

STANISLAUS COUNTY PLANNING COMMISSION

February 15, 2018

STAFF REPORT

USE PERMIT APPLICATION NO. PLN2017-0066
DUMONT BREEDERS

REQUEST: TO ESTABLISH AND OPERATE A DOG KENNEL FOR A MAXIMUM OF 20 DOGS ON A 2.5± ACRE PARCEL IN THE A-2-40 (GENERAL AGRICULTURE) ZONING DISTRICT.

APPLICATION INFORMATION

Applicant/Property owner:	Gabriel & Darcy Dumont
Location:	3500 Bentley Road, between Kemper and Milnes Roads, east of the City of Modesto.
Section, Township, Range:	10-3-10
Supervisory District:	One (Supervisor Olsen)
Assessor's Parcel:	014-019-008
Referrals:	See Exhibit G Environmental Review Referrals
Area of Parcel(s):	2.5± acres
Water Supply:	Private well
Sewage Disposal:	Private septic 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:	Negative Declaration
Present Land Use:	Single-family dwelling, livestock (goats and squab), dog kennels and open land.
Surrounding Land Use:	Ranchettes, pasture and livestock to the north; poultry ranch (Foster Farms) and pasture to the east; orchards to the south; and row crops and silage 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

This is a request to establish and operate a dog kennel, for breeding Golden Retrievers, Golden Doodles, Cane Corso, and related breeds on a 2.5±acre parcel in the A-2-40 (General Agriculture) zoning district. This request includes the construction of two new dog kennel pens to replace the existing on-site dog kennel pens. The new kennels will consist of eight 120± square-foot housing units and two 1,800± square-foot dog exercising areas east of the existing single-family dwelling and north of the two rows of pigeon coops. The kennels will be constructed of metal, wood, and plastic on raised floors to allow fecal matter and urine to fall through to the cement below which will be sprayed into a septic system daily. Each of the eight housing units will have an individual fully enclosed dog house (see Exhibit B – Maps, Site Plan).

The project proposes a maximum of 20 dogs, at an approximate nine to one ratio of female to male dogs, fitted with bark collars and cared for by the applicant; who resides on the property. There are currently 10-12 dogs on-site. The intended purpose of the dog breeding operation is to indulge in a personal hobby and to breed and sell the animals. The operation anticipates less than 100 customers per year and no employees. The property owner/operator will use the backyard space for a sales area and customers will be by appointment only. The dogs will be kept in their kennels overnight and allowed into the exercise area daily from 7:00 a.m. to 8:00 p.m.

SITE DESCRIPTION

The site is located 3500 Bentley Road, between Kemper and Milnes Roads, in the Modesto area. The 2.5± acre project site is currently improved with a single-family dwelling serviced by private septic and well facilities, a portable corral for goats, two existing temporary dog kennels, two feed silos, and two rows of pigeon coops.

Surrounding uses include ranchettes, pasture, and livestock to the north; poultry ranch (Foster Farms) and pasture to the east; orchards to the south; and row crops and silage to the west.

ISSUES

The following issues have been identified as part of the review of the project:

The project was initially the result of a Code Enforcement case which cited a kennel structure exceeding 120± square feet and constructed without a building permit and the raising of eight dogs without a kennel license. County Code permits a maximum of four dogs on-site. Conditions of approval have been added to address the need for building permits and a kennel/business license. Approval of the project will require the removal of the existing kennel structures and any unpermitted buildings on-site and require the property owner/operator obtain the necessary license(s) to operate a kennel.

The Stanislaus County Environmental Review Committee, as a part of the Early Consultation process, determined that the proposed project could result in noise and vibration impacts due to barking dogs. As such, a noise study was conducted by J.C. Brennan & Associates to evaluate potential noise impact to surrounding properties (see Exhibit E – Noise Study, November 21, 2017 – J.C. Brennan & Associates). The noise study, conducted with the dogs wearing bark collars determined that: on-site noise sources were exceeded by off-site sources (local roadway traffic and surrounding land uses) in the project vicinity and that the proposed kennel would generate average noise levels in the range of 53 dBA at the project site, which do not exceed the noise compatibility standards of the State of California (65 dB CNEL) or Stanislaus County (60 dB CNEL). The noise

study concluded that the kennel operation is expected to comply with the Stanislaus County General Plan Noise Element criteria and, as such, did not recommend any mitigation measures or changes in the proposed project design to lessen noise related impacts.

Oakdale Irrigation District (OID) responded to the Initial Study with comments that no structures or trees shall be allowed within the easement of the Kemper Drain running along the north property line. The proposed agriculture buffer will not encroach into the OID easement. OID concerns have been addressed and added as conditions of approval to the project.

GENERAL PLAN CONSISTENCY

The site is currently designated as “Agriculture” in the Stanislaus County General Plan which recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas.

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 approve in or adjacent to the A-2 (General Agriculture) zoning district, Appendix VII-A of the Agricultural Element requires a buffer between agricultural and non-agricultural uses. It further stipulates, that for more people intensive uses a 300-foot buffer is required. The Agriculture Element also states that the decision-making body (Planning Commission) shall have the ultimate authority to determine if the proposed agriculture buffer meets the intent of the design standards.

The site meets the required buffer setback of 150 feet to the west and to the east. Since the site is only 164± feet wide it does not meet the 150-foot buffer requirement to the north (96 feet) and south (36 feet). The applicant has submitted plans for an alternative agricultural buffer consisting of a six-foot height chain link fence which will follow the design of a double row of cherry laurel trees and shrubs along the north-east, east and south-east property lines along with the existing structures bordering the south-east portion of the property (see Exhibit B - Maps). 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.

ZONING ORDINANCE CONSISTENCY

The site is currently zoned A-2-40 (General Agriculture). 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.

With the included conditions of approval, there is no indication that, under the circumstances of this particular case, the proposed project will be detrimental to or in conflict with surrounding agricultural uses or to the health, safety, and general welfare of persons residing or working in the neighborhood. The use itself is not displacing agricultural production and the proposed improvements can be removed in the future to allow for agricultural use of the site.

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 G - Environmental Review Referrals). A Negative Declaration has been prepared for approval as the project will not have a significant effect on the environment (see Exhibit F - Negative Declaration). Conditions of approval reflecting referral responses have been placed on the project (see Exhibit C - Conditions of Approval).

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 **\$2280.75** 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: Denzel Henderson, Assistant Planner, (209) 525-6330

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval
- Exhibit D - Initial Study
- Exhibit E - Noise Study, November 21, 2017 – J.C. Brennan & Associates
- Exhibit F - Negative Declaration
- Exhibit G - Environmental Review Referral

Exhibit A
Findings and Actions Required for Project Approval

1. Adopt the 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 Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
 - (a) The establishment, maintenance and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.
 - (b) The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
 - (c) The parcel on which such use is requested is not located in one of Stanislaus County's "most productive agricultural areas," as the 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.
 - (d) The alternative to the Agricultural Buffer Standard applied to this project provides equal or greater protection than the existing buffer standards.
 - (e) The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
4. Approve Use Permit Application No. PLN2017-0066 – Dumont Breeders, subject to the attached Conditions of Approval.

DUMONT BREEDERS UP PLN2017-0066 AREA MAP

108

RIVERBANK

CLARIBEL RD

OAKDALE WATERFORD HWY

ALBERS RD

Site


MODESTO

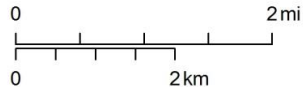
LEGEND

 Dumont Breeders UP Site

 Sphere of Influence

 City  River

 Road



Source: Planning Department

Date: 1/31/2018

132

TUOLUMNE

RIVER

WATERFORD

**DUMONT BREEDERS
UP PLN2017-0066
2015 AERIAL AREA MAP**

KEMPER RD

Site

BENTLEY RD

MILNES RD

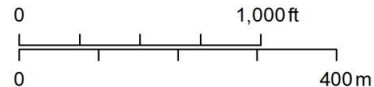
LEGEND



Dumont Breeders UP Site



Road



Source: Planning Department

Date: 1/31/2018

BENTLEY RD

**DUMONT BREEDERS
UP PLN2017-0066
2015 AERIAL SITE MAP**

Site

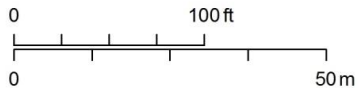
LEGEND



Dumont Breeders UP Site



Road







Source: Planning Department


Date: 1/31/2018

DUMONT BREEDERS UP PLN2017-0066 GENERAL PLAN MAP

LEGEND

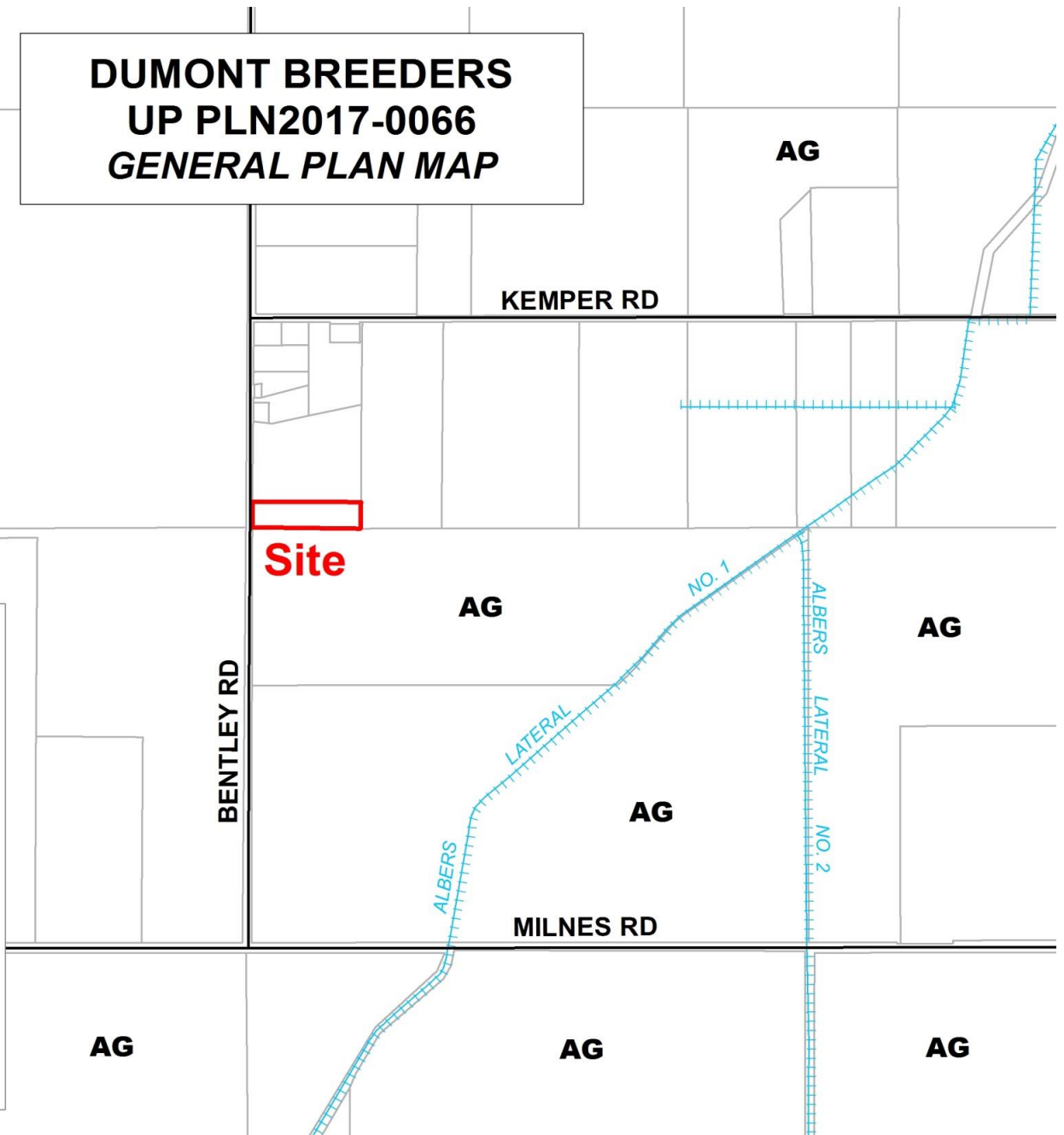
-  Dumont Breeders UP Site
-  Parcel
-  Road
-  Canal

General Plan

-  Agriculture

N
0 1,000 ft
0 500 m

Source: Planning Department Date: 1/31/2018



DUMONT BREEDERS UP PLN2017-0066 ZONING MAP

A-2-40

A-2-40

KEMPER RD

Site


A-2-40

A-2-40

LEGEND

 Dumont Breeders UP Site

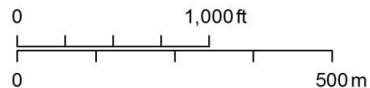
 Parcel

 Road

 Canal

Zoning Designation

 **A-2-40** General AG 40 Acre



Source: Planning Department

Date: 1/31/2018

BENTLEY RD

MILNES RD

A-2-40

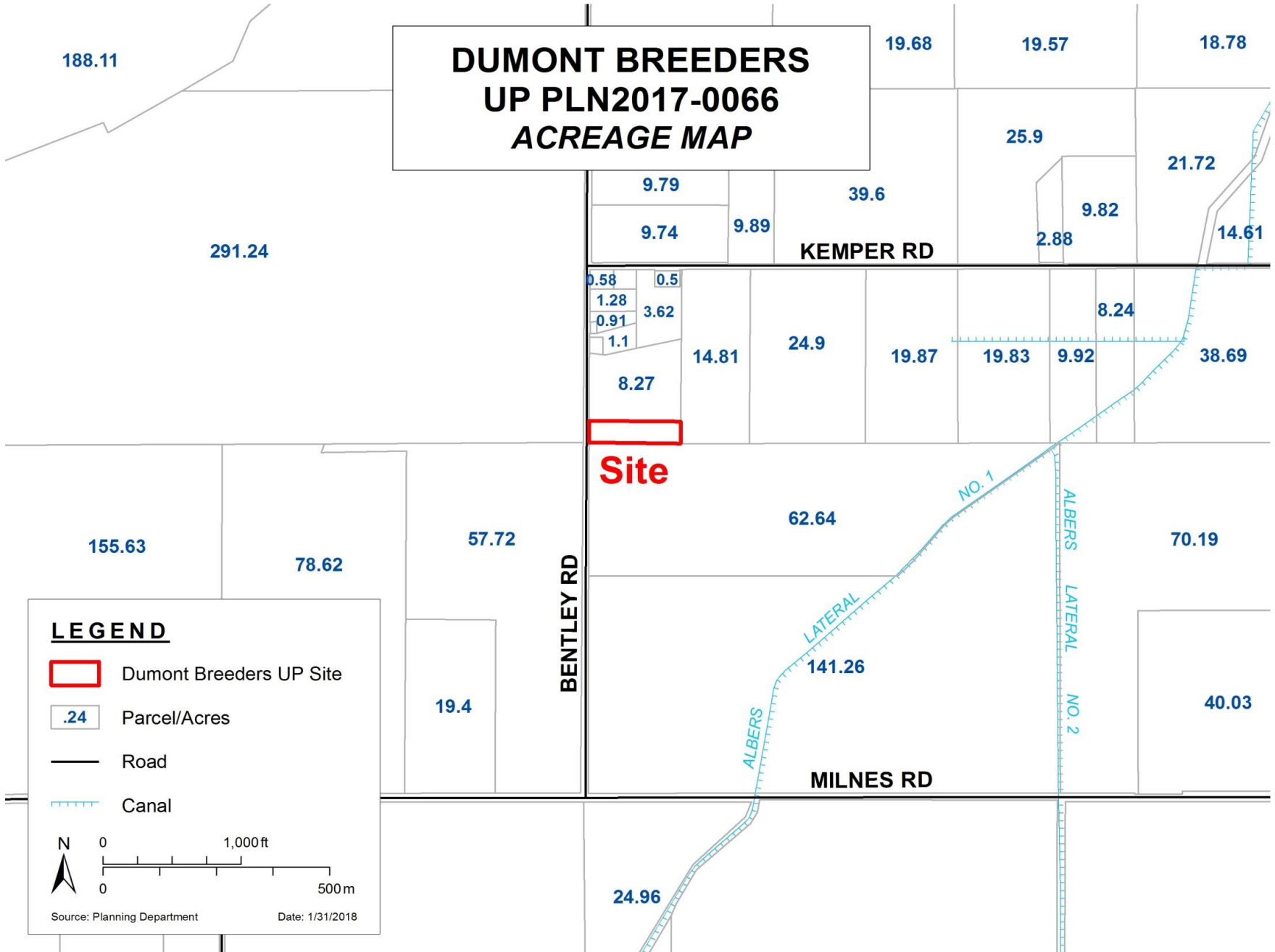
A-2-40

LATERAL

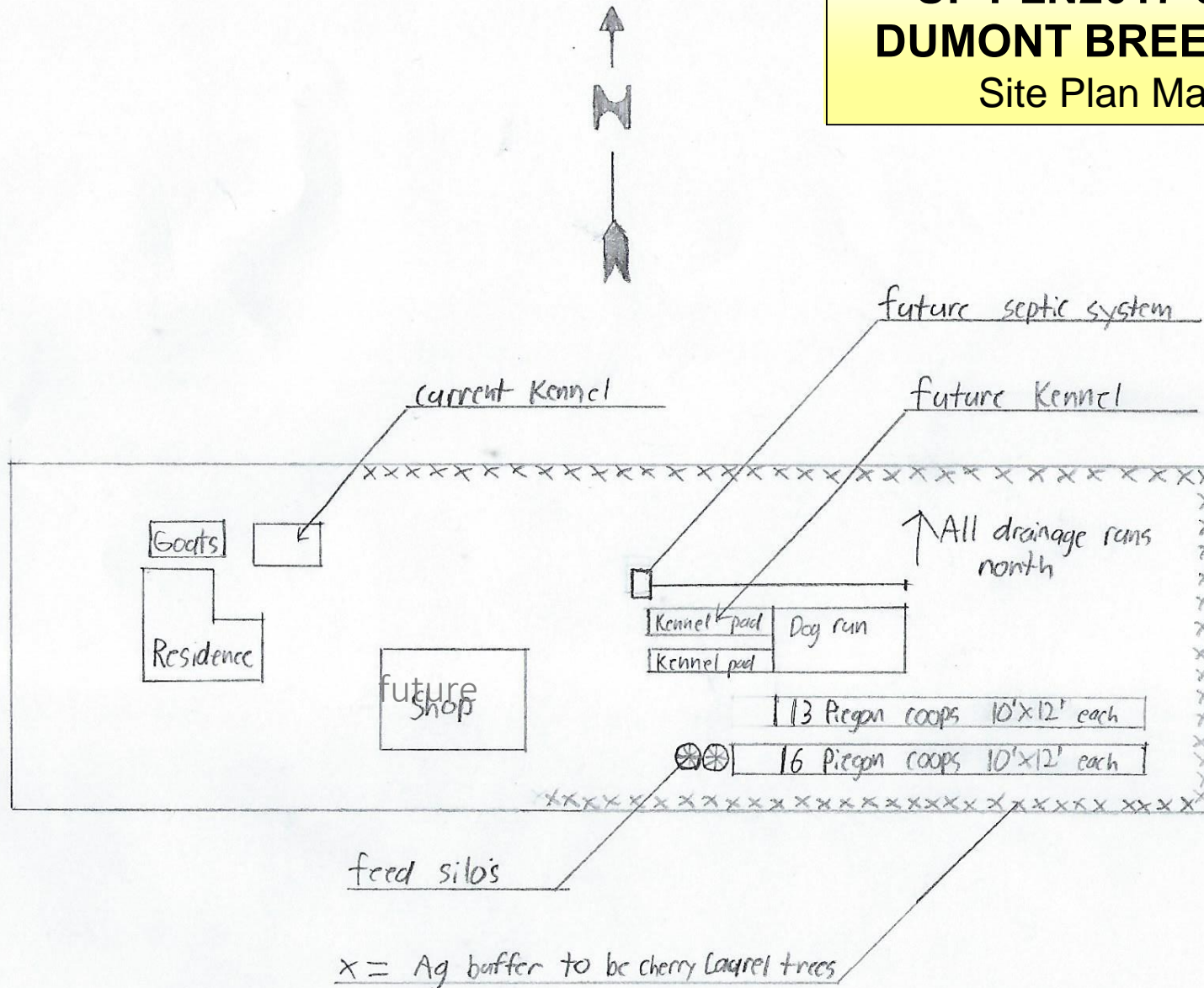
NO. 1

ALBERS LATERAL NO. 2

ALBERS



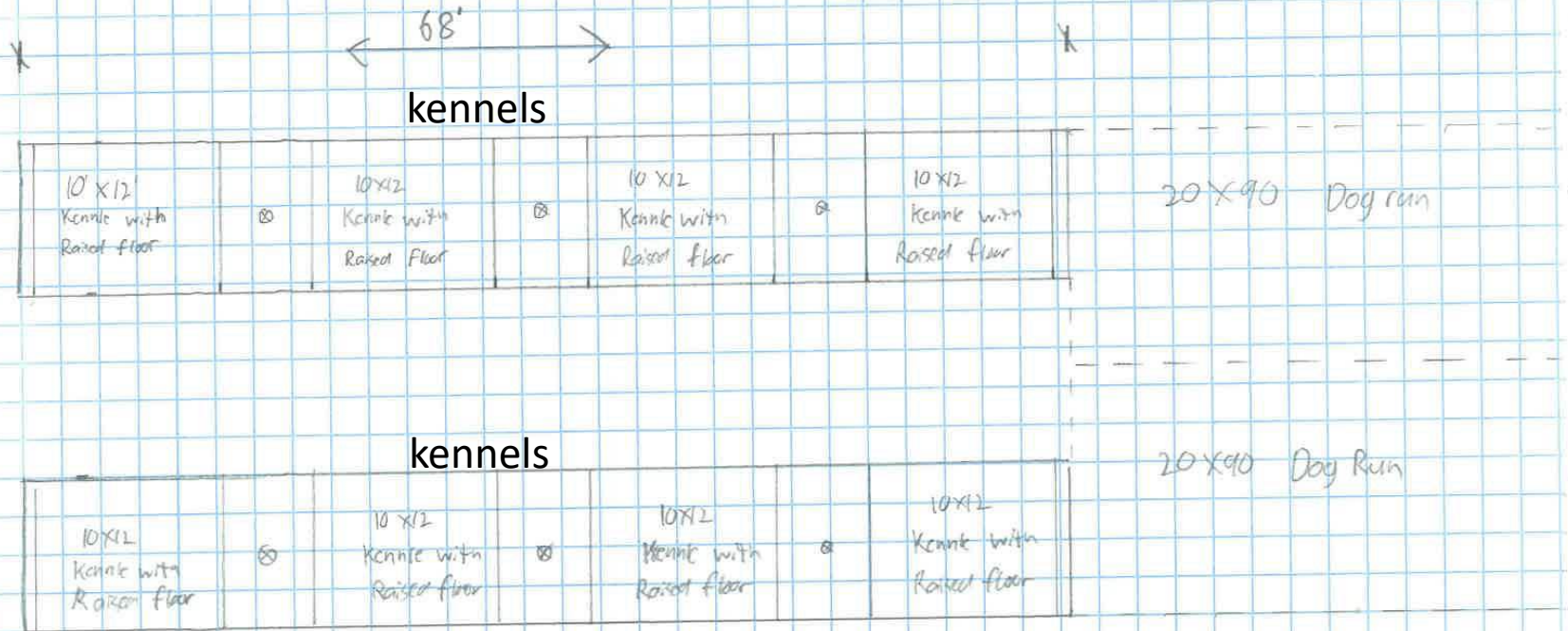
UP PLN2017-0066
DUMONT BREEDERS
Site Plan Map



UP PLN2017-0066
DUMONT BREEDERS
 Site Plan Map
 (dimensions)

Area for use

⊗ = Drain



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 property owner 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)

CONDITIONS OF APPROVAL

USE PERMIT APPLICATION NO. PLN2017-0066 DUMONT BREEDERS

Department of Planning and Community Development

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2017), the property owner/operator 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 property owner/operator shall submit to the Department of Planning and Community Development a check for **\$2,280.75**, 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. Property owner/operator 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 property owner/operator is required to defend, indemnify, or hold harmless Stanislaus County, its officers, and employees from any claim, action, or proceedings against Stanislaus County to set aside the approval of the project which is brought within the applicable statute of limitations. Stanislaus County shall promptly notify the property owner/operator 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. A sign plan for all proposed on-site signs indicating the location, height, area of the sign(s), and message must be approved by the Planning Director or appointed designee(s) prior to installation.
7. 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.
8. 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.
9. 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).
10. A kennel license must be obtained from Stanislaus County Animal Services and maintained throughout operations.
11. The maximum number of on-site dogs shall not exceed 20.
12. The site shall be planted and fenced in accordance with the approved alternative agricultural buffer within six months of project approval and landscaping and fencing shall be maintained at all times.
13. Noise levels associated with on-site kennel activities shall not exceed maximum allowable noise levels as set forth in the Stanislaus County Code or the Stanislaus County General Plan. In the event of a verified noise complaint, being received by Stanislaus County, the property owner/operator shall be responsible for the preparation of a noise study, to be conducted by a certified noise consultant approved by the Stanislaus County Planning Director, and for the implementation of any resulting mitigation measures required to reduce noise to allowable levels. A noise study shall be completed and submitted to Stanislaus County Planning Department within 60-days of written notice of the need to prepare a noise study being delivered to the property owner/operator.

Department of Public Works

14. An encroachment permit shall be taken out for any work in the Bentley Road right-of-way. This includes any work on the existing driveway or the installation of a new driveway.
15. No parking, loading, or unloading of vehicles is permitted within the Bentley Road right-of-way. The property owner/operator shall install or pay for the installation of any off-site signs and/or markings, as required by Stanislaus County.
16. Bentley Road is classified as a 60 foot Local Roadway. The required ½ width of Bentley Road is 30 feet east of the centerline of the roadway. Currently there is an existing right-of-way of 20 feet on the east side of the centerline. This means that 10 feet of the road right-

of-way shall be dedicated with an Irrevocable Offer of Dedication for the parcel frontage. The Irrevocable Offer of Dedication shall be submitted and approved within six months of the approval of the use permit.

17. Prior to operations as specified in the use permit application, the property owner/operator shall obtain a grading permit for the site. The plan shall include a grading and drainage plan. Public Works will review and approve the grading and drainage plan. 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, Stanislaus County road right-of-way, and Oakdale Irrigation District's facilities: The Bentley Drain, the Kemper Drain, and the James Drain.
 - (b) The grading drainage and erosion/sediment control plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharger Identification Number and a copy of the Notice of Intent and the projects Storm water Pollution Prevention Plan shall be provided prior to approved grading or building permits, if applicable.

Department of Environmental Resources

18. Animal waste shall not create a nuisance. Waste is to be washed into an approved septic system or collected and double bagged and placed into a garbage can/bin with tight fitting lids, on a daily basis. If a new septic system is to be installed, a permit must be taken out from the Department of Environmental Resources.
19. The project shall not create odors, dust, or noise levels, which would constitute a public nuisance. The determination of public nuisance shall be subject to evaluation in accordance with Chapter 9.35 of the Stanislaus County Code.

Building Permits Division

20. Building permits are required and the project must conform with the California Code of Regulations, Title 24.
 - (a) Prior to business and kennel license issuance, building permits shall be obtained to remove or legalize the existing shade structure and all on-site structures exceeding 120 square feet, as cited in the Stop Work Order [SWO #CMP2017-0033 (existing dog kennel)], issued by the Planning Department – Building Permits Division.

Oakdale Irrigation District (OID)

21. Oakdale Irrigation District (OID) maintains an easement for the Kemper Drain along the north property line, being 30 feet on each side of the centerline of the Kemper Drain. No trees or structures shall be permitted within the OID easement of Kemper Drain.

California Regional Water Quality Control Board (RWQCB)

22. Prior to business license approval, the property owner/operator 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.

*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 10th Street, Suite 3400, Modesto, CA 95354
Phone: 209.525.6330 Fax: 209.525.5911

CEQA INITIAL STUDY

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

1. **Project title:** Use Permit Application No. PLN2017-0066
Dumont Breeders
SCH No. 2017062074
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Denzel Henderson, Assistant Planner
(209) 525-6330
4. **Project location:** 3500 Bentley Rd, between Kemper and Milnes
Rd, west of Albers Rd., in the Modesto area.
APN: 014-019-008
5. **Project sponsor's name and address:** Gabriel Dumont, Dumont Breeders
3500 Bentley Rd
Modesto, CA 95357
6. **General Plan designation:** AG (Agriculture)
7. **Zoning:** A-2-40 (General Agriculture)
8. **Description of project:**

Request to establish and operate a dog kennel, for breeding purebred Golden Retrievers, Golden Doodles, Can Corso and related breeds on a 2.5-acre parcel in the A-2 (General Agriculture) zoning district. The site is currently improved with a single-family dwelling serviced by private septic and well facilities, a portable corral for goats, two existing temporary dog kennels, two feed silos and two rows of pigeon coops. This request includes the construction of two new dog kennel pens to replace existing pens, consisting of eight 120± square-foot housing units and two 1,800± square-foot dog exercising areas east of the existing single-family dwelling and north of the two pigeon coops. Each of the eight housing units will each have individual fully enclosed dog houses for the dogs' well-being. The kennels will be constructed of metal, wood, and plastic. The applicant proposes a maximum of 20 dogs fitted with bark collars, but only maintains 10-12 currently. The applicant lives on-site and will not utilize outside employees.

The proposed dog kennels will be constructed on raised floors to allow fecal matter and urine to fall through to the cement below into a septic system. The intended purpose of the dog breeding operation is for the sale of the animals and personal hobby. The operation anticipates less than 100 customers a year, with approximately a 9-1 ratio for the female to male dogs. The applicant will use the backyard space for a sales area and customers will be by appointment only. The dogs will be kept in their kennels overnight and allowed into the exercise run area daily from 7am-8pm.

9. **Surrounding land uses and setting:** The site is completely surrounded by land used for agricultural purposes. Ranchettes to the north improved with single-family dwellings and goats, dwellings ranging in parcel size from 0.9± to 8± acres. To the east is a Foster Farms poultry ranch, to the west there is pasture and fallow land, and to the south are 60± acres of almond orchards and more pasture and fallow land.

10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):**
- Department of Environmental Resources
 - Environmental Review Committee
 - Department of Public Works
 - Regional Water Quality Control Board
 - Oakdale Irrigation District

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 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.

Signature on file.

 Signature

January 2, 2018

 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, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

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

- a) **Earlier Analysis Used.** Identify and state where they are available for review.
 - b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) **Mitigation Measures.** For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). 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 and no new lighting is being proposed for the dog kennel operation. The immediate area is generally flat and surrounded by agricultural uses (grazing land, poultry ranch, and almond orchards), single-family residences, and accessory structures. The proposed structures will include two kennel pens, consisting of eight 120± square feet housing units for the dogs, and two 1,800± square-foot dog run exercise areas east of the existing single-family dwelling and north of the pigeon coops. The applicant has estimated approximately 100 visitors a year. Scenic resources and the visual character of the area are not expected to be substantially impacted. The applicant proposes to shield the operations with trees in conjunction with the agriculture buffer requirements. Moreover, a condition of approval will be added to the project requiring all existing and new exterior lighting, installed to be pointed down towards the site and shielded so as to provide adequate illumination without glare effect and to prevent light spillage onto neighboring properties and minimize impacts to nighttime views. With this condition of approval in place, aesthetic impacts associated with lighting, glare, and nightglow are considered to be less than significant.

Mitigation: None

References: Application information; Stanislaus County General Plan and Support Documentation¹.

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 has soils classified by the Farmland Mapping and Monitoring Program as Rural Residential Land. The USDA Natural Resources Conservation Service's Eastern Stanislaus County Soil Survey indicates that 100% of the soil is San Joaquin sandy loam, 0 to 3 percent slopes (SaA) grade 4 with a storic index of 24-27. A storic Index rating from 80-100 and Grade I and II are considered to be Prime Farmland.

The project site is not enrolled in the Williamson Act and the proposed project is an allowed Tier III use in the A-2 (General Agriculture) zoning designation by obtaining a 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. The proposed use will result in a less than significant impact on agricultural activities in the surrounding areas.

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. The size of the property makes it impossible to comply with the 150-foot buffer requirements, however; this Tier III Use Permit is not a people intensive use, as the applicant and residence are the only employees. The applicant cannot meet the 150-foot setback due to the configuration of the lot and has proposed an alternative to the agricultural buffer, which consists of cherry laurel trees surrounding portions of north and south and entire east boundaries.

Mitigation: None

References: U.S Department of Agriculture Web Soil Survey; C.A Department of Conservation California Important Farmland 2016; Stanislaus County General Plan; Application information and Support Documentation¹.

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

Discussion: The 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 2008 PM_{2.5} (fine particulate matter) Plan, and the 2007 Ozone Plan. 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.

The applicant estimates that there will be a maximum of 100 customers on-site annually, which is an estimated one customer per 3.6 days. Maximum conditions would result in an additional two vehicle trips per 3.6 days from customers arriving and departing once a day. Two vehicle trip per 3.6 days falls below the SJVAPCD District's threshold of significance. This project has been referred to SJVAPCD, but no response has been received to date.

Mitigation: None

References: San Joaquin Valley Air Pollution Control District's Small Project Analysis Level (SPAL) guidance; Stanislaus County General Plan and Support Documentation¹

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

Discussion: The project site is currently developed with a 1,815± square-foot single-family dwelling, two rows of pigeon coops, two feed silos, a portable goat corral, two existing temporary dog kennels with future plans that are not a part of

this project to rebuild a 3,500± square-foot shop on existing building pad that was recently demolished. This project was referred to the State of California Department of Fish and Wildlife, and the US Department of Fish and Wildlife, but no referral responses have been received to date.

The California Department of Fish and Wildlife's California Natural Diversity Database website identifies the Swainson's Hawk, Tricolored Blackbird, Valley Elderberry Longhorn Beetle, Colusa Grass, San Joaquin Valley Orcutt grass, Greene's tuctoria, as a threatened or candidate for endangered species for the Waterford Quadrant. Although there are several species that have been identified by the study for the Waterford Quadrant, the project site has already been developed for residential and agricultural operations. There is no evidence to suggest that this project would result in impacts to sensitive and endangered species or habitats, locally designated species, wildlife dispersal or mitigation corridors. The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans.

Mitigation: None

References: California Department of Fish and Wildlife Biogeographic Information and Observation System; Application information; Stanislaus County General Plan and Support Documentation¹

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: It does not appear this project will result in significant impacts to any archaeological or cultural resources. The project was referred to the Native American Heritage Commission (NAHC), and a standard letter addressing AB52 and SB18 requirements was received. However, the comment letter did not raise any concerns with the project in terms of impacts to cultural resources. A condition of approval will be placed on the project that requires that if any resources are found, construction activities will halt at that time and investigated further; however, no construction is being proposed at this time.

Mitigation: None

References: Native American Heritage Commission referral response August 3, 2017; Stanislaus County General Plan and Support Documentation¹

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: The USDA Natural Resources Conservation Service's Eastern Stanislaus County Soil Survey indicates that the soils on the project site are made up entirely of San Joaquin sandy loam. 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 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. The project is not requesting any development that will require a building permit. With conditions of approval regarding these standards applied to the project, no impacts to geology and soils are anticipated.

Mitigation: None

References: Stanislaus County General Plan and Support Documentation¹

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 principal Greenhouse Gasses (GHGs) are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H₂O). CO₂ is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO₂ equivalents (CO₂e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020. As a requirement of AB 32, the ARB was assigned the task of developing a Climate Change Scoping Plan that outlines the state's strategy to achieve the 2020 GHG emissions limits. This Scoping Plan includes a comprehensive set of actions designed to reduce overall GHG emissions in California, improve the environment, reduce the state's dependence on oil, diversify the state's energy sources, save energy, create new jobs, and enhance public health. The Climate Change Scoping Plan was approved by the ARB on December 22, 2008. According to the September 23, 2010, AB 32 Climate Change Scoping Plan Progress Report, 40 percent of the reductions identified in the Scoping Plan have been secured through ARB actions and California is on track to its 2020 goal.

The proposed kennel will serve customers on an appointment basis. The proposed operation will have no employees, except for the family, which resides on the property. Hours of operation are expected to be within daylight hours from 7:00 a.m.-8:00 p.m. This project was referred to the San Joaquin Valley Air Pollution Control District to date, no responses were received. Minimal emissions of GHGs will occur with the addition of one customer per 3.6 days, (based on 100 customers a year) two vehicle trips per 3.6 days as a result of this operation. The project's impact on Green House Gas emissions is considered to be less than significant.

Mitigation: None.

References: Application information; Stanislaus County General Plan and Support Documentation¹

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: The County Department of Environmental Resources is responsible for overseeing hazardous materials and has not indicated any particular concerns in this area. Pesticide exposure is a risk in areas located in the vicinity of agricultural uses. Sources of exposure include contaminated groundwater which is consumed and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits.

The project site is not located within an airport land use plan or a wildlands area. The Envirostor database was accessed to determine if the property was listed as a potential hazardous waste or superfund site. The project site, located at 3500 Bentley Road, was not identified as a hazardous site. The project was referred to Department of Environmental Resources (DER) Hazardous Materials Division, who is responsible for overseeing the handling of hazardous materials, in a letter dated July 14, 2017, the process for removing animal waste and standards for odor control were identified and have been added as a conditions of approval to the project.

Mitigation: None.

References: Department of Toxic Substances Control (<http://www.envirostor.dtsc.ca.gov>); Department of Environment Resources Letter July 14, 2017; Stanislaus County General Plan and Support Documentation¹

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: Storm water run-off is not considered an issue because of several factors which limit the potential impact. These factors include the relatively flat terrain of the subject site and relatively low rainfall intensities in the Central Valley. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act. The project site itself is located in Zone X (outside the 0.2% floodplain) and, as such, exposure to people or structures to a significant risk of loss/injury/death involving flooding due to levee/dam failure and/or alteration of a watercourse, at this location is not an issue with respect to this project.

The County Department of Environmental Resources is responsible for overseeing water quality, but has not responded with concerns in respect to this project. This project was also referred to the Regional Water Quality Control Board (RWQCB) who responded with standards of development and regulatory requirements that will be incorporated into this project's conditions of approval. There is no indication this project will result in impacts to ground water quality and supply. Impacts associated with drainage, water quality, and run-offs are expected to have a less than significant impact. The current absorption patterns of water upon this property shall be minimally altered by the kennel operation.

Mitigation: None

References: Referral response from the Regional Water Quality Control Board dated July 11, 2017; Stanislaus County General Plan and Support Documentation¹

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

Discussion: The site is designated Agricultural and zoned for 40-acre minimum parcels. 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 Documentation¹

XI. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site.

Mitigation: None

References: Stanislaus County General Plan and Support Documentation¹

XII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Discussion: The 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. The applicant conducted a noise study (J.C. Brennan & Associates, Inc. 11/21/2017) for the current and proposed use. The results of the noise study, supplied by the applicant, showed that the noise levels produced were below the County's hourly noise level standards. This noise study report was reviewed by Staff and conditions of approval that reflect the report's findings have been attached to the project. The noise study was originally evaluated from the noise of 10 dogs, and was updated for the accommodation of 20 dogs. The increase from 10 to 20 dogs only changed human perception by 3 decibels. The report states the average person hearing can hardly perceive the change of 3 decibels (noticeable change coming at 10 decibels) and surrounding noise (agriculture operations, goats and traffic) would still be the dominating sound produced in the area. Based on the report existing noise levels associated with the project comply with the Stanislaus County General Plan Noise Element criteria and conditions of approval will be added to ensure no more than 20 dogs are permitted on site in concurrence with the noise study.

Mitigation: None

References: Referral response from the Environmental Review Committee dated July 17, 2017, Noise Impact Study prepared by J.C. Brennan & Associates, Inc. dated November 21, 2017, Stanislaus County General Plan and Support Documentation¹

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
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Discussion: The proposed use is not associated with any residential development and new construction is limited to the kennel area for animals. No housing or persons will be displaced by the project. This project is adjacent to agricultural operations and is permitted in the A-2 zoning district as a Tier III use upon Planning Commission approval of a Use Permit application.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹

XIV. PUBLIC SERVICES --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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:				
Fire protection?			X	
Police protection?				X
Schools?				X
Parks?			X	
Other public facilities?				X

Discussion: The County has adopted Public Facilities Fees, as well as Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance. The project was referred to Riverbank Unified, the Oakdale Rural Fire Protection District, and the Stanislaus County Environmental Review Committee (ERC) which includes the Sheriff's Department. However, the current proposal is not proposing an increase in demand of public services and will not require building permits for dog kennel and dog run improvements.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹

XV. RECREATION --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Discussion: The project will not create any impacts of parks or recreational demands

Mitigation: None

References: Stanislaus County General Plan and Support Documentation¹

XVI. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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: Significant impacts to traffic and transportation infrastructure were not identified by reviewing agencies. The project site takes direct access via County-maintained Bentley Road, which is a planned 60-foot local rural road between Kemper and Milnes Roads. The proposed kennel operation estimates a maximum of one customer by appointment-only every 3.6 days.

The Stanislaus County Public Works staff provided a referral response and identified Bentley Road as a 60-foot Local Road. The Department is requesting standard conditions of approval which include obtaining an Encroachment Permit for any work on Bentley Road right-of-way, and an Irrevocable Offer of Dedication for the entire parcel frontage. With these conditions of approval in place, impacts to transportation and traffic are considered to be less than significant.

Mitigation: None

References: Public Works Department Letter dated September 1, 2017; Stanislaus County General Plan and Support Documentation¹

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

Discussion: Limitations on providing public and utility services have not been identified. The site will be served by private well, septic system and on-site drainage.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹

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.

¹Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. **Housing Element** adopted on April 5, 2016.

Revised Noise Study Dumont Dog Kennel Expansion

Stanislaus County, California

November 21, 2017

jcb Project # 2017-185

Prepared for:

Mr. Gabriel Dumont
3500 Bentley Road
Modesto, CA 95357



Prepared by:

j.c. brennan & associates, Inc.



Jim Brennan, INCE
President
Member, Institute of Noise Control Engineering (INCE)

INTRODUCTION

The Dumont residence is located at 3500 Bentley Road in Stanislaus County, California. Mr. Dumont is currently applying for a kennel license and plans to build a new kennel to house up to 20 dogs on his property. The new kennel will include two kennel structures and a dog run.

The existing facility is comprised of a large outdoor kennel on the east side of the residence and generally houses up to 10 dogs at any given time. The kennel is constructed from concrete, metal rib room panels, and wire fencing. The dogs are released from the kennel for one hour a day, between the hours of 5pm and 6pm. During this time, the dogs are allowed to run across the entire property.

Based upon the potential for annoyance due to barking dogs, this noise study has been prepared to ensure compliance with the Stanislaus County General Plan Noise Element and the Stanislaus County Noise Ordinance.

Figure 1 shows the existing kennel. Figure 2 shows the project site plan.

Figure 1. Existing Kennel



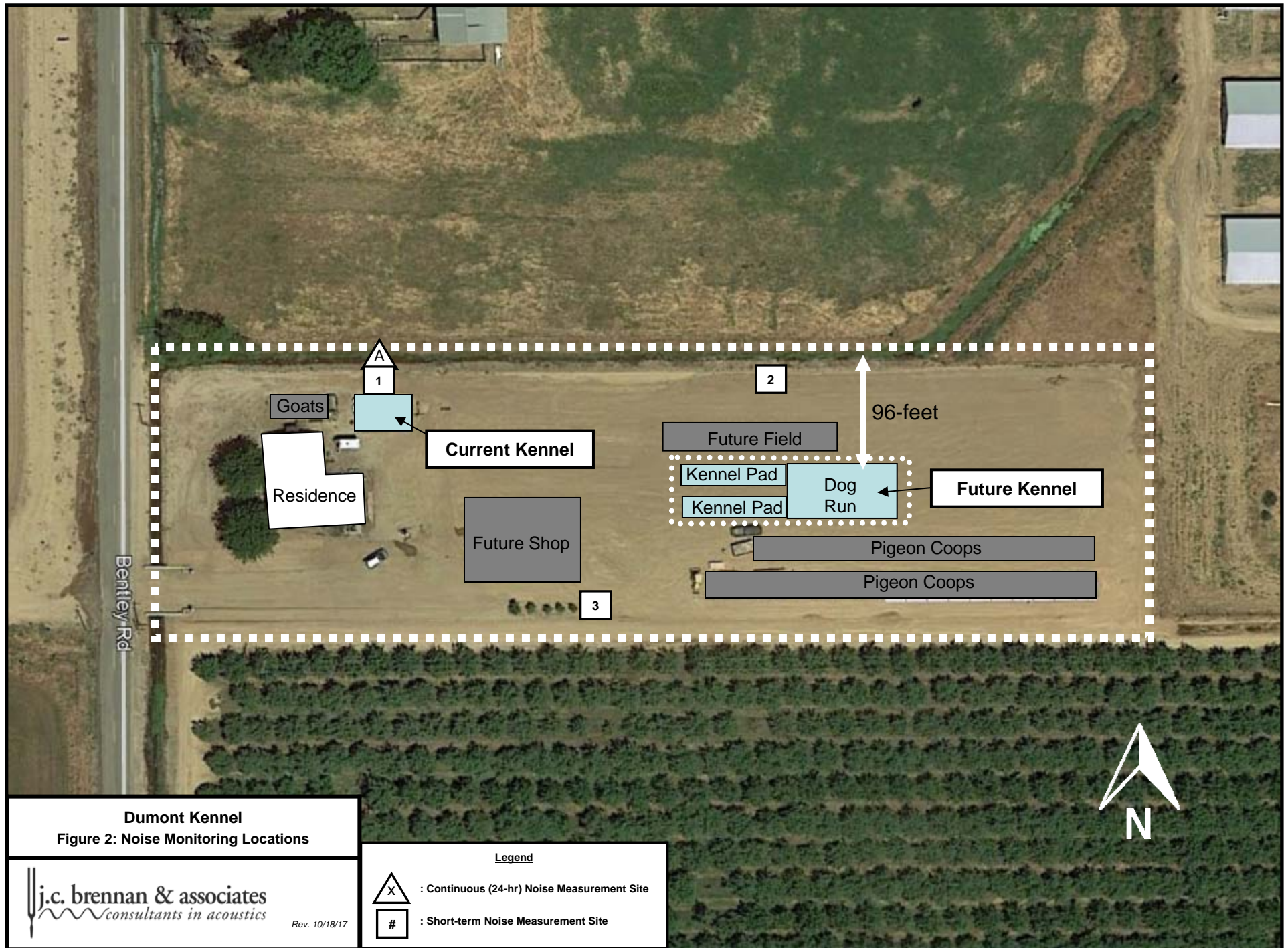
FUNDAMENTALS OF ACOUSTICS

Acoustics is the science of sound. Sound may be thought of as mechanical energy of a vibrating object transmitted by pressure waves through a medium to human (or animal) ears. If the pressure variations occur frequently enough (at least 20 times per second), then they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound, and is expressed as cycles per second or Hertz (Hz).

Noise is a subjective reaction to different types of sounds. Noise is typically defined as (airborne) sound that is loud, unpleasant, unexpected or undesired, and may therefore be classified as a more specific group of sounds. Perceptions of sound and noise are highly subjective. Often, someone's music is described as noise by another.

Measuring sound directly in terms of pressure would require a very large and awkward range of numbers. To avoid this, the decibel scale was devised. The decibel scale uses the hearing threshold (20 micropascals), as a point of reference, defined as 0 dB¹. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in

¹ For an explanation of these terms, see Appendix A: "Acoustical Terminology"



a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels (dB) correspond closely to human perception of relative loudness.

The perceived loudness of sounds is dependent upon many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable, and can be approximated by A-weighted sound levels.

There is a strong correlation between A-weighted sound levels (expressed as dBA) and the way the human ear perceives sound. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels, but are expressed as dB, unless otherwise noted.

The decibel scale is logarithmic, not linear. In other words, two sound levels 10 dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic decibel is A-weighted, an increase of 10 dBA is generally perceived as a doubling in loudness. For example, a 70 dBA sound is half as loud as an 80 dBA sound, and twice as loud as a 60 dBA sound.

Community noise is commonly described in terms of the ambient noise level, which is defined as the all-encompassing noise level associated with a given environment. A common statistical tool to measure the ambient noise level is the average, or equivalent, sound level (L_{eq}), which corresponds to a steady-state A weighted sound level containing the same total energy as a time varying signal over a given time period (usually one hour). The L_{eq} is the foundation of the composite noise descriptor, L_{dn} , and shows very good correlation with community response to noise.

The day/night average level (L_{dn}) is based upon the average noise level over a 24-hour day, with a +10 decibel weighing applied to noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were twice as loud as daytime exposures. Because L_{dn} represents a 24-hour average, it tends to disguise short-term variations in the noise environment.

Table 1 lists several examples of the maximum noise levels associated with common noise sources. Appendix A provides a summary of acoustical terms used in this report.

Effects of Noise on People

The effects of noise on people can be placed in three categories:

- Subjective effects of annoyance, nuisance, and dissatisfaction
- Interference with activities such as speech, sleep, and learning
- Physiological effects such as hearing loss or sudden startling

Environmental noise typically produces effects in the first two categories. Workers in industrial plants can experience noise in the last category. There is no completely satisfactory way to measure the subjective effects of noise or the corresponding reactions of annoyance and dissatisfaction. A wide variation in individual thresholds of annoyance exists and different tolerances to noise tend to develop based on an individual's past experiences with noise.

Thus, an important way of predicting a human reaction to a new noise environment is the way it compares to the existing environment to which one has adapted: the so-called ambient noise

level. In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise will be judged by those hearing it.

TABLE 1
TYPICAL NOISE LEVELS

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	--110--	Rock Band
Jet Fly-over at 300 m (1,000 ft)	--100--	
Gas Lawn Mower at 1 m (3 ft)	--90--	
Diesel Truck at 15 m (50 ft), at 80 km/hr (50 mph)	--80--	Food Blender at 1 m (3 ft) Garbage Disposal at 1 m (3 ft)
Noisy Urban Area, Daytime Gas Lawn Mower, 30 m (100 ft)	--70--	Vacuum Cleaner at 3 m (10 ft)
Commercial Area Heavy Traffic at 90 m (300 ft)	--60--	Normal Speech at 1 m (3 ft)
Quiet Urban Daytime	--50--	Large Business Office Dishwasher in Next Room
Quiet Urban Nighttime	--40--	Theater, Large Conference Room (Background)
Quiet Suburban Nighttime	--30--	Library
Quiet Rural Nighttime	--20--	Bedroom at Night, Concert Hall (Background)
	--10--	Broadcast/Recording Studio
Lowest Threshold of Human Hearing	--0--	Lowest Threshold of Human Hearing
Source: Caltrans, Technical Noise Supplement, Traffic Noise Analysis Protocol. November 2009.		

With regard to increases in A-weighted noise level, the following relationships occur:

- Except in carefully controlled laboratory experiments, a change of 1 dBA cannot be perceived;
- Outside of the laboratory, a 3 dBA change is considered a just-perceivable difference;
- A change in level of at least 5 dBA is required before any noticeable change in human response would be expected; and
- A 10 dBA change is subjectively heard as approximately a doubling in loudness, and can cause an adverse response.

Stationary point sources of noise – including stationary mobile sources such as idling vehicles, or in this case the barking dogs – attenuate (lessen) at a rate of approximately 6 dB per doubling of distance from the source, depending on environmental conditions (i.e. atmospheric conditions and either vegetative or manufactured noise barriers, etc.). Widely distributed noises, such as a large industrial facility spread over many acres, or a street with moving vehicles, would typically attenuate at a lower rate.

CRITERIA FOR ACCEPTABLE NOISE EXPOSURE

Stanislaus County General Plan – Noise Element

The Stanislaus County General Plan Noise Element contains goals and standards for non-transportation noise sources affecting noise-sensitive receptors.

Goal 2

Protect the Citizens of Stanislaus County from the harmful effects of exposure to excessive noise.

Policy Two

It is the policy of Stanislaus County to develop and implement effective measures to abate and avoid excessive noise exposure in the unincorporated areas of the County by requiring that effective noise mitigation be incorporated into the design of new noise generating and new noise sensitive land uses.

Implementation Measure 2

New development of industrial, commercial, or other noise generating land uses will not be permitted if resulting noise levels will exceed 60 L_{dn} (or CNEL) in noise-sensitive areas. Additionally, the development of new noise-generating land uses, which are preempted from local noise regulation, will not be permitted if the resulting noise levels will exceed the performance standards contained within Table IV-2 [Table 2 of this report] in areas containing residential or other noise sensitive land uses.

TABLE 2
[STANISLAUS COUNTY GENERAL PLAN – NOISE ELEMENT TABLE IV-2]
MAXIMUM ALLOWABLE NOISE EXPOSURE – STATIONARY SOURCES

Noise Level Descriptor	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
Hourly L _{eq} , dBA	55	45
Maximum level, dBA	75	65
Each of the noise level standards specified in Table 2 [Table IV-2] shall be reduced by five (5) dBA for pure tone noises, noise consisting primarily of speech or music, or recurring impulsive noises. The standards in Table 2 [Table IV-2] should be applied at a residential or other noise-sensitive land use and not on the property of a noise-generating land use. Where measured ambient noise levels exceed the standards, the standards shall be increased to the ambient levels. Source: Table IV-2 of the Stanislaus County General Plan		

Stanislaus County Municipal Code – Noise Ordinance

The following are pertinent sections of the Stanislaus County Municipal Code Noise Ordinance:

10.46.050 Exterior noise level standards.

- A. It is unlawful for any person at any location within the unincorporated area of the county to create any noise or to allow the creation of any noise which causes the exterior noise level when measured at any property situated in either the incorporated or unincorporated area of the county to exceed the noise level standards as set forth below:

1. Unless otherwise provided herein, the following exterior noise level standards shall apply to all properties within the designated noise zone:

TABLE 3
[STANISLAUS COUNTY MUNICIPAL CODE – NOISE ORDINANCE: TABLE A]
EXTERIOR NOISE LEVEL STANDARDS

Designated Noise Zone	Maximum A-Weighted Sound Level as Measured on a Sound Level Meter	
	7:00 a.m. – 9:59 p.m.	10:00 p.m. – 6:59 a.m.
Noise Sensitive	45	45
Residential	50	45
Commercial	60	55
Industrial	75	75
Source: Stanislaus County Municipal Code, 10.46.050, Table A		

2. Exterior noise levels shall not exceed the following cumulative duration allowance standards:

TABLE 4
[STANISLAUS COUNTY MUNICIPAL CODE – NOISE ORDINANCE: TABLE B]
CUMULATIVE DURATION ALLOWANCE STANDARDS

Cumulative Duration	Allowance Decibels
Equal to or greater than 30 minutes per hour	Table A plus 0 dB
Equal to or greater than 15 minutes per hour	Table A plus 5 dB
Equal to or greater than 5 minutes per hour	Table A plus 10 dB
Equal to or greater than 1 minute per hour	Table A plus 15 dB
Less than 1 minute per hour	Table A plus 20 dB
Source: Stanislaus County Municipal Code, 10.46.050, Table B	

3. Pure Tone Noise, Speech and Music. The exterior noise level standards set forth in Table A shall be reduced by five dB(A) for pure tone noises, noises consisting primarily of speech or music, or reoccurring impulsive noise.
4. In the event that the measured ambient noise level exceeds the applicable noise level standard above, the ambient noise level shall become the applicable exterior noise level standard.

B. Noise Zones Defined

1. Noise Sensitive. Any public or private school, hospital, church, convalescent home, cemetery, sensitive wildlife habitat, or public library regardless of its location within any land use zoning district.
2. Residential. All parcels located within a residential land use zoning district.
3. Commercial. All parcels located within a commercial or highway frontage land use zoning district.
4. Industrial. All parcels located within an industrial land use zoning district.

5. The noise zone definition of any parcel not located within a residential, commercial, highway frontage, or industrial land use zoning district shall be determined by the director of Stanislaus County planning and community development department, or designee, based on the permitted uses of the land use zoning district in which the parcel is located. (Ord. CS 1070 §2, 2010).

EXISTING BACKGROUND AND DOG PLAY NOISE LEVELS

Short-term Noise Level Measurements and Observations

j.c. brennan & associates, Inc. conducted short term noise level measurements and observations at the project site on October 17, 2017. The short-term noise level measurements were conducted in two rounds at 3 locations. Figure 2 shows the noise measurement locations. Table 5 shows the results of the short-term noise level measurements. Appendix B graphically shows the results of the noise level measurements.

The first round of measurements were conducted from 9:15 a.m. to 10:15 a.m. while the dogs were in the kennel. The dogs were quiet and relaxed during this time. The measured noise levels were between 45 dBA – 50 dBA L_{eq} and 54 dBA – 63 dBA L_{max} . The primary noise sources were goats at the adjacent property and traffic on Bentley Road. These measurements were conducted to determine background noise levels at the project while the dogs are in the kennel.

The second round of measurements were conducted from 10:15 a.m. to 11:15 a.m. while the dogs were allowed to run around the property. During this time, the dogs were active and played with each other. Several dogs swam in the ditch along the project property line while other dogs chased each other across the property. The noise measurements and observations indicate that the dogs were very calm, and rarely barked or growled. The measured noise levels ranged between 45 dBA – 49 dBA L_{eq} and 54 dBA – 64 dBA L_{max} . The primary noise sources were the goats at the adjacent property and the dogs playing on the project site.

**TABLE 5
SHORT-TERM NOISE MEASUREMENT RESULTS**

Site	Location	Time	Noise Levels, dBA		Notes
			L _{eq}	L _{max}	
1	200-ft. to centerline of Bentley Road. North property Line.	9:15 a.m.	49.9	62.7	Primary noise sources are goats at adjacent property and traffic on Bentley Road. Train horn: 56 dB
		10:17 a.m.	48.7	64.0	Primary noise sources are goats at adjacent property and traffic on Bentley Road. Goat on project property slamming head against pen: 62 dB. Dogs growling: 45 dB.
2	450-ft. to centerline of Bentley Road. North property Line.	9:37 a.m.	46.2	54.2	Primary noise sources are goats at adjacent property and traffic on Bentley Road. Train horn: 56 dB
		10:33 a.m.	45.7	54.8	Primary noise sources are goats at adjacent property and dogs playing. Dogs playing in ditch water: 48-53 dB. Aircraft overhead: 52 dB.
3	370-ft. to centerline of Bentley Road. South property line.	9:58 a.m.	45.7	54.6	Primary noise sources are goats at adjacent property and traffic on Bentley Road. Rooster crowing at adjacent property: 48 dB. Train horn: 47 dB.
		10:49 a.m.	46.9	63.6	Primary noise sources are goats at adjacent property and dogs playing. Dogs barking at 50-58 dB.

Source: j.c. brennan & associates, Inc.

Continuous 24-Hour Noise Level Data

As a means of quantifying overall background noise levels in the vicinity of the project site, j.c. brennan & associates, Inc. staff conducted continuous hourly noise level measurements at the north edge of the project site, behind the existing kennel, on October 17th and 18th, 2017. The noise monitoring site was located so that there was a clear view of the kennel and the dogs at play as well as the nearest neighbor to the north. There were 10 dogs at the existing facility during the noise measurements. Figure 2 shows the noise measurement location.

Equipment used for the noise measurements included Larson Davis Laboratories (LDL) Model 820 precision integrating sound level meters. The meters were calibrated before and after use with an LDL CAL200 acoustical calibrator to ensure the accuracy of the measurements.

A summary of the continuous noise level measurement results is provided in Table 6. Appendix B graphically shows the results of the 24-hour noise level measurements.

**TABLE 6
SUMMARY OF MEASURED AMBIENT NOISE LEVELS**

Site	Date	Measured (L _{dn})	Average Hourly Daytime (7:00am - 10:00pm)			Average Hourly Nighttime (10:00pm – 7:00am)		
			L _{eq}	L ₅₀	L _{max}	L _{eq}	L ₅₀	L _{max}
A	October 17 th -18 th , 2017	53 dBA	49 dBA	43 dBA	68 dBA	46 dBA	38 dBA	66 dBA

Source: j.c. brennan & associates, Inc. – 2017.

The measured continuous hourly noise levels at Site A include all noise sources, including those associated with the Dumont Kennel, Bentley Road and local roadway traffic, and surrounding land uses. Based upon the observations and short-term noise level measurements previously described, the background hourly L_{eq} and L_{max} noise levels are dominated by other noise sources in the project vicinity.

Based upon the observations and noise level measurement results, the background hourly L_{eq} noise levels are dominated by other noise sources in the vicinity of the project. Therefore, it is a conservative estimate to assume that the hourly values due to the existing Dumont Kennel are a minimum of 3 dB less than the measured noise levels. In addition, the observations at the site indicate that maximum noise levels are due to other noise sources such as, roadway traffic and neighborhood activities. Appendix B indicates that noise levels increase considerably at during the 6:00 a.m. to 9:00 a.m. hours. This is when traffic occurs during morning peak hour.

INCREASED PROJECT NOISE LEVELS

Based upon the noise level measurements and the field observations, the existing Dumont Dog Kennel (with 10 total number of dogs) will result in hourly noise levels of less than 46 dB L_{eq} , and 65 dB L_{max} during the daytime periods and less than 43 dB L_{eq} and 63 dB L_{max} during the nighttime periods.

Increasing the number of dogs from 10 to 20 total dogs can be determined based upon typical logarithmic addition. The hourly noise levels would increase by 3 dB, which is considered imperceptible to the human ear. The Dumont Dog Kennel will comply with the Stanislaus County General Plan Noise Element daytime and nighttime noise level criteria. In addition, the dogs are housed during the nighttime hours and are not expected to be a source of noise in the project area.

CONCLUSIONS AND MITIGATION MEASURES

Based upon the noise measurement data and the analysis of noise levels associated with the existing and future kennel facility, the following conclusions have been determined.

- 1. Existing noise levels associated with dogs comply with the Stanislaus County General Plan Noise Element criteria;**
- 2. The total number of dogs should not exceed 20.**

Appendix A

Acoustical Terminology

Acoustics	The science of sound.
Ambient Noise	The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.
Attenuation	The reduction of an acoustic signal.
A-Weighting	A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.
Decibel or dB	Fundamental unit of sound, A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.
CNEL	Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by a factor of three and nighttime hours weighted by a factor of 10 prior to averaging.
Frequency	The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz (Hz).
L_{dn}	Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.
L_{eq}	Equivalent or energy-averaged sound level.
L_{max}	The highest root-mean-square (RMS) sound level measured over a given period of time.
L_(n)	The sound level exceeded a described percentile over a measurement period. For instance, an hourly L ₅₀ is the sound level exceeded 50% of the time during the one hour period.
Loudness	A subjective term for the sensation of the magnitude of sound.
Noise	Unwanted sound.
NRC	Noise Reduction Coefficient. NRC is a single-number rating of the sound-absorption of a material equal to the arithmetic mean of the sound-absorption coefficients in the 250, 500, 1000, and 2,000 Hz octave frequency bands rounded to the nearest multiple of 0.05. It is a representation of the amount of sound energy absorbed upon striking a particular surface. An NRC of 0 indicates perfect reflection; an NRC of 1 indicates perfect absorption.
Peak Noise	The level corresponding to the highest (not RMS) sound pressure measured over a given period of time. This term is often confused with the <i>Maximum</i> level, which is the highest RMS level.
RT₆₀	The time it takes reverberant sound to decay by 60 dB once the source has been removed.
Sabin	The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 Sabin.
SEL	Sound Exposure Level. SEL is a rating, in decibels, of a discrete event, such as an aircraft flyover or train passby, that compresses the total sound energy into a one-second event.
STC	Sound Transmission Class. STC is an integer rating of how well a building partition attenuates airborne sound. It is widely used to rate interior partitions, ceilings/floors, doors, windows and exterior wall configurations.
Threshold of Hearing	The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing.
Threshold of Pain	Approximately 120 dB above the threshold of hearing.
Impulsive	Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.
Simple Tone	Any sound which can be judged as audible as a single pitch or set of single pitches.

Appendix B

Dumont Kennel

24hr Continuous Noise Monitoring - Site A

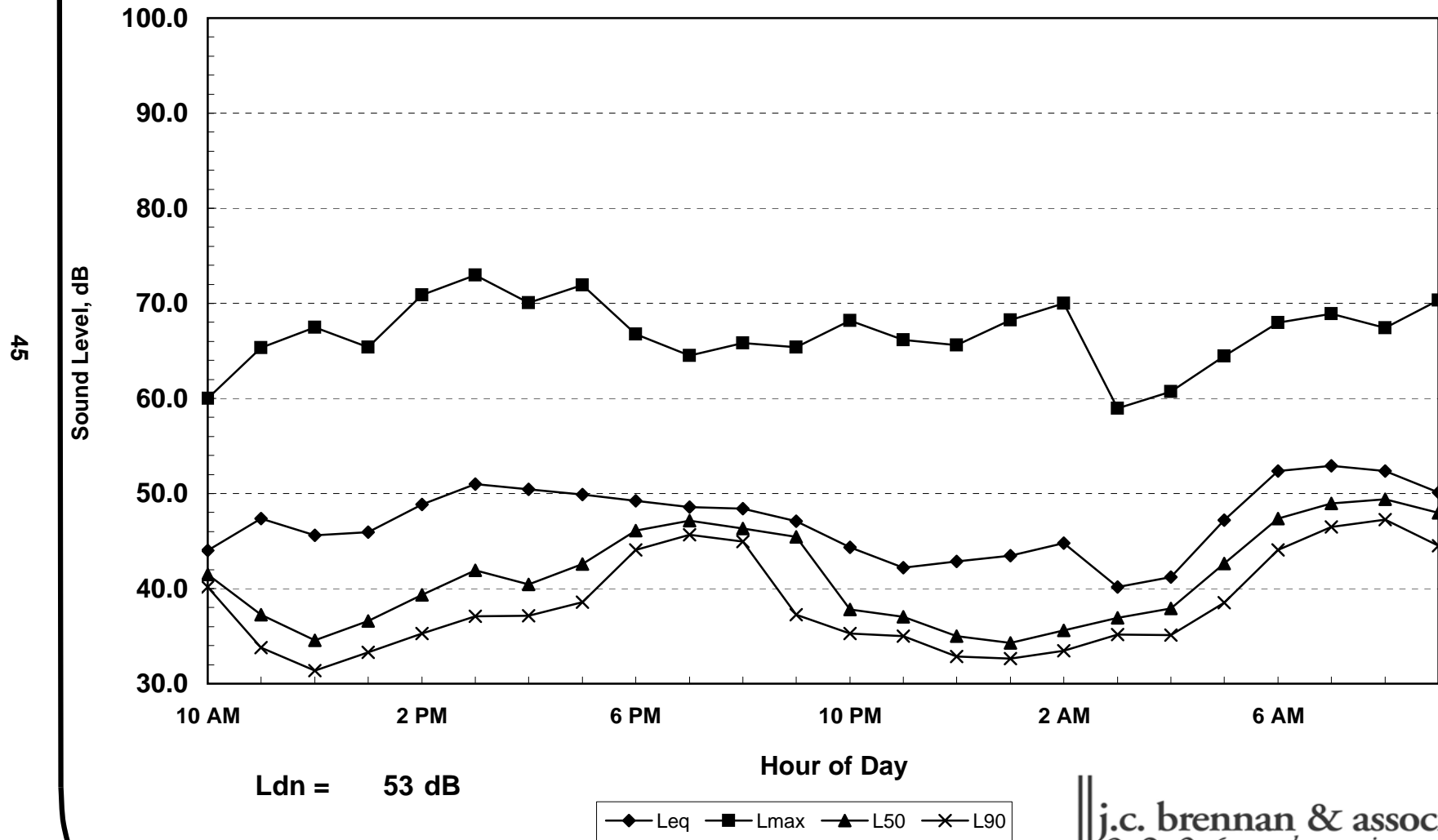
October 17th-18th, 2017

Hour	Leq	Lmax	L50	L90
10:00:00	44.0	60.0	41.5	40.2
11:00:00	47.4	65.3	37.3	33.8
12:00:00	45.6	67.5	34.6	31.4
13:00:00	45.9	65.4	36.6	33.3
14:00:00	48.8	70.9	39.3	35.3
15:00:00	51.0	73.0	41.9	37.1
16:00:00	50.5	70.0	40.5	37.2
17:00:00	49.9	71.9	42.6	38.6
18:00:00	49.2	66.8	46.1	44.1
19:00:00	48.6	64.5	47.2	45.7
20:00:00	48.4	65.8	46.3	45.0
21:00:00	47.1	65.4	45.4	37.3
22:00:00	44.3	68.2	37.8	35.3
23:00:00	42.2	66.1	37.1	35.0
0:00:00	42.9	65.6	35.0	32.8
1:00:00	43.5	68.3	34.3	32.6
2:00:00	44.8	70.0	35.6	33.4
3:00:00	40.2	59.0	36.9	35.2
4:00:00	41.2	60.7	37.9	35.1
5:00:00	47.2	64.5	42.7	38.5
6:00:00	52.3	67.9	47.4	44.1
7:00:00	52.9	68.9	49.0	46.5
8:00:00	52.3	67.4	49.4	47.2
9:00:00	50.1	70.3	48.0	44.5

Statistical Summary						
Daytime (7 a.m. - 10 p.m.)				Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	53	44	49	52	40	46
Lmax (Maximum)	73	60	68	70	59	66
L50 (Median)	49	35	43	47	34	38
L90 (Background)	47	31	40	44	33	36

Computed Ldn, dB	53
% Daytime Energy	78%
% Nighttime Energy	22%

Appendix B
Dumont Kennel
24hr Continuous Noise Monitoring - Site A
October 17th-18th, 2017



Appendix B

Short-Term Noise Monitoring Summary

Project: 2017-185

Location: Site 1.1

Date: 10/17/2017

Time: 9:15 AM

SLM: 824-#2

Calibrator: LDL CAL 200

Wind Speed: E 3mph

Weather: Partly cloudy, 53% Humidity, 60F

Field Tech: NTP

Measurement Results, dBA

Duration: 0:15

L_{eq}: 49.9 dBA

L_{max}: 62.7 dBA

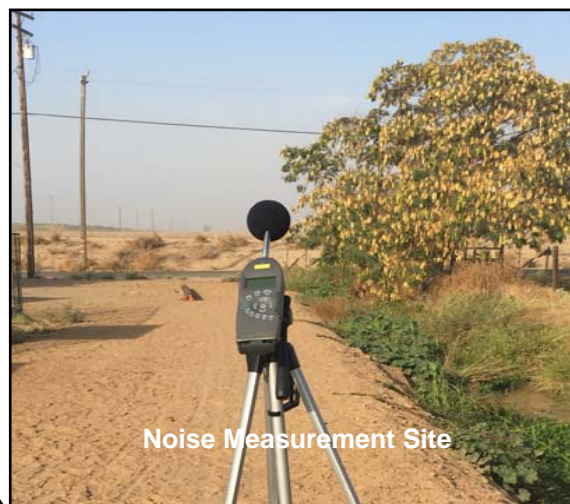
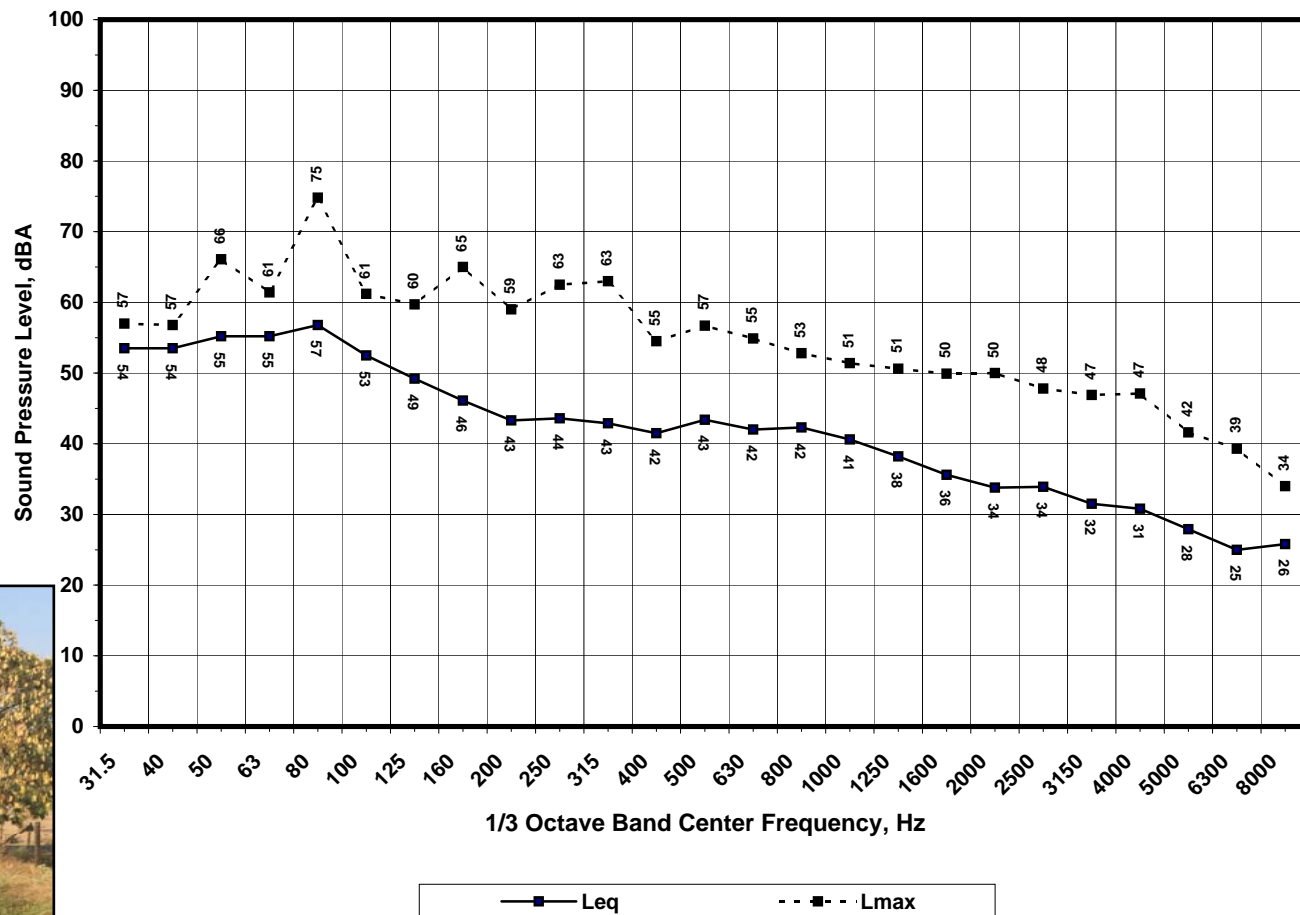
L_{min}: 44.9 dBA

L₅₀: 47.8 dBA

L₉₀: 46 dBA

Notes

Primary noise source is goats at adjacent property.



Appendix B

Short-Term Noise Monitoring Summary

Project: 2017-185

Location: Site 1.2

Date: 10/17/2017

Time: 10:17 AM

SLM: 824-#2

Calibrator: LDL CAL 200

Wind Speed: W 1mph

Weather: Partly cloudy, 33% Humidity, 70F

Field Tech: NTP

Measurement Results, dBA

Duration: 0:15

L_{eq}: 48.7 dBA

L_{max}: 64.0 dBA

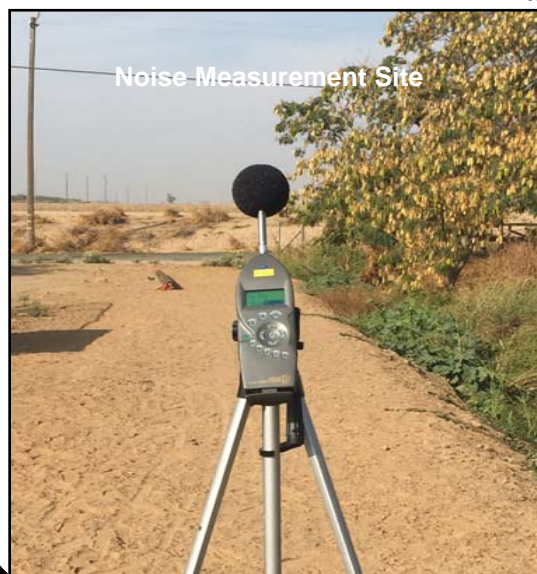
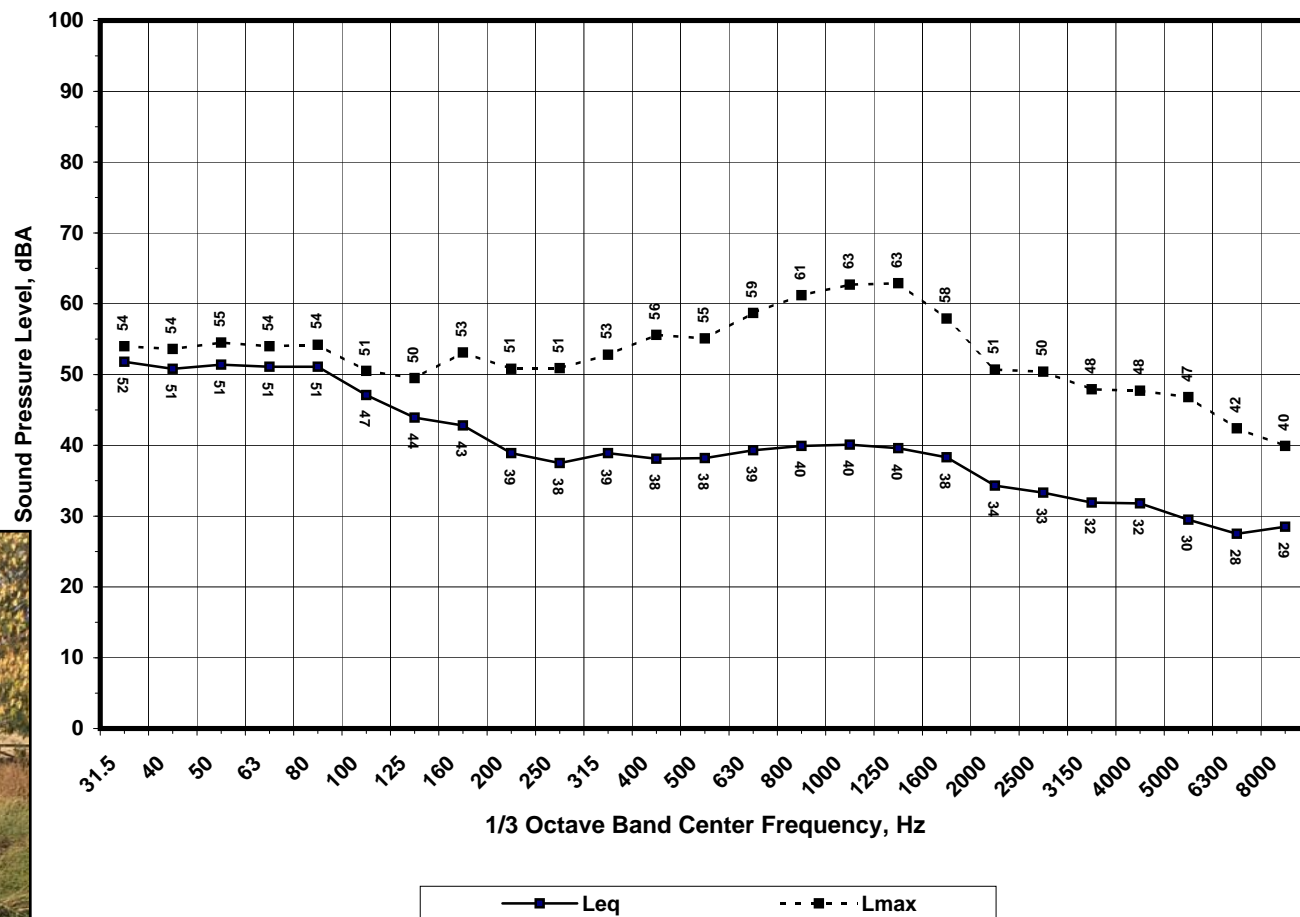
L_{min}: 40.5 dBA

L₅₀: 42.9 dBA

L₉₀: 41.2 dBA

Notes

Primary noise source is goats on project property.



Appendix B

Short-Term Noise Monitoring Summary

Project: 2017-185

Location: Site 2.1

Date: 10/17/2017

Time: 9:37 AM

SLM: 824-#2

Calibrator: LDL CAL 200

Wind Speed: E 3mph

Weather: Partly cloudy, 53% Humidity, 60F

Field Tech: NTP

Measurement Results, dBA

Duration: 0:15

L_{eq} : 46.2 dBA

L_{max} : 54.2 dBA

L_{min} : 43.7 dBA

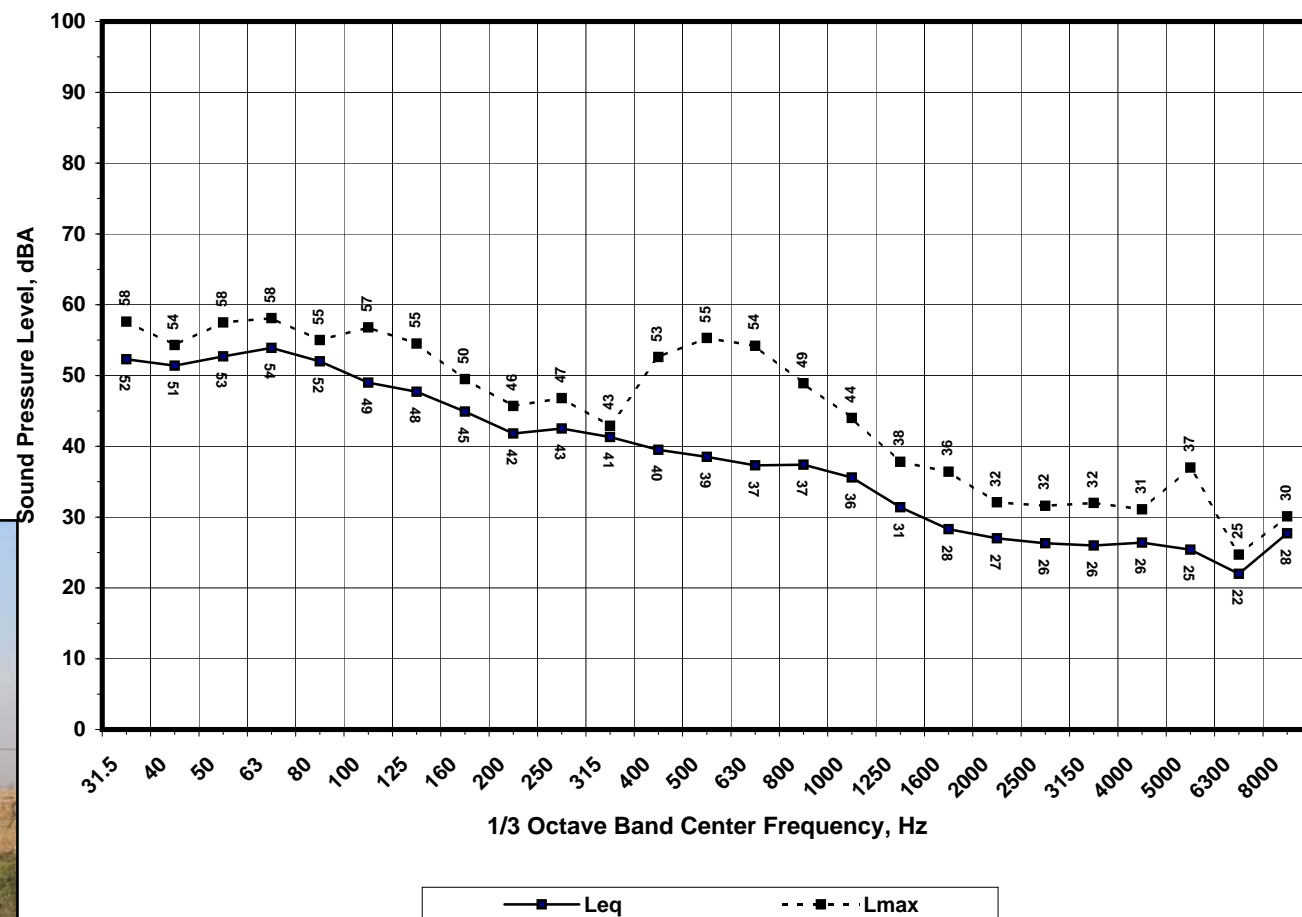
L_{50} : 45.1 dBA

L_{90} : 44.4 dBA

Notes

Primary noise source is goats at adjacent property.

Noise Measurement Site



Appendix B

Short-Term Noise Monitoring Summary

Project: 2017-185

Location: Site 2.2

Date: 10/17/2017

Time: 10:33 AM

SLM: 824-#2

Calibrator: LDL CAL 200

Wind Speed: W 1mph

Weather: Partly cloudy, 33% Humidity, 70F

Field Tech: NTP

Measurement Results, dBA

Duration: 0:15

L_{eq}: 45.7 dBA

L_{max}: 54.8 dBA

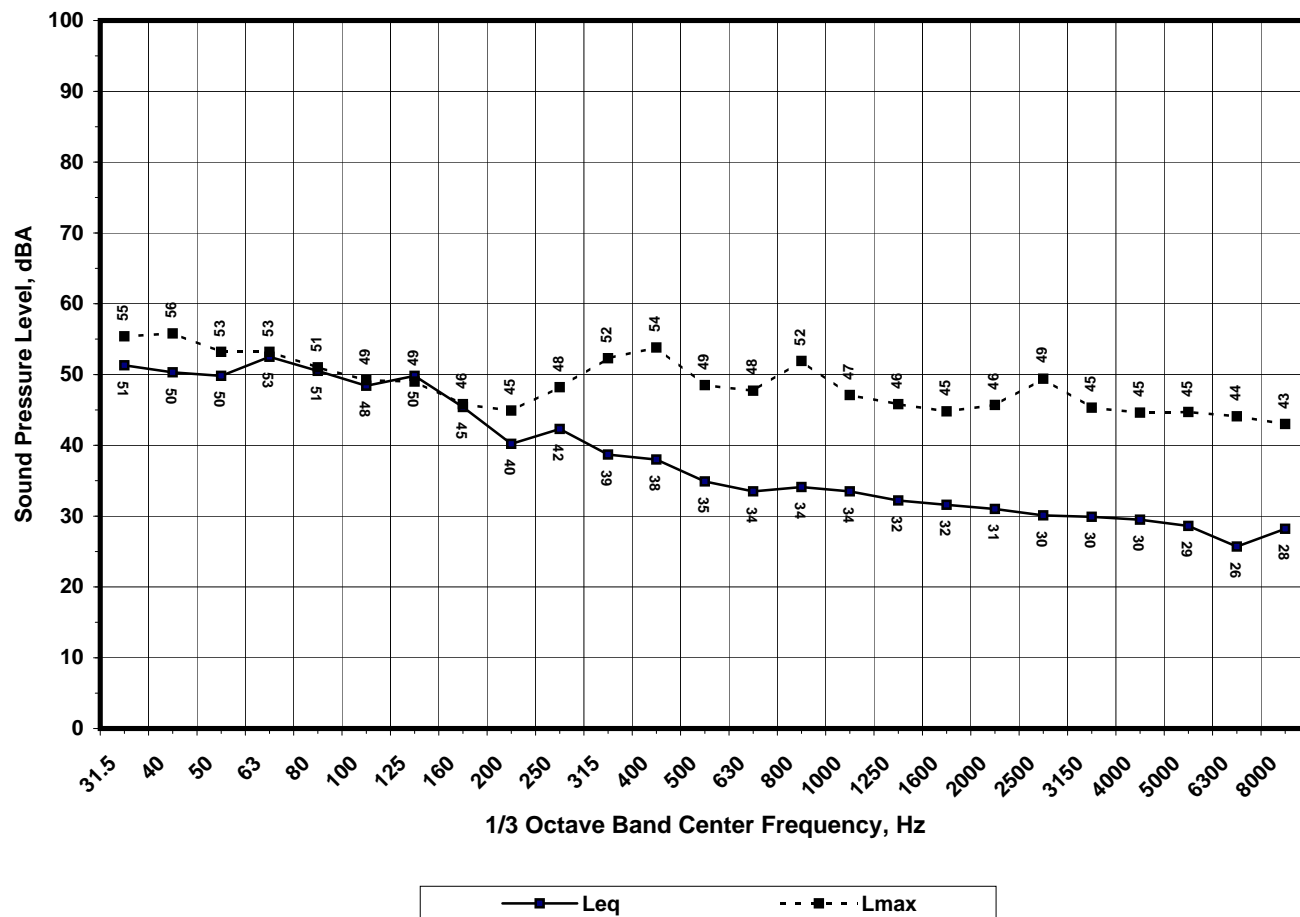
L_{min}: 41.6 dBA

L₅₀: 43.7 dBA

L₉₀: 42.4 dBA

Notes

Primary noise source is dogs on project property.



Appendix B

Short-Term Noise Monitoring Summary

Project: 2017-185

Location: Site 3.1

Date: 10/17/2017

Time: 9:58 AM

SLM: 824-#2

Calibrator: LDL CAL 200

Wind Speed: E 3mph

Weather: Partly cloudy, 53% Humidity, 60F

Field Tech: NTP

Measurement Results, dBA

Duration: 0:15

L_{eq} : 45.7 dBA

L_{max} : 54.6 dBA

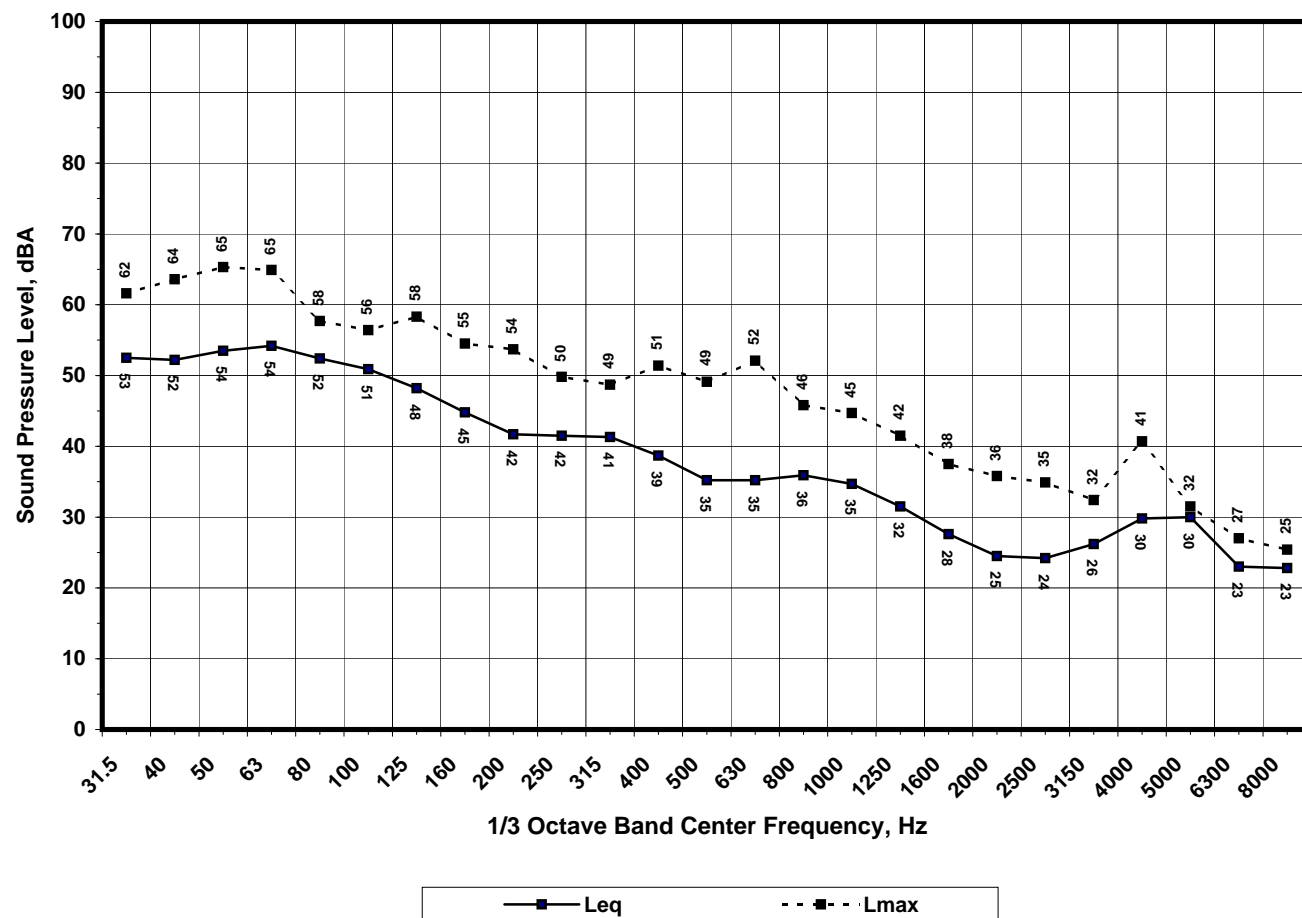
L_{min} : 42.4 dBA

L_{50} : 44.7 dBA

L_{90} : 43.5 dBA

Notes

Primary noise source is goats at adjacent property.



Appendix B

Short-Term Noise Monitoring Summary

Project: 2017-185
Location: Site 3.2
Date: 10/17/2017
Time: 10:49 AM
SLM: 824-#2

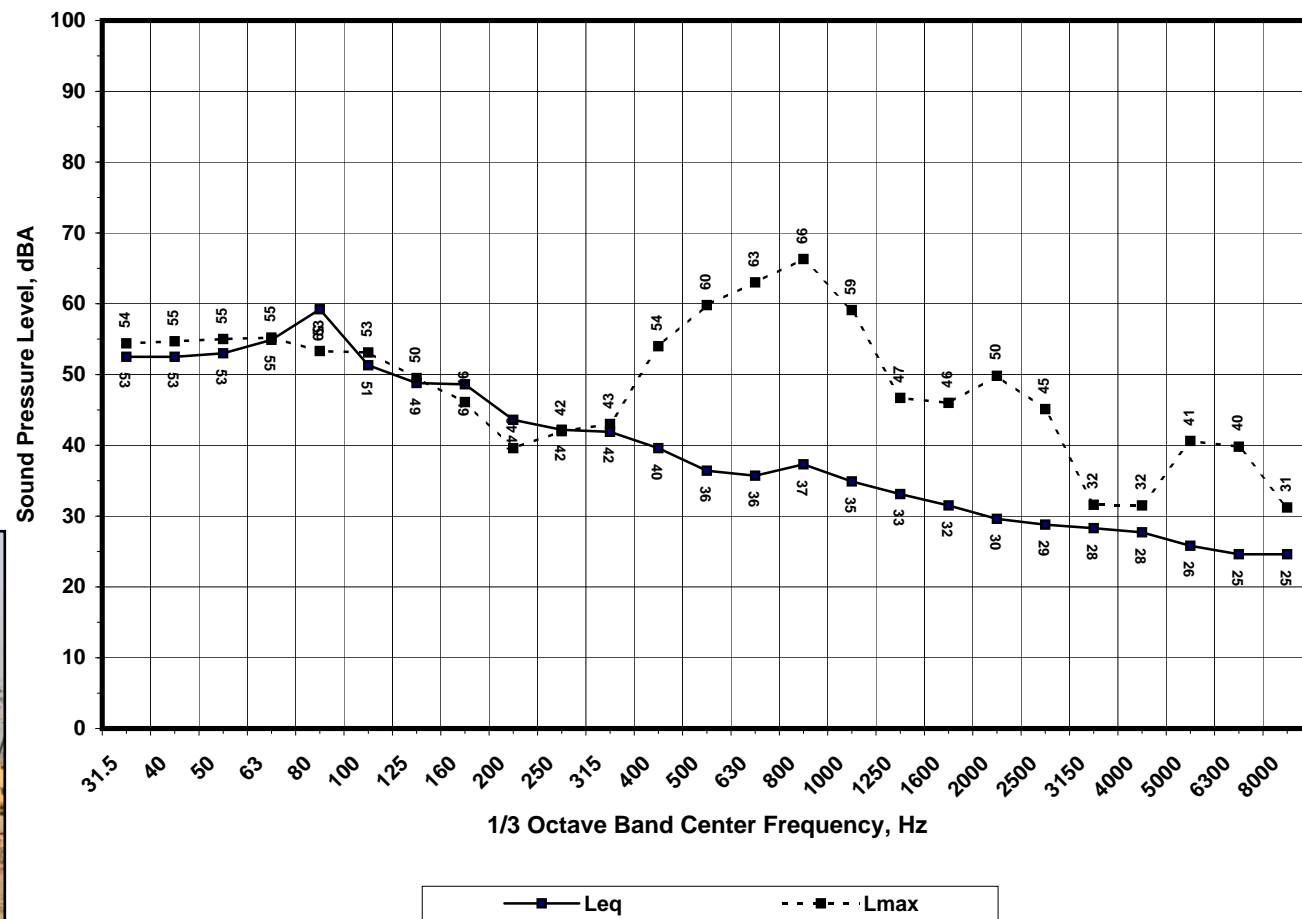
Calibrator: LDL CAL 200
Wind Speed: W 1mph
Weather: Partly cloudy, 33% Humidity, 70F
Field Tech: NTP

Measurement Results, dBA

Duration: 0:15
L_{eq}: 46.9 dBA
L_{max}: 63.6 dBA
L_{min}: 41.2 dBA
L₅₀: 43.5 dBA
L₉₀: 42 dBA

Notes

Primary noise source is dogs on project property.



NEGATIVE DECLARATION

NAME OF PROJECT: USE PERMIT APPLICATION NO. PLN2017-0066 – Dumont Breeders

LOCATION OF PROJECT: 3500 Bentley Road between Kemper and Milnes Rd, west of Albers Road, in the Modesto area. APN: 014-019-008

PROJECT DEVELOPERS: Gabriel Dumont
3500 Bentley Road
Modesto, CA 95357

DESCRIPTION OF PROJECT: Request to establish and operate a dog kennel on a 2.5± acre parcel in the A-2-40 (General Agriculture) zoning district. The property is located at 3500 Bentley Road, between Kemper and Milnes Roads, east of the city of Modesto.

Based upon the Initial Study, dated **January 2, 2018**, the Environmental Coordinator finds as follows:

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

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

Initial Study prepared by: Denzel Henderson, Assistant Planner

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

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: Use Permit 2017-0066 Dumont Breeders

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 FISH & WILDLIFE	X	X			X							
CA DEPT OF FORESTRY (CAL FIRE)	X	X			X							
CA DEPT OF TRANSPORTATION	X	X			X							
CA OPR STATE CLEARINGHOUSE	X	X		X				X		X		X
CA RWQCB CENTRAL VALLEY REGION	X	X		X				X		X	X	
COOPERATIVE EXTENSION	X	X			X							
FIRE PROTECTION DIST: OAKDALE	X	X			X							
HOSPITAL DIST : OAK VALLEY HOSPITAL	X	X			X							
IRRIGATION DISTRICT:OAKDALE	X	X		X		X				X		X
MOSQUITO DISTRICT: EASTSIDE	X	X			X							
MT VALLEY EMERGENCY MEDICAL	X	X			X							
PACIFIC GAS & ELECTRIC	X	X			X							
RAILROAD: BURLINGTON NORTH SANTA FE	X	X			X							
SAN JOAQUIN VALLEY APCD	X	X			X							
SCHOOL DISTRICT 1: RIVERBANK	X	X			X							
STAN CO AG COMMISSIONER	X	X			X							
STAN CO ANIMAL SERVICES	X	X			X							
STAN CO BUILDING PERMITS DIVISION	X	X			X							
STAN CO CEO	X	X			X							
STAN CO DER	X	X		X		X				X	X	
STAN CO ERC	X	X		X		X				X		X
STAN CO FARM BUREAU	X	X			X							
STAN CO HAZARDOUS MATERIALS	X	X		X								
STAN CO PARKSS & RECREATION	X	X		X								
STAN CO PUBLIC WORKS	X	X		X		X				X	X	
STAN CO SHERIFF	X	X		X		X				X		X
STAN CO SUPERVISOR DIST # :OLSEN	X	X			X							
STAN COUNTY COUNSEL	X	X			X							
STANISLAUS FIRE PREVENTION BUREAU	X	X			X							
STANISLAUS LAFCO	X	X			X							
TELEPHONE COMPANY:	X	X			X							
US ARMY CORPS OF ENGINEERS	X	X		X		X				X		X
US FISH & WILDLIFE:	X	X			X							
US MILITARY:	X	X			X							
US NRCS	X	X			X							