

July 31, 2001

To: Sutter County Planning Commission

Re: Agenda Item #12 Public hearing on Use Permit #02-15 to allow a kennel facility for abandoned Golden Retriever dogs; AG (General Agricultural) District; located at 7495 Natomas Road, Elverta; A. P. #35-170-080; applicant - Homeward Bound Golden Retriever Rescue and Sanctuary/property owner - Norma J. Latham (Location: District 5 - Commissioner Shannon)

### **Current Proposal**

A. Project Description:

Use permit approval is requested to allow for a kennel facility for up to 25 Golden Retriever dogs.

B. Environmental Consideration:

An Initial Study was prepared for this project in accordance with the California Environmental Quality Act and the Guidelines. The study was publicly noticed and on file for review at the Sutter County Community Services Department between July 17, and August 7, 2002. All interested persons were invited to review the Initial Study and provide written comments. The study revealed the project, as proposed, could have an impact on the environment; however, with the implementation of the mitigation measures proposed and agreed to by the applicant, staff believes the impacts will be reduced to a less than significant level. Therefore, should the Commission wish to approve the project, staff would recommend the Commission adopt the attached Mitigated Negative Declaration.

Staff received a letter from Ms. Sandra Smith concerning the Initial Study. Ms. Smith is a neighbor who lives adjacent to the project site to the south. In her letter Ms. Smith cites concerns with regard to outdoor lighting, excessive insects, ground water depletion, drainage water pollution, noise, privacy, traffic, and rodent control. Staff has reviewed the comments submitted and believes the combination of mitigations and conditions proposed have addressed the concerns raised and will reduce impacts to a less than significant level.

Staff has visited the kennel property on two separate occasions, once during the morning and once in the afternoon. At no time has staff observed rodents or an excessive amount of flies at or around the property. Staff believes this concern is unsupported by fact.

**Background**

A. Property Description:

The 8 acre parcel is developed with a single family dwelling and a 3,360 square foot shop building that is being modified for use as the kennel. The property contains two on-site septic systems and one well. A fenced exercise area for the dogs has been constructed behind the single family dwelling. A 6-foot high solid wood fence has been constructed along the south property line to separate and screen the kennel activities from neighboring residences to the south.

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

	Use	Zoning	General Plan
<b>Subject Property</b>	Residential/ kennel	AG	Industrial/Commercial Reserve
North	Agricultural	SSCI	Industrial/Commercial Reserve
East	Agricultural	AG	Industrial/Commercial Reserve
South	Agricultural/ residential	AG/SSCI	Industrial/Commercial Reserve
West	Agricultural	SSCI	Industrial/Commercial Reserve

C. Previous Commission Actions and/or Policies:

A review of County records indicates that the County has approved a total of 13 use permits for kennels over the years. Staff does not have current information to substantiate how many of these kennels are still active.

A use permit for a caretaker mobile home was approved for this property on March 15, 1989, UP #1578. That mobile home was recently removed and relocated onto the property to the south so that the kennel could utilize the septic system that the mobile home previously used.

**Staff Comments**

A. Environmental Health (EH):

The Environmental Health Division conducted on-site testing at the property and concluded that the soils present contain substantial clays and that the capability of the site to accommodate the kennel is limited. As a result, the caretaker mobile home that was present was removed from the property. The septic tank and leach field system for that mobile home is now proposed to be used for the kennel operation. Environmental Health provided the following design criteria for the septic system which has been carried forward as a condition and mitigation measure. The total amount of wastewater to

be generated from the kennel must not exceed 300 gallons per day (gpd) utilizing the following design criteria:

- 3 gpd per visitor
- 10 gpd per dog
- 20 gpd per volunteer or employee x 2 full time equivalent persons = 40 gpd

Proposed conditions from the Environmental Health Division are reflected as Conditions 6, 7, 8, 21, 22, 23, 24 and 25.

B. Public Works Department (PW):

See Conditions 14, 15 and 20.

C. Building Division (B):

See Condition 17.

D. Office of the Sheriff/Coroner:

The Office of the Sheriff/Coroner responded without objection or any proposed conditions of approval.

E. Animal Control (AC):

The Animal Control Department responded that the site was last inspected by their office on May 24, 2002. There was no indication of animal cruelty or improper housing. It was their determination that the animals are being kept in a clean, healthy and humane manner. They requested that a condition be added requiring that they comply with Sutter County's Ordinance regarding rabies vaccinations and that a kennel license be obtained from their office. These items have been reflected as proposed conditions 28, 29 and 30.

F. Pacific Gas and Electric (PG&E):

See Condition 18.

G. Planning Division (P):

The General Agricultural District in the Zoning Code conditionally permits commercial kennels pursuant to Section 1500-1412. Though the kennel proposed is non-profit for tax purposes, its operation is consistent with that of a commercial kennel.

Though the General Plan designates the site and area as Industrial/Commercial Reserve, General Plan Policy 9.C-4 states that the County's existing agricultural 20/80 policies shall apply and be utilized to determine allowable uses and parcel sizes until such time that an application has been approved for industrial and/or commercial uses in the I-C Reserve area. Due to the County's zoning

being consistent with the General Plan, this request does not conflict with any agricultural policies established by the County.

Page four of the attached Initial Study provides a detailed project description and background on this proposal. Impacts associated with the operation of the kennel, specifically that of noise, odors, traffic, hours of operation and lighting have been discussed in detail in the Initial Study. Staff has proposed a total of 12 mitigation measures to address these potential impacts which the applicants have agreed to. We have also carried forward these mitigation measures as proposed conditions.

Attached as Exhibit E are all public comments received up until the time staff distributed the staff report. Comments made by persons living nearby include concerns of noise, lighting, threats to safety of children, traffic and rat harborage. Staff believes that the proposed 12 mitigation measures and 35 conditions address the issues that such a proposal can have and that these impacts will be reduced to a less than significant level. In addition, both Planning staff and the County's Animal Control department have visited the property several times. There has been no evidence of rats present in or around the kennel facility or around the food that is stored there. Staff believes this concern to be unfounded and unsupported by fact.

On July 20, 2002, staff conducted another site review of the property at which time 28 dogs were found to be at the site. This exceeds the 25 dogs proposed by the applicant. Staff believes the applicant's ability to limit the number of dogs at the site is becoming an issue. When the application was first submitted, 15 dogs were originally proposed. When staff conducted its initial site review, 22 dogs were observed. Staff discussed this with the applicants at that time and the proposal was revised. As discussed in Sections II and VI of the Initial Study, the capability of the property's soils are extremely limited and in order to prevent any adverse impacts, Mitigations 5 and 6 and Conditions 6, 7, 21 and 22 have been proposed. Today, staff is seeing the new limit of dogs not being adhered to. Staff believes this track record could be an indication of how the kennel will be operated which could result in a failed septic system and a difficult enforcement issue for the County to address.

If the project can be operated in accordance with the proposed conditions and mitigations, staff recommends approval of the project to your Commission for a one year trial basis. If approved, staff would bring this project back to your Commission for re-evaluation and possible extension at an August 2003 meeting.

### **Recommended Findings**

Based upon 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 kennel. The study revealed the project as proposed will not create a negative impact on the environment with the incorporation of the mitigation measures proposed. No written comments have been provided which present evidence that the project will have a significant impact on the

environment. Therefore, the proposed Mitigated Negative Declaration attached to this staff report is appropriate.

- B. The applicant has agreed in writing with the mitigation measures pursuant to CEQA Section 15070(b)(1) and Section 2.4.3 of the County's Environmental Review Procedures.
- C. A Mitigation Monitoring program is approved pursuant with CEQA Section 15074(d) that is consistent with Section 2.7 of the County's Environmental Review Procedures.
- D. The Planning Commission has independently reviewed, analyzed, and considered the Initial Study and Mitigated Negative Declaration prior to making its decision on the project and finds that the Mitigated Negative Declaration reflects the independent judgment of the County of Sutter.
- E. The proposed kennel is consistent with the Sutter County Zoning Code and applicable policies of the Sutter County General Plan.
- F. The operation of a kennel on the site proposed will not, with the adoption of the conditions and mitigations, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
- G. The kennel will be provided an adequate level of services providing for the public's health, safety and general welfare and/or in order to conform to regulations of the Sutter County Ordinance Code.

### **Recommended Action**

- A. Make the findings as recommended by staff.
- B. Adopt the proposed Mitigated Negative Declaration and monitoring program attached to the Planning Commission report.
- C. Approve Use Permit #02-15, subject to the following conditions:
  - 1. The property shall be developed in substantial accord with the submitted site plan, agenda report and Initial Study, except as may be amended by the conditions below. (P)
  - 2. All outdoor lighting shall be installed and maintained such that the lighting will be angled and will only illuminate the desired location and will not spill onto adjoining parcels. (P) (Mitigation No. 1)
  - 3. All indoor and outdoor kennel pens shall have all solid waste collected from the pens on a daily basis. All indoor kennel pens shall be thoroughly sanitized (cleaned with

soap and water) at least on a weekly basis. This shall be documented by the kennel operators and all records shall be made available to any interested County department upon request. (P) (Mitigation No. 2)

4. To reduce odors resulting from outdoor kennel activities, the kennel operators shall plant and maintain a *photinia* hedge (or equivalent species) along the entire length of the fence separating the kennel property from the residentially used parcels to the south. In addition, a continuous *photinia* hedge (or equivalent species) shall be planted and maintained around the exercise area located immediately west of the kennel structure. Finally, *star jasmine* (or equivalent species) shall be planted and maintained around the exercise area that is located immediately adjacent to the on-site dwelling. The jasmine must be planted so to eventually create a solid screening of foliage in the fence that surrounds the exercise area. (P) (Mitigation No. 3)
5. The kennel operators shall locate all waste containers that are emptied by an approved waste hauler on the north side of the property, within a designated area that shall be shown on the use permit site plan and approved by the Planning Division. (P) (Mitigation No. 4)
6. All project wastewater shall be disposed into the existing on-site sewage system located on the southwest side of the proposed indoor kennel area/shop building. The quantity of wastewater generated from the facility shall not exceed 300 gallons per day utilizing the following design criteria:

3 gallons/day per visitor  
10 gallons/day per dog  
20 gallons/day per full time equivalent volunteer or employee (A maximum of 2 full time equivalent volunteers will be allowed, where 1 full time volunteer = 8.0 hours on-site.)

The above design criteria must be adhered to through the development of an operation and maintenance plan that must be approved by the Environmental Health Division. (EH) (P) (Mitigation No. 5)

7. The total number of volunteers allowed to be at the kennel facility at any one time is restricted to six persons. (EH) (P) (Mitigation No. 6)
8. The kennel operators shall comply with the following measures in order to mitigate impacts resulting from hazardous materials.
  - a. Soaps, shampoos, and other cleaning agents shall be biodegradable. Synthetic pesticides and insecticides (e.g. those used in the treatment of ticks) shall not be discharged into a septic system.

- b. A Material Safety Data Sheet of each chemical used at the facility shall be provided to the Environmental Health Division of the County. (EH) (Mitigation No. 7)
9. Outdoor exercising of all dogs will be allowed to occur between the hours of 9:00 a.m. and 8:00 p.m. only. This time restriction will not apply to situations when the kennel operators take up to two dogs at a time out of the kennel in order for the dogs to relieve themselves. The total number of dogs allowed outdoors at any one time will be limited to eight animals. This does not include the applicant's personal dog that is confined in an outdoor pen located along the north side of the dwelling. All dogs shall be continuously supervised by the kennel operators or volunteers while outdoors and all barking shall be controlled through the use of water spray bottles, muzzles, or other approved means acceptable to the Animal Control Department. (P) (Mitigation No. 8)
10. The hours of operation for the kennel facility will be restricted so that the maximum availability to the public will be between the hours of 10 a.m. and 7:30 p.m., seven days per week. Volunteers will be allowed to work at the kennel facility between the hours of 10 a.m. and 5:00 p.m. seven days per week. A mobile self contained veterinary clinic may come to the kennel to attend to the animals as needed until 8:00 p.m. daily. (P) (Mitigation No. 9)
11. All kennel associated traffic shall utilize the northern driveway encroachment into the property. A gate must be installed at the southern driveway entrance to restrict access for residential and agricultural purposes only. (P) (Mitigation No. 10)
12. The kennel operators shall bring all kennel accesses into compliance with Section 902 of the 1997 Uniform Fire Code standards, including but not limited to fire access road width, net clear height, as well as surfacing and turning radius requirements. This mitigation measure shall be completed to the satisfaction of the Fire Services Manager. (FS) (Mitigation No. 11)
13. All driveways and parking areas shall be surfaced with a minimum of (6) inches of either Class 2 aggregate base or (8) inches of Butte Rock base. All parking and access ways shall have a one-half ( $\frac{1}{2}$ ) inch grading requirement. This condition is required pursuant to Section 1500-8018(f)(2) of the Zoning Code. Additional surfacing requirements may be required by the Fire Services Division in order to meet the applicable fire access requirements. (P)
14. There shall be no grading or alteration of the existing terrain that would direct additional waters to the County road unless it is done with the approval of the Department of Public Works. (PW)
15. 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. Any new driveways shall be constructed to current County standards. (PW)

16. The operators of the kennel shall dispose of all solid waste from the kennel operation into a container, approved by a commercial waste hauler. All waste shall be removed from the property at least once per week. Records shall be maintained by the kennel operator demonstrating that a commercial hauler has been retained to remove waste from the property and all records shall be made available to the County upon request. (P) (Mitigation No. 12)
17. The kennel operators shall obtain all necessary building permits for all construction activities including building, electrical, plumbing and mechanical work that is done at the site. Said work shall be completed to the satisfaction of the Building Division. (B)
18. Any relocation or rearrangement of any existing PG&E facilities to accommodate the kennel is required to be completed at the developers/applicant's expense. There shall be no building of structures allowed under or over any of PG&E's facilities or inside any PG&E easements that may exist within the subject project. (PG&E)
19. A total of 10 parking spaces sized 9' x 18' must be constructed to serve the kennel as delineated on the use permit site plan. The parking spaces must be inspected and approved by the Planning Division. To maintain the appearance of a residential area, no kennel associated traffic shall park on the east side, of the dwelling. (P)
20. All 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)
21. The operation of the kennel 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 granted by the Environmental Health Division will result in the revocation of said permitted use. (EH)
22. All structures producing wastewater shall connect to a public sewer system if and when it becomes available. In the event of system failure, the facility shall be connected to a public sewer system. If a public sewer system is not available, the approval for the kennel by the Environmental Health Division will be revoked. (EH)
23. The discharge of fuels, oils, other petroleum products, chemicals, or hazardous materials, into the on-site sewage disposal systems is prohibited. (EH)
24. The water supply for the kennel must be provided from the existing well, or by a new well. All water sources for the kennel must be constructed to the standards of the Environmental Health Division. (EH)
25. Prior to building permit issuance for the kennel facility/remodel, construction plans must be submitted to the Sutter County Environmental Health Division and a permit must be obtained for connection to the existing on-site sewage system. The

construction plans shall include details for screens on any floor drains, effluent filter and access risers for the septic tank, and plans for maintenance of the on-site sewage system. An operation and maintenance plan must also be submitted to the Environmental Health Division prior to building permit issuance detailing solids disposal, use of disinfectants and insecticides, and water conservation measures to be utilized. (EH)

26. A solid wood fence, 6 feet in height, shall be constructed and maintained along the south property line as shown on the use permit site plan and must be constructed at the time of operation of the kennel. (P)
27. The use permit shall be issued for a term period not exceeding one year, subject to extension by the Planning Commission. (P)
28. The kennel operators shall comply with Sutter County Ordinance No. 800-106 for rabies vaccinations to the satisfaction of the Animal Control Department. (AC)
29. The kennel operators must continually maintain a kennel license for the facility to the satisfaction of the Animal Control Department. (AC)
30. All dogs kept at the kennel for longer than 30 days must be licensed consistent with the requirements of the Animal Control Department. (AC)
31. The kennel operators shall implement all noise attenuation measures as described in Section XI of the Initial Study including insulating the main kennel building, framing in and insulating the indoor kennel pens and 4-foot interior walkway and limiting hours of operation of the facility. (P)
32. The kennel will be restricted to a maximum of 25 dogs which includes the operator's personal dog. (P)
33. 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)
34. Upon payment of the Notice of Determination, the applicant/developer shall pay any outstanding balance in excess of the amount originally deposited for processing the use permit application. (P)
35. The site shall be maintained in a neat and orderly fashion, free of debris, weeds, salvage materials, and equipment. (P)

Sincerely,

THOMAS A. LAST  
PLANNING DIVISION CHIEF

Douglas G. Libby, AICP  
Associate Planner

Attachments: Exhibit A - Study Sketch  
Exhibit B - Site Plan and Kennel Floor Plan  
Exhibit C - Initial Study  
Exhibit D - Proposed Mitigation Monitoring Program  
Exhibit E - Public Comments Received

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