

Planning Commission Meeting Minutes Excerpt

Date: September 26, 2001

Item No.: Public Hearing No. 1

1. **ZO 2001-3. City Initiated. Consideration of an Ordinance amending to Chapter 17.14 of the Calistoga Municipal Code (Zoning Ordinance) relating to standards for veterinary services and boarding facilities in the Rural Residential District. A Negative declaration will be considered for this project in accordance CEQA Guidelines.**

Associate Planner presented a Staff Report.

Director Tooker suggested consideration of changes to the Ordinance findings as follows:

- Finding 17.14.020.B.3.c could replace finding 17.14.020.B.3.e in its entirety by adding, "The use includes adequate methods of sound attenuation to reduce all indoor and outdoor noise associated with the boarding of animals, such as increased setbacks and sound barriers." This would eliminate the need for establishing a numeric setback, and would allow a case-by-case consideration of setbacks.
- Strike 17.14.020.B.3.e altogether. The City is already required to review the parking ordinance for all uses.

Director Tooker further advised the Commission and meeting participants to keep in mind that this item is to be considered in a broad sense, not in relation to a particular application or property. Does the community want to provide for veterinarian services and boarding in the Rural Residential area? **Commissioner Casey** added that the Commission tries to not deal with personalities and projects, but rather to realize that an application could come from anywhere. The Commission is dealing with what could happen in the future, not just today.

Chairman Montez opened the Public Hearing.

Dr. Steve Franquelin, 1561 Centennial Circle, addressed the Commission. He noted some inconsistencies in the proposed ordinance. Would a fifty-foot setback make sense to any application for a veterinary hospital permit? This issue is probably in order to control noise. The section regarding the need to attenuate noise is obvious. Although there is noise inside a veterinary hospital, there is very little noise from the outside. There is no need for fifty feet. The building can be engineered to stop a lot of the noise. It would make more sense to base the setbacks on engineering and on a case-by-case process. There are two major sections in the Ordinance. The allowed uses include kennels. The uses requiring a permit are very different. At the March 28th meeting it was decided that a veterinary kennel is of a similar use (in Rural Residential) and would require a use permit. His concern is that there are things that sound like veterinary hospitals (kennels, grazing and experimental or selective breeding or training of cattle or horses, etc.) that are listed in the section that does not require a use permit. Veterinary hospitals have been included as a use that needs a use permit. Dr. Franquelin has an opportunity to build another veterinary hospital that would provide expanded services to Calistoga. This ordinance affects him significantly. Building a new clinic in Calistoga to provide expanded services that Calistoga needs and deserves is very important. He is unable

to provide these services in his current location. He also tries to help with animal control as much as possible, but more kennel space is needed. He expressed appreciation for all the thought process that is being given to this issue.

Commissioner Casey asked if a minimum lot size of two acres in the Rural Residential District is reasonable to require of a veterinary hospital. **Dr. Franquelin** answered that two acres is a reasonable size.

Director Tooker informed the Commission that staff looked at eleven other ordinances that included a minimum acreage, ranging from two to ten acres. **Dr. Franquelin** added that requesting a two-acre minimum made sense because it allows for getting away from the structures that are adjacent.

Jean Hughes Wright, 2954 Foothill Boulevard, addressed the Commission. She bought her house in 1973 in Rural Residential. She described her property as being in a bucolic setting. She lives on a private easement. She bought the property with the understanding that they were zoned Rural Residential and were protected from commercial enterprise and would not be concerned with traffic as they live on a private road. She is concerned about the property values. The proposed clinic does not border her property. She had a neighbor with a horse in the past that created an unbearable horsefly problem. She acknowledged Dr. Franquelin as an excellent doctor and expressed her hope that he can find a suitable place for his clinic, but she is concerned about the sound.

Director Tooker noted that this issue is not intended for discussion of a specific parcel. It is a broad study of "do we develop standard and what should those standards be" for veterinarian services and kennels in the Rural Residential area in its entirety.

Doug Sterk, 1905 School Street, addressed the Commission as a friend of the Franquelins. The way the Ordinance reads now, this use should probably go with the light agricultural uses. If he owned property in Rural Residential he could, without a use permit, set up a turkey farm on the entire property without any real considerations. A turkey farm would be incredibly noisy. A veterinary clinic is engineered to reduce the sound. It would be an advantage to have this use in any area. In regard to whether or not the lots should be two-acres, there has to be a certain point to start from. This can depend on the type of project. If it is strictly a veterinary clinic, you probably don't have to have two acres. If the scope of the project includes a boarding facility, large animal care, etc., you would probably need a greater amount. The idea of the fifty-foot setback needs to be readdressed. The shape and situation of the lot could limit what could be done and should be addressed on a case-by-case basis. During the use permit consideration, things like sound attenuation, septic, how it affects the neighboring properties, can be dealt with. The way it is written now, everything written in section A.2 talks about agricultural uses, but the addition of veterinary clinics is being put into the use permit section (B.) where the things listed are not agricultural. This needs to be more consistent. When considering similar uses, the Commission was talking about agricultural uses.

Hal Taylor, Diamond Mountain, addressed the Commission. He would like to address the setback issue and was please with earlier comments made by Director Tooker. There are quite a few Rural Residential lots with property line dimensions of just over 100 feet. Sound barrier technology is supreme today. Noise is not difficult to control outside of a structure such as a veterinary clinic. Was staff's revised proposal and/or setback noise barrier or the inclusion of additional setbacks and noise barriers? **Director Tooker** replied that it was intended to give examples of sound attenuation. The intention was to say the use includes adequate methods of sound attenuation to reduce all indoor and outdoor noise associated with the use such as increased setback and sound barriers. These are meant to support what sound attenuation means. **Mr. Taylor** believes a huge setback is not needed to attend the sound if you are going to do it with the building itself. They don't tie hand-in-hand.

Chairman Montez closed the Public Hearing at 7:55 p.m.

Commission discussion included the following:

- **Director Tooker** noted that there were some very good points brought up. **Chairman Montez** agreed.
- **Commissioner Casey** asked if instead of "setbacks and sound barriers", "and/or" could be put in. "And" might be interpreted as inclusive, rather than exclusive. It was a good thought to change 17.14.020.B.c to include setbacks and sound barriers, and to get rid of 17.14.020.B.e., as it seems Draconian. In considering whether veterinary clinics were similar to the Rural Residential uses described, The Planning Commission was looking at the uses allowed without use permit, but also said it should have a use permit. The Planning Commission wasn't really thinking about the ordinance. If we want to require a use permit for something that is similar to what's in A. (uses allowed without use permit) then there are some things that ought to go down to B. (uses requiring use permits). We should look at the whole thing and make it consistent.
- **Director Tooker** agreed that when the decision was made, the Planning Commission was talking in isolation about kennels. The presumption was kennels can be loud on occasion ...let's conditionally permit them. The inconsistency in the ordinance was missed. Rural Residential is changing and now can mean generally larger home sites, that still include some components of our agricultural traditions, but not necessarily what it was in the past. Staff proposes, at the next meeting, to either strike kennels from permitted use and move them into conditionally permitted use, or alternatively look at an option such as indoor kennels as being permitted. Leave outdoor kennels in uses requiring use permits.
- **Chairman Montez** suggested moving what is under A. (permitted) to B. (conditionally permitted). **Commissioner Casey** added that she would not move all of the items. Berry or bush crops are not going to disturb the neighbors. Things that could be noisy or stinky.
- **Director Tooker** asked if the Commission wanted to potentially cloud the single issue. **Commissioner Casey** stated that she thinks it would clarify the ordinance.
- **Commissioner Creager** noted that this is Rural Residential. Those uses are allowed and should be allowed to continue the character of the use of that property. A use permit could conceivably limit the use of that property for these uses if we bump them down into B. with parks and recreational and other things that are truly transitional uses from Rural

Residential to something else again. If we are going to make some of these light agricultural uses conditional to the use permit, create a separate category that has different standards to be met and standards that are more consistent with maintaining Rural Residential character rather than resisting transition to something other than Rural Residential. The intent of B. is to protect against transition from Rural Residential. What we are saying is that there are some Rural Residential areas that may be "bumping up" against more residential type uses. That is a very important distinction we should make. The hurdles should be lower for uses that are consistent with the original intent.

- **Chairman Montez** suggested that there might be some sort of a trigger included that said you need a Conditional Use Permit if what you are going to put in is noisy or smelly and could offend the neighbors.
- **Commissioner Creager** is looking for something that is more akin to a scale appropriate to the neighborhood, rather than if it is a use that is allowed or not.
- **Chairman Montez** asked staff to address the inconsistencies in the ordinance, and issues that have not been considered before. **Director Tooker** responded that a couple of issues appear very clear, such as if there is no kennel at all is it appropriate to have two acres? He would take the position, as a planner, that if there is no kennel or no area needed for large animals that need area, then the Rural Residential area is inappropriate and the use ought to be Commercial. In the case where there is a kennel and area required for large animals it seems the Commission is comfortable with the two-acre minimum at this point in time. He is also hearing that the Commission would like to separate out the more benign Rural Residential uses like agricultural crops from the more noisy and odor related types of uses, placing those as uses requiring a Conditional Use Permit and create standards for them. **Commissioner Casey** suggested that there could be three sections as suggested by Commissioner Creager.
- **Chairman Montez** revisited Commissioner Creager's comment that Rural Residential should be Rural Residential, and that keeping animals of one kind or another has always been a part of that. Maybe veterinary clinics should be moved to uses allowed without use permit. **Director Tooker** responded that the only reason he would advise against this is, from a traditional perspective of what Rural Residential was, and even today, a veterinarian clinic in and of itself is not consistent with uses allowed. Breeding and boarding of animals would be, but a clinic, which is essentially and indoor use, would traditionally not be considered a Rural Residential use. Focus on the dual use of veterinary clinic with the boarding facility for a variety of different sized animals. Treat this as a Rural Residential District use.
- **Chairman Montez** asked if someone was to use Rural Residential for agriculture and ran crop-dusters, this would create a nuisance greater than a kennel. The potential for real aggravation in working with the list of uses allowed without a permit is very high.
- **Director Tooker** stated that because this issue will be rewritten and re-noticed for the second meeting in October.

The Commission continued the item to October 24, 2001, directing Staff to revise the Draft Ordinance to include the following:

- Allow veterinarian clinics (without boarding facilities) in the Commercial District only.

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- Require veterinarian clinics with boarding facilities to obtain a CUP.
- Remove numeric setback in favor of reviewing setbacks on a case-by-case basis.
- Pull previously permitted uses (poultry, farms, etc) that have a noise or odor related impact on adjacent parcels and insert them as conditionally permitted uses.
- Maintain the 2-acre minimum lot size requirement.