

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

DEPT: Planning and Community Development

BOARD AGENDA # 6:40 p.m.

Urgent

Routine

AGENDA DATE December 18, 2007

CEO Concurs with Recommendation YES  NO

4/5 Vote Required YES  NO

(Information Attached)

SUBJECT:

Public Hearing to Consider General Plan Amendment Application #2006-07 and Rezone Application #2006-11, Belaski Repair Shop, a request to rezone and amend the General Plan on a 1.54-acre parcel from A-2-40 (General Agriculture) to Planned Development to authorize and legalize an existing, non-permitted, vehicle repair shop.  
(Continued on page 2)

PLANNING COMMISSION RECOMMENDATIONS:

After conducting a duly advertised public hearing at its regular meeting of November 15, 2007, the Planning Commission, by a 6-0 vote, recommended the Board deny the project as follows:

1. Find that a Negative Declaration is appropriate for the project, based on the Initial Study and other project amendments and information submitted by the applicant and commenting agencies.

(Continued on page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2007-1014

On motion of Supervisor DeMartini, Seconded by Supervisor Monteith,  
and approved by the following vote,

Ayes: Supervisors: Mayfield, Grover, Monteith, DeMartini, and Chairman O'Brien

Noes: Supervisors: None


Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

- 1)  Approved as recommended
- 2)  Denied
- 3)  Approved as amended
- 4)  Other:

MOTION: Based upon the staff report and comments by staff, the Board **denied** GPA Application #2006-07 and Rezone Application #2006-11, Belaski Repair Shop and approved Recommendations Nos. 1-3 as set forth on pages 1 and 2 of the staff report

ATTEST:

  
ELIZABETH A. KING, Assistant Clerk of the Board

File No. **ORD-55-D-15**

**SUBJECT: (Continued)**

The request involves approval of a conversion of an existing 2,400 square foot agricultural shop/building for the purposes of conducting full-service vehicle repair. The project is located at 2306 Gondring Road, east of Central Avenue, in the Ceres area, APN: 041-014-028.

**PLANNING COMMISSION RECOMMENDATION: (Continued)**

2. Find that the proposed General Plan Amendment is not consistent with the overall goals and policies of the Land Use Element of the County General Plan and the overall General Plan; and,
3. Deny General Plan Amendment Application No. 2006-07 and Rezone Application No. 2006-11, Belaski Repair Shop.

**DISCUSSION:**

This is a request to change the General Plan and zoning designations from "Agriculture" and A-2-40 (General Agriculture - 40-acre minimum) to Planned Development (PD) to authorize and legalize an existing, non-permitted, vehicle repair shop. The property contains one dwelling, a converted residential building to storage, and a 2,400 square foot agricultural shop building. The proposed Development Plan will allow the Belaski vehicle repair business to continue utilizing the property and the agricultural building.

This application was submitted after a Code Enforcement action was initiated against the property owner, who began operating a vehicle repair facility out of the agricultural building. Since this application was received, this non-permitted business has been able to continue to conduct vehicle repair from within the agricultural storage building. This is in direct competition with other vehicle repair businesses that secure and develop commercial or industrial sites, paying impact fees, permit fees, and taxes associated with a commercial business. The site plan, attached to the Planning Commission Staff Report (Attachment 1, page 20), shows the agriculture building in the center of the parcel, behind the main house. Should the Board of Supervisors approve this project, Development Standards would be required. In the event of an approval, information about upgrades to the property, that would be required to bring the auto repair business into compliance with Building, Fire, and Public Works requirements have been provided in the Development Standards. Furthermore, the applicant would need to provide parking improvements, septic and water improvements, landscaping and all the various components that are required to be in a Development Plan as required for all Planned Developments by Ordinance Code Section 21.40.070.

Approval of this project has two items that are required:

- Amend the Land Use Element Map of the County General Plan from Agricultural (AG) to Planned Development (PD).
- Rezone the property from Agricultural (A-2-40) to Planned Development (PD).

The project is located in the south Ceres area and is just beyond the Ceres Sphere of Influence.

Gondring Road runs east and west in the southern portion of Ceres and forms the southern boundary of its Sphere of Influence. The City has identified the area south of Gondring Road as part of its Phase 2 Urban Growth Area. The surrounding vicinity has a mixture of active commercial agricultural operations consisting mostly of orchards and row crops along with ranchette-sized properties, which contain single-family residences and personal livestock. Staff believes that this request is inconsistent with the Goals and Policies of the General Plan at this time, which is to allow a vehicle repair shop in an Agricultural zone. A detailed discussion of the request can be found in the attached Planning Commission Staff Report.

On November 15, 2007, the Planning Commission considered this application at a properly advertised public hearing. One person, the applicant's attorney spoke in favor to the project, Lawrence Beaver. No one spoke against the project. With little discussion, the Commission voted 6-0 to recommend to the Board of Supervisors a denial of the application, based on the reasons stated in the November 15, 2007 Staff Report.

The Commission discussion focused primarily on the topic related to the General Plan and preserving it from approval of non-agricultural uses, as one approval could set precedence for other businesses the desire to participate in commercial activities in agricultural zones. Further discussion related to the type of building the shop was contained. It was stated that the agricultural building/shop wasn't the issue, but the use inside the building was. After this discussion, the Commission followed staff's recommendation, and on a motion by Commissioner Souza, seconded by Commissioner Navarro to support the staff recommendation, recommend to the Board a denial of the project. A detailed discussion of the request and the reasons behind staff's recommendation for denial can be found in the attached Planning Commission Staff Report.

The Board should be aware that a significant amount of Commercial zoning has been approved in the Ceres area in recent years, to include substantial growth on the State Highway 99 corridor, new developments in the City of Ceres, notably on Mitchell Road, and Crows Landing Road and southern Modesto could properly furnish a vehicle repair business. There are indeed several areas, which would be suitable for this type of use.

Staff would like to note that we do not believe there is substantial evidence to support findings for approval for this application. The Board must, therefore, be very specific in citing its reasons for recommending approval, as well as the evidence it feels supports such a finding.

**POLICY ISSUES:**

The entire project can be considered a policy issue. The issue in question is to grant the requested change to the Stanislaus County General Plan. These policy documents help guide land use patterns and development for the future of the community. Staff and Planning Commission recommendations are based on Boards established policies. Approval of the application would be a conflict with the Board's policies and priorities, to maintain the agricultural viability of the project area.

**STAFFING IMPACT:**

None.

Public Hearing to Consider General Plan Amendment Application #2006-07 and Rezone  
Application # 2006-11 - Belaski Repair Shop  
Page 4

**ATTACHMENTS:**

1. Planning Commission Staff Report, November 15, 2007
2. Planning Commission Minutes, November 15, 2007
3. Letter from Lawrence C. Beaver, Attorney at Law, dated November 26, 2007

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# STANISLAUS COUNTY PLANNING COMMISSION

November 15, 2007

## STAFF REPORT

GENERAL PLAN AMENDMENT APPLICATION NO. 2006-07  
REZONE APPLICATION NO. 2006-11  
BELASKI REPAIR SHOP

**REQUEST:** TO AMEND THE STANISLAUS COUNTY GENERAL PLAN AND TO REZONE THE PROPERTY FROM A-2-40 (GENERAL AGRICULTURE) ZONING DISTRICT TO P-D (PLANNED DEVELOPMENT), TO AUTHORIZE AND LEGALIZE AN EXISTING, NON-PERMITTED, VEHICLE REPAIR SHOP. THE REQUEST INVOLVES APPROVAL OF A CONVERSION OF AN EXISTING 2,400 SQUARE FOOT AGRICULTURAL SHOP/BUILDING FOR THE PURPOSES OF CONDUCTING FULL-SERVICE VEHICLE REPAIR. THE PROJECT IS LOCATED AT 2306 GONDRING ROAD, EAST OF CENTRAL AVENUE, IN THE CERES AREA.

### APPLICATION INFORMATION

Applicant:	Joseph and Roseanna Belaski
Contact/Agent:	Lawrence Beaver
Location:	2306 Gondring Road, east of Central Avenue, in the Ceres area
Section, Township, Range:	23-4-9
Supervisory District:	Two (Supervisor Mayfield)
Assessor's Parcel:	041-014-028
Referrals:	See Exhibit "F" Environmental Review Referrals
Area of Parcels:	1.54 acres
Water Supply:	Private well
Sewage Disposal:	Septic
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	Agriculture
Community Plan Designation:	Not applicable
Williamson Act:	Not applicable
Environmental Review:	Negative Declaration
Present Land Use:	Single-family residence, converted residence used as storage, agricultural storage/barn
Surrounding Land Use:	Orchards, row crops, small ranchettes

### PROJECT DESCRIPTION

This is a request to amend the land use diagram of the Stanislaus County General Plan and rezone a 1.54 acre parcel from A-2-40 (General Agriculture) to PD (Planned Development) to allow the use of an existing 2,400 square foot agriculture building as a vehicle repair shop. The agricultural building is currently used for vehicle repair, which is not permissible in the A-2-40 zoning district. Approval of this request would provide for compatibility between the current, non-permitted use (on-site vehicle repair), and the zoning and General Plan designations.

The site contains a new (2006) manufactured single-family residence, a storage building, which has been converted from a single-family residence, and a large (2,400 square foot) agricultural storage building. No other site improvements exist on the property. According to the applicant's statement, there are no more than two (2) employees engaged in vehicle repair on site with no more than two (2) visitors per day and one (1) delivery per day. Business hours as stated are Monday through Friday, 8:00 a.m. to 6:00 p.m., and Saturday from 8:00 a.m. to 12:00 p.m. The site is served by a private well for water and on-site septic facilities for sewage disposal.

### **SURROUNDING VICINITY**

The project is located at 2306 Gondring Road, which is located in the south Ceres area, just beyond the Ceres Sphere of Influence. Gondring Road runs east and west in the southern portion of Ceres and forms the southern boundary of its Sphere of Influence (see Exhibit "A" - *Maps and Exhibits*, for a graphic representation). The City has identified the area south of Gondring Road as part of its Phase 2 Urban Growth Area, although neither the County nor LAFCO recognize this area as outside the City's Sphere of Influence. The surrounding vicinity has a mixture of active commercial agricultural operations consisting mostly of orchards and row crops along with ranchette-sized properties, which contain single-family residences and personal livestock. In close proximity are two (2) public schools associated with the Ceres Unified School District. The site is located approximately 500 feet south of the Joel Hidahl School, a public junior high school, and Central Valley High School is located approximately a half-mile north of the project.

### **DISCUSSION**

This application was submitted after a Code Enforcement action was initiated against the property owner, who began operating a vehicle repair facility out of the agricultural building on site. The original application submitted to the County Planning Department was for a Use Permit, and after communication with the property owner and review of the permissible uses in the A-2 zoning district, it was determined that a General Plan Amendment and Rezone was the appropriate application for the request. Upon receipt of the complete application, referrals were sent out to County agencies and departments and responsible/trustee agencies associated with Stanislaus County. The City of Ceres responded to the request and stated the City could not support the requested application because the proposed use conflicts with the City's designation of Medium Density Residential for the property. The site is within the City's Phase 2 Urban Growth Area, directly outside the City of Ceres Sphere of Influence. The City considers this area for potential future City growth. The City's responses are attached as Exhibit "F".

The applicant's statement asserts that they were unaware of County permits, licensing, and zoning approvals when they began this business in 2001. However, staff questions this statement for two reasons:

1. In 2006, the Belaski's sought Planning approval to place a new single-family residence on the site while remaining in the original home during the construction process. A review of that application, attached as Exhibit "E", reveals the 2,400 square foot agricultural shop building identified as just that - an agricultural building, not a vehicle repair building.

2. Customers seek Business Licenses from the County of Stanislaus as the first step in beginning a new business. In fact, they often will ask Planning staff if other permits or licenses are required for their particular business - few ask if they really need a Business License. Additionally, it is common to see a business' Business License posted in a conspicuous place, so those who are not familiar with business regulation are aware of the need for a local business license.

The owner's have submitted copies of their permits and licenses issued by the State of California, including registration with the California Department of Consumer Affairs, Bureau of Automotive Repair Licensing Unit, California Board of Equalization, and California Department of Toxic Substances Control. However, they have not obtained local and regional permits to intensify the use of this agricultural building, which include, but are not limited to:

- A. Zoning Approvals through Planning Department
- B. Business Licensing through Planning & Tax Collector Departments
- C. Building Permits (for construction of required building upgrades) through the Building Permits Division
- D. Hazardous Materials Business Plan and other required permits through Department of Environmental Resources
- E. Permits for Air Quality Regulations through San Joaquin Valley Air Pollution Control District
- F. Encroachment Permit and Grading Permit for on and off site improvements consistent with commercial business practices from Public Works Department
- G. A Building Permit for a dwelling to convert to storage, permit for the 2006 modular home, and a permit for a handicap ramp on the single-family dwelling

Staff has been in communication with the applicant's representatives in an attempt to provide guidance and expertise as it relates to the planning approval process. In the event of an approval, information about upgrades to the property and structure, that would be required to bring the auto repair business into compliance with building and fire codes and Public Works requirements, have been provided.

Since this application was received, this non-permitted business has been able to continue to conduct vehicle repair from within the agricultural storage building on the unimproved lot. This is in direct competition with other vehicle repair businesses who secure and develop commercial or industrial sites, paying impact fees, permit fees, and taxes associated with a commercial business.

### **GENERAL PLAN POLICIES**

With environmental impacts less than significant with this project, the key to approval or denial of a General Plan Amendment such as this (and subsequent rezone) are land use issues. To evaluate this proposed General Plan change, we must review the goals and policies of the General Plan, County policies adopted by the Board of Supervisors, and additional findings that are necessary for a General Plan Amendment request.

Below is a discussion of relevant General Plan goals and policies. In making a recommendation on this proposal, the views of all parties should be considered. We will not discuss policies which staff believes are not fully consistent or which are not applicable. Commissioners should refer to their General Plans to ensure to their own satisfaction that staff has covered all appropriate topics and issues involved.

In the course of analyzing a specific request to amend an element of the General Plan, a factor in determining whether the amendment can be supported is to assess whether the request is consistent with the balance of the General Plan or whether it is inharmonious with the General Plan. Staff believes the request undermines the spirit and intent of several General Plan policies with respect to compatibility between land uses, the protection of agricultural lands, and whether to a greater extent the direction established for the long-term goals of the County are compromised:

**Land Use Element:**

- Policy One:* Land will be designated and zoned for agricultural, residential, commercial, industrial, or historical uses when such designations are consistent with other adopted goals and policies of the General Plan.
- Policy Three:* Land use designations shall be consistent with the criteria established in this element.
- Policy Fourteen:* Uses shall not be permitted to intrude into or be located adjacent to an agricultural area if they are detrimental to continue agricultural usage of the surrounding area.
- Policy Sixteen:* Agriculture, as the primary industry of the County, shall be promoted and protected.
- Policy Twenty:* Facilitate retention and expansion of existing businesses.

**Land Use Element Policy Discussion**

It should be evident that staff views this proposed General Plan and Rezone as an intrusion, which would be detrimental to continued agricultural usage of the area. While the parcel itself is an acre and a half, and less than an acre will be used for vehicle repair in the existing agricultural building, the (surrounding) area is intensively farmed. Staff believes it has a real potential to open the door to similar requests.

Some inconsistency with policies can be found, however. While vehicle repair is vital and important in the economy of this region, they are by their very nature, oriented to continued growth. Approval of a growth oriented industry and or commercial business, in an agricultural area where growth is not planned by the County, would be an irony that staff believes should not occur. As indicated, there are three other County zoning designations (and various City of Ceres designations as well) which would accommodate this use more effectively. These designations will be discussed in a moment.

Approval of this use would serve to retain this existing business. If this application request is denied, the vehicle repair business will have to move from its current location because the business at the current location is in violation of County zoning regulations, with zoning enforcement pending the outcome of this application.

This project is a request for a commercial vehicle repair facility out of the agricultural building, which would be located in an area planned and zoned for Agriculture. The Planned Development Designation (PD), as defined on pages 1-25 and 1-26 of the Land Use Element of the General Plan, is designated for unique uses or uses going into areas where special attention is needed to ensure compatibility with surrounding lands. Under the "Appropriate Locations" portion of the PD definitions is the following statement as to what are considered to be valid uses of the Planned Development designation consistent with the intent of the Land Use Element:

- a. Application for uses of unique character (not otherwise allowed as proposed in other zoning districts) for which findings can be made as to the appropriateness of the location and absence of detrimental effect to the surrounding area.
- b. Applications falling within an area designated by this element as a Planned Development Area, subject to those resolutions within the appendix of this element that define special policy for Planned Development uses in the following areas:
  - (1) Upper McHenry Avenue, Resolution No. 87-01.
  - (2) East F Street, Highway 108/120, Oakdale, Resolution No. 87-2.
  - (3) Freeway Interchange and Frontage Roads adjacent to major highways and freeways, Resolution No. 87-3.

In this case, staff does not believe the project can be found consistent with any of the areas above. The applicant proposes to continue repairing automobiles in his 2,400 square foot agricultural storage building. Vehicle repair facilities are not a special or a unique use and are rather common. They are permitted uses in the C-2 (General Commercial), PI (Planned Industrial) and M (Industrial) zoning districts within Stanislaus County. There is a significant amount of both Commercial and Industrial zoning districts found in the Ceres area, notably near Crows Landing and Mitchell Road (within the City limits).

Item "b(3)" above refers to freeway interchanges as potential PD areas. The County has long recognized this, and has placed PD designations at the majority of such locations along freeways and State highways throughout the County. The County Board of Supervisors has had zoning and General Plan policies and designations in effect in this area for nearly three decades designed to preserve and protect the area as agriculture. There are, of course, legal non-conforming uses in the general area which pre-date the restrictions, but no new uses have been permitted to rezone in the vicinity. This site is not in the approximate location of an interchange or adjacent to a freeway.

Also noteworthy to "b(3)" is that, even if the area were to be designated PD, the Resolution in question, No. 87-3, states as follows:

Planned Development Applications for freeway and adjacent frontage roads should be only for those uses that service highway oriented traffic and would not be more properly located in any of the zoning districts existing in the County of Stanislaus or any of the cities within the County.

While it may be a convenience for a vehicle repair facility to be located in the present location, this proposal is not a highway oriented use, such as a service station, motel or restaurant. We do note that a broader range of uses has been allowed in the City of Ceres and in southern portions of Modesto.

Policy 2 requires that land designated "Agriculture" shall be restricted to uses that are compatible with agricultural practices and should prevent impediments to continued agricultural use. The site is currently too small to be farmed commercially. However, the surrounding local, is dominated by orchards.

**Conservation/Open Space Element:**

*Policy 10:* Discourage the division of land which forced the premature cessation of agricultural uses.

*Policy 11:* In areas designated "Agriculture" on the Land Use Element, discourage land uses which are incompatible with agriculture.

**Conservation/Open Space Element Policy Discussion:**

These policies are similar to those previously discussed. The County has encouraged agriculture in the project area. We believe that to make this change could lead to incompatible land uses, even as we recognize that vehicle repair on this particular site has not directly impacted adjacent farming activities.

**Agricultural Element:**

*Policy 1.11:* The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.

*Policy 1.12:* Setbacks from agricultural areas shall be established to minimize adverse impacts of adjacent uses on agriculture.

The proposed update to the County's Agricultural Element (anticipated to be adopted in late 2007) also addresses incompatible uses and encroachment of non-agricultural uses on agricultural lands:

Objective Number 2.2: Discourage urbanization and the conversion of agricultural land in unincorporated areas of the County.

*Policy 2.10:* Proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to non-agricultural uses shall be approved only if they are consistent with the County's conversion criteria.

Procedures for processing a General Plan Amendment shall incorporate the following requirements for evaluating proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to urban uses:

- Conversion Consequences. The direct and indirect effects, as well as the cumulative effects, of the proposed conversion of agricultural land shall be fully evaluated.
- Conversion Considerations. In evaluating the consequences of a proposed amendment, the following factors shall be considered: plan designation; soil type; adjacent uses; proposed method of sewage treatment; availability of water, transportation, public utilities, fire and police protection, and other public services; proximity to existing airports and airstrips; impacts on air and water quality, wildlife habitat, endangered species and sensitive lands; and any other factors that may aid the evaluation process.
- Conversion Criteria. Proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to urban uses shall be approved only if the Board of Supervisors makes the following findings:
  1. Overall, the proposal is consistent with the goals and policies of the General Plan.
  2. There is evidence on the record to show a demonstrated need for the proposed project based on population projections, past growth rates and other pertinent data.
  3. No feasible alternative site exists in areas already designated for the proposed uses.
  4. Approval of the proposal will not constitute a part of, or encourage, piecemeal conversion of a larger agricultural area to non-agricultural uses, and will not be growth-inducing (as described in the California Environmental Quality Act).
  5. The proposed project is designed to minimize conflict and will not interfere with agricultural operations on surrounding agricultural lands or adversely affect agricultural water supplies.
  6. Adequate and necessary public services and facilities are available or will be made available as a result of the development.
  7. The design of the proposed project has incorporated all reasonable measures, as determined during the CEQA review process, to mitigate impacts to agricultural lands, fish and wildlife resources, air quality, water quality and quantity, or other natural resources.

*Policy 2.11:* Uses on agricultural land located outside a LAFCO-adopted Sphere of Influence shall be primarily devoted to agricultural and compatible uses supportive of the long-term conservation of agricultural land. Agriculturally - related uses needed to support production agriculture and uses which by their unique nature are not compatible with urban uses, may be allowed on agricultural land provided they do not conflict with the agricultural use of the area.

**Agricultural Element Policy Discussion:**

As is illustrated by these policies, it is inappropriate to authorize the introduction of a non-agricultural use within the agricultural zoning district. The Board of Supervisors has directed the update to the Agricultural Element to ensure the long-term viability of agricultural lands, to allow compatible land uses to occur on a limited basis in close proximity to agricultural lands, and to prohibit the establishment of incompatible uses in the agricultural area.

Of the seven conversion criteria discussed above, staff believes that only the final three can be met. The first four simply cannot be established, as there is no evidence on the record to support them. As we have already discussed, this request for what amounts to a spot zone in an agriculture area would not be consistent with goals and policies of the General Plan. County policy in the project area has been very consistent, and this would be at odds with that policy. Finally, the fourth criteria is that the use will not encourage piecemeal conversion of agricultural land, and shall not be growth inducing. Staff believes that this project would encourage the conversion of agricultural land into a commercial use. Furthermore, an automotive repair shop, if successful, could be growth inducing and expand beyond the means of the little shop. This could encourage outdoor vehicle storage and become a traffic generator. We believe, therefore, that the project is inconsistent with the Conversion Criteria and the three policies discussed.

The property itself may seem to have rather limited agricultural value due to its location and size. However, that makes it no different from hundreds of other parcels which are adjacent to cities and towns throughout the County Agriculture areas. While a piece of this size would not be allowed to be created today, it is allowed to remain and co-exist with the agricultural operations occurring on the irrigated prime farm land in the area.

In particular, the second and third criteria seem to be without much evidence to support them. The applicant has not submitted evidence of the need for this project at this particular location from a growth-related basis. That is not to say that the use is not important. The fact that it is already in operation indicates that it has value. However, there is no evidence submitted that the business needs to be at this location, which has been argued that it is inconsistent with the County's General Plan.

The statement submitted in support does not present any evidence of the need for this change, nor does it present any study proving a lack of available land suitably zoned for the requested use. As we indicated previously, there is a significant amount of land in the area zoned to allow the use for which this General Plan change is being requested. Review of various County and City zoning maps will confirm this.

**GENERAL PLAN FINDINGS REQUIRED FOR APPROVAL**

In order to approve an amendment to the General Plan and rezone the property, it must be found to be consistent with the balance of the General Plan. In this case, it appears the request undermines the General Plan because the findings criteria for conversion cannot be made. The General Plan designation is "Agriculture." The "Agricultural" General Plan designation is consistent



with a Planned Development zoning designation when, *"it is used for agriculturally-related uses or for uses of a demonstrably unique character, which due to specific agricultural needs or to their transportation needs or to needs that can only be satisfied in the agriculture designation, may be properly located within areas designated as "Agriculture" on the General Plan."* As shown below, it can be shown that the proposal does not meet the intent of the General Plan or its policies.

General Plan Amendments affect the entire County and any evaluation must give primary concern to the County as a whole, therefore, a fundamental question must be asked in each case: "Will this amendment, if adopted, generally improve the economic, physical and social well-being of the County in general?" Additionally, the County, in reviewing General Plan Amendments, shall consider the additional costs to the County that might be anticipated (economic, environmental, social) and how levels of public and private service might be affected. In each case, in order to take affirmative action regarding the General Plan Amendment application, it must be found that:

1. The General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses.
2. The County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service.

In the case of a proposed amendment to the diagram of the Land Use Element, an additional finding must be established.

3. The amendment is consistent with the General Plan goals and policies.

These findings have been established by Board of Supervisors policy for processing General Plan Amendments. The first finding, as to whether this is a logical land use pattern, cannot be made. The existence of a vehicle repair business, a non-conforming use, does not justify this General Plan Amendment and rezone in this area. An area more appropriate for urban development would be the Highway 99 corridor, which is recognized by both the County and the City of Ceres as a logical land use for this business, and the County General Plan has designated the project area as "Agriculture" for over three decades. The position of the County is that agriculture, not commercial uses, are the logical use on prime soils west of Highway 99. Finally, it has been shown that the amendment is not consistent with the General Plan goals and policies as described in Policy No. 3.

### **REZONE**

To approve a rezone, the Planning Commission must find that it is consistent with the General Plan. In this case, Planned Development (PD) zoning would indeed be consistent with the Planned Development General Plan designation, if the Commission believes the PD designation is appropriate for the property. Otherwise, without the change in General Plan which is being requested, the proposed PD rezone in this instance, is not consistent due to the fact that the use is not agricultural in nature.

## **ENVIRONMENTAL REVIEW**

Stanislaus County has determined that it is the Lead Agency for Environmental Review under the California Environmental Quality Act (CEQA) for the proposed project. As such, staff has prepared an Initial Study and a Negative Declaration. The environmental documentation is attached as Exhibits "B" and "C". Based on the Initial Study, adoption of a Negative Declaration is being proposed. Pursuant to CEQA, the proposed project was circulated to all interested parties and responsible agencies for review and comment. The Initial Study and comments have not presented any substantial information to identify a potential significant impact that cannot be mitigated or conditioned to a level of non-significance. Responses received from agencies have been incorporated into this project as Development Standards (see Exhibit "D").

The proposed Negative Declaration declares the proposed changes will not have a significant effect on the environment.

## **RECOMMENDATION**

Based on the foregoing discussion, staff has a recommendation for project denial. The appropriate recommendation to the Board of Supervisors is found below. We have also included a set of findings and possible development standards should the Commission wish to recommend project approval. The approval option would be to allow the existing vehicle repair business to remain.

The Commission may not be aware that a significant amount of Commercial zoning has been approved in the Ceres area in recent years, to include substantial growth on State Highway 99 corridor, and new developments in the City of Ceres, notably on Mitchell Road. There are indeed several areas which would be suitable for this type of use. We note, however, that we do not believe there is substantial evidence on the record to support any finding of approval at all. The Commission must, therefore, be very specific in citing its reasons for recommending approval, as well as the evidence it believes supports such a finding.

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

Staff believes the Commission should recommend to the Board of Supervisors:

1. Find that a Negative Declaration is appropriate for the project, based on the Initial Study and other project amendments and information submitted by the applicant and commenting agencies.
2. Find that the proposed General Plan Amendment is not consistent with the overall goals and policies of the Land Use Element of the County General Plan and the overall General Plan.
3. Deny General Plan Amendment Application No. 2006-07 and Rezone Application No. 2006-11, Belaski Repair Shop.

Should the Commission recommend approval of the project to the Board of Supervisors, the following motion, and the attached Development Standards would be in order.

1. Adopt the Negative Declaration pursuant to California Code of Regulations Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgement and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and California Code of Regulations Section 15075.
3. Find that, based on the record, including written materials and the public hearing, the project is consistent with the overall goals and policies of the Stanislaus County General Plan; and that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation.
4. Approve General Plan Amendment Application No. 2006-07 and Rezone Application No. 2006-11, Belaski Repair Shop, subject to the attached Development Standards.

**Note:** Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project. Therefore, the applicant will further be required to pay \$1,857 to the Department of Fish and Game. The attached Conditions of Approval ensure that this will occur.

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Report written by: Sean Purciel, Associate Planner, October 17, 2007

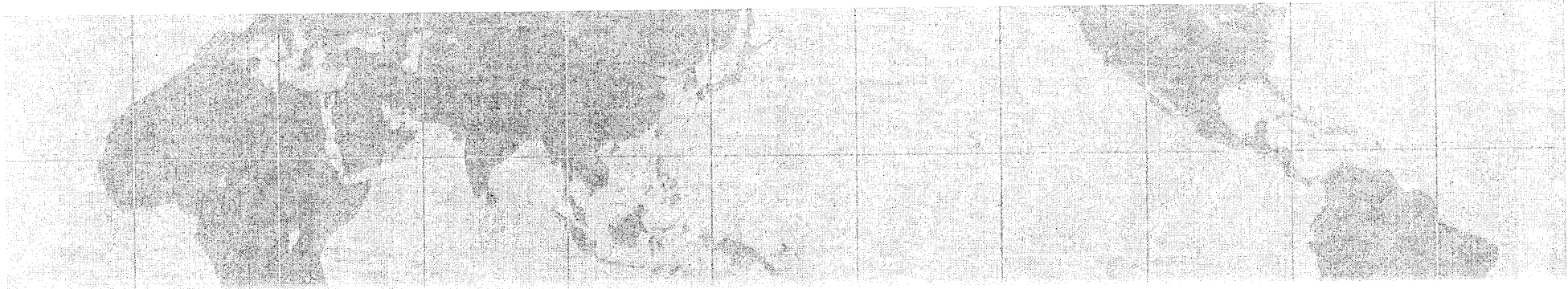
Attachments:

Exhibit A -	Maps and Exhibits
Exhibit B -	Initial Study
Exhibit C -	Negative Declaration
Exhibit D -	Development Standards/Schedule
Exhibit E -	Applicant's Submittal
Exhibit F -	Referral Responses
Exhibit G -	Building Permit Application to Convert a House to Storage - Tidemark Screen Print

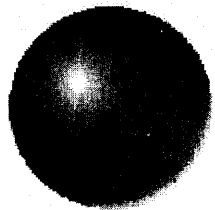
Reviewed by:



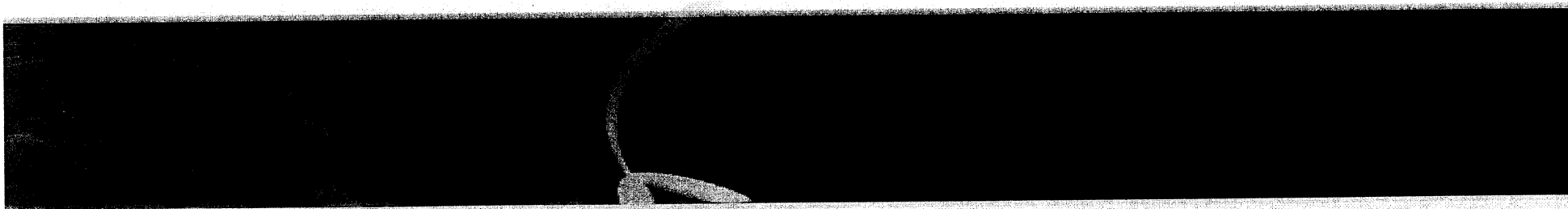
Bill Carlson, Senior Planner



# EXHIBIT A –



# MAPS AND EXHIBITS



# Large Area Map

City of Ceres

City of Ceres  
Sphere of Influence

E REDWOOD RD

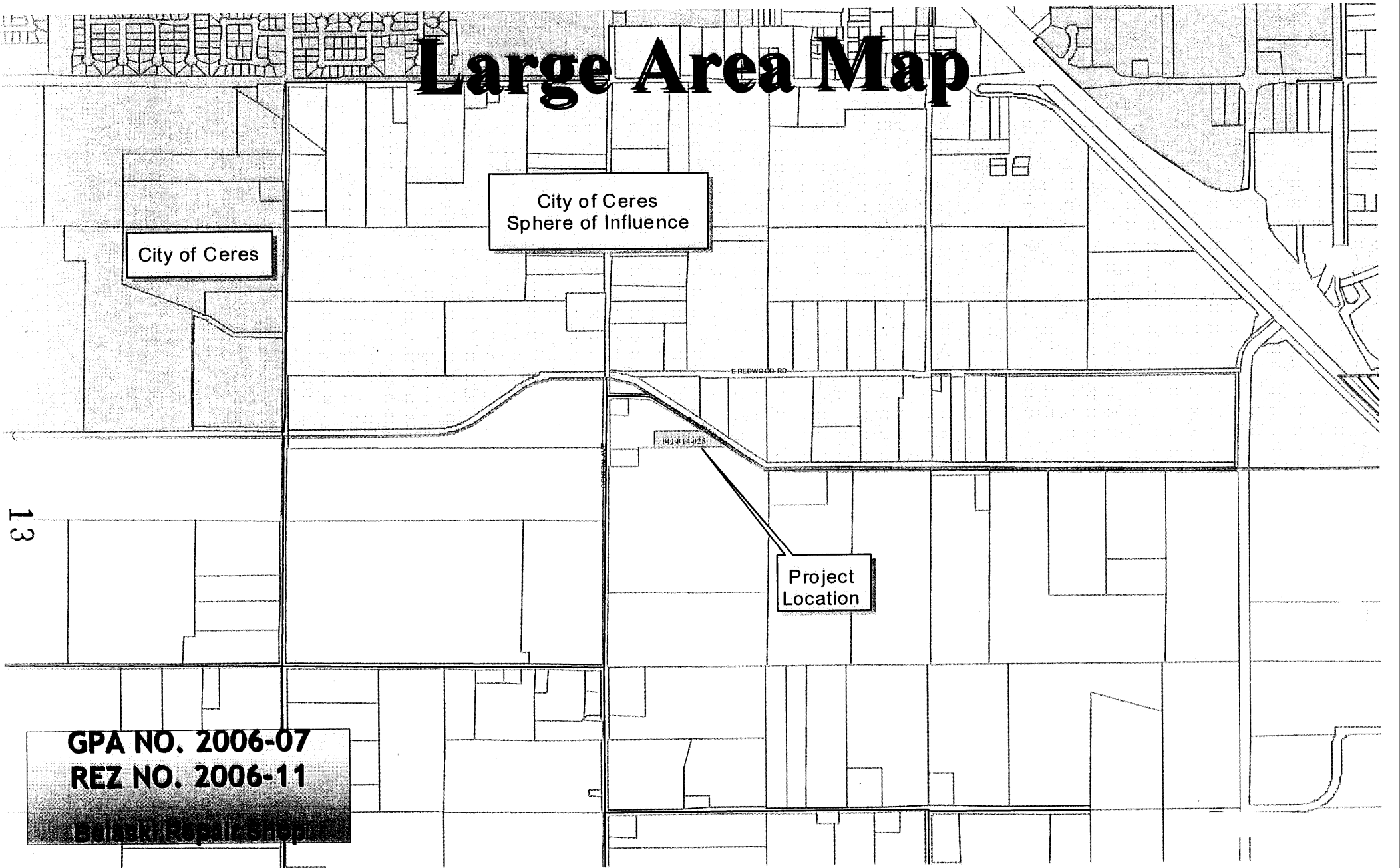
041014028

Project  
Location

**GPA NO. 2006-07**  
**REZ NO. 2006-11**

**Balaski Repair Shop**

13



# Area Map

E REDWOOD RD

GONDRING RD

041-014-028

Project Location

CENTRAL AVE

14

GPA NO. 2006-07  
REZ NO. 2006-11

Balsani Repair Shop



# General Plan Designation

## AGRICULTURE

E REDWOOD RD

GONDRING RD

041-014-028

CENTRAL AVE

Project  
Location

GPA NO. 2006-07  
REZ NO. 2006-11

BILSON Repair Shop

15





# Zoning District

A-2-10

E REDWOOD RD

041-014-028

GONDRING RD

CENTRAL AVE

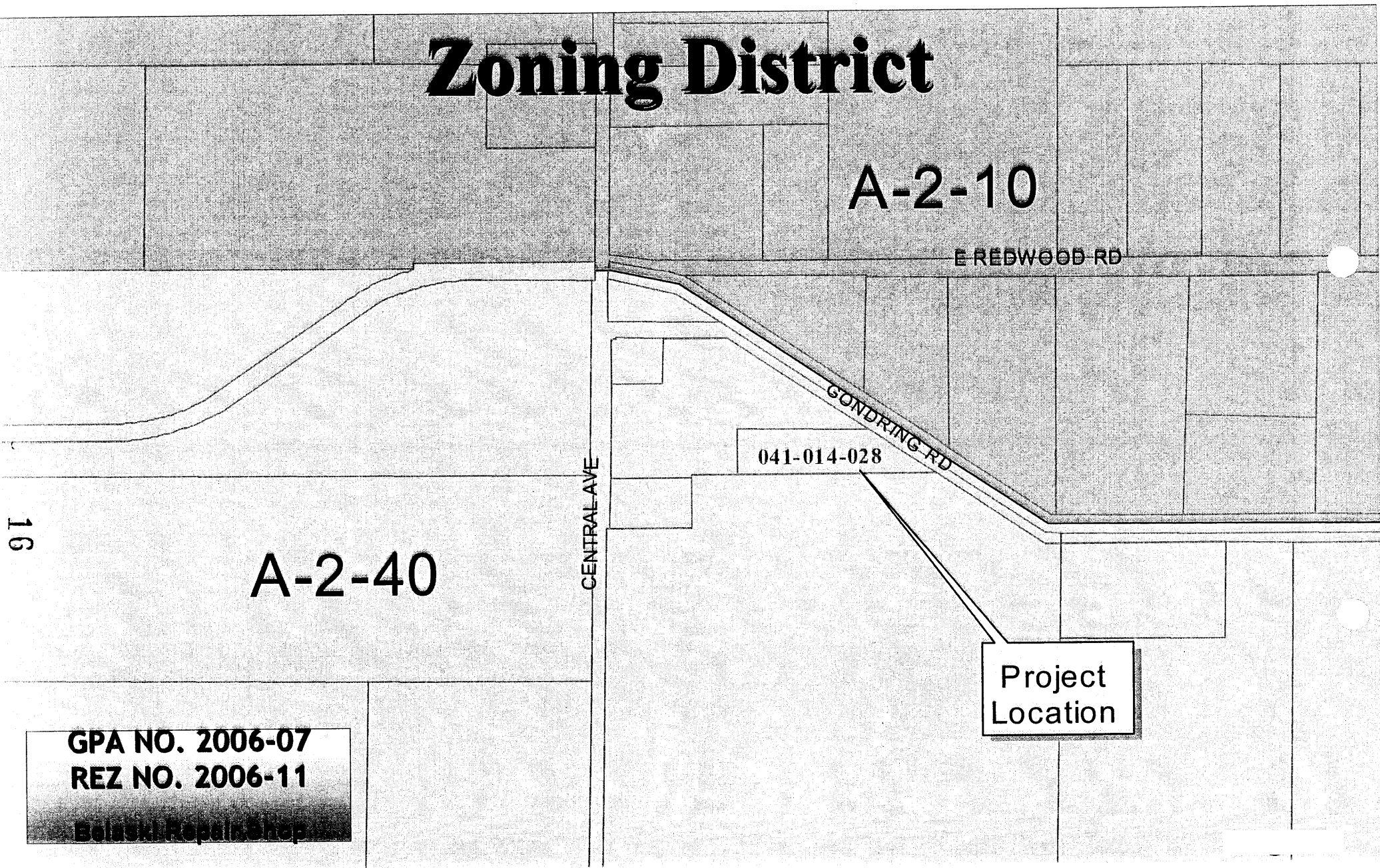
A-2-40

Project Location

GPA NO. 2006-07  
REZ NO. 2006-11

Balaski Repair Shop

16





# State Farmland Map

Prime

Statewide Importance (S)

FREDWOOD RD

Other Land (X)

041-014-028

GONDRING RD

Statewide Importance (S)

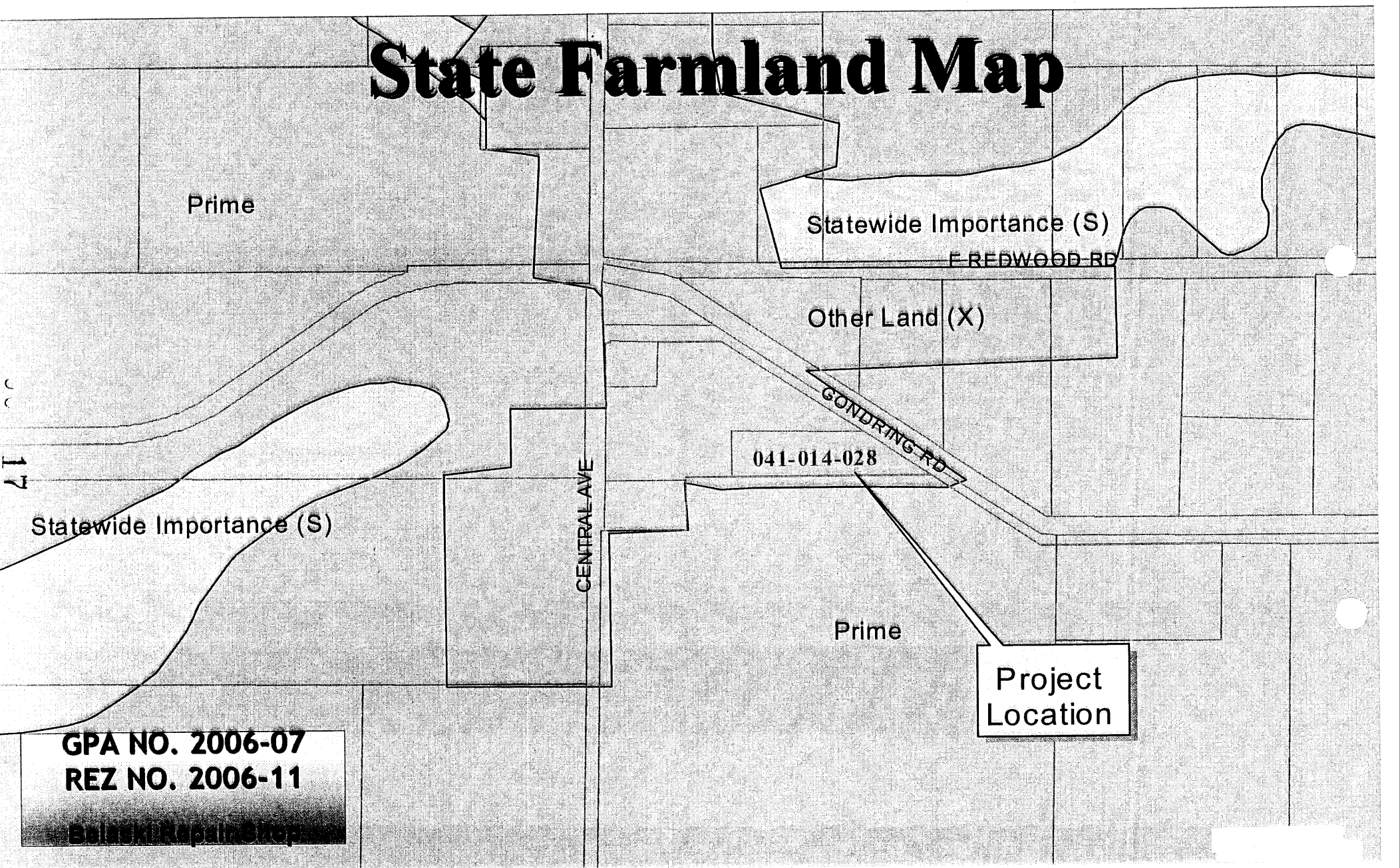
CENTRAL AVE

Prime

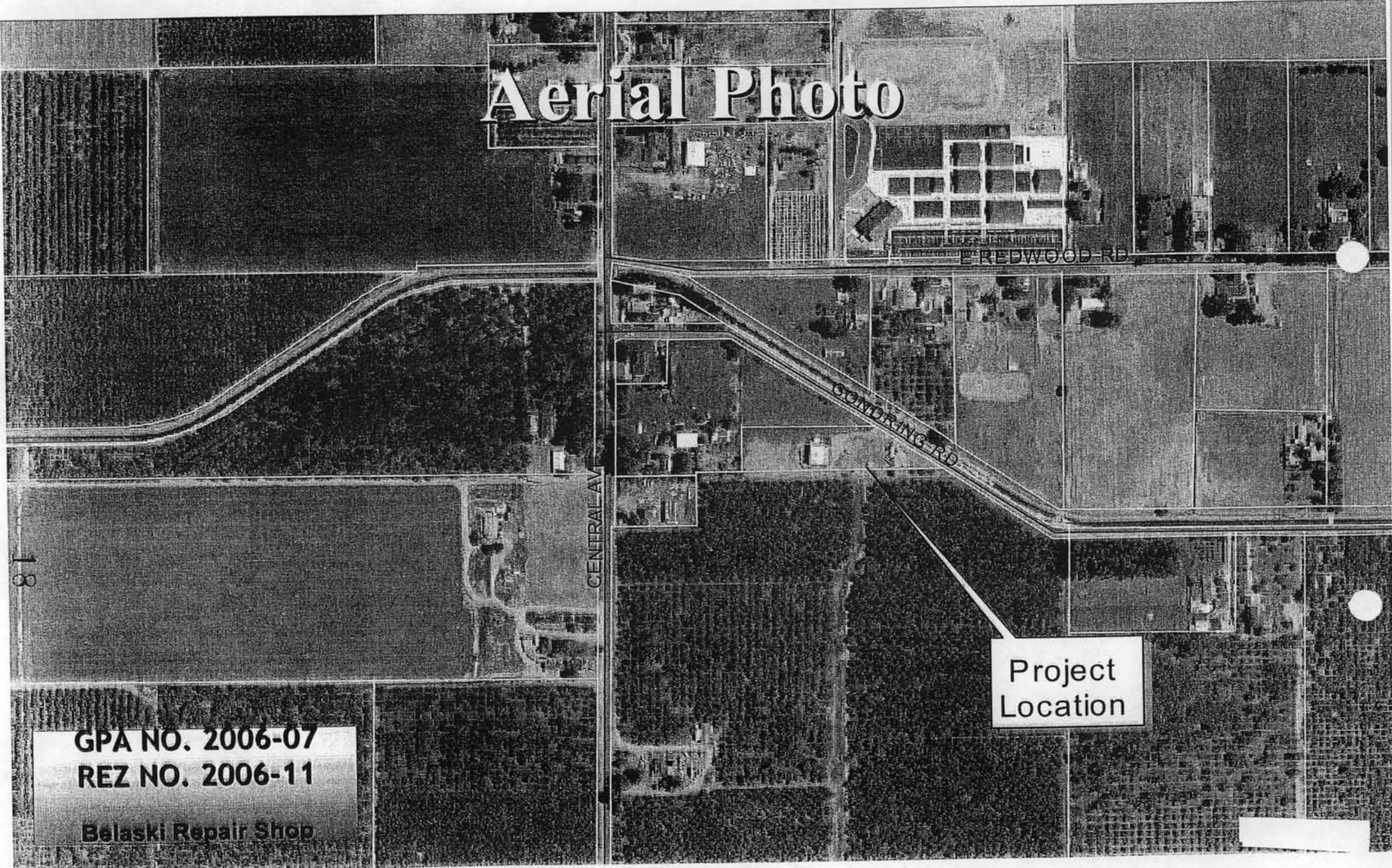
Project Location

GPA NO. 2006-07  
REZ NO. 2006-11

Bullock Repair Shop



# Aerial Photo



**GPA NO. 2006-07**  
**REZ NO. 2006-11**  
**Belaski Repair Shop**

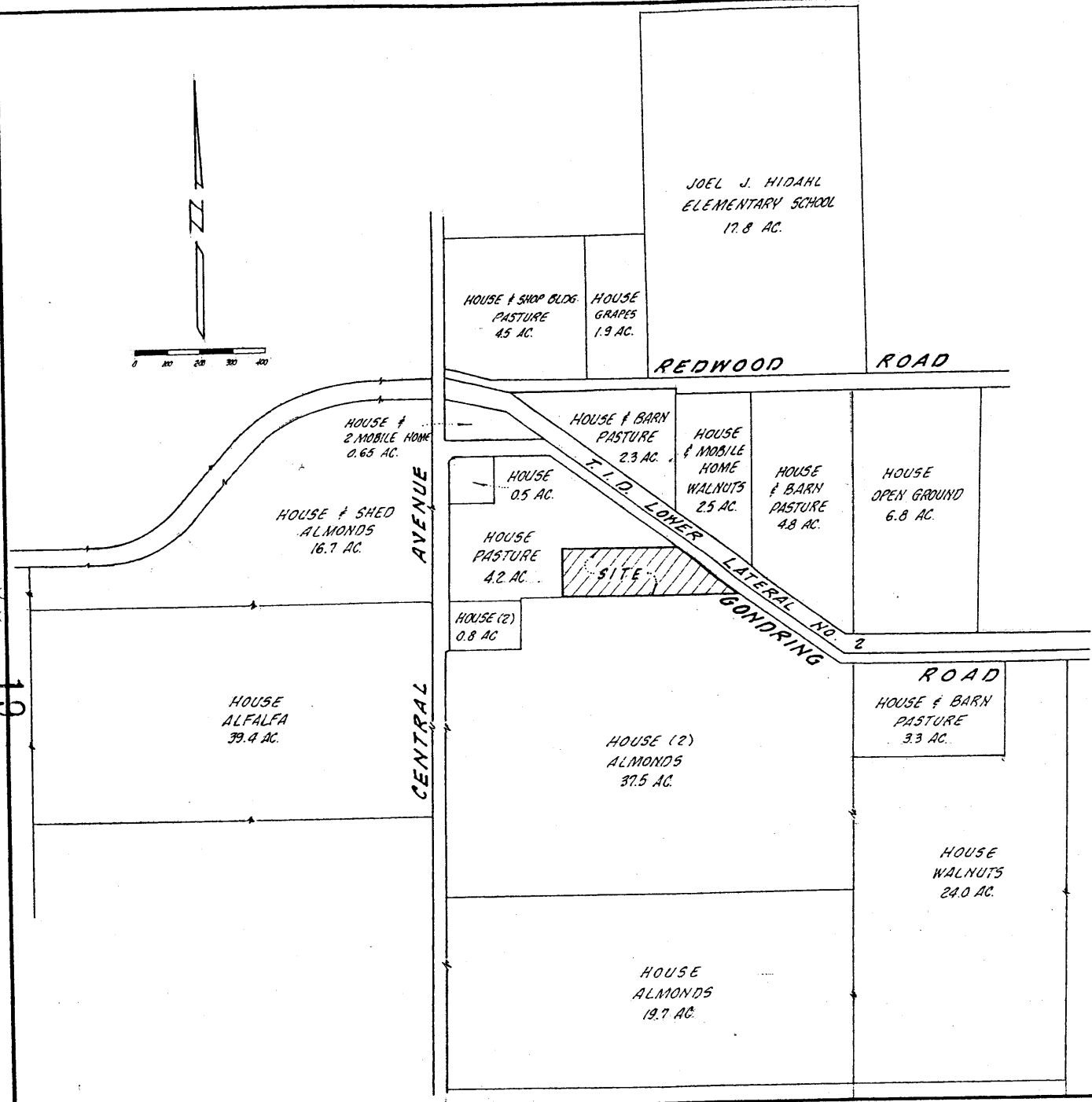
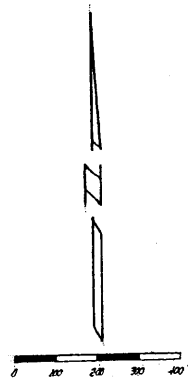
**Project  
Location**

18

# SURROUNDING AREA LAND USE MAP

GENERAL PLAN AMENDMENT  
AND PLANNED DEVELOPMENT REZONING

for JOSEPH and ROSEANNA BELASKI  
STANISLAUS COUNTY, CALIFORNIA



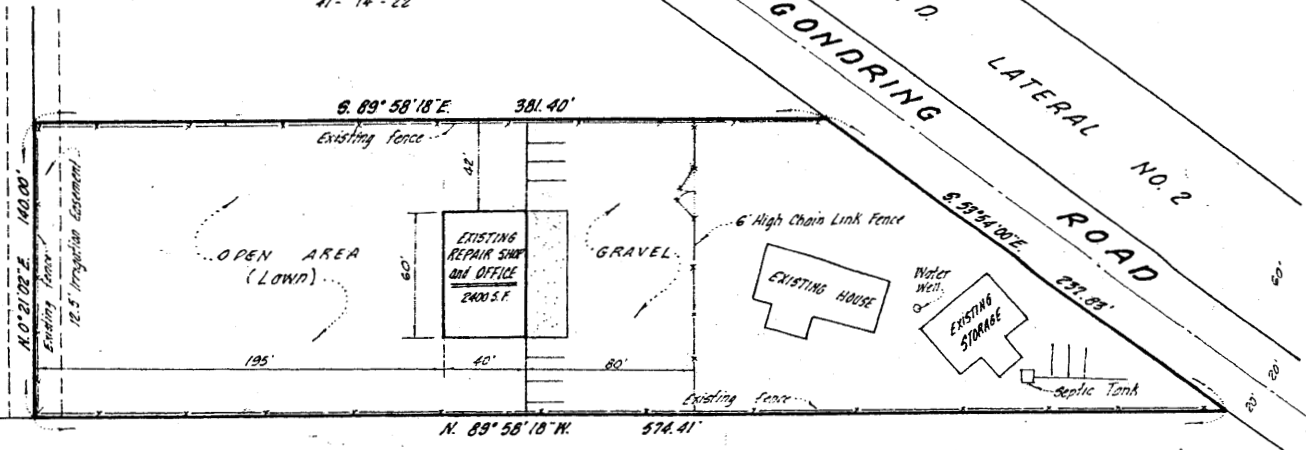
<b>ROBERT BRADEN CONSULTING</b> LAND USE PLANNING AND ZONING P.M.B. # 185 2900 STANDIFORD AVE. - SUITE 16-B MODESTO, CALIFORNIA 95350 (209) 529-4598	Drawn By: R.B.	REVISIONS	SHEET
	Scale: 1" = 200'	Date: Sept. 2006	Job No.

19

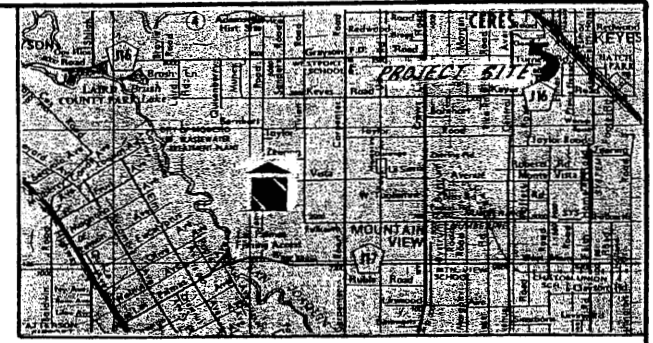
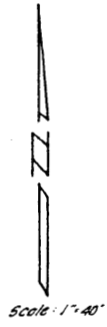


CENTRAL AVE.

A.P.N.  
41-14-22



A.P.N.  
41-15-01



VICINITY MAP  
No Scale

# SITE PLAN

## GENERAL PLAN AMENDMENT & P.D. REZONING

PARCEL "C" AS PER BOOK 33 OF PARCEL MAPS AT PG. 38  
 STAN. CO. REC'S., BEING IN A PTN. OF THE S.W. 1/4 OF  
 SECTION 23, T. 4 S., R. 9 E., M.D.B. & M.  
 STANISLAUS COUNTY, CALIFORNIA  
 SCALE: 1" = 40' SEPTEMBER, 2006

### OWNER:

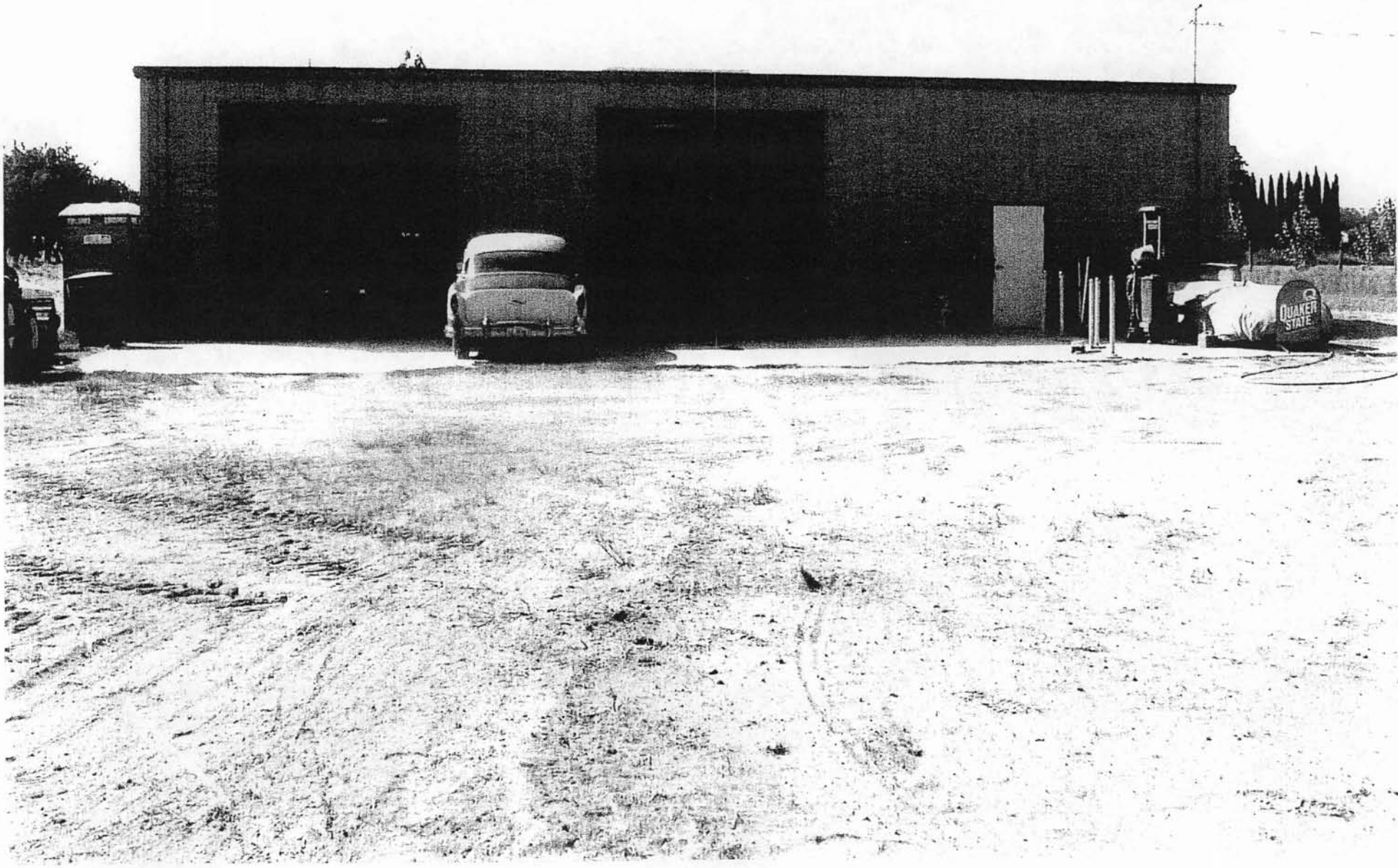
JOSEPH and ROSEANNA BELASKI  
 2306 Gondring Road  
 Ceres, California 95307  
 (209) 537-2666

### GENERAL NOTES:

1. Assessor's Parcel Number: 41-14-28
2. Current General Plan Designation: Agriculture
3. Current Zone: A-2-40
4. Site Area: 1.536 Acres
5. All structures shown are existing and are to remain
6. No new structures are proposed.
7. Sewage disposal by septic tank and leach line
8. Water supply by private well.
9. Parking: 7 spaces

ROBERT BRADEN CONSULTING LAND USE PLANNING AND ZONING P.M.B. # 185 2900 STANFORD AVE. - SUITE 16-B MADRID, CALIFORNIA 95350 (209) 529-4538	Drawn By: RRB	REVISIONS	SHEET 1 OF 1
	Scale: 1" = 40'	Date: Sept, 2006	
	Job No.		





QUAKER  
STATE

22



QUANER  
STATE

23



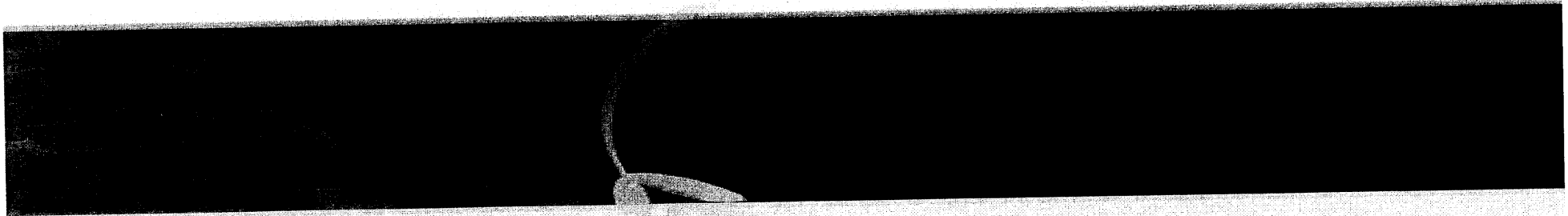
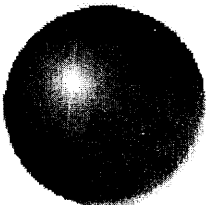
24







**EXHIBIT B –  
INITIAL STUDY**





# Stanislaus County

## Planning and Community Development

1010 10<sup>th</sup> Street, Suite 3400  
Modesto, California 95354

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

### CEQA INITIAL STUDY

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

1. **Project title:** General Plan Amendment Application No. 2006-07, Rezone Application No. 2006-11 - Belaski Repair Shop
2. **Lead agency name and address:** Stanislaus County  
1010 10th Street, Suite 3400  
Modesto, CA 95354
3. **Contact person and phone number:** Sean Purciel, Associate Planner  
(209) 525-6330
4. **Project location:** 2306 Gondring Road, east of Central Avenue, south of Ceres. (APN: 041-014-028)
5. **Project sponsor's name and address:** Joseph and Roseanna Belaski  
2306 Gondring Road  
Ceres, CA 95307
6. **General plan designation:** Agriculture
7. **Zoning:** A-2-40 (General Agriculture)
8. **Description of project:**  
Request to amend the land use designation of the Stanislaus County General Plan and rezone the subject site. These actions would result in actions which will legitimize the existing, but unauthorized, automobile / vehicle repair shop operating at the site. The site is 1.54 acres in size and has a single-family residence and accessory storage building in addition to the unauthorized vehicle repair facility.
9. **Surrounding land uses and setting:** Agricultural uses, rural residences. The site is located in the Ceres area, outside it's adopted Sphere of Influence but within it's Planning Area. The property fronts Gondring Road, south of Redwood Road and east of Central Avenue.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Department of Public Works  
Department of Environmental Resources

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.

  
\_\_\_\_\_  
Signature

September 7, 2007  
\_\_\_\_\_  
Date

Sean D. Purciel, Associate Planner  
\_\_\_\_\_  
Printed Name

**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 significant criteria or threshold, if any, used to evaluate each question; and
    - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

**ISSUES**

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

**Discussion:** This environmental issue focuses on the impacts of a project on scenic vistas and the overall appearance of the project in the community context. Issues of light and glare, community view-sheds, architectural compatibility with existing development or a specific site or setting are all part of the issue of "Aesthetics" as addressed within the framework of CEQA.

The site itself is not considered to be a scenic resource or a unique scenic vista nor is it near a scenic resource. The authorization of the application request would not immediately create any noticeable physical change in the environment, although the conversion of the site from a rural residence to a commercial business could result in an evolutionary change in the immediate vicinity as potentially more properties request similar changes from rural residential/agricultural to more intensive uses. Commercial lighting standards would apply for any new sources of lighting and any lighting will be regulated to ensure it does not impact neighboring residences.

The site will not damage or impact scenic resources, to include trees, rock outcroppings, or historic buildings within a state scenic highway. A Condition of Approval will be added to the project to require that any outdoor lighting be aimed downward in order to address glare to surrounding areas.

To improve the aesthetics of the project, a Condition of Approval is included to require the applicant to install a combination of trees, shrubs, and groundcover to provide effective screening for the automotive business. This condition will also include the need for a landscape plan to be submitted prior to plant installation.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.



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 Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	

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

**Discussion:** This environmental issue focuses on the impacts of a project on farmland and agricultural productivity. Environmental concerns focus on the loss of agricultural cropland as inventoried by the Farmland Mapping and Monitoring Program of the California Resources Agency as well as agricultural zoning and Williamson Act Contract lands. Areas of additional concern are the potential changes resulting from a project that could lead to future conversion of agricultural lands to non-agricultural uses.

a) The proposed General Plan Amendment and rezone would reclassify the site from Agriculture to Planned Development and legitimize a non-conforming automobile repair facility. This use would conflict with Stanislaus County policies and would also conflict with future planning efforts for the City of Ceres. The City of Ceres has identified this area as a secondary growth area and proposed extension of residential uses into this area upon more formalized review by the City (the adopted Sphere of Influence ends at Gondring Road). Introducing an incompatible commercial use, especially vehicle repair, is in direct conflict with County and City goals and policies, although this is a limited conversion, which is less than significant.

b) According to the Stanislaus County Department of Planning and Community Development, the project area is not listed under the provisions of a Williamson Act contract. The 1.54-acre project site has not been used for active commercial or agricultural uses for several years, having been subdivided approximately twenty years ago; however, active agricultural uses do exist in the immediate area. Based on a review of the County of Stanislaus zoning map, the project area is currently zoned as A-2-40 (General Agriculture). The soil is designated as Prime Farmland by the California State Department of Conservation Farmland Mapping and Monitoring Program. The soil on site is DrA (Dinuba Sandy Loam), 0-1 percent slopes, Index Rating 77, Grade 2. Finally, the conversion of an agricultural use to a commercial one (on the Belaski property) could stimulate interest in the conversion of property in the vicinity to commercial uses. The County discourages this practice in a region primarily used for agriculture.

c) According to the County of Stanislaus General Plan Land Use Map, the project area is designated for agricultural land uses, and the conversion of the property would change the existing environment, due to the location or nature to convert farmland to non-agricultural uses. The conversion of the agricultural/rural residential use on the site could also stimulate interest in additional conversions of adjoining properties, including those in active commercial uses.

The County has a Right to Farm Ordinance in place to protect the agricultural users in the area from unjust nuisance complaints.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>, Stanislaus County Agricultural Element<sup>1</sup>, Stanislaus County Zoning Ordinance, Eastern Stanislaus Area Soil Survey, California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2000, UC Davis Soil Resource Laboratory - Online Soil Survey, 2005, Communications from the City of Ceres dated December 18, 2006 and April 11, 2007.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	

<p>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)?</p>			X	
<p>d) Expose sensitive receptors to substantial pollutant concentrations?</p>				X
<p>e) Create objectionable odors affecting a substantial number of people?</p>				X

**Discussion:** This environmental issue focuses on the impacts of a project on air quality. Issues over project consistency with applicable air quality plans, policies and regulations, increases of any pollutant for which the area has been designated as a "non-attainment" area. Additional concerns are over the exposure of sensitive receptors, such as people, to high levels of air pollution or odors. According to the San Joaquin Valley Air Pollution Control District, the San Joaquin Valley, which includes the County of Stanislaus, air quality has been designated non-attainment by the Environmental Protection Agency and by the Air Resources Board for ozone and PM-10 (fine particulate matter and dust). The District maintains permit authority over stationary sources of pollutants. The Federal Clean Air Act and the California Clean Air Act require areas that are designated non-attainment to reduce emissions until standards are met.

a), b), c) According to the San Joaquin Valley Air Pollution Control District's (SJVAPCD) "Guide for Assessing and Mitigating Air Quality Impacts," dated August 20, 1998, projects with less than 100 single-family units are considered a "Small Project Analysis Level (SPAL)." The SJVAPCD has pre-calculated the emissions on a large number and types of projects to identify the level at which they have no possibility of exceeding the emissions threshold identified in the "Guide for Assessing and Mitigating Air Quality Impacts." This pre-calculation includes projects considered to be a SPAL. The SJVAPCD states that no quantification of ozone precursor emissions is needed for projects less than or equal to the sizes listed. Because the proposed project is not proposing housing, and proposes an existing commercial business, it is determined that no quantifications of emissions are needed, based on information identified in the "Guide for Assessing and Mitigating Air Quality Impacts."

In addition, based on previous correspondence with representatives from the SJVAPCD, the proposed project will have less than significant impacts with the implementation of their rules and regulations.

d) The proposed project will not expose sensitive receptors to pollutant concentrations within the area. In addition, the proposed project will be required to comply with SJVAPCD Regulation VIII during (proposed) project construction (for permanent structures). Regulation VIII implements dust control measures to reduce the amount of fine particulate matter entrained into the ambient air from man-made sources.

e) The project in this location and of this size and type is not anticipated to be either a generator or receiver of odors. There are no nearby uses that generate odors that could be considered significant. Most nearby agricultural uses, such as orchards and dairies are located far enough away from the proposed projects to have a less than significant impact on the proposed residences. No odor complaints related to the use are known or have been received, therefore this condition shall be considered less than significant.

f) The air emissions associated with the proposed project will not exceed the thresholds set by the SJVAPCD.

g) New Development Impacts on Air Quality: The Indirect Source Review rule, which went into effect March 1, 2006, requires developers of larger residential, commercial and industrial projects to reduce smog-forming and particulate emissions generated by their projects. The rule is expected to reduce nitrogen oxides and particulates throughout the San Joaquin Valley by more than 10 tons per day by 2010. Since the project exists and proposes to legalize an automotive repair business, the author feels that the Indirect Source Review rule shall not apply. However, the applicant should be aware of the Districts Rules and Implementations Plans to reduce airborne particulates, such as PM-10 and NOx.

A referral response was not received from the SJVAPCD. Development of the property would contribute to the overall decline in air quality due to preparation of the site, on-going traffic, and other operational emissions. On similar projects, the District has requested that rules to help reduce emissions be applied on commercial projects: Rule 3135 (Dust Control Plan Fee), Rule 4102 (Nuisance), Rule 4103 (Open Burning), and Rule 4550 (Conservation Management Practices). A Condition of Approval will be drafted that states that the project will comply with any District Rules imposed upon the project.

**Mitigation:** None.

**References:** San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis, Stanislaus County General Plan<sup>1</sup>, SJVAPCD "Guide for Assessing and Mitigating Air Quality Impacts," August 20, 1998.

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

**Discussion:** This environmental issue focuses on the impacts of a project with respect to biological resources such as, sensitive plant or animal species, their habitat, and riparian habitat or interference with the normal movements of wildlife species in the vicinity of a project. Additional concerns focus on consistency of a project with adopted plans, policies and regulations regarding wildlife, habitat conservation planning, local wildlife preservation plans and policies or wetlands.

There is no evidence to suggest this project would result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or migration 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:** California National Diversity Data Base (CNDDDB), Stanislaus County General Plan and Support Documentation<sup>1</sup>.



V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

**Discussion:** This environmental issue focuses on the impacts of a project on cultural resources including, but not limited to, the adverse change to a significant historical or archaeological resource. Other areas of concern include the potential for a project to adversely impact a unique paleontological resource or geologic feature or disturb any human remains. Cultural resources are not known to exist on the project site. However, a standardized Condition of Approval will be added to this project to address any discovery of cultural resources during the construction phases of a project.

If there are suspected human remains identified through project construction, the Stanislaus County Coroner's Office shall be contacted immediately. If the remains or other archaeological materials are Native American in origin, the Native American Heritage Commission shall be contacted immediately.

No known resources are present on the site, and no previous investigations to determine if there are historical or paleontological resources have been conducted. According to the CCIC it appears the site has a low sensitivity for discovery of historical resources, prehistoric or historic; however, that does not guarantee the lack of resources on site. It is unlikely this project will result in significant impacts to any archaeological or cultural resources. A Condition of Approval will be placed on the project that if any resources are found, activities will be halted at that time, and further investigation will ensue.

**Mitigation:** None.

**References:** Referral response from Central California Information Center dated November 29, 2006, Stanislaus County General Plan and Support Documentation<sup>1</sup>.

VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X

b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

**Discussion:** This environmental issue focuses on the impacts of natural geologic or soil conditions on a project. Specific concerns include earthquakes and seismic related hazards, or unstable soils. As contained in Chapter 5 of the General Plan Support Document<sup>1</sup>, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5. Any structures resulting from this project shall be built according to building standards appropriate to withstand shaking for the area in which they are constructed.

The proposed project would ultimately involve conversion of an agricultural structure to a commercial auto repair facility, which could involve paving to provide site access, driveways, and parking areas (loss of topsoil). Soil suitability is not an impediment to the proposed project or to potential upgrades to the site. The soil on site is DrA (Dinuba Sandy Loam).

**Mitigation:** None.

**References:** Referral response from the Stanislaus County Environmental Review Committee dated January 8, 2007, Stanislaus County General Plan and Support Documentation<sup>1</sup>, Revised referral response from Stanislaus County Environmental Review Committee, dated August 22, 2007, Referral response from the Stanislaus County Department of Environmental Resources, dated August 24, 2007.

VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:				
	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

**Discussion:** This environmental issue focuses on the impacts of a project with respect to hazards. The creation of new hazardous conditions or activities that will result in people or property being exposed to existing hazards is the primary area of focus under this environmental issue. Hazards include, but are not limited to, hazardous materials, hazards associated with aircraft and airports, or wildland fires. An additional concern is the consistency of a project with emergency response plans or emergency evacuation plans.

The County Department of Environmental Resources is responsible for overseeing hazardous materials and has not indicated any particular concerns in this area. Pesticide exposure is a risk in areas located in the vicinity of agriculture. Sources of exposure include contaminated groundwater, which is consumed, and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. Spraying activities on adjacent properties will be conditioned by the Agricultural Commissioner's Office. Additionally, the groundwater in the vicinity of the project is not known to be contaminated, and the project site is not located within an airport land use plan or a wildlands area, but is located beneath a low-level flight path.

a), b) The proposed project will comply with all Federal, State, and local regulations and policies involving the routine transport, use, or disposal of hazardous materials. The project may involve the use or storage of hazardous materials that would pose a threat or potential for release of hazardous materials into the environment. Continuation of the proposed development will comply with all applicable Federal, State, and local policies and regulations related to the release of hazardous materials. The existing and unauthorized vehicle repair business may increase hazards as a result of accidental spills or vapor releases within the agricultural building. Compliance with Stanislaus County and State of California regulations for hazardous materials/fluids is required to protect the surrounding residents, employees, and general public. Compliance with this policy, as well as with Federal and State policies will be made a Condition of Approval for this project.

c) The site is located approximately 500 feet south of the Joel Hidahl School, a public junior high. A public high school, Central Valley High, is located approximately 1/2 mile north of the site. The applicant will comply with all Federal, State, and local policies and regulations related to hazardous waste within its vicinity to a school.

d) According to the Stanislaus County Department of Planning and Community Development, the project area is not located on a site listed as a hazardous materials site in accordance with Section 65962.5 of the Government Code. Although the site is not included on a hazardous materials site list, it is unknown and unclear whether any possible hazardous spills, whether intentional or accidental have occurred since the applicant began automotive repair on site.

e) The proposed project is not located within the jurisdiction of an airport land use plan. The nearest public airport is the Modesto City-County Airport, which is located approximately six (6) miles north of the project area. Therefore, this item is not applicable.

f) The proposed project is not located within the vicinity of a private airstrip. Therefore, this item is not applicable.

g) The proposed project will comply with the development standards of the Keyes Rural Fire District and the Stanislaus County Sheriff's Department for issues related to emergency evacuation.

h) According to the Stanislaus County General Plan, the areas of potential wildland fires are the Diablo Range, located west of Interstate 5, and the Sierra Nevada foothills in the eastern portion of Stanislaus County. The proposed project is not located within the Diablo Range or the Sierra Nevada foothills therefore this item is not applicable.

Conditions of Approval on the proposal will be placed on the project showing evidence, submitted to Department of Environmental Resources, which may include Phase I and Phase II studies, to determine if underground storage tanks, buried chemicals and/or refuse, and contaminated soil exist on the site. Second, the applicant shall contact Department of Environmental Resources to obtain any and all permits for handling of hazardous materials and/or wastes.

**Mitigation:** None.

**References:** Referral response from the Stanislaus County Environmental Review Committee dated January 8, 2007, Stanislaus County General Plan and Support Documentation<sup>1</sup>, Revised referral response from the Stanislaus County Environmental Review Committee, dated August 22, 2007, Referral response from the Stanislaus County Department of Environmental Resources, dated August 24, 2007.

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X

l) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

**Discussion:** This environmental issue focuses on the impacts of a project on surface and groundwater, including compliance with water quality standards and regulation, depletion of groundwater supplies, pollution or degradation of water quality. Additional concerns include water-related hazards such as flooding, mudflows and similar hazards. This area of environmental concern also addresses potential project impacts on area drainage including storm water runoff.

- a) The proposed project will comply with all Federal, State, and local policies and regulations related to water quality.
- b) Currently, the site is served by a private on-site septic system and water wells. Over-covering of the site may occur as a result of paving in conjunction with a commercial business. As a Condition of Approval, the applicant shall comply with Stanislaus County requirements for wastewater disposal.
- c), d) Full build out of the proposed development will not significantly alter the drainage patterns of storm run-off within the Project Area. All proposed improvements will be developed in accordance with the County of Stanislaus Standards and Specifications.
- e) The proposal will not create or contribute runoff or stormwater, which would exceed the capacity of existing or planned stormwater drainage systems, or provide substantial additional sources of polluted runoff.
- f) The proposed project will comply with all Federal, State, and local regulations and policies related to water quality.
- g), h) The proposed project does not include the placement of housing or other structures within the 100-year flood plain, therefore, this item is not applicable.
- l) The proposed project will not 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.
- j) The proposed project is located approximately 150 miles from the Pacific Ocean and approximately twenty (20) miles from Modesto Reservoir. The likelihood of a seiche, an earthquake induced wave in a lake, or a tsunami, is less than significant due to the proposed project's distance from the above-mentioned bodies of water.

By virtue of paving for the building pads, parking, and driveways, the current absorption patterns of water placed upon this property will be altered. This project has been referred to the Regional Water Quality Control Board, but no comments have been received.

**Mitigation:** None.

**References:** Referral response from the Stanislaus County Environmental Review Committee dated January 8, 2007, Stanislaus County General Plan and Support Documentation<sup>1</sup>, Revised referral response from the Stanislaus County Environmental Review Committee, dated August 22, 2007, Referral response from the Stanislaus County Department of Environmental Resources, dated August 24, 2007.

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

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
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**Discussion:** This environmental issue focuses on the impacts of a project on adopted land use, habitat conservation or natural community conservation plans. The specific focus of this area of environmental concern is potential project conflicts with established plans and policies or the potential for the project to physically divide a community area.

The proposed project involves the legalization of a commercial auto repair business. In order to process this Land Use Change, the County shall approve the Rezone and General Plan Land Use Classification. The proposed Classification would rezone the project area from A-2-40, Agricultural, to PD, Planned Development.

a) The proposed General Plan Amendment and rezoning would reclassify the site from Agriculture to Planned Development and legitimize a non-conforming automobile repair facility. This use conflicts with Stanislaus County policies and would also conflict with future planning efforts for the City of Ceres. The City of Ceres has identified this area as a secondary growth area and has proposed extension of residential uses into this area upon more formalized review by the City (the adopted Sphere of Influence ends at Gondring Road). Commercial and industrial uses conflict with their planned growth area as well.

b) The proposed project includes a Rezone Classification of the project area from A-2-40 to PD. Introducing an incompatible commercial use, especially vehicle repair, among agricultural and residential uses is in direct conflict with County and City goals and policies. Because of the site's diminutive size, the conversion and potential conflicts may not result in substantial conflicts between land uses. However, it appears to be better suited to an existing commercial or industrial area, which would avoid the potential conflict between agricultural uses and the proposed commercial use.

c) The proposed project will not conflict with an applicable habitat conservation plan or natural community conservation plan and will not physically divide an established community.

**Mitigation:** None.

**References:** Communication from City of Ceres, dated December 18, 2006 and April 11, 2007, Stanislaus County General Plan and Support Documentation<sup>1</sup>.



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

**Discussion:** This environmental issue focuses on the impacts of a project on known mineral resources of commercial or otherwise documented economic value. 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 and Support Documentation<sup>1</sup>.



XI. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

**Discussion:** This environmental issue focuses on the impacts of a project with respect to noise or ground-borne vibration. The creation of new noise or ground-borne vibration conditions or activities that will result in people or property being exposed to existing noise or vibrations is the primary area of focus under this environmental issue.

a), b), c), d) The County of Stanislaus General Plan<sup>1</sup> identifies noise levels up to 75 dB L<sub>dn</sub> (or CNEL) as the normally acceptable level of noise for industrial, manufacturing, utility and agricultural uses. Noise impacts associated with on-site activities and traffic are not anticipated to exceed the normally acceptable level of noise. The site itself is impacted by the noise generated from nearby Gondring Road and agricultural uses in the vicinity. The proposal will not substantially increase ambient noise levels in the vicinity above levels with the project, expose persons to or generate excessive groundborne vibration or groundborne noise levels, and or expose persons to or generate noise levels in excess of standards established in the County of Stanislaus General Plan Noise Element. Although the project would increase noises associated with an auto repair facility or business, the standards would not be that above the General Plan Standards.

e) The site is not located within an airport land use plan.

e), f) The nearest public and private airstrip to the proposed project area is the Modesto City-County Airport, located approximately six (6) miles from the project area. Due to the project's distance from the Modesto City-County Airport, this item is not applicable.

**Mitigation:** None.

**References:** Stanislaus County General Plan, Noise Element<sup>1</sup>, Stanislaus County General Plan Support Documentation<sup>1</sup>.



XII. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

**Discussion:** This environmental issue focuses on the impacts of a project on population and housing including population growth or displacement of human population and housing.

a) The proposed use of the site will not create significant service extensions or new infrastructure that could be considered growth inducing. No housing or persons will be displaced by the project.

b) The proposed project does not include the displacement of existing housing, therefore this item is not applicable.

c) Existing residents of the County of Stanislaus (or the City of Ceres) will not be displaced as a result of the proposed project.

**Mitigation:** None.

**References:** Stanislaus County General Plan<sup>1</sup>, Stanislaus County Zoning Ordinance.



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

**Discussion:** This environmental issue focuses on the impacts of a project on public service facility needs and the potential environmental impacts of developing and/or expanding these facilities. Facility needs can be defined by the need to maintain acceptable levels of service such as response times or such other community service standards as may apply.

The site has a narrow street frontage with the existing agricultural building, proposed as vehicle repair, located in the rear half of the 1.54-acre site. Although the site is served by a County maintained road, where the entire frontage of the property could be adequate for emergency vehicle response, the small driveway to the agricultural shop building shall be paved or with an all-weather-access driveway in accordance with the Keyes Rural Fire District. A Condition of Approval will be placed on the project to provide appropriate access and paving materials to the building. Furthermore, paving of the site will increase run-off and storm detention/retention needs, thus necessitating run-off retention to onsite only. Additional infrastructure will also be required by the Public Works Department as discussed in the Transportation Section.

No impacts are anticipated with regards to public schools or recreational facilities as a result of this project.

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. In addition, first year costs of the Sheriff's Department have been standardized based on studies conducted by the Sheriff's Department. These fees will be required upon issuance of any building permits and will be placed as Conditions of Approval for this project.

A Condition of Approval, to comply with all current Fire Code requirements shall be implemented in regards to the project. Furthermore, the applicant shall comply with the submitted Conditions of Approval provided by the Fire District.

**Mitigation:** None.

**References:** Referral response from Keyes Rural Fire District dated December 18, 2006, referral response from Stanislaus County Building Permits Division dated December 18, 2006, Stanislaus County General Plan and Support Documentation<sup>1</sup>.



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

**Discussion:** This environmental issue focuses on the impacts of a project on public recreation service and facility needs and the potential environmental impacts of developing and/or expanding recreation facilities. Facility needs can be defined by the need to maintain acceptable levels of community recreation service in the area and region. The proposed project is not anticipated to significantly increase demand on recreational facilities.

**Mitigation:** None.

**References:** County policies, Stanislaus County General Plan and Support Documentation<sup>1</sup>.



XV. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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)?			X	

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Result in inadequate parking capacity?			X	
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

**Discussion:** This environmental issue focuses on the impacts of a project on transportation systems including roads and highways, public transportation systems, pedestrian circulation and access, parking, and emergency access. Impacts can be in the form of new hazardous circulation or traffic conditions, conflict with existing plans or policies or creation of an unacceptable traffic level on a transportation system or facility.

a), b) The proposed project will increase the trip generation along adjacent streets and intersections, notably Gondring Road. The project will be conditioned to assure that all project related impacts are reduced to a level deemed to be less than significant.

c) The proposed project will not impair any air traffic patterns associated with flights departing and arriving into Modesto City-County Airport.

d) The design of improvements (i.e. curb, gutter, and sidewalk), will be designed in accordance with the County Standards and Specifications, and shall be approved by the Public Works Department prior to development. Conditions of Approval have been designed into the project as to the implementation of said improvements and infrastructure if approved.

e) The project may potentially result in inadequate emergency access and a possible increase in hazards due to incompatibility of an automobile repair facility within a rural / agricultural setting. The applicant is not proposing paving with the project. The project has been routed to the Keyes Rural Fire District and the Public Works Department, which have recommended several Conditions of Approval to include full improvements and paving major portions of the site (as discussed above).

f) The proposed project includes on and off-street parking for the project. Issues of adequate on-street parking will be addressed as part of the project review process and shall be made a Condition of Approval.

g) The proposed project will not conflict with any plans related to alternative transportation.

The project is anticipated to increase vehicle traffic in the immediate vicinity as a result of the intensified use for vehicle repair. Anticipated trip generation is estimated to be approximately seven (7) to eight (8) trip ends during the peak a.m. or peak p.m. hour on weekdays. The applicant's statement indicates no more than two (2) employees on site and no more than two (2) visitors (customers) per day with one (1) delivery per day.

As a Condition of Approval, on-site parking and vehicle access will need to be provided as it pertains to the County of Stanislaus County Code. This shall include all-weather-emergency-vehicle-access throughout site, to include two (2) access points. The Public Works Department is requesting as a Condition of Approval, that all driveway and employee and customer parking areas shall be paved. The vehicle storage areas may be surfaced with road base or gravel in lieu of pavement. The vehicle storage areas must also comply with all weather access per the Fire Department request. Additionally, compliance with applicable building and fire codes, at the time of issuance for a building permit, will be necessary to include the payment of applicable Public Facilities Fees.

The Public Works Department is also requiring road frontage improvements on the entire frontage of the parcel. This is significant because, with full curb, gutter, sidewalks, and street infrastructure, the area will become more urbanized in an otherwise agricultural region. Please see a list of the Conditions of Approval requested by the Public Works Department, dated August 20, 2007.

**Mitigation:** None.

**References:** Referral response from Keyes Rural Fire District dated December 18, 2006, Referral response from Stanislaus County Building Permits Division dated December 18, 2006, Stanislaus County General Plan and Support Documentation<sup>1</sup>, Referral response from Department of Transportation, dated August 23, 2007, Referral response from the Department of Public Works, dated August 20, 2007.

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

**Discussion:** Limitations on providing services have not been identified. The project is currently being served by private water well, septic and on-site storm drainage. Conditions of Approval will be added to the project to address necessary permits from the County Department of Environmental Resources.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

**Discussion:** On the basis of an analysis of the project and its potential adverse physical environmental impacts, as described above, it has been determined that the project could degrade the quality of the environment by placing a commercial auto/vehicle repair business in an agricultural location; however, it would not 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.

On the basis of an analysis of the project effects on the environment, it has been determined that the project will contribute to changes, such as a reduction in agricultural land use, changes in wildlife use of the site, increased storm-water runoff and increased air emissions. These effects are individually limited and will not constitute a cumulatively considerable impact.

The proposed project would have cumulative impacts on air quality, noise, public services, transportation, and utilities and service systems. Implementation of policies in the County of Stanislaus General Plan and Conditions of Approval would reduce cumulative impacts to noise, public services, transportation, and utilities and service systems to a less than significant level.

A review of the project proposal and its potential environmental effects have resulted in the determination that the project design, location or general characteristics are not likely to result in any substantial adverse effects on human beings either directly or indirectly.

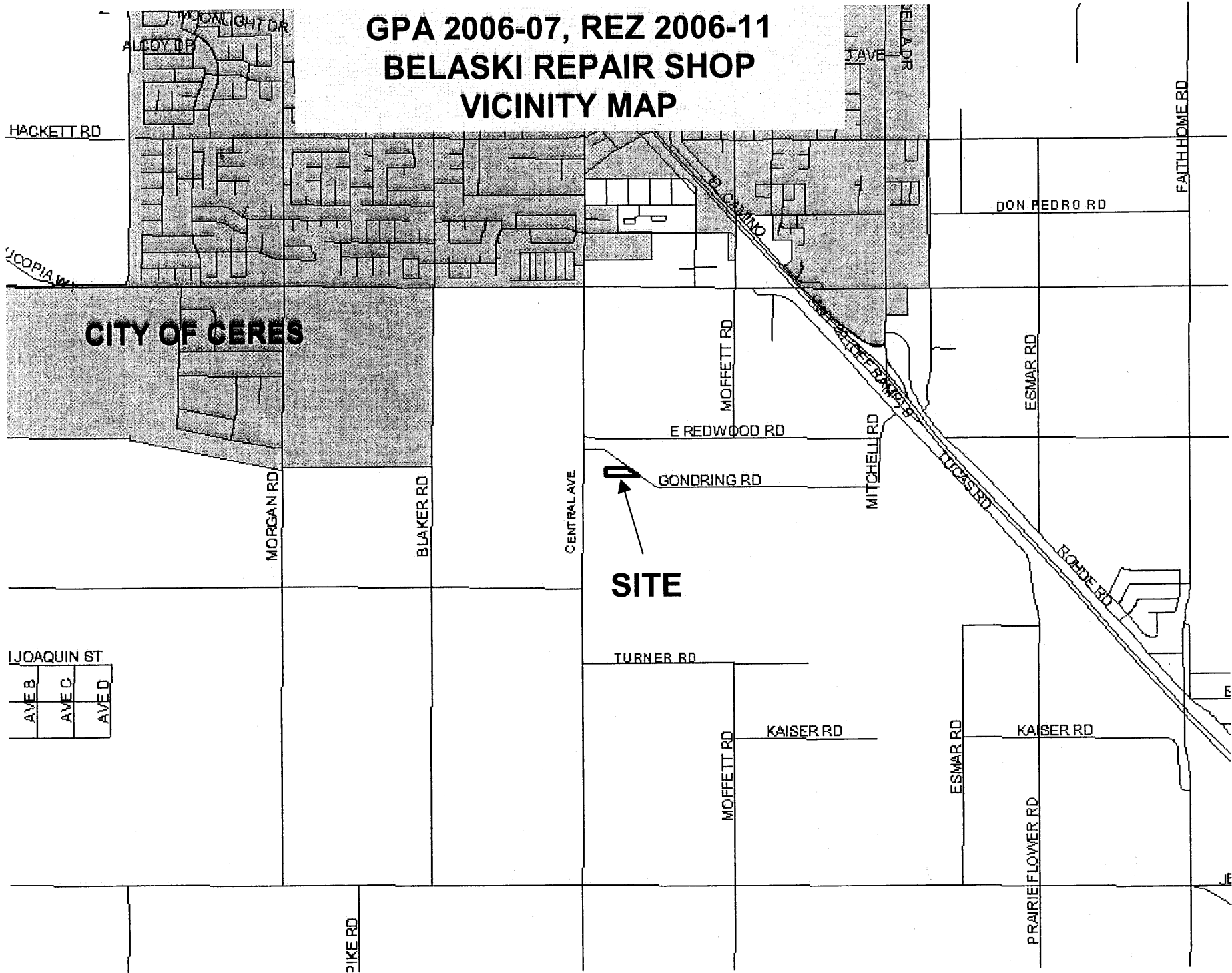
The proposed project would not significantly degrade the quality of the environment or significantly impact wildlife habitat or special status species.

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

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<sup>1</sup>Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and revised elements of the General Plan and Support Documentation: **Agricultural Element** adopted on April 23, 1992. **Housing Element** adopted on December 12, 2003, and certified by the California Department of Housing and Community Development Department on March 26, 2004. **Circulation Element** and **Noise Element** adopted on April 18, 2006.

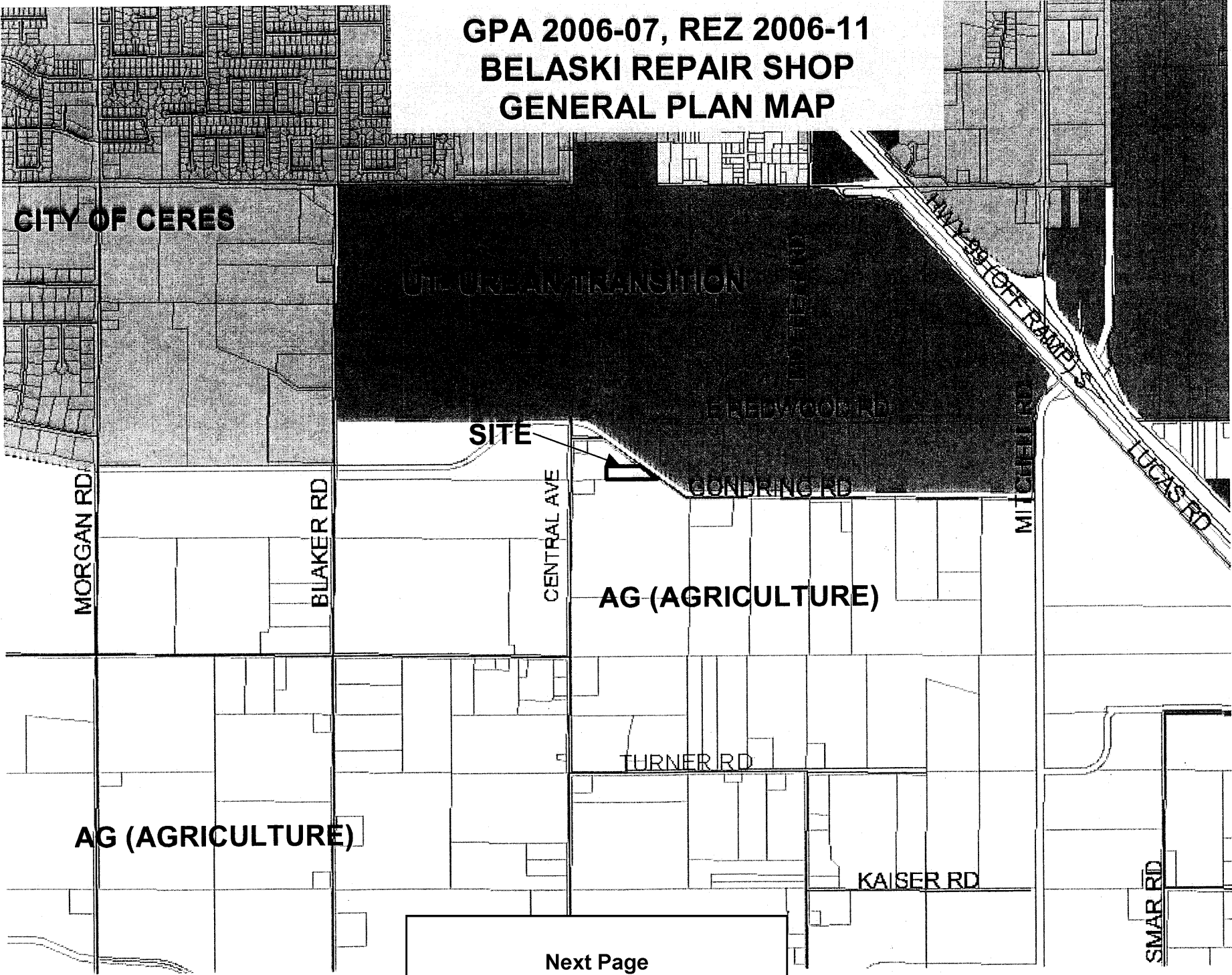
# GPA 2006-07, REZ 2006-11 BELASKI REPAIR SHOP VICINITY MAP



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AVE B	AVE C	AVE D
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**GPA 2006-07, REZ 2006-11  
BELASKI REPAIR SHOP  
GENERAL PLAN MAP**



Next Page