

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

DEPT: Planning and Community Development Af

BOARD AGENDA # 9:15 a.m.

Urgent Routine

AGENDA DATE September 30, 2008

CEO Concur with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

A Public Hearing to Consider an Appeal of the Planning Commission's Decision of Denial for Use Permit No. 2007-27 - WAT Cambodian Church, Located at 1538 Grimes Avenue, Modesto

PLANNING COMMISSION AND STAFF RECOMMENDATIONS:

After conducting a duly advertised public hearing at its regular meeting of August 21, 2008, the Planning Commission, by a 5-2 vote (Mataka, Souza), denied the use permit.

Should the Board of Supervisors wish to approve the Use Permit, the Board must take the follow actions:

(Continued on page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2008-695

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: Mayfield

Abstaining: Supervisor: None

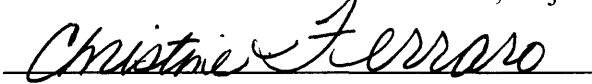
1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION: Amended Condition of Approval No. 8 to require the applicant to add a row of landscaping on the north boundary of the subject property; amended Condition No. 9 to require parking lots to be on the north side of the property between structure and the north boundary; accepted the applicants offer to eliminate the Meditation Hall, the second school building and the historic Cambodian home exhibit as set forth in the letter from Ron West dated 9/8/08; and, approved Use Permit Application 2007-27 -WAT Cambodian Church, subject to the attached Conditions of Approval as amended



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

PLANNING COMMISSION AND STAFF RECOMMENDATION CONTINUED:

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgement and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorders Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find That:
 - A. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "General Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. Certain conditions have been added to ensure that the impact from this project is minimal.
 - B. The establishment as proposed will not be substantially detrimental to or in conflict with agricultural uses of other property in the vicinity.
 - C. The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas," as that term is used in the Agricultural Element of the General Plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future.
 - D. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
4. Approve Use Permit Application 2007-27 -WAT Cambodian Buddhist Church, subject to the attached Conditions of Approval.

DISCUSSION:

On August 21, 2008, the Planning Commission denied Use Permit 2007-27, Wat Cambodian Church. The applicants filed a timely appeal by letter dated August 25, 2008 (Attachment 1). The following provides a summary of the proposed project and a description of issues raised at the hearing and the Commission's actions.

The original request was for a use permit to allow construction and operation of a multi-building church facility, to include: a worship hall, a meditation hall, two school buildings, two modular homes, two storage buildings, two Buddhist statues, a soccer field, a Buddhist garden, and a Cambodian home exhibit.

The site is located on 11.68 acres at 1538 Grimes Avenue, within the Sphere of Influence of the City of Modesto, is designated as "Agriculture" in the Stanislaus County General Plan and zoned A-2-10 (General Agriculture). The project is designated "Village Residential" in the City's General Plan, and the City determined that "the proposed use is consistent with that designation." Most of the parcels surrounding the project are small ranchette and agricultural properties. Many parcels are smaller than the subject property, averaging 3.68 acres. Please refer to the attached Planning Commission Staff Report for a comprehensive discussion of project components and issues, the environmental review, and numerous letters and petitions both in support and in opposition to the project. (Attachment 2)

The Planning Commission hearing for this project was held on August 21, 2008. Following the staff presentation, eleven neighbors spoke in opposition to the church proposed at this location. The names of the speakers, as well as of the project proponents, are listed in the attached copy of the Planning Commission Minutes for the project. While several topics were touched upon in opposition, including problems with building color, noise, and dust, along with possible impacts to and from existing farming, the main objection involved existing traffic and the road condition on Grimes Avenue. A great deal of emphasis was based on the road, which is used increasingly by people traveling to and from Paradise Road, California Avenue, and Maze Boulevard (Hwy 132). Neighbors considered the road to be too narrow a county road, and cited examples of poor or dangerous driving they have observed. Notably, traffic accidents on the California Avenue and Grimes intersection were brought up in several discussions. Neighbors requested a stop sign to be placed at the intersection of California and Grimes Avenues. They said the church would create additional problems through vehicle turning motions into the property and with existing traffic already in the area.

Speaking in support of the project was Ron West, the project representative, Ry Kea, the church president and two church members. Testimony by the applicants revolved around neighbors' objections, and how the church intended to address some of the traffic concerns. During this discussion, the church president cleared up some misunderstandings and stated there would not be fireworks, and that no weddings or receptions will take place on the site. The facility has a "drop in" policy where parishioners can come and go at their convenience. City of Modesto parking standards is based on building size and maximum occupant load which would require 161 parking spaces for this project.

Following the close of the public hearing, the Planning Commission discussed the matter among themselves, particularly in regards to the traffic, noise, and color issues. The Commission discussed potential concern with the church interfering with farming in the area, and they had questions regarding the policies for development within the City's Sphere of Influence. Some Commissioners suggested that the project could be detrimental to the neighborhood, the road was not wide enough and could affect the existing agricultural uses. The Commission's majority consensus was that the proposed church was "not in the

right place and not appropriate at this time". Some other Commissioners argued that urban transition areas within City's Sphere of Influence boundaries are where churches should be built, rather than further out in agricultural areas far from city services. A question was asked "if not in the sphere area where do you put a church?" A motion to deny the use permit was made by Commissioner Layman, seconded by Commissioner Poore and passed on a 5-2 vote (Mataka and Souza). The vote was based on the majority of the Commissioner's inability to make the necessary findings to approve the application.

Several additional letters and petitions in support and in opposition to the proposed project have been received subsequent to the request for an appeal. (See Attachment 4). The applicants have also subsequently submitted additional information regarding the number and types of events anticipated for the facility, and an additional letter dated September 8, 2008 (Attachments 5 and 6). Further, in a letter to neighbors dated September 19, 2008, the applicant has indicated a willingness to reduce the scope of the project and remove the meditation hall, one school building and the Cambodian home exhibit (Attachment 7).

The Board may choose to either:

1. Uphold the Planning Commission's denial of the Use Permit, or
2. Grant the appeal, and thus approve the project - either in whole or in part.

Should the Board choose to grant the appeal, the Board must take actions 1 through 4 as outlined on Page 2 of this report.

POLICY ISSUES:

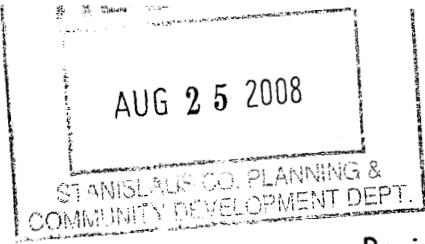
The primary policy question here is whether to approve the use permit in the A-2 zone district within a LAFCO-approved City's Sphere of Influence and if the Board can make the required findings contained in the Zoning Ordinance. Staff believes, if this project is approved, that this project will not conflict with the Board's priorities: a safe community; a healthy community; a strong local economy; effective partnerships; a strong agricultural economy / heritage; a well planned infrastructure system.

STAFFING IMPACT:

None.

ATTACHMENTS:

1. Applicant's Appeal Letter Dated August 25th, 2008
2. Planning Commission Staff Report, August 21st, 2008
3. Planning Commission Minutes, August 21st, 2008
4. Letters and Petitions in Opposition and in Support of the Project
5. List of Monthly Events for Wat Cambodian Buddhist Church
6. Letter from Ron West letter dated September 8, 2008
7. Letter from Wat Cambodian Buddhist Society dated September 23, 2008



CHECK # 6522
\$ 580.00
Aug. 25, 2008
Eva Rosa

Ron West & Associates

Project Development, Land Planning, Entitlements

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August 25, 2008

Sean Percell, Planner
Stanislaus County Planning Department
1010 Tenth Street
Modesto, Calif. 95354

RE: USE PERMIT 2007-27 (WAT CAMBODIAM BUDDHIST) APPEAL

Dear Mr. Percell,

Thank you for your thorough and excellent staff report and presentation to the Planning Commission. Unfortunately, a majority of the Commission failed to agree with the Staff Recommendation, and on behalf of the Wat Cambodian Buddhist church, I hereby Appeal the Planning Commission decision to the Board of Supervisors. Enclosed is our appeal application fee of \$580. Please contact me if there is any additional information you need. We would request a Board Hearing at the earliest convenience. Thank you.

Ron West
Ron West, Consultant

CC: Ry Kea

STANISLAUS COUNTY PLANNING COMMISSION

August 21, 2008

STAFF REPORT

USE PERMIT APPLICATION NO. 2007-27 WAT CAMBODIAN (BUDDHIST) CHURCH

REQUEST: TO CONSTRUCT A CHURCH, TWO MEETING HALLS, TWO SCHOOL BUILDINGS, TWO MODULAR HOMES, TWO STORAGE BUILDINGS AND A CAMBODIAN HOME EXHIBIT ON AN 11.68 ACRE PARCEL IN THE A-2-10 (GENERAL AGRICULTURE) ZONING DISTRICT. THE PROPERTY IS LOCATED AT 1538 GRIMES AVENUE, IN THE MODESTO AREA.

APPLICATION INFORMATION

Applicant/Owner:	WAT Cambodian (Buddhist) Church
Representative:	Ron West and Associates/Ry Kea
Location:	1538 Grimes Avenue, located directly south of MID Lateral No. 5, and 667 feet east of Grimes Avenue, in the Modesto area
Section, Township, Range:	1-4-8
Supervisory District:	Three (Supervisor Grover)
Assessor's Parcel:	017-012-025
Referrals:	See Exhibit F <i>Environmental Review Referrals</i>
Area of Parcel:	11.68 acres
Water Supply:	Public Water (Modesto)
Sewage Disposal:	Septic tank/leach field
Existing Zoning:	A-2-10 (General Agriculture)
General Plan Designation:	UT (Urban Transition)
Williamson Act Contract No.:	N/A
Environmental Review:	Negative Declaration
Present Land Use:	Vacant and fallow land, with dirt piles with scattered vegetation and debris
Surrounding Land Use:	To the north, MID Lateral No. 5 and almond orchards, to the east and to the south, vacant properties with single-family dwellings, to the west, small one-acre ranchette dwellings, to include accessory structures

BACKGROUND

The WAT Cambodian Buddhist Society is presently located in a church building on Paradise Road in the City of Modesto. According to the applicant, the congregation has outgrown its present building and a new location is necessary. Most of the congregation lives in the Paradise Road area, and a small fraction live in the Ceres area. The applicant has stated that Grimes Avenue is

a choice location for the Society, due to proximity to its patrons, size, and location of the parcel, and the rural nature of the site for the religious community. The project description and church facility proposed is discussed below.

The project was originally scheduled for the May 15, 2008 Planning Commission hearing, but was continued because of a will serve letter issue and water storage for fire protection to the project. On June 4, 2008, a letter was received addressing these concerns from the City of Modesto, which outlined the requirements for the project in regards to resolving the water/fire flow situation (see Exhibit C).

Lot Line Adjustment Application

Lot Line Adjustment Application No. 2007-49 was submitted concurrently with this application. The lot line adjustment was recorded April 8, 2008. The project site consisted of two legal parcels, and the applicant requested to adjust the lot lines of the two parcels. The other parcel was reduced in size to accommodate the physical impediment into the property. Exhibit C, *Applicant's Submittal*, shows graphically the property line adjustments in question.

PROJECT DESCRIPTION

Facility and Building Description

The project proposes to construct a Cambodian Buddhist Church facility on an 11.68-acre parcel. The WAT Cambodian Buddhist Society is proposing a multi building church facility, to include a worship hall, a meditation hall, two school buildings, two modular homes, two storage buildings and two Buddhist statues, a soccer field, a Buddhist garden, and a Cambodian home exhibit (see Exhibit C, *Applicant's Submittal*, for elevations and graphic examples of the proposal discussed above).

The descriptions of the buildings include: a) A single-story worship hall, which will be less than 5,000 square feet at 45 feet high, with kitchen and bathroom facilities. This building will be the main gathering area and will not have fixed seating; b) A single-story meditation hall, which will be less than 10,000 square feet at 78 feet high. Most of the height of the structure will be traditional Cambodian architectural features, and inside will be a large open-air hall. This building will be for the sole purpose of meditation and reflection for the monks and nuns living on the property. It is not intended for congregational gatherings, and no seating is proposed. The building will not have water or septic/sewer facilities; c) Two modular units for future Sunday school, which will be approximately 1,200 square feet each, are also proposed. These buildings will be for religious education and meetings only; d) Two storage buildings, which will be 100 square feet each; e) A Cambodian home exhibit, which will be an exhibit only and a representation of a traditional Cambodian residence. This exhibit will not include water or septic/sewer facilities, will not include on-site living, and will be approximately 1,198 square feet; f) Two modular homes for permanent living spaces for Buddhist Monk and Nun housing, proposed at roughly 1,200 square feet each. Two dwellings are requested to separate males and females; g) A Buddhist garden is also proposed, which will have a landscaped garden with small religious stone statues, and finally, h)

An unlighted soccer field, which will be used mostly during weekend activities. The soccer field will be used as a dual-purpose drainage pond and recreation area. The garden, basketball court, and soccer field are not proposed to have overhead lights. Landscape lighting may be allowed.

Church Events, Festivals, and Ceremonies

This is not a typical religious church facility, which usually includes Sunday services. The Society does not have formal worship times or days, but provides a "drop in" policy where parishioners can come and go at their convenience. They anticipate approximately five to ten cars per day, Monday through Friday, and on various times on the weekend. On Saturday and Sunday, if there are no planned ceremonies, visitors will be minimal. Sunday services won't impact the community as a traditional church would. On a weekend with a ceremony (such as wedding reception, funeral, birthday, rehearsal dinner, service organization meeting, etc.) the Society expects fifty to seventy vehicles for one of these events.

The congregation is proposing two large events per year, the New Years Festival in April and the Ancestral Festival in September. Both of these events last for a weekend (Saturday through Sunday) and could have upwards of one hundred cars. Conditions have been placed on the project to lessen the potential impacts associated with large gatherings.

Although the applicant is proposing two events to be included as a permitted use of the proposed Use Permit, the ability to host additional events with a license issued by the Sheriff's Department would still be available. This is a separate request from the Special Event Permit which could allow up to seven events through the Sheriff's Department. The Sheriff's Department has the authority to condition licenses issued for outdoor entertainment; however, the license is not subject to compliance with the conditions of approval applied to this Use Permit. If this project is approved, the conditions will be forwarded to the Sheriff's Department in hope they will be incorporated for future license requests.

The church shall maintain security at all functions, and the Department of Environmental Resources shall be consulted for appropriate portable sanitary facilities as necessary. There will be no activities after 11:00 p.m. and morning set-ups shall not begin before 8:00 a.m. Noise impacts associated with on-site activities and special events have the potential to exceed the normally acceptable levels of noise. 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. A condition of approval addressing noise has also been incorporated as a condition of approval.

Project Services and Infrastructure

The site is located within the Sphere of Influence of Modesto and must conform with city standards. The Cambodian Buddhist Church facility provides for residence living on-site, provides public water and sanitary sewer (septic systems), parking and hardscape features, and proposes a landscape plan, which will make the future of the site attractive and inviting. Ten to twelve monks and nuns are proposed to live on-site at the completion of the worship hall. Parking is provided at the City of Modesto standards at one for each four people in the building with the largest capacity. The

main gathering area of the worship hall will have non-fixed seating (7 square feet per person) and will be approximately 4,500 square feet, which will result in a maximum occupancy of 643 people. Parking for this site is based on a ratio of one space for every four people or a minimum of 161 parking spaces.

The project will be served by public water (City of Modesto) and a septic system, which is built into the plan. The modular homes and the worship hall will have water and septic services, while the other buildings will not be served. The applicant has obtained a "Will Serve" letter from the City of Modesto, to include domestic water, irrigation and landscaping, and water for fire suppression. The large meditation hall will have fire sprinklers as required by the fire department. A final landscape plan will be approved by the City of Modesto. The plan submitted is an approximation of where plants and landscaping will go, as well as the drainage basin proposed in the soccer field location. Engineering for the basin and water infrastructure will be required per City of Modesto standards. The applicant shall be responsible for maintaining landscape plants in a healthy and attractive condition. The features discussed above have been made Conditions of Approval to make sure that they get installed according to City of Modesto standards.

Project Phasing

While a phasing plan is not required for a use permit, the applicant has submitted an anticipated schedule and phasing plan for the project. Staff has requested a phasing plan and schedule as a guideline. The applicant has mentioned that the Church has plans for the future, and is aware that these proposals may take some time to achieve. The schedule and phasing plan indicates, to the best of the applicant's knowledge, the approximate date when construction of the project can be expected, the anticipated rate of development, and a completion date. Depending on finances for the project, the major components of the proposal could be complete by June 2013. The project will be required to be activated within 18 months as required for all Use Permits. However, staff and the Commission can request additional time to complete the proposal. Below is the applicants phasing plan and prediction for completion of the proposal.

- Phase I proposes to construct the residences for the monks and nuns, which will include the two modular homes. The applicant projects that within two years from approval, work will be underway. With these buildings, hardscape and infrastructure, landscaping, driveways and access, parking, water and septic systems will be completed. With the hardscape and parking areas complete, the next phase can begin, which will include the preparation for the major buildings (Anticipated to be completed by 2011).
- Phase II will include the worship hall. This would replace the current facility to allow worship services and could be completed concurrently with Phase I (Anticipated to be completed by early 2012).
- Phase III would be the next stage, which will include the meditation hall (Anticipated to be completed by 2012).

- Phase IV will include the Sunday school buildings. As the need arises, a second building could be added, with this phase or at a later phase of expansion. This could occur concurrently with the above phases as well. Appropriate site and infrastructure improvements would accompany the Sunday school building(s) (Anticipated to be completed by 2013).
- Phase V would include the typical Cambodian home exhibit and could be concurrent with earlier stages of development (Anticipated to be completed by 2013).

Land Use

The 11.68-acre property is located at 1538 Grimes Avenue, within the Sphere of Influence of the City of Modesto. The project site is surrounded by ranchettes and scattered agricultural uses (as shown in Exhibit B, *Project Maps*). The project site is relatively level, as is the surrounding area which is farmed to the north and to the east. South of the property contains mostly ranchette properties. This site does not contain structures or dwellings. The property is not currently in agricultural use and is presently a vacant and fallow field. Historically, the parcel was planted with corn and field crops.

Surrounding Neighborhood

Surrounding land uses are currently in agricultural and residential uses, mostly small ranchette properties averaging two acres in size. The largest parcel in the vicinity is 17 acres, which can be found north of the property. The number of ranchettes in the neighborhood reduces the amount of production agriculture. Many of the farms in the area are in orchard production or row crops. To the north of the property, mostly agricultural uses and orchards are found, including Modesto Irrigation District Lateral No. 5. Adjacent to Grimes Avenue, ranchette-style, single-family dwellings and accessory structures exist to the south, east, and west of the property.

Zoning and General Plan

The surrounding area (to include the project site) is zoned A-2-10 (General Agriculture) and is designated as "Urban Transition" in the General Plan (see Exhibit B, *Project Maps*). The Urban Transition designation for the site is classified as land that will remain in agricultural use until urban development, consistent with a city's general plan designation, is approved. Until Urban Transition lands within a Sphere of Influence are annexed, they should be zoned General Agriculture (A-2). Churches in the A-2 zoning district are permitted upon approval of a Use Permit as a Tier Three use. Tier Three uses are defined as uses not directly related to agriculture but may be necessary to serve the A-2 district or may be difficult to locate in an urban area. Some of the Tier Three uses can be people-intensive and, as a result, have the potential to adversely impact agriculture. These people-intensive uses are generally required to be located within LAFCO-approved Spheres of Influence of cities or community services districts and sanitary districts serving unincorporated communities. Tier Three uses and findings are discussed below.

Spheres of Influence

A (city) Sphere of Influence is a plan for the probable physical boundary and service area of a local government agency. The Sphere of Influence is an important benchmark because it defines the primary area within which urban development is to be encouraged. According to Goal Five, Policy Twenty-Four of the Stanislaus County General Plan Land Use Element, "Development within a city's Sphere of Influence 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." Implementation Measure One states that, "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." Therefore, the proposed project will be required to meet all of the City's development standards.

According to Policy Two, in the Spheres of Influence section of the Stanislaus County General Plan Land Use Element, agricultural uses and churches which require discretionary approval should be referred to that city for comment. The County Planning Commission and Board of Supervisors shall consider the responses of the cities in the permit process. If the County finds that a project is inconsistent with the City's General Plan designation, it shall not be approved. Agricultural use and churches shall not be considered inconsistent, if the only inconsistency is with a statement that a development within the urban transition area or Sphere of Influence shall be discouraged.

Due to the project's location in the Sphere of Influence of Modesto, the project was referred to the City for comments. Their response indicated that the site is designated as the "Paradise-Carpenter Road Comprehensive Planning District," "Village Residential" in the City's General Plan, and "The proposed use is consistent with that designation."

DISCUSSION AND ANALYSIS

The proposed project involves a Use Permit for a church and church related facilities. The zoning designation will remain A-2-10 (General Agriculture), which is consistent with the General Plan land use classification of Urban Transition. Churches and church facilities could be allowed as a Tier Three use if a Use Permit is approved with a public hearing. This discussion will analyze the land use for the site, the General Plan and zoning consistency for the project, and will address the neighbors' concerns within that scope.

General Plan and Zoning Consistency

The project as proposed, is consistent with the General Plan Land Use Designation "Urban Transition," which represents land that remains in agricultural usage until urban development consistent with a city's general plan designation is approved. The City's General Plan is Village Residential. The purpose and intent of the Village Residential General Plan designation is to provide for the development of urban "villages." Villages are mixed-use, compact, pedestrian- and transit-oriented developments. The proposal is also consistent with Policies Twenty-Four and Two of the Stanislaus County General Plan, as discussed in the section, *Spheres of Influence*.

The project as proposed is consistent with the zoning of A-2-10 (General Agriculture) within the Stanislaus County Zoning Ordinance, with approval of a Tier Three Use Permit. Until Urban Transition lands within a Sphere of Influence are annexed, they should be zoned General Agriculture (A-2). The Urban Transition designation is appropriate for undeveloped land located within the LAFCO-established Sphere of Influence of a city or town. Therefore, the General Agriculture zone is consistent with the UT General Plan Designation.

Agriculture Element Consistency

The Agricultural Element contains numerous goals and policies that call for the conservation of agriculture in the County of Stanislaus. These goals and policies are designed to preserve economically productive farm and ranch land, to guide high-density development away from rural, agricultural lands, and to protect agricultural lands from adverse urban influence. This project was deemed complete on December 18, 2007, prior to the approval of the 2007 Agricultural Element Update and therefore, this project will be subject to the Agricultural Element adopted April 23, 1992, and, in fact **IS** consistent with that version of the Agricultural Element. The new Agricultural Element Update was adopted on December 18, 2007.

While overall this project is consistent with the goals and policies of the 2007 update, it does not comply with the Buffers and Setback Guidelines (Appendix A). The guidelines shall apply to all new or expanding non-agricultural uses approved by a discretionary permit in the A-2 zoning district. Nonagricultural uses, located within a Sphere of Influence for an incorporated city are subject to setbacks, vegetation and fencing requirements. Buffer and setback requirements established by these guidelines shall be located on the parcel for which a discretionary permit is sought and shall protect the maximum amount of adjoining farmable land. In regards to new proposals for a non-agricultural use, projects shall incorporate a minimum 150-foot wide buffer. Projects that propose people intensive outdoor activities, such as athletic fields, shall incorporate a minimum 300-foot wide buffer. Although this project falls under the old Agricultural Element, the Planning Commission may wish to incorporate some buffering or screening to the proposal.

Tier Three Use Findings

As discussed in the *Surrounding Neighborhood* Section, churches and other similar uses are not directly related to agriculture but may be necessary to serve the A-2 District or may be difficult to locate in an urban area. Tier Three uses may be allowed when the Planning Commission finds that, in addition to the findings required under Chapter 21.96, *Use Permits*, churches can be allowed. Churches and church facilities could be allowed when the Planning Commission makes the following Tier Three and Use Permit findings:

1. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Urban Transition" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

2. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
3. The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas," as that term is used in the Agricultural Element of the General Plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future. "Most productive agricultural area" does not include any land within LAFCO-approved Spheres of Influence of cities or community services districts and sanitary districts serving unincorporated communities.

Staff believes that all these findings can be made and are included further in this report.

Public Correspondence

This application has generated a significant amount of neighborhood response strongly opposing approval of a church. Attached in Exhibit G, *Neighborhood Petition/Letters*, are the letters for this proposal. In an attempt to help the Commission focus on evidence submitted, staff has summarized below, the topics raised most often. The following list consists of the most significant issues that were expressed to County staff via telephone, correspondence, and e-mail from surrounding neighbors:

Compatibility with the area; Height of structures; Excessive buildings, Mobile home incompatibility, Home exhibit and public exhibition opposition; Access; Roadway size and Infrastructure; Undesirable traffic; Safety; protected species; View shed, Aesthetics, and urbanization; Quality of life and property values; Application notification; No sewer, Fire and water; Not residential and housing; Special events; On-street parking; Crime and safety; Fire and paramedic staffing; Public and emergency vehicular safety; Irrigation line access; Dust and orchard spraying; Privacy and noise; and, Crime.

The following provides staff's assessment of these issues:

Traffic and Circulation

The surrounding community had concerns with on-street and off-street parking, roadway size, infrastructure as it relates to streets and roadways, access and easement issues, and undesirable traffic that will be included with the project. To address these issues, the project was circulated to the City of Modesto, the County Public Works Department, the California Department of Transportation (Caltrans), the Stanislaus Fire Prevention Bureau, the Woodland Fire Protection District, and the City of Modesto Fire Department.

No significant impacts or issues were found for the proposal, as it relates to traffic and circulation. It was found that the proposal for a church would increase the traffic on Grimes Avenue, among other streets in the area. However, the project will be conditioned to assure that all project related impacts are reduced to a level deemed to be less than significant. Additionally, significant impacts were not identified and a traffic study was not

requested. The Fire Department and the Public Works Department have considered the design, to include the 30-foot access easement, suitable for the proposal, as well as one-point of access. The easement to the rear of the property is not proposed to be paved. It will be maintained as an access to the property to the east. The easement is currently in place and is not hindered by the proposal.

The Public Works Department has conditioned the project to make sure all driveways, parking areas, and dedications will be built to City of Modesto standards. Parking for the proposal also meets the criteria for a church at this location, one space per four people for a total of 164 spaces. The City did not have significant concerns in regards to Traffic and Circulation. Their comments are consistent with the County Public Works Department, and Grimes Avenue will not be affected by this proposal at 60-feet as indicated. The applicant will work with the Departments as to their requirements, access agreements, and roadway dedication as suggested. Furthermore, these agencies did not have an issue with the access, the driveway, and/or the size and roadway or infrastructure on Grimes Avenue. Finally, a traffic study was not necessary or requested by any of the Public Works Departments or by Caltrans. Initially Caltrans asked for a traffic study. Upon further review, the proposed vehicle trips related to the project were found to be less than significant. No other comments were submitted in regards to this project, as it relates to traffic, circulation, parking, or roadway size.

Compatibility and Aesthetics

The surrounding neighbors brought up the following issues: Compatibility with the area, Height of structures, Excessive buildings, Mobile home incompatibility, Cambodian Home exhibit and public exhibition, View shed, Aesthetics, and Urbanization. With approval of this Use Permit Application, the proposed project can be considered consistent with the planned growth due to its location within the City of Modesto Sphere of Influence, due to its consistency with the General Plan and zoning for the area, and since growth is encouraged within city spheres. County Code does not have height restrictions and design guidelines in the A-2 zone. Therefore, no new conditions have been imposed on the project. The applicant has lowered the buildings from its original design to 78 feet and 45 feet respectively to comply with some of these compatibility concerns. Furthermore, the buildings are set back far enough that they will be concealed in the back portion of the 11-acre property. It can also be subjective as to degrading the visual character and quality of life for the surrounding community. With building design (although unique to the area), landscape treatments and other hardscape features incorporated into the project, issues are considered minimal. A formal landscape plan will be submitted to the City of Modesto for review and approval.

Several correspondences discussed the number of buildings proposed within the facility. Modular homes are also an issue for many people in the area. From the project description, eight features and/or buildings are proposed for the project. Two buildings are substantial, a worship hall and meditation hall. Four buildings are modular units, used for classrooms and for residential dwellings. Two dwellings are requested to separate male-priests and female-nuns, and two modular units are proposed for religious education.

Although one home is allowed in the A-2 zone, it is common for churches to have religious classrooms and living facilities for its parishioners and caretakers. Staff has included a Condition of Approval requiring that the second modular home will not be occupied until one of the church buildings has received a Building Department final inspection. The reason for this condition is that 10-acre agriculture zoned properties are only allowed one dwelling. Staff wants to assure that the church is built before the second unit can be used.

Protected species was an issue that was brought up in several correspondences. There has been no indication that a protected species is present on the site or in the vicinity. The project has been submitted to the proper resource agencies, and they did not indicate any species (plant or animal) of concern in the area.

The site debris located on the property is not known to be anything toxic and has not historically been a dumping ground or a landfill. The County Department of Environmental Resources was contacted in regards to this issue. No significant impacts or hazardous materials were found to be located in the vicinity of the project.

Crime, Safety, and Noise

The surrounding neighbors brought up the following issues in regards to Public Services, Emergency Response, Privacy, Crime and Public Safety. It is true that the proposal for a church may increase the need for public services. However, the project has been conditioned in several ways to address the increasing need for emergency response and public safety. The public service agencies all had a chance to comment in regards to this project (as discussed above), and none of the agencies considered the project a significant impact in regards to excessive services, safety, or inability to provide services to the project. Mechanisms have been put in place to make sure that these impacts will be less than significant.

The surrounding neighbors brought up an increase in noise as a factor in regards to this project. Churches in general do not generate noise above and beyond that which is allowed in an agricultural area. Churches are not usually noise generators. Schools, Libraries, Museums, Hospitals, Personal Care, Meeting Halls, and Church land use categories provide a normal acceptable noise level up to 65-70 Ldn. Exterior noise levels in the range of 50-60 Ldn are generally considered acceptable for residential land uses, since these levels will usually allow normal outdoor and indoor activities such as sleep and communications to occur without interruption. 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 60 dB Ldn (or CNEL). A Condition of Approval will be recommended that: 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.

With Conditions of Approval in place, noise, late-night activities, excessive lighting, and limitation on hours and days of events, have been put in place to lessen potential impacts from large special events. Some examples of conditions are: a) No amplified music, b) No

activities and/or ceremonies after 11:00 p.m., c) Morning set-ups shall not begin before 8:00 a.m., d) Off-site level of noise generated by the project will not exceed a level of 60 Ldn measured in outdoor activity areas and/or 45 Ldn measured within interior living spaces, e) Costs for enforcement shall be the responsibility of the church, and f) A limitation on the number of days and hours of operation for events.

Agricultural Issues

The surrounding neighbors brought up dust and orchard spraying issues as it relates to the project. Most of the parcels surrounding the project are small ranchette properties. The largest parcel in the vicinity is a 17.7 acre parcel to the north of the project. The buildings (homes and classrooms) on the site are over 120 feet from the orchard and the worship hall is approximately 200 feet from the orchard. In fact, a 100-foot irrigation canal separates the almond orchard to the north from the church. This buffer is not in compliance with the new Agriculture Element. However, it does comply with the old Element as discussed in the Agriculture Consistency discussion above. Even though this application falls under the old Agriculture Element, and on previous discussion at recent Planning Commission meeting, the Commission might want to add a condition for the applicant to install a landscaped buffer along the northern property line consistent with the Agriculture Element Buffering Guidelines. If this project had to meet the full extent of the new Agriculture Element, all sides would be required to meet the landscaping, setback and fencing requirements and at a greater setback. Also, to protect the agricultural uses in the area from unjust nuisance complaints, the County has a Right-to-Farm Ordinance in place that notifies property owners about their agricultural rights.

Issues were also brought up in regards to irrigation piping and agricultural infrastructure. There is an existing private, unreinforced concrete irrigation pipeline that runs north to south through the middle of the property. This pipeline will be replaced and relocated to Modesto Irrigation District standards and a ten foot irrigation easement is required to protect downstream irrigators. Therefore, irrigation pipes, easements, and infrastructure will be maintained to MID standards and specifications.

Infrastructure and Services

The project will be served by public water and private septic systems, as well as on-site storm drainage. Conditions of Approval will be added to the project to address necessary permits from the County Department of Environmental Resources and the Department of Public Works for drainage issues. The project proposal includes installation of an on-site storm-water treatment facility in accordance with the requirements of the Water Quality Control Board and City of Modesto Standards. The basin, to be located in the southeastern portion of the property, has not been engineered.

The applicant has obtained a "Will Serve" letter from the City of Modesto. The 8-inch water supply in Grimes Avenue is presently at less than the required flow needed for the project, mostly for fire-flow requirements. The City discussed with the applicant, that the water supply will need engineering, for pumping and storage to meet these requirements. Conditions of Approval have been added to require the necessary engineering, water

storage facilities, and fire-flow requirements as necessary to complete the project prior to building permit issuance. Additionally, a grading and drainage plan must be approved by the Public Works Department.

The proposed project will comply with all federal, state, and local policies and regulations related to solid waste. State law (AB 939) requires that local jurisdictions meet specified solid waste reduction goals through the implementation of recycling programs. The proposed project will participate in the recycling programs available in the County and the western part of the City of Modesto.

Landowner Notices

The surrounding neighbors also brought up the application notification process stating, "We weren't notified of the project." The proposal is undergoing the proper procedures in regards to processing a discretionary permit within the County of Stanislaus. Notification of the surrounding community occurred after circulation of the Initial Study, prior to the Planning Commission hearing, although the original hearing for May 15, 2008, was continued.

A public hearing shall be held on all use permit applications. The County has an ordinance in agriculture areas that requires the surrounding neighbors to be notified 1,300 feet from the property. This requirements exceeds State Law which requires a notifications of only 300 feet. The proposal was also published in the Modesto Bee. A graphic representation of the 1,300 foot radius map can be found in Exhibit B, *Project Maps*.

All these issues have been discussed and addressed in the Initial Study. Furthermore, the applicant has had a neighborhood meeting (on Tuesday, February 5, 2008 at 7:30 p.m.) to address the concerns with the surrounding community. County staff did not attend. Per the applicant's representative Ron West, the meeting went well, some neighbors liked the project while others felt it would be best suited in a more urbanized area. No significant environmental effects have been found with regards to State, County or local agency correspondences, Exhibit F, *Environmental Review Referrals*.

Analysis and Comparison

Almost all of these points were brought up during a similar church application. The Gurdwara Sagar Church, located on Golf Road, south of Turlock is one such example. This Use Permit was for a church outside a city's Sphere of Influence. Many neighbors were against the church. By a 7-2 vote, the Planning Commission denied the project on March 17, 2005. The denial was appealed to the Board of Supervisors, which overturned the Planning Commission decision on a 3-2 vote to approve the project on April 19, 2005. Issues such as zoning and land use, previous site activities, traffic, noise and impacts to agriculture were brought up during this application. This is significant because the neighboring property owners had similar complaints and issues associated with the WAT Cambodian Church application. Since it was in a ranchette area, the Board approved the Gurdwara Sagar Church project. The Planning Commission may allow churches within Spheres of Influence, however, outside of a Sphere area churches are not encouraged.

Over the last several years, other church applications submitted include the St. Thomas Assyrian Catholic Church, which was approved inside Turlock's Sphere, northeast of town. Another example of an approval of a Use Permit was for the Modesto Christian Center on the north side of Parker Road, just east of the Modesto Sphere of Influence and most recently the Islamic Center in the western part of the Modesto area. With these applications, citizen concerns were also considered during the public comment period and during the hearing process. Although opposition to a project can be a significant issue for a Planning Commission, issues and concerns on land use related to churches is not new to Stanislaus County.

Finally, consistency with the neighborhood can be considered an important issue for the surrounding community. With approval of this Use Permit application, the proposed project can be considered consistent with the planned growth due to the location of the project within the City of Modesto's Sphere of Influence. The proposal is undergoing the proper procedures in regards to processing a discretionary permit within the County of Stanislaus.

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 F - *Environmental Review Referrals*). Based on the Initial Study prepared for this project, adoption of a Negative Declaration is being proposed. The Initial Study and comments to the Initial Study have not presented any substantial information to identify a potential significant impact needed to be mitigated. Responses received from agencies have been incorporated into this project as Conditions of Approval (see Exhibit A, *Conditions of Approval*).

RECOMMENDATION

Based on all evidence on the record and on the ongoing discussion, staff recommends that the Commission:

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgement and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find That:
 - A. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "General Agriculture" and will not, under the circumstances of the particular case, be detrimental to the

health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. Certain conditions have been added to ensure that the impact from this project is minimal.

- B. The establishment as proposed will not be substantially detrimental to or in conflict with agricultural uses of other property in the vicinity.
 - C. The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas," as that term is used in the Agricultural Element of the General Plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future.
 - D. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
4. Approve Use Permit Application No. 2007-27 - WAT Cambodian (Buddhist) Church, subject to the attached Conditions of Approval.

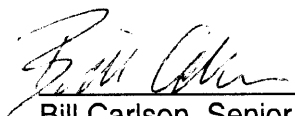
Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project. Therefore, the applicant will further be required to pay **\$1,933.75** for the Department of Fish and Game, and the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

Report written by: Sean D. Purciel, Associate Planner, May 15, 2008

Attachments:

- Exhibit A - Conditions of Approval
- Exhibit B - Project Maps
- Exhibit C - Applicant's Submittal
- Exhibit D - Initial Study
- Exhibit E - Negative Declaration
- Exhibit F - Environmental Review Referrals
- Exhibit G - Neighborhood Petition/Letters

Reviewed by:

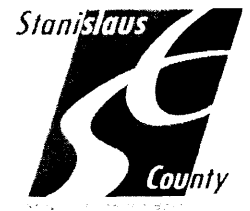


Bill Carlson, Senior Planner

SP/er

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EXHIBIT A -
CONDITIONS OF
APPROVAL



DRAFT

NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 18 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of the following actions must occur: (a) a valid building permit must be obtained to construct the necessary structures and appurtenances; or, (b) the property must be used for the purpose for which the permit is granted. (Stanislaus County Ordinance 21.104.030)

CONDITIONS OF APPROVAL

USE PERMIT APPLICATION NO. 2007-27 WAT CAMBODIAN (BUDDHIST) CHURCH

Department of Planning and Community Development

1. This use shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. 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.
3. 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 for any 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.
4. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented.
5. Hours of construction on the project site shall be limited to 7:00 a.m. to 6:00 p.m., Monday thru Saturday, with no construction allowed on Sundays and holidays.
6. Construction of the project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
7. A plan for any proposed signs indicating the location, height, area of the sign, and message must be approved by the City of Modesto prior to installation.

8. Fences and landscaping adjacent to roadways shall be in compliance with County policies regarding setbacks, and visibility and obstructions along roadways. The final landscape plan shall be submitted to the City of Modesto and approved prior to issuance of any building permit. The applicant shall provide one tree for every eight parking spaces, dispersed evenly throughout the parking lot. The applicant 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.
9. All parking for the proposed use shall be on-site only, no off-street parking shall be allowed. The applicant shall be required to comply with the applicable parking ratio and parking lot design as established in the City of Modesto Municipal Code. The proposal shall provide 164 parking spaces and parking lots shall be paved and striped prior to occupancy of the first building.
10. The application proposes a Typical Cambodian Home Exhibit. This structure will be for display purposes only. It will not be hooked up to sewer or water, and it will not be a livable unit.
11. 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.
12. 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.
13. The church shall be permitted to hold two events, the New Years Festival in April and the Ancestral Festival in September a year. Private security will be required at these events and the Department of Environmental Resources shall also be consulted for appropriate portable sanitary facilities as necessary. With regards to events, no activities after 11:00 p.m. are allowed, morning set-ups shall not begin before 8:00 a.m., off-site level of noise generated by the project will not exceed a level of 60 Ldn., and cost of enforcement shall be the responsibility of the church.
14. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2007), the applicant is required to pay a Department of Fish and Game filing fee at the time of recording a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$1,933.75** 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.

15. 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.
16. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary.
17. Pursuant to Section 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate stream-bed alteration agreements, permits or authorizations, if necessary.
18. 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.
19. 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 map as set forth in Government Code Section 66474.9. The County shall promptly notify the subdivider of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
20. 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. 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.
21. Prior to Building Final Inspection, the second modular home will not be occupied until one of the church buildings has received a clearance from the Building Permits Division.

Public Works Department

22. All driveways and parking areas shall be paved and double striped per county standards.

23. The applicant shall pay Public Facilities Fees prior to or at the time of building permit issuance as the applicant's fair share contribution to mitigate the traffic impact to area roads.
24. All driveway locations and widths shall be approved by this Department.
25. Prior to the issuance of any building permit, the property owners shall sign a Road Easement document that will dedicate sufficient right-of-way to Stanislaus County to provide 30 feet east of the existing centerline of Grimes Avenue along the parcel's frontage. This excludes the remainder of the parcel at 1528 Grimes.
26. The applicant shall make road frontage improvements along the entire parcel. This improvement shall include a 12' wide paved vehicle lane and a 4' wide paved asphalt shoulder. Improvement plans are to be submitted to this department for approval, and improvements shall be completed prior to final occupancy of the first building.
27. An Encroachment Permit must be obtained for any work in the right of way. All roadway improvements shall be complete and accepted by this Department prior to any building occupancy.
28. No parking, no loading or unloading of vehicles shall be permitted within the right of way of Grimes Avenue. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted.
29. A Grading and Drainage plan shall be approved prior to the issuance of any building permit that provides sufficient information to verify all runoff will be kept from going onto adjacent properties and into the County road right of way or on another parcel. 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 building.

Modesto Irrigation District (MID)

30. There is an existing private, unreinforced concrete irrigation pipeline that runs north to south through the middle of the applicant's property. This pipeline must be replaced and/or relocated to MID standards and a 10' irrigation easement is required to protect downstream irrigators.
31. A six-foot masonry wall is required adjacent to the MID Lateral No. 5 right-of-way (or another wall, fence, or berm acceptable to MID).
32. The (submitted) drawings are marked showing the approximate location of the District's existing electrical facilities.
33. In conjunction with related site improvement requirements, existing overhead 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 electrical facilities shall be granted as required.

34. A 30' MID easement is required centered on the 12kv overhead lines crossing the parcel in order to protect the existing overhead electrical facilities and maintain necessary safety clearances.
35. Relocation or installation of electric facilities shall conform to the District's Electric Service Rules.
36. Cost 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.
37. A 10' PUE is required along Grimes Avenue street frontage.
38. A 5' MID easement is required centered on the existing overhead secondary lines that serve the property at 1528 Grimes Avenue. The easements are required in order to protect the existing overhead lines and maintain necessary safety clearances.
39. Electric service to the proposed buildings is not available at this time. The customer should contact the District's Electric Engineering Department to coordinate electric service requirements. Additional easements may be required with the development of this parcel.

Building Permits Division (Standard Conditions)

40. New developments shall comply with current adopted Title 24 California Building Codes.
41. A Certificate of Occupancy shall be obtained from the Building Permits Division prior to occupancy, if required. (UBC Section 307)

Fire Prevention Bureau

42. Projects shall comply with current Fire Code requirements. All buildings constructed shall comply with on-site water for fire protection. An approved fire apparatus access road shall be installed and maintained serviceable prior to, and during construction. 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 turnaround.
43. The applicant shall pay the current Fire Service Impact Fees that have been adopted by the Board of Supervisors at the time of issuance of construction permits.

Department of Environmental Resources

44. 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 Retail Food Code (Section 114380).

45. The on-site wastewater disposal system (OSWDS) shall be by individual Primary and Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X.
46. The engineered on-site wastewater disposal system (OSWDS) design shall be designed for the fixture units within and maximum occupancy of the worship hall, the two mobile homes proposed for living space, and the two mobile homes proposed for future classrooms. The leach field shall be designed and sized using data collected from the soil profile and percolation tests performed at the proposed design location prior to building permit issuance.
47. The OSWDS shall provide 100% expansion area. Any portion of the leach field of the OSWDS installed under pavement shall be doubled.
48. Applicant shall determine, to the satisfaction of the Department of Environmental Resources (DER), that a site containing (or formerly containing) residence or farm buildings, or structures, has been fully investigated (via Phase 1 study and Phase II study if necessary) prior to the issuance of a grading permit. DER recommends research be conducted to determine if pesticides were used on the proposed development site; if confirmed, suspect site areas should be tested for organic pesticides and metals. 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. Applicant should contact the Department of Environmental Resources regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to: (Calif. H&S, Division 20).
 - A. Permits for the underground storage of hazardous substances at a new or the modification of existing tank facilities.
 - B. Requirements for registering as a handler of hazardous materials in the County.
 - C. Submittal of hazardous material Business Plans by handlers of materials in excess of 55 gallons or 500 pounds of a hazardous material or of 200 cubic feet of compressed gas.
 - D. The handling of acutely hazardous materials may require the preparation of a Risk management Prevention Program, which must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section 302.
 - E. Generators of hazardous waste must notify the Department of Environmental Resources relative to the: (1) quantities of waste generated; (2) plans for reducing waste generated; and (3) proposed waste disposal practices.
 - F. Permits for the treatment of hazardous waste on-site will be required from the Hazardous Materials Division.
 - G. Medical waste generators must complete and submit a questionnaire to the Department of Environmental Resources for determination if they are regulated under the medical Waste Management Act.

City of Modesto

50. The building permit submittal shall show all proposed municipal utilities and connections. Water in this case. This is a condition of approval.
51. Developer shall obtain coverage for project under the General Construction Activity Storm Water Permit (General Permit) issued by the State Water Resources Control Board (SWRCB). To obtain coverage under the General Permit, a Notice of Intent (NOI) shall be filed with the SWRCB. Obtain WDID number from SWRCB prior to beginning any work at construction site. The General Construction Permit requires the Developer to prepare and implement a SWPPP for the project. Keep one copy of SWPPP on the construction site at all times.
52. Trash enclosures for project shall be elevated to prevent stormwater run-on and graded to drain into adjacent landscape areas.
53. Trash enclosures shall comply with the provisions of Public Resources Code section 42911, to include adequate, accessible and convenient areas for the collection and loading of recyclable materials.
54. Developer shall provide permanent, post-construction treatment (grass swale, vegetative strip, or other approved proprietary device) to remove pollutants from the first ½-inch of stormwater run-off from site.
55. Engineering for the water infrastructure for fire flow and for domestic use will be approved by the City of Modesto Public Works Department prior to building permit issuance. The June 4, 2008 letter outlines the requirements necessary for the project.
56. The applicant shall enter into an Irrevocable Offer to Dedicate to the County for a 30' right-of-way running along the southerly and easterly borders of the property with a 30' radius at the southeastern corner of the property, per City of Modesto Standards Detail No. 324.
57. The property owner of this project site shall install all of the street improvements along the project frontage when the adjacent property is to be developed and the street improvements are required by the City. The street improvements include, but are not limited to, street pavement, curb, gutter, sidewalk, and streetlights.

The Buddhist Church will be allowed to install the driveway per County standards at this time. However, the requirement for full street improvements, once the neighboring property develops, will still be required to meet Modesto Public Works Standards.

58. Hydrant spacing and distribution for this zone is 300-feet O.C., not to exceed 150-feet on a street frontage from a hydrant. Please show all existing and proposed fire hydrants on the improvement and or building permit plans to the City of Modesto Fire Department standards.

62. Sprinkler system(s) will be required for all buildings exceeding 5,000 square feet under one roof.
63. Fire Department Connections (FDC) to automatic fire sprinkler systems shall be accessible and within 90-feet of a fire hydrant.
64. Fire Department access roads are to have 20-foot width of unobstructed all-weather driveable surface that will support the weight of a 30-ton fire apparatus.
65. Dead-end access roads in excess of 150-feet are to terminate in approved Fire Department turn-arounds.
66. Turning radii of fire department access roads are to be 25-feet inside and 45-feet outside.

Modesto City Schools

67. The applicant shall pay the appropriate school impacts fees on any construction.

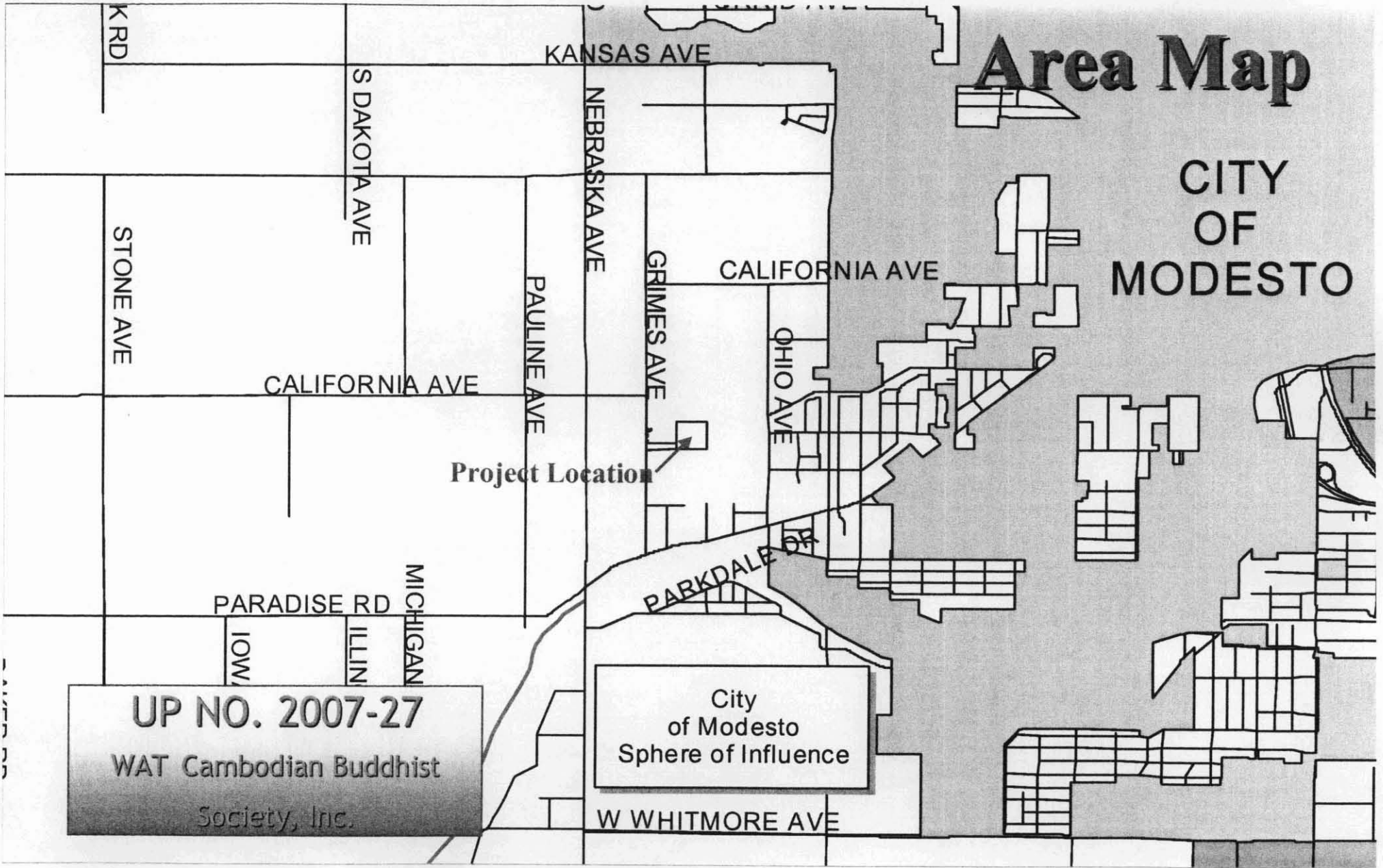
*Please note: If Conditions of Approval/Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Conditions of Approval/Development Standards, new wording is in **bold**, and deleted wording will have a ~~line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

EXHIBIT B – PROJECT MAPS



Area Map

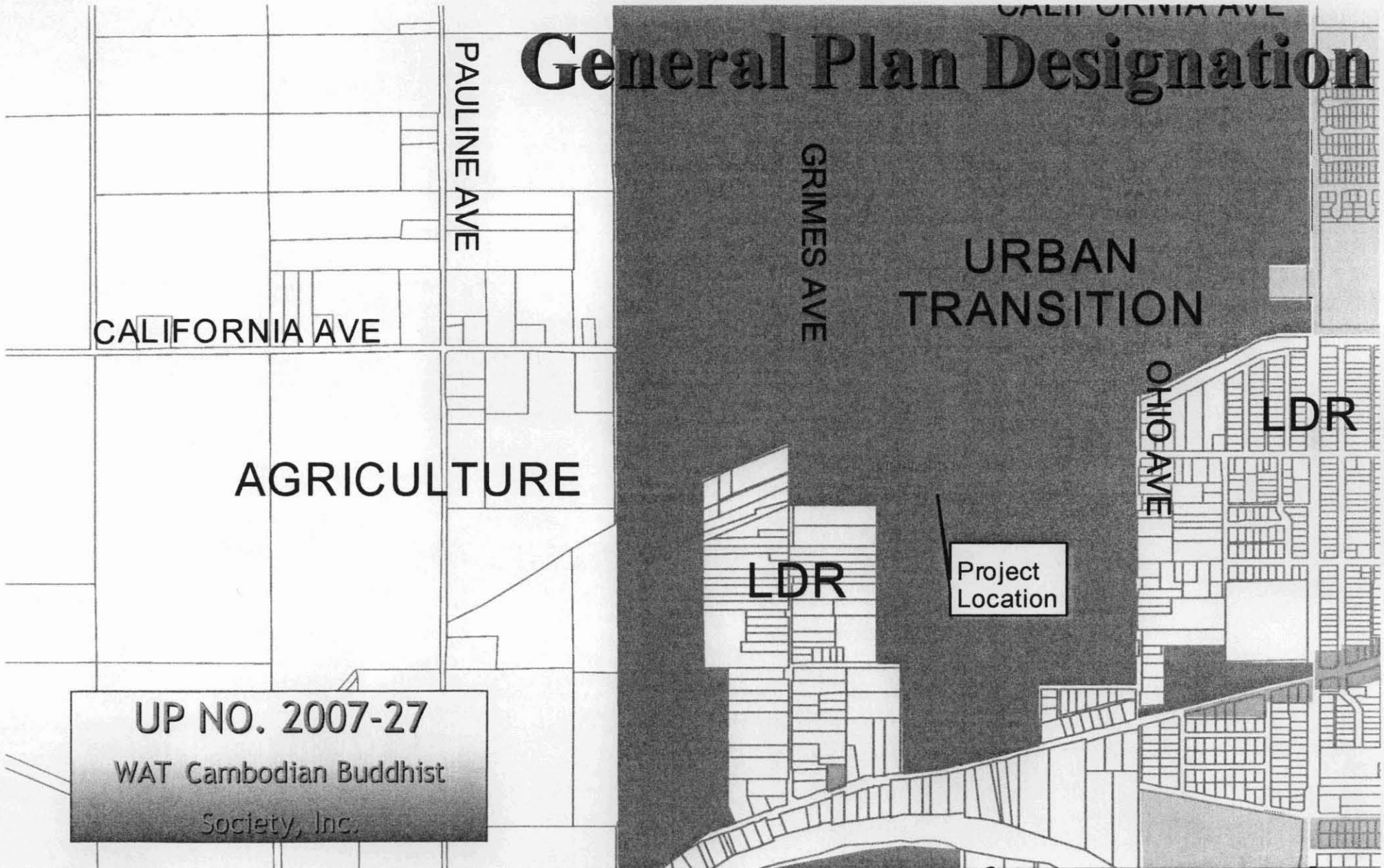
CITY OF MODESTO



UP NO. 2007-27
WAT Cambodian Buddhist
Society, Inc.

City
of Modesto
Sphere of Influence

General Plan Designation



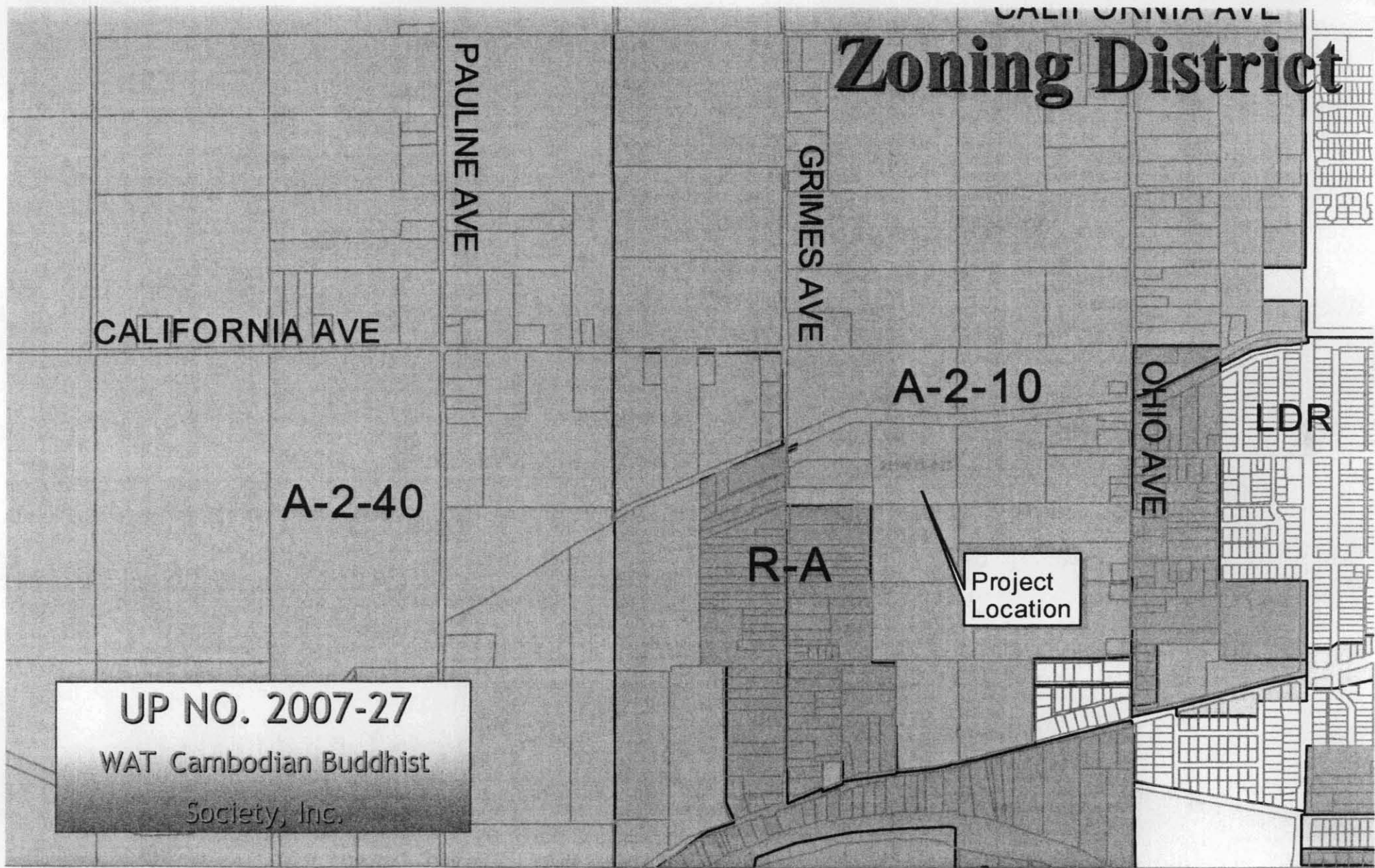
UP NO. 2007-27

WAT Cambodian Buddhist

Society, Inc.

CALIFORNIA AVE

Zoning District



A-2-40

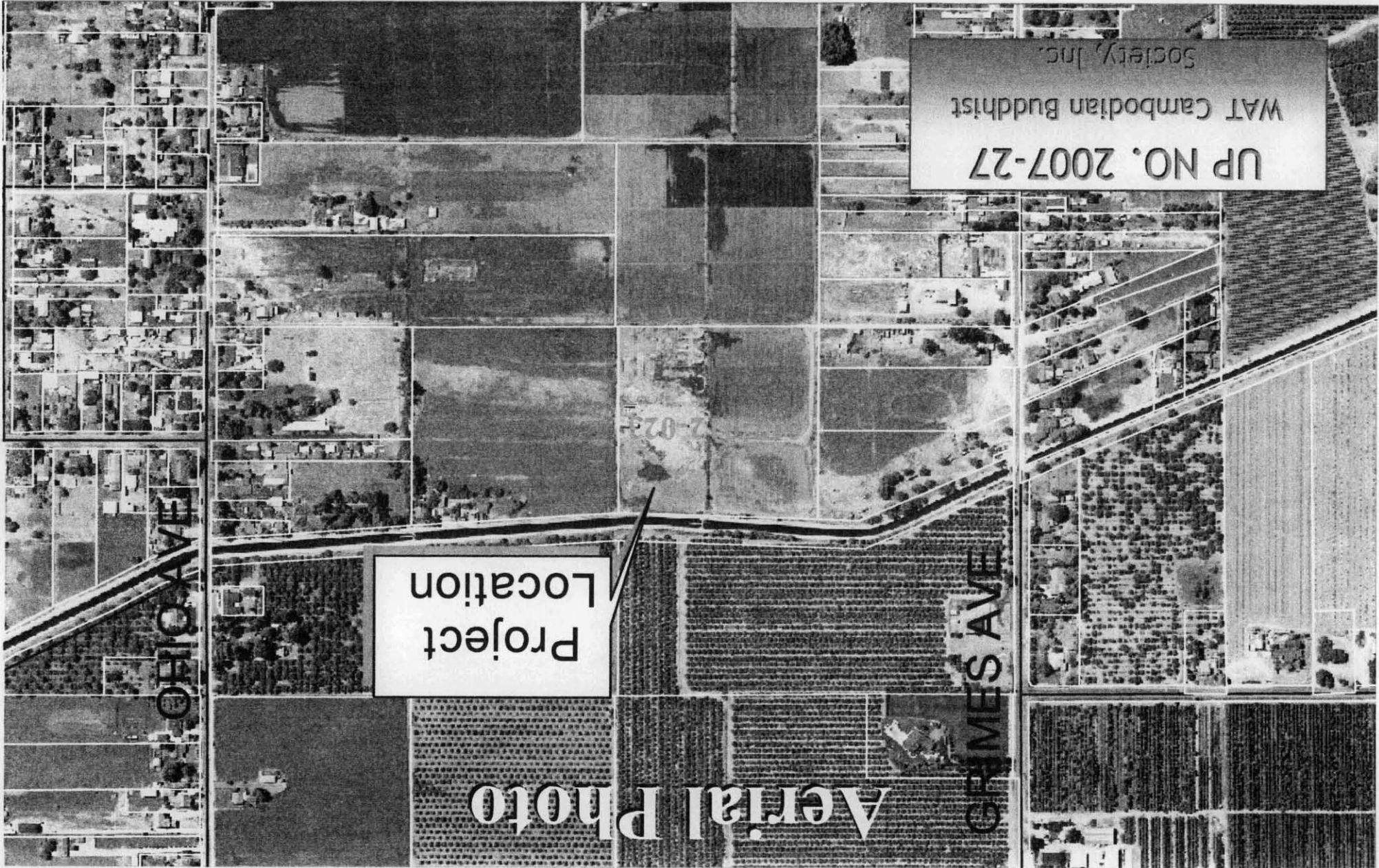
A-2-10

R-A

LDR

Project Location

UP NO. 2007-27
WAT Cambodian Buddhist
Society, Inc.



UP NO. 2007-27
WAT Cambodian Buddhist
Society, Inc.

Project
Location

Aerial Photo

OHIO AVE

GAMES AVE

2-025

82

WAT CAMBODIAN BUDDHIST CHURCH
UP 2007-27
APN: 017-012-023 & 022 (PORTION)

CALIFORNIA AVE

PAULINE AVE

GRIMES AVE

SITE

017-012-023

017-012-022 (portion)

PARADISE RD



LANDOWNER NOTICE AREA

JULY 17, 2008

542 0 542 1084 Feet



This map is for display purposes only.



Map printed: 7/17/2008

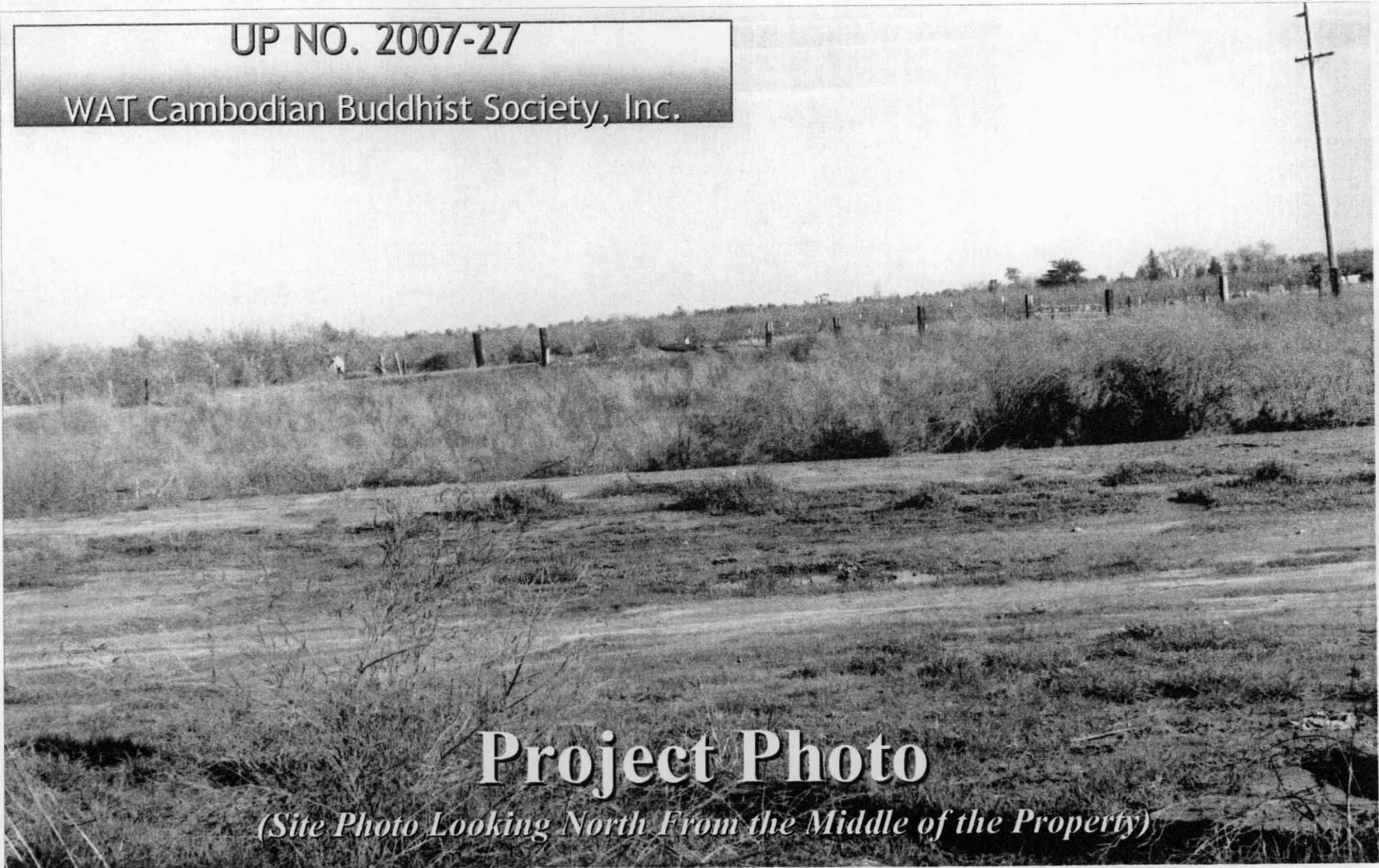


UP NO. 2007-27

WAT Cambodian Buddhist Society, Inc.

Project Photo

(Site Photo Looking North From the Middle of the Property)



UP NO. 2007-27

WAT Cambodian Buddhist Society, Inc.

Project Photos

(Looking into the Property)

02

**EXHIBIT C –
APPLICANT’S SUBMITTAL**



PROJECT DESCRIPTION

WAT Cambodian Buddhist Society, Inc. – Use Permit Application

The project proposes a Cambodian Buddhist church facility, to include a Buddhist temple worship building and related church compound functions. This will include a worship hall, meditation hall, two future church school buildings, two Buddhist statue storage houses, a (typical) Cambodian home (on display), two mobile homes for residential use, open space and recreational areas.

The WAT Cambodian Buddhist Society, Inc. (WAT CBS) is the owner of the property (APN: 017-012-023) is in escrow to purchase the neighboring property to the West (APN: 017-012-022). They do not own the neighboring property to the East (APN: 017-012-10).

The site, APN: 017-012-023 (1538 Grimes Ave) is located in Stanislaus County within the Sphere of Influence of the City of Modesto. It is zoned A2-10 and is currently 10.04 acres of agriculture land that is both open land and farmed seasonally for row crops. Access of this parcel is via an existing recorded easement along the southern boundary of a 2.21-acre neighboring parcel (to the immediate west of the project site) APN: 017-012-022 (1528 Grimes Ave). It has one single-family dwelling located on the property. This easement will not be abandoned but modified to accommodate the parcel immediately to the east of the project (APN: 017-012-10).

In addition to filing this Use Permit Application, the WAT CBS is concurrently filing a Lot Line Adjustment Application. This LLA will allow the project to become an approximately 11.65-acre flag lot, with 40 feet of Grimes Road frontage. It will adjust the neighboring parcel to the west to approximately .61 acres. The neighboring property to the west will not be included in this Use Permit Application and the neighboring property to the east will not be included in this application other than for easement access to Grimes Road. ****For the purpose of this Use Permit Application the new property lines as described in the concurrent Lot Line Adjustment Application will be the ultimate project buildout as described and diagramed.*

The WAT CBS proposes in this application to build a Buddhist Church Compound that will have approximately 22,367 square feet of new building area, approximately 103,836 of road way and parking area and approximately 381,190 of open space and recreational area (as shown in the site plan).

The WAT CBS has addressed in this proposal, issues of water (please see the attached "will serve" letter), sewer, drainage, easements, over-head power lines, irrigation lines, open space and recreation areas. The on-site sewer (septic & leach lines) will be shown as Option One for immediate use and Option Two if future buildout of the church/school requires additional permitting.

The main gathering area for the WAT CBS congregation will be in the worship hall. The worship hall is a single-story building of approximately 5,625 square feet that will be approximately 60 feet tall at its peak, with kitchen and bathroom facilities. The main gathering area of the worship hall will have non-fixed seating (7 square feet per person) and will be approximately 4,500 square feet, which will result in a maximum occupancy of 643 people. Parking for this site is based on a ratio of one space for every four

people or a minimum of 161 parking spaces. The meditation hall is a single-story, open-sided building consisting of approximately 10,552 square feet, which will be 93 feet high at its peak. It will not have water or septic facilities. This building will be for the sole purpose of meditation and reflection for the monks and nuns living on the property. It is not intended for congregational gatherings and not used in the occupancy or parking ratios. Two mobile homes, of approximately 1,198 square feet (each), will be added in the future for a church/school that is intended for weekend use only. Two Buddhist statue storage houses, approximately 100 square feet (each), are intended as storage use only. The typical Cambodian home display will be approximately 1,198 square feet, and is for display purposes only. They will not have water or septic facilities either. The other two mobile homes shown will be approximately 1,198 square feet each, and are to be used to accommodate the monks and nuns as a permanent living space on site.

BUILDING CHARACTERISTICS

WAT Cambodian Buddhist Society, Inc. – Use Permit Application

The Worship Hall will be approximately ~~80~~ 45 feet at its peak

The Meditation Hall will be approximately ~~93~~ 78 feet at its peak

All other buildings will comply with the single story maximum height requirements

A single story Worship Hall will be approximately ~~5,625~~ 5,000 square feet

A single Meditation Hall will be a single story, open sided building of approximately ~~10,552~~ 10,000 square feet

Two mobile homes of approximately 1,198 square feet each will be added in the future for a Church School

A single story Typical Cambodian Home Exhibit will be approximately 1,198 square feet and is for display purposes only

Tow mobile homes of approximately 1,198 square feet each and are to be used as a permanent living space on site



CITY of MODESTO

*Public Works
Department*

*Capital
Improvement
Services*

1010 Tenth Street
Suite 4000
P.O. Box 642
Modesto, CA 95353

*Capital
Planning*

209/577-5215
209/522-1780 Fax

*Community
Facilities District*

209/577-5215
209/522-1780 Fax

*Construction
Administration*

209/577-5452
209/577-4202 Fax

*Current Facilities
Planning*

209/577-5215
209/522-1780 Fax

*Engineering
Design*

209/577-5215
209/522-1780 Fax

*Hearing and Speech
Impaired Only*

TDD 1-800-735-2929

June 4, 2008

Mr. Ron West
Ron West & Associates
P.O.Box 1166
Patterson, CA 95363

Subject: Water Will Serve for 1538 Grimes Avenue (Buddhist Temple), Modesto CA

Dear Mr. West:

In regards to extending water service to the aforementioned property, a Will Serve letter must be requested and approved. The requirements pursuant to City Council Policy 5.001, to connect to the City of Modesto water system include, but may not be limited to the following:

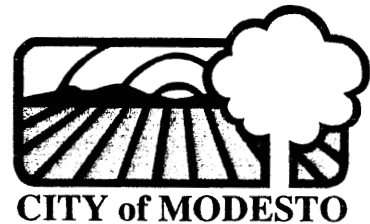
1. The City water system, in proximity to the proposed service area, must have the capacity to provide the amount of water required for the proposed connection.
 - a. A Fire Flow must meet the 2007 California Fire Code for Fire Flow Requirements for Buildings.
2. The property owner must agree to pay all City connection fees prior to connecting to the water system.
3. The property owner must agree to pay all monthly water service and charges.
4. The property owner must agree to annex when requested to do so by the City.

A Will-Serve letter will be issued upon City's completion of an analysis determining that all requirements are met. If you have any further questions or comments please contact me at (209) 577-5253.

Sincerely,

Robert Davalos
Assistant Civil Engineer

cc: Jennifer Pratt - C&ED
Bill Sandhu - C&ED
Paul Easter - City of Modesto Fire Prevention Bureau



*Public Works
Department*

November 6, 2007

*Capital
Improvement
Services*

*1010 Tenth Street
Suite 4600
P.O. Box 642
Modesto, CA 95353*

Ms. Shelly Perez
Ron West & Associates
25 N. El Circulo
Patterson, CA 95363

*Capital
Planning*

*209/577-5215
209/522-1780 Fax*

*Community
Facilities District*

*209/577-5215
209/522-1780 Fax*

*Construction
Administration*

*209/577-5452
209/577-4202 Fax*

*Current Facilities
Planning*

*209/577-5215
209/522-1780 Fax*

*Engineering
Design*

*209/577-5215
209/522-1780 Fax*

*Hearing and Speech
Impaired Only*

TDD 1-800-735-2929

Subject: Denial of Sewer Will Serve Letter for 1538 Grimes Avenue, Modesto

Dear Ms. Perez:

After careful review of your September 5, 2007 application, the property located at 1538 Grimes Avenue will not be allowed to connect to the City's existing sewer system at this time.

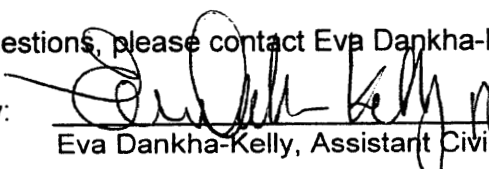
Sewer Service

Pursuant to Modesto Council Resolution No. 91-434 that establishes various conditions for the extension of sewer services into unincorporated areas, it has been determined that a connection to the City's sewer system will not be allowed to accommodate normal usage by the existing home.

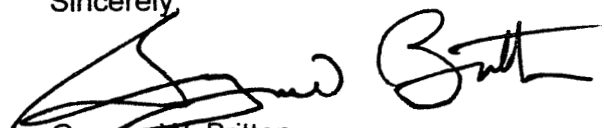
There is not an available sewer lateral adjacent to the property for direct connection at this time.

If you have any questions, please contact Eva Dankha-Kelly at (209) 571-5120.

Recommended By:


Eva Dankha-Kelly, Assistant Civil Engineer

Sincerely,


George W. Britton
City Manager

cc: Nicholas Pinhey – Director PW
Rich Ulm – PW
Dennis Turner – PW
Bill Sandhu – PW
Wendy Correia – PW
Dennis Wister - Stanislaus County

WAT Cambodian Buddhist Society, Inc.
Use Permit Application
December 6, 2007

SEWER WILL SERVE LETTER
- NFNTAI -



*Public Works
Department*

November 28, 2007

*Capital
Improvement
Services*

1010 Tenth Street
Suite 4600
P.O. Box 642
Modesto, CA 95353

Ms. Shelly Perez
Ron West & Associates
25 N. El Circulo
Patterson, CA 95363

Subject: Water Will Serve Letter for a Church/school use located at 1538 Grimes Avenue, Modesto.

*Capital
Planning*

209/577-5215
209/522-1780 Fax

Dear Ms. Perez:

As requested in your application dated September 5, 2007 and as additionally requested on November 14, 2007 that certain language regarding the connection location be further clarified, the proposed church and related school located at 1538 Grimes Avenue will be allowed to make a single water service connection to the City's existing water system as described below.

*Community
Facilities District*

209/577-5215
209/522-1780 Fax

This Water Will Serve Letter, which more specifically defines the service connection location, shall supersede the previously issued Water Will Serve Letter dated November 5, 2007. Confirmation to the City of Modesto of a recorded property line adjustment that shows the 1538 Grimes property has frontage to Grimes Ave is necessary for the Water Service Agreement.

*Construction
Administration*

209/577-5452
209/577-4202 Fax

Water Service:

Pursuant to Modesto City Council Resolution No. 98-306 and City Council Policy No. 5.001, both addressing the extension of water service into unincorporated areas, it has been determined that a sufficient quantity of potable water is available for normal usage by the proposed development.

*Current Facilities
Planning*

209/577-5215
209/522-1780 Fax

In general, Council Policy No. 5.001 provides that water service extensions may be approved by the City Manager on a case-by-case basis to properties outside the Modesto City Limits, outside of the Modesto Municipal Sewer District Number 1 and inside of the City's Sphere of Influence when all of the following conditions are met:

*Engineering
Design*

209/577-5215
209/522-1780 Fax

1. The development has been authorized by the appropriate land use agency.
2. The property is inside, contiguous to, or near the former service area of the Del Este Water Company.
3. City staff has completed an analysis and determined that it is reasonable for the City of Modesto to extend water service based on a plan to pay for the service extension costs, the quantity of water used, the type of water use and the overall impact on the water system.

*Hearing and Speech
Impaired Only*

TDD 1-800-735-2929

WAT Cambodian Buddhist Society, Inc.
Use Permit Application
December 6, 2007

WATER WILL SERVE LETTER

In addition to the above requirements, the following items are specific conditions on the proposed project:

4. That the water demand requirements for a proposed water service connection will not change significantly from the information contained in the above referenced request.
5. That the proposed building meets all of the Stanislaus Consolidated Fire District's fire code requirements.
6. That the new water service connection for the property be made from the existing 8-inch water main in Grimes Avenue. The water service connection shall be per City Standards and shall be approved by the City. All costs associated with its design, installation, and permits shall be borne by the property owner.
7. That the smallest water service lines and associated meter sizes needed to serve the proposed project be installed.
8. That all applicable water connection fees are paid and associated permits be obtained prior to beginning any on-site or off-site construction.
9. That the property owner enters into a standard water service agreement with the City, as required for water service outside the City limits, by contacting Wendy Correia at (209) 571-5569 for more information.

Construction of the water connection identified to serve the above referenced project shall be completed prior to twelve (12) months from the date of this letter, and if after such time the service connection has not been made, the City's approval of said connection will be revoked.

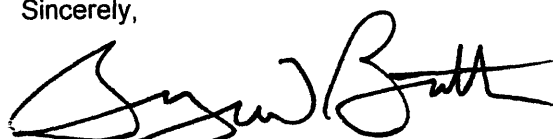
If you have any questions, please contact Jim Alves at (209) 571-5557.

Recommended by:



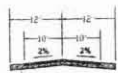
Jim Alves, Associate Civil Engineer

Sincerely,



George W. Britton
City Manager

cc: Nicholas Pinhey – Director PW
Rich Ulm - PW
Allen Lagarbo– PW
Bill Sandhu - PW
William Wong - PW
Wendy Correia – PW
Dennis Wister - Stanislaus County Planning



SECTION A-A
TYPICAL DRIVEWAY SECTION

LEGEND

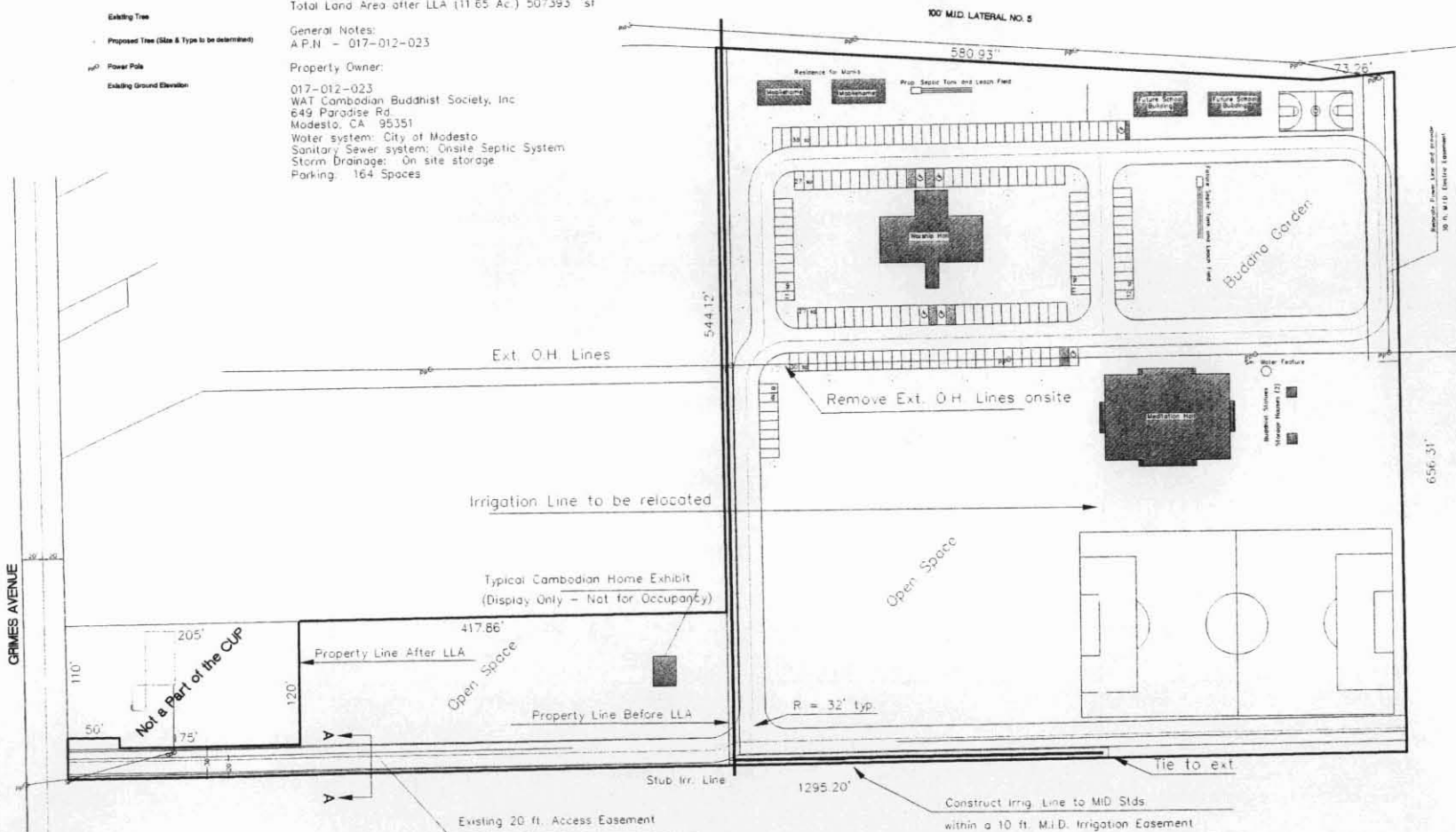
- Existing Tree
- Proposed Tree (Size & Type to be determined)
- Power Pole
- Existing Ground Elevation

Proposed Buildings Use	Square Feet
Mobilehome - Residence (2)	1198 sf ea
Mobilehome - Future School (2)	1198 sf ea
Worship Hall	5625 sf
Meditation Hall	10552 sf
Typical Cambodian Home Exhibit	1198 sf
Buddhist Statue Storage House (2)	100 sf ea
Total Building Area	22367 sf
Roadway Area	76944 sf
Parking Area	26892 sf
Total Road Surface Area	103836 sf
Total Open Space (Landscape area)	381190 sf
Total Land Area after LLA (11.65 Ac.)	507393 sf

General Notes:
A.P.N. - 017-012-023

Property Owner:

017-012-023
WAT Cambodian Buddhist Society, Inc.
649 Paradise Rd.
Modesto, CA 95351
Water system: City of Modesto
Sanitary Sewer system: Onsite Septic System
Storm Drainage: On site storage
Parking: 164 Spaces



PDS/570

Site Plan, Parking Analysis & Landscaping
and Tree Planting Plan
WAT Cambodian Buddhist Society
MODESTO, CALIFORNIA
December 3, 2007

Drawn	Date
DL	11-8-07
Revised	Date
PL	12-04-07

Ron West & Associates
28 N. El Centro Avenue, Modesto, CA 95301
Ph: (209) 890-6000 Fax: (209) 890-4800

Scale 1" = 50'
A

Sheet 1 OF 1



California Ave

O
h
i
o
A
v
e

O/C
16.42 ac
RNCH
3.24 ac

O/C
10.12 ac

HS and O/C
9.70 ac

RNCH
1.95 ac

HS and O/C
17.67 ac

HS and O/C
15.22 ac

RNCH
1.95 ac

O/C
9.18 ac

RNCH

HS/OPEN
3.52 ac

Project Site
APN 017-012-023
(showing
future Lot Line
adjustments)

HS (2) / OPEN
10.35 ac

OPEN
2.65 ac
HS (6) 1.04 ac

OPEN
1.82 ac
RNCH
1.23 ac
RNCH
1.63 ac

OPEN
3.18 ac

HS/OPEN
5.09 ac

HS
1.35 ac
RNCH
1.08 ac
RNCH
1.42 ac

HS (2) / OPEN
2.44 ac

OPEN
9.89 ac

O/C

HS
1.77 ac

HS/OPEN 2.44 ac

OPEN
10.0 ac

HS/OPEN
9.365 ac

RNCH

E
r
i
m
e
s
A
v
e

RNCH

OPEN
11.58 ac

Cook Ave

Key

- RNCH - Ranchette
- OPEN - Open Land
- O/C - Orchard/Crop
- HS - Homesite

WAT Cambodian Buddhist Society, Inc.

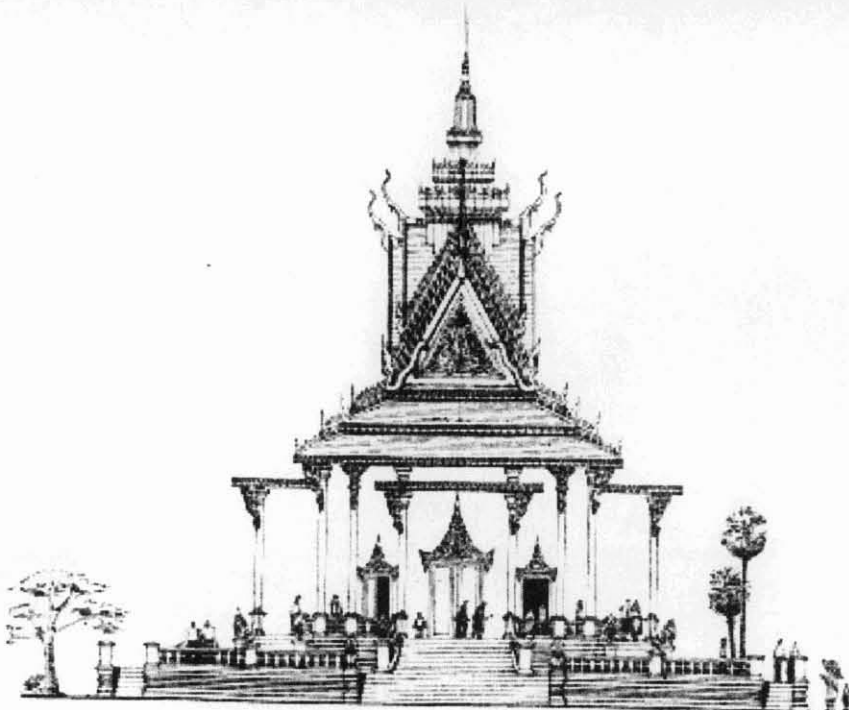
Use Permit Application

December 6, 2007

AREA MAP

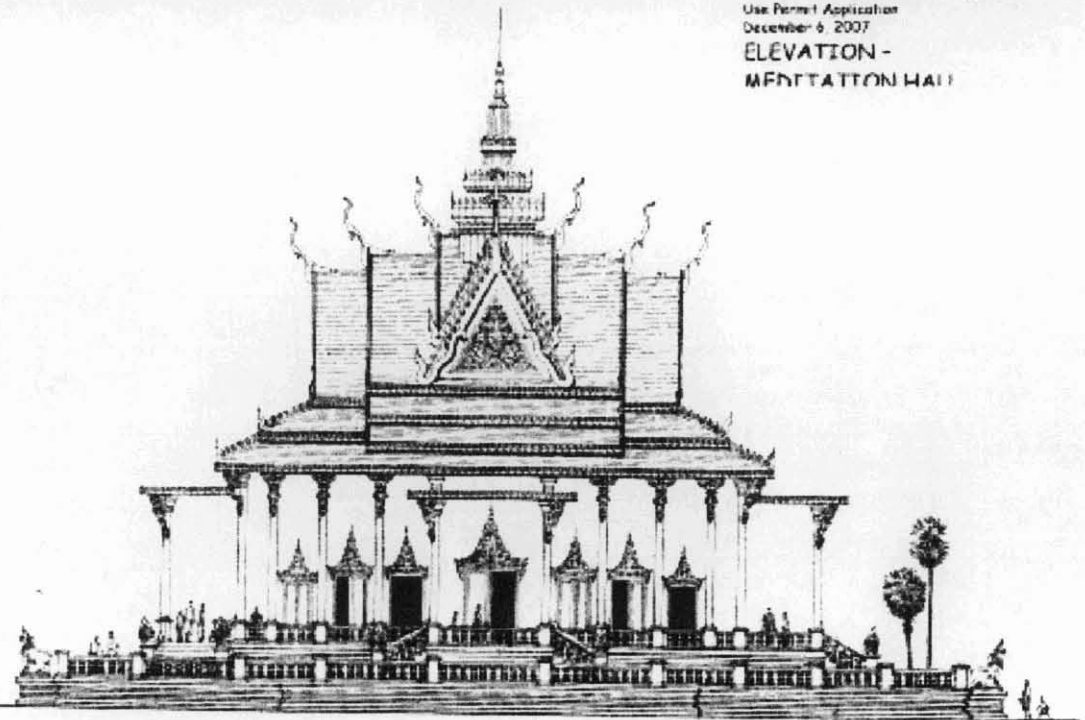
Elevations (Meditation Hall)

WAT Cambodian Buddhist Society, Inc
 Use Permit Application
 December 6, 2007
**ELEVATION -
 MEDITATION HALL**



រូបភាពបីជាន់ខាងកើត / EAST ELEVATION

ទំហំដើម ១:២០០ SCALE



រូបភាពបីជាន់ខាងត្បូង / SOUTH ELEVATION

ទំហំដើម ១:២០០ SCALE

គណៈកម្មាធិការស្រាវជ្រាវ		
លេខបញ្ជី	២៧ ២២១	ស្ថាប័ន
កាលបរិច្ឆេទ	០៨ វិច្ឆិកា ២០០៧	ទំព័រ

Elevations (Worship Hall)

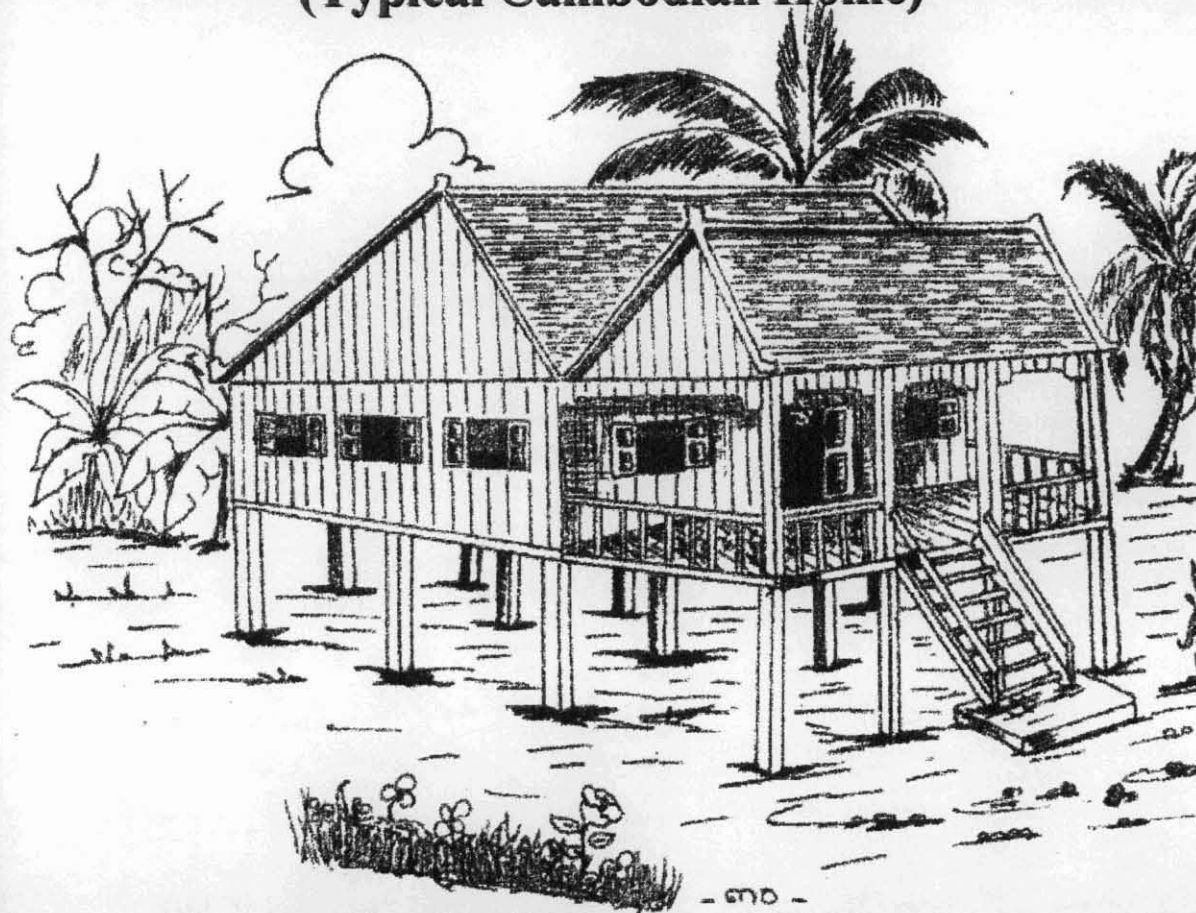


វត្តព្រះវិហារ

WAT Cambodian Buddhist Society, Inc
Use Permit Application
December 6, 2007
ELEVATION -
WORSHIP HALL

Elevations

(Typical Cambodian Home)

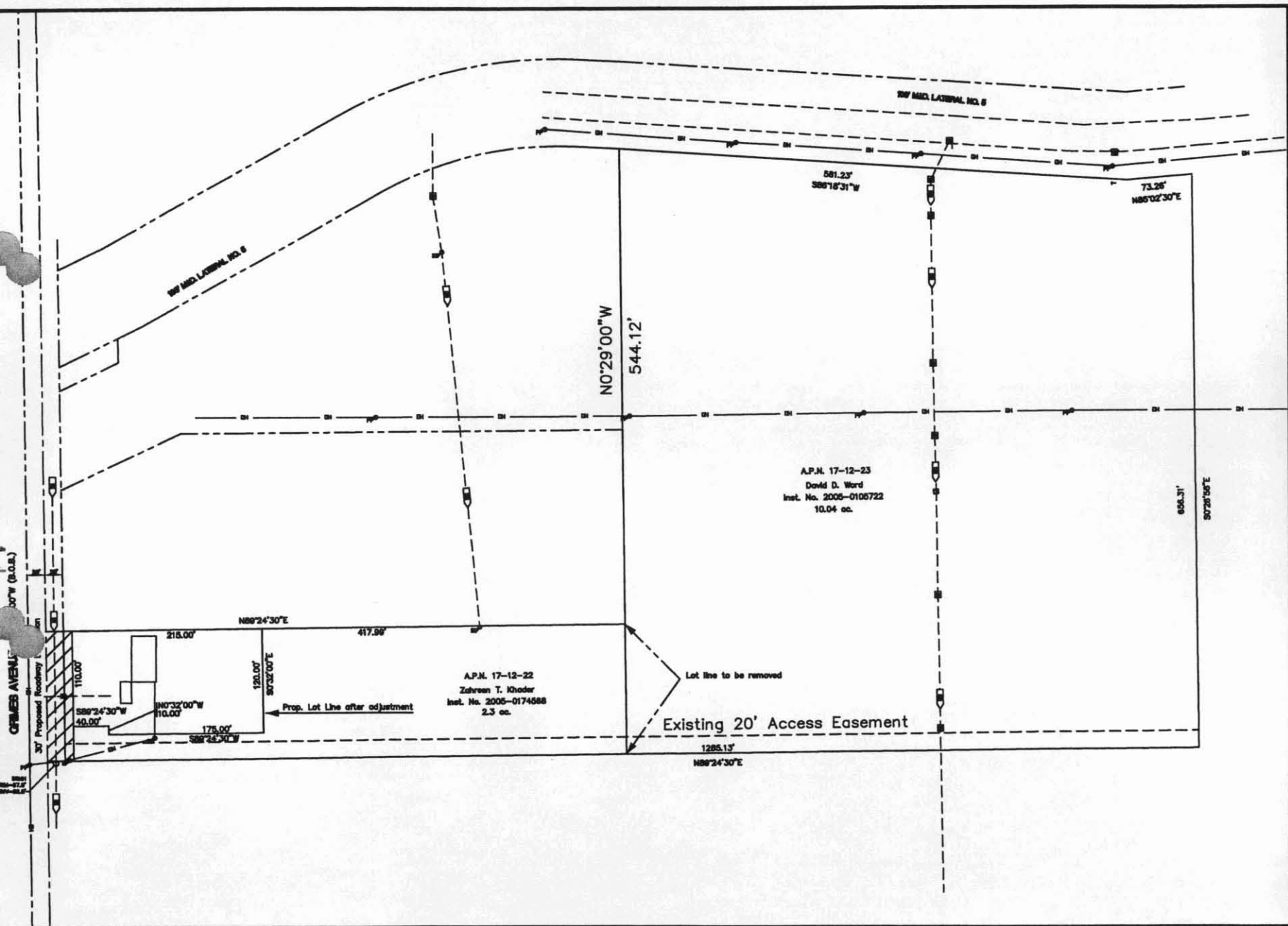


43

Lot Line Adjustment
WAT Cambodian Buddhist Society
STANISLAUS CO., CALIFORNIA

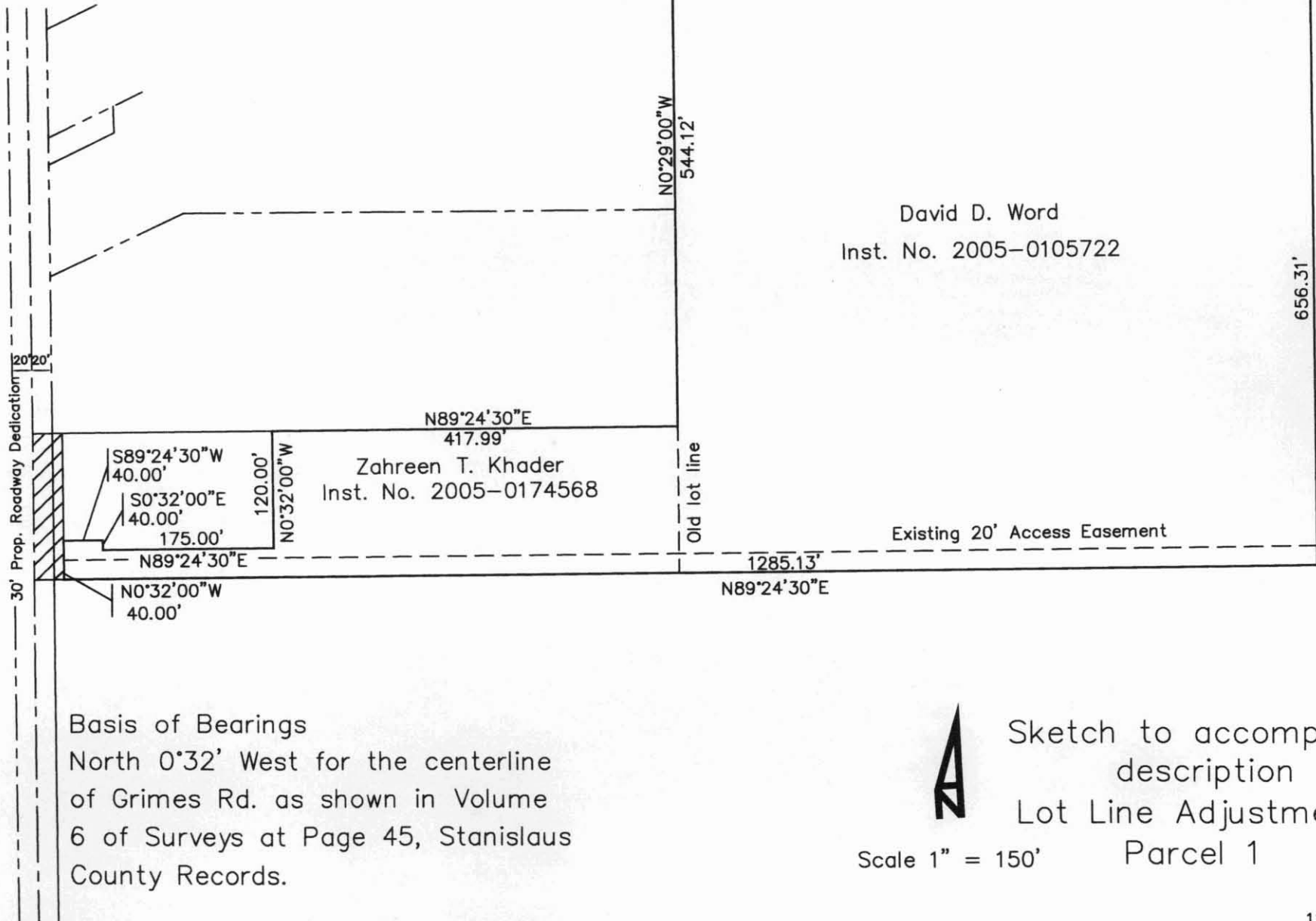
Pacific Data Services
 800 734 Street, Suite E, Modesto, CA 95204
 Ph: (209) 524-2177 Fax: (209) 524-2227
 email: pd@pacificdata.com

1" = 50'



GRIMES AVENUE

N0°32'00"W (B.O.B.)



Basis of Bearings
North 0°32' West for the centerline
of Grimes Rd. as shown in Volume
6 of Surveys at Page 45, Stanislaus
County Records.



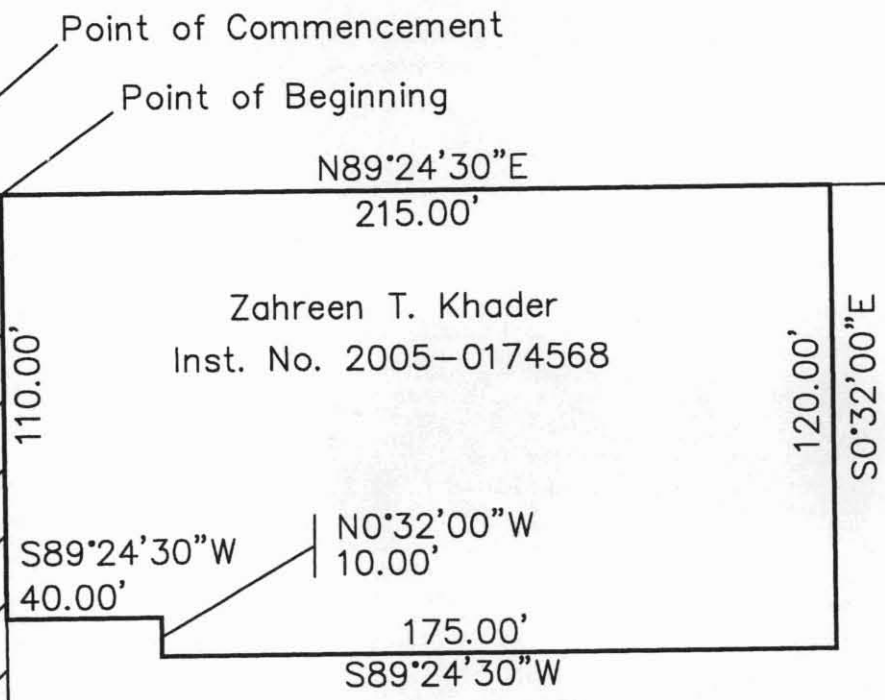
Sketch to accompany
description
Lot Line Adjustment
Parcel 1

Scale 1" = 150'

GRIMES AVENUE N0°32'00"W (B.O.B.)

20' 20'

30' Proposed Roadway Dedication



Zahreen T. Khader
Inst. No. 2005-0174568

Basis of Bearings
North 0°32' West for the centerline
of Grimes Rd. as shown in Volume
6 of Surveys at page 45, Stanislaus
County Records.



Sketch to accompany
description for
Lot Line Adjustment
Parcel 2

Ron West & Associates

Project Development, Land Planning, Entitlements

25 North El Circulo
Patterson, California 95363
Email: ronwest@gvni.com

(209) 895-4600 Office
(209) 985-8895 Mobile
(209) 895-4960 FAX

April 14, 2008

TO: Neighbors in the Area of Proposed WAT Cambodian Buddhist Temple

RE: UPDATE & UPCOMING PLANNING COMMISSION HEARING

Dear Neighbor:

This update is being sent to property owners around our proposed 1538 Grimes Avenue Buddhist Temple. Our mailing list includes the neighbors we have been corresponding with, those (who we are aware of) that have submitted comments to the County, and property owners in a wider boundary than routinely notified under the County's neighborhood notice process. We continue to try to understand and respect the opinions of all our neighbors, and invite you to stay in touch with us.

As explained when we began this Conditional Use Permit (CUP) process, we will soon be attending a Hearing before the County Planning Commission for the approval of our proposed Temple complex. Since our application, the County has been gathering and analyzing comments from neighbors, our neighborhood meeting of February 5, and various agencies and other interested parties. A final Staff Report, compiled comments, and suggested Conditions of Approval are being prepared. We have taken note of neighborhood concerns, and have been able to make some adjustments to our plans to address some of them.

A common concern of neighbors was the heights of our proposed buildings. Initially we proposed our Worship Hall at 80 feet high and a Meditation Hall at 93 feet. Although these are not exceptionally tall for local church spire type buildings, we have refined our building plans to reduce the visual impact of both buildings. Our Worship Hall will be reduced to a maximum height of 45 feet and our Meditation Hall will be reduced to a maximum of 78 feet. The purpose of church buildings is to direct one's attention upward, so our buildings will still stand tall and proud, but we hope these adjustments help address your concerns.

Ron West & Associates

Project Development, Land Planning, Entitlements

25 North El Circulo
Patterson, California 95363
Email: ronwest@gvni.com

(209) 895-4600 Office
(209) 985-8895 Mobile
(209) 895-4960 FAX

March 11, 2008

David Leamon, Senior Civil Engineer
Stanislaus County Public Works
1010 Tenth Street
Modesto, Ca. 95354

RE: Modesto Buddhist Society, Inc. C.U.P #2007-27: Traffic Issues

Dear David,

Thank you for recently discussing our neighbors' concerns about traffic speeds and the lack of stop signs at California and Grimes. As we discussed, even if our Buddhist Temple Conditional Use Permit is not approved, there is apparently an existing problem with traffic in the area, and concern by the neighbors for the safety of children, especially near the school. In an attempt to be good neighbors we discussed the possibility of stop signs with Bill Cardoza in your department, and were treated very professionally and courteously. However, it was clear that stop signs, as the neighbors hoped for, are not justified due to the lack of accidents, and a speed limit reduction was likewise, not allowed based on speed studies of existing traffic. Again, we thank you and your staff for exploring this question with us. We had promised the neighbors we would research these options, and we will communicate with them.

When you and I discussed this situation, you did suggest another possible solution - a round about. As a planner I like round abouts for a variety of reasons, and appreciate your additional ideas. If the County is in a future position to address this issue the neighborhood would be very appreciative. It is, however, very important that our position is clear. We are not volunteering, or in a position to finance that solution. The traffic analysis has indicated that our project will not trigger additional traffic improvements, and our Temple certainly is not able to volunteer to carry any major improvements. We do want to work with our neighbors to address existing and future concerns, and appreciate your ideas and time. If you have any questions please call me. Thank you.

Sincerely,

Ron West, Consultant

CC: County Planning Dept Attn Sean

Ron West & Associates

Project Development, Land Planning, Entitlements

25 North El Circulo
Patterson, California 95363
Email: ronwest@gvni.com

(209) 895-4600 Office
(209) 985-8895 Mobile
(209) 895-4960 FAX

February 20, 2008

TO: Sean Percell, County Planning
FROM: Ron West, Consultant

RE: WAT BUDDHIST TEMPLE CUP PHASING OVERVIEW

Sean;

The proposed Buddhist temple complex will be built in stages, over several years. We don't have specific dates, just faith and hope that it will occur as our needs require. Below are our priorities and best projections for those "phases". However, we would prefer not to have "deadlines" which might prevent these improvements when they are possible.

Our "1st PHASE" buildings will include the residences for the monks and nuns (two mobile homes). We project that within 24 months from our CUP approvals, this work would be underway. With these buildings, the appropriate portions of the site work, landscaping, access, parking, water & sewer will be completed.

Our "2nd PHASE" building will be the Worship Hall. This would replace our current facility to allow worship services and should be completed concurrent with our "1st Phase" or within the following 18 months (42 months from CUP approval). Again, this is not a deadline, but we hope it is realistic. With this building, the appropriate site work, landscaping, access, parking, water & sewer, and other improvements will be completed. We will work with you and the other Departments and agencies on the details and Conditions.

Our "3rd PHASE" would be the Sunday school building (or two, if warranted). This could occur concurrent with the above 1st phase, or follow by 12-24+ months. Again, appropriate site and infrastructure improvements would accompany the Sunday school building(s).

Our "4th PHASE" would be our Meditation Hall. With costs and financing not understood at this time, we estimate that this could begin within 4 years, or be delayed 10+ years. Again, appropriate improvements would be completed with this building.

Our Typical Cambodian Home Exhibit would be our "5th PHASE", but could occur concurrent with the 2nd or 3rd Phases, or follow them by 12+ months.

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February 7, 2008

TO: Neighbors of Proposed Wat Cambodian Buddhist Temple

FROM: Ron West, Planner
Ry Kea, Wat Cambodian Buddhist Society Board President (209) 872-1550

RE: Follow-up to our Neighborhood Meeting

Dear Neighbor,

Thank you for your time and effort to join us at our meeting with neighbors Tuesday evening. We're sorry the facility was a bit tricky to find, but we were grateful to the kind folks at the New Life of the Nazarene Church for opening their Church and hearts to us. Your attendance was important, and we want that meeting to begin some important dialog with the neighbors as we attempt to move our Temple from the existing site on Paradise Road, with its size and location problems, to our new site on Grimes Avenue. Thank you for your time and input so far.

As we discussed, we have applied to Stanislaus County for a Conditional Use Permit (CUP) for a church facility and complex on approximately 11 acres, to move our church from its current site of less than one acre. That CUP approval requires a public hearing before the County Planning Commission, which we expect to occur in approximately April or May. An important part of that approval is a complex set of CUP Conditions of Approval, and between now and the hearing we all have an opportunity to discuss and agree on conditions which will address as many concerns as possible. We are also purchasing the single family home site on Grimes in front of our church parcel, and a Lot Line Adjustment (LLA) is being requested which would widen the Grimes frontage and access to the church site. That LLA approval does not involve public hearings, but is coordinated by County Staff with the CUP.

We also discussed the difficulty in locating allowable church sites in our County, and we noted that this site was selected because it could continue to serve the members in our current area, is large enough, is available, and meets the County requirements and guidelines for church sites. Those include being within a city (Modesto) Sphere of Influence; not under a Williamson Act Contract; and located in an Urban Transition Zone (maps enclosed).

Thank you for your input on what issues our neighbors are concerned about. We want to understand and address them in good faith. Issue number one is obviously traffic, parking, and access. As we discussed, our proposal is to provide 100% of the parking we will need on site, 700-1,200+ feet from Grimes, and we will gladly accept a condition which prohibits any parking on or along our Grimes frontage or entrance area. Our entrance at Grimes will be widened to approximately 40 feet (by the LLA) and access paving and street improvements will be installed in that area to prevent back-up issues on Grimes. If a church is built on this site, those attending will obviously access it from Grimes Ave, so additional traffic will be present before and after services or ceremonies. Fortunately, very little of our traffic will occur on weekdays when neighbors and school children are coming and going. Again, we are proposing an extra- wide, paved access to the 600+ foot long, landscaped driveway back to the church site, so cars backing up on or backing out onto Grimes should not occur. We also understood your concerns about existing road and traffic conditions on Grimes, even with our site empty, and we will join you in asking the County to work with all of us to address existing, and future concerns.

Issue number two appears to be the height of our proposed Meditation and Worship Halls. These buildings have not yet been designed, but we indicated in our CUP application the maximum heights of temples in other places which we will be using as models. However, to address neighborhood concerns we are willing to commit to lower height limits, including: decreasing the Worship Hall maximum height from 80 to 45 feet; and reducing the Meditation Hall from 93 to 78 feet. There are existing churches in the Modesto area with steeples and towers taller than our original higher proposals, so even those would not have been inconsistent with what other churches were allowed. But to minimize the concerns and impact on the area, we are pleased to re-address this issue.

Church hours of operation and frequency of ceremonies was the next issue, and Mr. Kea explained their typical meeting and special events schedules. Weekday attendance at the temple is minimal, with 10-15 cars per day (or less) expected. Special events include New Years (April) and Ancestral Day (September), as well as special ceremonies, funerals, etc. which occur at irregular intervals. Unlike our current site, the available proposed on-site parking areas should provide for regular and special events needs.

Other issues discussed included notices to neighbors, building colors, water & sewer facilities, property values, and orchard spraying. As we mentioned, neighbors within a specific area will be notified by the County of the Planning Commission hearing, but we developed a much larger list for the Tuesday night

meeting, and will be trying to communicate with any and all our area neighbors as we proceed. Building colors, it was noted, are typically brighter on Buddhist temples than some other churches. That is true, and it is expected that typical Buddhist colors would be used. We can and will agree, however, to be aware of and sensitive to this issue as colors are selected, particularly those areas anyone might see from off-site. We believe that we can select designs and colors which honor Buddhist tradition but also address concerns of our neighbors. Water and sewer were mentioned, and we have been told that the nature and size of those facilities will be determined by the County Public Works, Environmental Health, and other Departments. It appears that we will be providing our own on-site septic facilities, based on current County standards. We will be working with the County to provide appropriate water facilities. These issues should not impact our neighbors. Concerning property values, we understand the natural concern anyone has when a long time open parcel in the neighborhood is utilized, particularly one different than typical residential developments. However, I have to believe that a well designed church or temple, if it is properly managed and maintained would have the opposite effect on area property values compared to the current and past uses of this land. Finally, orchard spraying was discussed and Mr. Kea indicated that he understood that he would be in an area which includes agricultural uses; will have to sign a "Right To Farm" disclosure when he closes escrow; and must respect the rights of the agricultural community. Concerning the pilots having to watch for our buildings, I am confident that with the massive open space and visibility of our proposed facility, their daredevil skills, and no need for them to fly directly over our site, would not pose any more challenge than the other buildings, trees poles, etc. in the area.

The above summarizes the main points of our meeting Tuesday. Your thoughts and comments were and continue to be important, so please feel free to contact me or Mr. Kea at (209) 872-1550. We look forward to the next few weeks of discussions as we finalize important issues and details. Again, thank you for your time.

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February 7, 2008

TO: Neighbors of Proposed Wat Cambodian Buddhist Temple

FROM: Ron West, Planner
Ry Kea, Wat Cambodian Buddhist Society Board President (209) 872-1550

RE: Follow-up to our Neighborhood Meeting for those that did not attend

Dear Neighbor,

We are sorry that you were unable to attend our Neighborhood meeting, held February 5, 2008 at the New Life of the Nazarene Church. This letter is to keep you informed of the important dialog we had with the attending neighbors as we attempt to move our Temple from the existing site on Paradise Road, with its size and location problems, to our new site on Grimes Avenue.

As we discussed at our meeting, we have applied to Stanislaus County for a Conditional Use Permit (CUP) for a church facility and complex on approximately 11 acres, to move our church from its current site of less than one acre. That CUP approval requires a public hearing before the County Planning Commission, which we expect to occur in approximately April or May. An important part of that approval is a complex set of CUP Conditions of Approval, and between now and the hearing we all have an opportunity to discuss and agree on conditions which will address as many concerns as possible. We are also purchasing the single family home site on Grimes in front of our church parcel, and a Lot Line Adjustment (LLA) is being requested which would widen the Grimes frontage and access to the church site. That LLA approval does not involve public hearings, but is coordinated by County Staff with the CUP.

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January 25, 2008

Dear Neighbors and Friends

The Wat Cambodian Buddhist Society is in the process of purchasing two properties located at 1528 and 1538 Grimes Ave in Modesto. Our intent is for the existing single family home at 1528 to retain that use, and to develop the remaining 10+/- acre parcel into our new church facility.

Our Conditional Use Permit application has just recently been accepted by the County, so our next step is to meet with our neighbors to inform you of who we are, why we selected the Grimes Ave site, and what we hope to do there. By chance, one of our neighbors came across our application transmittal to the various County agencies on the internet, and was concerned about neighbors being notified. Our plans for a neighborhood meeting were already being finalized, and we would like to invite you to join us. It is not our intention to hide anything from our neighbors, and we are still at the very beginning of this process.

We are finalizing a meeting at the New Life Church. Their address is 610 6th Street, Modesto, CA. 95354. We hope you can join us on Tuesday, February 5, 2008 at 7:30 p.m. This informal meeting should last approximately 1 to 1 ½ hours, and will allow us to introduce ourselves and explain how our church facilities will operate and how we believe we can and will be good neighbors. If you have questions before then, or in the future, you are welcome to call me at the numbers listed above, or Mr. Ry Kea at (209) 872-1550. Thank you for your time. We look forward to meeting you.

Ron West, Consultant

FAX

TO: Sean Percell @ Stanislaus County Planning

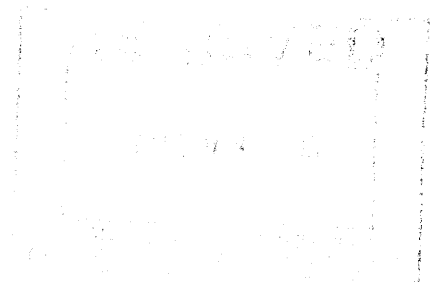
FROM: Ron West, Consultant for Modesto Buddhist Society (CUP)

RE: COPY OF LETTER TO NEIGHBORS

Sean;

Attached is a copy of the letter we sent to our neighbor mailing list. As you know, our list of approx. 125 -130 is larger than the County list, so we are trying to stay in touch with everyone we have dealt with. Thanks for your good work.

Ron West
(209) 895-4600



Ron West & Associates
Land Use Planning & Entitlements
P.O. Box 1166 Patterson, Calif. 95363 (209) 895-4600

August 1, 2008

TO: Neighbors of Proposed Cambodian Buddhist Temple (Grimes Ave)
FROM: Ron West, Planning Consultant
RE: NEW DATE FOR OUR REZONE PUBLIC HEARING

Dear Neighbor:

We have been informed that our rezoning hearing before the Stanislaus County Planning Commission is scheduled for Thursday, August 21, 2008 @ 6:00 p.m. at 1010 Tenth Street, Modesto. As you recall, this was continued from a couple of months ago, while Modesto Public Works and both Fire Departments re-analyzed existing and future water lines in the area.

Almost a year ago we began our rezoning application process with Stanislaus County, including discussions with the City of Modesto. Communications with our neighbors will continue to be an important part of that process. We are communicating with a larger group of neighbors than the County Public Hearing Notice process requires (and will include), so some of you may not receive their official County meeting notice. County Planning is still the official information source, and this update is based on information we have been given.

We have tried to listen to your comments and concerns, and address them as well as possible. We hope you were able to join us when we met with neighbors February 5, and/or have communicated with us by phone or mail. To address common concerns some important changes and clarifications have been proposed, including:

- The height of our Worship Hall has been reduced from 60' to 45'.
- The height of our Meditation Hall has been reduced from 93" to 78'.
- Parking and Grimes impacts have been reviewed again to prevent any parking or traffic problems on Grimes. Our Temple project area is set back 670+ feet from Grimes, with all parking on site, so parking will be 700-1,200+ feet from the public street. Also, our entrance

and driveway are extra wide to allow for good traffic visibility and movements as vehicles enter or leave.

- We also worked with the City, County and CalTrans to request a stop sign further north, and/or reduce the speed limit. Unfortunately, like previous neighborhood efforts, that was unsuccessful. Apparently we all need to share the roads, hope through traffic will respect our neighborhood and safety, and keep this issue before the City and County.

We hope that we understand your concerns, but we are still interested in any additional questions or comments. Please feel free to call me before or after the Planning Commission meeting. Thank you for your input so far.

Ron West

CC: Stanislaus County Planning Dept. Attn: Sean

**EXHIBIT D –
INITIAL STUDY**





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:** Use Permit Application No. 2007-27, Lot Line Adjustment Application No. 2007-49 - WAT Cambodian (Buddhist) Church
- 2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
- 3. **Contact person and phone number:** Sean Purciel, Associate Planner
(209) 525-6330
- 4. **Project location:** 1538 Grimes Avenue; located directly south of MID Lateral No. 5, and 667 feet east of Grimes Avenue in the Modesto area. (APN: 017-012-023)
- 5. **Project sponsor's name and address:** WAT Cambodian Buddhist Society, Inc.
c/o Ry Kea
649 Paradise Road
Modesto, CA 95351
(209) 872-1550
- Applicant/Engineer:** Ron West and Associates
25 N. El Circulo
Patterson, CA 95363
(209) 895-4600
- 6. **General plan designation:** UT (Urban Transition)
- 7. **Zoning:** A-2-10 (General Agriculture)
- 8. **Description of project:**

Request to place a Cambodian Buddhist church on a 10-acre parcel. The proposal requests a church compound for the WAT Cambodian Buddhist Society to include a single-story worship hall (5,625 square feet at 60' high), a single-story meditation hall (10,552 square feet at 93' high), two mobile homes for future schooling (1,198 square feet each), two storage houses (100 square feet each). A typical model (Cambodian) home will also be included (which will not include City water or sewer facilities - 1,198 square feet), and two new mobile homes (for permanent living spaces for Buddhist Monk and Nun housing - 1,198 square feet each). The site will have 161 on-site parking spaces. Concurrently with this application, an adjustment of the lot lines with this parcel and a neighboring parcel, from 2.38 acres to .58 acres, and 10.04 acres to 11.68 acres will be processed.

9. Surrounding land uses and setting:

The site is surrounded by agricultural uses, with exception to the MID Lateral to the north. Surrounding land uses include single-family dwellings and accessory structures, mostly to the south, east and west, and adjacent to Grimes Avenue.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):

Stanislaus County Department of Public Works
Department of Environmental Resources
City of Modesto
Woodland Fire Protection District
Stanislaus Fire Prevention Bureau
Modesto Union High School District
Paradise Elementary School 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.

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

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

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

Sean D. Purciel
Signature

Sean D. Purciel
Printed name

February 14, 2008
Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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

ISSUES

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

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

The site is in an urbanizing area of the County, outside the City limits of the City of Modesto, which is east of the proposal. The parcel is within the Sphere of Influence for the City. The project and vicinity are not identified as a scenic vista in the Stanislaus County General Plan, Land Use and Conservation and Open Space Element. There are no eligible or designated State scenic highways within the vicinity, according to the Stanislaus County General Plan. Generally, this project will have minimal effect on the State Highway 99 Corridor. The ten-acre site is not currently in agricultural use, and is presently a vacant and fallow field. Surrounding land uses are currently in agricultural and residential uses, mostly small ranchette properties. To the north of the property, mostly agricultural uses are found, to include the Modesto Irrigation District Lateral Number 5. Adjacent to Grimes Avenue, ranchettes-style single-family dwellings and accessory structures exist to the south, east, and west of the property. The proposed project would further urbanize the County, however, the proposed project can be considered consistent with planned growth in the project vicinity and within the limits of the Modesto Sphere of Influence. Therefore, the proposal for a church would not substantially degrade the existing visual character or quality of the site, the Highway 99 Corridor, or the local streets and surroundings of the community.

The proposed project would create a new source of light. The most intrusive light associated with the proposed project would include streetlights along the streets at the project site. The County of Stanislaus requires that all night lighting be hooded and/or fitted with prismatic directional lenses to prevent illumination and glare onto adjoining properties, adjacent right of ways, and glare into on-going traffic as a standard Condition of Approval of the proposed project. Therefore, the emission of light and glare associated with the installation of night lighting would be considered less than significant.

The surrounding neighborhood brought up the following issues in regards to Aesthetics: Compatibility with the area; Height of structures; Excessive buildings, Mobile home incompatibility, Home exhibit and public exhibition opposition; View shed, Aesthetics, and Urbanization. The proposed project would further urbanize the County. Consistency with the neighborhood can be considered an important issue for the surrounding community. With approval of this Use Permit Application, the proposed project can be considered consistent with the planned growth due to its location within the Modesto Sphere of Influence. It is also subjective as to degrading the visual character and quality of life for the surrounding community. With building design (although unique to the area), landscape treatments, and other hardscape features incorporated into the project, this impact should be considered less than significant. Furthermore, the lack of height restrictions in the A-2 zone prevents the County from conditioning the project further. Additionally, the City of Modesto had limited comments in regards to building design or height of structures. Additional structures located on the proposal can be considered compatible with church activities and residential dwellings as well.

<p>Mitigation: None.</p>
<p>References: Stanislaus County General Plan¹, Land Use and Open Space Element, Stanislaus County Zoning Ordinance.</p>

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

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

The site consists of agricultural land and is currently fallow and vacant land. Historically, the parcel has been planted with corn and field crops, but now the site has dirt piles, old farming equipment and debris scattered throughout the site. To characterize the agricultural resources for the vicinity, the Important Farmland Maps produced by the Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) for Stanislaus County were reviewed. Prime Farmland and Farmland of Statewide Importance map categories are based on qualifying soil types, as determined by the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), as well as current land use (irrigated agriculture). The farmland map category for the site is defined by the Department of Conservation's FMMP and is considered for the property as "Prime Farmland" and "Farmland of Statewide Importance." The proposed project would convert approximately ten acres of these important farm resources to urban uses.

The site is located outside the Modesto City limits and is designated as UT (Urban Transition) uses in the Stanislaus County General Plan, Land Use Element. The proposal is within the City of Modesto, Sphere of Influence. The proposed project is consistent with the County General Plan with approval of a Tier Three Use Permit. A Tier Three Use Permit generally requires a project to be located within a LAFCO-approved Sphere of Influence of a city or community services district and sanitary district serving unincorporated communities. Tier Three uses may be allowed when the Planning Commission makes findings under Section 21.96.050 of the Stanislaus County Code. Finding Number One states that the use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity. Finding Number Two states that the parcel on which a use is requested is not located in one of the County's most productive agricultural areas as determined by the Stanislaus County General Plan, Agricultural Element¹. Furthermore, the character of the proposed use might let the land be reasonably returned to agricultural use in the future. In determining most productive agricultural areas, 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, and existing uses and their contributions to the agricultural sector of the economy. Most productive agricultural areas do not include any land within LAFCO-approved Spheres of Influence of cities or Community Services Districts and Sanitary Districts serving unincorporated communities. Therefore impacts to farmland and agricultural resources are considered to be less than significant.

The project area does not have a Williamson Act contract on the parcel. The Stanislaus County zoning map shows the project area zoned as A-2-10, General Agriculture. The ultimate use of the property will remain consistent with the County's General Plan land use designation of Urban Transition upon approval of this application.

The site is located on the edge of urban development. Agricultural uses are located to the north, and in small quantities surrounding the project. These surrounding agricultural land uses are designated for Urban Transition and Low Density Residential (to the east) according to the County General Plan. Furthermore, the proposed project will not result in any conversion of farmland, as the site has been vacant and fallow for some time. To protect the agricultural uses in the area from unjust nuisance complaints, the County also has a Right-to-Farm Ordinance in place. Therefore, the proposed project would result in a less than significant impact on the conversion of surrounding farmland.

Mitigation: None.

References: Stanislaus County General Plan, Agricultural Element¹, Stanislaus County Zoning Ordinance, Farmland Mapping Layer, California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland August 2004, <http://www.consrv.ca.gov/dlrp/FMMP/>.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

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

Discussion: This environmental factor will focus on the impacts of a project with respect to air quality. Issues over project consistency with applicable air quality plans, policies and regulations, and increases of pollutants have been designated as "non-attainment" in this area. Additional concerns are over the exposure of sensitive receptors, such as people, to high levels of air pollution or odors. According to the San Joaquin Valley Air Pollution Control District, the San Joaquin Valley, which includes Stanislaus County, air quality has been designated as "non-attainment" by the Environmental Protection Agency and by the Air Resources Board for PM-10 and PM 2.5 (fine particulate matter and dust). Additionally, the San Joaquin Valley Air Basin (SJVAB) is currently in non-attainment for both the Federal and State designation for one-hour ozone (O3) and is classified as "extreme." The District maintains permit authority over stationary sources of pollutants. The Federal Clean Air Act and the California Clean Air Act require areas that are designated non-attainment to reduce emissions until standards are met.

The County of Stanislaus is within the SJVAB. The County is one of eight counties within the SJVAB. The San Joaquin Valley Air Pollution Control District (SJVAPCD) is the agency with jurisdiction over air quality regulation in the SJVAB. Build-out of the urban areas of the County General Plan would exceed the growth accounted for in the 1991 Air Quality Attainment Plan for the SJVAB. Because the proposed project is not proposing residential dwellings outside an urban area, it is determined that no quantifications of emissions are needed, based on information identified in the "Guide for Assessing and Mitigating Air Quality Impacts."

The primary source of air 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 for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin.

The following discussion will focus on project-related air quality issues as determined by the lead and supporting agencies:

No correspondences from the SJVAPCD has been received. Therefore, we can consider that the proposed project will have less than significant impacts with the implementation of their rules and regulations, which will be conditioned into the project's design.

The proposed project will not expose sensitive receptors to pollutant concentrations within the area. In addition, the proposed project will be required to comply with SJVAPCD Regulation VIII during project construction. Regulation VIII implements dust control measures to reduce the amount of fine particulate matter entered into the ambient air from man-made sources. The project in this location and of this size and type is not anticipated to be either a generator or receiver of odors. There are no nearby uses that generate odors that could be considered significant. Most nearby agricultural uses, such as orchards and dairies are located far enough away from the proposed projects to have a less than significant impact on the proposed church. No odor complaints related to the use are known or have been received, therefore, this condition shall be considered less than significant.

The air emissions associated with the proposed project will not exceed the thresholds set by the SJVAPCD. New Development Impacts on Air Quality: The Indirect Source Review rule, which went into effect March 1, 2006, requires developers of larger residential, commercial and industrial projects to reduce smog-forming and particulate emissions generated by their projects. The rule is expected to reduce nitrogen oxides and particulates throughout the San Joaquin Valley by more than 10 tons per day by 2010. The applicant should be aware of the Districts Rules and Implementation Plans to reduce airborne particulates, such as PM-10 and NOx. A Condition of Approval will be imposed on the project stating that the applicant shall comply with rules and regulations adopted by the SJVAPCD.

The surrounding neighborhood brought up dust and orchard spraying issues in regards to Air Quality. The project will be conditioned as to dust mitigation during construction phases of the project. Therefore, this impact will be considered less than significant. Mostly parcels to the north of the MID canal spray their orchards and fields. Most of the parcels surrounding the project are small ranchette properties that aren't significant agricultural properties (in regards to size). These dwellings could be impacted more by spraying than the proposed project. Therefore, this would be a less than significant issue.

Mitigation: None.

References: Stanislaus County General Plan, Circulation Element¹, San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis, Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI), Rule 9510 Indirect Source Review (ISR) (Adopted December 15, 2005), <http://www.valleyair.org/index.htm>.

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

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

The parcel is dedicated to agricultural production (although not presently in production). The proposed project would convert agricultural land and associated disturbed vegetation into urbanized land. Loss of this project site is considered a less than significant impact, mostly because it is surrounded by ranchettes-type parcels and because of the proximity to the Sphere of Influence of the City of Modesto. The project is not considered in-fill development, but it is in an area that is rapidly urbanizing. Therefore, the proposed project would have minimal impacts to sensitive species. On a site visit and review of the County General Plan, Conservation and Open Space Element, the site contains no riparian, wetland, or other sensitive natural community. The County General Plan indicates that the project site is not located within a biologically sensitive area.

According to the U.S. Fish and Wildlife Service Conservation Plans and Agreements Database, the California Department of Fish and Game Natural Community Conservation Planning Program, and the Stanislaus County General Plan, there are no approved habitat conservation plans or natural community conservation plans within the project vicinity. The project does not contain any trees or substantial vegetation to trigger a biological report as well. Therefore, implementation of the proposed project will not conflict with or have an impact on any such plans.

No correspondences from the Department of U.S. Fish and Wildlife or the State Department of Fish and Game has been received. Therefore, we can consider that the proposed project will have less than significant impacts in regards to sensitive and endangered species, conservation plans, wildlife and vegetation habitat, and significant biological resources.

The surrounding neighborhood brought up protected species as an issue related to Biological Resources. Presently, the site is a fallow vacant field. Debris from an old farm and mounds of dirt dominate the parcel. There has been no indication that a protected species is present on the site or in the vicinity. The project has been submitted to the proper resource agencies, and they did not indicate any species (plant or animal) of concern in the area. Finally, according to the Stanislaus County General Plan and the California Natural Diversity Database, no species of concern have been identified. With this information, this issue can be considered less than significant.

Mitigation: None.

References: Stanislaus County General Plan¹, Conservation/Open Space Element, California Natural Diversity Database.

V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

Discussion: This environmental factor will focus on the impacts of a project with respect to cultural resources including, but not limited to, the adverse change to a significant historical or archaeological resource. Other areas of concern include the potential for a project to adversely impact a unique paleontological resource or geologic feature or disturb any human remains. Cultural resources are not known to exist on the project site.

The site is located in the central portion of Stanislaus County, and on the western limits of the City of Modesto. According to the County General Plan, the area is not known to be within a location of archaeological resources. No known historically important resources or paleontological resources are on the project site. It is possible, however, that the site could contain undiscovered archaeological resources. Disturbance of any archaeological resources during construction of the project would be considered a significant environmental impact. The project proponent would be required to comply with the General Plan Program, in regards to finding significant resources, which requires the developer to halt construction if cultural resources are encountered unexpectedly during construction and requires consultation with a qualified archaeologist to determine the significance of the resource.

Standardized Conditions of Approval will be added to this project to address any discovery of cultural resources during construction phases of the project. If there are suspected human remains identified through project construction, the Stanislaus County Coroner's Office shall be contacted immediately. If the remains or other archaeological materials are of Native American origin, the Native American Heritage Commission shall be contacted immediately. Implementation of this program will reduce the potential impact to a less than significant level.

Mitigation: None.

References: Stanislaus County General Plan¹, Conservation/Open Space Element.



VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

Discussion: This environmental factor will focus on the impacts of a project with respect to natural geologic or soil conditions on a project. Specific concerns include earthquakes and seismic related hazards, or unstable soils. As contained in the Stanislaus County General Plan, Safety Element, 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. A grading and drainage plan will be required as a Conditions of Approval.

According to the Stanislaus County General Plan, several known faults exist in the Diablo Range, west of Interstate 5. The Ortigalita Fault, part of which is designated as an Alquist-Priolo Earthquake Fault Zone, is located in the southwestern portion of the County. The project site is located in central Stanislaus County. It has not been identified by the Alquist-Priolo Earthquake Fault Zone. Therefore there is little impact in regards to this issue.

Any construction of new structures will be subject to all applicable County policies and ordinances. The County is within Uniform Building Code Seismic Zone 3, indicating moderate potential for ground shaking. All structures and facilities constructed as part of the proposed project will be designed in compliance with the requirements of Title 24 of the Uniform Building Code (UBC) for seismic safety. Please be advised that the new Uniform Building Code(s) are in effect for the County. This new code implements new building construction and any future building design will need to comply with the new rules and regulations. Compliance with the engineering requirements of the UBC would ensure that the risk of structural failure during a seismic event is minimized to the greatest degree feasible. As a result, the risk of adverse effects from ground shaking would be minimal and considered a less than significant impact.

The property cannot hook up to the City of Modesto waste water system and would be required to connect to a private Measure X septic system. There is no indication that soils on the project site are incapable of adequately supporting the use of a septic system.

Mitigation: None.

References: Stanislaus County General Plan¹, Land Use Element, Stanislaus County General Plan Support Documentation¹, Western Stanislaus County, Soil Series Layer, California Department of Conservation, Uniform Building Code (2007), NRCS - <http://soils.usda.gov/>, National Cooperative Soil Survey, U.S.A. - <http://ortho.ftw.nrcs.usda.gov/osd/dat/T/TURBOTVILLE.html>, Stanislaus County Environmental Review Committee letter, Bella Badal, PhD. Department of Environmental Resources, dated January 23, 2008.

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

<p>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?</p>				<p>X</p>
<p>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?</p>				<p>X</p>
<p>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?</p>				<p>X</p>
<p>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</p>				<p>X</p>
<p>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?</p>				<p>X</p>

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

The County Department of Environmental Resources (DER) 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 and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be used after first obtaining permits from this agency. Spraying activities on adjacent properties will be conditioned by the Agricultural Commissioners Office as well. The groundwater in the vicinity is not known to be contaminated.

The project site is not located within an airport land use plan or a wildlands area.

The proposed project will comply with all Federal, State, and local regulations and policies involving the routine transport, use, or disposal of hazardous materials. The applicant should contact the Department of Environmental Resources (DER) regarding appropriate permitting requirements for hazardous materials and/or wastes. The applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to (Calif. H&S, Division 20). If the applicant complies with the provisions of the DER, the possible impacts caused by the routine transport, use, or disposal of hazardous materials will be determined to be less than significant. The Environmental Review Committee (ERC), in their correspondence by Bella Badal, dated January 23, 2008, has additional requirements for the transport, use, and or disposal of hazardous materials, with which the applicant will be required to comply.

The project will not involve the use or storage of hazardous materials that would pose a threat or potential for release of hazardous materials into the environment. Construction of the proposed development will comply with all applicable Federal, State, and local policies and regulations related to the release of hazardous materials. The project is also located near the Modesto Elementary School, which is approximately a mile away. The applicant will comply with all Federal, State, and local policies and regulations related to hazardous waste. With the proximity of the public school, compliance with government regulations, and the lack of use and storage of hazardous materials, this item can be considered less than significant.

The State Department of Toxic Substances (DTS) maintains a Hazardous Waste and Substances List (also known as the "Cortese List"), in accordance with California Government Code Section 65962.5. The Cortese List includes data from the "Calsites" database of hazardous waste sites, the leaking underground storage tank database and the California Integrated Waste Management Board database of sanitary landfills with evidence of groundwater contamination.

The most current Cortese List indicates that there are no hazardous waste or substance sites in the western City of Modesto vicinity. The site is not located in the vicinity of a hazardous materials site compiled pursuant to Government Code section 65962.5, which would result in a significant hazard to the public or environment at the project site. Therefore, this item can be considered less than significant.

The proposed project is not located within the jurisdiction of an airport land use plan. The nearest public airport is the Modesto Municipal Airport, which is located approximately five (5) miles north of the project area, and is not located within the vicinity of a private airstrip. Therefore, this item is not applicable.

The proposed project will comply with the development standards for the Stanislaus Fire Prevention Bureau and the Stanislaus County Sheriff's Department for issues related to emergency evacuation. Therefore, this item can be considered less than significant.

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

The ERC's letter, dated January 31, 2008, addresses hazardous substances, hazardous storage, and transportation for the proposed project and has Conditions of Approval that will become applicable to the proposal.

Mitigation: None.

References: Stanislaus County General Plan¹, Safety Element, General Plan Support Documentation¹, The State Department of Toxic Substances (DTS) Hazardous Waste and Substances List - <http://www.envirostor.dtsc.ca.gov/public/>, Stanislaus County Environmental Review Committee letter, Raul Mendez, dated January 31, 2008.

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

The proposed project will comply with all Federal, State, and local policies and regulations related to water quality. Currently, the site proposes connecting via the City of Modesto water service, according to their "will serve" letter dated November 28, 2007. Sewer service and connection to a sanitary sewer has been denied due to proximity to a sewer connection. Septic systems will be used according to the Department of Environmental Resources and Measure X guidelines. The proposed project will not 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.

The proposed project would result in an increase in the amount of impervious surfaces at the project site with the church and its facilities. The amount of surface water runoff from the proposed project is not anticipated to substantially alter the existing drainage pattern of the site or area. Storm water runoff generated by these uses would discharge into a proposed drainage basin in the vicinity of the soccer field, located on the southeastern corner of the property. Although the basin has not been engineered at this time, the applicant can elect, with permission from MID to drain into the No. 5 Lateral, due to its proximity. MID has certain regulations as to drainage and will need to be consulted if this method is proposed. Conditions of Approval, in regards to off-site drainage and on-site drainage facilities will be added to the project. All proposed improvements would be developed in accordance with Stanislaus County Standards and Specifications. All off-site drainage and irrigation piping will comply with Modesto Irrigation District's Standards as well, to include construction, replacement, and easements found on site. Please see the correspondence by MID as to their requirements (Modesto Irrigation District letter, Celia Aceves, January 22, 2008).

In California, the California Regional Water Quality Control Board (RWQCB) administers the Federal National Pollution Discharge Elimination System (NPDES) Program. Projects that disturb more than one acre of land during construction are required to file a Notice of Intent to be covered under the State NPDES General Construction Permit for discharges of storm water associated with construction activities. The project site is approximately ten acres and the project applicant would be required to file a Notice of Intent prior to construction activities. The State NPDES General Construction Permit requires development and implementation of Storm Water Pollution Prevention Plans (SWPPP) that use storm water "Best Management Practices" to control runoff, erosion, and sedimentation from the site both during and after construction. The SWPPP has two major objectives: (1) to help identify the sources of sediments and other pollutants that affect the quality of storm water discharges; and (2) to describe and ensure the implementation of practices to reduce sediment and other pollutants in storm water discharges.

The proposed project would collect storm drainage in a conventional water retention pond as their water drainage system. Urban storm water runoff typically carries a variety of contaminants, including oil and particulate matter. The introduction of contaminants from a church facility of this size is not anticipated to substantially degrade water quality. The proposed project will comply with all Federal, State, and local regulations and policies related to water quality. Therefore, a less than significant impact is anticipated.

By virtue of paving for the building pads, parking, and driveways, 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. A Condition of Approval will also be added to require the developer to file a Notice of Intent (NOI) with the California Regional Water Quality Control Board prior to issuance of the grading permit. This project has been referred to the Regional Water Quality Control Board, but no comments have been received.

The proposed project does not include the placement of housing or other structures within the 100-year flood plain. The western portion of the City of Modesto is located inside the 500-year flood area according to the Federal Emergency Management Agency (FEMA). The parcel is not currently in the 100-year flood plain on the older FEMA maps and maps being used by the County at this time. However newer maps supplied by FEMA and the State have indicated the parcel is in an area of concern and on the edge of the 100-year floodplain. Although not a significant impact, due to flood inundation, the newer maps being proposed should be considered as they come on-line.

This project has been given approval for City of Modesto water service through a Water Will-Serve Letter. The Will-Serve Letter is for a single domestic water service connection only from the Grimes Avenue City water main. Per discussion with the applicant during the Will-Serve process, the applicant intends to provide an alternative water source other than City water for fire flow and irrigation needs. The City is not providing sewer service. Septic locations are indicated in the Referral documents. Storm Drainage needs will be handled on site.

The project is not located in an area of major flood inundation. The proposed project would not expose people or structures to a significant risk of loss, injury, or death involving flooding as a result of the failure of a dam. However, the City of Modesto is in the dam inundation area of the Don Pedro and New Melones Reservoirs, located approximately 40 miles to the east of the City. The likelihood of a dam failure is unlikely unless an extreme condition were to occur such as a major earthquake. The likelihood of a seiche, an earthquake induced wave in a lake, or a tsunami, is less than significant due to the proposed project's distance from the above-mentioned bodies of water. Therefore, the project site is not in an area subject to seiche, tsunami, or mudflow.

Mitigation: None.

References: Stanislaus County General Plan¹, Safety Element, General Plan Support Documentation¹, Federal Emergency Management Agency (FEMA), February 8, 2008.

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

Discussion: This environmental factor will focus on the impacts of a project with respect to adopted land use, habitat conservation or natural community conservation plans. The specific focus of this area of environmental concern is potential project conflicts with established plans and policies or the potential for the project to physically divide a community area.

The proposed project involves a Use Permit for a church and church related facilities. The Agriculture zoning designation will remain A-2-10, General Agricultural, which is consistent with the General Plan land use classification of Urban Transition. Churches and church facilities could be allowed if a Use Permit is approved with a public hearing. The project is within the Sphere of Influence of the City of Modesto, and approval of this Tier Three Use Permit would allow this project to continue.

The proposed project is located just outside the city limits of the City of Modesto, and is surrounded by scattered development with no established community. The proposed project is consistent with the land use plans for the area. A letter received from the City, January 31, 2008, expressed, "The site is located in an unincorporated area within the City's Sphere of Influence and is within the Paradise-Carpenter Comprehensive Planning District. The site is designated as VR "Village Residential" in the City's General Plan. The proposed use is consistent with that designation."

The project will not conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project, including but not limited to the Stanislaus County General Plan, specific plan, local coastal program, or zoning ordinance adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, it is determined that the proposed use of the project area does not conflict with the applicable zone designation for the project area. The proposed project will not conflict with an applicable habitat conservation plan or natural community conservation plan and will not physically divide an established community.

The surrounding neighborhood brought up the application notification "We weren't notified of the project," and compatibility with the surrounding area in regards to Land Use and Planning. The proposed project would further urbanize the County. Consistency with the neighborhood can be considered an important issue for the surrounding community. With approval of this Use Permit Application, the proposed project can be considered consistent with the planned growth due to the location of the project within the City of Modesto Sphere of Influence. The proposal is undergoing the proper procedures in regards to processing a discretionary permit within the County of Stanislaus. Notification of the surrounding community will occur after circulation of the Initial Study prior to the Planning Commission. A public hearing shall be held on all Use Permit applications as described by county code section 21.96.040, *Hearing*. A minimum of ten days prior to the hearing, notices will be sent to all property owners within three hundred feet of the property in urban areas and a quarter mile radius in rural areas. Publication of the notice will also occur in the newspaper in accordance with Section 65351 of the Government Code.

Mitigation: None.

References: City of Modesto Correspondence, Katharine Martin, January 31, 2008, Stanislaus County General Plan¹, Land Use Element.

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

Discussion: This environmental factor will focus on the impacts of a project with respect to known mineral resources of commercial or otherwise documented economic value.

The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on or immediately adjacent to the project site.

Mitigation: None.

References: Stanislaus County General Plan¹, Safety Element, State Division of Mines and Geology Special Report 173.

XI. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

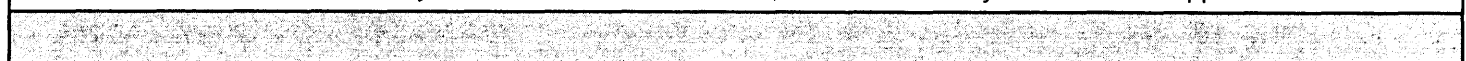
Discussion: This environmental factor will focus on the impacts of a project with respect to noise or ground-borne vibration. The creation of new noise or ground-borne vibration conditions or activities that will result in people or property being exposed to existing noise or vibrations is the primary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

The General Plan identifies 75 Ldn as the normally acceptable level of noise for agriculture, industrial, manufacturing, and other similar land uses. Noise impacts associated with on-site activities and associated traffic is not anticipated to exceed the normally acceptable level of noise. On-site improvements and construction may temporarily increase the ambient noise levels. Conditions of Approval have been added to address potential impacts associated with noise.

The surrounding neighborhood brought up noise as a factor in regards to this project. The proposal for a church will not generate noise above and beyond that of typical farm noises in the agricultural community. The application is conditioned to comply with the following General Plan requirements: General Plan, Noise Element Goal Two, Policy Two; New development of industrial, commercial or other noise generating land uses will not be permitted if resulting noise levels will exceed 60 Ldn (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 of the General Plan Noise Element in areas containing residential or other noise sensitive land uses.

Mitigation: None.

References: Stanislaus County General Plan, Noise Element¹, Stanislaus County General Plan Support Documentation¹.



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

Discussion: This environmental factor will focus on the impacts of a project with respect to population and housing including population growth or displacement of human population and housing.

The proposed use of the site will not create significant service extensions or new infrastructure that could be considered growth inducing. No housing or persons will be displaced by the project. The proposed project does not include the displacement of existing housing, therefore this item is not applicable.

Mitigation: None.

References: Stanislaus County General Plan¹, Housing Element, Stanislaus County General Plan Support Documentation¹.



XIII. PUBLIC SERVICES:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	

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

The parcel is located approximately three quarters of a mile from the Beverly Fire Station, located in the City of Modesto. The project will not require additional fire officers associated with this project. The County charges development impact fees to offset the cumulative costs of providing additional fire protection facilities and equipment brought about by new development. No mitigation measures are necessary at this time. The Stanislaus Fire Prevention Bureau commented in their letter that no environmental concerns would be impacted by the project.

The City of Modesto Fire Prevention Department discussed in their comment letter the following: 1) Hydrant spacing and distribution, 2) Sprinkler systems will be required for all buildings exceeding 5,000 square feet, 3) Fire Department access roads with a 20-foot width and all-weather surfaces, and 4) Dead-end access roads and turn-around availability.

Upon review of the proposed actions, the Stanislaus County Fire Protection Bureau feels that this project will not have an accumulative, detrimental effect upon the ability of this district to continue to provide emergency services to its existing constituents. The Bureau feels the following issues will make the project less than significant: 1) Comply with current Fire Code requirements and on-site water for fire protection, 2) An approved fire apparatus access road, and an unobstructed vertical clearance of not less than 13 feet 6 inches, 3) Dead-end fire apparatus access roads in excess of 150 feet in length, 4) CEQA Fire Service Impact Mitigation Fees as adopted by the Woodland Avenue Fire Protection District, 5) No development shall occur without an approved fire department access and water for fire protection, and 6) Automatic fire sprinkler system requirements. The following issues are consistent with the City Fire Department comments as discussed in their letter.

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. With the change in use, the project shall comply with all current applicable codes and ordinances for fire protection.

The County has adopted a standardized mitigation measure requiring payment of all applicable Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. A Condition of Approval has been added to insure that the proposed structures comply with all applicable fire department standards with respect to access and water for fire protection. Conditions of Approval have been included to address fire concerns raised by the Stanislaus Fire Prevention Bureau (letter from Kenneth Slamon, January 15, 2008).

The main headquarters for the Stanislaus County Sheriff is located on Hackett Road in Modesto five miles from the proposal. The project will not require additional officers associated with growth and this project. The County has development impact fees for all discretionary projects for capitol facilities to offset the cumulative costs of providing additional police protection facilities and equipment brought about by new development. No mitigation measures are necessary at this time.

The project is located within the Paradise and Modesto Union High School Districts. Implementation of the proposed project will not result in the construction of any new residential units and will not directly increase public school enrollment. Under Senate Bill 50 (SB 50), school districts can levy developer fees from new development to pay for school improvements. The proposed project will be subject to the school district commercial/industrial fees in place at the time an application is submitted for a building permit.

The proposed project will construct two mobile homes for church residences and will not create greater demand for parks. The County of Stanislaus would charge the project development impact fees to offset the cumulative costs of providing additional recreational facilities not provided on-site. The proposed project would incrementally increase the need for general governmental services, but the impact would be less than significant.

The surrounding neighborhood brought up the following issues in regards to Public Services, Emergency Response, and Public Safety: The proposal for a church will increase the need for public services. The project has been conditioned in several ways to address the increasing need for emergency response and public safety. The public service agencies all had a chance to comment in regards to this project, and none of them considered the project a significant impact in regards to excessive services, safety, and not being able to provide services to the area. Mechanisms have been put in place to make sure that these impacts will be less than significant.

Mitigation: None.

References: Stanislaus Fire Prevention Bureau, Kenneth Slamon, letter dated January 15, 2008, City of Modesto Correspondence, Katharine Martin, January 31, 2008, Stanislaus County General Plan and Support Documentation¹.

XIV. RECREATION:

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

Discussion: This environmental factor will focus on the impacts of a project with respect to public recreation service and facility needs and the potential environmental impacts of developing and/or expanding recreation facilities. Facility needs can be defined by the need to maintain acceptable levels of community recreation service in the area and region.

The proposed project will not result in the construction of new residential units (with exception to two mobiles for church residence). The use of existing parks and other recreational facilities will not be increased and no new or expanded facilities will be required. Implementation of the proposed project would not result in impacts to recreation.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

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 discussion will focus on the impacts of a project with respect to transportation systems including roads and highways, public transportation systems, pedestrian circulation and access, parking, and emergency access. Impacts can be in the form of new hazardous circulation or traffic conditions, conflict with existing plans or policies or creation of an unacceptable traffic level on a transportation system or facility.

The proposed project will increase the trip generation along adjacent streets and intersections, notably Grimes Avenue. Grimes Avenue is presently a 60-foot right-of-way. The project will be conditioned to assure that all project related impacts are reduced to a level deemed to be less than significant. The design of improvements (i.e. curb, gutter, sidewalk, as required), will be designed in accordance with the County Standards and Specifications, and shall be approved by the Public Works Department prior to development. Dedication of sufficient right-of-way to Stanislaus County, to provide 30 feet east of the existing centerline of Grimes Road along the parcel's frontage, will be added as a Condition of Approval.

The proposed project includes on and off-street parking for the project. Issues of adequate on-street parking will be addressed as part of the project review process. The Public Works Department has recommended no parking signs and markings on Grimes Avenue. The proposed project will not conflict with any plans related to alternative transportation.

To date, comments have not been received from Caltrans regarding the traffic or traffic volume information. The County Public Works Department has not identified any significant traffic impact to local County roads associated with this project. The Public Works Department has identified some road improvement conditions and encroachment issues that will be resolved with Conditions of Approval. No significant mitigation or environmental concerns have been brought up. Therefore, this issue will be considered less than significant.

According to the Stanislaus Fire Prevention Bureau, the proposed project will not impair the District's ability to access the proposed project during emergencies. The applicant is proposing one 30' driveway into the church facility off Grimes Avenue. One point of access to the project, with a turn around will comply with the District's requirements for emergency vehicular access. This proposal has been reviewed by the Stanislaus Fire Prevention Bureau (Letter from Kenneth Slamon, January 15, 2008).

The City of Modesto's Public Works Department did not have significant concerns in regards to Traffic and Circulation. Their comments are consistent with the County Public Works Department, with exception to a proposed 64-foot right-of-way for a business park. The project is proposing a church and not a business park. Grimes Avenue will not be affected by this proposal at 60-foot as indicated. The applicant will work with the Departments as to their requirements, access agreements, and road-way dedication as suggested.

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

Neighbors had concerns with access, roadway size and infrastructure, undesirable traffic, safety, and on-street and off-street parking. The proposal for a church will increase the traffic on Grimes Avenue, among other streets in the area. The project will be conditioned to assure that all project related impacts are reduced to a level deemed to be less than significant. The project has been circulated to the City of Modesto Public Works Department and the County Public Works Department. Significant impacts were not identified and a traffic study was not requested. With their Conditions of Approval and designs implemented into the project, issues have been considered less than significant. The Fire Department and the Public Works Department have considered the design, to include the 30-foot access easement, suitable for the proposal. The Public Works Department has conditioned the project to make sure all driveways and parking areas will be paved and double striped per County Standards. These agencies did not have an issue with the access, the driveway, and or the size and roadway infrastructure on Grimes implemented into the project. Parking for the proposal also meets the criteria for a church at this location, one space per four people for a total of 161 spaces.

Mitigation: None.

References: Stanislaus County Department of Public Works Correspondence, Angie Halverson, dated January 17, 2008, City of Modesto Correspondence, Katharine Martin, dated January 31, 2008, Stanislaus County General Plan and Support Documentation¹, Stanislaus Fire Prevention Bureau, Kenneth Slamon, dated January 15, 2008.



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: This environmental factor will focus on the impacts of a project with respect to public utility systems or facilities such as water, wastewater, storm-water drainage or other utility or service systems.

The project is currently being served by public water and private septic systems, as well as on-site storm drainage. Conditions of Approval will be added to the project to address necessary permits from the County Department of Environmental Resources. The project will not result in the violation of any discharge standard established by the Central Valley Regional Water Quality Control Board or any other federal or state water discharge standard. The project proposal includes installation of an on-site storm-water treatment facility in accordance with the requirements of the Water Quality Control Board and Stanislaus County Standards. The basin, to be located in the southeastern portion of the property, has not been engineered.

The project is served by public water (City of Modesto) and private septic system. The applicant has obtained a "will serve" letter from the agency. Conditions of Approval will also be added to require a grading and drainage plan be approved by the Public Works Department. Staff received a referral response from the Modesto Irrigation District and their comments did not have any CEQA concerns, but they did provide a list of Conditions of Approval for this project.

The proposed project will comply with all Federal, State, and local policies and regulations related to solid waste. State law (AB 939) requires that local jurisdictions meet specified solid waste reduction goals through the implementation of recycling programs. The proposed project would participate in the recycling programs available in the County and the western part of the City of Modesto.

Mitigation: None.

References: Stanislaus County Department of Public Works Correspondence, Angie Halverson, dated January 17, 2008, "Will Serve" water letter, City of Modesto, Jim Alves, dated November 28, 2007, "Will Serve" sewer letter, City of Modesto, Eva Dankha-Kelly, dated November 6, 2007, Stanislaus County Environmental Review Committee letter, Raul Mendez, dated January 31, 2008, Modesto Irrigation District, Celia Aceves, letter dated January 22, 2008, Department of Environmental Resources, Bella Badal, letter dated January 23, 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

<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>				<p>X</p>
<p>Discussion: On the basis of an analysis of the project and its potential adverse physical environmental impacts, as described above, it has been determined that the project would not 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.</p> <p>The proposed project would have cumulative impacts on air quality, noise, public services, transportation, and utilities and service systems. However, implementation of policies found in the Stanislaus County General Plan presented herein would reduce these cumulative impacts to a less than significant level.</p> <p>Potential adverse effects on human beings associated with air quality, noise, and water quality can be mitigated through the implementation of Stanislaus County General Plan policies or the implementation of Conditions of Approval presented herein.</p>				

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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.

**EXHIBIT E -
NEGATIVE DECLARATION**



NEGATIVE DECLARATION

NAME OF PROJECT: Use Permit Application No. 2007-27, Lot Line Adjustment Application No. 2007-49 - WAT Cambodian (Buddhist) Church

LOCATION OF PROJECT: 1538 Grimes Avenue; located directly south of MID Lateral No. 5, and 667 feet east of Grimes Avenue in the Modesto area. (APN: 017-012-023)

PROJECT DEVELOPER: WAT Cambodian Buddhist Society, Inc.
c/o Ry Kea
649 Paradise Road
Modesto, CA 95351
(209) 872-1550

Ron West and Associates
25 N. El Circulo
Patterson, CA 95363
(209) 895-4600

DESCRIPTION OF PROJECT: Request to place a Cambodian Buddhist church on a 10-acre parcel. The proposal requests a church compound for the WAT Cambodian Buddhist Society to include a single-story worship hall (5,625 square feet at 60' high), a single-story meditation hall (10,552 square feet at 93' high), two mobile homes for future schooling (1,198 square feet each), two storage houses (100 square feet each). A typical model (Cambodian) home will also be included (which will not include City water or sewer facilities - 1,198 square feet), and two new mobile homes (for permanent living spaces for Buddhist Monk and Nun housing - 1,198 square feet each). The site will have 161 on-site parking spaces. Concurrently with this application, an adjustment of the lot lines with this parcel and a neighboring parcel, from 2.38 acres to .58 acres, and 10.04 acres to 11.68 acres will be processed.

Based upon the Initial Study, dated **February 14, 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 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: Sean D. Purciel, Associate Planner

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

**EXHIBIT F –
ENVIRONMENTAL
REVIEW REFERRALS**



SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS
PROJECT: USE PERMIT APPLICATION NO. 2007-27 - WAT CAMBODIAN (BUDDHIST) CHURCH

REFERRED TO:	PUBLIC HEARING NOTICE	RESPONDED		RESPONSE			MITIGATION MEASURES		Conditions		
		YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	No	
DATE: February 20, 2008											
AGRICULTURE COMMISSIONER	X		X								
AIRPORT LAND USE COMMISSION			X								
BUILDING PERMITS DIVISION	X		X								
CA DEPT OF FORESTRY			X								
CALTRANS DISTRICT 10	X	X	X		X						X
CENTRAL CALIF. INFO. CENTER - CSUS				X							
CITY OF MODESTO	X		X		X					X	
COMMUNITY SERVICES/SANITARY				X							
CORPS OF ENGINEERS				X							
COUNTY COUNSEL	X			X							
DEPARTMENT OF CONSERVATION				X							
ENVIRONMENTAL RESOURCES	X		X		X					X	
FIRE PROTECTION DIST: WOODLAND	X	X	X		X					X	
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X					X	
FISH & GAME	X	X		X							
HOSPITAL DISTRICT:											
IRRIGATION DISTRICT: MODESTO	X	X	X		X					X	
LAFCO	X			X							
MOSQUITO DISTRICT: EASTSIDE	X	X		X							
MOUNTAIN VALLEY EMERGENCY MEDICAL	X	X		X							
MUNICIPAL ADVISORY COUNCIL:											
PARKS & FACILITIES	X			X							
P.G. & E.	X	X		X							
PUBLIC WORKS	X		X		X					X	
PUBLIC WORKS - TRANSIT	X			X							
REDEVELOPMENT											
REGIONAL WATER QUALITY	X	X		X							
StanCOG	X	X		X							
SCHOOL DISTRICT 1: PARADISE	X	X		X							
SCHOOL DISTRICT 2: MODESTO	X	X		X							
SHERIFF	X			X							
STANISLAUS COUNTY FARM BUREAU	X	X		X							
STANISLAUS ERC	X		X		X						X
STATE CLEARINGHOUSE											
STATE LANDS BOARD											
SUPERVISORIAL DISTRICT 3: GROVER	X			X							
TELEPHONE COMPANY: AT&T	X	X		X							
TUOLUMNE RIVER PRESERVATION TRUST											
UNITED CEREBRAL PALSY	X	X		X							
US FISH & WILDLIFE	X	X		X							
US MILITARY 4 AGENCIES (SB 1462)											
VALLEY AIR DISTRICT	X	X		X							
WATER DISTRICT											
DEPT. OF WATER RESOURCES											



CHIEF EXECUTIVE OFFICE
Richard W. Robinson
Chief Executive Officer

Patricia Hill Thomas
Chief Operations Officer/
Assistant Executive Officer

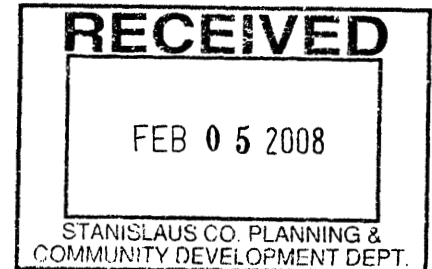
Monica Nino-Reid
Assistant Executive Officer

Stan Risen
Assistant Executive Officer

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

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

January 31, 2008



Sean Purciel, Associate Planner
Stanislaus County Planning Department
1010 10th Street, Suite 3400
Modesto, CA 95354

**SUBJECT: ENVIRONMENTAL REFERRAL – USE PERMIT APPLICATION NO. 2007-27,
LOT LINE ADJUSTMENT APPLICATION NO. 2007-49 – WAT CAMBODIAN
CHURCH**

Mr. Purciel:

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

The proposed use permit to build a new church building will not create a significant traffic impact to Stanislaus County roads. This Department recommends the following conditions of approval:

- All driveways and parking areas shall be paved and double striped per county standards.
- The applicant shall pay Public Facilities Fees prior to or at the time of building permit issuance as the applicant's fair share contribution to mitigate the traffic impact to area roads.
- All new driveway locations and widths shall be approved by this Department.
- Prior to the issuance of any building permit, the property owners shall sign a Road Easement document that will dedicate sufficient right-of-way to Stanislaus County to provide 30 feet east of the existing centerline of Grimes Road along the parcel's frontage. This excludes the remainder of the parcel at 1528 Grimes.
- The applicant shall make road frontage improvements along the entire parcel. This improvement shall include a 12' wide paved vehicle lane and a 4' wide paved asphalt shoulder. Improvement plans are to be submitted to this department for approval. The structural section and cross slopes shall meet Stanislaus County Public Works Standards and Specifications.

**ENVIRONMENTAL REFERRAL – USE PERMIT APPLICATION NO. 2007-27, LOT
LINE ADJUSTMENT APPLICATION NO. 2007-49 – WAT CAMBODIAN CHURCH
Page 2**

- All driveway locations and widths shall be approved by this Department.
- An Encroachment Permit must be obtained for any work in the right of way. All roadway improvements shall be complete and accepted by this Department prior to any building occupancy.
- No parking, no loading or unloading of vehicles shall be permitted within the right of way of Grimes Road. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted.
- A Grading and Drainage plan shall be approved prior to the issuance of any building permit that provides sufficient information to verify all runoff will be kept from going onto adjacent properties and into the County road right of way or on another parcel. 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 building.
- Project shall comply with current Fire Code requirements. All buildings constructed shall comply with on-site water for fire protection. 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. 2001 California Fire Code Section 902.
- All traffic signals installed and/or retrofitted due to proposed project shall be provided with signal preemption.
- This project will be subject to CEQA Fire Service Impact Mitigation Fees as adopted by the Woodland Avenue Fire Protection District and currently in place at the time of issuance of construction permits.
- No development shall occur without an approved fire department access and water for fire protection.
- All buildings 5,000 square feet and greater and/or containing five or more dwelling units shall be provided with an automatic fire sprinkler system.
- All cluster buildings (containing 3 or more structures off a single point of access including mobile/modular dwellings shall be provided with an automatic fire sprinkler system.
- Applicant shall determine, to the satisfaction of the Department of Environmental Resources (DER), that a site containing (or formerly containing) residences or farm buildings, or structures, has been fully investigated (via Phase I study and Phase II study if necessary) prior to the issuance of a grading permit. DER recommends research be conducted to determine if pesticides were used on the proposed development site; if confirmed, suspect site areas should be tested for organic pesticides and metals. 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.

**ENVIRONMENTAL REFERRAL – USE PERMIT APPLICATION NO. 2007-27, LOT
LINE ADJUSTMENT APPLICATION NO. 2007-49 – WAT CAMBODIAN CHURCH
Page 3**

- Applicant should contact the Department of Environmental Resources regarding appropriate permitting requirements for hazardous materials and/or wastes if there will be changes to existing business plan or generator programs. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to: (Calif. H&S, Division 20)
 - A. Permits for the underground storage of hazardous substances at a new or the modification of existing tank facilities.
 - B. Requirements for registering as a handler of hazardous materials in the County.
 - C. Submittal of hazardous materials Business Plans by handlers of materials in excess of 55 gallons or 500 pounds of a hazardous material or of 200 cubic feet of compressed gas.
 - D. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program that must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section 302.
 - E. Generators of hazardous waste must notify the Department of Environmental Resources relative to the: (1) quantities of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices.
 - F. Permits for the treatment of hazardous waste on-site will be required from the Hazardous Materials Division.
 - G. Medical waste generators must complete and submit a questionnaire to the Department of Environmental Resources for determination if they are regulated under the Medical Waste Management Act.
- Water Supply for the project is defined by State regulations as a public water system. Water system owner must submit plans for the water system construction or addition; and obtain approval from the Department of Environmental Resources, prior to construction. Prior to final approval of the project, the owner must apply for and obtain a Water Supply Permit from the Department of Environmental Resources. 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." Contact DER for the required submittal information.

At such time that the water well's water is consumed or washing hands by 25 or more persons, 60 days or more out of the year, the owner must obtain a public water supply permit from the Department of Environmental Resources. The water supply permit issuance is contingent upon the water system meeting construction standards and providing water, which is of acceptable quantity and quality.

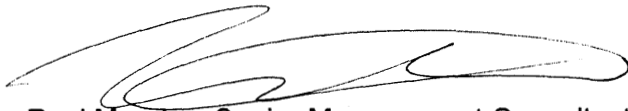
- Applicant must submit 3 sets of food facility construction plans to the Department of Environmental Resources for review and approval for compliance with the California Uniform Retail Food Facilities Law (Section 27550).
- On site wastewater disposal system (OSWDS) shall be by individual Primary and Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X.

**ENVIRONMENTAL REFERRAL – USE PERMIT APPLICATION NO. 2007-27, LOT
LINE ADJUSTMENT APPLICATION NO. 2007-49 – WAT CAMBODIAN CHURCH
Page 4**

- The engineered on site wastewater disposal system (OSWDS) design shall be designed for the maximum occupancy of the building
- The OSWDS designed system shall provide 100% expansion area. Any portion of the drainfield of the onsite wastewater installed under pavements is to be doubled.

The ERC appreciates the opportunity to comment on this project.

Sincerely,



Raul Mendez, Senior Management Consultant
Environmental Review Committee

cc: ERC Members



San Joaquin Valley

AIR POLLUTION CONTROL DISTRICT

March 26, 2008

Sean D. Purciel
Stanislaus County Planning Dept.
1010 10th Street, Suite 3400
Modesto, CA 95354

Project: Use Permit 2007-27, Lot Line Adjustment 2007-49 – Wat Cambodian Church
Subject: District Rule 9510: Indirect Source Review (ISR) applicability
District Reference No: 20080099

Dear Mr. Purciel:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and determined that the project may be subject to District Rule 9510 (Indirect Source Review). Rule 9510 requires applicants subject to the rule to provide information that enables the District to quantify construction, area and operational emissions, and potentially mitigate a portion of those emissions. An application must be filed with the District no later than concurrent with application with a local agency for the final discretionary approval.

For your convenience, a document is enclosed which addresses frequently asked questions regarding Indirect Source Review (ISR). This may be used as a reference to better understand ISR, and how the District processes applications. For additional information, please visit the District's ISR website: www.valleyair.org/isr/isrhome.htm

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call the District at (559) 230-6000 and ask to speak with the CEQA/ISR staff. When submitting an ISR application to the District, please include District reference number **20080099**.

Sincerely,

David Warner
Director of Permit Services

for Arnaud Marjollet
Permit Services Manager

cc: Ry Kea

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061
www.valleyair.org

Southern Region
2700 M Street, Suite 275
Bakersfield, CA 93301-2373
Tel: (661) 326-6900 FAX: (661) 326-6985



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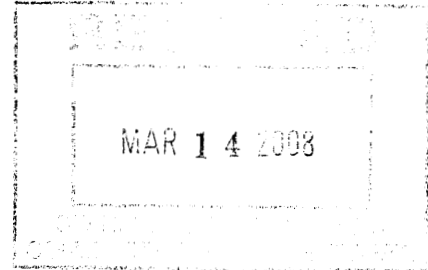
MAR 14 2008

STANISLAUS CO. PLANNING &
COMMUNITY DEVELOPMENT DEPT.

1231 Eleventh St.
P.O. Box 4060
Modesto, CA 95352
(209) 526-7373

March 12, 2008

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



**RE: Use Permit App No. 2007-27 & Lot Line Adjustment No. 2007-49
APN: 017-012-023 / WAT Cambodian Buddhist Church**

Thank you for allowing the District to comment on this referral. Following are the recommendations from our Risk & Property, Electrical, Irrigation and Domestic Water Divisions:

Irrigation

- In Section VIII. Hydrology and Water Quality of the Initial Study Checklist there is discussion of the possibility of the applicant discharging storm drainage water into MID Lateral No. 5 at the north end of the applicant's property. MID only enters into storm drainage agreements with public agencies. In this case Stanislaus County.
- MID is moving to a regional storm water discharge approach where large basins collect water from a broader area and discharge from a single point rather than multiple small basins serving smaller acreages. For MID to consider receiving discharge water from the applicant's property it would have to be part of a broader regional plan.
- Additionally, as noted in our January 22, 2008 correspondence:
- There is an existing private, un-reinforced concrete irrigation pipeline the runs north to south through the middle of the applicant's property. This pipeline must be replaced and/or relocated to MID standards and a 10' irrigation easement is required to protect downstream irrigators.
- A six-foot masonry wall is required adjacent to the MID Lateral No. 5 right-of-way.

Domestic Water

- No comments at this time.

Electrical

- Please refer to M.I.D.'s previous response provided on Jan. 17, 2008, for location of M.I.D.'s existing electric facilities and comments, which include:
- The attached drawings are marked showing the approximate location of the District's existing electrical facilities.
- In conjunction with related site improvement requirements, existing overhead 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.
- A 30' MID easement is required centered on the 12kv overhead lines crossing the parcel in order to protect the existing overhead electrical facilities and maintain necessary safety clearances.
- Relocation or Installation of electric facilities shall conform to the District's Electric Service Rules.
- Costs for relocation and/or undergrounding the District's facilities at the request of others will be borne by the requesting party. Estimates for relocating or undergrounding existing facilities will be supplied upon request.
- A 10' PUE is required along the Grimes Avenue street frontage.
- A 5' MID easement is required centered on the existing overhead secondary lines that serve the property at 1528 Grimes Avenue. The easements are required in order to protect the existing overhead lines and maintain necessary safety clearances.
- Electric service to the proposed buildings is not available at this time. The customer should contact the District's Electric Engineering Department to coordinate electric service requirements. Additional easements may be required with the development of this parcel.

The Modesto Irrigation District reserves its future rights 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, crossarms, wires, cables, braces, insulators, transformers, service lines, open channels, pipelines, control structures and any necessary appurtenances, as may, in District's opinion, be necessary or desirable.

If you have any questions, please contact me at 526-7433.

Sincerely,



Celia Aceves
Risk & Property Analyst

Copy: File



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

PROJECT TITLE: ENVIRONMENTAL REFERRAL – USE PERMIT APPLICATION NO. 2007-27, LOT LINE ADJUSTMENT APPLICATION NO. 2007-49 – WAT CAMBODIAN CHURCH

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

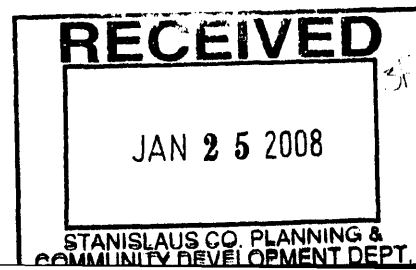
X See comments below.

1. Water supply for the project is defined by 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, prior to construction. Prior to final approval of the project, the owner must apply for and obtain a Water Supply Permit from this Department. " The Water Supply Permit Application must include a technical report, prepared by a qualified professional engineer, that demonstrates compliance with State regulations and include the technical, managerial and financial capabilities of the owner to operate a public water system."

Contact DER for the required submittal information.

At such time that the water well's water is consumed or washing hands by 25 or more persons, 60 days or more out of the year, or there is 5 or more service connections. The owner must obtain a public water supply permit from the Department of Environmental Resources. The water supply permit issuance is contingent upon the water system meeting construction standards, and providing water, which is of acceptable quantity and quality.

2. 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 Facilities Law (Section 27550).



ENVIRONMENTAL REFERRAL – USE PERMIT APPLICATION NO. 2007-27, LOT
LINE ADJUSTMENT APPLICATION NO. 2007-49 – WAT CAMBODIAN CHURCH

January 23, 2008

Page 2

3. On-site wastewater disposal system (OSWDS) shall be by individual Primary and Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X.

The engineered on site wastewater disposal system (OSWDS) design shall be designed for the maximum occupancy of an office building.

The OSWDS designed system shall provide 100% expansion area. The Engineered onsite wastewater disposal system (OSWDS) shall be designed for maximum occupancy of a building and total fixture unit proposed within the building.

Response prepared by:



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

DATE: 1/23/08

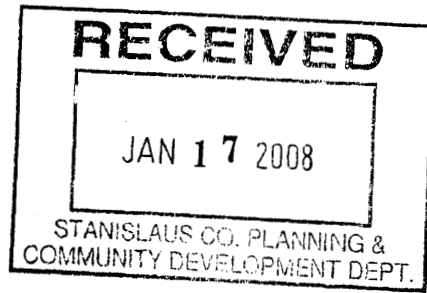
cc: CEO'S OFFICE- Raul Mendez




DEPARTMENT OF PUBLIC WORKS

Matt Machado, PE
Director

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



January 17, 2008

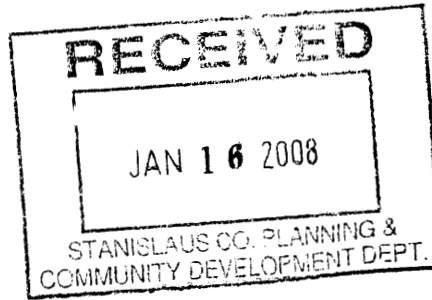
MEMO TO: Sean Purciel, Associate Planner, Department of Planning and Community Development
FROM:  Angie Halverson, Senior Land Development Coordinator
SUBJECT: Use Permit Application No. 2007-27 – WAT Cambodian Church

The proposed use permit to build a new church building will not create a significant traffic impact to Stanislaus County roads. This Department recommends the following conditions of approval:

1. All driveways and parking areas shall be paved and double striped per county standards.
2. The applicant shall pay Public Facilities Fees prior to or at the time of building permit issuance as the applicant's fair share contribution to mitigate the traffic impact to area roads.
3. All new driveway locations and widths shall be approved by this Department.
4. Prior to the issuance of any building permit, the property owners shall sign a Road Easement document that will dedicate sufficient right-of-way to Stanislaus County to provide 30 feet east of the existing centerline of Grimes Road along the parcel's frontage. This excludes the remainder of the parcel at 1528 Grimes.
5. The applicant shall make road frontage improvements along the entire parcel. This improvement shall include a 12' wide paved vehicle lane and a 4' wide paved asphalt shoulder. Improvement plans are to be submitted to this department for approval. The structural section and cross slopes shall meet Stanislaus County Public Works Standards and Specifications.
6. All driveway locations and widths shall be approved by this Department.
7. An Encroachment Permit must be obtained for any work in the right of way. All roadway improvements shall be complete and accepted by this Department prior to any building occupancy.
8. No parking, no loading or unloading of vehicles shall be permitted within the right of way of Grimes Road. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted.

9. A Grading and Drainage plan shall be approved prior to the issuance of any building permit that provides sufficient information to verify all runoff will be kept from going onto adjacent properties and into the County road right of way or on another parcel. 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 building.

If you have any questions concerning the above recommended conditions, please contact me as soon as possible



OFFICE OF FIRE WARDEN
FIRE PREVENTION BUREAU

Gary Hinshaw
Fire Warden

Ray Jackson
Deputy Fire Warden

Kenneth Slamon
Fire Marshal

3705 Oakdale Road, Modesto, CA 95357

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

DATE: January 15, 2008
ADDRESS: 1538 Grimes Avenue
LOCATION: 017-012-023
PROJECT #: Use Permit 2007-27 & Lot Line Adjustment 2007-49
APPLICANT: WAT Cambodian Buddhist Society

Fire Prevention Bureau Comments:

The proposed project does not pose a significant impact on fire services, However the following items must be met.

- Project shall comply with current Fire Code requirements. All buildings constructed shall comply with on-site water for fire protection. 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.
- All traffic signals installed and/or retrofitted due to proposed project shall be provided with signal preemption.
- This project will be subject to CEQA Fire Service Impact Mitigation Fees as adopted by the Woodland Avenue Fire Protection District and currently in place at the time of issuance of construction permits.
- No development shall occur without an approved fire department access and water for fire protection.
- All buildings 5,000 square feet and greater and/or containing five or more dwelling units shall be provided with an automatic fire sprinkler system.
- All cluster buildings (containing 3 or more structures off a single point of access including mobile/modular dwellings shall be provided with an automatic fire sprinkler system.

**Kenneth Slamon
Fire Marshal**

Woodland Avenue Fire Protection District



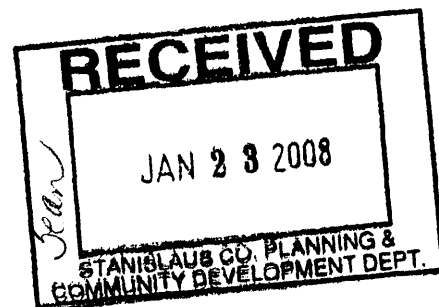
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JAN 23 2008

1231 Eleventh St.
P.O. Box 4060
Modesto, CA 95352
(209) 526-7373

January 22, 2008

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



**RE: Use Permit App No 2007-27 / Lot Line Adjustment
WAT Cambodian Church
APN: 017-012-023**

Thank you for allowing the District to comment on this referral. Following are the recommendations from our Risk & Property, Electrical, Irrigation and Domestic Water Divisions:

Irrigation

- There is an existing private, un-reinforced concrete irrigation pipeline the runs north to south through the middle of the applicant's property. This pipeline must be replaced and/or relocated to MID standards and a 10' irrigation easement is required to protect downstream irrigators.
- A six-foot masonry wall is required adjacent to the MID Lateral No. 5 right-of-way.

Domestic Water/Risk & Property

- No comments at this time.

Electrical

- The attached drawings are marked showing the approximate location of the District's existing electrical facilities.
- In conjunction with related site improvement requirements, existing overhead 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.
- A 30' MID easement is required centered on the 12kv overhead lines crossing the parcel in order to protect the existing overhead electrical facilities and maintain necessary safety clearances.
- Relocation or Installation of electric facilities shall conform to the District's Electric Service Rules.

- Costs for relocation and/or undergrounding the District's facilities at the request of others will be borne by the requesting party. Estimates for relocating or undergrounding existing facilities will be supplied upon request.
- A 10' PUE is required along the Grimes Avenue street frontage.
- A 5' MID easement is required centered on the existing overhead secondary lines that serve the property at 1528 Grimes Avenue. The easements are required in order to protect the existing overhead lines and maintain necessary safety clearances.
- Electric service to the proposed buildings is not available at this time. The customer should contact the District's Electric Engineering Department to coordinate electric service requirements. Additional easements may be required with the development of this parcel.

The Modesto Irrigation District reserves its future rights 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, crossarms, wires, cables, braces, insulators, transformers, service lines, open channels, pipelines, control structures and any necessary appurtenances, as may, in District's opinion, be necessary or desirable.

If you have any questions, please contact me at 526-7433.

Sincerely,



Celia Aceves
Risk & Property Analyst

Copy: Ron West & Associates
25 North El Circulo
Patterson, CA 95363

File



*Community and
Economic
Development*

*Planning
Division*

*P.O. Box 642
1010 Tenth Street
Third Floor
Modesto, CA 95353
209/577-5267
209/491-5798 Fax*

www.modestogov.com

*Hearing and Speech
Impaired Only
TDD 209/526-9211*

January 31, 2008

Sean Purciel
Stanislaus County Planning
1010 Tenth Street, Suite 3400
Modesto, CA 95354

Re: Use Permit Application No. 2007-27 and Lot-Line Application No. 2007-49 for APN No. 017-012-023: submitted by WAT Cambodian Buddhist Society, Inc, c/o Ry Kea

Dear Mr. Purciel,

This letter is in response to the Referral/Early Consultation submitted by Stanislaus County for the application listed above, proposal to place a Cambodian Buddhist church complex on a ten-acre agricultural parcel. The proposal includes a single-story church building of 5,625 square feet and eighty feet of height, a single-story meditation hall of 10,552 square feet and 93 feet of height, two residences, two classrooms, a "typical model" Cambodian home with no sewer or water connections, storage outbuildings, and 161 on-site parking spaces.

The site is located in an unincorporated area within the City's Sphere of Influence and is within the Paradise-Carpenter Comprehensive Planning District. The site is designated as VR "Village Residential" in the City's General Plan. The proposed use is consistent with that designation.

The proposal was referred to the City's Public Works, Fire Prevention, Traffic Engineering, and Police Departments for comment. The comments received are outlined as follows:

Public Works, Development Services, Current Facilities Planning (David Eshoo, 577-5253)

- The submittal should show all proposed municipal utilities and connections. Water in this case. This is a condition of approval.
- This project has been given approval for City of Modesto water service through a Water Will-Serve Letter. The Will-Serve Letter is for a single domestic water service connection only from the Grimes Avenue City water main. Per discussion with the applicant during the Will-Serve process, the applicant intends to provide an alternative water source other than City water for fire flow and irrigation needs.
- The City is not providing sewer service. Septic locations are indicated in the Referral documents.
- Storm Drainage needs will be handled on site.

Public Works, Development Services, Stormwater (David Eshoo, 577-5253)

- Developer shall obtain coverage for project under the General Construction Activity Storm Water Permit (General Permit) issued by the State Water Resources Control Board (SWRCB). To obtain coverage under the General Permit, a Notice of Intent (NOI) shall be filed with the SWRCB. Obtain WDID number from SWRCB prior to beginning any work at construction site. The

General Construction Permit requires the Developer to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) for project. Keep one copy of SWPPP on the construction site at all times.

- Trash enclosures for project shall be elevated to prevent stormwater run-on and graded to drain into adjacent landscape areas.
- Trash enclosures shall comply with the provisions of Public Resources Code section 42911, to include adequate, accessible and convenient areas for the collection and loading of recyclable materials.
- Developer shall provide permanent, post-construction treatment (grass swale, vegetative strip, or other approved proprietary device) to remove pollutants from the first 1/2-inch of stormwater run-off from site.

Public Works Staff has also recommended that the applicant conduct a survey of water demands for the project as proposed. If it is determined that more connections are needed, the applicant will need to attain a new Will-Serve Letter. Public Works will allow the current Will-Serve Letter to be used for potable water needs only, not for fire or irrigation purposes.

Public Works, Traffic Engineering (Helen Wang, 571-5190)

- Grimes Avenue and the east boundary of this project falls on the 1/4-mile interval of collector streets grade. The right of way for these streets is typically 64-feet for a business park. This project shall dedicate the street right of way on Grimes Avenue, and along the eastern boundary of the project, per City of Modesto Part-Width Street Section (Detail No. 324).
- The project should install the new local street along its southern boundary per City of Modesto Part-Width Street Section (Detail No. 324).
- The project should install street improvements at the intersection of Grimes Avenue and the proposed new road.
- Reciprocal accesses shall be required between this property and the one to the east to allow access for future development to the east of this property.

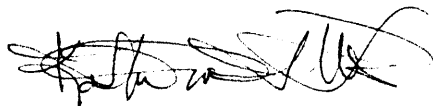
Fire Prevention (Paul Easter, 571-5553)

- Hydrant spacing and distribution for this zone is 300-feet O.C., not to exceed 150-feet on a street frontage from a hydrant. Please show all existing and proposed fire hydrants.
- Sprinkler system(s) will be required for all buildings exceeding 5,000 square feet under one roof.
- Fire Department Connections (FDC) to automatic fire sprinkler systems shall be accessible and within 90-feet of a fire hydrant.
- Fire Department access roads are to have 20-foot width of unobstructed all-weather drivable surface that will support the weight of a 30-ton fire apparatus.
- Dead-end access roads in excess of 150-feet are to terminate in approved Fire Department turn-arounds.
- Turning radii of fire department access roads are to be 25-feet inside and 45-feet outside.

The City of Modesto Police Department indicated no comments pertaining to the project.

Thank you for the opportunity to comment on this project. If you have any questions concerning these comments, please contact me at (209) 577-5465 or the other staff members noted above.

Sincerely,

A handwritten signature in black ink, appearing to read "Katharine Martin", with a large, stylized flourish at the end.

Katharine Martin, Assistant Planner

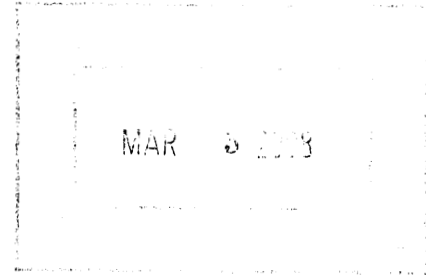
Cc: Patrick Kelly, Planning Division Manager
Steve Mitchell, Principal Planner



MODESTO CITY SCHOOLS

Planning and Research
(209) 576-4032/Fax 576-4879

426 Locust Street, Modesto, CA 95351
Email: mcgarry.d@monet.k12.ca.us



February 26, 2008

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

**RE: USE PERMIT APPLICATION NO. 2007-27 – LOT LINE ADJUSTMENT
APPLICATION NO. 2007-49 – WAT CAMBODIAN (BUDDHIST) CHURCH**

Dear Sirs:

Modesto High School District has no objection to the above referenced Use Permit Application to place a Cambodian Buddhist church on a 10-acre parcel.

The appropriate school impact fees will be assessed on any construction.

If you have any questions or need additional information, please contact me at 576-4032.

Sincerely,

Dana McGarry, Director
Planning and Research

DM/lr

103

**EXHIBIT G –
NEIGHBORHOOD
PETITION/LETTERS**



SUMMARY OF CITIZEN COMMENTS BULLET POINTS

- Compatibility with the area; height of structures, excessive buildings, no others structures in the area like it, aesthetics; Mobile home incompatibility, home exhibit and public exhibition opposition; Access; Roadway size; Road Infrastructure; Access hazardous, Undesirable Traffic, Safety, Protected Species; View shed
- Height of structures; Aesthetics and urbanization; Roadway size, Undesirable Traffic, Temple Events, Quality of life
- Application Notification; View-shed; Aesthetics; Property Value; Access; No Sewer; Fire and Water; Not Residential and housing; Mobil Homes; Roadway size; Undesirable Traffic; Special Events; Safety and Roadway Infrastructure; On-street Parking; Crime; Fire and Paramedic staffing; Fire Safety
- Compatibility with the area; Roadway size; Undesirable Traffic; Roadway Safety; Parking
- Property Value; Undesirable Traffic; Compatibility with the area
- Building Opposition; Undesirable Traffic
- Undesirable Traffic; Debris; Compatibility with the area
- Compatibility with the area; Building Height, View-shed; Undesirable Traffic; Access; Aesthetics
- Water; Building Height; Undesirable Traffic; Driver's Safety; Public Vehicles and Emergency Vehicular Safety; Parking; Pests and Rodents; Irrigation Line Access; Property Values
- Undesirable Traffic; Access; Dust and Privacy; Crime; Safety; Noise; Building Height
- Undesirable Traffic; Traffic Safety; Events; Building height; Safety; Quality of Life; Compatibility with the area; Orchard Spraying; Crime; Application Notification
- Compatibility with the area; Height of structures; Hazard to crop dusting; Undesirable Traffic; Aesthetics; Property Values

Citizen Response and Form Letter Campaign

January 19, 2008

WAT Cambodian Buddhist Society, Inc. – Use Permit Application

The following signature log is a response to the proposed church located on 1538 Grimes Avenue, Modesto, CA. The list of signatures are neighbors who oppose the proposal. There are eight people on the list who wrote letters in opposition to the project, and 71 form letters submitted for the Planning Commission.

Signature Log WAT Cambodian letters

Name	Address	Phone	Type		
Atherstone, Jim & Pam	828 Grimes	521-5096	letter	JFA828@peoplepc.com	
Leach, Glen & Peggy	1513 Grimes	526-3527	letter		
Adams, Wes	1721 Grimes	523-0192	letter		
Bosio, Gina	2414 California	988-4165	letter		
Bosio, Angie S.	907 Ohio		letter		
Bosio, Richard J	2236 California		letter		
Powell, Norvin & Kathlee	1565 Grimes		letter		
Fern, Wendy & Ron	1505 Grimes		letter		
Adams, Wes	1721 Grimes		form		
Buran, Joseph L.	1724 Grimes		form		
Buran, Rose	1724 Grimes		form		
Byrd, Alvin	1701 Grimes		form		
Byrd, Stephanie	1701 Grimes		form		
Ebster, Shelly	1521 Grimes		form		
Ebster, Robert	1521 Grimes		form		
Culberson, Teri	1713 Grimes		form		
Powell, Norvin	1565 Grimes		form		
Stephenson, Daniel	1557 Grimes		form		
Richmond, Ernest	1609 1/2 Grimes		form		
Young, Chris & Evelyn	1419 Grimes		form		
Wray, Ruth	1533 Grimes		form		
Mendoza, Maria	1333 Grimes		form		
Rios, Ricky	1649 Grimes		form		
Yturiaga-Stanton, Tamara	1645 Grimes		form		
Stanton, James E.	1645 Grimes		form		
McCay, David	1644 Grimes		form		
Mello, Shiela & Clarence	1306 Pauline		form		
Wise, Eric	1260 Pauline		form		
Horne, Kent	2626 Michigan		form		
Horne, Martha J	2626 Michigan		form		
Wise, Kevin	2616 Michigan		form		
Wise, Dain (?)	2616 Michigan		form		
Van Nes, Pete	3326 Paradise		form		
Moore, Stan	1201 Pauline		form		
Brazil (?), Luis C	1100 Pauline		form		
Melson, Marvin	1124 Pauline		form		

Yoppini, Janice & Leo	1430 Pauline			form		
Mendoza, Bob & Nila	2730 California			form		
Chiswell, Kristin	906 Grimes			form		
Myers, Keith & Alwilda	906 Grimes			form		
Vestle, Mildred	1030 Grimes			form		
Cavazos, Henry & Diana	1012 Grimes			form		
Moreno, Judith	928 Grimes			form		
Kromer, Darla A.	2612 Paradise			form		
Kromer, Timothy M.	2612 Paradise			form		
Turner, Leisa	955 Pauline		578-4604	form		
Arule, Elizabeth	937 Pauline			form		
Rodriguez, David & Lydia	1348 Pauline			form		
Chebotareshich, Victor & Jean	619 Pauline			form		
Yoppini, Kari & Shaun	601 Pauline			form		
Fenus, Cindy & James	1242 Pauline			form		
Wilson, John A	2524 California			form		
Wilson, Eric	2524 California			form		
Wilson, Elena	2524 California			form		
Wilson, John L.	2524 California			form		
Wilson, Margie	2524 California			form		
LaCoste, Randy & Karen	631 Grimes			form		
Peterson, Inez & Richard	513 Grimes			form		
Harris, Otis	1525 Grimes			form		
Baker, Elizabeth	1525 Grimes			form		
Harris, Carl R.	1525 Grimes			form		
Harris, Mimi	1525 Grimes			form		
Eaton, Robert & Diana	1507 Grimes			form		
Saavedra, Manuel	1809 Grimes			form		
Evartt, Theresa	1809 Grimes			form		
Evartt, Tommy	1809 Grimes			form		
Peek, Nina	1509 Grimes			form		
Peek, Gerald	1509 Grimes			form		
Autrand, Louise	1837 Grimes			form		
Autrand, Albert	1837 Grimes			form		
ZAIGER, Vichur	1907 ELM			form		
ZAIGER, GARY	1907 ELM			form		
GARDNER, KEITH	1207 GRIMES			form		
Total number of signature	78 (79)					

ZAIGER, Floyd	929 GRIMES	form
ZAIGER, BETTY	929 GRIMES	form
GARDNER, Ralph	1207 GRIMES	form
ZAIGER, GERRY	1219 GRIMES	form
ZAIGER, KAREN	1219 GRIMES	form
GARDNER, MURRAY	1219 GRIMES	form
	929 GRIMES	form

Stanislaus Co. Planning & Community Dev.
 1010 10th St. Ste. 3400
 Modesto, Ca. 95354

To Whom it May Concern:

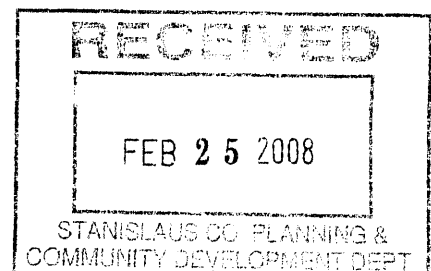
Regarding the parcel located north of my property which is located at 1542 Grimes, Modesto, Ca. My parcel # is RFPD 017-013-028. The property in question is the new church that is in the process of being built north of my property.

The concerns I have are the driveway & fence. Because they are on the north side & the wind blows to the south east could be an issue for me. I would like it to be paved to eliminate a future problem of dust no matter how good a Rock Base Road is supposed to be taken care of.

The fence to eliminate the sound of a lot of cars coming & going is very noisy & everyone knows a Masonry fence is the best way to control the noise.

I would like to see a Paved Road & a Masonry Fence along my property if a building permit is to be issued.

Sherry Hooper
 149 Bonita Circle
 Modesto, Ca. 95354
 (209) 523-6352



>>> <Phoebemaybury@aol.com> 1/23/08 2:54 pm >>>

from:

Cheryl Christiansen
1736 California Avenue
Modesto, CA 95358
(209)524-3965

emailhome: phoebemaybury@aol.com (<mailto:phoebemaybury@aol.com>)

email work: cchristiansen@csustan.edu (<mailto:cchristiansen@csustan.edu>)

Request acknowledgement of receipt of this message.

I strongly oppose approval of this use permit.

While I DO strongly support the Constitutional guarantees of separation of church and state, and freedom of religion, I cannot condone the placement of such a large public project at the Grimes Avenue location:

1. LACK OF CONFORMITY AND HARMONY WITH SURROUNDINGS; INCOMPATIBILITY:

Nothing like this project has ever been placed in a location similar to the Grimes Avenue location. No other buildings of such size exist in this area. The vast majority of buildings on Grimes Avenue are single-family dwellings and are one-story buildings. Because the area is zoned A2-10, the use permit, if granted, would condone the breaking up of the parcel thus zoned into what amounts to lots of various sizes, ranging from small home lots to a large parking lot. The height of the proposed worship hall is "80 feet tall at its peak"--far taller than any other building on Grimes Avenue. The meditation hall "...will be 93 feet high at its peak...." Idiomatically speaking, these buildings will "stick out [or up] like sore thumbs." They will over-tower and overpower the surrounding landscape for miles. The size and height of these buildings, in addition to the hodgepodge collection of other proposed dwellings (two mobile homes, small separate houses, et al) is an inexcusable intrusion into the neighborhood.

2. INEQUITY RE APPLICATION FOR PERMITS FOR MOBILE HOMES: The time period required for such an application process is long and regulations attached to approval are very strict indeed. Yet the WAT Society wishes to include (as I read the materials available) four mobile homes--two for a school (see below) and two for "permanent living space" for monks and nuns. It has been my understanding, when applications for mobile home placement on an A2-10 parcel are made, that only one mobile home may be considered, and that mobile home must be used for family (the so-called "mother-in-law" clause). In any case, I again refer you to the disparate and unaesthetic collection of buildings proposed for this project. Please note the two sheds, and in particular, the "Typical Cambodian Home Exhibit."

3. While I admire and respect the Society's desire to educate the public at least in one way (I refer you again to the "Typical Cambodian Home Exhibit") re their culture, such an "exhibit" (the term used by the Society to describe one of its many buildings) is obviously for public exhibition. No member of the WAT Society would need to view a "typical Cambodian home." How will the public be encouraged to visit? When? How often? And indeed, for what purpose? Is this "typical Cambodian home" typical of homes in Cambodia? Or is it typical of the homes in which American Cambodians live throughout the United States? My family was informed (many years ago, to be sure) by the County Planner that our barn (!) could not be used for "public exhibitions or events."

4. "SELECT" TREATMENT: The "typical Cambodian home exhibit" raises worrisome questions, most of which have to do with the setting of unfortunate and divisive precedents. What would the response of the Planning Commission be if the large Portuguese community in our area wished to construct a "typical Portuguese home"? Consider the possibility of the desire of a request from our enormous Mexican-American population to build a "typical Mexican home." How about a "typical Scandinavian home"? Please realize that I ask these questions not at all in objection to the freedom to worship the religion of one's choice. But as we strive to accommodate and celebrate diversity, we cannot at the same time, take any actions that might create disharmony and discord, or bring

about charges of unequal treatment. Our community already suffers from complaints from many ethnic communities regarding unequal treatment under the law and by government officials and law enforcement; complaints of favoritism of one ethnic community over another are also frequent. What is made available to one must be made available to all, and no one ethnicity can be selected for "special attention" of either a negative or positive sort. I would not be allowed to offer privileges to students of one ethnicity for any reason or at any time. Like all public school teachers, I operate in a diverse but equal classroom.

Soon after the creation of the State of Israel, David Ben-Gurion was asked how one would identify or define a Jew--an Israeli. Ben Gurion replied: "Anyone crazy enough to want to be a Jew is a Jew." I would argue that anyone who has established residence in the United States of American is an American. And our American Democracy is messy: it requires the greatest of efforts, and it demands that the diverse elements who partake in and of the Union participate as equals--one individual, one vote. All rights and privileges extended to one American must be extended to all.

5. ACCESS: The only access to the proposed site is from Maze Blvd. (Hwy 132 west), California Avenue from Carpenter Road, or Paradise Road from H Street or from Carpenter Road.

a) Grimes Avenue itself is a narrow, two-lane country road without consistent shoulder work and without sidewalks or on-street parking. It cannot handle much traffic (and has never had to do so).

b) Access to Grimes Avenue via Maze Blvd can only be described at best as extremely hazardous. I invite anyone who does not make regular use of the connection between Grimes and Maze to attempt to do so, from west or east. I can assure you that anyone not extremely familiar with that turnoff will miss it altogether or end up in an orchard. In addition, one of the most accident-ridden corners in this area, the turnoff from Rosemore Avenue onto Maze, is "next door" to the Grimes Avenue turnoff. Surely the planners remember the problems re access discussed when an almond hulling operation was planned for that area.

c) California Avenue, like Grimes and Ohio and Pauline Avenues, and so many others in this neighborhood, is unsuitable for heavy traffic. The road edges are crumbling, the shoulder is several inches below the road surface, and because the stretch of California Avenue leading west off Carpenter Road and dead-ending at Grimes is a straight stretch of country road, it is already used by street racers. My neighbors and I have called law enforcement many times, but without license plate numbers no arrests are possible; the street racers shoot by here once or twice a night, then move on to another similar country road.

d) Access from Paradise Road: the Grimes Avenue turn off from Paradise Road reveals the narrowest part of Grimes Avenue, and takes traffic past the most heavily populated (south portion) of Grimes Avenue. Additional traffic may endanger residents, their children, and their property. Again, access to Grimes Avenue, as from Maze Blvd., requires the slowest of driving speeds and the greatest possible caution. Also, as the sun sets, the sun blazes into the windshields of vehicles heading west out of town on Paradise Road, constituting yet another traffic hazard.

6. SAFETY: As a fifty-year resident of Modesto (and my current home), I am pained by many changes in the area. We have come (or gone) a long way from "dragging Tenth." Anyone who makes regular visits (for example, mail carrier, police patrol, Mosquito Abatement) will let you in on a rather public "secret": the southern portion of Grimes Avenue is one of Modesto's many "compact" meth centers. Chainlink fences and pit bulls protect such residences. The small store on the northwest corner of Grimes and Paradise is, shall we say, a pretty scary place---especially after dark. The utmost in protection would have to be obtained by and provided for a large complex of public buildings (and for school children).

8. SEPARATION OF CHURCH AND STATE AND MULTIPLE USE PERMITS: I am confused by the WAT Society's plans. There is, by law, a clear difference between a social organization and a recognized place of worship; there is also clearly a great difference in purpose between providing living quarters for nuns and priests, and building and showing off to the public a "typical Cambodian

home." I can only assume that the use permit is so broad in scope that it covers a school, residences, mobile homes, a worship center, and so on and so on. The scope of the use permit alone is enough to strike neighbors with dread--not only for the present, but for the future (see "precedent," above). I am familiar with a few other use permits granted in this area. For example, many years ago, my former neighbor Earl Bates applied for a use permit for a wholesale nursery. The permit was granted. But no buildings were constructed (or could be), no public parking lot was provided (or could be), no "showrooms" or exhibits were offered (nor could they be). The use permit "permitted" neat rows of trees and shrubs. That's it. The potential quagmire associated with a MANIFOLD, MULTIPURPOSE AND PROLIFERATING use permit is truly frightening and MUST be avoided at all times and for all cases.

9. PROTECTED SPECIES: I assume the Planning Commission has demanded the required research and paper work needed to ensure that the land in question harbors no protected species of any kind--just as it would for any other type of construction (particularly of public buildings). The Eastside Mosquito Abatement maintains records of protected species for the purpose of regulating type and frequency of mosquito control. I would guess that the Grimes Avenue location might harbor a number of such species.

9. OTHER OPTIONS: The northeast corner of Carpenter and Paradise Roads has been purchased or leased for many years now as a strawberry field. It seems to me that such a location would be perfect for the multiple uses the WAT Society has in mind. It is not far from the current Temple and must therefore be readily accessible by Society members. It is also located among other public-use sites and would not infringe on agricultural-zoned land and would not become an offensive and unwanted intruder into a small rural area.

Thank you for your thorough consideration of this response.

(signed) Cheryl Christiansen
Cheryl Christiansen

Stam Runcil
 Stanislaus County Planning
 Community Development
 1010 10th Street, Suite 3400
 Modesto, CA 95354

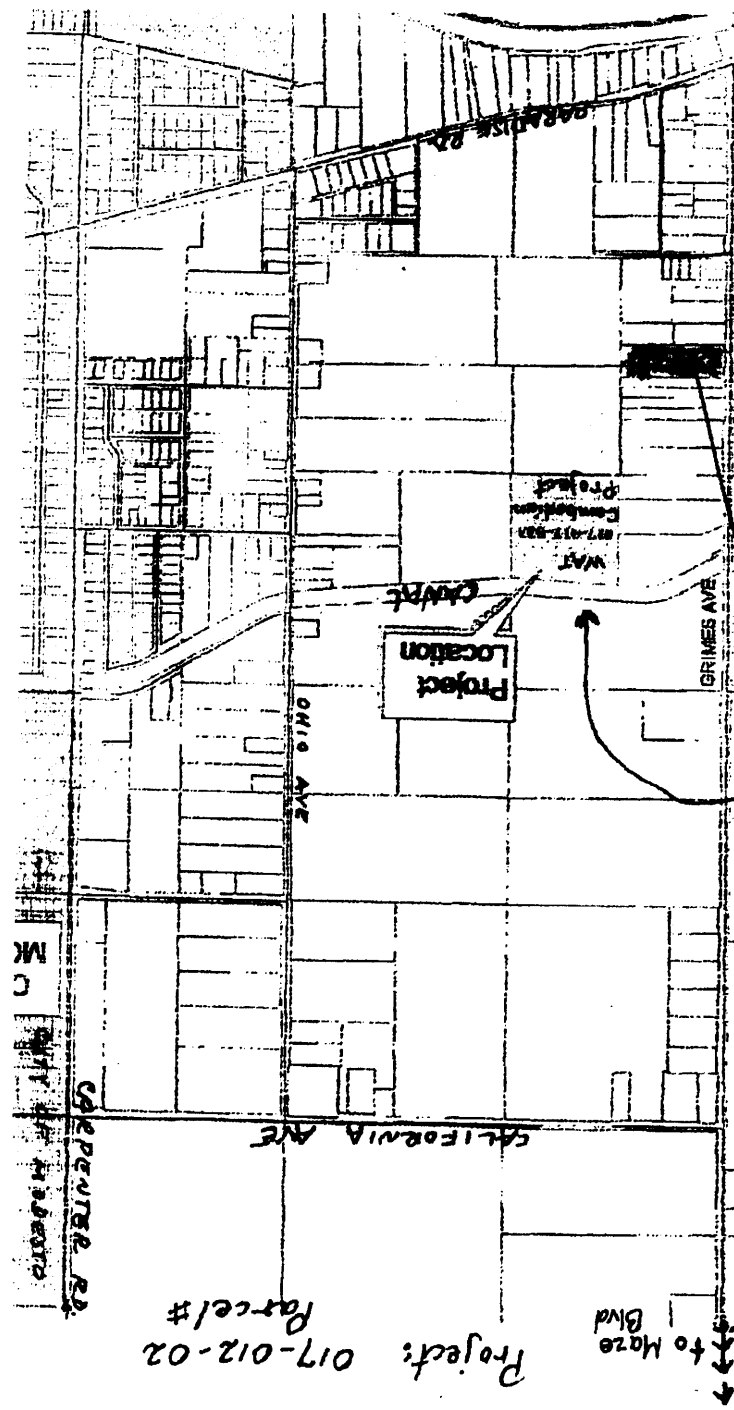
To whom it may concern:

As the owner of properties
 at 1610 & 1620 Sumner Ave, I

would like to protect the
 construction of an 80 ft.
 tall building and a 93 ft.
 tall building at 1538 Sumner
 Ave. Our home is built on the
 eastern portion of the property

Sumner Ave properties. The
 back patio faces N/E to
 beautiful pasture, orchard
 and crop land.

But, if these very tall,
 city-like structures are
 erected fewer than 100 ft
 from our home, it will
 do more than mar the
 natural beauty. It will
 introduce the problems
 of an industrialized locality
 into an area of prime
 architecture and light
 agriculture.



I am also concerned about how a narrow country
 road, such as Sumner Ave, will be able to handle
 the extra traffic generated by such a big project. An
 enterprise involving this many buildings and people
 should be accessed from a road way more suitable
 for increased activities. This will be even more
 of a problem during the 2 times a year temple
 events that involve many out of town visitors.
 For preserving the rural quality of life for Sumner
 Avenue citizens: Thank you.
 Phillip William
 1610 Sumner Ave
 Modesto, CA 95354

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008

RE: WAT Cambodian Church Plans for 1538 Grimes

Recently we were made aware of plans to develop existing farm land into a use which is not compatible with its present use and that of the surrounding area. Presently this property and those around it have been used to grow corn and hay and surrounded by almond orchards and small ranchettes with pastures.

The plan for the development and building of this area is not compatible with the existing rural atmosphere, especially with buildings of the magnitude which are proposed. Buildings that reach 93 feet and 80 feet tall does not produce a country setting which is desired by those who have tried hard to maintain the country living life style. Not only would the skyline be unappealing to look at, but would cause a hazard for the crop dusters who spray the fields and orchards.

The planned use of this property would also add too much traffic to a small road which already has too much traffic from the commuters looking for shortcuts, the speed limit is 35 MPH in this area with many speeding over 50 MPH, the added traffic for a church and a school would bring unbearable traffic situations for this small country road.

The Modesto Bee reported in an article on 03/19/2006 this church presently had over 450 members and said it was not uncommon for Cambodian- Americans from outside of Modesto to converge on the temple for marriages and funerals or other celebrations. The single access for this property is on Grimes Avenue, which would mean congestion from 100 and more cars converging to the only exit and access to the temple. The plan for a church of this magnitude needs to be in an area that can handle the traffic with multiple entrances, exits and more lanes of traffic than to dump all that traffic on to one single country road.

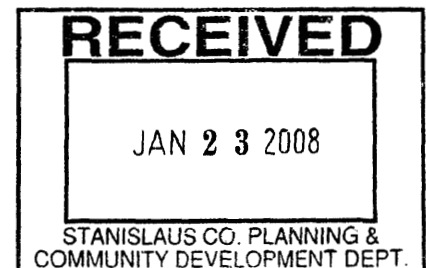
I believe this is a classic example of wasting valuable rural farmland. It is difficult to believe there are not more suitable locations in the Modesto area for a project of this magnitude.

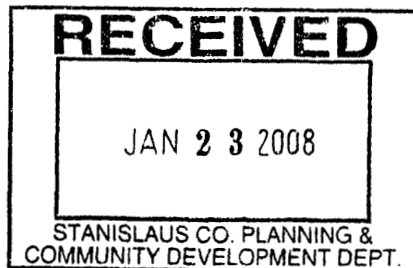
Other temple sites in California, such as in Stockton, have rather ornate and colorful statues at the entrance and the temple grounds. These statues, by the standards of many people, may take on what could be called an amusement park type appearance, which does not blend with the current surrounding family dwellings, making them stand out even more with extra ordinary height of the planned temple with its' ornate decorations. Other churches in neighboring communities blend in with the surrounding homes. We are concerned that the marketability of future home sales would be greatly affected by this.

Please, consider the concerns of our community in regards to this project.

With Regards, sincerely;

Name Ruby Ten Brink
Address 1521 Ohio Ave.





January 20, 2008
Sean Purciel
Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95358

Dear Mr. Purciel,

This letter is in reference to the proposed WAT Cambodian Buddhist Temple at 1538 Grimes Ave. in Modesto. Today is January 20th and I just learned of this proposed building. I am very disappointed to learn that we only have until the 23rd to voice any concerns over this proposal. Very few people living in the area of this project even know it exists, let alone know they have a limited time frame to object to it. Why hasn't anyone been informed of this? This is a very big project and it seems as though everything has been done in secret. I have only been able to talk to a few of our neighbors, since learning of this today, and they all voice the same concerns as me and my family.

I live just down the street from this address and am very concerned for many reasons. I have lived here for 10 years and have invested all I have into my property. The current real estate crisis has lowered the value of our property tremendously and the building of this project will only lower it more. The property in question is currently zoned agricultural and the surrounding properties are zoned agricultural/residential. This property is a ten acre parcel that is sandwiched between the back of residences which line two parallel streets (Grimes and Ohio). The back yards of these residences would be looking right at this huge building and parking lot. This would totally destroy the view of country life they now experience. The building would also be visible from our house. I moved away from the city and into the country to get away from large, hideous buildings and to enjoy the peace and quietness of country life. We have spent a lot of money fixing up our home and yards, making this the last home we would ever buy. We like the quiet country life. We can't afford to move from here, especially with the declining property value. If this project is built, our property value would decline even more and cause financial failure. I did not move near a facility like this for many reasons and would never live in the vicinity of one. I don't think it is fair to be forced into living next to one just because the county allowed it to be built in an area that is less than suitable to sustain one.

The only access to this property is by way of an easement through someone else's property, which they are proposing to enlarge. Again, lowering the value of another piece of property not to mention losing 10 more acres of our precious farm land. There is also no sewer system, so the whole project would have to be on a septic system. Their proposal suggests that only the main church would be on septic and that the larger building, they call a meditation hall, would not have water or septic. How would this meet fire code if there weren't water? The plan also call for two mobile homes for monks and nuns to live. This isn't zoned for residential, it is agricultural, plus, what septic system would they be on and how many more would they add? Mobile homes are notorious for lowering the value of surrounding property so again, our values are lowered. Now we would have the eyesore of this huge complex in our backyard and the eyesore of mobile homes.

Grimes is a very small country road and cannot support the added traffic of the proposed project. There is too much traffic on our road now with commuters using our street to bypass Carpenter road to and from Highway 132. The proposed worship hall has an occupancy of 643 with parking space for 161. Parking spaces were calculated at 4 people per vehicle. That is an extreme amount of traffic for our small country road. It is dangerous to back our cars into our street now when trying to leave our home, I can't imaging what it would be like with that much traffic, not to mention the added traffic for special events that will be held there. Special events include weddings, funerals and other parties. These types of processions are unacceptable in neighborhoods such as ours. We have no sidewalks and there isn't any room to widen the road. This makes it a very dangerous road for our children to walk to and from school, ride bikes or play in front yards. With the added traffic, it would be impossible to allow our children to do these activities. With the limited amount of parking proposed, there would most likely be vehicles parking along the street. There is hardly room for homeowners to do this and when they do, their vehicles are either extremely close to or in the roadway. This makes it dangerous for passing vehicles and if children or other pedestrians are present, it is life threatening.

I am a paramedic working a 911 ambulance in the city of Modesto for the past 15 years and a former firefighter of Burbank-Paradise Fire Department of 5 years. I have had many calls in or near the current WAT Cambodian Buddhist Temple on Paradise road. Some are traffic related, some are medical, and some are due to some type of crime or assault. If a larger place were built in our neighborhood, that type of activity would be brought here. There would be more crime, traffic collisions, and emergency traffic. Being in the county, we do not have the necessary law enforcement to patrol this area, let alone have to deal with the added crime, traffic and traffic collisions. Our fire department is a small, volunteer fire department.

They don't have the equipment or staffing to deal with a facility of this magnitude either. They do not have a ladder truck, which would be necessary for the height of the proposed buildings. There also aren't any fire hydrants in the area so any fire would require a water tender and a large fire would require multiple water tenders, fire engines and personnel from multiple agencies. This would be a difficult task given the fact that this property is landlocked and only accessible from the narrow easement. Multiple engine responses would require engines to stage at the street which has limited space and would cause Grimes to be shut down. Emergency vehicle response is very dangerous in itself. On Grimes, there isn't room for vehicles to pull off the roadway and with pedestrians and children playing, the speed of the emergency response puts everyone in danger.

As you can see, there are numerous reasons why the proposed WAT Cambodian Buddhist Temple at 1538 Grimes Ave. in Modesto should not be allowed to be built here. This is a small, quiet, country neighborhood. Many people have lived here for many years and have planned to make this their residence for life. Having this built in our backyards would ruin our country-way of life. It would spoil the landscape and create an unbearable amount of traffic. Our children would no longer be able to walk the streets or play in front yards. Crime would increase dramatically in our area. Emergency services would be stretched so thin it would create a danger to the rest of the community. Retirement dreams would be crushed, forcing many to move from their existing homes. Property values would plummet, causing many to lose large amounts of money, especially to those having to move from this area, further increasing the current real estate crisis. For the good of our community and for the good of Modesto, please, do not allow this project to go through.

A Concerned Citizen,

Wes Adams



WES ADAMS
1721 GRIMES AVE.
MODESTO, CA 95358
(209) 523-0192

Michelle Adams

Michelle Adams

*Quise Autrand &
Albert Autrand*

January 22, 2008

Mr. Purciel:

It was a pleasure speaking with you today. Thank you for answering my questions. As I told you over the phone, my husband Patrick and I are writing to oppose the use permit application filed with the County Planning Department by the WAT Cambodian Church, owners of land located at 1538 Grimes Avenue, Modesto, California. We are landowners at 1236 Grimes Avenue, directly across the canal (MID Lateral #5) from the proposed church. Our opposition centers on the following concerns:

In general it seems to us that this area is simply not an appropriate area for a large and imposing physical structure designed to handle such a large number of people. This is an agricultural area with mainly ranchettes and single-family homes on single lots. There is one small commercial establishment at the end of Grimes at its intersection with Paradise Road (a small store), and a school with a multi-purpose building on California Avenue west of Grimes Avenue, but otherwise the character of this neighborhood is about as far from commercial as you can get. Which is exactly the reason we moved here in the first place. We realize that the use permit applied for is not technically "commercial" use, but it might as well be as it is so inherently different from the current use of the property and the use of all of the property surrounding the proposed site.

Furthermore, Grimes Avenue is a rural road which in no way, at least in our layperson's opinion, can handle the amount of traffic that such a proposed use will generate. At the best of times, Grimes Avenue is generally safe for the people who live on or near it to traverse. In the winter it becomes extremely unsafe, with puddles of water encroaching on the road surface over its entire length from Maze Boulevard to Paradise Road. It is hard to believe that approval would be granted to add thousands of vehicle trips to such a road. Additionally, it does not appear to us that sufficient parking spaces have been planned for the proposed use, and we are concerned that "overflow" vehicles might spill onto Grimes Avenue, parking along the road. We have witnessed this happen on occasion when there are events of sufficient size at neighboring properties - birthday parties, etc. This is an extremely dangerous condition - and while it understandably might happen occasionally, it is quite another thing to approve of a use which will make it much more likely to occur.

What all of these concerns amount to is that the character of this neighborhood, and most especially the particular area in the neighborhood being singled out, is incompatible with the proposed use. Were the proposed use on the outskirts of the neighborhood, where the traffic issues could be mitigated and the structural size would not be so imposing, approval of the requested use permit might make sense. However, to approve of this use at the current location is, in our opinion, inappropriate.

Thank you for your consideration.

Sincerely,

Patrick and Kimberly Ringer
1236 Grimes Avenue
Modesto, California 95358
(209)5225029

January 21, 2008

Stanislaus County Planning + Community Development
1010 10TH ST.
MADRID. CA 95354
ATTN: SEAN PURCIEL

RE: WAT CAMBODIAN BUDDHIST SOCIETY
USE PERMIT APPLICATION

Dear Mr. Purciel

The residents of Grimes Avenue will NOT SUPPORT THE ABOVE PROJECT. If approved it would greatly affect home values which have declined already.

WE ALREADY HAVE TRAFFIC ISSUES ON OUR STREET. THIS WOULD ONLY MAGNIFY THE PROBLEM.

MORE TRAFFIC COMING DOWN GRIMES AVENUE WOULD CREATE safety issues for buses dropping off and picking up children.

The appearance of this project would BE DISASTROUS TO the area. This is an agricultural based area and this project should not be allowed.

A CONCERNED GRIMES RESIDENT

1/21/08

To whom This may concern.

Enclosed is our

Signatures voting against
any type structure of this
kind at 1538 Gumis.

We live at 1565 Gumis
& we both feel this is not
the place for such Building.

It's a very Busy street
as it is, & this would add to
the problem. In the 4 years
we've been in we've called the
Sheriff numerous times, regarding
Drag Racing + Exceeding speed.

Most of the time they could not
make it out, within 1 Hr. Because
they only had a Sheriff that took

4 Katherin Powell
7 Owen Powell

Gina R. Bosio
2414 California Ave
Modesto, Ca 95358

Angie S. Bosio
907 Ohio Ave
Modesto, Ca 95358

Richard J. Bosio
2236 California Ave
Modesto, Ca 95358

Sean Purciel
Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, Ca 95354

January 22, 2008

Dear Mr. Purciel

This letter is regarding the WAT Cambodian Buddhist Society's proposed complex at 1538 Grimes Ave, Modesto, Ca 95358. This letter is written by me, Gina R. Bosio, but it is represented by my family members who have live in the area for over 30 years. Our concerns with the complex location are the influx of more people which will in turn mean more traffic. Our "country roads" are already pushed the maximum because the overflow of traffic (commuters) from Highway 132 take "country roads" home. Now Paradise Road, Grimes Avenue, Ohio Avenue and California Avenue have to take the brunt of the traffic. Throughout years we have been living at the locations stated above traffic has at least tripled and the speed of the drivers has definitely doubled.

Also to we have see an increase of garbage, cups, bags, cans, bottles etc. These items deface our property frontage.

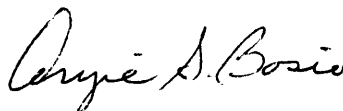
This section of land is an active agricultural area. It has built around ranches, orchards, ranchettes, not churches. I for one use helicopters for aerial spraying my almonds and alfalfa when the ground is to wet for a tractor spray rig.

Please, what we need is to protect our area and keep the land true to the purpose it is here for, agricultural.


Thank you for your time,



Gina R Bosio



Angie S Bosio



Richard J Bosio

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008

From: Ronald & Winifred Fern
1505 Grimes Ave.
Modesto, Ca. 95358

RE: WAT Cambodian Church Plans for 1538 Grimes

Recently we were made aware of plans to develop existing farm land into a use which is not compatible with its present use and that of the surrounding area. Presently this property and those around it have been used to grow corn and hay and surrounded by almond orchards and small ranchettes with pastures.

The plan for the development and building of this area is not compatible with the existing rural atmosphere, especially with buildings of the magnitude which are proposed. Buildings that reach 93 feet and 80 feet tall does not produce a country setting which is desired by those who have tried hard to maintain the country living life style. Not only would the skyline be unappealing to look at, but would cause a hazard for the crop dusters who spray the fields and orchards.

The planned use of this property would also add too much traffic to a small road which already has too much traffic from the commuters looking for shortcuts, the speed limit is 35 MPH in this area with many speeding over 50 MPH, the added traffic for a church and a school would bring unbearable traffic situations for this small country road.

The Modesto Bee reported in an article on 03/19/2006 this church presently had over 450 members and said it was not uncommon for Cambodian- Americans from outside of Modesto to converge on the temple for marriages and funerals or other celebrations. The single access for this property is on Grimes Avenue, which would mean congestion from 100 and more cars converging to the only exit and access to the temple. The plan for a church of this magnitude needs to be in an area that can handle the traffic with multiple entrances, exits and more lanes of traffic than to dump all that traffic on to one single country road.

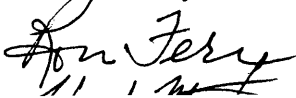
I believe this is a classic example of wasting valuable rural farmland. It is difficult to believe there are not more suitable locations in the Modesto area for a project of this magnitude.

Other temple sites in California, such as in Stockton, have rather ornate and colorful statues at the entrance and the temple grounds. These statues, by the standards of many people, may take on what could be called an amusement park type appearance, which does not blend with the current surrounding family dwellings, making them stand out even more with extra ordinary height of the planned temple with its' ornate decorations. Other churches in neighboring communities blend in with the surrounding homes. We are concerned that the marketability of future home sales would be greatly affected by this.

Please, consider the concerns of our community in regards to this project.

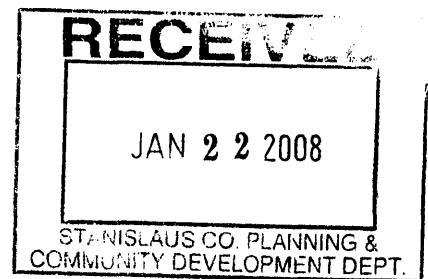
With Regards, sincerely;

Ron & Wendy Fern



January 20, 2008

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



RE: WAT Cambodian Buddhist Society's Proposed Complex at 1538 Grimes Ave.

Dear Mr. Purciel;

I am very opposed to this, and for the following reasons. I am very concerned, having this come in and built in behind my and other neighbor's property. My property butts right up to it, and will not be a good choice to have that right behind my (our) houses. My concerns are the water problem, it has stated in the sheet I have received, that there will be no water, especially when they plan to have a kitchen, and restrooms. When you have restrooms you will need water, for obvious reasons, along with some other real health concerns for the health of the neighbors, and me. The other concerns are the height of two buildings, which one will stand at the height of 80 feet, and the other building will have the height of 93 feet. I feel there is not much room for all of the buildings they are planning to build, for the height, and as for the parking, and the traffic. This will causes problems of traffic congestions, and other traffic problems. When they come out of, going into the property, they don't think of how they drive, their driving is not a safe driving procedure, they have unsafe driving practices. Some of these other problems will be with the school buses, and with emergency vehicles, with both of these will cause delays in (picking up, and dropping off the kids). With the emergency vehicles it will take time for them to get to the emergency, which could be a real problem in which the person needs it. The parking in on the property will cause problems for the neighbors. Because they will be parking all over the streets causes slow moving vehicles, health risks of someone getting hit, and seriously hurt, even causing death. They will not be parking correctly, and not safely. And how they will be parking, it won't be a conscious parking, the right way to park. And when they have their yearly gathering it will be a real congestion time, we will need several sheriff's controlling the traffic. And any other problems that will arise from having their yearly gathering not just for one day, but for more than one day. Which will not have any safe conditions for any of us in the neighborhood? They plan to have row crops, that will bring unwanted pests, rodents, and any other thing that may come with having crops. They will not have proper drainage, don not have proper sewer, do not have proper easements. As for our irrigation lines will have a stable line, our irrigation lines may have to move, which some of us don't have the money for a possible move of irrigation lines. The boundary lines are a possible movement. There may be a chance for our lot lines to move, which any of us will not want to happen. We

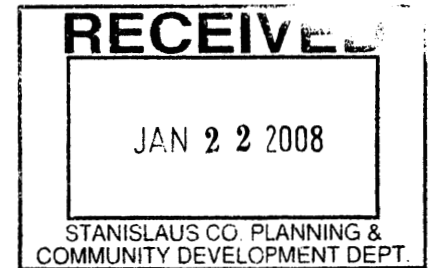
don't want anything to happen to our lot lines, or irrigation lines. And there is a chance of them to steal our water while we irrigate. These things will just complicate things, and mess our neighborhood around, we don't want to have anything to change out here. I am sure that there are other reasons that have not come to mind, but may come to others. I have not seen one good thing come out of the Buddhist Church (Temple); they already have a place at 649 Paradise Rd. Let them go out even further in the County, like past Hart Rd. or even further out. Things will have to change out here, and we can not afford these changes. There may be things that other people may be able to bring forth that I may not be able to. It will bring our property values down, and will be not sold for what we would ask for the house(s).

Sincerely,

A handwritten signature in cursive script that reads "Janine Nielsen". The signature is written in black ink and is positioned below the word "Sincerely,".

Janine Nielsen
1604 Grimes Ave.
Modesto, CA 95358

To: Mr. Sean Purciel
Stanislaus County Planning and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354



From: Mrs. Karen Risley
1401 Ohio Ave.
Modesto, CA 95358

January 21, 2008

Subject: The WAT Cambodian Buddhist Society's proposed complex at 1538 Grimes Ave.

Dear Mr. Purciel:

This letter is to express our concerns regarding the above mentioned building proposal. Our property at 1401 Ohio Ave. is 10.31 acres of which the West edge abutts the parcel in question.

We, my husband and I, are concerned about the increased volume of traffic which this type of building complex will cause. There will be hundreds of additional cars coming to this area every weekend and during certain special celebrations also during the week.

This a rural area with rural roads. They are not ment to handle such increase in traffic. Our children will be in danger from all the increased traffic and will no longer feel comfortable playing in their yards because of all the strangers passing by.

We live at the end of a dirt road which runs down the canal bank from Ohio Ave. Not a day goes by that someone doesn't drive down our road thinking they can get through to Grimes Ave. and then they have to turn around in our front yard and drive back out. How many more people will be turning around in our yard when this facility opens? And with each of them comes the increased dust, increased disruption in my privacy and solitude. Increase risk of some of them coming back later to steal from us or worse.

Where ever there is a large group of people, a certain percentage will be less than honest and will take advantage of an opprotunity to take from others. We moved to this rural area to be away from city crime, gang activity, high traffic and high population density--for peace and solitude. Now our weekends will be filled with traffice, car exhaust, noise,dust (in the summer) and hundreds (if not thousands) of strangers .

What about security? What about monitoring activities--how do we know they will only be doing religious activities? Terrorists strive to have secluded areas in which to carry on their activities. How do we know? Even though they say they are Buddhist, that they are not doing unlawful things, when they are out in the countryside, secluded and unobserved, how can we be sure?

We raise cattle. This disruption to the peace with noise and traffic will disturb and disrupt the calmness here. What about the risk of injury to my cattle if they are scared by loud noises, fireworks or other "celebration" noises.

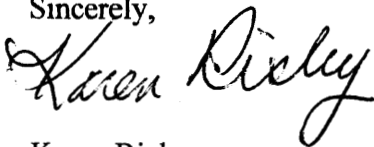
This is a rural, farming community and a 93ft. building in the center of homes and crops simply does not fit in.

There is an easement which runs from Grimes Ave. through this property to the Southwest corner of our property. This must be kept accessible to us as it was deeded that way when these properties were first divided and sold. We are concerned that this will be blocked and if there is no deeded access to our land, our property value falls dramatically. The Canal access to our home is courtesy of MID and is not official and can be revoked at any time and this may happen if too much traffic tries to use this small dirt driveway.

Mr. Purciel, please consider all of these concerns we and our neighbors have regarding this proposal and do not allow this complex to ruin our community.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Karen Risley". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Karen Risley
209-578-1953

Mr. Sean Purciel
Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

January 19, 2008

RE: ENVIRONMENTAL REFERRAL-USE PERMIT APPLICATION NO. 2007-27, LOT LINE
ADJUSTMENT APPLICATION NO. 2007-49- WAT CAMBODIAN CHURCH

Dear Mr. Purciel:

We appreciate this opportunity to comment on the Use Permit Application No. 2007-27. We would like to express some major concerns directly related to this project.

ITEM 1. TRAFFIC:

A) Grimes Avenue is located in a primarily agricultural and single family ranchette neighborhood. There are no stop signs on Grimes Ave. except at the intersections of Maze Blvd. and Paradise Road. Traffic is presently heavier than it should be, because not only do the residents of Grimes Ave. use this road, but it is being used by commuters and others as a short cut between Maze Blvd (Hwy 132) and Paradise Road. Mornings and afternoons also see the addition of traffic necessary to transport students to and from Paradise School. Paradise School has become a charter school so the students now come from many different directions and are not within the allocations of the established bus route. Farm machinery frequently must traverse between fields located along Grimes Ave., as a necessary part of their production activities.

B) Going west on Maze Blvd. and turning south onto Grimes Ave. is a horrendous experience, as there are no left turn lanes on Maze Blvd. and one must contend with the fast moving cars and trucks that use this corridor. The additional traffic that this project will bring to this intersection will be detrimental to the traffic flow on Maze Boulevard (Highway 132). This will increase the accident potential at this intersection dramatically.

C) Posted speed limits are seldom adhered to by the present traffic, and speeders are a common sight. There is a double yellow line down the center of the street, but we have witnessed people crossing that line to pass slower traffic on a regular basis. We have also witnessed cars crossing that double yellow line to pass a stopped school bus, whose red lights were flashing and stop sign extended.

D) The WAT Cambodian Buddhist Society and Church (WAT CBS) is currently located at 649 Paradise Road, within the core of Modesto's Cambodian community. The WAT CBS currently hosts a number of celebrations and festivities that are not limited to weekends, and some last for multiple days.

Many of its current membership live in close proximity to this location and are able to walk to the festivities and services provided at the current location. By moving the location to Grimes Avenue, the members will need to implement various forms of transportation, including but not limited to cars and buses, to reach the site.

E) The WAT Cambodian Buddhist Society is planning a large complex on approximately 11 acres located at 1538 Grimes Ave. The plans for the complex include a worship hall of 5625 sq. ft. and 80 feet high, and a

meditation hall of 10,552 sq. ft. and 93 feet high. Also included are 4 mobile homes, 2 for permanent residences, and 2 for school classrooms, as well as 2 storage buildings, a 1198 sq. ft. model Cambodian home, and are proposing 161 parking places. It is inconceivable that the 161 parking places will fulfill the parking requirements of this facility.

The WAT CBS presently has at least 450 members (as stated in the Modesto Bee 03/19/2006). Additionally, Ry Kea, Board member and Director of the WAT CBS also stated in the cited article "it is common for Cambodian-Americans outside of Modesto to converge on the temple to celebrate marriages and to grieve for those who have died." This additional traffic has not been calculated and with 161 parking spaces we are concerned where the additional vehicles will park.

Grimes Avenue is a standard two lane rural roadway maintained by the Stanislaus County Road Department. The overflow of vehicles from this project will end up being parked along Grimes Avenue; blocking private residences, posing a danger to children and pedestrians, and obstructing or preventing the continuation of normal activities which the existing residents currently benefit from. The access of emergency response vehicles could also be obstructed while trying to reach any residence or even the proposed Church.

F) Given the size and decorative design of the proposed buildings within the complex, as stated in the Project Description for the Use Permit Application, the development will attract tourists from outside the community, as it will be visible for a great distance. The addition of the model Cambodian house will also serve as an education and cultural history attraction that will invite other organizations into the neighborhood, possibly by the bus load.

Summary: The traffic conditions on Grimes Ave., as well as those of adjacent connecting roads, will increase to unmanageable numbers, the potential of vehicle hazards will also increase, and the safety and well being of our current residents will be affected by this increased exposure to vehicle traffic and management of those vehicles attending this Church.

ITEM 2: QUALITY OF LIFE:

A) The area in which the complex is proposed is primarily single Family Ranchettes and agricultural usage. The magnitude of the structures being proposed is not compatible with the existing rural atmosphere. Current residences will have their views of the countryside permanently blocked by the structures. For most, the reasons they moved to the country (view, quiet, peacefulness, privacy) will be taken away from them forever. They say that beauty is in the eye of the beholder, as such, while these buildings will actually be quite beautiful in another setting, the property on Grimes Ave. is not that setting, not amongst the current standards of the neighborhood.

B) The proposed height of the buildings will also have the potential to interfere with agricultural operations such as crop dusting and spraying of the surrounding fields of row crops and orchards.

C) The plans also call for a Buddha Garden, but there are no parameters for what that might entail. Photos from the Buddha Gardens in Stockton and San Jose reveal that the garden will not necessarily be a garden of plants, but a garden of large colorful figures and statues. This will add non-compatible elements to the general atmosphere of the neighborhood.

D) Most of the Residents in our community have been established on their properties for many years, (some for generations). There are few Cambodian residents who have moved into the community within the last few years, they have not changed the appearance of their dwellings other than turning shops and out buildings into dwellings for extended family members.

Summary: The design of this Church complex is quite ornate and will stand out from the surrounding homes (Ranchettes). The ornate structure of the buildings is so different from the surrounding area that it will become a blot on the landscape, rather than an attractive addition to the neighborhood.

ITEM 3: CRIME

The addition of the number of people drawn to the complex, whether through the church activities themselves or through the curiosity of those who spot the buildings on the skyline, will also bring the potential for additional crime activity, including but not limited to: trespassing, harassment, vandalism, graffiti, gang activity, thefts, and increased illegal substance abuse.

This area already has its share of most of the above mentioned transgressions. While most of us live in this area to try and escape from the majority of "city crimes", the encroachment has already begun. However, we do not wish to accelerate or proliferate these crimes.

On a final note, we are disappointed that the surrounding land and home owners were not notified of this proposed addition to our neighborhood. Were it not for a coincidence that the information was discovered on the Stanislaus County Planning Department website by myself, it would have gone unnoticed and "under the radar" of those who it will most affect. I am sure this was an oversight, and hope it will not be repeated.

Respectfully Submitted,

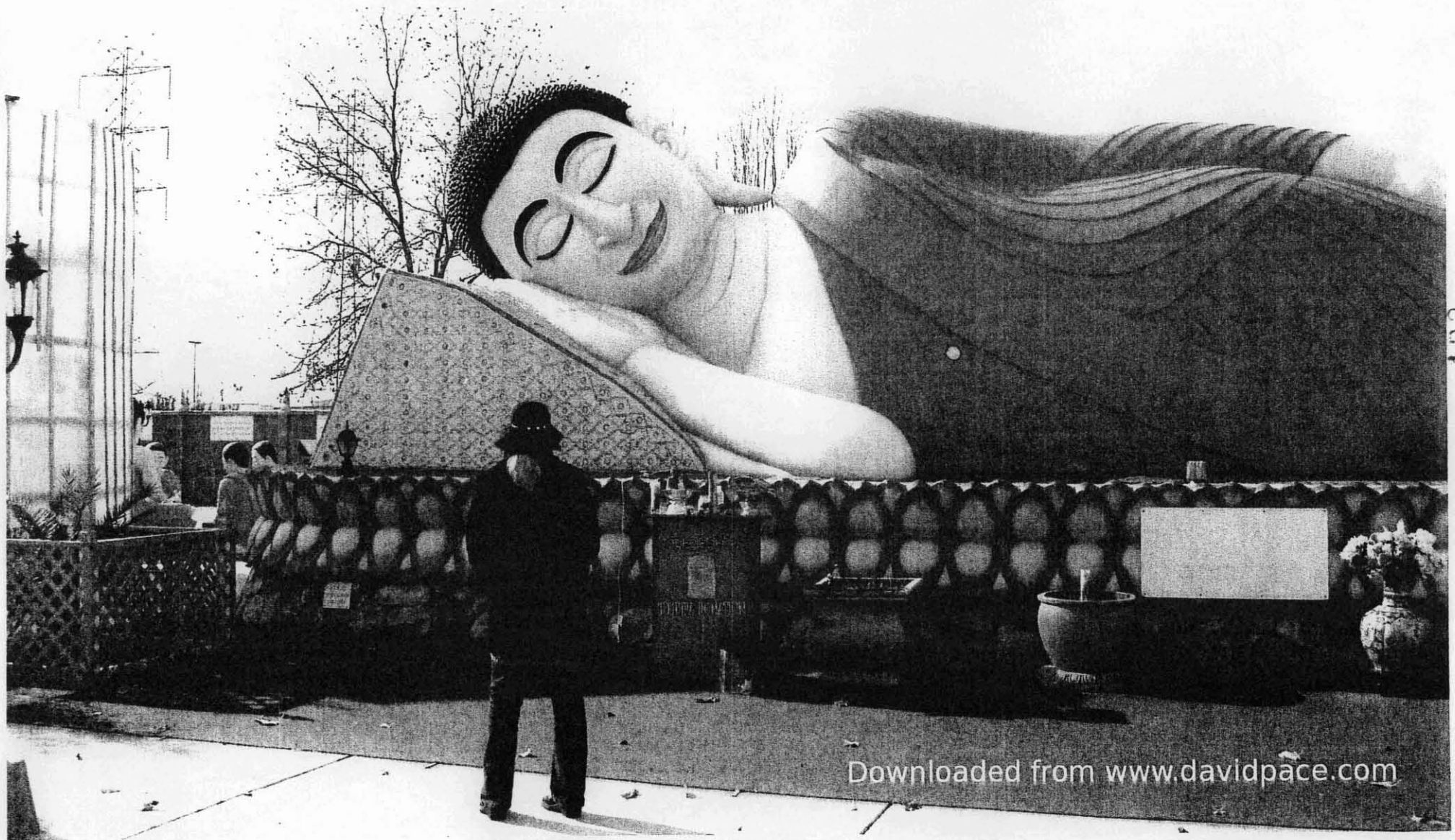


Pamela J. Atherstone and James P. Atherstone

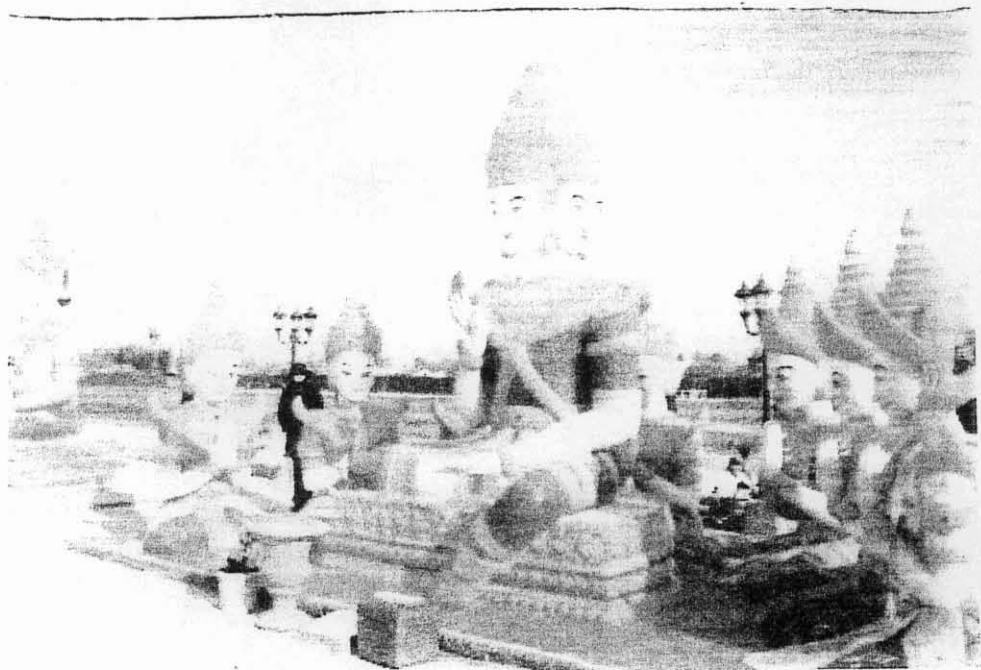
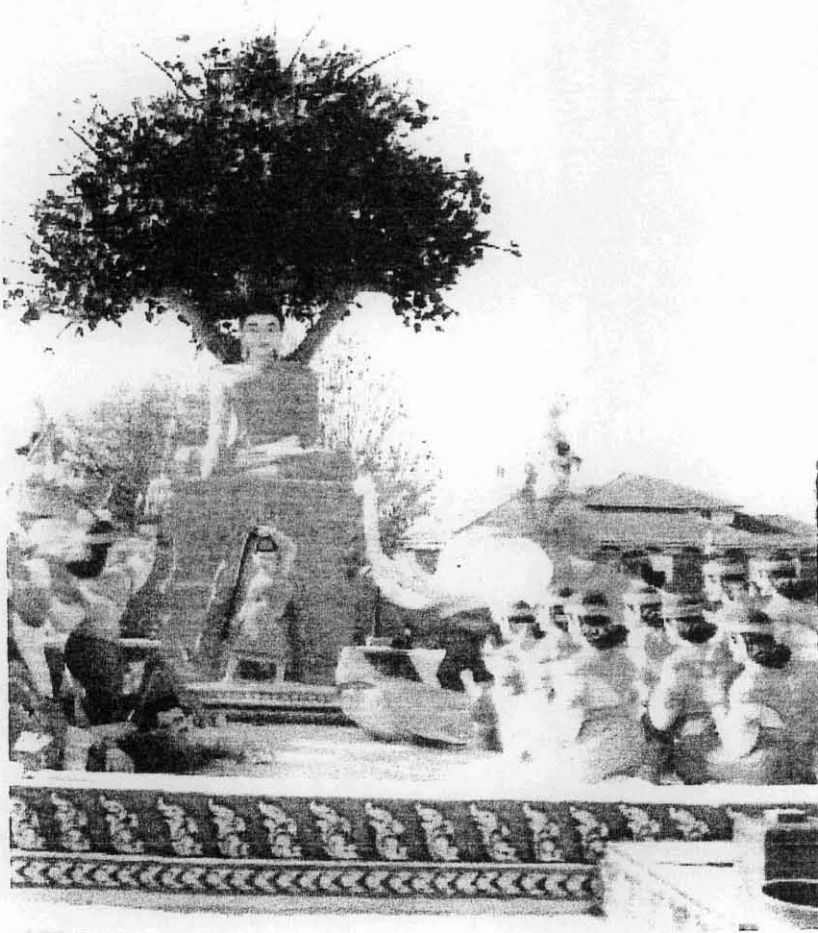
828 Grimes Avenue
Modesto, CA 95358-2002

EMAIL: JPA828@peoplepc.com

The Buddha Garden, Stockton, CA



STATUES in
Buddha GARDEN,
Stockton, Ca



Mr. Sean Purciel
Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

January 19, 2008

RE: ENVIORNMENTAL REFERRAL-USE PERMIT APPLICATION NO. 2007-27, LOT LINE
ADJUSTMENT APPLICATION NO. 2007-49- WAT CAMBODIAN CHURCH

Dear Mr. Purciel:

My husband Glen and I appreciate the opportunity to comment on the Use Permit Application No. 2007-27. We would like to express some major concerns directly related to this project.

ITEM 1. TRAFFIC:

- A) Our home is located across the street from the proposed entrance to the WAT Cambodian Church. Our driveway actually is a single lane entrance road that serves four houses. Due to the size and scope of the proposed project, we are concerned that a large number of possible guests would result in overflow traffic that could easily block our driveway restricting access to these four homes. This could change our quality of life.
- B) Grimes Avenue is primarily a small country two lane road that serves the single family ranchettes and farming operations that are located along it. It also serves as a way for students to reach Paradise School and Charter School which is located at California and Pauline Avenues. School buses travel Grimes Avenue from three schools at various times during the day. Other traffic that currently burdens the neighborhood includes commuters and others that use Grimes as a short cut between Highway 132 (Maze Blvd.) and Paradise Road. As there are no stop signs to impede their progress or their speed, the current traffic results in Grimes often resembling a speedway.
- C) Going west on Maze Blvd. and turning south onto Grimes Ave. is a life threatening experience, as there are no left turn lanes on Maze Blvd. and one must contend with the fast moving cars and trucks that use this passageway between Highway 99 and Highways I-5 and 580 . The additional traffic that this project will bring to this junction will be disadvantageous to the traffic flow on Maze Boulevard (Highway 132). This will increase the accident potential at this intersection dramatically.
- D) Posted speed limits are seldom adhered to by the present traffic, and speeders are a common sight. There is a double yellow line down the center of the street, but people cross that line to pass slower traffic on a regular basis. Cars move so fast that animals are hit and killed on a regular basis all along Grimes Avenue, and the drivers never stop.
- E) The WAT Cambodian Buddhist Society and Church (WAT CBS) is currently located at 649 Paradise Road, within the nucleus of Modesto's Cambodian community. The WAT CBS currently hosts a number of celebrations and festivities that are not limited to weekends, and some last for multiple days. Many of its current membership live in close proximity to this location and are able to walk to the festivities and services provided at the current location. By moving the location to Grimes Avenue, the

members will need to employ various forms of transportation to reach the site. As a result the traffic along Paradise Road, west of Carpenter Road to Grimes Avenue, will be negatively impacted, which will also affect the residents along this portion of Paradise Road, as well as those who live on Ohio Ave, and others who traverse Paradise Road from the more outlying areas to get to Carpenter Road.

F) The planned complex on approximately 11 acres located at 1538 Grimes Ave., includes a worship hall of 5625 sq. ft. and 80 feet high, and a meditation hall of 10,552 sq. ft. and 93 feet high. Also proposed are 4 mobile homes, 2 for permanent residences, and 2 for school classrooms, as well as 2 storage buildings, a 1198 sq. ft. model Cambodian home, and there are plans for a minimum of 161 parking places.

The narrative of the Project Description also notes that future build out of the Church school is planned. It is unimaginable that 161 parking places will comply with the parking requirements of this facility.

It is also noted on the Site Plan, but not mentioned in the narrative, that a soccer field is intended for this property. With the growing interest and popularity of soccer in this country, it is plausible that the field could draw many other individuals than just members of the church, again negatively impacting traffic on Grimes and surrounding roads and highways.

This additional traffic has not been calculated and with 161 parking spaces we are concerned where the additional vehicles will park.

The overflow of vehicles from this development will end up being parked along Grimes Avenue; blocking private residences, posing a danger to children and pedestrians, and obstructing or preventing the continuation of normal activities from which the current residents benefit.

The access of emergency response vehicles could also be obstructed while trying to reach any residence along Grimes Avenue, or California Avenue, or even the proposed Church.

G) Due to the height and ornamental design of the Meditation and Worship Halls, as stated in the Project Description for the Use Permit Application, the development will attract non-member tourists from outside the community, as it will be visible for a great distance. The addition of the model Cambodian house will also serve as an education and cultural history attraction that will invite other organizations into the neighborhood, possibly by the busload.

H) The plans also call for a Buddha Garden, but there are no parameters for what that might entail. Photos from the Buddha Gardens in Stockton and San Jose reveal that the garden will not necessarily be a garden of plants, but a garden of large colorful figures and statues. Huell Howser, known for his TV programs that point out areas of interest within California, recently aired one of his "Road Trip with Huell Howser" programs that highlighted the Buddha Garden in Stockton. It was pointed out that all people are welcome there, not just church members. By association, this will add to the tourist attraction potential of the property on Grimes.

In Summary: The traffic conditions on Grimes Ave., as well as those of adjacent connecting roads, will increase to unmanageable numbers, the potential of vehicle hazards will also increase, and the safety and well being of our current residents will be affected by this increased exposure to vehicle traffic and management of those vehicles attending this Church complex.

ITEM 2: QUALITY OF LIFE:

A) The surrounding area of the proposed project is comprised of single family homes and ranchettes, and agricultural cropland. The size and scope of the structures planned for the property in question are not harmonious with the current rural environment. Those who live in this area will have their vistas of the current countryside destroyed forever.

For those of us with ranchettes, the incentive many of us have for living in this neighborhood is for the peacefulness, quiet, and privacy of the country life. We have been able to raise our children with opportunities not realized in the city or suburban areas, allowing them to learn responsibility for caring of animals and growing food for our nourishment. They learn to respect the land, and those who farm it for our benefit.

The farmers in our area depend on the land for their livelihoods. Not only do they grow food for people, and food for livestock that are also utilized for feeding people, but one neighbor also cultivates new fruit crops for the future.

All of this will be placed in jeopardy should the complex be built as planned.

- B) The projected height of the buildings will also have the impending capability to interfere with agricultural operations. They will pose a hazard to low flying planes and helicopters used for crop dusting and spraying of the surrounding fields of row crops and orchards.
- C) With the potential for large crowds of people attending events at the proposed facility, normal agricultural operations will be interfered with, complained about and otherwise restrained from customary practices.
- D) Most of the populace of our area have been established on their properties for many years, (some for generations). There are a few Cambodian residents who have moved into the community within the last few years, but they have blended with the neighborhood, not making radical physical changes to their surroundings.
- E) The design of this Church complex is quite ornate and will stand out from the surrounding homes and farms. The elaborate structure of the buildings is so different from the adjacent area that it will disfigure the landscape, rather than be an appealing addition to the neighborhood.

In Summary: The general Quality of Life currently enjoyed by the many residents of this area will be permanently and adversely affected. In some cases, this includes destruction of livelihood and a way of subsistence that has endured for generations.

ITEM 3: CRIME

Due to the potential for the large numbers of people that will be drawn to the complex, whether through the church activities themselves, the soccer field or through the curiosity of tourists, there will also be the potential for expanding crime activity, including but not limited to: trespassing, harassment, vandalism, graffiti, gang activity, thefts, and increased illegal substance abuse.

This area already has its share of most of the above-mentioned offenses. The possibility for large increases in the number of incidents will be amplified by the number of people coming in to this area to attend functions at this facility. Many of us who live in this area came here to steer clear of the majority of the types of crime found within the city limits. However, the invasion has already commenced. However, we do not wish to hasten or propagate these crimes.

The impact upon the Stanislaus County Sheriff's Department will also be significant. Having to provide deputies for traffic control, crowd control and general nuisance will reduce the ability of the deputies to respond to other incidents in other parts of the county. This will affect all other areas of the county, not just Grimes Avenue.

ITEM 4: PAST PROPOSELS

The Stanislaus County Planning Department should also look into previous Use Permit Applications for this property and those in the immediate vicinity. It is our understanding that several years ago a contractor, Alan Grant, owned this property. Alan's plans were to develop the land by building homes. At this time the county said the property had been used as a landfill. There had been contaminated substances dumped on it. The county was requiring that Alan find all the substances and remove them and add clean soil to the location. It is our perception that these substances were harmful. Why building was not allowed then but can be allowed now is a question that must be answered.

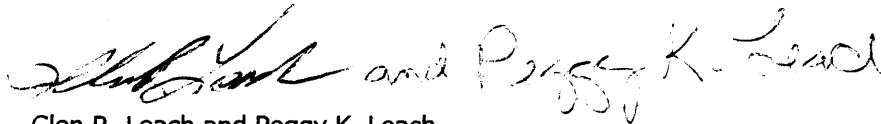
ITEM 5: HOME FOR SALE

Our home has been on the market for 6 months. We are selling a ranchette with a country feel. The construction of this church could negatively affect the value of our home. It could also affect the salability of our property. If the project is approved, we will have to add this information to the "disclosure statement". If we had been in escrow this project could have been a "deal breaker" and caused the escrow to fall through.

We are concerned that the surrounding land and homeowners were not notified of this proposed addition to our neighborhood. Were it not for a coincidence that the information was discovered on the Stanislaus County Planning Department website by our friends and neighbors, it would have gone unobserved by those who it will most affect, until it was too late to have a say in the future of our neighborhood.

We hope this was an oversight, and expect that it will not be repeated.

Respectfully Submitted,

Handwritten signature of Glen R. Leach and Peggy K. Leach in cursive script.

Glen R. Leach and Peggy K. Leach

1513 Grimes Avenue
Modesto, CA 95358-2206

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008

RE: WAT Cambodian Church Plans for 1538 Grimes

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The plan for the development and building of this area is not compatible with the existing rural atmosphere, especially with buildings of the magnitude which are proposed. Buildings that reach 93 feet and 80 feet tall does not produce a country setting which is desired by those who have tried hard to maintain the country living life style. Not only would the skyline be unappealing to look at, but would cause a hazard for the crop dusters who spray the fields and orchards.

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With Regards, sincerely;

Name

Patterson Mts

Address

3326 Paradise Rd

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008

RE: WAT Cambodian Church Plans for 1538 Grimes

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With Regards, sincerely;

Name *Mus C. Briel*

Address *1100 Pauline Ave.*

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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With Regards, sincerely;

Name Marwan Melson

Address 1124 Pauline Av.

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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With Regards, sincerely;

Name Janice Yoppini Leo Yoppini
Address 1430 Pauline Ave. 1430 Pauline Ave.

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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With Regards, sincerely;

Name

*Bob Mendonza and
Tila Mendonza*

Address

*2730 Colifornia Ave.
Modesto 95358*

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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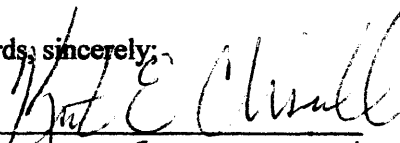
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With Regards, sincerely,

Name

Address


900 Grimes Ave

To: Sean Purciel
Stanislaus County Planning
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1010 10th Street Suite 3400
Modesto, Ca. 95354

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Name

Luith E Myers

Address

906 G Grimes Ave

Alvilde Grimes Myers
906 Grimes Ave

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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Name Mildred Kestle

Address 1030 Grimes

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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Name

Denny Casap Diana C. Casap

Address

1012 Grimes ave Modesto, CA

95358

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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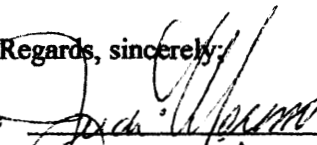
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Address


928 Grimes Ave

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Modesto, Ca. 95354

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Name Paul A. Krone

Address 2612 Paradise Rd
Modesto, Ca 95358

To: Sean Purciel
Stanislaus County Planning
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1010 10th Street Suite 3400
Modesto, Ca. 95354

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With Regards, sincerely;

Name Jimmy M. Bremer

Address 2612 Paradise RD
MODESTO, CA 95358

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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Name Leisa Turner

Address 955 Pauline Ave.

578-4604

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008

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Please, consider the concerns of our community in regards to this project.

With Regards, sincerely;

Name Elizabeth Aule
Address 937 Pauline ave
Modesto, CA 95358

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008

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With Regards, sincerely;

Name David Rodriguez Lydia Z. Rodriguez
Address 1348 PAULINE AVE 1348 Pauline ave
Modesto Ca 95358

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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With Regards, sincerely,

Name

Jan Chebotarewich

Jan Chebotarewich

Address

*619 PAULINE AVE.
MODESTO, CA 95358*

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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Name

Kari L. Yoppa

Address

101 Peabody Ave

Shawn Yoppa

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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With Regards, sincerely;

Name

Cindy Fenus

Address

*1242 Pauline Ave.
Modesto, CA 95358*

James Fenus

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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With Regards, sincerely;

Name

John All Wuk

Address

1/21/08

2524 CALIFORNIA AVE.
MODESTO, CA. 95358-9480

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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Name Elena C. Wilson

Address 2524 California Ave.

Elena C. Wilson

To: Sean Purciel
Stanislaus County Planning
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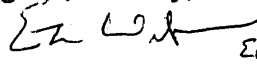
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Name


Eric Wilson

Address

2524 California Ave

95358

To: Sean Purciel
Stanislaus County Planning
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1010 10th Street Suite 3400
Modesto, Ca. 95354

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Address 2524 CALIFORNIA AVE
MODESTO, CA. 95358

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Stanislaus County Planning
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Modesto, Ca. 95354

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Name

Randy LaLoste Randy LaLoste

Address

631 Grimes Ave.

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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Name

Michael H. H. H.

Address

513 GRIMES AVE 95358

To: Sean Purciel
Stanislaus County Planning
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Modesto, Ca. 95354

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Please, consider the concerns of our community in regards to this project.

With Regards, sincerely;

Name Otis Harris

Address 1525 Grimes + V 95358

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008

RE: WAT Cambodian Church Plans for 1538 Grimes

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Name Elysebeth Baker

Address 1525 Grimes Ave

Modesto CA 95358

To: Sean Purciel
Stanislaus County Planning
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1010 10th Street Suite 3400
Modesto, Ca. 95354

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With Regards, sincerely;

Name Carl R. Harris
Address 1525 GRIMES AVE.
MODESTO CA,
95358

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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With Regards, sincerely;

Name

Mimi Harris

Address

1525 Grimes Ave. 95358

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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With Regards, sincerely:

Name



Address

1507 GRIMES AVE

ROBERT & DIANA EATON

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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With Regards, sincerely,

Name

Manuel Sanchez

Address

1809 Grimes Ave

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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With Regards, sincerely,

Name

Theresa Cravitt

Address

*1809 Grimes Ave,
Modesto Ca 95358*

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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With Regards, sincerely;

Name Tommy Ewart
Address 1809 Grimes Ave
Mod. Ca. 95358

To: Sean Purciel
Stanislaus County Planning
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1010 10th Street Suite 3400
Modesto, Ca. 95354

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Name

Dina Lee

Address

1509 Grimes Ave.

To: Sean Purciel
Stanislaus County Planning
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1010 10th Street Suite 3400
Modesto, Ca. 95354

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Name

Gerald Peek

Address

1509 Grimes Ave

To: Sean Purciel
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Name

Nicholas Zang

Address

1907 Elm Ave Modesto

To: Sean Purciel
Stanislaus County Planning
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1010 10th Street Suite 3400
Modesto, Ca. 95354

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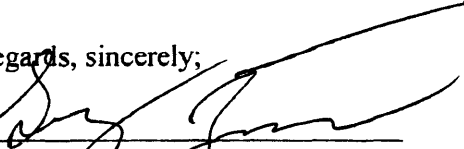
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Name

Leith Lordman

Address

1207 Grimes Ave

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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With Regards, sincerely;

Name Floyd Zager
Address 929 Shenandoah Ave

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008

RE: WAT Cambodian Church Plans for 1538 Grimes

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With Regards, sincerely;

Name Betty Zaeger
Address 729 Grimes

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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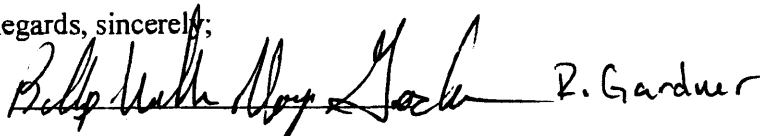
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With Regards, sincerely;

Name

 R. Gardner

Address

1207 GRIMES AVE

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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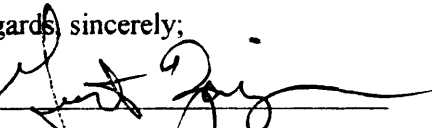
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Address


1219 Grimes

To: Sean Purciel
Stanislaus County Planning
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1010 10th Street Suite 3400
Modesto, Ca. 95354

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Name

Karen L. Zaiger

Address

1219 Grimes Ave.

To: Sean Purciel
Stanislaus County Planning
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1010 10th Street Suite 3400
Modesto, Ca. 95354

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Address

Lacny Leu
929 Grimes Av

To: Sean Purciel
Stanislaus County Planning
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1010 10th Street Suite 3400
Modesto, Ca. 95354

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Name Chris + Evelyn Young
Address 1419 Grimes Ave.
Modesto Ca. 95358
209-526 1889
602-7779

To: Scan Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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Name Ruth Wray

Address 1533 Grimes

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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With Regards, sincerely;

Name Maria Mendez
Address 1333 Grimes Ave
Modesto Ca. 95358
1209 7402-4798

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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Name Ricky Rios

Address 1649 Grimes Av.

To: Sean Purciel
Stanislaus County Planning
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1010 10th Street Suite 3400
Modesto, Ca. 95354

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Name

David J. McKay

Address

1644 GRIMES AVE

To: Sean Purciel
Stanislaus County Planning
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Name Sheela Mello + Anurag Mello

Address 1306 Pauline Ave
Modesto, CA 95358

To: Sean Purciel
Stanislaus County Planning
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1010 10th Street Suite 3400
Modesto, Ca. 95354

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Please, consider the concerns of our community in regards to this project.

With Regards, sincerely:

Name Eric Wise 

Address 1260 Pauline Ave.

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008

RE: WAT Cambodian Church Plans for 1538 Grimes

Recently we were made aware of plans to develop existing farm land into a use which is not compatible with its present use and that of the surrounding area. Presently this property and those around it have been used to grow corn and hay and surrounded by almond orchards and small ranchettes with pastures.

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The planned use of this property would also add too much traffic to a small road which already has too much traffic from the commuters looking for shortcuts, the speed limit is 35 MPH in this area with many speeding over 50 MPH, the added traffic for a church and a school would bring unbearable traffic situations for this small country road.

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Please, consider the concerns of our community in regards to this project.

With Regards, sincerely;

Name Leah A. Houser

Address 2626 MICNILLAN AVE
MODESTO

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008

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The planned use of this property would also add too much traffic to a small road which already has too much traffic from the commuters looking for shortcuts, the speed limit is 35 MPH in this area with many speeding over 50 MPH, the added traffic for a church and a school would bring unbearable traffic situations for this small country road.

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Please, consider the concerns of our community in regards to this project.

With Regards, sincerely:

Name Martha J. Zorn

Address 2626 Michigan Ave.
Modesto

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008

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Please, consider the concerns of our community in regards to this project.

With Regards, sincerely;

Name Kerrin Wise

Address 2616 Michigan Ave

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008

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Please, consider the concerns of our community in regards to this project.

With Regards, sincerely:

Name Dana Wise

Address 2116 Michigan Ave

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008

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Please, consider the concerns of our community in regards to this project.

With Regards, sincerely;

Name

Stephano Band

Address

1701 Grimes Ave

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008

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Please, consider the concerns of our community in regards to this project.

With Regards, sincerely;

Name Alvin Bayard

Address ~~1701~~ 1701 Grimes Ave
Modesto, Ca
95358

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008

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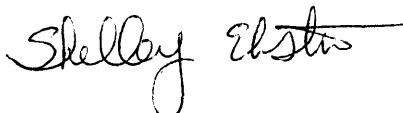
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Please, consider the concerns of our community in regards to this project.

With Regards, sincerely;

Name Shelley Ebster 
Address 1521 Grimes Ave
Modesto CA 95358

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008

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Please, consider the concerns of our community in regards to this project.

With Regards, sincerely;

Name RLH AEBT

Address 1521 GRIMES AVE

To: Scan Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008

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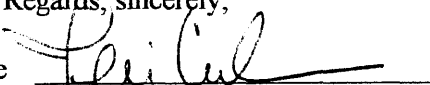
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Please, consider the concerns of our community in regards to this project.

With Regards, sincerely;

Name



Address

1713 Grimes Ave

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008

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Name

Ey Youngg. Elizabeth Youngg

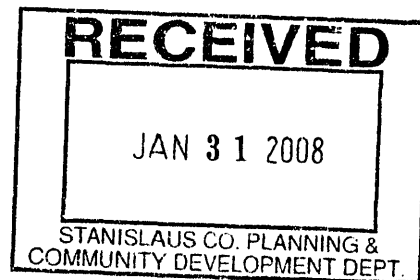
Address

516 Grimes Ave

Modesto 95358

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008



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Please, consider the concerns of our community in regards to this project.

With Regards, sincerely;

Name Brad & Michele Robinson
Address 1679 Grimes Ave.
Modesto, CA.
968-8990-Brad
968-8995-Michelle

It also is extremely unfair to allow a church to be built in the country when weddings cannot be performed at homes in the country. We completely oppose this church.

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008

RE: WAT Cambodian Church Plans for 1538 Grimes

Recently we were made aware of plans to develop existing farm land into a use which is not compatible with its present use and that of the surrounding area. Presently this property and those around it have been used to grow corn and hay and surrounded by almond orchards and small ranchettes with pastures.

We object to the development and building in this area because it is not compatible with the existing rural atmosphere, especially with buildings of the magnitude which are proposed, with buildings that reach 93 feet and 80 feet tall and would have a skyline which would be unappealing to look at and does not fit with the country setting which is desired by those of us who have tried hard to maintain the country living life style.

In addition Grimes Avenue is not designed to accommodate the type of traffic that would come with this development, hundreds of cars converging to one single access to the property would cause traffic hazards to an already busy country road.

We feel there are many other places more suited for this project. We hope you will please, consider the concerns of our community in regards to this project.

Sincerely a Concerned Resident.

Name Ernest Richmond

Address 1609 1/2 Grimes

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008

RE: WAT Cambodian Church Plans for 1538 Grimes

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Sincerely, a Concerned Resident.

Name

Address


1565 Grimes

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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We object to the development and building in this area because it is not compatible with the existing rural atmosphere, especially with buildings of the magnitude which are proposed, with buildings that reach 93 feet and 80 feet tall and would have a skyline which would be unappealing to look at and does not fit with the country setting which is desired by those of us who have tried hard to maintain the country living life style.

In addition Grimes Avenue is not designed to accommodate the type of traffic that would come with this development, hundreds of cars converging to one single access to the property would cause traffic hazards to an already busy country road.

We feel there are many other places more suited for this project. We hope you will please, consider the concerns of our community in regards to this project.

Sincerely a Concerned Resident.

Name Samuel A. Stephenson
Address 1557 Grimes Ave.

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008

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Sincerely a Concerned Resident.

Name Rose Buran

Address 1724 Grimes

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008

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Sincerely a Concerned Resident.

Name

Joseph L. Baran Jr

Address

1224 Grimes Ave

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008

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Name Rob Adams

Address 1721 Grimes Ave

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

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Sincerely a Concerned Resident.

Name Tamarac Othuriaga - Stanton
Address 1645 Grimes Ave.

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008

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Sincerely a Concerned Resident.

Name

James E. Start

Address

1645 Grimes Ave

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008

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Sincerely a Concerned Resident.

Name Deise M. Antea
Address 1537 Grimes Ave

To: Sean Purciel
Stanislaus County Planning
& Community Development
1010 10th Street Suite 3400
Modesto, Ca. 95354

January 19, 2008

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Sincerely a Concerned Resident.

Name Albert Austad

Address 1837 GRIMES AVE

January 23, 2008

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

Re: 1538 Grimes Avenue, Modesto, CA 95358 Cambodian WAT Temple

To Whom It May Concern:

I am opposed to the proposed project at 1538 Grimes Ave, Modesto. My family owns approximately three acres on the same street. My family has lived at the residence since 1984. I own a property just down the street from Grimes Avenue. We have enjoyed our country life, our views of the pastures, farm land and open land. We have also enjoyed low traffic and the peace and quiet of our neighbors.

The new structures proposed in the information packet will essentially block our views, change our land from residential/agriculture to commercial and basically devalue our properties in an already plummeting housing market.

As homeowners and residents I ask the county to please take into consideration the addition traffic, noise and safety issues that this commercial project will bring. The added traffic is of greatest concern to me since the county does not regularly maintain or upgrade our roads, it will not take long for Grimes Avenue to deteriorate and become even more dangerous for our children to stand and wait for the school bus every morning.

It is my understanding that it is easier and more 'politically correct' for the county board to permit buildings that belong to a religious group than it is for them to allow farmers to build a barn or to host weddings on their property, I hope that this is not the case. This is a commercial structure used for group gatherings and not for individuals to live, raise crops, animals or enjoy country life. This is zoned agriculture/residential land and not McHenry Avenue. As is with most groups, there will be weddings, funerals and other large gatherings that will bring hundreds of people to this residential area. The county must take into consideration any added garbage, noise and potential crime issues. In addition, many residents were not informed of this proposed project in a timely manner or at all; it is clear that the county board does not want to hear from surrounding residents regarding this matter.

Please do not allow this project to be built on Grimes Avenue.

David and Brenda Gillum
1720 Mosher Avenue
PO Box 580389
Modesto, CA 95358

E. USE PERMIT APPLICATION NO. 2007-27 - WAT CAMBODIAN BUDDHIST CHURCH -

This is a request to construct a church facility, including two meeting halls (worship and meditation), two school buildings, two storage buildings, a Cambodian home exhibit, church related festivals, soccer field, and two residences for priests and nuns, on an 11.68-acre parcel in the A-2-10 (General Agriculture) zoning district. The property is located at 1538 Grimes Avenue, east of Grimes Avenue and south of California Avenue, in the Modesto area. The Planning Commission will consider a CEQA Negative Declaration on this project.
APN: 017-012-023

Staff Report: Sean Purciel Recommends **APPROVAL**.

Public hearing opened.

OPPOSITION: Joan Ringer, 1309 Grimes Avenue; Diana Ringer, 1306 Grimes Avenue; Don Calkins, 1317 Ohio Avenue; Evelyn Young, 1419 Grimes Avenue; Ron Fern, 1505 Grimes Avenue; Glen Leach, 1313 Grimes Avenue; Sherry Hoefer, 1532 Grimes; Mike Dini, Tribsch & Frampton, 300 N. Palm, Turlock; Chris Young, 1419 Grimes Avenue; Marilyn Ricketts, 1533 Grimes Avenue, Debra Oliver, 1605 Grimes Avenue; Diana Ringer, 1306 Grimes Avenue


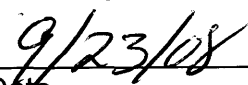
7:45 p.m. - Recessed

7:55 p.m. - Reconvened

FAVOR: Ron West, 1337 Marigold, Patterson; Ry Kea; Pauline Nou; Erik Power; Catherine Nou

Public hearing closed.

Layman/Poore, 5-2 (Mataka, Souza), **BASED ON THE INABILITY TO MAKE THE NECESSARY FINDINGS TO APPROVE THE USE PERMIT, DENIED USE PERMIT APPLICATION NO. 2007-27 - WAT CAMBODIAN BUDDHIST CHURCH.**

<p style="text-align: center;">EXCERPT</p> <p style="text-align: center;">PLANNING COMMISSION</p> <p style="text-align: center;">MINUTES</p> <p style="text-align: center;"></p> <p>_____ Secretary, Planning Commission</p> <p style="text-align: center;"></p> <p>_____ Date</p>

Next Page