

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

DEPT: Planning and Community Development

BOARD AGENDA # 9:15 a.m.

Urgent

Routine

AGENDA DATE October 6, 2009

CEO Concurs with Recommendation YES  NO

4/5 Vote Required YES  NO

(Information Attached)

SUBJECT:

Public Hearing to Consider an Appeal of the Stanislaus County Planning Commission's Decision of Denial for Use Permit Application No. 2008-26, Eastlake Baseball Complex, a Request to Convert an Existing Golf Driving Range into a Three (3) Field Baseball Complex in the A-2-40 (General Agriculture) Zoning District Located on Parker Road in the East Modesto Area

STAFF RECOMMENDATIONS:

After conducting a public hearing at its regular meeting of August 20, 2009, following a staff recommendation of approval, the Stanislaus County Planning Commission voted 5-2 (Souza and De La Mare) to deny the proposed project. Should the Board of Supervisors wish to approve the Use Permit, the Board must take the following actions:

(Continued on page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2009-684

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

and approved by the following vote,

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

Noes: Supervisors: Chiesa, and Monteith

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended


2)  Denied

3)  Approved as amended

4)  Other:

MOTION:

Conducted the public hearing; based upon the staff report, comments by staff and testimony received at the public hearing, the Board denied the appeal of Stanislaus County Planning Commission's decision of denial, thereby denying Use Permit Application No. 2008-26, Eastlake Baseball Complex



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

**RECOMMENDATION: (Continued)**

1. Find amended Mitigation Measures No. 1, 3 and 4, are equivalent or more effective in mitigation or avoiding potential significant effects and that in of themselves will not cause any potentially significant effect on the environment pursuant to CEQA Guidelines Section 15074.1.
2. Adopt the Mitigated 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 Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis.
3. 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.
4. Find that:
  - A. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "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,
  - B. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity, and
  - 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 be reasonably returned to agricultural use in the future; and

- D. That the proposed alternative buffer is found to provide equal or greater protection to surrounding agricultural uses; and
- E. Find that the project will increase activity in and around the project area, and increase demands for roads and services, thereby requiring dedications and improvements; and,

5. Approve Use Permit Application 2008-26 - Eastlake Baseball Complex, subject to the attached Conditions of Approval.

#### **DISCUSSION:**

This item is an appeal of the Planning Commission's decision to deny Use Permit Application No. 2008-26, Eastlake Baseball Complex. The appeal has been filed by the applicant Chris Oar and his representative Dave Butz. The appeal letter submitted discusses that the project will not have a negative impact on agricultural operations or the surrounding area, is in a great location, will bring economic stimulus to the area, will not impact biological resources, and will not create significant traffic impacts (see Attachment "1").

The project is a request to convert an existing golf driving range on a 15.7± acre parcel into a three (3) field baseball complex in the A-2-40 (General Agriculture) zoning district on Parker Road in the east Modesto area. The project site will include a 6,000 square foot indoor training center to provide baseball instruction facilities and a 2,500 square foot dual use concession and restroom facility. The site currently includes a 1,000 square foot clubhouse, which will be converted into an office for the baseball complex. Each baseball field will include spectator seating, scoreboards, lighting, fencing and netting as required, as well as parking lot improvements for 165 cars.

The proposed hours of operation will be from 8:00 a.m. to 10:00 p.m. seven days per week. Primary usage will occur on weeknights from 5:00 p.m. to 10:00 p.m. and weekends from 8:00 a.m. to 10:00 p.m. Uses include practice and training, weekday leagues and weekend tournaments. The applicant is proposing to serve food in the concession facility during the proposed hours of operation. The existing driving range currently has an ABC license for serving beer and wine to patrons over the age of 21, which the applicant proposes to continue using for the proposed baseball complex.

County Zoning Ordinance, Section 21.20.030(C)(2)(0), allows athletic fields in the General Agricultural Zoning District as tier three uses requiring a use permit. Tier three uses are defined as uses which 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. The following findings must be made in order to grant approval of a tier three use permit:

1. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; and
2. 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.

The Stanislaus County Planning Commission held a public hearing on this project at its regular meeting of August 20, 2009. A full discussion and analysis of the proposed project is included in the attached Planning Commission Staff Report (see Attachment "2").

At the August 20, 2009 Planning Commission hearing, eleven people, mostly neighbors, spoke in opposition of the project. A number of concerns dealing with traffic along Parker Road were reported, including impacts during rush hour, road hazards and safety, people parking in the right of way, and traffic congestion on Sundays with the facility and the adjoining church operating on the same day. One neighbor reported concerns with the physical condition and safety of DeWitt Road, including potential hazards related to the Modesto Irrigation District (MID) lateral bridge northwest of the project site, which contains blind spots from oncoming traffic due to the bridge being elevated higher than the road.

A number of neighbors stated that noise and lighting will have an impact on the surrounding area. One neighbor reported that he believes the noise study does not address the noise impacts as a result of the increase in traffic and noise resulting from activities in the proposed parking lot. The noise study can be found in Attachment "2" of this report. Several neighbors also voiced concerns that the lighting will impact the surrounding area and a couple of neighbors pointed out that lighting is an issue at other baseball facilities in the local area. One neighbor requested that if the project were to be approved, further mitigation should be implemented to avoid light impacts on surrounding properties. The current driving range is operated under a use permit with a condition of approval requiring no lighting to be allowed unless approved by the Planning Commission.

Several neighbors expressed concerns with the use of the ABC license because of the facility being catered more for kids and because of the mentioned concerns with traffic on Parker Road. One neighbor stated that he is concerned with people gathering in the parking lot before or after games to consume alcohol.

Neighbors also expressed concerns related to potential impacts on the surrounding area as a result of the project. Several neighbors are concerned with the riparian habitat along Dry Creek and nearby wildlife. One neighbor expressed safety concerns with the Eastside Mosquito Abatement District being in close proximity to the facility. The District's facility is located northwest of the project site on Santa Fe Avenue. Staff referred the project to the District, but no comments were received. One neighbor expressed that the urbanization of the site will affect surrounding agriculture and that people visiting the site may not enjoy the smells attributed from pesticides and manure. Two neighbors expressed concerns with baseballs flying onto their property, and people trespassing to retrieve them. A condition of approval is in place regarding netting along the eastern property line to prevent baseballs from landing on the adjacent property (condition #25) as well as a condition of approval from MID, requiring a no-climb fence to be installed along the northern property line (condition # 55). One neighbor stated that he disagrees with staff and that the findings required for approval cannot be made. In general, a number of neighbors stated that they understand the economic reasons for wanting to develop the baseball fields, but expressed concern that the facility will impact the quality of life in the area and bring down property values.

Six people spoke in favor of the baseball complex. Those in support stated that the facility is geared towards youth players aged 13 through 18 but also has kids as young as 8. The facility will allow players to play on a full sized field with lights year round which is unavailable at other facilities in the area. Existing school facilities do not allow the use of existing fields due to liability. The facility, through the Eastlake Training Academy, will provide the players with training to prepare them for high school and college and provides the players with an opportunity to work with professionals.

The applicant's representative, Dave Butz, also spoke in favor of the project. Mr. Butz responded to the neighbors' concerns, stating that both the City of Modesto and County staff have reviewed traffic impacts, road and safety concerns, and have placed the necessary conditions of approval on the project. Mr. Butz mentioned that traffic in and out of the facility will not be like a typical professional baseball game where a large number of people leave the game at one time. People will arrive and depart in groups depending on what time their game begins. Mr. Butz stated that the area will see development in the future because south of Parker Road is within the City of Modesto General Plan. According to the City of Modesto General Plan, south of Parker Road and west of community of Empire is designated as "Open Space" and "Village Residential" in the City's General Plan. The project site itself is outside of the City of Modesto's Sphere of Influence and General Plan. Mr. Butz stated that he believes the facility will attract people from outside of the area to visit, stay the night, and stimulate the local economy. Mr. Butz also pointed out that the facility and baseball itself is more youth oriented. No softball will be played at the facility, which tends to attract adult players.

The Planning Commission discussed some concerns and asked Mr. Butz questions in relation to the project. One Commissioner was concerned with the project wanting to use the ABC license, when the project is catered to kids. The applicant did offer to give up the license if the project were to be approved. The Commissioner also had questions about the "Eastlake Baseball Academy." Mr. Butz described the academy as an instructional academy that currently operates in an industrial warehouse in the City of Modesto.

A number of people both in favor and against the project mentioned that the lights are required to be turned off at 10:00 p.m. However, condition #3 states that lighting illuminating the ball fields shall be turned off at 10:30 p.m.

Following the public hearing, the Planning Commissioners discussed the project indicating positions both against and in favor of the project. One Commissioner expressed concerns with traffic and asked Public Works staff to address some of those concerns. Public Works staff provided the Commission with traffic counts along Parker Road and DeWitt Road. Public Works staff stated that Parker Road receives approximately 6,000 trips per day and DeWitt Road receives approximately 120 trips per day. Public Works staff mentioned that Parker Road is planned to be a four lane road in the future and mentioned that the increase in traffic as a result of the project would not be significant. Staff did not have an estimate as to how far in the future the widening would occur.

The Commissioners who voted in favor of the project expressed that the findings can be made and that the project has been conditioned to make as little impact as possible. They also stated that the sport is changing, that these types of facilities are needed, and that it is difficult to find baseball fields to play on.

The Commissioners who voted against the project expressed concerns with noise and traffic issues. Other concerns mentioned were affects on adjacent parcels and the riparian habitat along Dry Creek, which, although separated from the project site, could still be impacted by the project itself and its patrons. The Commissioners also pointed out that the expected number of people may be greater than anticipated and parking may not be sufficient. One Commissioner pointed out that the site is not within the City of Modesto Sphere of Influence and expressed concern that the driving range was approved because it could be reasonably returned to agriculture. But in this case, the Commission would use the fact that it is a driving range to allow approval of a baseball complex, making it a more intensified use and less able to return to agriculture. Four of the five Commissioners who voted to deny the project stated that the project is a good project in the wrong area. The Commissioners felt that the use permit findings could not be made in this case and ultimately denied the project on a vote of 5-2 (Souza, De La Mare).

Prior to the Planning Commission meeting, staff received 14 letters of support and 5 letters of opposition, as well as a number of phone calls in opposition. All the letters were provided to the Planning Commission the night of the meeting (Attachment "4"). The issues raised in the letters reflect the issues mentioned at the Planning Commission meeting by those against and those in favor of the project.

One item that was brought up during the Planning Commission meeting was in reference to County Zoning Ordinance, Section 21.20.030(C)(2)(0), that athletic fields and facilities need to be operated by a non-profit organization or club. The applicant has submitted organizational plans for how the facility will operate (see Attachment "5"). Staff believes that the submitted plan is in compliance with the Zoning Ordinance.

Since the Planning Commission's decision to deny the use permit, staff has received letters in support and opposition to the project. These letters are attached to this report (see Attachment "6").

#### **POLICY ISSUES:**

This project has the potential to increase the pressure of allowing non-agricultural uses to develop surrounding the project site, immediately adjacent to the City of Modesto's Sphere of Influence. The Board should determine whether this project meets the priorities of both a strong local economy and the strong agricultural economy/heritage.

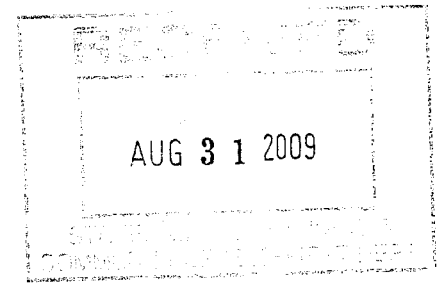
#### **STAFFING IMPACT:**

There are no staffing impacts associated with this item.

**ATTACHMENTS:**

1. Appeal Letter, dated August 31, 2009, from Chris Oar and Dave Butz
2. Planning Commission Staff Report dated August 20, 2009
3. Planning Commission Minutes dated August 20, 2009
4. Letters of Support and Opposition Submitted to the Planning Commission prior to August 20, 2009
5. Applicant's Organizational Plan for a Club to Operate.
6. Correspondence Received

David W. Butz  
2705 Marlboro Place  
Modesto, CA 95355



August 31, 2009

Stanislaus County Board of Supervisors  
C/O Stanislaus County Planning & Community Development Department  
Attn: Mr. Javier Camarena  
1010 10th Street Suite 3400  
Modesto, CA 95354

Subject: Eastlake Baseball Complex (Use Permit Application 2008-26)

Dear Mr. Camarena:

We are writing to formally appeal the decision of the Stanislaus County Planning Commission on August 20, 2009 regarding the above mentioned application. The basis for the appeal is as follows:

- The project will not have a negative impact on agricultural operations or the surrounding community as was stated by members of the commission in the decision making process. These statements were contrary to the findings of staff which recommended approval of the project and the Agricultural Commission which previously approved and endorsed the agricultural buffer portion of the project.
- The project is not a “great project in the wrong location” as was stated by members of the commission in its decision making process. The applicant feels the complex is a great project in a great location. This support was echoed by the many letters of support received by staff as well as the positive testimony and expressed need for such a facility at the public hearing.
- The financial viability of the project should not be a reason for denying the project. The applicant does not feel that concerns for the financial viability of the project as expressed by a commissioner in his decision making process should be grounds for denial. The applicant feels that the economic benefits, employment opportunities, benefits to the youth of Stanislaus County, as well as the benefits to the community in general that the complex will provide were greatly understated.
- The project will not have a significant effect on “Biological Resources” as was stated by a commissioner during the decision making process. During the course of the environmental review performed by staff no significant impacts to Biological Resources were revealed.



August 31, 2009

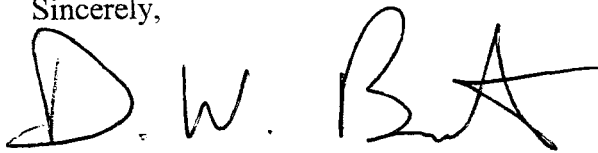
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- The project will not create significant traffic impacts as was stated by staff during the decision making portion of the project but seemingly ignored by the commission who continually referenced traffic concerns of the neighbors in their decision to deny the project.

In conclusion the applicant feels that the Planning Commission voted 5-2 to deny Use Permit Application No. 2008-26 based on the emotional and exaggerated statements of the ranchette owners in the area. The applicant feels that the facts stated in the staff report were overlooked in the decision making process, and the negative statements regarding the project were based upon the ranchette owners' perception of the project and other similar projects but not necessarily the proposed project. The applicant felt that the majority of the testimony against the project was contrary to the project description, staff report, and Mitigated Negative Declaration which clearly states "there is no substantial evidence the project will have a significant effect on the environment".

Attached please find a check in the amount of \$607 for the appeal filing fee. If you have any questions or need additional information please contact us. We look forward to discussing the entire project at a future public hearing.

Sincerely,



David W. Butz  
Project Manager Eastlake Baseball Complex



Chris Oar  
Applicant

# STANISLAUS COUNTY PLANNING COMMISSION

August 20, 2009

## STAFF REPORT

### USE PERMIT APPLICATION NO. 2008-26 EASTLAKE BASEBALL COMPLEX

**REQUEST: TO CONVERT AN EXISTING GOLF DRIVING RANGE INTO A THREE (3) FIELD BASEBALL COMPLEX ON A 15.7± ACRE PARCEL IN THE A-2-40 (GENERAL AGRICULTURE) ZONING DISTRICT. THE PROJECT SITE IS LOCATED ON PARKER ROAD IN THE EAST MODESTO AREA.**

#### APPLICATION INFORMATION

Property Owner:	Fred & Loraine Amadin and Walid & Maria Tabet
Applicant:	Chris Oar
Agent:	Dave Butz
Location:	4925 Parker Road, on the north side of Parker Road, east of DeWitt Road, in the east Modesto area
Section, Township, Range:	18-3-10
Supervisory District:	One (Supervisor O'Brien)
Assessor's Parcel:	014-026-037
Referrals:	See Exhibit M Environmental Review Referrals
Area of Parcel :	15.7± acres
Water Supply:	Private water well
Sewage Disposal:	Private septic
Existing Zoning:	A-2-40
General Plan Designation:	Agriculture
Community Plan Designation:	Not applicable
Williamson Act:	Not currently enrolled
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	Golf driving range, mobile home, single family dwelling, sheds, corral, and a clubhouse.
Surrounding Land Use:	Pasture and an MID lateral to the north, pasture to the east, a residential neighborhood to the south, and a church to the west

#### PROJECT DESCRIPTION

This project is a request to convert an existing golf driving range into a three (3) field baseball complex located on a 15.7± acre parcel in the A-2-40 (General Agriculture) zoning district on Parker Road in the east Modesto area. The complex will include a 6,000 square foot indoor

training center to provide baseball instruction facilities and a 2,500 square foot dual use concession and restroom facility. The site currently includes a 1,000 square foot clubhouse, which will be converted into an office for the baseball complex. The existing 2,000 square foot single-family dwelling is currently being used as a caretaker's home for the driving range and will continue to be used as a caretaker's home for the proposed baseball complex as well. Necessary equipment to maintain the site will be stored adjacent to the caretaker's residence; however, the applicant has not determined whether the equipment will be stored in a new shed or fenced within a specific area. Each baseball field will include dugout facilities, spectator seating, scoreboards, lighting, and fencing and netting as required. The parking lot will include spaces for 165 cars.

The proposed hours of operation will be from 8:00 a.m. to 10:00 p.m. Primary usage will occur on weekday nights from 5:00 p.m. to 10:00 p.m. and weekends from 8:00 a.m. to 10:00 p.m. Uses include practice and training, weekday leagues and weekend tournaments. The applicant is proposing to serve food in the concession facility during the proposed hours of operation. The existing driving range currently has an ABC license for serving beer and wine to patrons over the age of 21, which the applicant proposes to continue using for the proposed baseball complex.

The applicant has the option to use irrigation water from Modesto Irrigation District (MID) to irrigate the ballfields. However, the applicant is still reviewing how cost-effective it will be to use MID water or a private well due the installation of different systems.

#### **SITE DESCRIPTION AND HISTORY OF SITE USE**

The project site consists of 15.7± acres, which is currently used as an existing driving range. The site currently has an existing mobile home, sheds, and a corral, all to be removed for the project. The site also includes an existing single family home being used as a caretaker's home which the applicant is proposing to continue utilizing for the baseball complex. The site currently utilizes a single driveway off of DeWitt Road through the adjacent property and is proposing to continue utilizing it. The project site is bordered by pasture and an MID canal to the north, pasture to the east, a residential gated community as well as Dry Creek to the south, and a church to the west.

Use Permit No. 91-14 - Angelo Pierini: This project established the existing 40 slot driving range with a 60 stall parking lot that exists on the project site today. At the time, staff was concerned with the driving range being outside of the City of Modesto's Sphere of Influence and the project's urban encroachment on the A-2 zone. The Staff Report points out that although the character of the use being requested is such that the land may be reasonably be returned to agriculture, the encouragement of agricultural conversion, and the precedent set for these types of uses, could all prove irreversible. The Planning Commission ultimately denied the project, however, the project was approved on appeal by the Board of Supervisors.

Use Permit No. 95-15 - Angelo Pierini: In 1995, a nine-hole golf course was proposed for the subject site. Staff's recommendation was approval at the time. The Use Permit was approved by the Planning Commission, however, the golf course was never built and the Use Permit eventually expired.

UP 2000-13 - Modesto Christian Center: In 2000, a request to construct a church in three phases was proposed for what is now the parcel to the west. (In 2000, both parcels were one, until PM 2003-46 - Modesto Christian Center, split the two properties.) The site plan shows an 7,550 square foot church building for Phase 1, a 6,480 square foot classroom building for Phase 2, and a 4,500 square foot fellowship hall for Phase 3.

Staff recommended denial because the driving range was approved based on the fact that it could reasonably be returned to agriculture, whereas a church cannot. The staff report points out that the required findings for approval of a Tier Three Use Permit cannot be made because the site is not in the City's General Plan, approval of the project sets a precedence in the A-2 zone, and approval of the driving range was clearly made on the finding that the parcel could be reasonably returned to agricultural use. However, the Planning Commission determined that the proposed project was able to make the required findings and approved the project on a 6-2 vote.

### **DISCUSSION**

The site is designated Agriculture and zoned A-2-40 (General Agriculture, 40-acre minimum). County Zoning Ordinance, Section 21.20.030(C)(2)(O), allows athletic fields and facilities, and related facilities (including, but not limited to, clubhouses, pro-shop, and food and drink facilities) in the General Agricultural Zoning District as Tier Three uses requiring a use permit. Tier Three uses are defined as uses which 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. The discussion to follow provides an overview of the findings which must be made in order to grant approval of a Use Permit for a Tier Three use. Exhibit C consists of the findings statement submitted by the applicant with the application.

1. *The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity;*

The site is located on the north side of Parker Road and outside of the Modesto city limits and its LAFCO-adopted Sphere of Influence (SOI). As previously mentioned, the site is surrounded by an MID Lateral to the north, pasture to the east, a residential gated subdivision to the south and an existing church to the west. To ensure that no conflicts between agricultural and non-agricultural uses arise, the applicant will be implementing an agricultural buffer and setback plan that meets Stanislaus County standards.

2. *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.*

*In determining "most productive agricultural area," factors to be considered include but are not limited to soil types and potential for agricultural production; and availability of irrigation water; ownership and parcelization patterns; uniqueness and flexibility of use; the existence of Williamson Act contracts; existing uses and their contributions to the agricultural sector of the economy. "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.*

The site has been utilized as a golf driving range since Use Permit No. 91-94 was approved in 1993 (approximately 16 years). In 2001, the church to the west was approved, partly due to the driving range being next door. The approval of the church ultimately led to a parcel map dividing the church site from the driving range. Due to the site's existing development, parcelization, and adjacent location to a church, staff believes that the project site is no longer in one of the County's "Most Productive Agricultural Areas." The site itself is separated from the adjacent agricultural area to the north by the MID lateral and is bordered to the south by the City of Modesto. As designed, the site itself has the potential to serve as a buffer between the church to west and the agricultural area to east. The site is already approved for a recreational use. The proposed use permit only changes the type of recreational use allowed.

In addition, the following finding is required for approval of any Use Permit within the A-2 zoning district:

*The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "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.*

Based on the project's design and the conditions of approval being incorporated into the project, staff believes all of the findings necessary for approval of this project can be made. In addition to the discussion provided above for the Tier Three findings, the following discussion is provided to support all the required findings necessary for approval of this project:

#### Agricultural Buffer & Landscaping:

In December of 2007, Stanislaus County adopted an updated Agricultural Element which incorporated guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 zoning district. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts resulting from the interaction of agricultural and non-agricultural uses. Current buffer guidelines require a project that proposes people intensive uses (such as an athletic field) to provide a 300-foot setback, fencing and a double row of landscaping around the perimeter of the proposed operation.

Appendix A – Buffer and Setback Guidelines of the Agricultural Element, allows the project applicant to propose an alternative agricultural buffer to be reviewed and supported by the Stanislaus County Agricultural Advisory Board. An alternative agricultural buffer was presented to and supported by the Agricultural Advisory Board on March 2, 2009. The applicant's alternative (see Exhibit H – *Ag Advisory Board Minutes Including Alternative Agricultural Buffer Proposal - March 2, 2009*) proposes a combination of fencing, tree planting, and landscaping to prevent conflicts between the proposed use and the adjacent low intensity agricultural uses. The alternative includes a vegetative screen comprised of a single row of evergreen trees and a double row where possible with reduced setbacks along the northern and eastern sides of the property.

The alternative also includes an 8-foot high chain link fence with slats along the northern and eastern property lines. The northern property line will include an 8-foot “no-climb” fence in compliance with Modesto Irrigation District (MID) Standards, to prevent trespassing into the MID lateral to the north.

The Agricultural Advisory Board supported the alternative with a condition that one of the baseball fields be rotated in order to avoid spectators from being within the eastern setback. The most recent site plan reflects this change (see Exhibit B - *Site Plan, Landscaping & Elevations*). In addition to the required Agricultural Advisory Board’s support, the Stanislaus County Planning Commission, in accordance with Appendix A – Agricultural Buffer and Setback Guidelines of the Agricultural Element, must make a finding that the agricultural buffer alternative is found to provide equal or greater protection to surrounding agricultural uses in order to approve this project. Without such a finding, the project must comply with all provisions of the adopted buffer guidelines.

In addition to the agricultural buffer, a preliminary landscape plan has been submitted by the applicant and is provided for review in Exhibit B. Although the majority of the site will be grass, the plan does provide landscaping along the frontage of the property, parking area, around the buildings and around the entire site. The trees proposed for the site are a number of existing Redwoods, new Redwoods, Chinese Pistache and Purple Leaf Plums. All trees will be a minimum of 15 gallon sizes. The ground covers and shrubs which include Lily-of the Nile, Fortnight Lily, Nandina, Dwarf Mock Orange, and India Hawthorn will be planted in 1 to 5 gallon sizes. The preliminary landscaping incorporates the agricultural buffer and setback alternative discussed above. As discussed later in this report, the landscaped area along the eastern property line may include netting designed to keep baseballs on-site.

#### Access, Roadway Dedications/Improvements, and Services:

As previously mentioned, access to the project site will be provided via an existing access easement off of DeWitt Road. As reflected in the conditions of approval for this project, no direct access to Parker Road will be permitted except for emergency access. The restricted access applies to the entire project site including the existing caretakers home. Under the current Use Permit for the existing driving range, access to Parker Road is only restricted for the driving range use and not the residential use of the parcel. Emergency access off of Parker Road will be permitted and must be equipped with approved gates and Knox boxes.

The majority of the existing dedicated Parker Road right-of-way, with the exception of the portion located east of the existing caretakers home, is located within and under the jurisdiction of the City of Modesto. The remaining portion of Parker Road is under the jurisdiction of Stanislaus County, but is located with the City of Modesto’s LAFCO-adopted Sphere of Influence (SOI).

The City of Modesto’s General Plan classifies Parker Road as a four lane arterial with an ultimate right-of-way of 100 feet. The bank of Dry Creek is located along the south side of Parker Road and, due to the bank’s location, the City of Modesto is requesting that the project provide an irrevocable offer of dedication to provide the full 100 foot right-of-way north of the Dry Creek bank. The Stanislaus County General Plan classifies Parker Road as a four lane major with an “ultimate right-of-way” of 110 feet, however, County Public Works has indicated that it will support the City of Modesto’s ultimate right-of-way requirement of 100 feet. Exhibit “A-5” of this report illustrates the location and jurisdictional boundaries of both the existing dedicated Parker Road right-of-way and the area to be included in the Parker Road offer of dedication.

The City of Modesto is also requesting full frontage improvements to be installed along the project site's entire road frontage, including but not limited to curb, gutter and sidewalk. Since the right-of-way to be dedicated and frontage improvements will be located outside the City's jurisdiction the irrevocable offer of dedication will be provided to the County and a deferred improvement agreement will be required with the County. Frontage improvements will be deferred until the County determines that the improvements are justified due to surrounding conditions and traffic flow, at which time the applicant will be required to construct the improvements. Both the offer of dedication and deferred improvement agreement will be transferable to the City of Modesto upon annexation, at which time the City will determine when the improvements are justified.

Since the ultimate right-of-way needing to be dedicated is located outside the City's jurisdiction and adopted-SOI, the County is limited in its ability to directly incorporate the City's conditions. ( Exhibit L - *Letter dated January 12, 2009 and Email dated May 6, 2009 from City of Modesto*) However, all of the City's conditions for Parker Road are reflected in the projects conditions of approval applied by County Public Works. Staff has not, however, addressed the City's request for dedication of Dewitt to a 'major' collector standard. Under the current County's General Plan, Dewitt Road is classified as a 'local' requiring a 60-foot right-of-way. The current dedication of 30-foot from the center line of Dewitt Road complies with the County's General Plan.

The application proposes to continue using the existing caretaker's home for the baseball complex. However, due to it's location in the future Parker Road right-of-way/setback area, this building will have to be removed or relocated when the roadway is widened. This requirement will be reflected in the conditions of approval (see Exhibit D - *Conditions of Approval*). Also reflected in the conditions of approval is a requirement to fence the entire frontage of Parker Road as a means of insuring all access is restricted to Dewitt Road. The fencing will need to be placed outside of the dedicated right-of-way and, if placed within the area being offered for dedication, the property owner will need to relocate the fence, at their cost, once the Parker Road widening occurs.

The northern 110 feet of the project site located immediately adjacent to MID Lateral No. 3 is identified in the Stanislaus County General Plan, The City of Modesto General Plan, and Stanislaus County Council of Governments Regional Transportation Plan as an expressway. The location of the expressway is reflected in Exhibits "A-4" and "B-1" of this report. One of the proposed baseball fields is located in this area. At the time the future expressway is developed, the baseball field will need to be re-configured or eliminated. This requirement is reflected in the project's Conditions of Approval (see Exhibit D - *Conditions of Approval*).

The applicant is proposing to utilize on-site well and septic systems. However, given that the project's location is close to City of Modesto water services, there is a possibility that the applicant could consider utilizing public water. If the applicant decides to utilize public water, the applicant will be required to obtain a "Will Serve" letter from the City of Modesto, as well as Local Agency Formation Committee (LAFCO) approval for out of boundary service.

Requirements for storm drainage raised by the City of Modesto in their January 12, 2009 letter have been addressed by County Public Works in the conditions of approval requiring a grading and drainage plan be submitted prior to moving any dirt on-site. Currently, the parcel on which this project is located and the adjoining church parcel to the west share a drainage basin recorded in 2004 on the Parcel Map creating the separate parcels. Exhibit "A-5" consists of the recorded Parcel Map showing the project parcel as Parcel "2". The drainage area is roughly located in the

far centerfield section of the proposed baseball field facing west. The proposed project identifies three storm drain basins to be developed on the project site. A condition of approval has been added to this project to require adequate drainage basin(s) for the mutual benefit of both parcels be maintained and/or provided as part of this project. The condition requires verification of recorded easements and maintenance agreements by both the Planning and Public Works Departments.

Parking:

The applicant's representative submitted an estimate of the number of people that will be utilizing the baseball complex. Based on the number of players per field, number of spectators, staff and umpires, the site expects a maximum of approximately 215 people (see Exhibit K - *Estimated Number of People*) and will have a parking lot including 165 parking spaces. Although the County Zoning Ordinance does not specify the off-street parking requirements for a baseball complex, staff has considered comparative uses such as a stadium use, which is one(1) parking space per three (3) fixed seats. Based on this ratio, the 165 proposed parking spaces could accommodate up to 495 people. The applicant is planning on using sets of bleachers that can hold up to 55 people each. Two sets of bleachers per field would total six sets seating up to 330 people. The 165 parking spaces will still be able to accommodate the 330 people in addition to players, staff and umpires. As already mentioned, however, the project expects a maximum of 215 people. Section 21.76.210 of the County Zoning Ordinance authorizes the Planning Commission to determine required off-street parking based on the intensity of use by motor vehicles if the use is not specified.

Public Concerns:

At the time this report was written, staff had received an email, two phone calls, and two letters, from nearby residents with concerns about the project. The email sent by Steve Ciruolo, who is the property owner on the northwest corner of the Church Street and Parker Road intersection, raises concerns regarding the potential for traffic and noise pollution (see Exhibit J - *Correspondence in Opposition*). The project was referred to Stanislaus County Public Works, the City of Modesto and the Stanislaus Council of Governments (StanCOG) for comments. The agencies did not raise concerns over traffic congestion and placed conditions addressing right-of-way dedication and frontage improvements. A noise study was also conducted for the project and determined that the project will be in compliance with the Noise Element of the County's General Plan. The Environmental Review section of this report provides further details of the noise study.

Staff received a telephone call from Mr. Eldon Kidd, owner of the adjoining parcel to the east, who is concerned with baseballs flying onto his property. Mr. Kidd states that golf balls from the existing driving range constantly land on his property. Mr. Kidd farms a variety of crops and keeps adult bulls on his property. He wants to make sure that no baseballs fly onto his property and that no one trespasses onto his property to retrieve them. He would like the applicant to install a 30-foot high net along the entire eastern property line to prevent any baseballs from landing on his property. This would keep his bulls safe and people safe because there would be no reason to trespass onto his property. Staff has discussed the issue with the neighbor and believes that a 30-foot high net along the entire property line is not practical due to the configuration of the baseball fields, however some netting is needed. Staff is recommending that the applicant include



a 30-foot net along the centerfield property lines on the two baseball fields facing the eastern property. The length for both sets of netting will be approved by the Planning Director or appointed designee as reflected in the project's conditions of approval (see Exhibit D). The conditions of approval also specify that after operations of the facility begin, additional netting may be required if the 30-foot high net is not capable of containing baseballs on the site.

Staff also received a phone call from Lori and Glenn Patton who live on Dewitt Road west of the project site. The Patton's are concerned with the physical road condition, speed, and traffic along Dewitt Road. The Patton's also have concerns with lighting of the fields affecting their property. The project has a condition of approval requiring that all lighting will be turned off by 10:30p.m., be pointed down toward the site to prevent glare effects, and incorporate shielded fixtures to prevent skyglow.

Staff received a letter from Robert Farrace, from the Farrace Law Firm, who is a neighbor on Parker Road (Exhibit J - *Correspondence in Opposition*). Mr. Farrace lives directly across from the project site on Parker Road. Mr. Farrace's concerns include potential zoning violations, noise and lighting concerns, air pollution, insufficient roadway improvements, and would like an Environmental Impact Report to be completed. This project has undergone environmental review which has included referrals to the various responsible agencies for comments (See Exhibit M - *Environmental Referrals*). As discussed in the environmental review section of this report all potentially significant impacts have been mitigated to a level of less than significant. The project also includes conditions addressing roadway improvements, lighting, noise, air quality and fire protection.

Staff also received a letter from William and Leanne Donahue who live directly southeast of the project site. The Donahue's believe that the project does not fit with the agricultural setting surrounding the site. The Donahue's have concerns with traffic, biological resources along Dry Creek, the project site location being close to the Eastside Mosquito Abatement District airfield, and quality of life issues. As mentioned previously, this project was referred to appropriate agencies for comments and no significant issues were raised. The project was also referred to the Eastside Mosquito Abatement District and no comments were received. The District's private runway and helipad are located along North Sante Fe Avenue about a quarter mile to the west of the project site.

## **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 M - *Environmental Review Referrals*).

In a June 23, 2009 a letter from the United States Army Corps of Engineers (USACE) requesting a wetland delineation to ascertain the extent of jurisdictional waters on the project site was received. Upon receiving the letter, staff contacted the USACE to clarify the location of Dry Creek being south of the site and separated from the site by Parker Road and a residential subdivision. In addition, staff provided the USACE with standard condition of approval language to be applied to this project. The standard condition of approval language requires the developer to contact the USACE prior to any construction on the project site to determine if any areas under USACE jurisdiction are present and if needed, what permits and authorization are required. As a result of

discussions with staff, the USACE indicated that a wetland delineation is not needed for the project to move forward but has requested that staff's standard condition be modified to state that "prior to any work being conducted on site," the applicant shall contact the USACE to determine jurisdiction, and if needed required permits and authorization. This will be reflected in the project's Conditions of Approval (see Exhibit D).

The Stanislaus County General Plan requires that new development of industrial, commercial or other noise generating land uses not be permitted if resulting noise levels will exceed 60 Ldn (or CNEL) in noise-sensitive areas. Additionally, the development of noise-generating land uses which are not preempted from local noise regulation will not be permitted if resulting noise levels will exceed the maximum allowable noise exposure in areas containing residential or other noise sensitive land uses. The maximum allowable noise exposure in these areas is an hourly Leq of 55 dBA and a maximum level of 75 dBA from 7 a.m. to 10 p.m. and an hourly Leq of 45 dBA and maximum level of 65 dBA from 10 p.m. to 7 a.m. The applicant hired J.C. Brennan and Associates, Inc., to conduct a noise study for the proposed use (see Exhibit I - *Noise Study conducted by J.C. Brennan and Associates dated April 9, 2009*). The study concluded that the baseball complex is expected to comply with Stanislaus County daytime exterior noise level criteria provided that the recommended mitigation measures are implemented. The mitigation measures include specific hours of operation, construction equipment noise standards, and sound system limitations. The original Mitigation Monitoring Plan circulated with the Initial Study for public review has been modified to better address noise issues. The revised Mitigation Monitoring Plan is provided as exhibit G of this report and the Mitigation Measures are reflected as conditions of approval.

Staff has modified two of the mitigation measures (No. 1 and 3) and add an additional mitigation measure (No. 4) to the original Mitigation Monitoring Plan. The modifications are being proposed in order to provide the applicant flexibility in maintaining the facility and provide the County with a greater ability to monitor noise. The modifications are as followed:

1. The park will close to the public between the hours of 10:00 p.m. and 7:00 a.m. Employees may continue with operations after hours for cleaning, maintenance and office type work, however, no heavy machinery shall be operated between these hours, such as lawn mower or tractor.
3. If a sound system is integrated into the project design, it should not exceed a maximum (Lmax) sound level of 70 dB at the nearest residential or church property lines. This does not include the existing residence on the property to be used by the caretaker.
4. Once the facility is constructed, if the County receives and has verified noise complaints, the facility operator shall conduct a follow-up noise analysis, at his or her cost. The facility operator shall begin work on the follow-up noise analysis within 30 days and completed within 90 days of being contacted by the County.

In order to modify mitigation measures, the Commission must find that the proposed amendments are equivalent or more effective in avoiding potentially significant impacts, and that the measures, in themselves, do not cause significant effects. Staff believes these findings can be made and has included them in the recommendation. The applicant has signed a revised Mitigation Monitoring Plan agreeing to implement the modifications identified above.

Based on the comments received and the Initial Study discussion, a Mitigated Negative Declaration is being recommended for adoption (see Exhibits E - *Initial Study*, and F - *Mitigated Negative Declaration*). The mitigation measures included in the project address noise related standards, these measures include specific hours of operation, sound system volume, and noise standards related to construction. The mitigation measures are included as project conditions of approval.

### **RECOMMENDATION**

Based on all evidence on the record, and on the ongoing discussion, staff recommends the Planning Commission take the following actions:

1. Find amended Mitigation Measures No. 1, 3 and 4, are equivalent or more effective in mitigation or avoiding potential significant effects and that in of themselves will not cause any potentially significant effect on the environment pursuant to CEQA Guidelines Section 15074.1.
2. Adopt the Mitigated 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 Mitigated Negative Declaration reflects Stanislaus County's independent judgement and analysis.
3. 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.
4. Find that:
  - A. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "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,
  - B. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity, and
  - 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 be reasonably returned to agricultural use in the future; and

- D. That the proposed alternative buffer is found to provide equal or greater protection to surrounding agricultural uses; and
  - E. Find that the project will increase activity in and around the project area, and increase demands for roads and services, thereby requiring dedications and improvements; and,
5. Approve Use Permit Application 2008-26 - Eastlake Baseball Complex, 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 **\$2,050.00** for the Department of Fish and Game, and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

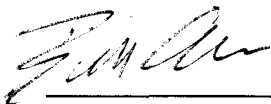
\*\*\*\*\*

Report written by: Javier Camarena, Assistant Planner, July 30, 2009

Attachments:

- Exhibit A - Maps
- Exhibit B - Site Plan, Landscaping & Elevations
- Exhibit C - Applicant's Findings Statement
- Exhibit D - Conditions of Approval
- Exhibit E - Initial Study
- Exhibit F - Mitigated Negative Declaration
- Exhibit G - Revised Mitigation Monitoring Plan
- Exhibit H - Ag Advisory Board Minutes Including Alternative Agricultural Buffer Proposal - March 2, 2009
- Exhibit I - Noise Study conducted by J.C. Brennan and Associates dated April 9, 2009
- Exhibit J - Correspondence in Opposition
- Exhibit K - 8-3-2009 - E-mail from Dave Butz - Estimated Number of People
- Exhibit L - Letter dated January 12, 2009 and Email dated May 6, 2009 from City of Modesto.
- Exhibit M - Environmental Review Referrals

Reviewed by:



Bill Carlson, Senior Planner

JM:er

I:\Staff\UP\2008\UP 2008-26 - EASTLAKE BASEBALL COMPLEX\Staff Report 8-13-2009 Draft.wpd

**Riverbank**

UP 2008-26  
Eastlake Baseball Complex  
Area Map

Claribel Rd.

Claus Rd.

Sphere of  
Influence

Milnes Rd.

Claus Rd.

N. Santa Fe Ave.

Dewitt Rd.

SITE

Albers Rd.

**Modesto**

Parker Rd.

Dusty Ln.

**Empire**



12

EXHIBIT A

UP 2008-26  
Eastlake Baseball Complex  
General Plan & Zoning Map

**AG**  
**A-2-40**

**Sphere of Influence**

**SITE**

**Modesto**

*N. Santa Fe Ave.*

*Dewitt Rd.*

*Church St.*

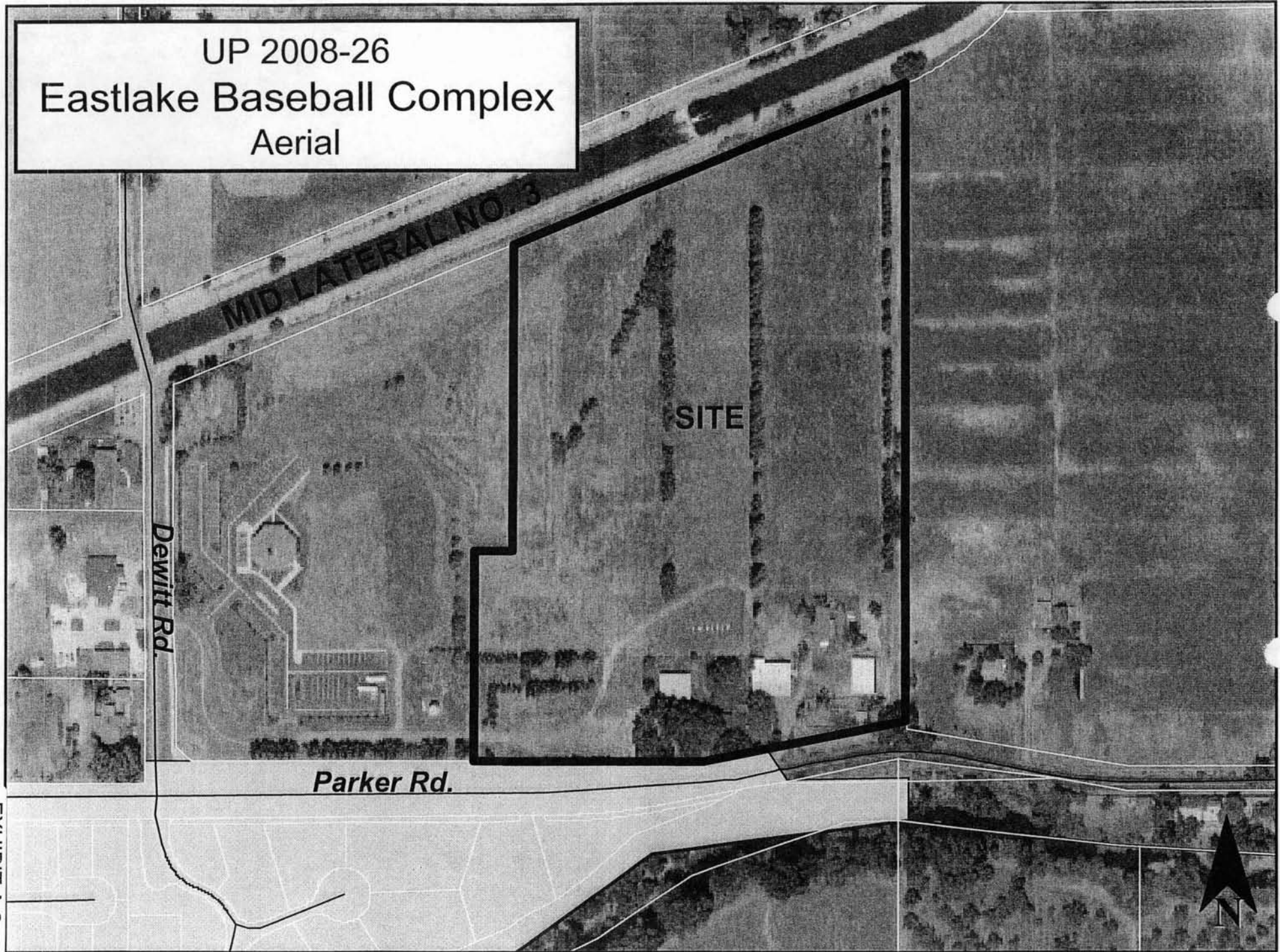
*Parker Rd.*

*Parker Rd.*





UP 2008-26  
Eastlake Baseball Complex  
Aerial



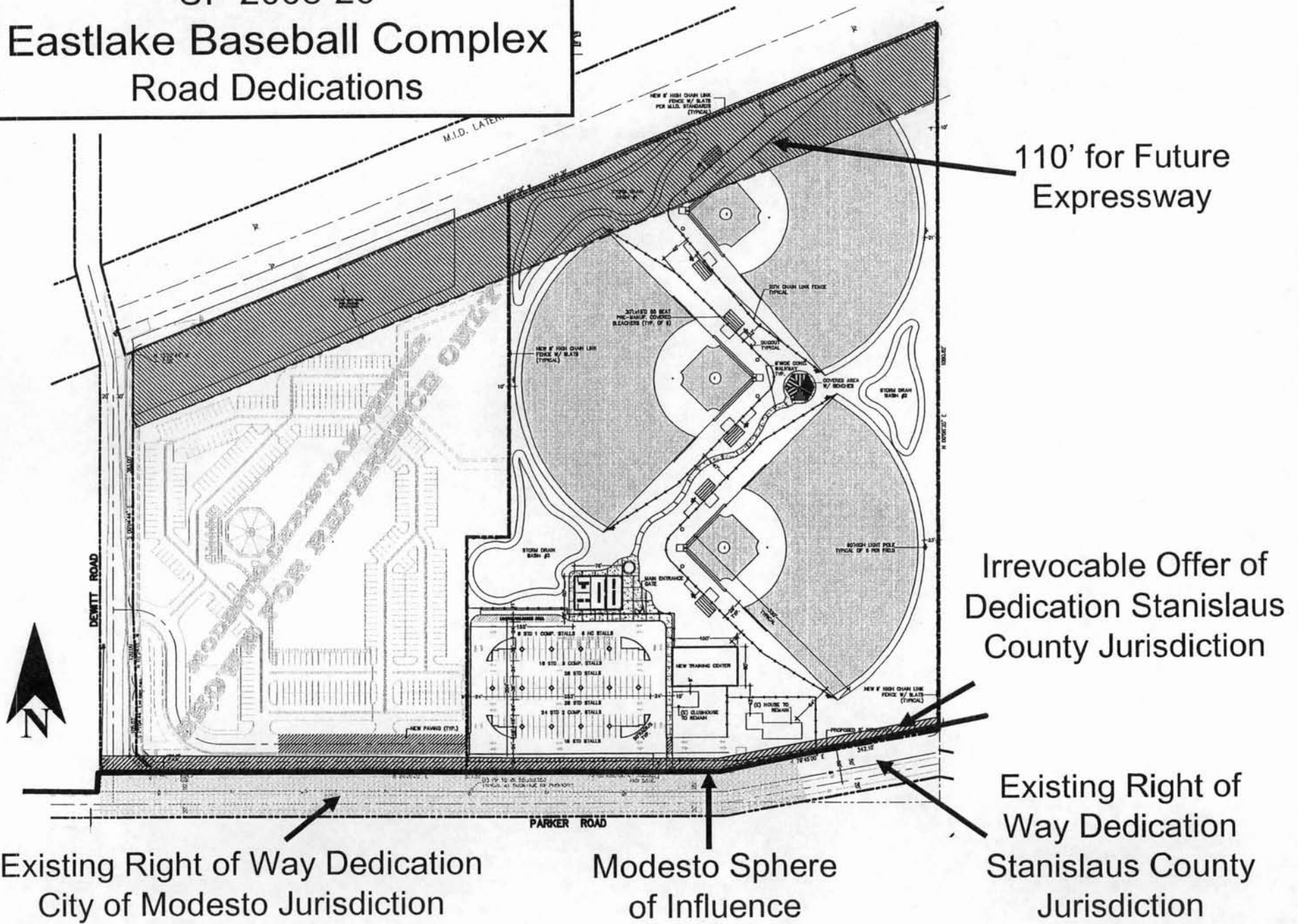
15

EXHIBIT A-3





UP 2008-26  
 Eastlake Baseball Complex  
 Road Dedications



110' for Future Expressway

Irrevocable Offer of Dedication Stanislaus County Jurisdiction

Existing Right of Way Dedication Stanislaus County Jurisdiction

Existing Right of Way Dedication City of Modesto Jurisdiction

Modesto Sphere of Influence

# UP 2008-26 Eastlake Baseball Complex Parcel Map

## PARCEL MAP FOR MODESTO CHRISTIAN CENTER

A SUBDIVISION OF A PORTION OF THAT TRACT OF LAND SHOWN ON THE RECORD OF SURVEY FILED FOR RECORD ON MARCH 24, 1965 IN BOOK 10 OF SURVEYS AT PAGE 27, STANISLAUS COUNTY RECORDS, AND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 10 EAST, MOUNT DIABLO BASE AND MERIDIAN.

STANISLAUS COUNTY, STATE OF CALIFORNIA

**NORTHSTAR ENGINEERING GROUP, INC.**  
900 H Street, Suite G, Modesto, CA 95354  
(209) 524-3525

### RIGHT TO FARM

ALL PERSONS PURCHASING LOTS WITHIN THE BOUNDARIES OF THE APPROVED MAP SHOULD BE PREPARED TO ACCEPT THE INCONVENIENCES ASSOCIATED WITH THE AGRICULTURAL OPERATIONS, SUCH AS NOISE, DUST, FLEET, OUST OF TURFS, STANISLAUS COUNTY HAS DETERMINED THAT SUCH INCONVENIENCES SHALL NOT BE CONSIDERED TO BE A NUISANCE IF AGRICULTURAL OPERATIONS ARE CONSISTENT WITH ACCEPTED CUSTOMS AND STANDARDS.

### LEGEND

- ⊙ - FD. MONUMENT AS NOTED
- - FD. MONUMENT AS NOTED
- - SET 3/4" x 24" IRON PIPE TAGGED L.S. 6805
- SUBDIVISION BOUNDARY LINE
- CALCULATED DIMENSIONS FOR INDICATED REFERENCE
- LN - INSTRUMENT NUMBER
- IP - IRON PIPE
- OR - OFFICIAL RECORDS
- P.M. - PARCEL MAP
- P.U.E. - PUBLIC UTILITY EASEMENT
- (R) - RADIAL BEARING
- S.C.R. - STANISLAUS COUNTY RECORDS
- SFN - SEARCHED, FOUND NOTHING, NOTHING SET, UNLESS SHOWN OTHERWISE

### REFERENCES

- (M) - MEASURED BY THIS SURVEY, ALL DISTANCES ARE MEASURED UNLESS OTHERWISE NOTED.
- (R1) - RECORD PER DEED GRANTED TO MODESTO CHRISTIAN CHURCH FILED FOR RECORD ON MAY 15, 2000 AT DOCUMENT No. 2000-003750-00, OF OFFICIAL RECORDS, S.C.R.
- (R2) - RECORD PER RECORD OF SURVEY FILED FOR RECORD ON MARCH 24, 1965 IN BOOK 10 OF SURVEYS, AT PAGE 27, S.C.R.
- (R3) - RECORD PER DEED GRANTED TO COUNTY OF STANISLAUS FILED FOR RECORD ON APRIL 29, 2003 AT DOCUMENT No. 2003-006889-00, OF OFFICIAL RECORDS, S.C.R.
- (R4) - RECORD PER DEED GRANTED TO COUNTY OF STANISLAUS FILED FOR RECORD ON APRIL 1, 1994 AT DOCUMENT No. 94-0033851-00, OF OFFICIAL RECORDS, S.C.R.
- (R5) - RECORD PER RECORD OF SURVEY FILED FOR RECORD ON DECEMBER 31, 1978 IN BOOK 14 OF SURVEYS, AT PAGE 31, S.C.R.
- (R6) - RECORD PER DEED GRANTED TO MODESTO IRROGARDON DISTRICT FILED FOR RECORD ON JANUARY 23, 2004 AT DOCUMENT No. 2004-000915-00, OF OFFICIAL RECORDS, S.C.R.

### BASIS OF BEARINGS

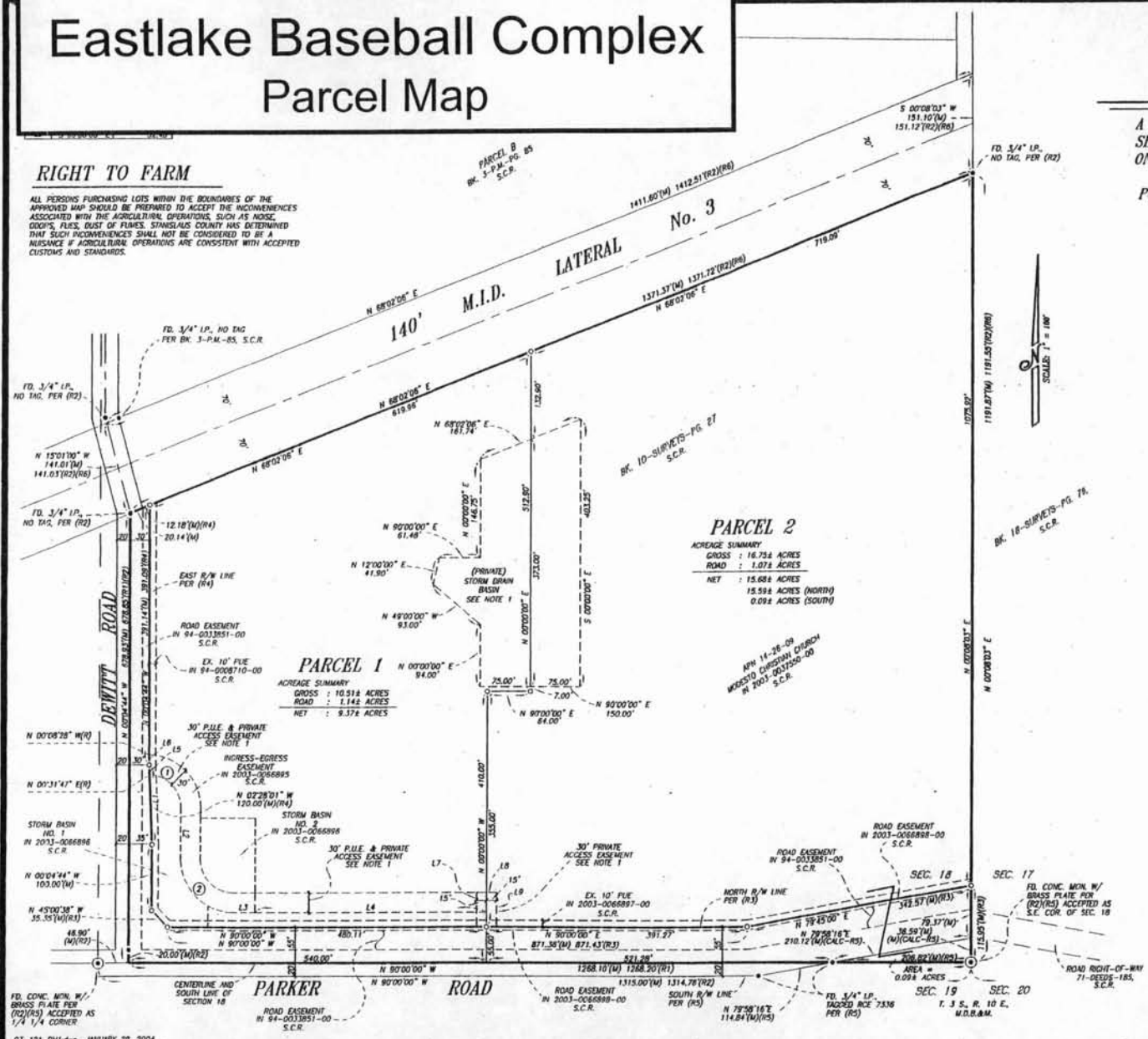
THE BEARING OF NORTH 90°00'00" EAST (EAST) FOR THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 10 EAST, M.D.B.A.M., AS SHOWN ON THE RECORD OF SURVEY FILED FOR RECORD ON MARCH 24, 1965, IN BOOK 10 OF SURVEYS, AT PAGE 27, STANISLAUS COUNTY RECORDS, WAS USED AS THE BASIS OF ALL BEARINGS SHOWN ON THIS MAP.

### NOTES

1. THE 30 FOOT WIDE PRIVATE ACCESS EASEMENTS AND THE PRIVATE STORM DRAIN BASIN ARE FOR THE MUTUAL BENEFIT OF PARCEL 1 AND PARCEL 2 AS SHOWN HEREON.

STANISLAUS COUNTY FILE : 2003-46

SHEET 2 OF 2

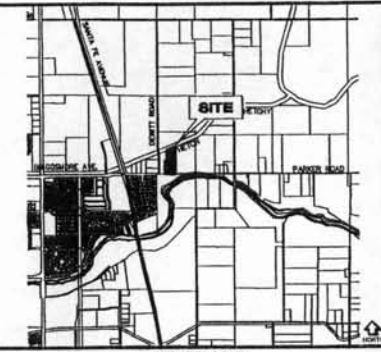
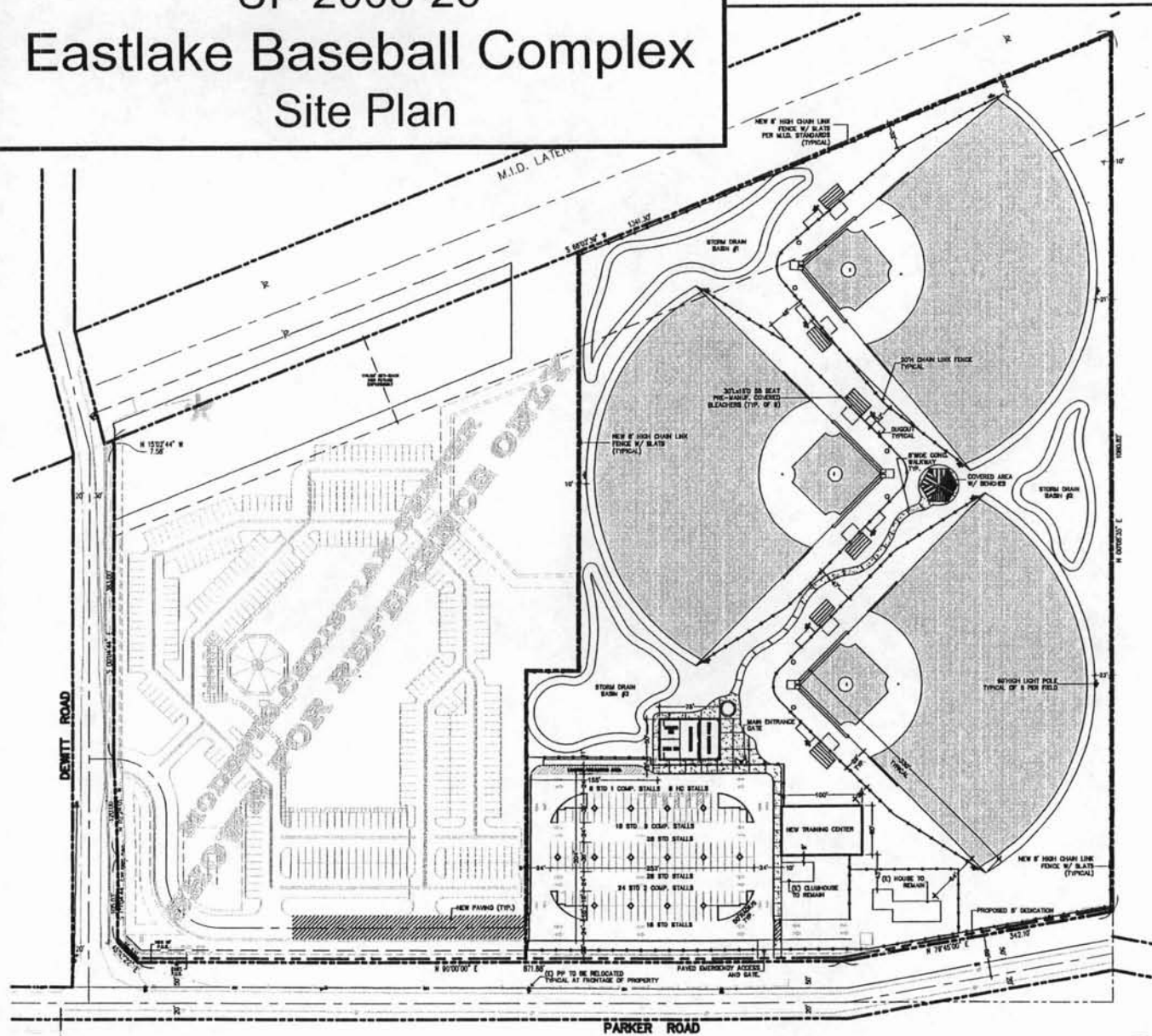


17

EXHIBIT A-5

52-PM-67

# UP 2008-26 Eastlake Baseball Complex Site Plan



APN ..... 014-026-037  
 ZONING: ..... A-2-20  
 LOT SIZE ..... ±16 ACRES  
 AREA TO BE IMPROVED ..... ±16 ACRES

EXISTING BUILDING USE ..... DRIVING RANGE OPERATION  
 PROPOSED BUILDING USE ..... BASEBALL COMPLEX  
 PROPOSED BUILDING SIZE:  
 RESTROOMS/CONSESSION ..... 3,600 S.F.  
 TRAINING CENTER ..... 6,000 S.F.

PARKING REQUIRED  
 (6) 55 SEAT BLEACHERS  
 55 SEAT BLEACHERS x 6 = 330 PEOPLE  
 1 STALL PER TREE SEATS (330/3) = 110 STALLS

PARKING PROVIDED ..... 124 STANDARD STALLS  
 12 COMPACT STALLS  
 6 HANDICAP STALLS  
 142 STALLS

LANDSCAPING PROVIDED: ..... 624,378 S.F. = ±89% . OK  
 LANDSCAPING PROVIDED AT PARKING AREA:  
 7,506 S.F. = ±12.3% > 12%

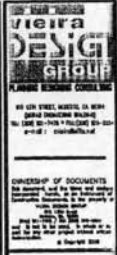
SANITARY SEWER: ..... ON-SITE SEPTIC TANK  
 STORM DRAIN: ..... ON-SITE BASIN  
 WATER: ..... PRIVATE ON-SITE WELL

PROJECT DATA

OWNER/APPLICANT:  
 EASTLAKE BASEBALL PARK  
 ATTN: CHRIS OAR  
 P.O. BOX 577752  
 MODESTO, CA 95357  
 TEL.: (209) 534-4444

OWNER / APPLICANT

SITE PLAN & BUILDING DATA ..... A-1  
 CONCEPTUAL LANDSCAPING PLAN ..... A-2  
 TRAINING CENTER BUILDING PLAN & ELEVATIONS ..... A-3  
 R.R. / CONCESSION BUILDING PLAN & ELEVATIONS ..... A-4



OWNER:  
 Eastlake Baseball Complex  
 4925 Parker Avenue  
 Modesto, California

## SITE PLAN

No.	REVISION	DATE



# UP 2008-26 Eastlake Baseball Complex Landscape Plan



SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
<b>TREE PLANTING</b>			
(Symbol: circle with dot)	Existing Redwood to Remain		
(Symbol: circle with horizontal lines)	New Redwood		15 GAL
(Symbol: circle with vertical lines)	Pistacia chinensis 'Keith Davy'	Chinese Pistache	15 GAL
(Symbol: circle with diagonal lines)	New Zealand Flax	Purple Leaf Plum	15 GAL
<b>SHRUB PLANTING</b>			
(Symbol: circle with horizontal lines)	Agapanthus 'Elizmas'	Lily-of-the-Nile	5 GAL
(Symbol: circle with vertical lines)	Dietes bicolor	Fortnight Lily	5 GAL
(Symbol: circle with diagonal lines)	Nandina domestica 'Fire Power'	Nandina	1 GAL
(Symbol: circle with horizontal lines)	Fitosporum tobii 'Wheeler's dwarf'	Dwarf Mock Orange	1 GAL
(Symbol: circle with vertical lines)	Rhapidolepis indica 'Minor'	India Hawthorn	5 GAL
<b>VINE PLANTING</b>			
(Symbol: triangle)	Pharbitis trilobata	Boston Ivy	1 GAL
<b>GROUND COVER PLANTING</b>			
(Symbol: cloud)	Trachelospermum asiaticum @ 2" o.c.	Asian Jasmine	1 GAL

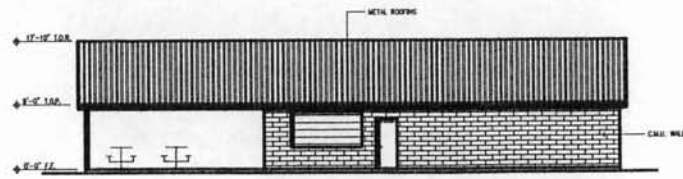
LANDSCAPE AREA INFORMATION	
LANDSCAPING PROVIDED: .....	624,378 S.F. = ±89% : OK
LANDSCAPING PROVIDED AT PARKING AREA:	7,506 S.F. = ±12.3% > 12%

GENERAL INFORMATION		
NO.	REVISION	DATE

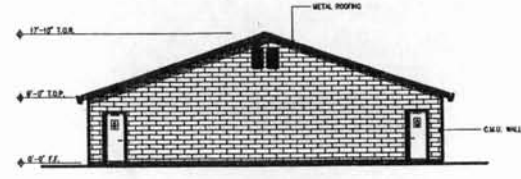
**OWNER:**  
Eastlake Baseball Complex  
4925 Parker Avenue  
Modesto, California

**LANDSCAPING PLAN**

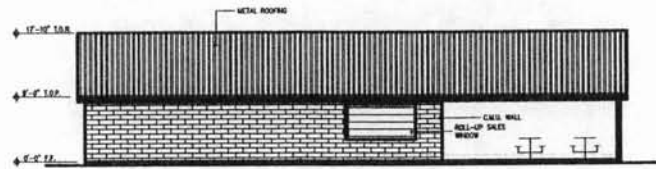
DATE: \_\_\_\_\_  
PROJ: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_  
SCALE: 1" = 20'  
SHEETS: \_\_\_\_\_ OF \_\_\_\_\_



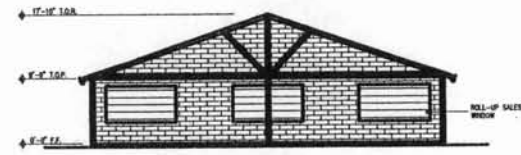
RIGHT ELEVATION (NORTH)  
SCALE: 1/8" = 1'



REAR ELEVATION (WEST)  
SCALE: 1/8" = 1'

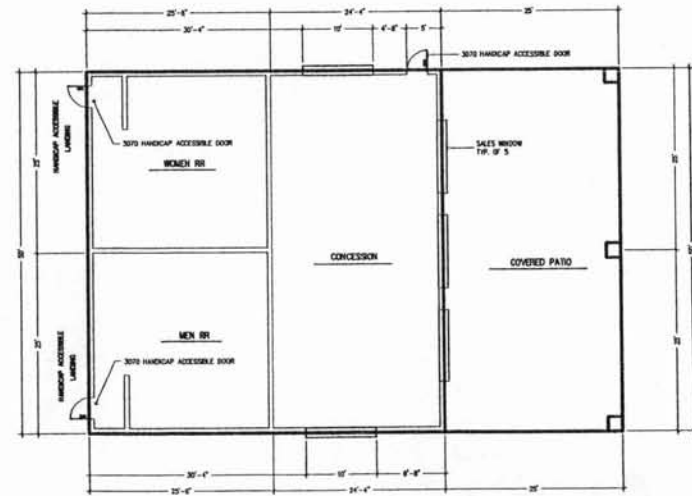


LEFT ELEVATION (SOUTH)  
SCALE: 1/8" = 1'



FRONT ELEVATION (EAST)  
SCALE: 1/8" = 1'

UP 2008-26  
Eastlake Baseball Complex  
Elevations Restroom and  
Concessions



FLOOR PLAN  
SCALE: 1/8" = 1'

**vieira DESIGN GROUP**  
PLANNING DESIGN CONSULTING

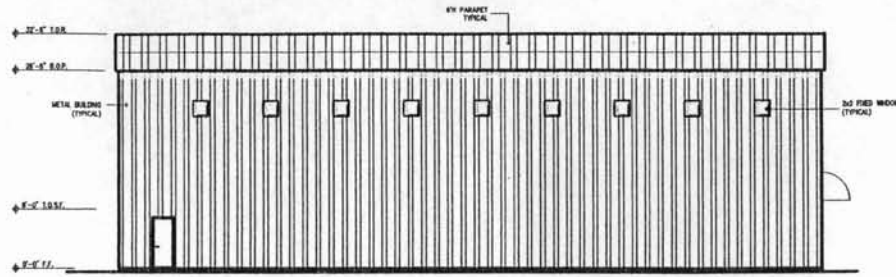
WE CAN BRING YOU THE BEST DESIGN SOLUTIONS FOR YOUR PROJECTS. WE ARE THE ONLY ARCHITECTURAL FIRM IN THE AREA THAT IS LEED CERTIFIED. WE ARE ALSO A MEMBER OF THE NATIONAL ARCHITECTURAL ASSOCIATION (NAA) AND THE CALIFORNIA ARCHITECTURAL BOARD (CAB).

OWNER:  
Eastlake Baseball Complex  
4525 Parker Avenue  
Modesto, California

RESTROOMS/CONCESSION  
FLOOR PLAN  
ELEVATIONS

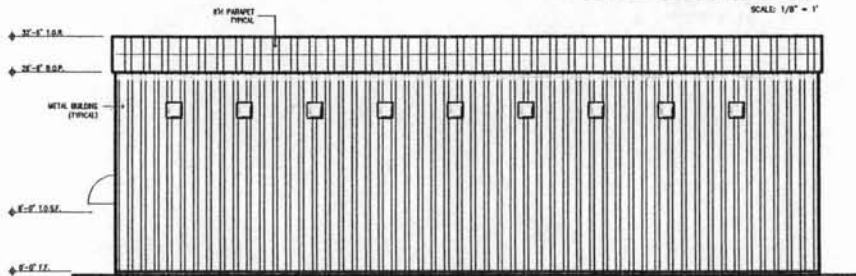
NO.	REVISION	DATE

DATE: 11-24-08  
PROJECT MANAGER:  
DRAWN BY: CIVEIRA  
JOB NUMBER:  
SHEET:  
**A-4**  
OF SHEETS



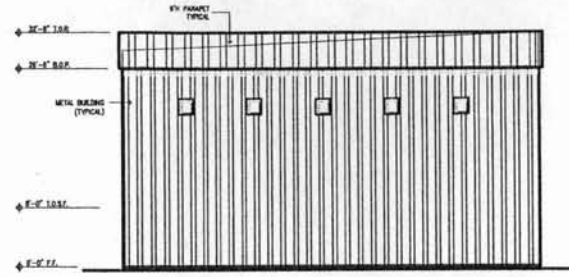
LEFT ELEVATION (NORTH)

SCALE: 1/8" = 1'



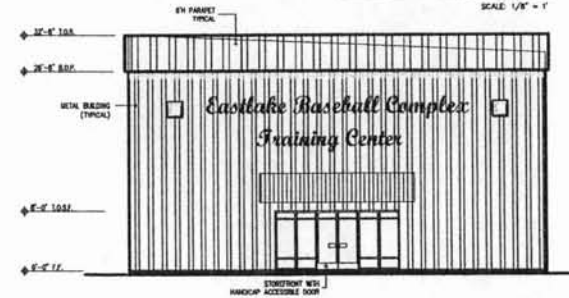
RIGHT ELEVATION (SOUTH)

SCALE: 1/8" = 1'



REAR ELEVATION (EAST)

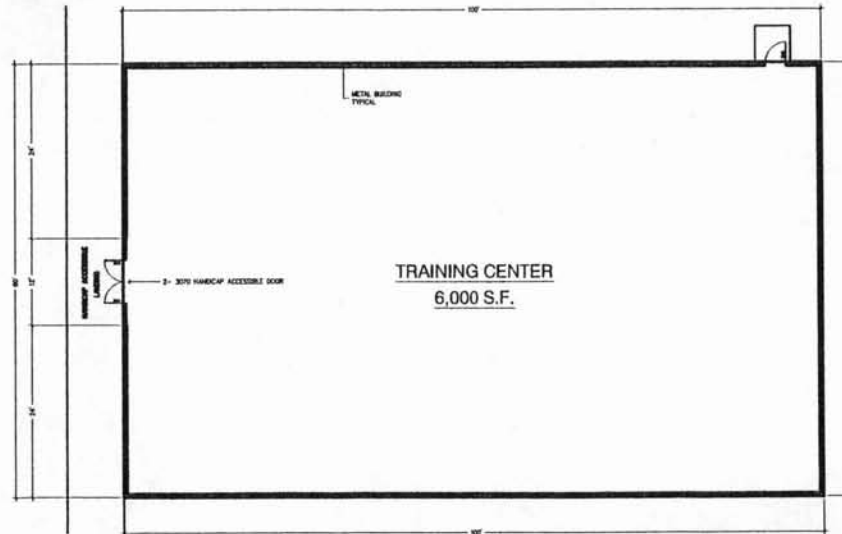
SCALE: 1/8" = 1'



FRONT ELEVATION (WEST)

SCALE: 1/8" = 1'

UP 2008-26  
 Eastlake Baseball  
 Complex  
 Elevations Training Center



FLOOR PLAN

SCALE: 1/8" = 1'



WE ARE PRIDE, PASSION, AND SKILL  
 WITH THE BEST OF BOTH WORLDS  
 WE ARE DESIGNERS AND ARCHITECTS  
 WITH THE BEST OF BOTH WORLDS  
 WE ARE DESIGNERS AND ARCHITECTS  
 WITH THE BEST OF BOTH WORLDS  
 WE ARE DESIGNERS AND ARCHITECTS  
 WITH THE BEST OF BOTH WORLDS  
 WE ARE DESIGNERS AND ARCHITECTS  
 WITH THE BEST OF BOTH WORLDS

OWNER:  
 Eastlake Baseball Complex  
 4925 Parker Avenue  
 Modesto, California

TRAINING CENTER  
 FLOOR PLAN  
 ELEVATIONS

No.	REVISION	DATE

DATE: 11-24-08  
 PROJECT MANAGER:  
 DRAWN BY: C/VERA  
 JOB NUMBER:  
 SHEET:

A-3  
 OF SHEETS

## Overview of Existing Conditions in Stanislaus County

Over the past seven years, travel or tournament baseball has exploded on the scene in Stanislaus County. No longer are the City run traditional "Little Leagues" the dominant vehicles for youth baseball. The influx of baseball academies, training centers, and numerous individual private instructors is producing a large volume of competitive baseball players and teams. What these academies, training centers, and private instructors are lacking is a baseball complex with full size regulation fields for all of the teams and players to utilize. Families are investing a significant amount of time and money on developing individual skills but are unable to perfect these skills with "game type conditions" due to the lack of fields or complex in the area.

Stanislaus County is a hot bed for top level baseball talent. There are an estimated four to five thousand kids playing organized baseball with no dedicated baseball complex. There are approximately fifteen - twenty existing full size high school fields within the county; however these fields are not normally available for general use. Due to the fact that travel baseball provides 90% of the opportunity for Junior High and High School age kids during summer and fall, local families are forced to travel to the Bay Area, Sacramento, or Southern California where the majority of tournaments are being held. The addition of a local complex that would help satisfy the regional demand with three full size baseball fields will not only provide a venue for local families to stay at home and play, but will also bring in teams from outside the area to utilize the facility along with the surrounding community amenities.

## Tier Three Use Permit Findings

1. The proposed use will not be substantially detrimental to or in conflict with agricultural use of adjacent property or property in the vicinity of the project site. The site is adjacent to lands that have already developed into non agricultural uses to the west and south. The property to the north is buffered by MID Lateral No. 3 while the property to the east will be buffered by the existing and proposed tree planting and perimeter fence. In general properties in the area of the proposed use are single family residential, rural residential, or pasture land. No high intensity agricultural uses exist in the immediate vicinity of the site.
2. The parcel on which the proposed use is located is not currently utilized for agricultural production. It has been utilized as a golf driving range for over 20 years. The area in which the property is located is not within one of the County's "most productive agricultural areas", most properties in the area have already been developed, are rural residential ranchettes, or are low intensity agriculture such as pasture land. It is unlikely that the land would be returned to agricultural use in the future. In addition the City of Modesto Sphere of Influence and City Limit Line is adjacent to the site on the south.

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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)

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**CONDITIONS OF APPROVAL**

**USE PERMIT APPLICATION NO. 2008-26  
EASTLAKE BASEBALL COMPLEX**

**Stanislaus County - Department of Planning & Community Development**

1. This use is to be conducted as described in the application and supporting information (including the plot plan), as approved by the Stanislaus County Planning Commission and/or the Board of Supervisors and in accordance with other laws and ordinances.
2. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include but not be limited to the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).
3. Any lighting used to illuminate the ballfields, excluding security lighting, shall be turned off no later than 10:30 PM.
4. During the construction phases of the project, if any human remains, significant or potentially unique are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist.
5. Prior to the occupancy of any building or operation of the approved use, the applicant shall meet all the requirements of the Stanislaus Consolidated Fire Protection District for on-site water storage.
6. A Certificate of Occupancy shall be obtained (if needed) from the Building Permits Division prior to occupancy of any structures
7. A plan for any proposed signs indicating the location, height, area of the sign, and message shall be approved by the Planning Director or appointed designee prior to installation.
8. Trash bins shall be kept in trash enclosures constructed of materials compatible with the architecture of the development. Trash enclosures shall be placed in locations as approved by the refuse collecting agency and the Planning Director or appointed designee.



9. There shall be no outside storage of materials or equipment which is not screened from public view in a manner to be approved by the County Director of Planning and Community Development or appointed designee. Plans for such screening shall be approved prior to issuance of any building permit. Approved screening shall be in place prior to occupancy of any building or operation of the approved use.
10. A final landscape plan prepared in accordance with Section 21.102 of the Stanislaus County Zoning Ordinance and consistent with the approved alternative agricultural buffer, shall be submitted and approved by the Planning Director or appointed designee prior to the issuance of any building permit or operation of the approved use.
11. The applicant, or subsequent property owner, shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety. All dead and dying plants planted as a part of the required agricultural buffer shall be replaced with materials of equal size and similar variety within 30-days of weather permitting.
12. The developer shall pay all applicable Public Facilities Impact Fees and Fire Protection Development/Impact Fees as adopted by Resolution of the Board of Supervisors at the time of issuance of any building permits. For the Public Facilities Impact Fees, the fees shall be based on the Guidelines Concerning the Fee Payment Provisions established by County Ordinance C.S. 824 as approved by the County Board of Supervisors, and shall be payable at the time determined by the Department of Public Works.
13. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2009), 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 **\$2,050.00** made payable to **Stanislaus County**, for the payment of Fish and Game, and Clerk Recorder filing fees.  
  
Pursuant to Section 711.4 (e)(3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
14. The applicant is required to defend, indemnify, or hold harmless the County, its officers and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
15. 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.

16. 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.
17. 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.
18. A Stanislaus County business license shall be obtained and maintained prior to operation of the approved use.
19. 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.
20. The applicant, or subsequent property owner, will be required to maintain an ABC license for the sale of beer and wine through the State of California. Beer and wine sales shall conclude by 10:00 p.m. All rules and regulations related to the sale of alcoholic beverages shall be strictly adhered to.
21. The existing caretaker's home may be located within the required 100-foot Parker Road right-of-way. If located within the right-of way, the caretaker's home shall be removed prior to construction of the road widening and frontage improvements. Frontage improvements will need to be constructed by the owner after being notified in writing by the City of Modesto or Stanislaus County. Any replacement or on-site relocation of the home shall meet setback requirements in effect at the time based on a 100-foot or greater Parker Road right-of-way.
22. Prior to the issuance of a building permit or operation of the approved use, the applicant shall have the "no-climb" fence required by Condition of Approval No. 55 installed as approved by MID.
23. If access to the existing driveway/access easement on the adjoining parcel to the west is impacted by the widening or improvement of Parker Road, the property owner shall be responsible for establish an alternative access to the site. The property owner shall be responsible for any negotiations or costs associated with establishing alternative access. Upon the start of roadway widening or improvements, any required alternative access shall be approved by the Planning Director or appointed designee prior to operation of the approved use once the widening or improvement of Parker Road have been started.

24. Improvement Plans for the parking lot and all project building permits shall show the most northern location of the Parker Road right-of-way as reflected in the accepted Offer of Dedication. The parking lot shall be designed to meet County standards once Parker Road is widened and frontage improvements are installed.
25. Prior to operation of the approved use, the owner shall install a 30-foot high net along the centerfield of each of the two baseball fields facing the eastern property. The length of each net shall be approved by the Planning Director or appointed designee and centered on the deepest centerfield point. If the 30-foot high net is not capable of containing baseballs on-site, additional height, length, or repositioning of the nets may be required as determined by the Director of Planning or his appointed designee. Within 30-days of receiving notice from the Planning Department regarding problems with the nets, the property owner shall submit a corrective plan to the Planning Department. If additional height, length or reposition of the netting is needed, the owner shall implement the corrective plan within 30-days of approval by the Planning Director or appointed designee.
26. Prior to operation of the approved use, the owner shall install a fence along the entire frontage of Parker Road designed to block direct access off of Parker Road. The location and type of fencing shall be approved by the Planning Director or appointed designee prior to installation. Gates for emergency access shall be permitted along Parker Road and shall be approved by the Fire District. Fencing and gates may be located in the area offered for dedication, but shall be relocated at the property owner's expense prior to the dedication of Parker Road being completed.
27. The property owner/applicant shall provide a storm drainage basin(s) for the mutual benefit of both Parcel "1" (the church parcel to the west) and Parcel "2" (the project site) as reflected on Parcel Map 52-PM-67 recorded on February 5, 2004. The property owner shall be responsible for any costs associated with negotiating, recording, and/or developing the required storm drainage facilities. Verification of recorded easements and maintenance agreements for mutual benefit of the storm drainage facilities shall be provided and accepted by the Planning Department and the Public Works Department prior to issuance of any building permit/grading permit or operation of the approved use.

**Stanislaus County - Building Permits Division**

28. Building permits shall be required by California Code of Regulations, Title 24 for all buildings. Permits are also required for changes in occupancy. Further review shall be completed upon submittal of plans to the Building Permits Division.

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

29. The 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.
30. All new proposed structures with plumbing fixtures are subject to Measure X. 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.

31. The onsite wastewater system for the existing clubhouse will be required to be upgraded to meet Measure X requirements at the time of conversion to an office.
32. Water supply for the project is defined by the State regulations as a public water system. Water system owner must submit plans for the water system construction or addition; and obtain approval from the Department of Environmental Resources (DER), prior to construction. Prior to final approval of the project, the owner must apply for and obtain a Water Supply Permit from DER. "The Water Supply Permit Application must include a technical report, 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." The water supply issuance is contingent upon the water system meeting construct standards, and providing water, which is of acceptable quantity and quality. Contact DER for the required submittal information.

**San Joaquin Valley Air Pollution Control District**

33. If upon full build-out, the project includes 20,000 square feet of recreational space, the project will be subject to District Rule 9510.
34. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than seeking final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit.
35. The proposed project may be subject to the following District rule: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

**Stanislaus County - Fire Prevention Bureau**

36. 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 in compliance with 2007 California Fire Code Section 503.
37. 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.

**Stanislaus Consolidated Fire Protection District**

38. The proposed project shall comply with minimum fire code requirements and local amendments in addition to any ordinances and/or standards in effect at the time of issuance of a building permit.

39. A recorded emergency vehicle access shall be provided from this parcel to Parker Road due to the potential for impairment of a single road by vehicle congestion as both parcels are served by only one point of access from DeWitt Road and the existing use of the adjoining parcel is also an assembly type use - a church. This emergency vehicle access shall meet minimum fire code requirements.
40. A 50-foot minimum outside turning radius (30-foot inside) shall be provided on all turns. This turning radius shall not cause fire apparatus to enter the opposite lane of traffic or any designed parking area.

**Stanislaus County - Department of Public Works**

41. Prior to the issuance of a building permit, the property owners shall sign an Irrevocable Offer of Dedication with sufficient right-of-way on Parker Road along the parcel's frontage to provide a 100-foot north of the most southerly edge of the existing right-of-way on Parker Road to develop it as a 4 lane major street per the Stanislaus County General Plan (Circulation Element).
42. Prior to the issuance of a building permit, the property owners shall sign an Irrevocable Offer of Dedication that will dedicate sufficient right-of-way to Stanislaus County to provide 110-feet from the south edge of the Modesto Irrigation District Lateral Number 3's property line for expressway alignment as per the Stanislaus County General Plan.
43. The proposed development shall take access off of Dewitt Road. An Emergency Fire Access may be allowed from Parker Road. Fire Access will be equipped with gates and Knox box, approved by the appropriate Fire District.
44. Developer shall submit recorded easement thru parcel #014-026-037 for the sole access to this development off of Dewitt Road. The developer shall improve and maintain this access per mutual agreement with the adjacent parcel (014-026-037) owner
45. Stanislaus County Encroachment Permit shall be obtained for work in the county right of way.
46. The applicant shall install full road frontage improvements (to conform to the City of Modesto) along the county portions of the parcel on Parker Road. A 12' wide paved vehicle lane and a 4' wide paved asphalt shoulder shall be installed prior to the occupancy of a building permit, however the remaining improvements may be deferred until the Parker Road right-of-way is annexed by the City of Modesto. Improvement plans are to be submitted to this department for approval. The structural section, cross slopes and all other roadway elements shall meet City of Modesto Public Works Standards and Specifications. The plans shall be approved prior to the issuance of any building or grading permit; whichever comes first. An Engineer's Estimate shall be submitted at this time, that identifies the cost of the deferred improvements.
47. A financial guarantee in a form acceptable to the County Department of Public Works shall be deposited for the county portions of the deferred street improvement installation along Parker Road with this department prior to the issuance of a building or grading permit

48. Prior to the approval of the off-site improvement plans, the developer shall file a Notice of Intention (NOI) with the California Regional Water Quality Control Board and a Waste Discharge Identification Number must be obtained and provided to the Department of Public Works.
49. A grading and drainage plan will be submitted prior to moving any dirt on-site. This plan will be approved prior to the issuance of a grading permit.
50. All driveways and parking areas shall be paved and double striped per county standards.

**City of Modesto**

51. No storm water runoff shall be discharged to adjacent Dry Creek.
52. If at any time the owner considers connecting the site to City of Modesto Water or Sewer systems, a Will-Serve Letter for water and/or sewer service shall be formally requested by the owner and granted by the City of Modesto prior to an Outside Service Agreement being executed.

**Stanislaus County Environmental Review Committee**

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

- G. Medical waste generated must complete and submit a questionnaire to the department for determination if they are regulated under the Medical Waste Management Act.

**Modesto Irrigation District**

- 55. An 8-foot fence consisting of a 2-foot solid masonry wall with a 6-foot "no climb" section shall be installed along the canal rights-of-way. The "no climb" requirement is especially critical as this type of facility attracts children. Fencing must be adequate to prevent children from chasing after stray baseballs around the canal which can have flows of up to approximately 300 cubic feet per second during the irrigation season.
- 56. The existing irrigation pipeline along the east property line may be removed as noted on the applicant's proposal. The pipeline shall be plugged at the start and stop point of removal, to MID standards, to prevent the soil from eroding the pipeline.
- 57. MID recommends the applicant consider utilizing the surface water provided by the adjacent canal for the irrigation needs of the ball fields and landscaping during the summer months.
- 56. Improvement plans for the pipeline removal must be submitted to the Irrigation Engineering Department for review and approval. If the applicant chooses to not utilize irrigation on the property a "Sign Off of Irrigation Facilities" form must be completed for the parcel.

**U.S. Army Corps of Engineers**

- 58. Pursuant to Section 404 of the Clean Water Act, prior to any work on site, 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.

**Mitigation Measures**

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

- 59. The park will close to the public between the hours of 10:00 p.m. and 7:00 a.m. Employees may continue with operations after hours for cleaning, maintenance and office type work, however no heavy machinery shall be operated between these hours, such as a lawn mower or tractor.
- 60. Construction equipment shall comply with Implementation Measure 3 of Policy 3 of the Stanislaus County Noise Element.

61. If a sound system is integrated into the project design, it should not exceed a maximum (Lmax) sound level of 70 dB at the nearest residential or church property lines. This does not include the existing residence on the property to be used by the care-taker.
62. Once the facility is constructed, if the County receives and has verified noise complaints, the facility operator shall conduct a follow-up noise analysis, at his or her cost. The facility operator shall begin work on the follow-up noise analysis within 30 days and completed within 90 days of being contacted by the County.

\*\*\*\*\*

*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~~.*





# Stanislaus County

## Planning and Community Development

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

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

### CEQA INITIAL STUDY

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

1. **Project title:** Use Permit Application No. 2008-26 - Eastlake Baseball Complex
2. **Lead agency name and address:** Stanislaus County  
1010 10th Street, Suite 3400  
Modesto, CA 95354
3. **Contact person and phone number:** Javier Camarena, Assistant Planner  
(209) 525-6330
4. **Project location:** 4925 Parker Road, on the north side of Parker Road, east of Dewitt Road, in the east Modesto area. (APN: 014-026-037)
5. **Project sponsor's name and address:** Chris Oar  
P.O. Box 577752  
Modesto, CA 95357
6. **General plan designation:** Agriculture
7. **Zoning:** A-2-40 (General Agriculture)
8. **Description of project:**

Request to convert an existing golf driving range into a three (3) field baseball complex. In addition to the fields, the complex will include a 6,000 square foot training center building which will be constructed to house indoor practice facilities and a 2,500 square foot dual use concession and restroom facility. The site currently includes a 1,000 square foot clubhouse which will be converted into an office for the complex and a 2,000 square foot house which will be utilized as a caretaker's residence. Necessary equipment to maintain the site will be stored on site adjacent to the caretaker's residence. Each field will include dugout facilities, spectator seating, scoreboards, lighting, along with fencing and netting as required. The site parking facility includes space for 165 cars. Access to the facility is available through the adjacent property to the west from Dewitt Road. Proposed hours of operation will be from 8:00am to 10:00pm. Primary usage will occur on weekday nights from 5:00pm to 10:00pm and weekends from 8:00am to 10:00pm. Uses include practice and training, weekday leagues and weekend tournaments. The site will be served by private septic and the applicant has applied for an Out-of-Boundary water service request with the City of Modesto, which must be approved by the Local Agency Formation Commission (LAFCO). If LAFCO does not approve the Out-of-Boundary water service request, the applicant will utilize a well for water service that will meet state regulations.
9. **Surrounding land uses and setting:** Modesto Christian Center to the west, MID Lateral No. 3 and pasture to the north, pasture and ranchettes to the east, Parker Road and a residential gated community to the south.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Department of Public Works  
Stanislaus County Department of Environmental Resources

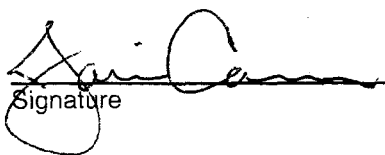
**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

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

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

  
 \_\_\_\_\_  
 Signature

May 15, 2009  
 \_\_\_\_\_  
 Date

Javier Camarena, Assistant Planner  
 \_\_\_\_\_  
 Printed name

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

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

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

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

**ISSUES**

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
<p><b>Discussion:</b> The site itself is not considered to be a scenic resource or a unique scenic vista. Community standards generally do not dictate the need or desire for architectural review of agricultural or residential subdivisions. The proposed project will include three baseball fields and a training center along with accessory buildings replacing an existing driving range. The applicant has submitted information on the type of lighting that will be used for the project. To prevent glare onto neighboring properties, all exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect and reduce sky illumination. Lighting control and specific hours of operation will be reflected within the Conditions of Approval for the project.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>, Stanislaus County Zoning Ordinance, County policies, staff experience.</p>				
II. AGRICULTURE RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?			X	
<p><b>Discussion:</b> The project site lies just outside of the City of Modesto's LAFCO adopted Sphere of Influence and is not enrolled under a Williamson Act contract. The site consists of 15.7± acres currently being used as a golf driving range. The project site is bordered by pasture and an MID canal to the north, pasture to the east, a residential gated community to the south, and a church to the west. There is no indication that this project will impact existing agricultural activities in the area or result in conversion of farmland to non-agricultural use.</p>				

The site contains Prime Farmland and Farmland of Local Importance as designated by the California State Department of Conservation Farmland Mapping and Monitoring Program. The majority of the project site is comprised of the following:

- Madera sandy loam, 0 to 2 percent slopes, Index rating 30, Grade 4
- Snelling sandy loam, 0 to 3 percent slopes, Index rating 86, Grade 1

The proposed project is considered an allowable use in the A-2 (General Agriculture) zoning district with a Tier Three Use Permit. Tier Three 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.

In December of 2007, Stanislaus County adopted an updated Agricultural Element which incorporated guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 zoning district. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts resulting from the interaction of agricultural and non-agricultural uses. These guidelines allow the Agricultural Advisory Board the opportunity to review & support the applicant's alternative to the buffer requirements. Alternatives may be approved provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. Current buffer guidelines require the project to provide a 150-foot setback, solid fencing and a double row of landscaping around the perimeter of the proposed operation. For outdoor intensive uses, the setback guidelines include a 300-foot setback. On March 2, 2009 the applicant proposed an alternative to the Buffer and Setback Guidelines to the Agricultural Advisory Board. The alternative proposes a combination of fencing, tree planting, and landscaping to prevent conflicts between the proposed use and adjacent low intensity agricultural uses. The alternative includes a vegetative screen comprised of a single row of evergreen trees and a double row where possible and reduced setbacks along the northern and eastern sides of the property. The alternative also includes an 8-foot high chain link fence with slats along the western and eastern property lines. The northern property line will include an 8-foot "no climb" fence in compliance with Modesto Irrigation District (MID) Standards, to prevent trespassing into the MID Lateral to the north. The Agricultural Advisory Board supported the alternative with a condition that one of the baseball fields be rotated in order to avoid spectators from being within the eastern setback. The applicant has submitted a revised site plan showing this change.

**Mitigation:** None.

**References:** Stanislaus County Zoning Ordinance, California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2006, United States Department of Agriculture Soil Survey 1964 - Eastern Stanislaus Area, California., Stanislaus County General Plan and Support Documentation<sup>1</sup>.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?				X

<p><b>e) Create objectionable odors affecting a substantial number of people?</b></p>				X
<p><b>Discussion:</b> The project site is within the San Joaquin Valley Air Basin, which has been classified as “severe non-attainment” for ozone and respirable particulate matter (PM-10) as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. As such, the District maintains permit authority over stationary sources of pollutants.</p>				
<p>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. This project has been referred to the district, but no comments have been received. A standard Condition of Approval will be added to the project requiring that construction shall comply with standardized dust controls adopted by the SJVAPCD.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis, Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
<p><b>IV. BIOLOGICAL RESOURCES -- Would the project:</b></p>	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<p><b>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?</b></p>				X
<p><b>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?</b></p>				X
<p><b>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?</b></p>				X
<p><b>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?</b></p>				X
<p><b>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</b></p>				X
<p><b>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?</b></p>				X
<p><b>Discussion:</b> There is no evidence to suggest that this project would result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. There are no known sensitive or protected species or natural communities located on the site and/or in the surrounding area.</p>				

<b>Mitigation:</b> None.				
<b>References:</b> Stanislaus County General Plan and Support Documentation <sup>1</sup> , California Department of Fish and Game California Natural Diversity Database.				
<b>V. CULTURAL RESOURCES -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X
<b>Discussion:</b> Cultural resources are not known to exist on the project site. The site has been disturbed by previous farming operations in a manner equivalent to the proposed project. A standardized Condition of Approval will be added to this project to address any discovery of cultural resources during the construction phases.				
<b>Mitigation:</b> None.				
<b>References:</b> Stanislaus County General Plan and Support Documentation <sup>1</sup> .				
<b>VI. GEOLOGY AND SOILS -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X

d) Be located on expansive soil, as defined in Table 1804.2 of the California Building Code (2007), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

**Discussion:** As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5. However, as per the 2007 California Building Code all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Public Works Standards and Specifications which considers the potential for erosion and run-off prior to permit approval. Likewise, any addition of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources through the building permit process, which also takes soil type into consideration within the specific design requirements.

**Mitigation:** None.

**References:** California Building Code (2007), Stanislaus County General Plan and Support Documentation - Safety Element<sup>1</sup>.

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



g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

**Discussion:** No known hazardous materials are on site. Pesticide exposure is a risk in agricultural areas. Sources of exposure include contaminated groundwater which is consumed and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. The Stanislaus County Department of Environmental Resources (DER) is responsible for overseeing hazardous materials in this area. DER has not raised issues with respect to hazardous materials, however, the department is requiring that the site be reviewed for the existence, handling, disposal and any other issues related to hazardous materials by DER prior to the issuance of any building or grading permits.

Pesticide exposure is a risk in areas located in the vicinity of agriculture. Sources of exposure include contaminated groundwater which is consumed and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. Spraying activities on adjacent properties will be conditioned by the Agricultural Commissioners Office. Furthermore, as discussed previously the project will incorporate landscaped buffers near and around the people-intensive area. The project site is not located within an airport land use plan or a wildlands area. The groundwater is not known to be contaminated in this area.

**Mitigation:** None.

**References:** Referral response from the Stanislaus County Department of Environmental Resources Hazardous Materials Division, dated December 30, 2008, County policies, Stanislaus County General Plan and Support Documentation<sup>1</sup>.



VIII. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

**Discussion:** On-site areas subject to flooding have not been identified in accordance with the Federal Emergency Management Act and/or county designated flood areas. The possibility of run-off associated with the construction of new structures will be reviewed as part of the overall building permit process. The project has not yet developed plans to handle drainage on-site, but a Condition of Approval requiring a Grading and Storm Drainage Plan Permit will be added to 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. The applicant has proposed to connect to water services from the City of Modesto. The applicant and the City of Modesto are currently working with LAFCO for approval of an Out-of-Boundary service request. If LAFCO denies the Out-of-Boundary service request, a condition will be added to the project to allow an on-site well. This project has been referred to the Regional Water Quality Control Board, but no comments have been received.

**Mitigation:** None.

**References:** FEMA Flood Zone maps, referral response from the Stanislaus County Department of Public Works, dated January 12, 2009, Stanislaus County General Plan and Support Documentation<sup>1</sup>.



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

**Discussion:** The project site is designated Agriculture, zoned A-2-40 (General Agriculture) and located outside the LAFCO-adopted Sphere of Influence of the nearby City of Modesto. The proposed use is classified as a Tier Three use which may be permitted within the A-2 zoning district upon approval of a use permit. Tier Three uses are defined as not directly related to agriculture but may be necessary to serve the A-2 district or may be difficult to locate in the urban area. The ability to make the necessary findings for approval of the proposed use is viewed by staff as a land use policy issue as opposed to an environmental issue under the purview of CEQA. The proposed project will not conflict with any applicable habitat conservation plan or natural community conservation plan and will not physically divide an established community.

<b>Mitigation:</b> None.				
<b>References:</b> Stanislaus County General Plan and Support Documentation <sup>1</sup> .				
<b>X. MINERAL RESOURCES -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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
<b>Discussion:</b> The locations of all commercially viable mineral resources in Stanislaus County have been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources in or around the project area.				
<b>Mitigation:</b> None.				
<b>References:</b> Stanislaus County General Plan and Support Documentation <sup>1</sup> , State Division of Mines and Geology Special Report 173.				
<b>XI. NOISE -- Would the project result in:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) 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
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**Discussion:** The Stanislaus County General Plan identifies noise levels up to 60 dB L<sub>dn</sub> (or CNEL) as the normally acceptable level of noise for recreational uses and residential areas similar to the area south of the project site. Surrounding land uses consist of an existing church to the west, an MID Lateral to the north, a single-family home and ranchette to the east and a residential subdivision to the south which is separated by an existing 7-foot sound wall. The Burlington Northern Santa Fe Railroad and Modesto Amtrak Station are located approximately 1/4 of a mile away to the west. The nearest single-family dwelling is approximately 125-feet away from the eastern property line. An Environmental Noise Assessment was conducted by J.C. Brennan & Associates, Inc. to review potential noise impacts associated with on-site activities and traffic. The assessment was finalized on April 9, 2009. The assessment identifies that the project's noise sources will primarily be from people shouting and spectators cheering during intermittent periods of the games. In general the predicted noise levels associated with the games would be approximately equal to the existing ambient noise levels in areas removed from Parker Road, and between 6 dB and 8 dB Leq less than the measured background noise levels near Parker Road. The assessment also points out that any proposed public address system is generally used for announcements, and paging individuals and is no louder than the maximum noise level from a crowd roar. It is not expected that a public address system will exceed the applicable noise level criteria. The assessment concluded that the project is expected to comply with the Stanislaus County General Plan Noise Element criteria provided that specific mitigation measures be included in the project. These measures can be found under "Mitigation" in this section. Noise impacts to residential uses in the area are anticipated to be less than significant considering the type of use being proposed and the existing noise sources in the area.

**Mitigation:**

1. The park will close between the hours of 10:00 p.m. and 7:00 a.m.
2. Construction equipment shall comply with Implementation Measure 3 of Policy 3 of the Stanislaus County Noise Element.
3. If a sound system is integrated into the project design, it should not exceed a maximum (L<sub>max</sub>) sound level of 70 dB at the nearest residential and church property lines.

**References:** Environmental Noise Assessment conducted by J.C. Brennan & Associates, Inc. - Finalized April 9, 2009, Stanislaus County General Plan and Support Documentation<sup>1</sup>, staff experience.

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

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

**Mitigation:** None.

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

XIII. PUBLIC SERVICES:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	
<p><b>Discussion:</b> The County has adopted Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance. Conditions of Approval will be added to this project to insure the proposed development complies with all applicable fire department standards with respect to access and water for fire protection.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
XIV. RECREATION:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
<p><b>Discussion:</b> The project itself is a recreational use. The proposed project is not anticipated to significantly increase demand on recreational facilities.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				

XV. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
<p><b>Discussion:</b> Access to the project site will be provided via an access easement off of Dewitt Road and on-site parking will be provided to county standards. The City of Modesto and the Stanislaus County Department of Public Works have reviewed this project and determined that it will not create any significant traffic impact. The City of Modesto classifies Parker Road as a four lane arterial with an "ultimate right-of-way" of 100 feet. The bank of Dry Creek is located along the south side of Parker Road. Due to the bank's location, the City of Modesto is requesting that the project provide an irrevocable offer of dedication to provide the full 100 foot "right-of-way" north of the Dry Creek bank. Stanislaus County Public Works classifies Parker Road as a four lane major with an "ultimate right-of-way" of 110 feet, however, Public Works staff has indicated that it will support the City of Modesto's "ultimate right-of-way" requirement of 100 feet. In addition, the Stanislaus Council of Governments Regional Transportation Plan, the Stanislaus County General Plan, and the Modesto General Plan identify 110 feet from the south edge of the Modesto Irrigation District Lateral No. 3 property line as a future Expressway. One of the proposed baseball fields is located in this area. At the time of development of the future expressway, the baseball field will be re-configured or eliminated. This requirement will be reflected in the project's Conditions of Approval.</p> <p>The City of Modesto is also requesting that frontage improvements be installed along Parker Road, which include but are not limited to pavement, curb, gutter, sidewalk and street lights. These improvements may be deferred until the City determines that the improvements are justified due to surrounding conditions and traffic flow, at which time the applicant will be required to construct the improvements within six months of notification.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Referral response from the Stanislaus County Department of Public Works, dated January 12, 2009, referral response from the City of Modesto, dated January 12, 2009 &amp; May 6, 2009, Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				

XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X
<p><b>Discussion:</b> The site is currently being served by private well and septic systems. The project is proposed to be served by public water from the City of Modesto. The Stanislaus County Department of Environmental Resources (DER) has stated that water supply for the project is defined by State regulation as a public water system. In order to be served by City water an Out-of-Boundary service request must be approved by LAFCO. The City of Modesto has applied for an Out-of-Boundary service request and was denied because documented evidence or impending threat to public health and safety findings were not provided. The City of Modesto can reapply if it can meet these findings. The site is large enough to utilize a new well. The owner will be required to obtain approval from DER prior to construction to assure that the system meets DER's standards for a public water system. Conditions of Approval will also be added requiring a grading and drainage plan to be approved by the Department of Public Works. Staff received a referral response from the Modesto Irrigation District requiring standard Conditions of Approval.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Referral response from the Stanislaus County Department of Public Works, dated January 12, 2009, referral response from the Stanislaus County Department of Environmental Resources, dated January 15, 2009, referral response from the Modesto Irrigation District, dated December 30, 2008, Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				

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

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<sup>1</sup>Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and updated elements of the General Plan and Support Documentation: **Agricultural Element** adopted on December 18, 2007; **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.



## MITIGATED NEGATIVE DECLARATION

**NAME OF PROJECT:** Use Permit Application No. 2008-26 - Eastlake Baseball Complex

**LOCATION OF PROJECT:** 4925 Parker Road, on the north side of Parker Road, east of Dewitt Road, in the east Modesto area. (APN: 014-026-037)

**PROJECT DEVELOPER:** Chris Oar  
P.O. Box 577752  
Modesto, CA 95357

**DESCRIPTION OF PROJECT:** Request to convert an existing golf driving range into a three (3) field baseball complex. In addition to the fields, the complex will include a 6,000 square foot training center building which will be constructed to house indoor practice facilities and a 2,500 square foot dual use concession and restroom facility. The site currently includes a 1,000 square foot clubhouse which will be converted into an office for the complex and a 2,000 square foot house which will be utilized as a caretaker's residence. Necessary equipment to maintain the site will be stored on site adjacent to the caretaker's residence. Each field will include dugout facilities, spectator seating, scoreboards, lighting, along with fencing and netting as required. The site parking facility includes space for 165 cars. Access to the facility is available through the adjacent property to the west from Dewitt Road. Proposed hours of operation will be from 8:00am to 10:00pm. Primary usage will occur on weekday nights from 5:00pm to 10:00pm and weekends from 8:00am to 10:00pm. Uses include practice and training, weekday leagues and weekend tournaments. The site will be served by private septic and the applicant has applied for an Out-of-Boundary water service request with the City of Modesto, which must be approved by the Local Agency Formation Commission (LAFCO). If LAFCO does not approve the Out-of-Boundary water service request, the applicant will utilize a well for water service that will meet state regulations.

Based upon the Initial Study, dated **May 15, 2009**, the Environmental Coordinator finds as follows:

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

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

1. *The park will close between the hours of 10:00 p.m. and 7:00 a.m. Employees may continue with operations after hours for cleaning, maintenance and office type work, however no heavy machinery shall be operated between these hours, such as a lawn mower or tractor.*

2. *Construction equipment shall comply with Implementation Measure 3 of Policy 3 of the Stanislaus County Noise Element.*
3. *If a sound system is integrated into the project design, it should not exceed a maximum (Lmax) sound level of 70 dB at the nearest residential and church property lines. This does not include the existing residence on the property to be used by the care-taker.*
4. *Once the facility is constructed, if the County receives and has verified noise complaints, the facility operator shall conduct a follow-up noise analysis, at his or her cost. The facility operator shall begin work on the follow-up noise analysis within 30 days and completed within 90 days of being contacted by the County.*

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: Javier Camarena, Assistant Planner

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

(I:\Staffrpt\UP\2008\UP 2008-26 - EASTLAKE BASEBALL COMPLEX\Mitigated Negative Declaration.wpd)

# Stanislaus County

## Planning and Community Development

1010 10th Street, Suite 3400  
Modesto, CA 95354

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

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### Revised Mitigation Monitoring Plan

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

**June 29, 2009**

1. Project title and location: Use Permit Application No. 2008-26 - Eastlake Baseball Complex  
  
4925 Parker Road, on the north side of Parker Road, east of Dewitt Road, in the east Modesto area. (APN: 014-026-037)
2. Project Applicant name and address: Chris Oar  
P.O. Box 577752  
Modesto, CA 95357
3. Person Responsible for Implementing Mitigation Program: Chris Oar
4. Contact person at County: Javier Camarena, Assistant Planner (209) 525-6330

#### MITIGATION MEASURES AND MONITORING PROGRAM:

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

#### XI. NOISE

- No. 1 Mitigation Measure: The park will close **to the public** between the hours of 10:00 p.m. and 7:00 a.m. **Employees may continue with operations after hours for cleaning, maintenance and office type work, however no heavy machinery shall be operated between these hours, such as a lawn mower or tractor.**

Who Implements the Measure:	Applicant
When should the measure be implemented:	Upon the on-set of the operation.
When should it be completed:	On-going throughout the life of the operation.
Who verifies compliance:	Stanislaus County Planning and Community Development
Other Responsible Agencies:	None

No. 2 Mitigation Measure: Construction equipment shall comply with Implementation Measure 3 of Policy 3 of the Stanislaus County Noise Element.

Who Implements the Measure: Applicant

When should the measure be implemented: Anytime during or after construction.

When should it be completed: On-going throughout the construction.

Who verifies compliance: Stanislaus County Planning and Community Development

Other Responsible Agencies: None

No. 3 Mitigation Measure: If a sound system is integrated into the project design, it should not exceed a maximum (L<sub>max</sub>) sound level of 70 dB at the nearest residential or church property lines. **This does not include the existing residence on the property to be used by the care-taker.**

Who Implements the Measure: Applicant

When should the measure be implemented: Upon the on-set of the operation.

When should it be completed: On-going throughout the life of the operation.

Who verifies compliance: Stanislaus County Planning and Community Development

Other Responsible Agencies: None

No. 4 Mitigation Measure: **Once the facility is constructed, if the County receives and has verified noise complaints, the facility operator shall conduct a follow-up noise analysis, at his or her cost. The facility operator shall begin work on the follow-up noise analysis within 30 days and completed within 90 days of being contacted by the County.**

Who Implements the Measure: Applicant

When should the measure be implemented: **Within 30 days of being contacted by the County in relation to conducting a follow-up noise analysis.**

When should it be completed: **Within 90 days of being contacted by the County in relation to conducting a follow-up noise analysis.**

Who verifies compliance: Stanislaus County Planning and Community Development

Other Responsible Agencies: None

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

Signature on file.  
Person Responsible for Implementing  
Mitigation Program

May 15, 2009  
Date

(I:\Staff\pt\UP\2008\UP 2008-26 - EASTLAKE BASEBALL COMPLEX\Mitigation Monitoring Plan Version 2.wpd)



**AGRICULTURAL COMMISSIONER'S OFFICE AND  
SEALER OF WEIGHTS & MEASURES**

**Gary Caseri**  
Agricultural Commissioner/Sealer

3800 Cornucopia Way, Suite B  
Modesto, California 95358  
Phone: 209.525.4730 Fax: 209.525.4790

**Agricultural Advisory Board**

**MINUTES**

Monday, March 2, 2009  
Stanislaus County Ag Center  
Conference Room H/I  
10:00 a.m.

**Committee Members Present:**

Chris Hempleman	Ray Prock, Jr.	John Azevedo
John Herlihy	Ed Perry	Wayne Zipser
Alan Cover	Richard Gibson	Rowe Barney

**Committee Members Absent:**

Norman Kline	Bridget Riddle
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**Ex-Officio:**

Supervisor Jim DeMartini – Present  
Supervisor Vito Chiesa (Alternate) - Present  
Gary Caseri, Ag Commissioner – Present

**Others Present:**

Dave Butz, Eastlake Baseball/Project Applicant  
Javier Camarena, Stan. Co. Planning  
Cynthia Darmstandler, Ag Comm Office  
Angela Freitas, Stan Co. Planning  
Jim Freitas, Associated Engineering  
Denny Hoeh, Ag Comm Office  
Joshua Mann, Stan. Co. Planning  
Chris Oar, Eastlake Baseball/Project Applicant  
Raul Mendez, Chief Executive Office  
Tom Orvis, Stanislaus Farm Bureau

**I. PLEDGE OF ALLEGIANCE TO THE FLAG**

**II. PUBLIC COMMENT PERIOD**

There was no public comment.

**III. APPROVAL OF MINUTES FROM DECEMBER 15, 2008  
AND FEBRUARY 2, 2009 MEETINGS**

The minutes from the December 15, 2008 and February 2, 2009 meetings were approved.

#### **IV. ALTERNATIVE AGRICULTURAL BUFFER – Eastlake Baseball Complex**

It was reported that an application had been received to establish a three-field baseball complex on a 16 acre property located at 4925 Parker road in East Modesto. The applicant proposed an alternative to the Ag buffer standards and requests a reduced setback and an alternative vegetative screen.

The Ag Adv Board members asked many questions about the project:

Will the fields have lighting? *Yes*

Is it on a septic system? *Yes*

Is there a need for baseball fields? *Yes, for adult softball and youth tournaments.*

Is it in the Sphere of Influence? *Right now it is outside of the SOI.*

Other comments included that since the only ag parcel is to the east of the development, if that pasture changed to another ag use, there could be a potential conflict. After discussion, the following motions were made and passed:

It was M/S/P that if the baseball diamond at the north of the project were turned around to minimize spectator proximity to the ag practices, then the Ag Adv Board would support it. Vote: Yes – 6 No –2

It was M/S/P that if the applicant maintains a single row of evergreen trees and a double row of evergreens where possible, with the proposed fencing, the project will be supported. Vote: Yes – Unanimous

It was M/S/P that with the changes recommended, the project is acceptable.  
Vote: Yes – Unanimous

#### **V. TERTIARY WASTEWATER SUBCOMMITTEE REPORT/RECOMMENDATION**

Wayne Zipser stated that the Chief Executive Officer Rick Robinson had charged the Ag Advisory Board with studying the feasibility of tertiary wastewater on ag land. As a result, a subcommittee was formed and has been meeting, gathering information and studying the issue. While a large group of stakeholders were included in the invitations to the meetings, for the most part, they chose not to attend. At the February 3, 2009 subcommittee meeting, the group drafted a resolution as per the meeting minutes distributed, stating that the use of tertiary water as irrigation for crops grown in Stanislaus County has possible significance, provided that sound science is factored in when evaluating its feasibility. They also recommended that significant resources be provided for outreach into the community regarding the safety of tertiary treated wastewater as irrigation water so that the agricultural industry is protected.

It was M/S/P to pass along this resolution regarding tertiary wastewater as irrigation water as a recommendation to the Board of Supervisors.

Vote: Yes – Unanimous

#### **VI. Ag Venture**

John Herlihy commented that an Ag Venture event took place in Lodi in San Joaquin County on March 11. Also, Mark Bender, ag professor at Cal State Stanislaus, is willing to work on a pilot program with 3<sup>rd</sup> graders in Turlock City Schools. More info to follow.

**VII. NEXT MEETING**

A. Meeting Date/Time:

The next scheduled meeting is **Monday, April 6, 2009 at 10:00 a.m.**  
at the Stanislaus County Ag Center, Conference Room H/I

B. Agenda Items

- ✓ Tertiary Wastewater Report

Please contact John Herlihy, Gary Caseri or Cynthia Darmstandler with items you wish placed on the agenda.

**VIII. ADJOURNMENT**

John Herlihy adjourned the meeting.

Minutes Respectfully  
Submitted,



Cynthia Darmstandler  
Confidential Assistant IV  
Stanislaus County





March 2, 2009

MEMO TO: Ag Advisory Board  
FROM: Department of Planning and Community Development  
SUBJECT: **USE PERMIT APPLICATION NO. 2008-26 EASTLAKE BASEBALL COMPLEX - ALTERNATIVE TO THE AGRICULTURAL BUFFER AND SETBACK GUIDELINES**

The Stanislaus County Department of Planning and Community Development has received an application to establish a three (3) field baseball complex on a 16± acre property located at 4925 Parker Road northeast of the Parker Road and Dewitt Road intersection in the east Modesto area. The applicant has proposed an alternative to the Agricultural buffer standards which requests a reduced setback and alternative vegetative screen. The applicant's proposal and the County's Buffer and Setback Guidelines are outlined below:

**Stanislaus County Buffer & Setback Guidelines Requirements**

- All new non-agricultural uses shall incorporate a minimum 150-foot buffer (300-foot wide buffer for people-intensive outdoor activities) from all property lines.
- The buffer shall incorporate a solid wall and a vegetative screen consisting of two staggered rows of trees and shrubs along any portion of a buffer where the project site and the adjoining agricultural operation share a common parcel line.

**Applicant's Proposal**

- The applicant is proposing the following buffers along the property lines:
  - ▶ **North:** The project site and the property to the north is separated by MID lateral no. 4. The lateral is approximately 140' wide and will provide the applicant's proposed buffer between the neighboring property to the north and "baseball/outdoor" use. A double row of trees will be planted along this property line.
  - ▶ **East:** 25' wide buffer between the property line and the "baseball/outdoor use" with a row of existing mature Evergreen Redwood trees. Red Oak trees (Deciduous) will be planted to provide a double wide row of trees.
  - ▶ **South and West:** A residential neighborhood within the City of Modesto is located south of the project site and is separated by Parker Road. Modesto Christian Center is located west of the project site. Since the surrounding uses to the south and west are non-agricultural uses, Agricultural Buffer and Setback Guidelines will not apply per Agricultural Buffer Alternatives approved on

September 8, 2008 by the Agricultural Advisory Board. However, the applicant will be planting a row of Chinese Pistache trees and Purple Plum trees will be planted in addition to existing Evergreen Redwood trees along these property lines. This area will also include Asian Jasmine ground plants.

- The applicant is proposing an 8' high chain link fence with slats or other surface to give the appearance of a solid wall along the western and eastern property lines of the project site.
- The northern property line will include an 8' "no climb" fence in compliance with MID standards.
  - ▶ Staff has been in contact with MID to gain clarity on a "no climb" fence. MID provided examples such as, a wrought iron fence with vertical bars or a fence that curves backwards towards the top. MID will be reviewing the fence once it is ready to be constructed.
- The combination of fencing, tree planting, and landscaping will provide a secure buffer that helps prevent any conflicts between the proposed use and adjacent low intensity agricultural uses.

#### **Areas of Concern**

- **Vegetative Screening:** Two staggered rows of trees and shrubs characterized by Evergreen foliage are required because of their "filtering" characteristics to avoid spray drift conflicts.
  - ▶ The applicant is proposing adding deciduous trees which does not meet the minimum standards set forth in the Buffer and Setback Guidelines.
  - ▶ The double wide row of will only be established in areas where two (2) rows of trees fit. In some areas, there may only be one (1) row of trees.
  - ▶ No shrubs are being proposed along the west, north, and eastern property lines.
- **Buffer:** Projects which propose people intensive outdoor activities shall incorporate a minimum 300' wide buffer.
  - ▶ The "baseball/outdoor use" of the site will be within the required 300' buffer area in various areas of the project site.

#### **Site Specific Items to Consider**

- Modesto Christian Center is located on the property to the west of the project site.
- The property south of the project site is within the City of Modesto except for a small .09 acre parcel.
- In September of 2008 the Agricultural Advisory Board supported a buffer alternative applicable to all non-agricultural uses in the A-2 zoning district allowing for non-solid fencing to be utilized; provided that the fencing is 6-feet in height and designed to prevent trespassing.

The applicant's statement and reasoning for the alternative buffer is attached.

**Eastlake Baseball Complex  
Alternative Buffer Proposal  
Agriculture Advisory Board Meeting  
March 2, 2009**

In order to comply with the recently enacted Stanislaus County Buffer and Setback Guidelines the applicant is proposing the following along the western, northern, and eastern boundaries of the site. Please see attached landscaping plan for further detail.

**Fencing:** An 8' high chain link fence with aesthetically pleasing slats or other surface to give the appearance of a solid wall that can be tailored to blend in with the existing and proposed trees and vegetation. This treatment will be along the western and eastern property lines of the project site. The northern boundary of the site will utilize an 8' no climb fence in compliance with MID Standards adjacent the 140' wide MID Lateral No. 3.

**Existing Trees to Remain:** Currently there exists a row of mature Evergreen Redwood Trees that are approximately 30 - 40' tall and are located adjacent and parallel to the eastern property line. The applicant proposes to leave these trees in place.

**Supplemental Trees:** In addition to the existing foliage supplemental trees will be planted to give the buffer a wider presence along the eastern property line. The buffer area will be a minimum of 25' wide. In most cases a double wide row of tree plantings will be established along the perimeter of the site.

**Proposed Landscaping:** In addition to the extensive tree plantings along all borders of the site additional shrubbery will be planted to give the buffer area a denser feel that will discourage pedestrian use and prohibit spectators from utilizing the area.

**Storm Drainage Detention Basin:** This feature located along the western, northern, and eastern edge of the property will also act in conjunction with the landscaping feature to deter pedestrian use.

**Building Setback:** Proposed buildings on site have been located beyond the minimum 150' setback mandated by the guidelines.

**Summary:** The combination of fencing, tree planting, and landscaping will provide a secure buffer that helps prevent any conflicts between the proposed use and adjacent low intensity agricultural uses.

# Environmental Noise Assessment

## Eastlake Baseball Complex

Stanislaus County, California

Job # 2009-116

Prepared For:

### **Eastlake Baseball Complex**

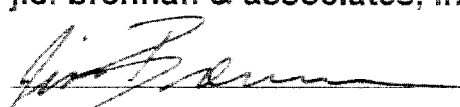
P.O. Box 577752

Modesto, CA 95357

Attn: Mr. Chris Oar

Prepared By:

**j.c. brennan & associates, Inc.**

  
Jim Brennan  
President  
Member, Institute of Noise Control Engineering

April 9, 2009

  
j.c. brennan & associates  
*consultants in acoustics*

P.O. Box 6748 - 263 Nevada Street - Auburn, California 95603 - p: (530) 823-0960 - f: (530) 823-0961

## **INTRODUCTION**

This section discusses the existing setting, identifies potential impacts due to the proposed Eastlake Baseball Complex Project, and where required, provides mitigation measures related to noise. The project site is located north of Parker Road, south of the M.I.D. Lateral No. 3, and east of the Modesto Christian Center in Stanislaus County. The project site is shown on Figure 1.

The primary noise sources associated with the project include organized sports activities from the proposed 3 baseball fields, and parking lot activities. The guiding approach to the assessment of noise impacts for this project is to quantify noise from the various project components, to compare those noise levels against Stanislaus County noise standards, and to recommend practical noise mitigation measures for all identified noise impacts due to the baseball complex development.

## **BACKGROUND AND TERMINOLOGY<sup>1</sup>**

### **Fundamentals of Acoustics**

Acoustics is the science of sound. Sound may be thought of as mechanical energy of a vibrating object transmitted by pressure waves through a medium to human (or animal) ears. If the pressure variations occur frequently enough (at least 20 times per second), then they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound, and is expressed as cycles per second or Hertz (Hz).

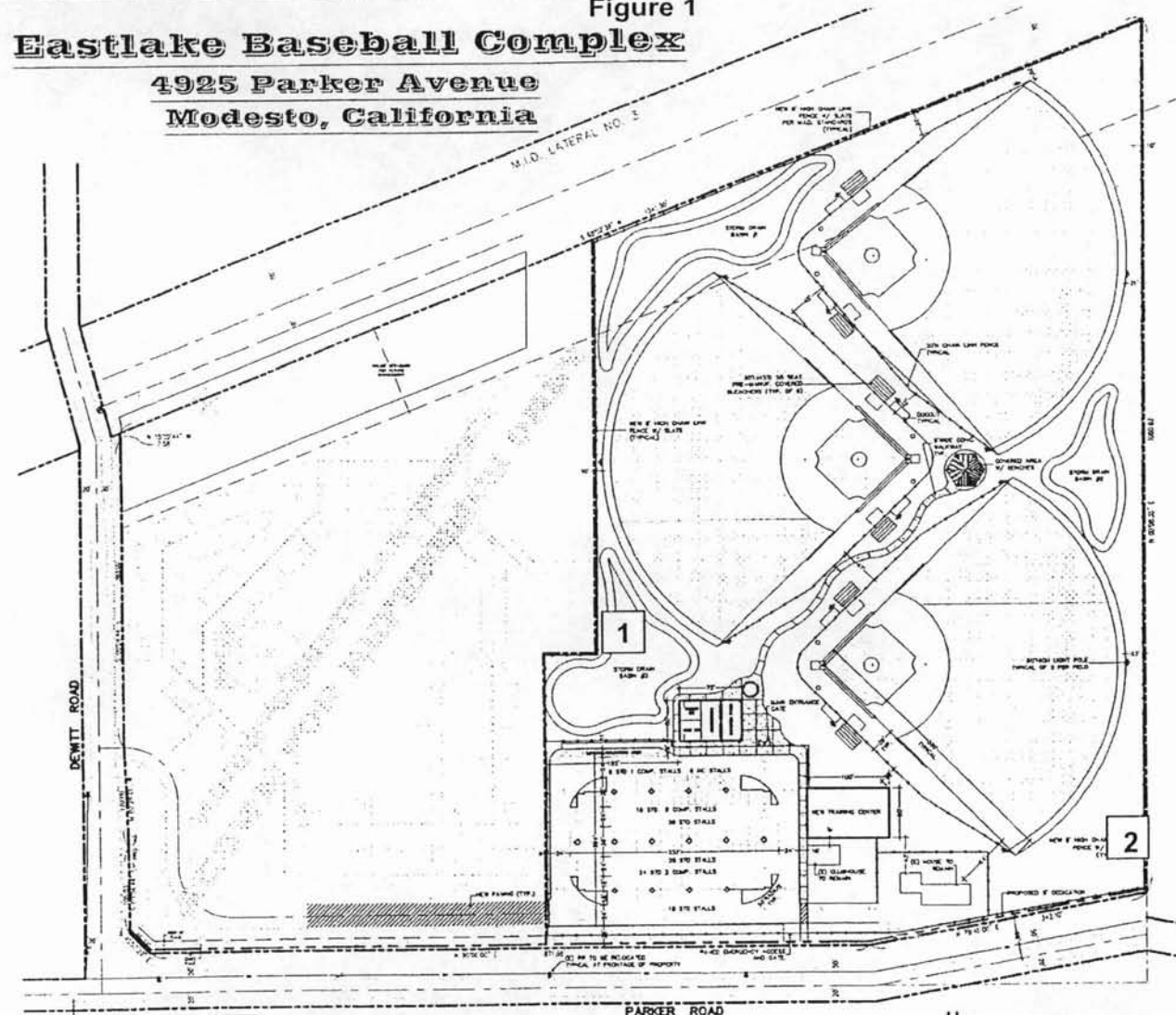
Noise is a subjective reaction to different types of sounds. Noise is typically defined as (airborne) sound that is loud, unpleasant, unexpected or undesired, and may therefore be classified as a more specific group of sounds. Perceptions of sound and noise are highly subjective. Often, someone's music is described as noise by another.

Measuring sound directly in terms of pressure would require a very large and awkward range of numbers. To avoid this, the decibel scale was devised. The decibel scale uses the hearing threshold (20 micropascals), as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels (dB) correspond closely to human perception of relative loudness.

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<sup>1</sup> For an explanation of these terms, see Appendix A: "Acoustical Terminology"

**Figure 1**  
**Eastlake Baseball Complex**  
**4925 Parker Avenue**  
**Modesto, California**



# Noise Measurement Sites

*j.c. brennan & associates*  
*consultants in acoustics*

The perceived loudness of sounds is dependent upon many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable, and can be approximated by A-weighted sound levels.

There is a strong correlation between A-weighted sound levels (expressed as dBA) and the way the human ear perceives sound. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels, but are expressed as dB, unless otherwise noted.

The decibel scale is logarithmic, not linear. In other words, two sound levels 10 dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic decibel is A-weighted, an increase of 10 dBA is generally perceived as a doubling in loudness. For example, a 70 dBA sound is half as loud as an 80 dBA sound, and twice as loud as a 60 dBA sound.

Community noise is commonly described in terms of the ambient noise level, which is defined as the all-encompassing noise level associated with a given environment. A common statistical tool to measure the ambient noise level is the average, or equivalent, sound level ( $L_{eq}$ ), which corresponds to a steady-state A weighted sound level containing the same total energy as a time varying signal over a given time period (usually one hour). The  $L_{eq}$  is the foundation of the composite noise descriptor,  $L_{dn}$ , and shows very good correlation with community response to noise.

The day/night average level ( $L_{dn}$ ) is based upon the average noise level over a 24-hour day, with a +10 decibel weighing applied to noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were twice as loud as daytime exposures. Because  $L_{dn}$  represents a 24-hour average, it tends to disguise short-term variations in the noise environment.

Table 1 lists several examples of maximum noise levels associated with common noise sources.

### **Effects of Noise on People**

The effects of noise on people can be placed in three categories:

- Subjective effects of annoyance, nuisance, and dissatisfaction
- Interference with activities such as speech, sleep, and learning
- Physiological effects such as hearing loss or sudden startling

Environmental noise typically produces effects in the first two categories. Workers in industrial plants can experience noise in the last category. There is no completely satisfactory way to measure the subjective effects of noise or the corresponding reactions of annoyance and dissatisfaction. A wide variation in individual thresholds of annoyance exists and different tolerances to noise tend to develop based on an individual's past experiences with noise.

Thus, an important way of predicting a human reaction to a new noise environment is the way it compares to the existing environment to which one has adapted: the so-called ambient noise level. In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise will be judged by those hearing it.

Table 1 Typical Noise Levels		
Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	--110--	Rock Band
Jet Fly-over at 300 m (1,000 ft)	--100--	
Gas Lawn Mower at 1 m (3 ft)	--90--	
Diesel Truck at 15 m (50 ft), at 80 km/hr (50 mph)	--80--	Food Blender at 1 m (3 ft) Garbage Disposal at 1 m (3 ft)
Noisy Urban Area, Daytime Gas Lawn Mower, 30 m (100 ft)	--70--	Vacuum Cleaner at 3 m (10 ft)
Commercial Area Heavy Traffic at 90 m (300 ft)	--60--	Normal Speech at 1 m (3 ft)
Quiet Urban Daytime	--50--	Large Business Office Dishwasher in Next Room
Quiet Urban Nighttime	--40--	Theater, Large Conference Room (Background)
Quiet Suburban Nighttime	--30--	Library
Quiet Rural Nighttime	--20--	Bedroom at Night, Concert Hall (Background)
	--10--	Broadcast/Recording Studio
Lowest Threshold of Human Hearing	--0--	Lowest Threshold of Human Hearing

Source: Caltrans, Technical Noise Supplement, Traffic Noise Analysis Protocol. October 1998.

With regard to increases in A-weighted noise level, the following relationships occur:

- Except in carefully controlled laboratory experiments, a change of 1 dBA cannot be perceived;
- Outside of the laboratory, a 3 dBA change is considered a just-perceivable difference;
- A change in level of at least 5 dBA is required before any noticeable change in human response would be expected; and



- A 10 dBA change is subjectively heard as approximately a doubling in loudness, and can cause an adverse response.

Stationary point sources of noise – including stationary mobile sources such as idling vehicles – attenuate (lessen) at a rate of approximately 6 dB per doubling of distance from the source, depending on environmental conditions (i.e. atmospheric conditions and either vegetative or manufactured noise barriers, etc.). Widely distributed noises, such as a large industrial facility spread over many acres, or a street with moving vehicles, would typically attenuate at a lower rate.

## **EXISTING NOISE ENVIRONMENT AND SURROUNDING LAND USES**

### **Existing Land Uses in the Project Vicinity**

Surrounding land uses include rural residential to the north and across the M.I.D. Lateral, the Modesto Christian Center adjacent to and west of the site, rural residential to the east, and newer residential uses to the south and across Parker Road. The residential uses to the south currently have a 7-foot tall sound wall which shields traffic noise along Parker Road.

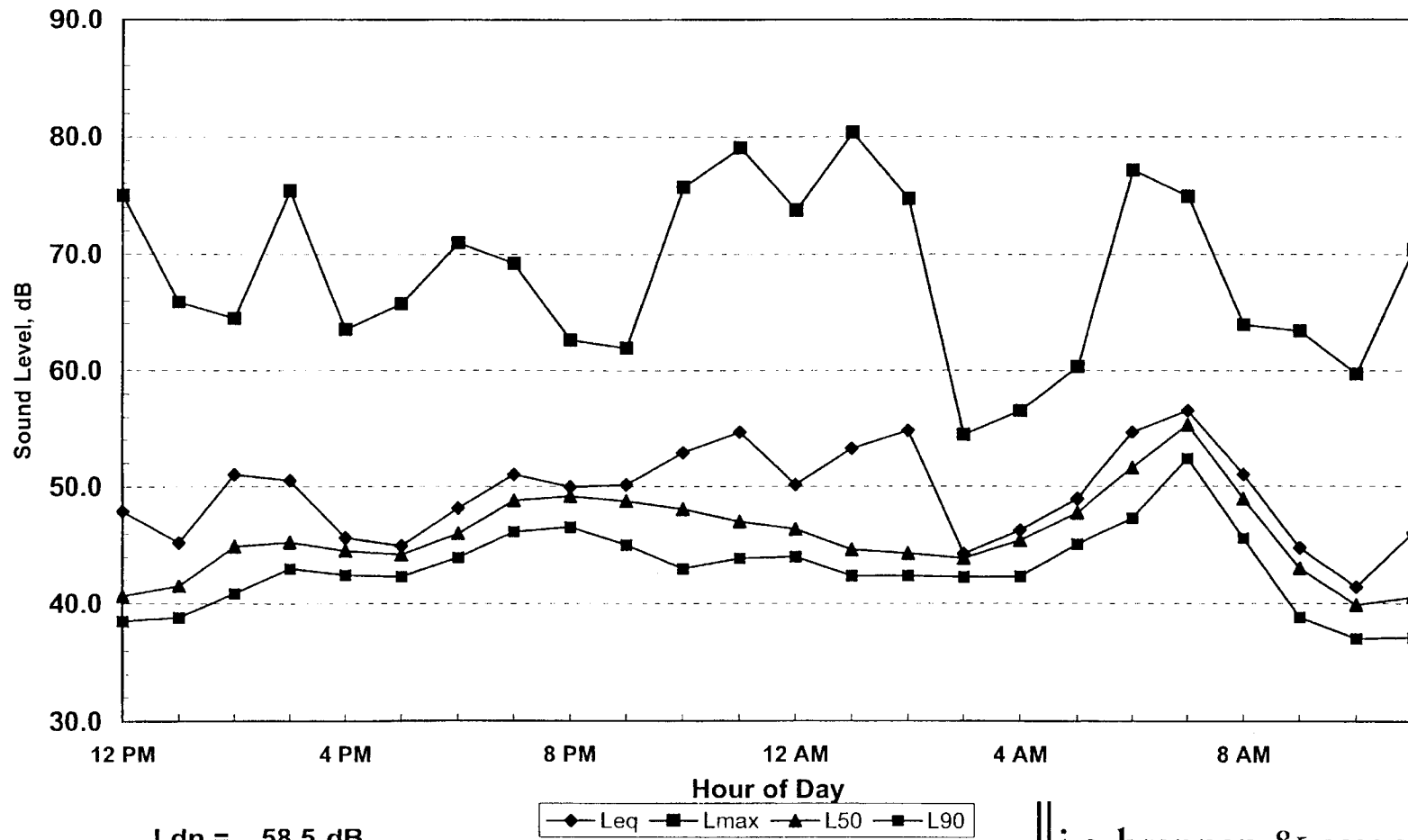
### **Existing Noise Environment in the Project Vicinity**

The ambient noise environment in the immediate project vicinity is defined primarily by local traffic on Parker Road and railroad noise which occurs along the Burlington Northern Santa Fe (BNSF) / Union Pacific (UPRR) railroad line to the west.

To generally quantify the existing ambient noise environment in the project vicinity, j.c. brennan & associates, Inc. conducted continuous hourly background noise level measurements at the east and west property lines of the project site, for a period of 24-hours on March 24-25, 2009. The intent of the noise level measurements was to determine the typical noise levels in the project area. Larson Davis Laboratories (LDL) Model 820 precision integrating sound level meters were used for the ambient noise level measurement survey. The meters were calibrated before and after use with an LDL Model CA200 acoustical calibrator to ensure the accuracy of the measurements. The equipment used meets all pertinent specifications of the American National Standards Institute for Type 1 sound level meters (ANSI S1.4).

The noise level meters were programmed to collect hourly noise levels during the 24-hour period. The hourly noise levels included the average, median and maximum noise level at each site during the surveys. The maximum value, denoted L<sub>max</sub>, represents the highest noise level measured. The average value, denoted L<sub>eq</sub>, represents the energy average of all of the noise received by the sound level meter microphone during the monitoring period. The median noise level which is denoted L<sub>50</sub> is the noise level exceeded half of the time during the measurement. Table 2 shows the results of the 24-hour noise level measurements. Figure 1 shows the locations of the noise level measurements. Figures 2 and 3 graphically show the results of the noise level measurements.

Figure 2  
 Site 1 - 24hr Continuous Noise Monitoring  
 Eastlake Baseball Complex  
 March 24-25, 2009

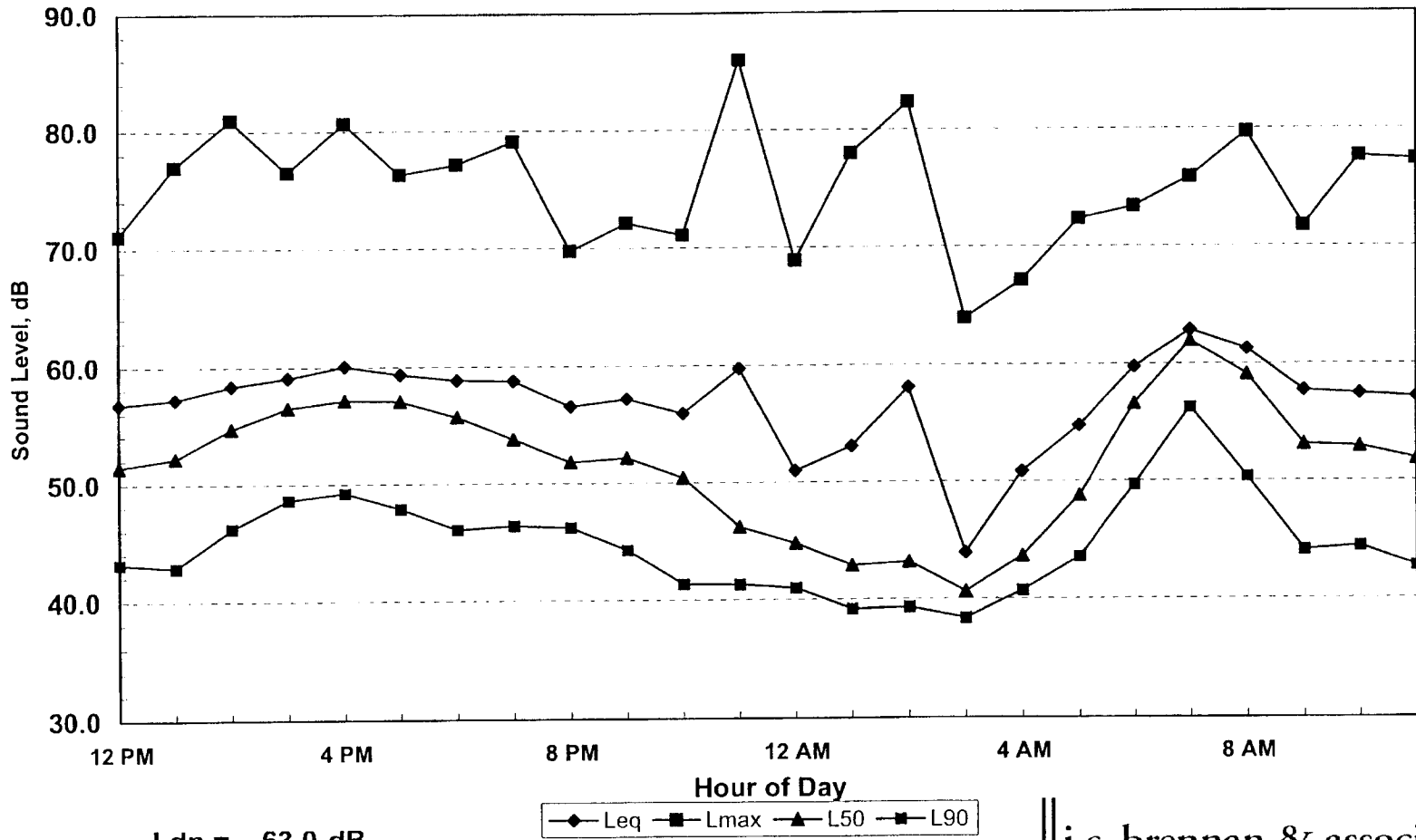


Ldn = 58.5 dB

◆ Leq    ■ Lmax    ▲ L50    ■ L90

j.c. brennan & associates  
*consultants in acoustics*

Figure 3  
Site 2 - 24hr Continuous Noise Monitoring  
Eastlake Baseball Complex  
March 24-25, 2009



Ldn = 63.0 dB

Legend: Leq (diamond), Lmax (square), L50 (triangle), L90 (square)

j.c. brennan & associates  
consultants in acoustics

Larson Davis Laboratories (LDL) Model 820 precision integrating sound level meters were used for the noise level measurement survey. The meters were calibrated before and after use with an LDL Model CA200 acoustical calibrator to ensure the accuracy of the measurements. The equipment used meets all pertinent specifications of the American National Standards Institute for Type 1 sound level meters (ANSI S1.4).

Table 2 Measured Ambient Noise Monitoring Results March 24-25, 2009								
		Average Measured Hourly Noise Levels, dBA						
Site	Location	24-hour L <sub>dn</sub>	Daytime (7:00 am - 10:00 pm)			Nighttime (10:00 pm - 7 am)		
			L <sub>eq</sub>	L <sub>50</sub>	L <sub>max</sub>	L <sub>eq</sub>	L <sub>50</sub>	L <sub>max</sub>
Continuous 24-hour Noise Measurement Sites								
1	West Property Line	58.5 dB	49.9 dB	45 dB	67.1 dB	52.3 dB	46 dB	70.2 dB
2	East Property Line	63.0 dB	58.9 dB	54 dB	76.2 dB	56.1 dB	46 dB	73.6 dB
Source – j.c. brennan & associates, Inc. - 2009								

The noise levels measured at Site 1 generally represent the typical background noise levels at a distance of over 200 feet from the Parker Road centerline. Although the roadway traffic was the dominant noise source at this noise measurement site, they are generally considered consistent with the Stanislaus County General Plan Noise Element criteria for acceptability.

The noise levels measured at Site 2 are located approximately 70 feet from the Parker Road centerline. The noise levels are clearly dominated by local roadway traffic. This site also provides a representation of the traffic noise levels which would be experienced at the new residential development on the south side of Parker Road, absent of the existing soundwall. The measured noise levels are considered to exceed the normally acceptable noise level for residential development adjacent to a roadway. Therefore, the residential development on the south side of Parker Road incorporated a soundwall into the project design.

## CRITERIA

### Stanislaus County General Plan Noise Element

The Stanislaus County General Plan establishes acceptable noise level criteria for both transportation noise sources such as roadway traffic, and stationary noise sources such as school activities. For roadway traffic, Stanislaus County utilizes a “Normally Acceptable” noise level exposure of 60 dB Ldn for residential uses. In addition, a “Conditionally Acceptable” noise level exposure of 65 dB Ldn is used for residential uses.

The following policy and implementation measure from the Stanislaus County General Plan Noise

Element is applicable to this project:

**POLICY TWO**

*It is the policy of Stanislaus County to develop and implement effective measures to abate and avoid excessive noise exposure in the unincorporated areas of the County by requiring that effective noise mitigation measures be incorporated into the design of new noise generating and new noise-sensitive land users.*

Table 3 provides the noise level performance criteria for projects which are affected by or including stationary noise sources, such as those attributed to the proposed baseball complex sporting activities. These criteria are applied at the property line of noise-sensitive land uses, such as adjacent residences. The noise level criteria contained in Table 3 will be reduced by 5 dB for the analysis of baseball games, due to the fact that the noise sources are considered to consist primarily of speech.

Noise Level Descriptor	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
Hourly Leq dBA	55	45
Maximum Level, dBA	75	65

Each of the noise levels specified above shall be lowered by five dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises. Where measured ambient noise levels exceed the standards, the standards shall be increased to the ambient levels.

**California Environmental Quality Act (CEQA) Criteria:**

The significance of project-related noise impacts are also determined by comparison of project-related noise levels to existing no-project noise levels, as required by CEQA. An increase in similar noise levels of less than 3 dB is generally not perceptible. An increase of at least 3 dB in similar noise sources is usually required before most people will perceive a change in noise levels, and an increase of 5 dB is required before the change will be clearly noticeable.

**IMPACTS**

**Baseball Field Noise Impact Assessment Methodology**

The project includes three baseball diamonds, as shown on the site plan. Noise sources at these areas would primarily be people shouting and spectators cheering during intermittent periods of the games. j.c. brennan & associates, Inc. staff utilized file data previously conducted by our staff for softball

games at the Watt Avenue Softball Complex in Sacramento, California. The purpose of the noise level measurements were to collect noise levels associated with softball and baseball games for a new regional park in Granite Bay, California.

The softball games which were the focus of the noise measurements were played on the diamond with the least exposure to background traffic noise from Interstate 80, and the microphone was shielded from view of I-80 by the press box to further reduce the potential for contamination of the sample by traffic noise. The crowds for both teams were boisterous, as the final score of 18 to 8 required numerous extra base hits. The crowd size varied as people arrived and departed the baseball diamond, but it averaged about 50 to 75 persons. For baseball games, the focal point tends to be in the vicinity of the bleachers and pitchers mound, with the participants and spectators all centrally located around and generally facing that position.

The results of the softball game noise measurements indicate that average and maximum noise levels measured at a distance of 50 feet from the effective noise center of the softball diamond were 66 and 80 dB, respectively. In addition, directionality tests conducted during the game indicate that there was no appreciable difference in measured crowd noise levels with microphones located in front versus behind the spectator areas.

The closest property lines to the baseball diamonds are the east property line, which is approximately 320 feet from the center of the field, the south property line (across Parker Road) which is approximately 480 feet from the center of the field, the west property line, which is approximately 300 feet from the center of the field, and the north property line which is approximately 385 feet from the center of the field.

Based upon these distances, the predicted noise levels associated with the baseball games are shown in Table 4.

<b>Table 4 Predicted Baseball Game Noise Levels</b>			
Location	Distance	Predicted Noise Levels	
		Hourly Leq	Maximum (Lmax)
East Property Line	320 feet	50 dB	64 dB
South Property Line	480 feet	46 dB*	60 dB*
West Property Line	300 feet	50 dB	64 dB
North Property Line	385 feet	48 dB	62 dB
All distances are based upon the distance from the pitchers mound to the property line.			
* Predicted noise levels at the south property line do not account for shielding from the existing 7-foot tall sound wall.			

Based upon the predicted noise levels contained in Table 4, the noise levels associated with the baseball games will comply with the daytime noise level criteria of 50 dB Leq, and 70 dB Lmax, as shown in Table 3 of this report (The noise level criteria used for the analysis of baseball games includes a -5 dB penalty for noise sources which consist primarily of speech). The sound levels would not comply with the nighttime noise level criteria of 40 dB Leq and 60 dB Lmax. In general

the predicted noise levels associated with the games would be approximately equal to the existing ambient noise levels in areas removed from Parker Road, and between 6 dB and 8 dB Leq less than the measured background noise levels near Parker Road.

### **Parking Lot Noise Impacts**

The proposed parking lot is located along the southern edge of the project site, and adjacent to Parker Road. Parking lot noise levels generally are a result of vehicles arriving or departing, car doors slamming and people talking. Noise level data for parking lot activities indicate that a typical sound exposure level (SEL) of 71 dB at a distance of 50 feet characterizes a typical vehicle arrival and departure. The project description indicates that the project will include a parking lot which will accommodate up to 165 vehicles. Assuming that the entire parking lot could turn over within one hour, the peak hour Leq value can be calculated as follows:

$$\text{Leq} = 71 + 10 * \log (165) - 35.6, \text{ dB, where:}$$

71 is the sound exposure level of one vehicle arriving or departing from the parking area,  $10 * \log$  the logarithm of the number of vehicles, and 35.6 is 10 times the logarithm of the number of seconds in an hour.

The formula indicates that the predicted peak hour Leq at a distance of 50 feet is 57.5 dB. Based upon the site plan, the closest residence to the south is approximately 250 feet from the center of the parking lot. Therefore, the predicted peak hour Leq is approximately 43.5 dB at the nearest residence to the south. This does not account for the existing 7-foot tall sound wall at the property line.

Based upon the analysis, the parking lot activity noise levels are expected to comply with the Stanislaus County General Plan hourly average daytime (7 a.m. – 7 p.m.) noise level criterion of 55 dB Leq, and the nighttime noise level criterion of 45 dB Leq.

### **Public Address System Noise Impact Assessment**

A public address system is generally used for announcements, and paging individuals. Softball and baseball complexes do not generally use them for announcing games. Since the use of a public address system is generally limited to no more than 5 announcements per hour, the maximum noise level standard of 70 dB Lmax (including the -5 dB penalty for noise consisting of speech) is the most applicable. It is difficult to assess the noise impact of a sound system, when variables such as the volume setting, placement of speakers and orientation of speakers are not known at this time. In

general, the amplitude of the public address system is no louder than the maximum noise level from a crowd roar. It is not expected that a public address system will exceed the applicable noise level criteria.

### Construction Noise Impact Assessment

During the construction phases of the project, noise from construction activities would add to the noise environment in the immediate project vicinity. Activities involved in construction would generate maximum noise levels, as indicated in Table 5, ranging from 85 to 90 dB at a distance of 50 feet. Construction activities would be temporary in nature and are anticipated to occur during normal daytime working hours.

Noise would also be generated during the construction phase by increased truck traffic on area roadways. A significant project-generated noise source would be truck traffic associated with transport of heavy materials and equipment to and from construction sites. This noise increase would be of short duration, and would likely occur primarily during daytime hours.

<b>Table 5 Construction Equipment Noise</b>	
Type of Equipment	Maximum Level, dB at 50 feet
Bulldozers	87
Heavy Trucks	88
Backhoe	85
Pneumatic Tools	85

Source: Environmental Noise Pollution, Patrick R. Cunniff, 1977.

Implementation Measure 3 under Policy 3 of the Stanislaus County Noise Element states the following:

*New equipment and vehicles purchased by Stanislaus County shall comply with noise level performance standards of the industry and kept in proper working order to reduce noise impacts.*

This implementation measure should be applied to construction equipment used for construction of the project.

### CONCLUSIONS

The project is expected to comply with the Stanislaus County General Plan Noise Element criteria,



provided that the following mitigation measures are included in the project design:

1. The park will close between the hours of 10:00 p.m. and 7:00 a.m.;
2. Construction equipment shall comply with Implementation Measure 3 of Policy 3 of the Stanislaus County Noise Element;
3. If a sound system is integrated into the project design, it should not exceed a maximum (Lmax) sound level of 70 dB at the nearest residential and church property lines.

## Appendix A

### Acoustical Terminology

<b>Acoustics</b>	The science of sound.
<b>Ambient Noise</b>	The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.
<b>Attenuation</b>	The reduction of an acoustic signal.
<b>A-Weighting</b>	A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.
<b>Decibel or dB</b>	Fundamental unit of sound, A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.
<b>CNEL</b>	Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by a factor of three and nighttime hours weighted by a factor of 10 prior to averaging.
<b>Frequency</b>	The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz.
<b>Ldn</b>	Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.
<b>Leq</b>	Equivalent or energy-averaged sound level.
<b>Lmax</b>	The highest root-mean-square (RMS) sound level measured over a given period of time.
<b>L(n)</b>	The sound level exceeded a described percentile over a measurement period. For instance, an hourly L50 is the sound level exceeded 50% of the time during the one hour period.
<b>Loudness</b>	A subjective term for the sensation of the magnitude of sound.
<b>Noise</b>	Unwanted sound.
<b>Peak Noise</b>	The level corresponding to the highest (not RMS) sound pressure measured over a given period of time. This term is often confused with the "Maximum" level, which is the highest RMS level.
<b>RT<sub>60</sub></b>	The time it takes reverberant sound to decay by 60 dB once the source has been removed.
<b>Sabin</b>	The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 sabin.
<b>Threshold of Hearing</b>	The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing.
<b>Threshold of Pain</b>	Approximately 120 dB above the threshold of hearing.
<b>Impulsive</b>	Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.
<b>Simple Tone</b>	Any sound which can be judged as audible as a single pitch or set of single pitches.

 j.c. brennan & associates  
consultants in acoustics

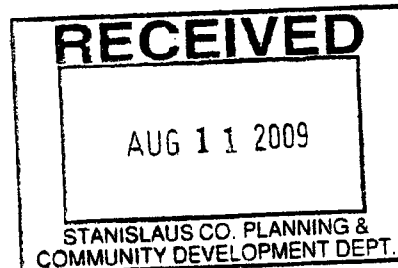
**From:** "steveciraolo" <stevec@clearwire.net>  
**To:** <planning@co.stanislaus.ca.us>  
**Date:** 7/25/09 6:51 PM  
**Subject:** eastlakebaseballcomplex,parcel 014-026-037

**CC:** "steveciraolo" <stevec@clearwire.net>

Received a notice of a permit for the above subject. I oppose the approval. This complex would create a traffic congestion of Parker road. Parker road is a well traveled and it can not sustain any more traffic, because the road narrows from the newly completed road from the housing project across the street. The noise pollution around the area homes would be affected. I live on the north east corner of Church and Parker intersection, and heavy traffic causes a lot traffic accidents at this corner. Most cars travel to Empire, Waterford, Oakdale and points beyond. I hope that the County Planners oppose this complex

Sincerely

Steve Ciraolo  
1716 Church St  
Modesto, Ca 95357  
209-578-4114



Robert F. Farrace

\* Also licensed in New York

August 10, 2009

Via Facsimile: (209) 525-5911

Planning Commission  
Stanislaus County  
1010 10th Street, Suite 3400  
Modesto, CA 95354

Re: Use Permit Application No. 2008-26-Eastlake Baseball Complex  
Objection to Notice of Intent to Adopt a Mitigated Negative  
Declaration  
4925 Parker Road, Modesto, CA 95357 ("Property")  
APN 014-026-037

Dear Sirs:

I have recently received communication from your offices dated July 13, 2009, regarding an upcoming public hearing and an intent to adopt a mitigated negative declaration concerning the above-mentioned Use Permit Application ("UPA"). On behalf of my wife and I, I object to the UPA and to adoption of the proposed Mitigated Negative Declaration ("MND") as presently crafted for the reasons enumerated below.

### 1. Present Zoning Violation

The current zoning is agricultural, A-2-40. It is not zoned as a recreational area and is inappropriate for the proposed use as baseball fields and a training complex. The Property abuts a riparian area that will be damaged by its presence, an area that is little affected by agricultural use or by the limited traffic associated with the current driving range.

The proposed change to a commercial business with an additional 8500 square feet of commercial buildings and up to 165 cars parking on site, not to mention the unplanned off-site parking that will occur, is a dramatic departure from the wise zoning plan presently in place and the limited departure from that plan the golf driving range currently in place now presents.

The installation of enormous light standards for use of the complex at night presents a disruption to both local residents and riparian flora and fauna. The current owl population that has been fostered back to some health in the immediate proximity to the proposed project will be damaged by the noise and light that will be presented by those 165 cars that visit the

2360 SCENIC DRIVE  
MODESTO, CA 95355  
PHONE 209.572.6001  
FAX 209.572.6002



Stanislaus County Planning Commission  
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Page 2

site, not to mention the damage to animals like the Swainson hawk and kit foxes by the huge increase in the amount of traffic and the number of cars pummeling the local animal populations.

The applicant should not be granted a use permit, but should be required to attain a change in zoning before proceeding with the project.

## **2. Unsafe/Insufficient Roadway Improvements**

The developer immediately across Parker Road from the applicant's project was required to put in street/gutter/curb/sidewalk and adjacent improvements to Modesto City standards. With all the lip service being paid to County islands within the City of Modesto by politicians, now is your opportunity to require a developer to put in improvements that comply with both City and County standards so that you do not create an island immediately adjacent to Modesto City property in the Modesto sphere of influence. If the Planning Commission fails to do so, you will be incorporating the exact conditions that precede creation of a County island into what was otherwise longstanding agricultural land that is properly zoned.

The road, as it exists, is unsafe. The Property is located on a curve that routinely causes the death and maiming of our citizens and others who pass through our community. Traffic through the curve at unsafe speeds results in the catapulting of cars over the cliff above Dry Creek, with its attendant 70-100 foot drop. If the fall fails to kill the unfortunate driver and other occupants (Read: children) of the vehicle, drowning is likely in the water below. The "improvements" present to prevent such accidents are feeble wooden and wire fences that are not designed to withstand the forces of a speeding metal vehicle weighing at least a few tons.

On the County side of the road, no one has required the existing church, nor anyone else, nor the County itself, to provide road, gutter, curb, sidewalk and other related improvements. The pending proposal would have 165 cars bring somewhere between 300 to 650 (i.e., 2-4 kids per car) children to a site that has no sidewalk on Parker Road, and a two lane road between the deadly curve and Dewitt Road, where the project claims people will access the site by car.



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I would suggest that if cars currently use Parker Road as an ejection ramp, these drivers might similarly steer into a roadway/parking lot/ball complex filled with children to avoid such a fate. It seems a poor decision by the Commission and staff could result in avoidable injuries and deaths that are not only foreseeable, but are likely to occur. Why the current report before the Commission fails to identify these horrors as probabilities is tragic; failure on the part of this body to prevent such injuries would be gross negligence.

The applicant should be required to install road/gutter/curb/sidewalk and "beyond sidewalk" improvements along its Parker Road boarder down to its Dewitt Road traffic access, before being allowed to proceed with the project. With these improvements that are expected in the future but for which applicant does not wish to pay, the project would need to survive on the mcrits of the two ball fields that will remain once the roadway is fully improved. This will assure that the project going into the future is viable today and in the future, rather than resulting in a ballyard ghost town when it becomes economically less-than-viable with two, instead of three, fields. Additionally, relocating the parking lot to the irrigation canal side of the Property and reconfiguring the layout would prevent the congregation of people along the presently unimproved roadside that is currently proposed.

### **3. Insufficient Report to Comply with CEQA/EIR Required**

The current recommendation should be changed to a "significant effect on the environment" and require a full Environmental Impact Report ("EIR").

#### **Unsafe for People**

Some of the dangers to the human population are detailed above and are incorporated here by this reference.

#### **Flora/Fauna**

Directly across Parker Road is a fragile riparian environment with protected species. A lighted ball field with huge increases in projected vehicle and people traffic should not be located where it is proposed without first determining the full impact on the general vicinity of the applicant's project.



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The roadway is a killing zone for local animals. Racoons, foxes, owls, hawks and other animals are routinely destroyed on Parker Road. This project proposes to increase that horrid trend by increasing localized traffic several thousand percent over present use (the Property currently has about 1 to 8 vehicles accessing it at a time, with the proposed project to increase that to 165 vehicles in and out of the parking lot).

### **Lighting**

The study provided in support of this project is laughable when it comes to noise and lighting. First, the project proposes huge light standards, dozens of feet in the air, to illuminate playing fields. These will be used during the only hours that surrounding neighbors have to enjoy their homes in peace: evening and weekend hours. One only need look at Rainbow Fields lights and those of the Bel Passi complex to know that they may be seen from miles away, let alone from across a two-lane street. They turn the night into day when the night should be night. Local residents are to trust the commercial interests that are installing this project to turn off those lights even though leaving them on later means making more money. To state that there will be a "less than significant impact", staff must be evaluating the project from seats in 1010 10th Street, not from the vista of Parker and Dewitt Roads, or the riparian habitat across Parker Road. There will be a significant impact that completely destroys the present quality of life enjoyed by the local community.

This is NOT a commercially zoned area, but presently a quiet agricultural and residential neighborhood. The lighting is a disruption to basic qualities of life for which the present neighbors will only receive grief while the applicant makes money at their life-quality expense. You will obliterate night time views with this project, contrary to the staff report.

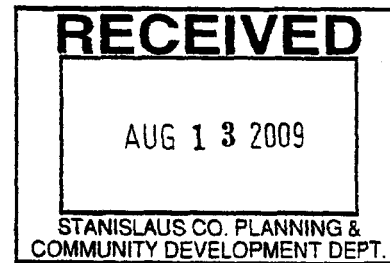
### **Noise**

There is no assessment of traffic noise being increased by 150 to 200 vehicles in the proposal, with all of said vehicles descending upon the Property at one time. The noise assessment relates to crowd noise and public address systems. It is wholly deficient.

The sound wall discussed is one put in place by the aforementioned developer of the gated community on the opposite side of Parker Road. Any mitigation should include a

August 12, 2009

Department of Planning and Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354



Subject: Use Permit Application No. 2008-26 – Eastlake Baseball Complex  
Assessor Parcel Number: 014-026-037

Dear Planning Commission:

We are writing this letter in opposition to the proposed Eastlake Baseball Complex for the following reasons.


- The presence of a baseball complex of this size and projected use does not fit in with the agricultural setting bordering at least two sides of the property and within the influence of the majority of the surrounding area. Livestock and farming operations would be negatively impacted by the increase in people, vehicles, noise and lights.
- The increase in traffic on Parker and Dewitt Roads would tremendously stress an already dangerous stretch of road. There have been numerous accidents, including fatalities along the stretch of road bordering the existing driving range. Many residents have been in accidents when trying to turn into their driveways because people will not slow down or are not paying attention. Many times our fences have been plowed through with cars ending up in Dry Creek, pastures or in the roadway. Parker Road already has more traffic than it was designed for and no immediate plans for improvements. Many discussions with law enforcement officers suggests that patrolling this area is not feasible and other deterrent efforts such as radar guns are not possible. Getting reimbursed for property damage has been a joke, falling back on the property owners and directly coming out of their pockets.
- The proposed Eastlake Baseball Complex borders Dry Creek which is a riparian habitat representing a very diverse, unique and unfortunately disappearing ecosystem. The increased human use specifically the lights, noise and litter will have a tremendous negative impact on Dry Creek. I am constantly picking up bags of trash along the roadway bordering my property every week. A fence was put up by me to keep people from dumping truck-loads of garbage down the hillside. Many animals have been killed in the roadway including foxes, raccoons, opossums, skunks, rabbits, barn owls, cats and dogs.
- The flight path for the aircraft used by the Eastside Mosquito Abatement District goes directly over the property for landings. With the proposed Eastlake Baseball Complex this is a tragedy waiting to happen. These pastures, fields and orchards are treated with pesticides and fertilizer as part of normal agricultural practices which are often not well tolerated by the general public. Potential concerns and complaints by people using the proposed baseball complex would only further increase the regulatory burden placed on



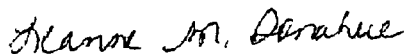
farmers and ranchers. Changes in operation by the Eastside Mosquito Abatement District could also impact vector control efforts such as those for the mitigation of West Nile Virus and other vector-borne diseases endemic to the central valley. Mosquitoes have historically been a constant problem in our area and require a vigilant and uninterrupted control program.

- Finally we mention quality of life issues; we enjoy being on our property and enjoying a rural lifestyle. The traffic, litter, noise and inconsiderate people are already a problem and with the proposed Eastlake Baseball Complex are certainly only going to get worse. We already have Rainbow Fields, Bel Pasi, four high schools and several parks with baseball facilities within several miles of this location, why do we need another one here? The City of Modesto has already expanded to across the street from the proposed Eastlake Baseball Complex and the increase in traffic funnels down into a dangerous bottle neck which is like a racetrack. We have to cross the street in a sprint to get to our mailbox and the risk of getting hit is already at a heightened level! Those of us in the county have to tolerate the City's expansion in the name of growth and progress. Having the church and the driving range are already stretching the limits for an agricultural zoning, but at least they have been very low impact to our neighborhood. The line has to be drawn somewhere and we believe it would be extremely unwise, dangerous and negatively impact the community to allow the proposed Eastlake Baseball Complex to be approved for this location. We hope the Department of Planning and Community Development thoroughly evaluates and considers all these issues in their decision making process.

Respectfully,



William A. Donahue, Jr.



Leanne M. Donahue

5100 Parker Road  
Modesto, CA 95357

**From:** Dave Butz <dwbutz@sbcglobal.net>  
**To:** Javier camarena <camarenaj@stancounty.com>  
**Date:** 8/3/09 4:01 PM  
**Subject:** Re: Estimate of people

**CC:** Chris Oar <chris@bvsmedia.com>  
Here you go:

Figure 13 Players / Coaches per team  $13 \times 6 = 78$   
Employees = 20 Including Umpires  
Figure Spectators @ 1.5 per player =  $13 \times 6 \times 1.5 = 117$   
Estimated Total = 215

Dave Butz  
Entitlement Consultant  
209.765.5123  
dwbutz@sbcglobal.net

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From: Javier camarena <camarenaj@stancounty.com>  
To: Dave Butz <dwbutz@sbcglobal.net>  
Sent: Friday, July 31, 2009 9:48:39 AM  
Subject: Estimate of people

Dave,

What is the estimate of the number of people that will be at the field on maximum? If you can provide it in detail how you came up with the number, i'd appreciate it. For example:

X number of people based on:

- \* 3 fields
- \* About X players per field
- \* About X amount of spectators
- \* Approximately X number of employees

Approximate total:

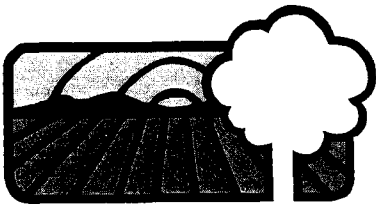
I am still working on the Staff Report, I may email you with more questions as they arise. Thanks Dave.

Javier Camarena  
Assistant Planner  
Stanislaus County  
Planning & Community Development  
209-525-6330  
camarenaj@co.stanislaus.ca.us

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## CITY of MODESTO

*Community and  
Economic  
Development*

*Planning  
Division*

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

*www.modestogov.com*

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

January 12, 2009

Javier Camarena  
Stanislaus County Planning  
1010 Tenth Street, Suite 3400  
Modesto, CA 95354

Re: Use Permit Application: Eastlake Baseball Complex, 4925 Parker Road (APN 014-026-037)

Dear Mr. Camarena,

This letter is in response to the Referral/Early Consultation submitted by Stanislaus County for the application listed above, proposal for a Use Permit to convert an existing golf driving range into a three-field baseball complex with training facility.

The project site is outside of, yet adjacent to, the City of Modesto's General Plan and Sphere of Influence boundaries. It is adjacent to the Village Residential uses of the Empire North Comprehensive Planning District (CPD), and the Dry Creek Open Space CPD, both to the south.

The proposal was referred to the City's Public Works and Land Development Engineering divisions for review and comment. The comments received are outlined as follows:

Land Development Engineering, Stormwater (Dhyan Gilton, LDE, 209-577-5264)

1. No plans for storm drainage were included in this submittal. New parking lot, buildings, and hardscape are adding more than an acre of impervious surfaces to this site. No stormwater runoff can be discharged to adjacent Dry Creek. Applicant should develop plans to retain and infiltrate all stormwater runoff on site, incorporating pervious landscape features wherever possible.
2. NPDES regulations for both City of Modesto and Stanislaus County require treatment to remove pollutants from the first 1/2" of stormwater runoff from parking lot. Landscape features can be utilized to provide required treatment.

Public Works Traffic Division (Helen Wang, 209-571-5190)

3. Parker Road is designated as a 4-lane minor arterial/county major street in the Stanislaus Council of Governments Regional Transportation Plan, the Stanislaus County General Plan, and the City of Modesto General Plan. The street right of way will be 100'. The current right of way is 75'. The project shall provide the County an irreversible offer of the street right of way dedication, per City of Modesto Standard Specifications. Since a portion of Parker Road along the

EXHIBIT L

project frontage is on the bank of Dry Creek, the project shall provide the County an irreversible offer of the right of way dedication for the full width of the street along the project frontage at this location.

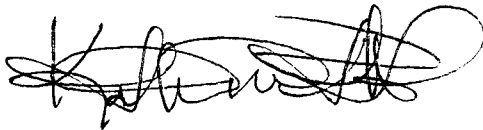
4. A 110' wide 4-lane expressway is planned along the MID canal in the Stanislaus Council of Governments Regional Transportation Plan, the Stanislaus County General Plan, and the Modesto General Plan. The project shall not install any building in the right of way of the future expressway.
5. The project should pay its fair share to widen the MID canal on Dewitt Road.
6. Dewitt Road is the first existing street parallel to Claus Expressway and should be a major collector street in the future. The project shall dedicate the street right of way for future development along Dewitt Road.

Land Development Engineering (Robert Davalos, 209-877-5253)

7. Currently the project site is not connected to City of Modesto Water or Sewer systems. If at any time the project site would consider connecting, a Will-Serve Letter for water and/or sewer service shall be formally requested by the applicant and granted by the City of Modesto prior to an Outside Service Agreement being executed.
8. An Outside Service Agreement shall be executed with the City of Modesto prior to connection to City of Modesto's Water or Sewer system.
9. Any applicable water fees shall be paid prior to connection to the City of Modesto's Water system.

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,



Katharine Martin, Assistant Planner

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

## Dan England

---

From: Dan England  
Sent: Wednesday, May 06, 2009 11:41 AM  
To: 'Javier camarena'  
Cc: Angie Halverson; Judy Lindsay; Bill Sandhu; Jeff Barnes; Charles Covolo  
Subject: RE: Update for Eastlake Baseball Facility

Javier,

The City would like to have the following conditions added to the project.

1) Parker road in front of the property is planed to be a 4 lane minor arterial with a 100 foot right-of-way per City Standard Detail #384. Due to the location of the Dry Creek bank, the road centerline will need to be shifted to the north to be able to fit the full right-of-way above the top of the bank.

The City requests that this project provides the City with an irrevocable offer of dedication to provide the full 100 foot right-of-way north of the Dry Creek top of Bank.

2) The City requests that the full frontage improvements be installed along Parker Road, but that they can be deferred until the City determines that the improvements are justified due to surrounding conditions and traffic flow. The improvements will need to be constructed by the property owner at their expense within a 6 month time frame of being notified in writing by the City.

3) At this point LAFCO has denied the application for water for this project from the City of Modesto. If a well is to be used for this site, the City requests that the owner submit a well request with the City to determine that the proposed well will not impact the existing wells in the area.

Dan

-----Original Message-----

From: Javier camarena [mailto:camarenaj@co.stanislaus.ca.us]  
Sent: Wednesday, April 22, 2009 3:28 PM  
To: Dan England  
Cc: Angie Halverson; Judy Lindsay  
Subject: Update for Eastlake Baseball Facility

Hi Dan,

I was just wondering if you had a revised comment letter for the Eastlake Baseball Facility? Thanks Dan.

Javier Camarena  
Assistant Planner  
Stanislaus County  
Planning & Community Development  
209-525-6330  
camarenaj@co.stanislaus.ca.us

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**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**

**PROJECT: USE PERMIT APPLICATION NO. 2008-26 - EASTLAKE BASEBALL COMPLEX**

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS		
	DATE: May 28, 2009	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
AGRICULTURE COMMISSIONER	X	X				X							
AIRPORT LAND USE COMMISSION	X	X				X							
BUILDING PERMITS DIVISION	X	X		X		X						X	
CALTRANS DISTRICT 10	X	X	X			X							
CHIEF EXECUTIVE OFFICE	X												
CITY OF: MODESTO	X	X	X	X		X				X		X	
COOPERATIVE EXTENSION	X												
CORPS OF ENGINEERS	X	X	X	X		X				X		X	
COUNTY COUNSEL	X	X				X							
ENVIRONMENTAL RESOURCES	X	X		X		X				X		X	
FIRE PROTECTION DIST: STAN. CONSOL.	X	X	X	X		X				X		X	
FISH & GAME, DEPT OF	X	X	X			X							
IRRIGATION DISTRICT: MODESTO	X	X	X	X		X				X		X	
LAFCO	X	X				X							
MOSQUITO DISTRICT: EASTSIDE	X	X	X			X							
MT VALLEY EMERGENCY MEDICAL	X	X				X							
PACIFIC GAS & ELECTRIC	X	X	X			X							
PARKS & FACILITIES	X	X		X				X		X			X
PUBLIC WORKS	X	X		X		X				X		X	
PUBLIC WORKS - TRANSIT	X	X				X							
REGIONAL WATER QUALITY CONTROL	X	X	X			X							
SCHOOL DISTRICT 1: SYLVAN	X	X	X			X							
SCHOOL DISTRICT 2: MODESTO	X	X	X			X							
SHERIFF	X	X		X		X				X			X
StanCOG	X	X				X							
STANISLAUS COUNTY FARM BUREAU	X	X	X			X							
STANISLAUS ERC	X	X		X		X				X		X	
STANISLAUS FIRE PREVENTION BUREAU	X	X		X		X				X		X	
SUPERVISORIAL DISTRICT 1: O'BRIEN	X	X				X							
SURROUNDING LAND OWNERS													
TELEPHONE COMPANY: AT&T	X	X	X			X							
US FISH & WILDLIFE	X	X	X			X							
VALLEY AIR DISTRICT (SJVAPCD)	X	X	X	X		X				X		X	

**B. USE PERMIT APPLICATION NO. 2008-26 - EASTLAKE BASEBALL COMPLEX -**

This is a request to convert an existing golf driving range into a three (3) field baseball complex to include a 6,000 square foot training center and a 2,500 square foot concession and restroom facility, on a 15.7± acre parcel in the A-2-40 (General Agriculture) zoning district. The site is located at 4925 Parker Road in the east Modesto area. The Planning Commission will consider a CEQA Mitigated Negative Declaration on this project.

APN: 014-026-037

Staff Report: Javier Camarena Recommends **APPROVAL**.

Public hearing opened.

**OPPOSITION:** Ron Frank, 1621 Church Street, Modesto; Bill Donahue, 5100 Parker Road, Modesto; Steve Ciraolo, 1716 Church Street, Modesto; Ron Frank, 1621 Church Street, Modesto; Debbie Konsdorf, 1713 Church Street, Modesto; Robert Farrace, 2360 Scenic Drive, Modesto; Wyley Cashman, 1300 10<sup>th</sup> Street, Suite A, Modesto, on behalf of Roger & Andrea Whaley; Eleanor Vinson, 1700 Dewitt Road, Modesto; Bret Vinson, 2000 Dewitt Road, Modesto; Glenn Patten, 1643 Dewitt Road, Modesto; Eldon Kidd, 5017 Parker Road, Modesto

**FAVOR:** David Butz, 2705 Marlboro Place, Modesto; Sam Nichols Jr., 2421 Meadow Rue Drive, Modesto; Karen Garcia, No address given; Jeff Johnson, 1508 Ramsgate Drive, Modesto; Alan Reynolds, 1326 Sycamore Avenue, Modesto; Daniel Ayala, 2108 Mable Avenue, Modesto

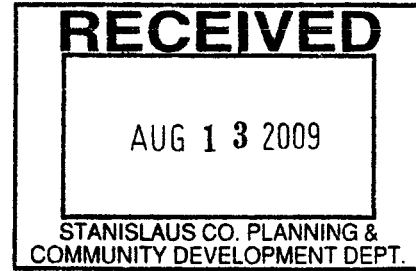
Public hearing closed.

Ramos/Gammon, 5-2 (Souza, DeLaMare), **BASED ON THE INABILITY TO MAKE THE NECESSARY FINDINGS TO APPROVE THE USE PERMIT, DENIED USE PERMIT APPLICATION NO. 2008-26 - EASTLAKE BASEBALL COMPLEX.**

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

August 12, 2009

Department of Planning and Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354



Subject: Use Permit Application No. 2008-26 – Eastlake Baseball Complex  
Assessor Parcel Number: 014-026-037

Dear Planning Commission:

We are writing this letter in opposition to the proposed Eastlake Baseball Complex for the following reasons.

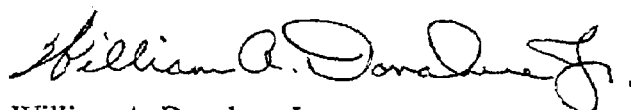
- The presence of a baseball complex of this size and projected use does not fit in with the agricultural setting bordering at least two sides of the property and within the influence of the majority of the surrounding area. Livestock and farming operations would be negatively impacted by the increase in people, vehicles, noise and lights.
- The increase in traffic on Parker and Dewitt Roads would tremendously stress an already dangerous stretch of road. There have been numerous accidents, including fatalities along the stretch of road bordering the existing driving range. Many residents have been in accidents when trying to turn into their driveways because people will not slow down or are not paying attention. Many times our fences have been plowed through with cars ending up in Dry Creek, pastures or in the roadway. Parker Road already has more traffic than it was designed for and no immediate plans for improvements. Many discussions with law enforcement officers suggests that patrolling this area is not feasible and other deterrent efforts such as radar guns are not possible. Getting reimbursed for property damage has been a joke, falling back on the property owners and directly coming out of their pockets.
- The proposed Eastlake Baseball Complex borders Dry Creek which is a riparian habitat representing a very diverse, unique and unfortunately disappearing ecosystem. The increased human use specifically the lights, noise and litter will have a tremendous negative impact on Dry Creek. I am constantly picking up bags of trash along the roadway bordering my property every week. A fence was put up by me to keep people from dumping truck-loads of garbage down the hillside. Many animals have been killed in the roadway including foxes, raccoons, opossums, skunks, rabbits, barn owls, cats and dogs.
- The flight path for the aircraft used by the Eastside Mosquito Abatement District goes directly over the property for landings. With the proposed Eastlake Baseball Complex this is a tragedy waiting to happen. These pastures, fields and orchards are treated with pesticides and fertilizer as part of normal agricultural practices which are often not well tolerated by the general public. Potential concerns and complaints by people using the proposed baseball complex would only further increase the regulatory burden placed on



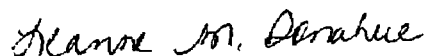
farmers and ranchers. Changes in operation by the Eastside Mosquito Abatement District could also impact vector control efforts such as those for the mitigation of West Nile Virus and other vector-borne diseases endemic to the central valley. Mosquitoes have historically been a constant problem in our area and require a vigilant and uninterrupted control program.

- Finally we mention quality of life issues; we enjoy being on our property and enjoying a rural lifestyle. The traffic, litter, noise and inconsiderate people are already a problem and with the proposed Eastlake Baseball Complex are certainly only going to get worse. We already have Rainbow Fields, Bel Pasi, four high schools and several parks with baseball facilities within several miles of this location, why do we need another one here? The City of Modesto has already expanded to across the street from the proposed Eastlake Baseball Complex and the increase in traffic funnels down into a dangerous bottle neck which is like a racetrack. We have to cross the street in a sprint to get to our mailbox and the risk of getting hit is already at a heightened level! Those of us in the county have to tolerate the City's expansion in the name of growth and progress. Having the church and the driving range are already stretching the limits for an agricultural zoning, but at least they have been very low impact to our neighborhood. The line has to be drawn somewhere and we believe it would be extremely unwise, dangerous and negatively impact the community to allow the proposed Eastlake Baseball Complex to be approved for this location. We hope the Department of Planning and Community Development thoroughly evaluates and considers all these issues in their decision making process.

Respectfully,



William A. Donahue, Jr.



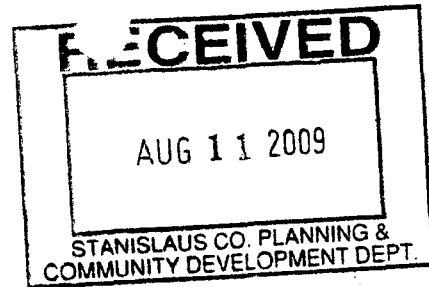
Leanne M. Donahue

5100 Parker Road  
Modesto, CA 95357



Robert F. Farrace\*

\*Also licensed in New York



August 10, 2009

Planning Commission  
Stanislaus County  
1010 10th Street, Suite 3400  
Modesto, CA 95354

Via Facsimile: (209) 525-5911

Re: Use Permit Application No. 2008-26-Eastlake Baseball Complex  
Objection to Notice of Intent to Adopt a Mitigated Negative  
Declaration  
4925 Parker Road, Modesto, CA 95357 ("Property")  
APN 014-026-037

Dear Sirs:

I have recently received communication from your offices dated July 13, 2009, regarding an upcoming public hearing and an intent to adopt a mitigated negative declaration concerning the above-mentioned Use Permit Application ("UPA"). On behalf of my wife and I, I object to the UPA and to adoption of the proposed Mitigated Negative Declaration ("MND") as presently crafted for the reasons enumerated below.

### **1. Present Zoning Violation**

The current zoning is agricultural, A-2-40. It is not zoned as a recreational area and is inappropriate for the proposed use as baseball fields and a training complex. The Property abuts a riparian area that will be damaged by its presence, an area that is little affected by agricultural use or by the limited traffic associated with the current driving range.

The proposed change to a commercial business with an additional 8500 square feet of commercial buildings and up to 165 cars parking on site, not to mention the unplanned off-site parking that will occur, is a dramatic departure from the wise zoning plan presently in place and the limited departure from that plan the golf driving range currently in place now presents.

The installation of enormous light standards for use of the complex at night presents a disruption to both local residents and riparian flora and fauna. The current owl population that has been fostered back to some health in the immediate proximity to the proposed project will be damaged by the noise and light that will be presented by those 165 cars that visit the



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site, not to mention the damage to animals like the Swainson hawk and kit foxes by the huge increase in the amount of traffic and the number of cars pummeling the local animal populations.

The applicant should not be granted a use permit, but should be required to attain a change in zoning before proceeding with the project.

## **2. Unsafe/Insufficient Roadway Improvements**

The developer immediately across Parker Road from the applicant's project was required to put in street/gutter/curb/sidewalk and adjacent improvements to Modesto City standards. With all the lip service being paid to County islands within the City of Modesto by politicians, now is your opportunity to require a developer to put in improvements that comply with both City and County standards so that you do not create an island immediately adjacent to Modesto City property in the Modesto sphere of influence. If the Planning Commission fails to do so, you will be incorporating the exact conditions that precede creation of a County island into what was otherwise longstanding agricultural land that is properly zoned.

The road, as it exists, is unsafe. The Property is located on a curve that routinely causes the death and maiming of our citizens and others who pass through our community. Traffic through the curve at unsafe speeds results in the catapulting of cars over the cliff above Dry Creek, with its attendant 70-100 foot drop. If the fall fails to kill the unfortunate driver and other occupants (Read: children) of the vehicle, drowning is likely in the water below. The "improvements" present to prevent such accidents are feeble wooden and wire fences that are not designed to withstand the forces of a speeding metal vehicle weighing at least a few tons.

On the County side of the road, no one has required the existing church, nor anyone else, nor the County itself, to provide road, gutter, curb, sidewalk and other related improvements. The pending proposal would have 165 cars bring somewhere between 300 to 650 (i.e., 2-4 kids per car) children to a site that has no sidewalk on Parker Road, and a two lane road between the deadly curve and Dewitt Road, where the project claims people will access the site by car.



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I would suggest that if cars currently use Parker Road as an ejection ramp, these drivers might similarly steer into a roadway/parking lot/ball complex filled with children to avoid such a fate. It seems a poor decision by the Commission and staff could result in avoidable injuries and deaths that are not only foreseeable, but are likely to occur. Why the current report before the Commission fails to identify these horrors as probabilities is tragic; failure on the part of this body to prevent such injuries would be gross negligence.

The applicant should be required to install road/gutter/curb/sidewalk and "beyond sidewalk" improvements along its Parker Road boarder down to its Dewitt Road traffic access, before being allowed to proceed with the project. With these improvements that are expected in the future but for which applicant does not wish to pay, the project would need to survive on the mcrits of the two ball fields that will remain once the roadway is fully improved. This will assure that the project going into the future is viable today and in the future, rather than resulting in a ballyard ghost town whcn it becomes economically less-than-viable with two, instead of three, fields. Additionally, relocating the parking lot to the irrigation canal side of the Property and reconfiguring the layout would prevent the congregation of people along the presently unimproved roadside that is currently proposed.

### **3. Insufficient Report to Comply with CEQA/EIR Required**

The current recommendation should be changed to a "significant effect on the environment" and require a full Environmental Impact Report ("EIR").

#### **Unsafe for People**

Some of the dangers to the human population are detailed above and are incorporated here by this reference.

#### **Flora/Fauna**

Directly across Parker Road is a fragile riparian environment with protected species. A lighted ball field with huge increases in projected vehicle and people traffic should not be located whcre it is proposed without first determining the full impact on the general vicinity of the applicant's project.



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The roadway is a killing zone for local animals. Racoons, foxes, owls, hawks and other animals are routinely destroyed on Parker Road. This project proposes to increase that horrid trend by increasing localized traffic several thousand percent over present use (the Property currently has about 1 to 8 vehicles accessing it at a time, with the proposed project to increase that to 165 vehicles in and out of the parking lot).

### **Lighting**

The study provided in support of this project is laughable when it comes to noise and lighting. First, the project proposes huge light standards, dozens of feet in the air, to illuminate playing fields. These will be used during the only hours that surrounding neighbors have to enjoy their homes in peace: evening and weekend hours. One only need look at Rainbow Fields lights and those of the Bel Passi complex to know that they may be seen from miles away, let alone from across a two-lane street. They turn the night into day when the night should be night. Local residents are to trust the commercial interests that are installing this project to turn off those lights even though leaving them on later means making more money. To state that there will be a "less than significant impact", staff must be evaluating the project from seats in 1010 10th Street, not from the vista of Parker and Dewitt Roads, or the riparian habitat across Parker Road. There will be a significant impact that completely destroys the present quality of life enjoyed by the local community.

This is NOT a commercially zoned area, but presently a quiet agricultural and residential neighborhood. The lighting is a disruption to basic qualities of life for which the present neighbors will only receive grief while the applicant makes money at their life-quality expense. You will obliterate night time views with this project, contrary to the staff report.

### **Noise**

There is no assessment of traffic noise being increased by 150 to 200 vehicles in the proposal, with all of said vehicles descending upon the Property at one time. The noise assessment relates to crowd noise and public address systems. It is wholly deficient.

The sound wall discussed is one put in place by the aforementioned developer of the gated community on the opposite side of Parker Road. Any mitigation should include a



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similar masonry sound wall the length of the Property on Parker Road to be installed by the applicant before pursuing the project.

### **Traffic**

For obvious reasons, 150 to 200 cars descending on one location disrupt traffic patterns in that vicinity, yet no mitigation is proposed. Sanctioning a two thousand percent plus (200 cars v. 10 cars presently) increase in vehicle traffic without a traffic study or so much as the requirement that applicant pay for a light controlled intersection with crosswalks is ludicrous.

### **Air Quality**

Staff proposes no mitigation suggestions concerning air quality although residents and resident riparian life will be exposed to dramatic localized increases in air pollutants and vehicle exhaust due to huge increases in local traffic flows.

### **“Biological Resources”**

The development across Parker Road did studies on the impact on the riparian area prior to the development taking place. Twenty-plus homes will ultimately occupy the development that currently holds three completed homes.

No one has studied the additional impact of this project (i.e., in addition to the incomplete development) on the riparian sanctuary and its endangered inhabitants. Failure to consider the impacts is no excuse for failure to suggest mitigation requirements to the applicant. The project will clearly violate EIR requirements as well as the Endangered Species Act and staff is sanctioning these violations without requiring compliance by the applicant.

### **“Geology and Soils”**

Failing to look across Parker Road and to modify the roadway to take the additional pounding of two thousand percent localized traffic increases on a ledge that is routinely



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deteriorating to the very edge of Parker's eastbound lane is a head-in-the-sand approach to planning that the Commission should not tolerate.

At a minimum, the applicant should be required to pay for a study to determine if the impact of the traffic from which applicant will profit will further destroy the presently insufficient portion of the County roadway and whether applicant should pay to mitigate the sloughing off of ground on the roadway's edge (i.e., through engineering, retaining walls, etc.).

Again, staff indicates "no impact" and no mitigation measures.

#### **Land Use/Planning**

The project is not an agricultural use, nor is it "not directly related to agriculture but ... necessary to serve the A-2 district." Within two to three miles of the present project, two baseball field complexes (Rainbow Fields and Bel Passi) exist to "serve the A-2 district." This district has more than its share and needs no additional ball field "service."

There is no problem locating these facilities in an urban area. Please see Davis Park and Downey Park. Both are associated with local high schools. Both have appropriate facilities to manage traffic and the safety of children and their parents. None of the EIR problems associated with riparian habitat exist there, and streets, lighting, police and fire safety facilities are readily available there that are remote if they exist at all here.

#### **"Recreation"**

While the report duly notes that "the project itself is a recreational use", none of the adverse impacts are listed nor is the 8500 square feet of commercial space to be developed considered. Please see all comments above. The project requires significant construction and none of the existing structures are to be removed. It is obvious that a significant impact beyond all impacts presently taking place will occur once the build-out is complete, a commercial operation is in place, and 150-200 cars at one time descend upon a location that previously served a handful of driving range enthusiasts.



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### Utilities/Public Services

The applicant should install any necessary utilities and other public services (e.g., fire hydrants, roadside improvements, etc.) that are compliant with the City of Modesto standard before beginning the project. The lessons of Village One should not be lost on this Commission: if you allow a developer to defer paying for improvements, they will never be completed, and the municipality will get stuck with the bill. As Mr. Oar is the applicant, I suggest that he personally post money sufficient to pay for the projected City of Modesto-compliant improvements prior to beginning the proposed project and sign an agreement on behalf of the Complex and himself individually that would bind him personally to pay for improvements if the estimate is insufficient to cover all costs.

Accordingly, we oppose the present UPA and MND in that the project violates present zoning, is not a proper use for issuance of the proposed use permit in A-2 zoning, violates the Endangered Species Act, and violates CEQA and should not proceed without a comprehensive EIR. While many of the project's shortfalls might be mitigated and might be remedied to our satisfaction, the full range of violations is not presented in the staff report and the costs associated with the public improvements necessary for a safe and less-impacted project should first be considered.

Thank you in advance for the Commission's consideration.

Sincerely,

THE FARRACE LAW FIRM,  
A Professional Corporation

By: 

Robert F. Farrace, Esq.



**From:** "Paul Konsdorf" <kdorf@goyette-assoc.com>  
**To:** <planning@co.stanislaus.ca.us>  
**Date:** 8/18/09 9:25 AM  
**Attachments:** Paul Konsdorf.vcf

We own the property located at 1713 Church St. which is directly east of the proposed baseball complex. We are OPPOSED to this project.

We purchased our property due to the close proximity of Modesto, yet a quiet country atmosphere. The present golf range is a welcomed neighbor. However, the thought of baseball fans yelling and screaming for their favorite teams until 10 PM is not conducive to our country lifestyle. The sound study did not consider the dominate westerly breezes which carry any and all sound. We can hear the fans and public address system from Johansen High School; even though those sounds are not disturbing due to the farther distance. This project is only one narrow pasture away. We are just as concerned of the towering flood lights. We realize the lights are pointed towards the ball field, but we also realize the ambient light will spill over to our pastures. While we believe the landscape (planted border trees) is an attempt to deter the noise and lights, no one will guarantee us the landscape will prohibit any disturbance to our lifestyle. It appears the landscape is only the least expensive alternative in attempt to appease government officials from criticism or opposition.

We question the wisdom of having three baseball facilities on the east side of Modesto (Rainbow on Claus and Bel Passi on Roselle) while there are no baseball facilities north, west or south of Modesto. We also question the increased traffic which will no doubt congest as motorists attempt to navigate in and out of the single lengthy driveway affecting mostly traffic on two lane Parker Rd.

Just because this business; a golf driving range was allowed on this property 20 years ago does not justify promoting or taking advantage of its current existence. If this property had remained a residential ranchette among the other ranchettes until now, I do not believe this property would be allowed to develop as proposed adjacent to other residential ranchettes.

Paul Konsdorf  
209 579-5150

This email is from Goyette & Associates, Inc., a law firm, and may contain information that is confidential or privileged. If you are not the intended recipient, do not read, copy or distribute the email or any

**From:** David Ellertson <modvein@sbcglobal.net>  
**To:** <planning@co.stanislaus.ca.us>  
**Date:** 8/18/09 9:45 AM  
**Subject:** Proposed Eastlake Baseball Complex

RE: PROPOSED EASTLAKE BASEBALL COMPLEX

Dear Planning Commission:

I am writing this letter to oppose the development of the "Eastlake Baseball Complex".

My husband and I purchased 9.65 acres at 1713 Church Street in June of 2008. We purchased this property with the intention of living in the country, having some space for our horses, but still being close to the downtown area Modesto.

Our property has unfortunately suffered from the downtrodden economy since our purchase just over a year ago. Our belief is that the proposed baseball field will continue to lessen our property values, as well as our neighbors. This proposed baseball field would be one pasture away from our backyard. We work during the weekdays and have the evenings and weekends to enjoy the peace and tranquility of our home and backyard. This proposal states that the park would be open from 5:00 p.m. to 10:00 p.m. on weekdays and I believe all day until 10:00 p.m. on the weekends. That is precisely the times that most working people (including ourselves) are at our homes. We believe that should this proposal pass, our peaceful country living would be compromised by screaming fans, PA systems, bright lights, and increased traffic. We do not believe that the planting of border trees will help much with any of our concerns.

Thank you for your attention to our concerns as homeowners and taxpayers.

Debra Konsdorf  
1713 Church Street  
Modesto, CA 95357  
209-579-5150

**From:** <Rimmartin@aol.com>  
**To:** <camarenaj@stancounty.com>, <camarenaj@stancounty.org>  
**Date:** 8/20/09 3:32 PM  
**Subject:** Use permit Application - 2008-26-EastLake Baseball Complex APN 014-026-037

Dear Planning commission:

This letter is to express our deep concern and opposition of this project. We own a property on Church street, when we purchased the home we were very excited to be far but so close to the city of Modesto. We have enjoyed the peace and quiet and would love to continue our living standards as is.

We are truly concerned about the amount of traffic and noise level that this project will bring to the immediate homes in our area.

We moved from South San Francisco where our old home was in front of a Park that added lights on the basket ball courts. The lights were supposed to be off by 10:00 pm and later the pushed the time until 11:00. When the project was presented to the community it was rolled out saying that this would help out the youth, when in fact it created an unbearable nuisance. Guys hanging out drinking out of their cars, playing loud music, vandalism and fights.

Although sports are a great entertainment, it comes with all of the above problems. Please DO NOT ISSUE A PERMIT. Myself as well as many if not all of our neighbors are totally against this project.

We can not attend the meeting tonight due to a heavy work schedule, projects in San Francisco. We hope that this letter is taken into consideration.

Should you have any questions or concerns, please call me at 650-333-4604 or 650-444-7636.

Rafael Muñoz 650-444-7636

Rosa Martin 650-333-4604

\*\*\*\*\*A Good Credit Score is 700 or Above. See yours in just 2 easy

steps!

(<http://pr.atwola.com/promoclk/100126575x1222846709x1201493018/aol?redir=http://www.freecreditreport.com/pm/default.aspx?sc=668072&hmpgID=115&bcd=JulystepsfooterNO115>)



**Mike and Stephanie Gase  
2025 Brennan Place  
Manteca, CA 95337**

**8/7/09**

Stanislaus County Planning & Community Development Department  
Attention: Mr. Javier Camarena  
1010 10<sup>th</sup> Street Suite 3400  
Modesto, CA 95354

Subject: Eastlake Baseball Complex (Use Permit Application 2008-26)

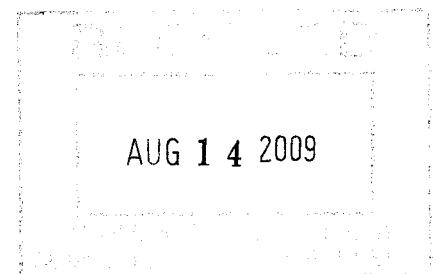
Dear Mr. Camarena:

We are writing to express our support for the above mentioned Eastlake Baseball Complex.

**We believe this group will be a great benefit to the community and the youth athletics in the area.**

Sincerely,

**Mike and Stephanie Gase**



Tina Reed  
1495 Gold Rush Court  
Oakdale, CA 95361

August 5, 2009

Stanislaus County Planning & Community Development Department  
Attention: Mr. Javier Camarena  
1010 10<sup>th</sup> Street Suite 3400  
Modesto, CA 95354

Subject: Eastlake Baseball Complex (Use Permit Application 2008-26)

Dear Mr. Camarena:

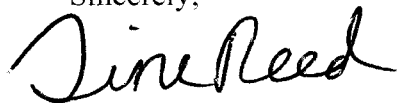
We are writing to express our support for the above mentioned Eastlake Baseball Complex.

This baseball complex will be a huge benefit to every child in the county who plays baseball. As you may be aware, there are not currently enough baseball fields to accommodate the various recreational and travel teams in our area.

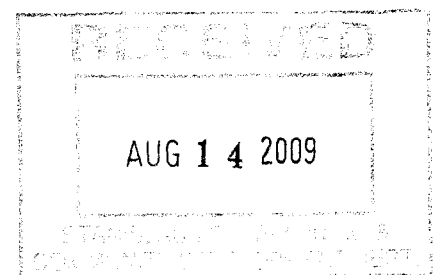
We've had the pleasure of being involved with Eastlake Baseball Academy and are continually impressed with the positive reinforcement, sportsmanship and dedication exhibited by the Eastlake coaches and management.

It is our hope that the Stanislaus County Planning & Community Development Department will approve this baseball complex so that every child in our area can have the opportunity to play baseball.

Sincerely,



Tina Reed



David Reed  
1495 Gold Rush Court  
Oakdale, CA 95361

August 5, 2009

Stanislaus County Planning & Community Development Department  
Attention: Mr. Javier Camarena  
1010 10<sup>th</sup> Street Suite 3400  
Modesto, CA 95354

Subject: Eastlake Baseball Complex (Use Permit Application 2008-26)

Dear Mr. Camarena:

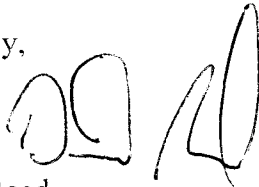
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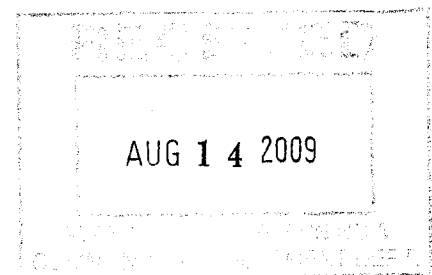
We've had the pleasure of being involved with Eastlake Baseball Academy and are continually impressed with the positive reinforcement, sportsmanship and dedication exhibited by the Eastlake coaches and management.

It is our hope that the Stanislaus County Planning & Community Development Department will approve this baseball complex so that every child in our area can have the opportunity to play baseball.

Sincerely,



David Reed



**Steve and Debbie Dunnegan  
2100 Bailey Ct.  
Modesto, CA 95355**

**September 30, 2009**

Stanislaus County Planning & Community Development Department  
Attention: Mr. Javier Camarena  
1010 10<sup>th</sup> Street Suite 3400  
Modesto, CA 95354

Subject: Eastlake Baseball Complex (Use Permit Application 2008-26)

Dear Mr. Camarena:

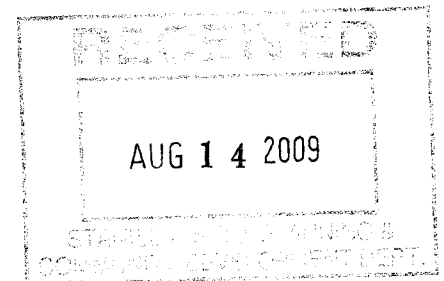
Our family would like for the planning and development department to move forward on the Eastlake Baseball Complex project. By moving forward on this project it will help many 8-18 year old children learn the life skills and fundamentals of baseball. While there are many city, county and state cut backs there is little being done for the future of Modesto baseball programs and this program is drawing from all of Stanislaus County.

Your considerations and foresight will bring this baseball dream alive for Stanislaus County.

Thanks for the time in reading our thoughts in these tough economic times. Please feel free to contact us at 209-551-1904.

Sincerely,

*Steve and Debbie Dunnegan*  
Modesto, CA



**Tim and Teri Beattie  
828 Ravenstone Circle  
Modesto, CA 95355**

August 4, 2009

Stanislaus County Planning & Community Development Department  
Attention: Mr. Javier Camarena  
1010 10<sup>th</sup> Street Suite 3400  
Modesto, CA 95354

Subject: Eastlake Baseball Complex (Use Permit Application 2008-26)

Dear Mr. Camarena:

We are writing to express our support for the above mentioned Eastlake Baseball Complex.

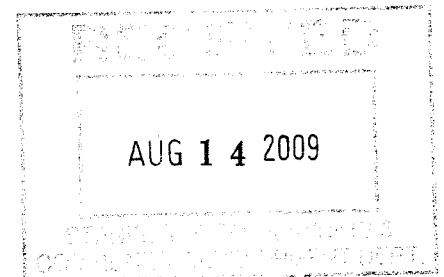
Having an indoor facility for year-round baseball would be an added benefit to the community and the development of our young baseball players. The Eastlake complex would provide a location for training, conditioning, and practice in an environment designed specifically for baseball. The variable weather experienced in the winter and summer months here would no longer be a factor in determining whether or not our team will be able to practice. Please consider the young athletes in our area when deciding to approve the new Eastlake baseball complex.

Please feel free to contact me at (209)573-0846 with any questions or comments.

Sincerely,



Teri Beattie





**Mark & Sarah Partida**  
**1785 Heavenly Way**  
**Ceres, Ca 95307**

**7/30/09**

Stanislaus County Planning & Community Development Department  
Attention: Mr. Javier Camarena  
1010 10<sup>th</sup> Street Suite 3400  
Modesto, CA 95354

Subject: Eastlake Baseball Complex (Use Permit Application 2008-26)

Dear Mr. Camarena:

We are writing to express our support for the above mentioned Eastlake Baseball Complex.

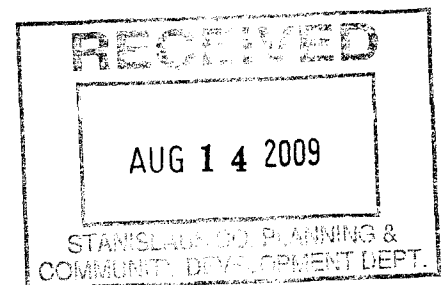
**We believe that EastLake is a facility that will help our children grow as Competitive baseball players and along with the new baseball complex teach them the necessary techniques. EastLake baseball complex would be a huge asset to the most successful youth activities in the United States. It promotes healthier lifestyles by involving kids in energy expending activities. It develops a sense of teamwork and teaches kids the need to excel as individuals but rely upon our teammates as well. It gives valuable lessons on fair competition, and most importantly it encourages participation in our National pastime sport.**

**Having our own baseball complex would give the kids a opportunity to build upon the skills that they have learned in little league and helps to advance to the next level of competition and understanding of the game. By focusing on specific skill development, training, and each kids individual habits and techniques, EastLake coaches along with the new complex can give kids the attention and time to prepare for the next level of play.**

Sincerely,

*Mark and Sarah Partida*

**Mark and Sarah Partida**



**Ron & Jennifer Stahl**  
**2705 Marina Dr.**  
**Modesto CA**  
**95355**

**08/04/2009**

Stanislaus County Planning & Community Development Department  
Attention: Mr. Javier Camarena  
1010 10<sup>th</sup> Street Suite 3400  
Modesto, CA 95354

Subject: Eastlake Baseball Complex (Use Permit Application 2008-26)

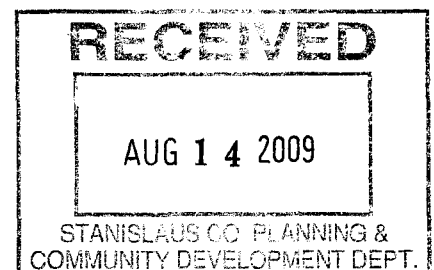
Dear Mr. Camarena:

We are writing to express our support for the above mentioned Eastlake Baseball Complex.

**We wanted to send a note supporting the new planned Baseball Complex. Baseball is the All American Sport and is another method to keep the young children playing sports and keeping out of trouble. This would be just one more step in creating a place for the kids to be active in sports, improve their baseball skills & another tool in keeping them focused and avoid running around and getting into trouble. I also can see a financial benefit to the community as well. This Baseball Field would bring people into our community from other surrounding cities and they will be putting money into our local community. All the way around this can be nothing but a positive thing for our community. Please be proud to support it and push it through.**

Sincerely,

**Ron & Jennifer Stahl**



Jennifer Zuniga  
1019 Alameda Dr  
Modesto, Ca. 95351

July 31,2009

Stanislaus County Planning & Community Development Department  
Attention: Mr. Javier Camarena  
1010 10<sup>th</sup> Street Suite 3400  
Modesto, CA 95354

Subject: Eastlake Baseball Complex (Use Permit Application 2008-26)

Dear Mr. Camarena:

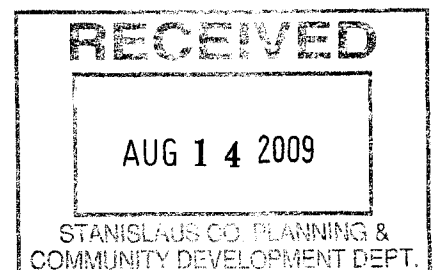
We are writing to express our support for the above mentioned Eastlake Baseball Complex.

I support the complex because it is for the youth today. It gives these kids today a chance to dream big and you will succeed. This complex is all about the kids and to give them a chance to become professional baseball players in the future. This program helps youth today stay on the right path and out of trouble. My boys have been with Eastlake Titans and it has been a positive experience that will just grow to make them become all they can be.

Sincerely,



Jennifer, Zuniga



August 12, 2009

### Support of Eastlake Baseball Complex

One of the mission of Eastlake is to establish, develop, execute and support programs and services that provide direction for the social, educational, recreational, and training development of boys and girls seven through eighteen years of age. These executed programs will make young people productive members of our society and thereby have a positive affect on the quality of life in our communities. We hope that you allow Eastlake to continue and expand of its mission by allowing the development of Eastlake Baseball Complex.

Eastlake seeks out and joins the efforts of other service agencies and community groups to provide programs that are directed at reducing the conditions that create many of the community's current social problems. We offer our members assistance in facing the difficulties arising out of poor or inadequate education, drug and substance abuse, gang violence, unemployment, substandard housing, and early or unexpected parenthood. In short our mission is to help prevent juvenile delinquency.

Our effort is an outreach program. We actively seek out those children who are deemed "troubled." We work with children whom the normal public agencies do not serve(gang members), and we endeavor to get those children involved with our sports programs. We offer our services to the community through parent education.

Specifically, Eastlake attempts to reduce self destructive behavior in the targeted age group. We do this by providing guidance, both formal and informal; setting and enforcing standards of behavior, and offering the children an opportunity to establish healthy and constructive values. Through our sports and physical activities programs, a child can learn to respect rules, work cooperative with others, and value personal health and integrity.

Eastlake motivates and assists its members to continue in school through educational and tutorial programs. We also provide incentives through scholarships, educational guidance and counseling. We use former members whom have gone through college and/or professional baseball to motivate our members, help them discover their aptitudes, and gain a sense of achievement.

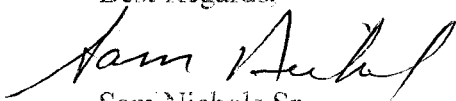
Eastlake Baseball Complex would be vital in helping us to attain and expand our mission, to track the progress of our members, it would greatly enhance our ability to deliver the various services to our members.

We measure the success our program results by the actions, attitude and behavior of our members. The development and growth of our members are our ultimate goals. Therefore, we have the flexibility to and do adjust our programs to fit the needs of our members.

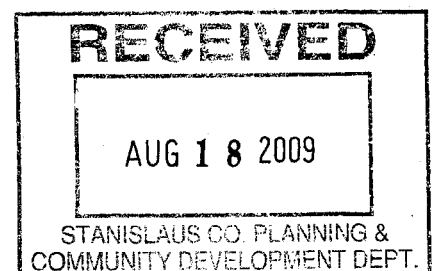
We have many former member that have gone on to become productive members of our community.

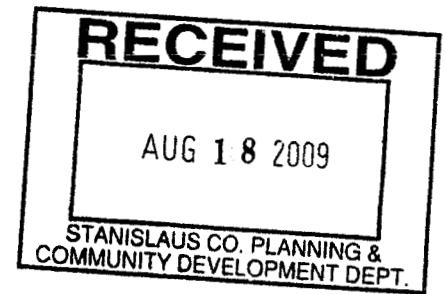
Thanks you for taking the time to read my inquiry.

Best Regards,



Sam Nichols Sr.





*Irene H. Murata*  
*213 East Rumble Road*  
*Modesto, California 95350*

August 14, 2009

Stanislaus County Planning & Community Development Department  
Attention: Mr. Javier Camarena  
1010 10<sup>th</sup> Street Suite 3400  
Modesto, CA 95354

Subject: Eastlake Baseball Complex (Use Permit Application 2008-26)

Dear Mr. Camarena:

Eastlake Baseball Academy is a valuable resource to the children of our community providing not only physical activity but a learning environment for teamwork, leadership and discipline. Its proposed baseball complex on Parker Road can only enhance the baseball experience for our children. Let's give them the opportunity for a safe environment to develop the skills to be successful and become our future leaders.

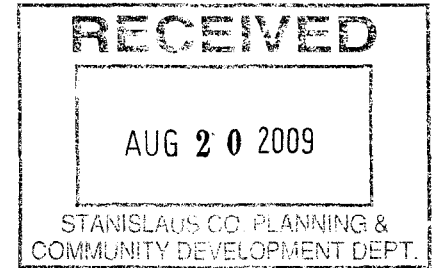
I urge the County Planning Commission to approve the permit application for the development of this site.

Sincerely,

*Irene Murata*  
Irene Murata

**Kelly & Shelly Bizzini**  
528 Wilmont Lane  
Modesto, CA 95357  
shellybizzini@aol.com

**August 17, 2009**



Stanislaus County Planning & Community Development Department  
Attention: Mr. Javier Camarena  
1010 10<sup>th</sup> Street Suite 3400  
Modesto, CA 95354

Subject: Eastlake Baseball Complex (Use Permit Application 2008-26)

Dear Mr. Camarena:

We are writing to express our support for the above mentioned Eastlake Baseball Complex.

**We have been affiliated with Eastlake/Titan's baseball and know that the organization and the talented coaches are dedicated and serious about building a premium baseball program that allows the youth in our community to go to the next level. We have traveled to many other baseball fields in California and the surrounding states and feel there is a great need for a quality complex that the youth and community will be proud of. Sports programs are the best way to keep teens off the streets and out of trouble. These coaches, Danny Ayala, Jack Jones and Sam Nichol, and more, promote and enforce sportsmanship and building a life of integrity and pride through hard work.**

**We ask that you grant Eastlake permission to proceed with their "field of dreams" and fulfill the dreams for many youth for years to come. Thank you in advance for your time and consideration. See you at the ballpark to support *your* children and grandchildren.**

Sincerely,

A handwritten signature in cursive script, appearing to read "Kelly Bizzini".

**Kelly & Shelly Bizzini & Family**

*Thank you!*

Alan and Patricia Reynolds  
1326 Sycamore Ave.  
Modesto, California 95350

August 12, 2009

Stanislaus County Planning and Community Development Department  
Attention: Mr. Javier Camarena  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, California 95354

Subject: Eastlake Baseball Complex (Use Permit Application 2008-26)

Dear Mr. Camarena;

we are writing to express our support for the approval of the above referenced Eastlake Baseball Complex.

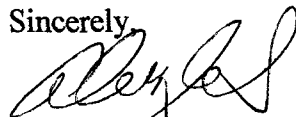
Our son Thomas is involved currently with the Eastlake Baseball Academy, where he is learning not only the finer points of the game of baseball, but some great life lessons as well. The coaching staff stresses the importance of teamwork, self confidence, hard work, commitment and good sportsmanship.

The proposed complex is an extension of this great teaching facility and will add to the Modesto area a great venue for practice and tournaments. It will provide a positive place for healthy youth activities and much needed practice facilities.

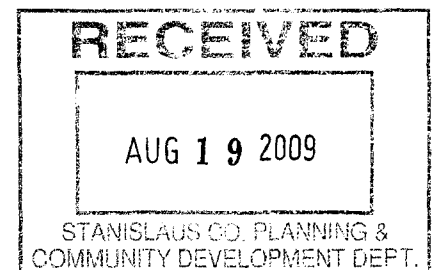
Please consider approval of this complex so that my son as well as future players will have a fantastic opportunity to play at a state of the art, well appointed field that every citizen of Modesto can be proud of.

Thank you for your attention to this matter.

Sincerely,



Alan D. Reynolds



August 14, 2009

Javier Camarena  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

Dear Mr. Camarena:

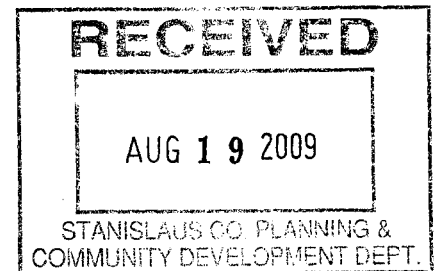
Please consider the East Lake Baseball Park project in a favorable light. This would be a welcome addition to the activities and development of our youth. I have seen other parks such as this in other communities of our size do quite well. I believe the closest park of its kind is located in Manteca. I believe this would be a great asset to Modesto.

Thank you very much for your consideration.



Michael C. Dumars, M.D.

MCD:bld





**From:** "Chris Oar" <chris@bvsmmedia.com>  
**To:** "Javier camarena" <camarenaj@co.stanislaus.ca.us>  
**Date:** 8/19/09 10:10 AM  
**Subject:** Important message from the Owner and Project Manager of Eastlake Baseball

**CC:** "Dave Butz" <dwbutz@sbcglobal.net>  
Javier,

Please let Dave and I be on record as saying that Sam Nichols Sr. has no part of our Baseball Park and will not be involved in any decision making. He was out of line making comments that suggest he is part of it, and his comments were inaccurate. The Baseball Park will a professionally run facility that will foster and promote all kids in the game of baseball. Kindly tell your staff to disregard his letter.

Thanks

Chris Oar | 1500 'J' Street | Modesto, CA 95354 | 209.534.4444

Eastlake Baseball Park

8/15/09

To:

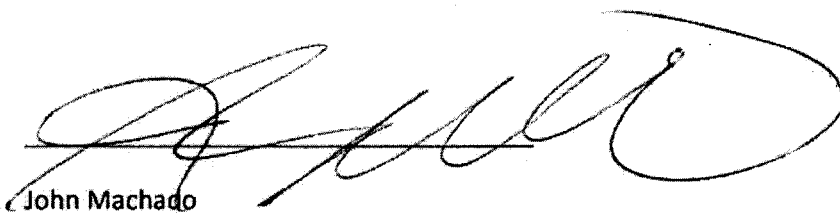
Stanislaus County Planning Commission

RE: Eastlake Baseball Park Project

My family and I have lived across the street from this proposed Baseball Park for 25 years. I would like to be on record as fully supporting this project and believe it will bring much needed full sized baseball fields to our area. Hotel and restaurant owners will also benefit from it's patrons. Not to mention the employment opportunities it will bring during and after construction.

I developed the 'Trails along the Bluff' several years ago, where we currently reside. The park is a family oriented project that can only enhance the overall lifestyle of our area, and provide yet another reason for families to live in our community.

Regards,



John Machado

## **Eastlake Baseball Club Summary (DRAFT)**

Eastlake Baseball Club will be operated as an unincorporated proprietary club. Eastlake Baseball Club will act as the proprietor and will be the owner of the property. Eastlake Baseball Club will fund the facility and operate the club with the intent to make a profit. The members will be entitled to use the premises and property in exchange for the payment of entrance fees and subscriptions to the proprietor as well as any additional rights and privileges provided in their contractual agreement.

Prior to opening a constitution and bylaws will be adopted by the club and constitute a binding contract between the club and its members. Each member of the club will be acquainted with the clubs rules. The rules and bylaws will provide for the selection of officers, handling of money or property, selection of members, and dissolution or disbanding of the club itself.

The club's rights and powers will be governed by applicable statutes and the club's own charter, constitution, and bylaws. The Eastlake Baseball Club will have the power to acquire and convey real property, to hold real estate, and to obtain suitable buildings for their accommodation, as well as to borrow money for such purposes.

**From:** "steveciraolo" <stevec@clearwire.net>  
**To:** <camarenaj@co.stanislaus.ca.us>  
**Date:** 9/21/09 12:15 PM  
**Subject:** parcel 014-026-037

**CC:** "steveciraolo" <stevec@clearwire.net>  
Javier Camarena

As per the above parcel, east lake baseball complex, I still oppose the planning commission to approve the above parcel.

My e-mail dated July 25, 2009, stated my disapproval of the project. My son went to the meeting and no mention of my e-mail sent to you.

thankyou

Steve Ciraolo  
1716 church st  
Mosesto, ca. 95357

August 18, 2009

Arthur Nichols, Jr.  
9236 Hallmark Pl  
Vallejo, CA 94591

Stanislaus County Planning & Community Development Department  
Attn: Mr. Javier Camarena  
1010 10th Street Suite 3400  
Modesto, CA 95354

Subject: Eastlake Baseball Complex (Use Permit Application 2008-26)

Dear Mr. Camarena:

I am writing to express my support for the Eastlake Baseball Complex. It has been demonstrated in many communities throughout California and the country, that athletics has been the magnet that draws young people from a path of destructive behavior to the path of constructive life. Through participating in athletics programs, in many instances, is the only place where some youngsters learn discipline, self control, team work, honesty, integrity, perseverance and other values of life. The Eastlake Baseball Complex will develop programs that will assist young people in developing those essential values of life.

If approved, the Eastlake Baseball Complex will develop programs that will address some of the community's most pressing problems, such as juvenile delinquency, teen fathers, gang violence, and high school drop-outs. Mr. Sam Nichols, Jr., who will direct the complex, has demonstrated that he is dedicated to the betterment of the community and the success of it young people. Over the past 20 years, many teens who have matriculated through athletic programs he has directed, as a result of those programs, have become productive members of our society and this community.

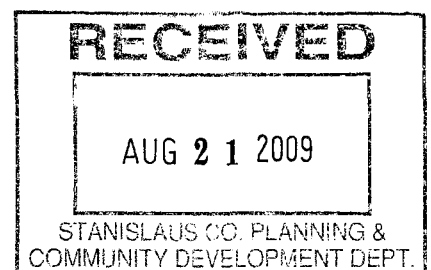
I respectfully request that you favorably consider the positive aspects for the community and our children in particular, in having a facility such as the proposed Eastlake Baseball Complex where programs will be available to enhance their opportunities to become productive members of our society.

Sincerely,



Arthur Nichols, Jr.

Chair; Social, Educational, Recreation & Training Organization (S.E.R.A.T.O.) of  
Modesto



Stanislaus County Planning & Community Development Dept.  
Attn: Mr. Javier Camarena  
1010 10th St. Suite 3400  
Modesto, CA. 95354

Re: Eastlake Baseball Complex [use permit application 2008-26]

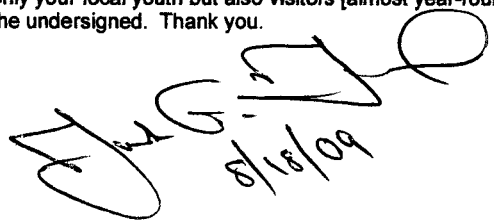
Dear Mr. Camarena:

I am writing to express my support for the above mentioned Eastlake Baseball Complex. I am in the business of baseball umpire assigning for what are known as travel-ball tournaments. I do this for customers all over Northern California who pay for the use of baseball facilities of generally 2 or more fields. These tournaments bring youth teams from not only local areas but from all over Central & Northern California to participate in 2-3 day baseball events.

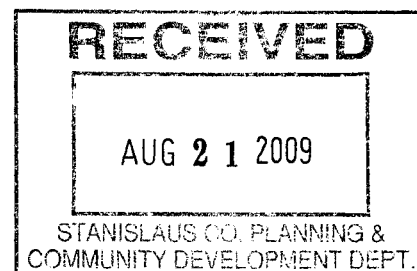
With the teams come their families and team supporters who not only seek hotel/motel accommodations but restaurant, etc. needs. Such visitors to Modesto will spend their money on behalf of their teams. These organized events keep youths energies channelled into productive competition which is healthy for all concerned.

I strongly urge you to make the above complex a reality to benefit not only your local youth but also visitors [almost year-round] to your City. If you need further information from me please do not hesitate to contact the undersigned. Thank you.

Sincerely, Jack Townsend, Umpire Assigner  
Contra Costa Summer Umpire Association  
342 Rock Creek Way  
Pleasant Hill, CA. 94523  
925-686-6620 [h]  
925-565-6620 [c]



p.s. for further reference, visit: [ccuampires.com](http://ccuampires.com) and click on the summer link.  
also visit my password-protected assigning website [blueassignor.com](http://blueassignor.com)



September 22, 2009

Department of Planning & Community Dev.

Board of Supervisors

No. 2008-26-Eastlake Baseball Complex

We are strongly opposed to this project!!

Parker Road narrows and curves and is a dangerous road with the traffic that

Is already on it, adding more traffic is ludicrous!

The back of our property would be lit up by the lights even if they are aimed

Downward. The noise, even without a PA system would be invasive to our

Privacy and solitude.

As was stated at the last hearing on this project, "It's a great project, but, this is

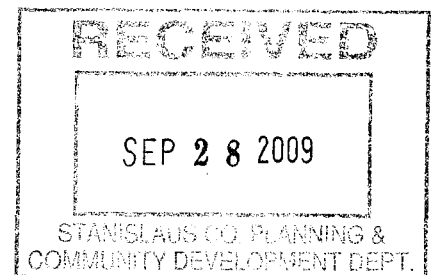
Not the place for it."

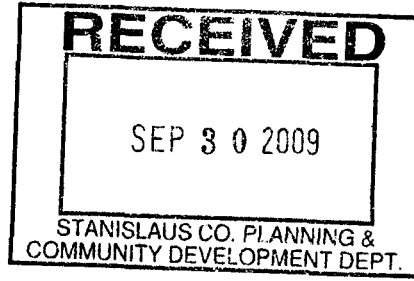
Respectfully submitted,

*Ronald L. Frank*      *Sandra Sue Frank*

Ronald L. Frank & Sandra Sue Frank

1621 Church St. Modesto, Ca. 95357





Robert F. Farrace\*

\*Also licensed in New York

September 30, 2009

**Via Facsimile: (209) 525-5911**

Board of Supervisors  
Stanislaus County  
1010 10th Street, Suite 3400  
Modesto, CA 95354

Re: Use Permit Application No. 2008-26-Eastlake Baseball Complex  
Objection to Use Permit Application and Notice of Intent to Adopt a  
Mitigated Negative Declaration on Appeal  
4925 Parker Road, Modesto, CA 95357 ("Property")  
APN 014-026-037

Dear Sirs:

I have recently received communication from your offices concerning the applicant's appeal of the Planning Commission decision and an upcoming public hearing before the Board of Supervisors regarding the above-mentioned Use Permit Application ("UPA"). On behalf of my wife and I who own the home directly across the street from the proposed project at 4852 Parker Road, I again object to the UPA and to adoption of the previously proposed Mitigated Negative Declaration ("MND") as presently crafted for the reasons enumerated below.

**1. Incorporation of Prior Correspondence, etc.**

Rather than restate the same objections previously presented to the Planning Commission, by this reference, I incorporate the objections presented to the Planning Commission in my prior correspondence dated August 10, 2009, a true and correct copy of which is attached hereto and made a part hereof as Exhibit A.

Additionally, I would incorporate by this reference the comments of my neighbors in their prior correspondence and in their comments at the Planning Commission hearing, together with the comments of the Planning Commissioners who voted against approval of the UPA.

**2. "Great Project, Wrong Location"**

Commissioner Ramos, echoed by the majority of his colleagues, summed up the





Stanislaus County Board of Supervisors  
September 30, 2009  
Page 2

evening best by stating that this was a "great project", but it was in the "wrong location." The applicant wishes to serve the laudable purpose of kid's baseball, but utterly fails to address the legitimate concerns of its neighbors, specifically lighting, traffic, environmental issues, noise, and disruption of local agriculture.

My wife and I hope that you will feel the same way as our Planning Commissioners did and deny the UPA based upon the legitimate neighborhood concerns.

**3. Inability to Make Finding necessary under Stanislaus County Code §21.20.030 C.2.**

Commissioner Layman made this point near the conclusion of the hearing at the Planning Commission: He recalled the original request to allow the Property to be used as a driving range and the contention at that time that the Property could be reasonably be returned to agricultural use. Commissioner Layman pointed out that he had to make a finding if he were to vote in favor of granting the UPA that "the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future." He commented that he could not make such a finding for the present UPA and that it was ironic that part of the argument in favor of the project was that it would not differ that much from a driving range, but that the new use would move farther away from the zoned agricultural use.

Commissioner Layman's analysis is spot on. The UPA proposes 8500 square feet of new commercial buildings on the site and requests that an existing home and other structures be allowed to remain. This combined with installation of other improvements including stadium light standards, bleachers, and expanded paved parking facilities and paved facilities around the ball fields, all operate against any return to agricultural use ever in the future.

**4. No Disclosed Nonprofit Operator Pursuant to Stanislaus County Code §21.20.030 C.2.o.**

The Stanislaus County Code states that the only way a Tier Three UPA may be approved is if there is a nonprofit operator of the athletic fields and facilities. The project would have to be "operated by a non-profit organization or club", pursuant to Stanislaus County Code §21.20.030 C.2.o. The applicant is Mr. Oar; the property owners are other private parties. There was no mention of who the operator for the facilities would be in the



Stanislaus County Board of Supervisors  
September 30, 2009  
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application. Mr. Oar and the current property owners are disqualified as operators under the Code.

#### **5. ABC License**

The applicant wants permission to serve alcohol to customers at baseball fields designed for kids eighteen years of age and younger. While the Commissioners found this to be a "throw-away" in the application that was all too easily disposed of by the applicant at the Planning Commission hearing, it reflects poorly on the applicant's choices concerning the proposed baseball facility. One wonders how much of the business plan used to determine the project would be worthwhile depends upon revenue that would need to be generated by the sale of alcoholic beverages.

More importantly, if the purpose is truly only to benefit kids, there is no reason this Board should ever have been approached with an application requesting alcoholic beverages be allowed. It makes the neighbors wonder what will happen once the bright light of this Board and its Planning Commission is no longer shining upon the proposed nonconforming use, and just how often violations of the zoning ordinance and the proposed UPA would occur when County oversight is diminished.

#### **6. Virtually Zero Interaction with Neighbors**

An issue of great concern repeatedly brought up by the Planning Commissioners was the almost complete lack of interaction and consultation with neighbors of the proposed project. Apparently, the only neighbors consulted before the Planning Commission hearing were the pastor of the church immediately adjacent to the proposed project and John Machado, the applicant's commercial landlord who happens to live about two blocks from the project when he is not living in San Diego. None of the other neighbors were consulted as apparently their input was unwanted.

Neither my wife nor I was provided with even so much as a telephone call. That was true before the Planning Commission hearing and remains true today: even after being scolded by the Commissioners for not having done so, the applicant and his consultants have chosen not to contact me or the neighbors to whom I have spoken since the hearing.



Stanislaus County Board of Supervisors  
September 30, 2009  
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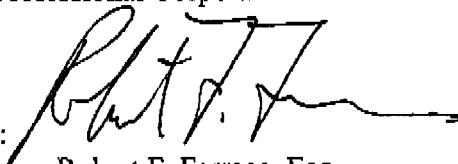
Accordingly, we again oppose the present UPA and MND, this time on appeal to this Board, in that the project violates present zoning, is not a proper use for issuance of the proposed use permit in A-2 zoning, violates the Endangered Species Act, and violates CEQA and should not proceed without a comprehensive EIR. While many of the project's shortfalls might be mitigated and might be remedied to our satisfaction, the full range of violations is not presented in the staff report, the application is deficient, and the costs associated with the public improvements necessary for a safe and less-impacted neighborhood and project should first be paid for by the applicant before the project is even considered.

Respectfully, the Board should deny the Appeal and affirm the decision of the Planning Commission.

Thank you in advance for each Board member's time and consideration.

Sincerely,

THE FARRACE LAW FIRM,  
A Professional Corporation

By:   
Robert F. Farrace, Esq.

Enclosure: Exhibit A - Letter dated August 10, 2009 from Robert Farrace to the Stanislaus County Planning Commission (7 pages)

# EXHIBIT A



Robert F. Farrace\*

\* Also licensed in New York

August 10, 2009

Planning Commission  
Stanislaus County  
1010 10th Street, Suite 3400  
Modesto, CA 95354

**Via Facsimile: (209) 525-5911**

Re: Use Permit Application No. 2008-26-Eastlake Baseball Complex  
Objection to Notice of Intent to Adopt a Mitigated Negative  
Declaration  
4925 Parker Road, Modesto, CA 95357 ("Property")  
APN 014-026-037

Dear Sirs:

I have recently received communication from your offices dated July 13, 2009, regarding an upcoming public hearing and an intent to adopt a mitigated negative declaration concerning the above-mentioned Use Permit Application ("UPA"). On behalf of my wife and I, I object to the UPA and to adoption of the proposed Mitigated Negative Declaration ("MND") as presently crafted for the reasons enumerated below.

#### **1. Present Zoning Violation**

The current zoning is agricultural, A-2-40. It is not zoned as a recreational area and is inappropriate for the proposed use as baseball fields and a training complex. The Property abuts a riparian area that will be damaged by its presence, an area that is little affected by agricultural use or by the limited traffic associated with the current driving range.

The proposed change to a commercial business with an additional 8500 square feet of commercial buildings and up to 165 cars parking on site, not to mention the unplanned off-site parking that will occur, is a dramatic departure from the wise zoning plan presently in place and the limited departure from that plan the golf driving range currently in place now presents.

The installation of enormous light standards for use of the complex at night presents a disruption to both local residents and riparian flora and fauna. The current owl population that has been fostered back to some health in the immediate proximity to the proposed project will be damaged by the noise and light that will be presented by those 165 cars that visit the



Stanislaus County Planning Commission  
August 10, 2009  
Page 2

site, not to mention the damage to animals like the Swainson hawk and kit foxes by the huge increase in the amount of traffic and the number of cars pummeling the local animal populations.

The applicant should not be granted a use permit, but should be required to attain a change in zoning before proceeding with the project.

## **2. Unsafe/Insufficient Roadway Improvements**

The developer immediately across Parker Road from the applicant's project was required to put in street/gutter/curb/sidewalk and adjacent improvements to Modesto City standards. With all the lip service being paid to County islands within the City of Modesto by politicians, now is your opportunity to require a developer to put in improvements that comply with both City and County standards so that you do not create an island immediately adjacent to Modesto City property in the Modesto sphere of influence. If the Planning Commission fails to do so, you will be incorporating the exact conditions that precede creation of a County island into what was otherwise longstanding agricultural land that is properly zoned.

The road, as it exists, is unsafe. The Property is located on a curve that routinely causes the death and maiming of our citizens and others who pass through our community. Traffic through the curve at unsafe speeds results in the catapulting of cars over the cliff above Dry Creek, with its attendant 70-100 foot drop. If the fall fails to kill the unfortunate driver and other occupants (Read: children) of the vehicle, drowning is likely in the water below. The "improvements" present to prevent such accidents are feeble wooden and wire fences that are not designed to withstand the forces of a speeding metal vehicle weighing at least a few tons.

On the County side of the road, no one has required the existing church, nor anyone else, nor the County itself, to provide road, gutter, curb, sidewalk and other related improvements. The pending proposal would have 165 cars bring somewhere between 300 to 650 (i.e., 2-4 kids per car) children to a site that has no sidewalk on Parker Road, and a two lane road between the deadly curve and Dewitt Road, where the project claims people will access the site by car.



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Page 3

I would suggest that if cars currently use Parker Road as an ejection ramp, these drivers might similarly steer into a roadway/parking lot/ball complex filled with children to avoid such a fate. It seems a poor decision by the Commission and staff could result in avoidable injuries and deaths that are not only foreseeable, but are likely to occur. Why the current report before the Commission fails to identify these horrors as probabilities is tragic; failure on the part of this body to prevent such injuries would be gross negligence.

The applicant should be required to install road/gutter/curb/sidewalk and "beyond sidewalk" improvements along its Parker Road boarder down to its Dewitt Road traffic access, before being allowed to proceed with the project. With these improvements that are expected in the future but for which applicant does not wish to pay, the project would need to survive on the merits of the two ball fields that will remain once the roadway is fully improved. This will assure that the project going into the future is viable today and in the future, rather than resulting in a ballyard ghost town when it becomes economically less-than-viable with two, instead of three, fields. Additionally, relocating the parking lot to the irrigation canal side of the Property and reconfiguring the layout would prevent the congregation of people along the presently unimproved roadside that is currently proposed.

### **3. Insufficient Report to Comply with CEQA/EIR Required**

The current recommendation should be changed to a "significant effect on the environment" and require a full Environmental Impact Report ("EIR").

#### **Unsafe for People**

Some of the dangers to the human population are detailed above and are incorporated here by this reference.

#### **Flora/Fauna**

Directly across Parker Road is a fragile riparian environment with protected species. A lighted ball field with huge increases in projected vehicle and people traffic should not be located where it is proposed without first determining the full impact on the general vicinity of the applicant's project.



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The roadway is a killing zone for local animals. Racoons, foxes, owls, hawks and other animals are routinely destroyed on Parker Road. This project proposes to increase that horrid trend by increasing localized traffic several thousand percent over present use (the Property currently has about 1 to 8 vehicles accessing it at a time, with the proposed project to increase that to 165 vehicles in and out of the parking lot).

### **Lighting**

The study provided in support of this project is laughable when it comes to noise and lighting. First, the project proposes huge light standards, dozens of feet in the air, to illuminate playing fields. These will be used during the only hours that surrounding neighbors have to enjoy their homes in peace: evening and weekend hours. One only need look at Rainbow Fields lights and those of the Bel Passi complex to know that they may be seen from miles away, let alone from across a two-lane street. They turn the night into day when the night should be night. Local residents are to trust the commercial interests that are installing this project to turn off those lights even though leaving them on later means making more money. To state that there will be a "less than significant impact", staff must be evaluating the project from seats in 1010 10th Street, not from the vista of Parker and Dewitt Roads, or the riparian habitat across Parker Road. There will be a significant impact that completely destroys the present quality of life enjoyed by the local community.

This is NOT a commercially zoned area, but presently a quiet agricultural and residential neighborhood. The lighting is a disruption to basic qualities of life for which the present neighbors will only receive grief while the applicant makes money at their life-quality expense. You will obliterate night time views with this project, contrary to the staff report.

### **Noise**

There is no assessment of traffic noise being increased by 150 to 200 vehicles in the proposal, with all of said vehicles descending upon the Property at one time. The noise assessment relates to crowd noise and public address systems. It is wholly deficient.

The sound wall discussed is one put in place by the aforementioned developer of the gated community on the opposite side of Parker Road. Any mitigation should include a





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similar masonry sound wall the length of the Property on Parker Road to be installed by the applicant before pursuing the project.

### **Traffic**

For obvious reasons, 150 to 200 cars descending on one location disrupt traffic patterns in that vicinity, yet no mitigation is proposed. Sanctioning a two thousand percent plus (200 cars v. 10 cars presently) increase in vehicle traffic without a traffic study or so much as the requirement that applicant pay for a light controlled intersection with crosswalks is ludicrous.

### **Air Quality**

Staff proposes no mitigation suggestions concerning air quality although residents and resident riparian life will be exposed to dramatic localized increases in air pollutants and vehicle exhaust due to huge increases in local traffic flows.

### **“Biological Resources”**

The development across Parker Road did studies on the impact on the riparian area prior to the development taking place. Twenty-plus homes will ultimately occupy the development that currently holds three completed homes.

No one has studied the additional impact of this project (i.e., in addition to the incomplete development) on the riparian sanctuary and its endangered inhabitants. Failure to consider the impacts is no excuse for failure to suggest mitigation requirements to the applicant. The project will clearly violate EIR requirements as well as the Endangered Species Act and staff is sanctioning these violations without requiring compliance by the applicant.

### **“Geology and Soils”**

Failing to look across Parker Road and to modify the roadway to take the additional pounding of two thousand percent localized traffic increases on a ledge that is routinely



Stanislaus County Planning Commission  
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Page 6

deteriorating to the very edge of Parker's eastbound lane is a head-in-the-sand approach to planning that the Commission should not tolerate.

At a minimum, the applicant should be required to pay for a study to determine if the impact of the traffic from which applicant will profit will further destroy the presently insufficient portion of the County roadway and whether applicant should pay to mitigate the sloughing off of ground on the roadway's edge (i.e., through engineering, retaining walls, etc.).

Again, staff indicates "no impact" and no mitigation measures.

#### **Land Use/Planning**

The project is not an agricultural use, nor is it "not directly related to agriculture but ... necessary to serve the A-2 district." Within two to three miles of the present project, two baseball field complexes (Rainbow Fields and Bel Passi) exist to "serve the A-2 district." This district has more than its share and needs no additional ball field "service."

There is no problem locating these facilities in an urban area. Please see Davis Park and Downey Park. Both are associated with local high schools. Both have appropriate facilities to manage traffic and the safety of children and their parents. None of the EIR problems associated with riparian habitat exist there, and streets, lighting, police and fire safety facilities are readily available there that are remote if they exist at all here.

#### **"Recreation"**

While the report duly notes that "the project itself is a recreational use", none of the adverse impacts are listed nor is the 8500 square feet of commercial space to be developed considered. Please see all comments above. The project requires significant construction and none of the existing structures are to be removed. It is obvious that a significant impact beyond all impacts presently taking place will occur once the build-out is complete, a commercial operation is in place, and 150-200 cars at one time descend upon a location that previously served a handful of driving range enthusiasts.



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**Utilities/Public Services**

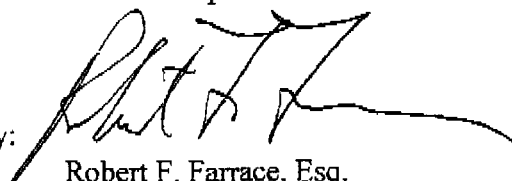
The applicant should install any necessary utilities and other public services (e.g., fire hydrants, roadside improvements, etc.) that are compliant with the City of Modesto standard before beginning the project. The lessons of Village One should not be lost on this Commission: if you allow a developer to defer paying for improvements, they will never be completed, and the municipality will get stuck with the bill. As Mr. Oar is the applicant, I suggest that he personally post money sufficient to pay for the projected City of Modesto-compliant improvements prior to beginning the proposed project and sign an agreement on behalf of the Complex and himself individually that would bind him personally to pay for improvements if the estimate is insufficient to cover all costs.

Accordingly, we oppose the present UPA and MND in that the project violates present zoning, is not a proper use for issuance of the proposed use permit in A-2 zoning, violates the Endangered Species Act, and violates CEQA and should not proceed without a comprehensive EIR. While many of the project's shortfalls might be mitigated and might be remedied to our satisfaction, the full range of violations is not presented in the staff report and the costs associated with the public improvements necessary for a safe and less-impacted project should first be considered.

Thank you in advance for the Commission's consideration.

Sincerely,

THE FARRACE LAW FIRM,  
A Professional Corporation

By:   
Robert F. Farrace, Esq.



### The Proposed Baseball Complex is:

- Family Oriented
- Good for the Community
- Good for our kids and future generations
- Good for the Economy
- Supported by Planning Staff
- Supported by the Agricultural Commission
- Economically Viable, Valuable, and Diverse
- Located in a appropriate area not utilized for high intensity agricultural use
- An Exciting and Unique Complex for Stanislaus County



### The Proposed Baseball Complex will not:

- Serve Alcohol
- Allow after hours use or loitering
- Create a significant traffic impact
- Create a significant noise impact
- Create a significant Lighting Impact
- Allow games past 10:00 PM
- Damage the Riparian Habitat
- Affect the flight pattern of the Eastside Mosquito Abatement District
- Reduce Area Property Values



**Thank You for your support of the Proposed Baseball Complex.  
It's for the kids.**

9:15 am

Glenn Patten  
1643 De Witt Road

I am located parallel to the Lateral 3 canal on the south side and a few hundred yards west of the proposal.

I have lived on the property 36 years.

I have about 3 minutes of comments.

My first issue is with traffic impact. DeWitt is a one-mile narrow country road. It receives about 100 vehicles or less a day and much of the traffic is commercial and agricultural. It is not designed for heavy traffic. It has only two marked lanes from the corner of Parker Road to the bridge, which is about 500 feet. The bridge over the canal is at an angle and blind from both sides until you are on top. It is difficult or often not possible to see vehicles turning just north of the bridge. From the bridge to Milnes Road, the road is too narrow for center markings.

The ballpark developers first wanted to sell alcohol then when questioned changed their mind. Whether they want to sell alcohol or not now, it is easy to obtain a permit in the future. Alcohol combined with the excitement generated from sports plus dangerous road conditions is a lethal combination. My neighbor has small children and I have grand children who visit. Road safety is a major concern, since ballpark traffic will exit both north and south on De Witt Road.

My second concern is lighting.

Lighting at Rainbow Field has caused problems for the neighbors there. Even turning the lights downward will be a problem for the homes in our area.

When Angelo Perini decided to put in the driving range, he met with the neighbors and all agreed, no lights. These developers never talked to the community residence.

My third concern is noise.

The developers claim that the sound from the speakers will be about 70 disciples in addition to the noise from the crowd, which together could be over 90 disciples. A lawn mower produces up to 90 disciples. Imagine having a lawnmower running every night 7 nights a week, year around in front of your home and my home is just a few hundred yards from the proposed development.

We have seen the golf park fail from lack of participation and economic issues. This ballpark is far more costly and has little participation planned. If developed and fails, our community is left with another mess. Also, such a project will lower home values even more than the existing recession, since no one wants to live next to traffic congestion and a lot of noise and lights.

Placing a ballpark in the middle of a quiet residential community is a wrong location. Whether homes are placed on a small lot or one acre does not change the fact that this is an established community. Ballparks belong away from homes. There are plenty of locations in this county suitable for such a project. This is the wrong location.

Are there any questions?

Did you notice the pictures on the front page of the Modesto Bee this morning? That is the serenity we will lose from this ballpark.

Thank you.

# Riverbank

UP 2008-26

## Eastlake Baseball Complex Area Map

Claribel Rd.

Claus Rd.

Sphere of  
Influence

Milnes Rd.

Dewitt Rd.

SITE

Parker Rd.

Albers Rd.

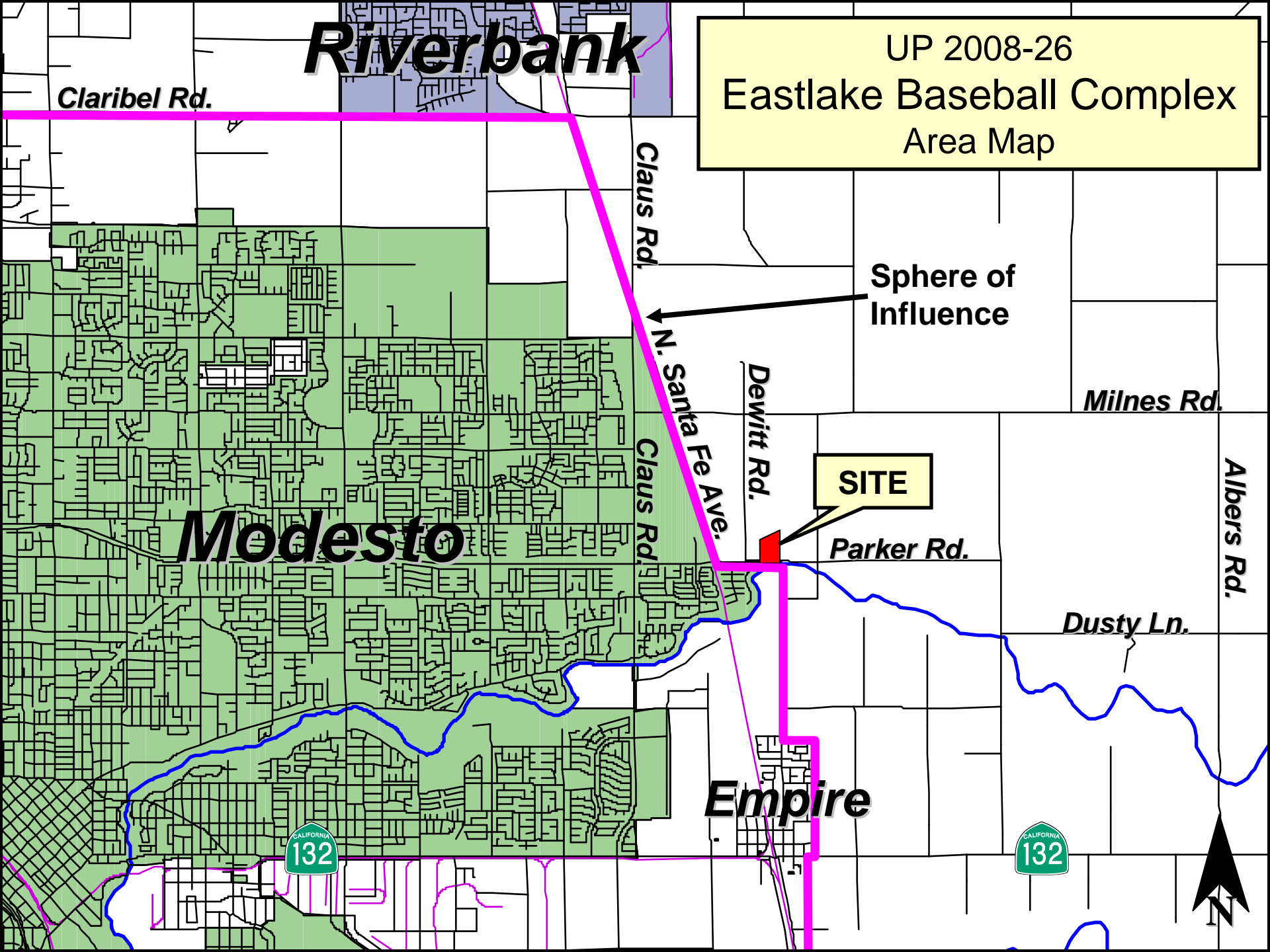
# Modesto

Claus Rd.

N. Santa Fe Ave.

Dusty Ln.

# Empire



UP 2008-26  
Eastlake Baseball Complex  
General Plan & Zoning Map

**AG  
A-2-40**

**Sphere of  
Influence**



**SITE**

*N. Santa Fe Ave.*

*Dewitt Rd.*

*Church St.*

*Parker Rd.*

*Parker Rd.*

**Modesto**







# Use Permit Findings

1. That the proposed use will not be detrimental or conflict with surrounding agricultural uses.
2. That the parcel is not located in one of the County's most productive agricultural areas or that the land may reasonably be returned to agriculture.

# Project Concerns

- Traffic & road safety
- Noise
- Lights affecting surrounding area
- Existing ABC license
- Eastside Mosquito Abatement District
- Conflicts with agriculture: smells and trespassing
- Quality of life & effects on property values
- Operations

# Project Support

- Facility geared towards youth
- Allows players to:
  - Play on full-sized fields
  - Prepare for high school and college baseball
  - Work with Professionals
- Schools facilities: Liability
- Conditions of Approval address traffic concerns
- Area south of the site is in the City's General Plan

# Planning Commission Discussion

- The applicant offered to give up the ABC license if the project were to be approved.
- Public Works: The increase in traffic would be less than significant.

# Planning Commission Discussion (Cont.)

- Planning Commissioners who voted in favor of the project expressed:
  - That the findings could be made
  - The project has been conditioned to make as little impact as possible
  - Baseball facilities are needed and are difficult to find in the area

# Planning Commission Discussion (Cont.)

- Planning Commissioners who voted against the project expressed:
  - Concerns with noise, traffic and riparian habitat
  - The expected number of people may be greater than anticipated and parking may not be sufficient
  - The driving range was approved because it could be reasonably returned to agriculture
- A number of Commissioners expressed that the project is a good project in the wrong area

# Planning Commission Determination

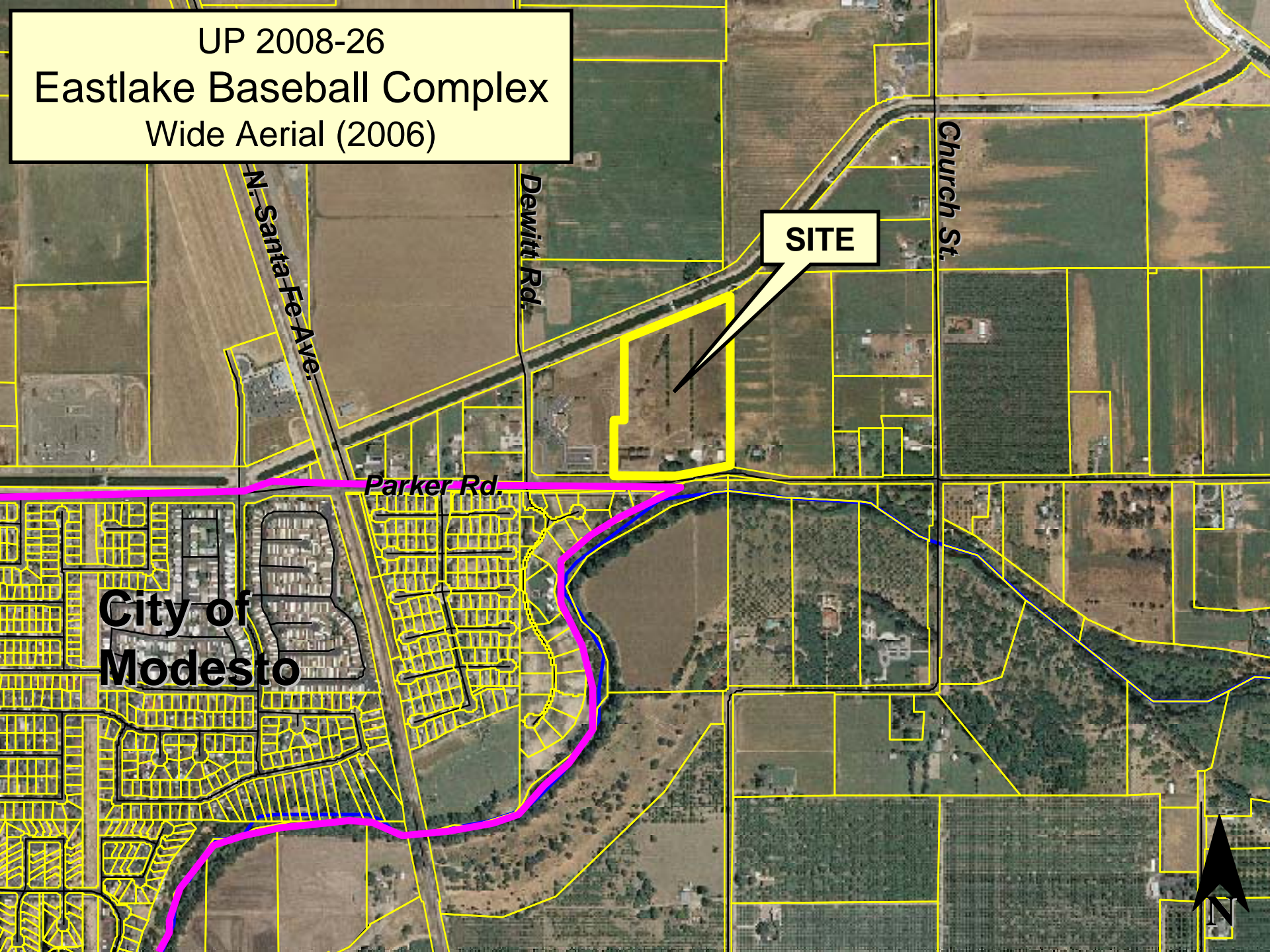
- Denied on a 5-2 vote
- Actions to approve the Use Permit can be found on pages 2 and 3 of the Board Report.



UP 2008-26

# Eastlake Baseball Complex

Wide Aerial (2006)



**SITE**

*Church St.*

*Dewitt Rd.*

*N. Santa Fe Ave.*

*Parker Rd.*

**City of  
Modesto**









UP 2008-26  
Eastlake Baseball Complex  
Aerial 1 (2006)

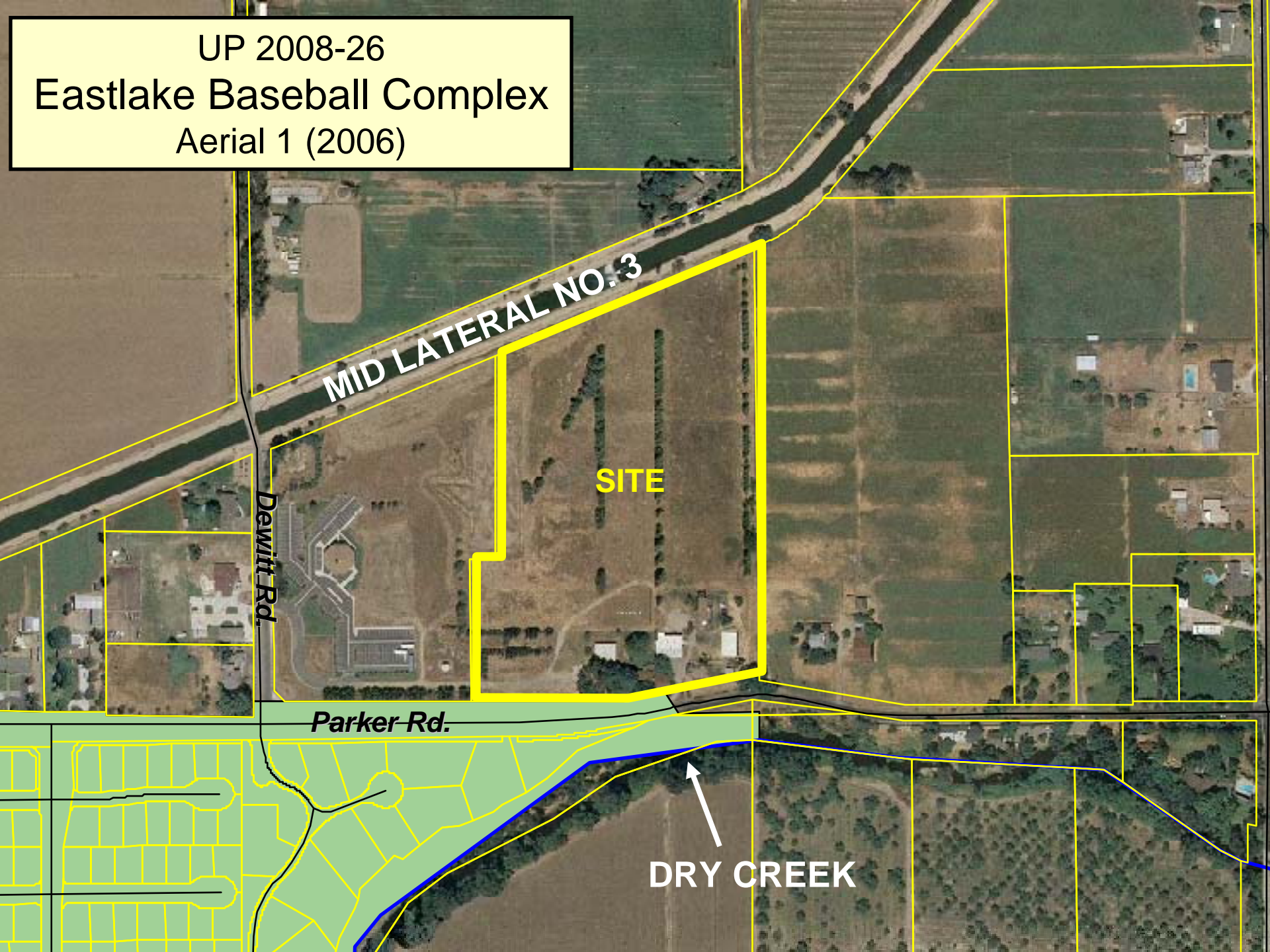
MID LATERAL NO. 3

SITE

Dewitt Rd.

Parker Rd.

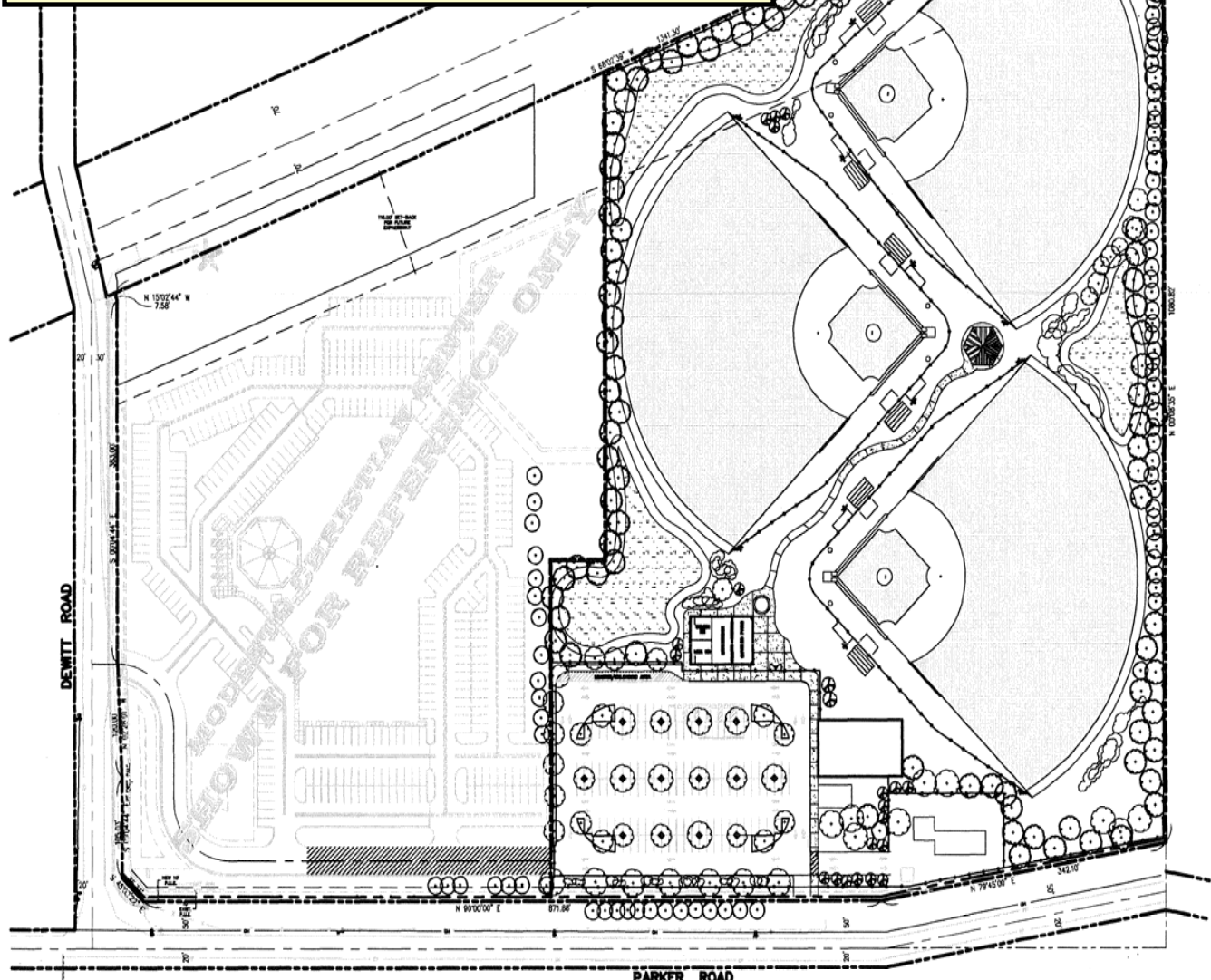
DRY CREEK



# Site History

- UP 91-14 – Angelo Pierini: Established the existing 40-slot driving range
- UP 95-15 – Angelo Pierini: A nine-hole golf course was approved but never developed
- UP 2000-13 – Modesto Christian Center: Established the existing church to the west
- PM 2003-46 – Modesto Christian Church: Split the two parcels

# UP 2008-26 Eastlake Baseball Complex Ag Buffer & Landscape Plan



SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
<b>TREE PLANTING</b>			
○	Existing Redwood to Remain		
⊙	New Redwood		15 GAL
⊕	<i>Pistacia chinensis</i> 'Keith Davey'	Chinese Pistache	15 GAL
⊗	New Zealand Flux	Purple Leaf Plum	15 GAL
<b>SHRUB PLANTING</b>			
⊙	<i>Agapanthus</i> 'Ellamae'	Lily-of-the-Nile	5 GAL
⊕	<i>Dietes bicolor</i>	Fortnight Lily	5 GAL
⊙	<i>Nandina domestica</i> 'Fire Power'	Nandina	1 GAL
⊙	<i>Pittosporum tobira</i> 'Wheeler's dwarf'	Dwarf Mock Orange	1 GAL
⊙	<i>Rhaphiolepis indica</i> 'Minor'	India Hawthorn	5 GAL
<b>VINE PLANTING</b>			
▲	<i>Pharitenocissus tricuspidata</i>	Boston Ivy	1 GAL
<b>GROUND COVER PLANTING</b>			
☁	<i>Trachelospermum asiaticum</i> @ 2' o.c.	Asian Jasmine	1 GAL

**LANDSCAPE AREA INFORMATION**

LANDSCAPING PROVIDED: ..... 624,378 S.F. = ±89% : OK

LANDSCAPING PROVIDED AT PARKING AREA:  
7,506 S.F. = ±12.3% > 12%

**GENERAL INFORMATION**

NO.	REVISION	DATE

SITE	1-08
PROJ.	
DRW.	
CHK.	
APP.	

LANDSCAPING PLAN

SCALE 1" = 20'

**Viera Design Group**  
PLANNING DESIGN CONSULTING

800 12th Street, Modesto, CA 95201  
PHONE: (209) 521-1100 FAX: (209) 521-1101  
WWW.VIERADSG.COM

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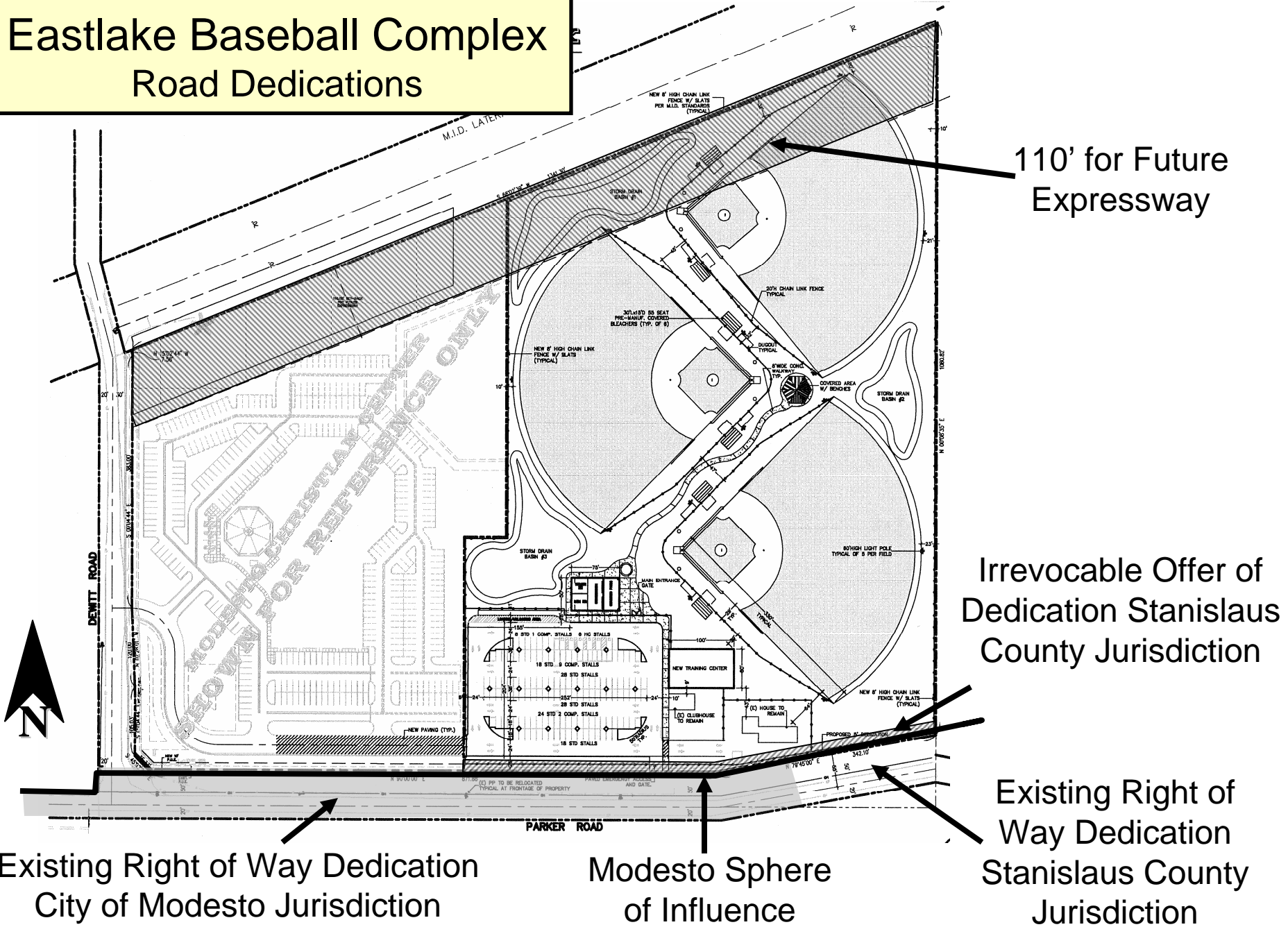
**OWNER:**  
Eastlake Baseball Complex  
4925 Parker Avenue  
Modesto, California

LANDSCAPING PLAN

1 OF 2 SHEETS

UP 2008-26

# Eastlake Baseball Complex Road Dedications



110' for Future  
Expressway

Irrevocable Offer of  
Dedication Stanislaus  
County Jurisdiction

Existing Right of  
Way Dedication  
Stanislaus County  
Jurisdiction

Existing Right of Way Dedication  
City of Modesto Jurisdiction

Modesto Sphere  
of Influence













# Public Concerns

- Traffic & Road Conditions
- Zoning Compatibility
- Glare from lighting
- Air pollution
- Effects on Riparian Habitat
- Noise
- Trespassing onto neighboring properties
- Quality of Life Issues

# Traffic, Lighting & Air Quality

- **Traffic:** The project was referred to Public Works and the City of Modesto and have conditioned the project
- **Lighting:** Lighting will be aimed down and toward the site and light fixtures will be shielded
- **Air Quality:** San Joaquin Valley Air Pollution Control District did not raise significant issues

# Effects on Riparian Habitat

- The site is separated from Dry Creek by Parker Road
- Residential development exists west of the creek
- The project was referred to the California Department of Fish and Game and U.S. Fish and Wildlife Service



# U.S. Army Corps of Engineers

- Staff received a letter from the Army Corps of Engineers requesting a wetlands delineation to ascertain potential jurisdictional waters.
- Planning places a standard condition of approval on all projects that requires the applicant to contact the Army Corps of Engineers prior to work be conducted on the site.

# Noise Study

- Noise study was conducted by J.C. Brennan & Associates Inc.
- The complex complies with Stanislaus County exterior noise levels
- Mitigation Measures
  - Complex will close at 10:00 p.m.
  - Construction equipment shall comply with the Noise Element
  - Sound system shall not exceed 70dB
  - Follow up analysis shall be conducted if there are complaints

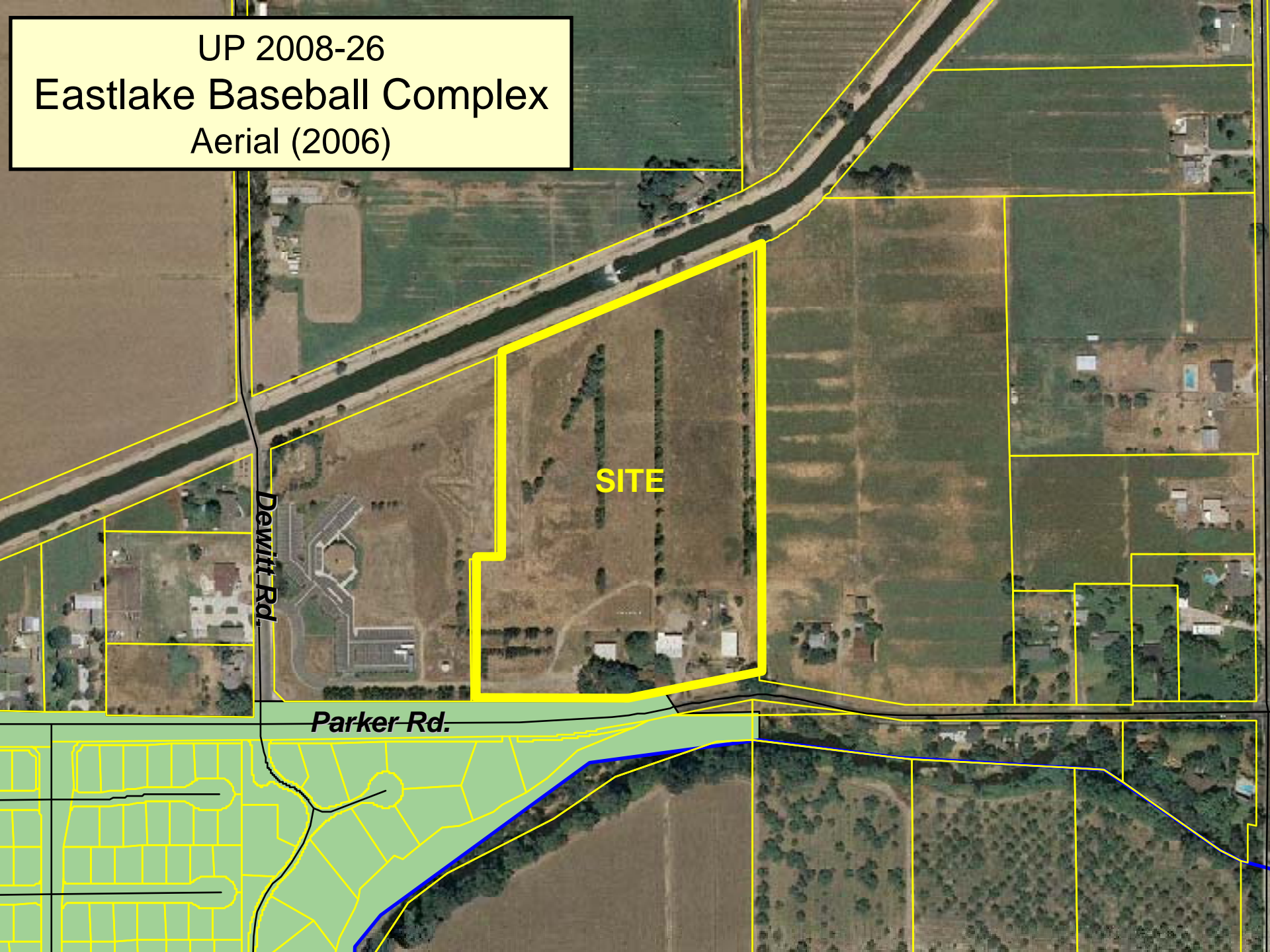
# Mitigation Measure Modifications

- All Mitigation Measures are related to noise
- Staff has modified mitigation measures no. 1 and no. 3 and has added mitigation measure no. 4
- The Commission must find that the amendments are equivalent or more effective in avoiding impacts

UP 2008-26

# Eastlake Baseball Complex

Aerial (2006)



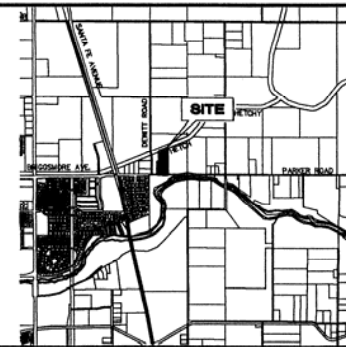
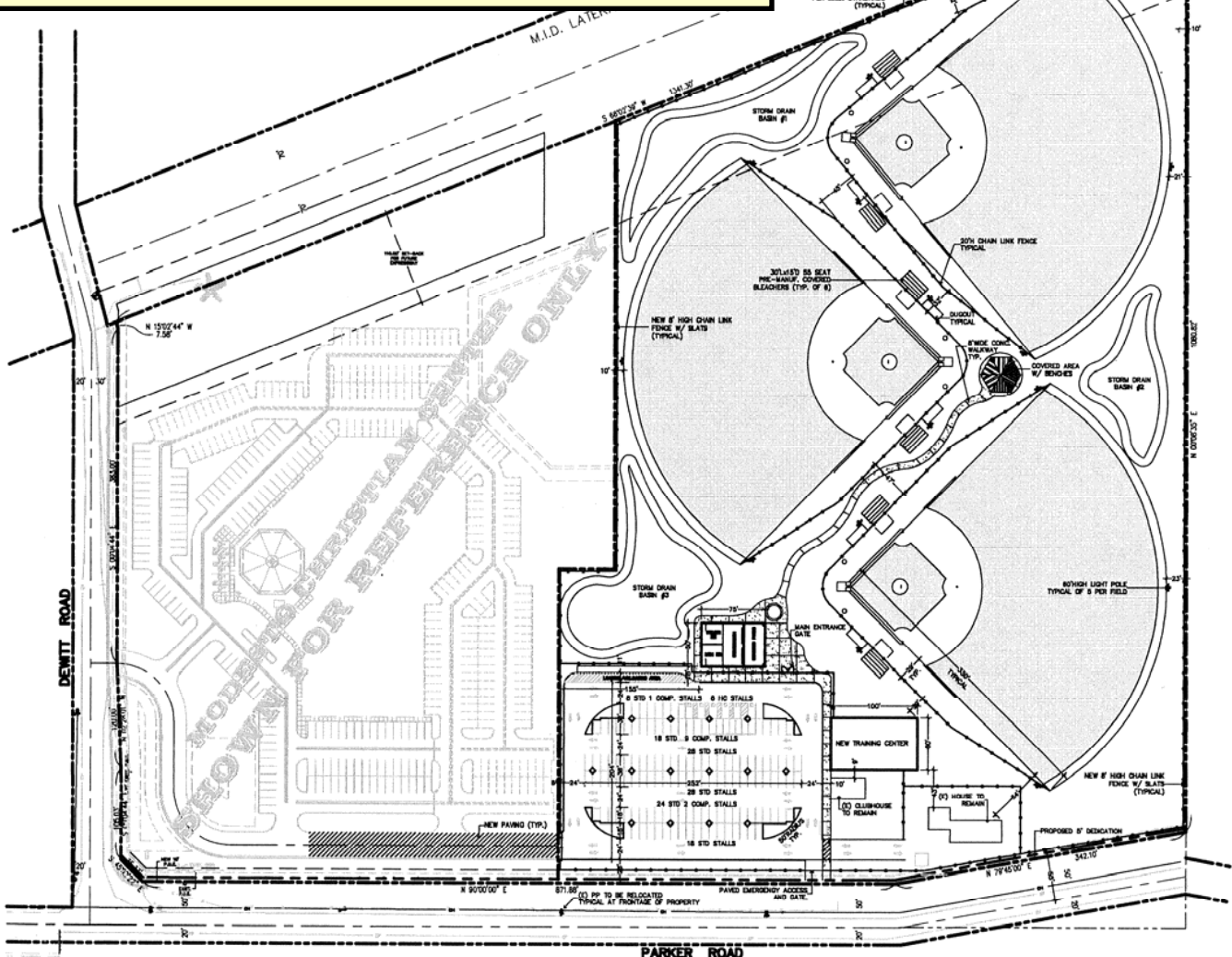
**SITE**

*Dewitt Rd.*

*Parker Rd.*

UP 2008-26

# Eastlake Baseball Complex Site Plan



**VICINITY MAP**

APN ..... 014-026-037  
 ZONING: ..... A-2-20  
 LOT SIZE ..... ± 16 ACRES  
 AREA TO BE IMPROVED ..... ± 16 ACRES

EXISTING BUILDING USE ..... DRIVING RANGE OPERATION  
 PROPOSED BUILDING USE ..... BASEBALL COMPLEX  
 PROPOSED BUILDING SIZE:  
 RESTROOMS/CONSESSION ..... 3,600 S.F.  
 TRAINING CENTER ..... 6,000 S.F.

PARKING REQUIRED  
 (6) 55 SEAT BLEACHERS  
 55 SEAT BLEACHERS x 6 = 330 PEOPLE  
 1 STALL PER TREE SEATS (330/3) = 110 STALLS

PARKING PROVIDED: ..... 124 STANDARD STALLS  
 12 COMPACT STALLS  
 6 HANDICAP STALLS  
 142 STALLS

LANDSCAPING PROVIDED: ..... 624,378 S.F. = ± 89% ; OK  
 LANDSCAPING PROVIDED AT PARKING AREA:  
 7,506 S.F. = ± 12.3% > 12%

SANITARY SEWER: ..... ON-SITE SEPTIC TANK  
 STORM DRAIN: ..... ON-SITE BASIN  
 WATER: ..... PRIVATE ON-SITE WELL

**PROJECT DATA**

OWNER/APPLICANT:  
 EASTLAKE BASEBALL PARK  
 ATTN: CHRIS OAR  
 P.O. BOX 577752  
 MODESTO, CA 95357  
 TEL.: (209) 534-4444

**OWNER / APPLICANT**

SITE PLAN & BUILDING DATA ..... A-1  
 CONCEPTUAL LANDSCAPING PLAN ..... A-2  
 TRAINING CENTER BUILDING PLAN & ELEVATIONS ..... A-3  
 R.R. / CONCESSION BUILDING PLAN & ELEVATIONS .... A-4

**vieira DESIGN GROUP**  
 PLANNING ENGINEERING CONSULTANTS  
 401 17th STREET, SUITE 101, HIGH  
 SPRING, CALIFORNIA 95301  
 TEL: (209) 534-4444  
 FAX: (209) 534-4444  
 WWW.VIEIRADSG.COM

CHANGERSHIP OF DOCUMENTS  
 THE OWNER AND THE USER OF THESE  
 PLANS SHALL BE RESPONSIBLE FOR  
 ANY CHANGES TO THESE PLANS  
 WITHOUT THE WRITTEN CONSENT  
 OF THE DESIGNER.

OWNER:  
 Eastlake Baseball Complex  
 4925 Parker Avenue  
 Modesto, California

**SITE PLAN**

NO.	REVISION	DATE

DATE: 1-24-08  
 PROJECT LEADER  
 DRAWN: VIEIRA  
 JOB N:  
 SHEET

SITE PLAN

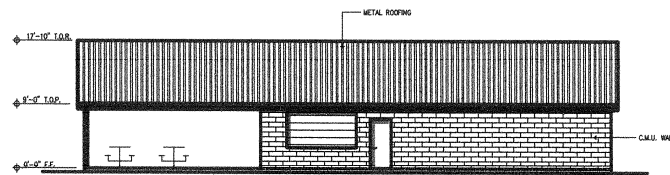
SHEET INDEX



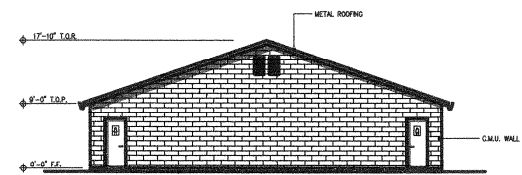


NO.	REVISION	DATE

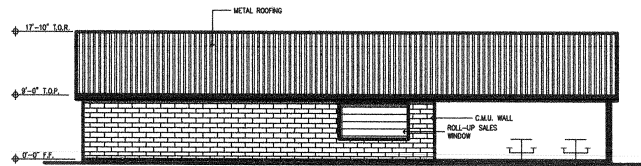
DATE: 11-24-06  
PROJECT MANAGER:  
DRAWN BY: C. VEIRA  
JOB NUMBER:  
SHEET:



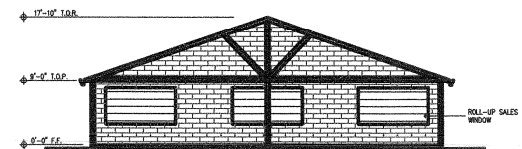
**RIGHT ELEVATION (NORTH)**  
SCALE: 1/8" = 1'



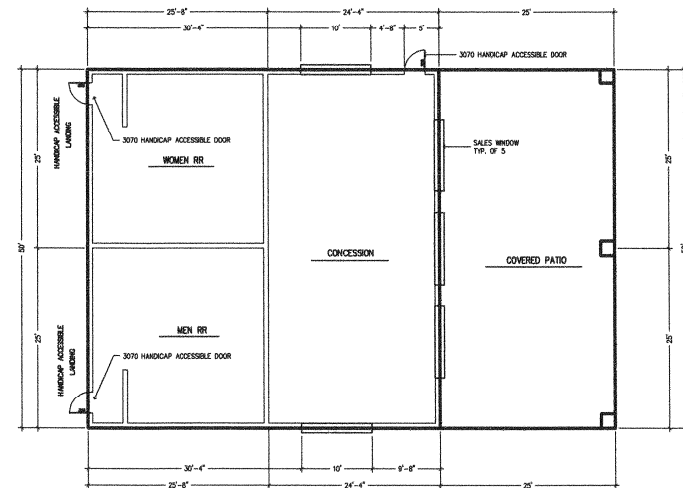
**REAR ELEVATION (WEST)**  
SCALE: 1/8" = 1'



**LEFT ELEVATION (SOUTH)**  
SCALE: 1/8" = 1'

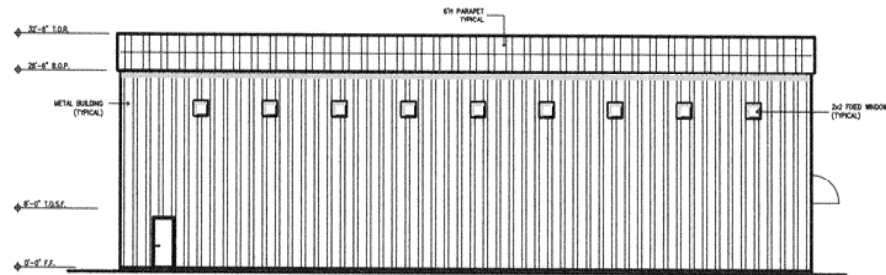


**FRONT ELEVATION (EAST)**  
SCALE: 1/8" = 1'



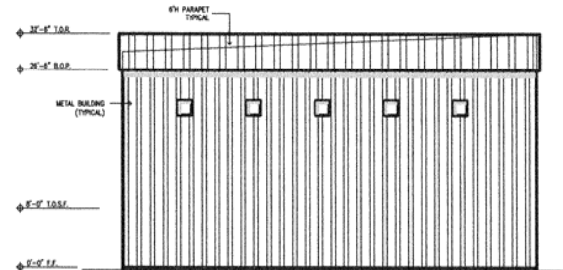
**FLOOR PLAN**  
SCALE: 1/8" = 1'

UP 2008-26  
Eastlake Baseball Complex  
Elevations Restroom and  
Concessions



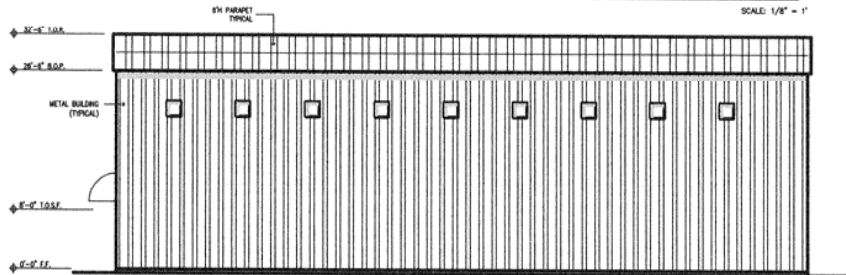
LEFT ELEVATION (NORTH)

SCALE: 1/8" = 1'



REAR ELEVATION (EAST)

SCALE: 1/8" = 1'



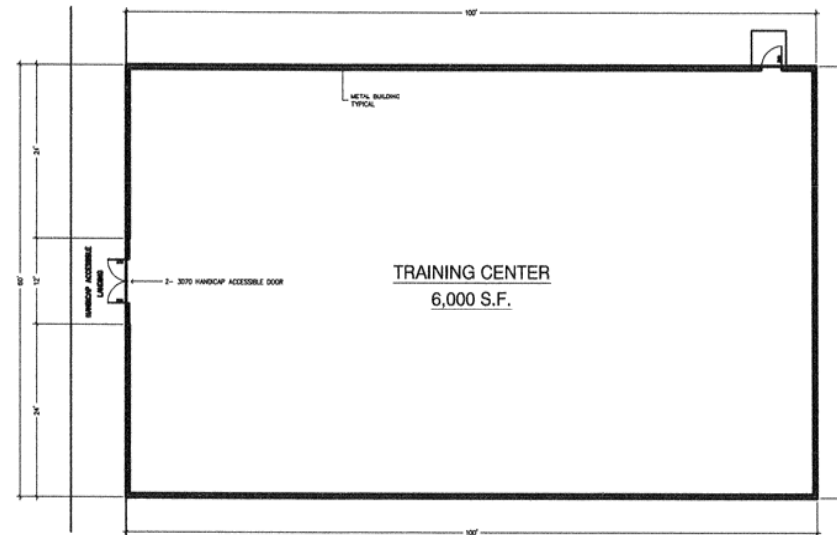
RIGHT ELEVATION (SOUTH)

SCALE: 1/8" = 1'



FRONT ELEVATION (WEST)

SCALE: 1/8" = 1'



FLOOR PLAN

SCALE: 1/8" = 1'

UP 2008-26  
 Eastlake Baseball  
 Complex  
 Elevations Training Center

NO.	REVISION	DATE



UP 2008-26  
Eastlake Baseball Complex  
Aerial 2 (2006)

MID LATERAL NO. 3

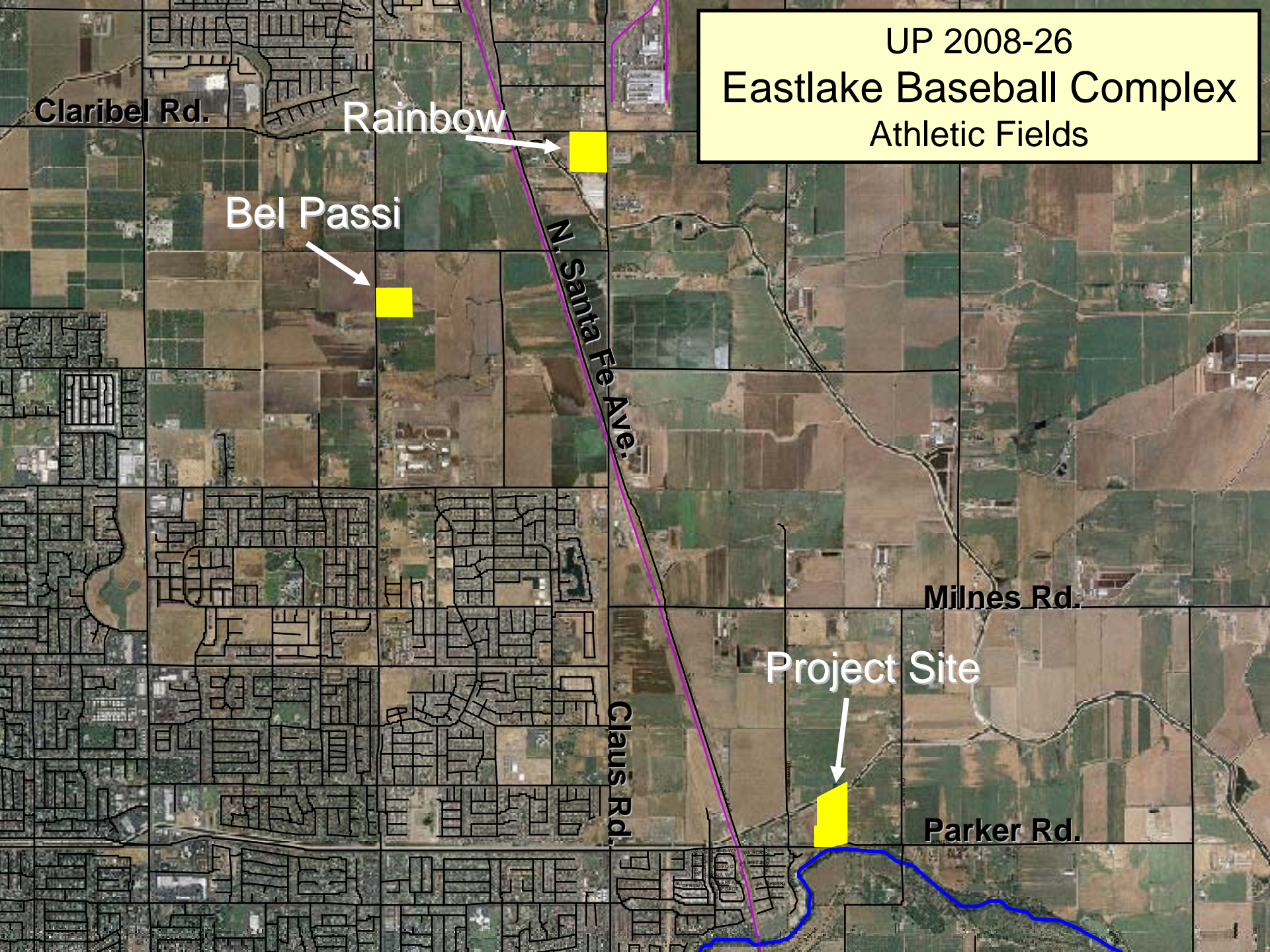
SITE

Dewitt Rd.

Parker Rd.



UP 2008-26  
Eastlake Baseball Complex  
Athletic Fields



Claribel Rd.

Rainbow

Bel Passi

N. Santa Fe Ave.

Milnes Rd.

Project Site

Claus Rd.

Parker Rd.

UP 2008-26  
Eastlake Baseball Complex  
Aerial with Eastside Mosquito  
Abatement District

Eastside  
Mosquito



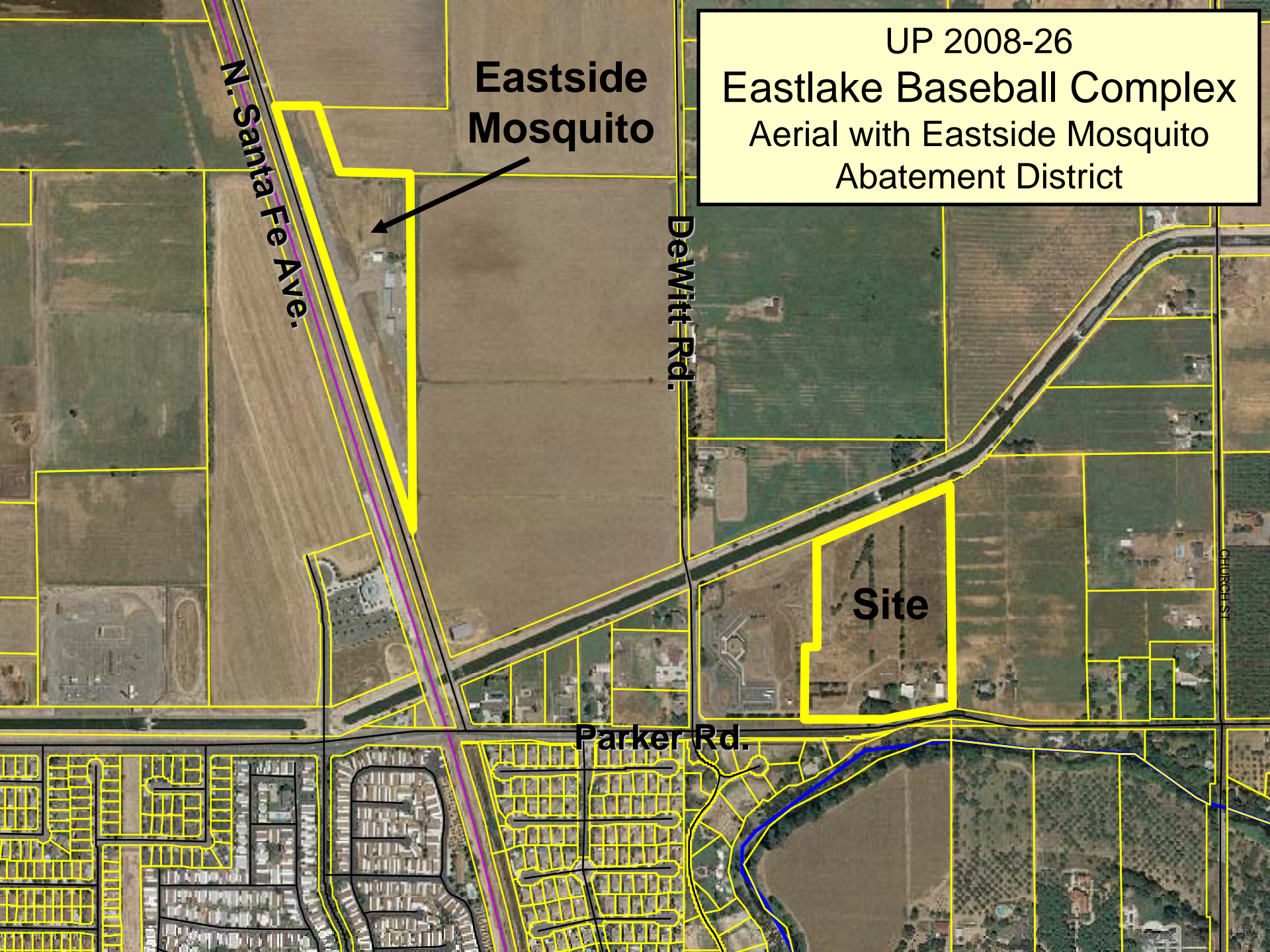
N. Santa Fe Ave.

DeWitt Rd.

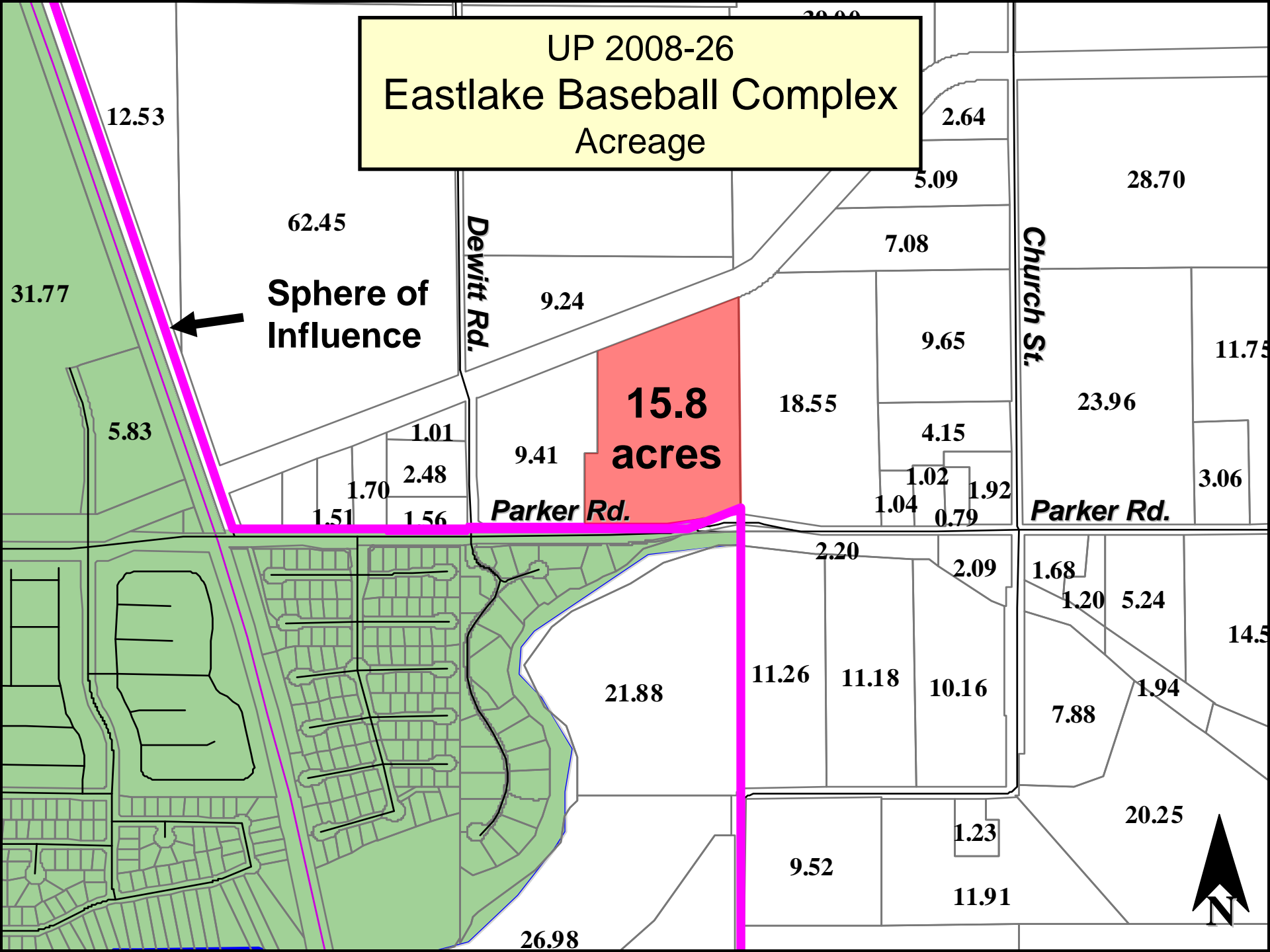
Site

Parker Rd.

CHURCH ST.



UP 2008-26  
Eastlake Baseball Complex  
Acreage



**15.8  
acres**

**Sphere of  
Influence**

*Dewitt Rd.*

*Church St.*

*Parker Rd.*

*Parker Rd.*

