

June 26, 2002

To: Sutter County Planning Commission

Re: Agenda Item #11: Public Hearing on Use Permit #02-13 to allow a small animal veterinary clinic; AG (General Agricultural) District; located at the northeast corner of Riviera Road and Highway 99, A. P. #09-010-009; applicant/property owner - Robert Gebhard (Location: District 1 - Commissioner Capaul)

Current Proposal

A. Project Description:

The project is a use permit to allow a small animal veterinary clinic on a 1.95 acre parcel. If approved, the applicant would construct a 2,500 square foot (50'x50') veterinary hospital to accommodate 3-4 employees, clients and their animals.

B. Environmental Consideration:

An Initial Study was prepared in accordance with the California Environmental Quality Act and the Guidelines. The study revealed that the project, as proposed, would not have a significant impact on the environment. Therefore, if the Planning Commission wishes to approve the project, staff recommends that the Commission adopt the attached Negative Declaration.

Background

A. Property Description:

The project is proposed on a 1.95 acre parcel that is currently vacant. The site previously had a single family residence that has been removed. The subject parcel contains approximately 280' of frontage along County maintained Riviera Road and 350' on State Highway 99. If approved, the applicant/owner proposes to submit a lot line adjustment to increase the parcel size to 2.66 acres. The increase to the parcel would provide for necessary additional leach field area.

B. Surrounding Land Use, Zoning District and General Plan Designation:

| | Use | Zoning | General Plan |
|-------------------------|--------------|--------|--------------|
| Subject Property | Vacant | AG | Ag-20 |
| North | Orchard | AG | Ag-20 |
| East | Orchard | AG | Ag-20 |
| South | Orchard | AG | Ag-20 |
| West | Highway/UPRR | AG | Ag-20 |

C. Previous Commission Actions/Policies:

There is no record of any previous action for this parcel.

Staff Comments

A. Fire Services (FS):

1. Water supply for fire protection required. Required flow is 1500 gpm, per Section 903 of the 1997 Uniform Fire Code (UFC).
2. Fire Department access roads shall be provided and maintained in accordance with Section 901 and 902 of the UFC.

B. Environmental Health Division (EH):

Conditions proposed by Environmental Health Division have been incorporated as conditions of approval.

C. Live Oak Unified School District (LOUSD):

Developer fees are expected to be paid to Live Oak Unified School District in the amount of \$0.31 per square foot.

D. Office of Sheriff/Coroner (SC):

A review of the application indicates there is no anticipated impact on our services.

E. Public Works (PW):

Public Works has submitted four conditions, which have been included as conditions of approval.

F. Reclamation District No. 777 (RD):

The proposed project replaces an existing single family residence of approximately the same impervious area and will not increase storm water runoff. No conditions are requested.

G. Caltrans (CT):

See attached Exhibit D.

H. Planning (P):

Staff reviews use permit applications to determine if the proposed use is allowed by the Zoning Code and whether the findings for approval of the use permit can be made. The zoning code requires a use permit in the AG zone for “Veterinary clinics and hospitals for farm animals.” The use permit provides the opportunity to ensure the compatibility of the proposal to the surroundings.

Staff has only two areas of potential issues with this application to be able to achieve the necessary findings, the opportunity for noise disruption to the neighborhood and required improvement standards.

The proposal includes outdoor kennels for the daytime keeping of up to 8 dogs, which could result in excessive noise to the neighborhood. Due to the parcel location, one side of the parcel is adjacent to a State highway and railroad tracks and the remainder of the parcel is surrounded by active orchards, noise is not a concern. In addition, the closest residence is owned by the applicant.

The site is located within the Live Oak Sphere of Influence which requires parking lot improvements such as paving and striping. The applicant was unaware of this requirement, however, understands the improvement standards are required. The proposed facility will require a minimum of six improved parking stalls.

Caltrans has provided comments listing several concerns, all related to drainage and runoff. Most of these are included as conditions of approval but two have not. No map will be recorded as a result of this project, so there will be no property corners set. Detailed drainage plans were requested by Caltrans prior to project approval. The County does not require detailed drainage plans for a project prior to approval of a Use Permit, but rather the plans must be submitted prior to issuance of the building permit. Staff does not agree with the closing statement that the project will result in a significant cumulative increase to impervious surfaces. Construction of a 2,500 square foot building and 6 parking stalls on a 2 acre parcel is not a significant increase of impervious surfaces. There were no concerns or conditions regarding vehicle traffic.

Prior to approving a use permit, the Zoning Code states that the Planning Commission must find that the use or building applied for will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood. Furthermore, the Commission must find that the proposed use will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

Staff reviewed this project for its compatibility and impact on surrounding land uses, and where necessary, has recommended conditions of approval to ensure that the appropriate findings can be made. Therefore, staff is recommending approval of this project and believes that with the proposed conditions, no significant impacts to the surrounding land uses will occur.

Recommended Findings

Based on the information contained in the staff report and/or testimony received at the public hearing, the Planning Commission finds:

- A. In accordance with the California Environmental Quality Act and the Guidelines, an Initial Study was prepared to analyze the potential impacts of the proposed veterinary clinic on the subject property. The study revealed that the project as proposed would not have a negative impact on the environment. No written comments have been provided which present evidence that the project will have a significant impact on the environment. Therefore, the proposed Negative Declaration attached to this staff report is appropriate.
- B. The Planning Commission has independently reviewed, analyzed, and considered the Initial Study and Negative Declaration prior to making its decision on the project and finds that the Negative Declaration reflects the independent judgement of the County of Sutter.
- C. The Planning Commission has reviewed, analyzed, and considered the application and public testimony prior to making its decision and finds that establishing and operating a veterinary clinic will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
- D. The project is located in an area zoned and primarily developed agriculturally. No comments have been provided by any neighbors of the applicant.
- E. The proposed project will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property or improvements in the neighborhood or general welfare of the County.

Recommended Action

- A. Conduct a public hearing.
- B. Make the findings as recommended by staff.
- C. Adopt the proposed Negative Declaration attached to the Planning Commission report.
- D. Approve Use Permit #02-13, subject to the following conditions:

At the end of the 10-day appeal period

1. The applicant shall file a Notice of Determination, including payment of associated fees, in the office of the County Clerk, within five (5) days after the date that the project approval becomes final. (P)
2. Upon payment of the Notice of Determination, the applicant/developer shall pay any outstanding balance in excess of the amount deposited for processing the use permit application. (P)

Prior to issuance of Building Permit

3. Developer fees are expected to be paid to Live Oak Unified School District in the amount of \$0.31 per square foot. (LOUSD)
4. No grading or alteration of the existing terrain that would direct additional waters to the County road shall be done without the approval of the Department of Public Works. (PW)
5. Encroachment permits are to be obtained from the Public Works Department for any new driveway or road connections to be made to existing County Roads. Construct new driveway(s) to current County standards. (PW)
6. Drainage plans and/or calculations shall be submitted to Caltrans for review prior to construction, with a copy also provided to the Planning Division. (CT)
7. Building and equipment pads shall be at elevations in conformance with Section 1300-022(F) of the Sutter County Ordinance Code, as defined by Resolution No. 92-124. (PW)
8. If sufficient rights-of-way do not already exist, additional rights-of-way and/or public utility easements shall be deeded to Sutter County to provide the specified one-half widths of the following indicated roads: (PW)

Riviera Road 25.0' R/W + 10.0' P.U.E.

9. An authorized professional shall design a non-residential on-site sewage system and shall certify that the proposed non-residential on-site sewage system meets Sutter County regulations and will adequately serve the proposed facility. The applicant shall have an authorized professional submit to the Environmental Health Division: (EH)
 - a. Information which shows that the sewage is not industrial wastewater;
 - b. Information that establishes the sewage waste strength and identifies chemicals present in the sewage that are not found in residential sewage;

- c. A design that provides treatment equal to that required for residential sewage; and
 - d. An approved operation and maintenance contract between the system owner and qualified operation and maintenance provider (certified by the proprietor of the treatment unit), if applicable.
10. Prior to permit issuance, submit to Sutter County Environmental Health complete construction plans and specifications for the on-site sewage disposal system pursuant to the requirements of Sutter County regulations. (EH)
 11. Any abandoned on-site sewage systems and individual water supply wells shall be destroyed in accordance with Sutter County Environmental Health regulations. Sutter County Environmental Health permits shall be obtained prior to the commencement of this work. (EH)
 12. A material safety data sheet of each chemical used at the facility shall be provided to the Environmental Health Division prior to the issuance of the permit to install the sewage disposal system. (EH)
 13. Water supply shall be from a private well and comply with all Sutter County Environmental Health requirements for the use intended. (EH)

Prior to Occupancy

14. Water supply for fire protection required. Required flow is 1500 gpm, per Section 903 of the 1997 Uniform Fire Code (FS).
15. Fire Department access roads shall be provided and maintained in accordance with Section 901 and 902 of the Uniform Fire Code. (FS)
16. A minimum of 6 parking stalls and the accessways shall be improved with either 4 inches of Class 2 aggregate base or 7 inches of Butte Rock base with a ¾ inch maximum grading requirement, and shall be paved with 2 inches of asphalt concrete with ½ inch grade requirement. The parking areas shall be striped or marked to delineate the parking spaces and have a bumper or wheel stops. (P)

Ongoing

17. Screens are to be provided to catch hair and other solids at the floor drains and shall be cleaned daily. (EH)
18. Disinfectants shall not be used during wash down. Cages and runs may be disinfected manually without rinsing. (EH)
19. Solids (food, feces, hair, etc.) deposited in the runs or cages shall be raked, picked up manually, or otherwise prevented from entering the subsurface sewage

- disposal system. Such solids shall be collected and bagged for disposal via solid waste/garbage disposal facilities. Hair filters in floor drains shall be cleaned daily; hair filters in the septic tank shall be cleaned weekly. (EH)
20. X-Ray fixer and developer solutions shall be handled off-site by a specialized hazardous waste hauler. No virgin or spent fixer, or developer solutions, shall be discharged into the on-site sewage treatment system. (EH)
 21. Rinse-bath wastewater only may be discharged after treatment by a silver recovery unit. Silver recovery unit plans and specifications including treatment capacities, and predicted discharge silver concentration must be provided. Maintenance procedures shall include the replacement or replenishment of the silver recovery unit at 50 percent utilization, and the requirement to maintain a contract for the unit service. Operational controls required may include periodic sampling of the effluent and of the groundwater for Total Silver concentration. (EH)
 22. The permitted use must be consistent with the design flow and waste strength established for the on-site sewage system. Any change of use or failure to comply with the terms of approval will result in the revocation of said permitted use. (EH)
 23. The discharge of fuels, oils, other petroleum products, chemicals, or hazardous materials, into the on-site sewage disposal system is prohibited. (EH)
 24. All structures producing wastewater shall connect to the public sewer system when it is available, per the Uniform Plumbing Code (EH).
 25. The septic tank serving the project shall be pumped by a registered septic tank pumper at a minimum frequency of at least once every five (5) years. A copy of the pump report must be submitted to Sutter County Environmental Health. (EH)
 26. The discharge of fuels, oils, other petroleum products, detergents, cleaners, or chemicals to the surface of the ground or to drainage ways on or adjacent to the site is prohibited. (EH)
 27. All activities and use must comply with State and County laws and regulations pertaining to the handling and disposal of all hazardous or acutely hazardous materials. (EH)
 28. Soaps, shampoos and other cleaning agents shall be biodegradable. Synthetic pesticides and insecticides shall not be discharged into the sewage disposal/treatment system. (EH)
 29. Any runoff that enters the State highway right-of-way and/or Caltrans drainage facilities, whether discharged directly or indirectly, must meet all Regional Water Quality Control Board water quality standards prior to entering the State's facilities. The developer is responsible for insuring that runoff from the site meets

these clean water standards (i.e. is free of oils, greases, metals, sands, sediment, etc.). This may be accomplished through the implementation of appropriate storm water quality Best Management Practices (BMP's) (i.e., oil/water separators, clarifiers, infiltration systems, etc.) as applicable. Once installed, these systems must be properly maintained by the property owner. (CT)

30. No net increase to the surface water (storm water) peak runoff discharge (100 year storm event) may be realized within the State's highway right-of-way and Caltrans drainage facilities as a result of the completion of the project. This may be accomplished through the implementation of storm water management BMP's (i.e. detention/retention ponds or basins, subsurface galleries, on-site storage and/or infiltration ditches, etc.) as applicable. Once installed, these systems must be properly maintained by the property owner.
31. The proponent/developer must perpetuate, maintain or improve existing drainage patterns and/or facilities affected by the proposed development to the satisfaction of the State and Caltrans. This includes, but is not limited to, altering storm water pathways and storage areas, whether engineered or naturally occurring. Altering existing drainage patterns and/or facilities without proper mitigation may lead to adverse drainage impacts to State highway facilities or to other local public or private properties.

Sincerely,

THOMAS A. LAST
PLANNING DIVISION CHIEF

Lisa Purvis Wilson
Senior Planner

Attachments: Exhibit A - Study Sketch
Exhibit B - Site Plan
Exhibit C - Proposed Negative Declaration
Exhibit D - Caltrans comments

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