

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS

ACTION AGENDA SUMMARY

DEPT: Planning and Community Development

BOARD AGENDA # 9:15 a.m.

Urgent  Routine

AGENDA DATE February 5, 2008

CEO Concurs with Recommendation YES  NO  (Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Public Hearing to Consider Rezone Application # 2007-05, Denair Lumber, a Request to Rezone a 1.75 Acre Parcel from H-1 (Highway Frontage) to a P-D (Planned Development) to Allow a Lumber Yard and Retail Store to be Developed in Two Phases. Phase 1 Consists of a 15,400 Square Foot "Pole Building" (Continued on page 2)

PLANNING COMMISSION RECOMMENDATIONS:

After conducting a duly advertised public hearing at its regular meeting of January 3, 2008, the Planning Commission, on a 6-0 vote, recommend that the Board of Supervisors approve the project, subject to the following actions:

- 1. Adopt the Negative Declaration pursuant to CEQA Guidelines 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.

(Continued on page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2008-092

On motion of Supervisor O'Brien, Seconded by Supervisor Grover, and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION: Introduced, waived the reading and adopted Ordinance C.S 1026 for Rezone Application #2007-05

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-F-5

**SUBJECT: (Continued)**

and a 300 Square Foot Temporary Office. Phase 2 Consists of a 4,000 Square Foot Retail Sales and "Home Center" Building. The Project Is Located on Fresno Avenue, South of Main Street and North of Village Avenue, in the Community of Denair. APN: 024-032-017.

**PLANNING COMMISSION RECOMMENDATION: (Continued)**

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 CEQA Guidelines Section 15075.
3. Find That:
  - A. The project is consistent with the overall goals and policies of the County General Plan; and
  - B. The proposed Planned Development zoning is consistent with the Commercial General Plan description.
4. Approve Rezone Application #2007-05 - Denair Lumber, subject to the attached Development Standards and Development Schedule.

**DISCUSSION:**

This is a request to rezone a 1.75 acre parcel from H-1 (Highway Frontage) to a P-D (Planned Development) zone to allow a lumber business to be developed in two phases. Phase 1 development will include the construction of a 15,400 square foot "pole building" and a 300 square foot temporary office. The Pole Building will be used to store lumber and prepare "lumber packages" for delivery. It is estimated that there will be a maximum of four (4) incoming and twenty-five (25) outgoing deliveries per day. The temporary office will be used to manage on site activities and will not be used for retail sales. During Phase 1, it's expected that there will be two (2) on site employees with the hours of operation being from 7 am to 5 pm, Monday through Friday and 8 am to 3 pm on Saturdays. Phase 1 is expected to begin after approval and be completed within 2 years from the date of approval.

Phase 2 will consist of the construction of a 4,000 square foot Retail Sales building, pavement for the customer parking lot, and the installation of additional landscaping. The temporary office that is included as a Part of Phase 1, will be removed. The Retail Sales building will be used for the sale of items that are normally found in "home improvement" or hardware stores. The deliveries and storage of lumber, outlined in Phase 1 will continue to take place. The applicant has estimated that the Retail Sales building will generate fifty (50) customers per day. The total number of employees will increase to twelve (12) during this Phase. This Phase is expected to be completed within 5 years from the date of approval.

The project site will be served by municipal services (sewer & water), provided by the Denair Community Services District. Street improvements will be built to the standards set by the Public Works Department. These improvements will include the construction of curb, gutter, sidewalk, street pavement, and streetlights along the frontage of Fresno Avenue.

Based on the initial landscaping plans, it appears as though the project has provided adequate landscaping, consistent with both the County and the Community of Denair's landscaping requirements. The applicant has worked with County Staff and provided a landscaping plan that will adequately screen the proposed facility from the adjoining residential areas. The applicant has proposed an 8-foot masonry wall along the perimeter of the property that will include vegetative screening to help reduce any possible impacts to the surrounding residences. Additional landscaping will also be installed along Fresno Avenue during Phase 2.

### **Background**

Denair Lumber is a family owned and operated business that has operated in the Community of Denair for over 50 years. The primary product that is sold is lumber, although they do provide the normal type of products that are generally associated with a hardware store. They currently operate a small retail store and lumber yard, located at 4501 Main Street, in Denair. The applicant's are seeking to establish a new location on Fresno Avenue, that will serve as the primary location for the lumber yard and retail store, while continuing to use the "old" location for the storage and distribution of lumber. The project site on Fresno Avenue has a current zoning designation of H-1 (Highway Frontage), which allows for a variety of commercial type uses. Both the Denair Community Plan designation and Stanislaus County General Plan designation is for Commercial. It should be noted that the current zoning of H-1 (Highway Frontage) allows for a variety of commercial uses, including retail establishments, when conducted entirely within a building. The main reason that a use (such as the one being proposed) is inconsistent with the current zoning is that the use is conducted both inside and outside of the building. If this proposed use were to be conducted entirely within a building, it would simply be an allowable use and a rezone application would not be needed.

### **Planning Commission Hearing**

The Planning Commission held a public hearing on this project at its regular meeting of January 3, 2008. Following staff's recommendation for approval, the Chairman opened the public hearing. The applicant's representative, Rick Mummert (Benchmark Engineering) spoke in favor of the project.

Following the closing of the hearing, the Commission discussed the project indicating positions in favor of the project. The Commission also discussed the proposed 8-foot masonry wall that would be located around the perimeter of the project site (except for the frontage along Fresno Avenue). The masonry wall and landscaping would provide a buffer or screen from the adjoining Residential zoned properties. The Commission unanimously

voted 6-0 (Assali/Gammon) to recommend the Board of Supervisor's approve this request. A detailed discussion of the request and the reasons behind staff's recommendation for approval can be found in the attached Planning Commission Staff Report.

**POLICY ISSUES:**

None.

**STAFFING IMPACT:**

None.

**ATTACHMENTS:**

1. Planning Commission Staff Report, January 3, 2008
2. Planning Commission Minutes, January 3, 2008

# STANISLAUS COUNTY PLANNING COMMISSION

January 3, 2008

## STAFF REPORT

### REZONE APPLICATION NO. 2007-05 DENAIR LUMBER

**REQUEST:** TO REZONE A 1.75 ACRE SITE FROM H-1 (HIGHWAY FRONTAGE) TO A PLANNED DEVELOPMENT TO ALLOW A LUMBER YARD AND RETAIL STORE TO BE DEVELOPED IN TWO PHASES. PHASE 1 WILL INCLUDE A 15,400 SQUARE FOOT "POLE BUILDING" AND A 300 SQUARE FOOT TEMPORARY OFFICE. PHASE 2 WILL CONSIST OF A 4,000 SQUARE FOOT RETAIL SALES AND "HOME CENTER" BUILDING. THE PROPERTY IS LOCATED ON FRESNO AVENUE, SOUTH OF MAIN STREET AND NORTH OF VILLAGE AVENUE, IN THE COMMUNITY OF DENAIR.

#### APPLICATION INFORMATION

Applicant:	Benchmark Engineering
Owner:	Darin & Gregg Kelly
Location:	Fresno Avenue, south of Main Street and north of Village Avenue, in Denair
Section, Township, Range:	6-5-11
Supervisorial District:	Two (Supervisor Mayfield)
Assessor's Parcel:	024-032-017
Referrals:	See Exhibit "J" Environmental Review Referrals
Area of Parcels:	1.75 acres
Water Supply:	Public Water - Denair Community Services District
Sewage Disposal:	Public Sewer - Denair Community Services District
Existing Zoning:	H-1 (Highway Frontage)
General Plan:	Commercial
Community Plan Designation:	Commercial
Williamson Act:	Not applicable
Environmental Review:	Negative Declaration
Present Land Use:	Vacant
Surrounding Land Use:	Various Commercial Uses and Single-Family Residential

#### PROJECT DESCRIPTION

This is a request to rezone a 1.75 acre parcel from H-1 (Highway Frontage) to a P-D (Planned Development) zone to allow a lumber business to be developed in two phases. Phase 1 consists of a 15,400 square foot pole shed and a 300 square foot temporary office. Phase 2 will remove the temporary office building and construct a 4,000 square foot retail sales and home center building. The entire site will be paved, fenced, and landscaped. The project will be served by municipal services (sewer & water) provided by the Denair Community Services District, the provider of sewer and water for this community. The development schedule notes this project will be completed within 5 years from the date of approval.

## **SITE DESCRIPTION**

The site is located on Fresno Avenue, south of Main Street and north of Village Avenue, in the community of Denair. The project site is currently vacant and unimproved. The surrounding land uses consist of various commercial type uses to the north and northeast and single-family residential to the south and west.

## **DISCUSSION**

Denair Lumber is a family owned and operated business that has operated in the Community of Denair for over 50 years. The primary product that is sold is lumber although they do provide the normal type of products that are generally associated with a hardware store. They currently operate a small retail store and lumber yard, located at 4501 Main Street, in Denair. The applicant's are seeking to establish a new location on Fresno Avenue, that will serve as the primary location for the lumber yard and retail store, while continuing to use the "old" location for the storage and distribution of lumber. The project site on Fresno Avenue has a current zoning designation of H-1 (Highway Frontage), which allows for a variety of commercial type uses. Both the Denair Community Plan designation and Stanislaus County General Plan designation is for Commercial. It should be noted that the current zoning of H-1 (Highway Frontage) allows for a variety of commercial uses, including retail establishments, when conducted entirely within a building. The main reason that a use, such as the one being proposed, is inconsistent with the current zoning is that the use is conducted both inside and outside of the building. If this proposed use were to be conducted entirely within a building, it would simply be an allowable use and a rezone application would not be needed.

As previously stated, the project proposal for Denair Lumber is to allow a lumber business to be developed in two phases. Phase 1 development will include the construction of a 15,400 square foot pole shed and a 300 square foot temporary office. The Pole Shed will be used to store lumber and prepare "lumber packages" for delivery. It is estimated that there will be a maximum of four (4) incoming and 25 outgoing deliveries per day. The types of equipment that will be needed on site include: two forklifts, a table saw, chop saw, and four trucks used for deliveries. The temporary office will be used to manage on site activities and will not be used for retail sales. During Phase 1, it's expected that there will be two (2) on site employees with the hours of operation being from 7 am to 5 pm Monday through Friday and 8 am to 3 pm on Saturdays. Phase 1 is expected to begin after approval and be completed within 2 years from the date of approval.

Phase 2 will consist of the construction of a 4,000 square foot Retail Sales building, pavement for the customer parking lot, and the installation of additional landscaping. The temporary office that is included as a Part of Phase 1, will be removed. The Retail Sales building will be used for the sale of items that are normally found in "home improvement" or hardware stores. The deliveries and storage of lumber, outlined in Phase 1 will continue to take place. The applicant has estimated that the Retail Sales building will generate fifty (50) customers per day. The total number of employees will increase to twelve (12) during this Phase. This Phase is expected to be completed within 5 years from the date of approval.

All phases of the project will be served by municipal services (sewer & water), provided by the Denair Community Services District (see Exhibit "G"). Street improvements will be built, to the standards set by the Public Works Department. These improvements will include the construction of curb, gutter, sidewalk, street pavement, and streetlights along the frontage of Fresno Avenue.

Parking:

The existing County parking standards require retail stores and service establishments to provide one parking space for every 300 square feet of retail floor area. Warehouse uses, similar to what is proposed in Phase 1, are required to provide one (1) parking space for each employee on a maximum shift plus three (3) additional spaces. Based on the above requirement, the site plan identifies thirty-six (36) general parking spaces, with two (2) additional handicap spaces. This should be more than adequate given the minimum number of parking spaces needed under the County parking standards would be twenty-eight (28). The site also allows for off-street parking and loading areas that are provided for the trucks that will be used in deliveries.

Signs:

A specific sign program has been included as part of this project (see Exhibit "F"). The applicant is proposing a single wall mounted sign that will display the company name, Denair Lumber, in blue letters, that will be back-lit. This single sign is proposed to be a maximum of 8' x 26' or 208 square feet in size and will be located on the facade of the Retail building, along Fresno Avenue. Staff understands that the signage is conceptual at this time and has concerns that the applicant could determine during the operational phase that the site may need additional smaller "accessary" signs (directional, monument, etc.). This has occurred with past projects, so the applicant would be allowed to expand the total amount of signs, if requested, with Planning Director approval. All final sign approvals rest with the Director of Planning and Community Development and will require the Planning Director's approval prior to the placement of such signs (see Development Standard No. 4).

Landscaping:

Based on the initial landscaping plans, it appears as though the project has provided adequate landscaping, consistent with both the County and the Community of Denair's landscaping requirements. The applicant has worked with County Staff and provided a landscaping plan that will adequately screen the proposed facility from the adjoining residential areas. The applicant has proposed an 8-foot masonry wall along the perimeter of the property that will include vegetative screening (see Exhibit "C") to help reduce any possible impacts to the surrounding residences. Additional landscaping will also be installed along Fresno Avenue during Phase 2.

**FINDINGS**

In order to approve a rezone, it must be found to be consistent with the General Plan. In this case, the General Plan designation is Commercial. This designation is intended for land which is, "best suited for various forms of light or heavy commercial uses, including, but not limited to, retail, service and wholesaling operations." The County General Plan presently has just one designation to correspond to the various types of commercial zoning districts. It further identifies P-D (Planned Development) zoning as being appropriate (in areas designated Commercial) provided the development does not exceed the established building intensity of this designation, which this proposal does not. Staff feels this proposal to rezone the parcel to a Planned Development to be consistent with the General Plan which has been in place for some time, fits into the type of uses for this area, shape of parcel, and the location.

## **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment (see Exhibit "J" - Environmental Review Referrals). Responses received from agencies have been incorporated into this project as Development Standards (see Exhibit "D").

## **RECOMMENDATION**

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

1. Adopt the Negative Declaration pursuant to CEQA Guidelines 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 CEQA Guidelines Section 15075.
3. Find That:
  - A. The project is consistent with the overall goals and policies of the County General Plan; and
  - B. The proposed Planned Development zoning is consistent with the Commercial General Plan description.
4. Approve Rezone Application No. 2007-05 - Denair Lumber, subject to the attached Development Standards and Development Schedule.

**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 \$1,857.00 for the Department of Fish and Game, and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

\*\*\*\*\*

Report written by: Joshua Mann, Associate Planner, December 13, 2007

Attachments: Exhibit A - Maps  
Exhibit B - Project Description & Application Information  
Exhibit C - Site Plans (Phases 1 & 2) with Landscape Proposal



REZ 2007-05  
Staff Report  
January 3, 2008  
Page 5

Exhibit D -	Development Standards
Exhibit E -	Development Schedule
Exhibit F -	Applicant's Sign Plan & Building Elevations
Exhibit G -	Will Serve Letter - Denair C.S.D.
Exhibit H -	Initial Study
Exhibit I -	Negative Declaration
Exhibit J -	Environmental Review Referrals

Reviewed by:

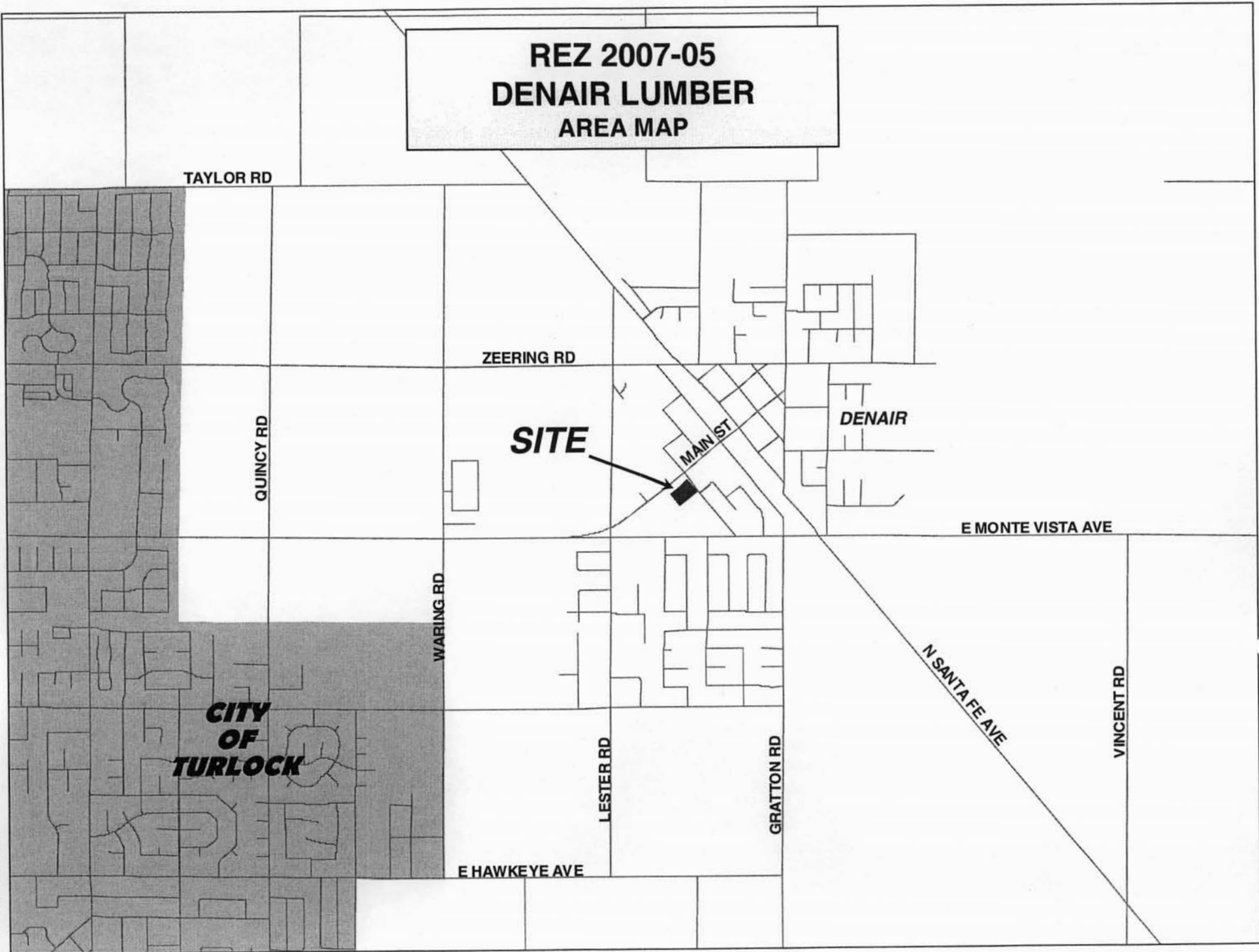


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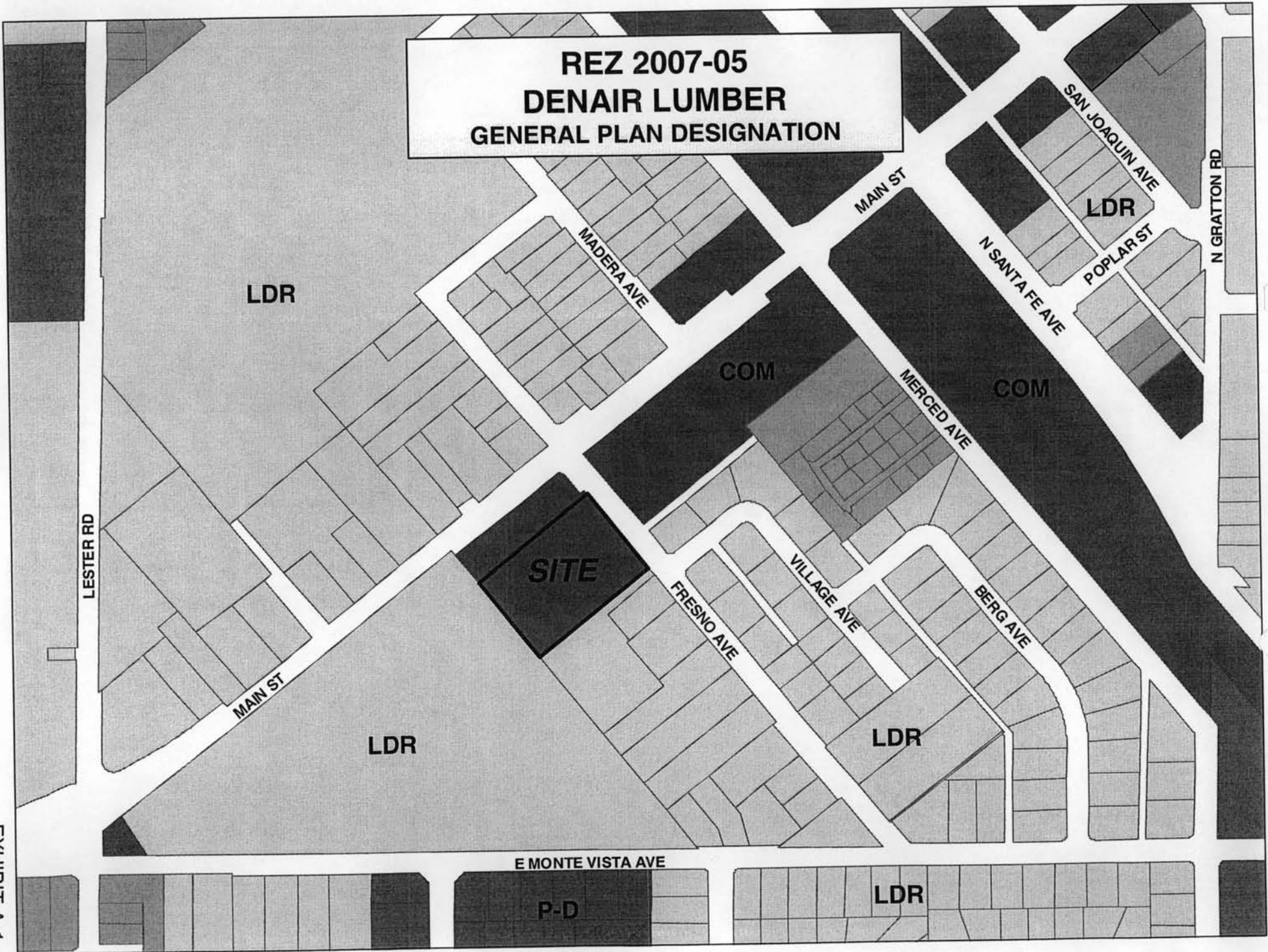
Angela Freitas, Senior Planner

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**REZ 2007-05  
DENAIR LUMBER  
AREA MAP**



**REZ 2007-05  
DENAIR LUMBER  
GENERAL PLAN DESIGNATION**



LDR

COM

COM

LDR

**SITE**

LDR

LDR

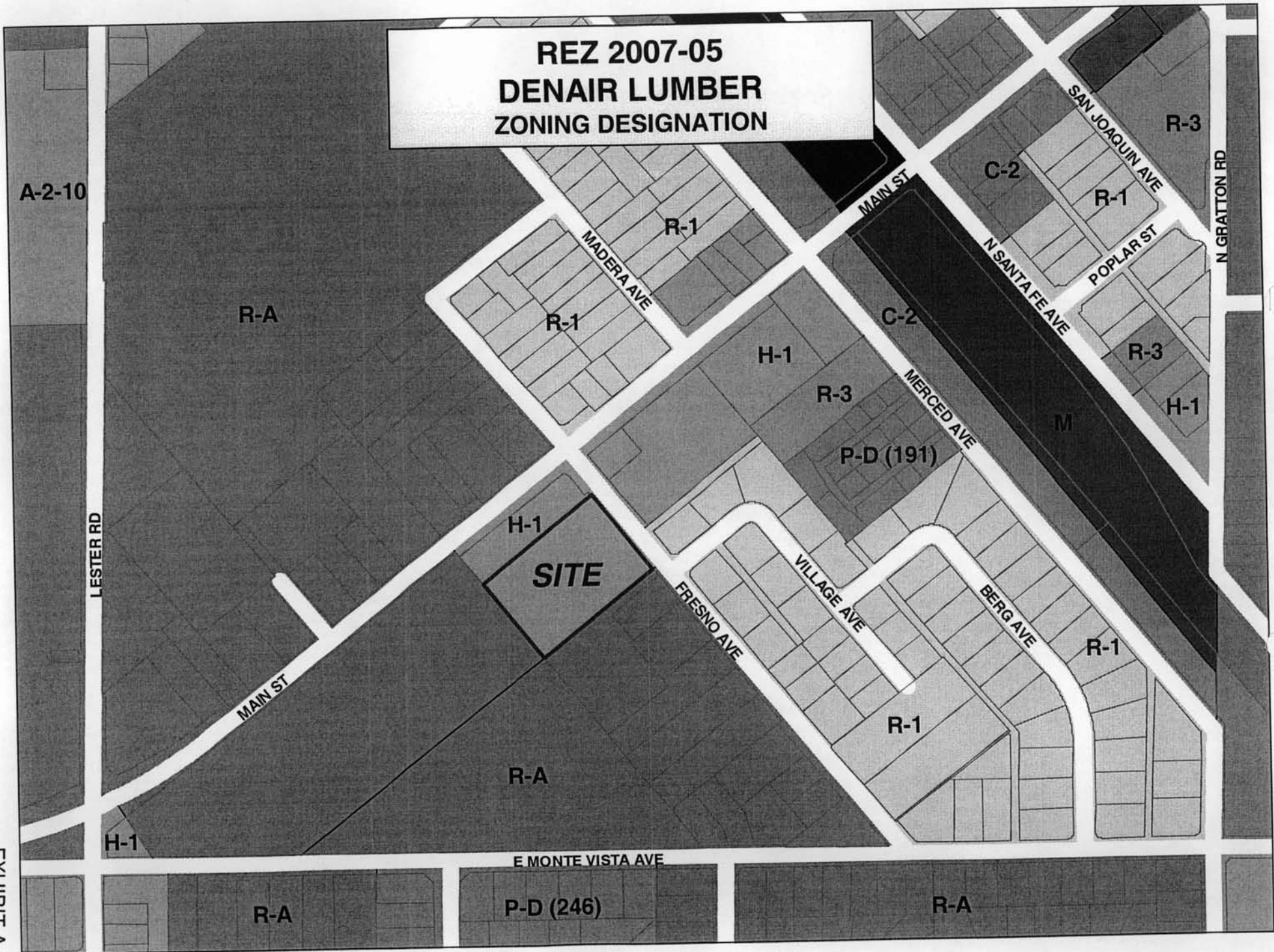
P-D

LDR

EXHIBIT A-1

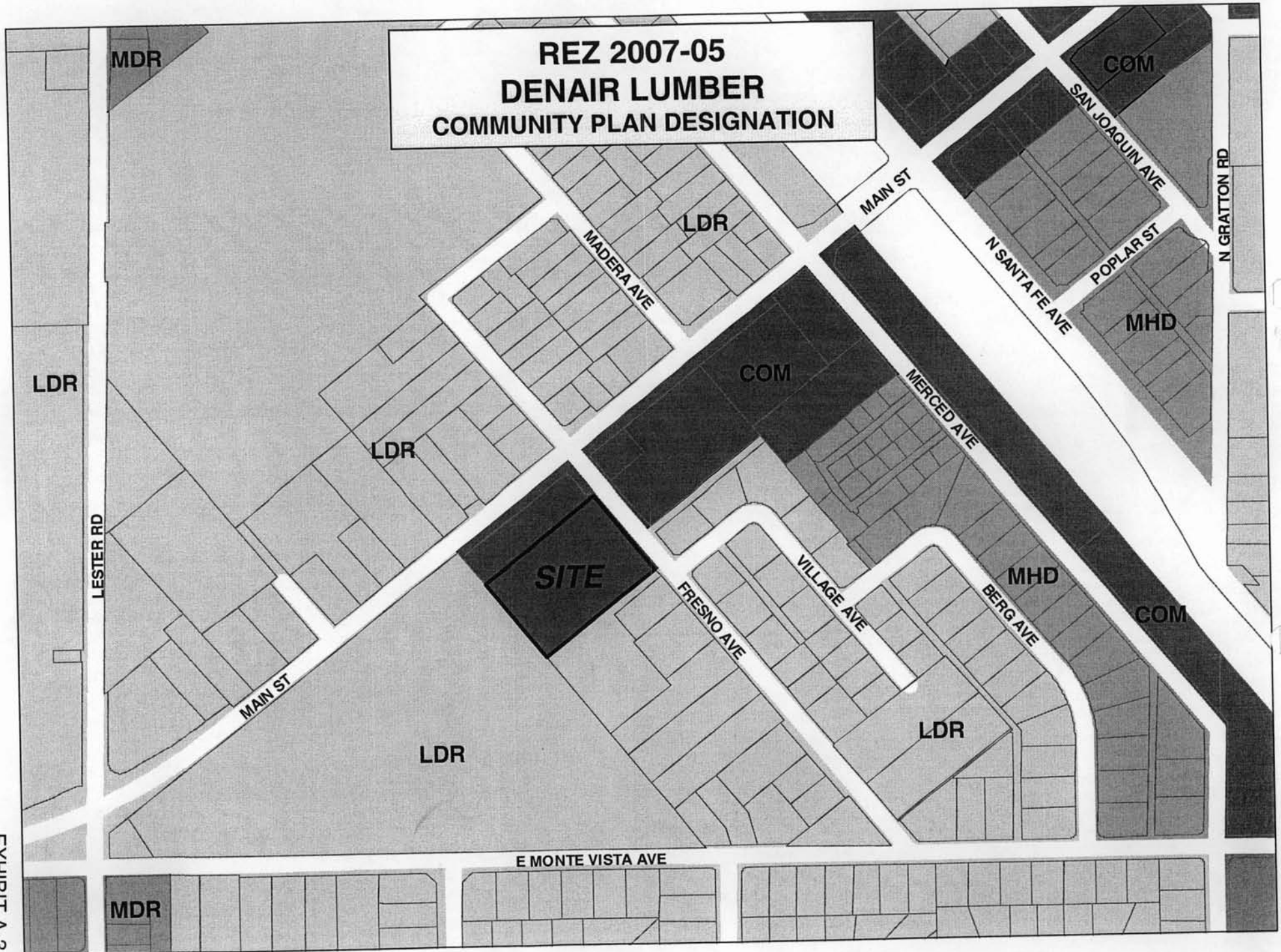
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**REZ 2007-05  
DENAIR LUMBER  
ZONING DESIGNATION**

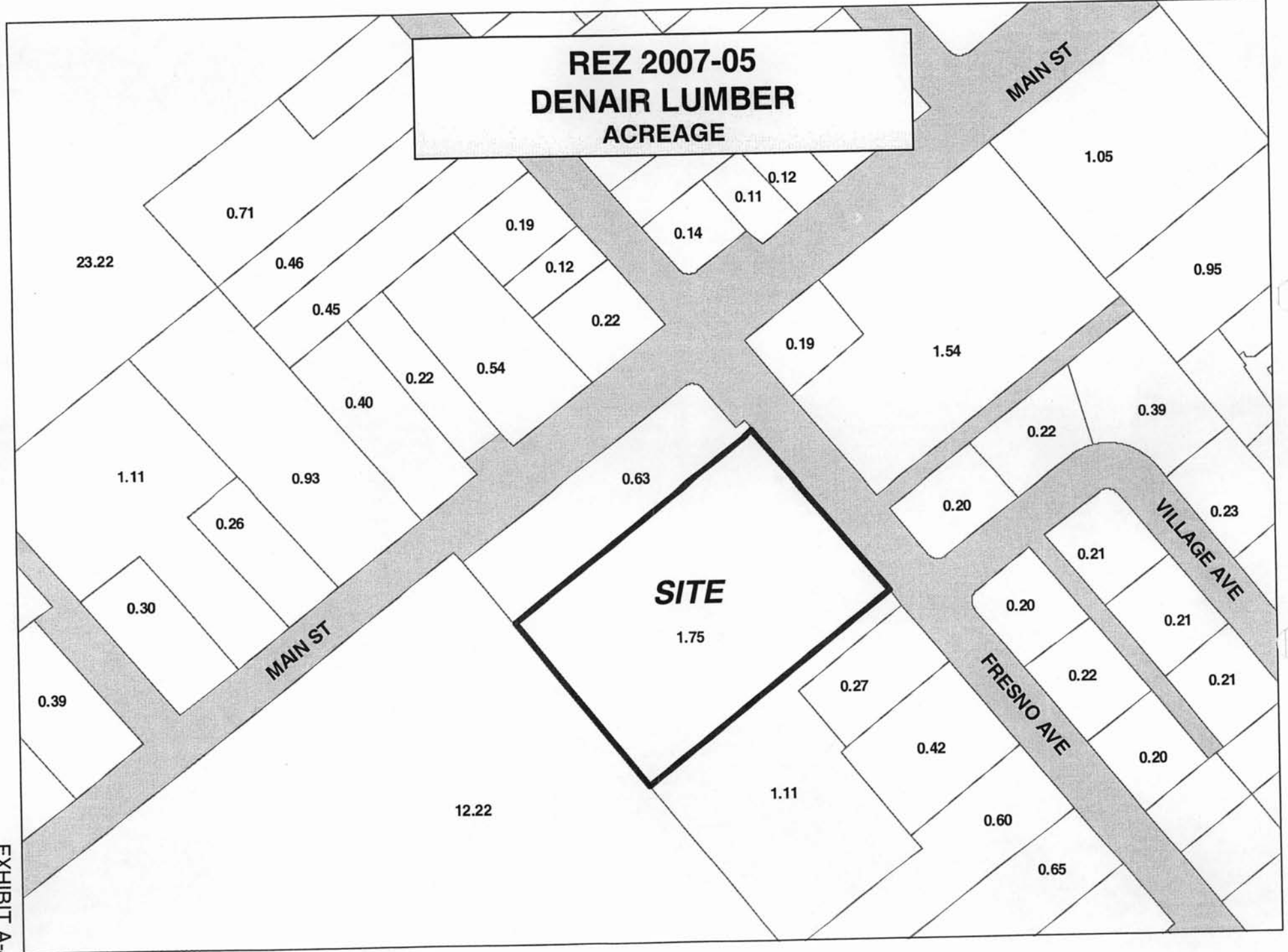




**REZ 2007-05  
DENAIR LUMBER  
COMMUNITY PLAN DESIGNATION**



**REZ 2007-05  
DENAIR LUMBER  
ACREAGE**



**REZ 2007-05  
DENAIR LUMBER  
AERIAL PHOTO**





# **DENAIR LUMBER**

## **Phase 1:**

“Phase 1” will consist of the construction of the 15,400 sq.ft “Pole Shed”, fencing, all street improvements, all interior pavement (as shown on the Site Plan), the Phase 1 landscaping (as identified on the Landscaping Plan), gravel areas, and the installation of a temporary 300 sq.ft. Office Building that will be used in conjunction with the lumber deliveries and will contain restroom facilities.

The operation during “Phase 1” will have two (2) employees on site that will prepare lumber / building packages for delivery to various construction sites. No customers will be on site during Phase “1”. The Pole Shed will be used to store lumber and prepare the Lumber Packages for delivery. Some material or packages will be stored in the rear of the property on the gravel area as it awaits delivery. Truck deliveries per day are estimated to be 2-4 incoming, 5-10 outgoing on Large Trucks, and 10-15 outgoing on Small Trucks.

## **Phase 2:**

“Phase 2” will consist of the construction of a 4,000 sq.ft Retail Sales Building, pavement for the customer parking lot, and the installation of additional landscaping (as identified on the Landscaping Plan). The temporary office building that is part of Phase “1” will be removed.

The activities will change on-site during this phase to include the Retail Sales Building. This retail building will be used for the sale of items that are generally found in ‘Home Improvement’ type establishments. Deliveries and storage outlined in Phase “1” will still take place as proposed. The addition of the Retail Sales Building is estimated to generate approximately 50 customers per day. Truck deliveries will remain the same as Phase “1”. The number of employees will increase to a total of 12 employees during this Phase.

## **Equipment:**

During Phase 1 & 2 it is estimated that the following equipment will be on site and used in conjunction with the day to day operations: two (2) Forklifts, three (3) large Trucks, one (1) small truck, one (1) Chop Saw, one (1) Table Saw.

## **Hours of Operation (Phase 1 & 2):**

Monday – Friday      7:00 a.m. to 5:00 p.m.  
Saturday              8:00 a.m. to 3:00 p.m.  
Closed on Sundays & Holidays

## **Sign Plan:**

One (1) sign approximately 8’ x 26’ will be placed on the retail sales building upon completion. *Please see attached sign and building elevations.* No other signs are proposed at this time.

## **Development Timeline:**

Phase 1 will be completed within 2 years of the final approval date.  
Phase 2 will be completed within 5 years of the final approval date.





# APPLICATION QUESTIONNAIRE

<p><u>Please Check all applicable boxes</u>  <b>APPLICATION FOR:</b>  <i>Staff is available to assist you with determining which applications are necessary</i></p> <table border="0"> <tr> <td><input type="checkbox"/> General Plan Amendment</td> <td><input type="checkbox"/> Subdivision Map</td> </tr> <tr> <td><input checked="" type="checkbox"/> Rezone</td> <td><input type="checkbox"/> Parcel Map</td> </tr> <tr> <td><input type="checkbox"/> Use Permit</td> <td><input type="checkbox"/> Exception</td> </tr> <tr> <td><input type="checkbox"/> Variance</td> <td><input type="checkbox"/> Williamson Act Cancellation</td> </tr> <tr> <td><input type="checkbox"/> Historic Site Permit</td> <td><input type="checkbox"/> Other _____</td> </tr> </table>	<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Subdivision Map	<input checked="" type="checkbox"/> Rezone	<input type="checkbox"/> Parcel Map	<input type="checkbox"/> Use Permit	<input type="checkbox"/> Exception	<input type="checkbox"/> Variance	<input type="checkbox"/> Williamson Act Cancellation	<input type="checkbox"/> Historic Site Permit	<input type="checkbox"/> Other _____	<p><b>PLANNING STAFF USE ONLY:</b>  Application No(s): <u>PEZ 2007-05</u>  Date: <u>8.23.2007</u>  S <u>6</u> T <u>5</u> R <u>11</u>  GP Designation: <u>COM</u>  Zoning: <u>H-1</u>  Fee: <u>\$ 3,600</u>  Receipt No. <u>CHECK # 3390Z</u>  Received By: <u>BC</u>  Notes: _____</p>
<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Subdivision Map										
<input checked="" type="checkbox"/> Rezone	<input type="checkbox"/> Parcel Map										
<input type="checkbox"/> Use Permit	<input type="checkbox"/> Exception										
<input type="checkbox"/> Variance	<input type="checkbox"/> Williamson Act Cancellation										
<input type="checkbox"/> Historic Site Permit	<input type="checkbox"/> Other _____										

In order for your application to be considered COMPLETE, please answer all applicable questions on the following pages, and provide all applicable information listed on the checklist on pages i - v. Under State law, upon receipt of this application, staff has 30 days to determine if the application is complete. We typically do not take the full 30 days. It may be necessary for you to provide additional information and/or meet with staff to discuss the application. Pre-application meetings are not required, but are highly recommended. An incomplete application will be placed on hold until all the necessary information is provided to the satisfaction of the requesting agency. An application will not be accepted without all the information identified on the checklist.

Please contact staff at (209) 525-6330 to discuss any questions you may have. Staff will attempt to help you in any way we can.

## PROJECT INFORMATION

**PROJECT NAME:** Denair Lumber  
(Desired name for project, if any)

**CONTACT PERSON:** Who is the primary contact person for information regarding this project?

Name: Darin & Gregg Kelley Telephone: 209-632-2494

Address: 4501 Main St. Denair, CA 95316

Fax Number: 209-632-2497 email address: \_\_\_\_\_

(Attach additional sheets as necessary)  
**PROPERTY OWNER'S NAME:** Denair Self Storage

Mailing Address 4018 S. Tegner Rd.  
Turlock, CA 95380

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

APPLICANT'S NAME:

Benchmark Engineering

Mailing Address

213 S. Sierra Ave. Oakdale, CA 95361

Telephone: 209-845-9300 Fax: 209-845-9305

ENGINEER / APPLICANT:

Benchmark Engineering

Mailing Address

213 S. Sierra Ave. Oakdale, CA 95361

Telephone: 209-845-9300 Fax: 209-845-9305

**PROJECT DESCRIPTION:** (Describe the project in detail, including physical features of the site, proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, etc. – Attach additional sheets as necessary)

*\*Please note: A detailed project description is essential to the reviewing process of this request. In order to approve a project, the Planning Commission or the Board of Supervisors must decide whether there is enough information available to be able to make very specific statements about the project. These statements are called "Findings". It is your responsibility as an applicant to provide enough information about the proposed project, so that staff can recommend that the Commission or the Board make the required Findings. Specific project Findings are shown on pages 18 – 20 and can be used as a guide for preparing your project description. (If you are applying for a Variance or Exception, please contact staff to discuss special requirements).*

The proposed project is a Retail Sales - Lumberyard business to be located on what is currently a vacant lot located on Fresno Avenue, south of Main Street in Denair, CA.

The project is to be built in two phases and once complete will be used primarily for Lumberyard as well as Retail Sales but will also be used as a site to store work trucks.

- SEE ATTACHED PROJECT DESCRIPTION -

# PROJECT SITE INFORMATION

Complete and accurate information saves time and is vital to project review and assessment. Please complete each section entirely. If a question is not applicable to your project, please indicated this to show that each question has been carefully considered. Contact the Planning & Community Development Department Staff, 1010 10<sup>th</sup> Street – 3<sup>rd</sup> Floor, (209) 525-6330, if you have any questions. Pre-application meetings are highly recommended.

ASSESSOR'S PARCEL NUMBER(S): Book 024 Page 032 Parcel 017

Additional parcel numbers: Fresno Ave  
Project Site Address  
or Physical Location: Denair, CA 95316

Property Area: Acres: 1.75 or Square feet: \_\_\_\_\_

Current and Previous Land Use: (Explain existing and previous land use(s) of site for the last ten years)

Vacant

List any known previous projects approved for this site, such as a Use Permit, Parcel Map, etc.: (Please identify project name, type of project, and date of approval)

N/A

Existing General Plan & Zoning: Commercial, H-1

Proposed General Plan & Zoning: Commercial, C-2  
(if applicable)

ADJACENT LAND USE: (Describe adjacent land uses within 1,320 feet (1/4 mile) and/or two parcels in each direction of the project site)

East: Commercial

West: Residential

North: Commercial

South: Residential

## WILLIAMSON ACT CONTRACT:

Yes  No

Is the property currently under a Williamson Act Contract?

Contract Number: \_\_\_\_\_

If yes, has a Notice of Non-Renewal been filed?

Date Filed: \_\_\_\_\_

Yes  No

Do you propose to cancel any portion of the Contract?

Yes  No

Are there any agriculture, conservation, open space or similar easements affecting the use of the project site. (Such easements do not include Williamson Act Contracts)

If yes, please list and provide a recorded copy: \_\_\_\_\_

**SITE CHARACTERISTICS:** (Check one or more)

Flat

Rolling

Steep

**VEGETATION:** What kind of plants are growing on your property? (Check one or more)

Field crops

Orchard

Pasture/Grassland

Scattered trees

Shrubs

Woodland

River/Riparian

Other

Explain Other: \_\_\_\_\_

Yes  No

Do you plan to remove any trees? (If yes, please show location of trees planned for removal on plot plan and provide information regarding transplanting or replanting.)

**GRADING:**

Yes  No

Do you plan to do any grading? (If yes, please indicate how many cubic yards and acres to be disturbed. Please show areas to be graded on plot plan.) \_\_\_\_\_

**STREAMS, LAKES, & PONDS:**

Yes  No

Are there any streams, lakes, ponds or other watercourses on the property? (If yes, please show on plot plan)

Yes  No

Will the project change any drainage patterns? (If yes, please explain - provide additional sheet if needed) \_\_\_\_\_

Yes  No

Are there any gullies or areas of soil erosion? (If yes, please show on plot plan)

Yes  No

Do you plan to grade, disturb, or in any way change swales, drainages, ditches, gullies, ponds, low lying areas, seeps, springs, streams, creeks, river banks, or other area on the site that carries or holds water for any amount of time during the year? (If yes, please show areas to be graded on plot plan)

**Please note: If the answer above is yes, you may be required to obtain authorization from other agencies such as the Corps of Engineers or California Department of Fish and Game.**

**STRUCTURES:**

- Yes  No  Are there structures on the site? (If yes, please show on plot plan. Show a relationship to property lines and other features of the site.)
- Yes  No  Will structures be moved or demolished? (If yes, indicate on plot plan.)
- Yes  No  Do you plan to build new structures? (If yes, show location and size on plot plan.)
- Yes  No  Are there buildings of possible Historical significance? (If yes, please explain and show location and size on plot plan.) \_\_\_\_\_

**PROJECT SITE COVERAGE:**

Existing Building Coverage: \_\_\_\_\_ Sq. Ft.                      Landscaped Area: \_\_\_\_\_ Sq. Ft.  
 Proposed Building Coverage: \_\_\_\_\_ Sq. Ft.                      Paved Surface Area: \_\_\_\_\_ Sq. Ft.

**BUILDING CHARACTERISTICS:**

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) \_\_\_\_\_

Number of floors for each building: \_\_\_\_\_

Building height in feet (measured from ground to highest point): (Provide additional sheets if necessary) \_\_\_\_\_

Height of other appurtenances, excluding buildings, measured from ground to highest point (i.e., antennas, mechanical equipment, light poles, etc.): (Provide additional sheets if necessary) \_\_\_\_\_

Proposed surface material for parking area: (Provide information addressing dust control measures if non-asphalt/concrete material to be used) \_\_\_\_\_

**UTILITIES AND IRRIGATION FACILITIES:**

- Yes  No  Are there existing public or private utilities on the site? Includes telephone, power, water, etc. (If yes, show location and size on plot plan)

Who provides, or will provide the following services to the property?

Electrical: \_\_\_\_\_ **TID**

Sewer\*: \_\_\_\_\_ **Denair Community Services Dist.**

Telephone: \_\_\_\_\_ **SBC**

Gas/Propane: \_\_\_\_\_ **PG&E**

Water\*\*: \_\_\_\_\_ **Denair Community Services Dist.**

Irrigation: \_\_\_\_\_ **TID**

\*Please Note: A "will serve" letter is required if the sewer service will be provided by City, Sanitary District, Community Services District, etc.

\*\*Please Note: A "will serve" letter is required if the water source is a City, Irrigation District, Water District, etc., and the water purveyor may be required to provide verification through an Urban Water Management Plan that an adequate water supply exists to service your proposed development.

Will any special or unique sewage wastes be generated by this development other than that normally associated with resident or employee restrooms? Industrial, chemical, manufacturing, animal wastes? (Please describe:)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please Note: Should any waste be generated by the proposed project other than that normally associated with a single family residence, it is likely that Waste Discharge Requirements will be required by the Regional Water Quality Control Board. Detailed descriptions of quantities, quality, treatment, and disposal may be required.

Yes  No  Are there existing irrigation, telephone, or power company easements on the property? (If yes, show location and size on plot plan.)

Yes  No  Do the existing utilities, including irrigation facilities, need to be moved? (If yes, show location and size on plot plan.)

Yes  No  Does the project require extension of utilities? (If yes, show location and size on plot plan.)

**AFFORDABLE HOUSING/SENIOR:**

Yes  No  Will the project include affordable or senior housing provisions? (If yes, please explain)

**RESIDENTIAL PROJECTS:** (Please complete if applicable – Attach additional sheets if necessary)

Total No. Lots: \_\_\_\_\_ Total Dwelling Units: \_\_\_\_\_ Total Acreage: \_\_\_\_\_

Net Density per Acre: \_\_\_\_\_ Gross Density per Acre: \_\_\_\_\_

(complete if applicable)	Single Family	Two Family Duplex	Multi-Family Apartments	Multi-Family Condominium/Townhouse
Number of Units:	_____	_____	_____	_____
Acreage:	_____	_____	_____	_____

**COMMERCIAL, INDUSTRIAL, MANUFACTURING, RETAIL, USE PERMIT, OR OTHER PROJECTS:** (Please complete if applicable – Attach additional sheets if necessary)

Square footage of each existing or proposed building(s): \_\_\_\_\_

\_\_\_\_\_  
Type of use(s): **Lumber yard | Retail Sales**  
\_\_\_\_\_

Days and hours of operation: Monday-Friday 7:00am - 5:00pm

Saturday 8:00am - 12:00pm

Seasonal operation (i.e., packing shed, huller, etc.) months and hours of operation: \_\_\_\_\_

Occupancy/capacity of building: \_\_\_\_\_

Number of employees: (Maximum Shift): 7 (Minimum Shift): 1

Estimated number of daily customers/visitors on site at peak time: \_\_\_\_\_

Other occupants: \_\_\_\_\_

Estimated number of truck deliveries/loadings per day: 2-10

Estimated hours of truck deliveries/loadings per day: \_\_\_\_\_

Estimated percentage of traffic to be generated by trucks: \_\_\_\_\_

Estimated number of railroad deliveries/loadings per day: \_\_\_\_\_

Square footage of:

Office area: \_\_\_\_\_

Warehouse area: \_\_\_\_\_

Sales area: \_\_\_\_\_

Storage area: \_\_\_\_\_

Loading area: \_\_\_\_\_

Manufacturing area: \_\_\_\_\_

Other: (explain type of area) \_\_\_\_\_

Yes  No  Will the proposed use involve toxic or hazardous materials or waste? (Please explain)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ROAD AND ACCESS INFORMATION:**

What County road(s) will provide the project's main access? (Please show all existing and proposed driveways on the plot plan)

Fresno Ave  
\_\_\_\_\_  
\_\_\_\_\_

Yes  No  Are there private or public road or access easements on the property now? (If yes, show location and size on plot plan)

Yes  No  Do you require a private road or easement to access the property? (If yes, show location and size on plot plan)

Yes  No  Do you require security gates and fencing on the access? (If yes, show location and size on plot plan)

**Please Note: Parcels that do not front on a County-maintained road or require special access may require approval of an Exception to the Subdivision Ordinance. Please contact staff to determine if an exception is needed and to discuss the necessary Findings.**

**STORM DRAINAGE:**

How will your project handle storm water runoff? (Check one)  Drainage Basin  Direct Discharge  Overland

Other: (please explain) \_\_\_\_\_

If direct discharge is proposed, what specific waterway are you proposing to discharge to? \_\_\_\_\_

\_\_\_\_\_

**Please Note: If direct discharge is proposed, you will be required to obtain a NPDES permit from the Regional Water Quality Control Board, and must provide evidence that you have contacted them regarding this proposal with your application.**

**EROSION CONTROL:**

If you plan on grading any portion of the site, please provide a description of erosion control measures you propose to implement.

\_\_\_\_\_

\_\_\_\_\_

**Please note: You may be required to obtain an NPDES Storm Water Permit from the Regional Water Quality Control Board and prepare a Storm Water Pollution Prevention Plan.**

**ADDITIONAL INFORMATION:**

Please use this space to provide any other information you feel is appropriate for the County to consider during review of your application. (Attach extra sheets if necessary)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## PROPERTY OWNER/APPLICANT SIGNATURE

I hereby certify that the facts, statements, and information presented within this application form are true and correct to the best of my knowledge and belief. I hereby understand and certify that any misrepresentation or omissions of any information required in this application form may result in my application being delayed or not approved by the County. I hereby certify that I have read and fully understand all the information required in this application form including:

1. The Notices to All Applicants on page 9;
2. Acknowledgments/Authorizations on pages 11 - 12; and,
3. The Indemnification on page 13.

Property Owner(s): (Attach additional sheets as necessary)

Brian Kelley  
Signature(s)  
Norma Kelley  
James J. Fernandes  
Norma N. Fernandes

1 BRIAN KELLEY  
Print Name  
2 NORMA KELLEY  
3 JAMES J. FERNANDES  
4 NORMA FERNANDES

Applicant(s): (If different from above)

Rick Mummert, President  
Signature(s)  
Benchmark Engineering, Inc

Rick Mummert, President  
Print Name



# BENCHMARK ENGINEERING, INC.

## CIVIL ENGINEERING & LAND SURVEYING

September 13, 2007

Mr. Joshua Mann  
Stanislaus County  
Planning Department  
1010 10<sup>th</sup> Street, 3400  
Modesto, CA 95354



RE: Denair Lumber Schedule

Mr. Mann,

Both Denair lumber sites will remain open after the completion of the new site. During phase one operations, the original (existing) site will continue, as it is currently with the exception that the proposed site will act as the delivery staging area. After the completion of phase 2, the existing site will be a lumber yard/hardware store; carrying building materials geared more towards construction contractors. The proposed site will be a retail home center similar to a small scale Orchard Supply Hardware. It will also continue as a delivery staging area for the existing site.

Truck traffic will turn onto Fresno Avenue from Main Street and turn into the site at the northwestern entrance to the site. Trucks will exit from the southeastern entrance, head northwest, and turn left or right on Main Street. Truck traffic through the residential section of Fresno Avenue will be avoided.

At the worst-case scenario, there will be less than 3 trucks per hour, with majority being the small Class B flatbeds. At Peak times, deliveries will be split between the proposed and existing sites.

Thank you,

Josh Pinckney



## CENTRAL CALIFORNIA INFORMATION CENTER

*California Historical Resources Information System*  
 Department of Anthropology - California State University, Stanislaus  
 801 W. Monte Vista Avenue, Turlock, California 95382  
 (209) 667 3307 - FAX (209) 667-3324

*Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus & Tuolumne Counties*

**Date:** April 4, 2007

**CCIC File #:** 6670N

**Project:** Denair Lumber project site, Fresno Avenue, Denair, APN024-032-017

Rick Mummert, President  
 Benchmark Engineering, Inc.  
 231 South Sierra Avenue  
 Oakdale, CA 95361

Dear Mr. Mummert,

We have conducted a records search as per your request for the above-referenced project area located on the Denair USGS 7.5-minute quadrangle map in Stanislaus County.

Search of our files includes review of our maps for the specific project area and the immediate vicinity of the project area, and review of the National Register of Historic Places, the California Register of Historical Resources, the *California Inventory of Historic Resources* (1976), the *California Historical Landmarks* (1990), and the *California Points of Historical Interest* listing (May 1992 and updates), the Historic Property Data File (Office of Historic Preservation current computer list dated 12/11/2006), the CALTRANS State and Local Bridge Survey (1989 and updates), the *Survey of Surveys* (1989), GLO Plats, and other pertinent historic data available at the CCIC for each specific county.

The following details the results of the records search:

### **Prehistoric or historic resources within the project area:**

No prehistoric or historic archaeological resources or historic properties have been reported to the CCIC.

The 1953 Denair USGS 7.5' quadrangle map indicates the presence of a building immediately adjacent to the northwest, on the adjacent parcel (No. 16?), and this same building may also be on the 1963 (photorevised 1987) version, but there are no indications of buildings within the project area. The GLO Plat map for T5S/R11E (sheet #44-324, dated 1853-1854) was also "negative" for the project and immediate vicinity. Aerial photo maps we accessed also did not reveal the presence of potential cultural resources in the project area, and perhaps even showed that relatively recent grading may have removed any buildings, structures or objects that may have previously been on the property that we were not aware of.

### **Prehistoric or historic resources within the immediate vicinity of the project area:**

None have been reported to the CCIC, although it is possible that unrecorded and unevaluated buildings, structures and objects over 45 years old still exist on the adjacent parcels.

**Resources that are known to have value to local cultural groups:** None have been formally reported to the CCIC.

**Previous investigations within the project:** None have been reported to the CCIC.

**Previous investigations within the immediate vicinity of the project area:** None have been reported to the CCIC.

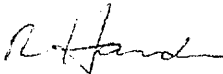
**Recommendations/Comments:** Please be advised that a historical resource is defined as a building, structure, object, prehistoric or historic archaeological site, or district possessing physical evidence of human activities over 45 years old. There may be unidentified features involved in your project that are 45 years or older and considered as historical resources requiring further study and evaluation by a qualified professional of the appropriate discipline.

Based on existing data in our files the project area has a low sensitivity for the possible discovery of historical resources, prehistoric or historic. No further study appears to be indicated at this time.

We advise you that in accordance with State law, if any historical resources are discovered during project-related construction activities, all work is to stop and the lead agency and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find. If Native American remains are found the County Coroner and the Native American Heritage Commission, Sacramento (916-653-4082) are to be notified immediately for recommended procedures.

We thank you for contacting this office regarding historical resource preservation. Please let us know when we can be of further service. Billing is attached, payable within 60 days of receipt of the invoice.

Sincerely,



Robin Hards, Assistant Research Technician  
Central California Information Center  
California Historical Resources Information System

CCIC # 6670N  
Denair USGS 7.5  
1963 (p.r. 1987)

Project area  
Denair Lumber, Fresno Ave  
APN 024-032-017



R. 10 E (TURLOCK)  
1898 1/4 NE

SCALE 1:24,000



CONTOUR INTERVAL 5 FEET

CCIC # 6670 N

Apr 04 07 05:02P

Antho/Geog

6673324

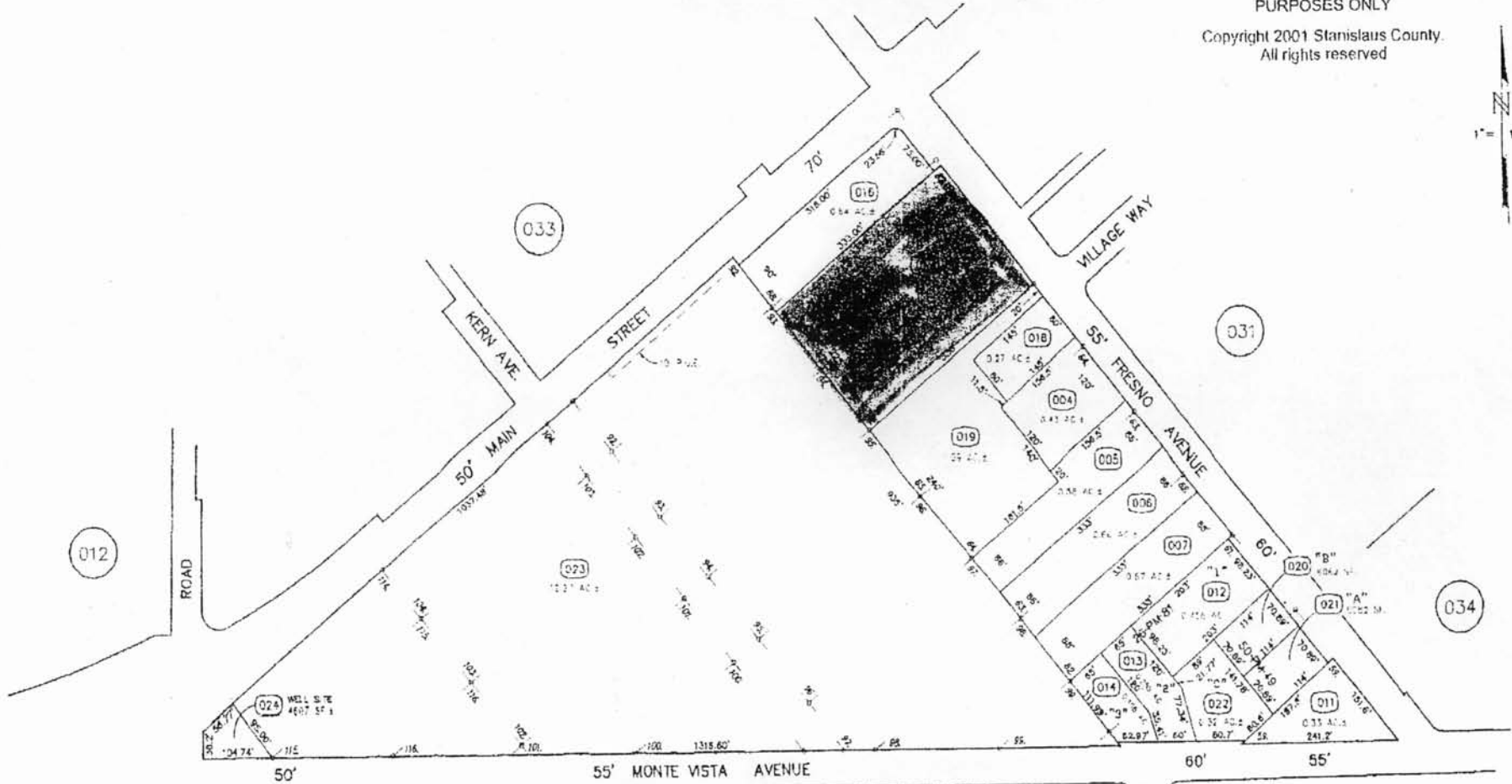
P.S

POR. SE 1/4 SECTION 6 T.5S. R.11E. M.D.B.& M.

J. D. SUBDIVISION - LOTS 59-68, 92-104, 114-116 (04M37)

056 025 024 - 032

THIS MAP FOR ASSESSMENT  
PURPOSES ONLY  
Copyright 2001 Stanislaus County  
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26

FROM: BK-1, 024-32  
DRAWN: 5-20-78  
REVISED: 3-1-83, 8-12-96, 1-12-01 DH, 9-2-03(V) MF, 2-5-04 MF

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Back To  
Book  
Index



67,97,01,04

024 - 032

**CENTRAL CALIFORNIA INFORMATION CENTER**  
*California Historical Resources Information System*  
 Department of Anthropology  
 California State University, Stanislaus  
 801 W. Monte Vista Avenue, Turlock California 95382  
 (209) 667-3307 / FAX (209) 667-3324

Alpine  
 Calaveras  
 Mariposa  
 Merced  
 San Joaquin  
 Stanislaus  
 Tuolumne

urgent

CALIFORNIA HISTORICAL RESOURCES INFORMATION SYSTEM

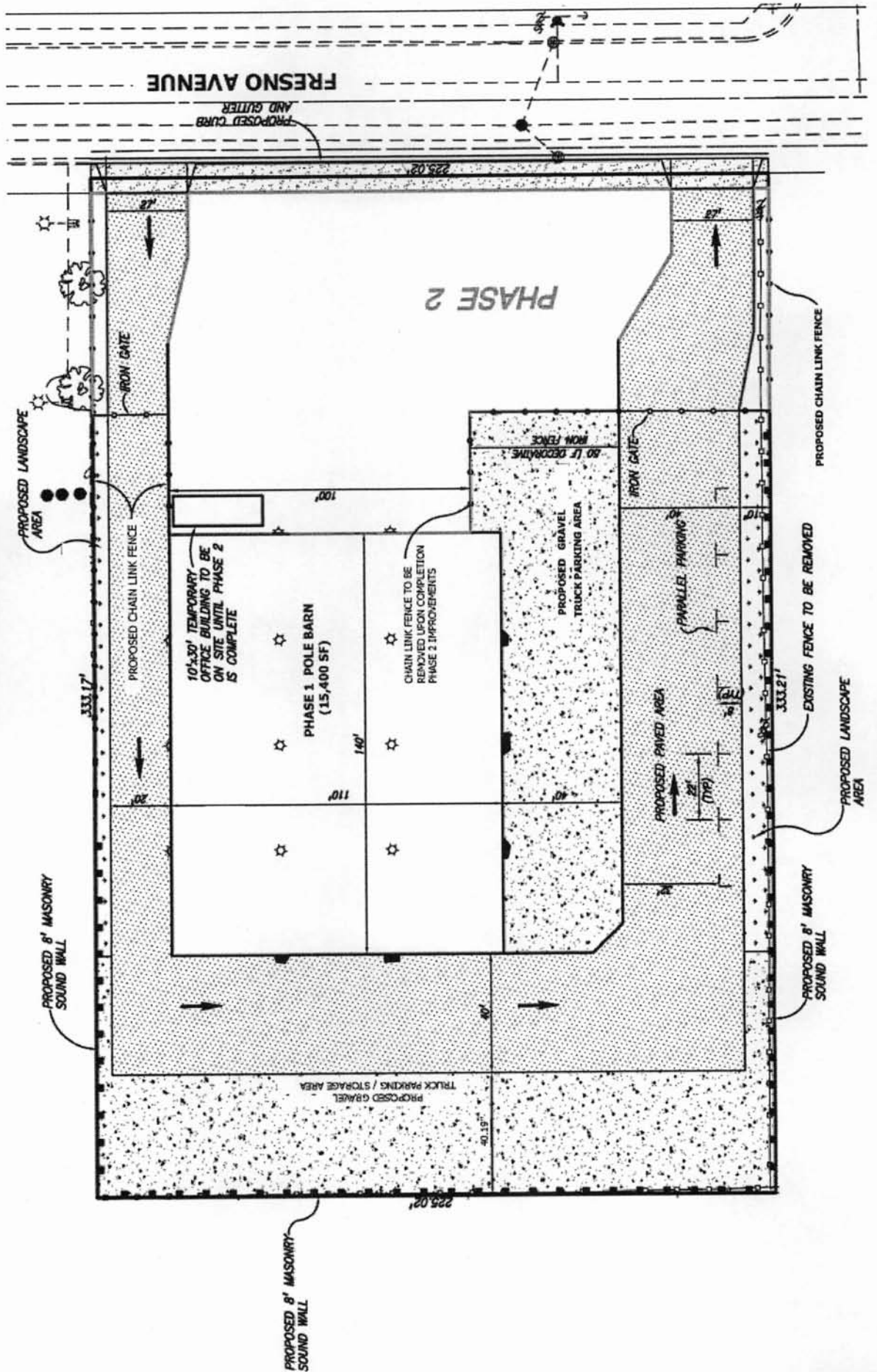
FAX Transmittal Sheet

Date: 4/4/07 No. of Pages: 4 attached  
 TO: Lacey King FAX# 209-845-9305, Benchmark Engineering  
 FROM: Robin Hards, CCIC staff

MESSAGE: Record search reply attached re- Denair Lumber project site

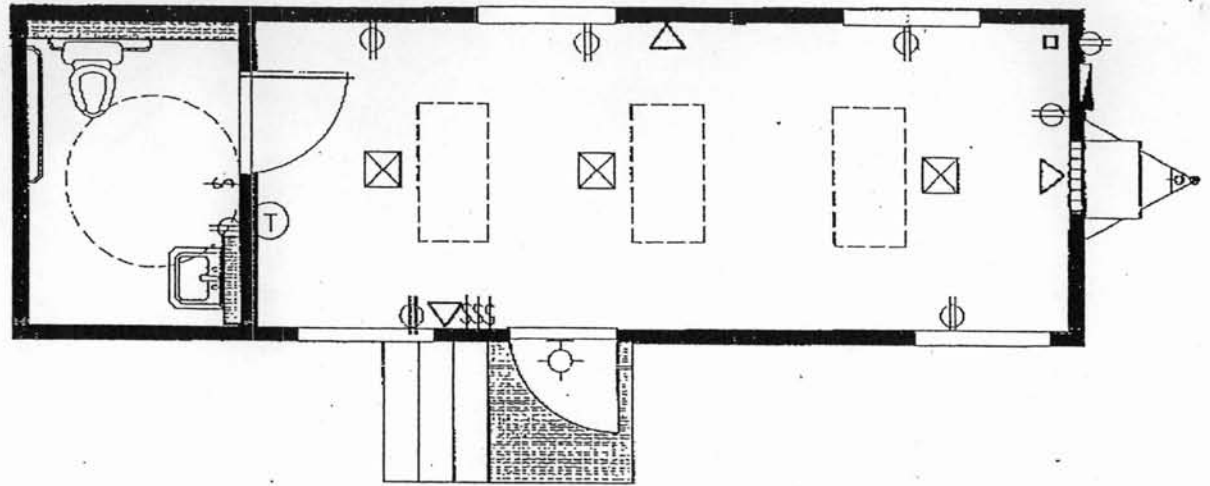
If there is any problem receiving this transmission, FAX 209-667-3324 or call 209-667-3307

**REZ 2007-05  
DENAIR LUMBER  
SITE PLAN - PHASE 1**

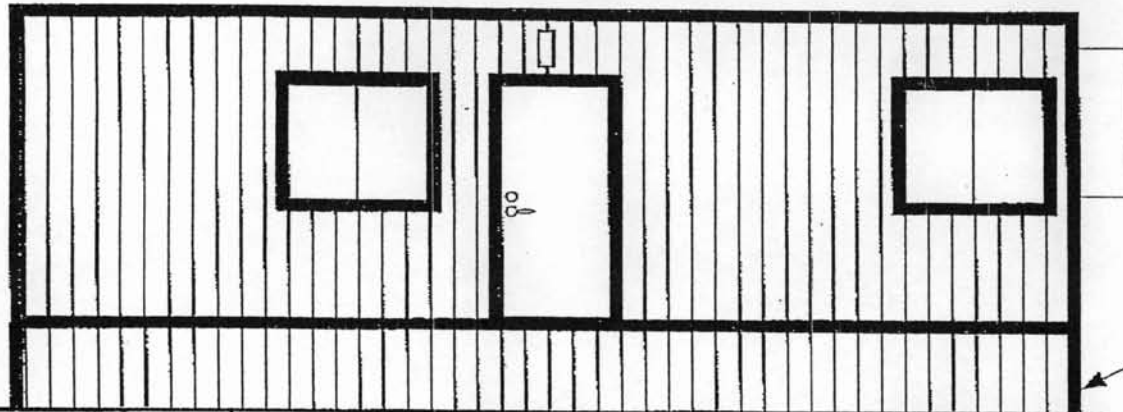








PHASE 1 – TEMPORARY OFFICE



**PACIFIC MOBILE  
STRUCTURES, INC.**  
800/441-8603

DATE: 5/31/07

DRAWN BY: Stuart

**STANDARD FEATURES**

- ~ 30 guage galvanized standing seam roof
- ~ 8' Suspended T-grid ceiling w/ recessed 2'x4' lights
- ~ DuraTemp exterior siding 8" O.C
- ~ Endwall HVAC w/ t-stat controls

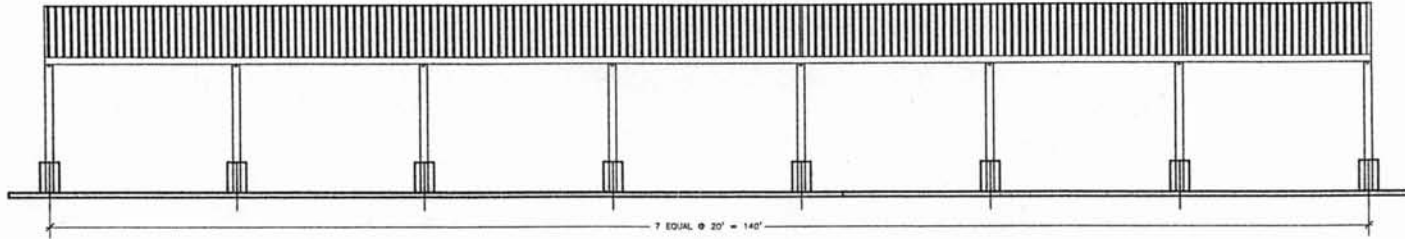
- ~ 46"x39" Horizontal Sliders
- ~ Wisc. birch paneling interior walls
- ~ 1/8" V.C. Tile flooring
- ~ 36" x 80" steel clad exterior door w/deadbolt, passage, latchguard
- ~ Siding color - PMSI Grey
- ~ Trim color - PMSI Blue

**LEGEND**

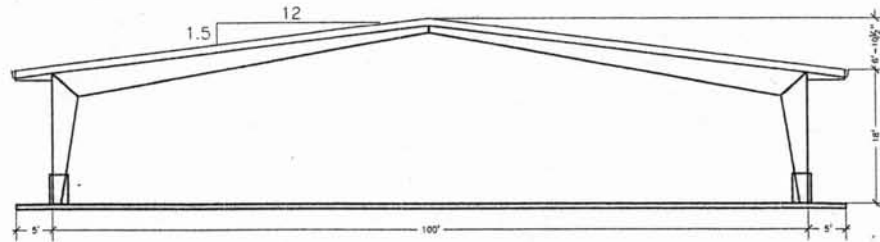
- 2' x 4' (4-tube) light fixture
- T-stat
- porch light
- duplex elec. outlet
- light switch
- supply air grill
- return air grill
- 125 amp panel box

This drawing is the property of Pacific Mobile Structures, Inc. and may not be duplicated without prior approval.

30



1 SIDE (NW, SE) ELEVATIONS  
 AX SCALE: 1/4" = 1'-0"



4 FRONT AND BACK (NE, SW) ELEVATIONS  
 AX SCALE: 1/4" = 1'-0"

REVISIONS	DATE

EXTERIOR ELEVATIONS

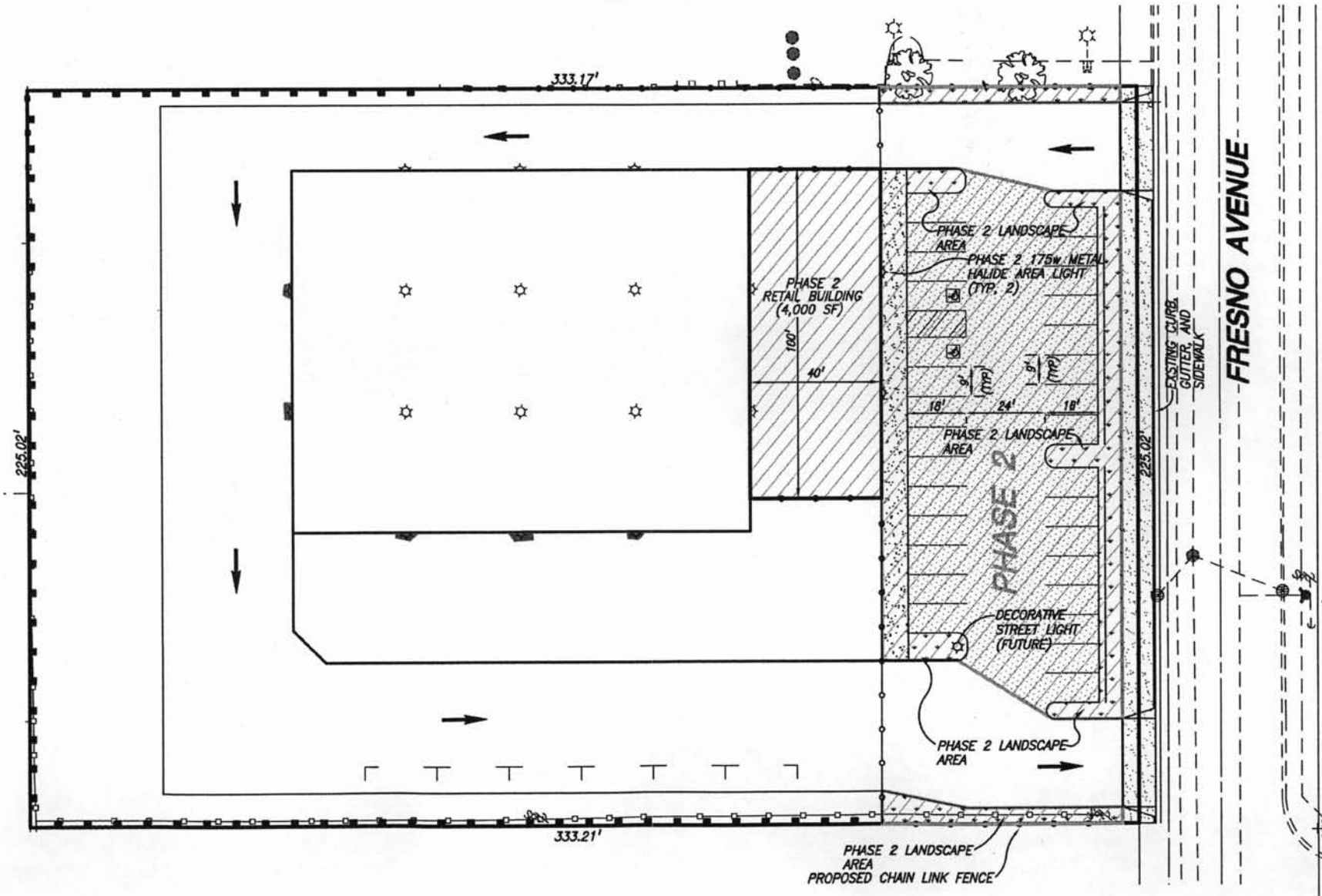
DENAIR LUMBER

PHIL GERDES  
 ENGINEERING  
2023 1/24 11:58 AM

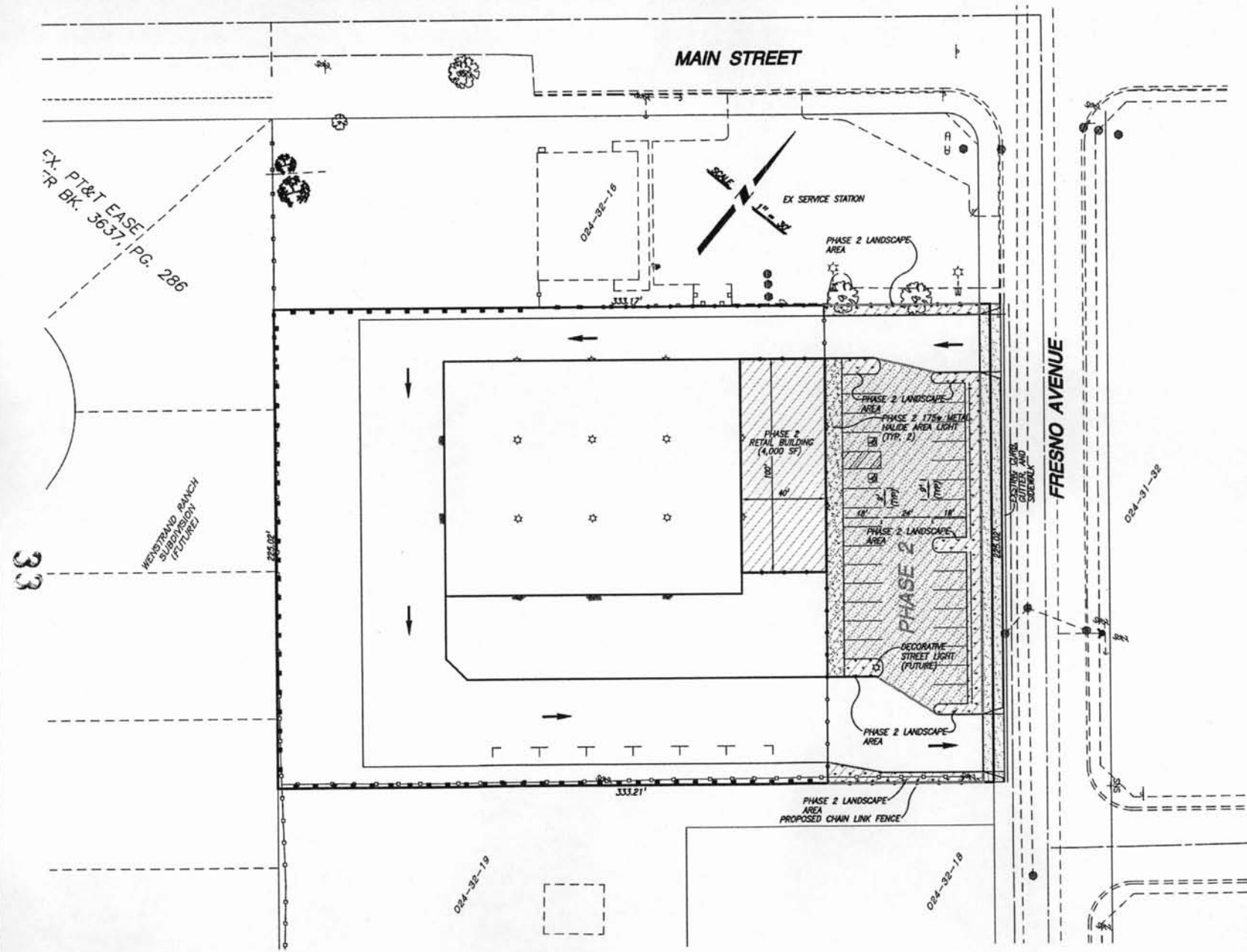
Drawn: PDG  
 Checked:  
 Date: 04-30-05  
 Scale: AS NOTED  
 Job No: 090707

Sheet No.  
**AX**  
 of ONE Sheets

**REZ 2007-05  
DENAIR LUMBER  
SITE PLAN - PHASE 2**



26



**BENCHMARK ENGINEERING, INC.**  
**CIVIL ENGINEERING & LAND SURVEYING**  
 213 SOUTH TIRA AVENUE • OAKDALE, CALIFORNIA • 95361  
 5-8900 FAX: (209) 845-9305



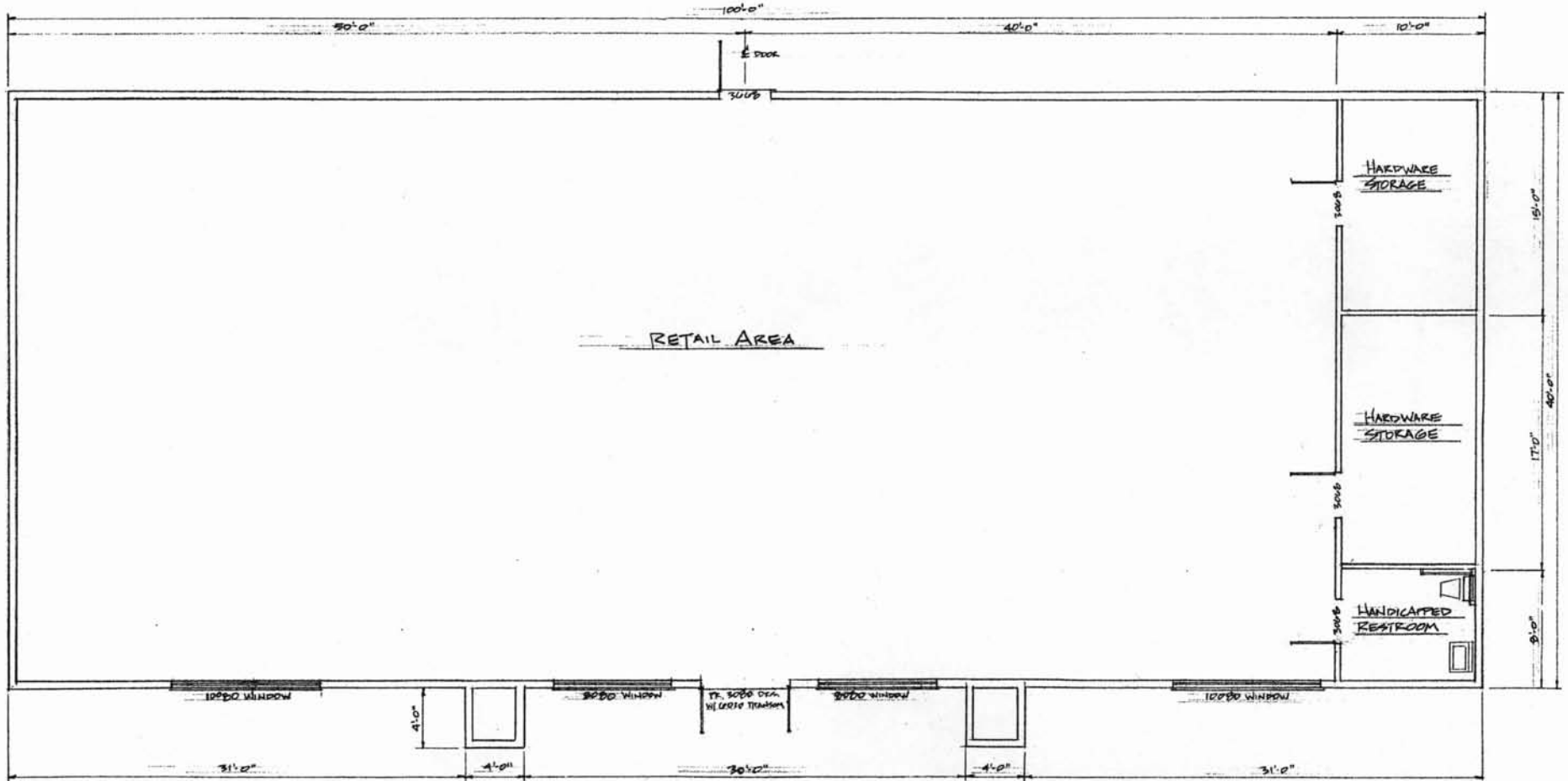
PHASE 2 EXHIBIT

PAVIAIR LUMBER  
 PAVIAIR, CALIFORNIA

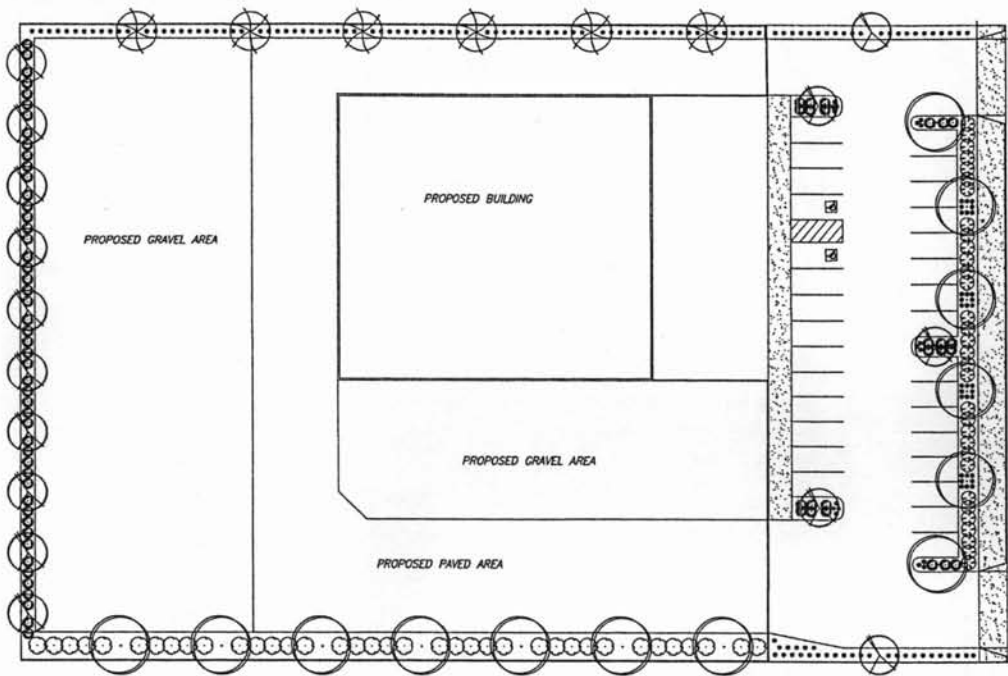
JOB NO. 169000  
 DATE 3/30/07  
 DR BY JP  
 CK BY  
 SCALE AS SHOWN

SHEET NUMBER  
**1**  
 OF 1 SHEETS

**REZ 2007-05  
DENAIR LUMBER  
RETAIL BUILDING – FLOOR PLAN**



**FLOOR PLAN** SCALE: 1/4" = 1'-0"



FRESNO AVENUE

**TREE PLANTING LEGEND**

SYMBOL	SPECIES NAME	COMMON NAME	QTY
(Circle with cross)	10 GAL. PINEAPPLE ORANGE	Pineapple	11
(Circle with diagonal lines)	10 GAL. LAGERSTROMIA TUMIDA	Queen Wattle (FTS)	8
(Circle with horizontal lines)	10 GAL. PINUS BENTON	Pineapple (FTS)	4

**SHRUB PLANTING LEGEND**

SYMBOL	SPECIES NAME	COMMON NAME	QTY
(Circle with vertical lines)	1 GAL. ERIGONIA BICOLOR	Scrubland	20
(Circle with diagonal lines)	1 GAL. PHELIODENDRON VIRENS	Yucca-like plant	20
(Circle with horizontal lines)	1 GAL. NEOLYMBIA SPINOSA	Ball Ball	20
(Circle with vertical lines)	1 GAL. FREZIERIA VERMILION BELL	Red Bell	10
(Circle with horizontal lines)	1 GAL. FREZIERIA VERMILION BELL	Red Bell	10

PLANTING NOTES:  
 1. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE STANISLAUS COUNTY PLANTING MANUAL.  
 2. PLANTING SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.  
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.  
 4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES AT ALL TIMES.  
 5. THE CONTRACTOR SHALL PROTECT ALL EXISTING PLANTING AND STRUCTURES.  
 6. THE CONTRACTOR SHALL PROVIDE A DETAILED PLANTING LOG.  
 7. THE CONTRACTOR SHALL PROVIDE A DETAILED WATERING SCHEDULE.  
 8. THE CONTRACTOR SHALL PROVIDE A DETAILED MAINTENANCE SCHEDULE.  
 9. THE CONTRACTOR SHALL PROVIDE A DETAILED REPORT ON PLANTING RESULTS.  
 10. THE CONTRACTOR SHALL PROVIDE A DETAILED REPORT ON WATERING AND MAINTENANCE RESULTS.

APPROVED BY THE STANISLAUS COUNTY DEPARTMENT OF PARKS AND RECREATION  
 \_\_\_\_\_ DATE \_\_\_\_\_

APPROVED BY THE STANISLAUS COUNTY DEPARTMENT OF PLANNING  
 \_\_\_\_\_ DATE \_\_\_\_\_

APPROVED BY THE STANISLAUS COUNTY DEPARTMENT OF PUBLIC WORKS  
 \_\_\_\_\_ DATE \_\_\_\_\_

**DESIGN & PLAN COPYRIGHT**  
 2007  
 ALL DRAWINGS, DESIGN, IDEAS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF TAYLOR BORDEN AND LANDSCAPING AND ARE FOR THIS PROJECT SPECIFICALLY AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN CONSENT FROM TAYLOR BORDEN & LANDSCAPING AND FULL COMPENSATION HAS BEEN PAID.

**CONDITIONAL COPYRIGHT RELEASE**  
 UPON RECEIPT BY THE UNDERSIGNED WITH A CHECK FROM DENAIR LUMBER, INC. THIS SHEET IS RELEASED TO THE USER OF THIS SHEET FOR THE PROJECT SPECIFICALLY IDENTIFIED IN THE CHECK. THIS RELEASE DOES NOT EXTEND TO ANY OTHER PROJECTS OR TO ANY OTHER USES OF THIS SHEET. THE USER OF THIS SHEET SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PROTECTING ALL UTILITIES AT ALL TIMES. THE USER OF THIS SHEET SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PROTECTING ALL UTILITIES AT ALL TIMES. THE USER OF THIS SHEET SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PROTECTING ALL UTILITIES AT ALL TIMES.

TAYLOR BORDEN & LANDSCAPING, INC. 5001  
 1111 W. BROADWAY, DENAIR, CA 95814



PLANTING

REVISIONS	BY

**DENAIR LUMBER**  
 DENAIR, CA

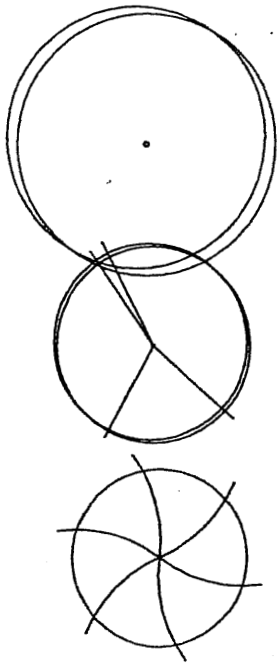
**PLANTING**



DRAWN	MJD
CHECKED	
DATE	
BY/EE	
SCALE	1" = 20' - 0"
JOB NO.	
SHEET	
<b>L1</b>	
OF 3 SHEETS	



## TREE PLANTING LEGEND



SIZE	BOTANICAL NAME	COMMON NAME	QTY
15 GAL	<i>Pistachia Chinensis</i>	Pistache	11
15 GAL	<i>Lagerstroemia 'Tuscarora'</i>	Crape Myrtle (STD)	5
15 GAL	<i>Photinia fraserii</i>	Photinia (STD)	4

## SHRUB PLANTING LEGEND



SIZE	BOTANICAL NAME	COMMON NAME	QTY
1 GAL	<i>Escallonia fradesii</i>	Escallonia	25
1 GAL	<i>Pittosporum variegata</i>	Variegated pittosporum	32
1 GAL	<i>Rhaphiolepis 'Ballerina'</i>	Ballerina	24
1 GAL	<i>Hemerocallis 'Cranberry Baby'</i>	Daylily	47
1 GAL	<i>Trachelospermum jasminoides</i>	Star Jasmine	105



## **DEVELOPMENT STANDARDS**

### **REZONE APPLICATION NO. 2007-05 DENAIR LUMBER**

#### **Stanislaus County - Department of Planning and Community Development**

1. This project is to be constructed and operated as described in the application information submitted including submittals modifying the project in accordance with other laws and ordinances.
2. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include but not be limited to: the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).
3. Construction of the project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
4. A plan for any proposed signs indicating the location, height, area of the sign, and message must be approved by the County Planning Director prior to installation.
5. Trash bins shall be kept in trash enclosures constructed of materials compatible with the architecture of the development. Trash enclosures shall be placed in locations as approved by the refuse collecting agency and the Planning Director.
6. All outside storage and mechanical equipment shall be screened from the view of any public right-of-way by a screen fence of uniform construction as approved by the Planning Director. Any required water tanks for fire suppression shall be painted to blend with the surrounding landscape or screened with landscaping and shall not be used as a sign unless approved by the Planning Director.
7. Applicant and/or subsequent property owner(s), must obtain building permits for all proposed structures, equipment, and utilities. Plans shall be prepared by a California licensed engineer working within the scope of his/her license.
8. A landscape plan consistent with Section 21.102, Landscape and Irrigation Standards, of the Stanislaus County Zoning Ordinance, shall be submitted and approved by the Planning Director. The landscaping shall be installed prior to operation of business.
9. Any required landscaping plan shall be reviewed by the Stanislaus County Agricultural Commissioner's Office prior to installation of any landscaping and include plant species and identification of the plant's origin. Said review is necessary to help stop the spread of the Glassy-winged Sharpshooter, an injurious insect to agriculture, which can enter our County on the leaves of landscape plants.

10. The applicant, or subsequent property owner, shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety. Any dead trees shall be replaced with a similar variety of a 15-gallon size or larger.
11. A business license shall be obtained for any businesses operating on the site.
12. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented.
13. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
14. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2007), the applicant is required to pay a Department of Fish and Game filing fee at the time of recording a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$1,857.00**, made payable to **Stanislaus County**, for the payment of Fish and Game, and Clerk Recorder filing fees.  
  
Pursuant to Section 711.4 (e)(3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
15. The applicant is required to defend, indemnify, or hold harmless the County, its officers and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
16. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary. If permits from this agency are necessary, written evidence of said contact and copies of said permits shall be submitted to the Planning Department prior to issuance of any building permit.

17. Pursuant to Section 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate stream-bed alteration agreements, permits or authorizations, if necessary. If permits from this agency are necessary, written evidence of said contact and copies of said permits shall be submitted to the Planning Department prior to issuance of any building permit.
18. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works. If permits from this agency are necessary, written evidence of said contact and copies of said permits shall be submitted to the Planning Department prior to issuance of any building permit.
19. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary. If permits from this agency are necessary, written evidence of said contact and copies of said permits shall be submitted to the Planning Department prior to issuance of any building permit.
20. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
21. A merger application (to merge Lots 66 & 67 of the JD Subdivision) shall be completed, approved, and recorded prior to issuance of any building permit.

**Stanislaus County - Department of Public Works**

22. The property owners shall dedicate a 10-foot wide public utility easement along the entire road frontage of Fresno Avenue adjacent to the right-of-way prior to the issuance of any building permit.
23. Fresno Avenue is classified as a minor road, so the ultimate right-of-way is 60-feet. A dedication of 30 feet from the centerline of Fresno Avenue is required.
24. An encroachment permit must be obtained for the off site improvements.
25. All driveway locations and widths shall be approved by the Department of Public Works.

26. Full street improvements per County Standards shall be installed within the right-of-way of Fresno Avenue along the project's entire frontage prior to final and/or occupancy of any building. The improvements shall include, but not be limited to curb, gutter, sidewalk, drainage facilities, streetlights, signs, pavement marking, and street pavement.
27. Off-site improvement plans for the road frontage on Fresno Avenue shall be approved by the Department of Public Works prior to the issuance of the building permit.
28. A financial guarantee in a form acceptable to the Department of Public Works to ensure the construction of the street improvements required for the project shall be deposited with the Department prior to the issuance of the first building permit. This may be deferred if the work is done prior to the issuance of the building permit.
29. An Engineer's Estimate shall be provided so the amount of the financial guarantee can be determined.
30. Prior to the approval of the off-site improvement plans, the developer shall file a Notice of Intention (NOI) with the California Regional Water Quality Control Board and a Waste Discharge Identification Number must be obtained and provided to the Department of Public Works.
31. No parking, loading or unloading of vehicles will be permitted within the right-of-way of Fresno Avenue.
32. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted.
33. All employee and customer parking areas shall be paved and striped per County Standards.
34. A Grading and Drainage Plan shall be approved prior to the issuance of any building permit that provides sufficient information to verify all runoff will be kept from going onto adjacent properties and into the County road right-of-way. After the plan is determined to be acceptable to the Department of Public Works, the plans shall be implemented prior to the final and/or occupancy of the building.

**Stanislaus County - Fire Prevention Bureau**

35. All structures exceeding 5,000 square feet in area shall be protected by an automatic fire extinguishing system (sprinkler system).
36. All buildings constructed shall comply with all applicable codes and ordinances, including fire apparatus access road standards, water for fire protection, etc.
37. All traffic signals installed and/or retrofitted, due to the proposed project, shall be provided with signal preemption.
38. Fire protection development/impact fees shall be paid prior to construction.

**Stanislaus County - Department of Environmental Resources (DER)**

39. A will-serve letter shall be provided from the Denair Community Services District, stating they will provide sewer and water services.

**Stanislaus County - Building Permits Division**

40. The proposed development shall comply with current adopted Title 24 Building Codes, at the time of permit application.

**Stanislaus County - Environmental Review Committee (ERC)**

41. The applicant shall determine, to the satisfaction of the Department of Environmental Resources (DER), that a site containing (or formerly containing) residences or farm buildings, or structures, has been fully investigated (via Phase I and II studies) prior to the issuance of a grading permit. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of DER.
42. Applicant should contact the Department of Environmental Resources regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to: (Calif. H&S, Division 20)
- A. Permits for the underground storage of hazardous substances at a new or the modification of existing tank facilities.
  - B. Requirements for registering as a handler of hazardous materials in the County.
  - C. Submittal of hazardous materials Business Plans by handlers of materials in excess of 55 gallons or 500 pounds of a hazardous material or of 200 cubic feet of compressed gas.
  - D. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program, which must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section 302.
  - E. Generators of hazardous waste must notify the Department of Environmental Resources relative to the: (1) quantities of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices.
  - F. Permits for the treatment of hazardous waste on-site will be required from the hazardous materials division.
  - G. Medical waste generators must complete and submit a questionnaire to the Department of Environmental Resources for determination if they are regulated under the Medical Waste Management Act.

**San Joaquin Valley Air Pollution Control District (SJVAPCD)**

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

44. Project to comply with the following rules from the SJVAPCD:
- Regulation VIII (Fugitive PM10 Prohibitions)
  - Rule 4102 (Nuisance)
  - Rule 4601 (Architectural Coatings)
  - Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving, & Maintenance operations)
  - Rule 9510 (Indirect Source Review)
  - District Permitting

\*\*\*\*\*

*Please note: If Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right hand corner of the first page of the Development Standards, new wording is in **bold**, and deleted wording will have a ~~line through it~~.*

## **DEVELOPMENT SCHEDULE**

### **REZONE APPLICATION NO. 2007-05 DENAIR LUMBER**

- Phase 1 is expected to be completed within 2 years from the date of approval.
- Phase 2 is expected to be completed within 5 years from the date of approval.

(I:\Staffrpt\REZ2007\REZ 2007-05 - Denair Lumber\staff report.wpd)



**BENCHMARK ENGINEERING, INC.**  
**CIVIL ENGINEERING & LAND SURVEYING**  
 213 SOUTH SIERRA AVENUE • OAKDALE, CALIFORNIA • 95361  
 (209) 845-9300 FAX:(209) 845-9305

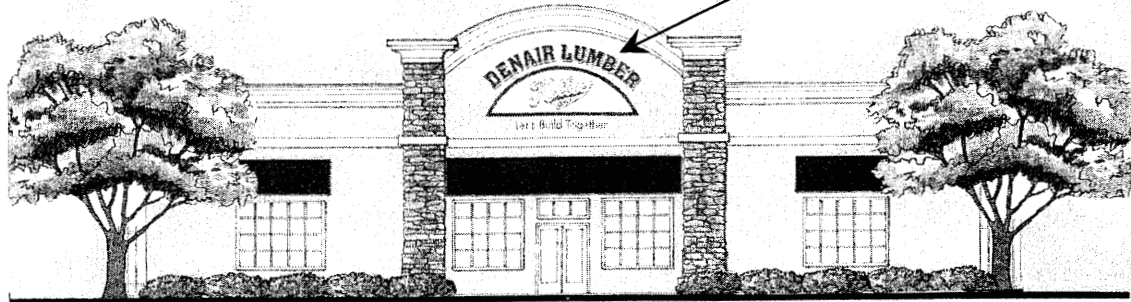
**DENAIR LUMBER**  
**SIGN EXHIBIT**  
 STANISLAUS COUNTY, CALIFORNIA

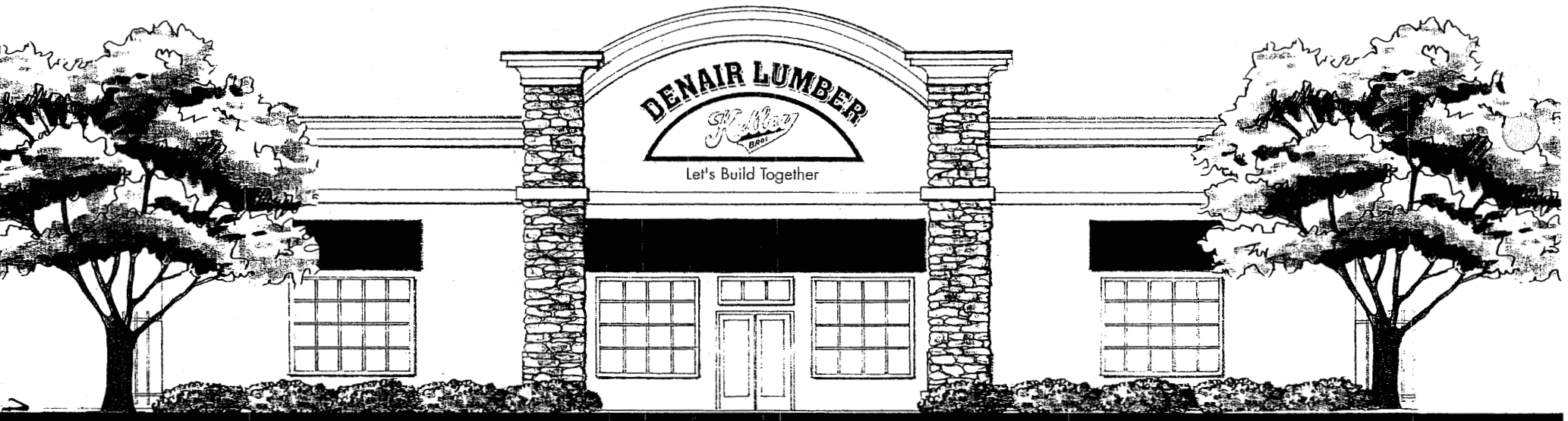
DRAWN BY: JP
DATE: 08/13/2007
SHEET: 1 OF 1
FILE: K:\169900\exhibits\Denair

EXHIBIT F



REZ 2007-05  
DENAIR LUMBER  
PROPOSED SIGN



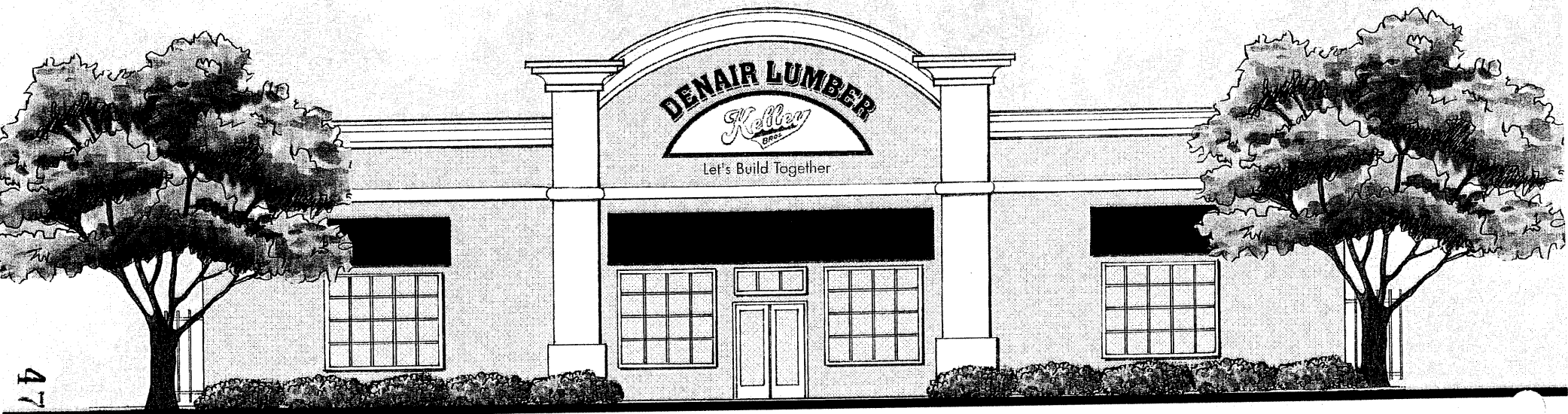


Denair Lumber Elevation

Scale: 1/8"=1'-0"

Alternative B

47





Denair Community  
Services District

3850 N. Gratton Road  
P.O. Box 217  
Denair, California 95316

Phone: 209-634-4986  
Fax: 209-634-9805

December 12, 2007

Stanislaus County  
Planning & Community Development  
1010 10<sup>th</sup> Street  
Modesto CA 95354

RE: Brian Kelley  
Denair Lumber Company  
024-032-017-000

Valid Until: April 30, 2008

Dear Reader:

The Denair Community Services District is capable of providing water and sewer services to the location noted above.

Before any project begins, approval must first be obtained from the appropriate department(s) at Stanislaus County, in addition to verifying availability of services from the Denair Community Services District.

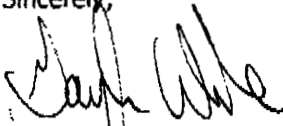
When the owner does choose to develop this parcel, they must enter into an Agreement with the Denair Community Services District to construct and pay for the necessary infrastructure to enable the District to provide water and sewer services to the project. The Agreement will require, among other things that the infrastructure be constructed to District specifications, that security be given to the District to guarantee performance and payment for the infrastructure and that all current connection fees be paid in full. Once all fees are paid, a "Will Serve Letter" will be submitted to the applicant. The "Will Serve Letter" must be presented to the Stanislaus County Building Department before a Building Permit will be issued.

Any substantial revision to the Tentative Map during Stanislaus County processing may require additional conditions by Denair Community Services District.

A "Will Serve Letter" is required for all additions, remodels, and swimming pool construction.

This letter is valid until April 30, 2008, and, pending Board review of the Public Facilities, may be renewed.

Sincerely,

A handwritten signature in black ink, appearing to read "Gaylon Wade". The signature is written in a cursive style with a large initial "G".

Gaylon Wade, Manager  
Denair Community Services District

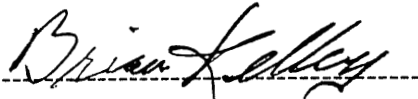
IAN KELLEY  
DARIN KELLEY  
GREGG KELLEY  
PO BOX 248  
DENAIR, CA 95316

August 8, 2007

STANISLAUS COUNTY  
DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT

THIS IS TO INFORM YOU THAT WE HAVE ESTABLISHED THAT WATER AND SEWER SERVICE IS AVAILABLE FOR LOTS 66 AND 67 FRESNO AVE, DENAIR, CALIFORNIA. WE WILL GO FORWARD WITH THE FEES AND APPLICATION AS SOON AS WE KNOW THAT STANISLAUS COUNTY HAS APPROVED THE PROPERTY FOR REZONING .

THANK YOU,

A handwritten signature in cursive script that reads "Brian Kelly". The signature is written over a horizontal dashed line.

BRIAN KELLY



# 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:** Rezone Application No. 2007-05 - Denair Lumber
2. **Lead agency name and address:** Stanislaus County  
1010 10th Street, Suite 3400  
Modesto, CA 95354
3. **Contact person and phone number:** Joshua Mann, Associate Planner  
(209) 525-6330
4. **Project location:** Fresno Avenue, south of Main Street and north of Village Avenue, in Denair. (APN: 024-032-017)
5. **Project sponsor's name and address:** Darin & Gregg Kelly  
4501 Main Street  
Denair, CA 95316
6. **General plan designation:** Commercial
7. **Zoning:** H-1 (Highway Frontage)
8. **Description of project:**  

A request to change the zoning designation of a 1.75 acre parcel from H-1 (Highway Frontage) to a P-D (Planned Development) zone to allow a lumber yard to be developed in two phases. Phase I consists of a 15,400 square foot pole shed and a 300 square foot temporary office. Phase 2 consists of 4,000 square foot retail sales and home center building. (Please see the attached project description for more detail).
9. **Surrounding land uses and setting:** Various Commercial type uses and residential.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Public Works Department  
Stanislaus County Department of Environmental Resources  
Stanislaus Fire Prevention Bureau  
San Joaquin Valley Air Pollution Control District

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture Resources              | <input type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology /Soils         |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality          | <input type="checkbox"/> Land Use / Planning    |
| <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population / Housing   |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems   | <input type="checkbox"/> Mandatory Findings of Significance |   |

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
 \_\_\_\_\_  
 Signature

October 23, 2007  
 \_\_\_\_\_  
 Date

Joshua Mann  
 \_\_\_\_\_  
 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	
<p><b>Discussion:</b> The site is located on Fresno Avenue, south of Main Street and north of Village Avenue, in Denair. This project is located inside of the boundaries of the Denair Community Plan area and as such, staff and the applicant are very well aware of the visual character of the project. The applicant has submitted extensive landscaping plans and building elevations to ensure that visual character and quality of the site will be improved. In addition, the applicant has submitted building elevations that propose one sign to be placed on the main "retail" building. A Condition of Approval will be added to the project to require that any new outdoor lighting be aimed downward in order to address glare to surrounding areas.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County General Plan<sup>1</sup>, Stanislaus County Zoning Ordinance, County policies, and staff experience.</p>				
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
<p><b>Discussion:</b> The project is classified as Urban and Built-Up Land by the Farmland Mapping and Monitoring Program. The site is currently zoned as H-1 (Highway Frontage), which allows for various commercial type uses, but specifically excludes those who conduct outdoor sales and storage, such as the proposed use. The Stanislaus County General Plan designation and Denair Community Plan designation is for Commercial. Most of the parcels directly surrounding the site are commercial type uses, but there are residential uses to the southeast of the project site. The nearest agricultural zoned property is approximately ½ mile from the project site. Nevertheless, the County has a Right-to-Farm Ordinance in place to protect the agricultural users in the area from unjust nuisance complaints.</p>				

<b>Mitigation:</b> None.				
<b>References:</b> Stanislaus County General Plan <sup>1</sup> , Stanislaus County Zoning Ordinance, and the California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2004.				
<b>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:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Conflict with or obstruct implementation of the applicable air quality plan?</b>				X
<b>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</b>				X
<b>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)?</b>			X	
<b>d) Expose sensitive receptors to substantial pollutant concentrations?</b>				X
<b>e) Create objectionable odors affecting a substantial number of people?</b>				X
<p><b>Discussion:</b> The project site is within the San Joaquin Valley Air Basin, which has been classified as "non-attainment" for ozone and respirable particulate matter (PM-10 and PM-2.5) as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. As such, the District maintains permit authority over stationary sources of pollutants.</p> <p>Any pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions standards for vehicles, and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the SJVAPCD has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the basin. The project will be subject to compliance with all applicable district rules including, but not limited to fugitive PM-10 prohibitions, nuisance, and architectural coatings, and cutback, and slow cure and emulsified asphalt. This project was referred to the SJVAPCD for early comments, to which they replied that the project would not exceed the District's project level thresholds of significance for ozone precursors of 10 tons per year of reactive organic gases (ROG) and oxides of nitrogen (NO<sub>x</sub>). However, the increase in emissions from this project, and others like it, cumulatively reduce the air quality in the San Joaquin Valley and as such a concerted effort should be made to reduce any project-related emissions. The SJVAPCD submitted a number of potential conditions which will be placed on the project as Conditions of Approval to ensure compliance with the District's rules and regulations.</p>				
<b>Mitigation:</b> None.				
<b>References:</b> Referral response dated September 4, 2007 from the SJVAPCD, and the Stanislaus County General Plan <sup>1</sup> .				

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
<p><b>Discussion:</b> There is no evidence to suggest this project would result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. There are no known sensitive or protected species or natural communities located on the site and/or in the surrounding area.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> California Natural Diversity Database and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
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
<b>Discussion:</b> 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.				
<b>Mitigation:</b> None.				
<b>References:</b> 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:** 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 Stanislaus County Department of Public Works is requiring a grading and drainage plan be submitted which will be placed as a Conditions of Approval.

**Mitigation:** None.

**References:** Referral response from the Stanislaus County Public Works Department dated October 11, 2007, Stanislaus County General Plan and Support Documentation<sup>1</sup>, California Department of Conservation, and the Uniform Building Code.

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
<p><b>Discussion:</b> 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. The project site is not located within an airport land use plan or a wildlands area. The groundwater is not known to be contaminated in this area.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Referral response from the Stanislaus County Department of Environmental Resources dated September 6, 2007, County Policies, Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				

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
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X
<p><b>Discussion:</b> On-site areas subject to flooding have not been identified in accordance with the Federal Emergency Management Act and/or county designated flood areas. By virtue of paving for the building pads, parking, and driveway, the current absorption patterns of water placed upon this property will be altered. A Condition of Approval requiring a Grading and Drainage Plan will be included as part of this project as required by the Public Works Department. This project has been referred to the Regional Water Quality Control Board, but no comments have been received.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Referral response dated October 11, 2007 from the Department of Public Works, Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				



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

**Discussion:** The project site is zoned H-1 (Highway Frontage) and the General Plan is Commercial. The Denair Community Plan designates the project site and the area around Main Street as Commercial. As such, the proposed project will not conflict with any land use designations or applicable habitat conservation plan or natural community conservation plan and will not physically divide an established community.

**Mitigation:** None.

**References:** 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:** The location of all commercially viable mineral resources in Stanislaus County have 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>, State Division of Mines and Geology Special Report 173.

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:** The Stanislaus County General Plan<sup>1</sup> identifies noise levels up to 70 dB L<sub>dn</sub> (or CNEL) as the normally acceptable level of noise for commercial uses. On-site grading and construction resulting from this project may result in a temporary increase in the area's ambient noise levels. However, 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 existing nearby commercial type uses. The site is not located within an airport land use plan.

**Mitigation:** None.

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



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:** The proposed use of the site will not induce a substantial growth in the area by proposing new business that would create significant service extensions or new infrastructures. No housing or persons will be displaced by the project.

**Mitigation:** None.

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



XIII. PUBLIC SERVICES:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<p>a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</p>				
<p>Fire protection?</p>			X	
<p>Police protection?</p>			X	
<p>Schools?</p>				X
<p>Parks?</p>				X
<p>Other public facilities?</p>			X	
<p><b>Discussion:</b> The County has adopted 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. Such fees are required to be paid at the time of building permit issuance. Conditions of Approval will be added to this project to ensure the proposed development complies with all applicable fire department standards with respect to access and water for fire protection. The types of Conditions of Approval will be for adequate turning around for a fire apparatus and on-site water supply for fire suppression may also be needed. The applicant is also proposing to "fire sprinkler" the proposed building, if needed, and to be in compliance with the current adopted building and fire codes.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Application Information, Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
XIV. RECREATION:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<p>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?</p>				X
<p>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?</p>				X
<p><b>Discussion:</b> The proposed project is not anticipated to significantly increase demand on recreational facilities.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				

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
<p><b>Discussion:</b> This project was referred to the Stanislaus County Public Works Department as part of an early consultation review. The County Public Works Department in their response did identify a potential traffic impact to the nearby residential streets. The applicant did respond to these concerns by stating that the use of these streets will be avoided. The proposed circulation would make use of Main Street, classified as a "Major" in the County's General Plan, thus avoiding any residential type streets. The Public Works Department will be requiring full street improvements (commercial) and the dedication of road frontage. Current Public Facility Fees (PFF) will be imposed when the project applies for building permits.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Referral response dated October 11, 2007 from the Department of Public Works, Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
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. Conditions of Approval will be added to the project to address necessary permits from the County Department of Environmental Resources if necessary. Although the site is not currently served by municipal services (sewer & water), the applicant is proposing to have the site be served by the Denair Community Services District, the provider of sewer and water for this community. The applicant has provided documentation, in the form of a "Will-Serve" letter, to ensure that the project site can be provided the necessary municipal services (sewer & water).

**Mitigation:** None.

**References:** Application information, referral response dated September 6, 2007 from the Department of Environmental Resources, Stanislaus County General Plan and Support Documentation<sup>1</sup>.



<b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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:** Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or adjacent areas.

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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.

## NEGATIVE DECLARATION

**NAME OF PROJECT:** Rezone Application No. 2007-05 - Denair Lumber

**LOCATION OF PROJECT:** Fresno Avenue, south of Main Street and north of Village Avenue, in Denair. (APN: 024-032-017)

**PROJECT DEVELOPER:** Darin & Gregg Kelly

**DESCRIPTION OF PROJECT:** A request to change the zoning designation of a 1.75 acre parcel from H-1 (Highway Frontage) to a P-D (Planned Development) zone to allow a lumber yard to be developed in two phases. Phase I consists of a 15,400 square foot pole shed and a 300 square foot temporary office. Phase 2 consists of 4,000 square foot retail sales and home center building. (Please see the attached project description for more detail).

Based upon the Initial Study, dated **October 23, 2007** the County Planning Department finds as follows:

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

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1010 10<sup>th</sup> Street, Suite 3400, Modesto, California.

Initial Study prepared by: Joshua Mann, Associate Planner

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

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**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS  
PROJECT: REZONE APPLICATION NO. 2007-05 - DENAIR LUMBER**

REFERRED TO:	RESPONDED		RESPONSE			MITIGATION MEASURES		Conditions			
	DATE: August 23 <sup>rd</sup> , 2007	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	No
AGRICULTURE COMMISSIONER	X	X		X							
AIRPORT LAND USE COMMISSION											
BUILDING PERMITS DIVISION	X	X	X		X				X	X	
CA DEPT OF FORESTRY											
CALTRANS DISTRICT 10	X	X		X							
CENTRAL CALIF. INFO. CENTER - CSUS											
COUNTY OF											
COMMUNITY SERVICES/SANITARY: DENAIR	X	X		X							
CORPS OF ENGINEERS											
COUNTY COUNSEL	X	X		X							
DENAIR POSTMASTER											
DEPARTMENT OF CONSERVATION	X	X		X							
ENVIRONMENTAL RESOURCES	X	X	X		X				X	X	
FIRE PROTECTION DIST: DENAIR FIRE	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X				X	X	
FISH & GAME	X	X		X							
HOSPITAL DISTRICT: NONE											
IRRIGATION DISTRICT: TURLOCK (T.I.D.)	X	X	X				X		X		X
LAFCO	X	X		X							
MOSQUITO DISTRICT: TURLOCK	X	X		X							
MOUNTAIN VALLEY EMERGENCY MEDICAL	X	X		X							
MUNICIPAL ADVISORY COUNCIL: DENAIR	X	X		X							
PARKS & FACILITIES	X	X	X				X		X		X
P.G. & E.	X	X		X							
PUBLIC WORKS	X	X	X		X				X	X	
PUBLIC WORKS - TRANSIT	X	X	X		X				X	X	
REDEVELOPMENT											
REGIONAL WATER QUALITY	X	X		X							
StanCOG	X	X		X							
SCHOOL DISTRICT 1: DENAIR UNIFIED	X	X		X							
SCHOOL DISTRICT 2:											
SHERIFF	X	X		X							
STANISLAUS COUNTY FARM BUREAU	X	X		X							
STANISLAUS ERC	X	X	X		X				X	X	
STATE CLEARINGHOUSE											
STATE LANDS BOARD											
SUPERVISORIAL DISTRICT 2: MAYFIELD	X	X		X							
TELEPHONE COMPANY: AT&T	X	X		X							
TUOLUMNE RIVER PRESERVATION TRUST											
US FISH & WILDLIFE	X	X		X							
US MILITARY 4 AGENCIES (SB 1462)	X	X		X							
VALLEY AIR DISTRICT	X	X	X		X				X	X	
WATER DISTRICT											
DEPT. OF WATER RESOURCES											

- D. **REZONE APPLICATION NO. 2007-05 - DENAIR LUMBER** - This is a request to change the zoning designation of a 1.75 acre parcel from H-1 (Highway Frontage) to a P-D (Planned Development) zone to allow a lumber yard to be developed in two phases. Phase 1 consists of a 15,400 square foot pole shed and a 300 square foot temporary office. Phase 2 consists of 4,000 square foot retail sales and home center building. The project is located on Fresno Avenue, south of Main Street and north of Village Avenue, in Denair. The Planning Commission will consider a CEQA Negative Declaration on this project.

APN: 024-032-017

Staff Report: Joshua Mann Recommends **APPROVAL TO THE BOARD OF SUPERVISORS.**

Report presented by Angela Freitas.

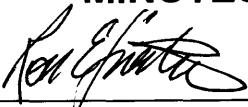
Public hearing opened.

**OPPOSITION:** No one spoke.

**FAVOR:** Rick Mummert, 213 S. Sierra Avenue, Riverbank

Public hearing closed.

Assali/Gammon, Unanimous (6-0), **RECOMMENDS APPROVAL TO THE BOARD OF SUPERVISORS OF THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

<p style="text-align: center;"><b>EXCERPT</b></p> <p style="text-align: center;"><b>PLANNING COMMISSION</b></p> <p style="text-align: center;"><b>MINUTES</b></p> <p style="text-align: center;"></p> <hr/> <p style="text-align: center;">Secretary, Planning Commission</p> <p style="text-align: center;"><i>1/29/08</i></p> <hr/> <p style="text-align: center;">Date</p>
---

ORDINANCE NO. C.S. 1026

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.984 FOR THE PURPOSE OF REZONING A 1.75 ACRE PARCEL FROM H-1 (HIGHWAY FRONTAGE) TO P-D (PLANNED DEVELOPMENT) TO ALLOW A LUMBER YARD AND RETAIL STORE TO BE DEVELOPED IN TWO PHASES (PHASE 1 CONSISTS OF A 15,400 SQUARE FOOT "POLE BUILDING" AND A 300 SQUARE FOOT TEMPORARY OFFICE, AND PHASE 2 CONSISTS OF A 4,000 SQUARE FOOT RETAIL SALES AND "HOME CENTER" BUILDING) LOCATED ON FRESNO AVE, SOUTH OF MAIN ST AND NORTH OF VILLAGE AVE, IN DENAIR, APN: 024-032-017

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

Section 1. Sectional District Map No. 9-110.984 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:

(Insert Map Here)

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

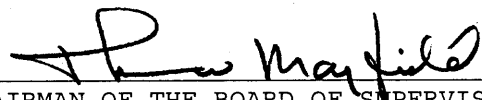
Upon motion of Supervisor O'Brien, seconded by Supervisor Grover, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 5th day of February, 2008, by the following called vote:

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

NOES: Supervisors: None

ABSENT: Supervisors: None

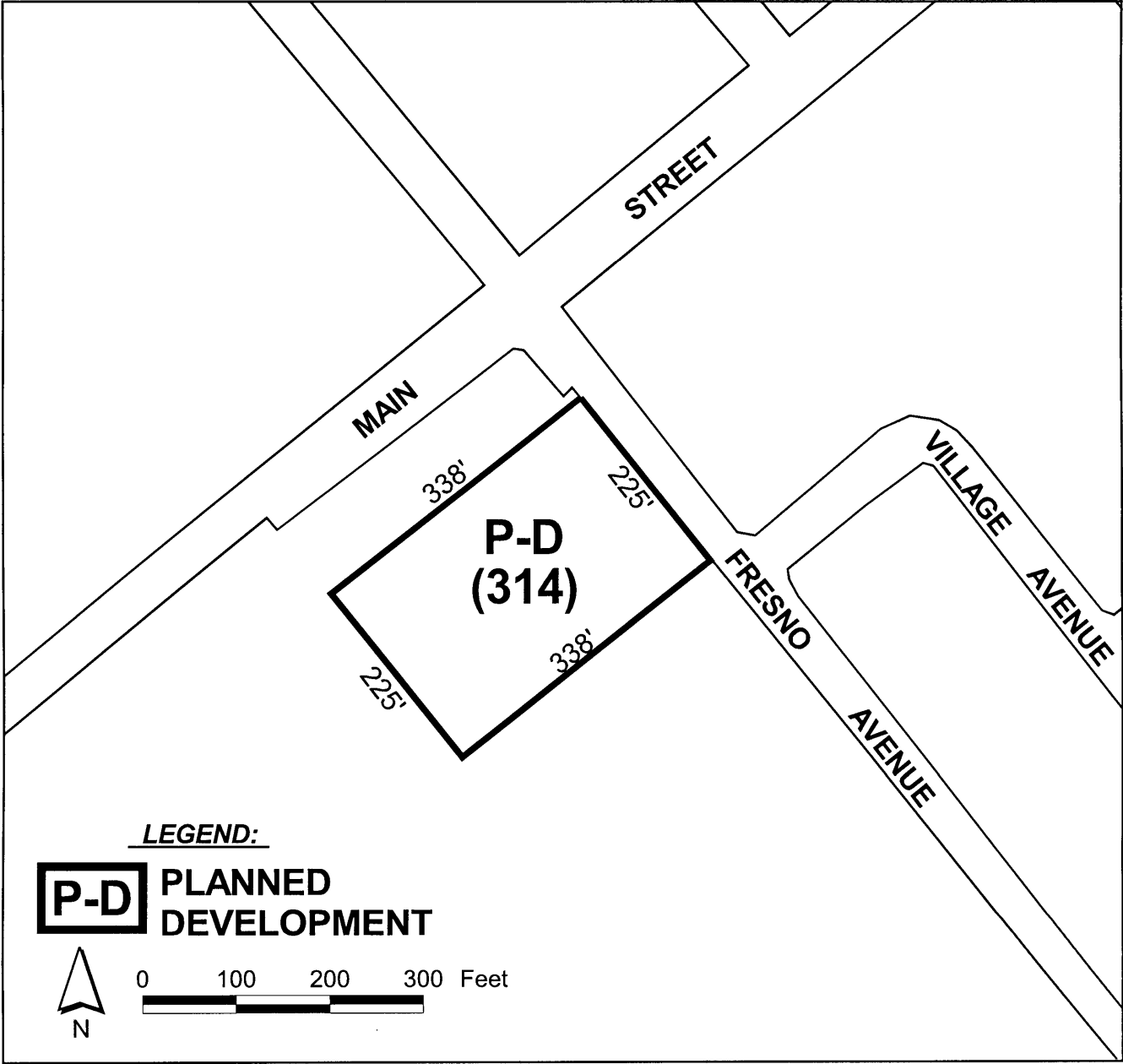
ABSTAINING: Supervisors: None

  
\_\_\_\_\_  
CHAIRMAN OF THE BOARD OF SUPERVISORS  
of the County of Stanislaus,  
State of California

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

BY:   
\_\_\_\_\_  
Susan E. Seibert, Deputy Clerk of the Board

# SECTIONAL DISTRICT MAP NO. 9-110.984



rec. 2/14/08

# Affidavit of Publication

STATE OF CALIFORNIA }  
County of Stanislaus }ss

RUTH REYES

**DENAIR I**

voting for and against same, in the Denair Dispatch, a newspaper of general circulation published in Stanislaus County, State of California.

Here-un-to being first duly sworn, deposes and says that all time hereinafter mentioned he/she was a citizen of the United States over the age of twenty-one (21) years, and doing business in said county, not interested in the matter of the attached publication, and is competent to testify in said matter, that he/she was at and during all said time the principal clerk to the printer and publisher of the

DENAIRDISPATCH

a legal newspaper of general circulation published weekly in DENAIR in said County of Stanislaus, State of California: that said

DENAIRDISPATCH

is and was at all times herein mentioned, a newspaper of general circulation as that term is defined by Section 6000 of the Government Code, and as provided by said section and so adjudicated by Decree No. 41926 by the Superior Court of Stanislaus County, State of California, is published for the dissemination of local and telegraphic news and intelligence of a general character, have a bonafide subscription list of paying subscribers, and is not devoted to the interest, or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination: or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations: that at all times said newspaper has been established, in DENAIR; in said County and State, at regular intervals for more than one year preceding the first publication of the notice herein mentioned, that said notice was set in type not smaller than nonpareil and was preceded with words printed in blackface type not smaller than nonpareil, describing and expressing in general terms, the purport and character of the notice intended to be given:

**LEGAL# 9612**  
2008-093  
ORDINANCE NO. C.S. 1026

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.984 FOR THE PURPOSE OF rezoning a 1.75 acre parcel from H-1 (Highway Frontage) to P-D (Planned Development) to allow a lumber yard and retail store to be developed in two phases (Phase 1 consists of a 15,400 square foot Pole building and a 300 square foot temporary office, and Phase 2 consists of a 4,000 square foot retail sales and home center building) located on Fresno Ave, south of Main St and north of Village Ave, in Denair, APN: 024-032-017

## Ordinance C.S. 1026 Rezone Application 2007-05, Denair Lumber

of which named annexed is a printed copy, was published and printed in said

DENAIR DISPATCH

at least 1 time, commencing on the 12th day of February 2008 and ending on the 12th day of February 2008 both days inclusive, and as often during said time as said newspaper was regularly issued, to wit:

February 12, 2008

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Dated this 14th day of February, 2008

*Ruth Reyes*  
PRINCIPAL CLERK OF THE PRINTER

PROOF OF PUBLICATION

DENAIR DISPATCH P.O. BOX 387, DENAIR, CA 95316 TELEPHONE (209)632-7454

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

Section 1. Sectional District Map No. 9-110.984 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:  
Section 2.

This ordinance shall take effect and be in full force thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the

Upon motion of Supervisor O'Brien, seconded by Supervisor Grover, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 5th day of February, 2008, by the following called vote:

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

NOES: Supervisors: None

ABSENT: Supervisors: None

A B S T A I N I N G : Supervisors: None

Thomas W. Mayfield

CHAIRMAN OF THE BOARD OF SUPERVISORS of the County of Stanislaus, State of California

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of

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

BY: Susan E. Seibert, Deputy Clerk of the Board  
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