

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 August 19, 2008

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Public Hearing to Consider Planning Commission's Recommendation for Approval of General Plan Amendment Application No. 2007-03 and Rezone Application No. 2007-03, The Fruit Yard, a Request to Amend the General Plan Designation from Agriculture to Planned Development and to Rezone the
(Continued on page 2)

PLANNING COMMISSION RECOMMENDATIONS:

After conducting a duly advertised public hearing at its regular meeting of July 17th, 2008, the Planning Commission, on a 4-2 (Navarro, Shores) vote, recommended the Board approve the project as follows:

1. Adopt the Mitigated 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 Mitigated 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. 2008-600

On motion of Supervisor O'Brien, Seconded by Supervisor DeMartini

and approved by the following vote,

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

Noes: Supervisors: Chairman Mayfield

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION: Amended Development Standard No. 55 to read as follows: "Concurrent with the development of either the RV/Boat Storage or the RV Park parcels, a six-foot high masonry wall, or an MID approved equal, is required along the south line of applicant's property adjacent to MID Lateral 1. This fence shall extend from Geer Road to a point 10 feet west of the proposed "E" Drive right-of-way . If "F" Way is

Christine Ferraro

MOTION CONTINUED ON PAGE 1-A

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-H-8

MOTION CONTINUED FROM PAGE 1

constructed from "E" Street to Triangle Ranch Road or the Agricultural parcel is developed, then the wall must be extended the full length of that development."; amended the Development Standards to add Development Standard No. 69 to read as follows: "No individual "RV Park" space shall be occupied by the same individual, trailer, recreational vehicle, or movable sleeping quarter of any kind for a period exceeding (14) fourteen consecutive days within a one month period. This applies to owner/operator of the RV/camper/trailer, all occupants, and the RV/camper/trailer itself."; and, introduced and waived the reading and adopted Ordinance C.S. 1033 for the approved Rezone Application #2007-03

SUBJECT: (Continued)

Property from A-2-40 (General Agriculture) to PD (Planned Development) on a 45+/- Acre Site. This Would Authorize a Development Plan for the Fruit Yard Which Would Include a 9,000 Square Foot Banquet Facility, Relocation of the Existing Fueling Facilities, Construction of a 3,000 Square Foot Retail Shell Building, a 322 Space RV/Boat Storage, a 66 Space Travel Trailer Park, a New Facility for Fruit Packing, and a 2.00 Acre Site for Retail Tractor Sales. Outdoor Events and Entertainment Are Proposed to Be Held on the Park Site. The Project Is Located at 7948 Yosemite Boulevard/Highway 132 East of the Community of Empire and West of the City of Waterford. APN: 009-027-004.

PLANNING COMMISSION RECOMMENDATION: (Continued)

2. Find That:
 - A. The substitute language for Mitigation Measure No. 3 identified as Development Standard No. 71 is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment
3. Adopt the Mitigation Monitoring Plan, with the substitute language for Mitigation Measure No. 3, pursuant to CEQA Guidelines Section 15074(d).
4. 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.
5. 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. Overall, the proposal is consistent with the goals and policies of the General Plan,
 - E. 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,
 - F. No feasible alternative site exists in areas already designated or planned for the proposed uses,
 - G. 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),

- H. 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,
 - I. Adequate and necessary public services and facilities are available or will be made available as a result of the development,
 - J. 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,
 - K. The proposed Planned Development zoning is consistent with the proposed Planned Development General Plan designation,
 - L. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements, and
 - M. Development Standard No. 71 is more effective than the noise mitigation measure circulated with the initial study and mitigation monitoring plan.
6. Find that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation.
7. Approve General Plan Amendment No. 2007-03 and Rezone Application No. 2007-03, including Phases 1, 2, and 3, subject to the modifications to the Development Standards and Development Schedule as recommended by the Planning Commission.

DISCUSSION:

This is a request to authorize a development plan for The Fruit Yard to facilitate the development of a 9,000 square foot banquet facility, relocation of the existing gas station and a new convenience market, relocation of the existing "card lock" fueling facility, and construction of a 3,000 square foot retail shell building which includes a drive through establishment of unknown type. The applicant/property owner has also requested authorization for a 322 space boat/RV storage (both covered and uncovered spaces) and a 66 space travel trailer park for short term (overnight) stays and a 2.0 acre site for retail tractor (large agricultural equipment) sales. Finally, the request includes a new facility for fruit packing and warehousing, although these uses are consistent with the current zoning of the property which allows such uses with a Use Permit. All substantially modified or new uses will include on-site vehicle parking, landscaping, and other accessory uses. As part of the applicant's statement, occasional outdoor special events are held on site, near the 9 acre park area, including fund raising activities to private parties. The project will have its own well and septic system. Currently, thirty nine (39) acres of the 45 acre site are planted in a variety of stone fruit (cherries, peaches, apricots, and nectarines). Please see the attachments for a more detailed project description and phasing time-frame (see Attachment No. "1").

The Fruit Yard site development, by definition, is considered a legal non-conforming use which dates back many years ago when an Old Foamy Drive-In was located on the site. The project site is already developed with a small park site which has been used in the past for both private and public events. There is a great deal of additional background information available about the history of the Fruit Yard site, including the discretionary permit approvals, discussed in the Planning Commission Staff Report (see Attachment No. "1").

Approvals

This project has two 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).

To evaluate a General Plan Amendment, the goals and policies of the General Plan must be reviewed. In addition, County policy, adopted by the Board of Supervisors, sets forth additional findings, listed above, necessary for approval of a request to amend the General Plan. The goals and policies of the General Plan listed in the Planning Commission Staff Report are focused on those goals and policies which staff believes are most relevant to making the findings necessary for determining the subject project's consistency with the overall General Plan. A complete discussion on General Plan consistency can be found in the attached Planning Commission Staff Report (see Attachment No. "1"). To approve a Rezone, the Board must find that it is consistent with the General Plan. In this case, Planned Development zoning would indeed be consistent with the proposed Planned Development designation.

Planning Commission Hearing

The Planning Commission held a public hearing on this project at its regular meeting of July 17th, 2008. Staff believed that this current request was inconsistent with the Goals and Polices of the General Plan. Staff's recommendation was to allow only Phase 1 of the proposed development. Staff felt that the Phase One portion of this project was a logical extension of the already established legal nonconforming uses. Staff was concerned If all phases of this proposed project were approved, a precedence would be set for allowing general plan amendments and rezones on neighboring agricultural properties for the development of commercial uses. Unlike phase one of the proposed project, phases two and three have no real relationship to the existing on-site legal nonconforming uses or agriculture in general. A detailed discussion of Staff's recommendation can be found in the attached Planning Commission Staff Report.

Following staff's recommendation for approval, Chair Assali opened the public hearing. Mr. Tim Douglas, an adjacent homeowner, spoke in opposition to the project expressing a general concern regarding noise levels in conjunction with the past and proposed outdoor events. Prior to the Planning Commission meeting, Mr. Douglas had also provided Planning Staff with a letter of opposition. The context of this letter mainly focused on the need to control noise levels after 10pm. The applicant and Mr. Douglas have since come to an agreement of the noise concerns that were raised at the meeting. The applicant's representative, Dave Romano (Newman-Romano, LLC) spoke in favor of the project.

Following the closing of the hearing, the Commission discussed the project indicating positions both against and in favor of the project. The Commission discussion focused primarily on the topic related to the general plan and preserving it from approval of non-agricultural uses. Commissioner Navarro and Shores felt that the scale of the entire project was too large and would result in the removal of land in agricultural production. As discussed above, Staff's recommendation was to approve only Phase 1 of the project. The Commission's recommendation, on a motion by Commissioner Layman, seconded by Commissioner Poore, voted 4-2 (Shores, Navarro) to support the project in its entirety and recommend the Board approve Phases 1, 2, and 3 subject to the modifications to the Development Standards and Development Schedule as modified by the Planning Commission.

Modified Development Standards

As a part of this action, Staff is recommending that the Board modify Development Standard No. 55 to reflect the following language:

- Concurrent with the development of either the RV/Boat Storage or the RV Park parcels, a six-foot high masonry wall, or an MID approved equal, is required along the south line of applicant's property adjacent to MID Lateral 1. This fence shall extend from Geer Road to a point 10 feet west of the proposed "E" Drive right-of-way. If "F" Way is constructed from "E" Street to Triangle Ranch Road or the Agricultural parcel is developed, then the wall must be extended the full length of that development.

If the Board decides to approve the "RV Park" portion of this project, Staff is asking that the following Development Standard be added to address the length of time one could stay at the proposed RV Park. Due to Staff oversight, this development standard was not recommended to the Planning Commission.

- No individual "RV Park" space shall be occupied by the same individual, trailer, recreational vehicle, or movable sleeping quarter of any kind for a period exceeding (14) fourteen consecutive days within a one month period. This applies to owner/operator of the RV/camper/trailer, all occupants, and the RV/camper/trailer itself.

POLICY ISSUES:

The entire project can be considered to be a policy issue. Staff and Commission recommendations are based on Boards established policies, as found in the County General Plan in particular, to maintain the agricultural viability of the project area. The Board should consider the potential conformance of this project with the priorities of maintaining a strong local economy and a strong agricultural economy/heritage.

STAFFING IMPACT:

None.

ATTACHMENTS:

1. Planning Commission Staff Report, July 17th, 2008
2. Planning Commission Minutes, July 17th, 2008

- E. **GENERAL PLAN AMENDMENT APPLICATION NO. 2007-03 AND REZONE APPLICATION NO. 2007-03 - THE FRUIT YARD** - This is a request to amend the General Plan Designation from Agriculture to Planned Development and to rezone the property from A-2-40 (General Agriculture) to P-D (Planned Development). This would authorize a development plan for The Fruit Yard which would include a 9,000 square foot banquet facility, relocation of the existing gas station and convenience market, relocation of the existing "card lock" fueling facility, and construction of a 3,000 square foot retail shell building. Also included is a 322 space vehicle/RV storage, a 66 space travel trailer park for short term stays, and a 2.0 acre site for retail tractor sales. A new facility for fruit packing and warehousing is also included, although these uses are consistent with the current zoning of the property. Occasional outdoor special events, from fund raising activities to private parties, will be held on site. The 45± acre site is located at 7948 Yosemite Blvd, at the intersection of Geer Road and Yosemite Blvd (Hwy 132), in the Modesto / Waterford area. A CEQA Mitigated Negative Declaration will be considered on this project.

APN: 009-027-004

Staff Report: Joshua Mann Recommends **FORWARD TO BOARD OF SUPERVISORS FOR APPROVAL OF DEVELOPMENT OF PHASE 1 ONLY.**

Public hearing opened.

OPPOSITION: Tom Douglas, 548 Hopper Road

FAVOR: Dave Romano

Public hearing closed.

Poore/Layman, 4-2 (Navarro, Shores), **MODIFY THE DEVELOPMENT SCHEDULE AS PRESENTED BY THE APPLICANT WITH CLARIFICATION THAT MOVING USES BETWEEN PHASES REQUIRES PRIOR CONCURRENCE OF THE PLANNING DIRECTOR OR DESIGNEE, AND ADOPT THE PROPOSED REVISIONS TO CONDITIONS OF APPROVAL NOS. 2, 3, 29, 38, 39 AND 55 AS PRESENTED BY THE APPLICANT.**

Layman/Poore, 4-2 (Navarro, Shores), **RECOMMEND APPROVAL OF GENERAL PLAN AMENDMENT APPLICATION NO. 2007-03, REZONE APPLICATION NO. 2007-03, INCLUDING PHASES 1, 2, AND 3, AND ADOPT ALL OF THE STAFF RECOMMENDATIONS AND MAKE ALL OF THE FINDINGS SET FORTH IN THE STAFF REPORT AT PAGES 13 THROUGH 15, EXCEPT THAT PHASES 1, 2, AND 3 ARE RECOMMENDED FOR APPROVAL, SUBJECT TO THE MODIFICATIONS TO THE CONDITIONS OF APPROVAL AND DEVELOPMENT SCHEDULE AS PREVIOUSLY APPROVED.**

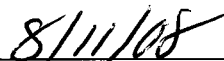
EXCERPT

PLANNING COMMISSION

MINUTES



Secretary, Planning Commission



Date

STANISLAUS COUNTY PLANNING COMMISSION

July 17, 2008

STAFF REPORT

GENERAL PLAN AMENDMENT APPLICATION NO. 2007-03
REZONE APPLICATION NO. 2007-03
THE FRUIT YARD

REQUEST: TO AMEND THE GENERAL PLAN DESIGNATION FROM AGRICULTURE TO PLANNED DEVELOPMENT AND TO REZONE THE PROPERTY FROM A-2-40 (GENERAL AGRICULTURE) TO P-D (PLANNED DEVELOPMENT) ON A 45± ACRE SITE. THIS WOULD AUTHORIZE A DEVELOPMENT PLAN FOR THE FRUIT YARD WHICH WOULD INCLUDE A 9,000 SQUARE FOOT BANQUET FACILITY, RELOCATION OF THE EXISTING FUELING FACILITIES, CONSTRUCTION OF A 3,000 SQUARE FOOT RETAIL SHELL BUILDING, A 322 SPACE RV/BOAT STORAGE, A 66 SPACE TRAVEL TRAILER PARK, A NEW FACILITY FOR FRUIT PACKING, AND A 2.00 ACRE SITE FOR RETAIL TRACTOR SALES. OUTDOOR EVENTS AND ENTERTAINMENT ARE PROPOSED TO BE HELD ON THE PARK SITE.

APPLICATION INFORMATION

Applicant:	Dave Romano, P.E., AICP
Owners:	The Fruit Yard Partnership - Joe Traina
Location:	7948 Yosemite Boulevard/Highway 132, east of the Community of Empire and west of the City of Waterford
Section, Township, Range:	34-3-10
Supervisorial District:	One (Supervisor O'Brien)
Assessor's Parcel:	009-027-004
Referrals:	See Exhibit "I" Environmental Review Referrals
Area of Parcel:	45.00± acres
Water Supply:	Private well
Sewage Disposal:	Septic
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	Agriculture
Williamson Act:	Not applicable
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	Small portion of site is developed as The Fruit Yard produce market, restaurant, and two gas stations Agriculture to the west, south, and east. To the north is an animal feed and supply store (P-D 268), a drilling company, fire station, and church
Surrounding Land Use:	

PROJECT DESCRIPTION

This is a request to authorize a development plan for The Fruit Yard to facilitate the development of a 9,000 square foot banquet facility, relocation of the existing gas station and a new convenience market, relocation of the existing "card lock" fueling facility, and construction of a 3,000 square foot retail shell building which includes a drive through establishment of unknown type. The applicant/property owner has also requested authorization for a 322 space boat/RV storage (both covered and uncovered spaces) and a 66 space travel trailer park for short term (overnight) stays and a 2.0 acre site for retail tractor (large agricultural equipment) sales. Finally, the request includes a new facility for fruit packing and warehousing, although these uses are consistent with the current zoning of the property which allows such uses with a Use Permit. All substantially modified or new uses will include on-site vehicle parking, landscaping, and other accessory uses. As part of the applicant's statement, occasional outdoor special events are held on site, near the 9 acre park area, including fund raising activities to private parties. The project will have its own well and septic system. Currently, thirty nine (39) acres of the 45 acre site are planted in a variety of stone fruit (cherries, peaches, apricots, and nectarines). Please see the attachments for a more detailed project description and phasing time-frame (see Exhibit "B").

SITE DESCRIPTION

The project is located on the southwest corner of Geer Road and Yosemite Boulevard/State Highway 132 (7948 Yosemite Boulevard), east of the Community of Empire and west of the City of Waterford. The project site is adjacent to an animal feed and supply business (zoned P-D 268, Planned Development) located on the northeast corner of the intersection, a drilling company (Masellis Drilling) on the northwest corner, a fire station and church are located to the north. Production Agricultural parcels are to the west, south, and east of the project site. The 45.00± acre parcel currently supports the existing Fruit Yard produce market, the Fruit Yard restaurant, and two separate Gas Fueling facilities, all of which currently have paved parking and landscaping. The remaining part of the property is currently planted as an orchard.

BACKGROUND

The Fruit Yard site development, by definition, is considered a legal non-conforming use which dates back many years ago when an Old Foamy Drive-In was located on the site. The exact year is unclear due to lack of county records that are available. Between the years 1976 & 1977, there appears to have been some sort of approval to install a fueling facility, a relocation of the Old Foamy restaurant to the location of the present day restaurant, and the construction of a fruit stand. Again, the records with specific information on these actions appear to be unclear and lacking. The first of many discretionary permits appear to start in 1977 with the application and approval of a Use Permit (ZUPA 77-71) to allow the fruit stand to sell fruit that is not grown or produced on-site. In 1978, a Use Permit (78-19) allowed The Fruit Yard site to add additional fueling pumps, a fruit drying yard, truck parking, and the ability to sell additional types of products at the fruit stand. Then, in 1980, a Use Permit (ZUPA 80-06) allowed the restaurant to expand by adding a banquet facility and lounge. This permit was granted a time extension in 1981 by the Planning Commission, but it was never constructed. In 1986, the approval to add the banquet facility and lounge was

again granted through a Use Permit (UP 86-16) which also included the consolidation of the fruit stand and fueling facility. The following are the remaining discretionary permit approvals that have been issued to The Fruit Yard:

- Use Permit No. 88-36:** *Approval to modernize and enlarge the fueling facility including a 48'x54' canopy, paved access, and one additional fueling pump.*
- Staff Approval Permit No. 88-10:** *Approval to expand the restaurant building by adding an additional 1,054 of square feet.*
- Staff Approval Permit No. 92-43:** *Approval to relocate the fruit stand/store sign and gas facility (pumps).*
- Staff Approval Permit No. 93-27:** *Approval to install a "Gas Card" sign for the existing fueling island.*
- Staff Approval Permit No. 2000-28:** *Approval for a minor expansion to the existing fruit stand/store by 25% or less (based off the square footage).*

The project site is already developed with a small park site which has been used in the past for both private and public events. The public events have been conducted in accordance with Stanislaus County Code Section 6.40 - Outdoor Entertainment Activities in Unincorporated Areas, which supersedes the current A-2 (General Agriculture) zoning regulations applicable to the site. Section 6.40 does not, however, authorize private events, such as weddings, which are not permitted uses in the A-2 zoning district. Up to six (6) public events within a calendar year may be held at any one given site in accordance with Section 6.40.

DISCUSSION

As stated above, the applicant has requested to relocate and expand the business on the majority of the remaining portion of the 45.00± acre parcel. In total, the applicant has requested to develop/use approximately 34.00± acres of the project site. The remaining 11± acres of the parcel would remain in agricultural production and/or be used for overflow parking when special events occur. The plans call for a 9,000 square foot banquet building, the relocation of the fueling facilities, a 3,000 square foot retail building, a storage facility, a tractor sales site, a fruit packing facility, and a travel trailer park with 66 spaces. The project requires rezoning and an amendment to the County's General Plan to change the agricultural designation on the property. The project site is not within an adopted Sphere of Influence or within any Community Plan areas, nor is it restricted by a Williamson Act contract.

The applicant has submitted the proposed phasing for the project:

- Phase 1. Construction of the Banquet Building/Facility, upgrades to park area, corresponding landscaping, and On-Site Parking to be completed 1 to 3 years from the date of approval.

- Phase 2. Mini-Storage with Boat & RV storage, RV Park, Tractor Sales Facility, and the Fruit Packing Facility to be completed 2 to 5 years from the date of approval.
- Phase 3. Gas Station Relocation, Card Lock (Gas Station) Relocation, and Retail Buildings to be completed 3 to 7 years from the date of approval.

As a part of Phase One, the park site area will be expanded to accommodate the special events that are a part of this application. The undeveloped portion of the property (approximately 11 acres) will remain vacant and be used as parking for special events or for agricultural production.

Special Events

The proposal includes a slight modification to the existing site to an area referred to as a park. The applicant currently holds a limited number of special events at the park site that are authorized under a license issued by the Sheriff's Department in accordance with Stanislaus County Code - Section 6.40 - Outdoor Entertainment Activities in the Unincorporated Area. As discussed earlier in the background section of this report, the existing park site has been used for both permitted and non-permitted events in the past. If this project is approved, the park site would be open to the general public during normal business hours and would host both public and private special events, without the need of obtaining a license from the Sheriff's Department in accordance with Section 6.40. These special events would include fund raising activities, private parties, weddings, and other outdoor events such as "Graffiti Weekend" or small scale concerts. Although the applicant would not be restricted on the number of events held at the location, many of the events are seasonal in nature and currently the applicant holds between 5-6 annual public events.

Although the applicant is proposing these special events to be included as a permitted use of the proposed planned development, the ability to host events with a license issued by the Sheriff's Department would still be available. The Sheriff's Department has the authority to condition licenses issued for outdoor entertainment, however, the license is not subject to compliance with the development standards/mitigation measures applied to a planned development. If this project is approved, the adopted development standards/mitigation measures will be forwarded to the Sheriff's Department in hope they will be incorporated as conditions of any future license request.

Noise impacts associated with on-site activities and special events have the potential to exceed the normally acceptable levels of noise. In fact, there have been complaints of noise from previous events held on-site. Many of the on-site events include the use of amplified music, which if operated in a respectful manner, could be under the threshold established by the General Plan. As part of this Planned Development approval, events that do not use amplified music or sound would be permitted outright. Because of the previous complaints associated with the events, amplified music and explosive devices, such as canons used during civil war re-enactments, a development standard has been added to address this concern. As required by Goal Two/Policy Two/Implementation Measure Two of the Noise Element of the County General Plan, noise generating land uses are required to show through an acoustical analysis that the noise level is/would be at or below the 60 dB Ldn (or CNEL) level when measured at the nearest sensitive noise receptor (see Exhibit C, No. 8). A mitigation measure addressing noise has also been incorporated as a development standard and discussed in the environmental review section of this report.

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

1. *The General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses.*
2. *The County and other affected 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.*
3. *The amendment is consistent with the General Plan goals and policies.*

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

To evaluate a General Plan Amendment, the goals and policies of the General Plan must be reviewed. In addition, County policy, adopted by the Board of Supervisors, sets forth additional findings, listed above, necessary for approval of a request to amend the General Plan. The goals and policies of the General Plan listed below are focused on those goals and policies which staff believes are most relevant to making the findings necessary for determining the subject project's consistency with the overall General Plan. Goals and policies which can be found consistent with the proposed project with incorporation of development standards/mitigation measures have not been included in the list below. A copy of the General Plan may be obtained by contacting the Planning Department directly or on-line at <http://www.stancounty.com/planning/index.shtm>. Exhibit H consists of the applicant's findings statement and a General Plan evaluation. Due to the length of the evaluation, hard copies have only been provided to the Planning Commission and copies for the general public are available by contacting the Planning Department directly or on-line.

The following are the relevant goals and policies of the General Plan that apply to this project:

Land Use Element

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

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

Policy 10 - New areas of urban development (as opposed to expansion of existing areas) shall be limited to less productive agricultural areas.

Implementation Measure No. 1 - Requests for designation of new urban areas shall be reviewed by the County to determine whether the land is located in a less productive agricultural area based on considerations identified in the Agricultural Element. (See Agricultural Element goals/policies/implementation measures listed below.)

Implementation Measure No. 3 - Proposed amendments to the General Plan map that would allow the conversion of agricultural land to non-agricultural uses shall be approved only if they are consistent with the conversion criteria stated in the Agricultural Element. (See Agricultural Element goals/policies/implementation measures listed below.)

Goal Two - Ensure compatibility between land uses.

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.

Goal Three - Foster stable economic growth through appropriate land use policies.

Policy 16 - Agriculture, as the primary industry of the County, shall be promoted and protected.

Policy 18 - Accommodate the siting of industries with unique requirements.

Policy 19 - Nonconforming uses are an integral part of the County's economy and, as such, should be allowed to continue.

Implementation Measure No. 1 - Maintain current Zoning Ordinance provisions which permit replacement or expansion of nonconforming uses.

Conservation Element

Goal Three - Provide for the long-term conservation and use of agricultural lands.

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

Agricultural Element (Adopted April, 1992)

(Because this project was received and deemed complete prior to the Board of Supervisors adopting the Agricultural Element Update of the General Plan in December of 2007, this project is required to be in conformance with the previously adopted Agricultural Element. Differences between the 1992 and 2007 version are noted)

Goal Two - Conserve our agricultural lands for agricultural uses.

Policy 2.4 - To the greatest extent possible, development shall be directed away from the County's most productive agricultural areas.
(Policy 2.4 of the 1992 Agricultural Element is reflected as Policy 2.5 of the 2007 Agricultural Element Update.)

Implementation "A" - Until the term "Most Productive Agricultural Areas" is defined on a countywide basis, the term will be determined on a case-by-case basis when a proposal is made for the conversion of agricultural land. Factors to be considered include but are not limited to soil types and potential for agricultural production; the availability of irrigation water; ownership and parcelization patterns; uniqueness and flexibility of use; the existence of Williamson Act contracts; existing uses and their contributions to the agricultural sector of the local economy. As an example, some grazing lands, dairy regions and poultry-producing areas as well as farmlands can be considered "Most Productive Agricultural Areas." Failure to farm specific parcels will not eliminate them from being considered "Most Productive Agricultural Areas." Areas considered to be "Most Productive Agricultural Areas" will not include any land within LAFCO-approved Spheres of Influence of cities or community services districts and sanitary districts serving unincorporated communities. Agricultural lands outside these boundaries and not considered to be "Most Productive Agricultural Areas" will be considered "Less Productive Agricultural Areas."
(Implementation "A" of the 1992 Agricultural Element is reflected as Implementation Measure No. 1 of Policy 2.5 of the 2007 Agricultural Element Update. The 2007 update eliminated the last sentence of the above factors to be considered in defining "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.

Implementation "D" - Current procedures for processing General Plan amendments will be changed to include the following requirements for evaluating proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to urban uses:

Conversion Consequences: The direct and indirect effects, as well as the cumulative effects, of the proposed conversion of agricultural land shall be fully evaluated.

Conversion Considerations: In evaluating the consequences of a proposed amendment, the following factors shall be considered: Plan designation; soil type; adjacent uses; proposed method of sewage treatment; availability of water, transportation, public utilities, fire and police protection, and other public services;

proximity to existing airports and airstrips; impacts on air and water quality, wildlife habitat, endangered species and sensitive lands; and any other factors that may aid the evaluation process.

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

- A. 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.
- B. 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.
- C. No feasible alternative site exists in areas already designated or planned for the proposed uses.
- D. 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).
- E. 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.
- F. Adequate and necessary public services and facilities are available or will be made available as a result of the development.
- G. 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.

(Implementation Measure "D" of the 1992 Agricultural Element is reflected as Implementation Measure No. 1 of Policy 2.7 of the 2007 Agricultural Element Update. The 2007 updated eliminated reference to policies 2.4 and 2.5 in Conversion Criteria "A".)

Based on the above goals and policies of the General Plan, the following is a summary and analysis of the proposed project and its consistency to those goals and policies.

The Planned Development designation (PD) is intended for land that, because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental effects to surrounding properties. Staff believes that the proposed Planned Development for the Fruit Yard has some issues which must be addressed before all proposed phases can be approved. The

current uses on-site are considered legal non-conforming uses. Although these current uses are not entirely consistent with the current A-2 zoning district, the uses have been in business at this location for many years and have shown that they can be compatible and consistent with the surrounding land uses in the area.

However, this proposed Planned Development is much larger than what Staff believes would be compatible with the surrounding area. As discussed earlier, the properties to the north are somewhat of a commercial nature, including a feed and ranch supply business (Crossroads Feed and Ranch), a drilling business (Masellis Drilling), church (Old German Baptist Brethren Church), and a Stanislaus Consolidated Fire Station. The property to the south, west, and east is zoned Agricultural. The following is a brief history and/or zoning ordinance consistency discussion regarding the uses north of the project site:

- Crossroads Feed and Ranch - This business was authorized in 1985 in accordance with Planned Development 116, which allowed for various agricultural related businesses to be established on the former site of an agricultural chemical supply business. The PD 116 approved the following uses on the site: agriculture management companies, irrigation company, chemical company, maintenance shop to repair and service farm equipment, warehouse storage, light farm equipment manufacturing, and the continued use of a public scale. In 2001, the PD 116 was amended to a new PD (PD 268) to allow for the expansion of the existing feed and ranch supply business on the 9.97 acre parcel located on the northeast corner of Geer Road/Hwy 132 (Yosemite Blvd.). PD 268 authorized expansion of the new business by allowing construction of a new main office/sales building, hay barns, and storage buildings. The expansion never occurred and PD 268 has expired.
- Masellis Drilling - This business provides well drilling services and is considered a legally established use on the 4.04 acres located on the northwest corner of the Geer Road/Hwy132 (Yosemite Blvd.) intersection. The property is zoned A-2-40 (General Agriculture). The drilling business is considered a legal nonconforming use.
- Old German Baptist Brethren - This church is located on a 3.38 acre parcel and is located in the A-2-40 (General Agriculture) zoning district. Churches may be permitted in the A-2 zoning district with approval of a Use Permit.
- Stanislaus Consolidated Fire Station - This station is located on a 1.06 acre parcel and is located in the A-2-40 (General Agriculture) zoning district. Fire stations may be permitted in the A-2 zoning district with approval of a Use Permit.

If all phases of this proposed project are approved, staff is concerned a precedence will be set for allowing general plan amendments and rezones on neighboring agricultural properties for the development of commercial uses. Unlike phase one of the proposed project, phases two and three have no real relationship to the existing on-site legal nonconforming uses or agriculture in general. The existing commercial uses in the area, including the project site, either established as nonconforming uses, are permitted by use permit in the A-2 zoning district, or were approved as an agriculturally related business. While the County General Plan recognizes the value of nonconforming uses by promoting the continuance, expansion, and replacement of uses, Zoning Ordinance provisions restrict the approval of new uses exceeding the number of existing legal nonconforming uses.

Staff believes that the Phase One portion of this project is a logical extension of the already established legal nonconforming uses. The banquet facility is a natural extension of the restaurants existing food service and private banquet facilities. The park area allows for an outdoor banquet facility and more efficient operation of public events already allowed by separate Outdoor Entertainment License issued by the Sheriff's Department. While the Outdoor Entertainment License is not subject to the development standards/mitigation measures of this proposed PD, the improvements required as part of this PD will enhance the traffic circulation associated with the public events.

The special events to be held in the park area proposed as part of Phase One, require a unique location that provides both a tranquil setting and a large parcel size to help reduce the impacts to the neighboring parcels. Typically, such a site requirement would not be able to be found in an urbanized area. In this case, the proposed park area's central location within a large parcel provides for a buffer from surrounding agricultural uses and neighboring residential uses. The project's site location, adjacent to two Expressways (Hwy 132 (Yosemite Blvd) and Geer Road) helps to lessen the traffic impacts on neighboring residential uses, since the residential uses are already impacted. The buffered location of the park area and the existing noise generated by the roadways in the area also help to lessen the noise impacts on neighboring residential uses. Development standards/mitigation measures addressing both traffic and noise have been incorporated into this project.

Because this application was received and deemed complete prior to the Board of Supervisors adopting the Agricultural Element Update of the General Plan in December of 2007, this project is required to be in conformance with the previously adopted Agricultural Element. With the exception of Buffer and Setback Guidelines adopted as part of the 2007 Agricultural Element Update, the policies and goals of the Agricultural Element relating to this project remain relatively the same. Although not required, the applicant has designed the proposed development with some buffering. The site itself is buffered by the MID Lateral on the southern property line and the approval for just Phase One of the proposal would, once developed, provide buffers that closely resemble the requirements set forth in the newly adopted Ag Element. This buffered area would also include the land that is marked on the site plan as being "for agricultural use". If all three Phases were to be allowed, these buffers would be drastically reduced as the development during these Phases (Two & Three) would expand towards the western and southern property lines (see color site plan - Exhibit "A-5") thus reducing the "buffer" area. The current buffer requirements contained in the Agricultural Element, although not required with this application, may be required should the Fruit Yard choose to expand in the future.

By the definition provided in the Agricultural Element, the project site is located in a 'most productive agricultural area', however, the site itself has been commercially developed and is in proximity to other commercial developments. The project site is not enrolled under a Williamson Act contract and is not adjoining any parcels enrolled under the Williamson Act. The Fruit Yard's "commercial" uses have existed on this site for many years and, to the best of staff's knowledge, agricultural conflicts have been non-existent to date. Phase One removes a total of 11.03 acres from agricultural production (2.32 acres for the banquet facility and 8.71 acres for the park site), but keeps the relatively compact design with an on-site buffer provided west and south. The existing developed park site consists of roughly 3.3 acres. If Phases Two and Three were to be approved, the applicant would have to remove a total of 14.32 acres currently in production agriculture (orchards) and an on-site buffer would be greatly diminished.

With respect to meeting the required conversion criteria outlined above, staff is concerned the project as a whole, specifically phases two and three, may not meet the necessary criteria for conversion of an agricultural land to urban uses. The project site is located at a crossroads connecting the cities of Modesto, Waterford, Oakdale, and Hughson. It is likely that an alternative site already designated or planned for Boat & RV storage, RV Parking, tractor sales, gas stations, and retail uses can be found within one of these incorporated communities. As discussed above, the uses proposed in Phase One are natural extensions of the existing on-site uses. The introduction of new commercial uses may set a precedence for encouraging piecemeal conversion of a larger agricultural area to non-agricultural uses.

In summary, the proposed Phase One associated with this General Plan Amendment is consistent with the goals and policies of the County General Plan. Staff believes all these findings can be met for Phase One only, of the three phase proposal. During Phase One, the applicant is proposing to add a banquet facility component to their existing restaurant business and permit special events to occur at their park site. It does not add any residential or new commercial uses in an agricultural area.

In evaluating Phases Two and Three, Goal Two, Policy 14 which states, "Uses shall not be permitted to intrude into or be located adjacent to an agricultural area if they are detrimental to continued agricultural usage of the surrounding area," must be given serious consideration. By allowing Phase Two and Three, it is effectively establishing new uses, which may conflict with the surrounding agricultural community. The uses in these Phases (2 & 3) are located near the property lines, which would reduce the buffer and heighten the possibility of conflicts on adjoining agricultural operations. County policy has been very consistent in discouraging "new" commercial type uses in the middle of the Agricultural zone, such as those proposed in Phases Two and Three, which would seem to be at odds with that policy.

This general plan amendment is a policy decision to be approved by the Board of Supervisors. If this property's general plan designation is to be changed and ultimately rezoned, the Board needs to determine that this project will be a logical land use pattern that would not be detrimental to existing and planned land uses.

Staff is recommending approval of this project be limited to development of Phase One only. The draft Development Standards provided for this project are written to apply to all proposed phases of the project unless specifically noted (see Exhibit "C"). If all phases of the project are approved, a Use Permit will be required for Tractor Sales and the Packing Facility due to the lack of a site plan at this stage of project consideration. If the Planning Commission recommends approval for Phase One only, the Development Standards specify elimination of all interior roads except those identified as "A" Drive, "B" Drive, "C" Circle, and "D" Drive. The remaining interior roads and driveways are deemed to be unnecessary and the project proposal for Phase One would still be able to meet all requirements to function properly.

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 proposed 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 "I"). Based on the comments received and the Initial Study discussion, a Mitigated Negative Declaration is being recommended for adoption (see Exhibits "E" and "F"). Staff conducted this environmental assessment for the project as a whole (all 3 Phases) and the mitigation measures have been incorporated for the entire proposal. Development Standards have been added to this project (see Exhibit "C"). Because no exemption has been provided by California Department of Fish and Game, this project is not exempt from payment of Fish and Game Fees.

General Plan Amendments currently are required to be referred to the local Native American tribes. The Native American tribes have 90 days to ask local governments if they want to "consult" on these applications. This General Plan application was referred to the local tribes, none of which requested a consultation.

The initial study and mitigation monitoring plan circulated for the subject project identified the following mitigation measure addressing noise:

- In accordance with the Noise Element of the County General Plan, noise levels associated with outdoor and indoor events shall not exceed the established threshold of 75 dB Ldn (or CNEL).

Staff is proposing the original mitigation measure be substituted with the following language which is reflected as proposed Development Standard No. 71:

71. In accordance with the Noise Element of the Stanislaus County General Plan, noise levels associated with all on-site activities shall not exceed the maximum allowable noise levels as allowed by the Noise Element. The property owner shall be responsible for verifying compliance and for any costs associated with verification.

The substitution is needed in order to correct an error with the number cited as the established threshold in the original mitigation measure. The Noise Element requires new industrial, commercial or other noise generating land uses not exceed 60 Ldn (or CNEL) in noise sensitive areas. The 75dB cited in the original mitigation measure reflects the maximum threshold for normally acceptable exterior noise levels for industrial, manufacturing, utilities, and agricultural land uses. In order to substitute the original mitigation measure, the new mitigation measure must be found to be equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment. Staff believes the proposed substitution is more effective in addressing potential noise impacts associated with the proposed project.

Traffic Study

This project was referred to the Stanislaus County Public Works Department and the California Department of Transportation (CalTrans) as part of an early consultation review. In an initial response, the Department of Public Works requested that a Traffic Impact Analysis be completed to identify any possible impacts caused by this project.

The applicant hired KD Anderson & Associates to complete this task (see Exhibit "G"). The existing traffic level of the Yosemite Blvd (Hwy 132)/Geer Road intersection currently operates at LOS C or better. Signalization of this intersection was completed by CalTrans in August of 2007. With signalization and the proposed project in place, the intersection would continue to operate at LOS C, which is acceptable under Caltrans and Stanislaus County. The analysis looked at the road impacts to Geer Road and Yosemite Blvd (Hwy 132) for each of the three phases of construction. Phases 1-3 showed both of these roads will continue to operate at or below the acceptable LOS with the proposed mitigation measures in place.

After reviewing the Traffic Analysis, the Department of Public Works determined that their Development Standards would adequately address any traffic related impacts associated with this project. Therefore, the mitigation measures that are listed in the KD Anderson Traffic Study, in relation to the road widening, have not been added. The Department of Public Works believes that the Development Standards they have proposed, will enable both Geer Road and Yosemite Blvd to be below the LOS threshold established in the Circulation Element of the Stanislaus County General Plan. Several mitigation measures have been placed as Development Standards to insure that all impacts, related to the LOS thresholds/road widening, have been properly addressed.

This project is located on State Highway 132 (Yosemite Blvd) and as such, CalTrans is responsible for issuance of encroachment permits for any access/driveways located along Hwy 132. The comments provided by CalTrans deal with issues that will be addressed at the time of construction and have been incorporated as part of the Development Standards.

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 approve General Plan Amendment Application No. 2007-03 and Rezone Application No. 2007-03 - The Fruit Yard, allowing only for development of Phase One, subject to the following actions:

1. Adopt the Mitigated 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 Mitigated Negative Declaration reflects Stanislaus County's independent judgement and analysis.
2. Find That:
 - A. The substitute language for Mitigation Measure No. 3 identified as Development Standard No. 71 is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment
3. Adopt the Mitigation Monitoring Plan, with the substitute language for Mitigation Measure No. 3, pursuant to CEQA Guidelines Section 15074(d).

4. 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.
5. 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. Overall, the proposal is consistent with the goals and policies of the General Plan,
 - E. 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,
 - F. No feasible alternative site exists in areas already designated or planned for the proposed uses,
 - G. 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),
 - H. 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,
 - I. Adequate and necessary public services and facilities are available or will be made available as a result of the development,
 - J. 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,
 - K. The proposed Planned Development zoning is consistent with the proposed Planned Development General Plan designation,
 - L. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements, and
 - M. Development Standard No. 71 is more effective than the noise mitigation measure circulated with the initial study and mitigation monitoring plan.

6. Approve General Plan Amendment No. 2007-03.
7. Find that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation.
8. Approve Rezone Application No. 2007-03, subject to the attached Development Standards and Development Schedule.

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project. Therefore, the applicant will further be required to pay \$1,933.75 to the Department of Fish and Game. The attached Development Standards ensure that this will occur.

Report written by: Joshua Mann, Associate Planner, July 3, 2008

Attachments:

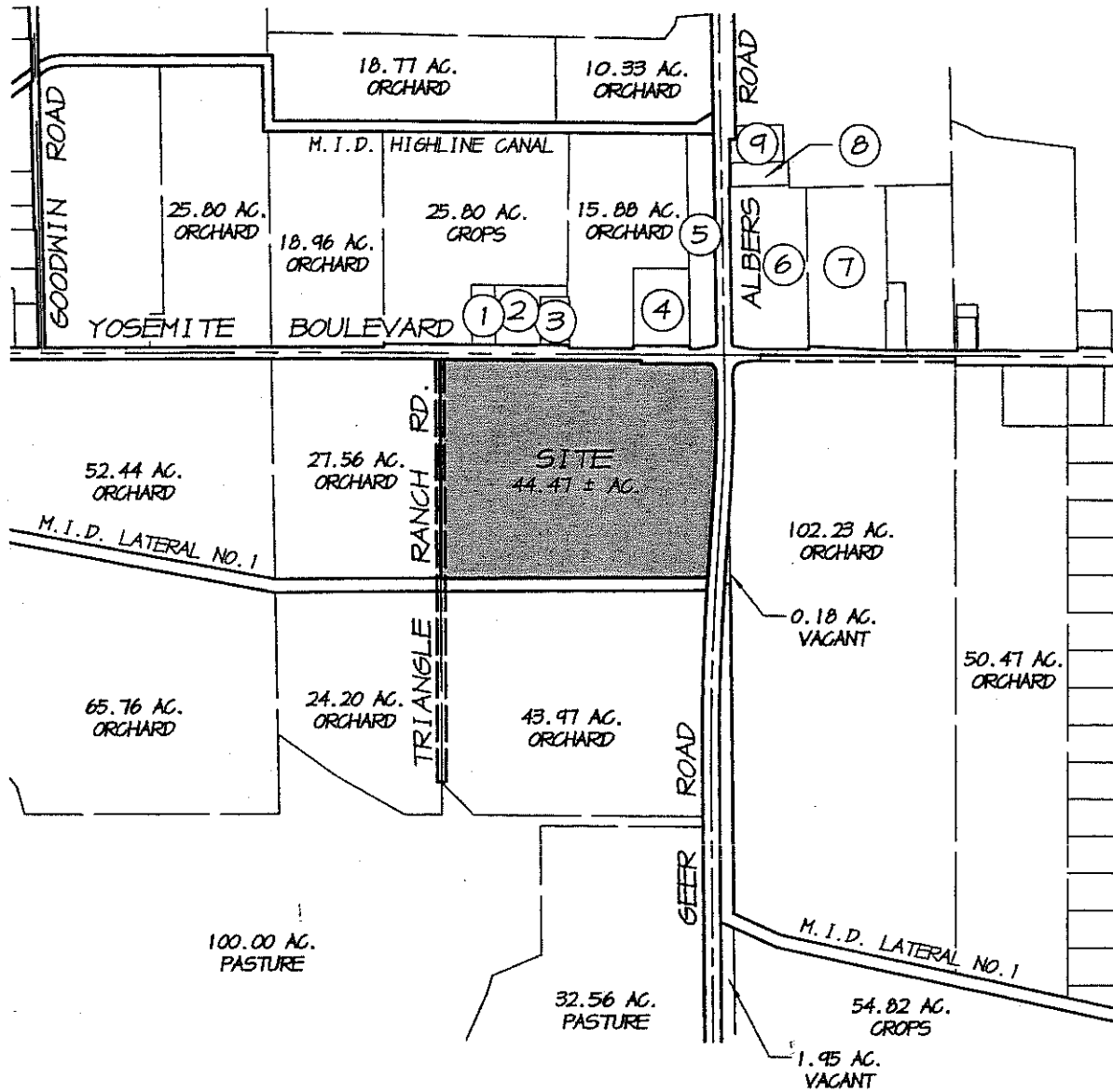
- Exhibit A - Maps, Site Plans and Conceptual Landscape Plans
- Exhibit B - Applicant's Project Description & Application
- Exhibit C - Development Standards
- Exhibit D - Development Schedule
- Exhibit E - Initial Study and Mitigation Monitoring Plan
- Exhibit F - Mitigated Negative Declaration
- Exhibit G - KD Anderson & Associates, Inc. Traffic Study, dated December 6, 2007
- Exhibit H* - Applicant's Findings Statement & General Plan Evaluation as submitted by the applicant
- Exhibit I - Environmental Review Referrals

* Copies of the Applicant's General Plan Evaluation may be obtained by contacting the Planning Department directly or on-line at <http://www.stancounty.com/planning/index.shtm>.

Reviewed By:



Angela Freitas, Senior Planner



NO.	ACRES	USE
1	1.06	HOUSE
2	2.28	HOUSE
3	1.06	HOUSE
4	3.37	CHURCH
5	4.22	SHOP
6	9.97	FEED
7	9.80	HOUSE
8	1.10	HOUSE
9	1.50	HOUSE

PROJECT SITE

A.P.N. 09-27-04
 7954 YOSEMITE BLVD.
 MODESTO, CA



DRAWN R.M.U.
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 JOB # 496-06
 DWG. AREA-MAP

AREA MAP THE FRUIT YARD

MODESTO

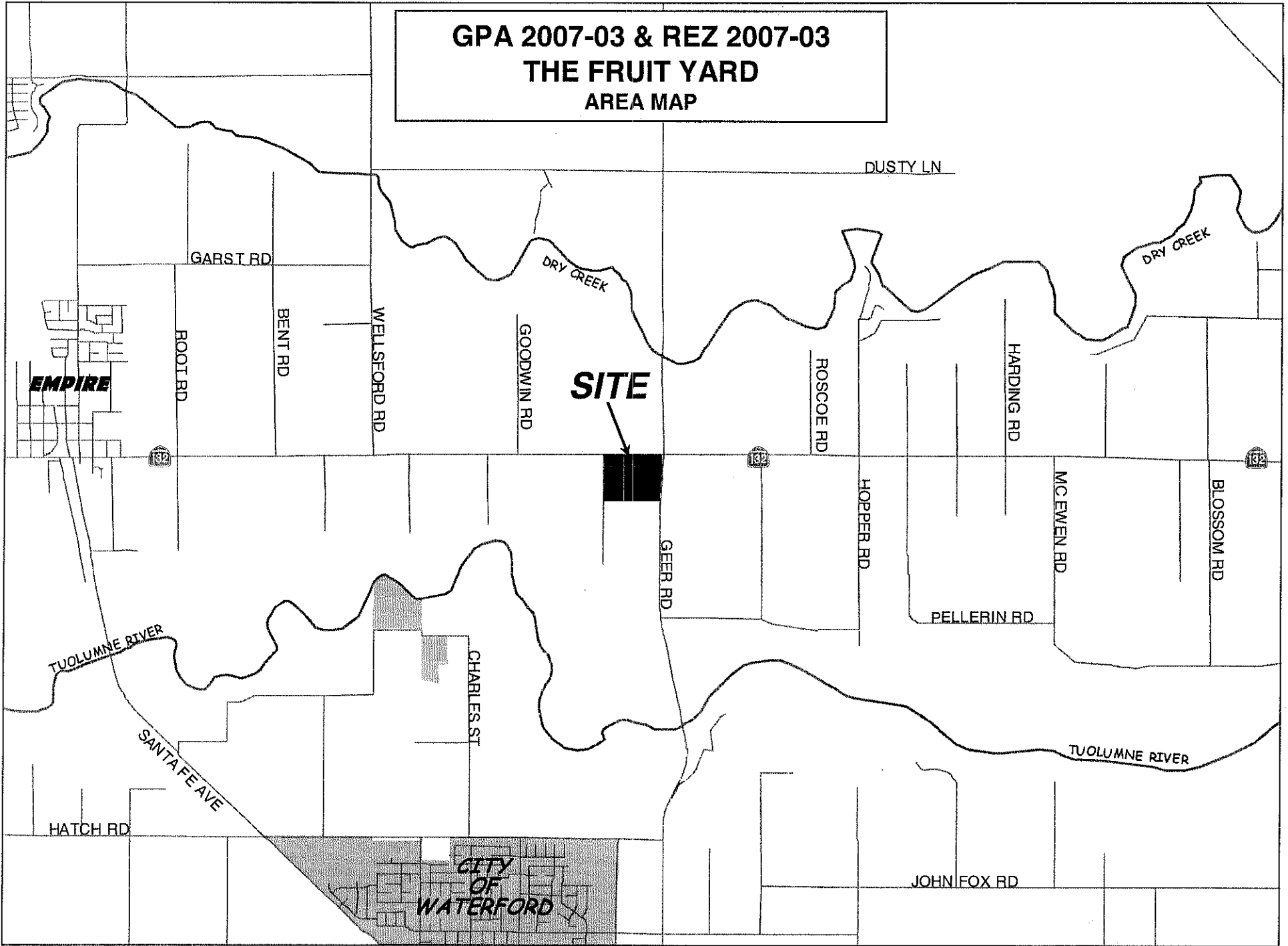
CALIFORNIA



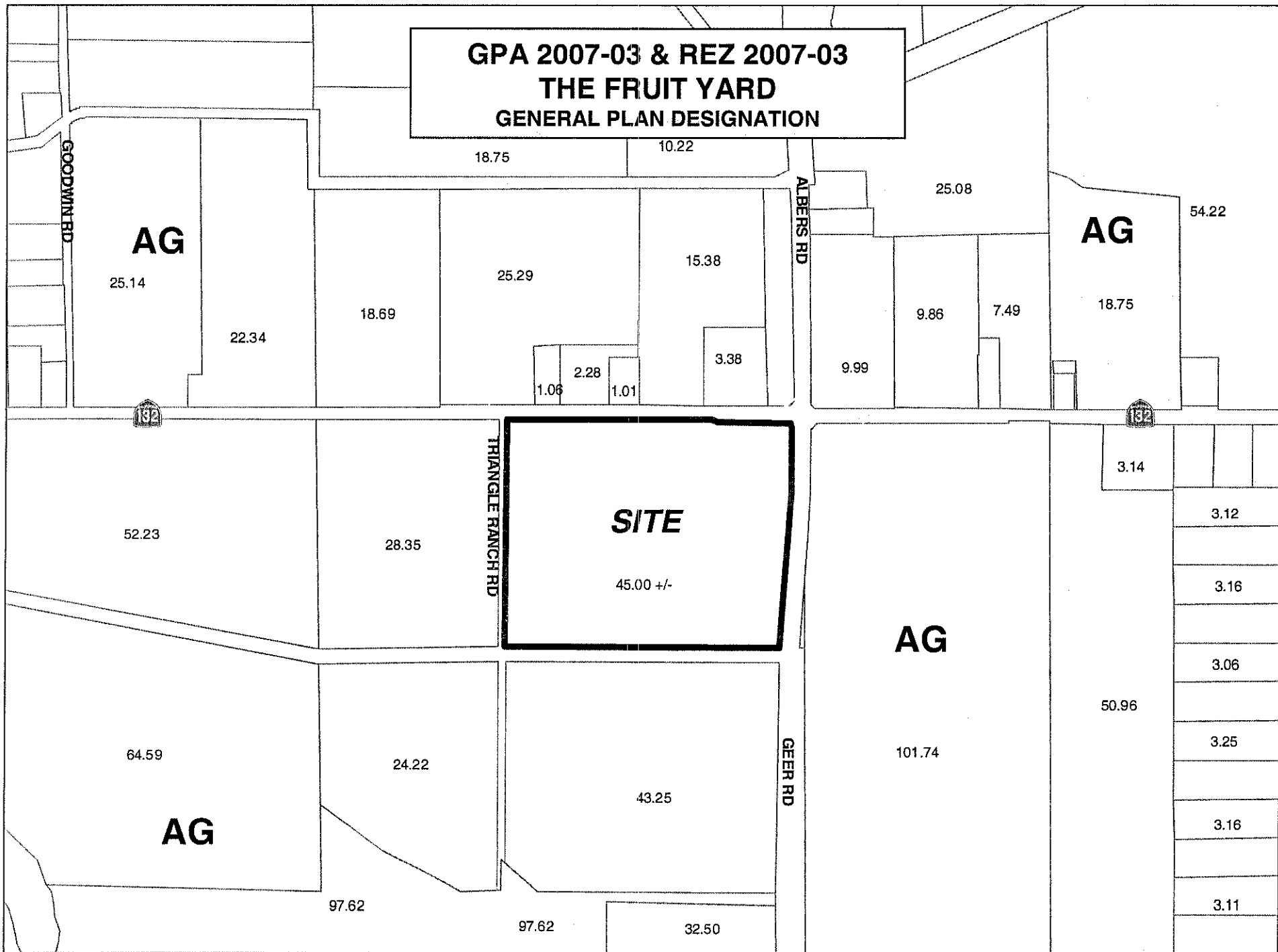
**ASSOCIATED
 ENGINEERING, INC.**
 Surveying · Design · Planning
 4206 TECHNOLOGY DRIVE
 MODESTO, CALIFORNIA 95356
 PH: (209) 545-3390 FAX: (209) 545-3875

EXHIBIT A

**GPA 2007-03 & REZ 2007-03
THE FRUIT YARD
AREA MAP**



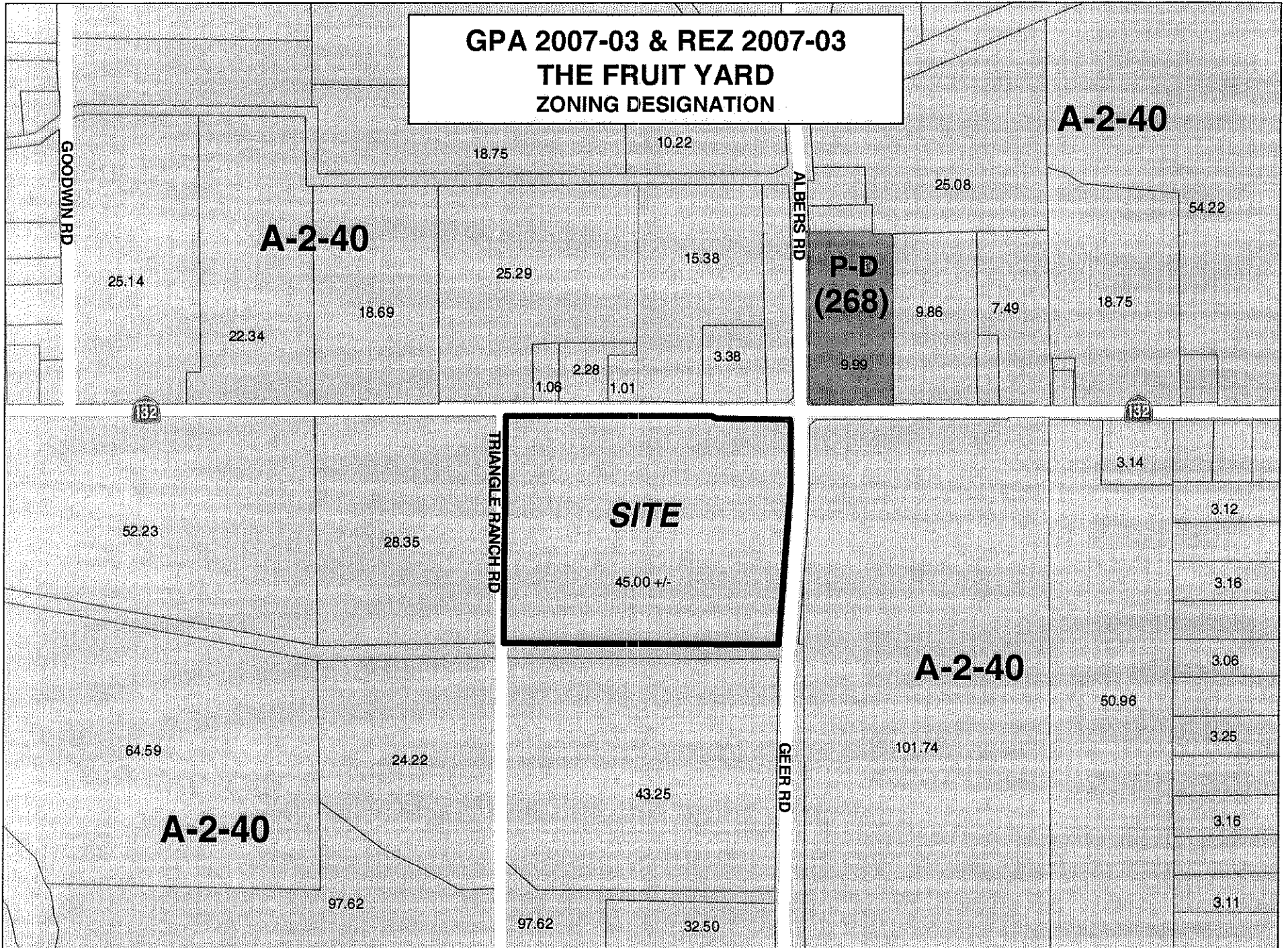
**GPA 2007-03 & REZ 2007-03
THE FRUIT YARD
GENERAL PLAN DESIGNATION**



18

EXHIBIT A-2

**GPA 2007-03 & REZ 2007-03
THE FRUIT YARD
ZONING DESIGNATION**



A-2-40

A-2-40

**P-D
(268)**

SITE

A-2-40

A-2-40

25.14

22.34

18.69

18.75

10.22

25.29

15.38

1.06

2.28

1.01

3.38

9.99

9.86

7.49

18.75

54.22

25.08

132

132

52.23

28.35

3.14

3.12

3.16

3.06

50.96

3.25

3.16

3.11

64.59

24.22

43.25

101.74

97.62

97.62

32.50

GOODWIN RD

ALBERS RD

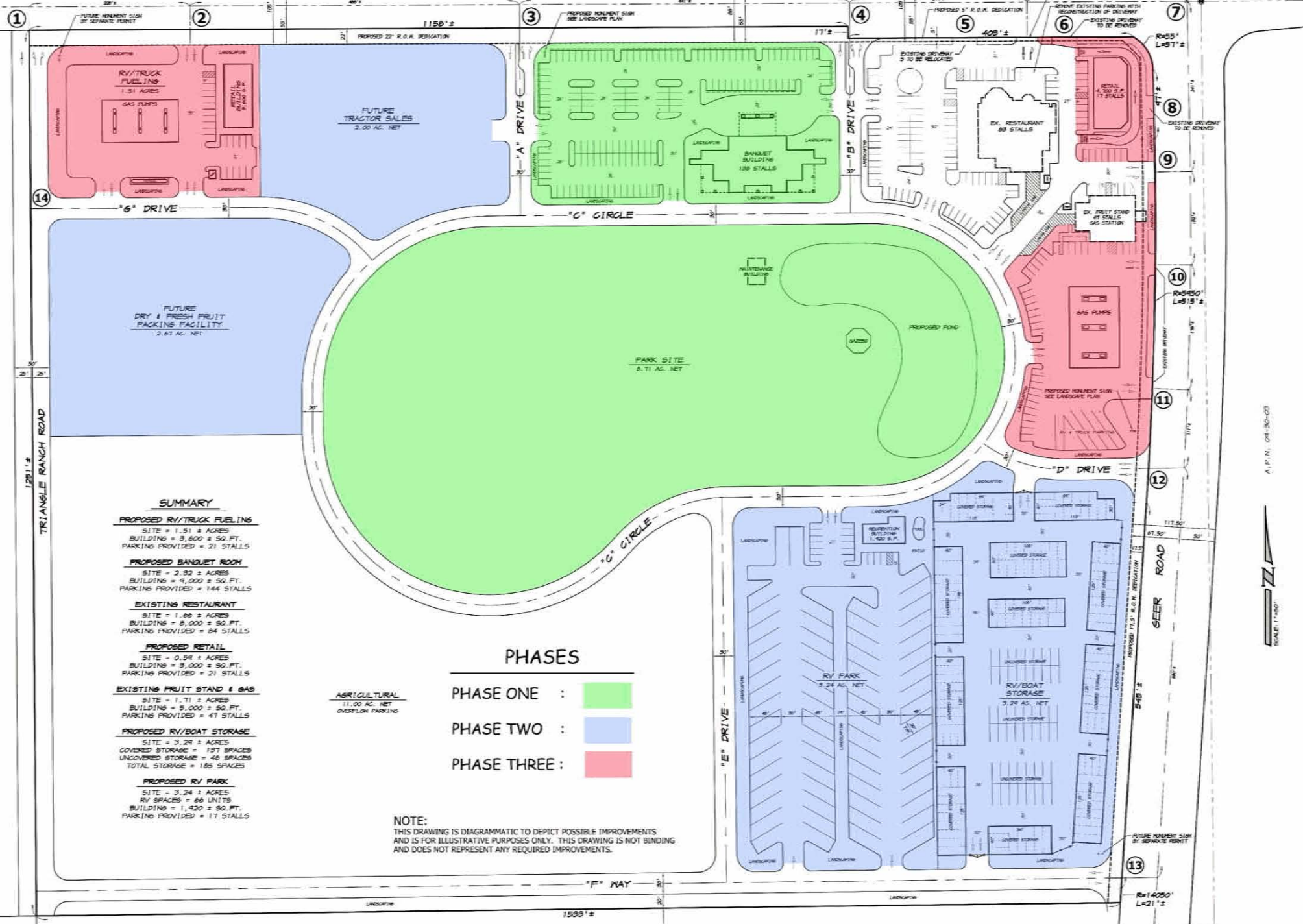
TRIANGLE RANCH RD

GEER RD

**GPA 2007-03 & REZ 2007-03
THE FRUIT YARD
SITE - AERIAL PHOTO (2006)**



YOSEMITE BOULEVARD



SUMMARY

- PROPOSED RV/TRUCK FUELING**
 SITE = 1.51 ± ACRES
 BUILDING = 3,600 ± SQ. FT.
 PARKING PROVIDED = 21 STALLS
- PROPOSED BANQUET ROOM**
 SITE = 2.32 ± ACRES
 BUILDING = 4,000 ± SQ. FT.
 PARKING PROVIDED = 144 STALLS
- EXISTING RESTAURANT**
 SITE = 1.66 ± ACRES
 BUILDING = 8,000 ± SQ. FT.
 PARKING PROVIDED = 84 STALLS
- PROPOSED RETAIL**
 SITE = 0.91 ± ACRES
 BUILDING = 3,000 ± SQ. FT.
 PARKING PROVIDED = 21 STALLS
- EXISTING FRUIT STAND & GAS**
 SITE = 1.71 ± ACRES
 BUILDING = 5,000 ± SQ. FT.
 PARKING PROVIDED = 41 STALLS
- PROPOSED RV/BOAT STORAGE**
 SITE = 3.24 ± ACRES
 COVERED STORAGE = 137 SPACES
 UNCOVERED STORAGE = 48 SPACES
 TOTAL STORAGE = 185 SPACES
- PROPOSED RV PARK**
 SITE = 3.24 ± ACRES
 RV SPACES = 66 UNITS
 BUILDING = 1,420 ± SQ. FT.
 PARKING PROVIDED = 11 STALLS

AGRICULTURAL
 11.00 AC. NET
 OVERSLOW PARKING

PHASES

- PHASE ONE :
- PHASE TWO :
- PHASE THREE :

NOTE:
 THIS DRAWING IS DIAGRAMMATIC TO DEPICT POSSIBLE IMPROVEMENTS AND IS FOR ILLUSTRATIVE PURPOSES ONLY. THIS DRAWING IS NOT BINDING AND DOES NOT REPRESENT ANY REQUIRED IMPROVEMENTS.

M. I. D. LAT NO. 1

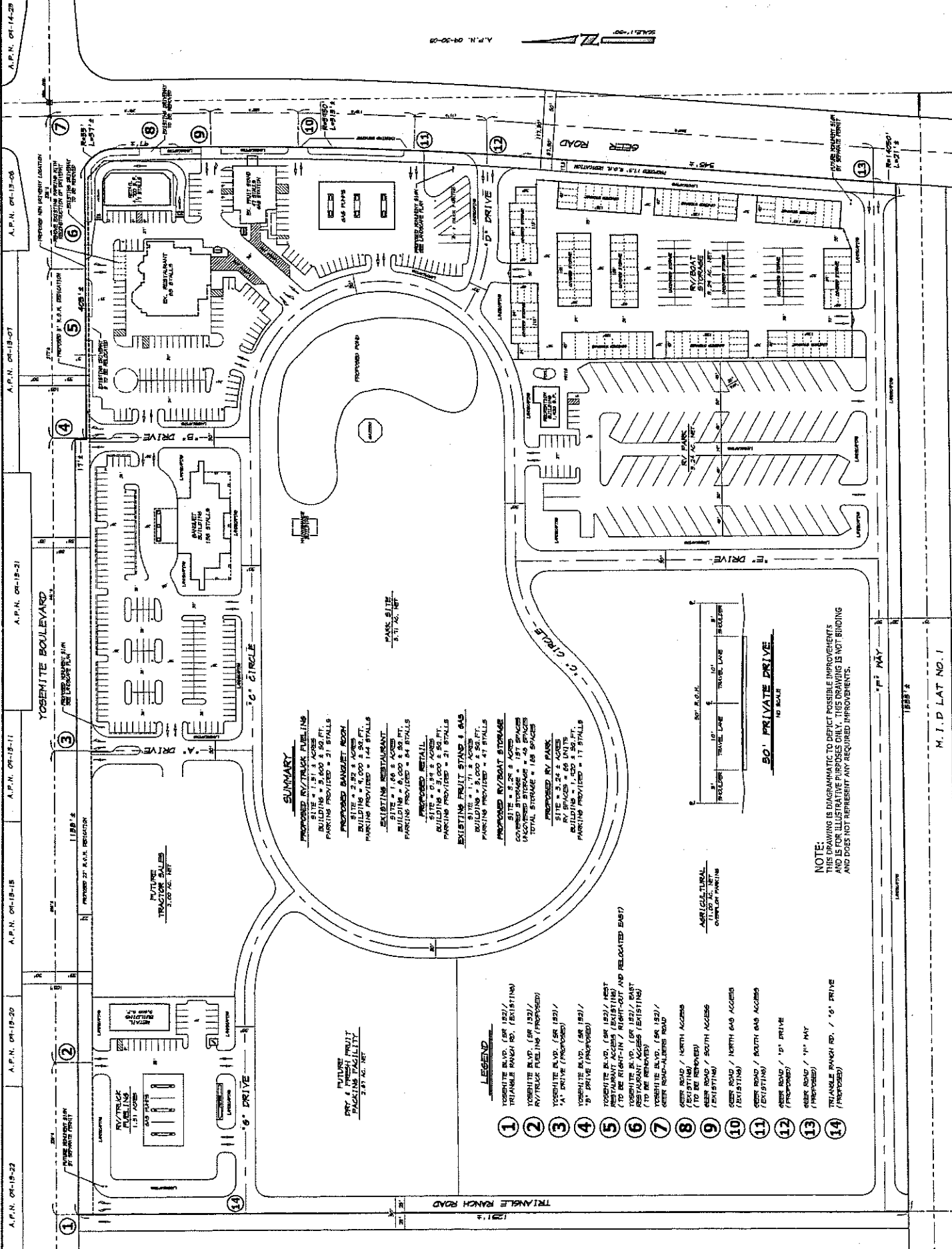
21

EXHIBIT A-5

ASSOCIATED ENGINEERING, INC.
 Surveying • Design • Planning
 1000 W. CALIFORNIA STREET
 ANAHEIM, CALIFORNIA 92805
 PH: (714) 945-3700 FAX: (714) 945-3875

CONCEPTUAL DEVELOPMENT SKETCH
 THE FRUIT YARD
 STANTLAUB COUNTY CALIFORNIA

DRAWN BY: S.W.J.J.F.
 DATE: 4/9/08 4:22
 SCALE: 1"=50'
 SHEET OVERALL-SITE
 CHECKED: J.S.
 DATE: 4-28-08
 SHEET: 1



A.P.N. 09-18-22 A.P.N. 09-19-20 A.P.N. 09-19-15 A.P.N. 09-19-11 A.P.N. 09-19-07 A.P.N. 09-13-08 A.P.N. 09-14-29

SUMMARY

PROPOSED RV/TRUCK FUELING
 SITE = 1.31 ± ACRES
 BUILDING = 2,500 ± SQ. FT.
 PARKING PROVIDED = 21 STALLS

PROPOSED BANQUET ROOM
 SITE = 2.25 ± ACRES
 BUILDING = 1,000 ± SQ. FT.
 PARKING PROVIDED = 144 STALLS

EXISTING RESTAURANT
 SITE = 0.60 ± ACRES
 BUILDING = 6,000 ± SQ. FT.
 PARKING PROVIDED = 84 STALLS

PROPOSED RESTAURANT
 SITE = 0.34 ± ACRES
 BUILDING = 2,000 ± SQ. FT.
 PARKING PROVIDED = 21 STALLS

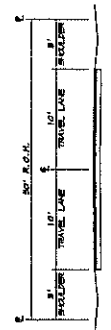
EXISTING FRUIT STAND & GAS
 SITE = 1.71 ± ACRES
 BUILDING = 1,000 ± SQ. FT.
 PARKING PROVIDED = 47 STALLS

PROPOSED RV/BOAT STORAGE
 SITE = 2.22 ± ACRES
 UNCOVERED STORAGE = 45 SPACES
 COVERED STORAGE = 10 SPACES
 TOTAL STORAGE = 55 SPACES

PROPOSED RV PARK
 SITE = 3.24 ± ACRES
 RV SPACES = 66 UNITS
 BUILDING = 1,000 ± SQ. FT.
 PARKING PROVIDED = 17 STALLS

PARK SITE
 8.71 AC. NET

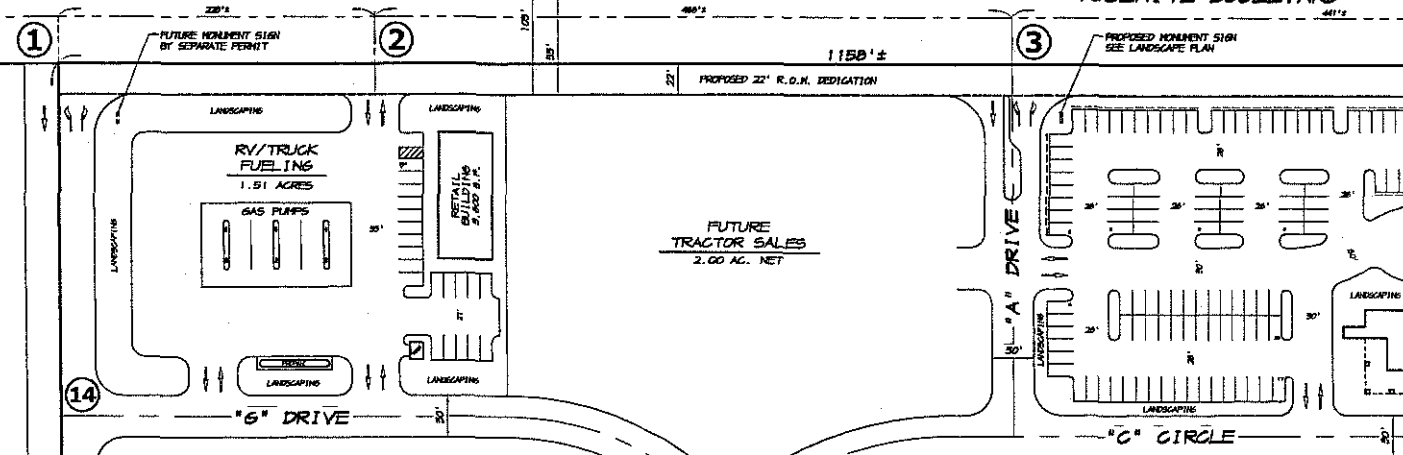
- LEGEND**
- 1 YOSEMITE BLVD. (SR 152) / TRIANGLE RANCH RD. (EXISTING)
 - 2 YOSEMITE BLVD. (SR 152) / RV/TRUCK FUELING (PROPOSED)
 - 3 YOSEMITE BLVD. (SR 152) / 'A' DRIVE (PROPOSED)
 - 4 YOSEMITE BLVD. (SR 152) / 'B' DRIVE (PROPOSED)
 - 5 YOSEMITE BLVD. (SR 152) / RESTAURANT ACCESS (EXISTING) (TO BE RIGHT-IN / RIGHT-OUT AND RELATED EAST)
 - 6 YOSEMITE BLVD. (SR 152) / RESTAURANT ACCESS (EXISTING)
 - 7 YOSEMITE BLVD. (SR 152) / DEER ROAD-ALLIERS ROAD
 - 8 DEER ROAD / NORTH ACCESS (TO BE REMOVED)
 - 9 DEER ROAD / SOUTH ACCESS (EXISTING)
 - 10 DEER ROAD / NORTH GAS ACCESS (EXISTING)
 - 11 DEER ROAD / SOUTH GAS ACCESS (EXISTING)
 - 12 DEER ROAD / 'D' DRIVE (PROPOSED)
 - 13 DEER ROAD / 'F' HWY (PROPOSED)
 - 14 TRIANGLE RANCH RD. / 'G' DRIVE (PROPOSED)



50' PRIVATE DRIVE
 TO SCALE

NOTE:
 THIS DRAWING IS PARAMETRIC TO SHOW POSSIBLE IMPROVEMENTS. IT IS FOR ILLUSTRATIVE PURPOSES ONLY. THE DRAWING IS NOT BINDING AND DOES NOT REPRESENT ANY REQUIRED IMPROVEMENTS.

YOSEMITE BOULEVARD



SUMMARY

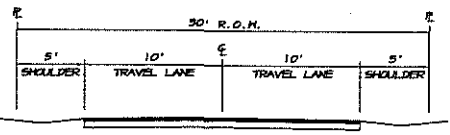
- PROPOSED RV/TRUCK FUELING**
SITE = 1.51 ± ACRES
BUILDING = 3,600 ± SQ.FT.
PARKING PROVIDED = 21 STALLS
- PROPOSED BANQUET ROOM**
SITE = 2.32 ± ACRES
BUILDING = 4,000 ± SQ.FT.
PARKING PROVIDED = 144 STALLS
- EXISTING RESTAURANT**
SITE = 1.66 ± ACRES
BUILDING = 8,000 ± SQ.FT.
PARKING PROVIDED = 84 STALLS
- PROPOSED RETAIL**
SITE = 0.59 ± ACRES
BUILDING = 3,000 ± SQ.FT.
PARKING PROVIDED = 21 STALLS
- EXISTING FRUIT STAND & GAS**
SITE = 1.71 ± ACRES
BUILDING = 5,000 ± SQ.FT.
PARKING PROVIDED = 47 STALLS
- PROPOSED RV/BOAT STORAGE**
SITE = 3.29 ± ACRES
COVERED STORAGE = 137 SPACES
UNCOVERED STORAGE = 48 SPACES
TOTAL STORAGE = 185 SPACES
- PROPOSED RV PARK**
SITE = 3.24 ± ACRES
RV SPACES = 66 UNITS
BUILDING = 1,920 ± SQ.FT.
PARKING PROVIDED = 17 STALLS

PARK SITE
8.71 AC. NET

LEGEND

- ① YOSEMITE BLVD. (SR 132) / TRIANGLE RANCH RD. (EXISTING)
- ② YOSEMITE BLVD. (SR 132) / RV/TRUCK FUELING (PROPOSED)
- ③ YOSEMITE BLVD. (SR 132) / "A" DRIVE (PROPOSED)
- ④ YOSEMITE BLVD. (SR 132) / "B" DRIVE (PROPOSED)
- ⑤ YOSEMITE BLVD. (SR 132) / WEST RESTAURANT ACCESS (EXISTING) (TO BE RIGHT-IN / RIGHT-OUT AND RELOCATED EAST)
- ⑥ YOSEMITE BLVD. (SR 132) / EAST RESTAURANT ACCESS (EXISTING) (TO BE REMOVED)
- ⑦ YOSEMITE BLVD. (SR 132) / GEER ROAD-ALBERS ROAD
- ⑧ GEER ROAD / NORTH ACCESS (EXISTING) (TO BE REMOVED)
- ⑨ GEER ROAD / SOUTH ACCESS (EXISTING)
- ⑩ GEER ROAD / NORTH GAS ACCESS (EXISTING)
- ⑪ GEER ROAD / SOUTH GAS ACCESS (EXISTING)
- ⑫ GEER ROAD / "D" DRIVE (PROPOSED)
- ⑬ GEER ROAD / "F" WAY (PROPOSED)
- ⑭ TRIANGLE RANCH RD. / "G" DRIVE (PROPOSED)

AGRICULTURAL
11.00 AC. NET
OVERFLOW PARKING



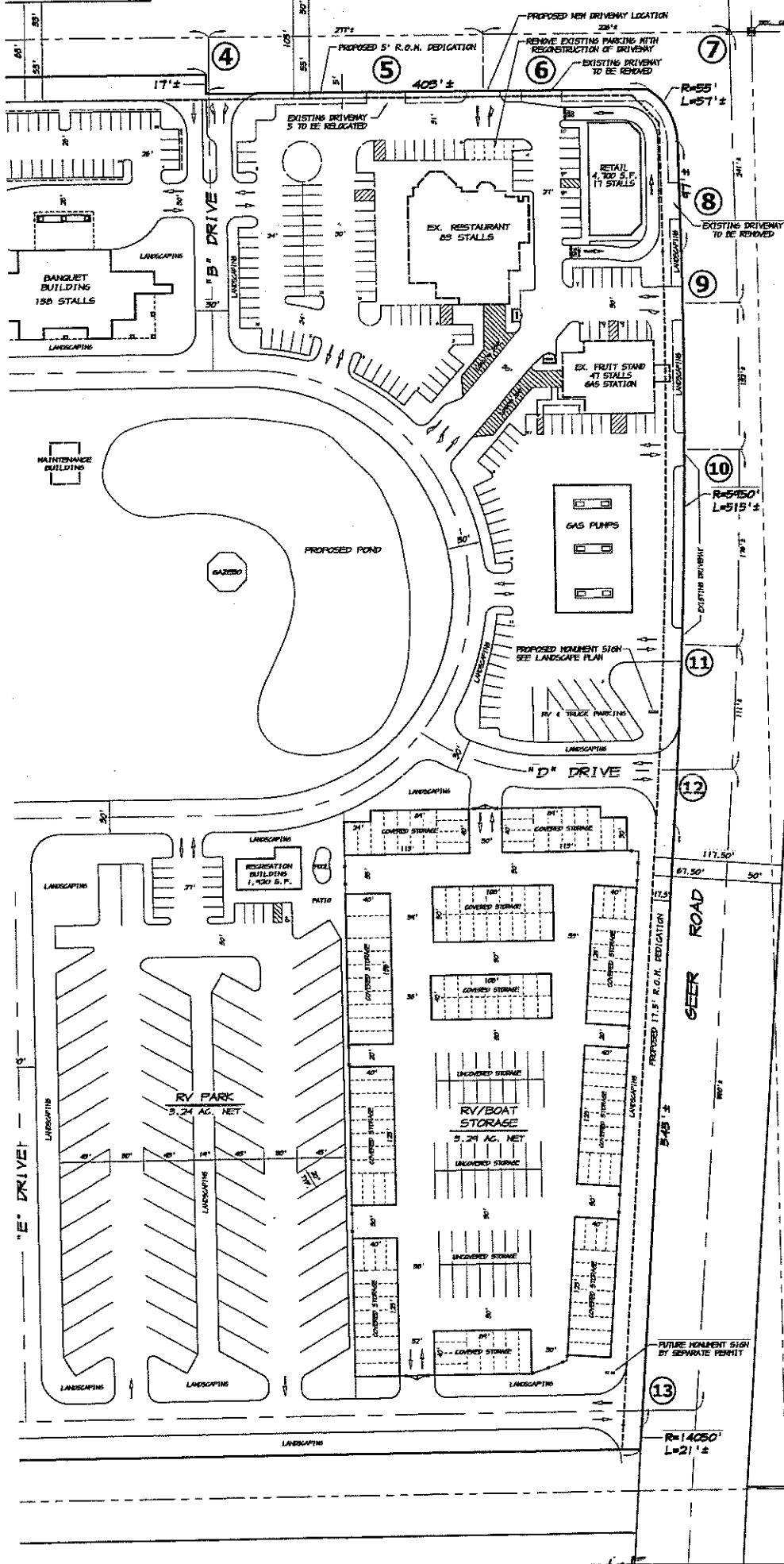
30' PRIVATE DRIVE
NO SCALE

NOTE:
THIS DRAWING IS DIAGRAMMATIC TO DEPICT POSSIBLE IMPROVEMENTS AND IS FOR ILLUSTRATIVE PURPOSES ONLY. THIS DRAWING IS NOT BINDING AND DOES NOT REPRESENT ANY REQUIRED IMPROVEMENTS.

M.I.D LAT NO. 1

A.P.N.

EXHIBIT A-8



A.P.N. 09-30-08



REVISION	DATE	DESCRIPTION	BY

ASSOCIATED ENGINEERING, INC.
 Surveying • Design • Planning
 1000 S. GARDEN ST., SUITE 100
 ANAHEIM, CALIFORNIA 92816
 PH: (714) 546-3380 FAX: (714) 546-3875

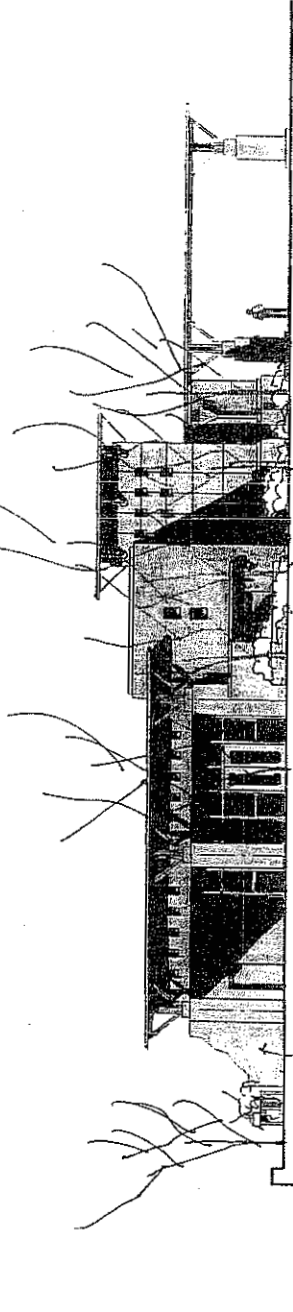


FUTURE DEVELOPMENT SKETCH
THE FRUIT YARD
 STANISLAUS COUNTY CALIFORNIA

RYAN CARROLL, R.C.E. 45419
 DAVE SCIMONE, L.S. 7124

DRAWN BY: R.U./J.F.
 DATE: 4/10/08 4:22
 SCALE: 1"=50'
 DWG: OVER-ALL-SITE1
 CHECKED: JKH 4/16/08
 SHEET: 1

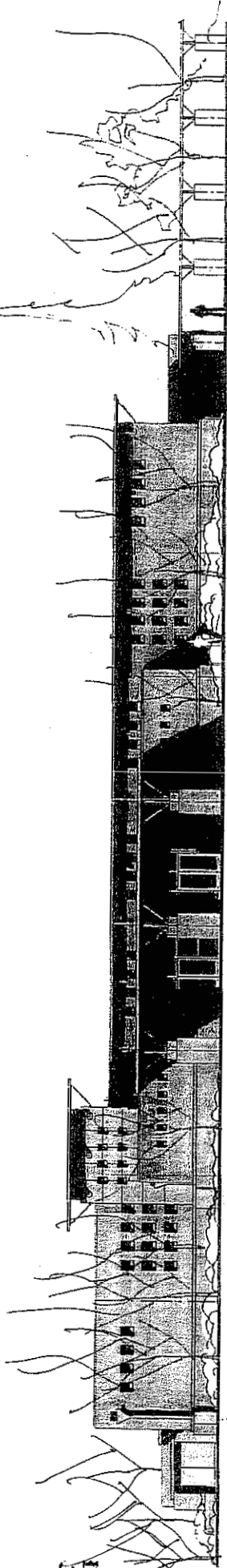
BANQUET FACILITY



SIDE SOUTH ELEVATION

1/16" = 1'-0"

2000
L.A.

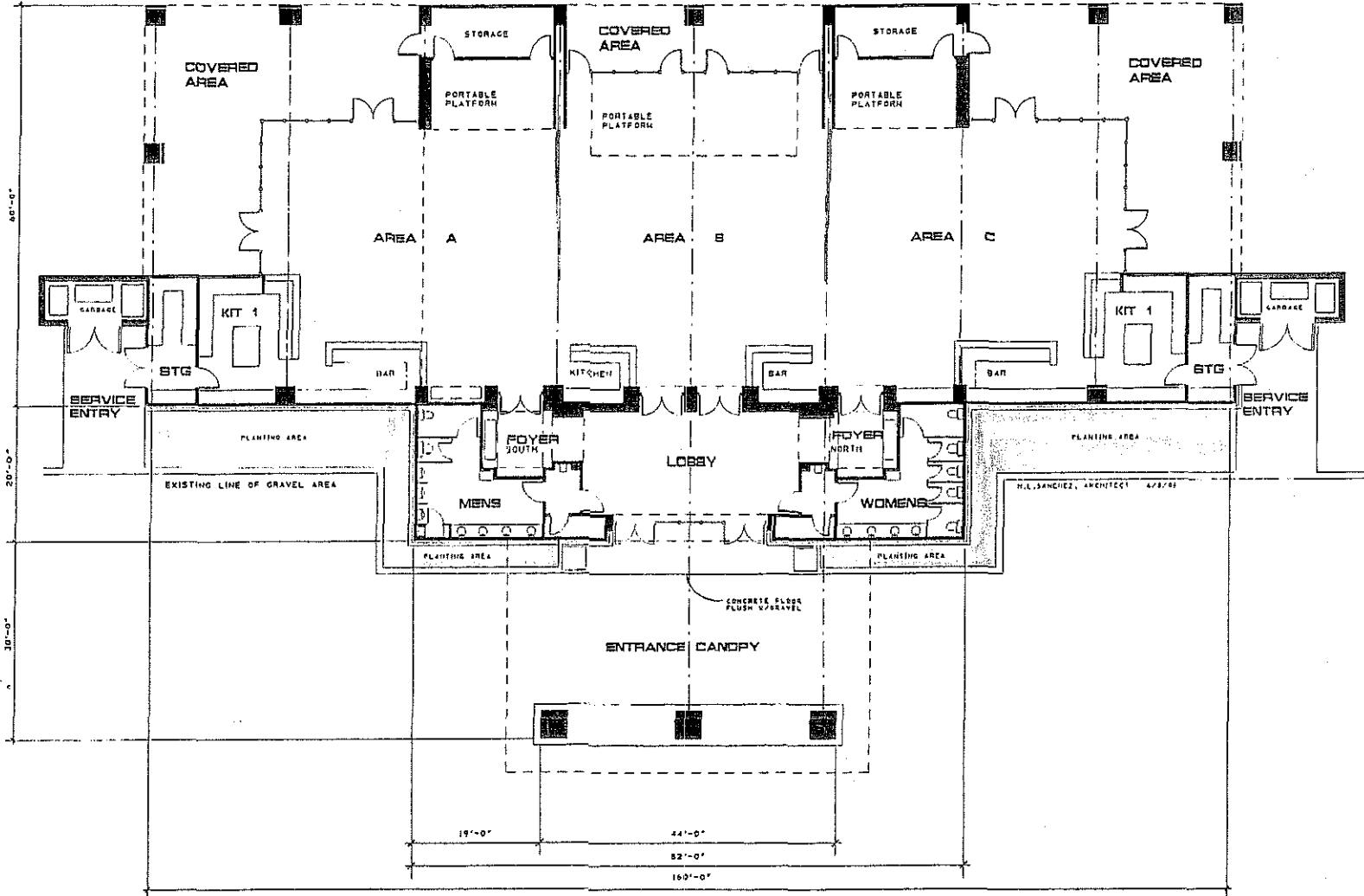


FRONT ELEVATION

1/16" = 1'-0"

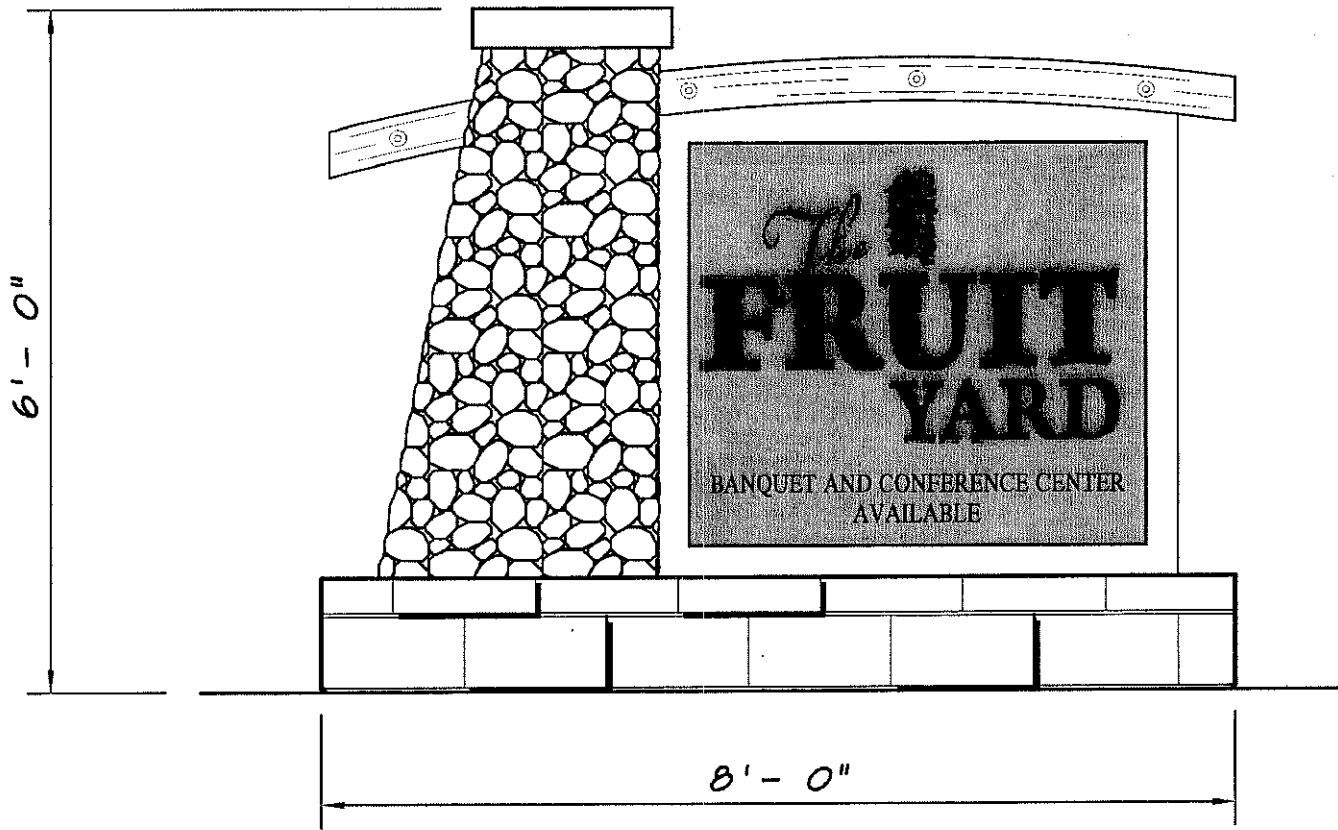
H. S. ANCHER, ARCHITECT

THE FRUITYARD BANQUET ROOM PLAN



28

GPA 2007-03 & REZ 2007-03
THE FRUIT YARD
PROPOSED SIGN



MONUMENT SIGN DETAIL

NO SCALE

Fruit Yard Project Description

The Fruit Yard facility exists at the southwest corner of Geer Road and Yosemite Blvd. (State Hwy. 132). It started as an Old Foamy Drive-In in the late 1950s, and has expanded through the years. The Trainas, the current owner, purchased the property in 1977. The current site contains the Fruit Yard Restaurant, a service station with six (6) pumps, a produce market, and a cardlock facility with six (6) pumps. The site has ancillary parking and a lake and park used by Fruit Yard customers with the lake providing the storm drainage for the site. The current development covers approximately six (6) acres, with the remaining approximately thirty-nine (39) acres of the property in open land and fruit trees including apricots, peaches, nectarines and cherries. The site hosts large public gatherings three or four times a year, including the Passport to Paradise event for the American Cancer Society, a Graffiti Night event, and a musical event or two. These events have occurred over the last fourteen (14) plus years, and are run with public assembly permits from the Stanislaus County Sheriff's Department.

The existing Fruit Yard Restaurant provides banqueting facilities and meeting rooms for a number of different clubs and groups. Over the years, requests have been made for weddings at the site, and the Fruit Yard has hosted these as well. Weddings are not currently identified as permissible under the current permits for the site.

As part of the process of adding weddings as a permissible use at the site, it was determined that an overall master plan should be prepared for the Fruit Yard facility. Simultaneously, conversations were underway with Caltrans and Stanislaus County for a right-of-way purchase for the State Highway 132/Geer Road intersection project. These discussions necessitated locating driveways and the best location for existing and future facilities. Based upon the near-term, mid-term, and long-term goals for the Fruit Yard, and its expected growth, the attached master plan has been prepared.

With this application it is intended that the entire Fruit Yard site be amended from a general plan designation of Agriculture to Planned Development, and that a Planned Development zone be placed over the entire forty-five (45) acre property. The development plan for the property includes the existing facilities as well as (i) additional banqueting facilities to be constructed west of the existing Fruit Yard Restaurant, (ii) the movement of the existing service station from north of the produce market to south of the produce market, (iii) relocation of the cardlock facility, and (iv) some additional retail space at the site of the existing service station.

In addition, since the Fruit Yard is located at such a busy intersection, it provides service to recreational travelers, and so the project also proposes to add a small storage facility for the storage of boats, motor homes, recreational vehicles and equipment as well as a small overnight trailer park facility to allow people to camp at the site over weekend, and to use adjacent facilities such as Fox Grove, Modesto Reservoir, Turlock Lake and other recreational amenities in the area. Finally, in the master planning of the site, Traina Dried Fruit is looking at locating some fruit packing and warehousing facilities at the site which are typical agricultural uses and would be permitted with a Use Permit, even without this application. Lastly, a tractor sales facility is also being considered as a future use at the site. The attached Master Development Plan provides square footages for the proposed uses.

As shown on the attached development plans, Phase 1 of the project would allow the construction of the banqueting facilities, and bring the site to approximately 8.3 acres of developed area, with about 36.4 acres remaining undeveloped or in agricultural uses. With Phase 2, the overnight trailer park and RV and boat storage would be constructed, and the park expanded, so that the developed area would be expanded to approximately 18.4 acres, and the remainder of the approximately 26.3 acres would remain in undeveloped or agricultural use. Finally, with Phase 3, the cardlock facility and service station would be relocated, and retail added at the old service station site. Phase 3 would complete the project and result in approximately twenty-nine (29) developed acres, with about sixteen (16) acres remaining in agriculture or agriculture related uses. At full development, approximately nine (9) acres of the developed twenty-nine (29) acres will be park so will not be irretrievably committed to urban uses. The balance of the site development acres would remain in agricultural use, and the permissible land uses in this area would be agricultural, and includes farming, or any other uses which would be permitted in the A-2 zone with a use permit.

The purpose of this project is to create a destination which gathers most of its support from the traveling public, recreational travelers, the adjacent agricultural properties and neighboring communities. The project will allow the existing travel, agricultural, and recreational oriented uses to continue to grow and expand. The site currently employs about 75 full and part time employees. At full build-out, this is expected to increase to about 150 to 200 employees. Most uses will operate from 6 a.m. in the morning until 10 p.m. in the evening, with the cardlock facility and service station being open 24 hours a day. Special events and Weddings may occur until midnight.

Fruit Yard Planned Development Development Schedule

The total term of the Planned Development will be seven (7) years. It is expected that the phases will generally be constructed within the following timeframes:

- | | | |
|----|--|--------------|
| 1. | Banquet Facility | 1 to 3 years |
| 2. | Mini-Storage, RV Parking, Tractor Sales and Packing Facility | 2 to 5 years |
| 3. | Gas Station Relocation, Card Lock Relocation and Retail | 3 to 7 years |

The construction windows offered in this Development Schedule are the current best estimate for construction. It is possible that some uses may occur sooner than expected while others may move back in time. Prior to the conclusion of the seventh (7th) year, extension request may be made. Time extension requests can be from a minimum of one (1) to a maximum of three (3) years and may be granted by the County, at its discretion. The number of time extensions that may be granted are at the discretion of the County.



APPLICATION QUESTIONNAIRE

<p><u>Please Check all applicable boxes</u> APPLICATION FOR: Staff is available to assist you with determining which applications are necessary</p> <table border="0"> <tr> <td><input checked="" type="checkbox"/> General Plan Amendment</td> <td><input type="checkbox"/> Subdivision Map</td> </tr> <tr> <td><input checked="" type="checkbox"/> Rezone</td> <td><input type="checkbox"/> Parcel Map</td> </tr> <tr> <td><input type="checkbox"/> Use Permit</td> <td><input type="checkbox"/> Exception</td> </tr> <tr> <td><input type="checkbox"/> Variance</td> <td><input type="checkbox"/> Williamson Act Cancellation</td> </tr> <tr> <td><input type="checkbox"/> Historic Site Permit</td> <td><input type="checkbox"/> Other _____</td> </tr> </table>	<input 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 _____	<p>PLANNING STAFF USE ONLY: Application No(s): <u>GPA2007-03 REZ2007-03</u> Date: <u>3/26/07</u> S <u>34</u> T <u>3</u> R <u>10</u> GP Designation: <u>AG</u> Zoning: <u>A-240</u> Fee: <u>ACTUAL COST (\$3600 DEP.)</u> Receipt No. <u>PAID CK</u> Received By: <u>KF 3/26/07</u> Notes: _____</p>
<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 _____										

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

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

PROJECT INFORMATION

PROJECT NAME: Fruit Yard PD Amendment
 (Desired name for project, if any)

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

Name: David O. Romano, P.E., AICP Telephone: (209) 521-9521

Address: 1020 Tenth Street, Suite 310, Modesto, CA 95354

Fax Number: (209) 521-4968 email address: dromano@ranplc.com

(Attach additional sheets as necessary)
PROPERTY OWNER'S NAME: The Fruit Yard

Mailing Address 7948 Yosemite Blvd.
Modesto, CA 95357

Telephone: (209) 577-3093 Fax: (209) 577-0600

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 009 Page 027 Parcel 004

Additional parcel numbers: _____

Project Site Address
or Physical Location:

7948 Yosemite Blvd., Modesto, CA 95357

Property Area: Acres: 43.86 (net) or Square feet: _____

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

Restaurant, Service Station, Produce Market, Cardlock Facility, Banquet/Meeting Facility

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)

Use Permits for existing facilities

Existing General Plan & Zoning: Agriculture (Ag)

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)

East: Agriculture

West: Agriculture

North: Agriculture, Church, Urban Development

South: Agriculture, old Landfill

WILLIAMSON ACT CONTRACT:

Yes No

Is the property currently under a Williamson Act Contract?

Contract Number: _____

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

Date Filed: _____

Yes No

Do you propose to cancel any portion of the Contract?

Yes No

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

If yes, please list and provide a recorded copy: _____

SITE CHARACTERISTICS: (Check one or more)

Flat

Rolling

Steep

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

Field crops

Orchard

Pasture/Grassland

Scattered trees

Shrubs

Woodland

River/Riparian

Other

Explain Other: _____

Yes No

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

GRADING:

Yes No

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

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: _____ Sq. Ft. Landscaped Area: _____ Sq. Ft.

Proposed Building Coverage: _____ Sq. Ft. Paved Surface Area: _____ Sq. Ft.

BUILDING CHARACTERISTICS:

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

See attached Plans.

Number of floors for each building: **Two for the existing Fruit Yard restaurant, one for all other buildings.**

Building height in feet (measured from ground to highest point): (Provide additional sheets if necessary) **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) **Existing Charter Communications Tower near the southwest corner of the site is approximately 100 feet high.**

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

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: **MID** Sewer*: **Septic**
Telephone: **AT&T** Gas/Propane: **PG&E**
Water**: **On-Site** Irrigation: **MID**

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

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

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

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

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

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

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

AFFORDABLE HOUSING/SENIOR:

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

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

Total No. Lots: _____ Total Dwelling Units: _____ Total Acreage: _____

Net Density per Acre: _____ Gross Density per Acre: _____

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

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

Square footage of each existing or proposed building(s): **See attached Site Plan.**

Type of use(s): **Restaurant, Retail, Produce Market, Service Station and Card Lock Facility, Storage and RV Park, Tractor Sales.**

Days and hours of operation: 6 a.m. to 10 p.m. typical.

Up to midnight for special events and weddings.

Seasonal operation (i.e., packing shed, huller, etc.) months and hours of operation: n/a

Occupancy/capacity of building: Fruit Yard (10,000 sq. ft.) (approx. 300 person capacity); Market (4,500 sq. ft.);

Banquet (10,000 sq. ft.) (approx. 500 person capacity); New Retail (2,000 sq. ft.); Tractor Sales (5,000 sq. ft.)

Number of employees: (Maximum Shift): Fruit Yard (30-40) (Minimum Shift): _____

Banquet (10-30); Market (5)

Estimated number of daily customers/visitors on site at peak time: Fruit Yard (500 total per day / 300 at peak)

Banquet (500 at peak); Market (20)

Other occupants: _____

Estimated number of truck deliveries/loadings per day: Fruit Yard 3-5 per day, 3 days per week

Banquet 4 per week total

Estimated hours of truck deliveries/loadings per day: _____ 6:00 a.m. to 6:00 p.m.

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: _____

Warehouse area: _____

Sales area: _____

Storage area: _____

Loading area: _____

Manufacturing area: _____

Other: (explain type of area) _____

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

ROAD AND ACCESS INFORMATION:

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

Yosemite Blvd. / Geer 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.

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)

None provided.

You need to obtain General Permit coverage if storm water discharges from your site and either of the following apply:

- Construction activities result in one or more acres of land disturbance, including clearing, grading, excavating, staging areas, and stockpiles or;
- The project is part of a larger common plan of development or sale (e.g., subdivisions, group of lots with or without a homeowner's association, some lot line adjustments) that result in one or more acres of land disturbance.

It is the applicant's responsibility to obtain any necessary permit directly from the California Regional Water Quality Control Board. The applicant(s) signature on this application form signifies an acknowledgment that this statement has been read and understood.

STATE OF CALIFORNIA HAZARDOUS WASTE AND SUBSTANCES SITES LIST
(C.G.C. § 65962.5)

Pursuant to California Government Code Section 65962.5(e), before a local agency accepts as complete an application for any development project, the applicant shall consult the latest State of California Hazardous Waste and Substances Sites List on file with the Planning Department and submit a signed statement indicating whether the project is located on a site which is included on the List. The List may be obtained on the California State Department of Toxic Substances Control web site (<http://www.envirostor.dtsc.ca.gov/public>).

The applicant(s) signature on this application form signifies that they have consulted the latest State of California Hazardous Waste and Substances List on file with the Planning Department, and have determined that the project site is or is not included on the List.

Date of List consulted: March 9, 2007

Source of the listing: _____
(To be completed only if the site is included on the List)

ASSESSOR'S INFORMATION WAIVER

The property owner(s) signature on this application authorizes the Stanislaus County Assessor's Office to make information relating to the current owners assessed value and pursuant to R&T Code Sec. 408, available to the Stanislaus County Department of Planning and Community Development.



CENTRAL CALIFORNIA INFORMATION CENTER

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

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

Date: January 23, 2007

CCIC File #: 6581N

Project: The Fruit Yard,
7948 Yosemite Blvd., Modesto,
APN #59-005/009-27-04-595

Dave Romano
C/o Russell A. Newman, PLC
1020 10th Street, Suite 310
Modesto, CA 95354

Dear Mr. Romano,

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

Search of our files includes review of our maps for the specific project area and the immediate vicinity of the project area, and review of the National Register of Historic Places, the California Register of Historical Resources, *the California Inventory of Historic Resources* (1976), *the California Historical Landmarks* (1990), and the *California Points of Historical Interest* listing (May 1992 and updates), the Historic Property Data File (HPDF) and the Archaeological Determinations of Eligibility (ADOE) (Office of Historic Preservation current computer lists dated 12/11/2006 and 12/07/2006, respectively), the CALTRANS State and Local Bridge Survey (1989 and updates), the *Survey of Surveys* (1989), GLO Plats, and other pertinent historic data available at the CCIC for each specific county.

The following details the results of the records search:

Prehistoric or historic resources within the project area:

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

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

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

The MID Lateral Canal No. 1 is over 50 years old and can be considered a potential cultural resource (it has not yet been formally recorded or evaluated); however, it is not likely that it will be impacted.

Resources that are known to have value to local cultural groups:

None have been formally reported to the CCIC.

Previous investigations within the project:

Two linear cultural resource surveys have been reported that may be in or only immediately adjacent to the project area as follows:

CCIC #	Author/Date	Project
ST-3656	Jurich (1999)	Archaeological Survey Report for the Proposed AC Overlay and Shoulder Backing of SR 132 between Modesto and Waterford (PM 16.8/28.0)
5733	Carpenter (2004)	Negative Archaeological Survey Report for the Albers Road/SR 132 Intersection Signalization Project

Previous investigations within the immediate vicinity of the project area:

One reported to the CCIC as follows:

CCIC #	Author/Date	Project
ST-890	Napton (1982)	Cultural Resource Reconnaissance of the Geer Road Landfill Expansion, Geer Road Project Site and Bonzi Alternative Site

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

Based on existing data in our files:

- (1) The parcel has a low-to-moderate sensitivity for the possible discovery of the fragmentary remains of prehistoric sites, under the surface—as the parcel is within ¼-mile of the former northern terraces of the Tuolumne River and within ½-mile of the former southern terraces of Dry Creek. Prehistoric occupation sites, “kitchen midden” soils, human burials, groundstone tools, baked clay, and lithic debitage have been previously recorded in association with one or the other of these rivers; to date, two prehistoric sites have been recorded within 1 mile of this particular parcel—one midden/possible occupation site, and one site with milling implements; both of these have subsurface contexts.
- (2) Our records are not complete as to whether there exists on this parcel standing or remnant buildings, structures or objects over 45 years old, but it is a possibility, given the history and land use of the surrounding area.

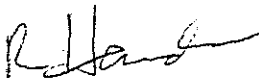
If the proposed “project” that is the subject of this record search (we were not given details) will involve further development of this parcel, we recommend survey by a qualified archaeologist, of any undeveloped areas. If the project will involve the demolition, alteration, or relocation of any buildings, structures or objects over 45 years old, we recommend that they first be evaluated by a professional architectural historian. A copy of the Referral List for Historical Resources Consultants is attached for your use.

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

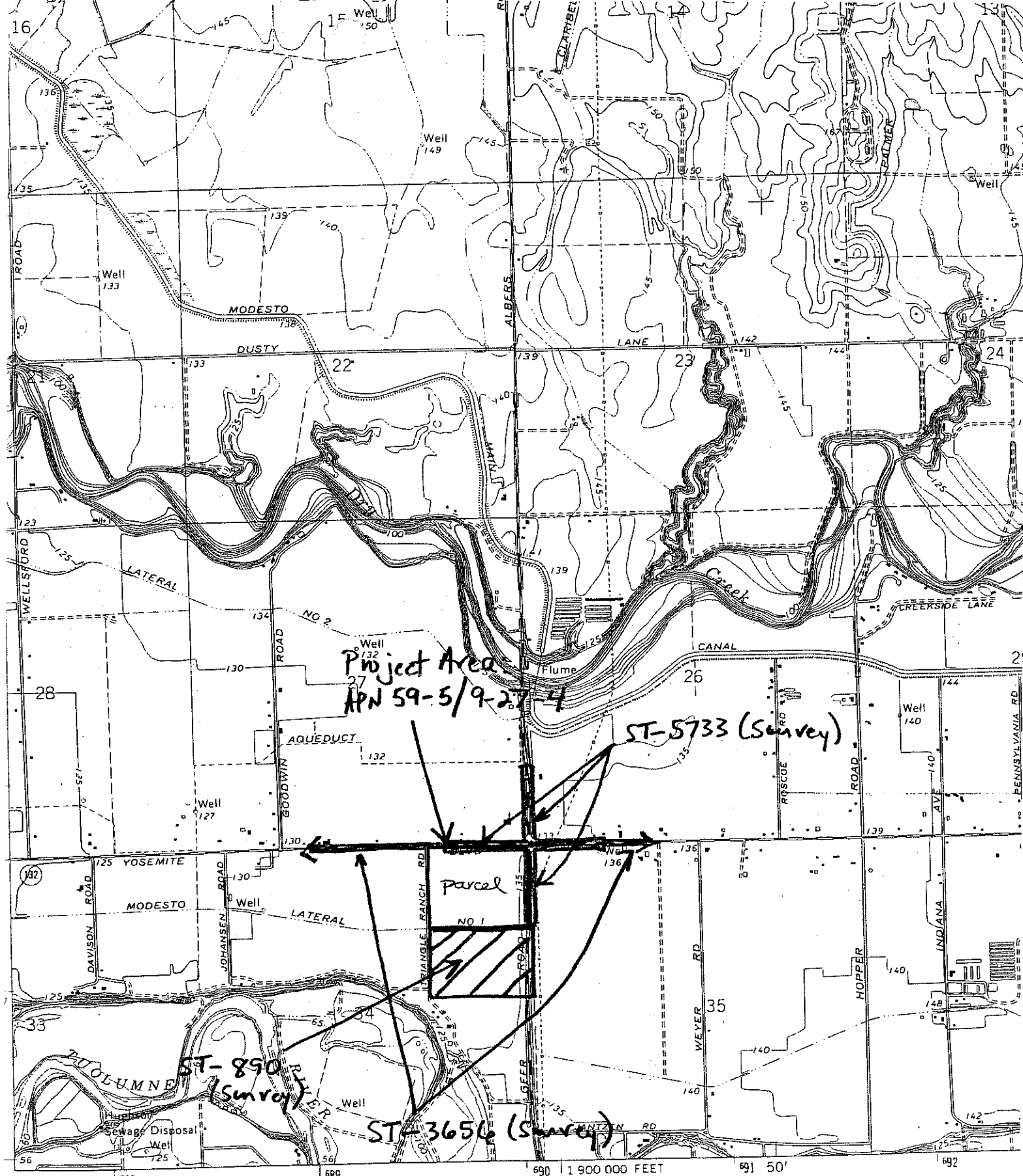
We further advise you that if you retain the services of a historical resources consultant, the firm or individual you retain is responsible for submitting any report of findings prepared for you to the Central California Information Center, including one copy of the narrative report and two copies of any records that document historical resources found as a result of field work.

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

Sincerely,



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



Mapped, edited, and published by the Geological Survey

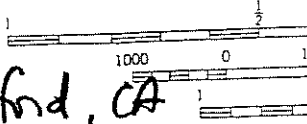
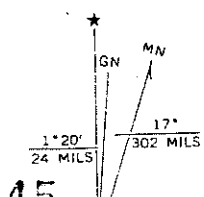
Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1967. Field checked 1969
Supersedes map surveyed 1914, revised 1953

Polyconic projection. 1927 North American datum
10,000-foot grid based on California coordinate system, zone 3

CCIC# 6581 N

Waterford, CA
USGS 7.5'
(1969)



45

DEVELOPMENT STANDARDS

**GENERAL PLAN AMENDMENT APPLICATION NO. 2007-03
REZONE APPLICATION NO. 2007-03
THE FRUIT YARD**

******* All adopted Development Standards shall apply to all phases of the project unless specifically noted.***

Stanislaus County - Department of Planning & Community Development

1. The approved uses (phases) shall be conducted as described in the application and supporting information (including the plot plan/site plan) by the Stanislaus County Board of Supervisors and in accordance with other laws and ordinances.
2. If only Phase One is approved, interior roads identified as "E" Drive, "F" Way, "G" Drive and Triangle Ranch Road shall not be developed and only "A" Drive, "B" Drive, "C" Circle, and "D" Drive shall be developed for use. Triangle Ranch Road may continue to be used, and developed, for permitted agricultural purposes only. **If all phases are approved, roadway construction for all on-site roadways will be determined as necessary to provide proper circulation for each use proposed and in place prior to occupancy of each use. If all phases are approved, F Way shall be constructed as shown on the approved site plan unless both Public Works and the "fire authority" agree to a modification.**
3. ~~Before any approved use~~ **Prior to occupancy of the Banquet Facility, or expansion of the park site, interior roads identified as "A" Drive, "B" Drive, "C" Circle, and "D" Drive shall be installed as approved by Stanislaus County Public Works. The length of construction will coincide with how much of the park site is proposed for construction.**
4. If all phases of the project are approved, Triangle Ranch Road shall be shifted east to allow complete development of the road to occur on the project site. A revised site plan reflecting the shift, and in substantial compliance with the approved site plan, shall be approved by the Planning Department prior to any construction activity.
5. Agricultural uses not requiring a staff approval or a use permit pursuant to Sections 21.20.030 and 21.20.040 shall be permitted on all areas of the project site. A Use Permit to conduct activities described as Tier One and Tier Two uses under the A-2 zoning district, in effect at time of project approval, may be granted in areas of the project site which do not develop in accordance with the adopted site plan.
6. If Phase Two is approved, Use Permits for both the Tractor Sales Facility and the Fruit Packing Facility shall be approved prior to development of either use.

7. Prior to issuance of any building permit or construction of any building or structure associated with Phase Two or Phase Three, elevations shall be reviewed and approved by the Planning Director or his appointed designee. Building and structure designs shall be consistent with existing buildings and structures and with the elevations approved for Phase One.
8. An acoustical analysis shall be prepared in accordance with the Noise Element of the Stanislaus County General Plan prior to any outdoor use of amplified sound or blasting devices to insure noise levels do not exceed the maximum allowable noise levels as allowed by the Noise Element.
9. Hours of exterior construction on the site shall be limited to 7:00 a.m. to 6:00 p.m. , Monday through Saturday.
10. Roof-mounted equipment, including but not limited to air conditioners, fans, vents, antennas, and dishes shall be set back from the roof edge, placed behind a parapet wall, or in a wall, so they are not visible to motorists or pedestrians on the adjacent roads or streets. Screening for equipment shall be integrated into the building and roof design by the use of compatible materials, colors, and forms. Wood lattice and fence-like coverings shall not be used as screening materials.
11. All outside storage and mechanical equipment shall be screened from the view of any public right-of-way by a screen fence of uniform construction as approved by the Planning Director or his appointed designee. Any required water tanks for fire suppression shall be painted to blend with the surrounding landscape or screened with landscaping and shall not be used as a sign unless approved by the Planning Director or his appointed designee.
12. A plan for any proposed signs indicating the location, height, area of the sign, and message must be approved by the Planning Director or his appointed designee prior to installation.
13. All exterior trash enclosures shall be screened from public view by a minimum six-foot masonry wall constructed of materials compatible with the architecture of the development. Trash enclosures shall be placed in locations as approved by the refuse collecting agency and the Planning Director or his appointed designee. All trash bins shall be kept in trash enclosures.
14. A final landscape plan prepared in accordance with Section 21.102 of the Stanislaus County Zoning Ordinance shall be submitted prior to issuance of any building permit or approved use of the park site. Final plans shall be approved by the Planning Director or his appointed designee prior to the issuance of any building permit or approved use of the park site.
15. 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.

16. 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.
17. All businesses (current & future) 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)
18. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.

24. 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.
25. 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.

Stanislaus County - Department of Public Works

26. The developer's engineer shall prepare the Irrevocable Offer of Dedication document for Geer Road prior to the issuance of a building or grading permit or approved use of the park site. Geer Road is classified as a six-lane expressway, so the ultimate right of way is 135 feet. An Irrevocable Offer of Dedication of 67.5 feet west of the centerline of Geer Road is required. The intersection of Geer Road and Yosemite Boulevard will require a dedication of a 35-foot chord. All proposed buildings or fences will have to allow for the current ultimate right-of-way set backs, not existing.
27. The developer's engineer shall prepare the Irrevocable Offer of Dedication document for Yosemite Boulevard prior to the issuance of a building or grading permit or approved use of the park site. Yosemite Boulevard is currently classified as a two lane conventional highway. CalTran's ultimate right-of-way is 110 feet. An Irrevocable Offer of Dedication of 55 feet south of the centerline of Yosemite Boulevard is required.
28. An encroachment permit must be obtained for the off site improvements.
29. This Department shall approve all driveway locations and widths on Geer Road. The northern most driveway on Geer Road (driveway 8 on the site plan) is too close to Yosemite Boulevard per County Standards and Specifications (Section 3.17 - Commercial Approaches on Major Roads) and shall be removed **concurrent with the relocation of the gas station.** ~~prior to the issuance of any building or grading permit or approved use of the park site.~~ **At the same time,** ~~The the~~ second driveway (driveway 9) will be **converted to** a right-in/right-out only driveway, with a pork chop installed. The driveway for "F" Way (driveway 13) will be located in such a way as to account for site distances of turning trucks, topography, and nearby structures **when its construction is warranted.** This department will approve the final location.
30. The installation of the street improvements may be phased with the development on-site. In areas being developed, the road frontages will need to be installed at current right-of-way. The improvements will include, but not be limited to, curb and gutter, drainage, pavement, associated striping, and streetlights. The improvements shall be in prior to occupancy of any associated building.
31. Off-site improvement plans for the entire frontage of the parcel shall be submitted and approved prior to the issuance of any building or grading permit.

32. An Engineer's Estimates shall be provided so the amount of the financial guarantees can be determined. This will be based on the County and State approved street improvement plans. This shall be submitted prior to issuance of a building permit and once the improvement plans have been approved by the County. Please note that there should be two Engineer's Estimates. One for CalTran's right-of-way and one for Stanislaus County's right-of-way. CalTran's improvements shall include any additional work needed to the improvements in the right of way on Yosemite Boulevard.
33. Financial guarantees in a form acceptable to the Department of Public Works shall be deposited for the street improvement installation along the frontage of the parcel at both Geer Road and Yosemite Road with the Department prior to the issuance of the first building permit. The guarantees will be separated out for County and State right-of-ways.
34. Prior to final and/or occupancy of any building or approved use of the park site, streetlights per County Standards shall be installed along the developed portions of the parcel along the right-of-way Geer Road.
35. Prior to the issuance of a building or grading/drainage permit or approved use of the park site, a lighting district shall be formed to provide a funding mechanism to pay for operations and maintenance of the streetlights. The developer shall provide all necessary documentation and pay all the costs associated with the formation of the lighting district. The formation requires a ballot procedure in compliance with State Proposition 218. This formation can take approximately three to four months. Please contact Denny Ferreira at 525-7618.
36. Prior to issuance of a Grading Permit or Building Permit or approved use of the park site, whichever is done first, the developer shall pay the first year's operating and maintenance cost of the streetlights with the Department of Public Works.
37. Prior to the issuance of any building permit or approved use of the park site, a Grading and Drainage Plan shall be approved that provides sufficient information to verify all runoff will be kept from going onto adjacent properties and into the County or State 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 any new building.
38. All **on-site** roadways within the project (**A through F**) shall be built to a **minimum 24 foot width**. ~~County Standards. This includes County Standard dimensions and cross sections for the roads on-site. This~~ **The Public Works** Department shall approve the on-site roadway plans prior to construction of the roadways, **or** issuance of a building or grading permit. ~~, or approved use of the park site.~~
39. ~~Prior to the approval of the on-site roadway plans, the developer shall enter into an inspection agreement with Stanislaus County Public Works for the inspection of the on-site roadway improvements.~~
40. Prior to the approval of the site improvement plans, the developer shall file a Notice of Intention (NOI) with the California Regional Water Quality Control Board and a Waste Discharge Identification Number must be obtained and provided to the Department of Public Works.

41. No parking, loading or unloading of vehicles will be permitted within the right-of-way of Geer Road.
42. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted.
43. All employee and customer parking areas shall be paved and striped per county standards.

Stanislaus County - Building Permits Division

44. All development shall comply with the current adopted Title 24 and other Building Codes.

Stanislaus County - Department of Environmental Resources (DER)

45. Applicant must submit 3 sets of food facility construction plans to the Department of Environmental Resources for review and approval for compliance with the California Uniform Retail Food Facility Law (Section 27550).
46. Water supply for the project is defined by the State regulations as a public water system. Water system owner must submit plans for the water system construction or addition; and obtain approval from this Department of Environmental Resources (DER), prior to construction. Prior to final approval of the project, the owner must apply for and obtain a Water Supply Permit from DER. The Water Supply Permit Application must include a technical report that demonstrates compliance with State regulations and include the technical, managerial and financial capabilities of the owner to operate a public water system. The Water Supply Permit issuance is contingent upon the water system meeting construction standards, and providing water, which is of acceptable quantity and quality.
47. On-Site wastewater disposal system (OSWDS) shall be by individual Primary and Secondary wastewater treatment units, operated under conditions and guidelines by Measure X. The engineered OSWDS design shall be designed for the maximum occupancy of the buildings. The OSWDS designed system shall provide 100% expansion area.
48. 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.
49. The 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 the following:
 - A. Permits for the underground storage of hazardous substances at new or the modification of an existing tank facilities.
 - B. Requirements for registering as a handler of hazardous materials in the County.

- C. Submittal of hazardous materials Business Plan 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 DER relative to the: (1) quantities of waste generated; (2) plans for reducing wastes generated; (3) proposed waste disposal practices.
- F. Permits for the treatment of hazardous waste on-site will be required from the hazardous materials division.
- G. Medical waste generated must complete and submit a questionnaire to the department for determination if they are regulated under the Medical Waste Management Act.

Stanislaus Consolidated Fire Protection District

- 50. All proposed projects shall comply with all applicable codes, ordinances, and standards. Proposed structures in excess of 5,000 square feet shall be equipped with an automatic fire sprinkler system. Fire hydrants with an approved spacing and complying with minimum required fire flow shall be provided.
- 51. Approved fire apparatus access roads meeting fire code requirements shall also be provided. Per the 2007 California Fire Code, fire apparatus 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. The turning radius of a fire apparatus access road shall be as approved (50-foot outside, 30-foot inside). Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

Stanislaus County - Fire Prevention Bureau

- 52. The project must comply with all applicable County and State codes, ordinances, and regulations (including the demolishing and over night parking area). Fire protection water supply and access will be required at the time of building permit application. The water supply and access will be to all parts of the proposed project including the vehicle/RV storage and travel park area.
- 53. An approved fire apparatus access road shall be provided. Fire apparatus 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. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turn-around.
- 54. 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.

Modesto Irrigation District (MID)

55. Prior to development of the land **adjacent to the MID Canal**, ~~in Phase 2 or Phase 3~~ a six-foot tall masonry wall, or MID approved equal, is required adjacent to the MID Lateral No. 1 canal right-of-way at the south line of the applicant's property.
56. In conjunction with related site/road improvement requirements, existing overhead and underground electric facilities within or adjacent to the proposed development shall be protected, relocated or removed as required by the District's Electric Engineering Department. Appropriate easements for electric facilities shall be granted as required.
57. Relocation or installation of electric facilities shall conform to the District's Electric Service Rules.
58. Costs for relocation and/or under grounding the District's facilities at the request of others will be borne by the requesting party. Estimates for relocating or under grounding existing facilities will be supplied upon request.
59. A 15' easement is required adjacent to the existing 12kv overhead lines along the Geer Road street frontage. The Geer Road easement is required in order to protect the existing electrical facilities and maintain necessary safety clearances.
60. A 10' public utility easement is required along all existing street frontages.
61. The Modesto Irrigation District reserves its future right to utilize its property, including its canal and electrical easements and rights-of-way in a manner it deems necessary for the installation and maintenance of electric, irrigation, agricultural, and urban drainage, domestic water and telecommunication facilities. These needs, which have not yet been determined, may consist of poles, cross arms, wires, cables, braces, insulators, transformers, service lines, open channels, pipelines, pumps, control structures and any necessary appurtenances, as may, in the District's opinion, be necessary or desirable.
62. Existing electric service to the proposed project may not be adequate to serve any future load additions. The customer should contact the District's Electric Engineering Department to arrange for electric service to the proposed project. Additional easements may be required with development of this property.

Modesto City Schools

63. The appropriate school impact fees will be assessed on all construction.

San Joaquin Valley Air Pollution Control District (SJVAPCD)

64. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
65. Project to comply with the following rules from the SJVAPCD:
 - Regulation VIII (Fugitive PM10 Prohibitions)
 - Rule 2010 (Permits Required)
 - Rule 4002 (National Emission Standards for Hazardous Air Pollutants)

- Rule 4102 (Nuisance)
- Rule 4103 (Open Burning)
- Rule 4601 (Architectural Coatings)
- Rule 4622 (Gasoline Transfer into Motor Vehicles)
- Rule 4623 (Storage of Organic Liquids)
- Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving, & Maintenance operations)
- Rule 9510 (Indirect Source Review)

California Department of Transportation (CalTrans)

66. The functional area of the intersection of SR 132 and Geer Road will require the closure of the existing driveways closest to the intersection (numbers 6 and 8 as shown on the Study Intersection Index). While the other existing driveway (5) along SR 132 will need to be right in/right out. Spacing between driveways 4 and 5 are too close and need to be modified. Please provide an analysis with these driveway closures and modification for our review.
67. Please provide truck-turning templates for all driveways along SR 132 which will be accessed by trucks. Please identify whether or not the trucks will be STAA or California Legal in length.
68. An encroachment permit will be required for any work within the State right-of-way.

Mitigation Measures

(Pursuant to California Public Resources Codes 15074.1: Prior to deleting and substituting for a mitigation measures, the lead agency shall do both of the following:
1) Hold a public hearing to consider the project; and
2) Adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.)

69. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include but not be limited to: the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).
70. 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.
71. In accordance with the Noise Element of the Stanislaus County General Plan, noise levels associated with all on-site activities shall not exceed the maximum allowable noise levels as allowed by the Noise Element. The property owner shall be responsible for verifying compliance and for any costs associated with verification. *

72. Geer Road is classified as a six-lane expressway, so the ultimate right-of-way is 135 feet. An Irrevocable Offer of Dedication of 67.5 feet west of the centerline of Geer Road is required. The intersection of Geer Road and Yosemite Boulevard will require a dedication of a 35-foot chord. The developer's engineer shall prepare the Irrevocable Offer of Dedication document prior to the issuance of a building permit. All proposed buildings or fences will have to allow for the current ultimate right-of-way set backs, not existing.
73. Yosemite Boulevard is currently classified as a two lane conventional highway. CalTran's ultimate right-of-way is 110 feet. An Irrevocable Offer of Dedication of 55 feet south of the centerline of Yosemite Boulevard is required. The developer's engineer shall prepare the Irrevocable Offer of Dedication document prior to the issuance of a building permit or grading permit.

*** This Mitigation Measure has been modified from that which was circulated in the Initial Study (as discussed in the Staff Report / Recommendation)**

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

(I:\Staffrpt\GPA\2007\GPA 2007-03 - The Fruit Yard\Staff Report.wpd, and deleted)

DEVELOPMENT SCHEDULE

**GENERAL PLAN AMENDMENT APPLICATION NO. 2007-03
REZONE APPLICATION NO. 2007-03
THE FRUIT YARD**

- Phase 1. Construction of the Banquet Building/Facility, upgrades to park area, corresponding landscaping, and On-Site Parking to be completed 1 to 3 years from the date of approval.
- Phase 2. Mini-Storage with Boat & RV storage, RV Park, Tractor Sales Facility, and the Fruit Packing Facility to be completed 2 to 5 years from the date of approval.
- Phase 3. Gas Station Relocation, Card Lock (Gas Station) Relocation, and Retail Buildings to be completed 3 to 7 years from the date of approval.

(I:\Staff\GPA\2007\GPA 2007-03 - The Fruit Yard\Staff Report.wpd)



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. 2007-03 & Rezone Application No. 2007-03 - The Fruit Yard
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Joshua Mann, Associate Planner
(209) 525-6330
4. **Project location:** 7948 Yosemite Blvd / Hwy 132, Modesto / Waterford Area. (APN: 009-027-004)
5. **Project sponsor's name and address:** The Fruit Yard - Joe Traina
7948 Yosemite Blvd
Modesto, CA 95356
6. **General plan designation:** Agriculture
7. **Zoning:** A-2-40 (General Agriculture)
8. **Description of project:**

This is a request to authorize a development plan for The Fruit Yard to facilitate the development of a 9,000 square foot banquet facility, relocation of the existing gas station and convenience market, relocation of the existing "card lock" fueling facility, and construction of a 3,000 square foot retail shell building which includes a drive through establishment of unknown type. The applicant/property owner has also requested authorization for a 322 space vehicle/RV storage (both covered and uncovered spaces) and a 66 space travel trailer park for short term (overnight) stays and a 2.0 acre site for retail tractor (large agricultural equipment) sales. Finally, the request includes a new facility for fruit packing and warehousing, although these uses are consistent with the current zoning of the property. All substantially modified or new uses will include on-site vehicle parking, landscaping, and other accessory uses. As part of the applicant's statement, occasional outdoor special events are held on site, near the 9 acre park area, including fund raising activities to private parties. Thirty nine (39) acres of the 45 acre site are planted in a variety of stone fruit (cherries, peaches, apricots, and nectarines). Please see the attachments for a more detailed project description and phasing timeframe.
9. **Surrounding land uses and setting:** North: church, fire station, agriculture - East: PD for Agricultural Businesses - South: agriculture, mobile home park - West: agriculture
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Public Works Department
Department of Environmental Resources
Stanislaus Fire Prevention Bureau
San Joaquin Valley Air Pollution Control District

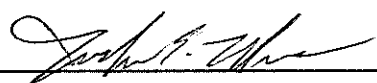
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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

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

Signature 

May 20, 2008
 Date

Joshua Mann
 Printed name

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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

ISSUES

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
<p>Discussion: The site is located at the southwest corner of Geer Road and Yosemite Blvd (Hwy 132). The applicant has submitted extensive landscaping plans and building elevations for the first phase of construction to ensure that visual character and quality of the site will be improved. The future phases will be conditioned so that they are consistent with the existing architectural character of the site as a whole, at the time of construction. These future phases would be reviewed by the Planning Department and if necessary, the Planning Commission to determine consistency. In addition, the applicant has submitted plans showing four monument type signs for the project. It is anticipated to have additional signs as each phase is completed. A Condition of Approval will be added to the project to require that any new outdoor lighting be aimed downward in order to address glare to surrounding areas.</p>				
<p>Mitigation:</p> <p>1. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include but not be limited to: the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).</p>				
<p>References: Stanislaus County General Plan¹, Stanislaus County Zoning Ordinance, County policies, and staff experience.</p>				
II. AGRICULTURE RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	

<p>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?</p>			<p>X</p>	
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Discussion: The project site is classified as Farmland of Statewide Importance, Farmland of Local Importance, and Prime Farmland by the Farmland Mapping and Monitoring Program. The site is currently zoned as A-2-40 (General Agriculture) and currently has various commercial type uses, established under the previous zoning designation of A-1 (Unclassified), which allowed virtually any type of use. The Stanislaus County General Plan designation is for Agriculture. Most of the parcels directly surrounding the site are agricultural type uses, but there are commercial type uses to the north of the project site. The County has a Right-to-Farm Ordinance in place to protect the agricultural users in the area from unjust nuisance complaints.

Mitigation: None.

References: Stanislaus County General Plan¹, Stanislaus County Zoning Ordinance, California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2004.

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:

<p>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:</p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant With Mitigation Included</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
<p>a) Conflict with or obstruct implementation of the applicable air quality plan?</p>				<p>X</p>
<p>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</p>				<p>X</p>
<p>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</p>			<p>X</p>	
<p>d) Expose sensitive receptors to substantial pollutant concentrations?</p>				<p>X</p>
<p>e) Create objectionable odors affecting a substantial number of people?</p>				<p>X</p>

Discussion: The project site is within the San Joaquin Valley Air Basin, which has been classified as "non-attainment" for ozone and respirable particulate matter (PM-10 and PM-2.5) as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. As such, the District maintains permit authority over stationary sources of pollutants.

Any pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions standards for vehicles, and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the SJVAPCD has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the basin. The project will be subject to compliance with all applicable district rules including, but not limited to fugitive PM-10 prohibitions, nuisance, and architectural coatings, and cutback, and slow cure and emulsified asphalt. This project was referred to the SJVAPCD for early comments. No response was received from the SJVAPCD addressing any future activities on the site that could contribute to the overall decline in air quality. Nevertheless, Staff will place Conditions of Approval on the project to insure compliance with the District's rules and regulations.

Mitigation: None.

References: SJVAPCD Rules and Regulations and the 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: There is no evidence to suggest this project would result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. There are no known sensitive or protected species or natural communities located on the site and/or in the surrounding area.				
Mitigation: None.				
References: California Natural Diversity Database and the Stanislaus County General Plan and Support Documentation ¹ .				
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
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Discussion: On March 1, 2005, the State of California established procedures for consultation between local governments and tribal governments on local General Plan Amendment land use decisions. As part of this project, the local area tribes were sent a referral and an invitation to consult with the applicants and Stanislaus County. To date, no contact has been made by any of the local tribes. Cultural resources are not known to exist on the project site. However, a standardized mitigation measure has been added to this project to address any discovery of cultural resources during the construction phases.

Mitigation:
 2. 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.

References: Stanislaus County General Plan and Support Documentation¹.



VI. GEOLOGY AND SOILS – Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

Discussion: As contained in Chapter 5 of the General Plan Support Document¹, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5. Any structures resulting from this project shall be built according to building standards appropriate to withstand shaking for the area in which they are constructed. The Stanislaus County Department of Public Works is requiring a grading and drainage plan be submitted which will be placed as a Conditions of Approval.

Mitigation: None.

References: Referral response from the Stanislaus County Public Works Department dated March 18, 2008, Stanislaus County General Plan and Support Documentation¹, California Department of Conservation, and the Uniform Building Code.

VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X	
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

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

Mitigation: None.

References: County Policies, Stanislaus County General Plan and Support Documentation¹.

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

Discussion: On-site areas subject to flooding have not been identified in accordance with the Federal Emergency Management Act and/or county designated flood areas. By virtue of paving for the building pads, parking, and driveway, the current absorption patterns of water placed upon this property will be altered. A Condition of Approval requiring a Grading and Drainage Plan will be included as part of this project as required by the Public Works Department. The drainage plan, wastewater treatment and disposal system will be subject to Waste Discharge Requirements (WDRs) as adopted by the Regional Water Quality Control Board. This project has been referred to the Regional Water Quality Control Board, but to date no comments have been received.

Mitigation: None.

References: Referral response from the Stanislaus County Public Works Department dated March 18, 2008, Stanislaus County General Plan and Support Documentation¹.

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
<p>Discussion: The project site is zoned A-2-40 (General Agriculture) and the General Plan is Agriculture. The project, if approved, would reclassify these designations as Planned Development. The proposed project will not conflict with any applicable habitat conservation plan or natural community conservation plan and will not physically divide an established community.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
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
<p>Discussion: The locations of all commercially viable mineral resources in Stanislaus County have been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources in or around the project area.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹, State Division of Mines and Geology Special Report 173.</p>				
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 site itself is impacted by the noise generated from existing agricultural uses and other nearby commercial type uses. The Stanislaus County General Plan¹ identifies noise levels up to 75 dB L_{dn} (or CNEL) as the normally acceptable level of noise for industrial, manufacturing, utility, and agricultural uses. On-site grading and construction resulting from this project may result in a temporary increase in the area's ambient noise levels. However, noise impacts associated with on-site activities and special events have the potential to exceed the normally acceptable levels of noise. Many of the on-site events include the use of amplified music, which if operated in a respectful manner, could be under the threshold established by the General Plan. Although the applicant would not be restricted on the number of events held at the location, many of the events are seasonal in nature and the applicant currently holds between 5-6 annual events. A mitigation measure has been included in order to ensure that any noise created by such events does not exceed the 75 dB L_{dn} (or CNEL) level. The site is not located within an airport land use plan.

Mitigation:
 3. In accordance with the Noise Element of the County General Plan, noise levels associated with outdoor and indoor events shall not exceed the established threshold of 75 dB L_{dn} (or CNEL).

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

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.



XIII. PUBLIC SERVICES:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<p>a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</p>				
<p>Fire protection?</p>			X	
<p>Police protection?</p>			X	
<p>Schools?</p>				X
<p>Parks?</p>				X
<p>Other public facilities?</p>			X	
<p>Discussion: The County has adopted Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance. Conditions of Approval will be added to this project to insure the proposed development complies with all applicable fire department standards with respect to access and water for fire protection. The types of Conditions of Approval will be for adequate turning around for a fire apparatus and on-site water supply for fire suppression may also be needed. The applicant will construct all buildings in accordance with the current adopted building and fire codes.</p>				
<p>Mitigation: None.</p>				
<p>References: Application Information, 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
<p>a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</p>				X
<p>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</p>			X	
<p>Discussion: The proposed project is not anticipated to significantly increase demand on recreational facilities. The proposal does include a slight modification to the existing sight to add an area that could be referred to as a "park." The applicant currently holds a limited number of special events at the "park" site that are authorized under a permit issued by the Sheriff's Department in accordance with Stanislaus County Code - Section 6.40. If this project is approved, the "park" site would be open to the general public during normal business hours and would host special events, without the need of obtaining the above Sheriff's Department permit.</p>				
<p>Mitigation: None.</p>				
<p>References: 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

Discussion: This project was referred to the Stanislaus County Public Works Department and the California Department of Transportation (CalTrans) as part of an early consultation review. In an initial response, the Department of Public Works requested that a Traffic Impact Analysis be completed to identify any possible impacts caused by this project.

The applicant hired KD Anderson & Associates to complete this task. The existing traffic level of the Yosemite Blvd (Hwy 132) / Geer Road intersection currently operates at LOS C or better. Signalization of this intersection was completed by CalTrans in August of 2007. With signalization and the proposed project in place, the intersection would continue to operate at LOS C, which is acceptable under Caltrans and Stanislaus County. The analysis looked at the road impacts to Geer Road and Yosemite Blvd (Hwy 132) for each of the three phases of construction. Phases 1-3 showed both of these roads will continue to operate at or below the acceptable LOS with the proposed mitigation measures in place.

After reviewing the Traffic Analysis, the Department of Public Works determined that their Conditions of Approval/Development Standards would adequately address any traffic related impacts associated with this project. Therefore, the mitigation measures that are listed in the KD Anderson Traffic Study, in relation to the road widening, have not been added. The Department of Public Works believes that the Conditions of Approval/Development Standards that they have proposed, will enable both Geer Road and Yosemite Blvd to be below the LOS threshold established in the Circulation Element of the Stanislaus County General Plan. Several Conditions of Approval/Development Standards have been placed as mitigation measures to insure that all impacts, related to the LOS thresholds / road widening, have been properly addressed.

This project is located on State Highway 132 (Yosemite Blvd) and as such, CalTrans is responsible for issuance of encroachment permits for any access/driveways located along Hwy 132. The comments address issues that will be addressed at the time of construction. The comments from this response from CalTrans will be incorporated as part of the Conditions of Approval/Development Standards.

Mitigation:

4. Geer Road is classified as a six-lane expressway, so the ultimate right-of-way is 135 feet. An Irrevocable Offer of Dedication of 67.5 feet west of the centerline of Geer Road is required. The intersection of Geer Road and Yosemite Boulevard will require a dedication of a 35-foot chord. The developer's engineer shall prepare the Irrevocable Offer of Dedication document prior to the issuance of a building permit. All proposed buildings or fences will have to allow for the current ultimate right-of-way set backs, not existing.
5. Yosemite Boulevard is currently classified as a two lane conventional highway. CalTran's ultimate right-of-way is 110 feet. An Irrevocable Offer of Dedication of 55 feet south of the centerline of Yosemite Boulevard is required. The developer's engineer shall prepare the Irrevocable Offer of Dedication document prior to the issuance of a building permit or grading permit.

References: Referral response from the Stanislaus County Public Works Department dated March 18, 2008, referral response from CalTrans dated March 5, 2008, Stanislaus County General Plan and Support Documentation¹.

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

Discussion: Limitations on providing services have not been identified. Conditions of Approval will be added to the project to address necessary permits from the County Department of Environmental Resources. On-site services will be provided by an approved septic system and water well as determined by the Department of Environmental Resources.

Mitigation: None.

References: Application Information, referral response from the Department of Environmental Resources dated February 20, 2008, Stanislaus County General Plan and Support Documentation¹.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X
<p>Discussion: Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or adjacent areas.</p>				

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.

Stanislaus County

Planning and Community Development

1010 10th Street, Suite 3400
Modesto, CA 95354

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

Mitigation Monitoring Plan

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

May 20, 2008

1. **Project title and location:** General Plan Amendment Application No. 2007-03 & Rezone Application No. 2007-03 - The Fruit Yard
2. **Project Applicant name and address:** The Fruit Yard - Joe Traina
7948 Yosemite Blvd
Modesto, CA 95356
3. **Person Responsible for Implementing Mitigation Program:** Joe Traina
4. **Contact person at County:** Joshua Mann, Associate Planner
(209) 525-6330

MITIGATION MEASURES AND MONITORING PROGRAM:

List all Mitigation Measures by topic as identified in the Mitigated Negative Declaration and complete the form for each measure.

I. AESTHETICS

- No. 1 Mitigation Measure: All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include but not be limited to: the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).

Who Implements the Measure:	Applicant/Developer
When should the measure be implemented:	Ongoing
When should it be completed:	Ongoing
Who verifies compliance:	Stanislaus County Department of Planning and Community Development
Other Responsible Agencies:	None

V. CULTURAL RESOURCES

- No. 2 Mitigation Measure: 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.

Who Implements the Measure: Applicant/Developer
When should the measure be implemented: At any time construction takes place
When should it be completed: Upon completion of construction
Who verifies compliance: Stanislaus County Department of Planning and Community Development
Other Responsible Agencies: Native American Heritage Commission

XI. NOISE

No. 3 Mitigation Measure: In accordance with the Noise Element of the County General Plan, noise levels associated with outdoor and indoor events shall not exceed the established threshold of 75 dB L_{dn} (or CNEL).

Who Implements the Measure: Applicant/Developer
When should the measure be implemented: Ongoing
When should it be completed: Ongoing
Who verifies compliance: Stanislaus County Department of Planning and Community Development
Other Responsible Agencies: Stanislaus County Department of Environmental Resources and Stanislaus County Sheriff

XV. TRANSPORTATION/TRAFFIC

No. 4 Mitigation Measure: Geer Road is classified as a six-lane expressway, so the ultimate right-of-way is 135 feet. An Irrevocable Offer of Dedication of 67.5 feet west of the centerline of Geer Road is required. The intersection of Geer Road and Yosemite Boulevard will require a dedication of a 35-foot chord. The developer's engineer shall prepare the Irrevocable Offer of Dedication document prior to the issuance of a building permit. All proposed buildings or fences will have to allow for the current ultimate right-of-way set backs, not existing.

Who Implements the Measure: Applicant/Developer
When should the measure be implemented: As part of or prior to any construction
When should it be completed: Upon completion of construction
Who verifies compliance: Stanislaus County Public Works Department
Other Responsible Agencies: Stanislaus County Department of Planning and Community Development, Department of Transportation (CalTrans)

No. 5 Mitigation Measure: Yosemite Boulevard is currently classified as a two lane conventional highway. CalTran's ultimate right-of-way is 110 feet. An Irrevocable Offer of Dedication of 55 feet south of the centerline of Yosemite Boulevard is required. The developer's engineer shall prepare the Irrevocable Offer of Dedication document prior to the issuance of a building permit or grading permit.

Who Implements the Measure:	Applicant/Developer
When should the measure be implemented:	As part of or prior to any construction
When should it be completed:	Upon completion of construction
Who verifies compliance:	Stanislaus County Public Works Department
Other Responsible Agencies:	Stanislaus County Department of Planning and Community Development, Department of Transportation (CalTrans)

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

Signature On File
Person Responsible for Implementing
Mitigation Program

May 22, 2008
Date

MITIGATED NEGATIVE DECLARATION

NAME OF PROJECT: General Plan Amendment Application No. 2007-03 & Rezone Application No. 2007-03 - The Fruit Yard

LOCATION OF PROJECT: 7948 Yosemite Blvd / Hwy 132, Modesto / Waterford Area. (APN: 009-027-004)

PROJECT DEVELOPER: The Fruit Yard - Joe Traina

DESCRIPTION OF PROJECT: This is a request to authorize a development plan for The Fruit Yard to facilitate the development of a 9,000 square foot banquet facility, relocation of the existing gas station and convenience market, relocation of the existing "card lock" fueling facility, and construction of a 3,000 square foot retail shell building which includes a drive through establishment of unknown type. The applicant/property owner has also requested authorization for a 322 space vehicle/RV storage (both covered and uncovered spaces) and a 66 space travel trailer park for short term (overnight) stays and a 2.0 acre site for retail tractor (large agricultural equipment) sales. Finally, the request includes a new facility for fruit packing and warehousing, although these uses are consistent with the current zoning of the property. All substantially modified or new uses will include on-site vehicle parking, landscaping, and other accessory uses. As part of the applicant's statement, occasional outdoor special events are held on site, near the 9 acre park area, including fund raising activities to private parties. Thirty nine (39) acres of the 45 acre site are planted in a variety of stone fruit (cherries, peaches, apricots, and nectarines). Please see the attachments for a more detailed project description and phasing timeframe.

Based upon the Initial Study, dated **May 20, 2008** the County Planning Department finds as follows:

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

The aforementioned findings are contingent upon the following mitigation measures which shall be incorporated into this project:

1. *All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include but not be limited to: the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).*
2. *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.*
3. *In accordance with the Noise Element of the County General Plan, noise levels associated with outdoor and indoor events shall not exceed the established threshold of 75 dB L_{dn} (or CNEL).*
4. *Geer Road is classified as a six-lane expressway, so the ultimate right-of-way is 135 feet. An Irrevocable Offer of Dedication of 67.5 feet west of the centerline of Geer Road is required. The intersection of Geer Road and Yosemite Boulevard will require a dedication of a 35-foot chord. The developer's engineer shall prepare the Irrevocable Offer of Dedication document prior to the issuance of a building permit. All proposed buildings or fences will have to allow for the current ultimate right-of-way set backs, not existing.*

5. *Yosemite Boulevard is currently classified as a two lane conventional highway. CalTran's ultimate right-of-way is 110 feet. An Irrevocable Offer of Dedication of 55 feet south of the centerline of Yosemite Boulevard is required. The developer's engineer shall prepare the Irrevocable Offer of Dedication document prior to the issuance of a building permit or grading permit.*

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: Joshua Mann, Associate Planner

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

TRAFFIC IMPACT ANALYSIS

FOR

THE FRUIT YARD
Stanislaus County, CA

Prepared For:

The Fruit Yard
7948 Yosemite Blvd
Modesto, CA

Prepared By:

KD Anderson & Associates, Inc.
3853 Taylor Road, Suite G
Loomis, California 95650
(916) 660-1555

December 6, 2007

3408-01

Fruit Yard.rpt

**THE FRUIT YARD
TRAFFIC IMPACT ANALYSIS**

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December 6, 2007

KDA

THE FRUIT YARD TRAFFIC IMPACT ANALYSIS

EXECUTIVE SUMMARY

- **Project Description.** This study evaluates the traffic impacts for the proposed expansion of the Fruit Yard property, a 45± acre site located in the southwest quadrant of Yosemite Blvd (State Route 132) and Geer Road in Stanislaus County, east of Modesto.

The proposed project will amend the zoning from Agriculture to Planned Development for the entire 45 acre site. The proposed development plan includes the existing facilities and the following new facilities:

- Construction of new banquet facilities west of the existing restaurant;
- relocation of the existing service station from north of the produce market to south of the produce market along Geer Road;
- relocation of the existing gas card-lock fueling facility;
- addition of retail space at the site of the existing service station;
- addition of a storage facility for RV's and boats;
- addition of overnight RV campground;
- construction of a fruit packing / warehousing facility; and
- a tractor sales showroom

The project will be divided into three phases. Phase I will include construction of banquet facilities. Phase Two will add the RV campground and the RV / Boat storage facility while Phase Three will relocate the existing gas station and card lock facility while adding the tractor sales facility, the fruit packing / warehousing facility and the new retail space at the old gas station site. A new park site, covering about 14 acres will be developed throughout the three phases.

- **Existing Setting.** The project is in Stanislaus County, east of Modesto along Yosemite Blvd (SR 132). The project is located in the southwest quadrant of the Yosemite Blvd (SR 132) / Geer Road intersection. Existing primary access to the site is via two driveways adjacent to the Yosemite Blvd / Geer Road intersection.

The site currently houses a gasoline service station with 6 pumps, a restaurant, a produce market and a card-lock fueling facility. This current development covers 6 acres with the remaining acreage consisting of open land and fruit trees. The existing restaurant provides banquet facilities and meeting rooms for various clubs and groups; in addition, some weddings take place annually, although, these are not identified as permissible under the current zoning.

The existing study intersections all operate at LOS C or better. Geer Road currently operates below the County LOS threshold, at LOS E. The County's General Plan identifies Geer Road as a Class C 6-lane expressway. Widening of Geer Road would result in LOS B or better conditions.

- **Existing Plus Project Specific Impacts.** The project is proposed to be constructed in three phases. The first phase will construct the banquet facility. Phase 2 will develop the RV Park and the RV / boat storage facility in the southeast side of the site. Phase 3 will complete the project by constructing a fruit packing / warehouse, providing a tractor sales showroom, relocation of the gas station to the existing gas card-lock facility, relocation of the card-lock facility and development of a small specialty retail store at the existing gas station location.

Phase 1. Under Phase 1 conditions all intersections will operate above LOS thresholds. Geer Road will continue to operate below LOS C conditions. Widening Geer Road is part of the County's Traffic Impact Fee program; therefore, no additional mitigation is required.

The project should contribute its fair share to the cost of regional circulation system improvements through the existing Stanislaus County traffic mitigation fee program.

Yosemite Blvd (SR 132) should be widened to its ultimate width along the project frontage of Phase 1. This would include two through lanes, one half of a continuous left turn lane and shoulder per Caltrans standards.

No other mitigations are necessary.

Phase 1 + Phase 2. All of the proposed intersections will continue to operate within County and Caltrans LOS thresholds. Geer Road will continue to operate below LOS C conditions.

Phase 2 of the project should contribute its fair share to the cost of regional circulation system improvements through the existing Stanislaus County traffic mitigation fee program.

Geer Road should be widened to its ultimate half-width along the project frontage. The limits of widening would extend from the Yosemite Blvd (SR 132) intersection south of the project limits to D Drive. This would include three through lanes and half a median. The full median, once completed, should provide breaks to allow inbound left turns at the various driveways. Full access should be provided at D Drive. Geer Road will continue to operate below LOS C conditions. Widening Geer Road is part of the County's Traffic Impact Fee program; therefore, no other mitigation is required.

Phase 1 + Phase 2 + Phase 3. All of the proposed intersections will continue to operate within County and Caltrans LOS thresholds. Geer Road will continue to operate below LOS C conditions.

Phase 3 of the project should contribute its fair share to the cost of regional circulation system improvements through the existing Stanislaus County traffic mitigation fee program.

Yosemite Blvd (SR 132) should be widened to its ultimate width along the project frontage of Phase 3. This would include two through lanes, one half of a continuous left turn lane and shoulder per Caltrans standards.

Geer Road should be widened to its ultimate half-width along the project frontage from D Drive to the south project limit, at MID Lateral No. 1. This would include three through lanes and half a median. The full median, once completed, should provide breaks to allow inbound left turns at the various driveways. Full access should be provided at F Way. Geer Road will continue to operate below LOS C conditions. Widening Geer Road is part of the County's Traffic Impact Fee program; therefore, no other mitigation is required.

- **2012 Setting.** Growth is expected to occur along both Yosemite Blvd (SR 132) and Geer Road. Each of the study intersections will operate at acceptable levels of service. No recommendations are necessary.

Yosemite Blvd (SR 132) will decline to LOS E conditions. Widening Yosemite Blvd (SR 132) is identified as part of the County's Traffic Impact Fee program.

- **2012 plus Project Specific Impacts.** Each of the study intersections will operate at acceptable levels of service. No mitigations are necessary.

Yosemite Blvd (SR 132) will continue to operate at LOS E conditions. Widening Yosemite Blvd (SR 132) is identified as part of the County's Traffic Impact Fee program. The project should pay its fair share of Traffic Impact Fees; therefore, no other mitigation is required.

Geer Road will continue to operate below the County LOS threshold level. No additional mitigations are necessary as TIF fees have already been identified in the Existing scenario.

- **2030 Setting.** Each of the study intersections will operate at acceptable levels of service except the Geer Road / Fruityard access. This intersection is adjacent to the Yosemite Blvd / Geer Road intersection. Left turn access in and out of the driveway would need to be eliminated in order to improve the level of service at the intersection. This will result in LOS A conditions at the intersection. No other recommendations are necessary.

Geer Road is projected to operate at LOS D conditions in 2030. To operate within County thresholds the County would have to adopt an LOS D threshold for six lane Type C Expressways.

- **2030 plus Project Specific Impacts.** Each of the study intersections except the Geer Road / D Drive intersection will operate at acceptable levels of service. The Geer Drive / D Drive

intersection will operate at LOS E in the a.m. peak hour and LOS D in the p.m. and Saturday peak hours. A traffic signal warrant analysis was conducted at each intersection where full access is proposed along both Yosemite Blvd (SR 132) and Geer Road. The analysis showed that no signal warrants are met for any of the study intersections; therefore, no significant impact exists at D Drive as an unwarranted signal may cause additional and unnecessary delays to traffic along Geer Road.

Geer Road is projected to continue to operate at LOS D conditions in 2030. To operate within County thresholds the County would have to adopt an LOS D threshold for six lane Type C Expressways.

No additional mitigations are necessary.

THE FRUIT YARD TRAFFIC IMPACT ANALYSIS

STUDY PURPOSE AND OBJECTIVES

This study evaluates the traffic impact for the proposed expansion of the Fruit Yard property, a 45± acre site located in the southwest quadrant of Yosemite Blvd (State Route 132) and Geer Road in Stanislaus County, east of Modesto. The site currently houses a gasoline service station with 6 pumps, a restaurant, a produce market and a card-lock fueling facility. This current development covers 6 acres with the remaining acreage consisting of open land and fruit trees. The existing restaurant provides banquet facilities and meeting rooms for various clubs and groups; in addition, some weddings take place annually, although, these are not identified as permissible under the current zoning.

The proposed project will amend the zoning from Agriculture to Planned Development for the entire 45 acre site. The proposed development plan includes the existing facilities and the following new facilities:

- additional banquet facilities west of the existing restaurant;
- relocation of the existing service station from north of the produce market to south of the produce market along Geer Road;
- relocation of the card-lock fueling facility;
- addition of retail space at the site of the existing service station;
- addition of a storage facility for RV's and boats;
- a small overnight RV campground;
- a fruit packing / warehousing facility; and
- a tractor sales facility

The project will be divided into three phases. Phase 1 will include construction of banquet facilities. Phase Two will add the RV campground and the RV / Boat storage facility while Phase Three will relocate the existing gas station and card lock facility while adding the tractor sales facility, the fruit packing / warehousing facility and the new retail space at the old gas station site. A new park site, covering about 14 acres will be developed throughout the three phases.

Study parameters are consistent with Stanislaus County and California Department of Transportation (Caltrans) guidelines.

This study addresses the following scenarios:

1. Existing Traffic Conditions;
2. Existing Plus Phase 1;
3. Existing Plus Phase 1 + Phase 2;
4. Existing Plus Phase 1 + Phase 2 + Phase 3;
5. Short Term 2012 Traffic Conditions
6. Short Term 2012 + Full Build-out of the Fruit Yard;
7. Cumulative Traffic Conditions (year 2030) with current General Plan conditions
8. Cumulative Traffic Conditions with General Plan Amendment and Full Buildout of the Fruit Yard

The objective of this study is to identify those roads and street intersections that may be impacted by development of this project and to suggest strategies for mitigating the impacts of this project.

PROJECT DESCRIPTION

This study evaluates the traffic impact for the proposed expansion of the Fruit Yard property, a 45± acre site located in the southwest quadrant of Yosemite Blvd (State Route 132) and Geer Road in Stanislaus County, east of Modesto. The site currently houses a gasoline service station with 6 pumps, a restaurant, a produce market and a card-lock fueling facility. This current development covers 6 acres with the remaining acreage consisting of open land and fruit trees. The existing restaurant provides banquet facilities and meeting rooms for various clubs and groups; in addition, some weddings take place annually, although, these are not identified as permissible under the current zoning.

The proposed project will amend the zoning from Agriculture to Planned Development for the entire 45 acre site. The proposed development plan includes the existing facilities and the following new facilities:

- additional banquet facilities west of the existing restaurant;
- relocation of the existing service station from north of the produce market to south of the produce market along Geer Road;
- relocation of the card-lock fueling facility;
- addition of retail space at the site of the existing service station;
- addition of a storage facility for RV's and boats;
- a small overnight RV campground;
- a fruit packing / warehousing facility; and
- a tractor sales facility

The project will be divided into three phases. Phase 1 will include construction of banquet facilities. Phase Two will add the RV campground and the RV / Boat storage facility while Phase Three will relocate the existing gas station and card lock facility while adding the tractor sales facility, the fruit packing / warehousing facility and the new retail space at the old gas station site. A new park site, covering about 14 acres will be developed throughout the three phases. The remaining 12.74 acres will remain agricultural.

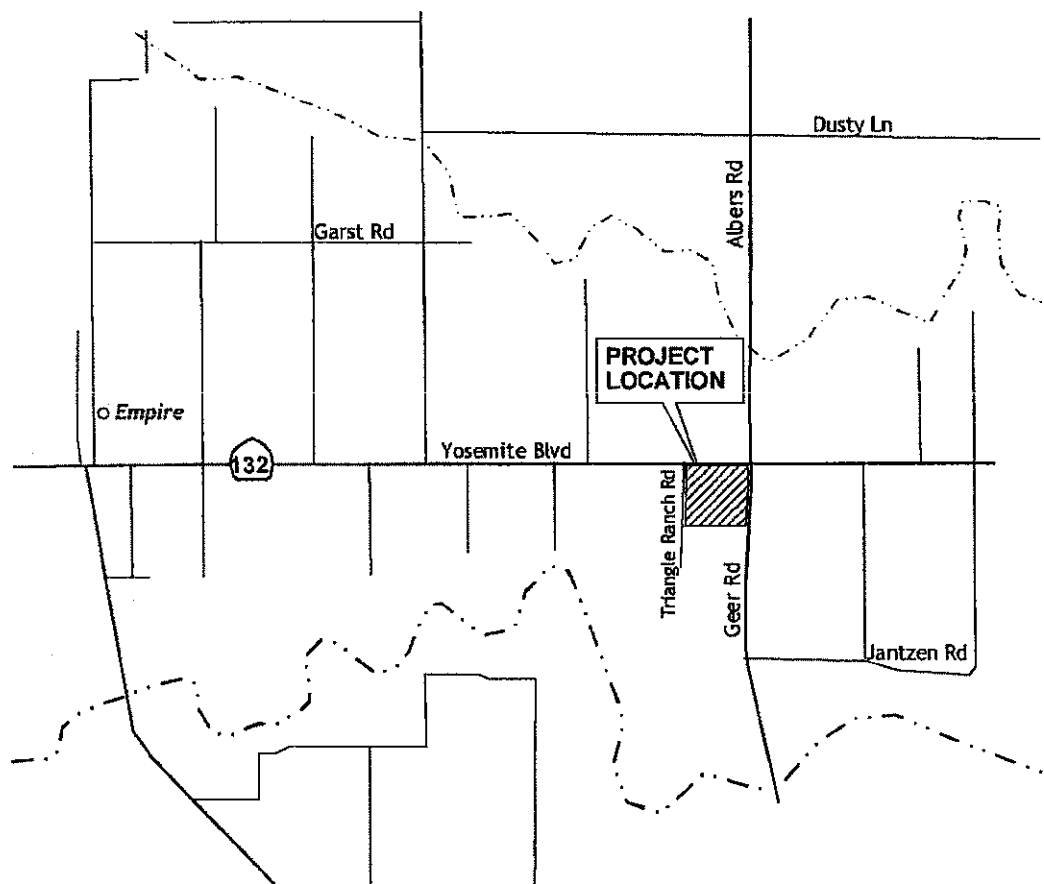
Phase One will maintain the existing land uses. A 9,000 square foot banquet facility will be added along the Yosemite Blvd frontage, west of the existing restaurant.

Phase Two will include addition of a 4.2-acre RV Park and a 6.67 acre RV / Boat storage facility. The RV park will accommodate 66 overnight campgrounds while the storage facility will accommodate up to 322 spaces for RV / boat storage.

Phase Three will relocate the existing 6-pump gas station to south of the fruit stand. The card lock facility will also be moved, to a location along the west side of the property, adjacent to Yosemite Blvd (SR 132). New land uses will include a 2.67-acre fresh fruit packing and warehouse facility and a 2-acre tractor sales facility. The fruit packing and warehouse is proposed to have a 35,000 square foot facility while the tractor sales facility will have a 10,000 square foot showroom. A

4,100 square foot retail shop is proposed at the former gas station location with drive-through capability.

Figure 1 locates the project within Stanislaus County. Figure 2 provides the conceptual phasing plan for the project site.

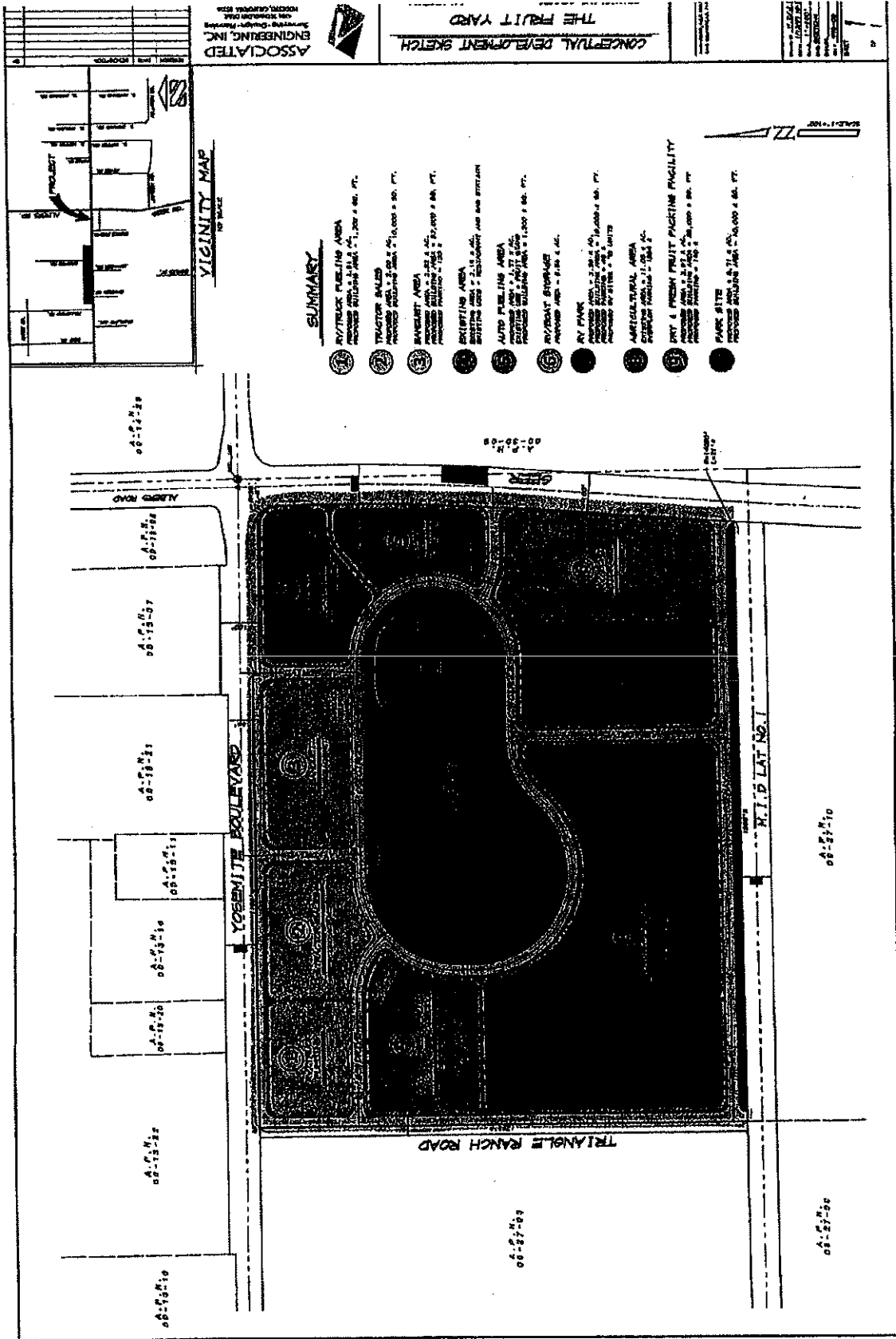


KD Anderson & Associates, Inc.
 Transportation Engineers

VICINITY MAP

3408-01 REV 1.VSD 12/3/2007

figure 1



SITE PLAN

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 Transportation Engineers
 3408-01 REV 1, VSD 12/3/2007

figure 2

EXISTING SETTING

Study Area

This study addresses traffic conditions on Yosemite Blvd and Geer Road that will be used to access the site. The limits of the study area were identified through discussions with Stanislaus County Planning staff and Caltrans Metropolitan Planning staff. The text that follows describes the facilities included in this analysis.

Yosemite Blvd (SR 132) is an east-west principal arterial providing circulation through central Stanislaus County. SR 132 begins at an intersection on I-580 in western San Joaquin County and extends east for twenty miles to Modesto. Yosemite Blvd originates in Modesto at an intersection with D Street in downtown Modesto and continues easterly through the Modesto's south industrial area to the community of Empire before continuing for about eight miles to the City of Waterford. SR 132 then continues to the community of Coulterville in Mariposa County.

Today SR 132 is generally a two lane road with an ultimate plan for a 5 lane conventional highway with continuous left turn lane. SR 132 has four lanes in eastern Modesto, but is a two-lane road through Empire and most of Waterford. The roadway has been widened at the project site and includes left turn lanes, a through lane and a through-right lane along SR 132. Lane drops are present eastbound about 520 east of the intersection and about 400 to the west for westbound traffic.

The volume of traffic on Yosemite Blvd varies by location. Current Traffic counts summarized by Caltrans reveal that Yosemite Blvd (SR 132) carries an *Average Daily Traffic (ADT)* volume of about 8,300 vehicles per day (vpd) west of Geer Road – Albers Road and 10,600 vpd east of the intersection (year 2006).

Geer Road – Albers Road. Geer Road – Albers Road, also referred to as County Road J14, is generally a two-lane roadway that begins in Oakdale as Yosemite Avenue. Just outside of Oakdale the road name changes to Albers Road. At the Yosemite Blvd (SR 132) intersection the road name changes to Geer Road south and continues as Geer Road to Turlock. Geer Road / Albers Road has also been widened at the Yosemite Blvd intersection and includes a left turn lane, two through lanes and a right turn lane along northbound Geer Road while Albers Road consists of a left turn lane, a through lane and a through-right lane. Lane drops are present northbound about 300' north of the intersection and about 500' to the south for southbound traffic.

Daily volumes along Geer Road – Albers Road were based on the peak hour volumes and adjusted by the 9.4% peak hour factor along Yosemite Blvd. The projected daily volume on Albers Road is 9,780 vpd while the projected ADT along Geer Road is 10,830 vpd.

Study Area Intersections

The quality of traffic flow is often governed by the operation of major intersections. Intersections selected for evaluation in consultation with Stanislaus County and Caltrans staff include:

1. Yosemite Blvd (SR 132) / Triangle Ranch Road (NB stop)
2. Yosemite Blvd (SR 132) / Geer Road – Albers Road (signal)

The **Yosemite Blvd (SR 132) / Triangle Ranch Road intersection** is a major access intersection for motorists traveling between I-5 and Waterford. This intersection is a minor leg stop controlled intersection. All approaches are single lanes with Triangle Ranch Road a gravel road at the west side of the project site.

The **Yosemite Blvd (SR 132) / Geer Road – Albers Road intersection** is a signalized intersection east of the town of Empire. The intersection is located about midway between Oakdale and Turlock along Geer Road - Albers Road and about midway between Modesto and Waterford along Yosemite Blvd. Recent improvements to the intersection include widening of all approaches to include left turn lanes as well as two through lanes. Along northbound Geer Road a dedicated right turn lane is also present.

Level of Service Analysis

Methodology. *Level of Service Analysis* has been employed to provide a basis for describing existing traffic conditions and for evaluating the significance of project traffic impacts. Level of Service measures the *quality* of traffic flow and is represented by letter designations from "A" to "F", with a grade of "A" referring to the best conditions, and "F" representing the worst conditions. Table 1 presents typical Level of Service characteristics.

Intersection Level of Service. As the operation of major intersections primarily governs the quality of traffic flow conditions in the immediate vicinity of the site, intersection Level of Service analysis has been used for this study to determine the significance of resulting traffic conditions with development of the site.

**TABLE 1
LEVEL OF SERVICE DEFINITION**

Level of Service	Signalized Intersection	Unsignalized Intersection	Roadway (Daily)
"A"	Uncongested operations, all queues clear in a single signal cycle. Delay ≤ 10.0 sec	Little or no delay. Delay ≤ 10 sec/veh	Completely free flow.
"B"	Uncongested operations, all queues clear in a single cycle. Delay > 10.0 sec and ≤ 20.0 sec	Short traffic delays. Delay > 10 sec/veh and ≤ 15 sec/veh	Free flow, presence of other vehicles noticeable.
"C"	Light congestion, occasional backups on critical approaches. Delay > 20.0 sec and ≤ 35.0 sec	Average traffic delays. Delay > 15 sec/veh and ≤ 25 sec/veh	Ability to maneuver and select operating speed affected.
"D"	Significant congestions of critical approaches but intersection functional. Cars required to wait through more than one cycle during short peaks. No long queues formed. Delay > 35.0 sec and ≤ 55.0 sec	Long traffic delays. Delay > 25 sec/veh and ≤ 35 sec/veh	Unstable flow, speeds and ability to maneuver restricted.
"E"	Severe congestion with some long standing queues on critical approaches. Blockage of intersection may occur if traffic signal does not provide for protected turning movements. Traffic queue may block nearby intersection(s) upstream of critical approach(es). Delay > 55.0 sec and ≤ 80.0 sec	Very long traffic delays, failure, extreme congestion. Delay > 35 sec/veh and ≤ 50 sec/veh	At or near capacity, flow quite unstable.
"F"	Total breakdown, stop-and-go operation. Delay > 80.0 sec	Intersection blocked by external causes. Delay > 50 sec/veh	Forced flow, breakdown.

Sources: 2000 Highway Capacity Manual.

Procedures used for calculating Levels of Service at intersections is presented in the Highway Capacity Manual, 2000 edition. At signalized intersections, information regarding signal timing and lane geometry, as well as hourly traffic volumes is used to determine the overall average delay for motorists waiting at the intersection. At unsignalized intersections, the number of gaps in through traffic and corresponding delays is used for evaluation of Level of Service at intersections controlled by side street stop signs. Average delays for each approach are determined for all-way stop controlled intersections based on typical vehicle headway.

The significance of delays at unsignalized intersections is typically determined through evaluation of the need for a traffic signal. Because unsignalized Level of Service calculations ignore the condition of through traffic flow (which is assumed to flow freely), a traffic signal warrant analysis is performed. While the unsignalized Level of Service may indicate long delays (i.e., LOS "E"), traffic conditions are generally not assumed to be unacceptable unless signal warrants are satisfied.

Computer software is employed for Level of Service calculation, and the software programs used account for various factors. The simplest software (TRAFFIX) employs the 2000 HCM methodology but treats each intersection as an isolated location. Caltrans District 10 requires more sophisticated software (SYNCRO-Simtraffic) that accounts for the relationship between adjoining intersections. For this analysis, SYNCRO-Simtraffic has been used.

The level of service threshold along Yosemite Blvd (SR 132) is LOS D per Caltrans while Stanislaus County strives to maintain an LOS C or better condition on all roadways.

Roadway Segment Level of Service. The quality of traffic flow can also be described in general terms based on the daily traffic volume occurring on individual roadway segments. Agencies typically make use of general Level of Service thresholds that equate daily traffic volume to peak hour Level of Service.

The Stanislaus County Congestion Management Plan (CMP) and Regional Transportation Plan (RTP) as well as other local jurisdictions makes use of Level of Service thresholds originally developed by the Florida Department of Transportation. As shown, these thresholds identify typical daily traffic volumes that would be expected to result in LOS B, C, D or E conditions at major intersections during the peak hour.

**TABLE 2
ROADWAY SEGMENT LEVEL OF SERVICE DEFINITIONS**

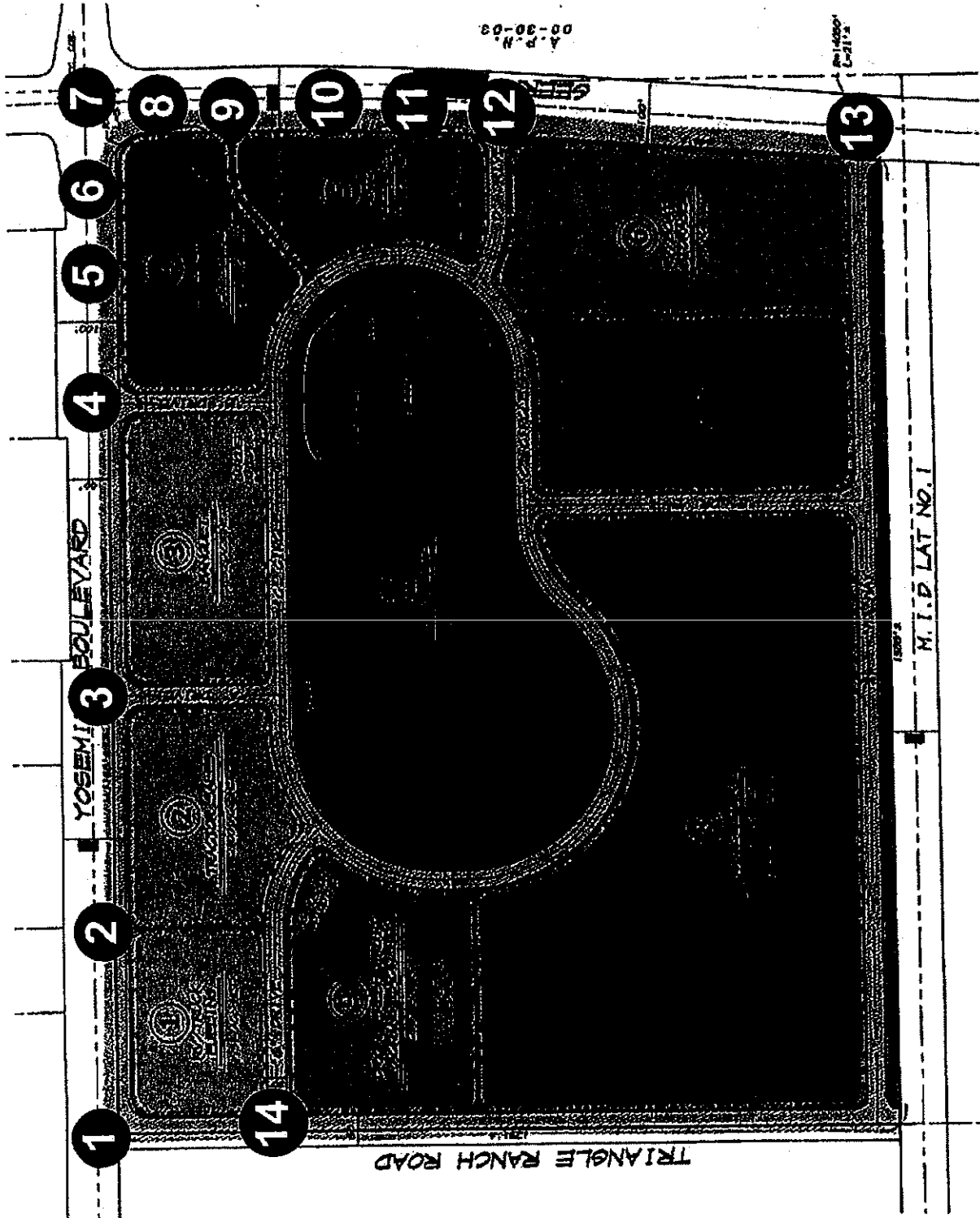
Street Classification	Lanes	Daily Traffic Volume at LOS			
		B (v/c < 0.45)	C (v/c < 0.60)	D (v/c < 0.90)	E (v/c < 1.00)
Collector	2	5,800	7,700	11,600	12,900
Arterial	2	7,000	9,200	13,700	15,450
	4	15,000	20,100	30,200	33,200
Expressway	4	16,200	21,600	32,400	36,000
	6	23,400	31,200	46,800	52,000

Existing Traffic Volumes

New a.m. and p.m. peak hour intersection turning movement counts were used to evaluate existing traffic conditions. New turning movement count data was collected at the study intersections during the first full week of September 2007. Midweek average daily traffic averages 8,880 vpd along Yosemite Blvd between Empire and Geer Road while between Geer Road and Waterford the ADT averages 11,450 vpd. Weekend traffic averages 6,540 vpd west of Geer Road and 8,810 vpd east of Geer Road. Midweek ADT volume data along Geer Road averages 14,110 vpd while weekend ADT averages 10,970 vpd.

Figure 3 illustrates the study intersection index while Figure 4 displays existing peak hour used for this analysis, as well as the current geometric configuration of study intersections.

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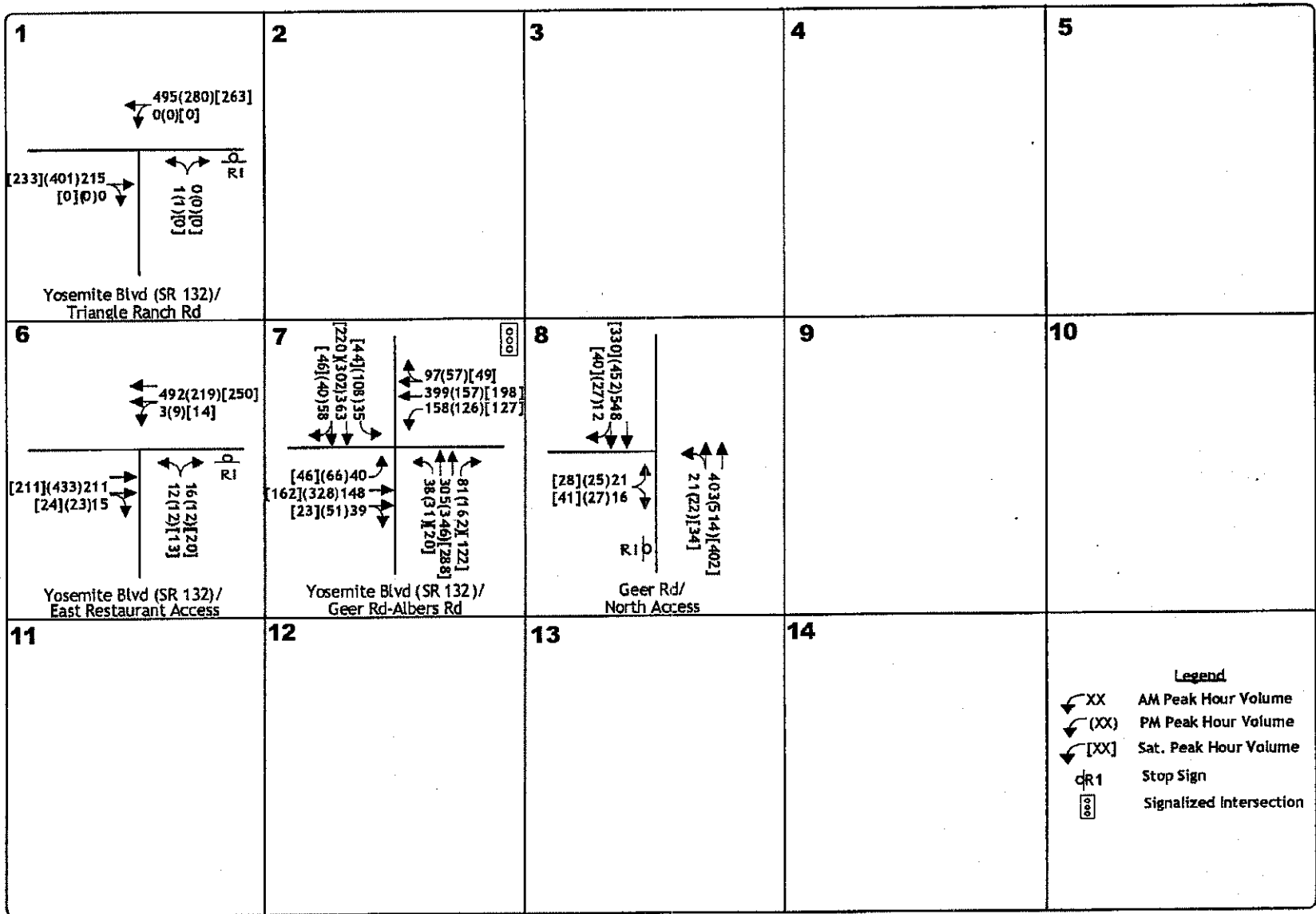


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STUDY INTERSECTION INDEX

figure 3



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EXISTING TRAFFIC VOLUMES
AND LANE CONFIGURATIONS

figure 4

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Levels of Service Based on Daily Traffic Volumes. Table 3 identifies current daily traffic volumes and accompanying Levels of Service on study area roadways. Yosemite Blvd, west of Geer Road currently operates at LOS C conditions while east of Geer Road the segment operates at LOS D conditions. Geer Road, south of Yosemite Blvd currently operates at LOS E.

**TABLE 3
EXISTING LEVELS OF SERVICE BASED ON DAILY TRAFFIC VOLUMES**

Street	Location		Class	Lanes	Daily Volume	LOS
	From	To				
Yosemite Blvd (SR 132)	Empire	Geer Road	Arterial	2	8,880	C
	Geer Road	Waterford	Arterial	2	11,450	D
Geer Road	Yosemite Blvd (SR 132)	Hatch Road	Arterial	2	14,110	E

Existing Levels of Service

Intersection Levels of Service. Table 4 summarizes the results of Level of Service calculations completed for each study intersection. In addition, the two main driveway access points to the site were evaluated. Level of Service calculations are provided in the Appendix.

All study intersections currently operate at LOS B conditions or better. The longest delays occur at the Yosemite Blvd (SR 132) / Geer Road – Albers Road intersection, and this intersection operates at LOS B.

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**TABLE 4
EXISTING INTERSECTION LEVELS OF SERVICE**

Intersection	Traffic Control	AM Peak Hour		PM Peak Hour	
		Existing		Existing	
		LOS	Average Delay	LOS	Average Delay
1. Yosemite Blvd (SR 132) / Triangle Ranch Rd overall WB left turn NB	NB Stop	A	0.0	A	0.0
		B	14.8	B	14.4
		A	0.0	A	0.0
6. Yosemite Blvd (SR 132) / Fruit Yard Access overall NB WB left turn	NB Stop	A	0.4	A	0.5
		B	10.2	B	12.0
		A	0.2	A	1.0
7. Yosemite Blvd (SR 132) / Geer Rd	Signal	B	18.6	B	17.7
8. Geer Road / Fruit Yard Access overall NB left turn EB	EB Stop	A	0.7	A	0.9
		A	1.4	A	1.2
		B	14.4	B	13.8

Non-Automobile Transportation

Transit System. Stanislaus County's public transit system includes a fixed-route bus service as well as a "runabout" service between Waterford and Modesto. The runabout service operates Monday through Saturday between 6:45 a.m. and 6:40 p.m. Three runs are made daily eastbound while four runs are made westbound. Headways are approximately 3 hours.

Bicycle and Pedestrian System. In general, facilities for bicycles and pedestrians may be installed as development occurs in Stanislaus County. Yosemite Blvd (SR 132), in the project vicinity, is identified as a low-cost bicycle facility. These are projects that can be developed by signing and striping existing roadways.

EXISTING PLUS PROJECT IMPACTS

Trip Generation

The development of this project will attract additional traffic to the project site. The amount of additional traffic on a particular section of the street network is dependent upon two factors:

- Trip Generation, the number of new trips generated by the project, and
- Trip Distribution and Assignment, the specific routes that the new traffic takes.

Trip generation is determined by identifying the type and size of land use being developed. Recognized sources of trip generation data may then be used to calculate the total number of trip ends.

The project is assumed to include new land uses as well as relocation of existing land uses. The site will be constructed in three phases. Phase One includes addition of a banquet facility west of the existing restaurant. Phase Two will add the RV campground and RV storage facility in the southeast corner of the site. Phase Three will relocate the existing gas station to the south, relocate the existing card-lock gas station to the northwest quadrant of the site while adding a tractor sales facility and fruit packing / warehousing facility; both of these new buildings will be constructed in the northwest quadrant, adjacent to the card-lock facility. In addition, a retail store will be constructed at the existing gas station location.

Traffic generation for new land uses were developed based on various methodologies. If available, trip generation for the new uses were computed using trip generation rates published in *Trip Generation* (Institute of Transportation Engineers, 7th Edition, 2003). If unavailable, trip generators resembling the proposed land uses were used to estimate project traffic. SANDAG (San Diego Trip Generators) was also consulted to determine if similar uses were developed.

Trip generation rates and/or similar uses were unavailable for the proposed banquet land use. The banquet land use will provide 144 parking stalls. During the mid-week it was assumed that a single event would occur during the p.m. peak hour. During the weekend it was assumed that two events per day could occur. In each case, all of the 144 parking stalls was assumed used, creating the projected peak hour trips.

Trips generated by commercial / retail projects fit into two categories. Some trips will be made by patrons who would not otherwise be on the local street system and who go out of their way to reach the site. These are "new" trips. Other trips will be made by patrons who are already driving by the site and simply interrupt a trip already being made to other destinations. These are 'pass-by', or diverted trips. For the Specialty Retail land use a pass-by rate of 15% was used along with a 5% internal capture. These figures are outlined in the Caltrans "Guide for the Preparation of Traffic Impact Studies." Pass by trips were not considered for the remaining new uses.

Table 5 presents a.m. and p.m. peak hour trip generation estimates for the project. Build-out of the development area is expected to result in about 68 a.m. peak hour trips, 238 p.m. peak hour trips and 219 Saturday peak hour trips.

After accounting for the pass-by traffic and the internally captured trips, the project is expected to generate 67 new a.m. peak hour trips, 235 new p.m. peak hour trips and 216 new Saturday peak hour trips.

Truck traffic is expected to vary with the new land uses. For the warehouse / fruit packing and RV land uses 80% of the traffic was assumed to be truck or trailered vehicle traffic. For the tractor sales land use 20% of the traffic was assumed to be trailered vehicles.

**TABLE 5
PROJECT TRIP GENERATION**

Land Use	Size	Trip Rates				Trips			
		Daily	AM	PM	Saturday	Daily	AM	PM	Saturday
Phase 1 Development									
Banquet Facility ¹	144	2	0	1	1	288	0	144	144
Phase 2 Development									
RV Park	75	3.05	0.20	0.37	0.60	229	15	28	45 ⁵
RV Storage ²	3.36	38.87	2.80	3.83	6.53	131	9	13	22
Total Phase 2 Trips						360	24	41	67
Phase 3 Development									
Tractor Sales ³	10 ksf	33.34	2.05	2.64	2.97	333	21	26	30
Fruit Packing / Warehouse	35 ksf	4.96	0.45	0.47	0.12	174	16	16	4
Specialty Retail	4.1 ksf	44.32	1.71 ⁴	2.71	2.57	182	7	11	11
Pass-By Trips - Specialty Retail (15%)						(27)	(1)	(2)	(2)
Internal Reduction (5%)						(9)	(0)	(1)	(1)
Total Phase 3 Trips						653	43	50	42
<i>Net New Trips</i>						1,301	67	235	216

¹ parking stalls

² LU 151 (mini-warehouse) used

³ LU 841 (new car sales) used

⁴ 25% of peak AM generator used

⁵ LU 413 (Picnic Sites) used for Saturday RV Park rate

ksf – thousand square feet

volumes rounded

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Trip Distribution

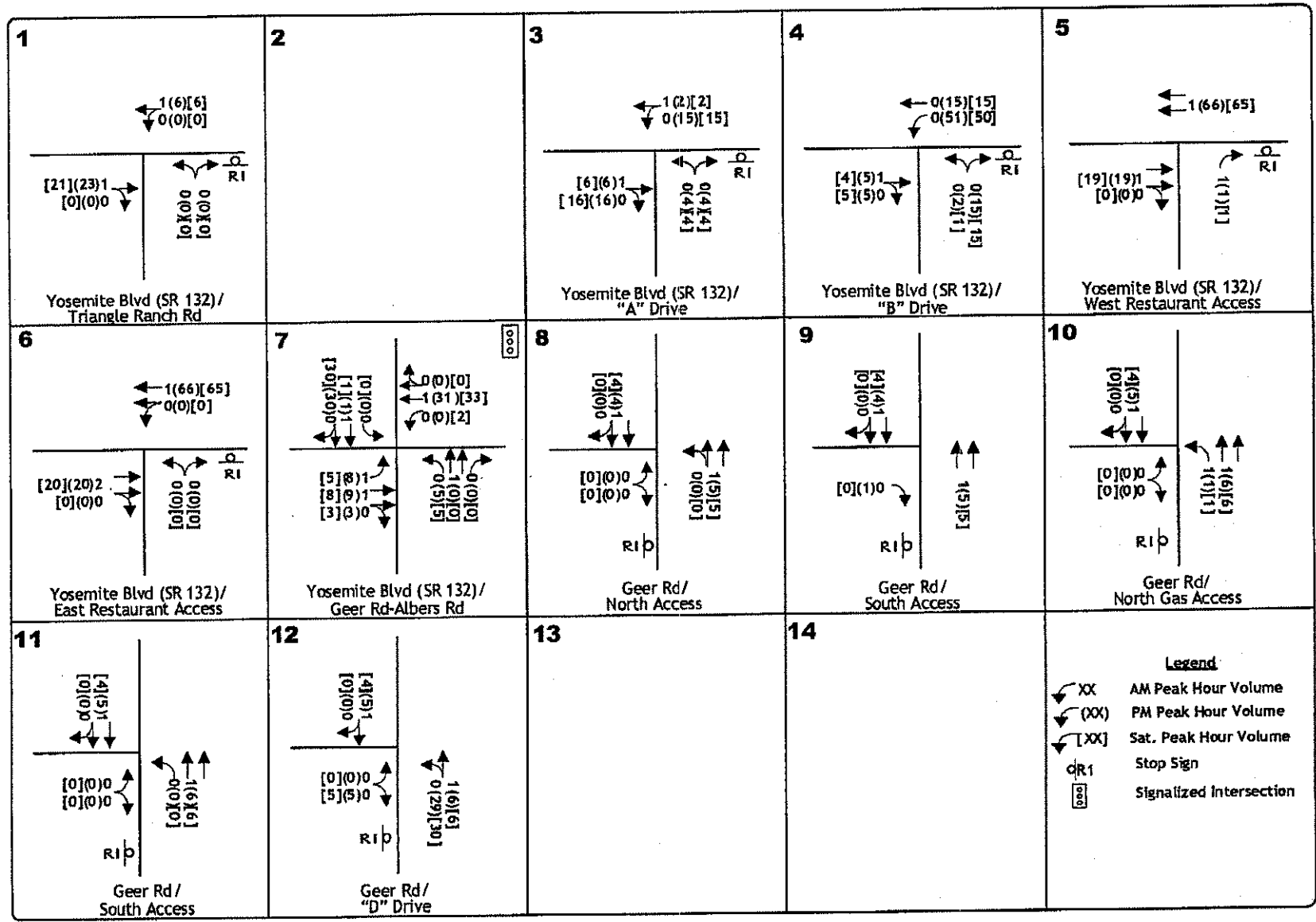
The distribution of project traffic was determined based on review of existing traffic counts, the travel patterns in the area and the projected market base for the retail store. Project trips are expected to be oriented roughly evenly along all four directions. Table 6 provides the projected trip distribution for the project for the peak periods.

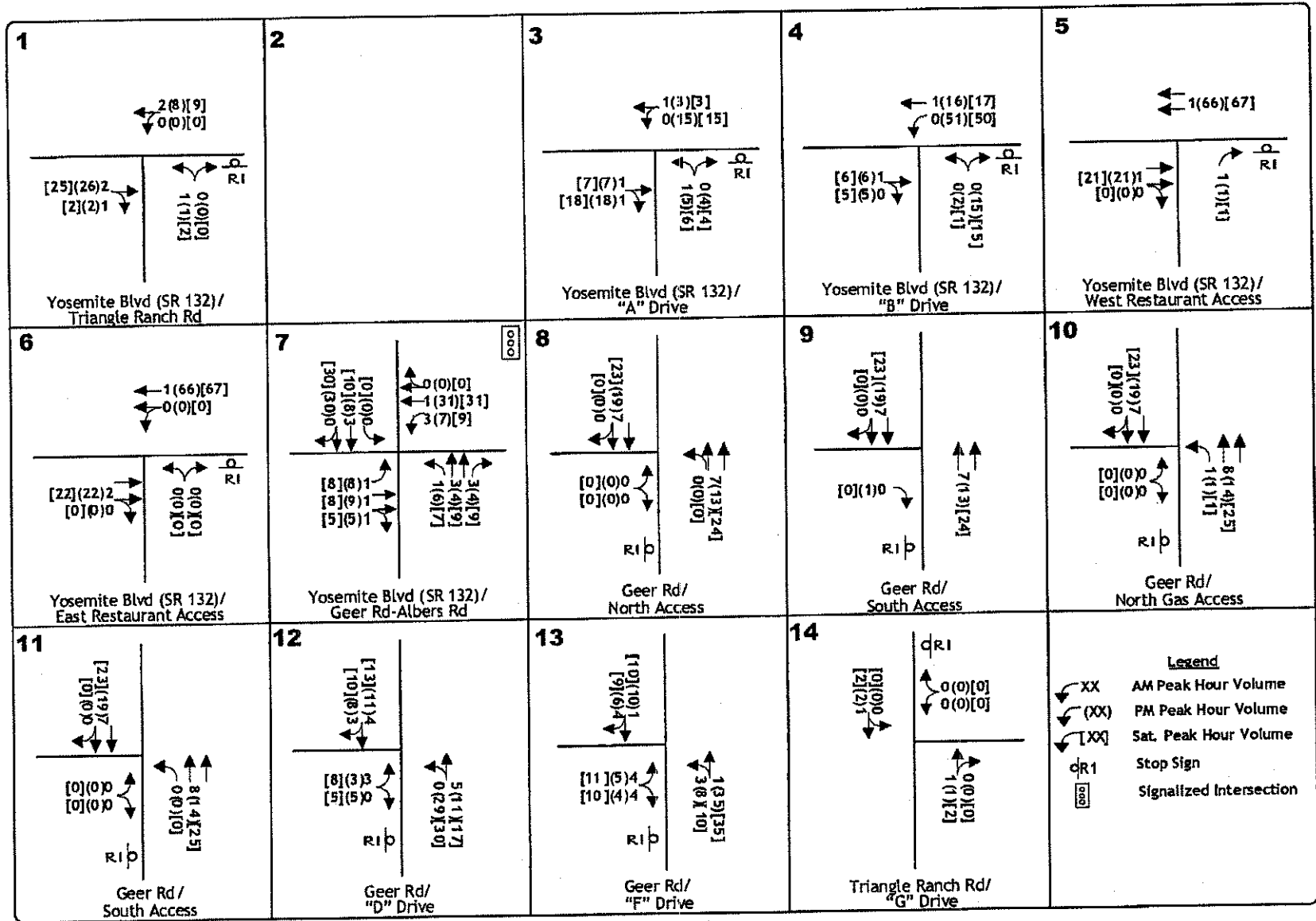
**TABLE 6
PROJECT TRIP DISTRIBUTION**

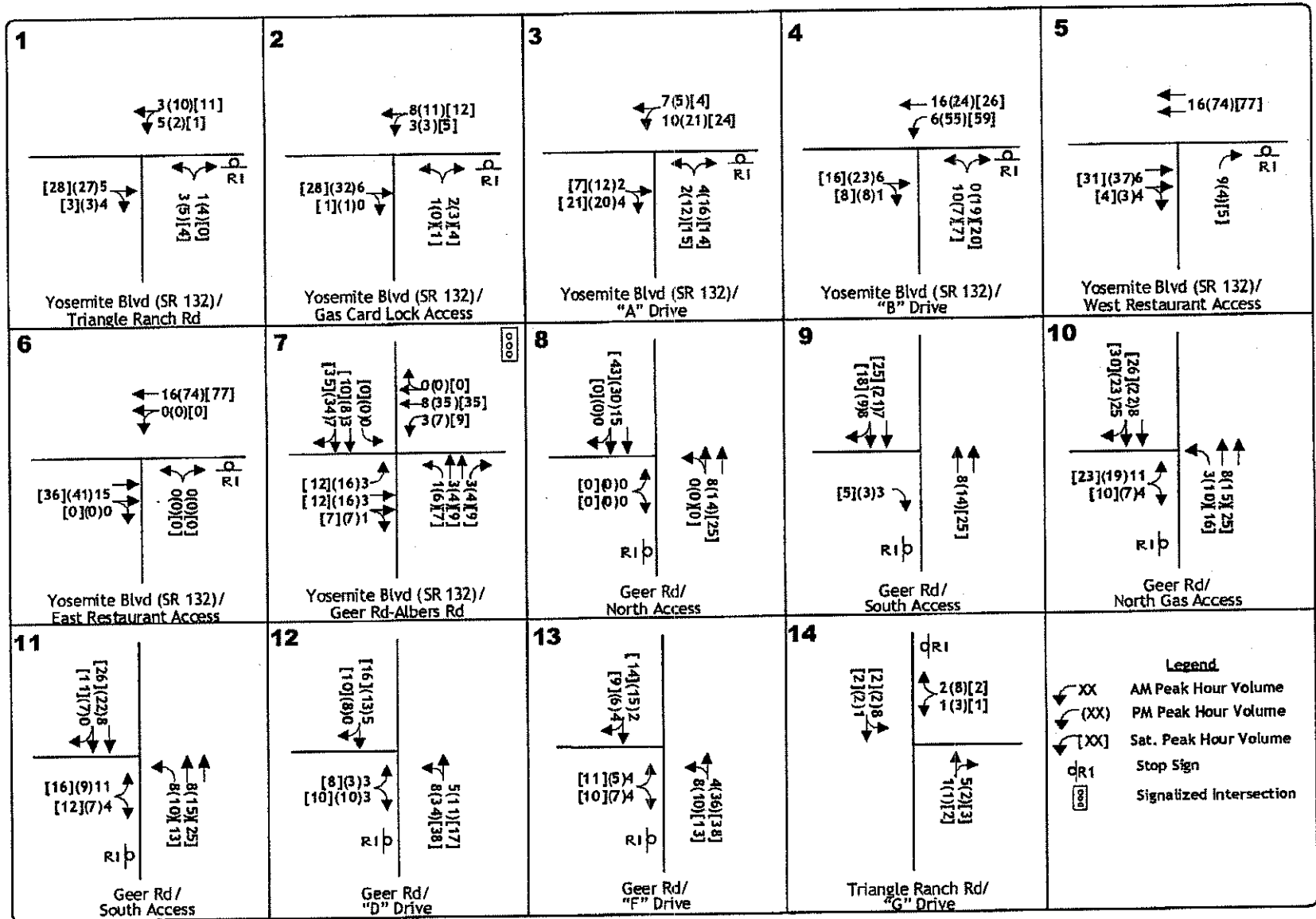
Route	AM	PM	Saturday
West on Yosemite Blvd (SR 132)	21%	19%	18%
East on Yosemite Blvd (SR 132)	26%	26%	26%
North on Albers Road	25%	26%	26%
South on Geer Road	28%	30%	30%
Total	100%	100%	100%

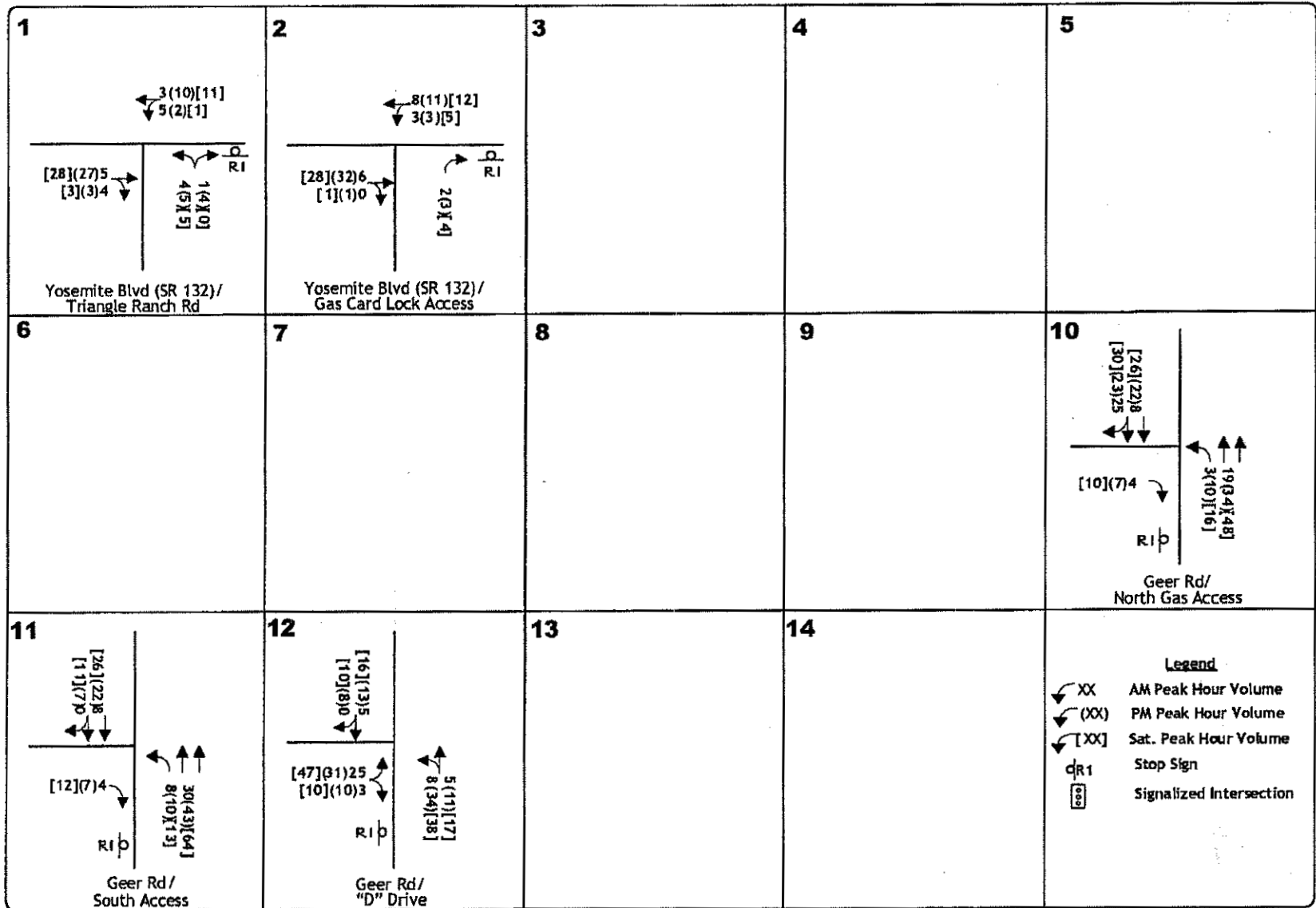
Trip Assignment

Traffic generated by the project is shown in Figures 5, 6, 7A and 7B, representing Phase 1 development, Phases 1 and 2 development and Phases 1 through 3 fully developed. Figure 7B presents an alternative trip assignment for 2030 with limited access allowed along Yosemite Blvd (SR 132) and Geer Road. Project traffic for the various phases was incrementally added to the existing peak hours based on the distribution percentages. Year 2012 and 2030 scenarios assumed that full buildout, i.e. Phases 1, 2 and 3, are completed.









Existing Plus Phase 1 Conditions

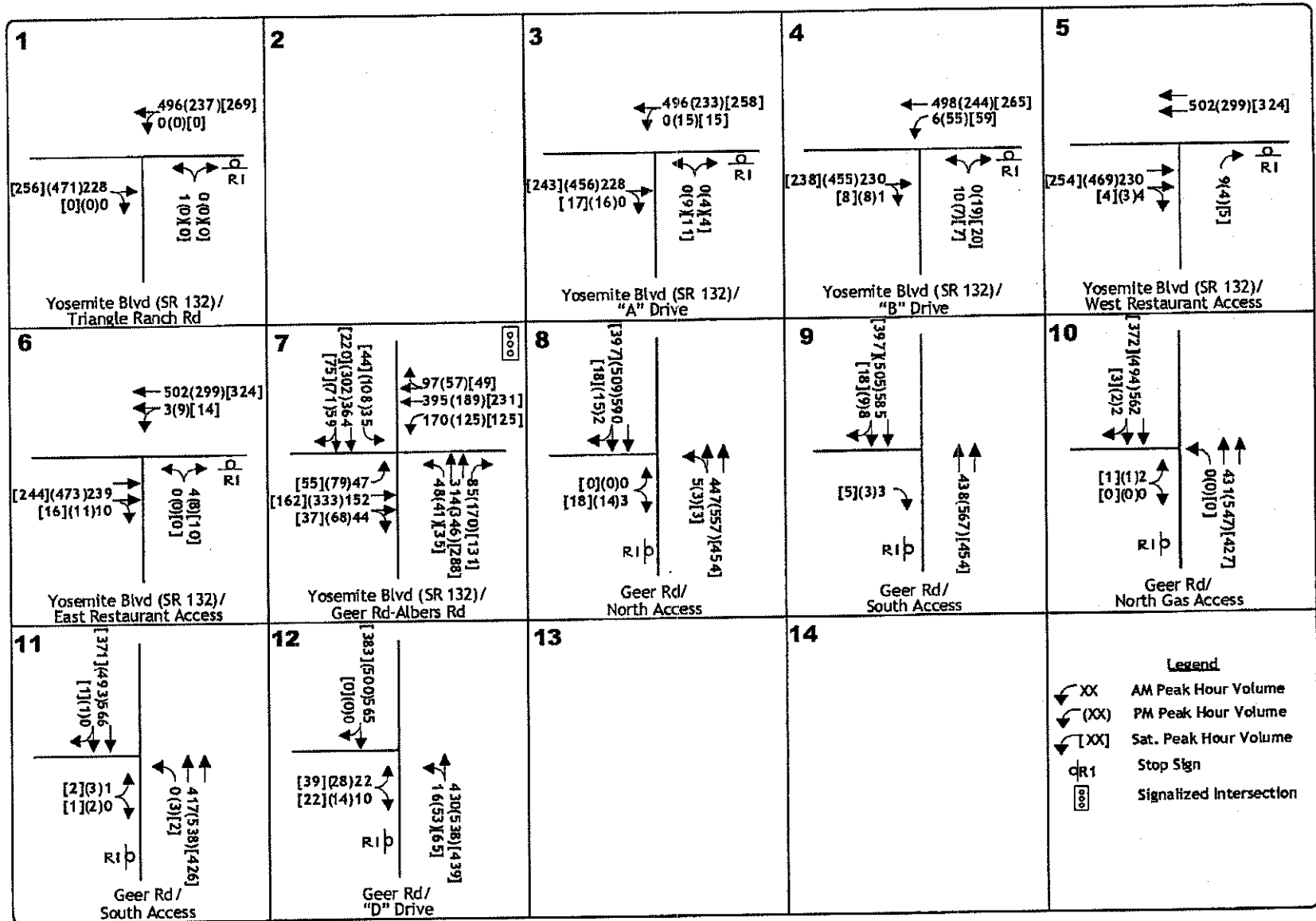
The impacts of developing Phase 1 have been identified by superimposing Phase 1 project traffic onto Year 2007 background conditions. Resulting intersection Levels of Service were then calculated and used as the basis for evaluating potential project impacts.

Intersection Levels of Service. Figure 8 displays the "Existing Plus Phase 1" traffic volumes while Table 7 presents the a.m. and p.m. peak hour Levels of Service at each study intersection with and without the project. All intersections will continue to operate at LOS C conditions or better.

Daily Traffic Volumes Levels of Service. Table 8 summarizes the roadway segment Levels of Service based on the current daily traffic volumes on study area roads and the Phase 1 traffic. Daily roadway traffic is expected to increase along Yosemite Blvd west of the project by about 60 vehicles and by about 70 vehicles east of Geer Road. Traffic along Geer Road is projected to increase by about 90 vehicles.

The level of service along Yosemite Blvd will continue to be LOS C between Empire and Geer Road and LOS D from Geer Road toward Waterford. Geer Road will continue to operate at LOS E conditions south of Yosemite Blvd.

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EXISTING PLUS PROJECT PHASE 1
TRAFFIC VOLUMES AND LANE CONFIGURATIONS

figure 8

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**TABLE 7
PEAK HOUR INTERSECTION LEVELS OF SERVICE
EXISTING PLUS PHASE 1 CONDITIONS**

Location	Control	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
		LOS	Average Delay	LOS	Average Delay	LOS	Average Delay
1. Yosemite Blvd (SR 132) / Triangle Ranch Rd overall WB left turn NB	NB Stop	A C ---	0.0 15.0 ---	--- --- ---	--- --- ---	--- --- ---	--- --- ---
2. Yosemite Blvd (SR 132) / Card Lock Access overall WB left turn NB	NB Stop	N/A N/A N/A	N/A N/A N/A	N/A N/A N/A	N/A N/A N/A	N/A N/A N/A	N/A N/A N/A
3. Yosemite Blvd (SR 132) / A Dr overall WB left turn NB	NB Stop	--- --- ---	--- --- ---	A B A	0.5 14.4 0.7	A B A	0.6 12.1 0.5
4. Yosemite Blvd (SR 132) / B Dr overall WB left turn NB	NB Stop	A B A	0.2 11.8 0.2	A B A	1.1 13.0 3.0	A B A	1.4 10.7 2.7
5. Yosemite Blvd (SR 132) / Restaurant Access overall NB	NB Stop	A A	0.1 9.0	A A	0.1 9.9	A A	0.1 9.1
6. Yosemite Blvd (SR 132) / Fruit Yard Access overall NB WB left turn	NB Stop	A A A	0.1 9.1 0.2	A A A	0.2 10.0 0.8	A A A	0.3 9.1 1.0
7. Yosemite Blvd (SR 132) / Geer Rd	Signal	B	21.7	B	17.6	B	15.7
8. Geer Road / Fruit Yard Access overall NB left turn EB	EB Stop	A A A	0.1 0.3 9.7	A A A	0.2 0.2 9.7	A A A	0.2 0.2 9.7
9. Geer Rd / North of Fruit Stand overall EB	EB Stop	A A	0.0 9.7	A A	0.0 9.6	A A	0.1 9.7
10. Geer Rd / New Gas North Access overall EB NB left turn	EB Stop	A A B	0.0 0.2 12.4	A A B	0.0 0.0 12.1	A A B	0.0 0.0 11.2
11. Geer Rd / New Gas South Access overall EB NB left turn	EB Stop	A --- B	0.0 --- 12.5	A A B	0.1 0.2 11.3	A A B	0.1 0.1 10.6

N/A - no side street traffic

--- available movement, no traffic recorded in peak hour

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TABLE 7 (cont'd)
PEAK HOUR INTERSECTION LEVELS OF SERVICE
EXISTING PLUS PHASE 1 CONDITIONS

Location	Control	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
		LOS	Average Delay	LOS	Average Delay	LOS	Average Delay
12. Geer Rd / D Dr overall	EB Stop	A	0.3	A	1.3	A	1.8
EB		A	0.5	A	1.5	A	1.7
NB left turn		B	10.1	B	14.3	B	13.3
13. Geer Rd /F Way overall	EB Stop	N/A	N/A	N/A	N/A	N/A	N/A
EB		N/A	N/A	N/A	N/A	N/A	N/A
NB left turn		N/A	N/A	N/A	N/A	N/A	N/A
14. Triangle Ranch Rd / G Dr overall	EB Stop	N/A	N/A	N/A	N/A	N/A	N/A
WB		N/A	N/A	N/A	N/A	N/A	N/A
SB left turn		N/A	N/A	N/A	N/A	N/A	N/A

N/A - no side street traffic

— available movement, no traffic recorded in peak hour

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**TABLE 8
EXISTING PLUS PHASE 1 CONDITIONS
ROADWAY SEGMENT LEVELS OF SERVICE**

Roadway	Location		Standard		Existing Conditions		Existing + Phase 1 Project Conditions	
	From	To	LOS	Daily Volume Threshold	LOS	Daily Volume	LOS	Daily Volume
Yosemite Blvd (SR 132)	Empire	Geer Road	D	13,700	C	8,880	C	8,940
	Geer Road	Waterford	D	13,700	D	11,450	D	11,520
Geer Road	Yosemite Blvd (SR 132)	Hatch Road	C	9,200	E	14,110	E	14,200

Source: Stanislaus County Circulation Element

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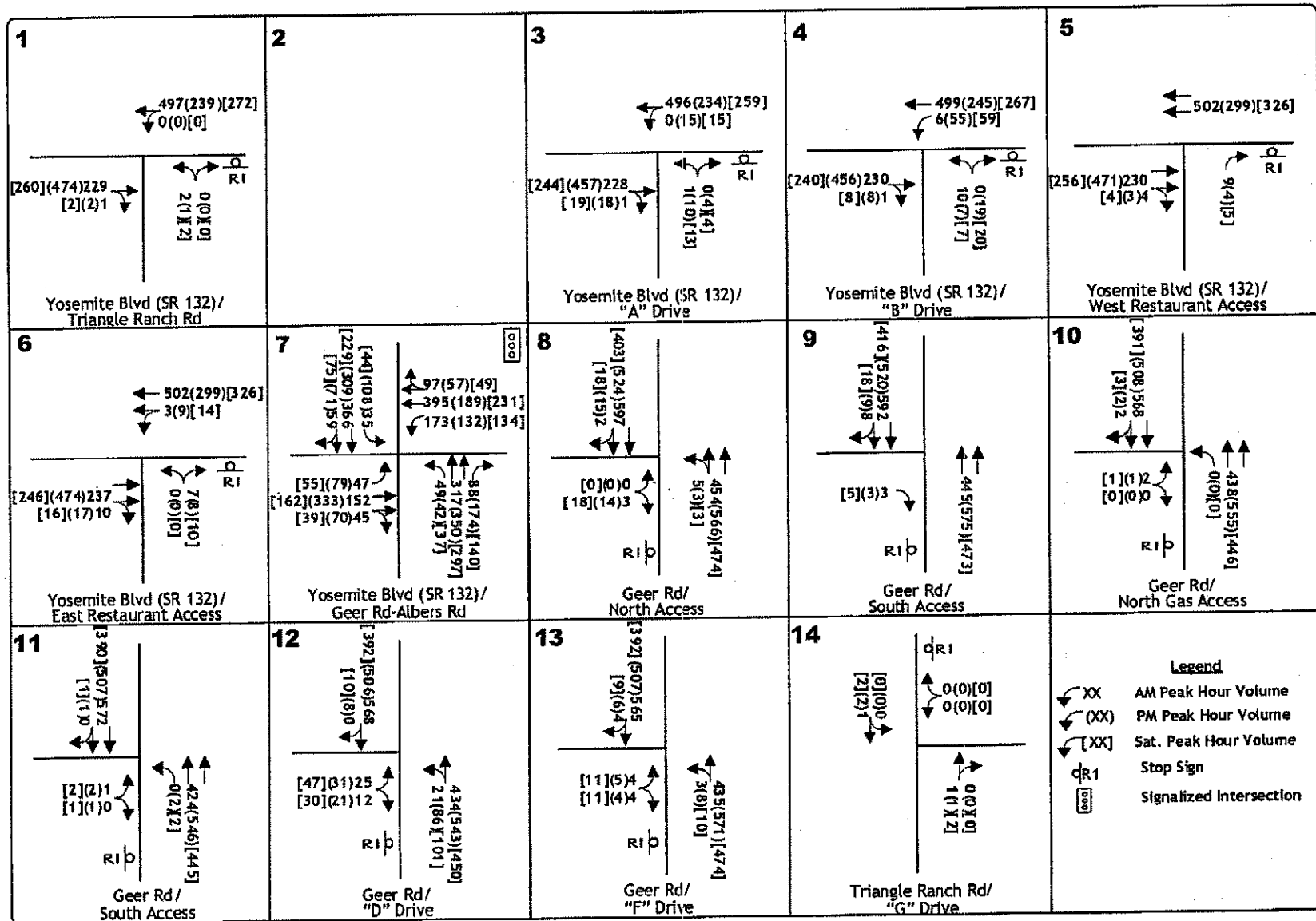
Existing Plus Phases 1 and 2 Conditions

The impacts of developing Phases 1 and 2 have been identified by superimposing this project traffic onto Year 2007 background conditions. Resulting intersection Levels of Service were then calculated and used as the basis for evaluating potential project impacts.

Intersection Levels of Service. Figure 9 displays the "Existing Plus Phases 1 and 2" traffic volumes while Table 9 displays the a.m. and p.m. peak hour Levels of Service at each study intersection with and without the project. All intersections will continue to operate at LOS C conditions or better.

Daily Traffic Volumes Levels of Service. Table 10 summarizes the roadway segment Levels of Service based on the current daily traffic volumes on study area roads and Phase 1 and 2 traffic. Daily roadway traffic is expected to increase along Yosemite Blvd west of the project by about 130 vehicles and by about 170 vehicles east of Geer Road. Traffic along Geer Road is projected to increase by about 180 vehicles.

The level of service along Yosemite Blvd will continue to be LOS C between Empire and Geer Road and LOS D from Geer Road toward Waterford. Geer Road will continue to operate at LOS E conditions south of Yosemite Blvd.



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EXISTING PLUS PROJECT PHASE 1& 2
 TRAFFIC VOLUMES AND LANE CONFIGURATIONS

figure 9

**TABLE 9
PEAK HOUR INTERSECTION LEVELS OF SERVICE
EXISTING PLUS PHASES 1 & 2 CONDITIONS**

Location	Control	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
		LOS	Average Delay	LOS	Average Delay	LOS	Average Delay
1. Yosemite Blvd (SR 132) / Triangle Ranch Rd overall WB left turn NB	NB Stop	A C ---	0.0 18.5 ---	A C ---	0.0 18.1 ---	A B ---	0.0 14.8 ---
2. Yosemite Blvd (SR 132) / Card Lock Access overall WB left turn NB	NB Stop	N/A	N/A	N/A	N/A	N/A	N/A
3. Yosemite Blvd (SR 132) / A Dr overall WB left turn NB	NB Stop	A C ---	0.0 16.4 0.0	A B A	0.5 14.6 0.7	A B A	0.6 12.3 0.5
4. Yosemite Blvd (SR 132) / B Dr overall WB left turn NB	NB Stop	A B A	0.2 11.4 0.2	A B A	1.1 13.0 3.0	A B A	1.4 10.7 2.7
5. Yosemite Blvd (SR 132) / Restaurant Access overall NB	NB Stop	A A	0.1 9.0	A A	0.1 9.9	A A	0.1 9.1
6. Yosemite Blvd (SR 132) / Fruit Yard Access overall NB WB left turn	NB Stop	A A A	0.1 9.1 0.2	A A A	0.2 10.0 0.8	A A A	0.3 9.1 1.0
7. Yosemite Blvd (SR 132) / Geer Rd	Signal	B	18.1	B	19.5	B	17.1
8. Geer Road / Fruit Yard Access overall NB left turn EB	EB Stop	A A A	0.1 0.3 9.7	A A A	0.1 0.2 9.7	A A A	0.2 0.2 9.8
9. Geer Rd / North of Fruit Stand overall EB	EB Stop	A A	0.0 9.7	A A	0.0 9.6	A A	0.1 9.7
10. Geer Rd / New Gas North Access overall EB NB left turn	EB Stop	A A B	0.0 0.0 12.4	A A B	0.0 0.0 12.2	A A B	0.0 0.0 11.4
11. Geer Rd / New Gas South Access overall EB NB left turn	EB Stop	A A B	0.3 0.6 12.0	A A B	0.1 0.2 11.5	A A B	0.1 0.1 10.8

N/A - no side street traffic

--- available movement, no traffic recorded in peak hour

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**TABLE 9 (cont'd)
PEAK HOUR INTERSECTION LEVELS OF SERVICE
EXISTING PLUS PHASES 1 & 2 CONDITIONS**

Location	Control	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
		LOS	Average Delay	LOS	Average Delay	LOS	Average Delay
12. Geer Rd / D Dr overall	EB Stop	A	1.1	A	3.1	A	3.8
EB		A	1.1	A	4.0	A	3.9
NB left turn		C	17.8	C	22.7	C	22.2
13. Geer Rd / F Way overall	EB Stop	A	0.2	A	0.3	A	0.5
EB		A	0.2	A	0.4	A	0.4
NB left turn		C	16.1	C	15.8	B	14.0
14. Triangle Ranch Rd / G Dr overall	EB Stop	N/A	N/A	N/A	N/A	N/A	N/A
WB		N/A	N/A	N/A	N/A	N/A	N/A
SB left turn		N/A	N/A	N/A	N/A	N/A	N/A

N/A - no side street traffic

--- available movement, no traffic recorded in peak hour

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**TABLE 10
EXISTING PLUS PHASES 1 & 2 CONDITIONS
ROADWAY SEGMENT LEVELS OF SERVICE**

Roadway	Location		Standard		Existing Conditions		Existing + Phase 1 Project Conditions	
	From	To	LOS	Daily Volume Threshold	LOS	Daily Volume	LOS	Daily Volume
Yosemite Blvd (SR 132)	Empire	Geer Road	D	13,700	C	8,880	C	9,010
	Geer Road	Waterford	D	13,700	D	11,450	D	11,620
Geer Road	Yosemite Blvd (SR 132)	Hatch Road	C	9,200	E	14,110	E	14,290

Source: Stanislaus County Circulation Element

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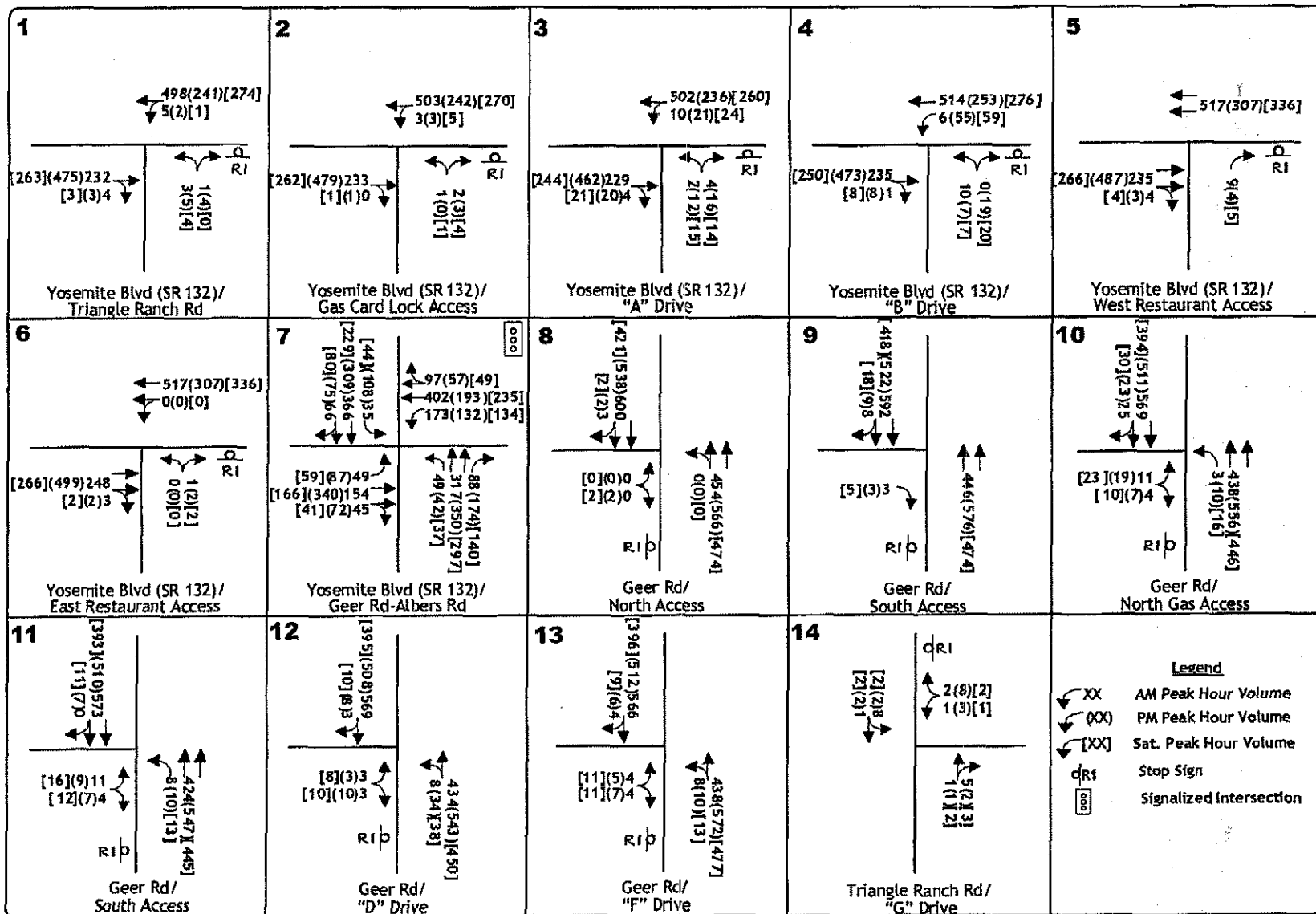
Existing Plus Phases 1, 2 and 3 Conditions

The impacts of developing the entire project, Phases 1, 2 and 3, were identified by superimposing this project traffic onto Year 2007 background conditions. Resulting intersection Levels of Service were then calculated and used as the basis for evaluating potential project impacts.

Intersection Levels of Service. Figure 10 displays the “Existing Plus Phases 1, 2 and 3” traffic volumes while Table 11 displays the a.m. and p.m. peak hour Levels of Service at each study intersection with and without the project. All intersections will continue to operate at LOS C conditions or better.

Daily Traffic Volumes Levels of Service. Table 12 summarizes the roadway segment Levels of Service based on the current daily traffic volumes on study area roads and the traffic generated by the entire project. Daily roadway traffic is expected to increase along Yosemite Blvd west of the project by about 270 vehicles and by about 340 vehicles east of Geer Road. Traffic along Geer Road is projected to increase by about 380 vehicles.

The level of service along Yosemite Blvd will continue to be LOS C between Empire and Geer Road and LOS D from Geer Road toward Waterford. Geer Road will continue to operate at LOS E conditions south of Yosemite Blvd.



**TABLE 11
PEAK HOUR INTERSECTION LEVELS OF SERVICE
EXISTING PLUS PHASES 1, 2 & 3 CONDITIONS**

Location	Control	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
		LOS	Average Delay	LOS	Average Delay	LOS	Average Delay
1. Yosemite Blvd (SR 132) / Triangle Ranch Rd overall WB left turn NB	NB Stop	A C A	0.2 16.9 0.2	A C A	0.2 16.4 0.1	A C ---	0.1 15.0 ---
2. Yosemite Blvd (SR 132) / Card Lock Access overall WB left turn NB	NB Stop	A B A	0.1 12.4 0.1	A B A	0.1 11.9 0.1	A B A	0.2 10.9 0.2
3. Yosemite Blvd (SR 132) / A Dr overall WB left turn NB	NB Stop	A B A	0.3 12.1 0.2	A B A	0.8 13.9 0.9	A B A	1.0 11.8 0.8
4. Yosemite Blvd (SR 132) / B Dr overall WB left turn NB	NB Stop	A B A	0.2 11.5 0.2	A B A	1.1 13.2 3.0	A B A	1.3 10.8 2.7
5. Yosemite Blvd (SR 132) / Restaurant Access overall NB	NB Stop	A A	0.1 9.1	A A	0.0 9.9	A A	0.1 9.1
6. Yosemite Blvd (SR 132) / Fruit Yard Access overall NB WB left turn	NB Stop	A A A	0.0 9.1 0.0	A A A	0.0 10.0 0.0	A A A	0.0 9.1 0.0
7. Yosemite Blvd (SR 132) / Geer Rd	Signal	B	18.3	B	19.6	B	17.4
8. Geer Road / Fruit Yard Access overall NB left turn EB	EB Stop	A A A	0.0 0.0 0.0	A A A	0.0 0.0 9.7	A A A	0.0 0.0 9.7
9. Geer Rd / North of Fruit Stand overall EB	EB Stop	A A	0.0 9.7	A A	0.0 9.6	A A	0.1 9.7
10. Geer Rd / New Gas North Access overall EB NB left turn	EB Stop	A A B	0.2 0.2 11.9	A A B	0.4 0.5 12.0	A A B	0.6 0.9 11.4
11. Geer Rd / New Gas South Access overall EB NB left turn	EB Stop	A A B	0.3 0.6 12.0	A A B	0.3 0.5 11.5	A A B	0.5 0.8 11.0

N/A - no side street traffic

--- available movement, no traffic recorded in peak hour

**TABLE 11 (cont'd)
PEAK HOUR INTERSECTION LEVELS OF SERVICE
EXISTING PLUS PHASES 1, 2 & 3 CONDITIONS**

Location	Control	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
		LOS	Average Delay	LOS	Average Delay	LOS	Average Delay
12. Geer Rd / D Dr overall	EB Stop	A	0.3	A	1.0	A	1.1
EB		A	0.4	A	1.6	A	1.6
NB left turn		C	15.0	B	14.1	B	14.5
13. Geer Rd / F Way overall	EB Stop	A	0.3	A	0.4	A	0.6
EB		A	0.4	A	0.4	A	0.5
NB left turn		C	16.2	C	15.7	B	14.1
14. Triangle Ranch Rd / G Dr overall	EB Stop	A	4.6	A	6.0	A	3.3
WB		A	6.4	A	3.6	A	3.6
SB left turn		A	8.4	A	8.4	A	8.4

N/A - no side street traffic

--- available movement, no traffic recorded in peak hour

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**TABLE 12
EXISTING PLUS PHASES 1, 2 & 3 CONDITIONS
ROADWAY SEGMENT LEVELS OF SERVICE**

Roadway	Location		Standard		Existing Conditions		Existing + Phase 1 Project Conditions	
	From	To	LOS	Daily Volume Threshold	LOS	Daily Volume	LOS	Daily Volume
Yosemite Blvd (SR 132)	Empire	Geer Road	D	13,700	C	8,880	C	9,150
	Geer Road	Waterford	D	13,700	D	11,450	D	11,790
Geer Road	Yosemite Blvd (SR 132)	Hatch Road	C	9,200	E	14,110	E	14,490

Source: Stanislaus County Circulation Element

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YEAR 2012 IMPACTS

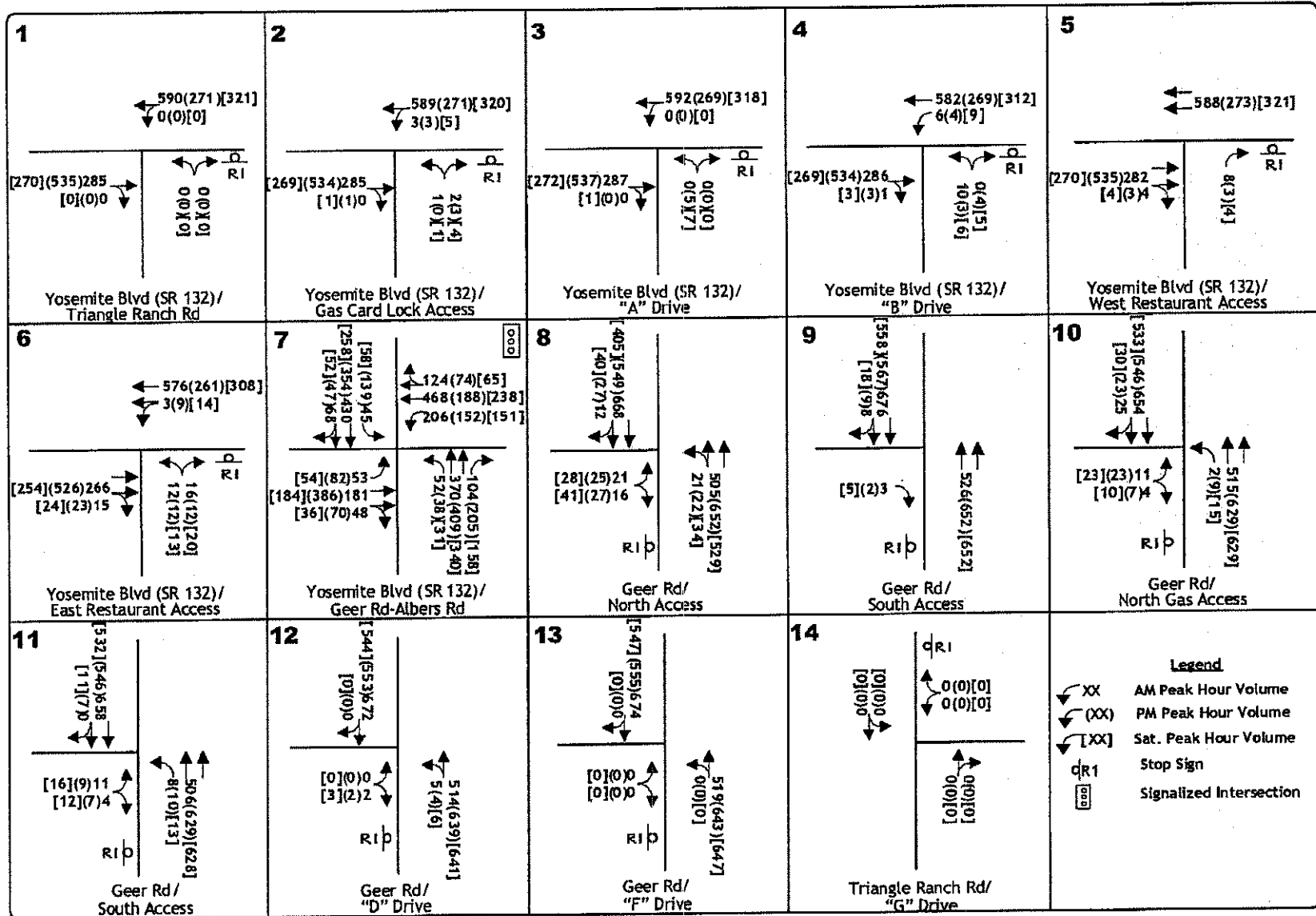
The analysis of the near term 2012 cumulative condition is intended to consider the impact of this project within the context of the conditions in 2012. Future traffic projections were obtained from the Stanislaus County Circulation Element. Straight-line interpolation was used to determine annual volume increases along the roadways. These increases were then annualized over a five-year period; Furness factoring was used to develop turning movement volumes at the study intersections.

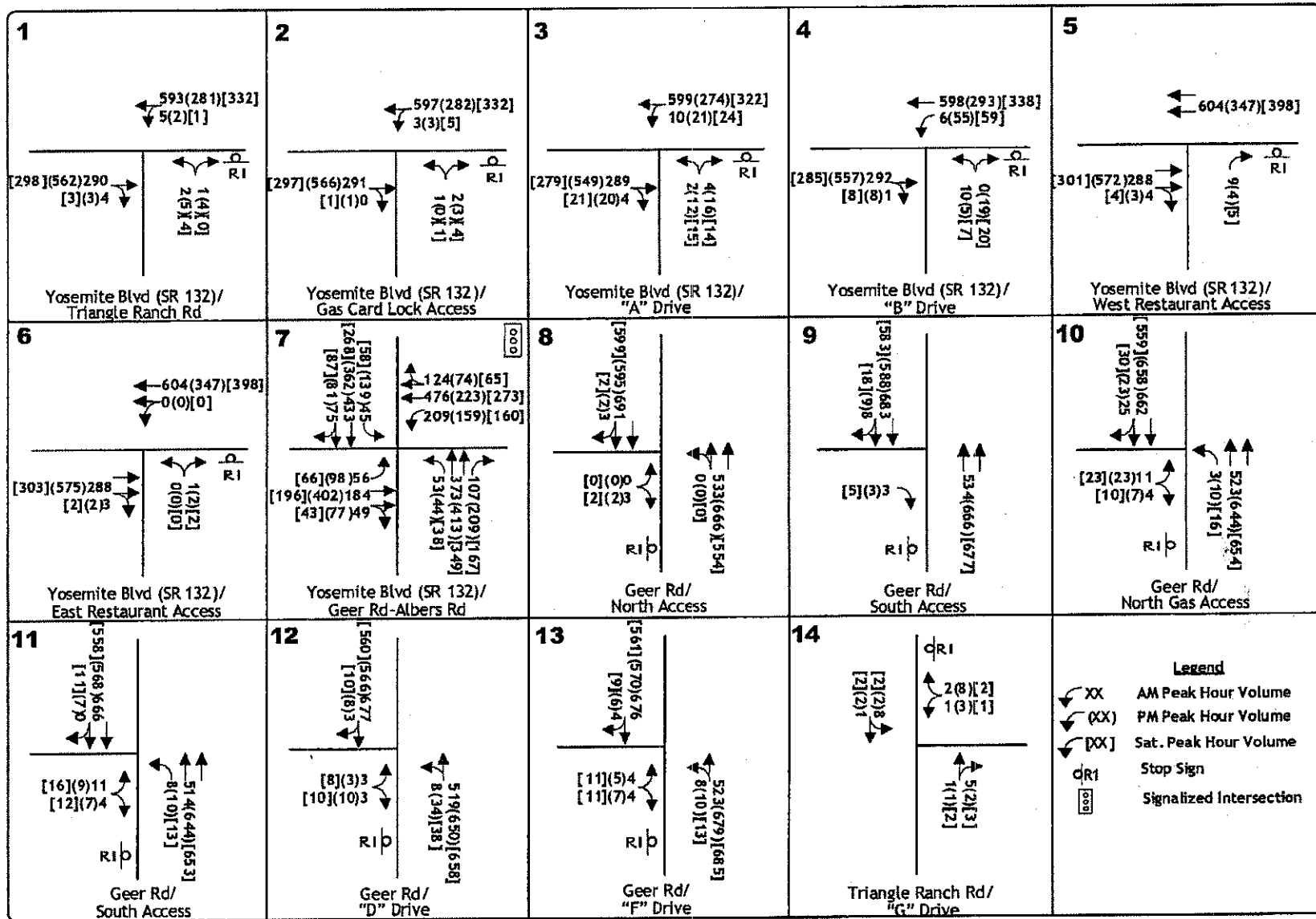
Year 2012 Lane Configurations. Lane configurations along Yosemite Blvd and Geer Road – Albers Road are assumed to remain in their current configurations.

Intersection Levels of Service. Figure 11 displays the “2012” traffic volumes with the lane configurations for each study intersection while Figure 12 presents the “2012 plus Project” volumes. Table 13 displays the a.m., p.m. and Saturday peak hour Levels of Service at the Yosemite Blvd (SR 132) / Geer Road intersection without the project. This intersection will operate at LOS B conditions. Table 14 displays the levels of service with the project at each of the proposed project access intersections and the Yosemite Blvd (SR 132) / Geer Road intersection. All intersections will continue to operate at LOS C conditions or better.

Daily Traffic Volumes Levels of Service. Table 15 summarizes the roadway segment Levels of Service based on the projected 2012 daily traffic volumes on study area roads and the entire project traffic. Daily roadway traffic is expected to increase along both Yosemite Blvd and Geer Road. The level of service along Yosemite Blvd between Empire and Geer Road is projected to decline to LOS D conditions without the project, to 10,300 ADT. Addition of daily project traffic will increase the ADT to about 10,560 vpd; this will maintain a LOS D condition.

Yosemite Blvd, east of Geer Road is projected to decline to LOS E conditions, with about 13,900 vpd on the roadway. With the project added to the network this segment will remain at LOS E conditions, with about 14,230 ADT. Geer Road, south of the project, is projected to operate at LOS F conditions, with about 17,800 ADT on the roadway. Addition of project traffic will increase the ADT to 18,180 vpd and maintain the LOS F condition.





**TABLE 13
PEAK HOUR INTERSECTION LEVELS OF SERVICE
2012 CONDITIONS**

Location	Control	AM Peak Hour		PM Peak Hour		Saturday Peak Hour		
		LOS	Average Delay	LOS	Average Delay	LOS	Average Delay	
1. Yosemite Blvd (SR 132)/ Geer Rd	Signal	B	19.1	B	22.0	B	15.2	
6. Yosemite Blvd (SR 132)/ Fruit Yard Access	NB Stop	overall	A	0.4	A	0.5	A	0.7
NB		B	10.8	B	13.1	B	10.5	
WB left turn		A	0.1	A	0.9	A	1.0	
8. Geer Road / Fruit Yard Access	EB Stop	overall	A	0.7	A	0.8	A	1.2
NB left turn		A	1.3	A	1.0	A	1.6	
EB		C	17.5	C	16.4	B	13.8	

**TABLE 14
PEAK HOUR INTERSECTION LEVELS OF SERVICE
2012 PLUS PROJECT CONDITIONS**

Location	Control	AM Peak Hour		PM Peak Hour		Saturday Peak Hour		
		LOS	Average Delay	LOS	Average Delay	LOS	Average Delay	
1. Yosemite Blvd (SR 132) / Triangle Ranch Rd	NB Stop	overall	A	0.2	A	0.2	A	0.1
WB left turn		C	19.1	C	18.9	C	16.9	
NB		A	0.2	A	0.1	A	0.0	
2. Yosemite Blvd (SR 132) / Card Lock Access	NB Stop	overall	A	0.1	A	0.1	A	0.2
WB left turn		B	14.5	B	12.9	B	11.2	
NB		A	0.1	A	0.1	A	0.2	
3. Yosemite Blvd (SR 132) / A Dr	NB Stop	overall	A	0.3	A	0.8	A	0.9
WB left turn		B	14.2	C	15.9	B	12.9	
NB		A	0.2	A	0.9	A	0.8	
4. Yosemite Blvd (SR 132) / B Dr	NB Stop	overall	A	0.2	A	1.0	A	1.2
WB left turn		B	12.1	B	14.3	B	11.2	
NB		A	0.2	A	2.9	A	2.4	
5. Yosemite Blvd (SR 132) / Restaurant Access	NB Stop	overall	A	0.1	A	0.0	A	0.1
NB		A	9.2	B	10.3	A	9.3	

**TABLE 14 (cont'd)
PEAK HOUR INTERSECTION LEVELS OF SERVICE
2012 PLUS PROJECT CONDITIONS**

Location	Control	AM Peak Hour		PM Peak Hour		Saturday Peak Hour		
		LOS	Average Delay	LOS	Average Delay	LOS	Average Delay	
6. Yosemite Blvd (SR 132) / Fruit Yard Access	NB Stop	overall	A	0.0	A	0.0	A	0.0
NB		A	9.2	B	10.3	A	9.2	
WB left turn		A	0.0	A	0.0	A	0.0	
7. Yosemite Blvd (SR 132) / Geer Rd	Signal	B	19.1	B	22.0	B	15.2	
8. Geer Road / Fruit Yard Access	EB Stop	overall	A	0.0	A	0.0	A	0.0
NB left turn		A	0.0	A	0.0	A	0.0	
EB		A	0.0	A	9.7	B	10.2	
9 Geer Rd / North of Fruit Stand	EB Stop	overall	A	0.0	A	0.0	A	0.0
EB		A	9.8	A	9.7	B	10.2	
10. Geer Rd / New Gas North Access	EB Stop	overall	A	0.2	A	0.4	A	0.5
EB		A	0.2	A	0.5	A	0.8	
NB left turn		B	12.7	B	12.7	B	13.0	
11. Geer Rd / New Gas South Access	EB Stop	overall	A	0.2	A	0.2	A	0.4
EB		A	0.5	A	0.5	A	0.6	
NB left turn		B	12.8	B	11.8	B	12.4	
12. Geer Rd / D Dr	EB Stop	overall	A	0.3	A	1.1	A	1.3
EB		A	0.5	A	1.8	A	2.0	
NB left turn		C	16.4	B	14.7	C	18.1	
13. Geer Rd / F Way	EB Stop	overall	A	0.3	A	0.4	A	0.6
EB		A	0.5	A	0.5	A	0.6	
NB left turn		C	19.1	C	17.3	C	17.5	
14. Triangle Ranch Rd / G Dr	EB Stop	overall	A	4.6	A	6.0	A	3.3
WB		A	6.4	A	3.6	A	3.6	
SB left turn		A	8.4	A	8.4	A	8.4	

N/A - no side street traffic

--- available movement, no traffic recorded in peak hour

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**TABLE 15
2012 PLUS PROJECT CONDITIONS
ROADWAY SEGMENT LEVELS OF SERVICE**

Roadway	Location		Standard		2012 Conditions		2012 + Project Conditions	
	From	To	LOS	Daily Volume Threshold	LOS	Daily Volume	LOS	Daily Volume
Yosemite Blvd (SR 132)	Empire	Geer Road	D	13,700	D	10,300	D	10,560
	Geer Road	Waterford	D	13,700	E	13,890	E	14,230
Geer Road	Yosemite Blvd (SR 132)	Hatch Road	C	9,200	F	17,800	F	18,180

Source: Stanislaus County Circulation Element

FUTURE IMPACTS

Background Traffic Volume Forecasts. Year 2030 traffic volume forecasts developed for the Stanislaus County General Plan were the basis for the cumulative impact analysis. The results of the traffic model is based on the StanCOG regional travel demand forecasting model prepared by Dowling Associates as part of the County's Traffic Circulation update. Furness factoring was used to develop turning movement volumes at the study intersections.

Year 2030 Lane Configurations. The Stanislaus County General Plan identifies Yosemite Blvd (SR 132) and Geer Road / Albers Road to be Class C Expressways by 2030. These include limited access controlled roadways with traffic controls at intersections with Major Roads and other Expressways. The Circulation Element identifies Yosemite Blvd (SR 132) to be four lanes while Albers Road – Geer Road is identified as a six-lane expressway. For analysis purposes full access intersections are assumed at the following locations:

Yosemite Blvd (SR 132) / Triangle Ranch Road
Yosemite Blvd (SR 132) / Gas Card Lock Access
Yosemite Blvd (SR 132) / 'A' Drive
Yosemite Blvd (SR 132) / 'B' Drive
Geer Road / 'D' Drive
Geer Road / 'F' Way

If a median is installed along Geer Road in the future, existing and any future driveways would be subjected to restricted access. The intersections adjacent to the Yosemite Blvd (SR 132) / Geer Road intersection would be limited to right-in, right-out movements while the remaining driveways along Geer Road are assumed to have right-in, right-out and left-in access. The left-in access would include turn pockets along northbound Geer Road to allow queuing off of the through lanes.

At the Yosemite Blvd (SR 132) / Gas Card Lock Access intersection an alternative layout was considered due to the proximity of the intersection to Triangle Ranch Road. It is possible that adequate distance may not exist between the two locations meeting Highway Design Manual criteria for lane acceleration and lane deceleration. An alternative was considered that eliminated left-out movements from the Gas Card Lock driveway; these movements would use the Triangle Ranch Road intersection.

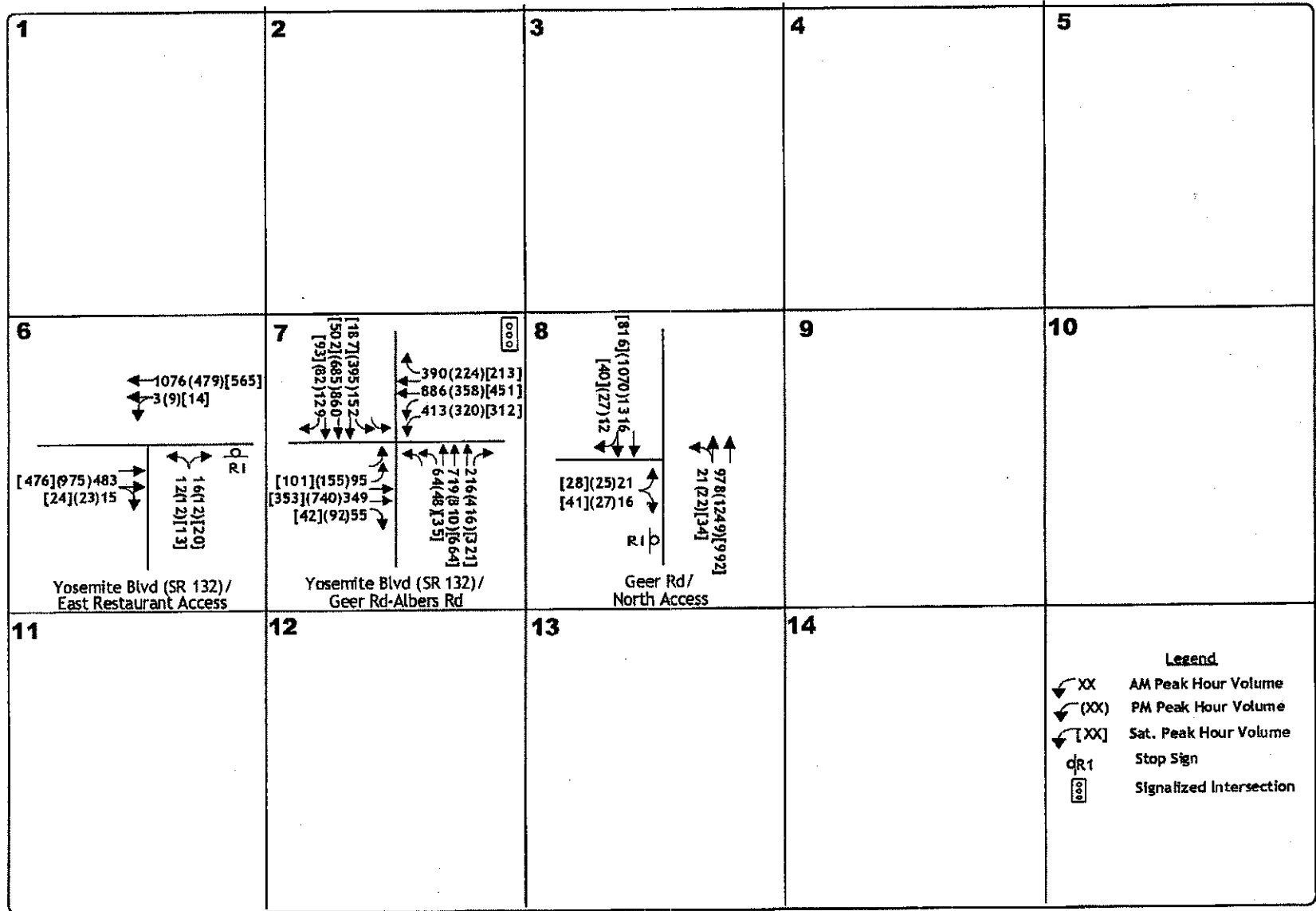
Future Traffic Conditions

Intersection Levels of Service. Figure 13 displays the 2030 traffic volumes with the lane configurations for each study intersection. Table 16 displays the a.m., p.m. and Saturday peak hour Levels of Service at the Yosemite Blvd (SR 132) / Geer Road intersection and the adjacent driveways without the project. The Yosemite Blvd / Geer Rd intersection will operate at LOS C conditions in the p.m. peak hour and LOS B conditions during the remaining peak hours. The Fruityard access along Yosemite Blvd is projected to operate at LOS C or better; however, the Fruityard access along Geer Road will decline to LOS E conditions for traffic leaving the site.

Figure 14A displays the 2030 plus Project conditions assuming full access is available at all intersections except the two adjacent to the Yosemite Blvd (SR 132) / Geer Road intersection. Table 17 displays the levels of service with the project at each of the proposed project access intersections and the Yosemite Blvd (SR 132) / Geer Road intersection. All intersections will operate at LOS C conditions or better except the Geer Road / 'D' Drive intersection. The eastbound approach will operate at LOS E conditions in the a.m. peak hour and LOS D in the p.m. peak hour and Saturday peak hour. This is not considered significant as the intersection does not meet traffic signal warrants. Installation of an unwarranted signal may cause additional and unnecessary delays to traffic along Geer Road. The existing Fruityard access at Geer Road will improve to LOS C or better conditions due to the realignment of on-site traffic patterns due to the projected development.

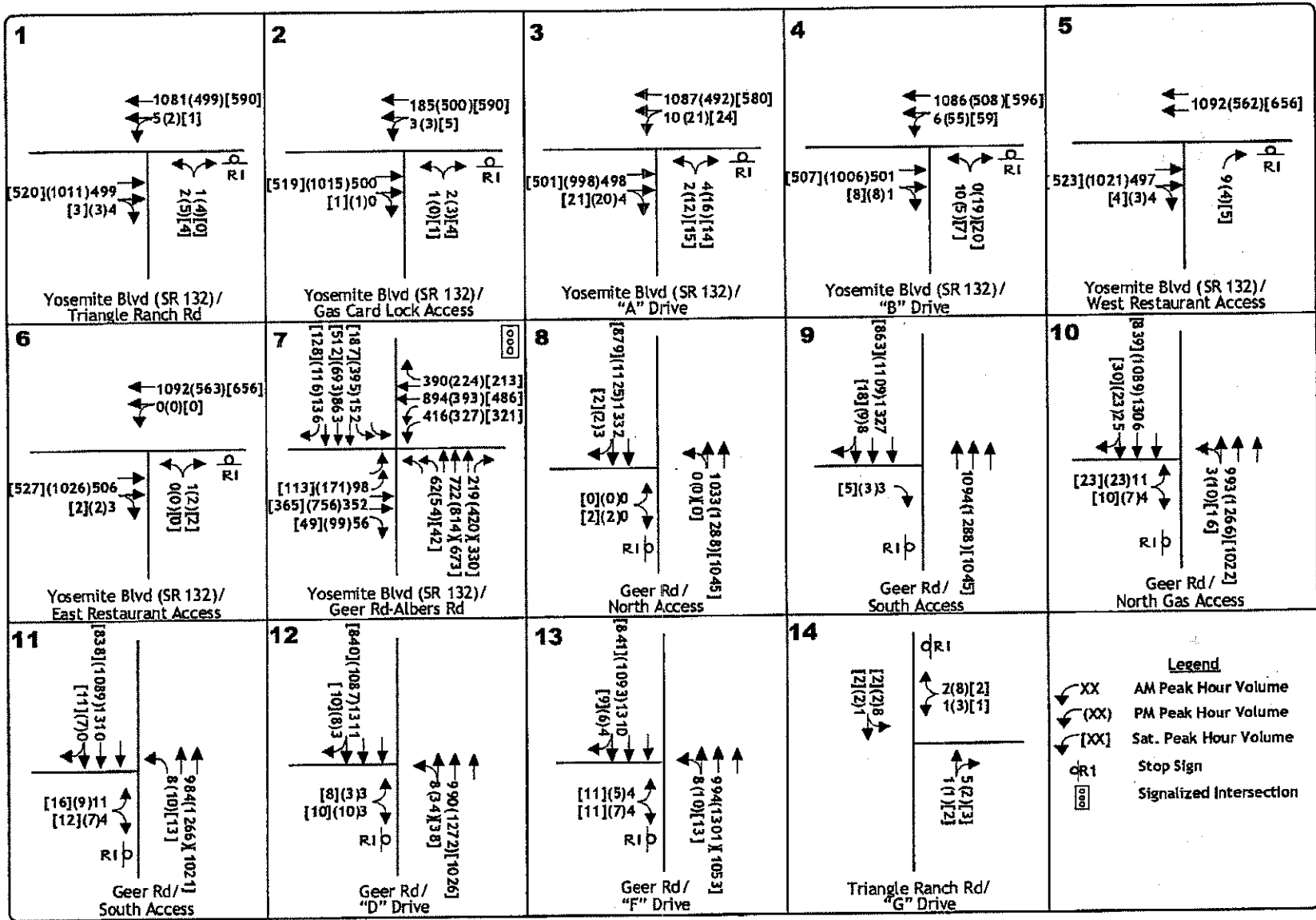
Figure 14B presents the traffic volumes and lane configurations under the limited access control alternative. Table 17 also presents the levels of service at the intersections affected by the limited access alternative. Under this alternative the intersections along Yosemite Blvd (SR 132) will continue to operate at LOS C or better.

Daily Traffic Volumes Levels of Service. Table 18 summarizes the roadway segment Levels of Service based on the projected 2030 daily traffic volumes on the study area roads. Daily roadway traffic is expected to increase along both Yosemite Blvd and Geer Road. Yosemite Blvd between Empire and Geer Road is projected to operate at LOS C while between Geer Road and Waterford the roadway will operate at LOS D conditions. The roadway is projected to be a four-lane expressway and carry 17,550 vpd and 27,800 vpd, respectively. The level of service along Geer Road is projected to be LOS D with 41,080 ADT. Under project conditions, the levels of service along each segment will remain at either LOS C or D.

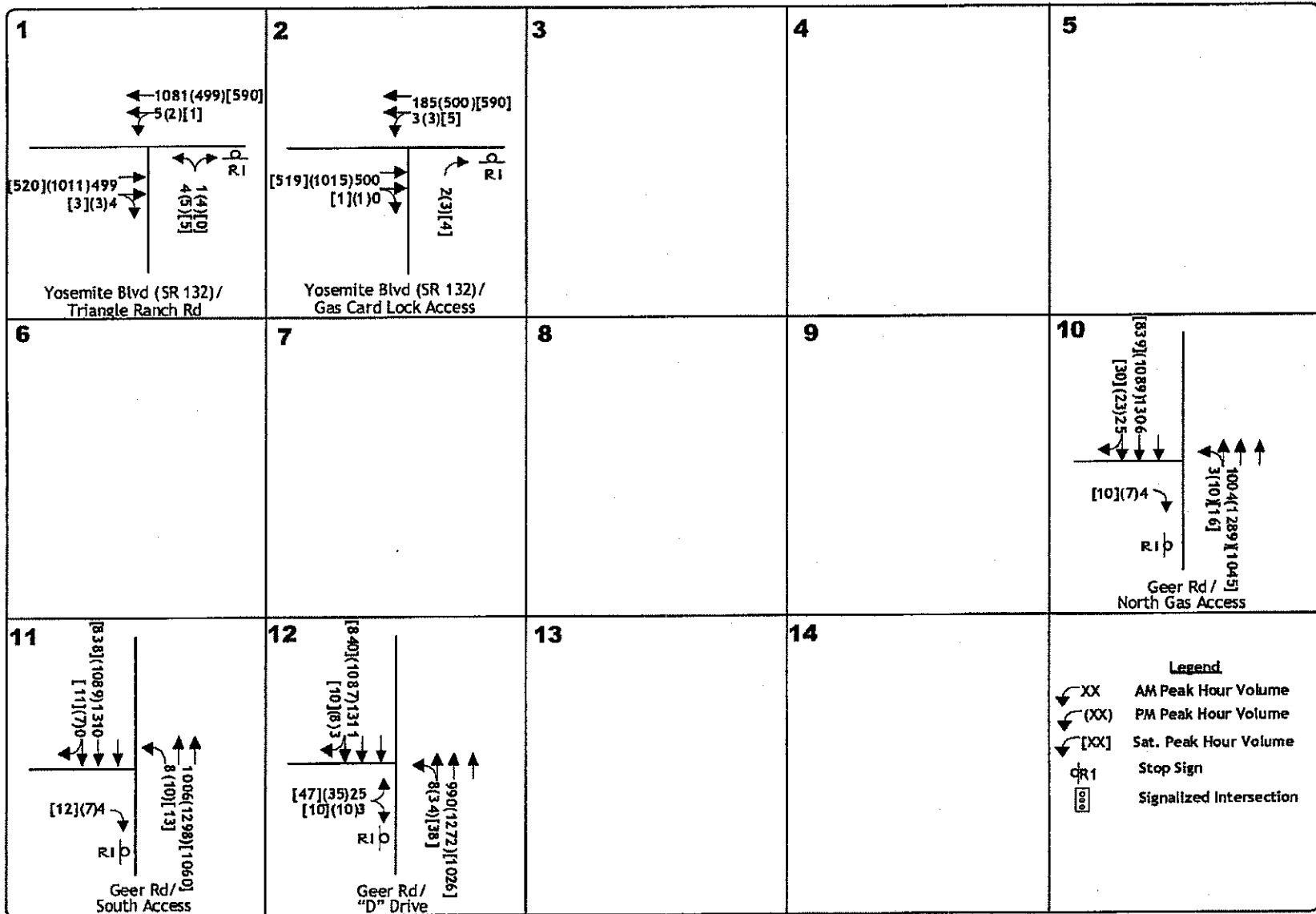


KD Anderson & Associates, Inc.
Transportation Engineers

**YEAR 2030 TRAFFIC VOLUMES
AND LANE CONFIGURATIONS**



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**TABLE 16
PEAK HOUR INTERSECTION LEVELS OF SERVICE
2030 CONDITIONS**

Location	Control	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
		LOS	Average Delay	LOS	Average Delay	LOS	Average Delay
1. Yosemite Blvd (SR 132)/ Geer Rd	Signal	B	20.9	C	28.9	B	18.8
6. Yosemite Blvd (SR 132)/ Fruit Yard Access	NB Stop						
overall		A	0.3	A	0.5	A	0.5
NB		C	15.5	C	23.9	B	13.2
WB left turn	A	0.1	A	0.7	A	0.7	
8. Geer Road / Fruit Yard Access	EB Stop						
overall		A	0.9	A	0.9	A	1.0
NB left turn		A	1.4	A	1.4	A	1.9
EB	E	35.7	E	35.7	C	21.1	

**TABLE 17
PEAK HOUR INTERSECTION LEVELS OF SERVICE
2030 PLUS PROJECT CONDITIONS**

Location	Control	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
		LOS	Average Delay	LOS	Average Delay	LOS	Average Delay
1. Yosemite Blvd (SR 132)/ Triangle Ranch Rd	NB Stop						
overall		A (A)	0.1 (0.1)	A (A)	0.2 (0.2)	A (A)	0.1 (0.1)
WB left turn		C (C)	15.6 (16.5)	C (C)	23.8 (23.8)	C (C)	15.7 (15.7)
NB	A (A)	0.1 (0.3)	A (A)	0.3 (0.3)	A (B)	0.1 (10.9)	
2. Yosemite Blvd (SR 132)/ Card Lock Access	NB Stop						
overall		A (A)	0.0 (0.0)	A (A)	0.1 (0.0)	A (A)	0.1 (0.1)
WB left turn		B (B)	11.3 (10.4)	B (B)	13.4 (13.4)	B (B)	10.9 (10.5)
NB	A (A)	0.1 (9.0)	A (B)	0.3 (11.8)	A (A)	0.3 (0.1)	
3. Yosemite Blvd (SR 132)/ A Dr	NB Stop						
overall		A	0.1	A	0.5	A	0.5
WB left turn		B	10.8	C	15.8	B	11.4
NB	A	0.3	A	1.6	A	1.2	
4. Yosemite Blvd (SR 132)/ B Dr	NB Stop						
overall		A	0.1	A	0.6	A	0.9
WB left turn		B	13.3	C	15.0	B	11.1
NB	A	8.6	B	11.3	A	2.0	
5. Yosemite Blvd (SR 132)/ Restaurant Access	NB Stop						
overall		A	0.1	A	0.0	A	0.0
NB	B	10.0	B	12.7	B	10.1	

N/A - no side street traffic --- available movement, no traffic recorded in peak hour
(left-out prohibited) - left turn traffic uses Triangle Ranch Road

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TABLE 17 (cont'd)
PEAK HOUR INTERSECTION LEVELS OF SERVICE
2030 PLUS PROJECT CONDITIONS

Location	Control	AM Peak Hour		PM Peak Hour		Saturday Peak Hour		
		LOS	Average Delay	LOS	Average Delay	LOS	Average Delay	
6. Yosemite Blvd (SR 132) / Fruit Yard Access	NB Stop	overall	A	0.0	A	0.0	A	0.0
		NB	B	10.0	B	12.7	B	10.1
		WB left turn	A	0.0	A	0.0	A	0.0
7. Yosemite Blvd (SR 132) / Geer Rd	Signal	B	20.4	C	28.8	B	19.8	
8. Geer Road / Fruit Yard Access	EB Stop	overall	A	0.0	A	0.0	A	0.0
		NB left turn	A	0.0	A	0.0	A	0.0
		EB	A	0.0	A	9.4	A	9.2
9. Geer Rd / North of Fruit Stand	EB Stop	overall	A	0.0	A	0.0	A	0.0
		EB	A	9.0	A	9.3	A	9.2
10. Geer Rd / New Gas North Access	EB Stop	overall	A	0.0	A	0.1	A	0.1
		EB	B	12.2	B	11.0	A	9.8
		NB left turn	A	9.2	A	9.5	A	9.5
11. Geer Rd / New Gas South Access	EB Stop	overall	A	0.1	A	0.1	A	0.1
		EB	B	12.2	B	10.9	A	9.8
		NB left turn	A	9.2	A	9.5	A	9.7
12. Geer Rd / D Dr	EB Stop	overall	A	0.6	A	0.9	A	1.1
		EB	E	40.5	D	33.1	D	26.8
		NB left turn	C	19.7	C	17.5	B	14.4
13. Geer Rd / F Way	EB Stop	overall	A	0.2	A	0.2	A	0.4
		EB	A	1.6	A	1.3	A	1.4
		NB left turn	C	24.8	C	20.2	C	18.1
14. Triangle Ranch Rd / G Dr	EB Stop	overall	A	4.6	A	6.0	A	3.3
		WB	A	6.4	A	3.6	A	3.6
		SB left turn	A	8.4	A	8.4	A	8.4

N/A - no side street traffic --- available movement, no traffic recorded in peak hour
(left-out prohibited) - left turn traffic uses Triangle Ranch Road

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**TABLE 18
2030 PLUS PROJECT CONDITIONS
ROADWAY SEGMENT LEVELS OF SERVICE**

Roadway	Location		Standard		2030 Conditions		2030 + Project Conditions	
	From	To	LOS	Daily Volume Threshold	LOS	Daily Volume	LOS	Daily Volume
Yosemite Blvd (SR 132)	Empire	Geer Road	D	32,400	C	17,550	C	17,810
	Geer Road	Waterford	D	32,400	D	27,800	D	28,140
Geer Road	Yosemite Blvd (SR 132)	Hatch Road	C	31,200	D	41,080	D	41,460

Source: Stanislaus County Circulation Element

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QUEUING

A queuing analysis was completed for each of the study intersections. 95% queues were determined based on the queue results in the Synchro analysis. Table 19 presents the results for each of the analysis scenarios. Generally, all queues into and out of the project site will be less than a single vehicle. The queues at the Geer Road / D Dr. intersection with the completion of Phases 1 and 2 will be higher than during any other scenario. This is due to the projected re-routing of gas station traffic to D Drive on a temporary basis. The projected 95% queue waiting to enter Geer Road will be 29 feet. The completion of Phase 3 will relocate the gas station and will provide full access driveways to Geer Road.

Through lane queues were also reported for the Yosemite Blvd (SR 132) / Geer Road intersection to determine whether any access driveways along the project site could be blocked. The longest eastbound queue will develop during 2030 when the queue is projected to reach 285' with the project. This will occur in the p.m. peak hour and may block the right-in, right-out access, closest to the intersection. The worst northbound queue along Geer Road is projected to be 189', again in 2030 buildout. Motorists should be able to access northbound Geer Road at any of the full access points proposed.

**TABLE 19
PROJECTED QUEUES**

Location	Exist	Exist + Ph 1	Exist + Ph 1,2	Exist + Ph 1,2,3	2012	2012 + Project	2030	2030 + Project
1. Yosemite Blvd (SR 132) / Triangle Ranch Rd WB left turn NB	0 (0) <0> 0 (0) <0>	0 (0) <0> 0 (0) <0>	0 (0) <0> 0 (0) <0>	0 (0) <0> 1 (2) <1>	0 (0) <0> 0 (0) <0>	0 (0) <0> 1 (3) <1>	0 (0) <0> 0 (0) <0>	1 (1) <0> 1 (4) <1>
2. Yosemite Blvd (SR 132) / Card Lock Access WB left turn NB	-- --	-- --	-- --	0 (0) <0> 1 (0) <1>	-- --	0 (0) <0> 1 (1) <1>	-- --	0 (0) <0> 0 (1) <1>
3. Yosemite Blvd (SR 132) / A Dr WB left turn NB	-- --	0 (1) <1> 0 (3) <2>	0 (1) <1> 0 (3) <3>	1 (2) <2> 1 (6) <4>	-- --	1 (2) <2> 1 (7) <5>	-- --	1 (3) <2> 1 (7) <4>
4. Yosemite Blvd (SR 132) / B Dr WB left turn NB	-- --	0 (4) <4> 2 (5) <3>	0 (4) <4> 1 (5) <4>	0 (5) <4> 1 (5) <4>	0 (0) <1> 2 (1) <1>	0 (5) <4> 2 (5) <4>	0 (1) <1> 2 (2) <2>	0 (8) <5> 2 (5) <4>
5. Yosemite Blvd (SR 132) / Restaurant Access NB	-- --	1 (0) <1>	1 (0) <0>	1 (0) <0>	1 (0) <0>	0 (1) <0>	1 (1) <0>	1 (1) <1>
6. Yosemite Blvd (SR 132) / Fruit Yard Access NB WB left turn	3 (4) <4> 0 (1) <1>	0 (1) <1> 0 (1) <1>	1 (1) <1> 0 (1) <1>	0 (0) <0> 0 (0) <0>	4 (4) <4> 0 (1) <1>	0 (0) <0> 0 (0) <0>	7 (10) <6> 0 (1) <1>	0 (0) <0> 0 (0) <0>
7. Yosemite Blvd (SR 132) / Geer Rd NB Left NB Thru SB Left SB Thru EB Left EB Thru WB Left WB Thru	40 (38) <22> 84 (102) <66> 37 (94) <33> 105 (90) <58> 41 (64) <39> 46 (107) <45> 143 (106) <95> 113 (51) <52>	51 (42) <33> 81 (102) <67> 35 (94) <40> 98 (104) <60> 44 (71) <41> 48 (112) <46> 148 (105) <95> 86 (62) <62>	50 (43) <34> 92 (103) <70> 38 (95) <40> 112 (106) <62> 48 (71) <45> 54 (112) <46> 123 (117) <106> 121 (62) <63>	51 (44) <34> 92 (103) <70> 39 (95) <40> 114 (106) <62> 50 (76) <47> 54 (115) <47> 123 (117) <106> 123 (65) <63>	62 (40) <31> 98 (120) <81> 51 (140) <59> 127 (116) <71> 51 (74) <46> 54 (131) <54> 199 (145) <117> 141 (63) <66>	63 (47) <36> 99 (121) <83> 51 (140) <62> 130 (118) <78> 53 (84) <55> 55 (138) <50> 202 (155) <132> 144 (77) <78>	31 (27) <18> 137 (165) <116> 70 (170) <67> 163 (120) <90> 43 (64) <42> 105 (275) <71> 136 (148) <99> 241 (109) <79>	28 (31) <22> 124 (189) <128> 72 (168) <71> 151 (135) <99> 41 (74) <48> 95 (285) <110> 163 (146) <109> 263 (123) <130>

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**TABLE 19 (CONT'D)
PROJECTED QUEUES**

Location	Exist	Exist + Ph 1	Exist + Ph 1, 2	Exist + Ph 1, 2, 3	2012	2012 + Project	2030	2030 + Project
8. Geer Road / Fruit Yard Access								
NB left turn	2 (2) <2>	0 (0) <0>	0 (0) <0>	0 (0) <0>	2 (2) <3>	0 (0) <0>	4 (3) <4>	0 (0) <0>
EB	8 (10) <11>	0 (1) <2>	0 (1) <2>	0 (0) <0>	10, (13) <14>	0 (0) <0>	32 (33) <24>	0 (0) <0>
9. Geer Rd / North of Fruit Stand								
EB	--	0 (0) <1>	0 (0) <1>	0 (0) <1>	0 (0) <1>	0 (0) <1>	0 (0) <0>	0 (0) <0>
10. Geer Rd / New Gas North								
Access								
EB	--	0 (0) <0>	0 (0) <0>	2 (4) <5>	3 (5) <6>	3 (5) <6>	5 (8) <7>	5 (9) <7>
NB left turn		0 (0) <0>	0 (0) <0>	0 (1) <1>	0 (1) <1>	0 (1) <1>	0 (1) <2>	0 (1) <2>
11. Geer Rd / New Gas South								
Access								
EB	--	0 (1) <0>	2 (0) <0>	2 (2) <4>	3 (2) <5>	3 (2) <5>	5 (4) <5>	5 (4) <5>
NB left turn		0 (0) <0>	1 (0) <0>	1 (1) <1>	1 (1) <1>	1 (1) <1>	1 (1) <1>	1 (1) <1>
12. Geer Rd / D Dr								
EB	--	0 (4) <11>	11 (20) <29>	1 (3) <4>	0 (0) <6>	2 (3) <5>	0 (0) <0>	3 (3) <5>
NB left turn		1 (9) <5>	3 (13) <13>	1 (5) <5>	0 (0) <1>	1 (5) <6>	1 (1) <1>	3 (10) <8>
13. Geer Rd / F Way								
EB	--	--	2 (2) <4>	2 (3) <4>	--	3 (3) <6>	--	4 (4) <6>
NB left turn			0 (1) <1>	1 (1) <1>		1 (1) <2>		3 (3) <3>
14. Triangle Ranch Rd / G Dr								
WB	--	--	--	0 (1) <0>	--	0 (1) <0>	--	0 (1) <0>
SB left turn				0 (0) <0>		0 (0) <0>		0 (0) <0>

a.m. (p.m.) <Saturday>

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KSA

FINDINGS / RECOMMENDATIONS / MITIGATIONS

The preceding analysis has identified project impacts that may occur without mitigation. The text that follows identifies a strategy for mitigating the impacts of the proposed project. Recommendations are identified for facilities that require mitigation but are not a result of the proposed project. If the project causes a significant impact, mitigations are identified for the facility.

Existing Conditions - Recommendations

Each of the four study intersections currently operate at acceptable levels of service. No recommendations are necessary.

Geer Road, south of Yosemite Blvd (SR 132) currently operates below the County LOS threshold, at LOS E. The County's General Plan identifies Geer Road as a Class C 6-lane expressway. Widening of Geer Road would result in LOS B or better conditions.

Existing Plus Phase 1 Mitigations

All of the proposed intersections will operate within County and Caltrans LOS thresholds. Geer Road will continue to operate below LOS C conditions. Widening Geer Road is part of the County's Traffic Impact Fee program; therefore, no additional mitigation is required.

The project should contribute its fair share to the cost of regional circulation system improvements through the existing Stanislaus County traffic mitigation fee program.

Yosemite Blvd (SR 132) should be widened to its ultimate width along the project frontage of Phase 1. This would include two through lanes, one half of a continuous left turn lane and shoulder per Caltrans standards.

No other mitigations are necessary.

Existing Plus Phase 1 & Phase 2 Mitigations

All of the proposed intersections will continue to operate within County and Caltrans LOS thresholds. Geer Road will continue to operate below LOS C conditions.

Phase 2 of the project should contribute its fair share to the cost of regional circulation system improvements through the existing Stanislaus County traffic mitigation fee program.

Geer Road should be widened to its ultimate half-width along the project frontage. The limits of widening would extend from the Yosemite Blvd (SR 132) intersection south of the project limits to D Drive. This would include three through lanes and half a median. The full median, once completed, should provide breaks to allow inbound left turns at the various driveways. Full access

should be provided at D Drive. Geer Road will continue to operate below LOS C conditions. Widening Geer Road is part of the County's Traffic Impact Fee program; therefore, no other mitigation is required.

Existing Plus Phase 1, Phase 2 & Phase 3 Mitigations

All of the proposed intersections will continue to operate within County and Caltrans LOS thresholds. Geer Road will continue to operate below LOS C conditions.

Phase 3 of the project should contribute its fair share to the cost of regional circulation system improvements through the existing Stanislaus County traffic mitigation fee program.

Yosemite Blvd (SR 132) should be widened to its ultimate width along the project frontage of Phase 3. This would include two through lanes, one half of a continuous left turn lane and shoulder per Caltrans standards.

Geer Road should be widened to its ultimate half-width along the project frontage from D Drive to the south project limit, at MID Lateral No. 1. This would include three through lanes and half a median. The full median, once completed, should provide breaks to allow inbound left turns at the various driveways. Full access should be provided at F Way. Geer Road will continue to operate below LOS C conditions. Widening Geer Road is part of the County's Traffic Impact Fee program; therefore, no other mitigation is required.

2012 Conditions - Recommendations

Each of the study intersections will operate at acceptable levels of service. No recommendations are necessary.

Yosemite Blvd (SR 132) will decline to LOS E conditions. Widening Yosemite Blvd (SR 132) is identified as part of the County's Traffic Impact Fee program.

2012 plus Phase 1, Phase 2 & Phase 3 Mitigations

Each of the study intersections will operate at acceptable levels of service. No mitigations are necessary.

Yosemite Blvd (SR 132) will continue to operate at LOS E conditions. Widening Yosemite Blvd (SR 132) is identified as part of the County's Traffic Impact Fee program. The project should pay its fair share of Traffic Impact Fees; therefore, no other mitigation is required.

Geer Road will continue to operate below the County LOS threshold level. No additional mitigations are necessary as TIF fees have already been identified in the Existing scenario.

2030 Conditions - Recommendations

Each of the study intersections will operate at acceptable levels of service except the Geer Road / Fruityard access. This intersection is adjacent to the Yosemite Blvd / Geer Road intersection. Left turn access in and out of the driveway would need to be eliminated in order to improve the level of service at the intersection. This will result in LOS A conditions at the intersection. No other recommendations are necessary.

Geer Road is projected to operate at LOS D conditions in 2030. To operate within County thresholds the County would have to adopt an LOS D threshold for six lane Type C Expressways.

2030 plus Phase 1, Phase 2 & Phase 3 Mitigations

Each of the study intersections except the Geer Road / D Drive intersection will operate at acceptable levels of service. The Geer Drive / D Drive intersection will operate at LOS E in the a.m. peak hour and LOS D in the p.m. and Saturday peak hours. A traffic signal warrant analysis was conducted at each intersection where full access is proposed along both Yosemite Blvd (SR 132) and Geer Road. The analysis showed that no signal warrants are met for any of the study intersections; therefore, no significant impact exists at D Drive as an unwarranted signal may cause additional and unnecessary delays to traffic along Geer Road.

Geer Road is projected to continue to operate at LOS D conditions in 2030. To operate within County thresholds the County would have to adopt an LOS D threshold for six lane Type C Expressways.

No additional mitigations are necessary.

REFERENCES

1. *Stanislaus County General Plan Update to the Circulation Element, April 2006*
2. *STANCOG Bicycle Action Plan, 2001*
3. *STANCOG 2004 DRAFT Regional Transportation Plan*
4. Transportation Research Board, Special Report 209, *Highway Capacity Manual, 2000*
5. California MUTCD, September 2006

APPENDIX

KDA

APPLICANT'S FINDINGS STATEMENT

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

The Geer Road/Albers Road (J14) and Yosemite Boulevard (State Highway 132) intersection, is a busy intersection of a County Road and a State Highway. Urban type development already exists on three corners of the intersection. The site is completely surrounded by roads/canals which provide buffers from adjacent agricultural uses. The corner is on a highly used road for travelers to recreational areas both inside and outside of the County. Three corners of the intersection have some type of urban uses, with the northeast corner having a Planned Development zone over a General Plan designation of Agriculture.

The project site is currently developed as a restaurant, service station, produce market and card lock fueling station. To the north of the site there exists a church and well drilling business. To the northeast is the Crossroads Ranch and Feed store. To the east, across Geer Road are agricultural uses, and to the south across the MID Lateral No. 1 and to the west across Triangle Ranch Road are agricultural uses. The project has been designed so that agricultural type uses, or uses which would have a high level of agricultural compatibility are proposed for the west and south portions of the project site. Geer Road, Triangle Ranch Road, and the MID Lateral No. 1 provide adequate buffers, in addition to the land use mix proposed with the project, to assure that the project will not be detrimental to the agricultural usage of surrounding properties.

Based on the foregoing, and the balance of the information provided in the application packet and these general plan consistency findings, the project as proposed will not be detrimental to existing or planned land uses in the area.

- 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.

Based on the referral of the project to County and local agencies, services can be provided. Water, wastewater and storm drainage will be provided on site. Fire service will be provided by the Stanislaus Consolidated Fire Protection District. Police services will be provided by the County Sheriff. Service levels will be able to be maintained upon project development.

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

A General Plan consistency analysis is attached to the project application. This analysis provides a determination of project consistency, or lack thereof, with each Goal/Policy in the County General Plan. To determine consistency, direct compliance with each goal or policy is not required, but rather an overall determination of consistency must be made. Based on the attached General Plan consistency analysis, a determination can be made that the land use designation modification is consistent with the Stanislaus County General Plan.

The following document provides the justification for the Fruit Yard General Plan Amendment redesignating the property from Agriculture to Planned Development. All General Plan goals, policies and implementation measures are listed below, and the response used to determine general plan compliance is provided in *italicized text*, generally following each policy.

LAND USE ELEMENT

GOALS, POLICIES AND IMPLEMENTATION MEASURES

GOAL ONE

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

POLICY ONE

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

Refer to the discussion of the subsequent policies for compliance with this policy.

IMPLEMENTATION MEASURES

1. In reviewing proposals for amendments to land use designations, the County shall evaluate how the proposal would advance the long-term goals of the County.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors
2. The zoning district map of the County shall be reviewed to verify that no conflicts exist between land use designations and zoning districts. A report of this review shall be submitted to the Planning Commission not later than January 4, 1996.
Responsible Department: Planning Department

POLICY TWO

Land designated Agriculture shall be restricted to uses that are compatible with agricultural practices, including natural resources management, open space, outdoor recreation and enjoyment of scenic beauty.

The project site is currently developed as a restaurant, service station, produce market and card lock fueling station. To the north of the site there exists a church and well drilling business. To the northeast is the Crossroads Ranch and Feed store. To the east, across Geer Road are agricultural uses, and to the south

across the MID Lateral No. 1 and to the west across Triangle Ranch Road are agricultural uses. The project has been designed so that agricultural type uses, or uses which would have a high level of agricultural compatibility are proposed for the west and south portions of the project site.

IMPLEMENTATION MEASURE

1. Agricultural areas should generally be zoned for 40- to 160-acre minimum parcel sizes. Exceptions include land in a ranchette area so identified because of significant existing parcelization of property, poor soils, location, and other factors which limit the agricultural productivity of the area.
Responsible Departments: Agricultural Commissioner, Planning Department, Planning Commission, Board of Supervisor

POLICY THREE

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

The proposed General Plan Land Use designation for the project is Planned Development. Listed below is the Planned Development criteria identified in the General Plan.

PLANNED DEVELOPMENT

Intent. The Planned Development designation is intended for land which, because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental effects on other property.

Zoning. Land within a Planned Development designation should be zoned A-2 (General Agriculture) until development occurs through Planned Development zoning. A PD (Planned Development) zone (which, with the A-2 zone, are the only zoning districts consistent with this designation) is applied through application and submission of specific development plans. Building intensity and population density would be determined by the County on an individual basis, depending upon the nature and location of the proposed planned development.

Appropriate Locations. The Zoning Ordinance indicates that all applications for planned development should be consistent with the General Plan. The following are considered to be valid uses of the planned development designation consistent with the intent of this 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 the absence of detrimental effect to the surrounding area.

b. Applications falling within an area designated by this element as a Planned Development area, subject to those resolutions within the appendix of this element that define special policy for planned development uses in the following areas:

- (1) Upper McHenry Avenue, Resolution No. 87-01 (See Appendix 1-1).
- (2) East F Street, Highway 108/120, Oakdale, Resolution No. 87-02 (See Appendix 1-2).

(3) Freeway Interchange and Frontage Roads adjacent to major highways and freeways, Resolution No. 87-03 (See Appendix 1-3).

The Geer Road/Albers Road (J14) and Yosemite Boulevard (State Highway 132) intersection, is a busy intersection of a County Road and a State Highway. Urban type development already exists on three corners of the intersection. The site is completely surrounded by roads/canals, to provide buffers from adjacent agricultural uses. The corner is on a highly used road for travelers to recreational areas both inside and outside of the County. Three corners of the intersection have some type of urban uses, with the northeast corner actually having a Planned Development zone over a General Plan designation of Agriculture. Based on the foregoing, and the 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.

IMPLEMENTATION MEASURE

1. Requests for General Plan amendments shall be carefully reviewed for consistency with the criteria established in the **DESIGNATIONS** section of this element for locating these designations. Applications which are inconsistent shall be denied.

Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

POLICY FOUR

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.

None of these growth limiting factors occur at the site.

IMPLEMENTATION MEASURES

1. All requests for development which require discretionary approval and include lands adjacent to or within riparian habitat shall include measures for protecting that habitat.

Responsible Departments: Agricultural Commissioner, Planning Department, Planning Commission, Board of Supervisors

2. Applications for development in areas with growth-limiting factors such as high water table, poor soil percolation, geological fault areas, flood plains, and airport hazard areas shall include measures to mitigate the problems.

Responsible Departments: Public Works, Environmental Resources, Planning Department, Planning Commission, Board of Supervisors

3. Development within the 100-year flood boundary shall meet the requirements of Chapter 16.40 (Flood Damage Protection) of the County Code and within the designated floodway shall obtain Reclamation Board approval.

Responsible Departments: Public Works, Planning Department, Planning Commission, Board of Supervisors

4. The County will continue to enforce the height limiting ordinance near airports.
Responsible Departments: Planning Department, Board of Supervisors

5. The County shall enforce the provisions of the Alquist-Priolo Earthquake Fault Zoning Act that limits development in areas identified as having special seismic hazards. See Map 5-1 of the Support Documentation for the location of the zone.
Responsible Departments: Building Inspection, Planning Department, Public Works, Planning Commission, Board of Supervisors

POLICY FIVE

Residential densities as defined in the General Plan shall be the maximum based upon environmental constraints, the availability of public services, and acceptable service levels. The densities reflected may not always be achievable and shall not be approved unless there is proper site planning and provision of suitable open space and recreational areas consistent with the supportive goals and policies of the General Plan.

The project proposed is not residential in nature.

IMPLEMENTATION MEASURE

1. Residential development shall not be approved at the maximum density if: (1) it threatens riparian habitat; (2) growth-limiting factors such as high water table, poor soil percolation, geological fault areas, and airport hazard areas exist; (3) development is in a designated floodway or does not meet the requirements of Chapter 16.40 of the County Code; (4) it does not comply with airport height limiting ordinance restrictions; (5) there is lack of, or inadequate, sanitary sewer or public water service; or (6) environmental impacts, including traffic, cannot be mitigated.
Responsible Departments: Planning Department, Environmental Resources, Public Works, Planning Commission, Board of Supervisors

POLICY SIX

Preserve and encourage upgrading of existing unincorporated urban communities.

The project is not adjacent to, or near, an existing unincorporated urban community.

IMPLEMENTATION MEASURES

1. The County in association with the Redevelopment Agency will use redevelopment as a tool to upgrade existing urban areas that meet the requirements of the State of California redevelopment law.
Responsible Departments: Planning Department, Stanislaus County Redevelopment Agency, Planning Commission, Board of Supervisors

2. The County will apply for federal and state funds to aid in upgrading existing urban areas.
Responsible Department: Redevelopment Agency, Planning Department, Parks and Recreation, County Executive Office, Board of Supervisors

3. Land within the sphere of influence of a community services district, sanitary district or domestic water district shall be rezoned for development only if the US (Urban Service) combining district is used.

Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

POLICY SEVEN

Riparian habitat along the rivers and natural waterways of Stanislaus County shall to the extent possible be protected.

The project is not adjacent to a river, although it is in the vicinity of the Tuolumne River, it would not have any impact on the rivers riparian habitat.

IMPLEMENTATION MEASURE

1. All requests for development which require discretionary approval and include lands adjacent to or within riparian habitat shall include measures for protecting that habitat.

Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

POLICY EIGHT

The County will continue to provide proper ordinances to ensure that flood insurance can be made available to qualified property owners through state and federal programs.

The project is not within an area identified as subject to flooding.

IMPLEMENTATION MEASURE

1. Development within the 100-year flood boundary shall meet the requirements of Chapter 16.40 (Flood Damage Protection) of the County Code and within the designated floodway shall obtain Reclamation Board approval.

Responsible Departments: Public Works, Planning Department, Planning Commission, Board of Supervisors

POLICY NINE

The Land Use Element shall be maintained so that it is responsive to change.

No response needed.

IMPLEMENTATION MEASURES

1. The Land Use Element shall be comprehensively updated as found necessary by the Board of Supervisors. Every attempt shall be made to do so at least once every five years.

Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

2. All of the community plans shall be reviewed and updated as found necessary by the Board of Supervisors. Substantial changes to these plans shall be permitted only in conjunction with a complete community plan update unless the Director of Planning and Community Development finds that (1) the plan has been completely updated within the past three years and the proposed changes can be adequately evaluated based on that updated plan or (2) the proposed change will have no major or demonstrable impact on the surrounding area or on the community in general.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

3. An annual report shall be made to the Board of Supervisors on the status of the General Plan and progress in its implementation as required in Section 65400 (b) of the Government Code.
Responsible Department: Planning Department

POLICY TEN

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

This is an existing area of urban development, and the project proposed is an expansion of this area, so the less productive restriction does not apply.

IMPLEMENTATION MEASURES

1. Requests for designation of new urban areas shall be reviewed by the County to determine whether the land is located in a less productive agricultural area based on considerations identified in the Agricultural Element.
Responsible Departments: Planning Department, Agricultural Commissioner, Planning Commission, Board of Supervisors

2. Requests for designation of new urban areas shall be accompanied by a plan and implementation methods to provide all appropriate urban services.
Responsible Departments: Planning Department, Environmental Resources, Fire Safety, Sheriff, Parks, Library, Planning Commission, Board of Supervisors

3. Proposed amendments to the General Plan map that would allow the conversion of agricultural land to non-agricultural uses shall be approved only if they are consistent with the conversion criteria stated in the Agricultural Element.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

GOAL TWO

Ensure compatibility between land uses.

POLICY ELEVEN

Development of residential areas shall be adjacent to existing compatible unincorporated urban development or, in the case of remote development, included as part of a specific plan.

The project is not residential in nature.

IMPLEMENTATION MEASURE

1. The criteria for location of residential areas as described in the **DESIGNATIONS** section of this element shall be applied to all requests for residential designation.

Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

POLICY TWELVE

The expansion of urban boundaries of unincorporated communities shall attempt to minimize conflict between various land uses.

The project is not the expansion of the urban boundary of an unincorporated community.

IMPLEMENTATION MEASURES

1. The County shall ensure that expansion of urban boundaries of unincorporated communities is accomplished in an orderly manner to limit the area of conflict as much as possible. Substantial changes to community plans shall be permitted only as specified under Policy Nine, Implementation Measure 2.

Responsible Departments: Planning Department, Agriculture Commissioner, Planning Commission, Board of Supervisors

2. Before redesignating land designated Agriculture in the General Plan in the process of expanding an existing unincorporated community, the County shall require that the existing community plan be updated or, if a community plan does not already exist, that one be adopted.

Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

3. In the process of establishing a new, self-contained community, the County shall require that a specific plan be adopted before approving the redesignation of any land designated Agriculture in the General Plan.

Responsible Departments: Planning Department, Planning Commission, and Board of Supervisors

POLICY THIRTEEN

Expansion of urban boundaries of unincorporated communities should be based on infilling and elimination of existing "islands" and should not permit leapfrog development or create new "islands."

The project does not involve an unincorporated community.

IMPLEMENTATION MEASURE

1. The County shall not approve applications (such as General Plan amendments, rezones, or tentative maps) for expansion of urban boundaries of unincorporated communities that would create "islands" or disregard infilling.

Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

POLICY FOURTEEN

Uses shall not be permitted to intrude into or be located adjacent to an agricultural area if they are detrimental to continued agricultural usage of the surrounding area.

The project site is currently developed as a restaurant, service station, produce market and card lock fueling station. To the north of the site there exists a church and well drilling business. To the northeast is the Crossroads Ranch and Feed store. To the east, across Geer Road are agricultural uses, and to the south across the MID Lateral No. 1 and to the west across Triangle Ranch Road are agricultural uses. The project has been designed so that agricultural type uses, or uses which would have a high level of agricultural compatibility are proposed for the west and south portions of the project site. Geer Road, Triangle Ranch Road, and the MID Lateral No. 1 provide adequate buffers, in addition to the land use mix proposed with the project, to assure that the project will not be detrimental to the agricultural usage of surrounding properties.

IMPLEMENTATION MEASURES

1. All development proposals that require discretionary action shall be carefully reviewed to ensure that approval will not adversely affect an existing agricultural area.

Responsible Departments: Planning Department, Agricultural Commissioner, Planning Commission, Board of Supervisors

2. Proposed amendments to the General Plan 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, as stated in the Agricultural Element.

Responsible Departments: Agricultural Commissioner, Planning Department, Planning Commission, Board of Supervisors

POLICY FIFTEEN

Uses should not be permitted to intrude into or be located adjacent to areas that are identified as existing and/or

potential sites for solid waste facilities if such uses would not be compatible.

The project site has not been identified as an existing or potential site for solid waste facilities, although the old Geer Road Landfill was located south of the project site, and has been decommissioned.

IMPLEMENTATION MEASURES

1. Potential conflicts with existing solid waste facilities shall be avoided.
Responsible Departments: *Environmental Resources, Public Works, Planning Department, Planning Commission, Board of Supervisors*
2. When the Countywide Integrated Waste Management Plan is adopted, those sites which are identified as potential solid waste facilities should be protected from land use conflicts.
Responsible Departments: *Environmental Resources, Public Works, Planning Dept., Planning Commission, Board of Supervisors*

GOAL THREE

Foster stable economic growth through appropriate land use policies.

POLICY SIXTEEN

Agriculture, as the primary industry of the County, shall be promoted and protected.

The project is small in size and scale, and is the expansion of an existing use, which has an agricultural flavor. The project will not violate the policy of promoting and protecting agriculture.

IMPLEMENTATION MEASURES

1. The County shall require a 10-acre minimum parcel size for parcels requesting inclusion in the Williamson Act.
Responsible Departments: *Planning Department, Board of Supervisors*
2. As land is designated to accommodate new businesses, the County shall give priority to utilizing less productive agricultural areas.
Responsible Departments: *Planning Department, Agricultural Commissioner, Planning Commission, Board of Supervisors*
3. Specific plans shall be encouraged when non-agricultural uses are proposed within areas designated for agriculture.
Responsible Departments: *Planning Department, Planning Commission, Board of Supervisors*
4. The County shall continue to implement the Agricultural Element.

Responsible Departments: *Planning Department, Agricultural Commissioner, Planning Commission, Board of Supervisors*

5. Where parcels under a Williamson Act contract are divided and result in parcels of less than ten acres, a notice of non-renewal shall be filed for the contract on those parcels. This affects subdivision maps, parcel maps, and lot line adjustments.

Responsible Departments: *Planning Department, Planning Commission, Board of Supervisors*

POLICY SEVENTEEN

Promote diversification and growth of the local economy.

The project will promote the diversification and growth of the local economy by allowing an existing business to expand, and by allowing the additional capture of revenue from the traveling public on their way to recreational areas within and outside of the County.

IMPLEMENTATION MEASURES

1. Encourage the Stanislaus County Economic Development Corporation to promote Stanislaus County as a profitable location for industry.
Responsible Department: *Board of Supervisors*
2. The Board shall support the introduction of businesses in the County through consideration of suitable financial mechanisms such as Industrial Revenue Bonds.
Responsible Departments: *Planning Department, Board of Supervisors*
3. Continue to implement achievable components of the 1989 Economic Strategic Plan.
Responsible Departments: *Planning Department, Planning Commission, Board of Supervisors*
4. Encourage the development of new industries and the retention of existing industries that help the community reduce, recycle, and/or reuse waste that would otherwise require disposal.
Responsible Departments: *Environmental Resources, Board of Supervisors*
5. Allow private recreational uses where they are not found to cause land use conflicts.
Responsible Departments: *Planning Department, Parks and Recreation, Planning Commission, Board of Supervisors*
6. Emphasize the conservation and development of significant mineral resources as identified by the State Division of Mines and Geology in its report entitled Mineral Land Classification of Stanislaus County, California (Special Report, 173) by implementing the policies and implementation measures specified under Goal Nine of the Conservation/Open Space Element.
Responsible Departments: *Planning Department, Planning Commission, Board of Supervisors*
7. Strengthen the agricultural sector of the economy by continuing to implement the strategies for agriculture-related economic development identified under Goal One of the Agricultural Element.
Responsible Departments: *U.C. Cooperative Extension, Agricultural Commissioner, Planning Department, Planning Commission, Department of Environmental Resources, Board of*

Supervisors

8. Encourage tourism in Stanislaus County by participating in efforts to develop a tourism program, including marketing strategies and objectives.

Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

POLICY EIGHTEEN

Accommodate the siting of industries with unique requirements.

The project is not an industry with a unique siting characteristic.

IMPLEMENTATION MEASURE

1. The criteria described in the **DESIGNATIONS** section of this element shall be applied in the siting of industries with unique requirements.

Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

POLICY NINETEEN

Nonconforming uses are an integral part of the County's economy and, as such, should be allowed to continue.

The project is not a nonconforming use.

IMPLEMENTATION MEASURE

1. Maintain current Zoning Ordinance provisions (Chapter 21.80 of the County Code) which permit replacement or expansion of nonconforming uses.

Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

POLICY TWENTY

Facilitate retention and expansion of existing businesses.

The project, by its very nature, facilitates the retention and expansion of an existing business.

IMPLEMENTATION MEASURES

1. The County shall support the Stanislaus County Economic Development Corporation.
Responsible Departments: Board of Supervisors, Planning Department
2. The County shall investigate the use of federal and state funds to provide incentives for businesses to locate, expand or relocate in Stanislaus County.
Responsible Departments: Planning Department, Board of Supervisors

GOAL FOUR

Ensure that an effective level of public service is provided in unincorporated areas.

POLICY TWENTY-ONE

At least three net acres of developed neighborhood parks, or the maximum number of acres allowed by law, should be provided for every 1,000 residents, through land dedication and development, payment of in-lieu-of fees, or other methods acceptable to the Parks Department.

The project is residential in nature, and so does not result in the need for additional park acreage. The project does provide a park setting for those stopping at the site, although the park areas are private.

IMPLEMENTATION MEASURE

1. Continue to implement the strategies identified under Goal Four of the Conservation/Open Space Element.

Responsible Departments: Parks Department, Parks Commission, Planning Department, Planning Commission, Chief Executive Office, Board of Supervisors

POLICY TWENTY-TWO

Future growth shall not exceed the capabilities/capacity of the provider of services such as sewer, water, public safety, solid waste management, road systems, schools, health care facilities, etc.

The infrastructure needs of the project can be met by on-site sewer, water and storm drainage facilities.

IMPLEMENTATION MEASURES

1. The County shall continue to implement its Public Facilities Fees Program, which is intended to help finance public facilities needed to maintain current levels of service.

Responsible Departments: Chief Executive Office, Public Facilities Fees Committee, Building Inspections Division, Auditor-Controller, Board of Supervisors

2. Only development requests for which sewer service capacity that meets the standards of Measure X and domestic water are available shall be approved.

Responsible Departments: Environmental Resources, Planning Department, Planning Commission, Board of Supervisors

3. Benefit assessment districts, County Service Areas (CSA's), Mello-Roos Districts or other similar districts shall be formed as needed to pay for the cost of providing ongoing appropriate services.

Responsible Departments: Sheriff, Fire Safety, Library, Public Works, Parks & Recreation, Treasurer-Tax Collector, Auditor-Controller, Environmental Resources, Social Services, Stanislaus Medical Center, Planning Department, Planning Commission, Chief Executive Office, Board of Supervisors

4. The County shall continue to work with independent fire districts to implement fees to help finance public facilities to support their services.

Responsible Departments: Fire Safety, Chief Executive Office, Board of Supervisors

5. The current level of service of public agencies shall be determined and not allowed to deteriorate as a result of new development.

Responsible Departments: Sheriff, Fire Safety, Public Works, Environmental Resources, Parks & Recreation, Library, Social Services, Stanislaus Medical Center, Planning Department, Planning Commission, Treasurer-Tax Collector, Auditor-Controller, Chief Executive Office, Board of Supervisors

6. Rezoning of property for development prior to annexation to a special district that will provide urban services (i.e., sanitary sewer district, domestic water district, or community service district) shall be approved only if the US zoning district is used as a combining district.

Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

7. Only development requests which have recognized and mitigated any significant impacts on solid waste reduction, recycling, disposal, reuse, collection, handling, and removal shall be approved.

Responsible Departments: Environmental Resources, Planning Department, Planning Commission, Board of Supervisors

8. Only development requests which have recognized and reasonably mitigated significant impacts on school facilities shall be approved.

Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

9. The County will coordinate development with existing irrigation, water, utility and transportation systems by referring projects to appropriate agencies and organizations for review and comment.

Responsible Department: Planning Department

POLICY TWENTY-THREE

New development shall pay its fair share of the cost of cumulative impacts on circulation and transit systems.

The project will pay its fair share of the cost of cumulative impacts on circulation by participating in the County's Public Facilities Fee program.

IMPLEMENTATION MEASURES

1. Benefit assessment districts or other similar districts shall be formed as needed to pay for the cost of providing ongoing appropriate transportation services.

Responsible Departments: Public Works, Treasurer-Tax Collector, Auditor-Controller, Chief Executive Office, Board of Supervisors

2. Traffic impacts shall be identified and impact mitigation fees shall be paid by the subdivider and/or developer.
Responsible Departments: Public Works, Planning Department, Planning Commission, Board of Supervisors

3. The level of service (LOS) for all roadways and intersections shall be at least a "C" level, unless they are located within the sphere of influence of a city that has adopted a lower level of service.
Responsible Departments: Public Works, Planning Department, Planning Commission, Board of Supervisors

4. Applicants for General Plan amendments shall coordinate with the Stanislaus Council of Governments (StanCOG) Congestion Management Program to mitigate traffic impacts.
Responsible Departments: Planning Department, Public Works, Planning Commission, Board of Supervisors

GOAL FIVE

Complement the general plans of cities within the County.

POLICY TWENTY-FOUR

Development, other than agricultural uses and churches, which requires discretionary approval and is within the sphere of influence of cities or in areas of specific designation created by agreement (e.g., Sperry Avenue and East Las Palmas Corridors), shall not be approved unless first approved by the city within whose sphere of influence it lies or by the city for which areas of specific designation were agreed. Development requests within the spheres of influence or areas of specific designation of any incorporated city shall not be approved unless the development is consistent with agreements with the cities which are in effect at the time of project consideration. Such development must meet the applicable development standards of the affected city as well as any public facilities fee collection agreement in effect at the time of project consideration. (Comment: This policy refers to those development standards that are transferable, such as street improvement standards, landscaping, or setbacks. It does not always apply to standards that require connection to a sanitary sewer system, for example, as that is not always feasible.)

The project is not located within the Sphere of Influence of a City.

IMPLEMENTATION MEASURES

1. All discretionary development proposals within the sphere of influence or areas of specific designation of a city shall be referred to that city to determine whether or not the proposal shall be approved and whether it meets their development standards. If development standards of the city and County conflict, the city's standards shall govern.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

2. The policies described in the section on **SPHERES OF INFLUENCE** for projects within a city's sphere of influence or areas of specific designation shall be followed.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

3. The County shall limit its approval of discretionary projects in spheres of influence to agricultural uses, churches and projects recommended for approval by the city unless such projects are exempt from this implementation measure as a result of individual city/county agreements (e.g., upper McHenry Avenue, Beard Tract areas).
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

4. Discretionary projects in areas zoned other than A-2 (General Agriculture) prior to the applicable agreement with the city within whose sphere of influence the project lies shall not be allowed to develop consistent with the current zone classification unless they first obtain approval for the project from the city.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

5. Non-discretionary projects in spheres of influence shall be allowed to develop with existing entitlements.
Responsible Departments: Planning Department, Building Inspection Division, Public Works Department

CIRCULATION ELEMENT

GOALS, POLICIES AND IMPLEMENTATION MEASURES

GOAL ONE

Provide a system of roads and roads throughout the County that meets land use needs.

POLICY ONE

Development will be permitted only when facilities for circulation exist, or will exist as part of the development, to adequately handle increased traffic.

Needed traffic facilities exist, or will be constructed as part of the Geer Road/State Route 132 intersection project, or a part of project development, so that adequate traffic facilities are in place to serve the project.

IMPLEMENTATION MEASURES

1. Future road rights-of-ways shall be protected from development through the adoption and implementation of Official Plan Lines, where necessary (see Table 2-3). The County shall utilize Official Plan Lines provided by cities for roadways that fall within the cities sphere of influence.
Responsible Departments: Public Works, Planning
2. Dedication and improvement of right-of-way to conform to the Official Plan Line or ultimate right-of-way line shall be required as a condition of development. Generally, this is accomplished through administration of the Subdivision Ordinance and Building Code requirements.
Responsible Departments: Public Works, Planning
3. Developers will construct or pay the cost of new roads necessary to serve the development and to mitigate impacts to the existing roads caused by the development.
Responsible Departments: Chief Executive Officer, Public Works
4. The County shall ensure that new development pays its fair share of the costs of circulation improvements through a combination of public facility fees, traffic impact fees, and other funding mechanisms. The total cost of required improvements shall be paid for by new development.
Responsible Departments: Chief Executive Officer, Public Works
5. The circulation systems of development proposals shall be reviewed to ensure no adverse effects to adjoining land.
Responsible Departments: Public Works, Planning

6. To identify the potential impacts of new development on traffic service levels, the County shall require the preparation of a traffic impact study at the sole expense of the developer for developments determined to be large enough to have a potentially significant impact on traffic. As appropriate, the study may be required to follow the Calterans' "Guide for the Preparation of Traffic Impact Studies" and/or other procedures specified by the Department of Public Works.
Responsible Departments: Public Works, Planning
7. The County will require that newly created parcels will either have frontage on a County-maintained road or access will be provided as required by County Code.
Responsible Departments: Public Works, Planning
8. Unless a Subdivision Ordinance exception is granted, no public or private road shall be altered in such a way that would create a cul-de-sac or dead end street longer than 500 feet.
Responsible Departments: Public Works, Planning
9. Access to Expressways and Majors shall be provided in accordance with the road classification definition, except that all existing driveway access and parking approved by the county may remain until otherwise determined by the Department of Public Works. As development occurs, one driveway with right-in, right-out access only may be provided to an original parcel created, or vested, prior to the adoption of a corridor-specific resolution (such as Resolution 2002-507 for the State Route 219 from SR 99 to SR 108 adopted on June 25, 2002) or the Focused General Plan Amendment, GPA 2004-03 (April 18, 2006) after the Department of Public Works determines that no acceptable alternative access can be provided and that providing access would not adversely impact traffic safety.
Responsible Departments: Public Works, Planning
10. The County will consider the recommendations of the State Route 99 Task Force to enhance the visual attractiveness of the State Route 99 and major gateways into the County in developing its standards for new development.
Responsible Departments: Planning, Public Works
11. The Subdivision Ordinance, Zoning Ordinance, and County Standards and Specifications shall be modified to conform with the definitions and requirements of this element by March 2007.
Responsible Departments: Planning, Public Works

POLICY TWO

Circulation systems shall be designed and maintained to promote safety and minimize traffic congestion.

The project will not be in conflict with this policy.

IMPLEMENTATION MEASURES

1. The County shall maintain Los C or better for all County roadways and intersections, except, within the sphere of influence of a city that has adopted a lower level of service standard, the City standard shall apply. The county may adopt either a higher or lower level of service standard for roadways and

intersections within urban areas such as Community Plan areas, but in no case shall the adopted LOS fall below LOS D.

Responsible Departments: Public Works, Planning

2. The County will annually review and update its transportation funding mechanisms and, as necessary, adjust its traffic impact fee in compliance with Section 66000 of the Government Code to ensure that adequate funds are collected from local, State, and federal sources to implement improvements required to maintain the County's level of service standard on all County roads. Within six (6) months of adopting the Focused General Plan Update (April 18, 2006), the County shall prepare cost estimates for the State Highway projects identified in this Circulation Element.

Responsible Departments: Chief Executive Office, Public Works

3. The County will work with StanCOG and the cities to monitor the performance of the County's circulation system and implement improvements as required by the State-mandated Congestion Management Program.

Responsible Departments: Public Works, Planning

4. The County will work with StanCOG and the cities to identify and secure funding for improvements to the regional and local circulation system.

Responsible Departments: Chief Executive Office, Public Works, Planning

5. The County shall evaluate the circulation system and recommend amendments and minimum of once every five years.

Responsible Departments: Public Works, Planning

6. The County will work with staff of the nine cities, StanCOG and Caltrans to establish more coordinated standards and routes for Expressways, Majors, and Collectors that cross jurisdictional lines.

Responsible Departments: Chief Executive Office, Public Works, Planning

7. Within the spheres of influence of any city, roadway improvements, dedications, building setbacks, and road reservations shall meet the development standards of the city consistent with the Spheres of Influence Policy in the Land Use Element of the General Plan, except in those areas subject to an individual city/county agreement. These requirements may change from time-to-time through the adoption or revision of local land use plans or standards. To ensure consistency with a city's development standards, additional right-of-way may be required to meet the standards of that city. Where design and access requirements of a city differ from those established by the County, development shall be required to meet the standards of the city. The County will consult with the city prior to the construction of transportation improvements within the sphere of influence to ensure consistency with the standards of that city.

Responsible Departments: Public Works, Planning

8. Private roads in areas of the County protected by the California Department of Forestry and Fire Protection shall be designed consistent with the standards of that agency, the local fire protection district and the Department of Public Works.

Responsible Departments: Public Works, Consolidated Fire, Planning

9. Street and road standards proposed in any new development that differ from those established in the latest County's Standards and Specifications shall be approved by the Department of Public Works,

and shall comply with nationally recognized standards, such as the Institute of transportation Engineers, the American Association of State Highway and Transportation Officials, or Transportation Research Board, or other standard approved by the Department of Public Works that is based upon adequate research and testing.

Responsible Department: Public Works

10. Traffic control devices (e.g., traffic signals), traffic calming, and other transportation system management techniques shall be utilized to control the flow of traffic, improve traffic safety, and minimize delays.

Responsible Department: Public Works

POLICY THREE

The County's Capital Improvement Program (CIP) shall be consistent with the General Plan. Section 65103(c) of the California Government Code states that the Capital Improvement Program shall be periodically reviewed. This review ensures that capital improvements are coordinated with land use policies stated in the General Plan.

No response needed.

IMPLEMENTATION MEASURES

1. The CIP shall be reviewed annually by the Planning Commission for conformity with the General Plan.

Responsible Departments: Public Works, Chief Executive Office

2. The Department of Public Works shall prepare and present a report on public works projects in the County at least once a year, consistent with Section 65401 of the Government Code.

Responsible Departments: Public Works, Chief Executive Office

3. Roadway, bicycle, pedestrian and transit improvements shall be included in the Capital Improvement Program, as appropriate, to implement the policies of this element.

Responsible Departments: Public Works, Chief Executive Office

POLICY FOUR

The circulation system shall provide for roads in all classifications (Freeway, Expressway, Major, Collector, Local, Minor and Private) as necessary to provide access to all parts of the County and shall be expanded or improved to provide acceptable levels of service based on anticipated land use.

Roadway improvements proposed, or required as part of the project, will provide acceptable levels of service for the anticipated land use.

IMPLEMENTATION MEASURES

1. As required by the Stanislaus County Congestion Management Program (CMP), the County will require applicants for proposed General Plan amendments that would generate 1,000 or more average daily vehicle trips to analyze their potential impacts on the designated CMP system of state highways and principle arterials.
Responsible Departments: Planning, Public Works

2. As required by the Stanislaus County Congestion Management Program (CMP) and the city-county agreements, the County will work with StanCOG to prepare an annual cumulative traffic impact analysis of all general plan amendments approved by the cities and the County, focusing on potential impacts on the designated CMP system of State Highways and principal arterials. This analysis shall be used to amend the County's Public Facility Fee to meet the adopted level of service standards, as appropriate.
Responsible Departments: Chief Executive Office, Planning, Public Works
Responsible Agency: StanCOG

3. The County shall develop procedures for conducting traffic impact studies consistent with those adopted by Caltrans and the Stanislaus council of Governments.
Responsible Department: Public Works

POLICY FIVE

Transportation requirements of commercial and industrial development shall be considered in all planning, design, construction, and improvements.

These planning considerations are taken into account as part of the project design.

IMPLEMENTATION MEASURES

1. Roads constructed in zoning districts that allow industrial and commercial uses shall be designed and constructed to accommodate truck traffic. The minimum roadway in commercial zones shall be a 60-foot Collector and a 70-foot Minor Industrial shall be the minimum required right-of-way width in industrial zones.
Responsible Department: Public Works

2. Prior to approving new industrial and commercial development, provisions will be made to ensure that roadways providing primary access to these developments from Interstate and State Highways are designed and constructed to the standards necessary to accommodate truck traffic.
Responsible Department: Public Works

3. Industrial and commercial development shall be planned so that truck access through residential areas is avoided.
Responsible Departments: Planning, Public Works

4. Specific Plans as defined in Government Code Section 65450 through 65457 shall be encouraged.
Responsible Department: Planning

5. Off-street truck parking standards shall be developed to ensure that adequate off-street parking is

provided in new or expanding industrial and commercial developments. Commercial Developments serving travelers on Highway 99, Interstate 5 or other routes carrying substantial truck traffic shall be required to include sufficient truck parking in their off-street parking plans and encouraged to provide facilities to accommodate long-term truck parking. Zoning Ordinance provisions for Off-Street Parking Requirements and the Standards and Specifications manual shall be amended, as necessary, by March 2007 to require truck parking as appropriate in new commercial and industrial developments.

Responsible Departments: *Planning, Public Works*

6. On-street truck parking shall be discouraged where such parking restricts adequate sight distances, detracts from the visual aesthetics of the area, or poses a potential hazard to motorists, bicyclists, or pedestrians.

Responsible Departments: *Public Works, Planning*

GOAL TWO

Provide a safe, comprehensive, and coordinated transportation system that includes a broad range of transportation modes.

POLICY SIX

The County shall strive to reduce motor vehicle emissions and vehicle trips by encouraging the use of alternatives to the single occupant vehicle.

No response needed.

IMPLEMENTATION MEASURES

1. The use of alternative modes of transportation will continue to be encouraged by participating in programs to promote walking, bicycling, ridesharing, and transit use for commuting and recreation.
Responsible Departments: *Transit Manager/Public*
2. The County will continue to work with StanCOG, Caltrans, and the cities to identify and secure funding for the development and improvement of bikeways, pedestrian pathways, park-and-ride facilities, transit systems, and other alternatives to the single-occupant vehicle.
Responsible Departments: *Chief Executive Office, Transit Manager/Public Works*
3. Facilities to support the use of, and transfer between, alternative modes of transportation (i.e., pedestrian, rideshare, bicycle, bus and train) shall be provided in new development.
Responsible Departments: *Public Works, Planning*

4. A trip reduction and travel demand ordinance shall be developed to promote the use of alternative modes and ensure that adequate facilities are provided in new development to support the use of alternatives to the single-occupant vehicle. This ordinance may be combined with pedestrian-oriented (POD) and/or transit-oriented design (TOD) guidelines specified under Policies Seven and Eight.
Responsible Departments: Planning, Transit Manager/Public Works

5. The County will continue to work with the Stanislaus Council of Governments and the San Joaquin Valley Air Pollution Control District to develop and implement transportation control measures to improve air quality through reduction in vehicle trips and vehicle miles of travel.
Responsible Departments: Chief Executive Office, Transit Manager/Public Works, Planning

6. Developers will construct or pay the cost of new pedestrian pathways, bikeways, rideshare facilities, transit amenities, and other improvements necessary to serve the development and to mitigate impacts to the existing circulation system caused by the development.
Responsible Departments: Transit Manager/Public Works, Planning

7. The County shall convert to clean fuels fleet vehicles when possible and pursue special grants and funding sources to facilitate this conversion.
Responsible Departments: Transit Manager/Public Works

POLICY SEVEN

Bikeways and pedestrian facilities shall be designed to provide reasonable access from residential areas to major bicycle and pedestrian traffic destinations such as schools, recreation and transportation facilities, centers of employment, and shopping areas.

The project does not include residential land uses requiring bikeways or pedestrian facilities.

IMPLEMENTATION MEASURES

1. Bikeways shall be considered and implemented in accordance with the StanCOG Regional Bicycle Action Plan and adopted Community Plans or Specific Plans when constructing or improving the roadway system in the unincorporated area outside the spheres of influence of the cities.
Responsible Departments: Public Works, Planning

2. Within the sphere of influence of a city, bikeways and pedestrian facilities and amenities shall be provided in accordance with the applicable city's general plan and development standards.
Responsible Departments: Public Works, Planning

3. Facilities to safely move, and support the use of, bicycles, pedestrians, transit and ridesharing shall be considered and implemented in all new development and roadway construction.
Responsible Departments: Public Works, Planning

4. Class I bicycle and multi-use paths, such as the "Highway 108 Scenic Corridor Multi-Purpose Trail Plan," Shall be considered to provide connectivity between major origins-destinations or to major recreational areas when on-road provisions for bicycle traffic cannot be accommodated or no alternative roadway alignment provides adequate connectivity.
Responsible Departments: Public Works, Planning

5. In conjunction with the next comprehensive update of the General Plan, the County shall consider incorporating a bicycle master plan as a component of the Circulation Element.
Responsible Departments: Planning, Public Works
6. To safely accommodate bicycle traffic, adequate pavement shoulder and/or striping shall be planned and implemented for Expressways, Major, and Collector roads, and, in agricultural areas, on Local roads when constructing new roadways or implementing major rehabilitation projects in accordance with the County Standards and Specifications, the Caltrans Highway Design Manual, or other nationally recognized standard.
Responsible Departments: Public Works, Planning
7. Whenever a roadway is resurfaced or restored, adequate pavement shoulder and/or striping will be considered to safely accommodate bicycle travel in accordance with the County Standards and Specifications, the Caltrans Highway Design Manual, or other nationally recognized standard, where adequate right-of-way exists.
Responsible Departments: Public Works, Planning
8. Federal funds, special grants, and other sources of funding shall be pursued for the development and improvement of bikeways and pedestrian pathways.
Responsible Departments: Public Works
9. Pedestrian-oriented design (POD) guidelines shall be prepared which will include the identification of areas and/or projects to which POD guidelines shall apply. POD guidelines shall identify strategies for creating communities that increase the convenience, safety and comfort of people walking and bicycling. POD guidelines may be combined with transit-oriented design (TOD) guidelines specified under Policy Eight.
Responsible Departments: Planning, Public Works

POLICY EIGHT

Promote public transit as a viable transportation choice.

No response needed.

IMPLEMENTATION MEASURES

1. Continue to operate an inter-city transit system and cooperate with other agencies and cities to provide public transit serving Stanislaus County.
Responsible Departments: Transit Manager/Public Works
2. Where appropriate, new development shall include provisions for connecting to or expansion of existing and/or planned public transit systems.
Responsible Departments: Transit Manager/Public Works, Planning
3. Ensure that provisions are made in proposed development for access to current and future public transit services. In Particular, continuous segments of walls or fences should not impede pedestrian

access to collectors, majors, or expressways to transit service.

Responsible Department: Planning, Public Works

4. Where appropriate, new development projects shall include bus turnouts and shelters and/or park-and-ride lots.

Responsible Department: Transit Manager/Public Works, Planning

5. Transit-oriented design (TOD) shall be prepared that include the identification of areas and/or projects to which TOD guidelines shall apply. TOD guidelines shall identify strategies for creating communities that increase the convenience, safety and comfort of people using public transit. TOD guidelines may be combined with POD guidelines specified under Policy Seven.

Responsible Department: Planning, Transit Manager/Public Works

6. Financing mechanisms shall be investigated to recover the cost of providing transit service and infrastructure to support new development.

Responsible Department: Transit Manager/Public Works, Planning

GOAL THREE

Maintain a balanced and efficient transportation system that facilitates inter-city and interregional travel and good movement.

POLICY NINE

The County shall promote the development of inter-city and interregional transportation facilities that more efficiently moves goods and freight within and through the region.

No response needed.

IMPLEMENTATION MEASURES

1. The County will coordinate with the Stanislaus Council of Governments (StanCOG), Caltrans, and other appropriate agencies in the implementation of the Regional Transportation plan, including the development of a system of State highways and expressways to allow more efficient people and good movement.

Responsible Departments: Chief Executive Office, Public Works, Planning

2. The County will continue to work with Caltrans, StanCOG, and other agencies to investigate ways to provide increased inter-city and interregional passenger rail service to Stanislaus County.

Responsible Departments: Chief Executive Office, Public Works, Planning

3. The County shall continue to encourage and support the development of high-security, off-street parking for trucks.

Responsible Departments: Chief Executive Office, Public Works, Planning

4. The County shall investigate the need for new or expanded grade-separated railroad crossings and river crossings for high volume routes and expressways.

Responsible Departments: Chief Executive Office, Public Works, Planning

5. The County will continue to support the development of public use airports consistent with the airport master plans developed for the Oakdale Municipal Airport and the Modesto City-County Airport.

Responsible Departments: Chief Executive Office, Public Works, Planning

6. Consistent with the 1989 Economic Strategic Plan and the 2001 Reuse Plan, the County will continue to plan the development of the Crows Landing Air Facility including the development of General Aviation air service and associated business park and industrial development.

Responsible Departments: Chief Executive Office, Public Works, Planning

7. The County will coordinate and participate with the San Joaquin Valley Partnership, the Stanislaus Council of Governments, and Caltrans to evaluate the possibility of designating the San Joaquin Valley portion of State Route 99 as part of the Federal Interstate System.

Responsible Departments: Chief Executive Office, Public Works

POLICY TEN

The Airport Land Use Commission Plan and County Airport Regulations (Chapter 17 of the County Code) shall be updated as necessary, maintained and enforced.

The project is not within the zone of influence of any airport.

IMPLEMENTATION MEASURE

1. Continue to implement the strategies identified under Policy Twelve of the Safety Element.

Responsible Departments: Planning, Airport Land Use Commission

AGRICULTURAL ELEMENT

GOAL ONE

STRENGTHEN THE AGRICULTURAL SECTOR OF OUR ECONOMY.

MARKETING AND PROMOTION

Policies

- 1.1 Efforts to promote the location of new agriculture-related business and industry in Stanislaus County shall be supported.
- 1.2 The marketing and promotion of local agricultural products shall be encouraged.
- 1.3 Efforts to expand foreign markets for the export of local agricultural products shall be encouraged.

No response needed to these policies.

Implementation

- A. The County will continue to participate in SCEDCO, which provides a variety of marketing and promotion services to the business community. The County also will continue to encourage SCEDCO to target agriculture-related business and industry for location in Stanislaus County.
- B. The County will urge the State Legislature to provide more funding for the Agricultural Export Program (California Department of Food and Agriculture) which seeks to expand foreign markets for several commodities produced in Stanislaus County.
- C. The County will urge the State Legislature to expand Rural Renaissance Program funds to include agriculture-related activities such as market and product development analysis.

AGRICULTURE-RELATED USES

Policies

- 1.4 Direct-marketing stands shall be permissible in agricultural areas.
- 1.5 Limited visitor-serving commercial uses shall be permissible in agricultural areas if they promote agriculture and are secondary and incidental to the area's agricultural production.
- 1.6 Agricultural service establishments shall be permissible in agricultural areas if they are designed to serve the immediately surrounding area as opposed to having a widespread service area, and if they will not be detrimental to agricultural use of other property in the vicinity.
- 1.7 Processing facilities and storage facilities for agricultural products either grown or processed on the site shall be permissible in agricultural areas.
- 1.8 Concentrations of commercial and industrial uses, even if related to surrounding agricultural activities, are detrimental to the primary use of the land for agriculture and shall not be allowed.
- 1.9 To encourage vertical integration of agriculture, the County shall allow research, production, processing, distribution, marketing, and wholesale and limited retail sales of agricultural products in agricultural areas, provided such uses do not interfere with existing agricultural operations.

In keeping with policy 1.4, components of the project provide direct-marketing of agricultural goods. Policy 1.8 provides that concentrations of commercial uses should not be allowed in agricultural areas. The project will increase commercial uses in the area, but there is already a concentration of uses in the area. The project has been designed to buffer the uses from existing agricultural areas, so any impacts on adjacent agricultural uses can be minimized.

Implementation

The County will continue to implement its existing General Agriculture (A-2) zoning provisions for agriculture-related commercial and industrial uses, which are consistent with these policies.

MINIMIZING AGRICULTURAL CONFLICTS

Policies

- 1.10 The County shall continue to implement its Right-to-Farm Ordinance.
- 1.11 The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.
- 1.12 Setbacks from agricultural areas shall be established to minimize adverse impacts of adjacent uses on agriculture.

The project has been designed to incorporate buffers and setbacks to provide the agricultural protections discussed in policies 1.11 and 1.12.

Implementation

The County will use the following measures to mitigate the impacts of development by minimizing agricultural conflicts:

- A. Continue to implement the County's right-to-farm ordinance, which requires disclosure to home buyers in agricultural areas and notification of the right-to-farm policy, and establishes a voluntary grievance procedure as an alternative to court proceedings.
- B. Develop and implement guidelines for design and maintenance of buffers to be required when new non-agricultural uses are approved in agricultural areas. Buffer design and maintenance guidelines shall include, but not be limited to, the following:
- 1) Buffers shall be physically and biologically designed to avoid conflicts between agriculture and non-agricultural uses.
 - 2) Buffers shall be located on the parcel for which a permit is sought and shall protect the maximum amount of farmable land.
 - 3) Buffers generally shall consist of a physical separation between agricultural and non-agricultural uses. The appropriate width shall be determined on a site-by-site basis taking into account the type of existing agricultural uses, the nature of the proposed

development, the natural features of the site, and any other factors that affect the specific situation.

- 4) Appropriate types of land uses for buffers include compatible agriculture, open space and recreational uses such as parks and golf courses, industrial uses, and cemeteries.
 - 5) The County may condition its approval of a project on the ongoing maintenance of buffers.
 - 6) A homeowners association or other appropriate entity shall be required to maintain buffers to control litter, fire hazards, pests, and other maintenance problems.
 - 7) Buffer restrictions may be removed if agricultural uses on all adjacent parcels have permanently ceased.
- C. Amend the zoning ordinance to establish setbacks from agricultural uses. For example, amend provisions for the Rural Residential District (R-A) to require a 100-foot setback from adjacent land zoned General Agriculture (A-2).

HOUSING FOR FARM WORKERS

Policies

- 1.13 To help provide a stable work force for agriculture, the County shall continue to facilitate efforts of individuals, private organizations and public agencies to provide safe and adequate housing for farm workers.
- 1.14 Temporary farm labor camps shall be permissible in connection with any agricultural work or place where agricultural work is being performed.
- 1.15 Permanent, new housing for seasonal farm workers preferably shall be located in areas supplied with sewer and water services.
- 1.16 Housing for year-round, full-time farm employees shall be permissible in addition to the number of dwellings normally allowed by the density standard.

The project does not propose any housing for farm workers.

Implementation

- A. As stated in the Housing Element, the County shall continue to assist the Stanislaus County Housing Authority in its administration of state and federal housing programs for farm workers. The County also shall facilitate the efforts of other public agencies, private organizations and individuals to provide safe and adequate housing for farm workers.
- B. The County shall continue to implement existing A-2 zoning provisions for farm worker housing, which already are consistent with these policies.
- C. The Stanislaus County Department of Environmental Resources shall continue to enforce the California Code of Regulations, Title 25, Subchapter 3, on Employee Housing Regulations.
- D. The County shall consider adoption of an expedited permitting procedure for construction of temporary farm worker housing similar to Ordinance No. 4166 adopted by Sonoma County.

FINANCING CAPITAL IMPROVEMENTS

Policies

- 1.17 The County shall study the feasibility of establishing an Agricultural Development Authority to help farmers finance capital improvements.
- 1.18 The State Legislature shall be urged to allow counties to designate Agriculture Enterprise Zones for infrastructure and service improvements related to agriculture.

The policies do not apply.

Implementation

- A. The County will study the feasibility of establishing an Agricultural Development Authority as recommended in the Economic Strategic Plan. The new entity would have the power to issue bonds and to participate with commercial lending institutions.
- B. The Board of Supervisors will urge the State Legislature to allow counties to designate Agriculture Enterprise Zones for infrastructure and service improvements related to agriculture.

EDUCATION AND TECHNICAL ASSISTANCE

Policies

- 1.19 Public education institutions shall be encouraged to provide more technical assistance related to agricultural economic development in Stanislaus County.
- 1.20 The County shall continue to encourage vocational agriculture programs in local high schools and at Modesto Junior College.
- 1.21 The County shall continue to encourage 4-H and FFA programs for local youth.
- 1.22 Public agencies providing agricultural services shall be encouraged to continue agricultural research and education.
- 1.23 The County shall establish an agricultural center where offices of public agencies providing agricultural services shall be centrally located.

The policies do not apply.

Implementation

- A. The County will work with administrators of Modesto Junior College, California State University Stanislaus, and the University of California to encourage the establishment of programs to provide more technical assistance related to agricultural economic development in Stanislaus County.
- B. Local 4-H programs will be encouraged by continued support of U.C. Cooperative Extension.
- C. The County will continue to support the County fair, which involves vocational agriculture, FFA and 4-H programs.
- D. The County will develop an agricultural center that houses the public agencies directly related to agriculture, including the U.C. Cooperative Extension, the Agricultural Commissioner, the U.S. Department of Agriculture, and the California Department of Food and Agriculture.

FOOD SAFETY AND USE OF CHEMICALS

Policies

- 1.24 The County shall continue to work with local, state and federal agencies to ensure the safety of food produced in Stanislaus County.
- 1.25 The County shall continue to work with local, state and federal agencies to regulate the application of agricultural chemicals, while ensuring the economic viability of agriculture.

The policies do not apply.

Implementation

- A. The Agricultural Commissioner will continue to work with the California Department of Pesticide Regulation to ensure the safe use of agricultural chemicals. In addition to already-established programs, the Agricultural Commissioner will implement a new reporting system to meet the requirements of A.B. 2161, which requires every application of every type of pesticide or herbicide registered by the U.S. Environmental Protection Agency to be documented in monthly reports.
- B. The U.C. Cooperative Extension will continue to conduct educational and applied-research programs to promote food safety and agricultural practices that are environmentally sound.

REGIONAL ASSOCIATION OF GOVERNMENTS

Policy

- 1.26 The County shall encourage the establishment of a voluntary regional association of governments for the Central Valley.

The policy does not apply.

Implementation

The Board of Supervisors will encourage the establishment of a voluntary regional association of governments in the Central Valley to address long-range planning, infrastructure, conservation and economic development issues facing the region. The association could be established by a joint powers agreement similar to that used to form a valley wide air pollution control agency composed

of the eight counties in the San Joaquin Valley Air Basin.

GOAL TWO

PRESERVE OUR AGRICULTURAL LANDS FOR AGRICULTURAL USES.

PARTICIPATION IN THE WILLIAMSON ACT

Policies

- 2.1 The County shall continue to provide property tax relief to agricultural landowners by participating in the Williamson Act.
- 2.2 The County shall support reasonable measures to strengthen the Williamson Act, making it a more effective tool for the protection of agricultural land.

The policies do not apply.

Implementation

- A. The County will continue to participate in the Williamson Act program, thereby providing property tax relief to farmers and ranchers who agree to keep their land in agricultural use.
- B. The County will encourage the State Legislature to increase Williamson Act subvention payments to local governments based on cost-of-living increases and/or a restructuring of the Williamson Act subventions schedule.
- C. The County will supplement the Williamson Act with other conservation tools in a comprehensive program for the protection of agricultural land.

URBANIZATION AND THE CONVERSION OF AGRICULTURAL LAND

All urbanization policies apply, and so they will be addressed individually.

Policies

- 2.3 To reduce development pressures on agricultural lands, higher density development and in-filling shall be encouraged in urban and built-up areas of the County.

The project is proposed in an agricultural area, and so has been designed with buffers or setbacks to minimize its impact on agricultural lands.

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

While the project is located in a productive agricultural area, it is the expansion of an existing use. The use has existed at the site for a long period of time, and agricultural conflicts have been non-existent to date. The project will encroach onto some additional agricultural lands, but based on the project client base, a combination of recreational travelers and local residents, the project cannot be moved. The project's expansion and continued economic well being can only occur at this location.

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

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, it is consistent with this policy.

- 2.6 Agricultural lands restricted to agricultural use shall not be assessed to pay for infrastructure needed to accommodate development.

Agricultural lands will not be required to pay any of the infrastructure costs associated with the project.

- 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.

Based on the foregoing, and the discussion listed below under the Conversion Criteria, the project is consistent with the County's conversion criteria.

Implementation

- A. The County will work with the cities and towns to encourage higher density development and in-filling of already-existing urban areas.
- B. Until the term "Most Productive Agricultural Areas" is defined on a countywide basis, the term will be determined on a case-by-case basis when a proposal is made for the conversion of agricultural land. Factors to be considered include but are not limited to soil types and potential for agricultural production; the availability of irrigation water; ownership and parcelization patterns; uniqueness and flexibility of use; the existence of Williamson Act contracts; existing uses and their contributions to the agricultural sector of the local economy. As an example, some grazing lands, dairy regions and poultry-producing areas as well as farmlands can be considered "Most Productive Agricultural Areas." Failure to farm

specific parcels will not eliminate them from being considered "Most Productive Agricultural Areas." Areas considered to be "Most Productive Agricultural Areas" will not include any land within LAFCO-approved spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities. Agricultural lands outside these boundaries and not considered to be "Most Productive Agricultural Areas" will be considered "Less Productive Agricultural Areas."

- C. Policy Ten of the Land Use Element will be amended to be consistent with Policy 2.5 of the Agricultural Element.
- D. Current procedures for General Plan amendments will be changed to include the following requirements for evaluating proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to urban uses:

Conversion Consequences. The direct and indirect effects, as well as the cumulative effects, of the proposed conversion of agricultural land shall be fully evaluated.

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

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

1. Overall, the proposal is consistent with the goals and policies of the General Plan, and specifically is consistent with Policies 2.4 and 2.5 of this Agricultural Element.

See the prior responses for consistency with policies 2.4 and 2.5.

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.

The project is the logical and orderly growth of a successful business that has been located at the site for many years.

3. No feasible alternative site exists in areas already designated for the proposed uses.

The relocation of the business is infeasible.

4. Approval of the proposal will not constitute a part of, or encourage, piecemeal conversion of a larger agricultural area to non-agricultural uses, and will not be growth-inducing (as used in the California Environmental Quality Act).

The existing business has existed for many years and has not been growth inducing. The expansion has been planned to minimize impacts on surrounding uses, and so is not expected to have additional growth inducing impacts.

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.

As set forth in previous responses, the project has been designed with adequate buffers or setbacks to minimize impacts on adjacent agricultural uses. The project is a low volume user of water, and so is not expected to affect any agricultural water supplies.

6. Adequate and necessary public services and facilities are available or will be made available as a result of the development.

Based on the project documents, adequate services and facilities exist to serve the project.

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.

Consistent with the project environmental review, all reasonable mitigation measures have been incorporated into the project.

EXPANSION OF CITIES AND UNINCORPORATED COMMUNITIES

Policies

- 2.8 The County recognizes the right of cities and unincorporated communities to grow and prosper and shall not oppose reasonable requests to expand spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities to accommodate growth.
- 2.9 In recognition that unincorporated land within spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities ultimately will be urbanized, the County shall cooperate with cities and unincorporated communities in

managing development in urban transition areas.

- 2.10 The County shall continue to encourage the upgrading of existing unincorporated communities.
- 2.11 The County shall discourage the expansion of spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities into its most productive agricultural areas.

The project is not an unincorporated community, so the policies do not apply.

Implementation

- A. In designating its Most Productive Agricultural Areas, the County shall exclude any land within LAFCO-approved spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities.
- B. The County will continue to implement its policies and agreements with cities regarding the development of unincorporated lands within spheres of influence.
- C. The County will continue to implement policies in the Land Use Element regarding the development of unincorporated communities and expansion of their urban, or service district, boundaries. For consistency, Policies Six and Thirteen of the Land Use Element will be amended to read "community services district and sanitary district boundaries" rather than "urban boundaries."
- D. When cities or community services districts and sanitary districts serving unincorporated communities propose to expand their boundaries, the County will work with them in order to minimize the impact on agricultural lands.
- E. When cities or community services districts and sanitary districts serving unincorporated communities request LAFCO to approve the expansion of a sphere of influence, the County will recommend that LAFCO not approve expansions into the County's most productive agricultural areas.
- F. The County will urge LAFCO to strengthen its policies, standards and procedures for evaluating proposed annexations of agricultural land and proposed expansions of service districts or spheres of influence onto agricultural land.

ASSESSING AND MITIGATING THE IMPACTS OF FARMLAND CONVERSION

Policies

- 2.12 When the County determines that the proposed conversion of agricultural land to non-agricultural uses could have a significant effect on the environment, the County shall fully evaluate on a project-specific basis the direct and indirect effects, as well as the cumulative effects of the conversion.
- 2.13 To the greatest extent feasible, the County shall require mitigation of the impacts of farmland conversion.

The project does not have significant environmental impacts, either direct or indirect, as set forth in the project environmental review documents, so, the project is consistent with policies 2.12 and 2.13.

Implementation

- A. The County will continue to evaluate each project on a case-by-case basis to determine whether the conversion of agricultural land will have a significant adverse effect on the environment.
- B. When it determines that the conversion of agricultural land will have a significant adverse effect on the environment, the County will continue to require preparation of an EIR to fully assess the impacts of the conversion, propose mitigation measures, and consider alternatives to the proposed project.
- C. The County will develop and adopt guidelines for assessing and mitigating impacts of farmland conversion based on the model guidelines presented in Appendix C. These guidelines will apply only to EIRs.
- D. To facilitate the mitigation of the impacts of farmland conversion, the County--if requested--may make information available on private, non-profit agricultural land trusts, may serve on committees that are formed for the purpose of establishing an agricultural land trust, and may coordinate County mitigation programs with the land trust once it is established.

CLUSTERED DEVELOPMENT

Policies

- 2.14 In designated areas of agricultural land, the County shall encourage clustering, or grouping together, of allowable dwelling units on relatively small parcels instead of the dispersal of such dwelling units on larger parcels.

The project is not clustered development, so the policy does not apply.

Implementation

The County will develop and adopt an agricultural lands clustering ordinance that will enable, but not require, the development of innovative projects such as the Varian Ranch. The ordinance will allow clustering of dwelling units on relatively small parcels instead of scattering residences on larger parcels over the entire area. The ordinance will establish which lands are eligible for clustering; standards and criteria for approval of clustered development; the allowed number of parcels and residential density; requirements for preservation of agricultural land and open space; environmental review; site design and development standards; and any other necessary requirements.

ANTIQUATED SUBDIVISIONS

Policies

- 2.15 The County shall encourage the merger of antiquated subdivisions, which could have significant adverse impacts on the local economy and environment, into larger agricultural holdings.

The project is not an antiquated subdivision, so the policy does not apply.

Implementation

- A. The County will develop and adopt a merger ordinance to provide for the merger of contiguous parcels in antiquated subdivisions.
- B. The County will initiate a program to implement the merger ordinance on an individual subdivision basis, concentrating on subdivisions that meet the following criteria:

- 1) The subdivision involves more than five lots;
- 2) The property is under one ownership;
- 3) The property consists of productive agricultural land;
- 4) The lot sizes of the antiquated subdivision are small enough to pose a threat to the groundwater in the area based on the determination of the Department of Environmental Resources; and
- 5) Implementation of the subdivision would be clearly inconsistent with the agriculture-related policies of the Land Use, Open Space/Conservation and Agricultural Elements of the Stanislaus County General Plan.

GOAL THREE

PROTECT THE NATURAL RESOURCES THAT SUSTAIN OUR AGRICULTURAL INDUSTRY.

AIR QUALITY

Policies

- 3.1 The County shall improve air quality by continuing to implement the air quality policies stated in the Conservation/Open Space Element of the General Plan.
- 3.2 The County shall continue to participate in the San Joaquin Valley Unified Air Pollution Control District.
- 3.3 The County shall assist the Unified Air Pollution Control District in implementation of the attainment plan adopted under the California Clean Air Act of 1988 (A.B. 2595).
- 3.4 The County shall encourage the development and use of improved agricultural practices that improve air quality and are economically feasible.

The policies do not apply.

Implementation

- A. To address air quality problems on a regional basis, the County joined the seven other counties in the San Joaquin Valley air basin in forming the Unified Air Pollution Control District. The Unified District is in the process of establishing one set of air pollution control rules for the entire valley.
- B. The Unified District is also involved in a \$16 million valley-wide air quality study, financed through a public-private partnership of government and industry, and the development of a valley-wide plan for the reduction of fine particles (PM10s) resulting from agricultural practices. Each of the eight member counties has an agriculture committee currently working on this project.
- C. On January 30, 1992, the Unified District adopted the attainment plan required under A.B. 2595, known as the California Clean Air Act of 1988. Once it is approved by the California Air Resources Board, the plan will be implemented by the Unified District in conjunction with any local agencies involved.

- D. To encourage the development and use of improved agricultural practices that reduce the production of fine particles (PM10s), the U.C. Cooperative Extension and the Agricultural Commissioner will work with the Farm Bureau, Modesto Junior College and any other organization involved in agricultural research and education.

WATER RESOURCES

Policies

- 3.5 The County shall protect water resources by continuing to implement the water policies stated in the Conservation/Open Space Element of the General Plan.
- 3.6 The County shall encourage the conservation of water for both agricultural and urban uses.
- 3.7 The County shall continue to encourage the use of agricultural and urban practices that help reduce water quality problems.

The policies do not apply.

Implementation

- A. The Conservation/Open Space Element of the General Plan includes policies and implementation measures to protect groundwater aquifers and recharge areas, preserve vegetation to protect waterways from bank erosion and siltation, encourage all new urban development within spheres of influence to be served by public sewer and water systems rather than septic tanks and wells, to expand the water monitoring program of the Department of Environmental Resources, and to investigate additional sources of water for domestic and irrigation use.
- B. To encourage water conservation by farmers, the Agricultural Commissioner and U.C. Cooperative Extension will continue to provide information on irrigation methods and best management practices and will coordinate with conservation efforts of the Farm Bureau, Resource Conservation Districts, the Soil Conservation Service, and irrigation districts.
- C. To encourage urban water conservation, the Department of Environmental Resources will coordinate with conservation efforts of cities, local water districts and irrigation districts that deliver domestic water.
- D. The Department of Environmental Resources will continue to require analysis of

groundwater impacts in Environmental Impact Reports for proposed developments. The Department of Environmental Resources also will develop and implement an animal confinement facilities ordinance to ensure compliance with regulations of the State Water Quality Control Board.

- E. The Planning Department, Planning Commission and Board of Supervisors will consider requiring water-conserving landscaping when reviewing proposed developments.
- F. The Board of Supervisors will work with local irrigation districts to preserve water rights and ensure that water saved through conservation may be stored and used locally, rather than "appropriated" and moved to metropolitan areas outside of Stanislaus County.

SOIL RESOURCES

Policy

3.8 The County shall encourage the conservation of soil resources.

No discussion required beyond that provided in prior responses to policies.

Implementation

- A. To encourage soil conservation, the Agricultural Commissioner and U.C. Cooperative Extension will continue to provide information on erosion control and soil management and will coordinate with soil conservation efforts of the Farm Bureau, the Soil Conservation Service, Resource Conservation Districts, and irrigation districts.
- B. Establishment of a Resource Conservation District for the eastside of the County will be encouraged.
- C. The Planning Department will continue to refer proposed developments whenever appropriate to Resource Conservation Districts and irrigation districts for their review and analysis of impacts on soil resources.

CONSERVATION ELEMENT

GOALS, POLICIES AND IMPLEMENTATION MEASURES

GOAL ONE

Encourage the protection and preservation of natural and scenic areas throughout the County.

POLICY ONE

Maintain the natural environment in areas dedicated as parks and open space.

The project is not park or open space, so the policy does not apply.

IMPLEMENTATION MEASURES

1. Development of County parks shall include provisions for native vegetation conservation. Rare and endangered plants will be protected consistent with state and federal law and consistent with protection standards for private development as established in this General Plan.
Responsible Departments: Parks and Recreation, Board of Supervisors
2. Continue to use Williamson Act contracts as a means for open space conservation.
Responsible Departments: Planning Department, Assessor, Board of Supervisors

POLICY TWO

Assure compatibility between natural areas and development.

The project as proposed does not violate this goal.

IMPLEMENTATION MEASURES

1. Review zoning regulations for compatibility between proposed development and natural areas.
Responsible Department: Planning Department
2. Review all development requests to ensure that sensitive areas (e.g., riparian habitats, vernal pools, rare plants) are left undisturbed or that mitigation measures acceptable to appropriate state and federal agencies are included in the project.
Responsible Departments: Planning Department, Public Works, Planning Commission, Board of Supervisors.

POLICY THREE

Areas of sensitive wildlife habitat and plant life (e.g., vernal pools, riparian habitats, flyways and other waterfowl habitats, etc.) including those habitats and plant species listed in the General Plan Support Document or by state or federal agencies shall be protected from development.

The project is not in an identified area of sensitive habitat or wildlife.

IMPLEMENTATION MEASURES

1. Review all development requests to ensure that sensitive areas (e.g., riparian habitats, vernal pools, rare plants, flyways, etc.) are left undisturbed or that mitigation measures acceptable to appropriate state and federal agencies are included in the project.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors
2. In known sensitive areas, the State Department of Fish and Game shall be notified as required by the California Native Plant Protection Act; the U.S. Fish and Wildlife Service also shall be notified.
Responsible Department: Planning Department
3. All discretionary projects that will potentially impact riparian habitat and/or vernal pools or other sensitive areas shall include mitigation measures for protecting that habitat.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors
4. Implementation of this policy shall not be extended to the level of an unconstitutional "taking" of property.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

POLICY FOUR

Protect and enhance oak woodlands and other native hardwood habitat.

The project does not propose the removal of any oak trees or native hardwood habitat.

IMPLEMENTATION MEASURES

1. Require all discretionary projects that will potentially impact oak woodlands and other native hardwood habitat, including but not limited to hardwood rangelands identified in the maps in Appendix III-A, to include a management plan for the protection and enhancement of oak woodlands and other native hardwood habitat.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors
2. Consider adoption of a tree protection ordinance to promote conservation of native trees or trees with historic significance.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

GOAL TWO

Conserve water resources and protect water quality in the County.

POLICY FIVE

Protect groundwater aquifers and recharge areas, particularly those critical for the replenishment of reservoirs and aquifers.

The project is of a small scale, and will not result in any substantial reduction in area that could provide groundwater recharge. The project water consumption is low, and will not affect any groundwater aquifers.

IMPLEMENTATION MEASURES

1. Proposals for urbanization in groundwater recharge areas shall be reviewed to ensure that (1) as much water as possible is returned to the recharge area, (2) the development will not cause discharge of materials detrimental to the quality of the water, and (3) the development will not result in significant groundwater overdrafting or deterioration in quality. The Department of Environmental Resources shall require:
 - A. In those areas where groundwaters are susceptible to overdrafting, the project proponent shall perform a hydrogeological analysis and include appropriate mitigation measures in the proposal.
 - B. In those areas where groundwater quality is susceptible to deterioration or is already of reduced quality, the level of wastewater treatment shall be such that it will not cause further quality deterioration.

Responsible Departments: Environmental Resources, Planning Department, Planning Commission, Board of Supervisors.

2. The Department of Environmental Resources shall identify and require control of point sources for pollutants stored, handled or disposed of on the surface of the soil or in the vadose zone that is located in the zone or aeration immediately above the groundwater level. Potential sources of pollutants to the groundwater may also include high densities of individual on-site sewage treatment units and/or the use of community package treatment plants. The Department of Environmental Resources shall require the adoption of groundwater monitoring programs for projects where hydrogeological assessments indicate the potential for groundwater deterioration is likely.

Responsible Department: Environmental Resources

3. Eliminate reliance on dry wells as a means of street drainage in urban areas. Dry wells collect and discharge toxic, hazardous and designated contaminants into aquifers having beneficial uses. New projects shall have storm water disposal systems that: (1) are designed not to pollute receiving surface or groundwaters, and (2) which could be integrated into an area-wide groundwater recharge program whenever feasible.

Responsible Departments: Environmental Resources, Public Works, Planning Commission, Board of Supervisors

4. During the project and environmental review process, encourage new development to incorporate water conservation measures to minimize adverse impacts on water supplies. Possible measures include, but are not limited to, low-flow plumbing fixtures, use of reclaimed wastewater for landscaping when feasible, and use of drought-tolerant landscaping.
Responsible Departments: Environmental Resources, Building Inspections
5. Continue to implement the landscape provisions of the Zoning Ordinance, which encourage drought-tolerant landscaping and water-conserving irrigation methods.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors
6. During the project and environmental review process, encourage new urban development to be served by community wastewater treatment facilities and water systems rather than by package treatment plants or private septic tanks and wells.
Responsible Departments: Planning Department, Environmental Resources, Planning Commission, Board of Supervisors

POLICY SIX

Preserve vegetation to protect waterways from bank erosion and siltation.

The project is not adjacent to a waterway.

IMPLEMENTATION MEASURES

1. Development proposals including or in the vicinity of waterways and/or wetlands shall be closely reviewed to ensure that destruction of riparian habitat and vegetation is minimized. This shall include referral to the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the State Department of Fish and Game.
Responsible Departments: Planning Department, Public Works, Planning Commission, Board of Supervisors
2. Continue to encourage best management practices for agriculture and coordinate with soil and water conservation efforts of Stanislaus County Farm Bureau, Resource Conservation Districts, the U.S. Soil Conservation Service, and local irrigation districts.
Responsible Departments: Agricultural Commissioner, U.C. Cooperative Extension

POLICY SEVEN

New development that does not derive domestic water from pre-existing domestic and public water supply systems shall be required to have a documented water supply that does not adversely impact Stanislaus County water resources.

The project will derive its water from the minor expansion of an existing public water supply system.

IMPLEMENTATION MEASURES

1. Proposals for development to be served by new water supply systems shall be referred to appropriate water districts, irrigation districts, community services districts, the State Water Resources Board and any other appropriate agencies for review and comment.
Responsible Department: Planning Department, Environmental Resources

2. Review all development requests to ensure that sufficient evidence has been provided to document the existence of a water supply sufficient to meet the needs of the project without adversely impacting the quality and quantity of existing local water resources.

Responsible Departments: *Planning Department, Environmental Resources, Planning Commission, Board of Supervisors*

POLICY EIGHT

The County shall continue and, if necessary, expand the water monitoring program of the Stanislaus County Department of Environmental Resources.

No response needed.

IMPLEMENTATION MEASURES

1. The County will consider applying for Community Development Block Grant Funds and other state and federal grants to improve water quality in the County.
Responsible Department: *Planning Department, Environmental Resources, Board of Supervisors*
2. The Department of Environmental Resources should continue to monitor groundwater quality by reviewing well water chemical and bacterial analysis results and overseeing investigations involving soil and groundwater contamination.
Responsible Department: *Environmental Resources*

POLICY NINE

The County will investigate additional sources of water for domestic use.

No response needed.

IMPLEMENTATION MEASURE

1. The County will work with irrigation and water districts, community services districts, municipal and private water providers in developing surface water and other potential water sources for domestic use.
Responsible Departments: *Planning Department, Chief Executive Officer, Environmental Resources, Stanislaus County Water Advisory Committee*

GOAL THREE

Provide for the long-term conservation and use of agricultural lands.

POLICY TEN

Discourage the division of land which forces the premature cessation of agricultural uses.

The project is the expansion of an existing use. Please refer to the comments under the Land Use Element and Agricultural Element policies for compliance with this policy.

IMPLEMENTATION MEASURES

1. Use of the 40-acre or larger parcel size or agricultural Planned Developments with average residential densities equivalent to those allowed by parcel sizes of at least 40 acres shall be continued throughout most of the area designated Agriculture on the Land Use Element of the General Plan.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors
2. The County will continue to offer the financial benefits of the Williamson Act, consistent with Policy Sixteen, Implementation Measure 5 of the Land Use Element.
Responsible Departments: Planning Department, Assessor, Board of Supervisors
3. The County will continue to participate in the Farmland Mapping and Monitoring Program. (Comment: The major purpose of this program is to monitor conversion of the state's agricultural land to and from agricultural use, and to report that conversion annually to the legislature, local government, and the public. The program began in 1980 to supplement the land inventory and monitoring activity of the U.S. Department of Agriculture's Soil Conservation Service (SCS). Growing public concern over farmland losses in California, and a low federal priority for the mapping program in our State, were the basis for California's participation in the land inventory. The State's involvement in the SCS inventory program led to the passage of AB 966 in 1981. The primary purpose of the bill was to create a map inventory of the State's crop and grazing lands, and set up an ongoing monitoring system to document the quantity of land put into production and land converted to urban usage in California. As a result, three key areas of local governmental involvement in the State's Farmland Mapping and Monitoring Program are: (1) identifying farmland of local importance, (2) identifying land committed to nonagricultural use, and (3) advising the Department each year of lands which have been converted to urban use.)
Responsible Departments: U.C. Cooperative Extension, Planning Department
4. In designated areas of agricultural land, the County will encourage clustering, or grouping together, of allowable dwelling units on relatively small parcels instead of the dispersal of such dwelling units on larger parcels. Any changes to County zoning and/or subdivision regulations to allow clustering should be submitted by staff to the Planning Commission and Board of Supervisors by June 30, 1996.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisor

POLICY ELEVEN

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

Please refer to the comments under the Land Use Element and Agricultural Element policies for compliance with this policy.

IMPLEMENTATION MEASURES

1. All development proposals that require discretionary approval shall be reviewed to ensure that the project will not adversely affect an existing agricultural area.
Responsible Department: Planning Department, Agricultural Commissioner, Planning Commission, Board of Supervisors.

2. The County shall continue to implement the strategies identified in the Agricultural Element to ensure that new development is compatible with agricultural uses.
Responsible Department: Planning Department, Planning Commission, Board of Supervisors.
3. The County shall continue to work with LAFCO to ensure that expansion of urban boundaries minimizes the area of conflict between urban and agricultural uses.
Responsible Department: Planning Department

GOAL FOUR

Provide for the open-space recreational needs of the residents of the County.

POLICY TWELVE

Provide a system of local and regional parks which will serve the residents of the County. (Comment: The County should acquire future park sites in areas where growth is planned when funding is available.)

The project does not propose and County parks.

IMPLEMENTATION MEASURES

1. The County shall consider adoption of an amendment to the Subdivision Ordinance by June 30, 1996 to require parkland dedication or park in-lieu fees to be paid by subdividers and developers.
Responsible Departments: Planning Department, Parks Department, Parks Commission, Planning Commission, Board of Supervisors
2. The County Department of Parks and Recreation shall prepare and implement a plan to identify, acquire and maintain future park site locations. The parks plan should be adopted by June 30, 1996 and should address neighborhood parks and open space in urban settings as well as regional parks that serve the entire County population.
Responsible Departments: Parks Department, Parks Commission, Planning Department, Planning Commission, Board of Supervisors
3. The County shall adopt design standards for urban parks by June 30, 1996.
Responsible Departments: Parks Department, Parks Commission, Planning Department, Planning Commission, Board of Supervisors
4. The County shall consider establishing appropriate funding mechanisms for park operations and maintenance, including benefit assessment districts and County Service Areas (CSAs), with appropriate exemptions included for those landowners that provide open space amenities.
Responsible Departments: Parks Department, Parks Commission, Planning Department, Planning Commission, Treasurer-Tax Collector, Auditor-Controller, Chief Executive Office, Board of Supervisors
5. The County shall encourage the interconnection of recreational areas, open spaces and parks that are oriented to pedestrian and bicycle travel along public highway rights-of-way, while protecting private property to the greatest extent possible.

Responsible Departments: Parks Department, Parks Commission, Planning Department, Planning Commission, Public Works, Board of Supervisors

6. The County Department of Parks and Recreation will cooperate with efforts by the State Parks Department to make Henry Coe State Park more accessible to Stanislaus County residents.

Responsible Department: Parks and Recreation

7. The County shall require at least three net acres of developed neighborhood parks to be provided for every 1,000 residents.

Responsible Departments: Parks Department, Parks Commission, Planning Department, Planning Commission, Board of Supervisors

POLICY THIRTEEN

Promote the use of water reservoirs for multiple recreational purposes, where appropriate.

The project does not involve public recreational water reservoirs, although the project does include a lake which provides a recreational, park like setting for the customers of the project.

IMPLEMENTATION MEASURES

1. The County shall encourage the multiple use of reservoirs as flood control devices, recreational facilities, and wildlife habitats.

Responsible Departments: Parks and Recreation, Board of Supervisors

2. The County shall, when funds become available, install boat ramps where appropriate.

Responsible Departments: Parks and Recreation, Board of Supervisors

POLICY FOURTEEN

Provide for diverse recreational opportunities such as horseback riding trails, hiking trails, and bikeways.

This policy does not apply to the project.

IMPLEMENTATION MEASURES

1. In areas where appropriate, equestrian facilities may be provided. (The County should consider equestrian facilities when developing new parks. Also, in large land subdivisions where horses are permitted, the County should encourage the development of equestrian facilities.)

Responsible Departments: Parks and Recreation, Planning Department, Planning Commission, Board of Supervisors

2. Bikeways and pedestrian paths shall be considered when constructing or improving the road and street system within the sphere of influence of cities or other urban areas.

Responsible Departments: Public Works, Planning Department, Planning Commission, Board of Supervisors

POLICY FIFTEEN

Coordinate the provision of recreation needs with other providers such as the Army Corps of Engineers, the State Resources Agency, school districts, river rafters, horse stable operators, and private organizations such as the Sierra Club and Audubon Society.

This policy does not apply to the project.

IMPLEMENTATION MEASURES

1. The County will pursue various funding options for providing recreational opportunities.
Responsible Departments: Parks and Recreation, Board of Supervisors
2. The County will assume responsibility for parks, when financially feasible, dedicated to them by state or federal agencies.
Responsible Departments: Parks and Recreation, Board of Supervisors
3. Prior to the issuance of any building permit on parcels fronting the Stanislaus River, it shall be verified that the building site is outside of Army Corps of Engineers easements.
Responsible Department: Building Inspection
4. An inventory of recreational facilities shall be maintained for use in parks and recreation facilities planning.
Responsible Department: Parks and Recreation

GOAL FIVE

Reserve, as open space, lands subject to natural disaster in order to minimize loss of life and property of residents of Stanislaus County.

POLICY SIXTEEN

Discourage development on lands that are subject to flooding, landslide, faulting or any natural disaster to minimize loss of life and property.

The project site does not include any of the lands identified in the policy.

IMPLEMENTATION MEASURES

1. Enforce the provisions of the Alquist-Priolo Earthquake Fault Zoning Act.
Responsible Departments: Building Inspection, Planning Department, Planning Commission, Board of Supervisors
2. Development will not be permitted in floodways unless it meets the requirements of Chapter 16.40 of the County Code and is approved by the State Reclamation Board.
Responsible Departments: Public Works, Planning Department, Planning Commission, Board of Supervisors
3. Development proposals in an area identified as having unstable soils (bluff, landslide areas in the foothills, etc.) shall include measures for mitigating possible hazards.

Responsible Departments: Public Works, Building Inspection, Planning Department, Planning Commission, Board of Supervisors

4. The County shall enforce the subdivision ordinance requirement for soils reports, which may be required to include a geologic report.

Responsible Departments: Public Works, Planning Commission, Board of Supervisors

5. The County shall utilize the California Environmental Quality Act (CEQA) process to ensure that development does not occur that would be subject to natural disasters.

Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

POLICY SEVENTEEN

Develop a plan to minimize the impacts of a disaster.

This policy does not apply to the project.

IMPLEMENTATION MEASURES

1. The County Office of Emergency Services will continue to work with other jurisdictions to develop evacuation routes to be used in case of a disaster. Evacuation routes will serve all of the jurisdictions in the County. Plans for evacuation routes must be coordinated with the cities.

Responsible Department: Emergency Services

2. In case of a disaster, the County will use the adopted emergency plan and the procedures established in that document.

Responsible Departments: Emergency Services, Sheriff, Fire Safety, Board of Supervisors

3. The County will provide information to anyone interested in forming a flood control district in Stanislaus County.

Responsible Department: Public Works

GOAL SIX

Improve air quality.

POLICY EIGHTEEN

The County will promote effective communication, cooperation and coordination among agencies involved in developing and operating local and regional air quality programs.

This policy is a County requirement, and does not apply to the project.

IMPLEMENTATION MEASURES

1. Refer discretionary projects under CEQA review to the San Joaquin Valley Unified Air Pollution

Control District (SJVUAPCD), neighboring jurisdictions and other affected agencies for review and comment.

Responsible Department: Planning Department

2. Work with other agencies in the San Joaquin Valley to establish coordinated air quality programs and implementation measures.

Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

POLICY NINETEEN

The County will strive to accurately determine and fairly mitigate the local and regional air quality impacts of proposed projects.

This policy is a County requirement, and does not apply to the project.

IMPLEMENTATION MEASURES

1. Require all development proposals, where appropriate, to include reasonable air quality mitigation measures.

Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

2. Minimize case-by-case analysis of air quality impacts through the use of standard criteria for determining significant environmental effects, a uniform method of calculating project emissions, and standard mitigation methods to reduce air quality impacts.

Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

POLICY TWENTY

The County shall strive to reduce motor vehicle emissions by reducing vehicle trips and vehicle miles traveled and increasing average vehicle ridership.

This policy is a County requirement, and does not apply to the project.

IMPLEMENTATION MEASURES

1. Through strategies identified in the Circulation Element, ensure that circulation systems are designed and maintained to minimize traffic congestion and vehicle emissions.

Responsible Departments: Public Works, Planning Department, Planning Commission, Board of Supervisors

2. Support a broad range of transportation modes, including public transit, bicycling and pedestrian travel, through the strategies identified in the Circulation Element.

Responsible Departments: Public Works, Planning Department, Planning Commission, Board of Supervisors

3. Help achieve a jobs/housing balance by working with appropriate organizations to attract employers to Stanislaus County.

Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

POLICY TWENTY-ONE

The County will support efforts to increase public awareness of air quality problems and solutions.

This policy is a County requirement, and does not apply to the project.

IMPLEMENTATION MEASURES

1. Support and participate in the air quality education programs of the SJVUAPCD to the greatest extent possible.
Responsible Departments: *Planning Department, Planning Commission, Board of Supervisors*
2. Support education programs that increase public awareness of techniques to reduce fine particulate matter (PM-10) emissions.
Responsible Departments: *U.C. Cooperative Extension, Agricultural Commissioner, Agricultural Advisory Board, Planning Department, Department of Environmental Resources, Public Health, Building Inspections, Board of Supervisors*
3. Work with the local building industry, utilities, and the SJVUAPCD to educate developers and builders on the benefits of energy-efficient designs and the use of low-emission equipment for new residential and commercial construction.
Responsible Departments: *Planning Department, Building Inspections*

GOAL SEVEN

Support efforts to minimize the disposal of solid waste through source reduction, reuse, recycling, composting and transformation activities.

(Comment: As urbanization spreads and populations increase, more and more refuse is produced. Public Resources Code Section 41780 requires Stanislaus County to reduce solid waste disposal 25% by the year 2000 through maximizing the use of all feasible source reduction, recycling and composting options. For wastes that cannot be feasibly reduced at their source, recycled, or composted, the practices of environmentally safe transformation or land disposal, or both, may be used. Barriers to siting such disposal facilities include environmental factors and costs.)

POLICY TWENTY-TWO

The County will support the solid waste management hierarchy established by the California Public Resources Code, Section 40051, and actively promote the goals and objectives specified in the Countywide Integrated Waste Management Plan.

This policy is a County requirement, and does not apply to the project.

IMPLEMENTATION MEASURES

1. Encourage and promote activities, projects, legislation, business and industries that cause solid waste to be reduced at the source, reused, recycled and/or composted.
Responsible Departments: Planning Department, Environmental Resources, Planning Commission, Board of Supervisors, SCEDCO

2. Complete and adopt the state-mandated Countywide Integrated Waste Management Plan by January 31, 1996.
Responsible Departments: Environmental Resources, Board of Supervisors

3. Encourage the use of transformation facilities (such as waste-to-energy plants) as a component of the County's integrated waste management system.
Responsible Departments: Planning Department, Environmental Resources, Planning Commission, Board of Supervisors

4. Actively pursue the identification, siting, permitting and operation of additional landfill capacity to receive solid wastes that are not diverted from disposal and for the disposal of ash from transformation facilities.
Responsible Departments: Environmental Resources, Planning Department, Planning Commission, Board of Supervisors

5. Encourage and promote activities, projects, legislation, businesses and industries that cause special wastes (e.g., food processing residue, demolition/construction waste, inert wastes, tires, de-watered sludge, household hazardous waste, etc.) to be safely diverted from landfills or transformation facilities, including composting and co-composting operations.
Responsible Departments: Environmental Resources, Planning Department, Planning Commission, Board of Supervisors

POLICY TWENTY-THREE

The County will protect existing solid waste management facilities, including the waste-to-energy plant and the Fink Road landfill, against encroachment by land uses that would adversely affect their operation or their ability to expand.

This policy is a County requirement, and does not apply to the project.

IMPLEMENTATION MEASURES

1. Do not approve any discretionary projects within 1,000 feet of existing solid waste management facilities, including the Fink Road landfill and the waste-to-energy plant, unless such projects will have no adverse impact on those facilities or vice versa.
Responsible Departments: Public Works, Environmental Resources, Planning Department, Planning Commission, Board of Supervisors

2. Explore the possibility of establishing an appropriate mechanism to preclude issuance of any building permits within 1,000 feet of solid waste management facilities, including the Fink Road landfill and the waste-to-energy plant.
Responsible Departments: Public Works, County Counsel, Building Inspections, Board of Supervisors

GOAL EIGHT

Preserve areas of national, state, regional and local historical importance.

POLICY TWENTY-FOUR

The County will support the preservation of Stanislaus County's cultural legacy of historical and archeological resources for future generations.

(Comment: Landmarks of historical consequence not only include old schoolhouses, and covered bridges, but also such sites as Native American burial grounds, cemeteries, pottery, rock carvings, and rock paintings. Normally, "sensitive" areas are often located near natural watercourses, springs or ponds, or on elevated ground. However, due to the silt build-up in the valley and the meandering of rivers, archaeological and historical sites may be found in unsuspected areas.)

The site does not contain any known historical or archaeological resources.

IMPLEMENTATION MEASURES

1. The County shall continue to utilize the HS (Historical Site) zone in Knight's Ferry and La Grange to protect the historical character of the communities.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors
2. The County shall seek input from the Knight's Ferry Municipal Advisory Council concerning any development proposals in the HS zone in Knight's Ferry.
Responsible Departments: Planning Department, Historical Sub-Committee of the Planning Commission, Planning Commission, Board of Supervisors
3. The County shall work with the County Historical Society, and other organizations and interested individuals to study, identify and inventory archeological resources and historical sites, structures, buildings and objects.
Responsible Department: Parks and Recreation
4. The County will cooperate with the State Historical Preservation Officer to identify and nominate historical structures, objects, buildings and sites for inclusion under the Historical Preservation Act.
Responsible Department: Parks and Recreation
5. The County shall utilize the California Environmental Quality Act (CEQA) process to protect archaeological or historic resources. Most discretionary projects require review for compliance with CEQA. As part of this review, potential impacts must be identified and mitigated.
Responsible Departments: Planning Department, Parks and Recreation, Planning Commission, Board of Supervisors
6. The County shall make referrals to the Office of Historic Preservation and the Central California Information Center as required to meet CEQA requirements.
Responsible Department: Planning Department
7. The County will work with all interested individuals and organizations to protect and preserve the mining heritage of Stanislaus County.

Responsible Department: Parks and Recreation

POLICY TWENTY-FIVE

"Qualified Historical Buildings" as defined by the State Building Code shall be preserved.

The project site does not contain any historic buildings.

IMPLEMENTATION MEASURES

1. Whenever possible, the County Building Inspection Division shall utilize the provisions of the State Building Code that allow historical buildings to be restored without damaging the historical character of the building.

Responsible Department: Building Inspection

2. The County shall continue to utilize the HS (Historical Site) zone in Knight's Ferry and La Grange to protect the historical character of the communities.

Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

GOAL NINE

Manage extractive mineral resources to ensure an adequate supply without degradation of the environment.

POLICY TWENTY-SIX

Surface mining in areas classified by the State Division of Mines and Geology as having significant deposits of extractive mineral resources shall be encouraged.

The project site is not in an area identified as potentially having significant extractive resources.

IMPLEMENTATION MEASURES

1. The County shall encourage and support the State Division of Mines and Geology or other public or private organizations in designating the County's sand and gravel resources.

Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

2. The County shall utilize the California Environmental Quality Act (CEQA) process to protect mineral resources as well as the environment. Most discretionary projects require review for compliance with CEQA. As a part of this review, environmental impacts and alternatives, must be identified and the manner for such significant effects to be avoided or mitigated must be indicated. The Legislature declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects.

Responsible Departments: Planning Department, Planning Commission, Board of Supervisors.

3. The County shall adopt the Mineral Resources land use designation for those areas designated by the state as significant deposits of mineral resources at such time as the State Division of Mines and Geology completes the countywide mineral resources designation process under the Surface Mining and Reclamation Act (SMARA).
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors.
4. The County shall consider adopting the Mineral Resources land use designation for those areas identified as significant deposits of mineral resources in the 1993 Mineral Land Classification of Stanislaus County prepared by the State Division of Mines and Geology.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

POLICY TWENTY-SEVEN

The County shall emphasize the conservation and development of lands having significant deposits of extractive mineral resources by not permitting uses that threaten the potential to extract the minerals.

The project site is not located in an area identified as potentially containing significant extractive mineral resources.

IMPLEMENTATION MEASURES

1. Requests for conversion of lands with significant deposits of extractive mineral resources (e.g., sand and gravel) to urban uses shall not be approved unless provisions are made for extraction prior to development.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors
2. Any approval of potentially incompatible land uses in and surrounding areas containing significant deposits of extractive mineral resources shall include conditions mitigating the significant land use conflicts.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors
3. The classification maps and mineral information contained in the Mineral Land Classification of Stanislaus County, California (Special Report 173), together with Public Resources Code Section 2710 et seq. (SMARA) and state policy, are hereby incorporated in this General Plan by reference.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

POLICY TWENTY-EIGHT

Lands used for the extraction of mineral resources shall be reclaimed as required by the Surface Mining and Reclamation Act of 1975 to minimize undesirable impacts.

The project does not propose the extraction of any mineral resources, so reclamation is not required.

IMPLEMENTATION MEASURES

1. Approval of any excavation permits shall include requirements for reclamation of the land consistent with the land use designation.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors
2. Mineral excavation on productive agricultural land should have a reclamation plan that retains or

restores a maximum amount of agricultural or open space land.

Responsible Departments: *Planning Department, Planning Commission, Board of Supervisors*

GOAL TEN

Protect fish and wildlife species of the County.

POLICY TWENTY-NINE

Adequate water flows should be maintained in the County's rivers to allow salmon migration.

The project will not affect river flows.

IMPLEMENTATION MEASURE

1. The County should continue to lobby the federal government to provide adequate water flow in the County's rivers to allow salmon migration.

Responsible Department: *Board of Supervisors*

POLICY THIRTY

Habitats of rare and endangered fish and wildlife species shall be protected. Information on rare and endangered species and habitats is constantly being updated in response to a 1982 state law by the California State Department of Fish and Game through various sources which include the Stanislaus Audubon Society, California Native Plant Society, and the Sierra Club.

The project site is not known to contain habitat for rare of endangered fish or wildlife species.

IMPLEMENTATION MEASURES

1. The County shall utilize the California Environmental Quality Act (CEQA) process to ensure that development does not occur that would be detrimental to fish, plant life, or wildlife species.

Responsible Departments: *Planning Department, Planning Commission, Board of Supervisors*

2. The County shall maintain information regarding fish and wildlife habitats and rare and endangered flora and fauna species.

Responsible Department: *Planning Department*

3. The County shall protect sensitive wildlife habitat and plant life through the strategies identified under Policy Three of this element.

Responsible Departments: *Planning Department, Planning Commission, Board of Supervisors*

GOAL ELEVEN

Conserve resources through promotion of waste reduction, reuse, recycling, composting, ride-share programs and alternative energy sources such as mini-hydroelectric plants, gas and oil exploration, and transformation facilities such as waste-to-energy plants.

POLICY THIRTY-ONE

The County shall provide zoning mechanisms for locating material recovery facilities, recycling facilities, composting facilities, and new energy producers when the proposed location does not conflict with surrounding land uses.

The policy does not apply.

IMPLEMENTATION MEASURES

1. The County shall include provisions in its zoning ordinance for siting material-recovery facilities, recycling facilities, composting facilities, mini-hydroelectric plants and transformation facilities by June 30, 1997.
Responsible Departments: *Planning Department, Environmental Resources, Planning Commission, Board of Supervisors*
2. The County shall actively pursue and implement projects, plans and programs that will effectively protect and conserve existing and future landfill capacity.
Responsible Departments: *Environmental Resources, Board of Supervisors*

POLICY THIRTY-TWO

New construction by the County shall meet or exceed code requirements for energy conservation.

The project, at construction, will meet current building code requirements for energy conservation.

IMPLEMENTATION MEASURES

1. New County facilities should be designed to maximize energy efficiency.
Responsible Departments: *County Executive Office, Building Inspection Division*
2. Existing County facilities should be made to maximize energy efficiency where it is found to be economically reasonable.
Responsible Departments: *County Executive Office, Building Inspection Division*

SAFETY ELEMENT

GOALS, POLICIES AND IMPLEMENTATION MEASURES

GOAL ONE

Prevent loss of life and reduce property damage
as a result of natural disasters.

(Comment: Stanislaus County is prone to a variety of natural disasters. With several rivers traversing the County, flooding is a concern. Although there are no major faults in the valley portion of Stanislaus County, some faults do exist in the foothills on the eastern and western edges of the County. Earthquakes could occur that would cause severe damage in portions of the County.)

POLICY ONE

The County will adopt (and implement as necessary) plans to minimize the impacts of a natural disaster.

This policy is a County requirement, and does not apply to the project.

IMPLEMENTATION MEASURES

1. The County Office of Emergency Services will continue to work with other jurisdictions to develop evacuation routes to be used in case of a disaster, including dam failure. Evacuation routes will serve all of the jurisdictions in the County; therefore plans for evacuation routes must be coordinated with these cities.
Responsible Department: Emergency Services
2. The County will follow the policies included in the adopted emergency plan. New development shall not conflict with policies included in that document.
Responsible Department: Emergency Services
3. The County will make information available to landowners in areas subject to flooding to help them form a flood control district.
Responsible Department: Public Works
4. Development, except that which is consistent with the County General Plan at the time the Patterson Agreement is executed, in the area known as the Sperry Avenue Corridor, shall be required to participate in the solution of the Salado Creek flooding problem.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors
5. In the event of a major wildfire threatening the towns of Knight's Ferry or La Grange, the Sheriff, Emergency Services and Fire Safety Departments may mandate and coordinate evacuation of those towns.

Responsible Departments: Sheriff, Fire Safety, Emergency Services

POLICY TWO

Development should not be allowed in areas that are within the designated floodway.

(Comment: The Federal Emergency Management Agency (FEMA) has developed floodway maps which identify areas prone to flooding.)

The project site is not located within a designated floodway.

IMPLEMENTATION MEASURES

1. Development within the 100-year flood boundary shall meet the requirements of Chapter 16.40 (Flood Damage Protection) of the County Code and within the designated floodway shall obtain Reclamation Board approval.
Responsible Departments: Public Works, Planning Commission, Board of Supervisors
2. The County shall utilize the California Environmental Quality Act (CEQA) process to ensure that development does not occur that would be especially susceptible to flooding. Most discretionary projects require review for compliance with CEQA. As part of this review, potential impacts must be identified and mitigated.
Responsible Departments: Planning Department, Public Works, Planning Commission, Board of Supervisors

POLICY THREE

Development should not be allowed in areas that are particularly susceptible to seismic hazard.

The project site is not in an area particularly susceptible to seismic hazard.

IMPLEMENTATION MEASURES

1. The County shall enforce the Alquist-Priolo Earthquake Fault Zoning Act.
Responsible Departments: Building Inspections, Planning Department, Planning Commission, Board of Supervisors
2. Development in areas of geologic hazard shall be considered for approval only where the development includes an acceptable evacuation route.
Responsible Departments: Sheriff, Fire Safety, Emergency Services, Public Works, Planning Department, Planning Commission, Board of Supervisors
3. Development proposals adjacent to reservoirs shall include evaluations of the potential impacts from a seismically induced seiche.
Responsible Departments: Planning Department, Parks and Recreation, Planning Commission, Board of Supervisors
4. The routes of new public roads in areas subject to significant seismic hazard shall be designed to minimize seismic risk.
Responsible Departments: Public Works, Planning Commission, Board of Supervisors

5. Where it is found that right-of-way widths greater than those specified in the Circulation Element are necessary to provide added safety in geologically unstable areas, additional width shall be required.
Responsible Departments: Public Works, Planning Department, Planning Commission, Board of Supervisors

POLICY FOUR

Development west of I-5 in areas susceptible to landslides (as identified in this element) shall be permitted only when a geological report is presented with (a) documented evidence that no such potential exists on the site, or (b) identifying the extent of the problem and the mitigation measures necessary to correct the identified problem.

The project site is not located west of I-5.

IMPLEMENTATION MEASURES

1. The County shall utilize the California Environmental Quality Act (CEQA) process to ensure that development does not occur that would be especially susceptible to landslide. Most discretionary projects require review for compliance with CEQA. As part of this review, potential impacts must be identified and mitigated or a statement of overriding concerns adopted.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors
2. Development west of I-5 shall include a geological report unless the Chief Building Official and Planning Director are satisfied that no need for the study is present.
Responsible Departments: Planning Department, Building Inspections
3. The routes of new public roads in areas subject to landslides shall be designed to minimize landslide risks.
Responsible Departments: Public Works, Planning Commission, Board of Supervisors

POLICY FIVE

Stanislaus County shall support efforts to identify and rehabilitate structures that are not earthquake resistant.

This policy is a County requirement, and does not apply to the project.

IMPLEMENTATION MEASURE

1. The County shall take advantage of programs that would provide funds to identify and rehabilitate structures that do not currently meet building standard minimums for earthquake resistance.
Responsible Department: Building Inspections

GOAL TWO

Minimize the effects of hazardous conditions that might cause loss of life and property.

POLICY SIX

All new development shall be designed to reduce safety and health hazards.

The project will be designed consistent with current codes relating to safety and hazards..

IMPLEMENTATION MEASURES

1. Review development proposals and require redesign when necessary to ensure that buildings are designed and sited to minimize crime and assure adequate access for emergency vehicles.
Responsible Departments: *Sheriff, Fire Safety*
2. Fencing shall be required between canals and new urban development when recommended by an irrigation district.
Responsible Departments: *Planning Department, Planning Commission, Board of Supervisors*
3. Development standards shall be imposed to provide street lighting, storm drainage, setbacks, fire walls.
Responsible Departments: *Public Works, Planning Department, Fire Safety, Planning Commission, Board of Supervisors*
4. All building permits shall be reviewed to ensure compliance with the Uniform Building Code.
Responsible Departments: *Building Inspections*

POLICY SEVEN

Adequate fire and sheriff protection shall be provided.

The project lies within a fully staffed fire district. Sheriff protection is currently provided to the project site, and is adequate.

IMPLEMENTATION MEASURES

1. The County shall continue to implement the funding strategies identified under Policy Twenty-Two of the Land Use Element.
Responsible Departments: *Building Inspection, Board of Supervisors*
2. All discretionary projects in the County shall be referred to the Fire Safety Department and to the appropriate fire district for comment. The comments of these agencies will be used to condition or recommend modifications of the project as it relates to fire safety and rescue issues.
Responsible Departments: *Planning Department, Fire Safety*

3. The County Fire Safety Department shall work with the California Department of Forestry and Fire Protection and with local fire districts to minimize the danger from wildfire.
Responsible Department: Fire Safety
4. Discretionary projects outside of fire districts shall be considered for approval only when they are found to include adequate fire protection.
Responsible Departments: Fire Safety, Planning Department, Planning Commission, Board of Supervisors
5. New development, other than agricultural, shall have adequate water to meet the fire flow standards established in Appendix 5-A.
Responsible Departments: Fire Safety, Planning Department, Planning Commission, Board of Supervisors
6. All discretionary projects shall be referred to the Sheriff's Department for comment. Comments from the Sheriff will be used to either condition or modify the project.
Responsible Departments: Sheriff, Planning Department, Planning Commission, Board of Supervisors
7. All building permits and discretionary projects within the State Responsibility Areas, as identified by the California Department of Forestry and Fire Protection, shall meet the minimum development standards included in Article 1-5, Subchapter 2 SRA Fire Safe Regulations, Chapter 7 - Fire Protection, Division 1.5 - Department of Forestry, Title 14 - Natural Resources, or more stringent specific standards as may be adopted by the Board of Supervisors for this County.
Responsible Departments: Building Inspection, Public Works, Planning Department, Fire Safety, Planning Commission, Board of Supervisors
8. All discretionary projects shall be referred to the Regional Emergency Medical Services Office for comments related to ambulance service.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

POLICY EIGHT

Roads shall be maintained for the safety of travelers.

Roads will be developed consistent with County and State standards.

IMPLEMENTATION MEASURES

1. New urban development shall provide street lighting, storm drainage, setbacks, fire walls, and other safety features as the specific case may require.
Responsible Departments: Public Works, Fire Safety, Planning Commission, Board of Supervisors
2. New development shall conform to the standards in the County Specifications and Improvement Standards for maintenance and improvement of roads.
Responsible Departments: Public Works, Planning Commission, Board of Supervisors
3. The Sheriff's Department shall enforce California Vehicle Code Section 23114 related to material falling from overloaded trucks carrying sand, gravel and other materials.
Responsible Department: Sheriff's Department

4. Private access roads in the State Responsibility Areas, as designated by the California Department of Forestry and Fire Protection, shall be designed to meet state-mandated standards for such roads.
Responsible Departments: Fire Safety, Planning Department, Planning Commission, Board of Supervisors
5. Private access roads in agricultural parcel maps should not include "dead ends" longer than one mile.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

POLICY NINE

The County shall support the formation of improvement districts (including flood control districts) to eliminate safety hazards.

No improvement districts are needed as part of the project.

IMPLEMENTATION MEASURES

1. Fire Districts, Sheriff's Department, etc. should be encouraged to request that the Board of Supervisors impose development fees to help support their services. Such requests shall be accompanied by supporting documentation.
Responsible Departments: Fire Safety, Sheriff, County Executive Office, Board of Supervisors
2. The County will work with the Fire Safety Department, the State Department of Forestry and Fire Protection and local fire districts to ensure that adequate fire suppression measures are provided in areas without access to a public water system. These measures may include restrictions on building materials as well as the provision of adequate access and appropriate facilities for suppressing a fire.
Responsible Departments: Fire Safety, Building Inspections, Board of Supervisors

POLICY TEN

The County shall limit the siting of air strips.

The project does not include an airstrip. As such, this policy is a County requirement, and does not apply to the project.

IMPLEMENTATION MEASURE

1. The County policy regarding the siting of air strips shall be enforced. (See Appendix 5-B)
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors

POLICY ELEVEN

Restrict large communications antennas within the agricultural area with respect to maximum height, markings (lights) and location to provide maximum safety levels.

The project does not include any large communications antennas.

IMPLEMENTATION MEASURES

1. An amendment to the A-2 (General Agriculture) zoning districts will be processed by June 30, 1995 to require that, before communication towers are approved, a finding must be made that measures have been taken to minimize the effect of the tower on crop dusting activities. (On September 19, 1995, the Board of Supervisors approved an amendment to the zoning ordinance establishing siting standards for communication towers in all zoning districts.)
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors
2. Use permit applications for communication towers in the A-2 (General Agriculture) zone district shall be referred to the crop dusting companies which typically service the area of the proposed tower for notice and comment.
Responsible Department: Planning Department

POLICY TWELVE

The Airport Land Use Commission Plan and County Airport Regulations (Chapter 17 of the County Code) shall be updated as necessary, maintained and enforced.

This policy is a County requirement, and does not apply to the project.

IMPLEMENTATION MEASURES

1. Development within areas protected by the Airport Land Use Commission Plan shall only be approved if they meet the requirements of the Plan.
Responsible Departments: Planning, Airport Land Use Commission, Planning Commission, Board of Supervisors
2. The Airport Land Use Plan shall be updated to conform to current state law when funds are budgeted for the project.
Responsible Departments: Planning Department, Airport Land Use Planning Commission
3. All amendments to a land use designation, zoning district, or zoning regulation affecting land within the Airport Land Use Plan boundary shall be referred to the Airport Land Use Commission for comment. If that commission recommends denial, the Board of Supervisors may overrule that recommendation only by a two-thirds majority vote.
Responsible Departments: Planning Department, Airport Land Use Commission, Board of Supervisors
4. The height and exterior materials of new structures in the Airport Zone of the Modesto, Oakdale, Patterson or Turlock airports as defined in the Stanislaus County Airport Regulations, shall be reviewed to determine whether they conform to those regulations.
Responsible Departments: Planning Department, Board of Supervisors

POLICY THIRTEEN

The Department of Environmental Resources shall continue to coordinate efforts to identify locations of hazardous materials and prepare and implement plans for management of spilled hazardous materials as required.

This policy is a County requirement, and does not apply to the project.

IMPLEMENTATION MEASURES

1. The County will continue to provide planning efforts to locate and minimize the effects of hazardous materials through the County's adopted emergency plan.
Responsible Department: Environmental Resources
2. The County has prepared a Hazardous Waste Management Plan which is the guideline for managing hazardous waste in this County. The goals, objectives, conclusions, recommendations and implementation measures of that plan are hereby incorporated as a part of the Safety Element, along with any modifications which may result from state review of the Hazardous Waste Management Plan.
Responsible Departments: Board of Supervisors, Environmental Resources
3. The Area Plan for Emergency Response to Hazardous Substance Release, required by the California Health and Safety Code, will be incorporated as part of the Safety Element when that plan is adopted.
Responsible Departments: Environmental Resources, Fire Safety, Sheriff, Emergency Services

POLICY FOURTEEN

The County will continue to enforce state-mandated structural Health and Safety Codes, including but not limited to the Uniform Building Code, the Uniform Housing Code, the Uniform Fire Code, the Uniform Plumbing Code, the National Electric Code, and Title 24.

(Comment: The Uniform Building Code includes provisions for safe construction under the most current standards. The Uniform Housing Code provides for upgrading of existing dwellings to eliminate health and safety problems without requiring upgrading of non-hazardous conditions.)

This policy is a County requirement, and does not apply to the project.

IMPLEMENTATION MEASURES

1. All building permits shall be reviewed to ensure compliance with the Uniform Building Code.
Responsible Department: Building Inspections
2. All complaints of substandard dwellings shall be acted upon to ensure compliance with the Uniform Housing Code.
Responsible Departments: Building Inspections, Environmental Resources
3. The Uniform Fire Code shall be followed in inspections and maintenance of structures regulated under that code.
Responsible Department: Fire Safety

POLICY FIFTEEN

The County will support the Federal Emergency Management Agency (FEMA) Flood Insurance Program so that residents who qualify may purchase such protection.

(Comment: If Stanislaus County adopts a flood hazard reduction ordinance that meets FEMA standards, property owners whose property is located within certain areas identified by FEMA as flood hazard areas may purchase insurance against flood damage. Chapter 16.40 of the Stanislaus County Code meets the FEMA standards.)

This policy is a County requirement, and does not apply to the project.

IMPLEMENTATION MEASURE

1. Stanislaus County will maintain and enforce Chapter 16.40 (Flood Damage Protection) of the County Code to meet FEMA standards.

Responsible Departments: Public Works, Board of Supervisors

NOISE ELEMENT

GOALS, POLICIES AND IMPLEMENTATION MEASURES

GOAL ONE

Prevent the encroachment of incompatible land uses near known noise producing industries, railroads, airports and other sources to protect the economic base of the County.

POLICY ONE

It is the policy of Stanislaus County to utilize the noise exposure information contained within the General Plan to identify existing and potential noise conflicts through the Land Use Planning and Project Review processes.

The project is located adjacent to major roadways, which generate noise, but the project does not include residential uses. The uses proposed are not sensitive to roadway noise, so the project will not be impacted by the adjacent roadways.

IMPLEMENTATION MEASURE

1. Areas within Stanislaus County shall be designated as noise-impacted if exposed to existing or projected future noise levels exterior to buildings exceeding the standards in Figure 3 or the performance standards described by Table 4. Maps showing existing and projected future noise exposures exceeding 60 L_{dn} or CNEL for the major noise sources are depicted in Figure 1, Table 1, and are included in Appendix A and B of the Technical Reference Document (2004).

Responsible Departments: *Environmental Resources, Planning Department, Planning Commission, Board of Supervisors*

GOAL TWO

Protect the citizens of Stanislaus County from the harmful effects of exposure to excessive noise.

POLICY TWO

It is the policy of Stanislaus County to develop and implement effective measures to abate and avoid excessive noise exposure in the unincorporated areas of the County by requiring that effective noise mitigation measures be incorporated into the design of new noise generating and new noise sensitive land uses.

The project is located adjacent to major roadways, which generate noise, but the project does not include

residential uses. The uses proposed are not sensitive to roadway noise, so the project will not be impacted by the adjacent roadways.

IMPLEMENTATION MEASURES

1. New Development of noise-sensitive land uses will not be permitted in noise-impacted areas unless effective mitigation measures are incorporated into the project design to reduce noise levels to the following levels:
 - a) For transportation noise sources such as traffic on public roadways, railroads, and airports, 60 L_{dn}(or CNEL) or less in outdoor activity areas of single family residences, 65 L_{dn}(or CNEL) or less in community outdoor space for multi-family residences, and 45 L_{dn}(or CNEL) or less within noise sensitive interior spaces. Where it is not possible to reduce exterior noise due to these sources to the prescribed level using a practical application of the best available noise-reduction technology, an exterior noise level of up to 65 L_{dn} (or CNEL) with the windows and doors closed in residential uses.
 - b) For other noise sources such as local industries or other stationary noise sources, noise levels shall not exceed the performance standards contained within Table 4.

Responsible Departments: Environmental Resources, Planning Department, Building Inspections, Planning Commission, Board of Supervisors

2. New development of industrial, commercial or other noise generating land uses will not be permitted if resulting noise levels will exceed 60 L_{dn} (or CNEL) in noise-sensitive areas. Additionally, the development of new noise-generating land uses which are not preempted from local noise regulation will not be permitted if resulting noise levels will exceed the performance standards contained within Table 4 in areas containing residential or other noise sensitive land uses.

Responsible Departments: Environmental Resources, Planning Department, Planning Commission, Board of Supervisors

TABLE 4

MAXIMUM ALLOWABLE NOISE EXPOSURE - STATIONARY NOISE SOURCES²

	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
Hourly Leq, dBA	55	45
Maximum level, dBA	75	65

Each of the noise level standards specified in Table 4 shall be reduced by five (5) dBA for pure tone noises, noise consisting primarily of speech or music, or for recurring impulsive noises. The standards in Table 4 should be applied at a residential or other noise-sensitive land use and not on the property of a noise-generating land use. Where measured ambient noise levels exceed the standards, the standards shall be increased to the ambient levels.

²As determined at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards may be

applied on the receptor side of noise barriers or other property line noise mitigation measures.

3. Prior to the approval of a proposed development of noise-sensitive land uses in a noise impacted area, or the development of industrial, commercial or other noise generating land use in an area containing noise-sensitive land uses, an acoustical analysis shall be required. Where required, an acoustical analysis shall:

- a) Be the responsibility of the applicant.
- b) Be prepared by a qualified acoustical consultant experienced in the fields of environmental noise assessment and architectural acoustics.
- c) Include representative noise level measurements with sufficient sampling periods and locations to adequately describe local conditions.
- d) Include estimated noise levels in terms of L_{dn} (or CNEL) and the standards of Table 4 (if applicable) for existing and projected future (10 - 20 years hence) conditions, with a comparison made to the adopted policies of the Noise Element.
- e) Include recommendations for appropriate mitigation to achieve compliance with the adopted policies and standards of the Noise Element.
- f) Include estimates of noise exposure after the prescribed mitigation measures have been implemented. If compliance with the adopted standards and policies of the Noise Element will not be achieved, a rationale for acceptance of the project must be provided.

Responsible Departments: Planning Department, Environmental Resources, Planning Commission, Board of Supervisors

4. Projects which through the CEQA review process require an acoustical analysis shall include a monitoring program to specifically implement the recommended mitigation to noise impacts associated with the project.

Responsible Departments: Planning Department, Environmental Resources, Planning Commission, Board of Supervisors

5. Noise level criteria applied to land uses other than noise sensitive uses shall be consistent with the recommendations of Figure 3: Land Use Compatibility for Community Noise Environments.

Responsible Departments: Planning Department, Environmental Resources, Planning Commission, Board of Supervisors

6. Stanislaus County shall enforce Sound Transmission Control Standards in the 1998 California Building Code, Appendix Chapter 12, Section 1208, and Chapter 35 of the Uniform Building Code concerning the construction of new multiple-occupancy dwellings such as hotels, apartments, and condominiums in areas where the existing or projected future noise environment exceeds 60 L_{dn} or CNEL.

Responsible Department: Building Inspection

7. Replacement of noise-sensitive land uses located in noise-impacted areas which are destroyed in a disaster shall not be considered in conflict with this element if replacement occurs within one year.

Responsible Departments: Building Inspections, Planning Department, Environmental Resources.

POLICY THREE

It is the objective of Stanislaus County to protect areas of the County where noise-sensitive land uses are located.

The project is not considered a noise sensitive land use.

IMPLEMENTATION MEASURES

1. Require the evaluation of mitigation measures for projects that would cause the L_{dn} at noise-sensitive uses to increase by 3 dBA or more and exceed the “normally acceptable.” or cause new noise levels to exceed the noise ordinance limits (after adoption).
Responsible Departments: *Environmental Resources, Planning Department, Planning Commission, Board of Supervisors*
2. In conjunction with or subsequent to a comprehensive update of the Noise Element, the County shall consider writing a community noise control ordinance based on the noise exposure information included in the research for the Noise Element. The “Model Community Noise Control Ordinance” prepared by the State Office of Noise Control should be considered for a guideline.
Responsible Departments: *Environmental Resources, Planning Department, Planning Commission, Board of Supervisors*
3. New equipment and vehicles purchased by Stanislaus County shall comply with noise level performance standards of the industry and be kept in proper working order to reduce noise impacts.
Responsible Department: *County Executive Office*
4. Stanislaus County should encourage the California Highway Patrol and local law enforcement officers to actively enforce existing sections of the California Vehicle Code relating to adequate vehicle mufflers³, modified exhaust systems, and vehicle stereo systems .
Responsible Department: *Board of Supervisors*

POLICY FOUR

It is the objective of Stanislaus County to ensure that the Noise Element is consistent with and does not conflict with other elements of the Stanislaus County General Plan.

This policy is a County requirement, and does not apply to the project.

IMPLEMENTATION MEASURES

1. The Noise Element shall be reviewed and updated as necessary to remain consistent with the Land Use and Circulation Elements of the General Plan.
Responsible Departments: *Planning Department, Department of Environmental Resources, Planning Commission, Board of Supervisors*
2. The Land Use and Circulation Elements of the General Plan shall be continually reviewed to ensure consistency with the findings and policies of the Noise Element as they relate to the prevention of future noise conflicts.
Responsible Department: *Planning Department*

³Section 27150 of the California Motor Vehicle Code discusses the control of excessive exhaust noise.

Section 27007 of the California Motor Vehicle Code prohibits amplified sound which can be heard 50 or more feet from a vehicle.

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT:

GENERAL PLAN AMENDMENT APPLICATION NO. 2007-03

REZONE APPLICATION NO. 2007-03 "THE FRUIT YARD"

REFERRED TO:	RESPONDED		RESPONSE				MITIGATION MEASURES		Conditions		
	DATE: June 26 th , 2008	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	No
AGRICULTURE COMMISSIONER	X	X		X							
AIRPORT LAND USE COMMISSION											
CA DEPT OF FORESTRY											
CALTRANS DISTRICT 10	X	X	X		X				X	X	
CENTRAL CALIF. INFO. CENTER - CSUS											
CITY OF											
COM SVCS DISTRICT:											
CORPS OF ENGINEERS											
COUNTY COUNSEL	X	X		X							
POSTMASTER											
DEPARTMENT OF CONSERVATION	X		X		X			X			X
BUILDING PERMITS	X	X	X				X	X	X	X	
ENVIRONMENTAL RESOURCES	X	X	X		X			X	X	X	
FIRE PROTECTION DIST: Stan Consolidated	X	X	X		X			X	X	X	
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X			X	X	X	
FISH & GAME	X	X		X							
HOSPITAL DISTRICT: NONE											
IRRIGATION DISTRICT: Modesto (MID)	X	X	X		X			X	X	X	
LAFCO											
MOSQUITO DISTRICT: Eastside	X	X		X							
MOUNTAIN VALLEY EMERGENCY MEDICAL	X	X	X				X	X	X		X
MUNI ADV COUNCIL: Knights Ferry	X	X	X			X		X	X		X
PARKS & FACILITIES	X	X	X				X	X	X		X
P.G. & E.	X	X		X							
PUBLIC WORKS	X	X	X		X			X	X	X	
PUBLIC WORKS - TRANSIT	X	X		X							
REDEVELOPMENT											
REGIONAL WATER QUALITY	X	X	X		X			X	X	X	
StanCOG	X	X	X		X			X	X	X	
SCHOOL DISTRICT 1: Empire Union	X	X		X							
SCHOOL DISTRICT 2: Modesto	X	X	X		X			X	X	X	
SHERIFF	X	X		X							
STANISLAUS COUNTY FARM BUREAU	X	X		X							
STANISLAUS.ERC	X	X	X		X			X	X	X	
STATE CLEARINGHOUSE	X	X	X				X	X	X	X	
STATE LANDS BOARD											
SUPERVISORIAL DISTRICT 1: O'Brien	X	X		X							
TELEPHONE COMPANY: SBC	X	X		X							
TUOLUMNE RIVER PRESERVATION TRUST											
US FISH & WILDLIFE	X	X		X							
US MILITARY 5 AGENCIES (SB 1462)	X	X		X							
VALLEY AIR DISTRICT	X	X	X		X			X	X	X	
DEPT. OF WATER RESOURCES											

ORDINANCE NO. C.S. 1033

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.987 FOR THE PURPOSE OF REZONING 45+/- ACRES FROM A-2-40 (GENERAL AGRICULTURE) TO PD (PLANNED DEVELOPMENT) TO ALLOW A DEVELOPMENT PLAN FOR THE FRUIT YARD WHICH WOULD INCLUDE A 9,000 SQUARE FOOT BANQUET FACILITY, RELOCATION OF THE EXISTING FUELING FACILITIES, CONSTRUCTION OF A 3,000 SQUARE FOOT RETAIL SHELL BUILDING, A 322 SPACE RV/BOAT STORAGE, A 66 SPACE TRAVEL TRAILER PARK, A NEW FACILITY FOR FRUIT PACKING, AND A 2.00 ACRE SITE FOR RETAIL TRACTOR SALES. OUTDOOR EVENTS AND ENTERTAINMENT ARE PROPOSED TO BE HELD ON THE PARK SITE. THE PROJECT IS LOCATED AT 7948 YOSEMITE BOULEVARD/HIGHWAY 132 EAST OF THE COMMUNITY OF EMPIRE AND WEST OF THE CITY OF WATERFORD. APN: 009-027-004

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

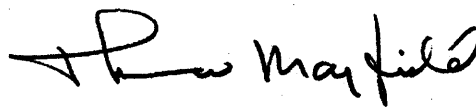
Section 1. Sectional District Map No. 9-110.987 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:

(Insert Map Here)

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

Upon motion of Supervisor O'Brien, seconded by Supervisor DeMartini, 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 19th day of August, 2008, by the following called vote:

- AYES: Supervisors: O'Brien, Grover, Monteith and DeMartini
- NOES: Supervisors: Chairman Mayfield
- ABSENT: Supervisors: None
- ABSTAINING: Supervisors: None



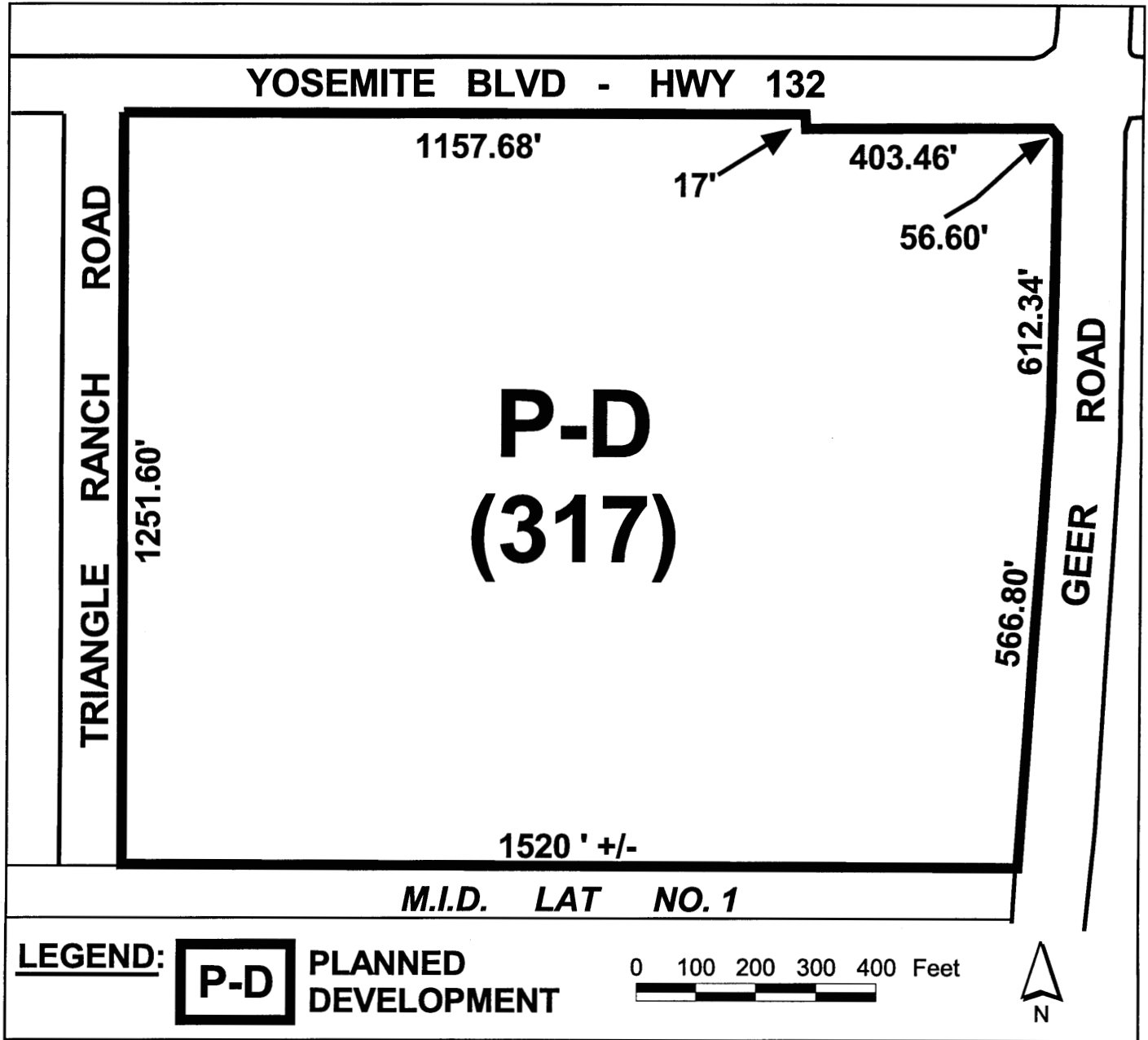
CHAIRMAN OF THE BOARD OF SUPERVISORS
of the County of Stanislaus,
State of California

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. 9-110.987



**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue thereof on the following dates, to wit:

AUGUST 26, 2008

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at **MODESTO**, California on

AUGUST 26, 2008

BOARD OF SUPERVISORS

2008 AUG 28 P

Thomas W. Mayfield

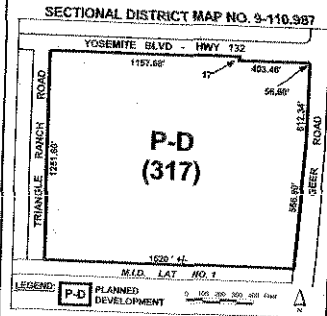
(Signature)

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Section 1. Sectional District Map No. 9-110.987 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:



Section 2. This ordinance shall take effect and be in full force thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against same, in the **Modesto Bee**, a newspaper of general circulation published in Stanislaus County, State of California. Upon motion of Supervisor **O'Brien**, seconded by Supervisor **DeMartini**, 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 **19th** day of **August, 2008**, by the following called vote:

AYES: Supervisors: **O'Brien, Grover, Montefith and DeMartini**
NOES: Supervisors: **Chairman Mayfield**
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

8/19/08 6:40pm
ORD-55-H-8