

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning & Community Development

Urgent _____ Routine X

CEO Concurs with Recommendation YES _____ NO _____

(Information Attached)

BOARD AGENDA # 9:35 a.m.

AGENDA DATE: February 27, 2001

4/5 Vote Required YES _____ NO X

SUBJECT:

APPROVAL OF GENERAL PLAN AMENDMENT NO. 2000-06, REZONE APPLICATION NO. 2000-07 AND PARCEL MAP APPLICATION NO. 2000-10 - BAVARO INDUSTRIAL PARK . PROPOSED 16.5 ACRE PI (PLANNED INDUSTRIAL) AREA NORTH OF KIERNAN AVENUE, BETWEEN PENTECOST WAY AND MCHENRY AVENUE, NORTH OF MODESTO, APN: 004-71-35.

PLANNING COMMISSION RECOMMENDATION:

FOLLOWING A PUBLIC HEARING ON JANUARY 18, 2001, THE PLANNING COMMISSION ACCEPTED A STAFF RECOMMENDATION FOR APPROVAL AND RECOMMENDED THE BOARD OF SUPERVISORS APPROVE THIS PROJECT. THE EXACT RECOMMENDATION IS AS FOLLOWS:

1. ISSUE A NEGATIVE DECLARATION, BASED ON THE INITIAL STUDY AND MITIGATION MEASURES AND FIND THE PROJECT TO BE "DE MINIMIS" FOR THE PURPOSE OF FISH AND GAME CODES;

(Planning Commission Recommendation Continued on Page 2)

FISCAL IMPACT:

None.

BOARD ACTION

No. 2001-155

On motion of Supervisor Simon, Seconded by Supervisor Blom

and approved by the following vote,

Ayes: Supervisors: Mayfield, Blom, Simon, Caruso, and Chair Paul

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended INTRODUCED, ADOPTED, AND WAIVED THE READINGS OF
ORDINANCE C.S. 753.

ATTEST: REAGAN M. WILSON, Clerk Bv: Christine Ferraro Deputy

File No. ORD-54-H-3

SUBJECT: APPROVAL OF GENERAL PLAN AMENDMENT NO. 2000-06, REZONE
APPLICATION NO. 2000-07 AND PARCEL MAP APPLICATION NO. 2000-10 -
BAVARO INDUSTRIAL PARK

PAGE 3

**DISCUSSION
CONTINUED:**

- Number 31 should be changed to read: "Each parcel shall have an approved independent water supply. Prior to ~~recording the parcel map development~~, each parcel shall have its own well. A drilling permit shall be obtained from the Department of Environmental Resources. (Stanislaus County Policy and State Model Well Standards Ordinance.) A 300' minimum setback between the existing irrigation well and any new well must be maintained if the existing well lacks an annular seal."
- Number 52 shall be omitted. This measure speaks of requiring an encroachment permit. As this project will not have direct access to Kiernan Avenue, the permit is not needed. See attached letter from Public Works dated February 5, 2001.

**POLICY
ISSUES:**

None.

**STAFFING
IMPACT:**

None.

ATTACHMENTS:

Planning Commission Staff Report, January 18, 2001, including January 12, 2001 Addendum
Planning Commission Minutes, January 18, 2001
Amended Development Standards
Letter, Public Works, February 5, 2001

STANISLAUS COUNTY PLANNING COMMISSION

January 18, 2001

STAFF REPORT

GENERAL PLAN AMENDMENT APPLICATION NO. 2000-06
REZONE APPLICATION NO. 2000-07
PARCEL MAP 2000-10
BAVARO INDUSTRIAL PARK

REQUEST: TO CREATE A PLANNED INDUSTRIAL ZONE, AND FIVE NEW PARCELS, TO ALLOW MARKETING OF THE PROPERTY FOR USES ALLOWED UNDER PROVISIONS OF THE P-I ZONE

APPLICATION INFORMATION

Owner:	Frank & Delores Bavaro
Applicant:	Same
Agent:	Garcia-Davis-Ringler Engineering
Location:	North side of Kiernan Avenue, west of McHenry Avenue, adjacent to Pentecost Drive, north of Modesto
Section, Township, Range	32-2-9
Supervisorial District:	Three (Supervisor Blom)
Assessor's Parcel:	004-71-35
Referrals:	See Summary of Responses within Initial Study
Area of Parcels:	16.5 acres,
Water Supply:	Private wells
Sewage Disposal:	Private systems meeting Measure X Standards
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	Agriculture
Community Plan Designation:	Not applicable
Environmental Review:	Mitigated Negative Declaration recommended
Present Land Use:	Used for seasonal row crops. Currently fallow
Surrounding Land Use:	Mixture of uses including industrial, residential, church to the west, agricultural.

BACKGROUND

In the spring of 1992, the Planning Commission and Board of Supervisors approved a Planned Industrial zone and tentative parcel map to create five parcels on 15.37 acres located north of Kiernan Avenue adjacent to the Tidewater Southern/Union Pacific Railroad tracks. The application was primarily designed to provide a site for the Empire Pallet Company to relocate.

Subsequent to that approval, in late 1993, the County approved a similar request on an adjacent parcel to the north for applicant Frank Denis. That rezone to PI (Planned Industrial) involved a 16-lot industrial park on 24.4 acres. Vehicular access was to be through the Empire Pallet site, with a 30-foot wide emergency access to McHenry Avenue. At the same time, the County also adopted an Area Circulation Plan to ensure adequate future vehicle access as the area continues to develop.

In 1995, the Planning Commission approved a parcel map to reconfigure the industrial area into 42 lots. The main entry road, Five Star Drive, also had a slightly modified alignment approved. Since the initial approval of 1992, another Planned Industrial site, and a Planned Development have also been approved in the same area between McHenry Avenue and the railroad. In 1997, the PD zone was amended to PD 233 to allow the southerly portion of the original property to be developed as a large church for the United Pentecostal Church. As that project is proceeding, the major access road, Pentecost Way has been constructed.

Since the original approval on the north side of Kiernan Ave, the County has approved several other general plan changes and rezones to either PD or to PI to allow the area to gradually convert into a light industrial area. This includes the property abutting this one on the east side, which was zoned to Planned Industrial in 1996.

CURRENT PROJECT

The present request is to change the General Plan and zoning designations of the site from Agriculture/A-2-40 to Planned Industrial to allow the site to be developed with any of the various uses permitted under provisions of the PI zoning regulations. Unlike many PD districts, the applicant's have not narrowed the list of allowable uses, so we have attached a copy of the PI regulations to this report for your review. Water will be from individual private wells, with sewage disposed of by an on-site facilities meeting Measure X Standards. Storm drainage water will be collected in an on site drainage basin.

The parcel map would create parcels of 1.2, 2.3, 1.0, 1.0, and 9.2 net acres, along with a 0.3 acre lot for use as a drainage basin. As shown on the attached maps, access would be by way of a new 70 foot wide roadway extending easterly from Pentecost Drive. This layout is consistent with the existing approved circulation plan for the area and with standards for a minor industrial street. The applicant has had K. D. Anderson prepare a Traffic Report, the conclusions and recommendations of which have been incorporated into the Development Standards / Mitigation

Measures for the project. The traffic report is attached hereto as a part of the project Initial Study.

ISSUES

While this project is indeed a General Plan and zoning change request from Agriculture, as is often the case, it is being requested in an area where the County has made several similar changes in the past decade. As such, many of the issues normally discussed will not be covered here as they have been covered several times already in past staff reports. Those include reports on PD# 233, 210, 226 and 197, along with PI# 9 as well as the aforementioned but now changed PI zones created by Empire Pallet and Frank Denis. It is interesting to note that the Staff Report prepared for PD 233 in 1998 anticipated the current subject area being converted to industrial use.

The subject property is bordered on all four sides by Planned Development or Planned Industrial designations. Both PI and PD designations allow uses subject to specific review and detailed regulation as appropriate. This means that the actual operation of both designations, from a regulatory point of view, is very similar. The PI designation was originally created to allow a variety of uses, subject to strict development standards which are spelled out in the attached PI regulations.

Water for the project will be provided from on-site wells. A storage facility for fire protection water will be constructed to appropriate standards. Sewage will be treated on-site with septic systems, and an on-site drainage basin will also be constructed to handle storm water run-off. All of these details have proven acceptable to reviewing agencies and hence are not significant issues with the project. A landscaping plan for the entire area will have to be submitted. As is standard practice, a final plan must be submitted and approved by the Planning Director prior to the construction.

With all of the above issues satisfactorily addressed, we believe that there is one aspect of the project still needing discussion. This is traffic circulation. Public Works staff requested, and the applicants provided, a Traffic Impact Analysis of the project. The specific topic of the report and analysis was to determine whether this project itself would trigger the need to use Charity Way, which is as yet not fully constructed, as a second access into the project site. That report by K D Anderson Transportation Engineers is attached hereto. Specific mitigation suggestions from the applicant's engineer are found on pages 22 and 23 of that report.

The main and immediate access for the Bavaro project, will be from Kiernan Avenue/State Route 219, using the aforementioned industrial street, Pentecost Way. The eventual second access will be from McHenry Avenue/State Route 108. At present, that access is not available, as full right of way easterly from this parcel to McHenry has not been fully acquired. A key conclusion of the traffic report is that construction of Charity Way out to McHenry Ave. is not warranted at this time. As recommended in that report, the County Department of Public Works has been developing a mechanism to share costs for traffic improvements for this entire

developing industrial area. The conditions attached to this report, as recommended by Public Works, are derived from and designed to implement the mitigations. Please review the traffic analysis itself for details. Overall, the mitigation measures/conditions of approval appear to adequately address impacts of this traffic-intensive use.

PLANNING CONSIDERATIONS

Often, our reports on proposed amendments to the General Plan contain very lengthy discussions of plan consistencies. In this case, however, as mentioned previously, the nature of the proposed PI designation, already surrounded by the current PI and PD zoning is such that we feel the consistencies are self-evident. In reviewing all applicable goals and policies of the General Plan, we can find no significant inconsistencies. Commissioners may, of course, do their own comparisons of the appropriate language contained in each element of the General Plan. We believe the proposal can be found to be consistent with the Stanislaus County General Plan. The proposed general plan, rezone and tentative map are all consistent with one another as well. None of the mandatory Parcel Map Findings, listed in Attachment "D" can be made.

RECOMMENDATION

Based on the materials submitted by the applicants, the responses to the project referrals, the above discussion, and the recommended Mitigation Measures/Development Standards, we recommend that the Commission forward a recommendation to the Board of Supervisors to:

1. Issue a Negative Declaration, based on the Initial Study and Mitigation Measures and find the project to be "De Minimis" for the purpose of Fish and Game Codes;
2. Find that the project is consistent with the overall goals and policies of the County General Plan;
3. Find that the proposed PI zoning is consistent with the PI General Plan description;
4. Find that the project will increase activity in and around the project area, and increase demands for roads and services, thereby requiring dedications and improvements;
5. Find that none of the findings requiring disapproval of the Parcel Map can be made;
6. Approve General Plan Amendment Application No. 2000-06 to designate the site as Planned Development;
7. Approve Rezone Application No. 2000-07, and Parcel Map 2000-10 subject to the attached Mitigation Measures/Development Standards

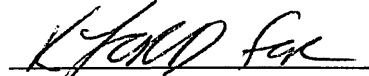
Report written by: Bob Kachel, Senior Planner

Attachments: Exhibit A - Maps
Exhibit B - Initial Study and Responses to Referral

GPA 2000-06, REZ 2000-07 & PM 2000-10
Staff Report
January 18, 2001
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- Exhibit C - Negative Declaration
- Exhibit D- Mitigation Monitoring Plan
- Exhibit E - Parcel Map Findings
- Exhibit F - Traffic Impact Analysis
- Exhibit G - Mitigation Measures/Development Standards
- Exhibit H - Certificate of Fee Exemption
- Exhibit I - Environmental Review Referrals
- Exhibit J PI District Regulations

Reviewed by:



Bob Kachel, Senior Planner

BK:dh
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G.P.A. NO.2000-06 \ REZ. NO.2000-07
P.M. NO.2000-10
BY: BAVARO INDUSTRIAL PARK

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10.09AC.

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11.89AC

MID-MAIN

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14.98AC.

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13.0
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P-D

A-2-40

23.09
AC.

9.77
AC.

Union Pacific

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AC.

SITE
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9.59AC.

7.34AC

MC HENRY AVE

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TUNSON RD

3.07AC

3.5AC

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P-I

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KIERNAN AVE

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STRATOS WY

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8.22AC.

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A-2-10
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EXHIBIT A

G.P.A. NO.2000-06\REZ. NO.2000-07

P.M. NO.2000-10

BY: BAVARO INDUSTRIAL PARK

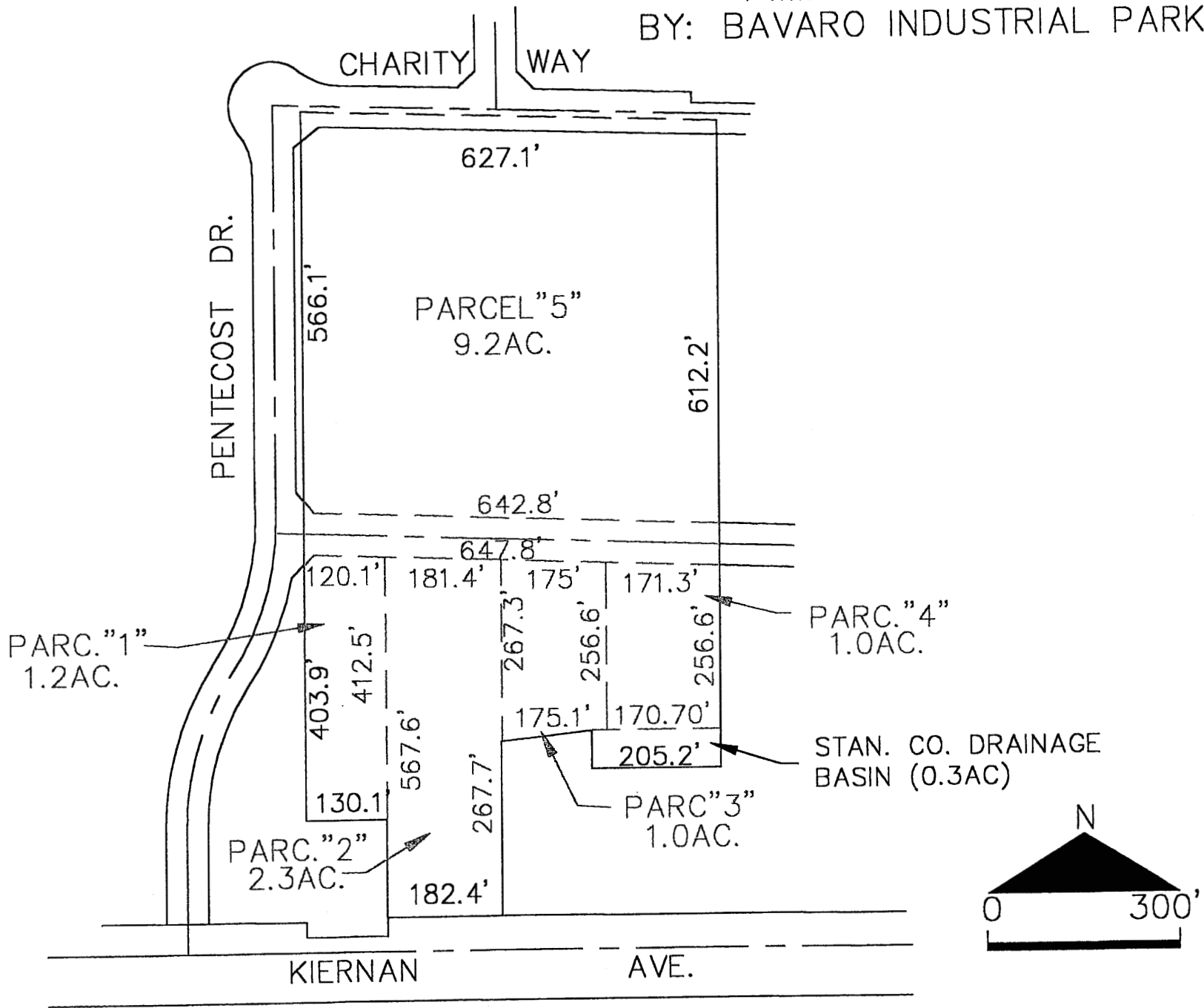


EXHIBIT A-1

Stanislaus County

Planning and Community Development

1010 10th Street, Suite 3400
Modesto, CA 95354

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

CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, October 26, 1998

1. **Project title:** General Plan Amendment Application No. 2000-06, Rezone Application No. 2000-07 and Parcel Map Application No. 2000-10- Bavaro Industrial Park
2. **Lead agency name and address:** Stanislaus County Planning Department
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Bob Kachel
(209) 525-6330
4. **Project location:** North of Kiernan Avenue, between McHenry Avenue and Pentecost Drive, in the Modesto area.
5. **Project sponsor's name and address:** Frank & Delores Bavaro
26312 Jones Road
Escalon, CA 95320
- General plan designation:** Agriculture
7. **Zoning:** A-2-40 (General Agriculture)
8. **Description of project:** The present request is to change the General Plan and zoning designations of the site from Agriculture/A-2-40 to Planned Industrial to allow the site to be developed with any of the various uses permitted under provisions of the PI zoning regulations. Unlike many PD districts, the applicant's have not narrowed the list of allowable uses, so we have attached a copy of the PI regulations to this report for your review. Water will be from individual private wells, with sewage disposed of by on-site facilities meeting Measure X Standards. Storm drainage water will be collected in an on site drainage basin.
The parcel map would create parcels of 1.2, 2.3, 1.0, 1.3, and 9.2 net acres. As shown on the

attached maps, access would be by way of a new 70 foot wide roadway extending easterly from Pentecost Drive. This layout is consistent with the existing approved circulation plan for the area and with standards for a minor industrial street. The project will also require the construction of Charity Way opening access on to McHenry Avenue (Hwy. 108).

9. Surrounding land uses and setting:

This is an area which includes a mixture of uses, including industrial, commercial, residential and open spaces, as well as farming activities. In general, it is in flux going from agriculture and rural to urbanized and largely industrial.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

Stanislaus County Public Works Department, Stanislaus County Department of Environmental Resources, San Joaquin Valley Air Pollution Control District, Consolidated Fire

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 checked="" type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input checked="" 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 checked="" type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input checked="" 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

Bob Kachel
Printed name

December 13, 2000

Date

For

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). Reference 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 significance 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 significance.

ISSUES

I. AESTHETICS -- Would the project:

- a) Have a substantial adverse effect on a scenic vista?
- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- c) Substantially degrade the existing visual character or quality of the site and its surroundings?
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Discussion: The site itself is not considered to be a scenic resource or a unique scenic vista. The project is consistent with the visual character of the industrial uses along the Kiernan Avenue corridor. As with the surrounding properties, this project will include the installation of exterior lighting which may introduce a source of light and glare with only the potential to adversely impacting adjacent properties as they are also converting to non-residential uses. Impacts resulting from exterior lighting will be addressed through Development Standards regarding the shielding and placement of the lighting sources.

Mitigation: None.

References: County policies and staff experience.

II. AGRICULTURE 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 Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- 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?
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

Discussion: The project site lies just outside the City of Modesto's, Local Agency Formation Commission's (LAFCO), adopted Sphere of Influence. However, it is within the area studied by Modesto, including completion of a Master Environmental Impact Report. The County Zoning Ordinance specifically excludes land within spheres of influence as being "most productive agricultural areas." It is the understanding that land within a sphere of influence will someday be annexed and as such the conversion of farmland is unavoidable. The conversion of the site's agricultural land was addressed within the adopted Master Environmental Impact Report (MEIR) of the Modesto General Plan in 1995. The MEIR Mitigation Measures for agricultural land specified that urban development be kept as contiguous as possible in order to avoid premature urbanization of valuable farmland, and urban growth to be directed to areas currently served with city services and that development should be directed towards farmland directly subject to urban pressures (Page IV-4-15). The site is contiguous to industrial development and, as a result, is directly subject to urban pressures, as witnessed by

the several changes to PD and PI on adjacent properties over the past few years. This relatively small agricultural parcel is now surrounded on all four sides by parcels for which non-agricultural uses have been approved.

The greatest agricultural impact is associated with normal farming activities such as spraying, plowing, fertilizing, etc., which may create dust, noise, and odors which may not be appreciated by the users of the project site. At the present time, the adjacent agricultural land is fallow, but can be productively farmed if the owner wished to do so. The County has a Right-to-Farm Ordinance in place to protect the agricultural users from unjust nuisance complaints. While the potential for urban/rural conflict exists, the impacts are less than significant and may diminish in the future as the City of Modesto expands its City limits towards adjacent agricultural lands, and as the adjacent industrial and Planned Development uses continue to be constructed.

Mitigation: None.

References: Stanislaus County General Plan - Adopted October 1994, Stanislaus County Zoning Ordinance, and the City of Modesto-Final Master Impact Report for the Urban Area General Plan-Certified August 15, 1995.

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:

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion: The project site is located within the San Joaquin Valley Air Basin, which has been classified as "serious non-attainment" for ozone and respirable particulate matter (PM-10) as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. As such, the District maintains permit authority over stationary sources of pollutants.

Any 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 standards for vehicles, and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the SJVAPCD has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin.

A temporary source of air pollution may result from on-site grading and paving. Air pollution resulting from construction activities can be mitigated to a level of insignificance if standardized dust controls adopted by the SJVAPCD are utilized. Furthermore, air quality associated with the commercial development of the project site was addressed in the City of Modesto's Final MEIR for the Urban Area General Plan. The MEIR Mitigation Measures specified compliance with SJVAPCD Regulation VIII (Fugitive Dust). This project was referred to the SJVAPCD for comments, but none were received.

Mitigation:

1. Construction on-site shall comply with the San Joaquin Valley Air Pollution Control District's Regulation VIII-Fugitive Dust Prohibitions.

References: San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis, Stanislaus County General Plan - Adopted October 1994, and the City of Modesto-Final Master Impact Report for the Urban Area General Plan-Certified August 15, 1995.

IV. BIOLOGICAL RESOURCES -- Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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 US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion: Based on the sites past farming operations and adjacency to industrial uses, it does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. There are no known sensitive or protected species or natural communities located on the site and/or in the surrounding area.

Mitigation: None.

References: Stanislaus County General Plan - Adopted October 1994 and the Stanislaus County General Plan Support Documentation - Adopted June 1987.

V. CULTURAL RESOURCES -- Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in \approx 15064.5?
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to \approx 15064.5?
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
- d) Disturb any human remains, including those interred outside of formal cemeteries?

Discussion: The site has been farmed for many years and there are no unique paleontological or geological fixtures known to exist on the site. However, if any human remains or potentially unique cultural resources are unearthed during construction, all activity shall cease until a qualified archeologist can be consulted.

Mitigation:

- 2. *During the construction phases of the project, if any human remains, significant or potentially unique are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archaeological mitigation program has been approved by a qualified archaeologist.*

References: Stanislaus County General Plan - Adopted October 1994 and the Stanislaus County General Plan Support Documentation - Adopted June 1987.

VI. GEOLOGY AND SOILS -- Would the project:

- 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.
 - ii) Strong seismic ground shaking?
 - iii) Seismic-related ground failure, including liquefaction?
 - iv) Landslides?
- b) Result in substantial soil erosion or the loss of topsoil?
- 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?
- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
- 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?

Discussion: As contained on page 247 of the General Plan Support Document (June 1987), the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5. Any structures resulting from this project shall be built according to building standards appropriate to withstand shaking for the area in which they are constructed.

Mitigation: None.

References: Stanislaus County General Plan - Adopted October 1994, Stanislaus County General Plan Support Documentation - Adopted June 1987, and the Uniform Building Code (1997).

VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion: The County Department of Environmental Resources is responsible for overseeing hazardous materials and has not indicated any particularly 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 are strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. The groundwater is not known to be contaminated in this area.

Mitigation: None.

References: Stanislaus County General Plan - Adopted October 1994 and the Stanislaus County General Plan Support Documentation - Adopted June 1987.

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion: Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act. The project site is not located within an area subject to flooding. Paving of the site will generate increased runoff. The County Public Works Department is requiring mitigation measures to reduce runoff impact to a less than significant level.

Mitigation:

- 3. Storm water run off from all new pavement or structures shall be directed away from the roads and adjacent properties via a storm drainage system designed and installed in conformance with Stanislaus County standards.

References: Stanislaus County Public Works referral response dated January 31, 2000, Stanislaus County General Plan - Adopted October 1994, and the Stanislaus County General Plan Support Documentation - Adopted June 1987

IX. LAND USE AND PLANNING - Would the project:

- a) Physically divide an established community?
- 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?
- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

Discussion: The site is designated Agriculture and zoned General Agriculture. This application will of course change that, but the change will be very similar to others made on area parcels. In addition, the layout of the proposed parcel map reflects road access as consistent with the layout for the area adopted years ago.

Mitigation: None.

References: Stanislaus County General Plan - Adopted October 1994 and the Stanislaus County General Plan Support Documentation - Adopted June 1987.

X. MINERAL RESOURCES -- Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- b) 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?

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 in or around the project area.

Mitigation: None.

References: State Division of Mining & Geology-Special Report 173 (1993), Stanislaus County General Plan - Adopted October 1994, and the Stanislaus County General Plan Support Documentation - Adopted June 1987.

XI. NOISE -- Would the project result in:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion: The equipment utilized in grading and paving the site will temporarily increase the area's ambient noise levels but staff, based on past practice, does not consider this to be a significant impact. Restrictions on the hours of construction will reduce the noise impacts to a less than significant level.

Overall, the use of the site is similar in nature to existing uses in the area and should not result in an increase in area noise levels. As such, noise generated by the use will result in a less than significant impact to adjacent uses

Mitigation: None

References: California Office of Noise Control - Land Use Compatibility for Community Noise Environments, Stanislaus County General Plan - Adopted October 1994, Stanislaus County General Plan Support Documentation - Adopted June 1987, and staff experience.

XII. POPULATION AND HOUSING -- Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion: No substantial numbers of housing or persons will be displaced by the project. The commercial use of the site will not create significant service extensions that could be considered as growth inducing.

Mitigation: None.

References: Stanislaus County General Plan - Adopted October 1994 and the Stanislaus County Zoning Ordinance.

XIII. PUBLIC SERVICES

a) Would the project result in 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion: Public services will be affected and the County has standardized mitigation adoption of Public Facilities Impact Fees and Fire Facilities Fees.

Mitigation:

4. *Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The Fees shall be payable at the time of issuance of the building/grading permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.*

References: County Policies, Stanislaus County General Plan - Adopted October 1994, and the Stanislaus County General Plan Support Documentation - Adopted June 1987.

XIV. RECREATION --

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The project is not anticipated to increase significant demands on people and recreational facilities, as such impacts typically are associated with residential development.

Mitigation: None.

References: County Policies, Stanislaus County General Plan - Adopted October 1994, and the Stanislaus County General Plan Support Documentation - Adopted June 1987.

XV. TRANSPORTATION/TRAFFIC -- Would the project:

- a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?
- b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?
- 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?
- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- e) Result in inadequate emergency access?
- f) Result in inadequate parking capacity?
- g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Discussion: Increased traffic resulting from the proposed use of the site is potentially significant. After reviewing the project Traffic Report, the County Public Works department indicated that the project will not have a significant impact on traffic if appropriate changes are implemented. The California State Department of Transportation has responded to the early consultation referral on this project with specific requirements. These include improvements, and an eventually traffic signal at the intersection of McHenry Avenue and Charity Way that is currently an emergency access to the adjacent Rhode Industrial Park. It will need improvements to accommodate industrial traffic.

Mitigation:

5. Please refer to the attached traffic report and letters from Caltrans and the Stanislaus County Dept of Public Works to review traffic mitigation issues. Those documents are incorporated here-in by reference.

References: Caltrans referral response dated April 21, 2000, Stanislaus County Dept of Public Works letter dated January 4, 200, Stanislaus County General Plan - Adopted October 1994, Stanislaus County General Plan Support Documentation - Adopted June 1987. K D Anderson Traffic Impact Analysis for Bavaro Industrial Park dated August 1, 2000, submitted by project proponent.

XVI. UTILITIES AND SERVICE SYSTEMS --

Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- 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?

- 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?
- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?
- 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?
- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- g) Comply with federal, state, and local statutes and regulations related to solid waste?

Discussion: Limitations on providing services have not been identified. Mitigation Measure No. 3 requires storm water run off to be directed away from roads and adjacent properties. The use being proposed will not require additional water or sewer services beyond those on site facilities being proposed by the applicant.

Mitigation: None.

References: County Public Works Department, Stanislaus County General Plan - Adopted October 1994 and the Stanislaus County General Plan Support Documentation - Adopted June 1987 Application Information.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

- 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?
- 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)?
- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Discussion: Review of this project has not indicated any feature(s) which might significantly impact the environmental quality of the site and/or adjacent areas. As such, all identified project-significant impacts have been mitigated to a level on less than significant.

BK:dh

I:\STAFFRPT\Gpa-2000.sr\gpa2000-06, rez2000-07 & pm 2000-10.is.wpd

STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY
Governor

GRAY DAVIS,

DEPARTMENT OF TRANSPORTATION

P.O. BOX 2048 (1976 E. CHARTER WAY)
STOCKTON, CA 95201
TDD (209) 948-7981
(209) 948-3975



December 29, 2000

STA-219-P.M. 4.565
Walter Koenig
Rezone # 2000-17
Parcel Map App # 2000-23
APN 046-10-24
SCH# 2000122006

Mr. Bob Kachel
Senior Planner
Stanislaus County Department of Planning
and Community Development
1010 10th Street, Suite 3400
Modesto, California 95354

Dear Mr. Kachel:

Thank you for the opportunity to review the above-referenced document, an Initial Study/Proposed Mitigated Negative Declaration on the request to create a parcel of 1.2 and 3.3 acres and rezone from a Planned Development 227 to a new Planned Development for commercial use on Kiernan Avenue (SR 219) in the Modesto area.

Transportation Planning has circulated these documents through our normal interdepartmental review process. We offer the following comments:

- An encroachment permit will be required. Please direct the applicant to include the affected portion of the State right of way in their environmental studies. This avoids the delay of a separate environmental review for the encroachment permit. You and the applicant should review the need for cultural resource, biological resource and hazardous waste studies in our right of way. Review agencies and interest groups frequently challenge Caltrans permits on these issues. Please provide Caltrans with either (1) appropriate studies done by qualified professional staff, or (2) the rationale for your CEQA determination that these issues are not of concern in the State right of way. This will expedite our review of the encroachment permit. If engineering plans or drawings will be part of your permit application, they must be prepared in metric units.
- All Final Conditions of Approval should be forwarded to Caltrans District Planning in order to monitor approved local development and implementation of agreed upon mitigation measures.

- The proposed development, as presented, is not consistent with the Class B Expressway designation of Kieman Avenue. Driveways should be shared, where possible, and any additional access should be through the existing side street (Stratos Way).
- Size and location of driveways are not delineated on the site plan included with the document. Therefore, the applicant will have to resubmit suitable engineered plans when applying for an encroachment permit. At that time, the applicant will be informed of any additional requirements.
- Building setbacks should be cleared with the SR 219 Project Manager, Gary Fronum, at 209-948-7983.

If you have any questions or concerns regarding this project, please contact Lynn O'Connor of my staff at (209) 948-7575 or email at loconnor@dot.ca.gov.

Sincerely,



CARLOS P. YAMZON, Chief
Office of Travel Forecasting and
Metropolitan Planning

DEPARTMENT OF TRANSPORTATION

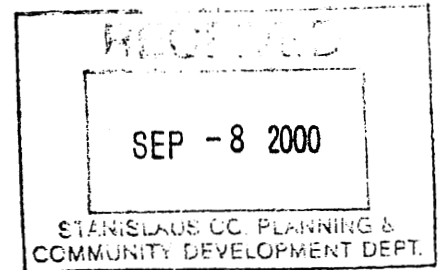
P.O. BOX 2048 (1976 E. CHARTER WAY)
STOCKTON, CA 95201
TDD (209) 948-7981
(209) 948-3975



August 31, 2000

STA-219-P.M. ~4.4
Bavaro Industrial Park
GPA #2000-06, Rezone # 2000-07
Parcel Map App # 2000-10
APN 004-71-35
SCH # 2000042039

Fran Sutton-Berardi, Manager III
Stanislaus County
Department of Planning and
Community Development
1010 10th Street, Suite 3400
Modesto, California 95354



Dear Ms. Sutton-Berardi:

Thank you for the opportunity to review the Traffic Study for the above-referenced document, an Early Consultation on the request to change the site's General Plan Designation and Zoning from Agriculture and General Agriculture to Industrial, and then to create five acre parcels for industrial use in the Modesto area.

Transportation Planning has circulated these documents through our normal interdepartmental review process. Our Traffic Branch offers the following comments:

- Caltrans previous comments on letter dated April 20, 2000 are still valid and apply.
- Building setbacks along SR-219 should be cleared with Caltrans Design Branch.

If you have any questions or concerns regarding this project, please contact Lynn O'Connor of my staff at (209) 948-7575 or email at loconnor@dot.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Carlos P. Yamzon".

CARLOS P. YAMZON, Chief
Office of Travel Forecasting and
Metropolitan Planning

cc: A. Rice
F. Weishaar
J. Reid

DEPARTMENT OF TRANSPORTATION

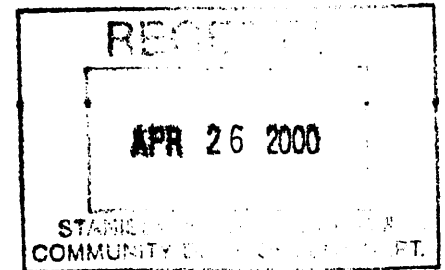
P.O. BOX 2048 (1976 E. CHARTER WAY)
STOCKTON, CA 95201
TDD (209) 948-7981
(209) 948-3975



April 21, 2000

STA-219-P.M. ~4.4
Bavaro Industrial Park
GPA #2000-06, Rezone # 2000-07
Parcel Map App # 2000-10
APN 004-71-35
SCH # 2000042039

Mr. Bob Kachel
Senior Planner
Stanislaus County Department of Planning
and Community Development
1010 10th Street, Suite 3400
Modesto, California 95354



Dear Mr. Kachel:

Thank you for the opportunity to review the above-referenced document, an Early Consultation on the request to change the site's General Plan Designation and Zoning from Agriculture and General Agriculture to Industrial, and then to create five acre parcels for industrial use in the Modesto area.

Transportation Planning has circulated these documents through our normal interdepartmental review process. Our Traffic Branch offers the following comments:

- An encroachment permit will be required. Please direct the applicant to include the affected portion of the State right of way in their environmental studies. This avoids the delay of a separate environmental review for the encroachment permit. You and the applicant should review the need for cultural resource, biological resource and hazardous waste studies in our right of way. Review agencies and interest groups frequently challenge Caltrans permits on these issues. Please provide Caltrans with either (1) appropriate studies done by qualified professional staff, or (2) the rationale for your CEQA determination that these issues are not of concern in the State right of way. This will expedite our review of the encroachment permit. If engineering plans or drawings will be part of your permit application, they must be prepared in metric units.
- All Final Conditions of Approval should be forwarded to Caltrans District Planning in order to monitor approved local development and implementation of agreed upon mitigation measures.

Mr. Bob Kachel
April 21, 2000
Page 2

- Dedication is required to 16.76 meters (55') and pave-out to 11.58 meters (38') from the centerline for the SR-219/ Pentecost Drive intersection. The property line abutting SR-219 will also require dedication to 16.76 meters from the centerline.
- The SR-219/Pentecost Drive intersection must be built to current state standards (see Figure 405.7 of the *Highway Design Manual*).
- A left turn lane will be required on SR-219 to Pentecost Drive.
- No access to SR-219 will be allowed other than Pentecost Drive.
- Caltrans wants to see the site plans of the access road and future development of subject property.

If you have any questions or concerns regarding this project, please contact Lynn O'Connor of my staff at (209) 948-7575 or email at loconnor@dot.ca.gov.

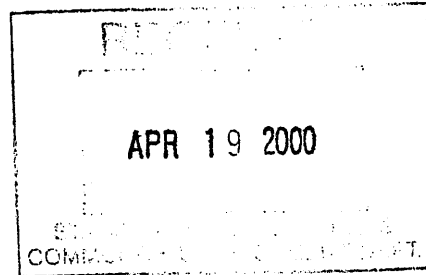
Sincerely,



**CARLOS P. YAMZON, Chief
Office of Travel Forecasting and
Metropolitan Planning**

April 17, 2000

Stanislaus County
Department of Planning
and Community Development
1010 10th St.
Suite 3400
Modesto CA 95354



Regarding: Parcel Map App. #2000-10 / Rezone App. #2000-06 Bavaro Ind. Park

ELECTRICAL:

The attached drawings are marked showing the location of the District's existing electrical facilities.

- (X) In conjunction with related site/road improvement requirements, existing electrical facilities within or adjacent to the proposed development shall be protected or relocated as required by the District's Electric Engineering Department. Appropriate easements for electric facilities shall be granted as required.
- (X) Costs for relocation and/or undergrounding the Districts facilities at the request of others will be borne by the requesting party. Estimates for relocating or undergrounding existing facilities will be supplied upon request.
- (X) A 10' PUE is required along all existing and proposed street frontages.
- (X) Electric service to the site is not available at this time. Customer should contact the District's Electric Engineering Department to arrange for electric service to the project.

IRRIGATION:

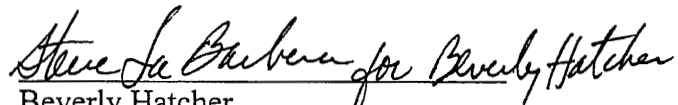
The attached drawings are marked showing the approximate location of existing irrigation facilities.

- (X) There is an existing pipeline that runs from north to south approximately down the middle of parcel 004-71-35. That portion of pipeline within the road right-of-way shown on the map must be replaced using Class III R.C.P. unless all land south of the road (the south portion of 004-71-35) is signed off using a "Sign Off of Irrigation Facilities" form.
- (X) Prior to any development the existing pipeline must be replaced or re-routed using Class III R.C.P. unless sign off form is completed for parcel 004-71-35. A 10' irrigation easement is required along the north property line of proposed parcels 2 and 3 to insure future access to water to parcels 1 and 4 unless a sign off form is completed for those parcels.
- (X) Prior to any development an irrigation plan must be submitted to and approved by the MID Civil Engineering Department.

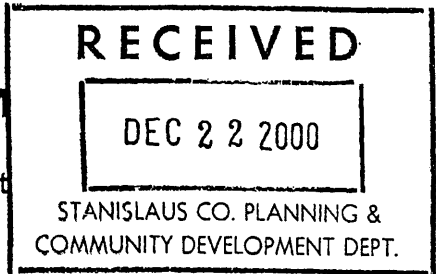
DOMESTIC WATER:

- (X) No comments at this time.

4-18-00
Date


Beverly Hatcher
Risk and Property Analyst

**STANISLAUS COUNTY
CEQA REFERRAL RESPONSE FORM**



TO: Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

FROM: LAFCO

PROJECT: GENERAL AMENDMENT APPLICATION NO. 2000-06, REZONE APPLICATION NO. 2000-07, AND PARCEL MAP APPLICATION NO. 2000-10 - BAVARO INDUSTRIAL PARK

Based on this agencies particular field(s) of expertise, it is our position the above described project:

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) - (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts:

- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

See attached

Response prepared by:

Fran Sutton-Berardi	Assistant Executive Officer	22 Dec. 2000
Name	Title	Date

I:\PLANNING.FRM\CEQA-30-day-negdec.not

Previous development in this area was required, as a condition of approval, to form a new County Service Area (CSA) or annex to an existing CSA, for the purpose of maintaining the storm drainage facilities. If this is anticipated for this project, the formation or annexation will require LAFCO approval.

The formation of a new CSA, or annexation to an existing CSA, will require LAFCO to establish a sphere of influence for that district.

Effective January 1, 2001, new State law requires LAFCO, in establishing a sphere of influence (SOI) to conduct a service review for the area and make a written determination with respect to the following:

1. Infrastructure needs or deficiencies;
2. Growth and population projections for the affected area;
3. Financing constraints and opportunities;
4. Cost avoidance opportunities;
5. Opportunities for rate restructuring;
6. Opportunities for shared facilities;
7. Government structure options, including advantages and disadvantages of consolidation or reorganization of service providers;
8. Evaluation of management efficiencies; and,
9. Local accountability and governance.

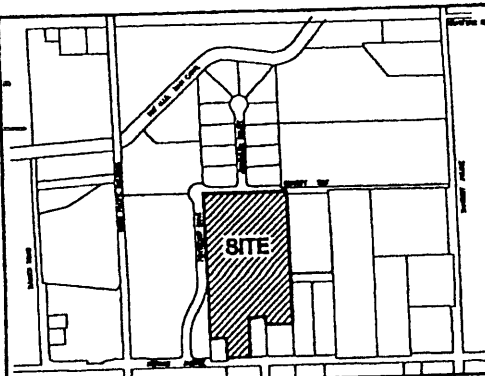
The new law would also require the County to prepare a written statement specifying the extent of any functions or classes of service provided by the CSA.

In order to conduct the service review for the establishment of a SOI, the County should provide sufficient information to address the above outlined factors in the written statement required for the CSA.

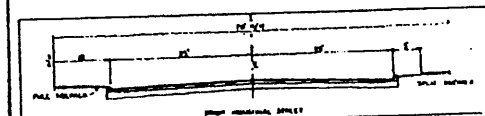
MODESTO IRRIGATION DISTRICT POWER SYSTEM LAYOUT

BY *D. Jagger*
RCM

DATE 4-14-00



VICINITY MAP



STREET SECTION

PROPERTY OWNER / SUBDIVIDER:
FRANK & DOLORES BAVARO
26312 JONES ROAD
ESCALON, CA 95320
(209) 838-2651

ENGINEER:
GARCIA-DAVIS-RINGLER ENGINEERING
P.O. BOX 1033
CERES, CA 95307
(209) 538-3360
FAX 538-7370

PROJECT BITS:
APN 04-71-35 +/-18.5 ACRES
ZONING / GENERAL PLAN:
PI (PLANNED INDUSTRIAL)
NO EXISTING BUILDINGS
SOIL TYPE: TULUNGA SANDY LOAM
WATER TABLE DEPTH: GREATER THAN 40'
INFRASTRUCTURE:
SEWER:
ON SITE SEPTIC SYSTEM
WATER:
FIRE PROTECTION SYSTEM
WELL AND STORAGE FACILITY
DOMESTIC WATER:
INDIVIDUAL WELLS
STORM DRAINAGE:
ON SITE DRAINAGE BASIN
SITE ELEVATION = 108'

PROPERTY DESCRIPTION:
BEING A DIVISION OF PARCEL 2 AS SHOWN ON THE PARCEL MAP RECORDED IN BOOK 35 OF PARCEL MAPS, PAGE 91, STANISLAUS COUNTY RECORDS, LYING IN THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 9 EAST, MOUNT Diablo BASE AND MERIDIAN.

NOTES

GARCIA-DAVIS-RINGLER ENGINEERING
ENGINEERING/SURVEYING/PLANNING
3641 MITCHELL ROAD, SUITE D CERES, CA 95307
TELEPHONE: (209) 538-3360 FAX: (209) 538-7370

VESTING TENTATIVE PARCEL MAP FOR FRANK AND DOLORES BAVARO

Scale: 1" = 100'	Date: 3/30/00
Draw No. 0032TPM	Sheet 1 of 1
Drawn: SH	Job No. 006-S
Checked: MG	

NOTE:
3.0 U.E. REQUIRED ALONG ALL STREET FRONTAGES

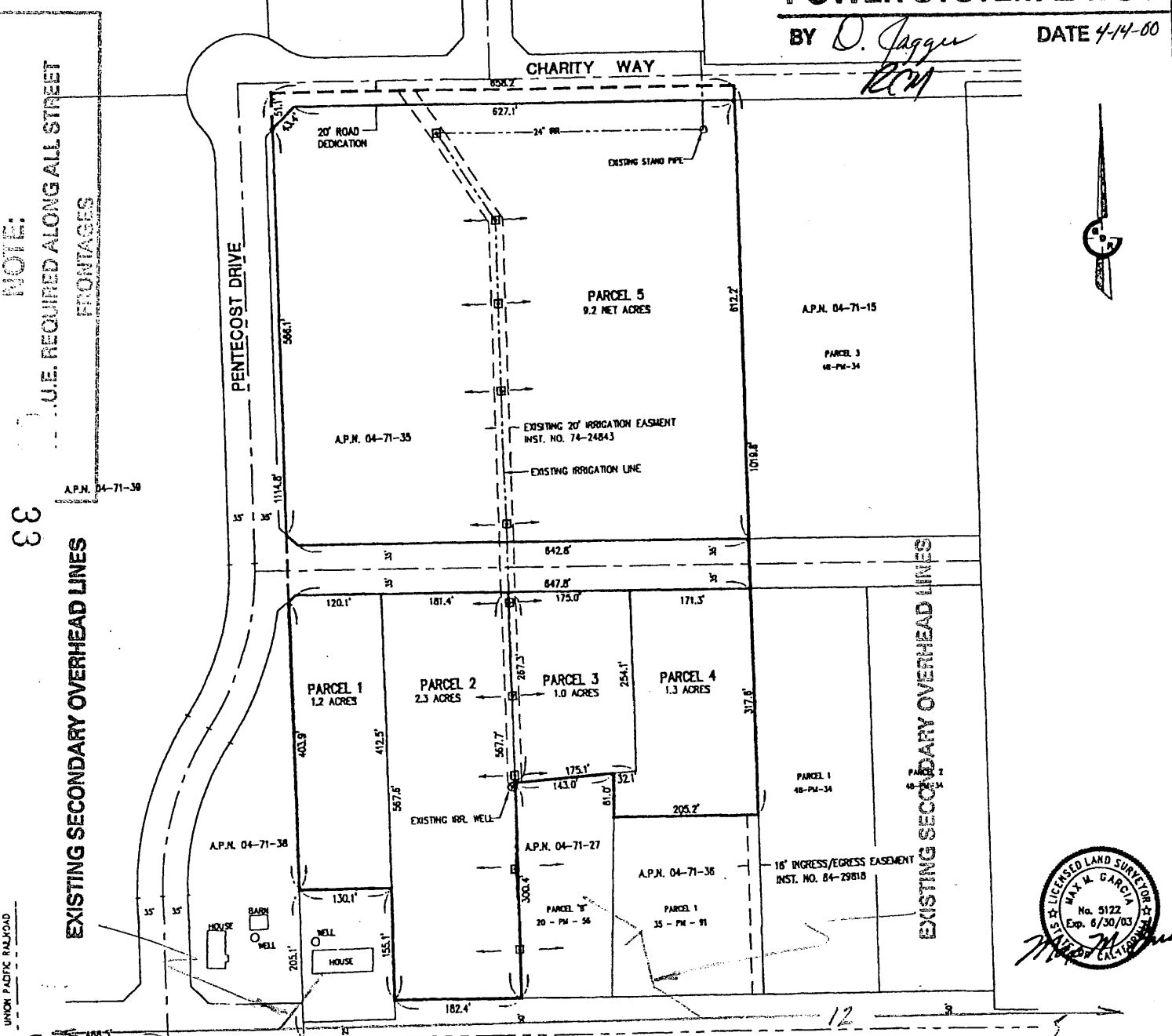
EXISTING SECONDARY OVERHEAD LINES

EXISTING SECONDARY OVERHEAD LINES

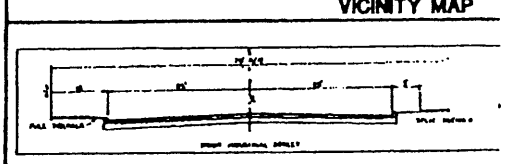
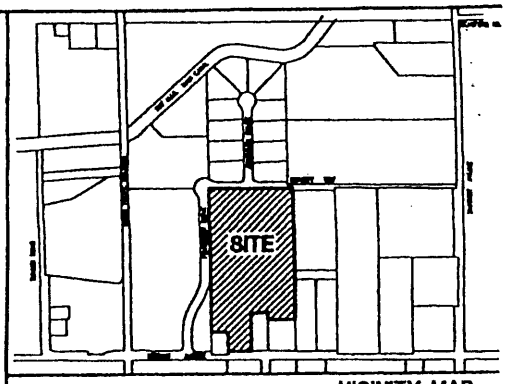
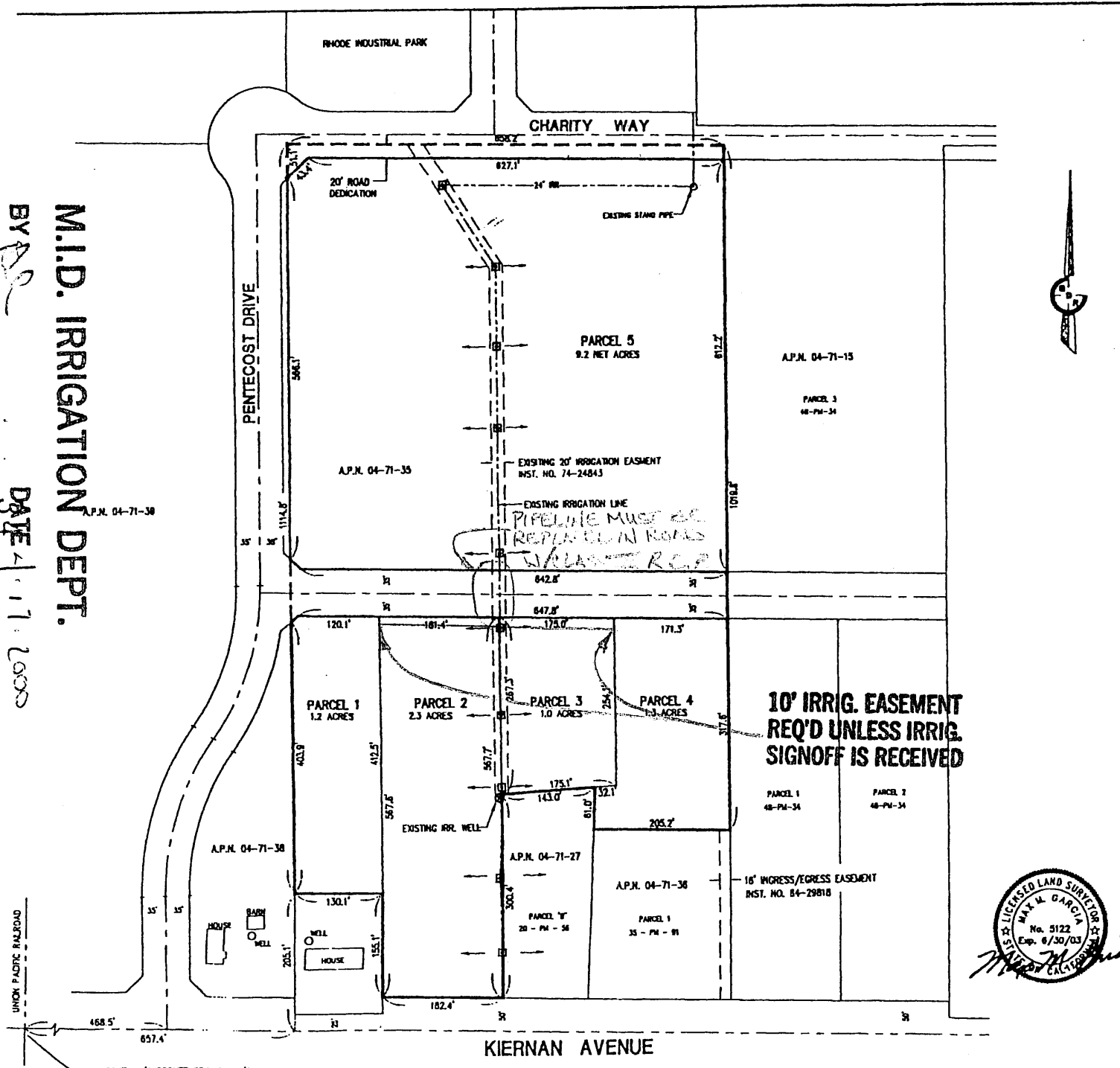
EXISTING OVERHEAD LINES

UNION PACIFIC RAILROAD

SOUTH 1/4 CORNER SEC. 17, 2/9



BY *AD*
 DATE 4/17/2000
 M.I.D. IRRIGATION DEPT.
 A.P.N. 04-71-38



PROPERTY OWNER / SUBDIVIDER
 FRANK & DOLORES BAVARO
 26312 JONES ROAD
 ESCALON, CA 95320
 (209) 838-2651

ENGINEER
 GARCIA-DAVIS-RINGLER ENGINEERING
 P.O. BOX 1033
 CERES, CA 95307
 (209) 538-1360
 FAX 538-7370

PROJECT SITE:
 APN 04-71-38 +/-18.5 ACRES
 ZONING / GENERAL PLAN:
 P1 (PLANNED INDUSTRIAL)
 NO EXISTING BUILDINGS
 SOIL TYPE: TUNJUA SANDY LOAM
 WATER TABLE DEPTH GREATER THAN 40'
 INFRASTRUCTURE:
 SEWER:
 ON SITE SEPTIC SYSTEM
 WATER:
 FIRE PROTECTION SYSTEM
 WELL AND STORAGE FACILITY
 DOMESTIC WATER:
 INDIVIDUAL WELLS
 STORM DRAINAGE:
 ON SITE DRAINAGE BASIN
 SITE ELEVATION = 108'

PROPERTY DESCRIPTION:
 BEING A DIVISION OF PARCEL 2 AS SHOWN ON THE PARCEL MAP RECORDED IN BOOK 35 OF PARCEL MAPS, PAGE 91, STAMLAUS COUNTY RECORDS, LYING IN THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 9 EAST, MOUNT Diablo BASE AND MERIDIAN.

NOTES

GARCIA-DAVIS-RINGLER ENGINEERING
 ENGINEERING/SURVEYING/PLANNING
 3441 MITCHELL ROAD, SUITE B CERES, CA 95307
 TELEPHONE (209) 538-1360 FAX (209) 538-7370

VESTING TENTATIVE PARCEL MAP FOR FRANK AND DOLORES BAVARO

Scale: 1" = 100' Date: 3/30/00
 Desg No. 00321PM Sheet 1 of 1
 Design: SP
 Checked: M.G. Job No. 00032



UNION PACIFIC RAILROAD

SOUTH 1/4 CORNER SFC: 12, 2/9

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE
REFERRAL RESPONSE FORM

TO: Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

FROM: Stanislaus Consolidated Fire

PROJECT: GENERAL PLAN AMENDMENT APPLICATION NO. 2000-06, REZONE
APPLICATION NO. 2000-07, AND PARCEL MAP APPLICATION NO. 2000-10 -
BAVARO INDUSTRIAL PARK

Based on this agencies particular field(s) of expertise, it is our position the above described project:

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) - (attach additional sheet if necessary)

1. Fire department access & water for fire protection.
2. Increased impact on fire & ems services.

Listed below are possible mitigation measures for the above-listed impacts:

1. No development without approved fire department access and water for fire protection.
2. pay required development fees for fire protection.

In addition, our agency has the following comments (attach additional sheets if necessary).

Response prepared by:

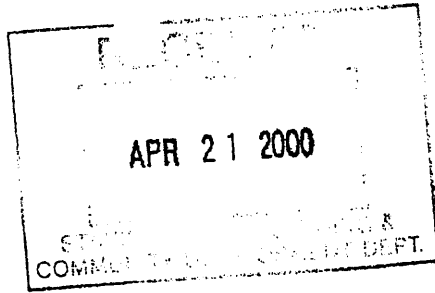
Shirley Kochmans, Fire Prevention Specialist,

Name

Title

Date

12-19-00



TO: STANISLAUS COUNTY - DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

FROM: DEPARTMENT OF ENVIRONMENTAL RESOURCES

RE: STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE REFERRAL

SUBJECT: ENVIRONMENTAL REFERRALS - GENERAL PLAN AMENDMENT APPLICATION NO. 2000-06, REZONE APPLICATION NO. 2000-07, AND PARCEL MAP NO. 2000-10 - BAVARO INDUSTRIAL PARK

PROJECT LOCATION: 500 Block of Kiernan Avenue, Modesto Area

PROJECT DESCRIPTION: Request to change the General Plan Designation and Zoning from "Agriculture" and "General Agriculture" (A-2-40) to "Industrial" and to create five (5) parcels for industrial uses on a 16.5 acre site.

Based on this agency's particular field(s) of expertise, it is our position the project described above:

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No comments.
- See comments below.

Listed below are specific impacts which support our determination (e.g., traffic generation, carrying capacity, soil types, air quality, etc.). Attached are additional sheets if necessary.

In addition, our agency has the following comments:

1. Each parcel shall have an approved independent water supply. Prior to recording the parcel map, parcel shall have it's own well. A drilling permit shall be obtained from the Department of Environmental Resources. (Stanislaus County Policy and State Model Well Standards Ordinance). A 300' minimum setback between the existing irrigation well and any new well must be maintained if the existing well lacks an annular seal.
2. The sewage disposal systems for all parcels shall be approved aerobic treatment systems so as to comply with the Primary and Secondary Sewage Treatment Initiative (Measure X).

Response prepared by:

Stephen Clegg R.E.H.S.
Registered Environmental Health Specialist

April 18, 2000
(Date)

sc:lr
cc: County Planning Dept.



DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C Modesto, CA 95358-9492
Phone: 209.525.6700 Fax: 209.525.6774

TO: STANISLAUS COUNTY PLANNING & COMMUNITY DEV.
FROM: DEPARTMENT OF ENVIRONMENTAL RESOURCES
RE: ENVIRONMENTAL REVIEW COMMENTS

PROJECT TITLE: GENERAL PLAN AMENDMENT APPLICATION NO. 2000-06, REZONE APPLICATION NO. 2000-07, AND PARCEL MAP APPLICATION NO. 2000-10 BAVARO INDUSTRIAL PARK.

Based on this agency's particular field(s) of expertise, it is our position the project described above:

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No comments.

Listed below are specific impacts which support our determination (e.g., traffic generation, carrying capacity, soil types, air quality, etc.). Attached are additional sheets if necessary.

1. The sewage disposal systems may impact groundwater quality.

Listed below are possible mitigation measures for the above-listed impacts:

1. The sewage disposal system shall be an approved aerobic treatment system so as to comply with the Primary and Secondary Sewage Treatment Initiative (Measure X).

In addition, our agency has the following comments: The individual water wells maybe regulated by State Law as a public water system. Water system owner must submit plans for the water system construction or addition; and obtain approval from this Department, prior to construction. Prior to final approval of the project, the owner must obtain a Water Supply Permit from this Department. Water Supply Permit issuance is contingent upon water system meeting construction standards, and providing water which is of acceptable quantity and quality.

Response prepared by:

REG ENV. HEALTH SPECIALIST December 27, 2000

REGISTERED ENVIRONMENTAL HEALTH SPECIALIST
Division of Environmental Health

cc: County ERC



CHIEF EXECUTIVE OFFICE

Reagan M. Wilson
Chief Executive Officer

1010 10TH Street, Suite 6800, Modesto, CA 95354
PO Box 3404, Modesto, CA 95353-3404

Patricia Hill Thomas
Assistant Executive Officer

Phone: 209.525.6333 Fax: 209.544.6226

January 4, 2001

Bob Kachel
Stanislaus County Planning & Community Development
1010 ~ 10TH Street, Suite 3400
Modesto, CA 95354

SUBJECT: ENVIRONMENTAL REFERRALS – GPA NO. 2000-06, REZONE APPLICATION NO. 2000-07, AND PMA NO. 2000-10- BAVARO INDUSTRIAL PARK

Mr. Kachel:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has the following comments:

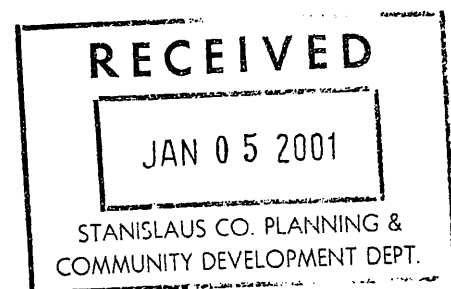
- ◆ The sewage disposal system shall be an approved aerobic treatment system so as to comply with the Primary and Secondary Sewage Treatment Initiative (Measure X).
- ◆ The individual water wells may be regulated by State Law as a public water system. Water system owners must submit plans for the water system construction or addition; and obtain approval from the Department of Environmental Resources prior to construction.
- ◆ Prior to final approval of the project, the owner must obtain a Water Supply Permit from the Department of Environmental Resources. Water Supply Permit issuance is contingent upon the water system meeting construction standards, and providing water which is of acceptable quantity and quality.
- ◆ No development shall occur without approved fire department access and water for fire protection.
- ◆ Fire protection development fees shall be paid prior to construction.
- ◆ The tentative map must be revised to show a proposed retention basin designed to County standards to handle runoff from the county road right-of-ways.
- ◆ Street improvements shall be installed along the frontages of all parcels.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

W. Richard Jantz, Deputy Executive Officer
Keith D. Boggs, Senior Management Consultant
Environmental Review Committee

cc: ERC Members
KDB:lbh





Gray Davis
GOVERNOR

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse



Steve Nissen
ACTING DIRECTOR

ACKNOWLEDGEMENT OF RECEIPT

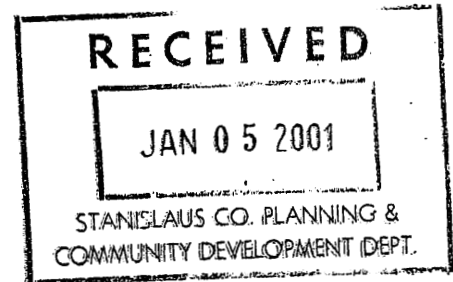
DATE: January 3, 2001
TO: Bob Kachel
Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
RE: GPA 2000-06, REZ 2000-7, PM 2000-10 - Bavaro Industrial Park
SCH#: 2000042039

This is to acknowledge that the State Clearinghouse has received your environmental document for state review. The review period assigned by the State Clearinghouse is:

Review Start Date: December 19, 2000
Review End Date: January 17, 2001

We have distributed your document to the following agencies and departments:

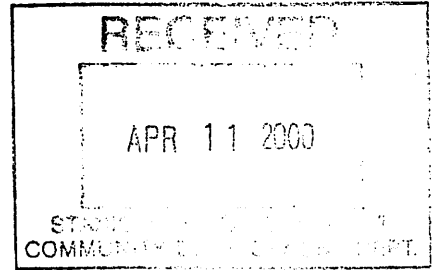
- California Highway Patrol
- Caltrans, District 10
- Department of Conservation
- Department of Fish and Game, Region 4
- Department of Food and Agriculture
- Department of Parks and Recreation
- Native American Heritage Commission
- Regional Water Quality Control Bd., Region 5 (Sacramento)
- Resources Agency
- State Lands Commission



The State Clearinghouse will provide a closing letter with any state agency comments to your attention on the date following the close of the review period.

Thank you for your participation in the State Clearinghouse review process.

STANISLAUS COUNTY
CEQA REFERRAL RESPONSE FORM



TO: Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

FROM: Development Services

PROJECT: GENERAL PLAN AMENDMENT APPLICATION NO. 2000-06, REZONE APPLICATION NO. 2000-07, AND PARCEL MAP APPLICATION NO. 2000-10 - BAVARO INDUSTRIAL PARK

Based on this agencies particular field(s) of expertise, it is our position the above described project:

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) - (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts:

- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

No Structures Involved ole

Response prepared by:

Georg E. Andrus Deputy Building Official 4-11-00
Name Title Date

I:\SHER\REFERRAL\2000\Early-ref\GPA2000-06.ref

**STANISLAUS COUNTY
CEQA REFERRAL RESPONSE FORM**

TO: Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

FROM: DAVID L. DOLENAR, CEO - Risk Management Division

PROJECT: GENERAL AMENDMENT APPLICATION NO. 2000-06, REZONE APPLICATION NO. 2000-07, AND PARCEL MAP APPLICATION NO. 2000-10 - BAVARO INDUSTRIAL PARK

Based on this agencies particular field(s) of expertise, it is our position the above described project:

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) - (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts:

- 1.
- 2.
- 3.
- 4.

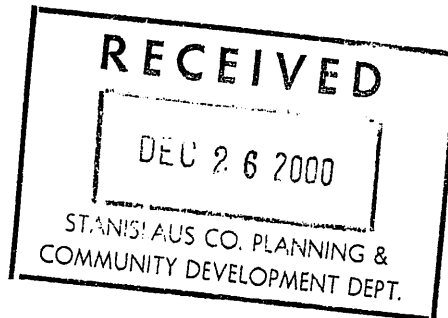
In addition, our agency has the following comments (attach additional sheets if necessary).

Subject to Mitigated Negative Declaration.
Is there a Mitigation Monitoring Plan?

Response prepared by:

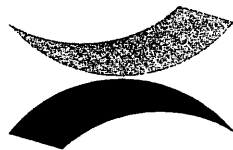
David L. Dolenar, Deputy Executive Officer, 12/19/00
Name Title Date

I:\PLANNING.FRM\CEQA-30-day-negdec.not



GEORGE STILLMAN
Director

Administration
Engineering
Development Services
Transit
Facilities Services
Road Maintenance
Landfill



Public Works

STANISLAUS COUNTY

January 4, 2001

MEMO TO: Department of Planning and Community Development

FROM: *Ron Cherrier*
Ron Cherrier, Senior Land Development Coordinator

SUBJECT: Tentative Parcel Map No. 2000-10 - Bavaro Industrial Park and
Rezone Application No. 2000-07

OWNER Frank and Dolores Bavaro

AGENT: Garcia-Davis-Ringler Engineering

NO. OF PROPOSED PARCELS: 5

LOCATION: Kiernan Ave. and Pentecost Drive, Modesto

This Department hereby recommends the following conditions:

1. The recorded parcel map shall be prepared by a licensed land surveyor or a registered civil engineer.
2. All existing non-public facilities and/or utilities that do not have lawful authority to occupy the road right of way shall be relocated onto private property upon the request of the Department of Public Works.
3. All structures not shown on the tentative parcel map shall be removed prior to the parcel map being recorded.
4. Road right-of-way shall be deeded to Stanislaus County to provide for:
 - A. 55 feet of right-of-way north of the centerline of Kiernan Avenue adjacent to Parcel 2;
 - B. 70 feet of right-of-way for the new road east of Pentecost Drive between and parallel to Kiernan Avenue and Charity Way;

SUBJECT: Tentative Parcel Map Application No. 2000-10 - Bavaro Industrial Park
and Rezone Application No. 2000-07
DATE: January 4, 2001
PAGE: 2

- C. 35 feet of right-of-way south of the centerline of Charity Way adjacent to Parcel "5";
 - D. The chord of a 25 foot radius shall be provided at the intersection of the new road with Pentecost Drive.
5. A complete set of on and off site grading, drainage, and street improvement plans shall be signed by the Department of Public Works prior to the parcel map being recorded. All roads fronting or within the subdivision, and a positive storm drainage system shall be designed and constructed in conformance with the standards contained in the Stanislaus County Department of Public Works Standards and Specifications, 1998 Edition. The improvements shall include, but not be limited to, street pavement, concrete curb and gutter, sidewalks, street lights, drainage facilities, pavement markings, and road signs. National Geodetic survey vertical (elevation) datum shall be used. If available, 1988 data shall be used.
 6. Kiernan Avenue, adjacent to the industrial park property, shall be improved to Caltrans and County standards. The improvements shall include, but not limited to, curb, gutter, sidewalk, pavement, drainage facilities, pavement markings and markers, street lights, and street signs.
 7. Parcel 2 shall have no direct access to Kiernan Avenue. This restricted access shall be indicated on the final parcel map to be recorded.
 8. The road that will intersect Pentecost Drive between Kiernan Avenue and Charity Way shall be constructed to County minor industrial street standards with full street improvements prior to occupancy and/or final inspection of any building.
 9. Street improvements including, but not limited to, curb, gutter, sidewalk, pavement, drainage facilities, pavement markings and markers, street lights, and street signs shall be installed along the entire frontage of parcel 5 on Charity Way. Charity Way east of Parcel 5 to McHenry Avenue shall remain as an emergency access. This access shall be shown on the off-site improvement plans as closed to thru traffic. The subdivider shall pay for and install a "Closed to Thru Traffic" sign, or equivalent, near the easterly property line of Parcel 5.
 10. Off-site improvement plans for all improvements required within the Kiernan Avenue right-of-way shall be approved by Caltrans prior to the final parcel map being recorded.

SUBJECT: Tentative Parcel Map Application No. 2000-10 - Bavaro Industrial Park
and Rezone Application No. 2000-07
DATE: January 4, 2001
PAGE: 3

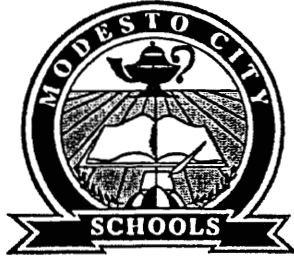
11. The subdivider shall pay a "fair share" contribution for each lot towards the future installation of signals at the McHenry / Charity intersection. This contribution is based on the project's projected trip generation as stated in the Traffic Impact Analysis for Bavaro Industrial Park dated August 1, 2000, prepared by kdANDERSON Transportation Engineers. The "fair share" contribution for a lot shall be made prior to the issuance of the building permit for the particular lot. The "fair share" contribution for each lot is as follows:

A. Parcel 1 = \$ 2,783	Note: Bavaro Industrial Park's contribution is 15 % of the total signal cost. Each parcel's "fair share" is based on its percentage of acreage of the park's total.
B. Parcel 2 = \$ 5,327	
C. Parcel 3 = \$ 2,307	
D. Parcel 4 = \$ 2,307	
E. Parcel 5 = \$21,207	
12. If the "Stan Co. drainage basin" lot shown on the tentative parcel map is not of sufficient size to accommodate a basin conforming to County standards, the lot shall be enlarged as needed to accommodate a basin that conforms to County standards. A 20-foot wide access easement and 20-foot wide paved road shall be provided to the drainage basin.
13. There shall be no parking, loading or unloading of vehicles associated with the subdivision on the new road, Pentecost Drive, Charity Way, or Kiernan Avenue. If necessary, no parking signs will be installed at the subdivider's expense.
13. Prior to the parcel map being recorded, the subdivider shall sign a "Subdivision Improvement Agreement" and post the required certificates of insurance and subdivision bonds with the Department of Public Works.
14. Street monuments and covers shall be installed to County standards.
15. The subdivider shall furnish the Department of Public Works three copies of a soils report for the area being subdivided. The report shall also include: (a) sufficient R-value test to establish appropriate road sections, and (b) sufficient test to establish the percolation rate for the drainage basin. The report shall be signed by a California registered civil engineer.
16. All existing irrigation lines within the area to be subdivided shall be removed or relocated into easements along lot lines. The irrigation lines shall be reinforced at road crossings and driveways. All irrigation lines or structures which are to be abandoned shall be removed. All work shall be done in accordance with the requirements of the Department of Public Works and the Modesto Irrigation District.
17. All new utilities shall be underground and located in public utility easements. A (10) foot wide public utility easement (P.U.E.) shall be located adjacent to all road right-of-ways. The P.U.E. shall be shown on the final map.
18. All roads shall have a fog seal applied prior to acceptance by Stanislaus County.

SUBJECT: Tentative Parcel Map Application No. 2000-10 - Bavaro Industrial Park
and Rezone Application No. 2000-07
DATE: January 4, 2001
PAGE: 4

19. Prior to the final map being recorded, the area being subdivided shall be annexed to the North McHenry Lighting District. The subdivider shall provide all necessary documents and pay all costs associated with the annexation.
20. All street lights shall be installed on steel poles. Prior to the final map being recorded, the subdivider shall deposit the first year's operating and maintenance cost of the street lights with the Department of Public Works.
21. Prior to issuance of any building permits, the lot grades shall conform to the approved grading plan. Written certification by a civil engineer or geotechnical engineer may be required by the Department of Public Works.
22. A set of Record Drawings shall be provided to and approved by the Department of Public Works prior to acceptance of the subdivision improvements by the County. The drawings shall be on 3 mil mylar with each sheet signed and stamped by the design engineer and marked "Record Drawing".
23. One bench mark (brass cap) shall be established within the subdivision and the elevation shall be shown on the Record Drawing. A copy of the field notes shall be furnished to the Department of Public Works.
24. Stanislaus County will not issue any final inspection and/or Certificate of Occupancy for any structures within the subdivision until all the required subdivision improvements have been completed to the satisfaction of the Department of Public Works.
25. Prior to the Department of Public Works doing any plan review or inspections associated with the subdivision, the subdivider shall sign a "Subdivision Processing/Inspection Agreement" and post a \$7,500.00 deposit with Public Works.

RC:la
(H:\SERVICES\PM2000-10Rezone2000-07.MEM.wpd)



MODESTO CITY SCHOOLS

Planning and Research
(209) 576-4032/Fax 576-4879

426 Locust Street, Modesto, CA 95351
Email: meredith.b@monet.k12.ca.us

December 20, 2000

Bob Kachel, Senior Planner
Stanislaus County Department of Planning
And Community Development
1010 Tenth St., Suite 3400
Modesto, CA 95354

**RE: GENERAL PLAN AMENDMENT APPLICATION NO. 2000-06, REZONE
APPLICATION NO. 2000-07, AND PARCEL MAP APPLICATION NO. 2000-10 -
BAVARO INDUSTRIAL PARK**

Dear Mr. Kachel:

As we stated in our previous response of April 17, 2000, Modesto City Schools has no objection to the above referenced general plan amendment and rezone application. The appropriate school impact fees will be assessed on all construction.

If you have any questions or need additional information, please contact me at 576-4032.

Sincerely,

MODESTO CITY SCHOOLS

Becky Meredith, Director
Planning and Research



CHIEF EXECUTIVE OFFICE

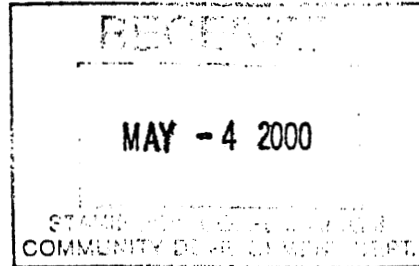
Reagan M. Wilson
Chief Executive Officer

1010 10TH Street, Suite 6800, Modesto, CA 95354
PO Box 3404, Modesto, CA 95353-3404

Patricia Hill Thomas
Assistant Executive Officer

Phone: 209.525.6333 Fax: 209.544.6226

May 1, 2000



Bob Kachel
Stanislaus County
Planning Department
1010~10th Street, Suite 3500
Modesto, CA 95354

SUBJECT: ENVIRONMENTAL REFERRALS – GENERAL PLAN AMENDMENT NO. 2000-06, REZONE APPLICATION NO. 2000-07, AND PARCEL MAP APPLICATION NO. 2000-10- BAVARO INDUSTRIAL PARK

Dear Bob Kachel:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has the following comments:

The cumulative traffic from the Rhode Industrial Park, the Pentecostal Church and the 16.5-acre Bavaro Industrial Park may have a significant impact on the Kiernan/Pentecostal intersection. Therefore, as mentioned at our April 19, 2000 ERC meeting, we are recommending a traffic study be prepared prior to our final review and comment on the subject applications.

Mitigation contained in the traffic study that was done for the Pentecostal Church required the construction of Charity Way east to McHenry and the installation of traffic signals at the Charity/McHenry intersection with phase 2 construction of the church. The development of the Bavaro Industrial Park may accelerate the need for one or both of these improvements.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

W. Richard Jantz
Deputy Executive Officer
Environmental Review Committee

RJ:kdb

cc: ERC Members

**STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE
REFERRAL RESPONSE FORM**

TO: Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

FROM: SHERIFF'S DEPARTMENT

PROJECT: GENERAL PLAN AMENDMENT APPLICATION NO. 2000-06, REZONE
APPLICATION NO. 2000-07, AND PARCEL MAP APPLICATION NO. 2000-10-
BAVARO INDUSTRIAL PARK

Based on this agencies particular field(s) of expertise, it is our position the above described project:

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) - (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts:

- 1.
- 2.
- 3.
- 4.

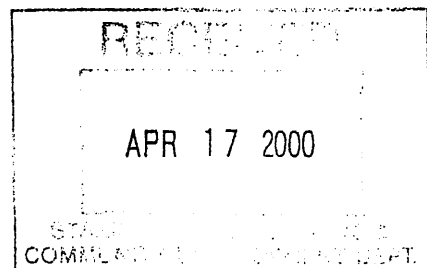
In addition, our agency has the following comments (attach additional sheets if necessary).

Response prepared by:

JOHN HANSELL, STAFF ANALYST
Name Title

APR 13 2000
Date

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Gray Davis
GOVERNOR

STATE OF CALIFORNIA

Governor's Office of Planning and Research
State Clearinghouse

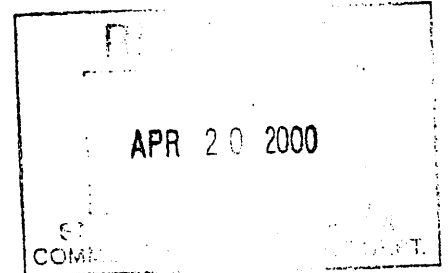


Loretta Lynch
DIRECTOR

ACKNOWLEDGEMENT OF RECEIPT

DATE: April 18, 2000

TO: Bob Kachel
Stanislaus County
1010 10th Street
Modesto, CA 95354



RE: GPA 2000-06, REZ 20000-7, PM 2000-10 - Bravo Industrial Park
SCH#: 2000042039

This is to acknowledge that the State Clearinghouse has received your environmental document for state review. The review period assigned by the State Clearinghouse is:

Review Start Date: April 13, 2000
Review End Date: April 21, 2000

We have distributed your document to the following agencies and departments:

- Air Resources Board, Major Industrial Projects
- California Highway Patrol
- Caltrans, District 10
- Department of Fish and Game, Region 4
- Department of Food and Agriculture
- Department of Housing and Community Development
- Department of Parks and Recreation
- Department of Toxic Substances Control
- Native American Heritage Commission
- Public Utilities Commission
- Regional Water Quality Control Bd., Region 5 (Sacramento)
- Resources Agency
- State Lands Commission
- State Water Resources Control Board, Division of Water Rights

The State Clearinghouse will provide a closing letter with any state agency comments to your attention on the date following the close of the review period.

Thank you for your participation in the State Clearinghouse review process.

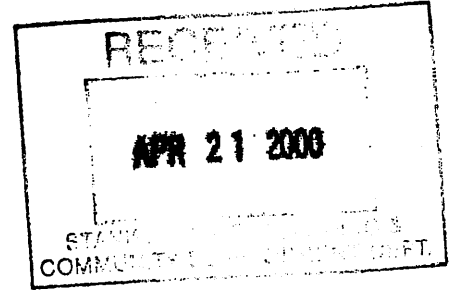


*Planning
Division*

1010 Tenth Street
Suite 3300
P.O. Box 642
Modesto, CA 95353
209/577-5433
209/491-5798 Fax

*Hearing and Speech
Impaired Only
TDD 209/526-9211*

April 21, 2000



Bob Kachel, Senior Planner
Planning and Community Development Department
Stanislaus County
1010 Tenth Street
Modesto, CA 95354

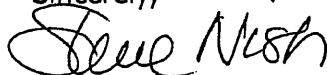
RE: CEQA Referral - General Plan Amendment Application No. 2000-06, Rezone Application No. 2000-07 & Parcel Map Application No. 2000-10 Bavaro Industrial Park

Dear Mr. Kachel:

Thank you for the opportunity to comment on the above-mentioned applications. Our review has resulted in the following comments:

1. The 16.5-acre industrial proposal is immediately adjacent to Modesto's Sphere of Influence and within the Kiernan/Carver North Comprehensive Planning District of Modesto's adopted General Plan area. The proposal is not consistent with Modesto's General Plan which indicates "Village Residential" uses for this area. However, the proposed land use and zoning would be compatible with the County's Planned Industrial zoning and existing industrial park development on the south side of Kiernan Avenue as well as the developing industrial/commercial areas immediately north and east of the site.
2. Modesto's General Plan designates Kiernan Avenue as a six-lane, Class B expressway with 67.5 feet right of way north of centerline. However, Caltrans District 10 should be contacted for the right of way requirements for Kiernan Avenue - State Route 219. Gary Fromm at Caltrans (948-7904) can provide information on Kiernan Avenue right of way based on their plan line study for SR 219 which is currently being prepared. The property should not be allowed direct access to Kiernan Avenue and in the future Pentecost Drive will ultimately be right-in and right-out only.

For questions regarding our comments, please call me at 577-5280.

Sincerely,


Steve Nish
Associate Planner

cc: George Osner
Phil Testa

MITIGATED NEGATIVE DECLARATION

NAME OF PROJECT: General Plan Amendment Application No. 2000-06, Rezone Application No. 2000-07 and Parcel Map Application No. 2000-10 - Bavaro Industrial Park

LOCATION OF PROJECT: North side of Kiernan Avenue, between McHenry Avenue and Pentecost Drive, in the Modesto area.

PROJECT DEVELOPER: Frank and Delores Bavaro

DESCRIPTION OF PROJECT: Request to change the general plan designation from Agriculture to Planned Industrial and to change the zoning district from General Agriculture (A-2-40) to Planned Industrial. The Planned Industrial will allow the site to be developed and utilized for uses consistent with the Planned Industrial zoning district. The project Parcel Map would create parcels of 1.2, 2.3, 1.2, 1.0, and 9.2 acres.

Based upon the Initial Study, dated December 13, 2000 the Environmental Coordinator finds as follows:

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

The aforementioned findings are contingent upon the following mitigation measures (if indicated) which shall be incorporated into this project:

1. Construction on-site shall comply with the San Joaquin Valley Air Pollution Control District's Regulation VIII-Fugitive Dust Prohibitions.

2. During the construction phases of the project, if any human remains, significant or potentially unique are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archaeological mitigation program has been approved by a qualified archaeologist.
3. Storm water run off from all new pavement or structures shall be directed away from the roads and adjacent properties via a positive storm system designed and installed in conformance with Stanislaus County standards.
4. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The Fees shall be payable at the time of issuance of the building/grading permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
5. Refer to attached Traffic Study, Public Works Dept. letter and Caltrans letter for mitigation measures related to traffic. Those documents are incorporated here-in by reference.

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: Bob Kachel, Senior Planner

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

AF:cm
I:\STAFFRPT\GPA-97.SR\GPA2000-06.SR.wpd

Stanislaus County
Planning and Community Development

1010 10th Street, Suite 3400
Modesto, CA 95354

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

Mitigation Monitoring Plan

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

January 4, 2001

- | | |
|--|--|
| 1. Project title and location: | General Plan Amendment
Application No.2000-06, Rezone
Application No.2000-07, Parcel Map
2000-10- Bavaro Industrial |
| 2. Project Applicant name and address: | Frank & Delores Bavaro
26312 Jones Rd
Escalon, Ca 95320 |
| 3. Person Responsible for Implementing
Mitigation Program (Applicant Representative): | Frank & Delores Bavaro
26312 Jones Rd
Escalon, CA 95320 |
| 4. Contact person at County: | Bob Kachel, Senior Planner
(209)525-6330 |

MITIGATION MEASURES AND MONITORING PROGRAM:

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

III. AIR QUALITY

- | | |
|----------------------------------|---|
| No. <u>1</u> Mitigation Measure: | Construction on-site shall comply with the San Joaquin Valley Air Pollution Control District's Regulation VIII-Fugitive Dust Prohibitions. |
|----------------------------------|---|

Who Implements the Measure:	Applicant.
When should the measure be implemented:	Any time construction takes place
When should it be completed:	Upon construction completion.
Who verifies compliance:	San Joaquin Valley Air Pollution Control District.
Other Responsible Agencies:	None

V. CULTURAL RESOURCES

No. 2 Mitigation Measure:

During the construction phases of the project, if any human remains, significant or potentially unique are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archaeological mitigation program has been approved by a qualified archeologist.

Who Implements the Measure:	Applicant.
When should the measure be implemented:	At any time construction takes place.
When should it be completed:	Upon construction completion.
Who verifies compliance:	Planning Department
Other Responsible Agencies:	None

VIII. HYDROLOGY AND WATER QUALITY

No. 3 Mitigation Measure:

A positive storm drain system shall be designed and installed in conformance with County standards to contain all storm and run-off water on the site.

Who Implements the Measure:	Applicant.
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When should the measure be implemented:	Prior to issuance of building and/or grading permits.
When should it be completed:	Prior to the issuance of building permits.
Who verifies compliance:	Stanislaus County Public Works Department
Other Responsible Agencies:	Regional Water Quality Control Board

XIII. PUBLIC SERVICES

No. <u>4</u> Mitigation Measure:	Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The Fees shall be payable at the time of issuance of the 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.
Who Implements the Measure:	Applicant.
When should the measure be implemented:	Prior to issuance of building permit.
When should it be completed:	Prior to issuance of building permit.
Who verifies compliance:	Building Department.
Other Responsible Agencies:	None.

XIII. TRANSPORTATION/TRAFFIC

No. <u>5</u> Mitigation Measure:	An extensive listing of traffic related mitigation measures is contained in the attached Traffic Analysis by K D Anderson, and in attached letters from Caltrans, dated December 29, 2000 and Stanislaus County Public Works dated January 4, 2001.
----------------------------------	---

Those document are incorporated here-in by reference.

Who Implements the Measure:

Applicant.

When should the measure be implemented:

Prior to issuance of building and/or grading permits.

When should it be completed:

Prior to the issuance of building permits.

Who verifies compliance:

Stanislaus County Public Works Department, Caltrans

Other Responsible Agencies:

None

AF:cm
(I:\STAFFRPT\GPA-97.SR\GPA2000-06.SR.wpd)

PARCEL MAP FINDINGS
VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2000-10
Bavaro Industrial Park

FINDINGS

As per Section 66474. of the Subdivision Map Act:

A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.

Staff has not been presented with any evidence to indicate any of the above findings should be made.

TRAFFIC IMPACT ANALYSIS FOR
BAVARO INDUSTRIAL PARK

Stanislaus County

Prepared For:
Frank & Dolores Bavaro
26312 Jones Road
Escalon, CA 95320

Prepared By:
kdANDERSON Transportation Engineers
417 Oak Street
Roseville, CA 95678
(916) 786-5529

August 1, 2000
Job No. 0830-01

KD Anderson
Transportation Engineers

TRAFFIC IMPACT ANALYSIS FOR BAVARO INDUSTRIAL PARK

INTRODUCTION

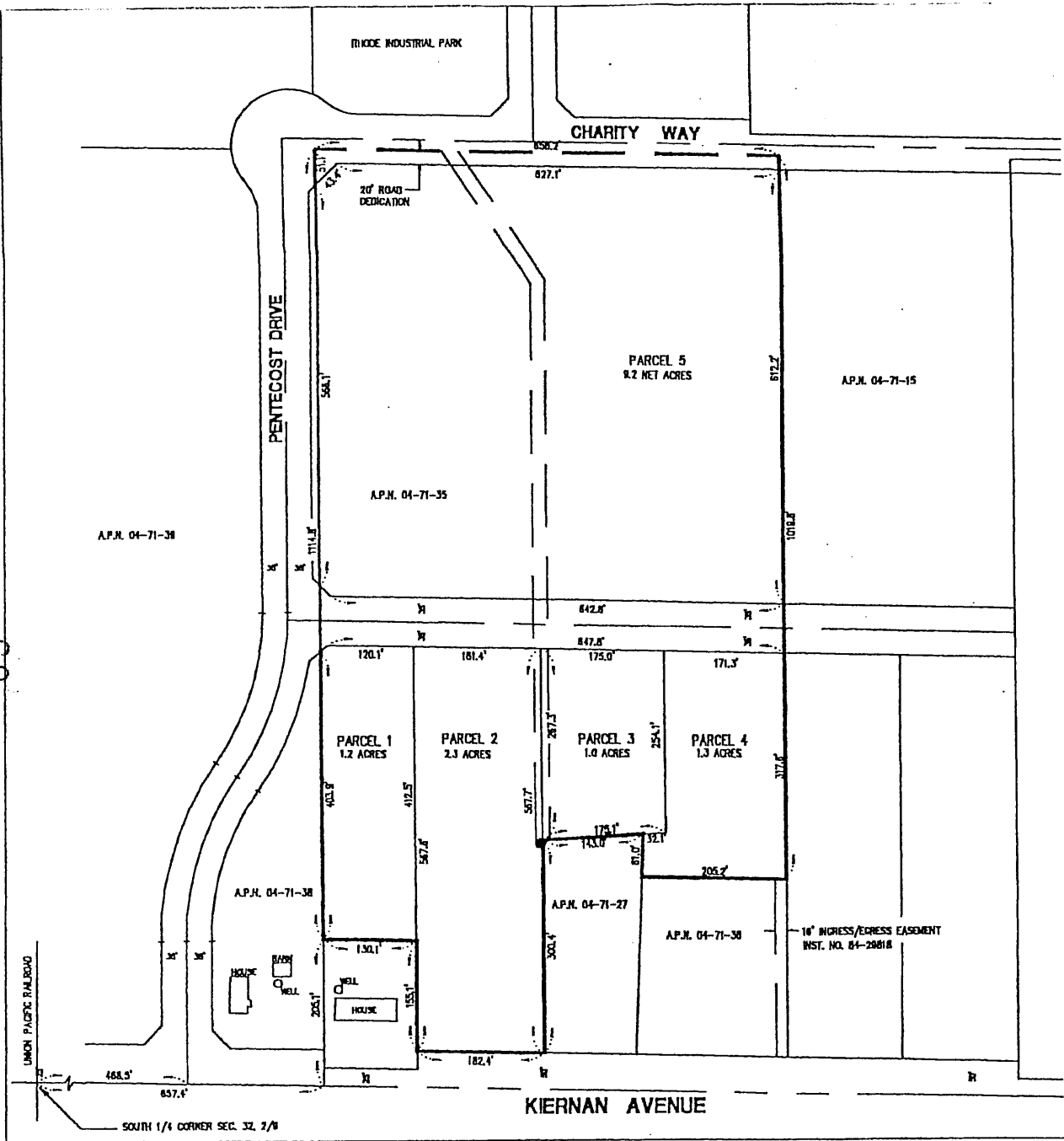
This report documents kdANDERSON Transportation Engineers' assessment of the potential traffic impacts associated with development of an industrial park project north of Kiernan Avenue (SR 219) and west of McHenry Avenue (SR 108) in Stanislaus County. The analysis is intended to quantify the traffic impacts of the project and address circulation needs in the vicinity of the site. The analysis addresses development of the 16.5 acre site (15 acres net) on existing traffic conditions in the area as well as cumulative conditions associated with potential development of other adjacent properties tributary to the local street system in the area.

Toward this end, existing traffic conditions have been evaluated through observation of current weekday a.m. and p.m. peak hour intersection traffic volumes and through review of daily traffic count information available for the area. Current intersection and roadway capacities and operating Levels of Service have been calculated. Probable project trip generation has been estimated by applying appropriate trip generation rates to the proposed land use quantities. Project trips were then assigned to the study area street system based on recognizable least time travel paths to and from the site and using expected origins and destinations of traffic generated by the site. Finally, operating Levels of Service were recalculated to determine the anticipated traffic impacts associated with development of the project. Intersection and street improvements required to provide satisfactory traffic operating conditions have been identified per Stanislaus County guidelines.

Project Description

Development of five (5) industrial parcels totalling 15 acres is proposed for the Bavaro Industrial Park. Parcels range in size from 1.0 to 9.2 acres. Figure 1 displays the Vesting Tentative Map prepared for the site.

Site Access. Access to the site will be via Pentecost Drive to Kiernan Avenue. Pentecost Drive is currently under construction and will intersect Kiernan Avenue approximately 425 feet east of the Union Pacific Railroad tracks or about 2,000 feet west of McHenry Avenue. In addition, Charity Way is ultimately planned to extend from Pentecost Drive at the northwest corner of the site east to McHenry Avenue to provide additional local circulation in the area. Charity Way is planned to intersect McHenry Avenue approximately 1,250 feet north of Kiernan Avenue, with the intersection ultimately controlled by a traffic signal.



VICINITY MAP

STREET SECTION

PROPERTY OWNER / SUBDIVIDER: FRANK & DOLORES BAVARO
 28312 JONES ROAD
 ESCALON, CA 95320
 (209) 838-2451

ENGINEER: GARCIA-DAVIS-RINGLER ENGINEERING
 P.O. BOX 1033
 ESCALON, CA 95307
 (209) 538-3380
 FAX 538-7370

PROJECT SITES:
 APN 04-71-38 +/- 18.8 ACRES
 ZONING / GENERAL PLAN: P1 (PLANNED INDUSTRIAL)
 NO EXISTING BUILDINGS
 SOIL TYPE: TULUNCA SANDY LOAM
 WATER TABLE DEPTH GREATER THAN 40'
INFRASTRUCTURE:
 SEWER: ON SITE SEPTIC SYSTEM
 WATER: FIRE PROTECTION SYSTEM
 WELL AND STORAGE FACILITY
 DOMESTIC WATER: INDIVIDUAL WELLS
 STORM DRAINAGE: ON SITE DRAINAGE BASIN
 SITE ELEVATION = 108'

PROPERTY DESCRIPTION:
 BEING A DIVISION OF PARCEL 2 AS SHOWN ON THE PARCEL MAP RECORDED IN BOOK 35 OF PARCEL MAPS, PAGE 81, STANISLAUS COUNTY RECORDS, LYING IN THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 9 EAST, MOUNT Diablo BASE AND MERIDIAN.

NOTES

GARCIA-DAVIS-RINGLER ENGINEERING
 ENGINEERING/SURVEYING/PLANNING
 3861 MITCHELL ROAD, SUITE 0 ESCALON, CA 95307
 TELEPHONE (209) 838-3380 FAX (209) 838-7370

VESTING TENTATIVE PARCEL MAP FOR FRANK AND DOLORES BAVARO

Scale 1" = 100'	Date 3/30/00
Drawn By: [Signature]	Sheet 1 of 1
Checked By: [Signature]	Job No. 00032



KD Anderson
 Transportation Engineers

Development of the project site will include construction of a 50 foot wide street constructed to Minor Industrial Street standards which will intersect Pentecost Drive and provide direct access to individual parcels on the site.

Local Circulation. The need for Charity Way to be constructed east to McHenry Avenue to accommodate development of the proposed Bavaro Industrial Park is a focus of this study. Charity Way is a planned local circulation improvement and conditions of approval placed on the United Pentecostal Church project required construction of Charity Way east to McHenry Avenue to provide additional circulation to the area in conjunction with phase 2 development of the church. Signalization of the Charity Way / McHenry Avenue intersection is also ultimately planned.

Stanislaus County has indicated that this study for the Bavaro Industrial Park should evaluate whether traffic generated by the proposed project in itself, and/or together with other approved/pending projects in the immediate area, will trigger the need to construct Charity Way to augment the Pentecost Drive connection to the regional street system.

EXISTING SETTING

Existing traffic conditions in the study area are influenced by commuter travel to/from Highway 99 and by agricultural activity in this area of the County. To adequately assess existing traffic conditions, a program of field investigation, traffic counts and traffic records research was undertaken.

Traffic operations at the Kiernan Avenue / McHenry Avenue intersection, together with the planned intersections of Pentecost Drive and Charity Way to each of these facilities, have been evaluated to quantify traffic operating conditions with and without development of the site.

Kiernan Avenue (State Route 219) is an east-west arterial north of the City of Modesto which links Highway 99 in the west to McHenry Avenue (State Route 108) in the east. East of McHenry Avenue, the facility continues as Claribel Road with no state highway designation. Currently, Kiernan Avenue is primarily a 2-lane facility and carries approximately 11,400 ADT west of McHenry Avenue, with 1,200 vehicles observed by the consultant during the weekday p.m. peak hour. Kiernan Avenue is ultimately envisioned to be improved to a four and six lane expressway by the Year 2015. Planned improvements are identified in the Stanislaus Area Regional Transportation Plan Long Range Improvement Program (RTP) as well as the Regional Expressway Study. In the vicinity of the project site, the south side of Kiernan Avenue has been widened and improved east to McHenry Avenue in conjunction with adjacent development.

McHenry Avenue (State Route 108) is a north-south arterial extending from State Route 132 in central Modesto north beyond the Stanislaus County line. The facility is designated as State Route 108 from Highway 132 north to Patterson Road. McHenry Avenue provides four (4) through travel lanes at the Kiernan Avenue intersection, which is signalized. North of Kiernan Avenue, McHenry Avenue transitions to a 2-lane facility. McHenry Avenue currently carries approximately 17,500 ADT south of Kiernan Avenue, with 15,100 ADT experienced north of the intersection. The Modesto General Plan indicates that McHenry Avenue will ultimately be widened to an 8-lane arterial in the vicinity of Kiernan Avenue.

Pentecost Drive is currently under construction and will provide a 50 foot curb to curb width per County standards for a Minor Industrial street. Pentecost Drive will extend for approximately 1,200 feet north from Kiernan Avenue to a 90 degree elbow intersection with Charity Way at the northwest corner of the Bavaro project site.

Charity Way is also currently under construction and will provide a 50 foot paved street section from Pentecost Drive east to Jerusalem Court to access the Rhode Industrial Center project. East of Jerusalem Court, Charity Way is being initially constructed to a 20 foot pavement section to McHenry Avenue to provide emergency access to the area. Ultimately, this latter section will be improved to a 50 foot public street section.

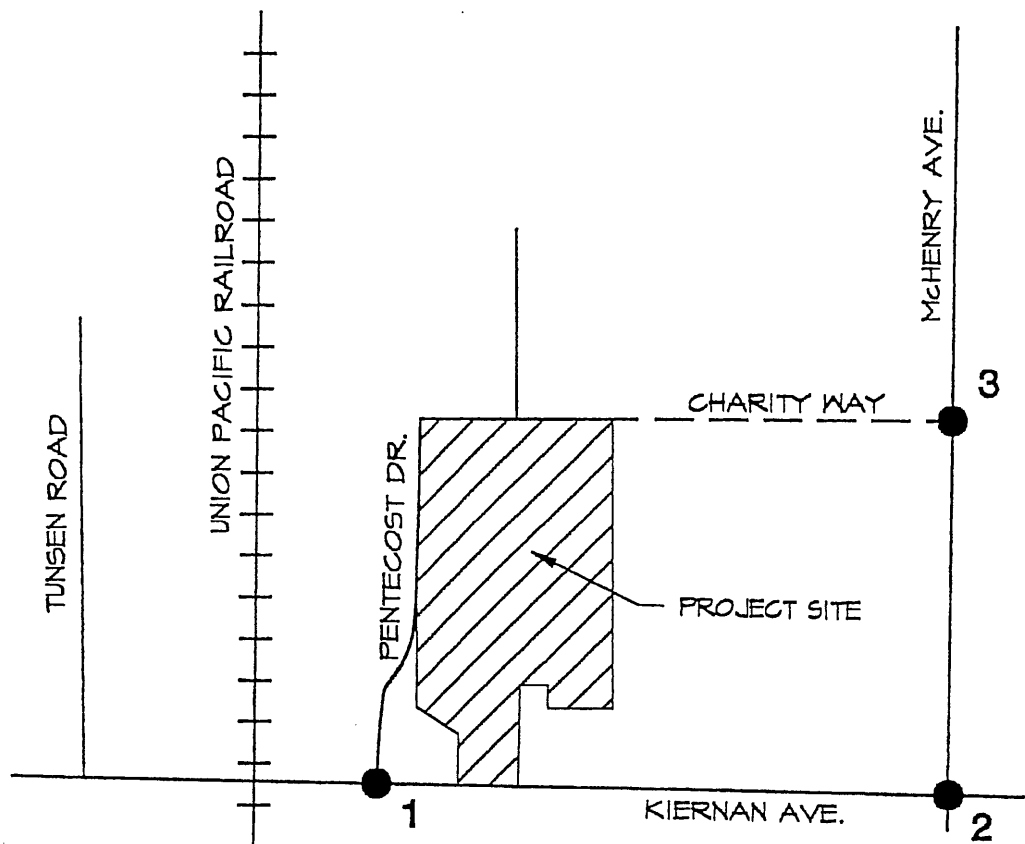
Existing Traffic Volumes

Daily traffic volume data was obtained from counts published by Caltrans. In addition, weekday a.m. and p.m. peak hour counts were performed by the consultant within the study area during July 2000. Intersection counts were conducted from 7:00 - 9:00 a.m. and 4:00 - 6:00 p.m. to isolate the peak one hour traffic periods. Figure 2 displays existing traffic volume data used for this analysis.

Levels of Service - Methodology

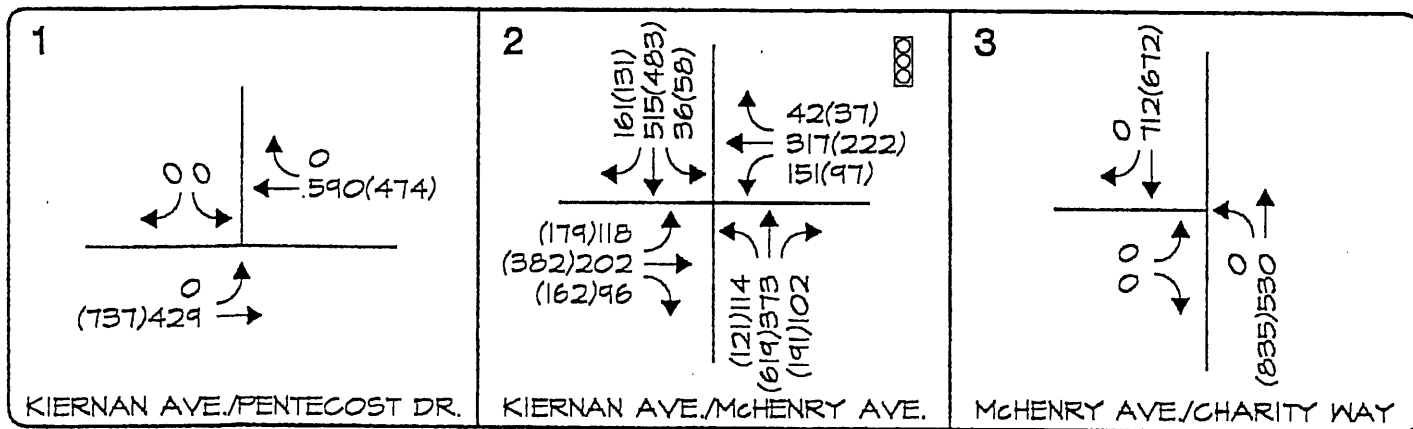
To assess the quality of existing traffic conditions, Levels of Service were calculated at study area intersections. "Level of Service" (LOS) is a qualitative measure of traffic operating conditions whereby a letter grade "A" through "F", corresponding to progressively worsening operating conditions, is assigned to an intersection or roadway segment. Table A-1 of the Appendix presents characteristics associated with each Level of Service grade.

Signalized Intersections. Procedures used for calculating Levels of Service at signalized intersections utilize a "critical movement" analysis method as presented in Transportation Research Board "Circular 212". Table A-1 of the Appendix presents volume to capacity ratio characteristics associated with each Level of Service grade.



KEY

- ↖ XX AM PEAK HOUR TRAFFIC VOLUMES
- ↖ (XX) PM PEAK HOUR TRAFFIC VOLUMES
- ⊠ SIGNALIZED INTERSECTION
- ⊠ RI STOP SIGN



KD Anderson
 Transportation Engineers

EXISTING PEAK HOUR
 TRAFFIC VOLUMES

Unsignalized Intersections. For unsignalized intersections, gap availability and associated delay are used for Level of Service analysis. Methods used for calculating unsignalized intersection Level of Service are as presented in the latest edition of Transportation Research Board Report 209. Levels of Service at unsignalized intersections controlled by side street stop signs are indicative of the magnitude of the delay incurred by motorists which must yield the right of way at an intersection.

Because these calculations ignore the condition of through traffic flow (which is assumed to flow freely) a supplemental traffic signal warrant analysis is performed to confirm the significance of calculated delays. While the unsignalized Level of Service may indicate long delays (i.e., LOS "E"), traffic conditions are generally not assumed to be unacceptable unless signal warrants are satisfied. The signal warrant criteria employed for this study is as presented in the Caltrans Traffic Manual.

Existing Levels of Service

Operating Standards. Stanislaus County utilizes LOS "C" to define acceptable intersection and roadway operations. Beyond this threshold (i.e., LOS D, E, and F), operating conditions are considered deficient and appropriate mitigations should be identified.

Other agencies with specific jurisdiction for particular facilities have also established Level of Service goals or thresholds as well. Caltrans, through their **System Management Plan** has categorized the state highway facilities and established Level of Service goals. On Major Routes, such as SR 99, LOS "C" is the standard. This is also the standard for "Routes of Regional Importance" such as SR 108 (McHenry Avenue). On "Routes of Secondary Significance", such as SR 219 (Kiernan Avenue), LOS "D" is the identified "Concept" Level of Service (i.e., LOS "D" or better considered acceptable).

Table 1 summarizes existing traffic operations and Levels of Service at study area intersections. Operations are further discussed below.

Kiernan Avenue / McHenry Avenue intersection. Satisfactory operations are currently experienced at the Kiernan Avenue/McHenry Avenue intersection during the a.m. and p.m. peak traffic hours, categorized by LOS "B" intersection operations. Two through lanes with auxiliary left and right turn lanes are provided at the McHenry Avenue approaches to the intersection. The eastbound Kiernan Avenue approach provides a separate left, right and through lane, with a left turn lane and a shared through plus right turn lane provided at the westbound approach to the intersection.

**TABLE 1
EXISTING INTERSECTION LEVELS OF SERVICE**

Intersection	Control	AM Peak Hour		PM Peak Hour	
		LOS	V/C	LOS	V/C
Kiernan Ave/ McHenry Ave	Signal	B	0.62	B	0.62

LOS - Level of Service

V/C - Volume to capacity ratio

PROJECT IMPACTS

Trip Generation

The number of automobile trips projected to be generated by development of the site has been estimated using information contained in the Institute of Transportation Engineers (ITE) publication, Trip Generation (Sixth Edition).

ITE category "Industrial Park" provides trip generation data representative of potential uses permitted in the Planned Industrial zoning designation and represents a variety of industrial, office and light manufacturing related uses. This trip generation information has been used in estimating the number of trips which would be expected to be generated by the proposed 15 acre industrial park. As shown in Table 2, the project site is projected to generate approximately 175 a.m. and 187 p.m. peak hour trips, with a total of about 1,300 trips generated over a 24 hour period.

**TABLE 2
PROJECT TRIP GENERATION**

LAND USE	QUANTITY	DAILY TRIP	PEAK HOUR TRIPS	
			AM IN/OUT	PM IN/OUT
Industrial Park	15 acres	1,314	145/30	39/148

Trip Distribution

Having determined the number of trips that can be anticipated to be generated by development of the site, it is necessary to identify the directional distribution of projected

KDA

traffic. The directional distribution will be influenced by the location of surrounding development in the Modesto area as well as access to the regional freeway system. Table 3 presents the estimated directional distribution for external project generated traffic. As shown, the largest proportion of traffic is projected to be oriented to the west towards State Route 99.

TABLE 3
DIRECTIONAL DISTRIBUTION - PROJECT GENERATED TRAFFIC

DIRECTION	PERCENT
North via McHenry Avenue	15%
South via McHenry Avenue	25%
West via Kiernan Avenue	55%
East via Claribel Road	5%
	100%

Local Circulation

Pentecost Drive is currently being constructed in conjunction with development of the Rhode Industrial Center project immediately north of the Bavaro project site. The street will be constructed to Minor Industrial Street standards and provide a 50 foot pavement section. Pentecost Drive will terminate at Charity Way at the northwest corner of the Bavaro site. Charity Way is similarly being constructed to a 50 foot street section from Pentecost Drive east to Jerusalem Court to access the Rhode Industrial Center project. East of Jerusalem Court, Charity Way is being initially constructed to a 20 foot pavement section to provide emergency access to the area. Ultimately, this latter section will be improved to a 50 foot public street section.

As previously discussed, conditions of approval placed on the United Pentecostal Church project required construction of Charity Way east to McHenry Avenue to provide circulation to the area in conjunction with phase 2 development of the church. Signalization of the Charity Way / McHenry Avenue intersection is also ultimately planned. It is the consultants understanding that initial development (phase 1) of the United Pentecostal Church facility will include construction of left turn channelization on Kiernan Avenue at Pentecost Drive.

Based upon the above, "existing plus project" conditions evaluated in this report assume that access to the Bavaro project site will initially be provided by Pentecost Drive, with Charity Way providing secondary emergency access to the area.

KDA

Existing Plus Project Traffic Conditions

Using the directional distribution presented in Table 3, peak hour traffic generated by development of the site was assigned to the adjacent street system. Resulting "Project Only" traffic volumes are displayed in Figure 3 and assume access to the site via Pentecost Drive. Figure 4 displays the project trip assignment assuming access via both Pentecost Drive and Charity Way. This latter information has been provided to display the trip assignment estimated for "cumulative" traffic conditions in the area and is further discussed in proceeding sections of this report.

Project generated trips displayed in Figure 3 were then superimposed onto existing background traffic to represent conditions with development of the site. Figure 5 displays resulting traffic volumes, while Table 4 summarizes projected intersection operations. Existing plus project conditions do not assume development of the approved Rhode Industrial Center, as the timing for buildout of this center is not known. Development of the Rhode Industrial Center is addressed in the Cumulative Traffic Conditions section of this report.

Kiernan Avenue / McHenry Avenue intersection. Satisfactory Level of Service "B" operations are projected to continue during the peak traffic hours with development of the project site.

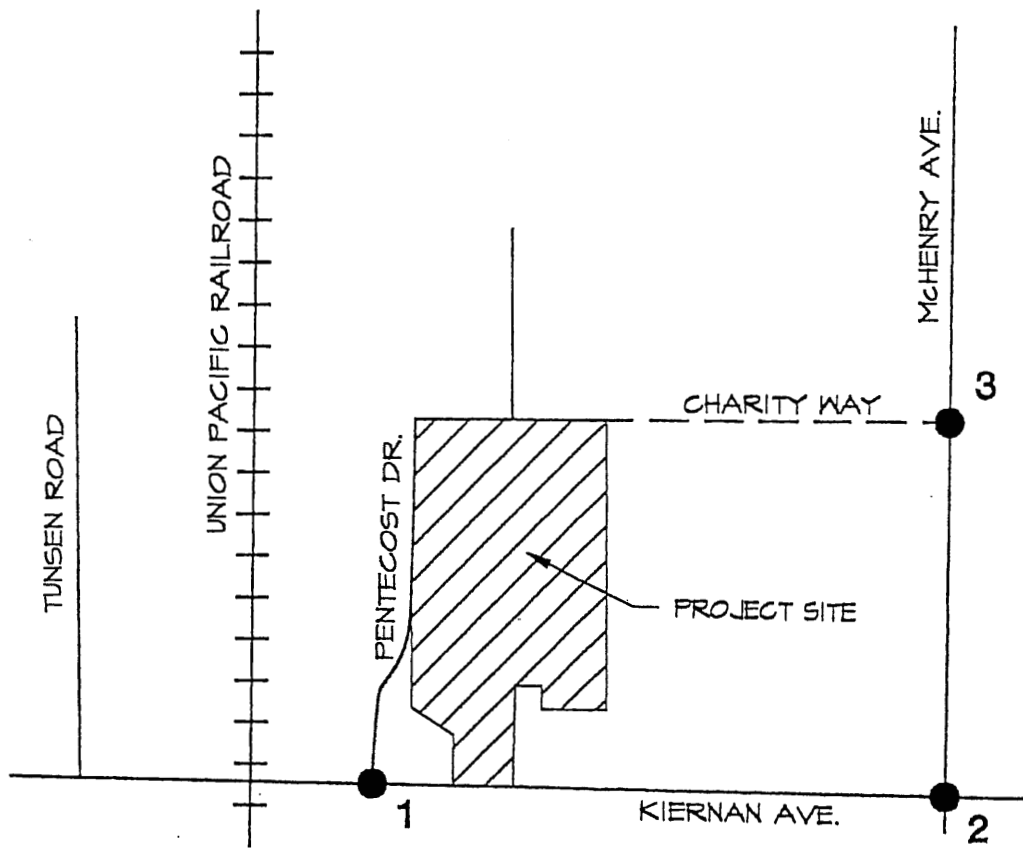
Kiernan Avenue / Pentecost Drive intersection. Buildout of the project site is projected to result in LOS "A" to "E" delays at the intersection during the peak traffic hours. Level of Service "D" and "E" delays are projected for left turns out of Pentecost Drive to Kiernan Avenue in the a.m. and p.m. peak hours, respectively. Left turn vehicle queues of up to three vehicles are projected on Pentecost Drive in conjunction with the LOS "E" delays in the afternoon peak hour. Although LOS "E" delays are projected, forecast volumes are not projected to meet minimum volume criteria for signalization of the intersection.

**TABLE 4
EXISTING PLUS PROJECT INTERSECTION LEVELS OF SERVICE**

Intersection	Control	Existing Conditions				Existing Plus Project			
		AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
		LOS	V/C, ¹ Delay	LOS	V/C, ¹ Delay	LOS	V/C, ¹ Delay	LOS	V/C, ¹ Delay
Kiernan Ave/ McHenry Ave	Signal	B	0.62	B	0.62	B	0.65	B	0.62
Kiernan Ave/ Pentecost Dr	SB Stop	-	-	-	-				
EB Left						B	5.0	A	3.8
SB Left						D	21.7	E	35.1
SB Right						B	5.5	B	5.3

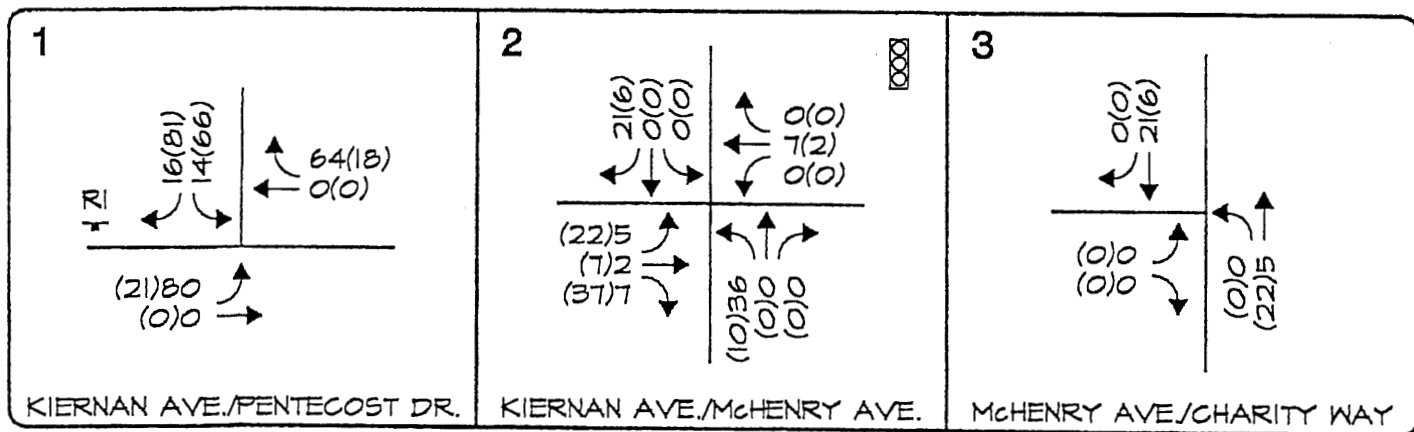
LOS = Level of Service

¹ Volume to Capacity (V/C) ratio calculated at signalized intersections. Average Delay (seconds) calculated at unsignalized stop sign controlled intersections.



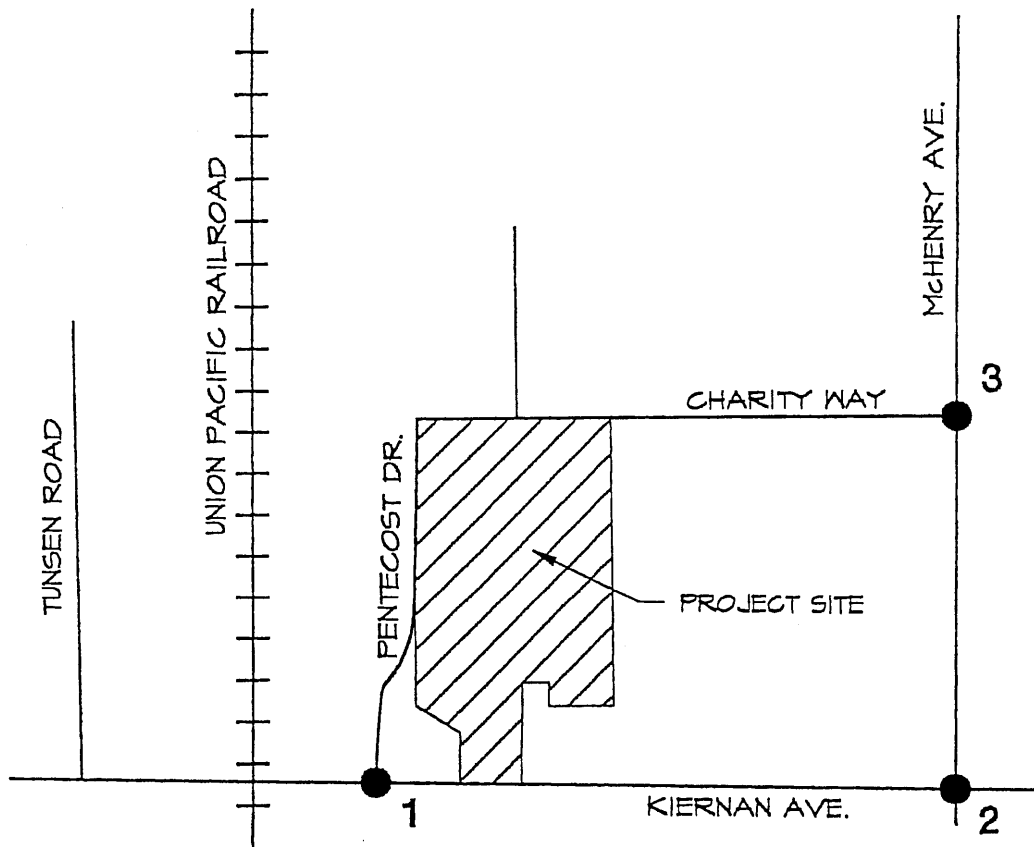
KEY

- ↙ XX AM PEAK HOUR TRAFFIC VOLUMES
- ↘ (XX) PM PEAK HOUR TRAFFIC VOLUMES
- ☒ SIGNALIZED INTERSECTION
- ⊥ RI STOP SIGN



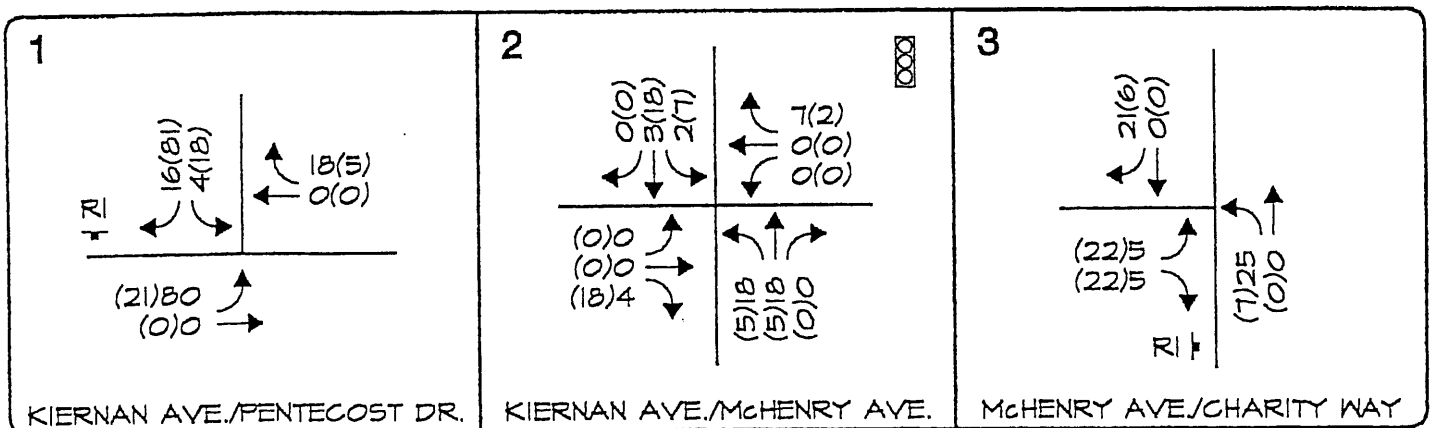
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PROJECT GENERATED TRAFFIC
 ACCESS VIA PENTECOST DRIVE



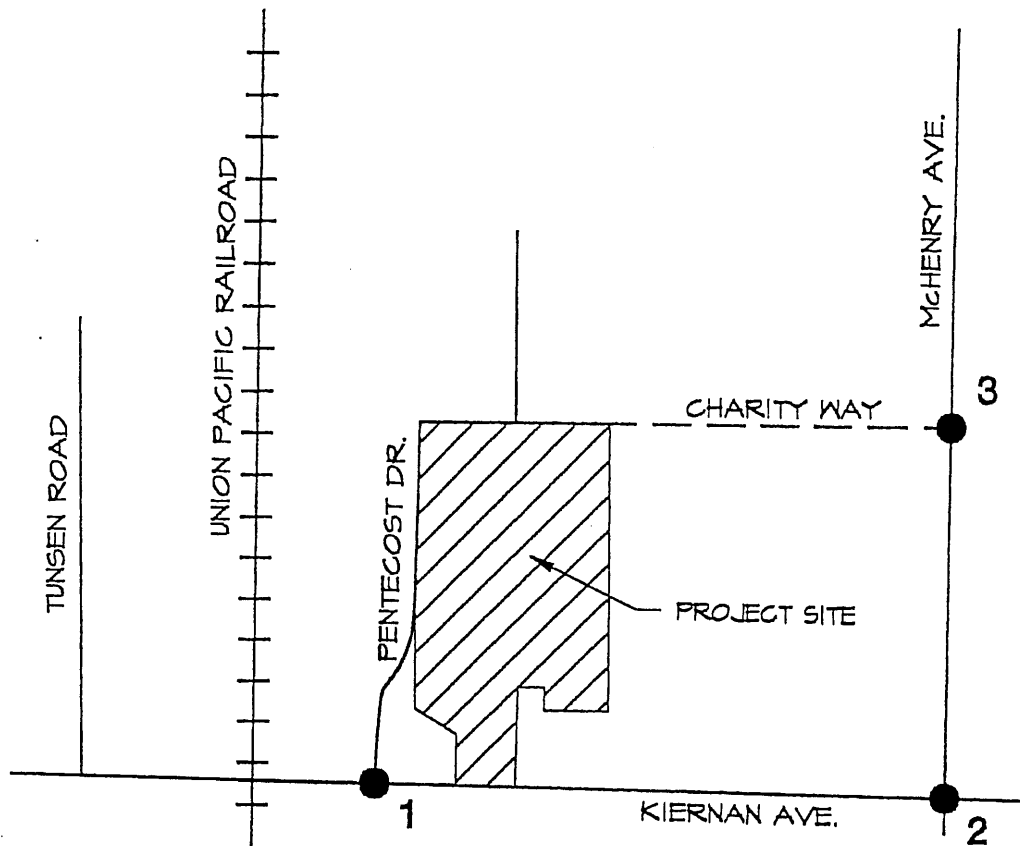
KEY

- XX AM PEAK HOUR TRAFFIC VOLUMES
- (XX) PM PEAK HOUR TRAFFIC VOLUMES
- ⊗ SIGNALIZED INTERSECTION
- R STOP SIGN



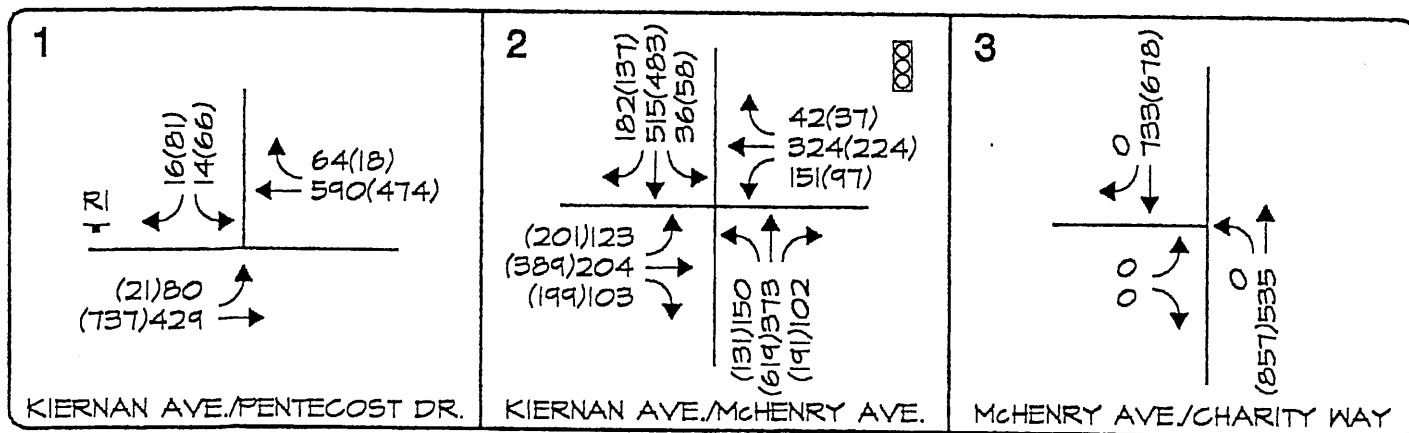
KD Anderson
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PROJECT GENERATED TRAFFIC
 ACCESS VIA PENTECOST DRIVE & CHARITY WAY



KEY

- ↙ XX AM PEAK HOUR TRAFFIC VOLUMES
- ↘ (XX) PM PEAK HOUR TRAFFIC VOLUMES
- ⊠ SIGNALIZED INTERSECTION
- ⊠ RI STOP SIGN



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EXISTING PLUS PROJECT
 PEAK HOUR TRAFFIC VOLUMES

CUMULATIVE TRAFFIC CONDITIONS

Traffic conditions in the area have also been evaluated assuming development of the proposed project together with other approved and/or pending development potential in the area. Traffic volumes expected to be generated by development of the Rhode Industrial Center, the United Pentecostal Church and other undeveloped parcels tributary to Pentecost Drive and Charity Way have been estimated and assigned to the adjacent street system to forecast cumulative traffic conditions in the area. Figure 6 displays the development potential in the area assumed for purposes of this study. Development quantities are based upon discussion with the Stanislaus County Community Development Department.

Development potential displayed in Figure 6 indicates that an additional 74 acres of land in the area might be developed under the Planned Industrial designation. This includes the approved Rhode Industrial Center as well as other undeveloped parcels in the area. Using the industrial park trip generation rates identified for the Bavaro site, buildout of the vacant lands has the potential to generate approximately 650 a.m. and 630 p.m. peak hour trips, with 4,100 trips generated on a daily basis.

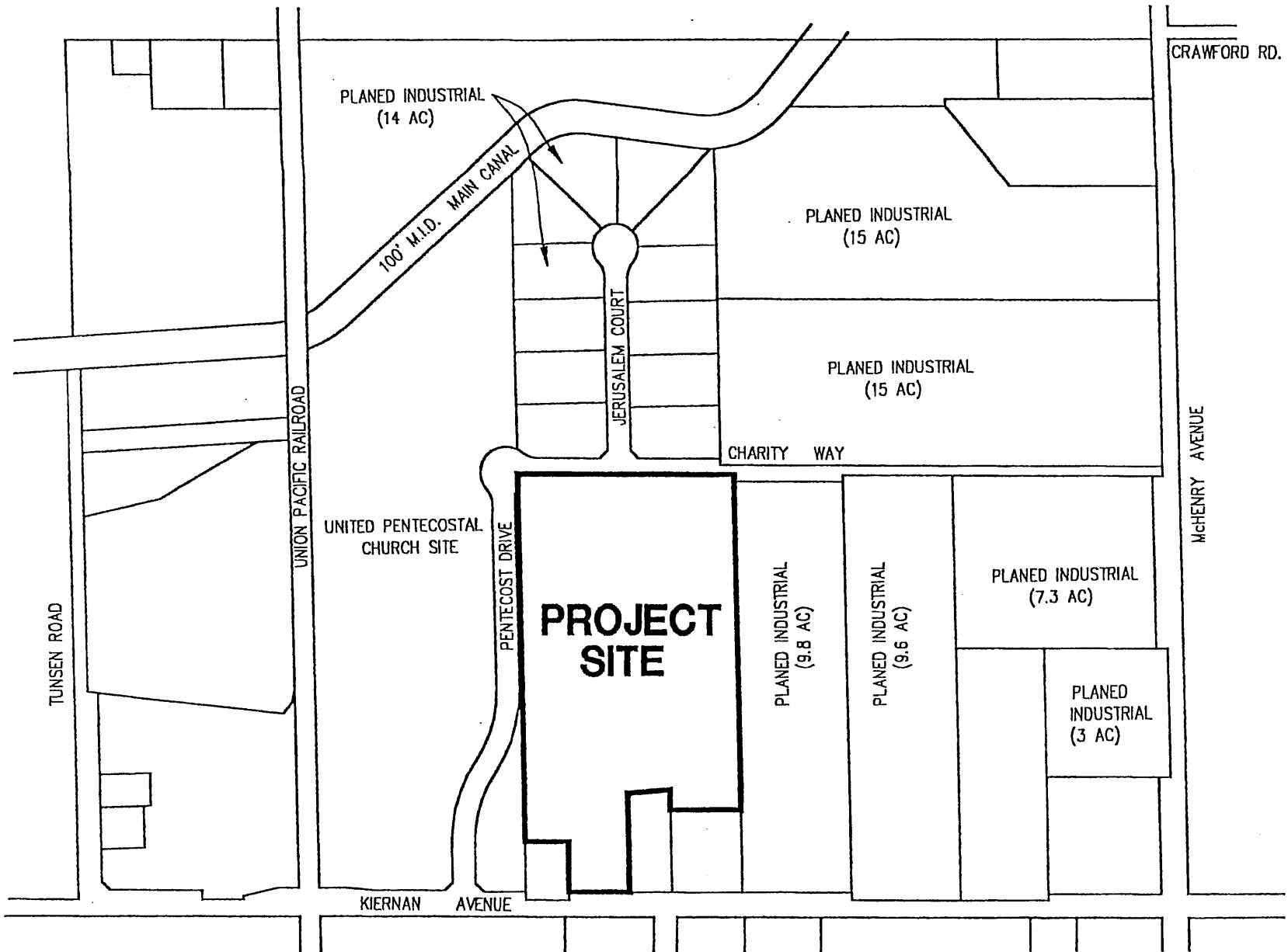
Background Growth on Regional Roadways. For purposes of forecasting future short term traffic conditions, the development quantities discussed above have been assumed to occur within a five year planning horizon. As such, the increase in background traffic on the regional roadway network has also been estimated to forecast resulting traffic volumes within the study area for a five year period.

Daily traffic count information published by Caltrans for Kiernan Avenue and McHenry Avenue has been used to estimate the growth in regional background traffic. Traffic count information indicates that volumes have fluctuated both up and down on both facilities in recent years. Since 1989, an annual average increase in traffic volumes on Kiernan Avenue west of McHenry Avenue of just under 2% has occurred, with an annual increase of just over 2% on McHenry Avenue north and south of Kiernan Avenue. Based upon this data, an annual increase of 2% has been used to estimate background traffic increases in the study area for the five year planning horizon.

Cumulative Intersection Operating Conditions

The 2% annual growth estimate has been applied to current traffic levels to estimate conditions in five years together with traffic generated by the project specific development quantities presented in Figure 6. Development potential within the study area has been assigned to the street system using the regional distribution estimates previously presented in Table 3.

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Traffic impacts associated with development of the Bavaro Industrial Park have been analyzed with respect to traffic projections developed for the five year planning horizon. Forecast intersection operations are summarized in Table 5 and discussed below. Figures 7 and 8 display projected traffic volumes with and without development of the Bavaro project site, respectively.

Kiernan Avenue / McHenry Avenue intersection. Satisfactory Level of Service "C" operations are projected at the intersection during the peak traffic hours with or without development of the Bavaro project site. Adequate intersection capacity is available to accommodate forecast traffic increases over the five year planning horizon.

Kiernan Avenue / Pentecost Drive intersection. Buildout of identified development potential is projected to result in unsatisfactory LOS "F" delays for left turns out of Pentecost Drive to eastbound Kiernan Avenue. Development of the Bavaro project will further contribute to forecast delays. Additional traffic will likely be diverted to Charity Way as left turn delays from Pentecost Drive increase.

Projected traffic volumes at the intersection will meet minimum volume thresholds for signalization in the afternoon peak hour. However, signalization of the intersection is not estimated to be an acceptable mitigation alternative, as it is inconsistent with the expressway concept planned for the facility.

McHenry Avenue / Charity Way intersection. Level of Service "F" delays are similarly projected for left turns out of Charity Way to northbound McHenry Avenue under the five year planning horizon. This assumes stop sign control of Charity Way at McHenry Avenue.

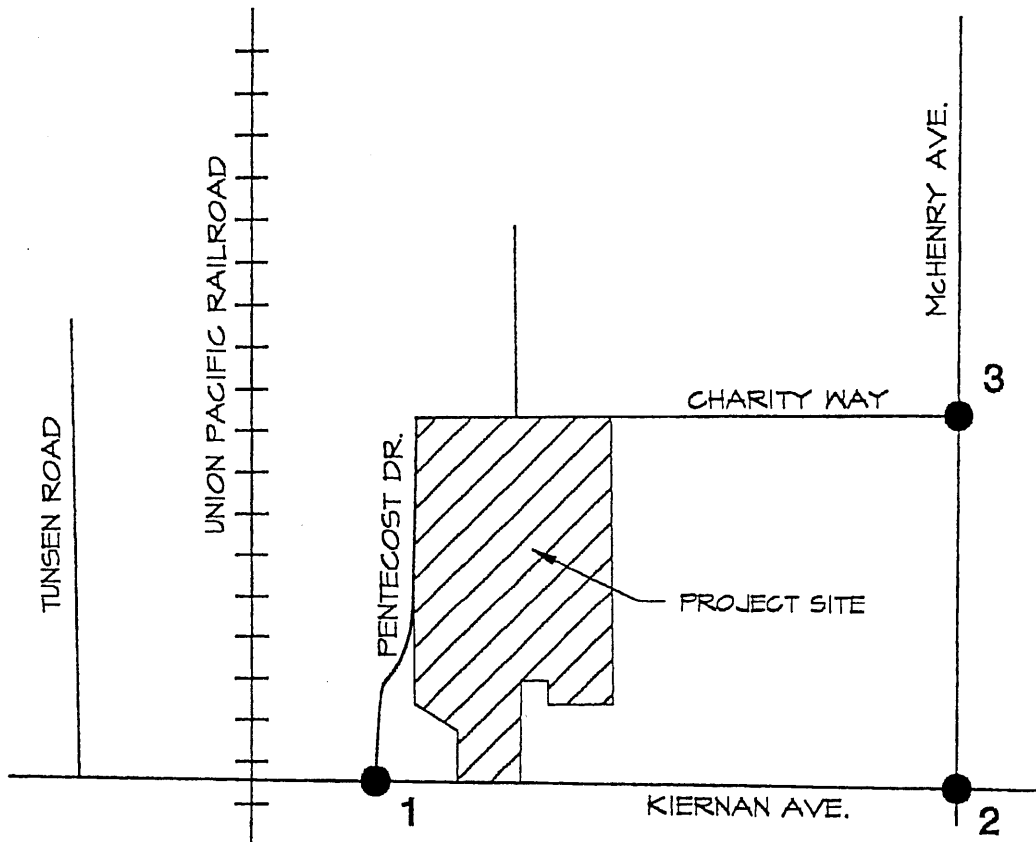
Forecast volumes for the p.m. peak traffic hour will warrant signalization based upon peak hour volume criteria thresholds. As shown in Table 5, signalization of the Charity Way / McHenry Avenue intersection is projected to provide satisfactory LOS "B" to "C" operations with buildout of the study area.

**TABLE 5
CUMULATIVE PLUS PROJECT INTERSECTION LEVELS OF SERVICE**

Intersection	Control	Cumulative Base				Cumulative Plus Project			
		AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
		LOS	V/C, ¹ Delay	LOS	V/C, ¹ Delay	LOS	V/C, ¹ Delay	LOS	V/C, ¹ Delay
Kiernan Ave/ McHenry Ave	Signal	C	0.75	C	0.71	C	0.77	C	0.72
Kiernan Ave/ Pentecost Dr	SB Stop								
EB Left		B	8.9	A	4.3	C	12.0	A	4.4
SB Left		F	63.0	F	57.0	F	125	F	96.5
SB Right		B	6.5	B	8.7	B	6.7	C	11.2
McHenry Ave/ Charity Way	EB Stop								
NB Left		B	6.9	B	5.3	B	7.5	B	5.4
EB Left		E	41.8	F	224	F	52.0	F	570
McHenry Ave/ Charity Way	Signal	B	0.63	B	0.70	B	0.65	C	0.71

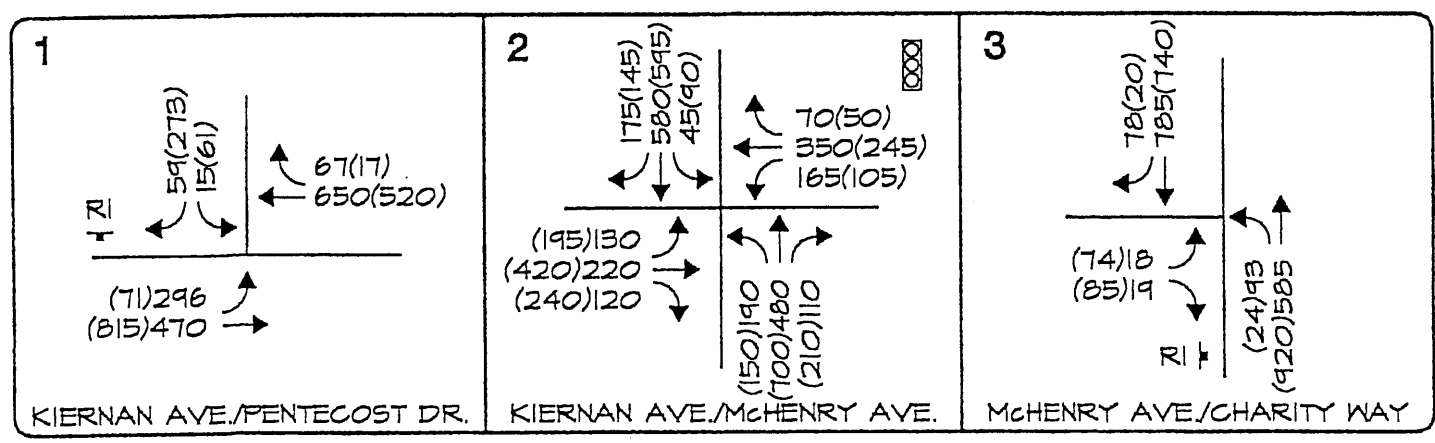
LOS = Level of Service

¹ Volume to Capacity (V/C) ratio calculated at signalized intersections. Average Delay (seconds) calculated at unsignalized stop sign controlled intersections.



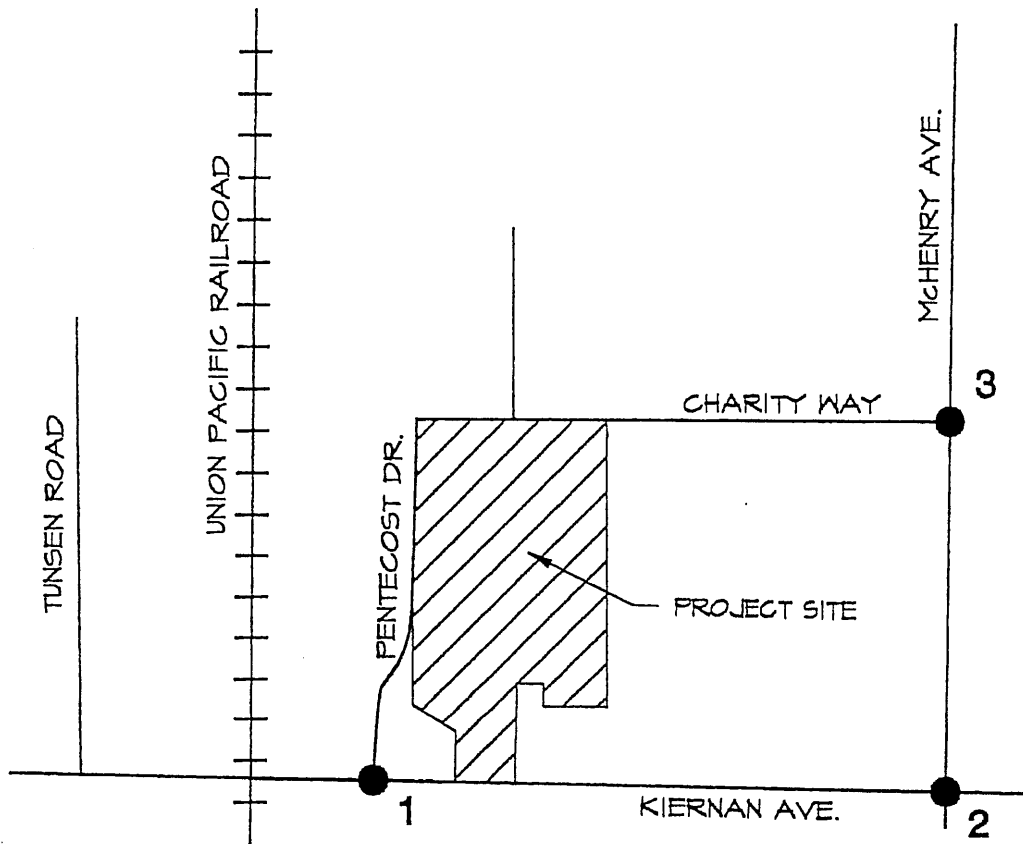
KEY

- ↖ XX AM PEAK HOUR TRAFFIC VOLUMES
- ↖ (XX) PM PEAK HOUR TRAFFIC VOLUMES
- ⊗ SIGNALIZED INTERSECTION
- ⊥ R STOP SIGN



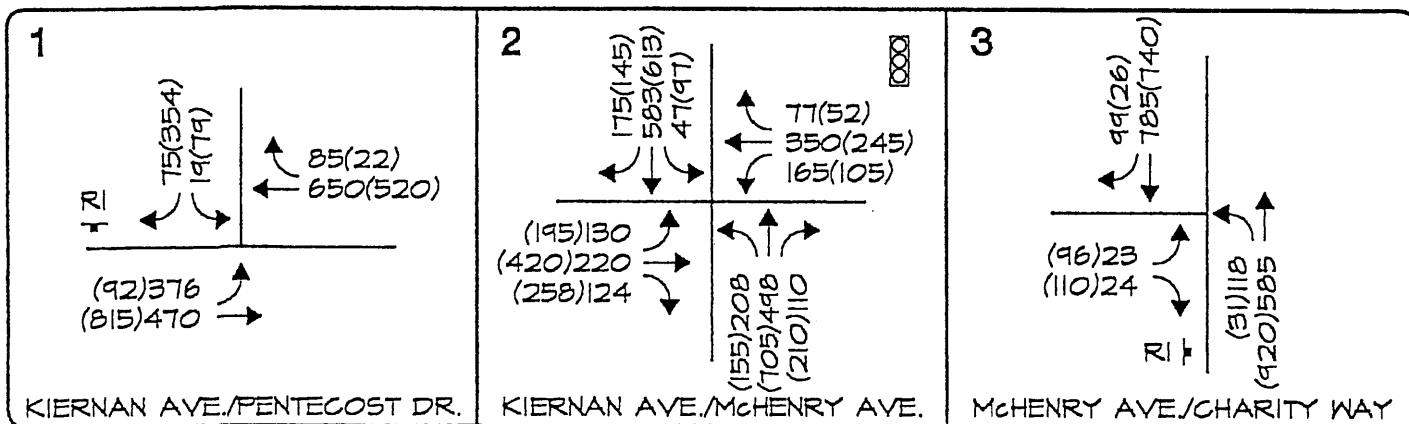
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CUMULATIVE BASE PEAK HOUR TRAFFIC VOLUMES
 BUILDOUT OF ADJACENT PROPERTIES-NO PROJECT



KEY

- ↙ XX AM PEAK HOUR TRAFFIC VOLUMES
- ↘ (XX) PM PEAK HOUR TRAFFIC VOLUMES
- ⊗ SIGNALIZED INTERSECTION
- † R STOP SIGN



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CUMULATIVE TRAFFIC WITH PROJECT
 PEAK HOUR VOLUMES

Timing of Charity Way Improvements

This section discusses the timing of improvements to Charity Way needed to support development of the study area.

Forecast operating conditions discussed in the preceding sections indicate that the Bavaro site could be developed with access provided by only the Pentecost Drive connection to Kiernan Avenue. This assumes project traffic added to current background traffic levels and is as discussed in the "Existing plus Project" section of this report. Construction of Charity Way would not be required to support development of the site, although LOS "E" delays would be experienced for left turns out of Pentecost Drive during the p.m. peak traffic hour. However, overall intersection operations would be acceptable and LOS "E" delays incurred in accessing an arterial such as Kiernan Avenue is not uncommon.

Under cumulative traffic conditions, buildout of the Bavaro project together with surrounding development potential will require construction of Charity Way and signalization of the Charity Way / McHenry Avenue intersection to accommodate forecast traffic volumes.

Development thresholds have been further analyzed to identify the quantity of development which would trigger the need for construction of Charity Way to McHenry Avenue.

Methodology for determining improvement needs. Level of Service "F" delays for left turns at the Pentecost Drive / Kiernan Avenue intersection has been used as a threshold for determining the need for additional access (i.e., Charity Way) to serve the study area. This threshold corresponds to average delays in excess of 45 seconds per vehicle for a particular movement and is judged by the consultant to represent a reasonable benchmark beyond which additional access should be developed. Review of resulting traffic volumes indicates that the LOS "F" threshold is similar to a condition which would satisfy Caltrans' peak hour warrants for signalization of high speed roads. While signalization is not appropriate, this warrant could be used as a mechanism for monitoring traffic in the future.

Development Thresholds. While it is possible to suggest that secondary access will eventually be needed, the exact timing is dependent on the type and schedule of development occurring in the area. For comparison purposes, traffic volumes generated by the proposed Bavaro Industrial Park as well as the approved Rhode Industrial Center were initially tested to determine when Charity Way may be needed. For this analysis, the threshold is discussed in terms of buildout of the Bavaro project plus a portion of development of the Rhode project, although the timing for buildout of either of these projects is unknown. It should be noted that traffic projections associated with development of these projects is somewhat interchangeable, as both sites could be developed with the Planned Industrial use designation and the sites are similar in size (i.e., 15 ac Bavaro site, 14 ac Rhode site).

Traffic projections indicate that buildout of either project and about 1/3 of the other would result in LOS "F" delays for left turns from Pentecost Drive to Kiernan Avenue in the p.m. peak traffic hour. Construction of Charity Way is recommended when traffic volumes approach this level. Table 6 summarizes projected operations at the Pentecost Drive / Kiernan Avenue intersection for this development scenario.

TABLE 6
INTERSECTION LEVELS OF SERVICE
CONDITION - ACCESS VIA PENTECOST DRIVE ONLY,
EXISTING TRAFFIC PLUS BAVARO PROJECT
PLUS 1/3 OF RHODE INDUSTRIAL CENTER

Intersection	Control	AM Peak Hour		PM Peak Hour	
		LOS	Delay	LOS	Delay
Kiernan Ave/ Pentecost Dr EB Left Turn SB Left Turn	SB Stop	B D	5.4 25.9	A F	3.9 49.6

Table 7 summarizes forecast operating conditions assuming construction of Charity Way to McHenry Avenue and buildout of both the Bavaro and Rhode industrial park projects. Under this development scenario, delays for left turns from Charity Way to McHenry Avenue would increase to LOS "F" conditions and signalization of the intersection should be considered in conjunction with any additional development beyond buildout of the Bavaro and Rhode projects.

TABLE 7
INTERSECTION LEVELS OF SERVICE
CONDITION - ACCESS VIA PENTECOST DRIVE AND CHARITY WAY,
EXISTING TRAFFIC PLUS BUILDOUT OF BAVARO AND RHODE INDUSTRIAL PARKS

Intersection	Control	AM Peak Hour		PM Peak Hour	
		LOS	Delay	LOS	Delay
Kiernan Ave/ Pentecost Drive EB Left Turn SB Left Turn	SB Stop	B D	5.6 28.1	A D	3.9 29.2
McHenry Ave/ Charity Way NB Left Turn EB Left Turn	EB Stop	B D	5.5 25.3	A F	4.7 51.0

MITIGATION MEASURES

This section summarizes recommended improvements needed to provide satisfactory traffic operating conditions in the study area.

Existing Conditions

Current intersection operations are considered satisfactory. No improvement needs have been identified. Pentecost Drive is currently being constructed to Minor Industrial street standards which provides for a 50 foot curb to curb width. Left turn channelization on Kiernan Avenue at Pentecost Drive is planned in conjunction with construction of Phase 1 of the United Pentecostal Church on the west side of Pentecost Drive.

Existing Plus Project Conditions

Projected intersection operating conditions indicate that the Bavaro Industrial Park project could be developed with access provided by only the Pentecost Drive connection to Kiernan Avenue. This assumes project traffic added to current background traffic levels. Construction of Charity Way is not estimated to be required to support development of the site, although LOS "E" delays would be experienced for left turns out of Pentecost Drive during the p.m. peak traffic hour. However, overall intersection operations would be categorized as acceptable and LOS "E" delays incurred in accessing an arterial such as Kiernan Avenue is not uncommon. Forecast volumes are not projected to meet minimum volume criteria for signalization of the intersection.

Cumulative Traffic Conditions

Buildout of the Bavaro Industrial Park and the Rhode Industrial Center would result in LOS "F" delays for left turns from Pentecost Drive to Kiernan Avenue in the p.m. peak traffic hour. Construction of Charity Way east to McHenry Avenue is recommended to mitigate conditions associated with this development scenario.

After secondary access is created, with buildout of both the Bavaro and Rhode industrial park projects, delays for left turns from Charity Way to McHenry Avenue would reach LOS "F" conditions. Signalization of the Charity Way / McHenry Avenue intersection is recommended in conjunction with area development beyond buildout of the Bavaro and Rhode projects.

The exact amount of area development that can proceed before reaching the LOS "F" threshold is dependent on the type of businesses developed in the two industrial parks. About 20 acres of typical industrial park uses could be developed before reaching the LOS "F" threshold or satisfying peak hour warrants for signalization. This acreage could be larger if the specific projects that are built have low employee densities.

Because the schedule for area development is speculative, we recommend that a mechanism be created to spread the cost of identified improvements among all benefitting parties. The mechanism should include monitoring of traffic volumes at the Kiernan Avenue / Pentecost Drive intersection and construction of full time access to McHenry Avenue when thresholds are met. Monitoring of the new McHenry Avenue / Charity Way intersection, with installation of a traffic signal when warranted, is also recommended.

APPENDIX

TABLE A-1
LEVEL OF SERVICE DEFINITIONS

LEVEL OF SERVICE	SIGNALIZED INTERSECTION	UNSIGNALIZED INTERSECTION	ROADWAY (DAILY)
"A"	Uncongested operations, all queues clear in a single-signal cycle. V/C ≤ 0.60	Little or no delay. Delay ≤ 5 sec/veh	Completely free flow.
"B"	Uncongested operations, all queues clear in a single cycle. V/C = 0.61-0.70	Short traffic delays. Delay > 5 sec/veh and ≤ 10 sec/veh	Free flow, presence of other vehicles noticeable.
"C"	Light congestion, occasional backups on critical approaches. V/C = 0.71-0.80	Average traffic delays. Delay > 10 sec/veh and ≤ 20 sec/veh	Ability to maneuver and select operating speed affected.
"D"	Congestion at critical approaches but intersection functional. Cars required to wait through more than one cycle during short peaks. No long queues formed. V/C = 0.81-0.90	Long traffic delays. Delay > 20 sec/veh and ≤ 30 sec/veh	Unstable flow, speeds and ability to maneuver restricted.
"E"	Congestion with long standing queues at critical approaches. Traffic queue may block nearby intersections upstream of critical approaches. V/C = 0.91-1.00	Very long traffic delays, congestion. Delay > 30 sec/veh and ≤ 45 sec/veh	At or near capacity, flow quite unstable.
"F"	Stop-and-go operation. Extended periods of at capacity operation. V/C > 1.00	Delay > 45 sec/veh	Forced flow, extended periods of at capacity operation.

Sources: 1994 Highway Capacity Manual, Transportation Research Board (TRB) Special Report 209; TRB Circular 212.

MITIGATION MEASURES/DEVELOPMENT STANDARDS

GENERAL PLAN AMENDMENT APPLICATION NO. 2000-06
REZONE APPLICATION NO. 2000-07
PARCEL MAP 2000-10
BAVARO INDUSTRIAL PARK

Salida Fire Protection District

The Salida Fire Protection District will require that this project be responsible for its share of said impaction by contributing fees for the services provided by the District on a continuing basis, and further said fees shall be those that are currently in place at the time of issuance of construction permits. Fees currently being assessed are:

1. **Equipment:** The Salida Fire Protection District requires that the CEQA Fire Service Impact Mitigation Fees as researched and adopted by the Salida Fire Protection be applied initially as follows:
 - a. Un-sprinkled Residential - \$.35 per square foot
 - b. Sprinkled Residential - \$.28 per square foot
 - c. Un-sprinkled Commercial, Industrial - \$.25 per square foot
 - d. Sprinkled Commercial, Industrial - \$.18 per square foot
 - e. Unoccupied Agricultural Buildings - \$.10 per square foot
 - f. Recreational vehicle/Mobile Home Space - \$250.00 per space

To be paid to the District prior to issuance of the building permits.

2. **Manpower:** The District requires the salary for three years (including benefits adjusted annually for inflation) of an Engineer for each additional 1,200 residents or 1,500 jobs (or fraction thereof). In addition, the District requires the salary of Captain (including benefits adjusted annually for inflation) to be provided for three years for each 3,600 residents or 4,500 jobs (or fraction thereof). Said Manpower Fee will approximate \$325.00 per residential living unit or \$0.158 per square foot on commercial/industrial construction. Said mitigation fees shall be paid prior to issuance of building permits.
3. **General:** All buildings constructed shall meet the Salida Fire Protection Districts requirements for residential, commercial, or industrial uses, i.e.: sprinklers, alarm systems, water supply and flow rates, fire hydrant locations, key-lock entry systems, and compliance with all applicable sections of the Uniform Fire Code and all other applicable codes and ordinances. All fire hydrants will be identified with blue reflective street markers and red painted curbs. In addition, the District requires a paved, all-weather street with all required hydrants in place and with working fire flows supplied to the hydrant system prior to any building construction. All subdivisions must provide for two accesses suitable for fire and emergency apparatus.

4. Method of Monitoring and Collection:

- a. Required action shall be guaranteed by the deposit of said mitigation fees with the Salida Fire Protection District;
- b. Prior to the approval of final map (or other County regulated act), the applicant shall provide a Statement of Compliance from the Salida Fire Protection District stating that the appropriate mitigation measures have been provided and which shall include any written agreements between the applicant and the District concerning the mitigation measures;
- c. Monitoring shall be by one of the following: John A. Brubaker, Fire Chief; Robert L. Driver, SFPD Director; or David E. Boyd, Deputy Chief and Clerk to the Board of Directors.

Department of Public Works

5. The recorded parcel map shall be prepared by a licensed land surveyor or a registered civil engineer.
6. All existing non-public facilities and/or utilities that do not have lawful authority to occupy the road right of way shall be relocated onto private property upon the request of the Department of Public Works.
7. All structures not shown on the tentative parcel map shall be removed prior to the parcel map being recorded.
8. Road right-of-way shall be deeded to Stanislaus County to provide for:
 - a) 55 feet of right-of-way north of the centerline of Kiernan Avenue adjacent to Parcel 2;
 - b) 70 feet of right-of-way for the new road east of Pentecost Drive between and parallel to Kiernan Avenue and Charity Way;
 - c) 35 feet of right-of-way south of the centerline of Charity Way adjacent to Parcel "5";
 - d) The chord of a 25 foot radius shall be provided at the intersection of the new road with Pentecost Drive.

9. A complete set of on and off site grading, drainage, and street improvement plans shall be signed by the Department of Public Works prior to the parcel map being recorded. All roads fronting or within the subdivision, and a positive storm drainage system shall be designed and constructed in conformance with the standards contained in the Stanislaus County Department of Public Works Standards and Specifications, 1998 Edition. The improvements shall include, but not be limited to, street pavement, concrete curb and gutter, sidewalks, street lights, drainage facilities, pavement markings, and road signs. National Geodetic survey vertical (elevation) datum shall be used. If available, 1988 data shall be used.
10. Kiernan Avenue, adjacent to the industrial park property, shall be improved to Caltrans and County standards. The improvements shall include, but not limited to, curb, gutter, sidewalk, pavement, drainage facilities, pavement markings and markers, street lights, and street signs. **These improvements shall be deferred to a later date with the owners signing a street improvement agreement prior to the final parcel map being recorded.**
11. Parcel 2 shall have no direct access to Kiernan Avenue. This restricted access shall be indicated on the final parcel map to be recorded.
12. The road that will intersect Pentecost Drive between Kiernan Avenue and Charity Way shall be constructed to County minor industrial street standards with full street improvements prior to occupancy and/or final inspection of any building.
13. Street improvements including, but not limited to, curb, gutter, sidewalk, pavement, drainage facilities, pavement markings and markers, street lights, and street signs shall be installed along the entire frontage of parcel 5 on Charity Way. Charity Way east of Parcel 5 to McHenry Avenue shall remain as an emergency access. This access shall be shown on the off-site improvement plans as closed to thru traffic. The subdivider shall pay for and install a "Closed to Thru Traffic" sign, or equivalent, near the easterly property line of Parcel 5.
14. ~~Off-site improvement plans for all improvements required within the Kiernan Avenue right-of-way shall be approved by Caltrans prior to the final parcel map being recorded.~~
15. The subdivider shall pay a "fair share" contribution for each lot towards the future installation of signals at the McHenry / Charity intersection. This contribution is based on the project's projected trip generation as stated in the Traffic Impact Analysis for Bavaro Industrial Park dated August 1, 2000, prepared by K D Anderson Transportation Engineers. The "fair share" contribution for a lot shall be made prior to the issuance of the building permit for the particular lot. The "fair share" contribution for each lot is as follows:

- A. Parcel 1 = \$ 2,783 Note: Bavaro Industrial Park's contribution is 15 % of
B. Parcel 2 = \$ 5,327 the total signal cost. Each parcel's "fair share" is
C. Parcel 3 = \$ 2,307 based on its percentage of acreage of the park's
D. Parcel 4 = \$ 2,307 total.
E. Parcel 5 = \$21,207
16. If the "Stan Co. drainage basin" lot shown on the tentative parcel map is not of sufficient size to accommodate a basin conforming to County standards, the lot shall be enlarged as needed to accommodate a basin that conforms to County standards. A 20-foot wide access easement and 20-foot wide paved road shall be provided to the drainage basin.
17. There shall be no parking, loading or unloading of vehicles associated with the subdivision on the new road, Pentecost Drive, Charity Way, or Kiernan Avenue. If necessary, no parking signs will be installed at the subdivider's expense.
18. Prior to the parcel map being recorded, the subdivider shall sign a "Subdivision Improvement Agreement" and post the required certificates of insurance and subdivision bonds with the Department of Public Works.
19. Street monuments and covers shall be installed to County standards.
20. The subdivider shall furnish the Department of Public Works three copies of a soils report for the area being subdivided. The report shall also include: (a) sufficient R-value test to establish appropriate road sections, and (b) sufficient test to establish the percolation rate for the drainage basin. The report shall be signed by a California registered civil engineer.
21. All existing irrigation lines within the area to be subdivided shall be removed or relocated into easements along lot lines. The irrigation lines shall be reinforced at road crossings and driveways. All irrigation lines or structures which are to be abandoned shall be removed. All work shall be done in accordance with the requirements of the Department of Public Works and the Modesto Irrigation District.
22. All new utilities shall be underground and located in public utility easements. A (10) foot wide public utility easement (P.U.E.) shall be located adjacent to all road right-of-ways. The P.U.E. shall be shown on the final map.
23. All roads shall have a fog seal applied prior to acceptance by Stanislaus County.
24. Prior to the final map being recorded, the area being subdivided shall be annexed to the North McHenry Lighting District. The subdivider shall provide all necessary documents and pay all costs associated with the annexation.

25. All street lights shall be installed on steel poles. Prior to the final map being recorded, the subdivider shall deposit the first year's operating and maintenance cost of the street lights with the Department of Public Works.
26. Prior to issuance of any building permits, the lot grades shall conform to the approved grading plan. Written certification by a civil engineer or geotechnical engineer may be required by the Department of Public Works.
27. A set of Record Drawings shall be provided to and approved by the Department of Public Works prior to acceptance of the subdivision improvements by the County. The drawings shall be on 3 mil mylar with each sheet signed and stamped by the design engineer and marked "Record Drawing".
28. One bench mark (brass cap) shall be established within the subdivision and the elevation shall be shown on the Record Drawing. A copy of the field notes shall be furnished to the Department of Public Works.
29. Stanislaus County will not issue any final inspection and/or Certificate of Occupancy for any structures within the subdivision until all the required subdivision improvements have been completed to the satisfaction of the Department of Public Works.
30. Prior to the Department of Public Works doing any plan review or inspections associated with the subdivision, the subdivider shall sign a "Subdivision Processing/Inspection Agreement" and post a \$7,500.00 deposit with Public Works.

Department of Environmental Resources

31. Each parcel shall have an approved independent water supply. Prior to recording the parcel map, each parcel shall have it's own well. A drilling permit shall be obtained from the Dept. of Environmental Resources. (Stanislaus County Policy and State Model Well Standards ordinance.) A 300' minimum setback between the existing irrigation well and any new well must be maintained if the existing well lacks an annular seal.
32. The sewage disposal systems for all parcels shall be approved aerobic treatment systems so as to comply with the Primary and Secondary sewage treatment initiative (Measure X).
33. This project and its future use shall not create odors, dust, noise or anything else which could constitute a public nuisance.

Department of Planning and Community Development

34. This project is to be constructed and operated as described in the application information submitted including submittal modifying the project and including the applicant's own mitigation measures, and including the monitoring/reporting plan and in accordance with other laws and ordinances.
35. That building permits must be obtained from the Building Inspection Division, (UBC Section 301 and Title 16, Stanislaus County Ordinance Code). No building permits shall be issued until the Department of Environmental Resources has indicated that adequate water and sewage treatment facilities will be available prior to occupancy.
36. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to: (California Health and Safety Code, Division 20):
 - a. Permits for the underground storage of hazardous substances at new or existing tank facilities;
 - b. Requirements for registering as a handler of hazardous materials in the County;
 - c. Submittal of hazardous materials Business Plans by handlers of hazardous materials in excess of 55 gallons, 500 pounds, or 200 cubic feet of compressed gas;
 - d. Generators of hazardous waste must notify the department relative to the quantities of waste generated, plans for reducing wastes generated, and proposed waste disposal practices.
37. Prior to the occupancy of any building, or operation of the approved use, the applicant shall meet requirements of the Department of Fire Safety.
38. That a Certificate of Occupancy shall be obtained from the Building Inspection Division prior to occupancy of any buildings. (UBC Section 307).
39. That sufficient paved and marked parking spaces be provided as required by Chapter 21.76 of the Stanislaus County Code.
40. That a landscaping plan indicating type of plants, initial plant size, location and method of irrigation shall be submitted and approved by the County Planning Director for each property. Landscaping must be installed prior to occupancy and must be maintained to the satisfaction of the Director of Planning and Community Development at all times. Applicant, or subsequent property owner, shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety. (CEQA, Section 15041).

41. Exterior lighting of the parking areas shall be designed (aimed down and towards the site) to provide adequate illumination without a glaring effect. (Stanislaus County Sheriff's Department, CEQA, Section 15041 and Planning Staff's professional opinion)
42. A plan for any and all proposed signs indicating the location, height, area of the sign and message must be approved by the Planning Director before installation.
43. Trash bins shall be kept in trash enclosures constructed of materials compatible with the architecture of the development. Trash enclosures shall be placed in locations as approved by the refuse collecting agency and the Planning Director.
44. Prior to issuance of any building permit, the developer shall dedicate public utility easements as required by the utility companies and the Planning Director.
45. Fences and landscaping adjacent to roadways shall be in compliance with the County's "Visibility and Obstructions at Public Intersections" ordinance.
46. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by resolution by the Board of Supervisors. The fees shall be payable at the time of issuance of building permits for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
47. The applicant is required to defend, indemnify, or hold harmless the County, its officers and employees from any claim, action or proceeding against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action or proceeding to set aside the approval and shall cooperate fully in the defense.
48. If, during construction, cultural resources are encountered, work shall be halted or diverted in the immediate area while a qualified archaeologist evaluates the site and makes a recommendation to the Planning Director.
49. Staff approvals shall be obtained for all uses and businesses proposing to locate within this PI zone.

Department of Fish and Game

50. Prior to the issuance of the Notice of Determination, the applicant shall pay, within two weeks of Planning Commission approval, a filing fee of \$50.00 to "**Stanislaus County Clerk/Recorder**" care of the Planning Department. Should the "De Minimis" finding be found invalid for any reason, the applicant/developer shall be responsible for payment of Department of Fish and Game Fees.

San Joaquin Valley Air Pollution Control District

51. That the project proponents comply with District Regulation VIII (Fugitive Dust Prohibition).

Caltrans

52. An encroachment permit will be required. Please direct the applicant to include the affected portion of the State right of way in their environmental studies. This avoids the delay of a separate environmental review for the encroachment permit. You and the applicant should review the need for cultural resource, biological resource and hazardous waste studies in our right of way. Review agencies and interest groups frequently challenge Caltrans permits on these issues. Please provide Caltrans with either (1) appropriate studies done by qualified professional staff or (2) the rationale for your CEQA determination that these issues are not of concern in the State right of way. This will expedite our review of the encroachment permit. If engineering plans or drawings will be part of your permit application, they must be prepared in metric units.
53. All Final Conditions of Approval should be forwarded to Caltrans District Planning in order to monitor approved local development and implementation of agreed upon mitigation measures.
54. The proposed development, as presented, is not consistent with the Class B Expressway designation of Kiernan Avenue. Driveways should be shared, where possible, and any additional access should be through the existing side street (Stratos Way).
55. Size and location of driveways are not delineated on the site plan included with the document. Therefore, the applicant will have to resubmit suitable engineered plans when applying for an encroachment permit. At that time, the applicant will be informed of any additional requirements.
56. ~~Building setbacks should be cleared with the SR 219 Project Manager, Gary Fromm, at 209-948-7983.~~ **No buildings or structures within the area of this Planned Industrial zone shall be constructed any closer than 87.5 feet from the planned centerline of Kiernan Avenue/State Route 219**

LAFCO

57. Previous development in this area was required, as a condition of approval, to form a new County Service Area (CSA) or annex to an existing CSA, for the purpose of maintaining the storm drainage facilities. If this is anticipated for this project, the formation or annexation will require LAFCO approval.

The formation of a new CSA, or annexation to an existing CSA, will require LAFCO to establish a sphere of influence for that district.

Effective January 1, 2001, new State law requires LAFCO, in establishing a sphere of influence (SOI) to conduct a service review for the area and make a written determination with respect to the following:

1. Infrastructure needs or deficiencies;
2. Growth and population projections for the affected area;
3. Financing constraints and opportunities;
4. Cost avoidance opportunities;
5. Opportunities for rate restructuring;
6. Opportunities for shared facilities;
7. Government structure options, including advantages and disadvantages of consolidation or reorganization of service providers;
8. Evaluation of management efficiencies; and,
9. Local accountability and governance.

The new law would also require the County to prepare a written statement specifying the extent of any functions or classes of service provided by the CSA.

In order to conduct the service review for the establishment of a SOI, the County should provide sufficient information to address the above outlined factors in the written statement required for the CSA.

Modesto Irrigation District

58. In conjunction with related site/road improvement requirements, existing electrical facilities within or adjacent to the proposed development shall be protected or relocated as required by the District's Electric Engineering Department. Appropriate easements for electric facilities shall be granted as required.
59. Cost for relocation and/or undergrounding the Districts facilities at the request of others will be borne by the requesting party. Estimates for relocating or undergrounding existing facilities will be supplied upon request.
60. A 10' PUE is required along all existing and proposed street frontages.
61. Electric service to the site is not available at this time. Customer should contact the District's Electric Engineering Department to arrange for electric service to the project.
62. There is an existing pipeline that runs from north to south approximately down the middle of parcel 004-71-35. That portion of pipeline within the road right-of-way shown on the map must be replaced using Class III R.C.P. unless all land south of the road (the south portion of 004-71-35) is signed off using a "Sign Off of Irrigation Facilities" form.

63. Prior to any development the existing pipeline must be replaced or re-routed using Class III R.C.P. unless sign off form is completed for parcel 004-71-35. A 10' irrigation easement is required along the north property line of proposed parcels 2 and 3 to insure future access to water to parcels 1 and 4 unless a sign off form is completed for those parcels.
64. Prior to any development an irrigation plan must be submitted to and approved by the MID Civil Engineering Department.
65. Prior to construction: The developer shall be responsible for contacting the U.S. Army Corps of Engineers to determine if any "wetlands", "waters of the United States", or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
66. Prior to construction: The developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
67. Prior to construction: The developer shall be responsible for contacting the California Department of Fish and Game shall be responsible for obtaining all appropriate streambed alteration agreements permits or authorizations if necessary.
68. Prior to construction: The developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan. Once complete, and prior to construction, a copy of the Storm Water Pollution Prevention Plan shall be submitted to the Stanislaus County Department of Planning and Community Development.

* * * *

CALIFORNIA DEPARTMENT OF FISH AND GAME

CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

Project Title/Location (include county):

General Plan Amendment Application No. 2000-06, Rezone Application No.2000-07, Parcel Map 2000-10
Bavaro Industrial Park
North side of Kiernan Avenue, (State Route 219), west of McHenry Avenue, (State Route 108) east of Pentecost Way, Stanislaus County

Project Description:

The proposal is to change the General Plan and zoning designation of 16.5 acres from Agriculture to Planned Industrial to allow construction of uses consistent with that zone. Five parcels of varying sizes will be created

Findings of Exemption (attach as necessary):

The Stanislaus County Planning Commission make a finding of "De Minimis" on this project for the following reason(s):

- 1) The site is not in a riparian corridor;
- 2) The site is not identified on the Natural Diversity Data Base as having any threatened or endangered animals or plants or any sensitive habitat; and
- 3) This division will not result in the ability to construct additional residences.

Certification:

I hereby certify that the public agency has made the above finding and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

(Chief Planning Official)

Title: Planning Director
Lead Agency: Stanislaus County
Date: _____

BK:dh
I:\STAFFRPT\GPA-97.SR\GPA2000-06.SR.wpd

CHAPTER 21.42

PLANNED INDUSTRIAL DISTRICT (PI)

SECTIONS:

21.42.010	APPLICABILITY
21.42.020	PERMITTED USES
21.42.030	ZONING ADOPTION OR CHANGE
21.42.040	DEVELOPMENT PLAN
21.42.050	DEVELOPMENT STANDARDS
21.42.060	HEIGHT LIMITS
21.42.070	BUILDING SITE AREA
21.42.080	YARDS
21.42.090	MAP NUMBERING
21.42.100	NONCOMPLIANCE

21.42.010 APPLICABILITY

The regulations set forth in this chapter shall apply in all PI districts and shall be subject to the provisions of Chapter 21.08 and other provisions of this title not inconsistent with the specific regulations set forth in this chapter. (Ord. CS 256 Sec. 1 (part), 1987).

21.42.020 PERMITTED USES

Uses permitted when consistent with the general plan and existing uses upon adoption of a development plan according to procedures set forth in this title for zoning changes (Chapter 21.108).

- A. Ambulance and armored car service;
- B. Animal hospitals;
- C. Appliance repair;
- D. Auto parts establishment, wholesale only;
- E. Body and paint shops;
- F. Bottling plant;
- G. Building materials yard;
- H. Bus and truck terminal;
- I. Cabinet shops;
- J. Cleaning and dyeing establishments;

21.42.020 Permitted uses

- K. Clinics;
- L. Compounding and packaging of cosmetics, pharmaceutical and toiletries;
- M. Contractor's yards;
- N. Crop farming and the dwellings and outbuildings appurtenant to crop farming;
- O. Cultured marble manufacture;
- P. Express office;
- Q. Farm and garden supply, wholesale only;
- R. Farm equipment service;
- S. Farm implement manufacture;
- T. Food processing, packaging, and storage, including milk products, fruits, nuts, vegetables, blended foods, candies, nonalcoholic beverages, preserves, bakery goods and frozen foods provided adequate sewage treatment facilities and capacity are available;
- U. Fork lift sales/service;
- V. Laboratories;
- W. Machine shops;
- X. Mail order establishments;
- Y. Mini-warehouses;
- Z. Mobile home storage and service;
- AA. Assembly of products, consisting of previously prepared materials, including but not limited to jewelry, clocks, appliances, containers, business machines, toys, electronic equipment, leather goods, office supplies and photographic and optical equipment;
- BB. Offices, administrative, business and professional;
- CC. Office furniture repair;
- DD. Outside storage when screened by a solid ornamental or uniformly painted wooden fence of not less than six feet in height;
- EE. Petroleum and oil storage when accessory to another permitted use;
- FF. Plumbing and heating establishments;

21.42.020 Permitted uses

- GG. Printing, publishing and book binding;
- HH. Public and quasi-public buildings;
- II. Public garages;
- JJ. Public utilities, including electrical receiving and/or transformer stations;
- KK. Radio, television and communications facilities;
- LL. Research institutions;
- MM. Recreational vehicle service;
- NN. Sheet metal shops;
- OO. Sign shop and storage;
- PP. Signage: one identification or informational sign not more than twelve square feet in area nor more than six feet in height, may be permitted in the front yard or side yard of each lot adjacent to each street frontage in lieu of any other freestanding sign, provided that:
 - 1. It does not bear any advertising message,
 - 2. It is nonflashing, nonmoving, and nonanimated,
 - 3. It is located wholly on private property on the premises to which it pertains, and
 - 4. A plot plan and elevation of the sign is approved by the planning and community development director prior to request for building and electrical permits and installation;
- QQ. Single-family dwellings or one apartment if it is accessory to a permitted use;
- RR. Tire, battery and auto parts, wholesale only;
- SS. Uses normally accessory (incidental and secondary) to other listed uses, including storage of fresh fruit or vegetable containers which are uniformly stacked and maintained at least one hundred feet from the nearest property line;
- TT. Warehouses, including storage within a building but excluding storage of explosives;
- UU. Welding, portable;
- VV. Welding school;
- WW. Wholesale stores and establishments;
- XX. Sandwich/donut shop designed to serve planned industrial development;
- YY. Uses similar to those listed. (Ord. CS 256 Sec. 1 (part), 1987).

21.42.030 ZONING ADOPTION OR CHANGE

PI district zoning shall be adopted or changed in the same manner as prescribed by this title concerning zoning district amendments. No PI district zoning shall be adopted unless development standards and a development plan have been approved for the area. (Ord. CS 256 Sec. 1 (part), 1987).

21.42.040 DEVELOPMENT PLAN

Prior to any approval of a planned industrial zone a development plan shall be submitted by the applicant.

- A. The development plan shall include:
1. A description of proposed uses and where appropriate disclosure of any chemicals used or wastes generated, including but not limited to petroleum, dyes, thinners, solvents and pesticides;
 2. A map showing any street system and lot design proposed within the area. Compliance with this requirement shall not be construed to relieve the applicant from compliance with the subdivision regulations or any other applicable regulations of the county;
 3. A plot plan for each building site in the PI district for which development is requested. The plot plan shall show the location of all proposed buildings, indicating the distances between buildings, and between buildings and property or building site lines, and the location of all active or abandoned wells, septic systems, irrigation lines, public sewer lines and public water lines;
 4. Elevations and perspective drawings and measurements of all proposed structures to scale. The purpose of such drawings is to indicate the height of proposed buildings and the appearance of the proposed structures to the end that the entire development will have architectural unity and be in harmony with surrounding developments;
 5. Off-street parking and loading plan which shall include a circulation diagram indicating the proposed movement of vehicles and goods;
 6. Landscaping and tree planting plan;
 7. Proposed method of sewage disposal.
- B. Any subsequent changes in the development plan shall be submitted to the department of planning and community development and shall be treated as follows:
1. If the proposed changes do not involve any new uses not already permitted in the adopted planned industrial district, the director of planning and community development may approve the changes through the staff approval application process;
 2. If the proposed changes involve uses not permitted in the adopted planned industrial district, the requested changes shall be processed according to the procedures set forth in this title for use permits (Chapter 21.96);

21.42.040 Development plan

3. If the proposed changes are of such a size or nature as to change the character of the development plan, such changes will be referred to the planning commission and board of supervisors as a request for the adoption of a new development plan according to procedures set forth in this title for zoning changes (Chapter 21.108). (Ord. CS 256 Sec. 1 (part), 1987).

21.42.050 DEVELOPMENT STANDARDS

The following development standards shall apply to all planned industrial districts:

- A. At least five percent of the area of a parcel shall be landscaped. If a parcel is to develop in phases, at least five percent of each phase shall be landscaped. Landscaping shall be completed prior to final inspection of the building or occupancy of the property;
- B. Interior streets shall be developed at a seventy foot width with fifty feet of pavement curb to curb, five foot sidewalks and five feet behind each sidewalk to be used for underground facilities;
- C. Loading docks shall be so located that trucks head-in and head-out of the property and do not use the street right-of-way for maneuvering, loading, or unloading. Projects will be so designed as to provide for rear delivery to every proposed business whether loading docks are used or not;
- D. On-site parking shall be provided for each use as required by the Stanislaus county code except that parking in connection with warehouses and manufacturing plants shall be provided at the rate of one space for every one thousand square feet of building if the number of employees is not known. Conversion of a use to a more parking intensive use will be dependent upon the provision of additional parking spaces to meet ordinance requirements;
- E. Connection to sanitary sewer and approved public water systems shall be mandatory in all PI districts where and when such facilities are available;
- F. Any other development standards established for each planned industrial district approved by the planning commission and board of supervisors;
- G. All planned industrial approvals shall be consistent with county standards as well as the standards of any city within whose sphere of influence the planned industrial zone is located with respect to landscaping, off-street parking, sign control and street improvements insofar as these standards do not conflict with the specific standards required by the general plan or the specific development standards adopted for the planned industrial district;
- H. All utilities within an adopted PI zoning district shall be underground;
- I. An eight-foot masonry wall shall be constructed along the property line adjacent to any residential or agricultural zone or any PD zoning for residential use, except as follows:
 1. Where a building abuts an alley, no wall shall be required,

21.42.050 Development standards

2. In other circumstances where the planning commission determines that a wall is not needed to provide protection for existing or future adjacent land uses, no wall shall be required. Chain link or other fencing may be required;
- J. Buildings shall occupy no more than seventy percent of the area of any parcel;
- K. Street lights shall be installed to county standards. The property being developed shall be annexed to an existing lighting district. If the area cannot annex to the existing district, one shall be formed. The developer shall contribute one year's operating and maintenance cost of the lights to Stanislaus county. (Ord. CS 256 Sec. 1 (part), 1987).

21.42.060 HEIGHT LIMITS

Height limits in PI districts:

- A. Maximum of thirty-five feet for all buildings;
- B. No fence, hedge or screen planting shall be constructed or permitted to grow in excess of three feet in height within any required front yard or side yard of a corner lot unless the director determines that visibility will not be obstructed. (Ord. CS 256 Sec. 1 (part), 1987).

21.42.070 BUILDING SITE AREA

Building site area requirements in PI districts:

- A. No new building site shall be approved without prior approval of sanitary and water facilities by the county health department;
- B. Building site area shall be sufficient to provide for open spaces, appurtenant uses and off-street parking requirements as required by this chapter and shall in all cases meet the following minimum building site areas:
 1. Sites serviced by public sewer and water facilities, six thousand square feet,
 2. Sites serviced by public water and septic tank facilities or private well and public sewer facilities, twenty thousand square feet,
 3. Sites serviced by private well and septic tank facilities, one acre.
- C. All requests for parcel maps or subdivisions within an approved PI district shall be reviewed to ensure that all parcels to be created are consistent with an approved development plan indicating the specific future use of each parcel. (Ord. CS 256 Sec. 1 (part), 1987).

21.42.080 YARDS

Yards required in PI districts:

A. Front yard and side yards of corner lots:

1. Not less than fifteen feet from the ultimate right-of-way line or planned street line where a specific plan has been adopted;
2. Loading docks shall be so located that trucks will head-in and head-out and not use the public highway for maneuvering, loading or unloading;
3. Vehicle openings of any buildings shall be no closer than twenty feet to the property line toward which the opening faces;
4. The side yards of corner lots may be five feet less than the required front yard for the main building.

B. Side yard or interior lot and rear yard. To be governed by the Uniform Building Code for use or occupancy and type of construction. (Ord. CS 256 Sec. 1 (part), 1987).

21.42.090 MAP NUMBERING

Each PI district map shall be numbered, the first adopted being shown on the zoning map as PI(1) and each map subsequently adopted being numbered successively. (Ord. CS 256 Sec. 1 (part), 1987).

21.42.100 NONCOMPLIANCE

If any portion of the approved development plan or any exhibits attached thereto are not met or complied with, the planning commission may initiate proceedings under Chapter 21.108 to rezone the property to the zone classification it held prior to being zoned PI or other appropriate zone classification. (Ord. CS 256 Sec. 1 (part), 1987).

**SUMMARY OF RESPONSES: ENVIRONMENTAL REVIEW
REFERRALS PROJECT: GPA 2000-07, REZ 2000-07 & PM
2000-10 - BAVARO INDUSTRIAL
PARK**

Planner:

REFERRED TO:	PUBLIC HEARING NOTICE	RESPONDED		RESPONSE			MITIGATION MEASURES		Conditions		
		YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	No	
DATE: April 3, 2000											
AGRICULTURE COMMISSIONER	X		X								
AIRPORT LANDS COMMISSION											
CA DEPT OF FORESTRY											
CALTRANS	X	X			X		X				
CITY OF MODESTO		X					X				
COMMUNITY SERVICES/SANITARY DISTRICT											
CORPS OF ENGINEERS											
COUNTY COUNSEL	X		X								
DEVELOPMENT SERVICES	X	X					X				
ENVIRONMENTAL RESOURCES	X	X								X	
FIRE PROTECTION DISTRICT: SALIDA	X		X								
CONSOLIDATED FIRE PROTECTION DISTRICT	X	X			X			X			
FISH & GAME	X		X								
HOSPITAL DISTRICT											
IRRIGATION DISTRICT: MODESTO IRRIGATION DIST.	X	X					X			X	
LAFCO	X	X					X				
MOSQUITO DISTRICT											
MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES	X		X								
MUNICIPAL ADVISORY COUNCIL											
NATURAL RESOURCES CONSERVATION SERVICE											
PARKS & FACILITIES	X		X								
P.G. & E.	X		X								
PUBLIC WORKS	X	X		X				X			
REDEVELOPMENT	X		X								
REGIONAL WATER QUALITY											
RISK MANAGEMENT	X	X					X				
StanCOG	X		X								
SCHOOL DISTRICT 1: SYLVAN UNION ELEMENTARY	X		X								
SCHOOL DISTRICT 2: MODESTO HIGH SCHOOL	X	X					X				
SHERIFF	X	X					X				
STANISLAUS COUNTY FARM BUREAU	X		X								
STANISLAUS ERC	X	X		X					X		
STATE CLEARINGHOUSE	X	X									
STATE LANDS BOARD											
SUPERVISORIAL DISTRICT 3: NICK BLOM	X	X									
TELEPHONE COMPANY											
TUOLUMNE RIVER PRESERVATION TRUST											
US FISH & WILDLIFE	X		X								
VALLEY AIR DISTRICT	X	X		X				X			
DEPT. OF WATER RESOURCES											



January 12, 2001

MEMO TO: Planning Commission

FROM: Planning Department

SUBJECT: Bavaro Industrial Map - Addendum to Initial Study.

Subsequent to completion of the Staff Report for this project, letters from the City of Modesto and StanCog were received. They were submitted within the appropriate time frame for Initial Study comment. Responses to the letters follow, discussed by subject matter. A self explanatory letter from Public Works, changing a condition of approval (No. 10 on page 86 of the Staff Report) is also attached.

Traffic

This topic was discussed by both agencies including two separate letters from Modesto . The Modesto letter dated April 21, 2000, is already included in the Initial Study. Comment #1 of the letter is not CEQA related, stating the project is not consistent with the City of Modesto General Plan but that it would be compatible with adjacent uses.

Comment #2 requests dedication of 67.5 feet of right of way north of the Kiernan Avenue centerline. It is suggested that Caltrans be contacted for right of way requirements. Caltrans did indeed respond but did not give any specific width requirements. As Commissioners may be aware, the City of Modesto calls for Kiernan to be a 135 feet right of way expressway. The County General Plan, however, does not contain such a designation.

This discrepancy in the requested amount of dedication is not a new issue. Many Commissioners will recall that this matter has come up on other projects along Kiernan Avenue (State Rte 219). The situation exists because the Stanislaus County General Plan designates Kiernan as a 110 foot wide Major road while the City of Modesto and Caltrans wish it to be a 135 foot wide Class B Expressway. The subject property is not located within the LAFCO approved Sphere of Influence, making comments from Modesto advisory only.

What this means is that the County cannot request any more dedication than is called for in the Stanislaus County General Plan, i.e. 55 feet width of the centerline of Kiernan Avenue. We have previously addressed this by requiring building setbacks along Kiernan which will ensure that no structures are built within the potential ultimate right of way. The letter from StanCog date January 10, also indicates that setbacks would be desirable.

As Caltrans did not request them specifically, we have developed the following Development Standard, to be added as Development Standard #69. The normal setback distance would be 55 feet from centerline of dedication plus the mandatory 20 feet of setback for a total of 75 feet from centerline. This new standard, which has been discussed with the applicant's engineer Max Garcia would add 12.5 feet to that, for a total of 87.5 feet.

#69. That no buildings or structures within the area of this Planned industrial zone shall be constructed any closer than 87.5 feet from the planned centerline of Kiernan Avenue/State Route 219.

Other traffic related issues were brought out in the StanCog and Modesto comments. StanCog noted that the specific language contained within the Traffic Report was not used verbatim by Public Works. There is true Public Works developed language for this project consistent with its normally used policies and implementation processes. The intent of this Traffic Report has been met, and as the County is responsible for coordinating the carrying-out of the measures for this project as well as others in the vicinity, Public Works is confident that the measures needed will indeed be accomplished.

Both letters from Modesto request that there be no direct access from Kiernan Avenue to this project. There will be none. Pentecost Way will be the only Kiernan access for this Pl. Development Standard #11 confirms this.

Modesto has suggested, in the letter from Helen Wong that additional planning could be done, both for this area and for the Kiernan Avenue corridor itself. Some Commissioners may recall that several years ago the Commission discussed this first topic for close to three hours in regard to an earlier application to the area. The commission weighed the pros and cons, and finally concluded that individual applications would continue to be processed as long as they were consistent with the circulation plan which had been developed for the area. That plan prevents any long term direct Kiernan Avenue access except via what has now called Pentecost Way.

As far as the corridor itself is concerned, the County, City and Caltrans have been discussing plans for any number of years, through many meetings. However, until such time as the County may re-designate Kiernan as an expressway, or the City of Modesto gains LAFCO approval to add the corridor to its Sphere of Influence, there is simply no authority or justification to hold up processing of this application.

Air Quality

StanCog has, for the first time in our recollection, submitted a comment pertaining to Air Quality. StanCog is desirous of obtaining an air quality analysis to use to compare the project to established pollutant budgets.

We note however, that in the air quality field, it is the San Joaquin Valley Air Pollution Control District which is the actual CEQA responsible agency. The Air District has reviewed the project twice and has filed no objections to its approval. The "standard" air mitigation addressing fugentive dust during construction has been required.

**STANISLAUS COUNTY
CEQA EXEMPT REFERRAL RESPONSE FORM**

RECEIVED

JAN 10 2001

STANISLAUS CO. PLANNING &
COMMUNITY DEVELOPMENT DEPT.

**TO: Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354**

FROM: City of Modesto, CDD/Planning Division

**PROJECT: GENERAL AMENDMENT APPLICATION NO. 2000-06, REZONE
APPLICATION NO. 2000-07, AND PARCEL MAP APPLICATION NO.
2000-10 – BAVARO INDUSTRIAL PARK**

Based on this agencies particular field(s) of expertise, it is our position the above described project:

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No Comments.

Listed below are specific impacts, which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) (attach additional sheets if necessary):

1. Traffic and Circulation
2. Sewer Service
3. Water Service
- 4.

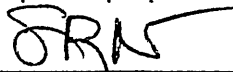
Listed below are possible mitigation measures for the above-listed impacts:

- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

See attached comments, including a copy of our April 21, 2000, letter that still applies to this proposal.

Response prepared by:



Steve Nish
Associate Planner

January 10, 2001

Date

SN:dr

City of Modesto

Engineering & Transportation Department -- Development Services Division

Planning Project Referral Response

TO: Steve Nish, CDD/Planning Division

DATE: January 10, 2001

FROM: Garner R. Reynolds – Development Services

PROJECT: Bavaro Industrial Park – County CEQA Referral

E&T SUBMITTAL NO.: 00 - 50

ACTION: No Comments Comments as Noted Denied for the Following:

REVIEWER COMMENTS:

1. Sewer is not available.
2. Water main extensions will be required.
3. See attached memo for comments from the Traffic Division.

If you have any questions please call me at 571-5120.

City of Modesto
Memorandum

DATE: January 9, 2000

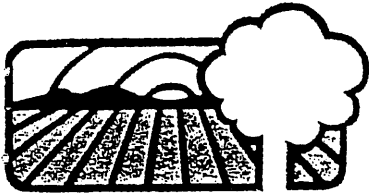
TO: Steve Nish, Associate Planner
FROM: Helen Wang, Transportation Planner
SUBJECT: County CEQA Referral Initial Study and Proposed Mitigated Neg. Dec.- General Plan Amendment Application No. 2000-10 - Bavaro Industrial Park on Kiernan Avenue

Thank you for the opportunity to review the subject referral. My comments are as follows:

1. Kieran Avenue is SR-219 and is also designated as a 6-lane Class B Expressway by StanCOG in its Stanislaus County Regional Expressway Study Final Report and City of Modesto General Plan. A Class B expressway is a partial access-controlled roadway with signalized intersections at arterial streets at one-mile interval and right-turn-only collector streets at ¼ -1/2 mile interval. A class B expressway does not allow for access from individual developments per StanCOG approved Report and City of Modesto General Plan. This restriction is so that the state highway and expressway is able to carry high speed, high volume through-traffic over a long distance in a safe and efficient manner.
2. A more comprehensive, coordinated and continuous land use plan and circulation/access plan for developments along Kiernan Avenue is needed before approval of development on each of many small lots fronting Kiernan Avenue, including this project. This will avoid flag lot and piecemeal development along Kiernan Expressway corridor and will achieve the goal of access control for the function of the state highway/expressway.
3. A high-level meeting involving the County, StanCOG, Caltrans, and the City on Kiernan Expressway corridor preservation, access control, and long-term implications of development along this corridor is needed. This project along Kiernan Avenue should be one of the subjects for the meeting. We would suggest that the County delay approval of this or similar projects on Kiernan Avenue until we have had the meeting. This project does not conform to our General Plan requirement for Class B expressways.

If you have any questions, please do not hesitate to contact me at 571-5190.

cc: Van Switzer, Deputy Director of Engineering and Transportation
Firoz Vohra, Traffic Engineer
George Osner, Planning Manager
Garner Reynolds, Development Services



CITY of MODESTO

April 21, 2000

*Planning
Division
1010 Tenth Street
Suite 3300
P.O. Box 642
Modesto, CA 95353
209/577-5433
209/491-5798 Fax*

*Hearing and Speech
Impaired Only
TDD 209/526-9211*

Bob Kachel, Senior Planner
Planning and Community Development Department
Stanislaus County
1010 Tenth Street
Modesto, CA 95354

RE: CEQA Referral - General Plan Amendment Application No. 2000-06, Rezone Application No. 2000-07 & Parcel Map Application No. 2000-10 Bavaro Industrial Park

Dear Mr. Kachel:

Thank you for the opportunity to comment on the above-mentioned applications. Our review has resulted in the following comments:

1. The 16.5-acre industrial proposal is immediately adjacent to Modesto's Sphere of Influence and within the Kiernan/Carver North Comprehensive Planning District of Modesto's adopted General Plan area. The proposal is not consistent with Modesto's General Plan which indicates "Village Residential" uses for this area. However, the proposed land use and zoning would be compatible with the County's Planned Industrial zoning and existing industrial park development on the south side of Kiernan Avenue as well as the developing industrial/commercial areas immediately north and east of the site.
2. Modesto's General Plan designates Kiernan Avenue as a six-lane, Class B expressway with 67.5 feet right of way north of centerline. However, Caltrans District 10 should be contacted for the right of way requirements for Kiernan Avenue - State Route 219. Gary Fromm at Caltrans (948-7904) can provide information on Kiernan Avenue right of way based on their plan line study for SR 219 which is currently being prepared. The property should not be allowed direct access to Kiernan Avenue and in the future Pentecost Drive will ultimately be right-in and right-out only.

For questions regarding our comments, please call me at 577-5280.

Sincerely,

Steve Nish
Associate Planner

cc: George Osner
Phil Testa

StanCOG

Stanislaus Council of Governments

900 H Street, Suite D ♦ Modesto, California 95354
(209) 558-7830 ♦ Fax (209) 558-7833
♦ sa@mail.co.stanislaus.ca.us

January 10, 2001

Robert Kachel
Stanislaus County Planning & Community Development
1010 10th Street
Suite 3400
Modesto, CA 95354.

RE: General Plan Amendment Application No. 2000-06
Rezone Application No. 2000-07
Parcel Map Application No. 2000-10
known as Bavaro Industrial Park

Dear Mr. Kachel:

Thank you for the opportunity to comment on the above-referenced project. Based on the agency's fields of expertise, StanCOG believes that the abovenamed project may have a significant effect on the environment.

Air Quality

It appears that this project may not have been included in StanCOG's growth projections, upon which our conformity analyses are based. For this reason, StanCOG requests that an air quality assessment be prepared for this project using a similar methodology to that which is used by StanCOG for air quality conformity purposes. The purpose of the assessment is to determine the daily tons of carbon monoxide (CO), ozone (assess for volatile organic compounds and nitrogen oxides), and small particulate matter (assess for small particulates, volatile organic compounds, and nitrogen oxides) that this project will generate and to add that figure to the current daily pollutant load, then to compare that to established pollutant budgets.

Current pollutant loads and pollutant budgets appear in StanCOG's most recent conformity analysis, dated November 8, 2000. The project should be assessed for the anticipated build year. The smallest margin between existing pollutant loads and the budget for CO is 80.55 tons/day; the smallest margins between existing VOC (volatile organic compounds) and NO_x (nitrogen oxides) budgets for ozone are 3.01 and 2.22 tons/day respectively. The smallest margins between existing small particulate (PM₁₀), VOC, and NO_x budgets for small particulate matter are 2.6, 12.45, and 12.66 tons/day respectively.

Please contact our office for further assistance if your air quality assessment indicates that the proposed project would reach or exceed any of these margins.

Traffic

The traffic engineer has included several recommendations in his report, dated August 1, 2000. While the traffic impact fees are included in the Mitigated Negative Declaration as a mitigation measure, they are not tied to the construction of Charity Way or to monitoring of traffic volumes,

Excellence in Regional Planning

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♦ County of Stanislaus

as recommended by the traffic engineer. StanCOG would like to see the mitigation measures specify implementation of the traffic engineer's recommendations.

Expressway

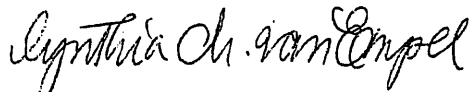
As Kiernan Avenue (SR 219) is widened to accommodate this or any other proposed project, setbacks should be consistent with Caltrans' requirements. Caltrans is currently preparing an assessment of two different build alternatives for SR 219. Please consult with Gary Fromm (209.948.7983) at Caltrans District 10 to determine the setbacks that will be required.

Mitigation Monitoring

Mitigation measures required as part of the proposed project should be worded in such a way that the party monitoring mitigation measures is able to determine whether the mitigation measure has been implemented as intended. Required mitigation measures must then be monitored and reported upon as required by the California Environmental Quality Act (CEQA Guidelines Section 15097).

If you should have any questions, please contact our office at 209.558.7830.

Regards,



Cynthia van Empel
Associate Planner

GEORGE STILLMAN
Director

Administration
Engineering
Development Services
Transit
Facilities Services
Road Maintenance
Landfill



Public Works

STANISLAUS COUNTY

January 12, 2001

MEMO TO: Department of Planning and Community Development

FROM: *Ron Cherrier*
Ron Cherrier, Senior Land Development Coordinator

SUBJECT: Tentative Parcel Map No. 2000-10 - Bavaro Industrial Park and Rezone
Application No. 2000-07

This is to inform you this Department has a change in the recommended conditions for the above tentative parcel map and rezone. Since the ultimate right-of-way width for Kiernan Avenue (State Highway 219) still remains uncertain at this time, this Department recommends Condition No. 6 of my memo dated January 4, 2001 be changed to read:

"No. 6 Kiernan Avenue, adjacent to the industrial park property, shall be improved to Caltrans and County standards. The improvements shall include, but not limited to, curb, gutter, sidewalk, pavement, drainage facilities, pavement markings and markers, street lights, and street signs. These improvements shall be deferred to a later date with the owners signing a Street Improvement Agreement prior to the final parcel map being recorded."

If you have any questions regarding this change, please contact me at 525-7571.

(H:\services\PM2000-10.memo.rc)

C. **GENERAL PLAN AMENDMENT APPLICATION NO. 2000-06, REZONE APPLICATION NO. 2000-07 AND PARCEL MAP APPLICATION NO. 2000-10 - BAVARO INDUSTRIAL PARK**

Request to change the General Plan Designation and Zoning from "Agriculture" and "General Agriculture" (A-2-40) to "Planned Industrial"; rezone the site to "Planned Industrial" and to create five (5) parcels for industrial uses on a 16.5 acre site. The property is located on the 500 block of Kiernan Avenue, in the Modesto area. A Mitigated Negative Declaration will be considered.

APN: 004-71-35

Staff report: Bob Kachel Recommends **APPROVAL**.

**Commissioner Griffin mentioned she knew Max Garcia, the engineer and applicant's representative for this project, but stated there would be no conflict.

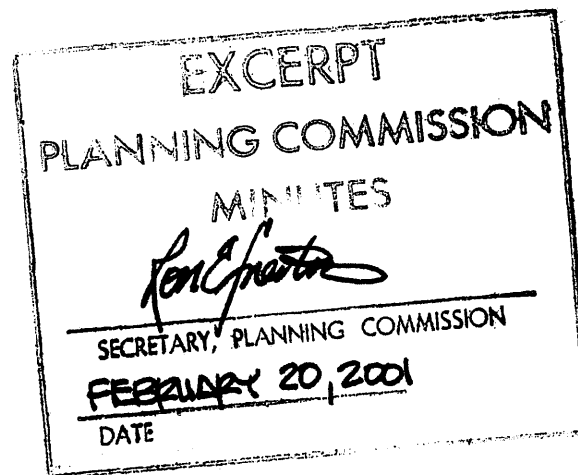
Public hearing opened.

OPPOSITION: Steve Burke, 3105 Yorkshire Lane, Modesto.

FAVOR: Max Garcia, Garcia-Davis-Ringler Engineering, representing the applicant.

Public hearing closed.

Cusenza/Haney, Unanimous **APPROVED TO THE BOARD OF SUPERVISORS WITH AMENDED DEVELOPMENT STANDARDS # 10 AND #56, AND OMITTED #14.**



MITIGATION MEASURES/DEVELOPMENT STANDARDS

GENERAL PLAN AMENDMENT APPLICATION NO. 2000-06
REZONE APPLICATION NO. 2000-07
PARCEL MAP 2000-10
BAVARO INDUSTRIAL PARK

Salida Fire Protection District

The Salida Fire Protection District will require that this project be responsible for its share of said impactation by contributing fees for the services provided by the District on a continuing basis, and further said fees shall be those that are currently in place at the time of issuance of construction permits. Fees currently being assessed are:

1. **Equipment:** The Salida Fire Protection District requires that the CEQA Fire Service Impact Mitigation Fees as researched and adopted by the Salida Fire Protection be applied initially as follows:
 - a. Un-sprinkled Residential - \$.35 per square foot
 - b. Sprinkled Residential - \$.28 per square foot
 - c. Un-sprinkled Commercial, Industrial - \$.25 per square foot
 - d. Sprinkled Commercial, Industrial - \$.18 per square foot
 - e. Unoccupied Agricultural Buildings - \$.10 per square foot
 - f. Recreational vehicle/Mobile Home Space - \$250.00 per space

To be paid to the District prior to issuance of the building permits.

2. **Manpower:** The District requires the salary for three years (including benefits adjusted annually for inflation) of an Engineer for each additional 1,200 residents or 1,500 jobs (or fraction thereof). In addition, the District requires the salary of Captain (including benefits adjusted annually for inflation) to be provided for three years for each 3,600 residents or 4,500 jobs (or fraction thereof). Said Manpower Fee will approximate \$325.00 per residential living unit or \$0.158 per square foot on commercial/industrial construction. Said mitigation fees shall be paid prior to issuance of building permits.
3. **General:** All buildings constructed shall meet the Salida Fire Protection Districts requirements for residential, commercial, or industrial uses, i.e.: sprinklers, alarm systems, water supply and flow rates, fire hydrant locations, key-lock entry systems, and compliance with all applicable sections of the Uniform Fire Code and all other applicable codes and ordinances. All fire hydrants will be identified with blue reflective street markers and red painted curbs. In addition, the District requires a paved, all-weather street with all required hydrants in place and with working fire flows supplied to the hydrant system prior to any building construction. All subdivisions must provide for two accesses suitable for fire and emergency apparatus.

4. Method of Monitoring and Collection:

- a. Required action shall be guaranteed by the deposit of said mitigation fees with the Salida Fire Protection District;
- b. Prior to the approval of final map (or other County regulated act), the applicant shall provide a Statement of Compliance from the Salida Fire Protection District stating that the appropriate mitigation measures have been provided and which shall include any written agreements between the applicant and the District concerning the mitigation measures;
- c. Monitoring shall be by one of the following: John A. Brubaker, Fire Chief; Robert L. Driver, SFPD Director; or David E. Boyd, Deputy Chief and Clerk to the Board of Directors.

Department of Public Works

5. The recorded parcel map shall be prepared by a licensed land surveyor or a registered civil engineer.
6. All existing non-public facilities and/or utilities that do not have lawful authority to occupy the road right of way shall be relocated onto private property upon the request of the Department of Public Works.
7. All structures not shown on the tentative parcel map shall be removed prior to the parcel map being recorded.
8. Road right-of-way shall be deeded to Stanislaus County to provide for:
 - a) 55 feet of right-of-way north of the centerline of Kiernan Avenue adjacent to Parcel 2;
 - b) 70 feet of right-of-way for the new road east of Pentecost Drive between and parallel to Kiernan Avenue and Charity Way;
 - c) 35 feet of right-of-way south of the centerline of Charity Way adjacent to Parcel "5";
 - d) The chord of a 25 foot radius shall be provided at the intersection of the new road with Pentecost Drive.

9. A complete set of on and off site grading, drainage, and street improvement plans shall be signed by the Department of Public Works prior to the parcel map being recorded. All roads fronting or within the subdivision, and a positive storm drainage system shall be designed and constructed in conformance with the standards contained in the Stanislaus County Department of Public Works Standards and Specifications, 1998 Edition. The improvements shall include, but not be limited to, street pavement, concrete curb and gutter, sidewalks, street lights, drainage facilities, pavement markings, and road signs. National Geodetic survey vertical (elevation) datum shall be used. If available, 1988 data shall be used.
10. Kiernan Avenue, adjacent to the industrial park property, shall be improved to Caltrans and County standards. The improvements shall include, but not limited to, curb, gutter, sidewalk, pavement, drainage facilities, pavement markings and markers, street lights, and street signs. **These improvements shall be deferred to a later date with the owners signing a street improvement agreement prior to the final parcel map being recorded.**
11. Parcel 2 shall have no direct access to Kiernan Avenue. This restricted access shall be indicated on the final parcel map to be recorded.
12. The road that will intersect Pentecost Drive between Kiernan Avenue and Charity Way shall be constructed to County minor industrial street standards with full street improvements prior to occupancy and/or final inspection of any building.
13. Street improvements including, but not limited to, curb, gutter, sidewalk, pavement, drainage facilities, pavement markings and markers, street lights, and street signs shall be installed along the entire frontage of parcel 5 on Charity Way. Charity Way east of Parcel 5 to McHenry Avenue shall remain as an emergency access. This access shall be shown on the off-site improvement plans as closed to thru traffic. The subdivider shall pay for and install a "Closed to Thru Traffic" sign, or equivalent, near the easterly property line of Parcel 5.
14. ~~Off-site improvement plans for all improvements required within the Kiernan Avenue right-of-way shall be approved by Caltrans prior to the final parcel map being recorded.~~
15. The subdivider shall pay a "fair share" contribution for each lot towards the future installation of signals at the McHenry / Charity intersection. This contribution is based on the project's projected trip generation as stated in the Traffic Impact Analysis for Bavaro Industrial Park dated August 1, 2000, prepared by K D Anderson Transportation Engineers. The "fair share" contribution for a lot shall be made prior to the issuance of the building permit for the particular lot. The "fair share" contribution for each lot is as follows:

- A. Parcel 1 = \$ 2,783 Note: Bavaro Industrial Park's contribution is 15 % of
B. Parcel 2 = \$ 5,327 the total signal cost. Each parcel's "fair share" is
C. Parcel 3 = \$ 2,307 based on its percentage of acreage of the park's
D. Parcel 4 = \$ 2,307 total.
E. Parcel 5 = \$21,207
16. If the "Stan Co. drainage basin" lot shown on the tentative parcel map is not of sufficient size to accommodate a basin conforming to County standards, the lot shall be enlarged as needed to accommodate a basin that conforms to County standards. A 20-foot wide access easement and 20-foot wide paved road shall be provided to the drainage basin.
17. There shall be no parking, loading or unloading of vehicles associated with the subdivision on the new road, Pentecost Drive, Charity Way, or Kiernan Avenue. If necessary, no parking signs will be installed at the subdivider's expense.
18. Prior to the parcel map being recorded, the subdivider shall sign a "Subdivision Improvement Agreement" and post the required certificates of insurance and subdivision bonds with the Department of Public Works.
19. Street monuments and covers shall be installed to County standards.
20. The subdivider shall furnish the Department of Public Works three copies of a soils report for the area being subdivided. The report shall also include: (a) sufficient R-value test to establish appropriate road sections, and (b) sufficient test to establish the percolation rate for the drainage basin. The report shall be signed by a California registered civil engineer.
21. All existing irrigation lines within the area to be subdivided shall be removed or relocated into easements along lot lines. The irrigation lines shall be reinforced at road crossings and driveways. All irrigation lines or structures which are to be abandoned shall be removed. All work shall be done in accordance with the requirements of the Department of Public Works and the Modesto Irrigation District.
22. All new utilities shall be underground and located in public utility easements. A (10) foot wide public utility easement (P.U.E.) shall be located adjacent to all road right-of-ways. The P.U.E. shall be shown on the final map.
23. All roads shall have a fog seal applied prior to acceptance by Stanislaus County.
24. Prior to the final map being recorded, the area being subdivided shall be annexed to the North McHenry Lighting District. The subdivider shall provide all necessary documents and pay all costs associated with the annexation.

25. All street lights shall be installed on steel poles. Prior to the final map being recorded, the subdivider shall deposit the first year's operating and maintenance cost of the street lights with the Department of Public Works.
26. Prior to issuance of any building permits, the lot grades shall conform to the approved grading plan. Written certification by a civil engineer or geotechnical engineer may be required by the Department of Public Works.
27. A set of Record Drawings shall be provided to and approved by the Department of Public Works prior to acceptance of the subdivision improvements by the County. The drawings shall be on 3 mil mylar with each sheet signed and stamped by the design engineer and marked "Record Drawing".
28. One bench mark (brass cap) shall be established within the subdivision and the elevation shall be shown on the Record Drawing. A copy of the field notes shall be furnished to the Department of Public Works.
29. Stanislaus County will not issue any final inspection and/or Certificate of Occupancy for any structures within the subdivision until all the required subdivision improvements have been completed to the satisfaction of the Department of Public Works.
30. Prior to the Department of Public Works doing any plan review or inspections associated with the subdivision, the subdivider shall sign a "Subdivision Processing/Inspection Agreement" and post a \$7,500.00 deposit with Public Works.

Department of Environmental Resources

31. Each parcel shall have an approved independent water supply. Prior to recording the parcel map, each parcel shall have it's own well. A drilling permit shall be obtained from the Dept. of Environmental Resources. (Stanislaus County Policy and State Model Well Standards ordinance.) A 300' minimum setback between the existing irrigation well and any new well must be maintained if the existing well lacks an annular seal.
32. The sewage disposal systems for all parcels shall be approved aerobic treatment systems so as to comply with the Primary and Secondary sewage treatment initiative (Measure X).
33. This project and its future use shall not create odors, dust, noise or anything else which could constitute a public nuisance.

Department of Planning and Community Development

34. This project is to be constructed and operated as described in the application information submitted including submittal modifying the project and including the applicant's own mitigation measures, and including the monitoring/reporting plan and in accordance with other laws and ordinances.
35. That building permits must be obtained from the Building Inspection Division, (UBC Section 301 and Title 16, Stanislaus County Ordinance Code). No building permits shall be issued until the Department of Environmental Resources has indicated that adequate water and sewage treatment facilities will be available prior to occupancy.
36. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to: (California Health and Safety Code, Division 20):
 - a. Permits for the underground storage of hazardous substances at new or existing tank facilities;
 - b. Requirements for registering as a handler of hazardous materials in the County;
 - c. Submittal of hazardous materials Business Plans by handlers of hazardous materials in excess of 55 gallons, 500 pounds, or 200 cubic feet of compressed gas;
 - d. Generators of hazardous waste must notify the department relative to the quantities of waste generated, plans for reducing wastes generated, and proposed waste disposal practices.
37. Prior to the occupancy of any building, or operation of the approved use, the applicant shall meet requirements of the Department of Fire Safety.
38. That a Certificate of Occupancy shall be obtained from the Building Inspection Division prior to occupancy of any buildings. (UBC Section 307).
39. That sufficient paved and marked parking spaces be provided as required by Chapter 21.76 of the Stanislaus County Code.
40. That a landscaping plan indicating type of plants, initial plant size, location and method of irrigation shall be submitted and approved by the County Planning Director for each property. Landscaping must be installed prior to occupancy and must be maintained to the satisfaction of the Director of Planning and Community Development at all times. Applicant, or subsequent property owner, shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety. (CEQA, Section 15041).

41. Exterior lighting of the parking areas shall be designed (aimed down and towards the site) to provide adequate illumination without a glaring effect. (Stanislaus County Sheriff's Department, CEQA, Section 15041 and Planning Staff's professional opinion)
42. A plan for any and all proposed signs indicating the location, height, area of the sign and message must be approved by the Planning Director before installation.
43. Trash bins shall be kept in trash enclosures constructed of materials compatible with the architecture of the development. Trash enclosures shall be placed in locations as approved by the refuse collecting agency and the Planning Director.
44. Prior to issuance of any building permit, the developer shall dedicate public utility easements as required by the utility companies and the Planning Director.
45. Fences and landscaping adjacent to roadways shall be in compliance with the County's "Visibility and Obstructions at Public Intersections" ordinance.
46. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by resolution by the Board of Supervisors. The fees shall be payable at the time of issuance of building permits for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
47. The applicant is required to defend, indemnify, or hold harmless the County, its officers and employees from any claim, action or proceeding against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action or proceeding to set aside the approval and shall cooperate fully in the defense.
48. If, during construction, cultural resources are encountered, work shall be halted or diverted in the immediate area while a qualified archaeologist evaluates the site and makes a recommendation to the Planning Director.
49. Staff approvals shall be obtained for all uses and businesses proposing to locate within this PI zone.

Department of Fish and Game

50. Prior to the issuance of the Notice of Determination, the applicant shall pay, within two weeks of Planning Commission approval, a filing fee of \$50.00 to "**Stanislaus County Clerk/Recorder**" care of the Planning Department. Should the "De Minimis" finding be found invalid for any reason, the applicant/developer shall be responsible for payment of Department of Fish and Game Fees.

San Joaquin Valley Air Pollution Control District

51. That the project proponents comply with District Regulation VIII (Fugitive Dust Prohibition).

Caltrans

52. An encroachment permit will be required. Please direct the applicant to include the affected portion of the State right of way in their environmental studies. This avoids the delay of a separate environmental review for the encroachment permit. You and the applicant should review the need for cultural resource, biological resource and hazardous waste studies in our right of way. Review agencies and interest groups frequently challenge Caltrans permits on these issues. Please provide Caltrans with either (1) appropriate studies done by qualified professional staff or (2) the rationale for your CEQA determination that these issues are not of concern in the State right of way. This will expedite our review of the encroachment permit. If engineering plans or drawings will be part of your permit application, they must be prepared in metric units.
53. All Final Conditions of Approval should be forwarded to Caltrans District Planning in order to monitor approved local development and implementation of agreed upon mitigation measures.
54. The proposed development, as presented, is not consistent with the Class B Expressway designation of Kiernan Avenue. Driveways should be shared, where possible, and any additional access should be through the existing side street (Stratos Way).
55. Size and location of driveways are not delineated on the site plan included with the document. Therefore, the applicant will have to resubmit suitable engineered plans when applying for an encroachment permit. At that time, the applicant will be informed of any additional requirements.
56. ~~Building setbacks should be cleared with the SR 219 Project Manager, Gary Fromm, at 209-948-7983.~~ **No buildings or structures within the area of this Planned Industrial zone shall be constructed any closer than 87.5 feet from the planned centerline of Kiernan Avenue/State Route 219**

LAFCO

57. Previous development in this area was required, as a condition of approval, to form a new County Service Area (CSA) or annex to an existing CSA, for the purpose of maintaining the storm drainage facilities. If this is anticipated for this project, the formation or annexation will require LAFCO approval.

The formation of a new CSA, or annexation to an existing CSA, will require LAFCO to establish a sphere of influence for that district.

Effective January 1, 2001, new State law requires LAFCO, in establishing a sphere of influence (SOI) to conduct a service review for the area and make a written determination with respect to the following:

1. Infrastructure needs or deficiencies;
2. Growth and population projections for the affected area;
3. Financing constraints and opportunities;
4. Cost avoidance opportunities;
5. Opportunities for rate restructuring;
6. Opportunities for shared facilities;
7. Government structure options, including advantages and disadvantages of consolidation or reorganization of service providers;
8. Evaluation of management efficiencies; and,
9. Local accountability and governance.

The new law would also require the County to prepare a written statement specifying the extent of any functions or classes of service provided by the CSA.

In order to conduct the service review for the establishment of a SOI, the County should provide sufficient information to address the above outlined factors in the written statement required for the CSA.

Modesto Irrigation District

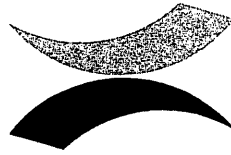
58. In conjunction with related site/road improvement requirements, existing electrical facilities within or adjacent to the proposed development shall be protected or relocated as required by the District's Electric Engineering Department. Appropriate easements for electric facilities shall be granted as required.
59. Cost for relocation and/or undergrounding the Districts facilities at the request of others will be borne by the requesting party. Estimates for relocating or undergrounding existing facilities will be supplied upon request.
60. A 10' PUE is required along all existing and proposed street frontages.
61. Electric service to the site is not available at this time. Customer should contact the District's Electric Engineering Department to arrange for electric service to the project.
62. There is an existing pipeline that runs from north to south approximately down the middle of parcel 004-71-35. That portion of pipeline within the road right-of-way shown on the map must be replaced using Class III R.C.P. unless all land south of the road (the south portion of 004-71-35) is signed off using a "Sign Off of Irrigation Facilities" form.

63. Prior to any development the existing pipeline must be replaced or re-routed using Class III R.C.P. unless sign off form is completed for parcel 004-71-35. A 10' irrigation easement is required along the north property line of proposed parcels 2 and 3 to insure future access to water to parcels 1 and 4 unless a sign off form is completed for those parcels.
64. Prior to any development an irrigation plan must be submitted to and approved by the MID Civil Engineering Department.
65. Prior to construction: The developer shall be responsible for contacting the U.S. Army Corps of Engineers to determine if any "wetlands", "waters of the United States", or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
66. Prior to construction: The developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
67. Prior to construction: The developer shall be responsible for contacting the California Department of Fish and Game shall be responsible for obtaining all appropriate streambed alteration agreements permits or authorizations if necessary.
68. Prior to construction: The developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan. Once complete, and prior to construction, a copy of the Storm Water Pollution Prevention Plan shall be submitted to the Stanislaus County Department of Planning and Community Development.

* * * *

GEORGE STILLMAN
Director

Administration
Engineering
Development Services
Transit
Facilities Services
Road Maintenance
Landfill



Public Works

STANISLAUS COUNTY

February 5, 2001

MEMO TO: Bob Kachel, Department of Planning and Community Development

FROM: *Ron Cherrier*
Ron Cherrier, Senior Land Development Coordinator

SUBJECT: Rezone No. 2000-07 and PM 2000-10, Bavaro Industrial Park

This is to inform that Condition No. 52 of the Mitigation Measures/Development Standards for the above project is no longer necessary. This condition states an encroachment permit will be required from Caltrans. Since the project does not take access from Kiernan Avenue (State Highway 219) and because street improvements are being deferred with the modification of Condition No. 10, an encroachment permit is not required. For this reason, I recommend Condition No. 52 be deleted from the development standards that are going to the Board of Supervisors for approval.

If you have any questions regarding this matter, please contact me at 525-7571.

(H:\services\bavaro2.rc)

ORDINANCE NO. C.S. - 753

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.906 FOR THE PURPOSE OF CHANGING THE ZONING FROM "AGRICULTURE" AND "GENERAL AGRICULTURE" (A-2-40) TO "INDUSTRIAL" ON A 16.5 ACRE SITE, TO CREATE FIVE (5) PARCELS FOR INDUSTRIAL USES. ON PROPERTY LOCATED AT THE 500 BLOCK OF KIERNAN AVE., IN THE MODESTO AREA

The Board of Supervisors of the County of Stanislaus, State of California, ordains as follows:

Section 1. Sectional District Map No. 9-110.906 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:

(Insert Map Here)

Section 2. This ordinance shall take effect and be in full force thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against same, in the Modesto Bee, a newspaper of general circulation published in Stanislaus County, State of California.

Upon motion of Supervisor Simon, seconded by Supervisor Blom, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 27th day of February, 2001, by the following called vote:

AYES: Supervisors: Mayfield, Blom, Simon, Caruso and Chair Paul

NOES: Supervisors: None

ABSENT: Supervisors: None

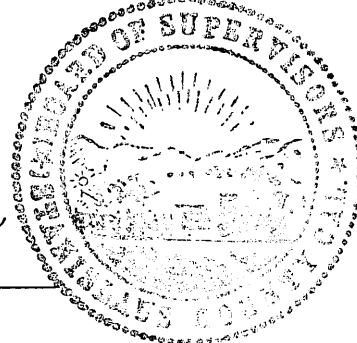
ABSTAINING: Supervisors: None

Paul Paul

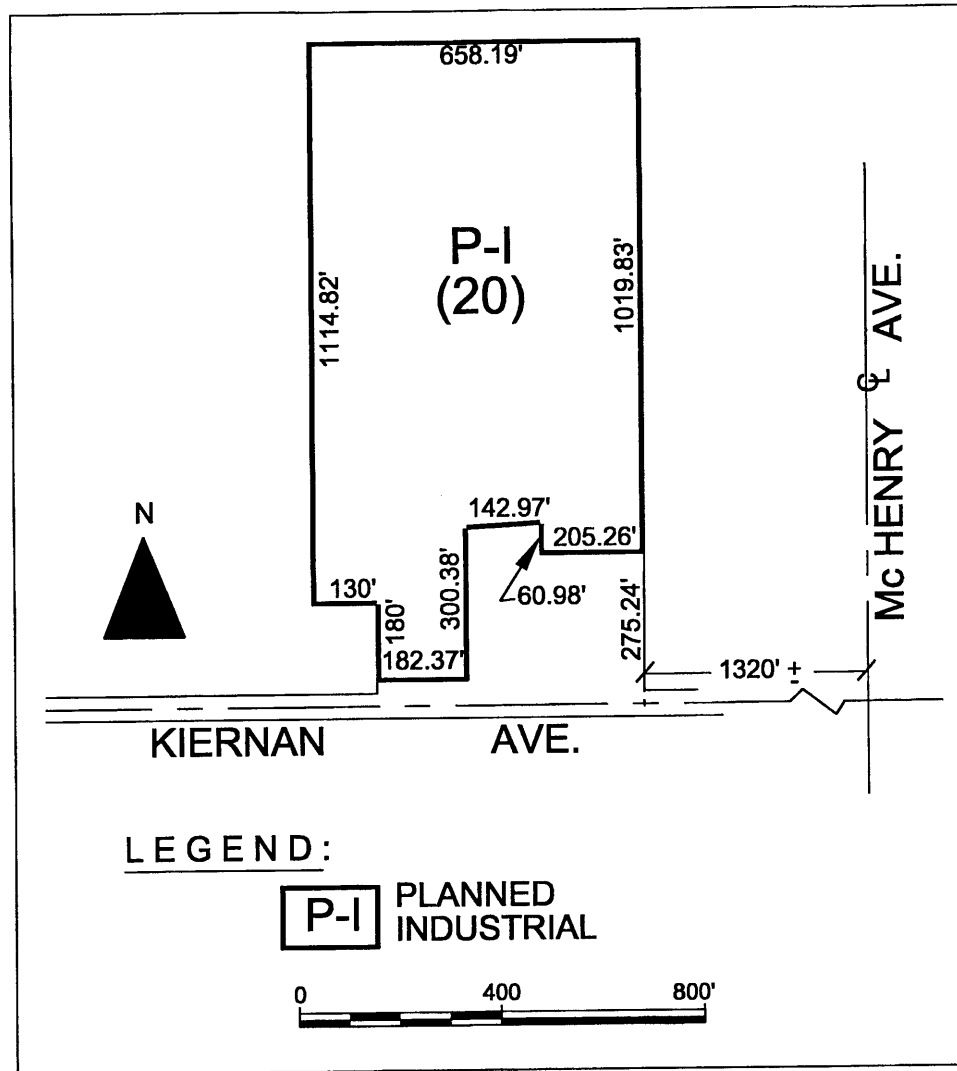
CHAIR OF THE BOARD OF SUPERVISORS
OF THE County of Stanislaus, State of
California

ATTEST: REAGAN M. WILSON, Clerk of
the Board of Supervisors of
the County of Stanislaus,
State of California

BY: *Lillie Farriester*
Lillie Farriester, Assistant Clerk



SECTIONAL DISTRICT MAP NO.9 - 110.906



**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue thereof on the following dates, to wit:

MARCH 10, 2001

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at **MODESTO, California** on

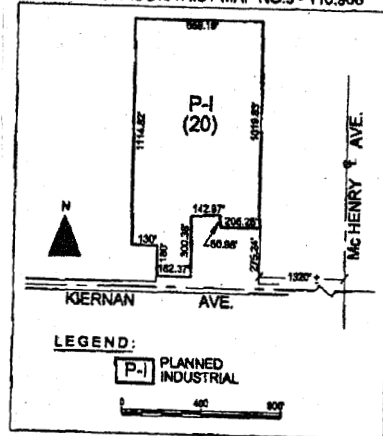
MARCH 10, 2001

Esther Amery
(Signature)

**ORDINANCE NO. C.S. - 753
AN ORDINANCE ADOPTING SECTIONAL
DISTRICT MAP NO. 9-110.906 FOR THE
PURPOSE OF CHANGING THE ZONING
FROM 'AGRICULTURE' AND 'GENERAL
AGRICULTURE' (A-2-40) TO 'INDUSTRIAL'
ON A 16.5 ACRE SITE, TO CREATE FIVE
(5) PARCELS FOR INDUSTRIAL USES.
ON PROPERTY LOCATED AT THE 500
BLOCK OF KIERNAN AVE., IN THE
MODESTO AREA**

The Board of Supervisors of the County of Stanislaus, State of California, ordains as follows: Section 1. Sectional District Map No. 9-110.906 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:

SECTIONAL DISTRICT MAP NO.9 - 110.906



Section 2. This ordinance shall take effect and be in full force thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against same, in the Modesto Bee, a newspaper of general circulation published in Stanislaus County, State of California. Upon motion of Supervisor Simon, seconded by Supervisor Blom, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 27th day of February, 2001, by the following called vote:
AYES: Supervisors: Mayfield, Blom, Simon, Caruso and Chair Paul
NOES: Supervisors: None
ABSENT: Supervisors: None
ABSTAINING: Supervisors: None
Pat Paul, CHAIR OF THE BOARD OF SUPERVISORS OF THE County of Stanislaus, State of California ATTEST: REAGAN M. WILSON, Clerk of the Board of Supervisors of the County of Stanislaus, State of California
BY: Lillie Farriester, Assistant Clerk