

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

DEPT: Planning & Community Development

BOARD AGENDA # 9:40 a.m.

Urgent _____ Routine X

AGENDA DATE: August 28, 2001

CEO Concurs with Recommendation YES _____ NO _____
(Information Attached)

4/5 Vote Required YES _____ NO X

SUBJECT:

APPROVAL OF REZONE APPLICATION NO. 2001-08 AND PARCEL MAP APPLICATION NO. 2001-10 - ROSS CONDIT

PLANNING COMMISSION RECOMMENDATION:

THE COUNTY PLANNING COMMISSION CONSIDERED THIS MATTER ON AUGUST 2, 2001. THE COMMISSION, AND STAFF, RECOMMENDED THAT THE BOARD OF SUPERVISORS APPROVE THE PROJECT AS FOLLOWS:

(Planning Commission Recommendation Continued on Page 2)

FISCAL IMPACT:

None.

No. 2001-661

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) _____ Approved as recommended

2) _____ Denied

3) X Approved as amended

Motion:

AMENDED THE ITEM TO CHANGE DEVELOPMENT STANDARD 26(B) TO THE FOLLOWING: KNUCKLE RADII TO BE CONSISTENT WITH CITY OF MODESTO STANDARDS - OR AGREEMENT REACHED BETWEEN CITY AND COUNTY PRIOR TO RECORDING THE PARCEL MAP

INTRODUCED, ADOPTED, AND WAIVED THE READINGS OF ORDINANCE C.S. 770



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk By: Deputy

File No. ORD-54-I-4

**PLANNING
COMMISSION
RECOM-
MENDATION
CONTINUED:**

1. FIND THE CHANGE TO MITIGATION MEASURE NO.6 AND THE ADDITION OF MITIGATION MEASURE NO. 9 TO BE EQUIVALENT OR MORE EFFECTIVE IN MITIGATING SIGNIFICANT IMPACTS ALREADY IDENTIFIED IN THE NEGATIVE DECLARATION.
2. BASED ON THE INITIAL STUDY AND AMENDED MITIGATION MONITORING PLAN, ORDER THE FILING OF A MITIGATED NEGATIVE DECLARATION AND FIND THE PROJECT TO BE "DE MINIMIS" FOR PURPOSES OF FISH AND GAME CODES;
3. FIND THAT THE PROJECT IS CONSISTENT WITH THE OVERALL GOALS AND POLICIES OF THE COUNTY GENERAL PLAN;
4. FIND THAT THE PROPOSED PLANNED INDUSTRIAL ZONING IS CONSISTENT WITH THE COUNTY GENERAL PLAN.
5. FIND THAT NONE OF THE PARCEL MAP FINDINGS REQUIRING DISAPPROVAL OF THE MAP CAN BE MADE.
6. FIND THAT THIS PROJECT WILL INCREASE THE INTENSITY OF ACTIVITIES ON THIS PROPERTY THEREBY NECESSITATING DEDICATIONS AND IMPROVEMENTS.
7. APPROVE REZONE APPLICATION NO. 2001-08 AND VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2001-10 - ROSS AND SUSAN CONDIT, SUBJECT TO THE ATTACHED DEVELOPMENT STANDARDS.

DISCUSSION: This is a request to change the zoning district from General Agriculture (A-2) to Planned Industrial (PI) and to create three parcels of .98, 1.49, and 2.01 acres. The applicant is proposing to develop Parcel "1" for vehicle storage and Parcels "2" and "3" for warehouse/distribution.

The project site consists of an undeveloped 4.88 acre parcel located north of Bangs Avenue, between North Star Way and McHenry Avenue, in the Modesto area. The configuration of Spyres Way, with two 90-degree bends, follows the right-of-way dedication recorded on the final map creating the existing parcel. The surrounding land uses consist of approved planned industrial uses to the west, commercial/industrial uses to the northwest/south, open ground to the north and commercial bordering McHenry Avenue to the east. The adjacent property immediately to the west was rezoned to Planned Industrial No. 17 in October of 2000 and is currently undergoing improvements, which include the construction of Spyres Road connecting the project site to Bangs Avenue.

Staff's recommendation included a change to Mitigation Measure No. 6 and the addition of Mitigation Measure No. 9 in response to concerns raised by the California Regional Water Quality Control Board with respect to Waste Discharge Requirement (WDRs) adopted by the board. The attached Planning Commission staff report details the modifications to the Mitigation Monitoring Plan and discusses compliance with the California Environmental Quality Act (CEQA).

SUBJECT: REZONE APPLICATION NO. 2001-08 AND PARCEL MAP APPLICATION NO. 2001-10 -
ROSS CONDIT

PAGE 3

DISCUSSION

CONTINUED: The Planning Commission held its public hearing on this project on August 2, 2001. No one spoke in opposition, with Ross Condit speaking for the project. On a motion by Commissioner Haney, seconded by Commissioner Crivelli, the Commission unanimously recommended approval.

POLICY

ISSUES: The policies for general plan amendments are outlined in the attached staff report to the Commission. The project is within the Modesto Sphere of Influence. Modesto has no objections to the general plan change.

STAFFING

IMPACT: None.

ATTACHMENTS: Planning Commission Staff Report, August 2, 2001
Planning Commission Minutes, August 2, 2001

STANISLAUS COUNTY PLANNING COMMISSION

August 2, 2001

STAFF REPORT

REZONE APPLICATION NO. 2001-08 AND VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2001-10 ROSS AND SUSAN CONDIT

REQUEST: TO CHANGE THE ZONING DISTRICT FROM GENERAL AGRICULTURE (A-2) TO PLANNED INDUSTRIAL(PI) AND TO CREATE THREE PARCELS OF .98, 1.49, AND 2.01 ACRES.

APPLICATION INFORMATION

Owner:	Eleanor Crawford
Applicant:	Ross and Susan Condit
Agent:	Benchmark Engineering, INC.
Location:	North of Bangs Avenue, between North Star Way and McHenry Avenue, in the Modesto area.
Section, Township, Range:	5-3-9
Supervisory District:	Four (Supervisor Simon)
Assessor's Parcel:	046-11-30
Referrals:	See Exhibit "J" Environmental Review Referrals
Area of Parcels:	4.88 acres
Water Supply:	City of Modesto
Sewage Disposal:	Aerobic septic/leach field system
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	Planned Industrial
Community Plan Designation:	Not Applicable
Williamson Act:	Not Applicable
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	Vacant
Surrounding Land Use:	Approved Planned Industrial uses to the west, Commercial/Industrial uses to the northwest/south, open ground to the north and commercial bordering McHenry Avenue to the east.

PROJECT DESCRIPTION

This is a request to change the zoning district from General Agriculture (A-2) to Planned Industrial (PI) and to create three parcels of .98, 1.49, and 2.01 acres. The applicant is proposing to develop Parcel "1" for vehicle storage and Parcels "2" and "3" for warehouse/distribution.

PROJECT SITE

The project site consists of an undeveloped 4.88 acre parcel located north of Bangs Avenue, between North Star Way and McHenry Avenue, in the Modesto area. The configuration of Spyres Way, with two 90-degree bends, follows the right-of-way dedication recorded on the final map creating the existing parcel. The project site is relatively flat with slopes of 0-1% to the northwest and has a groundwater depth of 30-35-feet. The existing pipeline running north/south through the site only serves this parcel and will be removed during construction. The soil types consist of Dinuba Sandy Loam and Hanford Sandy Loam which provides good drainage and rapid permeability. The surrounding land uses consist of approved planned industrial uses to the west, commercial/industrial uses to the northwest/south, open ground to the north and commercial bordering McHenry Avenue to the east. The adjacent property immediately to the west was rezoned to Planned Industrial No. 17 in October of 2000 and is currently undergoing improvements, which include the construction of Spyres Road connecting the project site to Bangs Avenue.

DISCUSSION

The project site, as well as all of the parcels between the Tidewater Southern Railroad tracks to the west, McHenry Avenue to the east, Bangs Road to south and Kiernan Avenue to the north, is designated as Planned Industrial on the Land-Use Element Map of the County General Plan.

The property is within the Sphere of Influence boundary of the City of Modesto and, as such, must conform to the City's General Plan designation for this area. In a referral response letter dated April 24, 2001, the City of Modesto Planning Department raised no opposition to the approval of this project. The City of Modesto Engineering and Transportation Division identified the need for this project to contribute towards the cost of widening Bangs Avenue and the possible need for a comprehensive plan to coordinate the development and transportation needs. As a mitigation measure and development standard, any development resulting from this project will be required to contribute towards the widening of Bangs Avenue through the payment of Public Facilities Fees. The proposed circulation for this project follows an established pattern and provides an opportunity for the adjacent northern property to develop with access connecting to both Spyres Way and Galaxy Way.

REZONE

In order to approve a rezone, the proposed change must be found consistent with the general plan. In this case, the general plan designation is Planned Industrial. The Planned Industrial designation is appropriately located in areas within the sphere of influence of a city or town which lie in the path of an expanding industrial area. The project site lies within the sphere of influence for the City of Modesto and is adjacent to similarly planned industrial uses. The Planned Industrial designation allows for control of development to ensure that impacts on adjoining properties are reduced. The proposed change in designation will allow the project site to be developed with uses permitted under the Planned Industrial zoning district which would seemingly be a good fit for the site without impacting the surrounding area and, as such, staff find this proposal to be consistent with the general plan.

The proposed development plan is consistent with the permitted uses, landscaping, parking and setback standards established by within the Planned Industrial zoning district.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA) the proposed project was circulated to all interested parties and responsible agencies, including the City of Modesto, Stanislaus Consolidated Fire, County Department Environmental Resources, California Regional Water Quality Board, and the San Joaquin Valley Air Pollution Control District for review and comment. In a referral response dated July 9, 2001, the California Regional Water Quality Control Board (CRWQB) identified the need for the proposed project to fully comply with Waste Discharge Requirements (WDRs) adopted by the board in order to sufficiently mitigate for potential water quality impacts associated with wastewater management for industrial and commercial developments. (See exhibit "A")

The initial study prepared for this project identified impacts to water quality as a potentially significant impact and identified mitigation measure no. 6, listed as development standard no. 44, requiring the sewage disposal system to be an approved aerobic treatment system so as to comply with the Primary and Secondary Sewage Treatment Initiative (Measure X). The mitigation measure identifies the County Department of Environmental Resources (DER) as the verifying agency with no other responsible agencies identified. In their response, the CRWQB requests that the Regional Board be identified as a responsible agency. California Government Code Section 15073 allows for changes to a mitigation measure without recirculation of the negative declaration when a finding can be made that the revised mitigation measure is equivalent or more effective in mitigating environmental impacts. In this case, the addition of CRWQB as a responsible agency will enhance the effectiveness of the mitigation measure and, as such, the necessary finding can be made

Furthermore, staff has identified a new mitigation measure to further insure compliance with the WDRs. The new mitigation measure no. 9, identified as development standard no. 15, requires DER to review plans for each individual septic system prior to building permit issuance and requires a development proposed on any parcel which would result in industrial process wastewater being conveyed to the septic system to obtain WDRs from the CRWQB, or a waiver if determined appropriate by the Board. California Government Code Section 15073.5 allows for the addition of a new mitigation measure without recirculation of the negative declaration if it is added in response to comments of significant impacts already identified in the negative declaration. As discussed above, the initial study prepared for this project identified impacts to water quality as a potentially significant impact and, as such, the new mitigation measure addressed a significant impact already identified in the negative declaration.

Staff believes that an amendment to the mitigation monitoring plan reflecting the change to mitigation measure no. 6 and the addition of mitigation measure no. 9 is sufficient to address the concerns expressed by the CRWQCB.

RECOMMENDATION

Based on discussion above, staff recommends that the Planning Commission recommend that the Board of Supervisors take the following actions regarding this project:

1. Find the change to Mitigation Measure No.6 and the addition of Mitigation Measure No.9 to be equivalent or more effective in mitigating significant impacts already identified in the negative declaration.
2. Based on the Initial Study and Amended Mitigation Monitoring Plan, order the filing of a Mitigated Negative Declaration and find the project to be "De Minimis" for purposes of Fish and Game Codes;
3. Find that the project is consistent with the overall goals and policies of the County General Plan;
4. Find that the proposed Planned Industrial zoning is consistent with the County General Plan.
5. Find that none of the Parcel Map findings requiring disapproval of the map can be made.
6. Find that this project will increase the intensity of activities on this property thereby necessitating dedications and improvements.
7. Approve Rezone Application No. 2001-08 and Vesting Tentative Parcel Map Application No. 2001-10 - Ross and Susan Condit, subject to the attached Development Standards.

Report written by: Angela Freitas, Associate Planner, July 23, 2001

Attachments:

Exhibit A -	California Regional Water Quality Control Board - referral response dated July 9, 2001.
Exhibit B -	Maps
Exhibit C-	Elevations
Exhibit D-	Development Schedule/Standards
Exhibit E-	Findings Requiring Denial
Exhibit F -	Initial Study and Mitigation Monitoring Plan
Exhibit G -	Amended Mitigation Monitoring Plan
Exhibit H -	Mitigated Negative Declaration
Exhibit I -	Certificate of Fee Exemption
Exhibit J -	Environmental Review Referrals

Reviewed by:


Kirk Ford, Senior Planner



California Regional Water Quality Control Board

Central Valley Region

Robert Schneider, Chair



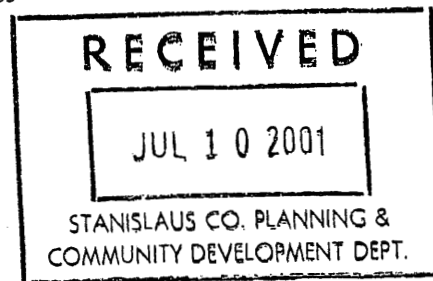
Gray Davis
Governor

Winston H. Hickox
Secretary for
Environmental
Protection

Sacramento Main Office
Internet Address: <http://www.swrcb.ca.gov/rwqcb5>
3443 Rortier Road, Suite A, Sacramento, California 95827-3003
Phone (916) 255-3000 • FAX (916) 255-3015

9 July 2001

Carole Maben
Stanislaus County Planning Department
1010 10th Street, Suite 3400
Modesto, CA 95354



**INITIAL STUDY AND PROPOSED MITIGATED NEGATIVE DECLARATION
SCH NO. 2001042065, REZONE APPLICATION NO. 2001-08 AND PARCEL MAP APPLICATION
NO. 2001-10 (ROSS AND SUSAN CONDIT), STANISLAUS COUNTY**

Pursuant to the State Clearinghouse's request dated 13 June 2001, I have reviewed the subject document. Based on the information provided, we cannot assess the adequacy of the proposed Mitigated Negative Declaration because the project description does not provide sufficient information regarding the proposed facilities and the method of wastewater treatment and disposal.

Because on-site treatment and disposal is planned, the proposed Mitigated Negative Declaration should disclose the nature and daily volume of the waste to be treated, the quality of the treated effluent, the specific means of effluent disposal, depth to groundwater, and soil types between the ground surface and the water table. Any wastewater treatment and disposal system is considered a potential threat to water quality, and is subject to Waste Discharge Requirements (WDRs) adopted by the Board.

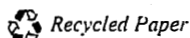
Ordinarily, full compliance with the WDRs would be considered sufficient mitigation for potential water quality impacts associated with wastewater management for industrial and commercial developments. The Initial Study should be revised to provide the information described above, and Mitigation Measure No. 6 should reference the Regional Board as an "other responsible agency". The applicant must contact the Regional Water Quality Control Board to ask for a permit application, and must not discharge any wastewater to the system until facility-specific WDRs are adopted.

Thank you for allowing us the opportunity to comment on this proposed project. If you have any questions, please call me at (916) 255-3140.

ANNE L. OLSON, P.E.
Associate Water Resources Control Engineer

cc: Brian Grattidge, State Clearinghouse, Sacramento
Denise Wood, Stanislaus Count Environmental Resources Department, Modesto
Ross and Susan Condit, Modesto

California Environmental Protection Agency



REZ. NO. 2001-08 & P.M. NO. 2001-10
BY: ROSS & SUSAN CONDIT

CLARIBEL RD

KIERNAN AVE

SITE

MC HENRY AVE

SPYRES WY

NORTH STAR WY

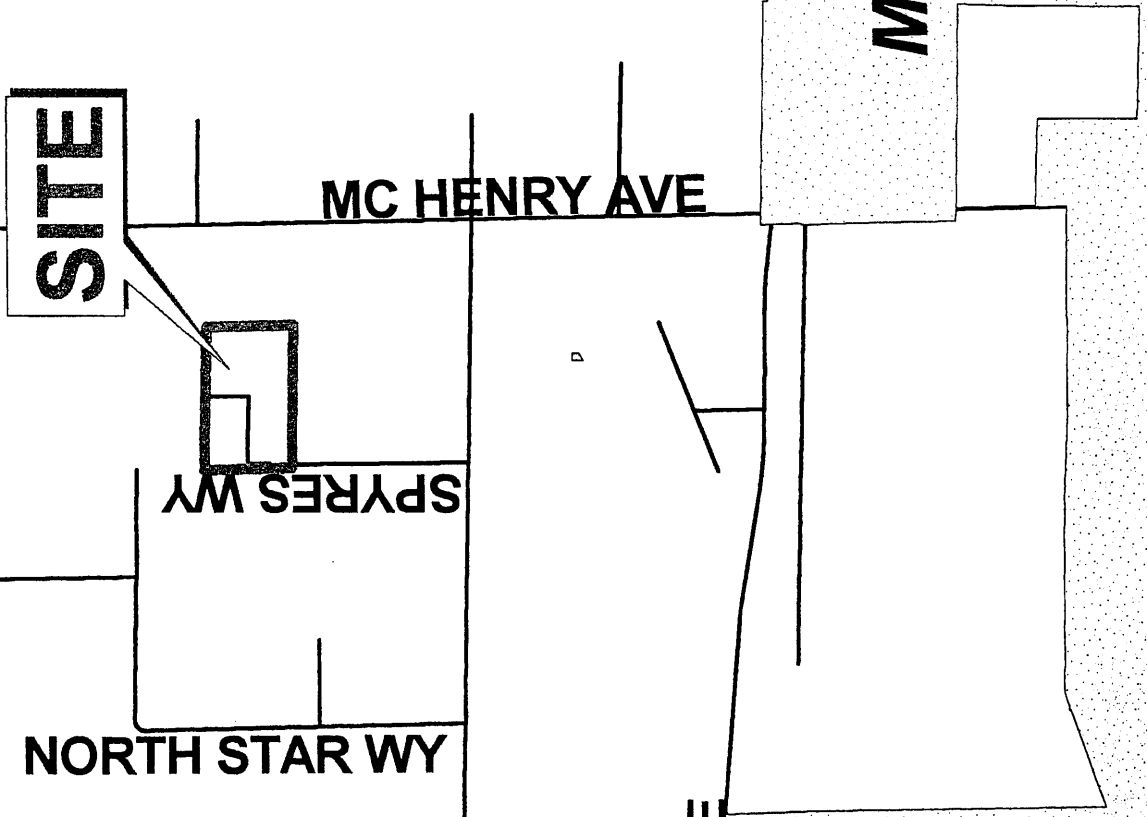
BANGS AVE

PELANDALE AVE

CLARATINA AVE

MODESTO

TULLY RD



REZ. NO.2001-08 | P.M. NO.2001-10
BY: ROSS & SUSAN CONDIT

2.83AC.

9.0AC.

9.05AC.

SITE
4.48AC.

4.78AC.

.503
.503
.914
1.277
.955AC.
1.0AC.

3.533
AC.

3.345
AC.

3.54
AC.

1.99AC.

1.08AC.

1.02AC.

3.41
AC.

.76
.82
.93
.87

22.04
AC.

4.77
AC.

SPYRES WY

GLASS LN

1.40
AC.
1.07
1.03
1.22

BANGS AVE

47.68AC.



Union Pacific

10.47AC.

43.05AC.

54.54
AC.

4.51
AC.

GALAXY WY

1.805
AC.

2.994
AC.

13.665
AC.

2.42AC.

10.202
AC.

3.55
AC.

17.75 AC.

2.03AC.

MID LATERAL NO 6

1.9AC.

1.8AC.

1.74

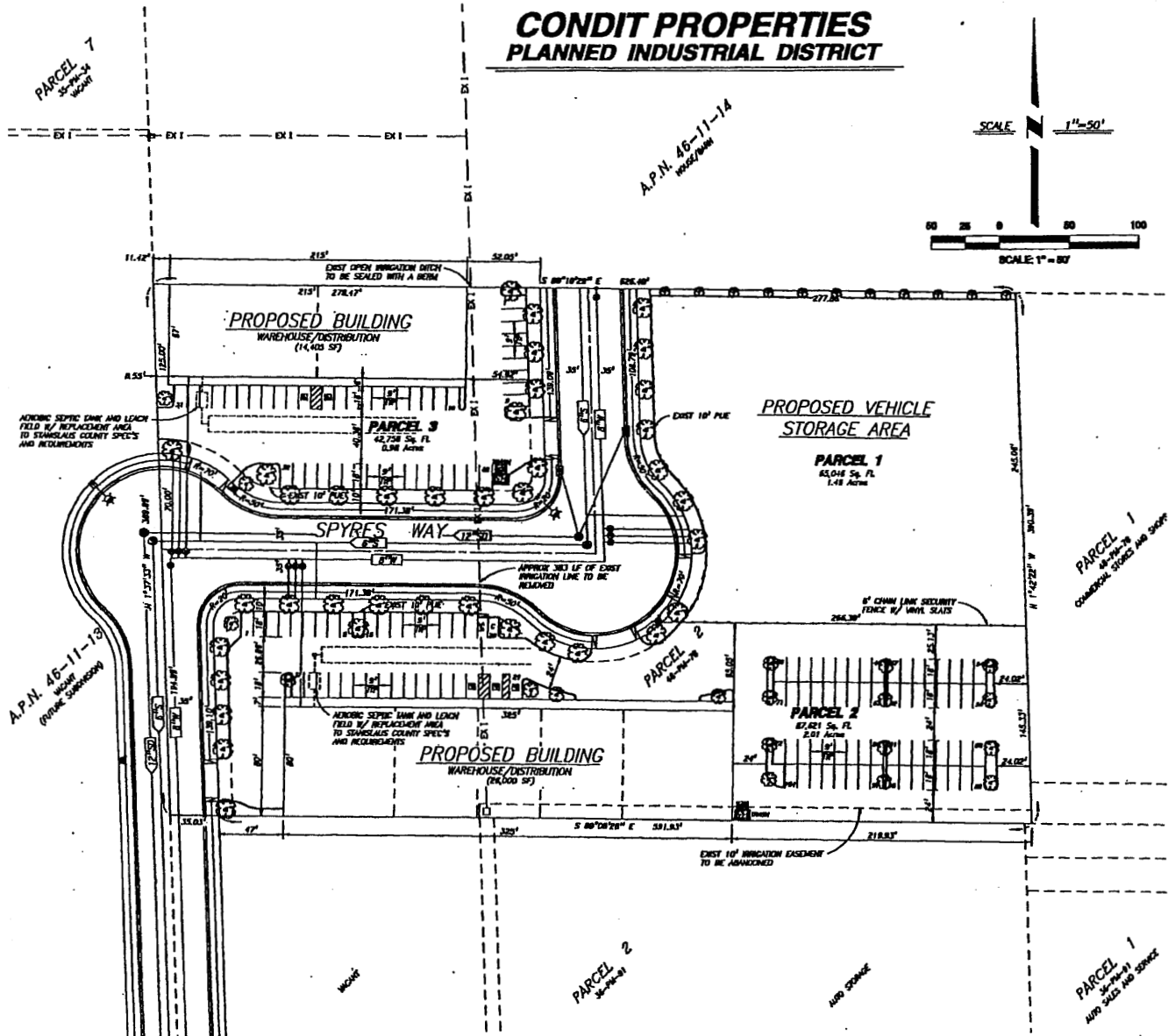
6.59

1.4AC.

2.26
AC.

REZ. NO.2001-08 & P.M. NO.2001-10
BY: ROSS & SUSAN CONDIT

CONDIT PROPERTIES
PLANNED INDUSTRIAL DISTRICT



DEVELOPMENT SCHEDULE/STANDARDS

REZONE APPLICATION NO. 2001-08 VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2001-10 ROSS AND SUSAN CONDIT

Development Schedule

- None specified.

Department of Planning and Community Development

1. 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.
2. Prior to the occupancy of any building or operation of the approved use, the applicant shall meet all the requirements of the Department of Fire Safety.
3. A Certificate of Occupancy shall be obtained from the Building Inspection Division prior to occupancy (UBC Section 307).
4. With the development of each parcel, sufficient paved and marked parking spaces shall be provided as required by Chapter 21.76 of the Stanislaus County Code. Where appropriate, a bicycle rack(s) shall be provided for each business.
5. Prior to any development, 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.
6. 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.
7. All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect.
8. A plan for any proposed signs indicating the location, height, area of the sign, and message, must be approved by the Planning Director before installation.
9. All construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
10. Prior to the occupancy of the property with an approved use, the owner/developer shall coordinate with a solid waste disposal service for the pick-up of recycled waste products. Individual waste containers for paper/plastic and cans/bottles shall be placed at convenient locations on the subject site to encourage the recycling of waste products.

11. 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.
12. Fences and landscaping adjacent to roadways shall be in compliance with the County's "Visibility and Obstructions at Public Intersections" Ordinance.
13. The project shall comply with all development standards specified in Section 21.42 - Planned Industrial District, unless the Planning Commission grants specified exemptions based on justifiable reasoning and evidence presented by the applicant.
14. Construction activities shall be halted if cultural resources or human remains are encountered. Clearance to proceed with construction shall be obtained from the Planning and Community Development Director.
15. Prior to the issuance of a building permit, the Department of Environmental Resources will review plans for each individual facilities. Development proposed on any parcel which would result in industrial process wastewater being conveyed to the septic system will be required to obtain Waste Discharge Requirements (WDR's) from the Regional Water Quality Control Board, or a waiver if determined appropriate by the Board.
16. 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.
17. 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.
18. 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.
19. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US 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 the Corps, including all necessary water quality certifications, if necessary.

20. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
21. Pursuant to Section 1600 and 1603 of the California Fish and Game Code, 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 streambed alteration agreements, permits or authorizations, if necessary.
22. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, 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 (SWPPP). Once complete, and prior to construction, a copy of the SWPPP Pollution Prevention Plan shall be submitted to the Stanislaus County Department of Public Works.

Department of Public Works

23. The recorded parcel map shall be prepared by a licensed land surveyor or a registered civil engineer.
24. 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.
25. All structures not shown on the tentative parcel map shall be removed prior to the parcel map being recorded.
26. Road right-of-way shall be deeded to Stanislaus County to provide the following:
 - A. 70-foot wide industrial standard road;
 - B. 70 and 80-foot radii at the knuckle per County Standard Plate 3-C; and
 - C. The chord of a 35-foot radius shall be provided at the inside radii of the knuckles and at the new corner of Parcels "2" and "3" per County Standard Plate 3-C.
27. 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 the drainage system shall be designed and constructed in conformance with the standards contained in the 1998 edition of the Stanislaus County Improvement Standards. 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.

28. A separate lot of sufficient size to accommodate a storm basin conforming to County standards shall be provided if the proposed french drain system is unacceptable. If a basin is needed, the for the storm drain basin shall be shown on the map to be recorded. A paved driveway with a minimum width of 20-feet shall be provided to the storm drain basin, if a basin is required.
29. 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. In lieu of these requirements, the developer may complete all the work required per approved improvement plans and have the improvements accepted by Stanislaus County prior to the final map being recorded.
30. An encroachment permit shall be obtained from the Department of Public Works prior to the start of any on-site and off-site grading and work associated with the subdivision improvements.
31. Street monuments and covers shall be installed to County standards.
32. An erosion control plan shall be included in the improvement plans to provide for erosion and sedimentation control. These measures shall prevent dirt from the subdivision from getting into the road right-of-way and the drainage system. The plan shall be implemented during all phases of development including, but not limited to, grading and building construction. The plan shall also address long term mitigation measures.
33. 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.
34. 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.
35. All new utilities shall be underground and located in public utility easements (P.U.E.). A 10-foot P.U.E. shall be located adjacent to all road right-of-ways. The P.U.E. shall be shown on the final map.
36. 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.
37. 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.

38. Prior to the issuance of a building permit, 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.
39. 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".
40. 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.
41. A fog seal coat shall be applied to all new asphalt in accordance with Caltrans Standard Specifications for Bituminous Seal.
42. Stanislaus County will not issue any final inspection and/or occupancy permits for any structures within the subdivision until all required off-site improvements have been completed to the satisfaction of the Department of Public Works.
43. 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

44. 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).

Salida Fire Protection District

45. This project will be subject to CEQA Fire Service Impact Mitigation Fees as adopted by the District Board of Directors and currently in place at the time of issuance of construction permits.
46. All buildings constructed shall meet the District's requirements on-site water for fire protection and/or fire hydrants and hydrant locations, blue reflective street hydrant markers, sprinkler and alarms systems, key-box rapid entry systems, adherence to all applicable codes, etc. Complete details will be made available upon request.
47. Prior to construction, District personnel shall approve provisions for fire vehicle access and fire protection water supplies.

Stanislaus Consolidated Fire Department

48. Prior to construction, water for fire protection and fire access roads shall be installed.

Modesto Irrigation District (MID)

49. A 10 foot Public Utilities Easement (PUE) is required along all existing and proposed street frontages. Additional easements may be required with development of these proposed parcels.
50. Electric service to the individual lots is not available at this time. Owner/developer should contact the District's Electric Engineering Department to arrange for electric service to the project.
51. Installation of electric facilities shall conform to the District's Electric Service Rules.
52. The portion of the existing irrigation pipeline running through the applicant's property must be removed. Removal of the pipeline will create an opening at the end of the irrigation ditch to the north. The applicant must build a watertight "duck's nest" type berm to MID standards at the end of the irrigation ditch.
53. An irrigation sign-off of irrigation facilities form must be completed for the applicant's property.
54. Prior to any development an irrigation plan must be submitted to and approved by the MID Civil Engineering Department.

FINDINGS REQUIRING DENIAL

PARCEL MAP APPLICATION NO. 2001-10 ROSS AND SUSAN CONDIT

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.

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: **Rezone Application No. 2001-08 and Vesting Tentative Parcel Map Application No. 2001-10 - Ross and Susan Condit**

2. Lead agency name and address: **Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354**

3. Contact person and phone number: **Angela Freitas, Associate Planner
(209) 525-6330**

4. Project location: **North of Bangs Avenue, between North Star Way and McHenry Avenue, in the Modesto area. (APN No. 046-11-30)**

5. Project sponsor's name and address: **Ross and Susan Condit
4623 McHenry Avenue
Modesto, CA 95356**

6. General plan designation: **Planned Industrial**

7. Zoning: **A-2-10 (General Agriculture)**

8. Description of project: **Request to change the zoning district from General Agriculture to Planned Industrial (PI) and to create three parcels of .98, 1.49, and 2.01 acres. The proposed parcels will be used for vehicle storage and warehouse/distribution.**

9. Surrounding land uses and setting: **Approved planned industrial uses to the west, Commercial/Industrial uses to the northwest/south, open ground, pasture and grazing to the north and commercial bordering McHenry Avenue to the east.**

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

**Stanislaus County Public Works/Development Services
Stanislaus County Department of Environmental Resources
Stanislaus 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.

- Aesthetics
- Agriculture Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology /Soils
- Hazards & Hazardous Materials
- Hydrology / Water Quality
- Land Use / Planning
- Mineral Resources
- Noise
- Population / Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities / Service Systems
- 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.

Angela Freitas
Signature

May 31, 2001
Date

Angela Freitas
Printed name

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.

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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ISSUES

I. AESTHETICS -- Would the project:

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

Discussion: The site itself is not considered to be a scenic resource or a unique scenic vista. Development of the site with respect to landscaping, screening, and fencing will be done consistent with the Planned Industrial zoning district and addressed through Development Standards. A mitigation measure has been added to insure that all exterior lighting is designed to provide adequate illumination without a glare effect.

Mitigation:

1. All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect.

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion: The site is classified as Prime Farmland and located within the Local Agency Formation Commission's (LAFCO) adopted sphere of influence of the City of Modesto. 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 site located adjacent to existing, and approved, commercial/light industrial development with limited agricultural uses to the north. The site itself lies fallow and is not enrolled under a Williamson Act Contract. This project will not involve changes to the existing environment which could result in the conversion of viable farmland to non-agricultural use.

Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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Mitigation: None.

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

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 checked="" type="checkbox"/> | <input 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. This project was referred to the SJVAPCD for comments, but none were received.

A temporary source of air pollution may result from grading and construction activities resulting from this project. Air pollution from construction activities can be mitigated to a level of insignificance if standardized dust controls adopted by the District are utilized.

Mitigation:

2. All construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.

References: San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis, Stanislaus County General Plan - Adopted October 1994, and the Stanislaus County Zoning Ordinance.

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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: 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 June 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 §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The presence of cultural resources is not know to exist on the site, however a mitigation measure has been added to address subsurface activities associated with any on-site construction resulting from this project.

Mitigation:

3. *Construction activities shall be halted if cultural resources or human remains are encountered. Clearance to proceed with construction shall be obtained from the Planning and Community Development Director.*

References: Stanislaus County General Plan - Adopted June 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 will be designed and constructed in compliance with the California Uniform Building Code. The Public Works Department has identified a mitigation measure to address erosion and sedimentation control. There is no indicate the soils are inadequate to support the use of private on-site septic/leach field systems. The Hydrology and Water Quality section of this study further address the use of on-site septic/leach field systems.

Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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Mitigation:

4. *An erosion control plan shall be included in the improvement plans to provide for erosion and sedimentation control. These measures shall prevent dirt from the subdivision from getting into the road right-of-way and the drainage system. The plan shall be implemented during all phases of development including, but not limited to, grading and building construction. The plan shall also address long term mitigation measures.*

References: Public Works - referral response dated May 1, 2001, Stanislaus County General Plan - Adopted June 1994 Stanislaus County General Plan Support Documentation - Adopted June 1987, and the 1997 Uniform Building Code.

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: Any commercial development resulting from this project will be subject to all applicable federal, state, and local standards regarding the transport, storage, and/or handling of hazardous materials. Pesticide exposure is a risk in the agricultural areas. Sources of exposure include contaminated groundwater which is consumed and drift from spray applications. The groundwater is not known to be contaminated in this area. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. The County Department of Environmental Resources is responsible for overseeing hazardous materials and has not indicated any particularly concerns in this area. The site is not located within one quarter mile of any existing and/or proposed schools or located within an airport land use plan, within two miles of a public airport, or in the vicinity of a private air strip.

Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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Mitigation: None.

References: County policies, Stanislaus County General Plan - Adopted June 1994 and 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 type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input checked="" 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 checked="" type="checkbox"/> | <input 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 type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion: Areas on the site subject to flooding have not been identified in accordance with the Federal Emergency Management Act and/or county designated flood areas. This project will be developed with the use of public water from the City of Modesto and private on-site septic/leach field systems until public sewer service becomes available. The Department of Environmental Resources has identified a potentially significant impact to groundwater quality associated with the use of septic systems. A mitigation measure requiring compliance with the Primary and Secondary Sewage

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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Treatment Initiative Measure (X) has been added to reduce the potential impact to a level of less than significant. By virtue of pavement, concrete and building placement, the current absorption patterns of water placed upon this property will be altered. A mitigation measure requiring grading, drainage, and street improvement plans has been included to address impacts associated with runoff. The Geology and Soils section of this study identifies a mitigation measure to address erosion and sediment control impacts.

Mitigation:

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 the drainage system shall be designed and constructed in conformance with the standards contained in the 1998 edition of the Stanislaus County Improvement Standards. 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. *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).*

References: Stanislaus County Public Works - referral response dated May 1, 2001, Stanislaus County Department of Environmental Resources - referral response dated May 2, 2001, Stanislaus County General Plan - Adopted June 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion: This project will not result in a physical divide of an established community. The site is adjacent to commercial uses and any development resulting from this project will be considered in-fill. The proposed parcels are consistent with the sites general plan designation and proposed zoning classification. The City of Modesto has not indicated any objection to the project. Concerns raised by city relating to traffic impact are addressed in the Transportation/Traffic section of this study.

Mitigation: None.

References: City of Modesto - referral response dated April 24, 2001, Stanislaus County General Plan - Adopted June 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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: Stanislaus County General Plan - Adopted June 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 type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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: Development from this project may result in a temporary increase in the area's ambient noise levels during the construction phases. However, these levels should not be significant due to better noise suppression devices found on modern heavy construction equipment. Any commercial/industrial uses resulting from this project will be required to meet the standards in the "Noise Element" of the Stanislaus County General Plan. The site is not located within an airport land use plan, within two miles of a public airport, or in the vicinity of a private airstrip.

Mitigation: None.

References: Stanislaus County General Plan - Adopted June 1994, Stanislaus County General Plan Support Documentation - Adopted June 1987, and staff experience.

XII. POPULATION AND HOUSING -- Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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 type="checkbox"/>	<input checked="" 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: The proposed use of the site will not create significant service extensions that could be considered as growth inducing. No housing or persons will be displaced as a result of this project.

Mitigation: None.

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

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: The County has adopted a standardized mitigation measure requiring payment of all applicable Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. Prior to issuance of any building permit, any structures resulting from this project will be reviewed for compliance with all applicable fire department standards with respect to access and water for fire protection.

Mitigation:

- 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.

References: Stanislaus Consolidated Fire - referral response dated April 11, 2001, Stanislaus County General Plan - Adopted June 1994, Stanislaus County General Plan Support Documentation - Adopted June 1987.

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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: This project is not anticipated to increase significant demands for recreational facilities, as such impacts typically are associated with residential development.

Mitigation: None.

References: Stanislaus County General Plan - Adopted June 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: All of the proposed parcels will have direct frontage onto Spyres Way, a 70-foot wide industrial standard road, which connects directly to Bangs Avenue and to North Star Way via an extension of Glass Lane. Both Spyres Way, the section between the project site and north of Bangs Avenue, and the Glass Lane extension are currently being constructed to a full 70-foot width. Development of the project site is dependent on the completion of off-site improvements to Spyres Way. The Public Works Department has not identified any traffic concerns associated with this project. The City of Modesto's Engineering and Transportation has identified the need for this project to contribute towards the cost of widening Bangs Avenue and the possible need for a comprehensive plan to coordinate the

Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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development and transportation needs. Any development resulting from this project will contribute towards the widening of Bangs Avenue through the payment of Public Facilities Fees as required by the mitigation measure identified in the Public Services section of this study. Based on the in-fill nature of the project, staff does not feel that a comprehensive plan is necessary in this case. The 90-degree bends proposed for Spyres Way follow the right-of-way configuration recorded on the final map creating the existing parcel. The proposed circulation provides an opportunity for the adjacent northern property to develop with access connecting to both Spyres Way and Galaxy Way. There is no indication the proposed parcels will result in inadequate emergency access and/or inadequate parking based on the requested uses.

Mitigation: None

References: Stanislaus County Public Works Department - referral response dated May 1, 2001, City of Modesto - referral response dated April 24, 2001, Stanislaus County General Plan - Adopted June 1994, Stanislaus County General Plan Support Documentation - Adopted June 1987.

XVI. UTILITIES AND SERVICE SYSTEMS --

Would the project:

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion: Limitations on providing services have not been identified. As discussed in the Hydrology and Water Quality section of this study, the project will be developed with the use of public water from the City of Modesto and private on-site septic/leach field systems until public sewer service becomes available. A french drain system constructed to county standards is being proposed for on-site storm water retention. As a condition of approval, a separate lot of sufficient size to accommodate a storm drain basin conforming to county standards will be required if the proposed french drain system is unacceptable. A mitigation measure has been address the reduction in waste stream generated by recycling all applicable waste products.

Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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Mitigation:

8. *Prior to the occupancy of the property with an approved use, the owner/developer shall coordinate with a solid waste disposal service for the pick-up of recycled waste products. Individual waste containers for paper/plastic and cans/bottles shall be placed at convenient locations on the subject site to encourage the recycling of waste products.*

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

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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.

BD:cm
(I:\Angela\Rezone\2001 rezone\Rez 2001-08-Conditi\initial study.wpd)

Stanislaus County

Planning and Community Development

1010 10th Street
Modesto, CA 95354

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

Mitigation Monitoring Plan

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

May 31, 2001

1. **Project title and location:** Rezone Application No. 2001-08 and Vesting Tentative Parcel Map Application No. 2001-10 - Ross and Susan Condit
2. **Project Applicant name and address:** Ross and Susan Condit
4623 McHenry Avenue
Modesto, CA 95356
3. **Person Responsible for Implementing Mitigation Program (Applicant Representative):** Ross and Susan Condit
4. **Contact person at County:** Angela Freitas, Associate 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.

I. AESTHETICS

- No. 1 Mitigation Measure: All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect.
- | | |
|---|----------------------|
| Who Implements the Measure: | Applicant. |
| When should the measure be implemented: | Ongoing. |
| When should it be completed: | Ongoing. |
| Who verifies compliance: | Planning Department. |
| Other Responsible Agencies: | None. |

III. AIR QUALITY

- No. 2 Mitigation Measure: All construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.

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

V. CULTURAL RESOURCES

No. 3 Mitigation Measure: Construction activities shall be halted if cultural resources or human remains are encountered. Clearance to proceed with construction shall be obtained from the Planning and Community Development Director.

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

VI. GEOLOGY AND SOILS

No. 4 Mitigation Measure: An erosion control plan shall be included in the improvement plans to provide for erosion and sedimentation control. These measures shall prevent dirt from the subdivision from getting into the road right-of-way and the drainage system. The plan shall be implemented during all phases of development including, but not limited to, grading and building construction. The plan shall also address long term mitigation measures.

Who Implements the Measure:	Applicant.
When should the measure be implemented:	Prior to any on-site construction and/or grading taking place.
When should it be completed:	Ongoing.
Who verifies compliance:	Public Works.
Other Responsible Agencies:	None.

VIII. HYDROLOGY AND WATER QUALITY

No. 5 Mitigation Measure:

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 the drainage system shall be designed and constructed in conformance with the standards contained in the 1998 edition of the Stanislaus County Improvement Standards. 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.

Who Implements the Measure:

Applicant.

When should the measure be implemented:

Prior to the parcel map being recorded.

When should it be completed:

Prior to the parcel map being recorded.

Who verifies compliance:

Public Works

Other Responsible Agencies:

None.

No. 6 Mitigation Measure:

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).

Who Implements the Measure:

Applicant.

When should the measure be implemented:

Ongoing.

When should it be completed:

Ongoing.

Who verifies compliance:

Stanislaus Department of Environmental Resources.

Other Responsible Agencies:

None.

Other Responsible Agencies: Planning Department.

XVI. UTILITIES AND SERVICE SYSTEMS

No. 8 Mitigation Measure:

Prior to the occupancy of the property with an approved use, the owner/developer shall coordinate with a solid waste disposal service for the pick-up of recycled waste products. Individual waste containers for paper/plastic and cans/bottles shall be placed at convenient locations on the subject site to encourage the recycling of waste products.

Who Implements the Measure: Applicant.


When should the measure be implemented: Prior to the occupancy of the property with an approved use.

When should it be completed: Ongoing.

Who verifies compliance: Planning Department

Other Responsible Agencies: None.

I the undersigned, do hereby certify that I understand and agree to be responsible for implementing the Mitigation Program for the above listed project.



Person Responsible for Implementing
Mitigation Program

5-31-01

Date

Stanislaus County

Planning and Community Development

1010 10th Street
Modesto, CA 95354

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

Amended Mitigation Monitoring Plan

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

July 23, 2001

1. **Project title and location:** Rezone Application No. 2001-08 and Vesting Tentative Parcel Map Application No. 2001-10 - Ross and Susan Condit
2. **Project Applicant name and address:** Ross and Susan Condit
4623 McHenry Avenue
Modesto, CA 95356
3. **Person Responsible for Implementing Mitigation Program (Applicant Representative):** Ross and Susan Condit
4. **Contact person at County:** Angela Freitas, Associate 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.

I. AESTHETICS

- No. 1 Mitigation Measure: All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect.
- | | |
|---|----------------------|
| Who Implements the Measure: | Applicant. |
| When should the measure be implemented: | Ongoing. |
| When should it be completed: | Ongoing. |
| Who verifies compliance: | Planning Department. |
| Other Responsible Agencies: | None. |

III. AIR QUALITY

- No. 2 Mitigation Measure: All construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.

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

V. CULTURAL RESOURCES

No. 3 Mitigation Measure: Construction activities shall be halted if cultural resources or human remains are encountered. Clearance to proceed with construction shall be obtained from the Planning and Community Development Director.

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

VI. GEOLOGY AND SOILS

No. 4 Mitigation Measure: An erosion control plan shall be included in the improvement plans to provide for erosion and sedimentation control. These measures shall prevent dirt from the subdivision from getting into the road right-of-way and the drainage system. The plan shall be implemented during all phases of development including, but not limited to, grading and building construction. The plan shall also address long term mitigation measures.

Who Implements the Measure: Applicant.
When should the measure be implemented: Prior to any on-site construction and/or grading taking place.
When should it be completed: Ongoing.
Who verifies compliance: Public Works.
Other Responsible Agencies: None.

VIII. HYDROLOGY AND WATER QUALITY

No. 5 Mitigation Measure: 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 the drainage system shall be designed and constructed in conformance with the standards contained in the 1998 edition of the Stanislaus County Improvement Standards. 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.

Who Implements the Measure: Applicant.
When should the measure be implemented: Prior to the parcel map being recorded.
When should it be completed: Prior to the parcel map being recorded.
Who verifies compliance: Public Works
Other Responsible Agencies: None.

No. 6 Mitigation Measure:

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).

Who Implements the Measure: Applicant.
When should the measure be implemented: Ongoing.
When should it be completed: Ongoing.
Who verifies compliance: Stanislaus Department of Environmental Resources.
Other Responsible Agencies: California Regional Water Quality Control Board.

XIII. PUBLIC SERVICES

No. 7 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 any building permit.
When should it be completed: Ongoing.

Who verifies compliance: Development Services.
Other Responsible Agencies: Planning Department.

XVI. UTILITIES AND SERVICE SYSTEMS

No. 8 Mitigation Measure:

Prior to the occupancy of the property with an approved use, the owner/developer shall coordinate with a solid waste disposal service for the pick-up of recycled waste products. Individual waste containers for paper/plastic and cans/bottles shall be placed at convenient locations on the subject site to encourage the recycling of waste products.

Who Implements the Measure: Applicant.
When should the measure be implemented: Prior to the occupancy of the property with an approved use.
When should it be completed: Ongoing.
Who verifies compliance: Planning Department
Other Responsible Agencies: None.

VIII. HYDROLOGY AND WATER QUALITY

No. 9 Mitigation Measure:

Prior to the issuance of a building permit, the Department of Environmental Resources will review plans for each individual facilities. Development proposed on any parcel which would result in industrial process wastewater being conveyed to the septic system will be required to obtain Waste Discharge Requirements (WDR's) from the Regional Water Quality Control Board, or a waiver if determined appropriate by the Board.

*Who Implements the Measure: Applicant.
When should the measure be implemented: Ongoing.
When should it be completed: Ongoing.
Who verifies compliance: Stanislaus Department of Environmental Resources.
Other Responsible Agencies: California Regional Water Quality Control Board.*

MITIGATED NEGATIVE DECLARATION

- NAME OF PROJECT:** Rezone Application No. 2001-08 and Vesting Tentative Parcel Map Application No. 2001-10 - Ross and Susan Condit
- LOCATION OF PROJECT:** North of Bangs Avenue, between North Star Way and McHenry Avenue, in the Modesto area. (APN No. 046-11-30)
- PROJECT DEVELOPER:** Ross and Susan Condit
4623 McHenry Avenue
Modesto, CA 95356
- DESCRIPTION OF PROJECT:** Request to change the zoning district from General Agriculture to Planned Industrial (PI) and to create three parcels of .98, 1.49, and 2.01 acres. The proposed parcels will be used for vehicle storage and warehouse/distribution.

Based upon the Initial Study, dated May 31, 2001 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. All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect.
2. All construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
3. Construction activities shall be halted if cultural resources or human remains are encountered. Clearance to proceed with construction shall be obtained from the Planning and Community Development Director.

4. An erosion control plan shall be included in the improvement plans to provide for erosion and sedimentation control. These measures shall prevent dirt from the subdivision from getting into the road right-of-way and the drainage system. The plan shall be implemented during all phases of development including, but not limited to, grading and building construction. The plan shall also address long term mitigation measures.
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 the drainage system shall be designed and constructed in conformance with the standards contained in the 1998 edition of the Stanislaus County Improvement Standards. 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. 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).
7. 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.
8. Prior to the occupancy of the property with an approved use, the owner/developer shall coordinate with a solid waste disposal service for the pick-up of recycled waste products. Individual waste containers for paper/plastic and cans/bottles shall be placed at convenient locations on the subject site to encourage the recycling of waste products.
9. Prior to the issuance of a building permit, the Department of Environmental Resources will review plans for each individual facilities. Development proposed on any parcel which would result in industrial process wastewater being conveyed to the septic system will be required to obtain Waste Discharge Requirements (WDR's) from the Regional Water Quality Control Board, or a waiver if determined appropriate by the Board.

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: Angela Freitas, Associate Planner

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

CALIFORNIA DEPARTMENT OF FISH AND GAME

CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

Project Title/Location (include county):

Rezone Application No. 2001-08 and Vesting Tentative Parcel Map Application No. 2001-10 - Ross and Susan Condit.

North of Bangs Avenue, between North Star Way and McHenry Avenue, in the Modesto area. (APN No. 046-11-30)

Project Description:

Request to change the zoning district from General Agriculture (A-2) to Planned Industrial (PI) and to create three parcels of .98, 1.49, and 2.01 acres. At this time, the applicant is proposing to develop Parcel "1" for vehicle storage and Parcels "2" and "3" for warehouse/distribution.

Findings of Exemption (attach as necessary):

The Stanislaus County Planning Commission make a finding of "De Minimis" on this project for the following reasons:

- 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: _____

**SUMMARY RESPONSES: ENVIRONMENTAL REV /
 REFERRALS PROJECT: REZONE NO. 2001-08 & PARCEL MAP NO.
 2001 - 10 - ROSS AND SUSAN CONDIT**

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, 2001											
AGRICULTURE COMMISSIONER	X		X								
AIRPORT LANDS COMMISSION											
CA DEPT OF FORESTRY											
CALTRANS	X	X				X					
CITY OF MODESTO	X	X	X	X					X	X	
COMMUNITY SERVICES/SANITARY DISTRICT											
CORPS OF ENGINEERS											
COUNTY COUNSEL	X		X								
DEVELOPMENT SERVICES	X		X			X					
ENVIRONMENTAL RESOURCES	X		X			X	X			X	
FIRE PROTECTION DISTRICT: SALIDA	X	X	X			X	X			X	
CONSOLIDATED FIRE PROTECTION DISTRICT	X		X	X				X		X	
FISH & GAME	X		X								
HOSPITAL DISTRICT											
IRRIGATION DISTRICT: MODESTO	X	X	X				X	X		X	
LAFCO	X		X								
MOSQUITO DISTRICT: EASTSIDE	X	X	X								
MOUNTAIN VALLEY EMERGENCY MEDICAL	X	X	X								
MUNICIPAL ADVISORY COUNCIL											
PARKS & FACILITIES	X		X								
P.G. & E.	X	X	X								
PUBLIC WORKS	X		X			X	X			X	
REDEVELOPMENT	X		X								
REGIONAL WATER QUALITY			X			X	X			X	
RISK MANAGEMENT	X		X	X				X			X
StanCOG	X		X								
SCHOOL DISTRICT 1: SYLVAN ELEMENTARY	X	X	X	X				X			X
SCHOOL DISTRICT 2: MODESTO HIGH	X	X	X	X				X			X
SHERIFF	X	X	X				X				
STANISLAUS COUNTY FARM BUREAU	X		X								
STANISLAUS ERC	X		X				X				
STATE CLEARINGHOUSE			X			X	X			X	
STATE LANDS BOARD											
SUPERVISORIAL DISTRICT: FOUR (SIMON)	X		X								
TELEPHONE COMPANY: PACIFIC BELL	X	X	X								
TUOLUMNE RIVER PRESERVATION TRUST											
US FISH & WILDLIFE	X		X								
VALLEY AIR DISTRICT	X		X								
WATER DISTRICT											
DEPT. OF WATER RESOURCES											

D. PARCEL MAP APPLICATION NO. 2001-10 AND REZONE APPLICATION NO. 2001-08 ROSS CONDIT

Request to change the zoning district from General Agriculture (A-2) to Planned Industrial (PI) and to create three parcels of .098, 1.49, and 2.01 acres. The project is located on the north side of Bangs, between Star Way and McHenry Avenue, in the Modesto area. A Mitigated Negative Declaration will be considered.

APN: 046-11-30

Staff report: Angela Freitas Recommends **APPROVAL**.

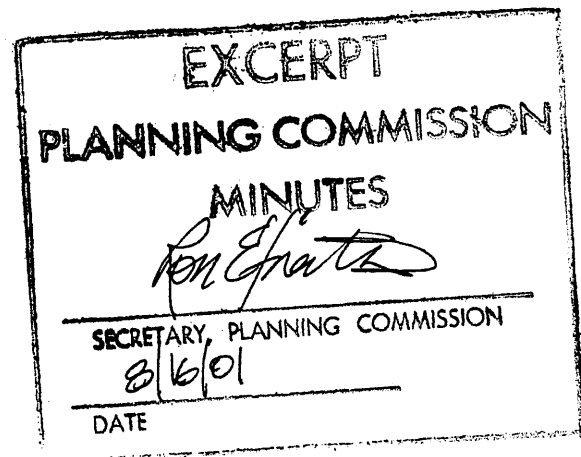
Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: Ross Condit, 904 Yale Avenue, Modesto.

Public hearing closed.

Haney/Crivelli, Unanimous, (8-0), **RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS.**



ORDINANCE NO. C.S. - 770

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.911 FOR THE PURPOSE OF REZONING FROM GENERAL AGRICULTURE (A-2) TO PLANNED INDUSTRIAL (PI) AND TO CREATE THREE PARCELS OF .98, 1.49, AND 2.01 ACRES. THE PROJECT IS LOCATED ON THE NORTH SIDE OF BANGS, BETWEEN STAR WAY AND MCHENRY AVENUE, IN THE MODESTO AREA. APN: 046-11-30

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

Section 1. Sectional District Map No. 9-110.911 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 28th day of August, 2001, by the following called vote:

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

NOES: Supervisors: None

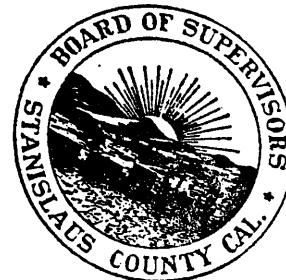
ABSENT: Supervisors: None

ABSTAINING: Supervisors: None

Bob Paul

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

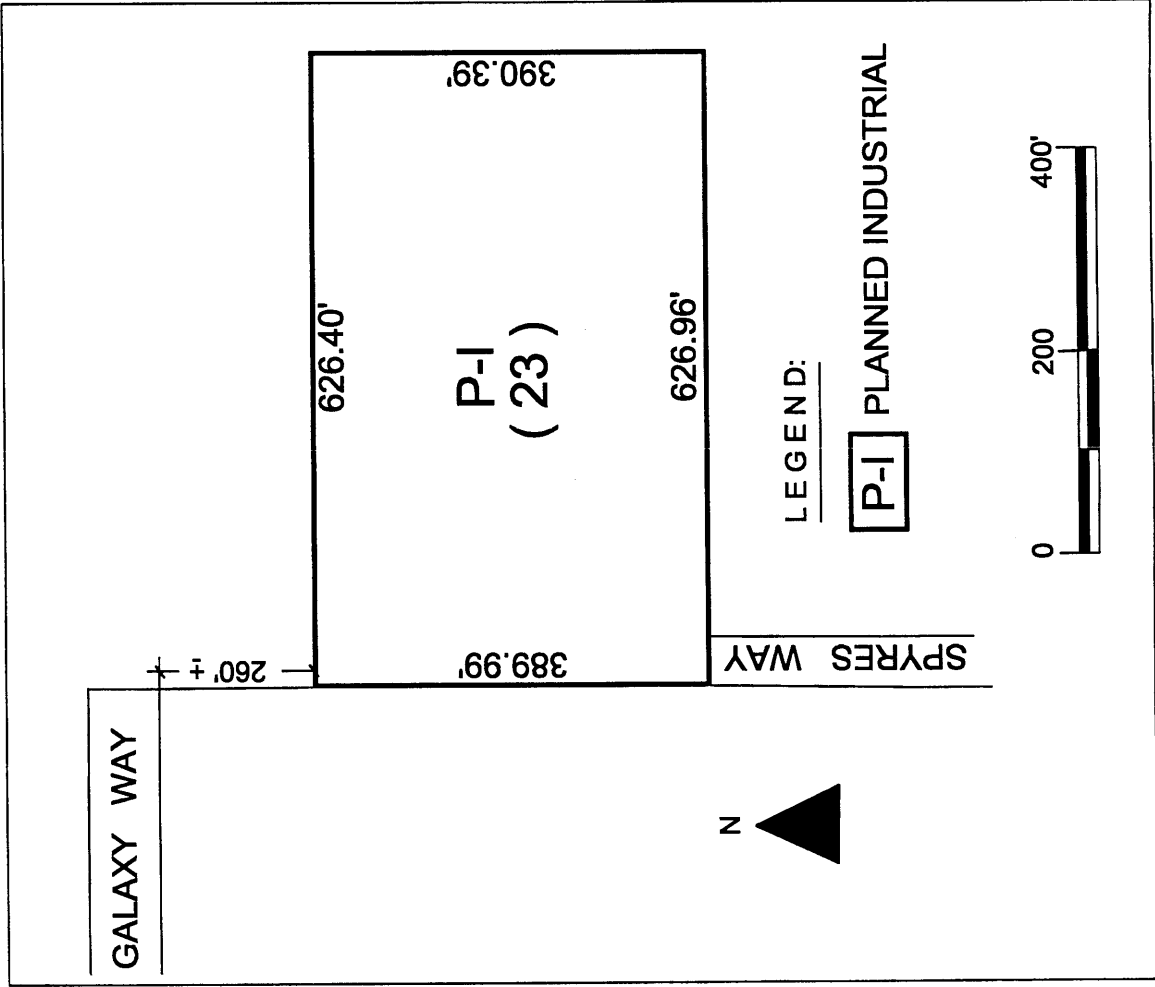
ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors of
the County of Stanislaus,
State of California



Elizabeth King

BY: _____
Elizabeth A. King, Deputy Clerk of the Board

SECTIONAL DISTRICT MAP NO. 9-110.911



**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:

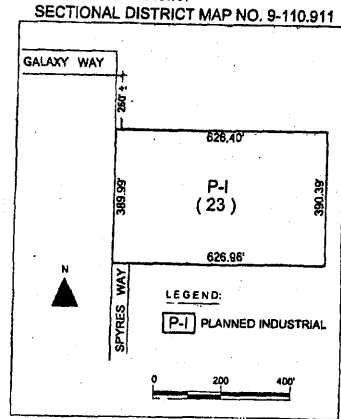
SEPTEMBER 8, 2001

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

SEPTEMBER 8, 2001


(Signature)

ORDINANCE NO. C.S. - 770
AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.911 FOR THE PURPOSE OF REZONING FROM GENERAL AGRICULTURE (A-2) TO PLANNED INDUSTRIAL (PI) AND TO CREATE THREE PARCELS OF .98, 1.49, AND 2.01 ACRES. THE PROJECT IS LOCATED ON THE NORTH SIDE OF BANGS, BETWEEN STAR WAY AND MCHENRY AVENUE, IN THE MODESTO AREA. APN: 046-11-30
The Board of Supervisors of the County of Stanislaus, State of California, ordains as follows:
Section 1. Sectional District Map No. 9-110.911 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:



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 28th day of August, 2001, by the following called vote:

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

NOES: Supervisors: None

ABSENT: Supervisors: None

ABSTAINING: Supervisors: None

/s/ Pat Paul

CHAIR OF THE BOARD OF SUPERVISORS

OF THE County of Stanislaus, State of California

ATTEST: CHRISTINE FERRARO TALLMAN,

Clerk of the Board of Supervisors of the County of Stanislaus, State of California

BY: /s/ Elizabeth A. King,

Deputy Clerk of the Board September 8, 2001