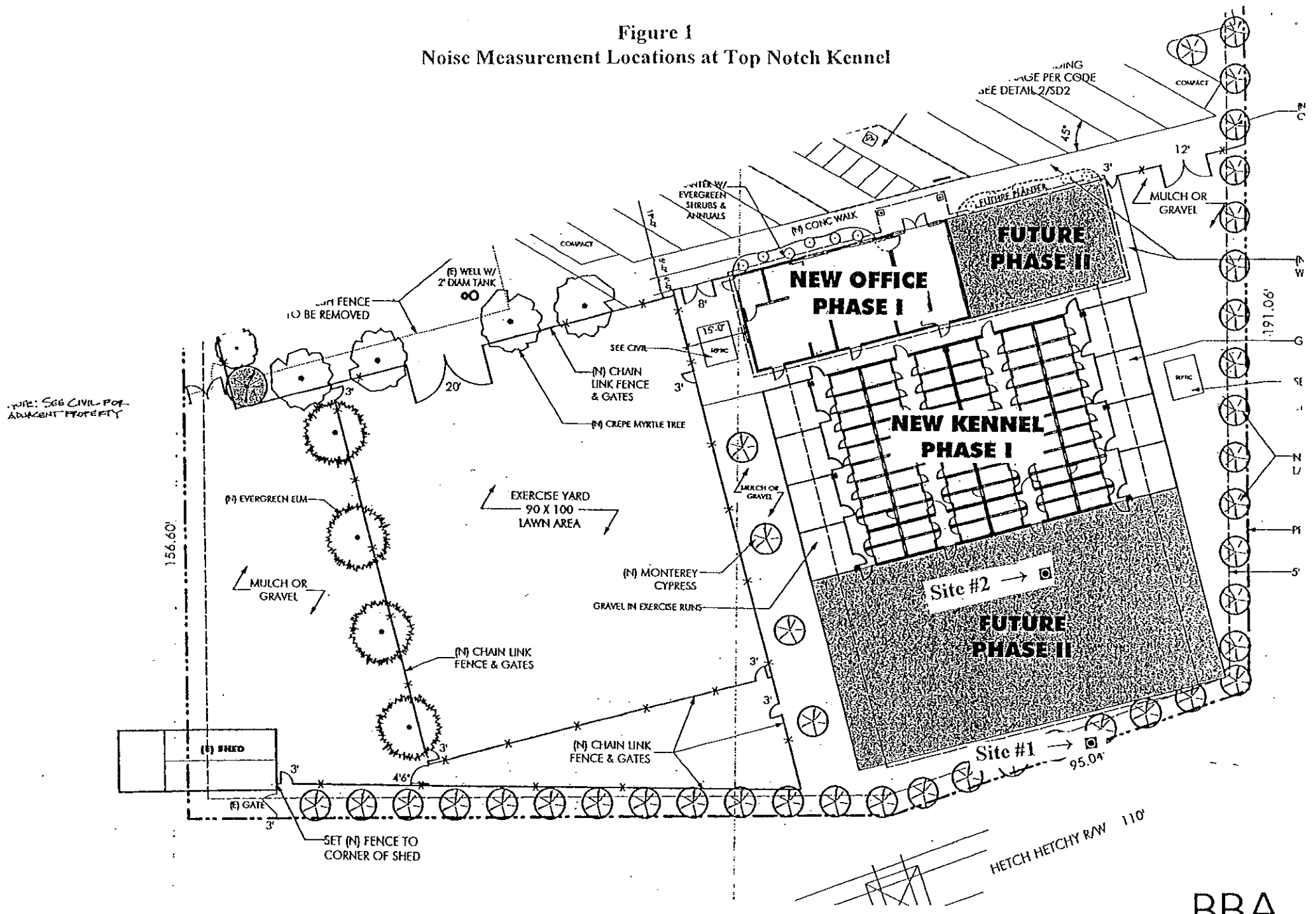
TABLE I			
STANISLAUS COUNTY HOURLY NOISE STANDARDS			
Category	Cumulative No. Min. in any One-Hour Time Period ( $L_n$ )*	Daytime 7:00 a.m.-10:00 p.m.	Nighttime 10:00 p.m.-7:00 a.m.
1	30 ( $L_{50}$ )	50	45
2	15 ( $L_{25}$ )	55	50
3	5 ( $L_8$ )	60	55
4	1 ( $L_2$ )	65	60
5	0 ( $L_{max}$ )	70	65
<p>*The <math>L_n</math> represents the percentage of time a noise level is exceeded during an hour. For example, the <math>L_{50}</math> is the noise level exceeded 50% of the time, the <math>L_{25}</math> is the level exceeded 25% of the time, etc.</p>			
<p>Source: Brown-Buntin Associates, Inc.</p>			

## BACKGROUND NOISE ENVIRONMENT

The Top Notch Kennel is located near the U.P. rail line, Highway 99 and Beckwith Road. All of these are major sources of noise.

The U.P. carries about 39 freight trains/day. Based on train noise level measurements at other locations conducted by Brown-Buntin Associates, Inc., maximum ( $L_{max}$ ) noise levels from train passbys can range from about 74 to 86 dBA at 150 feet. The distance from the tracks to the 60 dB DNL contour is approximately 500 feet.

Figure 1  
Noise Measurement Locations at Top Notch Kennel



Highway 99 currently carries about 78,000 vehicles/day near the Beckwith Road over crossing. About 1 in 5 vehicles on the freeway is a truck. The distance from the center of Highway 99 to the 60 dB DNL contour is approximately 2000-2300 feet.

## KENNEL NOISE

The source of noise from a kennel is, of course, barking dogs. Although individual dogs may bark at any time, the time periods when many of the dogs are barking is during the morning or evening feeding periods, which occur about 8:00 a.m. and 5:00 p.m. for about 15-minute periods. During these times the dogs are confined in their runs.

Two sets of noise measurements were conducted on July 14, 2004. Measurement equipment consisted of a Larson-Davis Model 820 sound level meter equipped with a Bruel & Kjaer Type 4176 ½" microphone. The meter was calibrated before use to ensure the accuracy of the results.

One measurement was conducted at the south property line of the kennel property (66 feet south of the kennel). The roll-up doors of the runs were open during this measurement. Although the dogs were audible, much of the noise was produced by traffic on S.R. 99 and Beckwith Road so it was not possible to measure noise that only originated from the kennel. Noise levels from this location (Site 1) are shown in Table II. The second measurement was with doors closed. This measurement more closely emulates the proposed Phase II kennel building, which will be fully enclosed. The second measurement was conducted 15 feet from the kennel because the barking could not be discerned at the property line location. The second location is noted as Sited 2 in Table II. Figure 1 shows the noise measurement locations.

TABLE II						
NOISE LEVELS MEASURED FROM EXISTING KENNEL						
Location, Doors	$L_{eq}$	$L_{max}$	$L_2$	$L_8$	$L_{25}$	$L_{50}$
Site #1 (66' from Kennel) doors open*	66	72	71	67	67	65
Site #2 (15' from Kennel), doors closed	62	67	67	66	63	61
*Includes traffic noise.						
Source: Brown-Buntin Associates, Inc.						

The Phase II kennel building is proposed just south of the existing Phase I building. It will be approximately 150 feet from the nearest residence to the south. Based on the standard assumption that noise from a point source will diminish at the rate of 6 dB for each doubling of distance, the noise reduction from 15 feet to 150 feet is 20 dB.

Since the kennel noise duration is about 15 minutes, which occurs in the daytime hours, the appropriate hourly standard is the  $L_{25}$  which is 55 dBA (see Table I). The projected noise level at the residence maybe calculated by subtracting 20 dBA from the  $L_{25}$  noise level measured at

Site #2. That value is 43 dBA (63 dBA-20 dBA = 43 dBA). This noise level satisfies the hourly L<sub>25</sub> 55 dBA County standard.

The County also applies a 60 dB DNL standard. The DNL may be calculated by the following formula:

$$L_{dn} = 10 \log 1/24 [D \times 10^{(L_d/10)} + N \times 10^{(L_n+10)/10}]$$

Where,

L<sub>d</sub> is the L<sub>eq</sub> for one daytime hour (7 a.m.-10 p.m.),

L<sub>n</sub> is the L<sub>eq</sub> for one nighttime hour (10 p.m.-7 a.m.),

D is the number of daytime hours the barking takes place, and

N is the number of nighttime hours the barking takes place.

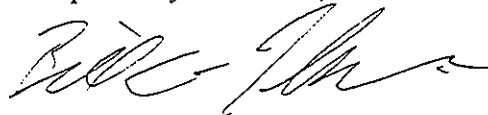
As previously mentioned, the duration of dog barking is about 15 minutes in the morning and 15 minutes in the early evening, all of which takes place in the daytime hours. Using the L<sub>eq</sub> values measured from Site #2, the DNL at 15 feet is 45 dB. At the nearest residence, applying the previously described distance factor, the DNL would be about 25 dB. This easily satisfies the County's 60 dB DNL compatibility standard.

## MITIGATION

Mitigation of noise levels is not required since noise levels will not exceed the County's hourly noise level standards (Table I) or the 60 dB DNL County criterion. However, the applicant wishes to provide measures that will reduce noise below the minimum requirements. These measures could include:

1. Carefully weather-stripping exterior doors and providing threshold seals. This will prevent "leakage" of noise from the door.
2. Applying absorptive material to selected areas on the wall and ceiling of the Phase II kennel building. This will prevent reverberation of noise in the building which will limit the amount of noise escaping through the walls.

Respectfully submitted,



Bill C. Thiessen  
Senior Consultant

BCT:dm

## APPENDIX A

### ACOUSTICAL TERMINOLOGY

**AMBIENT NOISE LEVEL:** The composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.

**CNEL:** Community Noise Equivalent Level. The average equivalent sound level during a 24-hour day, obtained after addition of approximately five decibels to sound levels in the evening from 7:00 p.m. to 10:00 p.m. and ten decibels to sound levels in the night before 7:00 a.m. and after 10:00 p.m.

**DECIBEL, dB:** A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

**DNL/L<sub>dn</sub>:** Day/Night Average Sound Level. The average equivalent sound level during a 24-hour day, obtained after addition of ten decibels to sound levels in the night after 10:00 p.m. and before 7:00 a.m.

**L<sub>eq</sub>:** Equivalent Sound Level. The sound level containing the same total energy as a time varying signal over a given sample period. L<sub>eq</sub> is typically computed over 1, 8 and 24-hour sample periods.

**NOTE:** The CNEL and DNL represent daily levels of noise exposure averaged on an annual basis, while L<sub>eq</sub> represents the average noise exposure for a shorter time period, typically one hour.

**L<sub>max</sub>:** The maximum noise level recorded during a noise event.

**L<sub>n</sub>:** The sound level exceeded "n" percent of the time during a sample interval (L<sub>90</sub>, L<sub>50</sub>, L<sub>10</sub>, etc.). For example, L<sub>10</sub> equals the level exceeded 10 percent of the time.

## ACOUSTICAL TERMINOLOGY

**NOISE EXPOSURE  
CONTOURS:**

Lines drawn about a noise source indicating constant levels of noise exposure. CNEL and DNL contours are frequently utilized to describe community exposure to noise.

**NOISE LEVEL  
REDUCTION (NLR):**

The noise reduction between indoor and outdoor environments or between two rooms that is the numerical difference, in decibels, of the average sound pressure levels in those areas or rooms. A measurement of "noise level reduction" combines the effect of the transmission loss performance of the structure plus the effect of acoustic absorption present in the receiving room.

**SEL or SENEL:**

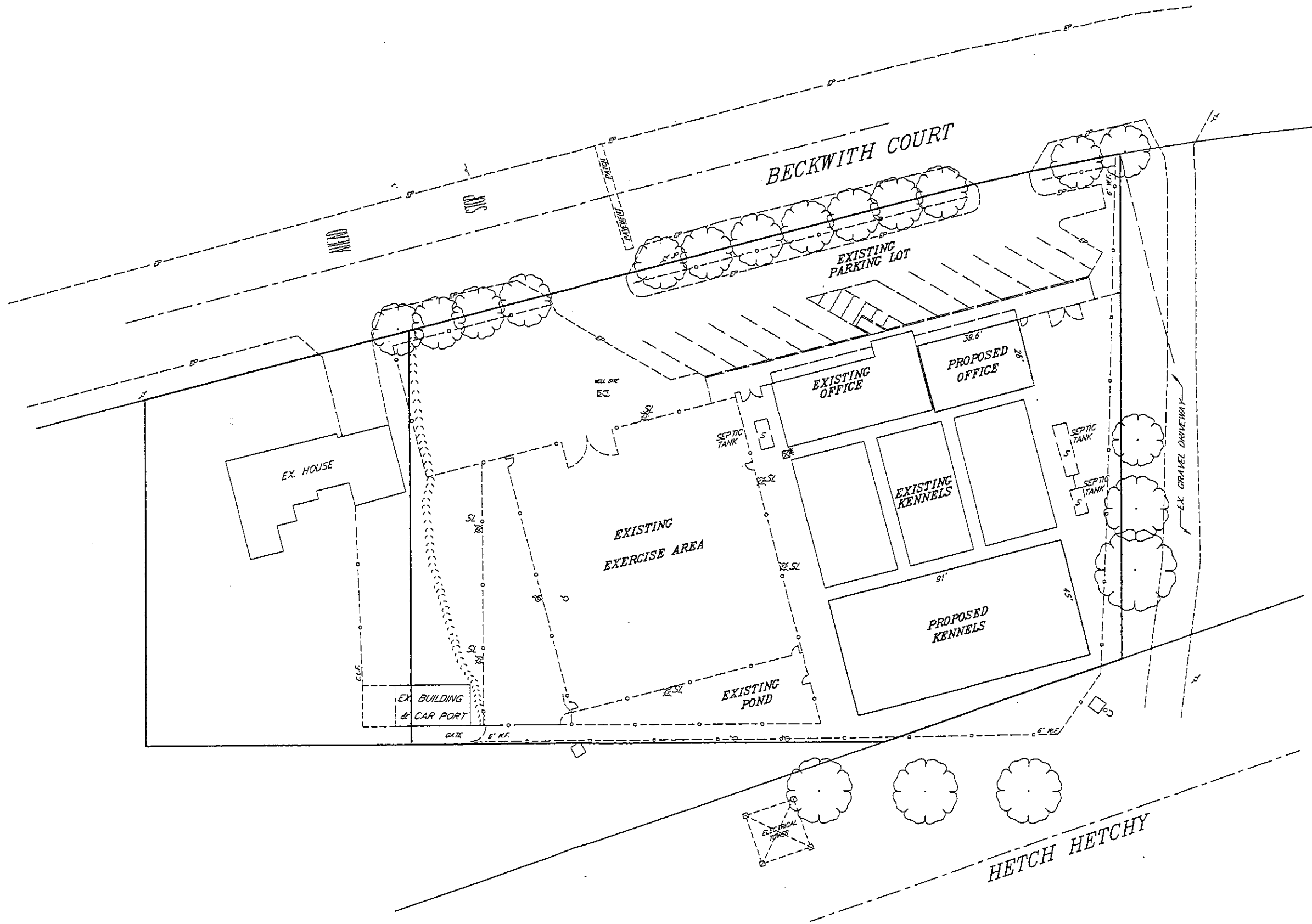
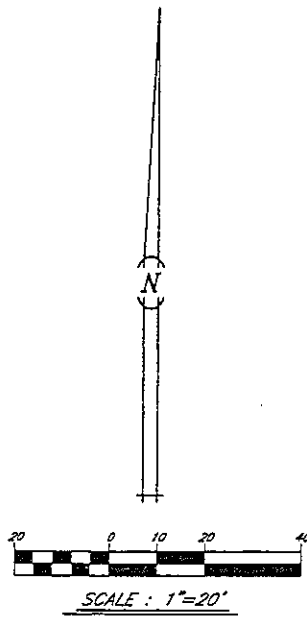
Sound Exposure Level or Single Event Noise Exposure Level. The level of noise accumulated during a single noise event, such as an aircraft overflight, with reference to a duration of one second. More specifically, it is the time-integrated A-weighted squared sound pressure for a stated time interval or event, based on a reference pressure of 20 micropascals and a reference duration of one second.

**SOUND LEVEL:**

The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the response of the human ear and gives good correlation with subjective reactions to noise.

**SOUND TRANSMISSION  
CLASS (STC):**

The single-number rating of sound transmission loss for a construction element (window, door, etc.) over a frequency range where speech intelligibility largely occurs.



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**CONSTRUCTION STAKING LIABILITY WAIVER**  
 THESE IMPROVEMENT PLANS HAVE BEEN PREPARED WITH THE INTENT THAT THE FIRM OF HAWKINS & ASSOCIATES ENGINEERING WILL BE PERFORMING THE CONSTRUCTION STAKING FOR THE COMPLETE PROJECT. IF, HOWEVER, ANOTHER ENGINEERING AND/OR SURVEYING FIRM SHOULD BE EMPLOYED TO USE THESE PLANS FOR THE PURPOSE OF CONSTRUCTION STAKING, NOTICE IS HEREBY GIVEN THAT THE FIRM OF HAWKINS & ASSOCIATES ENGINEERING WILL NOT ASSUME ANY RESPONSIBILITY FOR ERRORS OR OMISSIONS, IF ANY, WHICH MIGHT OCCUR AND WHICH COULD HAVE BEEN AVOIDED, CORRECTED OR MITIGATED IF HAWKINS & ASSOCIATES ENGINEERING HAD PERFORMED THE STAKING WORK.

**CALL USA, TOLL FREE**  
**800-642-2444**  
 BEFORE PLANTING TREES, TRENCHING, POST HOLEING, BLASTING, GRADING, EXCAVATING, BORING, DRILLING, ETC. CALL UNDERGROUND SERVICE ALERT FOR UNDERGROUND CLEARANCE. THEY WILL PROVIDE INFORMATION OR LOCATE AND MARK UNDERGROUND FACILITIES FOR YOU.

R.C.E. 50188  
 R.C.E. 31900, L.S. 4709  
 RODRICK H. HAWKINS  
 CROLIE E. LINDSAY  
 BY: FBSCHE  
 CHK: RHH  
 DATE: 12/2004  
 SCALE: 1"=20'  
 JOB #: 2835B  
 FILE: BASE

DESCRIPTION OF REVISION  
 BY: DATE

**CALCULATED SITE PLAN**  
**TOP NOTCH DOG KENNELS**  
 STANISLAUS COUNTY, CALIFORNIA

**HAWKINS & ASSOCIATES**  
**ENGINEERING**  
 436 MITCHELL ROAD  
 MODESTO, CA. 95354  
 PH: (209) 575 - 4295  
 FX: (209) 578 - 4295



**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**

**PROJECT: USE PERMIT APPLICATION NO. PLN2015-0012- TOP NOTCH KENNELS - PEE WEE COTTAGE**

REFERRED TO:	RESPONDED			RESPONSE			MITIGATION MEASURES		CONDITIONS			
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF CONSERVATION: Land Resources	X	X	X		X							
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF TRANSPORTATION DIST 10	X	X	X		X							
CA DEPT OF WATER RESOURCES	X	X	X		X							
CA OPR STATE CLEARINGHOUSE	X	X	X		X							
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X				X		X	X	
CITY OF: MODESTO	X	X	X		X							
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: SALIDA	X	X	X		X							
IRRIGATION DISTRICT: MODESTO	X	X	X		X			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							
RAILROAD: UNION PACIFIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X		X					X	X	
SCHOOL DISTRICT 1: HART-RANSOM	X	X	X		X							
SCHOOL DISTRICT 2: MODESTO	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO ANIMAL SERVICES	X	X	X	X				X		X	X	
STAN CO BUILDING PERMITS DIVISION	X	X	X		X							
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X	X				X		X	X	
STAN CO ERC	X	X	X	X				X		X		X
STAN CO HAZARDOUS MATERIALS	X	X	X		X							
STAN CO PUBLIC WORKS	X	X	X	X				X		X	X	
STAN CO SHERIFF	X	X	X		X							
STAN CO SUPERVISOR DIST 3: WITHROW	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS	X	X	X									
TELEPHONE COMPANY: AT&T	X	X	X		X							
US MILITARY AGENCIES (SB 1462) (5 agencies)	X	X	X		X							