

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

DEPT: Planning and Community Development

BOARD AGENDA # 6:40 p.m.

Urgent Routine

AGENDA DATE April 15, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Consider Planning Commission's Recommendation for Approval of General Plan Amendment Application 2007-05, Rezone Application 2007-08, and Lot Line Adjustment 2007-25, Frantz Landscaping, a Request to adjust the boundaries of two existing parcels (14.7 acres and 15.9 acres); to
(Continued on page 2)

PLANNING COMMISSION RECOMMENDATIONS:

Following a public hearing on February 7, 2008, the Planning Commission, by a 6-0 vote, recommended the Board approve the project as follows:

1. Adopt the Negative Declaration pursuant to California Code of Regulations Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgement and analysis.

(Continued on page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2008-265

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) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION: Amended the Conditions of Approval to add Condition No. 51 to read as follows: "The monument sign be no higher than six (6) feet high."; and, introduced, waived the reading, and adopted Ordinance C.S. 1030 for the approved Rezone Application #2007-08



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-G-4

SUBJECT CONTINUED:

Amend the General Plan and Rezone Five Acres of the Entire 30.6 Acre Site from Agriculture to a Planned Development (PD); and to Construct a Retail Landscape Business in Two (2) Phases, Located at 12741 Riverview Road, on the West Side of Hickman Road, in the Hickman Area

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 general plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses,
 - B. The County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service,
 - C. The amendment is consistent with the General Plan goals and policies,
 - D. The proposed planned development zoning is consistent with the Planned Development General Plan designation, and
 - E. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
4. Approve General Plan Amendment No. 2007-05, Rezone Application No. 2007-08, and Lot Line Adjustment 2008-25, Frantz Landscaping, subject to the attached Development Standards.

DISCUSSION:

This is a request to amend the General Plan and rezone five (5) acres from A-2-40 (General Agriculture) to PD (Planned Development) and construct a retail landscape business in two (2) phases. Phase one (1) is to build a 1,800 square foot retail/commercial building and a 22,100 square foot shade canopy on five (5) acres for retail landscaping and supply. The project is to expand a nearby existing wholesale tree nursery with a commercial element. Phase two (2) is to complete the development area of the five (5) acre property by doubling the shade structure area, parking and office area. The project

will allow an existing wholesale tree nursery to continue to grow and expand onto a site approximately 3/4 of a mile south of the existing nursery. At full buildout, the commercial nursery will have six full time employees and two part time employees. The proposed operating hours will be six days a week, 8:00 am to 5:00 pm, and Saturdays 8:00 am to 1:00 pm. The request is also for a lot line adjustment to adjust 14.7 and 15.9 acre parcels to 5.0 and 25.7 acre parcels. The remaining 25.7 acres would continue to remain in agricultural use.

Approvals

This project has three approvals that are required:

- Amend the Land Use Element Map of the County General Plan from Agricultural (AG) to Planned Development (PD).
- Rezone the property from Agricultural (A-2-40) to Planned Development (PD).
- Adjust the lot lines of the two lots from 14.7 and 15.9 acres to create two parcels of 5.0 and 25.7 acres.

The Frantz Landscape Center has been in business for many years at a location approximately 3/4 of a mile north of the proposed commercial facility. In 1979, Planning Staff approved a Staff Approval Application (SAA 79-37) to grow ornamental shrubs and trees for wholesale only. In 1982, another Staff Approval (SAA 82-74) permit was approved for the Nursery and the last application was approved in 1996 (SAA 96-41) to relocate the office from an 800 square foot office trailer.

The applicant states the purpose of this project is to create a destination for local nursery and garden enthusiasts, to include landscapers and commercial gardeners. The adjacent agricultural properties and neighboring communities are also welcome to visit the nursery for large scale planting and tree purchases. The project will allow an existing wholesale tree nursery to continue to grow and expand.

The applicant submitted a photo-representation (Attachment 1, Exhibit B), similar to the proposed project, of a wholesale and commercial nursery found in Escondido, California. The pictures show shade structures, rows of trees, nursery material such as mulches, fertilizers, and landscaping material, an office for checkout, a loading zone and adequate parking, all of which have similar features proposed in the Frantz Landscape Center proposal. With Phase 2, the completed development area would fill the five-acre property by doubling the shade structure area, parking, and office space. The remaining 25.7 acres would be undeveloped and/or would remain in agricultural use. At full development, approximately five acres of the thirty acres will be irretrievably committed to urban uses for the retail facility.

The applicant submitted a "Justification Statement" stating the reasons this project is consistent with County criteria (Attachment 1, Exhibit B). The applicant states that the change would be compatible with the existing land use patterns as the location is adjacent to the town of Hickman, and the surrounding lands would be used to grow nursery stock. The proposed change would not create a substantial adverse impact in the adjacent area of the Community of Hickman or the County in general; and with this amendment, the proposal will improve the economic, physical and social well-being of the County by adding a commercial element to a wholesale landscaping and nursery business. A thirty-acre vacant lot will be turned into a tree and shrub-growing enterprise benefitting the County, residences, and local growers and landscapers alike.

Staff believes that this request is consistent with the Goals and Policies of the General Plan at this time which is to allow urban development without public services. A detailed discussion of the request can be found in the attached Planning Commission Staff Report. (Attachment 1)

On February 7, 2008, the Planning Commission considered this application at a properly advertised public hearing. No one spoke in opposition to the project. The applicant, Michael Frantz, of Frantz Landscaping Center, spoke briefly in favor of the project.

With little discussion, the Planning Commission voted unanimously (6-0) to recommend the Board of Supervisors approve General Plan Amendment Application 2007-05 and Rezone Application 2007-08, and Lot Line Adjustment 2007-25 based on the reasons stated in the February 7, 2008, Planning Commission staff report (Attachment 1).

Phasing

The applicant had submitted a Development Schedule for a two phase development, the first phase will be done within 1-5 years the last phase 5-10 years. The Planning Commission and the Board of Supervisors on December 6, 2007 and January 8, 2008, respectfully, approved the Santa Fe Crossing project south of Hughson. That applicant requested a 7 year phasing plan and Planning Commission recommended and the Board approved a 5 year build out with a stipulation that the applicant can apply for a time extension for the second phase. The applicants have changed their schedule to conform to the most recent approval (first phase 1-3 years the last phase 3-5 years). This applicant would like the option to request for a time extension, if needed.

Lot Line Adjustment

The project site consists of two legal parcels. The applicant is requesting to adjust the lot lines of the two lots from 14.7 and 15.9 acres to create two parcels of 5.0 and 25.7 acres. The lot line adjustment is for the retail nursery to be only on the 5 acre parcel. This non-Williamson Act lot line adjustment are normally handled at the Staff level, however in this project can not be approved until the General Plan is amended and rezoned. If approved, this lot line adjustment would be consistent with the appropriate General Plan policies and zoning regulations if the general plan amendment and zoning change is approved.

Sign

Staff received the conceptual monument sign plan in March. Staff's only comment is with the large monument sign is that it is slightly larger than normal. Normally monument signs are six (6') foot high, the applicant is proposing the sign to be 6'11". Staff would recommend the Board add a new condition that requires the monument sign be no higher than six (6') feet high.

POLICY ISSUES:

The policy question here is whether to grant the requested changes to the Stanislaus County General Plan. These are policy documents which help guide land use patterns and development for the future of the community. Staff believes that this project will not conflict with the Board's priorities: a safe community; a healthy community; a strong local economy; effective partnerships; a strong agricultural economy / heritage; a well planned infrastructure system.

STAFFING IMPACT:

None.

ATTACHMENTS:

1. Planning Commission Staff Report, February 7, 2008
2. Planning Commission Minutes, February 7, 2008
3. Applicant's Proposed Monument Sign

STANISLAUS COUNTY PLANNING COMMISSION

February 7, 2008

STAFF REPORT

GENERAL PLAN AMENDMENT APPLICATION NO. 2007-05
REZONE APPLICATION NO. 2007-08
LOT LINE ADJUSTMENT APPLICATION NO. 2007-25
FRANTZ LANDSCAPE CENTER

REQUEST: TO AMEND THE GENERAL PLAN AND REZONE FIVE (5) ACRES FROM A-2-40 (GENERAL AGRICULTURE) TO PD (PLANNED DEVELOPMENT) AND CONSTRUCT A RETAIL LANDSCAPE BUSINESS IN TWO (2) PHASES. PHASE ONE (1) IS TO BUILD A 1,800 SQUARE FOOT RETAIL/COMMERCIAL BUILDING AND A 22,100 SQUARE FOOT SHADE CANOPY ON FIVE (5) ACRES FOR RETAIL LANDSCAPING. THE PROJECT IS TO EXPAND THE EXISTING WHOLESALE TREE NURSERY WITH A COMMERCIAL ELEMENT. PHASE TWO (2) IS TO COMPLETE THE DEVELOPMENT AREA OF THE FIVE (5) ACRE PROPERTY BY DOUBLING THE SHADE STRUCTURE AREA, PARKING AND OFFICE AREA. THE REMAINING 25.7 ACRES WOULD CONTINUE TO REMAIN IN AGRICULTURAL USE.

APPLICATION INFORMATION

Applicant:	Michael Frantz and Nathan Heinrich
Owners:	Timothy and Mitzi Frantz
Applicants Representative:	Associated Engineering Group, Inc.
Location:	12741 Riverview Road, on the west side of Hickman Road, in the Hickman area
Section, Township, Range:	4-4-11
Supervisorial District:	Two (Supervisor Mayfield)
Assessor's Parcel:	019-008-023
Referrals:	See Exhibit "H" Environmental Review Referrals
Area of Parcel:	5 acres (30.7 acres with the lot line adjustment)
Water Supply:	Private well
Sewage Disposal:	Septic
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	Agriculture
Community Plan Designation:	Not applicable
Williamson Act:	Not applicable
Environmental Review:	Negative Declaration
Present Land Use:	5 acres is fallow parcel and the remaining 25.7 has the existing wholesale tree nursery
Surrounding Land Use:	Single-family residential to the east, orchards and agricultural uses to the north, south, and west

PROJECT DESCRIPTION

Request to amend the General Plan and rezone five (5) acres from A-2-40 (General Agriculture) to PD (Planned Development) and construct a retail landscape business in two (2) phases. Phase one (1) is to build a 1,800 square foot retail/commercial building and a 22,100 square foot shade canopy on five (5) acres for retail landscaping and supply. The project is to expand a nearby existing wholesale tree nursery with a commercial element. Phase two (2) is to complete the development area of the five (5) acre property by doubling the shade structure area, parking and office area. The project will allow an existing wholesale tree nursery to continue to grow and expand onto a site approximately 3/4 of a mile south of the existing nursery. At full buildout, the commercial nursery will have six full time employees and two part time employees. The proposed operating hours will be six days a week, 8:00 am to 5:00 pm and Saturdays 8:00 am to 1:00 pm. The request is also for a lot line adjustment to adjust 14.7 and 15.9 acre parcels to 5.0 and 25.7 acre parcels. The remaining 25.7 acres would continue to remain in agricultural use.

DISCUSSION

The Frantz Landscape Center has been in business for many years at a location approximately 3/4 of a mile north of the proposed commercial facility. In 1979, Planning Staff approved a Staff Approval Application (SAA 79-37) to grow ornamental shrubs and trees for wholesale only. In 1982, another Staff Approval (SAA 82-74) permit was approved for the Nursery and the last application was approved in 1996 (SAA 96-41) to relocate the office from an 800 square foot office trailer.

The applicant states the purpose of this project is to create a destination for local nursery and garden enthusiasts, to include landscapers and commercial gardeners. The adjacent agricultural properties and neighboring communities are also welcome to visit the nursery for large scale planting and tree purchases. The project will allow an existing wholesale tree nursery to continue to grow and expand.

The applicant submitted a photo-representation (Exhibit B), similar to the proposed project, of a wholesale and commercial nursery found in Escondido, California. The pictures show shade structures, rows of trees, nursery material such as mulches, fertilizers, and landscaping material, an office for checkout, a loading zone and adequate parking, all of which have similar features proposed in the Frantz Landscape Center proposal. With Phase 2, the completed development area would fill the five-acre property by doubling the shade structure area, parking, and office space. The remaining 25.7 acres would be undeveloped and/or would remain in agricultural use. At full development, approximately five acres of the thirty acres will be irretrievably committed to urban uses for the retail facility.

The applicant submitted a "Justification Statement" stating the reasons this project is consistent with county criteria (Exhibit B). The applicant states that the change would be compatible with the existing land use patterns as the location is adjacent to the town of Hickman, and the surrounding lands would be used to grow nursery stock. The proposed change would not create a substantial adverse impact in the adjacent area of the Community of Hickman or the County in general; and with this amendment, the proposal will improve the economic, physical and social well-being of the County by adding a commercial element to a wholesale landscaping and nursery business. A thirty-acre vacant lot will be turned into a tree and shrub-growing enterprise benefitting the County, residences, and local growers and landscapers alike.

The County, in reviewing General Plan Amendments, shall consider how the levels of public and private services might be affected. In this case, in order to take affirmative action regarding the General Plan amendment application, it must be found that the General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land use. Land-use patterns would change from "Agriculture" to "Planned Development" on five acres. Farming and growing operations will continue on the remaining 25 acres. Wholesale nurseries can be allowed in areas designated "Agriculture" in the General Plan and A-2 zoning district with issuance of a use permit, while the growing of nursery stock is an allowable use within these areas. Retail commercial facilities are not allowed in either the "Agriculture" general plan designation or the A-2 zone. Changes to the levels of service in regards to County services (i.e. electricity, water, sewer, and traffic) would be minimal.

PLANNING CONSIDERATIONS

The following comparison is made between the goals and policies of the General Plan and the proposed project. The related policies shall be considered in evaluating proposals to amend the General Plan to avoid land use conflicts which have developed in the past and which should be avoided in the future. The consistency of a land use proposal is viewed in light of the jurisdiction's entire General Plan. Ultimately, the Board of Supervisors has the final authority and will exercise its discretion to determine whether the project "furthers" the objectives and policies of the General Plan.

The following goals and policies of the General Plan are, in staff's opinion, related to the proposed project.

LAND USE

GOAL 1 - Provide for diverse land use needs by designating patterns which are responsive to the physical characteristics of the land as well as to the environmental, economic and social concerns of the residents of Stanislaus County.

Policy 1 - Land will be designated and zoned for agricultural, residential, commercial, industrial, or historical uses when such designations are consistent with other adopted goals and policies of the General Plan.

Policy 2 - Land designated Agricultural shall be restricted to uses that are compatible with agricultural practices, including natural resource management, open space, outdoor recreation, and enjoyment of scenic beauty.

Policy 3 - Land use designations shall be consistent with the criteria established in this element.

Policy 4 - Urban development shall be discouraged in areas with growth limiting factors such as high water table or poor soil percolation, and prohibited in geological fault and hazard areas, flood plains, riparian areas, and airport hazard areas unless measures to mitigate the problems are included as part of the application.

This project is essentially a request for a 5.00 acre retail landscape nursery business to be located in an area currently planned and zoned for Agriculture. The Planned Development Designation (PD), as defined on pages 1-25 and 1-26 of the Land Use Element of the General Plan, is designated for unique uses or uses going into areas where special attention is needed to ensure compatibility with surrounding lands. Under the "Appropriate Locations" portion of the PD definitions is the following statement as to what are considered to be valid uses of the planned development designation consistent with the intent of the Land Use Element:

- a. Application for uses of unique character (not otherwise allowed as proposed in other zoning districts) for which findings can be made as to the appropriateness of the location and absence of detrimental effect to the surrounding area.

In the case of this proposed project, staff believes the project can be found consistent with several goals and policies within the land use element. The applicant submitted several statements on the reasons to approve this project. Urban-type development already exists on the east side of Hickman Road and will not be moving west in the foreseeable future. The proposed 5 acre site is surrounded by agriculture on three sides and can be buffered from future urban development. Adjacent properties will continue to be used for agricultural production. The project proposes increasing the business of growing and selling of trees and tree-stock, with a commercial component selling to the public, instead of just wholesale vending. The proposal will continue the agricultural uses on the property. Based on the foregoing, and balance of the information provided in the application packet and these General Plan consistency findings, the designation of the site as Planned Development is appropriate and consistent with the General Plan.

The proposal is adjacent to the unincorporated urban community of Hickman. The community is relatively small and does not plan major urbanization in the future. The project does not propose building major structures and or leapfrog development. The proposal is on the fringe of the small urbanized area and will not create an island effect. A Planned Development proposal will aid with the expansion of the nursery.

- Policy 10 - New areas for urban development (as opposed to expansion of existing areas) shall be limited to areas of diminished agricultural importance.
- Policy 14 - Uses shall not be permitted to intrude into an agricultural area if they are detrimental to continued agricultural usage of the surrounding area.
- Policy 20 - Facilitate retention and expansion of existing businesses.

The project has an agricultural flavor, as the remainder 25 acres will be used for growing nursery trees and shrubs, which will continue to promote and protect agriculture. The proposal will continue the agricultural use on the property, and will not violate the policy of the primary industry, agriculture.

The nursery needs large open spaces to grow trees and vegetation. An urbanized setting would not be appropriate for growing nursery stock. This is a unique site, as it provides for the growing of trees, while being close enough to population centers for the wholesale and retail sales of said trees and vegetation.

The project facilitates the retention and expansion of an existing wholesale tree and nursery business. It expands the wholesale market into a retail market, for which there is a need. The approval of this proposal will assist the development of an agricultural and landscape industry in the community.

CONSERVATION/OPEN SPACE ELEMENT

- Policy 10 - Discourage the division of land which forced the premature cessation of agricultural uses.
- Policy 11 - In areas designated "Agriculture" on the Land Use Element, discourage land uses which are incompatible with agriculture.

These policies are similar to those previously discussed. The County has steadfastly encouraged agriculture in the project area, beginning in 1973. Staff believes that making this change in both General Plan designation and zoning could be considered as compatible with adjacent agricultural and urban land uses.

AGRICULTURAL ELEMENT

Because this application was received and complete prior to the Board of Supervisors adopting the new Agricultural element of the General Plan, this project is required to be in conformance with the previously adopted Agricultural Element, and not the one adopted by the Board of Supervisors in December 2007. However, the project appears to be consistent with many of the policies of both the previous and current Agricultural Elements except for the new guidelines for agricultural buffers.

Based on the old Agricultural Element, the following describes specific procedures for evaluating general plan amendments which propose to change agricultural designations.

Consequences. In evaluating the consequences of a proposed amendment, the following factors shall be considered: Plan designation; soil type; adjacent uses; proposed method of sewage treatment; availability of water, transportation, public utilities, fire and police protection, and other public services; proximity to existing airports and airstrips; impacts on air and water quality, wildlife habitat, endangered species and sensitive lands; and any other factors that may aid the evaluation process.

Criteria. Proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to urban uses shall be approved only if the Board of Supervisors makes the following findings:

1. Overall, the proposal is consistent with the goals and policies of the General Plan, and specifically is consistent with Policies 2.4 and 2.5 of this Agricultural Element.
2. There is evidence on the record to show a demonstrated need for the proposed project based on population projections, past growth rates, and other pertinent data.
3. No feasible alternative site exists in areas already designated or planned for the proposed uses.

4. Approval of the proposal will not constitute part of, or encourage piecemeal conversion of a larger agricultural area to non-agricultural uses, and will not be growth-inducing (as used in the California Environmental Quality Act).
5. The proposed project is designed to minimize conflict and will not interfere with agricultural operations on surrounding agricultural lands or adversely affect agricultural water supplies.
6. Adequate and necessary public services and facilities are available or will be made available as a result of the development.
7. The design of the proposed project has incorporated all reasonable measures, as determined during the CEQA review process, to mitigate impacts to fish and wildlife resources, air quality, water quality and quantity, or other natural resources.

Policy 2.4: To the greatest extent possible, development shall be directed away from the County's most productive agricultural areas.

Policy 2.5: New areas for urban development (as opposed to expansion of existing areas) shall be limited to less productive agricultural areas.

Policy 2.7: Proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to non-agricultural uses shall be approved only if they are consistent with the County's conversion criteria.

Staff believes all these findings can be met. The applicant is proposing to add a retail component to their existing wholesale business. County policy in the subject area has been very consistent, and this would not be at odds with that policy. The applicant has submitted evidence of the need for this project at this particular location from a growth-related basis. The statement submitted in support does present evidence of the need for this change.

Policy 2.4: The project site is located in a productive agricultural area, however, it is directly adjacent to the Town of Hickman and is not restricted by a Williamson Act contract. The wholesale nursery use has existed on several nearby parcels for many years. Agricultural conflicts have been non-existent to date on either site. The project's as a whole includes both retail and growing various nursery stock and can only occur on a site that has a large area for growing, propagating, and selling of trees and vegetation.

Policy 2.5: This policy recognizes that the expansion of existing areas may occur on more productive agricultural lands, and attempts to limit encroachment onto productive agricultural areas by "new areas for urban development." Since the project is an expansion of a nursery, for growing and propagating trees and vegetation, the proposal will be considered consistent with this policy.

Policy 2.7: Overall, the proposal is consistent with the goals and policies of the General Plan, and specifically it is consistent with the conversion criteria described above. The nursery business has existed for many years in the general area and currently grows stock on several nearby parcels. It has focused on the wholesale market and has not been (urbanized) growth inducing. The

expansion of the nursery will have a minimal impact on surrounding uses and is not expected to create any urbanization and development growth constituting piecemeal conversion of farmland.

The amendment is consistent with the goals and policies. The amendment is consistent with the local development of the area. It does not add residential dwelling in an agricultural area, and it does not add significant growth to the Hickman Community. It does add a commercial element to a developing area, adding a tree and shrub nursery to Stanislaus County. The proposed General Plan Amendment will be consistent with the goals and policies of the County General Plan.

The Stanislaus County Department of Agriculture & Weights and Measures stated in their referral response dated December 11, 2007, that the applicant would be responsible for installing and maintaining buffers in conformance with the new Agricultural Element adopted December 18, 2007. However, it was the determination of the Board of Supervisors that complete and active projects would not be subject to the adopted buffer requirements. Buffer requirements may be required should the Landscaping Center choose to expand in the future.

The project proponent owns the remaining 25 acres to the north and west of the proposed retail site and intends to grow nursery stock on that property. The site plan for the 5-acre site shows between 70 to 120 feet of parking and landscape areas along the north, south and western boundaries.

Phasing

The applicant had submitted a Development Schedule for a two phase development, the first phase will be done within 1-5 years the last phase 5-10 years. The Planning Commission and the Board of Supervisors on December 6, 2007 and January 8, 2008, respectfully, approved the Santa Fe Crossing project south of Hughson. That applicant requested a 7 year phasing plan and Planning Commission recommended and the Board approved a 5 year build out with a stipulation that the applicant can apply for a time extension for the second phase. The applicants have changed their schedule to conform to the most recent approval (first phase 1-3 years the last phase 3-5 years). This applicant would like the option to request for a time extension, if needed.

Lot Line Adjustment

The project site consists of two legal parcels. The applicant is requesting to adjust the lot lines of the two lots from 14.7 and 15.9 acres to create two parcels of 5.0 and 25.7 acres. The lot line adjustment is for the retail nursery to be only on the 5 acre parcel. This lot line adjustment would be consistent with the appropriate General Plan policies and zoning regulations if the general plan amendment and zoning change is approved.

FINDINGS

General Plan Amendment

With environmental impacts mitigated to a level of insignificance, the keys to approval or denial of the General Plan amendment and rezone requests are land use matters. In order to approve a General Plan amendment, two findings must be made:

1. The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses.

Staff believes that the proposed Planned Development is a logical expansion in the Hickman area and will not lead to leapfrog development or spot zoning. The business is consistent with the surrounding development in the area and represent a logical land use pattern that would not be detrimental to existing and planned land uses.

2. The County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service.

Any impacts to County services will be mitigated through the payment of impact mitigation fees and compliance with development standards.

Rezone

To approve a rezone, the Planning Commission must find that it is consistent with the General Plan. In this case, Planned Development zoning would indeed be consistent with the Planned Development designation.

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 "H" for the Environmental Review Referral list). Based on the comments received and the Initial Study discussion, a Negative Declaration is being recommended for adoption (see Exhibit "G"). Conditions of Approval have been added to this project (see Exhibit "C").

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 California Code of Regulations Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgement and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find That:
 - A. The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses,

- B. The County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service,
 - C. The amendment is consistent with the General Plan goals and policies,
 - D. The proposed planned development zoning is consistent with the Planned Development General Plan designation, and
 - E. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
4. Approve General Plan Amendment Application No. 2007-05, Rezone Application No. 2007-08 & Lot Line Adjustment Application No. 2007-25 - Frantz Landscape Center, subject to the attached Conditions of Approval, Planned 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 \$1,933.75 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: Bill Carlson, Senior Planner, January 2, 2008

Attachments:

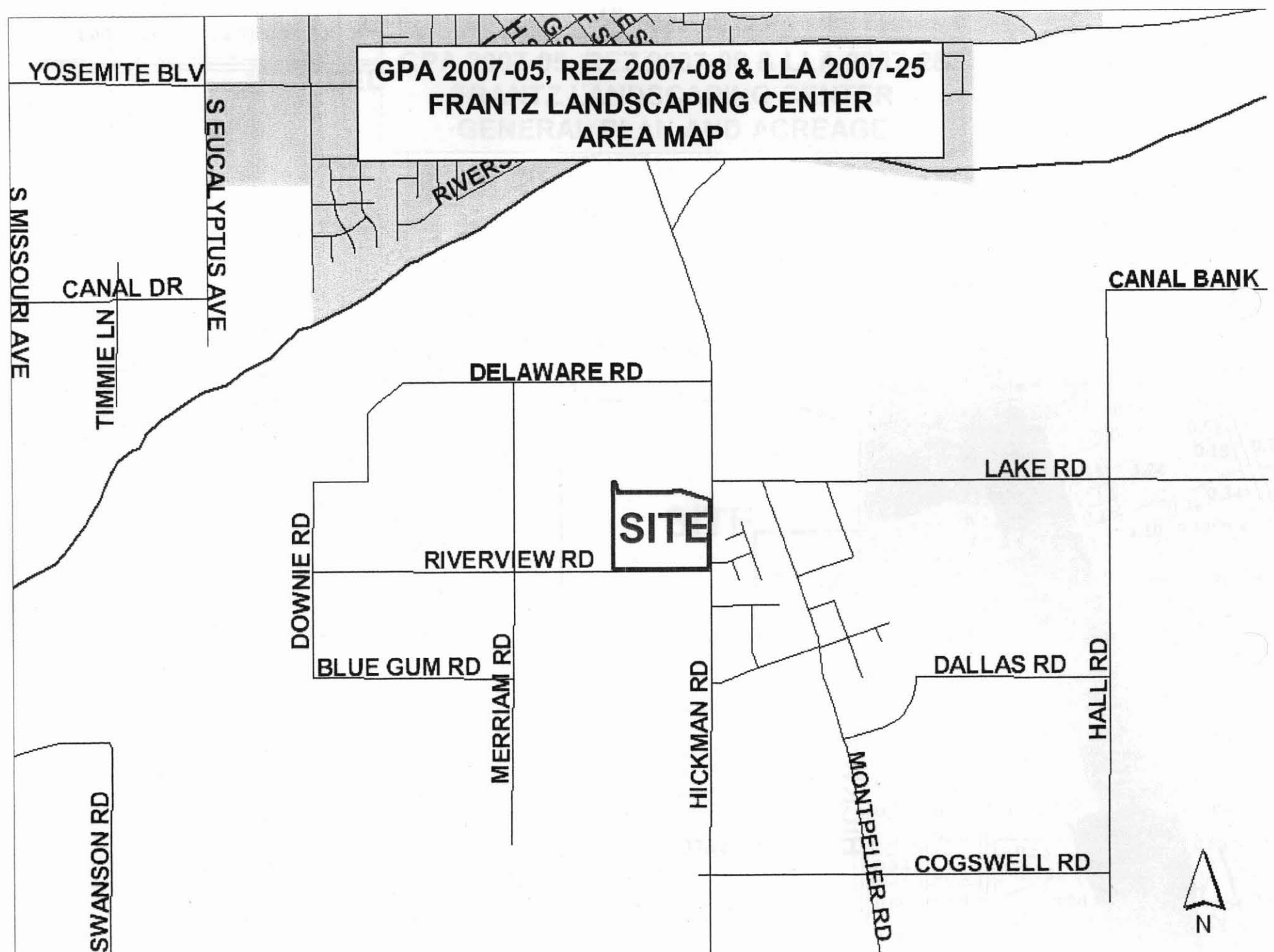
- Exhibit A - Area Maps
- Exhibit B - Application and Site Plans
- Exhibit C - Conditions of Approval
- Exhibit D - Planned Development Standards
- Exhibit E - Development Schedule
- Exhibit F - Initial Study
- Exhibit G - Negative Declaration
- Exhibit H - Environmental Review Referrals

Reviewed By:



Kirk Ford, Assistant Director

**GPA 2007-05, REZ 2007-08 & LLA 2007-25
FRANTZ LANDSCAPING CENTER
AREA MAP**

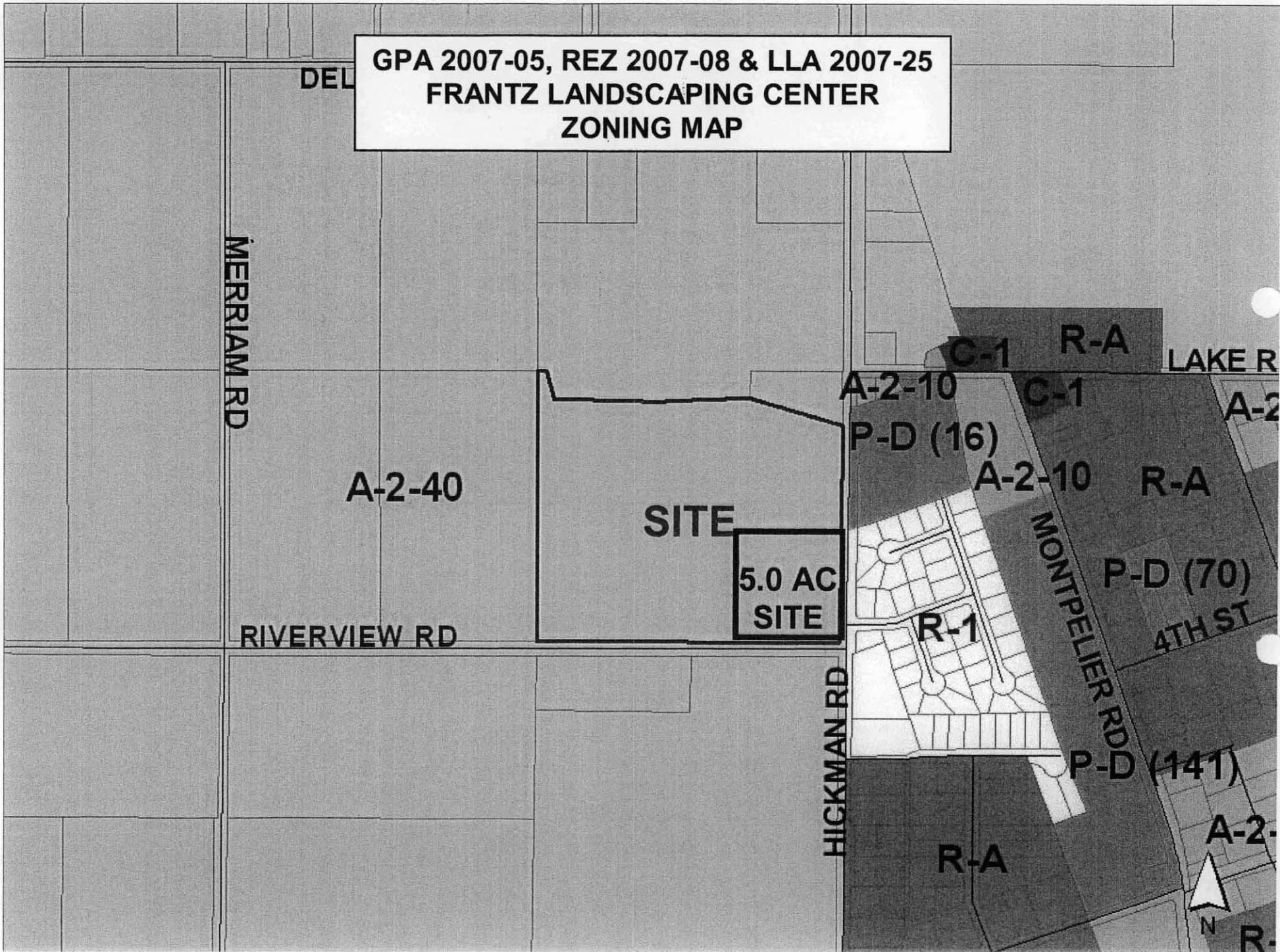


10

EXHIBIT A



**GPA 2007-05, REZ 2007-08 & LLA 2007-25
FRANTZ LANDSCAPING CENTER
ZONING MAP**





APPLICATION QUESTIONNAIRE

Please Check all applicable boxes

APPLICATION FOR:

Staff is available to assist you with determining which applications are necessary

- | | |
|--|--|
| <input checked="" 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 _____ |

PLANNING STAFF USE ONLY:

Application No(s): _____
 Date: _____
 S _____ T _____ R _____
 GP Designation: _____
 Zoning: _____
 Fee: _____
 Receipt No. _____
 Received By: _____
 Notes: _____

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.

<h2>PROJECT INFORMATION</h2>

PROJECT NAME: Frantz Landscape Center GPA and Re-zone Application
 (Desired name for project, if any)

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

Name: Nathan Heinrich Telephone: (209) 874-1077

Address: 12161 Delaware Road, Hickman, CA 95323

Fax Number: (209) 874-1087 email address: nathanh@frantznursery.com

(Attach additional sheets as necessary)

PROPERTY OWNER'S NAME: Timothy and Mitzi Frantz, Trustees

Mailing Address 12161 Delaware Road, Hickman, CA 95323
Hickman, CA 95323

Telephone: (209) 874-1459 Fax: (209) 874-1929

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 10th Street – 3rd Floor, (209) 525-6330, if you have any questions. Pre-application meetings are highly recommended.

ASSESSOR'S PARCEL NUMBER(S): Book 019 Page 008 Parcel 023

Additional parcel numbers: _____

Project Site Address
or Physical Location:

12741 Riverview Road, Hickman, CA 95323

Property Area: Acres: 5 acres or Square feet: _____

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

Vacant and fallow parcel

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)

None

Existing General Plan & Zoning: Agriculture (A-2-40)

Proposed General Plan & Zoning: Planned Development (P-D)
(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) See attached Area Map Exhibit

East: Low Density Residential/Planned Development

West: Agriculture

North: Agriculture

South: Agriculture

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: Nursery Trees

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.) _____

Minimal amount, site is flat.

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: (See attached Plans)

Existing Building Coverage: 0 Sq. Ft. Landscaped Area: 26061 Sq. Ft.

Proposed Building Coverage: 1,800 Sq. Ft. Paved Surface Area: 83539 Sq. Ft.

BUILDING CHARACTERISTICS:

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) 1,800 s.f. Office
22,100 s.f. shade structure, Phase One 22,100 s.f. shade structure for Phase Two

Number of floors for each building: One floor proposed for the building

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

Will not exceed the height requirement of 35 feet

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) _____

None proposed

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

Gravel surface

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*: Septic

Telephone: AT&T Gas/Propane: PG&E

Water**: On-Site Well (possibly new well) 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:)

None

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: **NIA** Total Dwelling Units: **NIA** Total Acreage: **NIA**

Net Density per Acre: **NIA** Gross Density per Acre: **NIA**

<i>(complete if applicable)</i>	Single Family	Two Family Duplex	Multi-Family Apartments	Multi-Family Condominium/ Townhouse
Number of Units:	<u> NIA </u>	<u> NIA </u>	<u> NIA </u>	<u> NIA </u>
Acreage:	<u> NIA </u>	<u> NIA </u>	<u> NIA </u>	<u> NIA </u>

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): **See attached Site Plan.**

Type of use(s): **Retail Commercial Nursery**

Days and hours of operation: Op. 12 months a year, 6 days a week, Mon. - Sat., Mon. - Fri. 8 - 5, Sat. 8 - 1.

Seasonal operation (i.e., packing shed, huller, etc.) months and hours of operation: No

Occupancy/capacity of building: Outdoor Nursery

Number of employees: (Maximum Shift): 6 full time, 2 part (Minimum Shift): 2

Estimated number of daily customers/visitors on site at peak time: Phase 1: 25-50 people, Phase 2: 50-75 people

Other occupants: None

Estimated number of truck deliveries/loadings per day: 10, 5 times a week

Estimated hours of truck deliveries/loadings per day: 6:00 a.m. to 6:00 p.m. 10:00 and 2:00 peak times

Estimated percentage of traffic to be generated by trucks: Less than 5%

Estimated number of railroad deliveries/loadings per day: N/A

Square footage of:

Office area: 1,800 +/- s.f.

Warehouse area: NIA

Sales area: 44,200 +/- s.f. outside

Storage area: NIA

Loading area: 10,000 +/- s.f.

Manufacturing area: NIA

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)

Hickman Road and Riverview Road

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) **Captured on-site and applied to project lands to percolate.**

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.

Will prepare SWPPP for Grading if necessary.

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)

Please See Goals, Policies and Implementation Measures, Development Plan, and

Attached Exhibits



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10TH Street, Suite 3400, Modesto, CA 95354
 Phone: 209.525.6330 Fax: 209.525-5911

S _____	T _____	R _____
ZONE _____		
RECEIVED _____		
APPLICATION NO. _____		
RECEIPT NO. _____		

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1

Timothy and Mitzi Frantz -Trustees
 Name
 12741 Riverview Rd, Hickman, CA 95323
 Address, City, Zip
 209-874-1459
 Phone
 209-874-1929
 Fax Number

Parcel 2

Timothy and Mitzi Frantz - Trustees
 Name
 12741 Riverview Rd, Hickman, CA 95323
 Address, City, Zip
 209-874-1459
 Phone
 209-874-1929
 Fax Number

Parcel 3

Name
 Address, City, Zip
 Phone
 Fax Number

Parcel 4

Name
 Address, City, Zip
 Phone
 Fax Number

2. Name and address of person(s) preparing map: Associated Engineering Group, Inc.
4206 Technology Drive Modesto, CA 95356, (209) 545-1143

3. Assessor's Parcel No. of parcels adjusted:
 Parcel 1: Book 019 Page 008 No. 023 Parcel 2: Book _____ Page _____ No. _____
 Parcel 3: Book _____ Page _____ No. _____ Parcel 4: Book _____ Page _____ No. _____

4. Size of all adjusted parcels: Before After
 Parcel 1: (13) 14.7 acres Parcel 1: (13) 5.0 acres
 Parcel 2: (14) 15.9 acres Parcel 2: (14) 25.7 acres
 Parcel 3: _____ Parcel 3: _____
 Parcel 4: _____ Parcel 4: _____

5. Why are the lot lines being changed? BE SPECIFIC The lot lines are being adjusted to prepare for a
Planned Development/commercial/retail nursery establishment selling trees and nursery stock to the public.
This application is in conjunction with the PD/Re-zone application.

6. How are these parcels currently utilized? Please check appropriate uses

- Residential
 - Single Family
 - Duplex
 - Multiple
 - Commercial
 - Industrial
 - Other (Specify) _____
- Agriculture
 - Row Crop - type _____
 - Trees - type _____
 - Vines - type _____
 - Range (unirrigated) _____
 - Pasture (irrigated) _____
 - Poultry _____
 - Dairy _____
 - Other (Specify) Nursery trees - irrigated

7. List all structures on properties: One 1,000 s.f. residential dwelling

8. How have these parcels been utilized in the past, if different than current use? The site has been vacant and fallow for some time. Trees will be irrigated with drip irrigation upon completion of the project.

9. When did current owner(s) acquire the parcel(s)?

Parcel 1: September 2006 Parcel 2: _____
 Parcel 3: _____ Parcel 4: _____

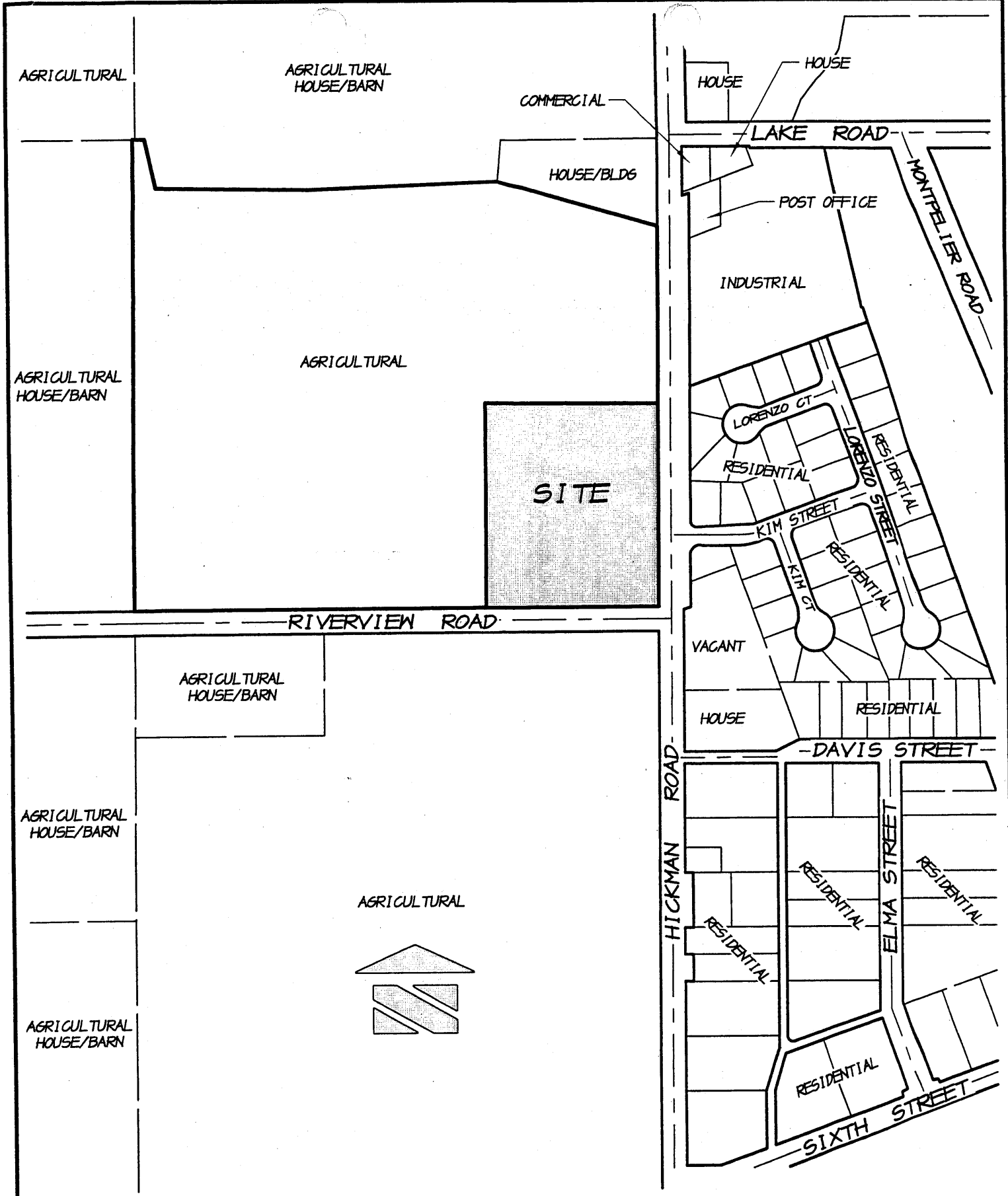
10. Is the property under Williamson Act Contract? Yes No If yes, contract number? _____

11. Do the parcels irrigate? Yes No If yes, how? Dry paster land, will irrigate with drip irrigation

12. Will these parcels continue to irrigate? Yes No If yes, describe any physical changes in the irrigation system. They will continue to irrigate through a drip system.

13. Signature of property owner(s)

<p><u>Timothy Frantz</u> By: _____ Owner's Signature</p> <p><u>Michael Frantz</u> POA Owner's Signature</p> <p><u>Mitzi Frantz</u> By: _____ Owner's Signature</p> <p><u>Michael Frantz</u> POA Owner's Signature</p>	<p><u>Timothy and Mitzi Frantz Trustees</u> Owner's Name Printed</p> <p><u>Timothy Frantz</u> Owner's Name Printed</p> <p><u>Mitzi Frantz</u> By: Owner's Name Printed</p> <p><u>Michael Frantz</u> POA Owner's Name Printed</p>
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DRAWN J.L.G.
 DATE 6/11/07 8:30
 SCALE NTS
 JOB # 600-07
 DWG. FIGURE 1

AREA MAP
FRANTZ LANDSCAPE CENTER
 HICKMAN CALIFORNIA



ASSOCIATED ENGINEERING, INC.
 Surveying · Design · Planning
 4206 TECHNOLOGY DRIVE
 MODESTO, CALIFORNIA 95356
 PH: (209) 545-3390 FAX: (209) 545-3875

Project Description

Frantz Landscape Center

INTRODUCTION AND PROJECT DESCRIPTION

Project Information

Parcel Ownership

Timothy and Mitzi Frantz, Trustees of the Frantz Living Trust,
12161 Delaware Road, Hickman, CA 95323, (209) 874-1459

Applicant

Michael Frantz, 12161 Delaware Road, Hickman, CA 95323, (209) 874-1459

Applicant's Assistant

Nathan Heinrich, 12161 Delaware Road, Hickman, CA 95323, (209) 874-1077

Engineer

Associated Engineering Group, Inc., 4206 Technology Drive, Modesto, CA 95356
(209) 545-1143

Project Boundary

The property is located north of Riverview Road and west of Hickman Road in the Hickman community (south of the City of Waterford), 12741 Riverview Road, Hickman, CA 95323. The Assessor's Parcel Number is 019-008-023.

Proposed Land Use

The project proposes to build a 1,800-foot retail/commercial building (proposed office) and a 22,100 square foot shade canopy (structure) on the 5.0-acre parcel (for Phase One, doubling the size of the landscape area in Phase Two). The project proposes an expansion of an existing wholesale tree nursery with a commercial element included.

Proposed General Plan Designation

The application proposes an amendment from "Agriculture" to "Planned Development."

Proposed Zoning

The application proposes to change the zone from A-2-40 (General Agriculture) to P-D (Planned Development).

Project Description

This is a request to amend the General Plan from "Agriculture" to "Planned Development," to change the zone from A-2-40 (General Agriculture) to P-D (Planned Development), and a Lot Line Adjustment changing the lines of two lots, Lot 13, 14.7 acres and Lot 14, 15.9 acres to; Lot 13, 5.0 acres and Lot 14, 25.7 acres, to adjust the property lines for the commercial portion of the project. The underlying General Plan Designation and Zone District will be Commercial. The proposal plans to build a 1,800-foot retail/commercial (proposed office) building and a 22,100 square foot shade structure on approximately 5.0-acre parcel (for Phase One). The project will benefit the growing residential communities nearby by expanding an existing wholesale tree nursery with a commercial element included for the public. The property is located north of Riverview Road and west of Hickman Road in the Hickman community (south of the City of Waterford). The Assessor's Parcel Number is 019-008-023. The development will be called the Frantz Landscape Center.

The purpose of this project is to create a destination for local nursery and garden enthusiasts, to include landscapers and commercial gardeners. The adjacent agricultural properties and neighboring communities are also welcome to visit the nursery for large scale planting and tree purchases. The project will allow an existing wholesale tree nursery to continue to grow and expand. At full build-out, the proposal will employ six people. The proposed operating hours will be six days a week, 8:00 a.m. to 5:00 p.m. and Saturday 8:00 a.m. to 1:00 p.m.

As shown on the attached development plans, Phase 1 of the project would allow the construction of a 1,800 foot retail/commercial building and a 22,100 square foot shade structure for trees and large shrubs. A photo-representation, similar to the proposed project of a wholesale and commercial nursery found in Escondido, California is attached. The pictures show shade structures, rows of trees, nursery material such as mulches, fertilizers, landscaping material, an office for checkout, a loading zone and adequate parking, all of which have similar features proposed in the Frantz Landscape Center proposal. With Phase 2, the completed development area would fill the five-acre property by doubling the shade structure area, parking, and office space. The remaining 25.7 acres would be undeveloped and/or would remain in agricultural use. At full development, approximately five acres of the developed thirty acres will be irretrievably committed to urban uses for the proposal.

Justification Statement

Based on the information above, we feel the following criteria has been satisfied:

1. The change is consistent with the intent, goals, objectives, policies, guiding principles and programs of adopted plans (as identified in the Goals Policies and Implementation Document);
2. The change would be compatible with the existing land use pattern as referenced above;
3. The proposed change would not create a substantial adverse impact in the adjacent area of the Community of Hickman or the County in general; and
4. The proposal is of adequate shape and size to accommodate the proposed change.

5. With this amendment, the proposal will improve the economic, physical and social well-being of the County by adding a commercial element to a wholesale landscaping and nursery business. A thirty-acre vacant lot will be turned into a tree and shrub-growing enterprise benefiting the County, residences, and local growers and landscapers alike. The County, in reviewing General Plan Amendments, shall consider how the levels of public and private service might be affected. In this case, in order to take affirmative action regarding the General Plan amendment application, it must be found that:

- a. The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses.

Logical land-use patterns would change from "Agriculture" to "Planned Development". Farming and growing operations will remain the same on-site. The difference between the A-2 Zone and the proposed change would be the "Wholesale" selling of trees and nursery products to the "Commercial" selling of such products. Level of service in regards to County services would be minimal, i.e. electricity, water, sewer, and traffic would be minimal.

- b. The County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service.

Levels of service would be similar with a commercial operation as it would with a wholesale nursery operation. The County and other agencies would be minimally affected by the proposal. A development plan is attached that shows the proposed uses and facilities.

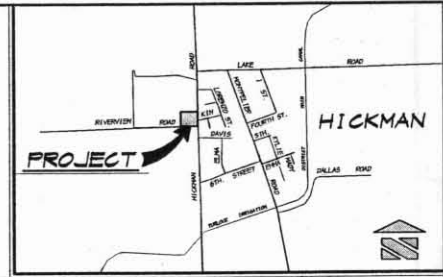
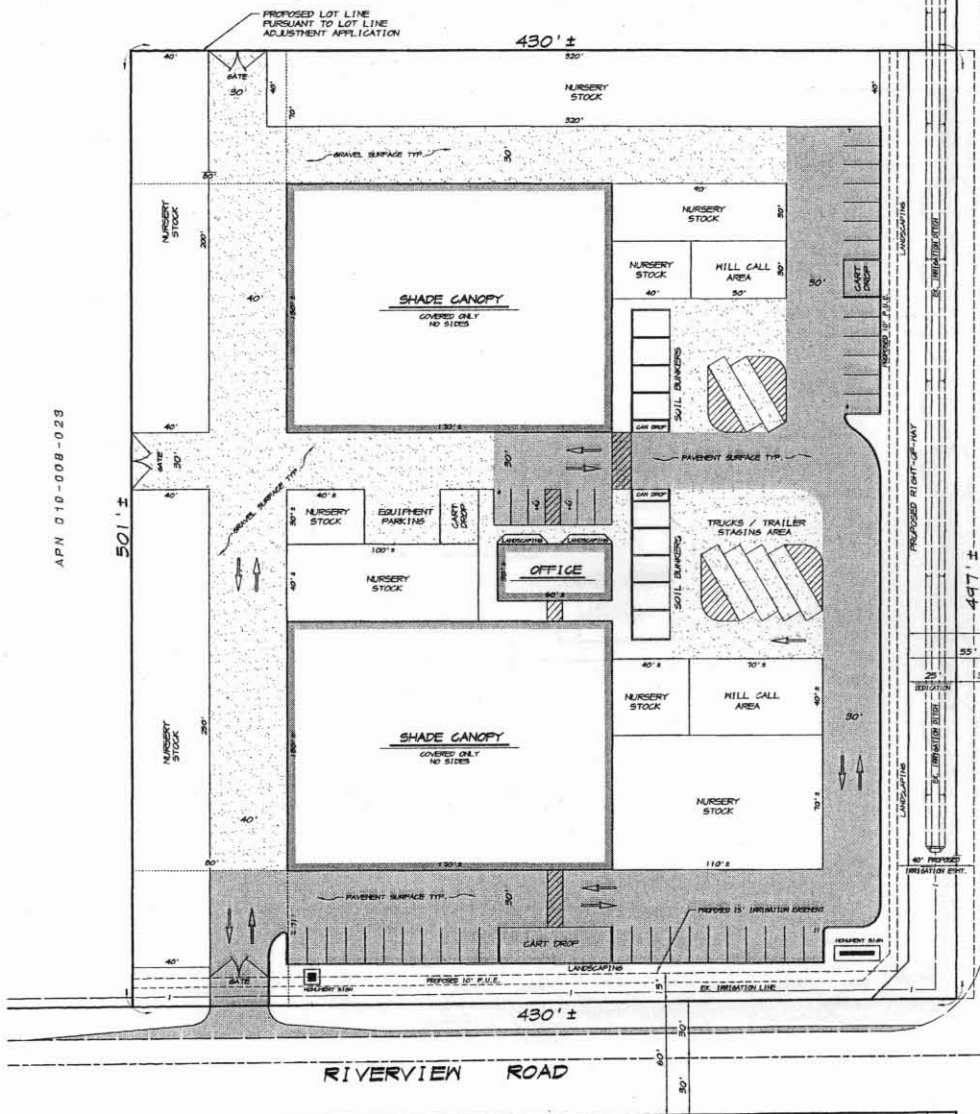
In the case of a proposed amendment to the diagram of the Land Use Element, an additional finding must be established.

- c. The amendment is consistent with the goals and policies.

The amendment is consistent with the local development of the area. It does not add residential dwelling in an agricultural area, and it does not add significant growth to the Hickman Community. It does add a commercial element to a developing area, adding a tree and shrub nursery to a growing community.

The proposed General Plan Amendment will promote the public welfare and will be consistent with the goals and policies of the County General Plan and the elements thereof. Please see the Goals Policies and Implementation Document that reflects this explanation and justification.

APN 010-008-023



VICINITY MAP
NO SCALE

OWNER: TIMOTHY & MIZZI FRANTZ TRUSTEES
12161 DELAWARE ROAD
HICKMAN, CA 95323

APPLICANT: MICHAEL FRANTZ
12161 DELAWARE ROAD
HICKMAN, CA 95323

GENERAL NOTES:

1. ACCESSOR'S PARCEL NUMBER: 010-008-023
2. SITE SUMMARY: TOTAL SITE 5.04 AC.
3. SITE LOCATION: 12741 RIVERSVIEW ROAD HICKMAN, CA 95323
4. PRESENT ZONING: A-2-40, GENERAL AGRICULTURE
5. PROPOSED ZONING: P-D, PLANNED DEVELOPMENT
6. ALL IMPROVEMENTS TO BE INSTALLED SHALL BE INSTALLED IN ACCORDANCE OF STANISLAUS COUNTY STANDARDS.
7. THE PROPERTY LINE DISTANCE, BEARINGS, AND ALL OTHER DIMENSIONS SHOWN ON THIS MAP ARE TAKEN FROM DEEDS, ASSESSOR'S MAPS, OR BOTH, AND PRELIMINARY FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL FIELD SURVEY.

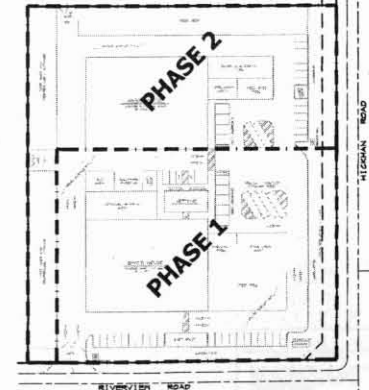
SITE SUMMARY:

PROJECT SITE COVERAGE:

PROPOSED OFFICE	= 1,500 sq ft (18 COVERAGE)
OUTDOOR NURSERY STOCK	= 100,350 sq ft (808 COVERAGE)
LANDSCAPE AREA	= 14,951 sq ft (78 COVERAGE)
PAVEMENT/GRAVEL SURFACE	= 84,437 sq ft (428 COVERAGE)
TOTAL SITE:	= 201,238 sq ft (1008 COVERAGE)

PARKING SUMMARY:

PARKING REQUIRED:	OFFICE: 1 PER 300 SQ. FT. 1,500/300 = 5 STALLS
PARKING PROVIDED:	= 34 STANDARDS STALLS 2 HANDICAP STALLS
TOTAL STALLS:	= 41 PARKING STALLS



PHASING PLAN:
SCALE: 1"=50'

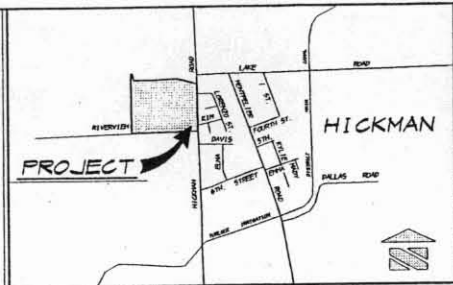
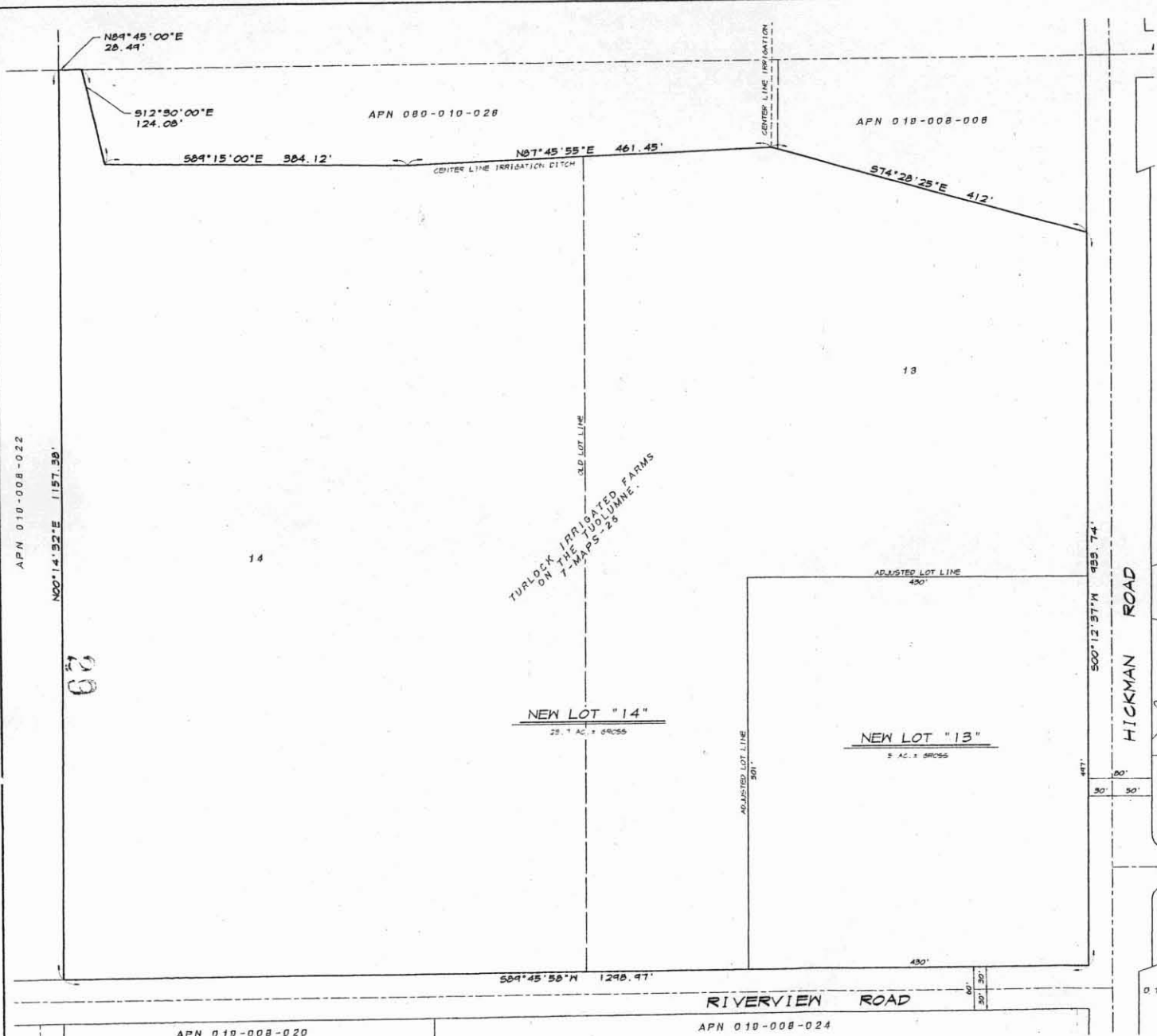
REVISION	DATE	DESCRIPTION

ASSOCIATED ENGINEERING, INC.
Civil - Mechanical - Planning
1000 DEERE DRIVE
SACRAMENTO, CA 95833
(916) 485-8885
PH: 10

SITE PLAN TO ACCOMPANY PLANNED DEVELOPMENT
FRANTZ LANDSCAPE CENTER
STANISLAUS COUNTY CALIFORNIA

ERIN DANIEL, C.E.C. 1887
DAVE BROWN, L.L. 1728

DRAWN BY: J.L.G.
DATE: 10/30/07 2:28
SCALE: 1"=50'
ENG: 600_SFP
ORDER:
NO: 600_07
SHEET
OF 1





30

Parking Lot - Example



Office and Nursery Products - Example



Large Tree Walkway - Example



Small to Large Plant Rows - Example



Canopy - Example



35

Canopy - Example



Building - Example

38

CONDITIONS OF APPROVAL

GENERAL PLAN AMENDMENT APPLICATION NO. 2007-05
REZONE APPLICATION NO. 2007-08
LOT LINE ADJUSTMENT APPLICATION NO. 2007-25
FRANTZ LANDSCAPE CENTER

Stanislaus County - Department of Public Works

1. The property owners shall dedicate a 10-foot wide public utility easement along the entire road frontages of Hickman Road and Riverview Road adjacent to the ultimate right-of-way prior to the issuance of any building permit.
2. Hickman Road is classified as a major road, so the ultimate right of way is 110 feet. An Irrevocable Offer of Dedication of 55 feet from the centerline of Hickman Road is required. The intersection of Hickman and Riverview Roads will require a dedication of a 35 foot chord. An Irrevocable Offer of Dedication document will be prepared prior to the issuance of a building permit.
3. Full street improvements per County standards shall be installed within the existing right-of-way of Hickman Road 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, relocating the existing T.I.D. canal, streetlights, signs, pavement markings, and street pavement. These improvements may be deferred by entering into a street improvement agreement.
4. All driveway locations and widths shall be approved by the Department of Public Works.
5. An Engineer's Estimate shall be provided so the amount of the street improvement agreement can be determined.
6. Street improvements per County standards shall be installed within the existing right-of-way of Riverview Road along the project's entire frontage prior to final and/or occupancy of any building. This improvement shall include a 12' wide paved vehicle lane and a 4' wide paved asphalt shoulder. Improvement plans are to be submitted to this department for approval. The structural section and cross slopes shall meet Stanislaus County Public Works Standards and Specifications.
7. No parking, loading or unloading of vehicles will be permitted within the right of way of Hickman or Riverview Roads.
8. An encroachment permit must be obtained for the off-site improvements.
9. Prior to the approval of the off-site improvement plans, the applicant 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.

10. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted
11. All employee and customer parking areas shall be paved and striped per county standards. The vehicle storage area may be surfaced with road base or gravel in lieu of pavement.
12. 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 plan shall be implemented prior to final and/or occupancy of the office building.

Stanislaus County - Department of Planning and Community Development

13. 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.
14. All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect.
15. Hours of exterior construction on the site shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Saturday.
16. Construction of the project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
17. A plan for any proposed signs indicating the location, height, area of the sign, and message must be approved by the Planning Director prior to installation.
18. Trash bins shall be kept in trash enclosures. Trash enclosures shall be placed in locations as approved by the refuse collecting agency and the Planning Director.
19. 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 concurrent with the building permit approval.
20. 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.
21. All businesses operating on-site shall obtain and maintain a valid business license. Application may be made with the Planning Department. (Section 6.04 of the Stanislaus County Ordinance Code)

22. 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 **\$1,933.75**, 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.

23. 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.
24. 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.
25. 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.
26. 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.
27. 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.

28. 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.
29. 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 plants 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.
30. 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.

Stanislaus County - Fire Prevention Bureau

31. All buildings constructed shall comply with all applicable codes and ordinances, including fire apparatus access road standards, water for fire protection, etc.
32. The fire protection impact fees shall be paid prior to issuance of a building permit.
33. All buildings 5,000 square feet and greater shall be provided with an automatic fire sprinkler system.
34. The project shall meet fire apparatus access standards. Fire access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. All fire apparatus access road turns shall provide for a 50-foot outside turning radius.
35. An approved water supply for fire protection shall be provided. The actual amount of water required will be determined once actual plans for the proposed structures are submitted to the Building Department for review and approval.

Stanislaus County - Building Permits Division

36. The proposed development shall comply with current adopted Title 24 Building Codes.

Stanislaus County - Department of Environmental Resources (DER)

37. 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.

38. Any existing on-site well and/or septic tank shall be destroyed under permit from the Department of Environmental Resources and in accordance with all laws and policies (Stanislaus County and California State Model Well Standards).
39. The Stanislaus County Source Reduction and Recycling Element (SRRE) contains descriptions of the programs the County has implemented to reduce solid waste disposal in the County by 50%, as mandated by AB939. Such programs include source reduction, recycling and composting. The following measures, consistent with the SRRE, shall be incorporated into the project when possible:
 - A. Minimizing, through source reduction, reuse and recycling, the amount of waste from the product, which will require disposal.
 - B. During the construction phase, provisions should be made to separate recyclable material from the construction debris. Recovered materials such as wood, sheetrock, metal, and concrete, should be diverted to approved use sites or to recyclers.
 - C. Incorporate into the project, when possible, products that contain post consumer recycled materials. Construction materials that have post-consumer content include steel framing, plastic, lumber, carpeting, floor mats, parking bumpers, paint, lubricating oil products, glass and window products.
 - D. Compost and other soil amendments necessary for project landscaping can be obtained from permitted composting facilities within Stanislaus County, provided such landscaping material is available and meets specifications. Consider xeriscape practices for landscaped areas within the project. Xeriscaping is landscaping with slow-growing, drought tolerant plants to conserve water and reduce yard trimmings.
 - E. A designated area should be provided that would facilitate the storage of recyclable material containers.
40. On-site wastewater disposal system (OSWDS) shall be by individual Primary & Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X.
41. The engineered on site wastewater disposal system (OSWDS) design shall be designed for the maximum occupancy of an office building.
42. The OSWDS design system shall provide 100% expansion area. Any portion of the drainfield of the onsite wastewater installed under pavements is to be doubled.

Turlock Irrigation District

43. At the intersection of Hickman and Riverview Roads this ditch enters a newly constructed pipeline that heads west along the north shoulder of Riverview Road. Appropriate irrigation easements must be dedicated along each road for the benefit of the improvement district (ID 144).
44. The appropriate irrigation easement shall be dedicated for the irrigation pipeline belonging to Improvement District 303A (North Branch of the Dallas-Applying) running along the northeast property line of the subject property line.

45. The open ditch along Hickman Road fronting the proposed 5.0 acre lot may be required to be upgraded to the current District Standards. It will be necessary for the developer to submit plans detailing the existing irrigation facilities, relative to the proposed site improvements, in order for the District to determine specific impacts and requirements.
46. Properties that will no longer irrigate or have direct access to water must request abandonment from the improvement district(s). Developed property must be graded at least 6 inches higher than the adjoining irrigated ground. A protective berm must be installed to prevent irrigation water from reaching non-irrigated properties.
47. Any improvements to this property shall be subject to the District's approval and meet all District standards and specifications. If it is determined that the irrigation facilities will be impacted, the applicant shall provide irrigation improvement plans and enter into an Irrigation Improvement Agreement for any modification. (There is a District Board approved time and material fee for this review.)
48. In order for the District to accept the necessary easement, a statement to Turlock Irrigation Standards shall be used for the "Certificate of Acceptance".
49. The developer shall apply and pay for a facility change for any overhead poles along Hickman and Riverview Roads or any electrical facility relocation.
50. Relocation or installation of electric facilities shall conform to the District's Electric Service Rules.

Please note: If Conditions 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 Conditions of Approval, new wording is in **bold** and deleted wording will have a ~~line through it~~.

PLANNED DEVELOPMENT STANDARDS

**GENERAL PLAN AMENDMENT APPLICATION NO. 2007-05
REZONE APPLICATION NO. 2007-08
LOT LINE ADJUSTMENT APPLICATION NO. 2007-25
FRANTZ LANDSCAPE CENTER**

1. PERMITTED USES

- A. The following uses shall be permitted outright, subject to the conditions of the Planned Development:

Retail & Wholesale Nursery.

2. DESIGN STANDARDS

- A. Building allowed:

Phase one (1): retail/commercial building and a shade canopy.
Phase two (2): shade structure area, parking and office area.

- B. All exterior trash enclosures shall be screened from public view.

3. LANDSCAPE AREA REQUIREMENTS

- A. **Landscaped Area:** Landscaping shall be completed prior to final inspection of the building or occupancy of the property. Shade trees shall be provided at the rate of one for each 30 linear feet of landscaped area.
- B. **Setbacks:** All setback and open space areas and easements for utilities and drainage courses shall be landscaped.
- C. **Yards:** There shall be a landscaped setback of at least fifteen feet along the Riverview and Hickman Roads.
- D. **Unused Areas:** All areas of a project site not intended for a specific use, held for future development, shall be kept free of weeds, litter, or storage of materials, vehicles, or other items.
- E. **Final Landscape Plan:** A final landscape plan in accordance with Section 21.102 of the Zoning Ordinance shall be submitted as part of the application for a building permit. Final plans shall be approved by the Director of Planning and Community Development prior to the start of on-site construction or soil disturbance and prior to the issuance of a building permit.

DEVELOPMENT SCHEDULE

**GENERAL PLAN AMENDMENT APPLICATION NO. 2007-05
REZONE APPLICATION NO. 2007-08
LOT LINE ADJUSTMENT APPLICATION NO. 2007-25
FRANTZ LANDSCAPE CENTER**

1. Phase 1 is expected to be completed within 3 years from the date of approval.
2. Phase 2 is expected to be completed within 3 to 5 years from approval.

**with the option to request a time extension if needed.*

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**Frantz Landscape Center
Development Schedule**

Phase	Years	Approximate Acreage	%
1	1 – 3 years	2.69 Acres	55%
2	3 – 5 years	2.25 Acres	45%
Total Project	*5 years +/-	5 acres +/-	100%

* WITH OPTION TO REQUEST EXTENSION IF NEEDED

NOTE: See proposed Site Plan for phasing



Stanislaus County Planning and Community Development

1010 10th Street, Suite 3400
Modesto, California 95354

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

CEQA INITIAL STUDY

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

1. **Project title:** General Plan Amendment Application No. 2007-05, Rezone Application No. 2007-08, Lot Line Adjustment Application No. 2007-25 - Frantz Landscaping Center
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Bill Carlson, Senior Planner
(209) 525-6330
4. **Project location:** 12741 Riverview Road, Hickman. (APN: 019-008-023)
5. **Project sponsor's name and address:** Nathan Heinrich
12161 Delaware Road
Hickman, CA 95323
6. **General plan designation:** Agriculture
7. **Zoning:** A-2-40 (General Agriculture)
8. **Description of project:**

Request to amend the General Plan and rezone five (5) acres from A-2-40 (General Agriculture) to PD (Planned Development) and construct a retail landscape business in two (2) phases. Phase one (1) is to build a 1,800 square foot retail/commercial building and a 22,100 square foot shade canopy on five (5) acres for retail landscaping. The project is to expand the existing wholesale tree nursery with a commercial element. Phase two (2) is to complete the development area of the five (5) acre property by doubling the shade structure area, parking and office area. The project will allow an existing wholesale tree nursery to continue to grow and expand. At full buildout, the proposal will have six full time employees and two part time employees. The proposed operating hours will be six days a week, 8:00 am to 5:00 pm and Saturdays 8:00 am to 1:00 pm. The request is also for a lot line adjustment to adjust 14.7 and 15.9 acre parcels to 5.0 and 25.7 acre parcels. The remaining 25.7 acres would continue to remain in agricultural use.
9. **Surrounding land uses and setting:** Agricultural uses to the west, north and south, single-family residential to the east.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Public Works Department

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)
On the basis of this initial evaluation:

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



Signature

October 31, 2007

Date

Bill Carlson
Printed name

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

- a) **Earlier Analysis Used.** Identify and state where they are available for review.
 - b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) **Mitigation Measures.** For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
 - 7) **Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
 - 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
 - 9) The explanation of each issue should identify:
 - a) the significant criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

ISSUES

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

Discussion: The site itself is not considered to be a scenic resource or a unique scenic vista. The proposed outdoor storage and parking area should not impact any scenic visibility due to the proposed location on the project site. Even though the application does not specify any lighting, a Condition of Approval will be added to insure that any exterior lighting (including security lights) associated with this project is designed to provide adequate illumination without a glare effect.

Mitigation: None.

References: County policies, site review, application information, Stanislaus County Ordinance Code and staff experience.

II. AGRICULTURE RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?			X	

Discussion: The site is located just outside the urban area of the community of Hickman. However, undeveloped portions of the site will be utilized for agricultural activities, by the property owner. The site is not enrolled under a Williamson Act Contract.

The greatest agricultural impact is associated with normal farming activities such as spraying, plowing, fertilizing, etc., which may create dust, noise, and odors which may not be appreciated by the users of the project site. The property owner has owned this site for years, and has not filed any complaints regarding farm related activities. The County has a Right-to-Farm Ordinance in place to protect the agricultural users from unjust nuisance complaints. While the potential for urban/rural conflict exists, the impacts are less than significant.

Mitigation: None.

References: Application information, site review, Stanislaus County General Plan and Support Documentation¹ and Stanislaus County Zoning Ordinance.

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

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

Any pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions standards for vehicles, and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the SJVAPCD has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin. The application for this project was referred to the SJVAPCD for comments.

Mitigation: None.

References: Application information, San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis, Stanislaus County General Plan¹.

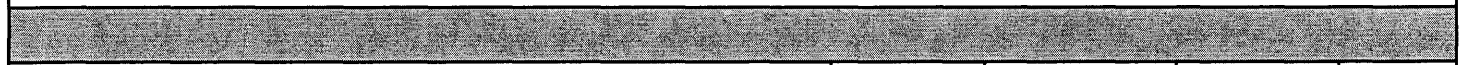
IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

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

Mitigation: None.

References: Application information, site visit, Natural Diversity Data Base Map, October, 2002, Stanislaus County General Plan and Support Documentation¹.



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

Discussion: It does not appear this project will result in significant impacts to any archaeological or cultural resources. The site has been farmed for many years and there are no unique paleontological or geological fixtures known to exist on the site. A Condition of Approval will be placed on the project that if any resources are found, construction activities will be halted at that time.

Mitigation: None.				
References: Application information, site review, Stanislaus County General Plan and Support Documentation ¹ .				
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:				
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 ¹ , the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5. Existing structures have been built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any future modifications to existing structures, or the construction of new structures, will be subject to all applicable county policies and ordinances.				
Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation ¹ , and the Uniform Building Code (1997).				

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>Discussion: The County Department of Environmental Resources is responsible for overseeing hazardous materials. All proposed uses will be reviewed by that office to see if there are issues in this category.</p> <p>Pesticide exposure is a risk in areas located in the vicinity of agricultural uses. Sources of exposure include contaminated groundwater which is consumed and drift from spray applications. Applications of sprays are strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. The groundwater is not known to be contaminated in this area.</p>				
<p>Mitigation: None.</p>				
<p>References: Application information, Stanislaus County General Plan and Support Documentation¹.</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>Discussion: The project site is not located within any flood zone and is not subject to flooding. On-site drainage and water quality issues will be addressed at the permit stage. All run-off will be contained on site, and will be subject to any requirements of the State Regional Water Quality Control Board and the County Departments of Public Works and Environmental Resources.</p>				
<p>Mitigation: None.</p>				
<p>References: Application information, County policy, Stanislaus County General Plan and Support Documentation¹.</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: There is no possibility of dividing any community in this case, nor are there any conservation plans in effect in the area. The site is designated Agriculture and zoned General Agriculture. If this project is approved, the project site will be designated and zoned Planned Development (PD). The PD zoning district permits only uses consistent with an adopted development plan. In this case, the proposed development plan will allow the nurse business to operate on this property. Any future expansion uses may be allowed after case-by-case review through the staff approval process, use permit, General Plan Amendment, or rezone.

Mitigation: None.

References: Application information, Stanislaus County General Plan and Support Documentation¹.

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 has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources in or around the project area.

Mitigation: None.

References: State Division of Mining & Geology-Special Report 173 (1993), Stanislaus County General Plan and Support Documentation¹.

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 General Plan identifies 75 Ldn as the normally acceptable level of noise for agriculture, industrial, manufacturing, and other similar land uses. In this case, the project is paving a parking lot, putting up two canopies for plants and adding a 1,800 square foot office building. Any new building or uses will go through a rezone, use permit or staff approval process. At that time staff will review the possible noise impacts and make the appropriate conditions or mitigation measures. Noise impacts associated with on-site activities and associated traffic is not anticipated to exceed the normally acceptable level of noise.

Mitigation: None.

References: California Office of Noise Control - Land Use Compatibility for Community Noise Environments, Stanislaus County General Plan and Support Documentation¹, 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: No substantial numbers of housing or persons will be displaced by the project. The proposed use of the site will not create significant service extensions that could be considered as growth inducing. However, the proposed rezone and general plan change, in an area planned for agriculture, could lead to similar requests. Here again, we believe that this case-by-case type of issue is most properly dealt with at the land use planning level.

Mitigation: None.

References: Application information, staff experience, Stanislaus County General Plan¹, Stanislaus County Zoning Ordinance.

XIII. PUBLIC SERVICES:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?				X
Other public facilities?			X	
<p>Discussion: The applicant shall pay the current Public Facilities Fees based on the size of the structures built. The County has adopted a standardized mitigation measure requiring payment of all applicable Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services and this measure has been included. Those fees are associated with a building or a special use (example, used car lot). Standard Conditions of Approval will be added to the PD if approved to insure that the development is kept in compliance with fire department standards with respect to access and water for fire protection.</p>				
<p>Mitigation: None.</p>				
<p>References: County Policies, Stanislaus County General Plan and Support Documentation¹.</p>				
XIV. RECREATION:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
<p>Discussion: The project is not anticipated to increase significant demands for recreational facilities, as such impacts typically are associated with residential development.</p>				
<p>Mitigation: None.</p>				
<p>References: County Policies, Stanislaus County General Plan and Support Documentation¹.</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>Discussion: Copies of the proposal went to both the County Public Works Department and the California State Department of Transportation. They have reviewed the project in its earlier form and have not commented on any significant traffic impact. Though this multi-phased version could produce additional traffic, it is highly unlikely it would trigger any significant drop in service levels.</p> <p>The Public Works Department requires commercial and industrial businesses in Planned Development zoning districts to dedicate right-of-way to the County's General Plan requirements as well as other improvements to county standards including but limiting it to curb, gutter, sidewalks, etc.</p> <p>The applicant has requested that the Public Works Department re-examine this application, that the business is rural in nature and everything along the west side of Hickman Road is zoned Agriculture. The applicant expressed a concern about doing improvements to urban standards in an area that is totally rural.</p> <p>After several meetings, the Public Works Department recommended the following:</p> <ol style="list-style-type: none"> 1. Eliminate the driveway along Hickman Road. 2. Proposed right-of-way for Hickman Road as an irrevocable offer. 3. Deferred improvement agreement for Hickman Road. 4. Standard improvements along Riverview Road with driveway (12' lane with a 4' shoulder). <p>The applicant has agreed to the above mentioned improvements and these will be recommended Conditions of Approval for this project.</p>				
<p>Mitigation: None.</p>				
<p>References: Application information, Stanislaus County General Plan and Support Documentation¹.</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
<p>Discussion: Limitations on providing services have not been identified. The site will continue to be served by the existing on-site well and septic system. Any future modifications to existing structures, or the construction of new structures, will be subject to all applicable County policies and ordinances</p>				
<p>Mitigation: None.</p>				
<p>References: Application information, County policies, Stanislaus County General Plan and Support Documentation¹.</p>				
XVII. MANDATORY FINDINGS OF SIGNIFICANCE:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X

<p>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)?</p>			<p>X</p>	
<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>				<p>X</p>
<p>Discussion: Review of this project has not indicated any feature(s) which might significantly impact the environmental quality of the site and/or adjacent areas.</p>				

I:\Staff\GPA\2007\GPA 2007-05 REZ 2007-08 LLA 2007-25- Frantz Landscape Center\Initial Study.wpd

¹Stanislaus 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: General Plan Amendment Application No. 2007-05, Rezone Application No. 2007-08, Lot Line Adjustment Application No. 2007-25 - Frantz Landscaping Center

LOCATION OF PROJECT: 12741 Riverview Road, Hickman. (APN: 019-008-023)

PROJECT DEVELOPER: Nathan Heinrich
12161 Delaware Road
Hickman, CA 95323

DESCRIPTION OF PROJECT: Request to amend the General Plan and rezone five (5) acres from A-2-40 (General Agriculture) to PD (Planned Development) and construct a retail landscape business in two (2) phases. Phase one (1) is to build a 1,800 square foot retail/commercial building and a 22,100 square foot shade canopy on five (5) acres for retail landscaping. The project is to expand the existing wholesale tree nursery with a commercial element. Phase two (2) is to complete the development area of the five (5) acre property by doubling the shade structure area, parking and office area. The project will allow an existing wholesale tree nursery to continue to grow and expand. At full buildout, the proposal will have six full time employees and two part time employees. The proposed operating hours will be six days a week, 8:00 am to 5:00 pm and Saturdays 8:00 am to 1:00 pm. The request is also for a lot line adjustment to adjust 14.7 and 15.9 acre parcels to 5.0 and 25.7 acre parcels. The remaining 25.7 acres would continue to remain in agricultural use.

Based upon the Initial Study, dated **October 31, 2007** the Environmental Coordinator finds as follows:

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

The aforementioned findings are contingent upon the following mitigation measures (if indicated) which shall be incorporated into this project: *None*

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

Initial Study prepared by: Bill Carlson, Senior Planner

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

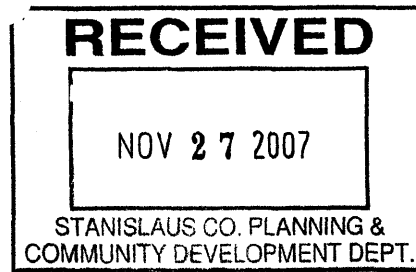
SUMMARY OF RESPONSES FOR ENVIRONMENTAL / VIEW REFERRALS
PROJECT: GENERAL PLAN AMENDMENT APPLICATION NO. 2007-05 REZONE APPLICATION NO. 2007-08
LOT LINE ADJUSTMENT APPLICATION NO. 2007-25 - FRANTZ LANDSCAPE CENTER

REFERRED TO:	RESPONDED		RESPONSE			MITIGATION MEASURES		Conditions		
	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	No
DATE: November 9, 2007										
AGRICULTURE COMMISSIONER	X	X							N/A	
AIRPORT LAND USE COMMISSION										
BUILDING PERMITS DIVISION	X	X		X						X
CA DEPT OF FORESTRY										
CALTRANS DISTRICT 10	X	X		X						
CENTRAL CALIF. INFO. CENTER - CSUS										
CITY OF										
COMMUNITY SERVICES/SANITARY										
CORPS OF ENGINEERS										
COUNTY COUNSEL	X			X						
DEPARTMENT OF CONSERVATION										
ENVIRONMENTAL RESOURCES	X	X		X					X	
FIRE PROTECTION DIST: STAN CONSOL.	X	X		X						
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X				X	
FISH & GAME	X	X		X						
HOSPITAL DISTRICT:										
IRRIGATION DISTRICT: TURLOCK	X	X	X				X		X	
LAFCO	X									
MOSQUITO DISTRICT: TURLOCK										
MOUNTAIN VALLEY EMERGENCY MEDICAL	X	X		X						
MUNICIPAL ADVISORY COUNCIL : HICKMAN										
PARKS & FACILITIES	X		X				X			X
P.G. & E.	X	X		X						
PUBLIC WORKS	X		X		X				X	
PUBLIC WORKS - TRANSIT	X			X						
REDEVELOPMENT										
REGIONAL WATER QUALITY	X	X		X						
StanCOG	X	X		X						
SCHOOL DISTRICT 1: HICKMAN	X	X		X						
SCHOOL DISTRICT 2: HUGHSON	X	X		X						
SHERIFF	X			X						
STANISLAUS COUNTY FARM BUREAU	X	X		X						
STANISLAUS ERC	X		X						X	
STATE CLEARINGHOUSE										
STATE LANDS BOARD										
SUPERVISORIAL DISTRICT 2: MAYFIELD	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)										
VALLEY AIR DISTRICT	X	X		X						
WATER DISTRICT										
DEPT. OF WATER RESOURCES										




Matt Machado, PE
Director

1010 10TH Street, Suite 3500, Modesto, CA 95354
Phone: 209.525.6550



November 27, 2007

MEMO TO: Department of Planning and Community Development
FROM:  Angie Halverson, Senior Land Development Coordinator
SUBJECT: Rezone Application No. 2007-08 – Frantz Landscape Center

This is a proposed rezone of an agricultural parcel to a Planned Development with a lot line adjustment for a proposed retail landscape business. The project does raise some concerns with the submitted site plan and the location of some of the improvements. After discussions with the applicant, this Department has modified its original conditions. The full set of conditions are found below:

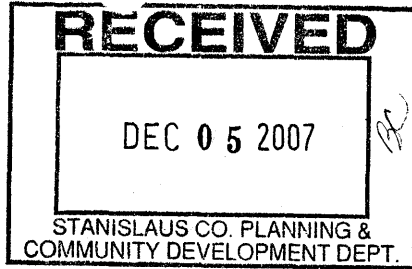
1. The property owners shall dedicate a 10 foot wide public utility easement along the entire road frontages of Hickman Road and Riverview Road adjacent to the ultimate right-of- way prior to the issuance of any building permit.
2. Hickman Road is classified as a major road, so the ultimate right of way is 110 feet. An Irrevocable Offer of Dedication of 55 feet from the centerline of Hickman Road is required. The intersection of Hickman and Riverview Roads will require a dedication of a 35 foot chord. An Irrevocable Offer of Dedication document will be prepared prior to the issuance of a building permit.
3. Full street improvements per County standards shall be installed within the existing right-of-way of Hickman Road 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, relocating the existing TID canal, streetlights, signs, pavement markings, and street pavement. These improvements may be deferred by entering into a street improvement agreement.
4. An Engineer's Estimate shall be provided so the amount of the street improvement agreement can be determined.
5. All driveway locations and widths shall be approved by this Department
6. Street improvements per County standards shall be installed within the existing right-of-way of Riverview Road along the project's entire frontage prior to final and/or occupancy of any building. This improvement shall include a 12' wide paved vehicle lane and a 4' wide paved asphalt shoulder. Improvement plans are to be submitted to this department for approval. The structural section and cross slopes shall meet Stanislaus County Public Works Standards and Specifications.

Rezone Application No. 2007-08 – Frantz Landscape Center

7. An encroachment permit must be obtained for the off-site improvements.
8. Prior to the approval of the off-site improvement plans, the subdivider 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.
9. No parking, loading or unloading of vehicles will be permitted within the right of way of Hickman or Riverview Roads.
10. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted.
11. All employee and customer parking areas shall be paved and striped per county standards. The vehicle storage area may be surfaced with road base or gravel in lieu of pavement.
12. 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 plan shall be implemented prior to final and/or occupancy of the office building.

Please let me know if you have any questions concerning the above recommended conditions.

(H:\services\Rezone 2007-08 2.ah)



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

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

PROJECT TITLE: ENVIRONMENTAL REFERRAL – GENERAL PLAN AMENDMENT
APPLICATION NO. 2007-05, REZONE APPLICATION NO. 2007-08,
LOT LINE ADJUSTMENT APPLICATION NO. 2007-25 – FRANTZ
LANDSCAPING CENTER

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

 X See comments below.

1. On-site wastewater disposal system (OSWDS) shall be by individual Primary and Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X.
2. The engineered on site wastewater disposal system (OSWDS) design shall be designed for the maximum occupancy of an office building.

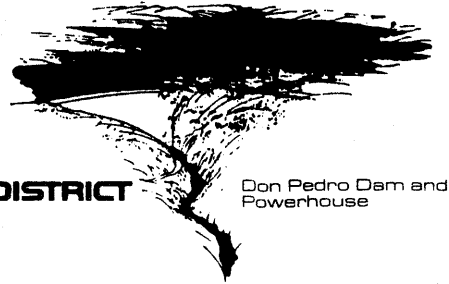
The OSWDS designed system shall provide 100% expansion area. Any portion of the drainfield of the onsite wastewater installed under pavements is to be doubled.

Response prepared by:

BELLA BADAL, PhD., R.E.H.S.
SENIOR ENVIRONMENTAL HEALTH SPECIALIST
Department of Environmental Resources

DATE: 11/28/07

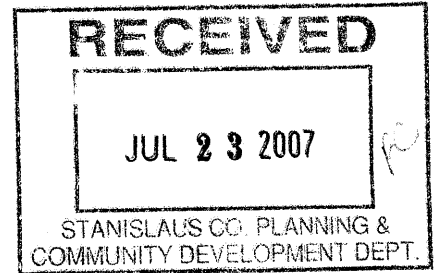
cc: CEO'S OFFICE- Raul Mendez



TURLOCK IRRIGATION DISTRICT
333 EAST CANAL DRIVE
POST OFFICE BOX 949
TURLOCK, CALIFORNIA 95381
(209) 883-8300

July 19, 2007

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



RE: GPA 2007-05, Rezone 2007-08, Lot Line Adjustment 2007-25;
Frantz Landscaping Center (APN 019-008-023)

Dear Sir or Madam:

The Engineering Department of the Turlock Irrigation District (District) acknowledges the opportunity to review and comment on the referenced project. District standards require development occurring within the District's boundary, that impacts irrigation and electric facilities, to meet the District's requirements.

An concrete lined irrigation ditch belonging to Improvement District 144, the Dallas-Appling, runs from north to south along the west shoulder of Hickman Road. At the intersection of Hickman and Riverview Roads this ditch enters a newly constructed pipeline that heads west along the north shoulder of Riverview Road. Appropriate irrigation easements must be dedicated along each road for the benefit of the improvement district.

A second irrigation pipeline belonging to Improvement District 303A, the North Branch of the Dallas-Appling, runs along the northeast property line of the subject parcel. An appropriate irrigation easement must be dedicated for the benefit of the improvement district.

Upon development, the open ditch along Hickman Road fronting the proposed 5-acre commercial lot may be required to be upgraded to current District Standards. It will be necessary for the developer to submit plans detailing the existing irrigation facilities, relative to the proposed site improvements, in order for the District to determine specific impacts and requirements.

Properties that will no longer irrigate or have direct access to water must request abandonment from the improvement district(s). Developed property adjoining irrigated ground must be graded so that finished grading elevations are at least 6 inches higher than irrigated ground. A protective berm must be installed to prevent irrigation water from reaching non-irrigated properties.

The District shall review and approve all maps and plans of the project. Any improvements to this property shall be subject to the District's approval and meet all District standards and specifications. If it is determined that irrigation facilities will be

impacted, the applicant will need to provide irrigation improvement plans and enter into an Irrigation Improvements Agreement for the required irrigation facility modifications. There is a District Board approved time and material fee associated with this review.

In order for the District to accept the necessary easements, this statement should appear on the acceptance documents:

Certificate of Acceptance

This is to certify that the interest in real property conveyed by this map to the Turlock Irrigation District, a governmental agency, and to the named improvement districts of the District (if any) are hereby accepted by the undersigned officer on behalf of the Board of Directors of the Turlock Irrigation District pursuant to authority conferred by Turlock Irrigation Rule RL 0340.001 adopted on January 2, 1990 and revised December 18, 2001.

Dated this _____ day of _____, 2005

Wilton B. Fryer, P.E.
Civil Engineering Department Manager

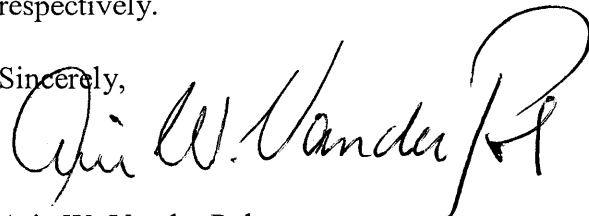
The final map signature block is as follows:
As to Irrigation Tax

Mike Kavarian
Deputy Collector, Turlock Irrigation District

Date

District electric utility maps show existing overhead facilities along Hickman and Riverview Roads. The owner/developer must apply for a facility change for any pole or electrical facility relocation. Facility changes are performed at developer's expense.

If you have any questions concerning irrigation system requirements or electric utility requirements, please contact me at (209) 883-8384 or Paul Rodriguez at (209) 883-8438 respectively.

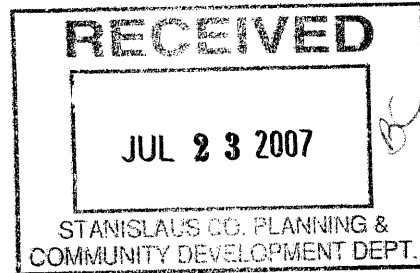
Sincerely,


Arie W. Vander Pol
Engineering Technician, Civil
CF: 2007087



Stanislaus Consolidated Fire Protection District
3324 Topeka Street
Riverbank, California 95367
Phone (209) 869-7470
Fax (209) 869-7475

July 10, 2007



MEMO TO: Stanislaus County Department of Planning and Community Development

FROM: Shirley Koelmans, Fire Prevention Specialist *SK*

SUBJECT: General Plan Amendment Application No. 2007-05, Rezone Application No. 2007-08, and Lot Line Adjustment Application No. 2007-25 – Frantz Landscape Center
12741 Riverview Road, Hickman (APN 019-008-023)

I have reviewed the information received for the subject project and wish to submit the following comments:

Approved fire apparatus access roads shall be provided. Fire access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. All fire apparatus access road turns shall provide for a 50-foot outside turning radius.

An approved water supply for fire protection shall be provided. The actual amount of water required will be determined once actual plans for the proposed structures are submitted to the Building Department for review and approval.

If you have any questions, please feel free to contact me at (209) 869-7499 ext, 202.

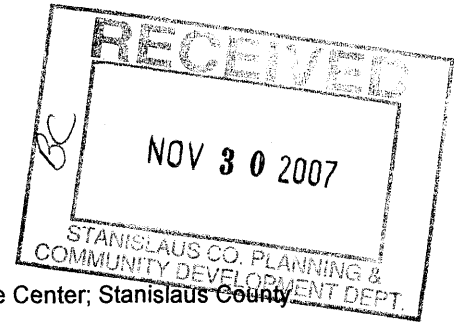
NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-4082
 (916) 657-5390 - Fax



November 27, 2007

Bill Carlson, Senior Planner
 Stanislaus County
 1010 10th Street, Suite 3400
 Modesto, CA 95354



RE: SCH# 2007072038 General Plan Amendment 2007-05, Frantz Landscape Center; Stanislaus County

Dear Mr. Carlson:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. **USGS 7.5-minute quadrangle name, township, range, and section required.**
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez

Katy Sanchez
 Program Analyst

CC: State Clearinghouse

Native American Contacts
Stanislaus County
November 27, 2007

Tule River Indian Tribe
Neil Peyron, Chairperson
P.O. Box 589
Porterville , CA 93258
chairman@tulerivertribe.nsn.
(559) 781-4271
(559) 781-4610 FAX

Yokuts

Katherine Erolinda Perez
PO Box 717
Linden , CA 95236
(209) 887-3415

Ohlone/Costanoan
Northern Valley Yokuts
Bay Miwok

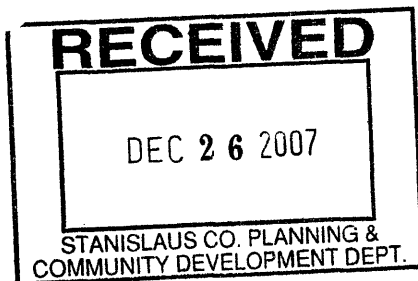
North Valley Yokuts Tribe
Katherine Erolinda Perez
PO Box 717
Linden , CA 95236
(209) 887-3415

Ohlone/Costanoan
Northern Valley Yokuts
Bay Miwok

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2007072038 General Plan Amendment 2007-05, Frantz Landscape Center; Stanislaus County.



CHIEF EXECUTIVE OFFICE
Richard W. Robinson
Chief Executive Officer

Patricia Hill Thomas
Chief Operations Officer/
Assistant Executive Officer

Monica Nino-Reid
Assistant Executive Officer

Stan Risen
Assistant Executive Officer

1010 10th Street, Suite 6800, Modesto, CA 95354
P.O. Box 3404, Modesto, CA 95353-3404
Phone: 209.525.6333 Fax 209.544.6226

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

December 20, 2007

Bill Carlson, Senior Planner
Stanislaus County Planning Department
1010 10th Street, Suite 3400
Modesto, CA 95354

SUBJECT: ENVIRONMENTAL REFERRAL – GENERAL PLAN AMENDMENT APPLICATION NO. 2007-05, REZONE APPLICATION NO. 2007-08, LOT LINE ADJUSTMENT APPLICATION NO. 2007-25 – FRANTZ LANDSCAPING CENTER

Mr. Carlson:

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

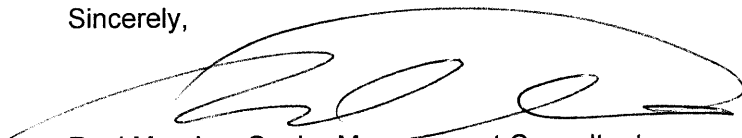
- Applicant shall determine, to the satisfaction of the Department of Environmental Resources (DER), that a site containing (or formerly containing) residences or farm buildings, or structures, has been fully investigated (via Phase I study and Phase II study if necessary) prior to the issuance of a 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.
- 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 that 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.

ENVIRONMENTAL REFERRAL – GENERAL PLAN AMENDMENT APPLICATION NO. 2007-05, REZONE APPLICATION NO. 2007-08, LOT LINE ADJUSTMENT APPLICATION NO. 2007-25 – FRANTZ LANDSCAPING CENTER
Page 2

- 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.
- All buildings constructed shall comply with all applicable codes and ordinances, including fire apparatus access road standards, water for fire protection, etc.
 - Fire protection development/impact fees shall be paid prior to construction.
 - All buildings 5,000 square feet and greater and/or containing five or more dwelling units shall be provided with an automatic fire sprinkler system.
 - All traffic signals installed and/or retrofitted due to proposed project shall be provided with signal preemption.
 - On site wastewater disposal system (OSWDS) shall be by individual Primary and Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X.
 - The engineered on site wastewater disposal system (OSWDS) design shall be designed for the maximum occupancy of the building.
 - The OSWDS designed system shall provide 100% expansion area. Any portion of the drainfield of the onsite wastewater installed under pavements is to be doubled.
 - Please refer to the memorandum from Dennis Gudgel, Director, Stanislaus County Department of Agriculture & Weights and Measures attached hereto and incorporated herein by reference.

The ERC appreciates the opportunity to comment on this project.

Sincerely,



Raul Mendez, Senior Management Consultant
Environmental Review Committee

cc: ERC Members

attachment



STANISLAUS COUNTY
DEPARTMENT OF AGRICULTURE
AND WEIGHTS AND MEASURES

Dennis Gudgel
Agricultural Commissioner/Sealer

3800 Cornucopia Way, Suite B
Modesto, California 95358
(209) 525-4730 Fax (209) 525-4790

December 11, 2007

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

FROM: Dennis Gudgel
Stanislaus County Department of Agriculture & Weights and Measures

SUBJECT: Environmental Referral – GP Amendment 2007-05, Rezone 2007-08, Lot
Line Adjust 2007-25 – Frantz landscaping Center

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

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

Listed below are the significant impacts that support our determination (e.g., topography, prevailing wind direction, soil types, spray drift, noise, odor, dust, theft, trespass, restrictions on farming practices, etc.)

- Attached is a GIS map showing active farming operations surrounding this project.
- The project shows where adjacent land use is agriculture.

Interim Report, Sources and Sinks of PM₁₀ in the San Joaquin Valley, Flocchini, Robert G. et al., Air Quality Group, Crocker Nuclear Laboratory, UC Davis; 10 August 2001, shows where PM₁₀ horizontal distribution of particulate matter (small dust particles) downwind of almond shaking, sweeping and pickup activities drop off significantly after 300 feet. These small particles have much

slower gravitational settling velocities and are much more likely to have their settling rate retarded by atmospheric turbulence.

A Summary of Aerial Application Studies, A Summary of Airblast Application Studies, and A Summary of Ground Application Studies, Spray Drift Task Force, 1997, shows where pesticide spray drift can occur from 250 feet to 300 feet from the application site depending upon the nozzle type, air shear, boom length, and crop canopy, among other factors.

Such non-agricultural development may pose an unacceptable risk to the nearby farming operations from pesticide spray complaints and particulate matter complaints from normal farming practices. The adjacent farm operators will not be able to carry on normal farming operations.

Listed below are possible mitigation measures for the above-listed impacts. BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.)

Prior to recording a map, prior to issuance of a building/grading permit, prior to the issuance of a use permit application, and/or prior to the issuance of any document approving such a project, we request the following mitigation:

In the future, should the landowner(s) pursue non-agricultural development of other portions of the land outlined in this project, prior to recording a map, prior to issuance of a building/grading permit, prior to the issuance of a use permit application, and/or prior to the issuance of any document approving such a project, we request the following mitigation:

- All non-agricultural projects shall incorporate a 150-foot wide buffer, measured from the property line of any adjoining property located in the Stanislaus County A-2 zoning district. Projects which propose people intensive outdoor activities, such as athletic fields, shall incorporate a minimum 300 foot wide buffer. All buffers shall incorporate a solid wall and vegetative screen consistent with the following standards:

Fencing: A 6-foot high solid wall of uniform construction shall be installed along any portion of a buffer where the project site and the adjoining agricultural operation share a common parcel line.

Vegetative Screen: (*minimum standards*)

- Two staggered rows of trees and shrubs characterized by evergreen foliage extending from the base of the plant to the crown. Fast growing plants with a short lifespan shall be discouraged.
- Trees and shrubs should be vigorous, drought tolerant and at least 6-feet in height at the time of installation.
- Plants shall have 50% to 70% porosity (i.e., approximately 50% to 75% of the plant is air space).
- Plant height shall vary in order to capture drift within 4-feet of ground

application.

- A mature height of 15-feet or more shall be required for each tree.
- To ensure adequate coverage, two staggered rows shall be located 5-feet apart and consist of minimum 5 gallon plants at least 6-feet tall planted 10-feet on center. Alternative spacing between rows may be authorized to accommodate the needs of specific plant species.

- Permitted uses within a buffer area shall include public roadways, utilities, drainage facilities, landscaping, parking lots and similar low human intensity uses. Walking and bike trails shall be allowed within buffers provided they are designed without rest areas.
 - Landscaping shall be designed to minimize turf areas, which could induce activities and add to the overall maintenance costs and water usage.

- Buffer and setback requirements shall be located on the parcel for which a map, permit, or approval document is sought and shall protect the maximum amount of adjoining farmable land.

- Projects shall be conditioned to require the property owner(s) be responsible for all aspects of on-going maintenance of buffers and setback areas. The property owners shall be responsible for maintaining landscape plants in a healthy and active condition.

- The property owner, landowners association, or responsible entity 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 within 30-days of weather permitting.

Response approved by:

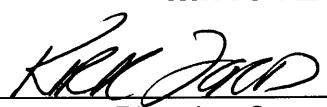
Dennis Gudgel, Stanislaus County Agricultural Commissioner/Sealer

Response prepared by:

Ann M. Juetter, Special Projects Manager

- F. **GENERAL PLAN AMENDMENT APPLICATION NO. 2007-05, REZONE APPLICATION NO. 2007-08, AND LOT LINE ADJUSTMENT APPLICATION NO. 2007-25 - FRANTZ LANDSCAPE CENTER** - Request to amend the General Plan and rezone five (5) acres from A-2-40 (General Agriculture) to PD (Planned Development) and construct a retail landscape business in two (2) phases. Phase one (1) is to build an 1,800 square foot retail/commercial building and a 22,100 square foot shade canopy on five (5) acres for retail landscaping. The project is to expand the existing wholesale tree nursery with a commercial element. Phase two (2) is to complete the development area of the five (5) acre property by doubling the shade structure area, parking and office area. The project will allow an existing wholesale tree nursery to continue to grow and expand. The project is located at 12741 Riverview Road, Hickman. The Planning Commission will consider a CEQA Negative Declaration on this project.
APN: 019-008-023
Staff Report: Bill Carlson Recommends **APPROVAL TO THE BOARD OF SUPERVISORS.**
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: Michael Frantz, 12161 Delaware Road, Hickman
Public hearing closed.
Assali/Gammon, Unanimous (6-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT AND RECOMMENDS APPROVAL TO THE BOARD OF SUPERVISORS.**

EXCERPT
PLANNING COMMISSION
MINUTES

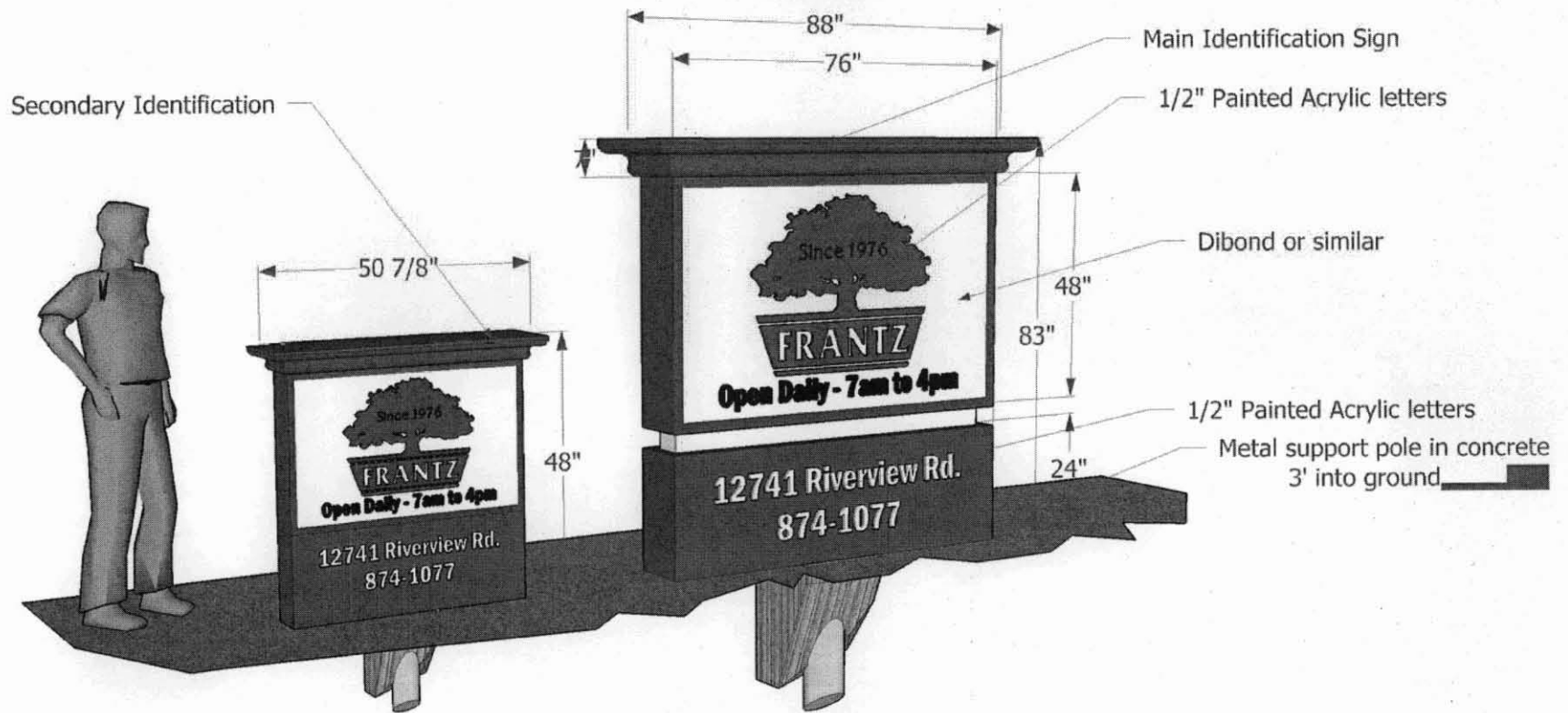


Secretary, Planning Commission

3/31/08

Date

Non Illuminated Monument Signs



ORDINANCE NO. C.S. 1030

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.986 FOR THE PURPOSE OF REZONING 5 ACRES FROM A-2-40 (GENERAL AGRICULTURE) TO PD (PLANNED DEVELOPMENT) TO ALLOW CONSTRUCTION OF A RETAIL LANDSCAPE BUSINESS IN TWO PHASES, LOCATED AT 12741 RIVERVIEW ROAD IN HICKMAN, CA. PHASE 1 IS TO BUILD AN 1,800 SQUARE FOOT RETAIL/COMMERCIAL BUILDING AND A 22,100 SQUARE FOOT SHADE CANOPY FOR RETAIL LANDSCAPING. PHASE 2 IS TO COMPLETE THE DEVELOPMENT AREA BY DOUBLING THE SHADE STRUCTURE AREA, PARKING AND OFFICE AREA. APN: 019-008-023

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

Section 1. Sectional District Map No. 9-110.986 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 Hughson Chronicle, a newspaper of general circulation published in Stanislaus County, State of California.

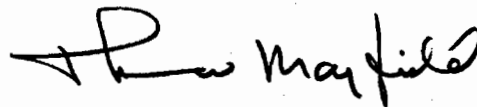
Upon motion of Supervisor O'Brien, seconded by Supervisor Grover, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 15th day of April, 2008, by the following called vote:

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

NOES: Supervisors: None

ABSENT: Supervisors: None

ABSTAINING: Supervisors: None



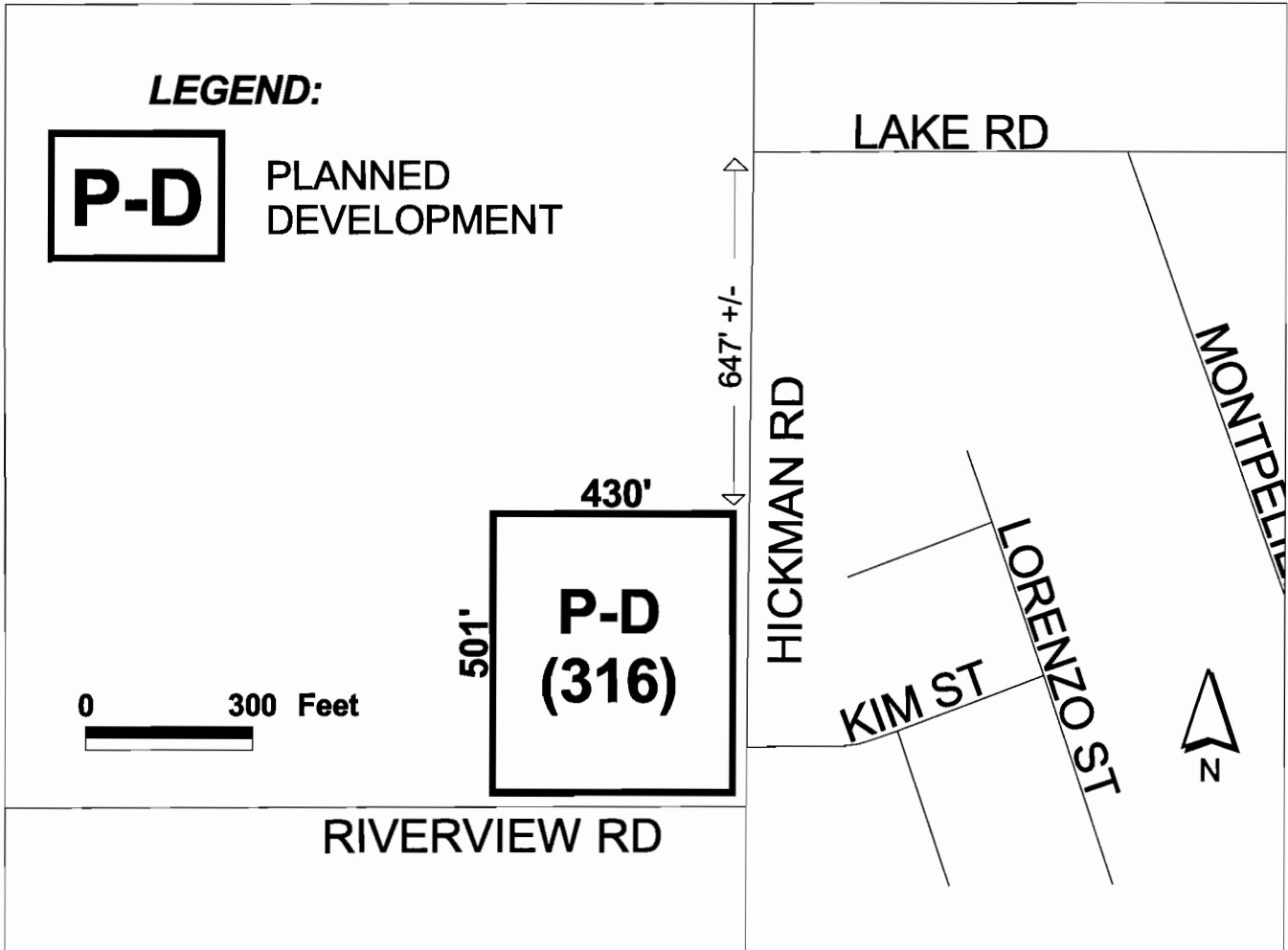
CHAIRMAN OF THE BOARD OF SUPERVISORS
of the County of Stanislaus,
State of California

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



BY: Elizabeth A. King, Assistant Clerk of the Board

SECTIONAL DISTRICT MAP NO.9-110.986



EFFECTIVE DATE: 15 MAY 2008
PREVIOUS MAP: 671 I

Affidavit of Publication

2008 APR 30 P 3:04

STATE OF CALIFORNIA }
County of Stanislaus }

RUTH REYES

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

WATERFORDNEWS

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

WATERFORDNEWS

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. 41155 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 Waterford; 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

Ordinance No. C.S. 1030.

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

WATERFORD NEWS

at least 1 time, commencing on the 22nd day of April 2008 and ending on the 22nd day of April 2008 the days inclusive, and as often during said time as said newspaper was regularly issued, to wit:

April 22, 2008

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Dated this 22nd day of April 2008.

Ruth Reyes

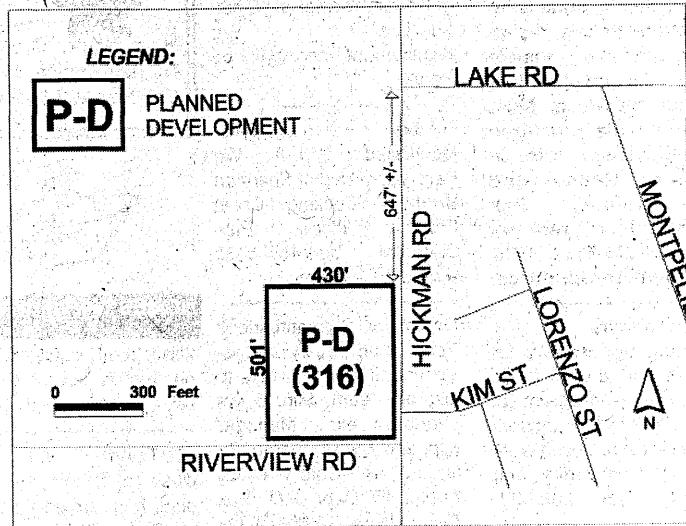
PRINCIPAL CLERK OF THE PRINTER

ORDINANCE NO. C.S. 1030

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.986 FOR THE PURPOSE OF REZONING 5 ACRES FROM A-2-40 (GENERAL AGRICULTURE) TO PD (PLANNED DEVELOPMENT) TO ALLOW CONSTRUCTION OF A RETAIL LANDSCAPE BUSINESS IN TWO PHASES, LOCATED AT 12741 RIVERVIEW ROAD IN HICKMAN, CA. PHASE 1 IS TO BUILD AN 1,800 SQUARE FOOT RETAIL/COMMERCIAL BUILDING AND A 22,100 SQUARE FOOT SHADE CANOPY FOR RETAIL LANDSCAPING. PHASE 2 IS TO COMPLETE THE DEVELOPMENT AREA BY DOUBLING THE SHADE STRUCTURE AREA, PARKING AND OFFICE AREA. APN: 019-008-023

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

SECTIONAL DISTRICT MAP NO.9-110.986



EFFECTIVE DATE: 15 MAY 2008
PREVIOUS MAP: 671 I

Section 1. Sectional District Map No. 9-110.986 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:

Section 2. This ordinance shall take effect and be in full force thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for and against same, in the Hughson Chronicle, 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 15th day of April, 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
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: Elizabeth A. King, Assistant Clerk of the Board
Date: 4/22/08

019-008-023