

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

DEPT: Planning & Community Development *RF*

Urgent _____ Routine X

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

BOARD AGENDA # 9:25 a.m.

AGENDA DATE: October 9, 2001

4/5 Vote Required YES _____ NO X

SUBJECT:

APPROVAL OF REZONE APPLICATION NO. 2001-09 AND PARCEL MAP APPLICATION NO. 2001-12 -
BERBERIAN PROPERTIES, LLC

PLANNING COMMISSION RECOMMENDATION:

THE COUNTY PLANNING COMMISSION CONSIDERED THIS MATTER ON AUGUST 16, 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.

BOARD ACTION AS FOLLOWS:

No. 2001-795

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 #18 OF THE CONDITIONS OF APPROVAL TO READ:
"PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE
DEVELOPER MUST OBTAIN WASTE DISCHARGE REQUIREMENTS
(WDR'S) OR AS OTHERWISE APPROVED IN WRITING BY THE
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD";**

AMENDMENT CONTINUED ON NEXT PAGE

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

By: Christine Ferraro Deputy

File No. ORD-54-I-6

SUBJECT: REZONE APPLICATION NO. 2001-09 AND PARCEL MAP APPLICATION
NO.2001-12 – BERBERIAN PROPERTIES, LLC.

PAGE 1-B
CONTINUATION OF AMENDMENT TO ITEM:

AMENDED THE MITIGATION MONITORING PLAN; AND, MITIGATION #6 IS MODIFIED TO READ AS FOLLOWS: ‘PRIOR TO ISSUE OF THE FIRST BUILDING PERMIT, THE DEVELOPER AND THE COUNTY SHALL DETERMINE WHICH ONE OF THE FOLLOWING MITIGATION MEASURES SHALL BE IMPLEMENTED: 1. PRIOR TO ISSUANCE OF A BUILDING PERMIT ON EACH PARCEL, THE APPLICANT SHALL SUBMIT A STAFF APPROVAL APPLICATION TO STANISLAUS COUNTY WHICH WILL BE FORWARDED TO THE REGIONAL WATER QUALITY CONTROL BOARD FOR REVIEW TO DETERMINE IF DISCHARGE REQUIREMENTS (WDRS) ARE REQUIRED’; OR, 2. PRIOR TO ISSUANCE OF THE FIRST BUILDING PERMIT, THE DEVELOPER SHALL FORM EITHER A PRIVATE OR PUBLIC ENTITY FOR CONVEYING AND TREATING WASTEWATER FROM THE ENTIRE PROPOSED DEVELOPMENT. DESIGN OF A PACKAGE WASTEWATER TREATMENT FACILITY SHALL BE COMPLETED AND SHALL COMPLY WITH ALL LOCAL AND STATE REQUIREMENTS FOR WASTEWATER DISCHARGE. CONSTRUCTION OF THE WASTEWATER TREATMENT FACILITY SHALL BE COMPLETED AND APPROVED BY BOTH THE STATE REGIONAL WATER QUALITY CONTROL BOARD AND STANISLAUS COUNTY PRIOR TO OCCUPANCY OF THE FIRST BUILDING; OR, 3. PRIOR TO ISSUANCE OF THE FIRST BUILDING PERMIT, THE APPLICANT SHALL PROVIDE PROOF THAT DIRECT CONNECTION TO THE CITY OF MODESTO (OR OTHER APPROPRIATE JURISDICTION’S) SANITARY SEWER FACILITIES WILL OCCUR PRIOR TO OCCUPANCY OF THE FIRST BUILDING. CONNECTION SHALL PHYSICALLY BE COMPLETED FOR EACH BUILDING PRIOR TO OCCUPANCY.

SUBJECT: REZONE APPLICATION NO. 2001-09 AND PARCEL MAP APPLICATION NO. 2001-12 - BERBERIAN PROPERTIES, LLC.

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**PLANNING
COMMISSION
RECOM-
MENDATION
CONTINUED:**

1. FIND THAT PURSUANT TO CEQA GUIDELINES SECTION 15074.1, THE CHANGE TO MITIGATION MEASURE NO.6 IS EQUIVALENT OR MORE EFFECTIVE IN MITIGATING OR AVOIDING POTENTIAL SIGNIFICANT IMPACTS ON GROUNDWATER QUALITY, AND THAT IN ITSELF, WILL NOT CAUSE ANY POTENTIALLY SIGNIFICANT EFFECT ON THE ENVIRONMENT.
2. BASED ON THE INITIAL STUDY AND AMENDED MITIGATION MONITORING PLAN, ISSUE 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. 2001-09 AND VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2001-12 - BERBERIAN PROPERTIES, LLC, SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL AS AMENDED BY THE PLANNING COMMISSION AND DEVELOPMENT SCHEDULE.

DISCUSSION:

This is a request to change the zoning district from an expired Planned Industrial (PI-5) to a new Planned Industrial (PI) and create 52 lots ranging in size from one-half to 0.84 acres for an industrial business park, and a single 1.23 acre parcel for storm drain basin purposes. The anticipated number of employees/customers is unknown at this time and will depend on the type of user occupying each parcel. Traffic circulation to the area will be improved with the extensions of North Star Lane and Spyres Way to the South of Bangs Avenue. Spyres Way will loop to the west to connect with North Star Lane, and a second east-west street will provide internal circulation. Adequate rights-of-way are provided on the site to serve the proposed Pelandale-Claratina expansion, the proposed widening of Bangs Avenue, and all internal roadways.

The surrounding land uses consist of approved planned industrial and commercial uses to the north, east and south, and an orchard to the west.

SUBJECT: REZONE APPLICATION NO. 2001-09 AND PARCEL MAP APPLICATION NO. 2001-12 - BERBERIAN PROPERTIES, LLC.

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**DISCUSSION
CONTINUED:**

In 1992, the Board of Supervisors approved the development of the project site as Planned Industrial (PI-5). PI-5 permitted development of the site with the full compliment of Planned Industrial uses as described in the Zoning Ordinance section 21.42. The development also included a tentative parcel map for 64 lots. The site is still designated on the general plan as Planned Industrial and zoned PI-5, but the development plan and tentative map have both expired.

Staff's recommendation included a change to Mitigation Measure No. 6 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).

The Planning Commission held its public hearing on this project on August 16, 2001. No one spoke in opposition, with David O. Romano speaking for the project. The Commission made several changes to the proposed Conditions of Approval as follows:

- A. Revised Condition 65 to require a six-foot chain link fence to surround the area adjacent to MID Lateral 6 and also the Union Pacific tracks instead of a masonry wall.
- B. Revised Condition 17 to eliminate a requirement to forward Staff Approval Permits required of each new use to the Regional Water Quality Control Board and instead to state: " All proposed uses within the PI zone shall, prior to any issuance of a building permit, construction or use, obtain a staff approval permit to allow site plan and operational/design review. Said staff approvals shall be circulated for comments, per normal county procedures."
- C. Replaced Condition 18 to read as follows: " Prior to the issuance of the first building permit, the Developer must obtain Waste Discharge Requirements (WDR's) from the California Regional Water Quality Control Board, if necessary."
- D. Deleted Condition Number 70 which required referral of all Staff Approval Permits required of each new use to the California Department of Transportation.

Staff concurs with the proposed changes recommended by the Planning Commission.

SUBJECT: REZONE APPLICATION NO. 2001-09 AND PARCEL MAP APPLICATION NO. 2001-12 -
BERBERIAN PROPERTIES, LLC.

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**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. However, the subdivision improvements must be built to City of Modesto standards, and the provision of sewer service to the site, when it becomes available, will require the execution of an outside service boundary agreement. (The project includes installation of sanitary sewer lines in all streets with stubs to Bangs Avenue for eventual connection to City sewer services.) Additionally, the property is currently served by City water through an existing outside boundary service agreement "Annexation Agreement" approved by City Council Resolution No. 90-612. An additional revenue sharing agreement for new commercial development pursuant to the existing City/County North McHenry Corridor revenue sharing agreement which provides for payment of appropriate City Capital Facilities Fees and County Public Facilities Fees is required.

STAFFING

IMPACT: None.

ATTACHMENTS: Amended Conditions of Approval
Planning Commission Staff Report, August 16, 2001
Planning Commission Minutes, August 16, 2001

CONDITIONS OF APPROVAL

**REZONE APPLICATION NO. 2001-09
PARCEL MAP APPLICATION NO. 2001-12
BERBERIAN PROPERTIES, LLC**

Department of Planning and Community Development

1. This use shall be conducted as described in the application and supporting documentation (including the plot plan) as approved and in accordance with other laws and ordinances and shall comply with all conditions of approval, mitigation measures, and all requirements for the Planned Industrial District.
2. 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.
3. 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.
4. A Certificate of Occupancy shall be obtained from the Building Inspection Division prior to occupancy (UBC Section 307).
5. 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.
6. 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.
7. 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.
8. All exterior lighting of the facility shall be designed (aimed down and towards the site), to provide adequate illumination without a glaring effect on adjacent landowners.
9. 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.
10. Prior to the occupancy of the property with the 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 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. Developer shall pay all Public Facilities Impact Fees, and Fire Facilities Fees as adopted by resolution by the Board of Supervisors. The fees shall be payable at the time of issuance of building permits for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
15. 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.
16. Prior to the issuance of the Notice of Determination, the applicant shall pay, within five days 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.
17. All proposed uses within the PI zone shall, prior to any issuance of a building permit, construction or use, obtain a staff approval permit to allow site plan and operational/design review. Said staff approvals shall be circulated for comments, per normal County procedures. ~~Specifically, each Staff Approval application shall be forwarded to the California Regional Water Quality Control Board for review concerning wastewater treatment.~~
- ~~18. Development of the industrial park shall be phased so as to allow not more than 30 percent (30%) of the project (square footage or parcels) to be on individual wastewater treatment units. Further construction shall require construction of a centralized wastewater treatment plant or waiting until City of Modesto sewer lines are available. Should a centralized wastewater treatment plant be constructed, the property owners shall form an on-site wastewater management district or other approved body to operate, maintain and manage the facility.~~
18. Prior to the issuance of the first building permit, the Developer must obtain Waste Discharge Requirements (WDR's) from the California Regional Water Quality Control Board, if necessary.

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 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.
21. 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.
22. 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.

Department of Environmental Resources

23. 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), and shall comply with all requirements of the California RWQCB.

Department of Public Works

24. The recorded parcel map shall be prepared by a licensed land surveyor or a registered civil engineer.
25. 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.
26. All structures not shown on the tentative parcel map shall be removed prior to the parcel map being recorded.
27. Road right of way shall be deeded to Stanislaus County as shown on the tentative parcel map. The chord of a 35-foot radius shall be provided at all intersections.

28. 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.
29. If Lot 52 (storm drain basin) shown on the tentative parcel map is not of sufficient size to accommodate a basin conforming to County standards, the lot shall be enlarged as needed to accommodate a basin that conforms to County standards. Lot 52 shall be deeded to Stanislaus County prior to or with the recording of the final map. A paved driveway width of 20 feet shall be provided to the storm drain basin.
30. 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.
31. Street monuments and covers shall be installed to County standards.
32. An encroachment permit shall be obtained from the Department of Public Works prior to start of any on and off-site grading work associated with the subdivision improvements.
33. An erosion control plan shall be included in the improvement plans that provides mitigation measures for erosion and sedimentation control. These measures 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.
34. 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.
35. 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.

36. 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 rights-of-way. The P.U.E. shall be shown on the final map.
37. 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.
38. 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.
39. Prior to the issuance of any building permits, the lot grades shall conform to the approved grading plan. Written certification by a civil engineer or geotechnical engineer may be required by the Department of Public Works.
40. 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".
41. 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.
42. A fog seal coat shall be applied to all new asphalt in accordance with Caltrans Standard Specifications for Bituminous Seal.
43. Stanislaus County will not issue any final inspection and/or occupancy permits for any structures within the subdivision until all required subdivision improvements have been completed to the satisfaction of the Department of Public Works.
44. 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 \$10,000.00 deposit with Public Works.
45. Prior to the final map being recorded, a County Service Area (CSA) shall be formed to provide funds to maintain the storm drain system. The developer shall provide all necessary documents and pay all fees associated with the formation of the CSA. The formation process takes between three and four months.

Salida Fire Protection District

46. 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.

47. All buildings constructed shall meet the District's requirements for 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.
48. Fire hydrants and fire access roads must be installed and maintained serviceable prior to, and during, combustible construction.

Stanislaus Consolidated Fire Department

49. Prior to construction fire access and fire protection water shall be approved.

San Joaquin Valley Air Pollution Control District

50. All construction resulting from this project shall comply with the standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
51. If the project site contains any buildings needing demolition or renovation, the applicant shall contact the San Joaquin Valley Air Pollution Control District to ensure compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAPS).

City of Modesto

52. Adequate right-of way shall be dedicated to allow for Bangs Avenue to be developed to a four-lane major collector at 84-feet full width (42-feet ROW dedication required on the south side of Bangs Avenue).
53. The project proponent shall install all street improvements including street widening, curb, and gutter, before any occupancy of the development.
54. No parking shall be allowed on Bangs Avenue.
55. Subdivision improvements shall be constructed to City of Modesto Standards.
56. Connection to City water service shall be provided through an "outside boundary service agreement" as with properties in to the east and south of this property.
57. Developer shall pay City of Modesto Capital Facilities Fees and County Public Facilities Fees pursuant to the City/County Agreement dated March 13, 1990.

Modesto Irrigation District (MID)

58. In conjunction with related site/road improvement requirements, existing overhead and underground electric facilities within or adjacent to the proposed development shall be protected, relocated or removed as required by the District's Electric Engineering Department. Appropriate easements for electric facilities shall be granted as required.
59. Relocation or installation of electrical facilities shall conform to the District's Electric Service Rules.
60. Costs for relocation and/or undergrounding the District's facilities at the request of others will be borne by the requesting party. Estimates for relocating or undergrounding existing facilities will be supplied upon request.
61. The District should be contacted for requests to remove existing service(s) within the outlined area. The cost for removal will be at the District's expense provided that the load being served is also removed.
62. Electrical service to the individual lots is not available at this time. Customer should contact the District's Electrical Engineering Department to arrange for electrical service to the site.
63. A 10-foot Public Utilities Easement (PUE) is required along all existing and proposed street frontages.
64. The existing irrigation pipeline must be removed and replaced and irrigation easements provided as noted by MID. All work on irrigation facilities must be coordinated with the MID Civil Engineering Department.
- ~~65. A six-foot high masonry wall is required adjacent to the MID Lateral 6 right-of-way.~~
65. **A six-foot chain link fence to surround the area adjacent to MID Lateral 6 and also the Union Pacific tracks.**
66. An irrigation sign-off form must be completed for the applicant's property.
67. Prior to any development an irrigation plan must be submitted to and approved by the MID Civil Engineering Department.

LAFCO

68. The project site shall be served by City of Modesto water through the existing outside boundary service agreement "Annexation Agreement" approved by City Council Resolution 90-612.

Native American Heritage Commission

69. Prior to issuance of the first grading or building permit and prior to any construction occurring on site, the applicant shall contact the appropriate Cultural Resources Information Center for a records search and the Native American Heritage Commission for a Sacred Lands File check. Copies of correspondence and results from the contacts shall be forwarded to the Stanislaus County Planning Department for review prior to issuance of any building permit.

CalTrans

- ~~70. All staff approval applications, including site plans, shall be forwarded to CalTrans for review prior to issuance of each building permit.~~

Planning Commission

70. The final recorded map shall contain the following statement:

“All persons purchasing lots within the boundaries of this approved map should be prepared to accept the inconveniences associated with the agricultural operations, such as noise, odors, files, dust or fumes. Stanislaus County has determined that such inconveniences shall not be considered to be a nuisance if agricultural operations are consistent with accepted customs and standards.”



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10th Street, Suite 3400, Modesto, CA 95354
Phone: 209.525.6330 Fax: 209.525.5911

August 16, 2001

MEMO TO: Stanislaus County Planning Commission
FROM: Department of Planning and Community Development *KF*
SUBJECT: **ADDITIONAL CONDITION OF APPROVAL FOR REZONE APPLICATION NO. 2001-09 AND PARCEL MAP APPLICATION NO. 2001-12 - BERBERIAN PROPERTIES**

Our Department inadvertently omitted a Condition of Approval for the above project and would request it be placed on the project tonight. Per Stanislaus County Code, Chapter 9.32 - Right-to-Farm Ordinance, this condition must be placed on parcel maps or subdivision maps involving agricultural land or real property located adjacent to agricultural land. With regard to this project, there is land directly to the west of this project site that is zoned A-2-10 (General Agriculture). The applicant has been advised of this additional condition and has no problem with this request.

1. The final recorded map shall contain the following statement:

"All persons purchasing lots within the boundaries of this approved map should be prepared to accept the inconveniences associated with the agricultural operations, such as noise, odors, flies, dust or fumes. Stanislaus County has determined that such inconveniences shall not be considered to be a nuisance if agricultural operations are consistent with accepted customs and standards."

Further, based on a letter dated August 7, 2001 (attached) from the California Regional Water Quality Control Board, the following Condition of Approval is added:

2. Prior to the issuance of the first building permit, the Developer must obtain Waste Discharge Requirements (WDR's) from the California Regional Water Quality Control Board for the entire project as opposed to each individual business.

/cm
/(I:\Staff\pt\pm-2001.s\rez2001-09&pm2001-12.mem.wpd)

Attachment: Letter dated August 7, 2001 from the California Regional Water Quality Control Board



California Regional Water Quality Control Board

Central Valley Region

Robert Schneider, Chair

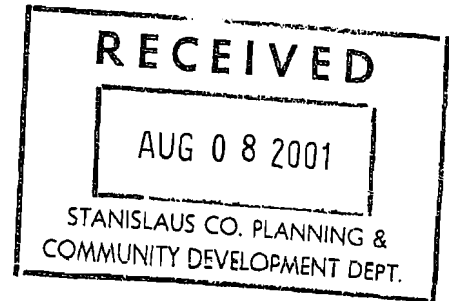


Gray Davis
Governor

ton H. Hickox
Secretary for
Environmental
Protection

Sacramento Main Office

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



7 August 2001

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

COMMENTS ON PROPOSED WASTEWATER MITIGATION MEASURE, REZONE APPLICATION NO. 2001-09 AND PARCEL MAP APPLICATION NO. 2001-12, BERBERIAN PROPERTIES LLC, SCH NO. 2001042083, STANISLAUS COUNTY

I have reviewed Kirk Ford's 2 August 2001 memorandum, which we received by fax on the same date. The proposed mitigation measure described in the memorandum addresses some of the concerns expressed in our 18 July 2001 letter.

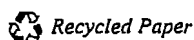
We understand that the proposed rezone would allow a wide variety of industrial development. These facilities may generate a significant volume of industrial wastewater and/or wastewater which, because of its chemical composition, poses a threat to water quality. We also understand that extension of the City of Modesto's sewer to serve the project area is five to ten years away, and that the County will require connection to the sewer when it is available, as documented in the Development Standards for the proposed project.

Formation of a public or private entity to convey and treat wastewater generated by the industrial development is an acceptable interim approach, and we look forward to working with the developer to coordinate development of Waste Discharge Requirements (WDRs) for the facility.

By copy of this letter, we are advising the developer that WDRs must be obtained for the entire project as opposed to each individual business.

Please note that the Regional Board does not require a "package" (or pre-manufactured) treatment system. The Discharger is free to propose any type of system that will reliably protect water quality.

California Environmental Protection Agency



Ms. Carol Maben
Stanislaus County Planning Department

- 2 -

7 August 2001

In the near future, we will provide the developer with guidance on preparation of the Report of Waste Discharge, which constitutes the application for Waste Discharge Requirements. If you have any questions regarding wastewater management issues, please call me at (916) 255-3140.



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

cc: Denise Wood, Stanislaus County Environmental Resources Department, Modesto
Brian Grattidge, State Clearinghouse, Sacramento
Arnold Gazarian, Berberian Properties, LLC, Modesto

STANISLAUS COUNTY PLANNING COMMISSION

August 16, 2001

STAFF REPORT

REZONE APPLICATION NO. 2001-09 AND
PARCEL MAP APPLICATION NO. 2001-12
BERBERIAN PROPERTIES, LLC

REQUEST: TO REZONE A 44± ACRE SITE FROM AN EXPIRED PLANNED INDUSTRIAL (PI 5) TO A NEW PLANNED INDUSTRIAL (PI) AND CREATE 52 PARCELS RANGING IN SIZE FROM ONE-HALF TO ONE± ACRE PARCELS FOR AN INDUSTRIAL BUSINESS PARK. THE PROJECT IS LOCATED ON THE SOUTH SIDE OF BANGS AVENUE, BETWEEN THE UNION PACIFIC RAILROAD RIGHT-OF-WAY AND McHENRY AVENUE, IN THE MODESTO AREA.

APPLICATION INFORMATION

Owner:	Berberian Properties, LLC
Applicant:	David O. Romano, P.E., Russell A. Newman, a Professional Law Corporation
Location:	South side of Bangs Avenue, between the Union Pacific Railroad right-of-way and McHenry Avenue, in the Modesto area.
Section, Township, Range:	5-3-9
Supervisory District:	Four (Supervisor Simon)
Assessor's Parcel:	046-04-18
Referrals:	See Exhibit "F" Environmental Review Referrals
Area of Parcels:	44± acres
Water Supply:	City of Modesto
Sewage Disposal:	Aerobic septic system, per Measure X, or other disposal as approved by the RWQCB
Existing Zoning:	Expired Planned Industrial (PI-5)
General Plan Designation:	Planned Industrial
Community Plan Designation:	None
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	Single-family dwelling, out buildings, and irrigated alfalfa
Surrounding Land Use:	Commercial/Industrial uses to the north, east, and south and an orchard to the west.

PROJECT DESCRIPTION

The project proposes to rezone a 44± acre site from an Expired Planned Industrial (PI 5) to

a new Planned Industrial (PI) and create 52 lots ranging in size from one-half to 0.84 acres for an industrial business park, and a single 1.23 acre parcel for storm drain basin purposes. The anticipated number of employees/customers is unknown at this time and will depend on the type of user occupying each parcel.

The proposed project would further the expansion of the North Modesto Industrial Park. Though no specific uses are being proposed, future development will be limited to those uses adopted in Zoning Ordinance Section 21.42 - Planned Industrial (Exhibit B). Traffic circulation to the area will be improved with the extensions of North Star Lane and Spyres Way to the South of Bangs Avenue. Spyres Way will loop to the west to connect with North Star Lane, and a second east-west street will provide internal circulation. Adequate rights-of-way are provided on the site to serve the proposed Pelandale-Claratina expansion, the proposed widening of Bangs Avenue, and all internal roadways.

The project proponent provided a detailed project description that is attached as Exhibit C.

BACKGROUND

Development on this site has been anticipated since the mid 1970's with General Plan Designations of "Urban Transition" and then "Planned Industrial." In 1992, the Board of Supervisors approved the development of the project site as Planned Industrial (PI-5). PI-5 permitted development of the site with the full compliment of Planned Industrial uses as described in the Zoning Ordinance section 21.42. The development also included a tentative parcel map for 64 lots. The site is still designated on the general plan as Planned Industrial and zoned PI-5, but the development plan and tentative map have both expired.

PROJECT SITE

The subject site is located on the south side of Bangs Avenue between the Union Pacific Railroad right-of-way and McHenry Avenue. MID Lateral No. 6 and a 135-foot right-of-way for Pelandale Avenue runs along the southern boundary.

The site contains a single-family residence and 3 outbuildings that will be removed with development, the remainder of the site is farmed in alfalfa. The land is basically flat and irrigates from the existing irrigation pipeline which runs north to south. The pipeline only serves this parcel and will be removed during construction. The soil types are Dinuba Sandy Loam in the northern portion of the site and Hanford Sandy Loam on the southern half of the site. Hanford Sandy Loam has rapid permeability, and the proposed storm drainage basin will be located in this area. The subject site is surrounded by developed commercial/light industrial uses and the proposed project is considered in-fill.

DISCUSSION

The Stanislaus County General Plan Update adopted in 1994 designated the subject parcel, as well as all of the parcels between the Union Pacific Railroad tracks and McHenry Avenue to the east and Pelandale Road to Kiernan Avenue as Planned Industrial/Urban Transition on the Land-Use Element Map of the County General Plan. The proposed project is consistent with the General Plan designation for this area.

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. The City's general plan designation is "Business Park" and the proposal is consistent with this designation. In a referral response letter dated May 7, 2001 from the City of Modesto Planning Department, City staff does not oppose the approval of the proposed Rezoning and Parcel Map. However, the subdivision improvements must be built to City of Modesto standards, and the provision of sewer service to the site, when it becomes available, will require the execution of an outside service boundary agreement. (The project includes installation of sanitary sewer lines in all streets with stubs to Bangs Avenue for eventual connection to City sewer services.)

The property is currently served by City water through an existing outside boundary service agreement "Annexation Agreement" approved by City Council Resolution No. 90-612. An additional revenue sharing agreement for new commercial development pursuant to the existing City/County North McHenry Corridor revenue sharing agreement which provides for payment of appropriate City Capital Facilities Fees and County Public Facilities Fees is required.

The subject parcel is surrounded by established light industrial uses in a business park-like setting which were created over the years under various Planned Industrial and Planned Developments. The most recent of which include the 22.04 acre Laura Schullenberger site immediately to the north of Bangs Avenue (Zoned PI-17) and completion of developments along Motor City Court (PD-143) to the south.

Though no specific uses have been included in this proposal, the proposed configuration of the site lends itself to the development of the uses permitted under Section 21.42.020, (Permitted Uses, Planned Industrial District) of the Zoning Ordinance.

ENVIRONMENTAL REVIEW

This project was referred to various responsible agencies and departments for their review and comments, including the State Clearinghouse. Mitigation measures or Conditions of Approval have been developed to reduce all potentially significant impacts to a less than significant level.

The California Regional Water Quality Control Board (RWQCB) identified possible impacts to groundwater quality from wastewater disposal associated with 52 separate individual wastewater treatment systems. In a letter dated April 23, 2001 and again in a letter dated July 18, 2001, the RWQCB indicated that they were not opposed to approval of the project as proposed, but recommended that either a single "package plant" or City sewer be provided.

Mitigation Measure Number 6 was developed following receipt of the April 23 letter in response to the RWQCB concerns. However, in their subsequent letter, after review of the Initial Study, the Board indicated that they did not have the resources available to review and process 52 individual Waste Discharge Requirements (WDR's). Phone conversations with RWQCB staff reiterated this concern and Mitigation Measure Number 6 was revised as follows:

6. Prior to issuance of the first building permit, the Developer and the County shall determine which one of the following mitigation measures shall be implemented:
 1. Prior to issuance of a building permit on each parcel, the applicant shall submit a Staff Approval Application to Stanislaus County which will be forwarded to the Regional Water Quality Control Board for review to determine if Waste Discharge Requirements (WDRs) are required. A State of California application (Report of Waste Discharge) shall accompany each Staff Approval application; OR,
 2. Prior to issuance of the first building permit, the developer shall form either a private or public entity for conveying and treating wastewater from the entire proposed development. Design of a package wastewater treatment facility shall be completed and shall comply with all local and State requirements for wastewater discharge. Construction of the wastewater treatment facility shall be completed and approved by both the State Regional Water Quality Control Board and Stanislaus County prior to occupancy of the first building; OR,
 3. Prior to issuance of the first building permit, the applicant shall provide proof that direct connection to the City of Modesto (or other appropriate jurisdiction's) sanitary sewer facilities will occur prior to occupancy of the first building. Connection shall physically be completed for each building prior to occupancy.

In addition, Condition of Approval Number 18 was included to limit the amount of development that could occur on site without a single package treatment plant or connection to City sewer. This condition is similar to a condition approved by the Board of Supervisors in 1992 for the original PI-5 development. Further, each proposed building or improvement will be required to obtain a Staff Approval Permit which will be forwarded to the RWQCB for review of the the wastewater treatment needs (See Condition Number 17). In combination with Mitigation Measure Number 6, these Conditions adequately reduce the potential significance of the impact to groundwater quality to a less than significant level.

No other potentially significant impacts were identified.

CONCLUSION

As is evident from the above discussion, the proposal is consistent with the General Plan designation for this area and it has been previously approved at a greater intensity of use. Staff is in support of this project. The proposed change in zoning and tentative map will allow this site to be developed with those uses allowed under the Planned Industrial Zoning District which would seemingly be a good fit for the site without impacting the surrounding area.

RECOMMENDATION

Based on all evidence on the record, and on the ongoing discussion, staff recommends that the Planning Commission recommend that the Board of Supervisors take the following actions regarding this project:

1. Find that, pursuant to CEQA Guidelines Section 15074.1, the revision to mitigation measure number 6 is equivalent or more effective in mitigating or avoiding potential significant effects on groundwater quality, and that in itself, will not cause any potentially significant effect on the environment.
2. Issue a Mitigated Negative Declaration, based on the Initial Study and Mitigation Measures, as revised, and find the project to be "De Minimis" for the purpose 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 PI zoning is consistent with the Stanislaus County General Plan; and
5. Approve Rezone Application No. 2001-09 and Parcel Map Application No. 2001-12 - Berberian Properties, LLC, subject to the attached Conditions of Approval.

Report written by: Kirk Ford, Senior Planner, August 3, 2001

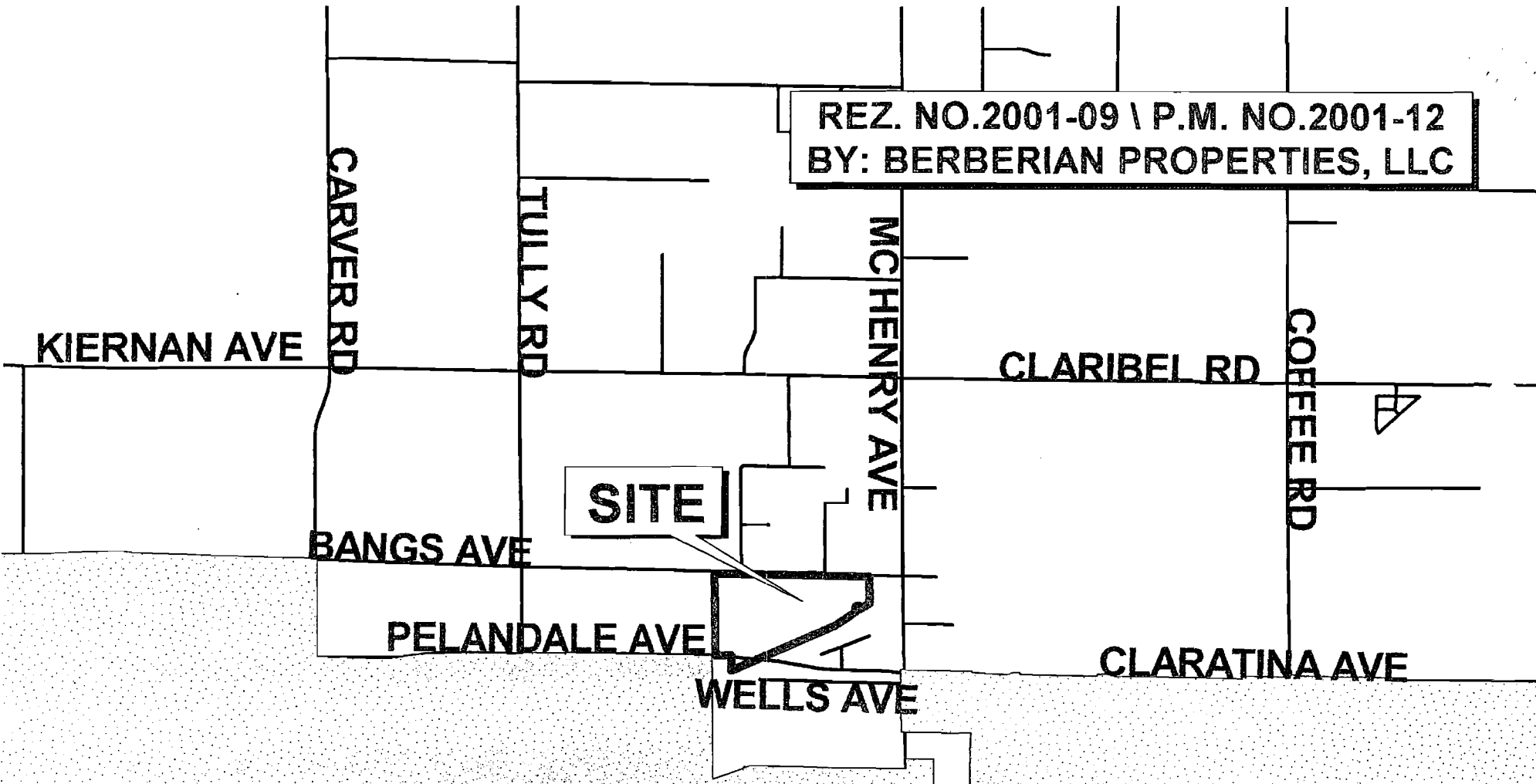
Attachments:

Exhibit A -	Maps
Exhibit B-	Chapter 21.42 of the Stanislaus County Zoning Ordinance - Planned Industrial District (PI)
Exhibit C -	Project Proponent's Project Description
Exhibit D-	Conditions of Approval
Exhibit E-	Findings
Exhibit F -	Initial Study and Environmental Review Referrals
Exhibit G -	Mitigation Monitoring Plan
Exhibit H -	Mitigated Negative Declaration
Exhibit I -	Certificate of Fee Exemption

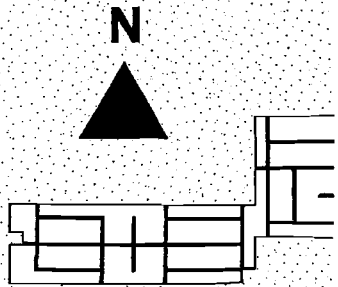


Kirk Ford, Senior Planner

REZ. NO.2001-09 \ P.M. NO.2001-12
BY: BERBERIAN PROPERTIES, LLC



MODESTO



**REZ. NO.2001-09 & P.M. NO.2001-12
BY: BERBERIAN PROPERTIES, LLC**

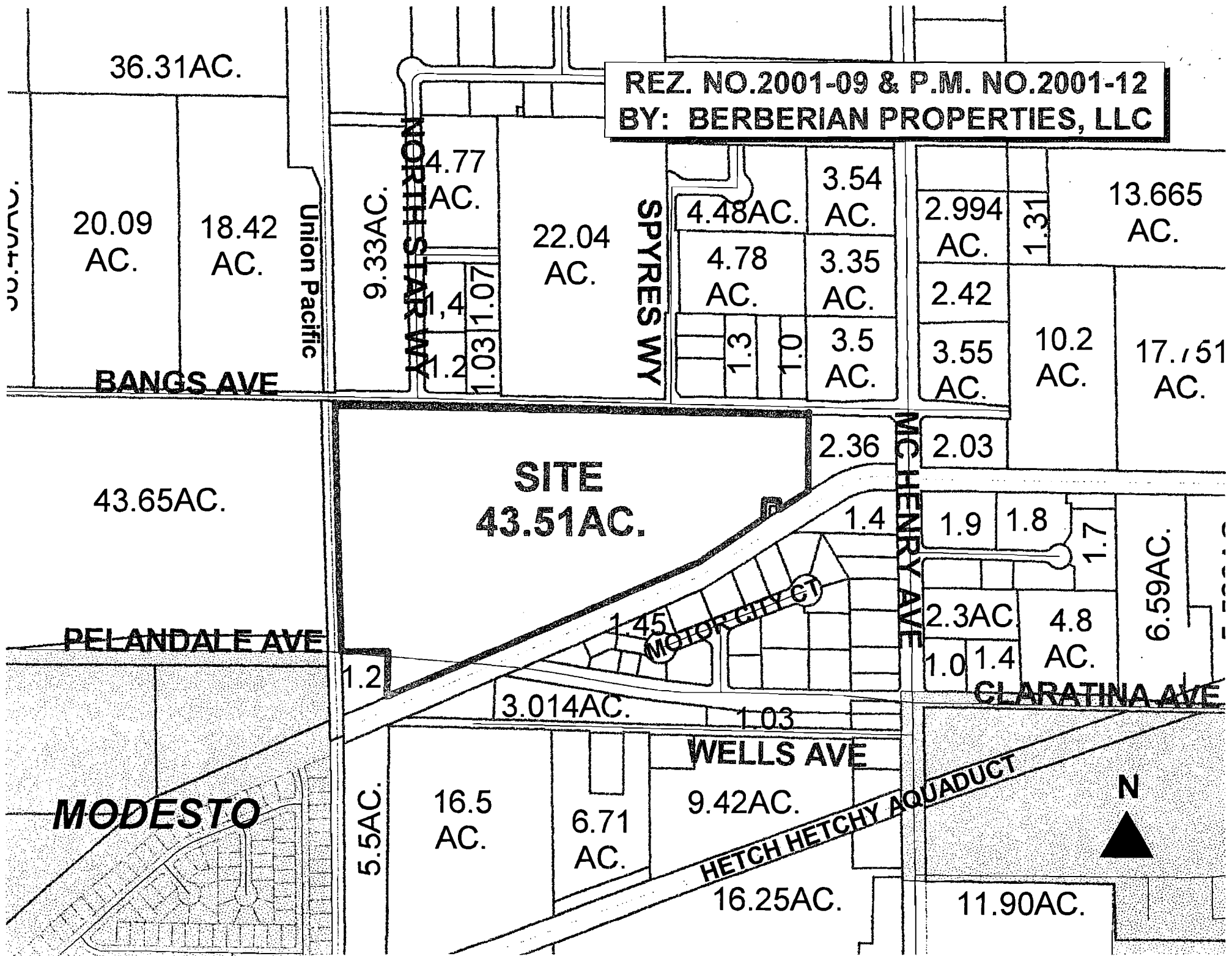
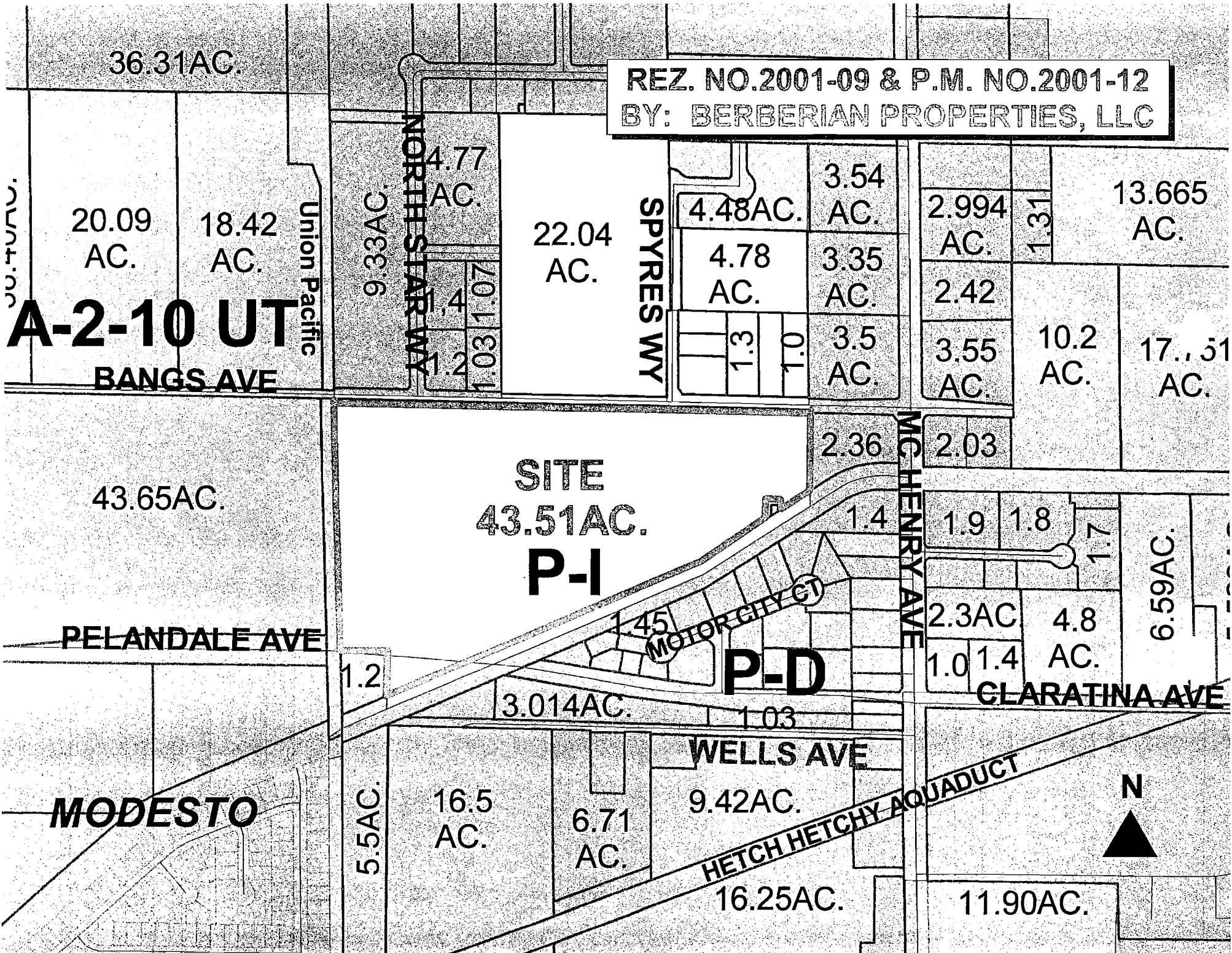


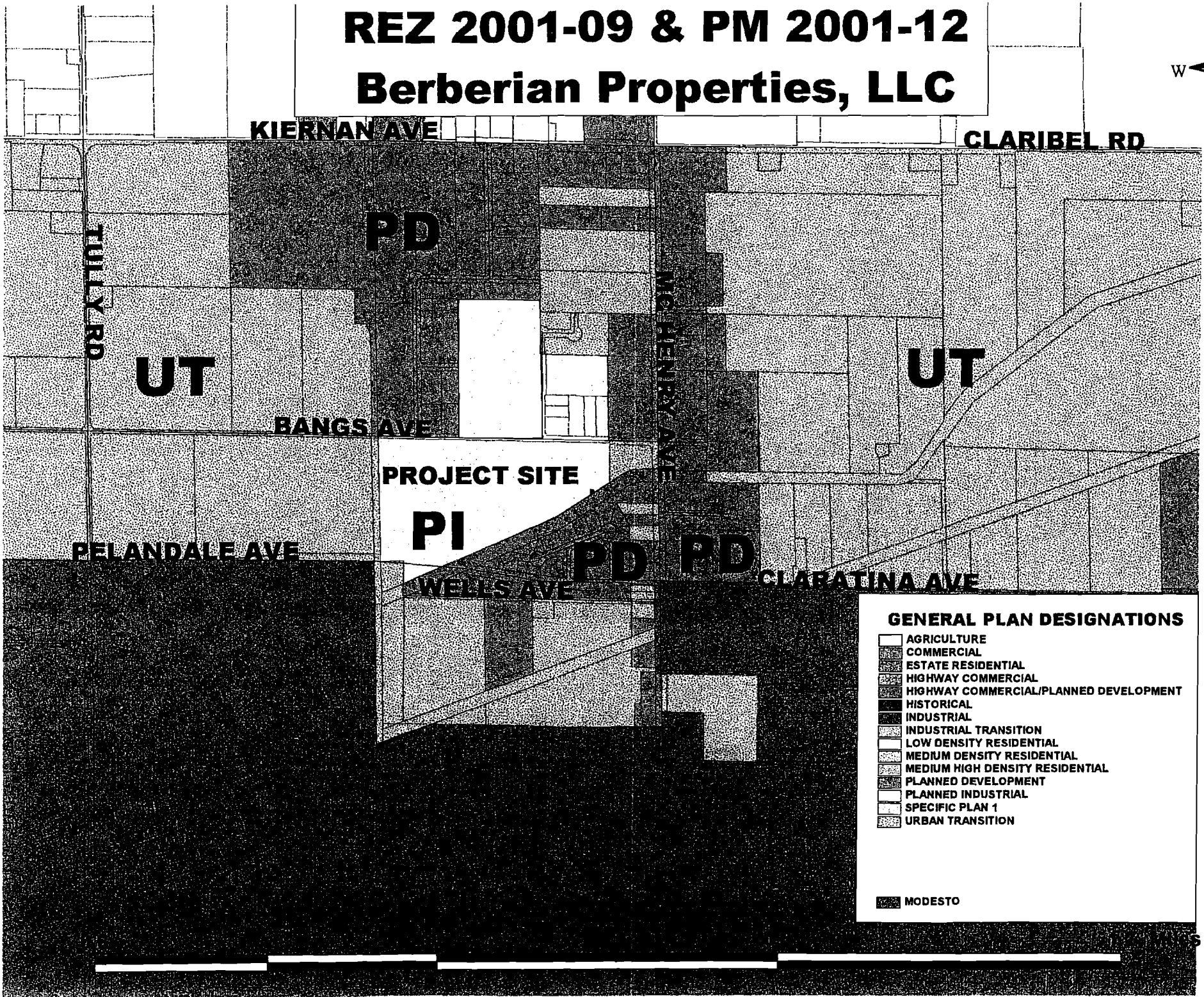
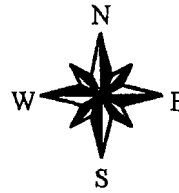
EXHIBIT A-1

**REZ. NO.2001-09 & P.M. NO.2001-12
BY: BERBERIAN PROPERTIES, LLC**



REZ 2001-09 & PM 2001-12

Berberian Properties, LLC



GENERAL PLAN DESIGNATIONS

- AGRICULTURE
- COMMERCIAL
- ESTATE RESIDENTIAL
- HIGHWAY COMMERCIAL
- HIGHWAY COMMERCIAL/PLANNED DEVELOPMENT
- HISTORICAL
- INDUSTRIAL
- INDUSTRIAL TRANSITION
- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- MEDIUM HIGH DENSITY RESIDENTIAL
- PLANNED DEVELOPMENT
- PLANNED INDUSTRIAL
- SPECIFIC PLAN 1
- URBAN TRANSITION

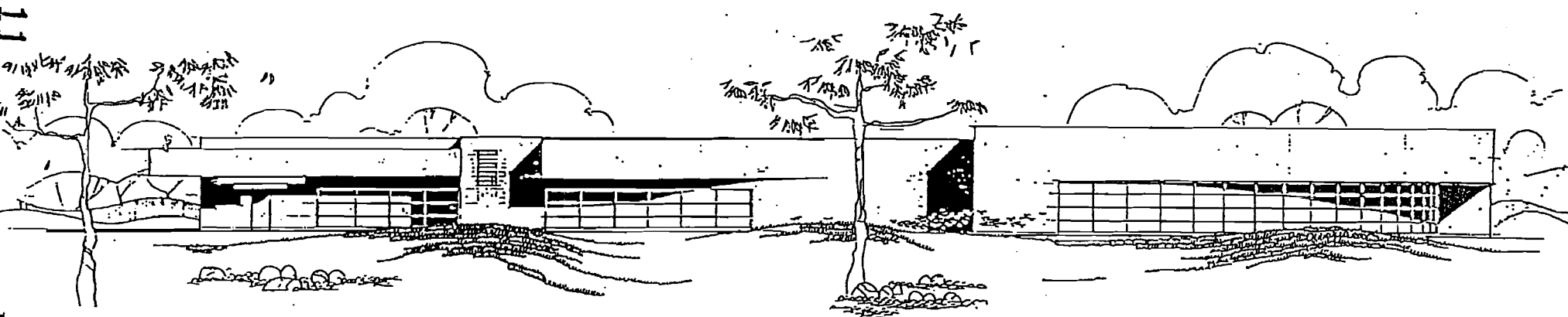
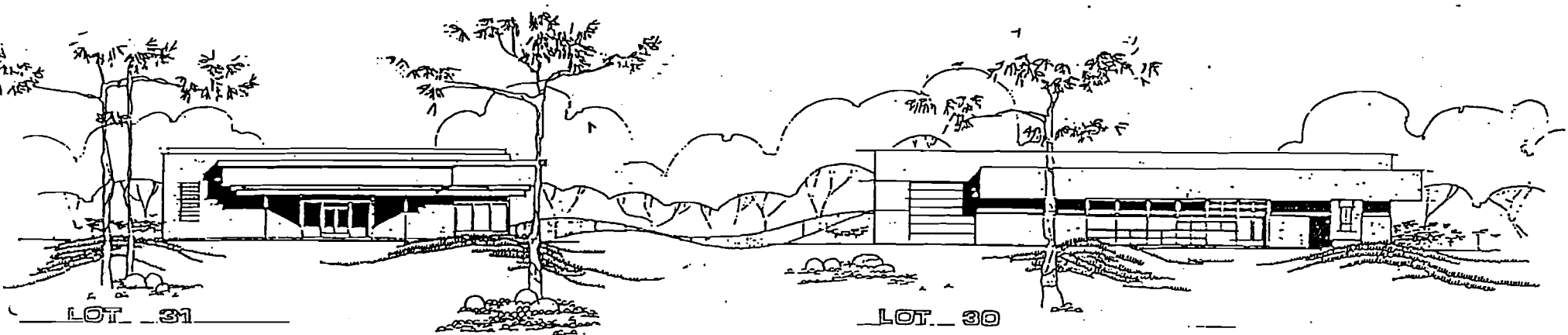
MODESTO

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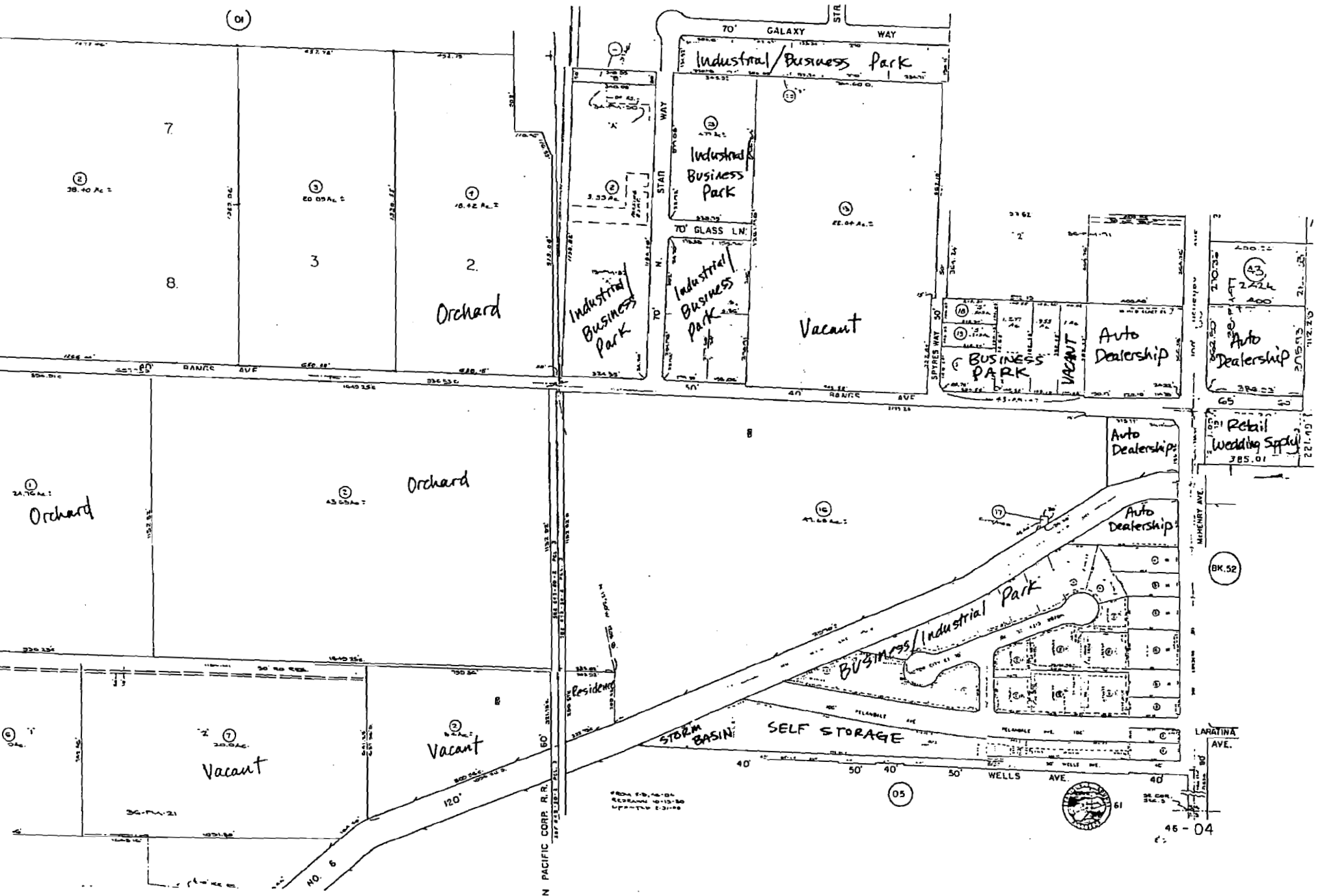
EXHIBIT A-3

5

REZ 2001-09/PM 2001-12
Berberian Properties, LLC



SAMPLE ELEVATIONS



04

7

38.40 Ac ±

20.09 Ac ±

10.42 Ac ±

3

2

Orchard

Industrial Business Park

Industrial Business Park

Industrial Business Park

Vacant

BUSINESS PARK

VACANT

Auto Dealership

Auto Dealership

Retail Wedding Supply
385.01

Orchard

Orchard

Vacant

Vacant

Residential

STORM BASIN

SELF STORAGE

BUSINESS/Industrial Park

Auto Dealership

Auto Dealership

BK.52

N PACIFIC CORP. R.R.

70' GALAXY STR WAY

STAN WAY

TO GLASS LN.

SPYRES WAY 50'

MINERVA AVE

LARATINA AVE.

WELLS AVE.

46-04

05



FROM E.D. MOON
RECORDED 10-13-50
UPON 2-21-50

CHAPTER 21.42

PLANNED INDUSTRIAL DISTRICT (PI)

SECTIONS:

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

21.42.010 APPLICABILITY

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

21.42.020 PERMITTED USES

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

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

21.42.020 Permitted uses

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

21.42.030 ZONING ADOPTION OR CHANGE

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

21.42.040 DEVELOPMENT PLAN

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

A. The development plan shall include:

1. A description of proposed uses and where appropriate disclosure of any chemicals used or wastes generated, including but not limited to petroleum, dyes, thinners, solvents and pesticides;
2. A map showing any street system and lot design proposed within the area. Compliance with this requirement shall not be construed to relieve the applicant from compliance with the subdivision regulations or any other applicable regulations of the county;
3. A plot plan for each building site in the PI district for which development is requested. The plot plan shall show the location of all proposed buildings, indicating the distances between buildings, and between buildings and property or building site lines, and the location of all active or abandoned wells, septic systems, irrigation lines, public sewer lines and public water lines;
4. Elevations and perspective drawings and measurements of all proposed structures to scale. The purpose of such drawings is to indicate the height of proposed buildings and the appearance of the proposed structures to the end that the entire development will have architectural unity and be in harmony with surrounding developments;
5. Off-street parking and loading plan which shall include a circulation diagram indicating the proposed movement of vehicles and goods;
6. Landscaping and tree planting plan;
7. Proposed method of sewage disposal.

B. Any subsequent changes in the development plan shall be submitted to the department of planning and community development and shall be treated as follows:

1. If the proposed changes do not involve any new uses not already permitted in the adopted planned industrial district, the director of planning and community development may approve the changes through the staff approval application process;
2. If the proposed changes involve uses not permitted in the adopted planned industrial district, the requested changes shall be processed according to the procedures set forth in this title for use permits (Chapter 21.96);

21.42.020 Permitted uses

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

21.42.040 Development plan

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

21.42.050 DEVELOPMENT STANDARDS

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

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

21.42.050 Development standards

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

21.42.060 HEIGHT LIMITS

Height limits in PI districts:

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

21.42.070 BUILDING SITE AREA

Building site area requirements in PI districts:

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

21.42.080 YARDS

Yards required in PI districts:

A. Front yard and side yards of corner lots:

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

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

21.42.090 MAP NUMBERING

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

21.42.100 NONCOMPLIANCE

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

PROJECT DESCRIPTION

The proposed project is on approximately 44 acres of property located in Stanislaus County south of Bangs Avenue between the Union Pacific Railroad tracks on the west, the Modesto Irrigation District Canal and the Pelandale Expressway on the south, and an existing auto dealership adjacent to McHenry Avenue on the east. The project site is currently designated Planned Development in the Stanislaus County General Plan and has a zoning designation of Planned Industrial (PI-5). PI-5 was adopted in 1992 along with a tentative map which would create approximately 64 parcels. The proposed uses were to be those uses consistent with the Planned Industrial designation as set forth in the Stanislaus County Zoning Ordinance Section 21.42. The proposed application will create a different internal circulation layout than that currently proposed for PI-5 and will permit the development of approximately 52 lots of ½ to 1 acre in size consistent with the County's Planned Industrial Standards. As a substantial amount of time has passed since the original approval of PI-5, this application includes the submittal of a rezoning application to create a new Planned Industrial Zoning designation, as well as a new Vesting Tentative Parcel Map. As the proposed uses do not change, it may be more reasonable that a use permit be granted modifying the approved development plan. The determination of the most appropriate form of entitlement will be made by the County.

In general, the proposed project will permit the development and construction of 52 lots on approximately 44 acres. The property will be accessed by two (2) roadways off of Bangs Avenue which align directly with North Star Way and Spyres Way on the north side of Bangs Avenue. All parcels will be served by roads internal to the development for their main access, although the parcels fronting along Bangs Avenue will be permitted access to Bangs similar to the properties on the north side of Bangs. Prior to development of each of the parcels, a site plan will need to be prepared and submitted to the Stanislaus County Planning Department for evaluation of its consistency with the County's existing Planned Industrial Standards which include requirements for a minimum of five percent (5%) of the site as landscaping, a maximum building height of thirty-five (35) feet, and the list of permissible uses. Since parcels 1 through 13 have alternative means of access, site plans should be sensitive to minimizing the number of accesses onto Bangs Avenue as part of any proposed site development plans.

It is also the intent of the new Planned Industrial designation that the lots fronting on Bangs provide an attractive appearance for travelers along Bangs Avenue, and as such, site plans for those parcels should provide an appropriate amount of landscaping and an attractive building face for the structures which face Bangs Avenue.

The project site will be provided water by the City of Modesto. Septic systems will be utilized until such time as permanent sewer facilities become available from the City of Modesto. Storm drainage will be handled on-site. Internal circulation will be by County standard roadways.

DEVELOPMENT SCHEDULE

Commence construction by July 1, 2003

Conclude construction by July 1, 2008

**BERBERIAN
McHENRY/BANGS INDUSTRIAL
PARCEL MAP FINDINGS STATEMENT**

Findings requiring disapproval.

A tentative parcel map shall not be approved or conditionally approved by the Commission if it makes any of the following findings. Each finding is followed by an italicized response setting forth why the finding cannot be made:

- A. That the proposed map is not consistent with applicable general and specific plans;

This finding cannot be made as the proposed map is consistent with the County General Plan designation for the property of Planned Development. There is no adopted Specific Plan covering the property.

- B. That the design or improvement is not consistent with applicable general and specific plans;

This finding cannot be made as the proposed design of the subdivision and its improvements are consistent with the Stanislaus County Standard Drawings and Specifications, as well as the County General Plan designation for the property of Planned Development. There is no adopted Specific Plan covering the property.

- C. That the site is not physically suitable for the proposed density of development;

This finding cannot be made as the proposed parcels to be created by the parcel map comply with County standards for lot size based on the proposed level of services. As such, the proposed density of the development is consistent with the County General Plan and Zoning Ordinance.

- D. That the site is not physically suitable for the type of development;

This finding cannot be made as the proposed parcels will be developed consistent with the existing land uses in the area, and with County standards for required improvements and services for the type of development. As such, the proposed type of development is consistent with the County General Plan, Zoning Ordinance, Subdivision Ordinance, applicable County standards and the neighboring land uses.

- E. That the design or the proposed improvements are likely to cause substantial environmental damage or substantially avoidably injure fish or wildlife or their habitat;

This finding cannot be made, as the project site is not in an environmentally sensitive area and does not contain any significant fish or wildlife habitat.

- F. That the design or the type of improvements are likely to cause serious public health problems;

This finding cannot be made as the design of the subdivision, as well as the proposed improvements, will comply with all local and state standards.

- G. That the design or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property proposed for division. In this connection, the Commission 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. This subsection shall apply only to easements of record or easements established by judgment of a court of competent jurisdiction.

This finding cannot be made, as the public at large has no acquired easements on or across the property.

CONDITIONS OF APPROVAL

REZONE APPLICATION NO. 2001-09
PARCEL MAP APPLICATION NO. 2001-12
BERBERIAN PROPERTIES, LLC

Department of Planning and Community Development

1. This use shall be conducted as described in the application and supporting documentation (including the plot plan) as approved and in accordance with other laws and ordinances and shall comply with all conditions of approval, mitigation measures, and all requirements for the Planned Industrial District.
2. 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.
3. 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.
4. A Certificate of Occupancy shall be obtained from the Building Inspection Division prior to occupancy (UBC Section 307).
5. 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.
6. 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.
7. 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.
8. All exterior lighting of the facility shall be designed (aimed down and towards the site), to provide adequate illumination without a glaring effect on adjacent landowners.
9. 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.
10. Prior to the occupancy of the property with the 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 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. Developer shall pay all Public Facilities Impact Fees, and Fire Facilities Fees as adopted by resolution by the Board of Supervisors. The fees shall be payable at the time of issuance of building permits for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
15. 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.
16. Prior to the issuance of the Notice of Determination, the applicant shall pay, within five days 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.
17. All proposed uses within the PI zone shall, prior to any issuance of a building permit, construction or use, obtain a staff approval permit to allow site plan and operational/design review. Said staff approvals shall be circulated for comments, per normal County procedures. Specifically, each Staff Approval application shall be forwarded to the California Regional Water Quality Control Board for review concerning wastewater treatment.
18. Development of the industrial park shall be phased so as to allow not more than 30 percent (30%) of the project (square footage or parcels) to be on individual wastewater treatment units. Further construction shall require construction of a centralized wastewater treatment plant or waiting until City of Modesto sewer lines are available. Should a centralized wastewater treatment plant be constructed, the property owners shall form an on-site wastewater management district or other approved body to operate, maintain and manage the facility.
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 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.
21. 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.
22. 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.

Department of Environmental Resources

23. 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), and shall comply with all requirements of the California RWQCB.

Department of Public Works

24. The recorded parcel map shall be prepared by a licensed land surveyor or a registered civil engineer.
25. 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.
26. All structures not shown on the tentative parcel map shall be removed prior to the parcel map being recorded.
27. Road right of way shall be deeded to Stanislaus County as shown on the tentative parcel map. The chord of a 35-foot radius shall be provided at all intersections.
28. 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.

29. If Lot 52 (storm drain basin) shown on the tentative parcel map is not of sufficient size to accommodate a basin conforming to County standards, the lot shall be enlarged as needed to accommodate a basin that conforms to County standards. Lot 52 shall be deeded to Stanislaus County prior to or with the recording of the final map. A paved driveway width of 20 feet shall be provided to the storm drain basin.
30. 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.
31. Street monuments and covers shall be installed to County standards.
32. An encroachment permit shall be obtained from the Department of Public Works prior to start of any on and off-site grading work associated with the subdivision improvements.
33. An erosion control plan shall be included in the improvement plans that provides mitigation measures for erosion and sedimentation control. These measures 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.
34. 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.
35. 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.
36. 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 rights-of-way. The P.U.E. shall be shown on the final map.
37. 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.
38. 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.

39. Prior to the issuance of any building permits, the lot grades shall conform to the approved grading plan. Written certification by a civil engineer or geotechnical engineer may be required by the Department of Public Works.
40. 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".
41. 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.
42. A fog seal coat shall be applied to all new asphalt in accordance with Caltrans Standard Specifications for Bituminous Seal.
43. Stanislaus County will not issue any final inspection and/or occupancy permits for any structures within the subdivision until all required subdivision improvements have been completed to the satisfaction of the Department of Public Works.
44. 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 \$10,000.00 deposit with Public Works.
45. Prior to the final map being recorded, a County Service Area (CSA) shall be formed to provide funds to maintain the storm drain system. The developer shall provide all necessary documents and pay all fees associated with the formation of the CSA. The formation process takes between three and four months.

Salida Fire Protection District

46. 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.
47. All buildings constructed shall meet the District's requirements for 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.
48. Fire hydrants and fire access roads must be installed and maintained serviceable prior to, and during, combustible construction.

Stanislaus Consolidated Fire Department

49. Prior to construction fire access and fire protection water shall be approved.

San Joaquin Valley Air Pollution Control District

50. All construction resulting from this project shall comply with the standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
51. If the project site contains any buildings needing demolition or renovation, the applicant shall contact the San Joaquin Valley Air Pollution Control District to ensure compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAPS).

City of Modesto

52. Adequate right-of way shall be dedicated to allow for Bangs Avenue to be developed to a four-lane major collector at 84-feet full width (42-feet ROW dedication required on the south side of Bangs Avenue).
53. The project proponent shall install all street improvements including street widening, curb, and gutter, before any occupancy of the development.
54. No parking shall be allowed on Bangs Avenue.
55. Subdivision improvements shall be constructed to City of Modesto Standards.
56. Connection to City water service shall be provided through an "outside boundary service agreement" as with properties in to the east and south of this property.
57. Developer shall pay City of Modesto Capital Facilities Fees and County Public Facilities Fees pursuant to the City/County Agreement dated March 13, 1990.

Modesto Irrigation District (MID)

58. In conjunction with related site/road improvement requirements, existing overhead and underground electric facilities within or adjacent to the proposed development shall be protected, relocated or removed as required by the District's Electric Engineering Department. Appropriate easements for electric facilities shall be granted as required.
59. Relocation or installation of electrical facilities shall conform to the District's Electric Service Rules.
60. Costs for relocation and/or undergrounding the District's facilities at the request of others will be borne by the requesting party. Estimates for relocating or undergrounding existing facilities will be supplied upon request.
61. The District should be contacted for requests to remove existing service(s) within the outlined area. The cost for removal will be at the District's expense provided that the load being served is also removed.

62. Electrical service to the individual lots is not available at this time. Customer should contact the District's Electrical Engineering Department to arrange for electrical service to the site.
63. A 10-foot Public Utilities Easement (PUE) is required along all existing and proposed street frontages.
64. The existing irrigation pipeline must be removed and replaced and irrigation easements provided as noted by MID. All work on irrigation facilities must be coordinated with the MID Civil Engineering Department.
65. A six-foot high masonry wall is required adjacent to the MID Lateral 6 right-of-way.
66. An irrigation sign-off form must be completed for the applicant's property.
67. Prior to any development an irrigation plan must be submitted to and approved by the MID Civil Engineering Department.

LAFCO

68. The project site shall be served by City of Modesto water through the existing outside boundary service agreement "Annexation Agreement" approved by City Council Resolution 90-612.

Native American Heritage Commission

69. Prior to issuance of the first grading or building permit and prior to any construction occurring on site, the applicant shall contact the appropriate Cultural Resources Information Center for a records search and the Native American Heritage Commission for a Sacred Lands File check. Copies of correspondence and results from the contacts shall be forwarded to the Stanislaus County Planning Department for review prior to issuance of any building permit.

CalTrans

70. All staff approval applications, including site plans, shall be forwarded to CalTrans for review prior to issuance of each building permit.

/KF
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FINDINGS REQUIRING DENIAL

REZONE APPLICATION NO. 2001-09 AND PARCEL MAP APPLICATION NO. 2001-12 BERBERIAN PROPERTIES, LLC

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.

/kf
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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. 2001-09 and Vesting Tentative Parcel Map Application No. 2001-12 - Berberian Properties, LLC**
2. Lead agency name and address: **Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354**
3. Contact person and phone number: **Carole Maben, Assistant Planner
(209) 525-6330**
4. Project location: **South side of Bangs Avenue, between the Union Pacific Railroad right-of-way and McHenry Avenue, in the Modesto area. (APN No. 046-04-18))**
5. Project sponsor's name and address: **Berberian Properties, LLC
3501 Coffee Road, Suite 1
Modesto, CA 95355**
6. General plan designation: **Planned Industrial**
7. Zoning: **Planned Industrial (PI 5)**
8. Description of project: **Request to change the zoning from expired Planned Industrial (PI 5) to a new Planned Industrial (PI) and create 52 parcels ranging in size from one-half to one acre parcels from a 44± acre parcel for an industrial business park.**
9. Surrounding land uses and setting: **Commercial/Industrial uses to the north, west and south and an orchard to the west.**
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.

Carole Maben
Signature

June 3, 2001
Date

Carole Maben
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 proposed project is currently zoned for Planned Industrial use, and development of the site will remove 44± acres of alfalfa from agricultural production. The subject site is surrounded primarily by commercial/light industrial development. The project is considered in-fill and is consistent with the industrial zoning designation in the Stanislaus County General Plan. This project will not involve other changes to the existing environment which could result in the conversion of Farmland to non-agricultural use.

Mitigation: None.

References: County policies, 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
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.

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.

In a letter dated April 30, 2001, the District noted it had concerns regarding asbestos and if the project site contains any buildings needing demolition or renovation the applicant will need to be in compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAPS), and this will be placed as a condition of approval for this project.

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: Letter dated April 30, 2001 from the San Joaquin Valley Air Pollution Control District, 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
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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"/> |

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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"/>
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 indication that 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 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: Stanislaus County Public Works Department - 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

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

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

Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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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. The site will have septic systems until public sewer service becomes available. The property owner has agreed to annexation if one takes place in the area. The California Regional Water Quality Control Board noted their concern that there could be a potentially significant impact to groundwater quality associated the generation of industrial wastewater that is environmentally significant in terms of volume and/or chemical water and a mitigation measure is in place to address the concern to a less than significant impact. The Department of Environmental Resources also noted concerns with groundwater quality and a mitigation measure requiring compliance with the Primary and Secondary Sewage 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 to a less than significant impact. 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. *Prior to the issuance of a building permit, the Department of Environmental Resources will review plans for each individual facility. 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 by the Board.*
7. *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 Department - referral response dated May 1, 2001, California Regional Water Quality Control Board dated April 23, 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"/> |

Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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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 the City of Modesto relating to traffic impacts are addressed in the Transportation/Traffic section of this study.

Mitigation: None.

References: City of Modesto - referral response dated May 7, 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"/> |
| 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"/> |

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

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"/>

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

8. *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 17 2001, Stanislaus County General Plan - Adopted June 1994, Stanislaus County General Plan Support Documentation - Adopted June 1987.

XIV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: 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 checked="" type="checkbox"/>	<input 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"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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 front onto a County maintained road and will have access onto Bangs Avenue from the extensions of Spryes Way and North Star Way. The Public Works Department has not identified any significant traffic concerns associated with this project. The City of Modesto's Engineering and Transportation has identified the need for Bangs Avenue to be widened for a 4-lane major collector street from McHenry Avenue to Tully Road to accommodate future traffic. A mitigation measure has been added to require right-of-way dedication to City standards on Bangs Avenue. Caltrans has indicated the need for a traffic study to analyzed traffic impacts associated with this project. The project has a measure regarding the right-of-way that would reduce any impacts of the project to a less than significant impact, and the project is consistent with the development analysis in the City of Modesto's Final Master Environmental Impact Report (MEIR) for the Urban Area General Plan, which was certified by the Modesto City Council on August 15, 1995. There is no indication the proposed parcels will result in inadequate emergency access and/or inadequate parking based on the requested uses.

Mitigation:

- 9. Right-of-way shall be dedicated on Bangs Avenue to 42-feet.

References: Letter dated May 7, 2001 from the City of Modesto Community Development Department, Stanislaus County Public Works Department - referral response dated May 1, 2001, City of Modesto - referral response dated April 30, 2001, Stanislaus County General Plan - Adopted June 1994, and the 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"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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. Regarding water for this site, the project will need to go before LAFCO (Local Agency Formation Commission) for an Out-of-Boundary Service Agreement to obtain water from the City of Modesto, per Government Code Section 56133. Lot 52 containing 1.23 acres will be used as the storm drain basin. However, the Department of Public Works in a response dated May 1, 2001 noted that if the basin is not of sufficient size to accommodate a basin that conforms County standards, the lot will have to be enlarged enough to accommodate a basin that conforms to County standards. This will be placed as a condition of approval for the project. Also, a mitigation measure has been added to address the reduction in waste stream generated by recycling all applicable waste products.

Mitigation:

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. *Per Government Code 56133, the applicant will need to go before LAFCO (Local Agency Formation Commission) to obtain an Out-of-Boundary Service Agreement to obtain water from the City of Modesto.*

References: Stanislaus County Public Works Department - referral response dated May 1, 2001, 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"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? /cm (I:\Staff\p\pm-2001.s\pm2001-09&pm2001-12.is.wpd)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUMMARY RESPONSES: ENVIRONMENTAL REFERRALS PROJECT: REZ 2001-09 & PARCEL MAP 2001-12 - BERBERIAN PROPERTIES, LLC

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 6, 2001										
AGRICULTURE COMMISSIONER	X		X							
AIRPORT LANDS COMMISSION										
CA DEPT OF FORESTRY										
CALTRANS	X	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		X								
IRRIGATION DISTRICT: MODESTO	X	X	X		X		X		X	
LAFCO	X		X			X			X	
MOSQUITO DISTRICT: EASTSIDE		X		X						
MOUNTAIN VALLEY EMERGENCY MEDICAL	X	X		X						
MUNICIPAL ADVISORY COUNCIL										
PARKS & FACILITIES	X			X						
P.G. & E.	X	X	X		X					
PUBLIC WORKS	X		X			X			X	
REDEVELOPMENT	X			X						
REGIONAL WATER QUALITY	X	X	X		X		X		X	
RISK MANAGEMENT	X		X				X			
StanCOG	X			X						
SCHOOL DISTRICT 1: SYLVAN ELEMENTARY	X	X	X			X				
SCHOOL DISTRICT 2: MODESTO HIGH SCHOOL	X	X	X			X			X	
SHERIFF	X	X	X			X				
STANISLAUS COUNTY FARM BUREAU	X			X						
STANISLAUS ERC	X		X		X		X		X	
STATE CLEARINGHOUSE	X		X			X				
STATE LANDS BOARD										
SUPERVISORIAL DISTRICT: 4 (SIMON)	X			X						
TELEPHONE COMPANY (PACIFIC BELL)	X	X		X						
TUOLUMNE RIVER PRESERVATION TRUST										
US FISH & WILDLIFE	X			X						
VALLEY AIR DISTRICT	X		X		X				X	
WATER DISTRICT		X								
NATIVE AMERICAN HERITAGE	X		X			X	X		X	

Stanislaus County
Planning and Community Development

1010 10th Street
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Fax: 525-5911

Mitigation Monitoring Plan

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

June 3, 2001

- | | |
|--|---|
| 1. Project title and location: | Rezone Application No. 2001-09 and Vesting Tentative Parcel Map Application No. 2001-12 - Berberian Properties, LLC |
| 2. Project Applicant name and address: | Berberian Properties, LLC
3501 Coffee Road, Suite 1
Modesto, CA 95355 |
| 3. Person Responsible for Implementing Mitigation Program (Applicant Representative): | Berberian Properties, LLC |
| 4. Contact person at County: | Carole Maben, Assistant 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. <u>1</u> 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: Department of Public Works.
Other Responsible Agencies: None.

No. 6 Mitigation Measure:

~~Prior to the issuance of a building permit, the Department of Environmental Resources will review plans for each individual facility. 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.~~
Prior to issue of the first building permit, the Developer and the County shall determine which one of the following mitigation measures shall be implemented:

1. Prior to issuance of a building permit on each parcel, the applicant shall submit a Staff Approval Application to

Stanislaus County which will be forwarded to the Regional Water Quality Control Board for review to determine if Waste Discharge Requirements (WDRs) are required. A State of California application (Report of Waste Discharge) shall accompany each Staff Approval application; OR,

2. Prior to issuance of the first building permit, the developer shall form either a private or public entity for conveying and treating wastewater from the entire proposed development. Design of a package wastewater treatment facility shall be completed and shall comply with all local and State requirements for wastewater discharge. Construction of the wastewater treatment facility shall be completed and approved by both the State Regional Water Quality Control Board and Stanislaus County prior to occupancy of the first building; OR,

3. Prior to issuance of the first building permit, the applicant shall provide proof that direct connection to the City of Modesto (or other appropriate jurisdiction's) sanitary sewer facilities will occur prior to occupancy of the first building. Connection shall physically be completed for each building prior to occupancy.

Who implements the Measure:

Applicant.

When should the measure be implemented:

Prior to issuance of building permit.

When should it be completed:

On going.

Who verifies compliance:

Department of Environmental Resources.

Other Responsible Agencies:

California Regional Water Quality Control Board.

No. 7 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.

XIII. PUBLIC SERVICES

No. 8 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.

XV. TRANSPORTATION/TRAFFIC

No. 9 Mitigation Measure: Right-of-way shall be dedicated on Bangs Avenue to 48-feet with a bike lane.

Who Implements the Measure: The applicant.

When should the measure be implemented: Prior to development.

When should it be completed: Prior to development.

Who verifies compliance: Department of Public Works.

Other Responsible Agencies: City of Modesto.

VI. UTILITIES AND SERVICE SYSTEMS

No. 10 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.

No. 11 Mitigation Measure: Per Government Code 56133, the applicant will need to go before LAFCO (Local Agency Formation Commission) to obtain an Out-of-Boundary Service Agreement to obtain water from the City of Modesto.

Who Implements the Measure:	Applicant.
When should the measure be implemented:	Prior to any building permit.
When should it be completed:	Prior to any building permit.
Who verifies compliance:	LAFCO
Other Responsible Agencies:	LAFCO, City of Modesto

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

Date

AS AMENDED BY THE PLANNING COMMISSION
AUGUST 16, 2001

MITIGATED NEGATIVE DECLARATION

- NAME OF PROJECT:** Rezone Application No. 2001-09 and Vesting Tentative Parcel Map Application No. 2001-12 - Berberian Properties, LLC
- LOCATION OF PROJECT:** South side of Bangs Avenue, between the Union Pacific Railroad right-of-way and McHenry Avenue, in the Modesto area. (APN No. 046-04-18)
- PROJECT DEVELOPER:** Berberian Properties, LLC
3501 Coffee Road, Suite 1
Modesto, CA 95355
- DESCRIPTION OF PROJECT:** Request to change the zoning from expired Planned Industrial (PI 5) to a new Planned Industrial (PI) and create 52 parcels ranging in size from one-half to one± acre parcels from a 44± acre parcel for an industrial business park.

Based upon the Initial Study, dated **June 3, 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. Prior to the issuance of a building permit, the Department of Environmental Resources will review plans for each individual facility. 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.~~
6. Prior to issuance of the first building permit, the Developer and the County shall determine which one of the following mitigation measures shall be implemented:
 1. Prior to issuance of a building permit on each parcel, the applicant shall submit a Staff Approval Application to Stanislaus County which will be forwarded to the Regional Water Quality Control Board for review to determine if Waste Discharge Requirements (WDRs) are required. A State of California application (Report of Waste Discharge) shall accompany each Staff Approval application; OR,
 2. Prior to issuance of the first building permit, the developer shall form either a private or public entity for conveying and treating wastewater from the entire proposed development. Design of a package wastewater treatment facility shall be completed and shall comply with all local and State requirements for wastewater discharge. Construction of the wastewater treatment facility shall be completed and approved by both the State Regional Water Quality Control Board and Stanislaus County prior to occupancy of the first building; OR,
 3. Prior to issuance of the first building permit, the applicant shall provide proof that direct connection to the City of Modesto (or other appropriate jurisdiction's) sanitary sewer facilities will occur prior to occupancy of the first building. Connection shall physically be completed for each building prior to occupancy.

7. 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).
8. 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.
9. Right-of-way shall be dedicated on Bangs Avenue to 48-feet with a bike lane.
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. Per Government Code 56133, the applicant will need to go before LAFCO (Local Agency Formation Commission) to obtain an Out-of-Boundary Service Agreement to obtain water from the City of Modesto.

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: Carole Maben, Assistant 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. 2001-09 and Vesting Tentative Parcel Map Application No. 2001-12 - Berberian Properties, LLC, South side of Bangs Avenue, between the Union Pacific Railroad right-of-way and McHenry Avenue, in the Modesto area, Stanislaus County.

Project Description:

Request to change the zoning from expired Planned Industrial (PI 5) to a new Planned Industrial (PI) and create 52 parcels ranging in size from one-half to one ± acre parcels from a 44± acre parcel for an industrial business park.

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) The project will not result in the creation of new 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: _____

B. REZONE APPLICATION NO. 2001-09 AND PARCEL MAP APPLICATION NO. 2001-12 - BERBERIAN PROPERTIES, LLC

Request to change the zoning from expired Planned Industrial (PI 5) to a new Planned Industrial (PI) and create 52 parcels ranging in size from one-half to one ± acre parcels from a 44 ± acre parcel for an industrial business park. The project is located at 418 Bangs, between the Union Pacific Railroad right-of-way and McHenry Avenue, in the Modesto area. A Mitigated Negative Declaration will be considered.

APN: 046-04-18

Staff report: Kirk Ford Recommends **APPROVAL**.

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: Dave Romano, 801 10th Street, Modesto. Exhibit A - Request for amended condition changes addressed to the Planning Commission; Exhibit A-2 Map of project location and pictures of project location; Exhibit A-3 Map of project location.

Public hearing closed.

MOTION TO DELETE CONDITION 65

Cusenza/McWilliams, Unanimous **APPROVED**

MOTION TO REPLACE CONDITION #65 TO READ AS FOLLOWS: "A SIX-FOOT CHAIN LINK FENCE TO SURROUND THE AREA ADJACENT TO M. I. D. LATTERAL 6 AND ALSO THE UNION PACIFIC TRACKS."

Souza/Haney, Unanimous **APPROVED**

MOTION TO DELETE CONDITION #70

Haney/Crivelli, Unanimous **APPROVED**

MOTION TO AMEND CONDITION NO. 18 TO READ AS FOLLOWS: "PRIOR TO THE ISSUANCE OF BUILDING PERMITS THE DEVELOPER MUST OBTAIN WASTE WATER DISCHARGE REQUIREMENTS FROM THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, IF NECESSARY."

Wetherbee/Haney, Unanimous, **APPROVED**

MOTION TO AMEND CONDITION NO. 17 TO READ AS FOLLOWS:

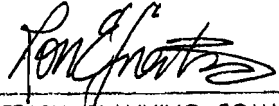
"ALL PROPOSED USES WITHIN THE PI ZONE SHALL, PRIOR TO ANY ISSUANCE OF A BUILDING PERMIT, CONSTRUCTION OR USE, OBTAIN A STAFF APPROVAL PERMIT TO ALLOW SITE PLAN AND OPERATIONAL/DESIGN REVIEW. SAID STAFF APPROVALS SHALL BE CIRCULATED FOR COMMENTS, PER NORMAL COUNTY PROCEDURES.

Wetherbee/McWilliams, Unanimous **APPROVED**

RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS WITH THE ABOVE AMENDED CONDITIONS OF APPROVAL, AMENDED MITIGATED NEGATIVE DECLARATION, AND NO. 6 OF THE AMENDED MITIGATION MONITORING PLAN WILL READ AS FOLLOWS:

6. **PRIOR TO ISSUANCE OF THE FIRST BUILDING PERMIT, THE DEVELOPER AND THE COUNTY SHALL DETERMINE WHICH ONE OF THE FOLLOWING MITIGATION MEASURES SHALL BE IMPLEMENTED:**
 1. **"PRIOR TO ISSUANCE OF A BUILDING PERMIT ON EACH PARCEL, THE APPLICANT SHALL SUBMIT A STAFF APPROVAL APPLICATION TO STANISLAUS COUNTY WHICH WILL BE FORWARDED TO THE REGIONAL WATER QUALITY CONTROL BOARD FOR REVIEW TO DETERMINE IF WASTE DISCHARGE REQUIREMENTS (WDRS) ARE REQUIRED. A STATE OF CALIFORNIA APPLICATION (REPORT OF WASTE DISCHARGE) SHALL ACCOMPANY EACH STAFF APPROVAL APPLICATION; OR,**
 2. **PRIOR TO ISSUANCE OF THE FIRST BUILDING PERMIT, THE DEVELOPER SHALL FORM EITHER A PRIVATE OR PUBLIC ENTITY FOR CONVEYING AND TREATING WASTEWATER FROM THE ENTIRE PROPOSED DEVELOPMENT. DESIGN OF A PACKAGE WASTEWATER TREATMENT FACILITY SHALL BE COMPLETED AND SHALL COMPLY WITH ALL LOCAL AND STATE REQUIREMENTS FOR WASTEWATER DISCHARGE. CONSTRUCTION OF THE WASTEWATER TREATMENT FACILITY SHALL BE COMPLETED AND APPROVED BY BOTH THE STATE REGIONAL WATER QUALITY CONTROL BOARD AND STANISLAUS COUNTY PRIOR TO OCCUPANCY OF THE FIRST BUILDING; OR,**
 3. **PRIOR TO ISSUANCE OF THE FIRST BUILDING PERMIT, THE APPLICANT SHALL PROVIDE PROOF THAT DIRECT CONNECTION TO THE CITY OF MODESTO (OR OTHER APPROPRIATE JURISDICTION'S) SANITARY SEWER FACILITIES WILL OCCUR PRIOR TO OCCUPANCY OF THE FIRST BUILDING. CONNECTION SHALL PHYSICALLY BE COMPLETED FOR EACH BUILDING PRIOR TO OCCUPANCY.**

Souza/Haney, Unanimous, APPROVED

EXCERPT
PLANNING COMMISSION
MINUTES

_____ SECRETARY, PLANNING COMMISSION
10/3/01 _____ DATE

BOARD REQUEST FOR BERBERIAN

1a. Adopt Original Mitigation Measure 6, as contained in the executed Mitigation Monitoring Plan, and as imposed by the Board on the Condit Project on August 28, 2001

6. Prior to the issuance of a building permit, the Department of Environmental Resources will review plans for each individual facility. 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.

1b. If the Board chooses to impose the new Mitigation Measure 6, then modify as shown since the need for a Report of Waste Discharge Report can be determined as part of the referral

6. Prior to issuance of the first building permit, the Developer and the County shall determine which one of the following mitigation measures shall be implemented:

1. Prior to issuance of a building permit on each parcel, the applicant shall submit a Staff Approval Application to Stanislaus County which will be forwarded to the Regional Water Quality Control Board for review to determine if Waste Discharge Requirements (WDRs) are required. ~~A State of California application (Report of Waste Discharge) shall accompany each Staff Approval application;~~ OR,

2. Prior to issuance of the first building permit, the developer shall form either a private or public entity for conveying and treating wastewater from the entire proposed development. Design of a package wastewater treatment facility shall be completed and shall comply with all local and State requirements for wastewater discharge. Construction of the wastewater treatment facility shall be completed and approved by both the State Regional Water Quality Control Board and Stanislaus County prior to occupancy of the first building; OR,

3. Prior to issuance of the first building permit, the applicant shall provide proof that direct connection to the City of Modesto (or other appropriate jurisdiction's) sanitary sewer facilities will occur prior to occupancy of the first building. Connection shall physically be completed for each building prior to occupancy.

BOARD REQUEST FOR BERBERIAN

2a. Delete Condition No. 18, as this is already addressed in the Mitigation Measure adopted above, is not consistent with the Mitigation Measure, and has not been imposed on previous projects

~~18. Prior to the issuance of the first building permit, the Developer must obtain Waste Discharge Requirements (WDR's) from the California Regional Water Quality Control Board, if necessary.~~

2b. If the Board chooses to impose the new Condition No. 18, then modify as shown below to be consistent with County policy

18. Prior to the issuance of ~~the first~~ each building permit, the Developer must obtain Waste Discharge Requirements (WDR's) from the California Regional Water Quality Control Board, if necessary.

*If we have to
delete WDR
from the list*

STANDARD CONDITION

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).

RUSSELL A. NEWMAN

A PROFESSIONAL LAW CORPORATION

Russell A. Newman
Leslie Kalim McHugh

David O. Romano, P.E., AICP

801 Tenth Street
Fifth Floor - Suite One
Modesto, California
95354-2302

TELEPHONE 209.521.9521
FAX 209.521.4968

FAX TRANSMITTAL FORM

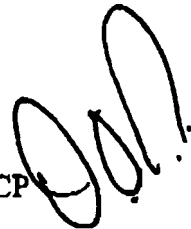
DATE: October 8, 2001

TIME: 5:45 p.m.

PLEASE FORWARD TO: Chairperson Paul

TELECOPIER TELEPHONE NUMBER: 525-4410

TRANSMISSION FROM: David O. Romano, P.E., AICP



NUMBER OF PAGES (including this cover page): 6

OPERATOR: Julie Martino

ATTACHMENT(S):

MESSAGE: Chairperson Paul: For tomorrow's Board of Supervisors meeting.

Cc: Dean Arakelian, Berberian Properties, LLC
Michael Krausnick, County Counsel
George Stillman, Director, Department of Public Works
Kevin Williams, Director, Department of Environmental Resources
Kirk Ford, Senior Planner, Department of Planning and Community Development
Russell A. Newman

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RUSSELL A. NEWMAN

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801 Tenth Street
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95354-2311
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October 8, 2001

Chairperson Paul
Members of the Board of Supervisors
Stanislaus County Board of Supervisors
1010 Tenth Street, Suite 6500
Modesto, CA 95354

RE: **Rezone Application No. 2001-09 & Vesting Tentative Parcel Map Application
No. 2001-12 - Berberian Properties, LLC**

Dear Chairperson Paul and Members of the Board:

Tomorrow morning, as Agenda Item V, you will consider a rezoning for the aforementioned property and approval of a Vesting Tentative Parcel Map. The project is a 52-lot Planned Industrial Business Park on Bangs Avenue. The purpose of this letter is to clarify our understanding of the Conditions of Approval for the project as they relate to standard improvements and septic systems.

County Standard Improvements

With respect to the project's standard improvements, Condition of Approval No. 28 from the County states that all roads and storm drainage will be built to County standards, while Condition No. 55 from the City of Modesto requests that improvements be constructed to City of Modesto standards.

Since Modesto will own and operate the water and future sewer system, standard practice has been that the City of Modesto approves the Improvement Plans for sewer and water, and the County for the other improvements. Bangs Avenue is currently under construction as a 70-foot County standard roadway north of the site, and the Improvement Plans for that project contain two (2) signature blocks, one for the County and one for the City, which confirm this understanding. A copy of these signature blocks is attached. With this understanding, these conditions are clear and can be implemented.

Chairperson Paul
Members of the Board of Supervisors
October 8, 2001
Page 2

We also request that Condition of Approval No. 45 be deleted. We do not take exception to this Condition, but understand from Public Works that a County Service Area ("CSA") will not be required. If it is not needed, then the Condition should be deleted, and if it is desired, then we will work with the County to establish a CSA. ✓

Regarding on-site roadways, since the project is granting an additional 7 feet of right-of-way along Bangs Avenue for future widening at the request of the City, the County Public Works Department agreed to consider a 60-foot wide right-of-way section for the internal project roadways. All County standard improvements for a 70-foot roadway will still be constructed, and all that is affected is that some landscaping will now be on private property. We greatly appreciate the Public Works Department working with us to resolve these issues and to promote this development.

Septic Systems

The project currently contains two mitigation measures, and two conditions of approval, which relate to the construction of septic systems at the site. These conditions were worked out by staff, and the Regional Water Quality Control Board ("RWQCB"), and modified by the Planning Commission.

We were concerned with these conditions as they were new. Since the Planning Commission, we have been discussing this matter with Department of Environmental Resources ("DER") staff in an effort to understand what standard County practice would be related to the issuance of septic permits. On our behalf, the DER contacted the RWQCB to discuss the issue. It is now our understanding that the RWQCB desires that all building permits for commercial or industrial projects be referred to them for their review. We also understand that the Department of Environmental Resources will implement this understanding on all commercial and industrial building permits.

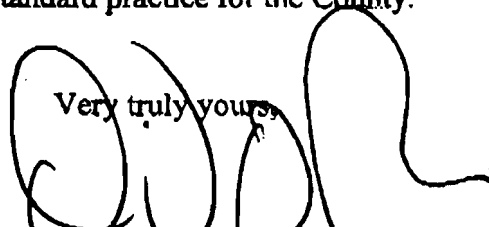
We therefore believe, based upon DER's conversations with the RWQCB, there is a consistent process followed by the County, and acceptable to the RWQCB, related to the issuance of permits for septic systems. As we hope to have a project with understandable entitlements, we would therefore request this project be approved with conditions consistent with the process now followed by the DER. To achieve this, only two minor changes are required.

First, the second sentence of Mitigation Measure No. 6(1) can be deleted. The decision whether to require a Report of Waste Discharge should grow out of the referral, and not be mandated as part of any application. Only if Waste Discharge Requirements are needed, or if the RWQCB requests a Report of Waste Discharge, should one be required.

**Chairperson Paul
Members of the Board of Supervisors
October 8, 2001
Page 3**

Second, to be consistent with Mitigation Measure No. 6, Condition of Approval No. 18 should be modified to be required for each building permit. These proposed changes are shown on the attachment and will clarify the process we are to follow when development of the site occurs, and are consistent with the method of permit review the County will follow for all similar projects.

Thank you for your consideration of these changes. The modifications and/or clarifications set forth above are consistent with those imposed on previously approved projects in the area, and are also consistent with standard practice for the County.

Very truly yours,

David O. Romano, P.E., AICP

DOR:jm
Attachments

cc: Dean Arakelian, Berberian Properties, LLC
Michael Krausnick, County Counsel
George Stillman, Director, Department of Public Works
Kevin Williams, Director, Department of Environmental Resources
Kirk Ford, Senior Planner, Department of Planning and Community Development
Russell A. Newman

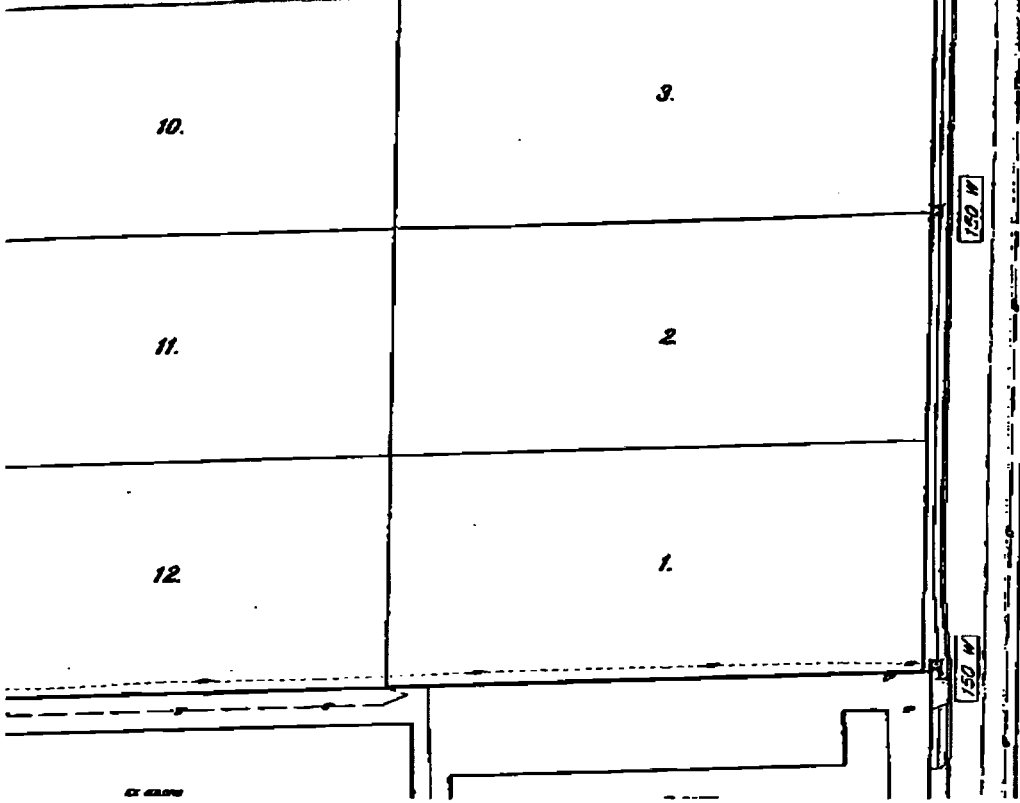
NO. 797 P05

RUSSELL A. NEWMAN, P.L.C. → 209 525 4473

(AGNEER
2004/04/12)

12.5
1)
1)

10/08/01 17:10



- 6. SANITARY SEWER, STORM DRAIN,
- 7. PLAN & PROFILE -- BANGS AVENUE
- 8. PLAN & PROFILE -- SPIRES WAY
- 9. PLAN & PROFILE -- GLASS LANE
- 10. PLAN & PROFILE -- GLASS COURT
- 11. DRAINAGE BASIN PLAN & DETAIL
CONSTRUCTION DETAILS . . . SEE

UTILITY COMPANIES

- SANITARY SEWER : CITY OF MODESTO
ATTN : CONNIE FORD
ATTN : BOB MILEG
- WATER : CITY OF MODESTO
ATTN : JOE WELLS
- IRRIGATION : MODESTO IRRIGATION DISTRICT
ATTN : BILL NETSCHER
- ELECTRICAL : MODESTO IRRIGATION DISTRICT
ATTN : DESI MORENO
- GAS : PACIFIC GAS & ELECTRIC COMPANY
ATTN : DENNIS PAPALINGAUG
- TELEPHONE : PACIFIC BELL
ATTN : MARSHAL FERNANDEZ
- CABLE TELEVISION : CABLE ONE
ATTN : SUE STERLING

STREET	CLASS	SECTION	T.I.	R-VAL	ROW	WALK	CURB
BANGS AVENUE	LT. INDUSTRIAL	.45' A.C. OVER 1.25' A.B.	9.0	21	70'	5'	VERT.
SPIRES WAY	LT. INDUSTRIAL	.45' A.C. OVER 1.45' A.B.	9.0	15	70'	5'	VERT.
GLASS LANE	LT. INDUSTRIAL	.45' A.C. OVER .45' A.B.	9.0	54	70'	NONE	VERT.
GLASS COURT	LT. INDUSTRIAL	.45' A.C. OVER .45' A.B.	9.0	54	70'	NONE	VERT.

APPROVED BY THE DIRECTOR OF PUBLIC WORKS, STANISLAUS COUNTY, CA.

DATE : _____

BY : _____

APPROVED BY THE CITY ENGINEER, CITY OF MODESTO (FOR SANITARY SEWER AND WATER FACILITIES ONLY).

DATE : _____

BY : _____

APPROVED BY THE MODESTO IRRIGATION DISTRICT, IRRIGATION DEPT. (FOR IRRIGATION FACILITIES ONLY).

DATE : _____

BY : _____



Sewer Mitigation Measures and Conditions

Mitigation Measure

6. Prior to issuance of the first building permit, the Developer and the County shall determine which one of the following mitigation measures shall be implemented:
 1. Prior to issuance of a building permit on each parcel, the applicant shall submit a Staff Approval Application to Stanislaus County which will be forwarded to the Regional Water Quality Control Board for review to determine if Waste Discharge Requirements (WDRs) are required. ~~A State of California application (Report of Waste Discharge) shall accompany each Staff Approval application;~~ OR,
 2. Prior to issuance of the first building permit, the developer shall form either a private or public entity for conveying and treating wastewater from the entire proposed development. Design of a package wastewater treatment facility shall be completed and shall comply with all local and State requirements for wastewater discharge. Construction of the wastewater treatment facility shall be completed and approved by both the State Regional Water Quality Control Board and Stanislaus County prior to occupancy of the first building; OR,
 3. Prior to issuance of the first building permit, the applicant shall provide proof that direct connection to the City of Modesto (or other appropriate jurisdiction's) sanitary sewer facilities will occur prior to occupancy of the first building. Connection shall physically be completed for each building prior to occupancy.
7. 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).

Conditions of Approval

17. All proposed uses within the PI zone shall, prior to any issuance of a building permit, construction or use, obtain a staff approval permit to allow site plan and operational/design review. Said staff approvals shall be circulated for comments, per normal County procedures.
18. Prior to the issuance of ~~the first~~ each building permit, the Developer must obtain Waste Discharge Requirements (WDR's) from the California Regional Water Quality Control Board, if necessary.
23. 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), and shall comply with all requirements of the California RWQCB.



September 28, 2001



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Stanislaus County Board of Supervisors will hold a public hearing on **Tuesday, October 9, 2001**, starting at **9:25 A.M.** in the Joint Chambers, 1010 10th Street, Basement Level, Modesto, California, to consider the following:

REZONE APPLICATION NO. 2001-09 AND PARCEL MAP APPLICATION NO. 2001-12 - BERBERIAN PROPERTIES, LLC

Request to change the zoning from expired Planned Industrial (PI 5) to a new Planned Industrial (PI) and create 52 parcels ranging in size from one-half to one ± acre parcels from a 44 ± acre parcel for an industrial business park. The project is located at 418 Bangs Avenue, in the Modesto area.

The property is further identified as Assessor's Parcel No. 046-04-18. The Board of Supervisors will also consider approval of a Mitigated Negative Declaration for this item.

At the above noticed time and place, all interested persons will be given an opportunity to speak.

Materials submitted to the Board for consideration (i.e., photos, slides, petitions, letters, etc.) will be retained by the County and cannot be returned.

If you challenge the above item in court, you may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Board, at or prior to, the public hearing.

For further information, please call (209) 525-6330.

PROOF OF SERVICE BY MAIL - CCP 1013a, 2015.5

I declare that:

I am employed in the County of Stanislaus, California.
(County where mailing occurred)

I am over the age of eighteen years and not a party to the within entitled cause; my business address is:

Stanislaus County Administration Building
Department of Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

On September 28, 2001,
(Date), I served the attached Notice of Public Hearing

REZONE APPLICATION NO. 2001-09 AND PARCEL MAP APPLICATION NO. 2001-12 - BERBERIAN PROPERTIES, LLC on the parties listed below in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Modesto, California, addressed as follows:

SEE ATTACHED LIST

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on September 28, 2001, at Modesto, California.
(Date)

Tammy J. Maddern
(Type or print name)

Tammy J. Maddern
Signature

ORDINANCE NO. C.S. - 772

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.914 FOR THE PURPOSE OF REZONING FROM EXPIRED PLANNED INDUSTRIAL (PI 5) TO A NEW PLANNED INDUSTRIAL (PI) AND CREATE 52 PARCELS RANGING IN SIZE FROM ONE-HALF TO ONE ± ACRE PARCELS FROM A 44± ACRE PARCEL FOR AN INDUSTRIAL BUSINESS PARK. THE PROJECT IS LOCATED AT 418 BANGS, BETWEEN THE UNION PACIFIC RAILROAD RIGHT-OF-WAY AND MCHENRY AVENUE, IN THE MODESTO AREA. APN: 046-04-18

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

Section 1. Sectional District Map No. 9-110.914 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 9th day of October, 2001, by the following called vote:

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

NOES: Supervisors: None

ABSENT: Supervisors: None

ABSTAINING: Supervisors: None

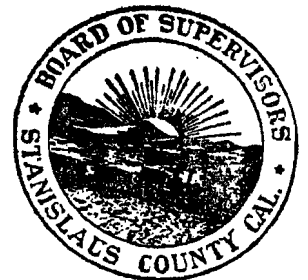
Bob Paul

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

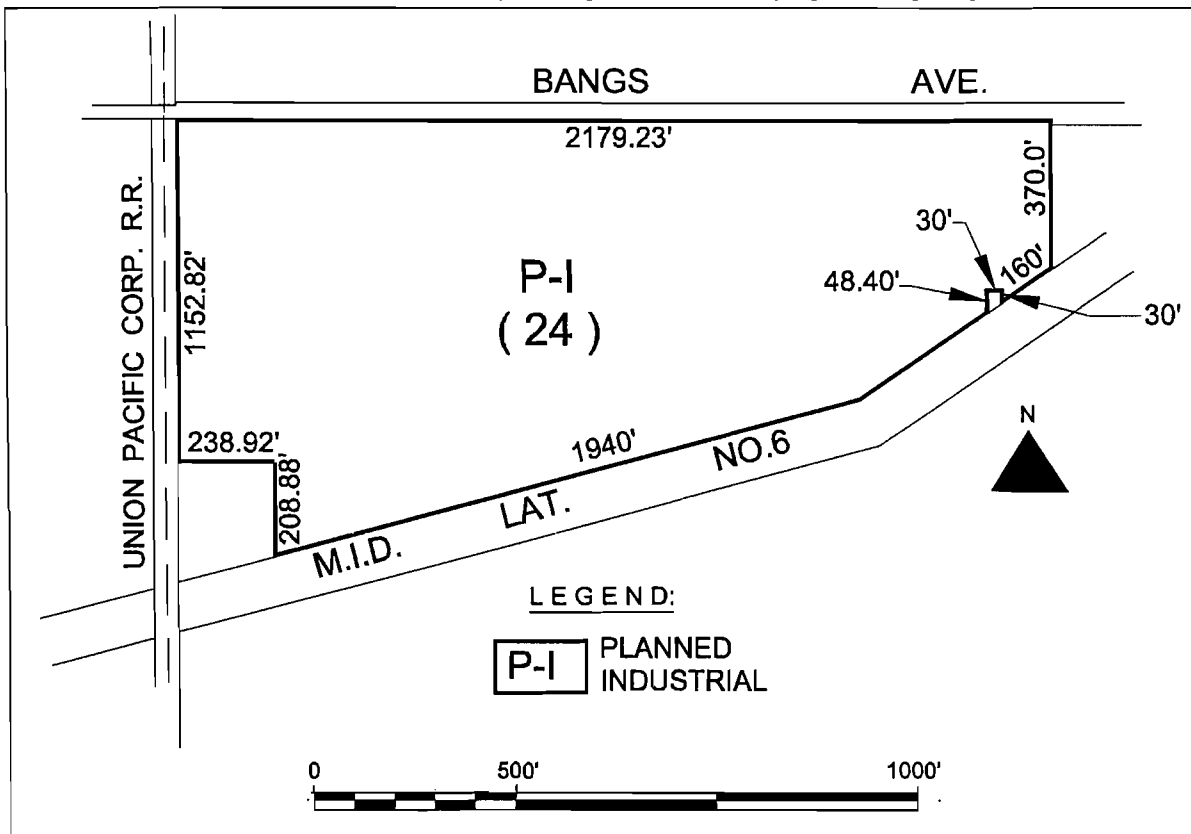
ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors of
the County of Stanislaus,
State of California

Lillie Farriester

BY: Lillie Farriester, Assistant Clerk of the Board



SECTIONAL DISTRICT MAP NO.9 - 110 - 914



**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:

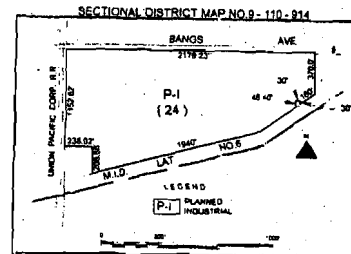
OCTOBER 13, 2001

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

OCTOBER 13, 2001


(Signature)

2001-79 ORDINANCE NO. C.S. - 772
AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.914 FOR THE PURPOSE OF REZONING FROM EXPIRED PLANNED INDUSTRIAL (PI 5) TO A NEW PLANNED INDUSTRIAL (PI) AND CREATE 52 PARCELS RANGING IN SIZE FROM ONE-HALF TO ONE ACRE PARCELS FROM A 44 ACRE PARCEL FOR AN INDUSTRIAL BUSINESS PARK. THE PROJECT IS LOCATED AT 418 BANGS, BETWEEN THE UNION PACIFIC RAILROAD RIGHT-OF-WAY AND MCHENRY AVENUE, IN THE MODESTO AREA. APN: 046-04-18
The Board of Supervisors of the County of Stanislaus, State of California, ordains as follows:
Section 1. Sectional District Map No. 9-110.914 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 9th day of October, 2001, by the following called vote:

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

NOES: Supervisors: None

ABSENT: Supervisors: None

ABSTAINING: Supervisors: None

Pat Paul

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

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of

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

BY: Lillie Farriester, Assistant Clerk of the Board October 13, 2001

ORD-54-I-6

ORD-54-I-6
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