

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

DEPT: Planning and Community Development At

BOARD AGENDA # 9:10 a.m.

Urgent  Routine

AGENDA DATE September 11, 2012

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Continuation of a Public Hearing to Consider Planning Commission's Recommendation for Approval of Rezone Application No. 2011-02, Randy Thomas, a Request to Rezone 42± Acres in Five (5) Different Planned Development Zoning Districts Into One New Planned Development Zone to Allow New Commercial and Industrial Uses

PLANNING COMMISSION RECOMMENDATIONS:

After conducting a duly advertised public hearing at its regular meeting of July 19, 2012, the Planning Commission, on a 7-0 (Gammon, Buehner) vote, recommended the Board approve the project, as follows:

1. 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.

(Continued on page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with this project. In accordance with the adopted Department of Planning and Community Development Fee Schedule, this project is subject to payment of the "actual cost" for processing of the application. All costs associated with this project have been paid and approval of this project will have no impact on the County's General Fund.

BOARD ACTION AS FOLLOWS:

No. 2012-464

On motion of Supervisor Monteith, Seconded by Supervisor Chiesa

and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Monteith, De Martini, and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION: Approved Staff Recommendations Nos. 1-5; amended the Development Standards to add No. 59 to read as follows: "If non-permitted uses are known to be occurring on-site, no new business licenses or business license renewals shall be issued for any use until the Planned Development has been reviewed by the Planning Commission and the Planning Commission finds it appropriate to continue issuance of business licenses. The Planning Commission may as part of the review initiate noncompliance proceedings under Chapter 21.40."; and, introduced, waived the reading, and adopted Ordinance C.S. 1122 for the approved Rezone Application

ATTEST:

  
CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-Q-1

**PLANNING COMMISSION RECOMMENDATION: (Continued)**

2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that the proposed Planned Development zoning district is consistent with the Planned Development General Plan designation.
4. Find that the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
5. Approve Rezone Application No. 2011-02 – Randy Thomas, subject to the modifications made to the Development Standards, as recommended by the Planning Commission.

**DISCUSSION:**

This request to rezone 42± acres in five (5) different P-D (Planned Development) zoning districts into one new P-D zone to allow new commercial and industrial uses was continued from the August 21, 2012 Board of Supervisors regular meeting to allow staff time to respond to questions and issues raised by the public. Department staff's responses and further clarification are provided for consideration by the Board of the Planning Commission's recommendation for approval of Rezone Application No. 2011-02 – Randy Thomas.

Mark Stone, a property owner at 330 St. Francis, asked the Board of Supervisors a question regarding what safeguards are in place to protect the neighboring subdivision's ground water from the septic tanks on the project site. He also had some other comments regarding: noise, crime, and Meyer Road (being a private road). Mr. Stone's concerns regarding noise and crime, while not limited to, were focused on the proposed auction activities and impacts to the neighborhood resulting from two auctions that have been conducted on-site without approval. As clarified at the meeting, the auction use is included as a permitted use under the proposed new P-D; however, the auction requires approval of a separate Use Permit application before any auction activities may be operated on-site. The separate Use Permit application process will involve an independent analysis of traffic, noise, and other land use compatibility issues. The Use Permit process will also include a public hearing notice to all surrounding landowners.

The adjacent neighboring residential subdivision, consisting of 33 lots located northwest of the project site, is served by individual water wells and septic systems. The Department of Environmental Resources (DER) has reviewed the ground water concerns raised by Mr. Stone with respect to the proposed project. Both the project site

Continuation of a Public Hearing to Consider Planning Commission's Recommendation for Approval of Rezone Application No. 2011-02, Randy Thomas, a Request to Rezone 42± Acres in Five (5) Different Planned Development Zoning Districts Into One New Planned Development Zone to Allow New Commercial and Industrial Uses

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and the general area are comprised of sandy soils; however, there are also significant clay layers present according to the available well logs on file with DER. Specifically, during DER's review of the well logs for the area, clay layers equal to or greater than five feet were encountered at well drilling depths as shallow as 10 to 15 feet. Since 1987, the domestic well logs indicate that wells were drilled to an average depth of 110 feet to 360 feet. It is possible that older wells were drilled to shallower depths. It is also possible that these wells may be impacted by their own onsite septic systems or their neighbor's septic system particularly given the small lot sizes (1/4 to 1/2 acre) and the concentration of homes in the area.

The project sites two (2) onsite wells that were classified as a public water system regulated by DER, but the water system was inactivated on December 31, 2010, when the operation ceased. The water system owner is not currently required to have a domestic water supply permit because of the limited operations there, but continues to conduct water quality monitoring even though it is not presently required. Any new business ventures at the site may trigger the property owner to re-apply for a domestic water supply permit and meet regulatory requirements.

The maximum contaminant level (MCL) for nitrates is 45.0 mg/L. One of the wells has at times had elevated nitrate levels, however, it is unknown whether the nitrate levels are due to historic farming practices in the area or whether they are naturally occurring. The concentration of homes nearby on small lots (served by both onsite water and septic) may have impacted the nitrate levels of the water wells in the area.

No new buildings are being proposed as part of this project, but any onsite construction projects that trigger a new or expanded septic system would be subject to the Measure X standards which provide a higher level of treatment and produce a cleaner effluent. Development Standards Numbers 32-35 address the water and septic systems standards for this project

Access to the project site area located west of the Modesto Irrigation District (MID) canal, is provided by three bridges crossing the MID canal; and Meyer Drive, Evelyn Way, and Hulen Street. Meyers Drive was created as part of the original Meyer Tract subdivision recorded in 1946. It is legal access for the adjacent parcels; including the project site. In essence, it is a public road that is not publicly maintained. Evelyn Way and Hulen Street are maintained by the County. Development Standards for the project require right of way dedication on Evelyn Way and no additional dedication is required on Meyer Drive. As reflected in the project's Development Standard No. 20, the proposed new P-D only authorizes secondary emergency vehicle access onto Meyers and Evelyn Way for new uses west of the canal. The currently permitted equipment rental business has existing access rights that will remain under the new P-D, but only if the MID license agreement for the three existing bridges is revoked.

Continuation of a Public Hearing to Consider Planning Commission's Recommendation for Approval of Rezone Application No. 2011-02, Randy Thomas, a Request to Rezone 42± Acres in Five (5) Different Planned Development Zoning Districts Into One New Planned Development Zone to Allow New Commercial and Industrial Uses

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The three (3) on-site bridges crossing the MID Main Canal are authorized by a MID revocable license agreement. MID has expressed concern with the number of people accessing these bridges and is requiring the license agreement be revised to address potential issues. The applicant and MID have had meetings to discuss revision to the access agreement; however, MID has not indicated a willingness to provide an irrevocable agreement. Normally, a land use project is not allowed to move forward if irrevocable access cannot be provided; however, in this case, the project area located west of the MID canal has alternative access rights onto Meyers and Evelyn Way for the currently permitted equipment rental business. The project development standards address limitations for new uses located west of the MID canal if the MID license agreement is revoked and the applicant will need to record an amended access agreement before any new businesses can occupy one of the buildings west of the canal (Development Standard No. 15). Regardless of any revisions to the existing license agreement, the project site has independent access rights both west and east of the canal.

At the August 21<sup>st</sup> Board meeting, there was a question asked regarding the timing of Caltrans improvements along McHenry Avenue. Mitigation Measure/Development Standard No. 58 requires that, prior to the auction use being conducted, the two-way left turn lane for vehicles entering the existing facility will need to be extended. Development Standard No. 37 requires that an encroachment permit be required for work done within the Caltrans right-of-way. Development Standards No. 17, 30, and 31 address the total number of driveways allowed onto McHenry Avenue. The southernmost driveway shown on the project site plan, which does currently exist, will need to be closed. Full access to the three northernmost driveways, labeled on the site plan as "full access", will need to be restricted to one centralized full access driveway and up to one additional restricted access driveway (right in/right out only). Closure of the southernmost driveway and development of a centralized full access driveway will need to occur prior to the issuance of a business license for a new use.

Mr. Ramón Bermúdez, a member of the public, expressed concern at the meeting that the neighbors were not provided public notice regarding the proposed project. Notification of both the Planning Commission and Board of Supervisor's meetings were sent to all surrounding land owners within a quarter mile of the proposed project. The notification area included all the property owners on Meyer Drive, Evelyn Way and Hulen Street and 37 property owners on Chenault Drive.

Attachments A includes the August 21, 2012 Board of Supervisors report and the July 19, 2012 Planning Commission staff reports providing a complete analysis of the findings necessary for approval of this proposed project.

**POLICY ISSUES:**

The proposed rezone furthers the Board's priorities of A Well-Planned Infrastructure System and A Strong Local Economy by providing a land use determination consistent with the overall goals and policies of the Stanislaus County General Plan.

**STAFFING IMPACT:**

The approval or denial of this proposed project will not directly or indirectly impact County staff.

**CONTACT PERSON:**

Angela Freitas, Planning and Community Development Director. Telephone: (209) 525-6376

**ATTACHMENTS:**

- A. Board of Supervisors Staff Report August 21, 2012
  - 1. Planning Commission Staff Report, July 19, 2012
    - Exhibit A - Findings and Actions Required for Project Approval
    - Exhibit B - Maps
    - Exhibit C - Permitted Uses Presented for Approval
    - Exhibit D - Development Standards
    - Exhibit E - Application, Project Description and Proposed uses
    - Exhibit F - Initial Study
    - Exhibit G - Mitigated Negative Declaration and Monitoring Plan
    - Exhibit H - Letters from Neighboring Property Owners
    - Exhibit I - Environmental Review Referrals
  - 2. Planning Commission Memo, July 19, 2012
  - 3. Planning Commission Minutes, July 19, 2012

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

DEPT: Planning and Community Development AK

BOARD AGENDA # 6:35 p.m.

Urgent  Routine

AGENDA DATE August 21, 2012

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Public Hearing to Consider Planning Commission's Recommendation for Approval of Rezone Application No. 2011-02, Randy Thomas, a Request to Rezone 42± Acres in Five (5) Different Planned Development Zoning Districts Into One New Planned Development Zone to Allow New Commercial and Industrial Uses

PLANNING COMMISSION RECOMMENDATIONS:

After conducting a duly advertised public hearing at its regular meeting of July 19, 2012, the Planning Commission, on a 7-0 (Gammon, Buehner) vote, recommended the Board approve the project, as follows:

1. 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.

(Continued on page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with this project. In accordance with the adopted Department of Planning and Community Development Fee Schedule, this project is subject to payment of the "actual cost" for processing of the application. All costs associated with this project have been paid and approval of this project will have no impact on the County's General Fund.

BOARD ACTION AS FOLLOWS:

No. 2012-429

On motion of Supervisor Monteith, Seconded by Supervisor Withrow  
and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Monteith, De Martini, and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION: THIS PUBLIC HEARING WAS CONTINUED TO SEPTEMBER 11, 2012 AT 9:10 A.M



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

ATTACHMENT A

File No. ORD-55-Q-1

**PLANNING COMMISSION RECOMMENDATION: (Continued)**

2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that the proposed Planned Development zoning district is consistent with the Planned Development General Plan designation.
4. Find that the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
5. Approve Rezone Application No. 2011-02 – Randy Thomas, subject to the modifications made to the Development Standards, as recommended by the Planning Commission.

**DISCUSSION:**

This project is a request to rezone 42± acres in five (5) different P-D (Planned Development) zoning districts into one new P-D zone to allow new commercial and industrial uses. The proposed new uses are those generally allowed in a Planned Industrial (PI) zoning district with some limited retail sales added for products manufactured, distributed from, or installed on-site and a "Park and Sell" auto sales area. The square footage of existing buildings total 71,300 square feet with 160 existing parking spaces. All of the proposed new commercial and industrial uses will utilize the existing buildings and parking spaces with no new buildings being proposed.

The applicant originally requested broader commercial uses as allowed under the C-2 (General Commercial) zoning district, however, staff felt the traffic impact would be too great and requested the applicant to scale back the uses. The applicants' original request also included an auction house specializing in vehicle auctions and auctions for surplus equipment and furniture as permitted uses. In response to concerns relating to noise, the applicants' request has been amended to include the auction house, subject to approval of a Use Permit at a later date.

The project site is located on the southwest corner of the St. Francis and McHenry Avenue intersection, in the Modesto area. The project site is surrounded by row crops, orchards, single-family homes, and a bar (former card room) to the north; row crops, orchards, and home sites to the east; orchard and business park to the south; and single-family homes to the west. The site is not located within any LAFCO (Local Agency Formation Commission) adopted sphere of influence of a city. The project site is bisected by the Modesto Irrigation District (MID) Main Canal and has access across the canal by three bridges built by Randy Thomas, via agreements with MID. According to the applicant, all three bridges are built to withstand legal highway loads. The site currently has six (6) driveways on McHenry Avenue and two (2) secondary vehicle accesses on Meyer Drive.

The previous use of the project site was by Thomas Equipment Rental; a business concentrated and specializing in high lift apparatus and cranes. In 1999, Thomas Equipment Rental was acquired by United Rentals which continued to operate the business on-site until 2010. Since the lease expired, the site has been mostly vacant. Because the approved uses allowed under the existing P-D zones are limited to equipment rental and accessory uses, the owners have had a difficult time finding a new tenant for the site. The purpose of this application is to broaden the spectrum of permitted uses.

The following is an overview of the primary issues identified during the project review period:

- Auction Yard and Noise Concerns: The applicants' original request to include an auction house specializing in vehicle auctions and auctions for surplus equipment and furniture as a permitted use, was amended to include the auction as a permitted use subject to approval of a use permit at a later date. The amendment is in response to phone calls and letters received by the County about noise, traffic and trash and expressing objection to the rezoning of the project site following an auction held on the project site on June 2, 2012. No approval to conduct any auction activities has been issued by the County in the form of either a land-use entitlement from the Planning Department or a special event permit from the Sheriff's Department.
- Access across the Modesto Irrigation District (MID) Main Canal: The three (3) on-site bridges crossing the MID Main Canal are authorized by a MID revocable license agreement intended to accommodate uses directly controlled by Mr. Thomas. MID can revoke the access according to the agreement. In response to the proposed project, MID has expressed concern with the number of people accessing these bridges and is requiring the license agreement be revised to address potential public safety, security, hazardous material exposure, and liability and any other issues deemed necessary by MID.

The applicant has requested and is in the process of obtaining a revised license agreement from MID, however, should MID revoke the license agreement for the bridges, the project site area west of the canal will no longer have access to McHenry Avenue. Under the proposed new P-D, only secondary emergency vehicle access for new uses are allowed west of the canal onto Meyers Drive. The currently permitted equipment rental business has existing access rights on Meyer Drive that will remain under the new P-D, but only if the MID license agreement is revoked.

Development Standards No. 15 and 52 have been added to reflect the license agreement and access restrictions. One problematic aspect of this project is the potential for any new business(s) establishing west of the canal having to be closed if the MID license agreement is revoked. The Development Standards reflect the property owner's obligation to disclose the access restrictions to all tenants as part of leasing/rental process.



- Traffic: Caltrans is requiring the auction use mitigate traffic on McHenry Avenue by extending the two-way left turn lane for vehicles entering and exiting the facility (Development Standard No. 58). Also, Caltrans is requiring two driveways be removed; the southern driveway marked "exit only" and one of the driveways north of the "enter only" driveway on the applicants proposed site plan (See Exhibit B-5 of Attachment 1). By eliminating these two driveways, Caltrans will allow the "enter only" driveway to be widened and modified to allow exiting for both right and left turns.

The Stanislaus County Public Works Department added Development Standards No 18, 19, and 22 to address needed right-of-way dedication on McHenry Avenue, Evelyn Way and Meyer Drive. The initial "trigger" for implementation of Development Standard No. 18 and 19, along with Development Standard No. 22 requiring a grading and drainage plan, was: "prior to issuance of any building permit or prior to the Planning Division signing a business license for any business for the project, whichever comes first". As reflected in the July 19<sup>th</sup> memo to the Planning Commission, Public Works has requested that the development standards be amended to be "triggered" by building permit(s) and not business licenses (See Attachment 2).

- Temporary Mobile Home Permit (TMHP): The on-site mobile home (112 St. Francis Avenue) is authorized under a TMHP to provide housing for an on-site watchman; however, the watchman is assigned to watching multiple off-site commercial properties, which is outside the scope of the temporary mobile home permit approval. The proposed P-D authorizes the mobile home to remain on-site, as one of three permitted dwellings, provided the necessary building permits are obtained (including payment of all applicable fees) to re-classify the mobile home as a permanent dwelling. If the necessary building permits are not obtained, the mobile home needs to be removed from the property within 90-days of the proposed P-D zoning being adopted

A more detailed discussion of the above issues is provided in the July 19, 2012, Planning Commission Staff Report (See Attachment 1).

The Planning Commission held a public hearing on this project at its regular meeting on July 19, 2012. No one spoke in opposition to the project. The applicants' representative, Rod Hawkins (*Hawkins & Assoc. Engineering*), spoke briefly in favor of the project. Mr. Hawkins voiced one concern regarding the timeline for implementing specific Development Standards related to road frontage dedication and the submittal of a drainage/grading plan; however, these concerns were addressed by amendments proposed by Public Works.

The Planning Commission generally expressed positions in favor of the project, with Commissioner Gammon stating that she favors the consolidation of the various Planned Development zones currently in place. Commissioner Gammon also stated that any concerns regarding the auction yard portion of the project would not be a factor on this

request due to the fact that the use of the site for an auction yard will be required to obtain a use permit at a future date.

On a motion by Commissioner Gammon, and seconded by Commissioner Buehner, the Planning Commission voted unanimously (7-0) to recommend the Board of Supervisors approve the request, including modifications to Development Standards 18, 19, and 22, as outlined in the July 19, 2012, Planning Commission Memo (Attachment No. 2).

**POLICY ISSUES:**

The proposed rezone furthers the Board's priorities of A Well-Planned Infrastructure System and A Strong Local Economy by providing a land use determination consistent with the overall goals and policies of the Stanislaus County General Plan.

**STAFFING IMPACT:**

The approval or denial of this proposed project will not directly or indirectly impact County staff.

**CONTACT PERSON:**

Angela Freitas, Interim Planning and Community Development Director. Telephone:  
(209) 525-6376

**ATTACHMENTS:**

1. Planning Commission Staff Report, July 19, 2012
  - Exhibit A - Findings and Actions Required for Project Approval
  - Exhibit B - Maps
  - Exhibit C - Permitted Uses Presented for Approval
  - Exhibit D - Development Standards
  - Exhibit E - Application, Project Description and Proposed uses
  - Exhibit F - Initial Study
  - Exhibit G - Mitigated Negative Declaration and Monitoring Plan
  - Exhibit H - Letters from Neighboring Property Owners
  - Exhibit I - Environmental Review Referrals
2. Planning Commission Memo, July 19, 2012
3. Planning Commission Minutes, July 19, 2012

# STANISLAUS COUNTY PLANNING COMMISSION

July 19, 2012

## STAFF REPORT

REZONE APPLICATION NO. 2011-02  
RANDY THOMAS

**REQUEST: TO REZONE 42± ACRES IN FIVE (5) DIFFERENT PLANNED DEVELOPMENT ZONING DISTRICTS INTO ONE NEW PLANNED DEVELOPMENT ZONE TO ALLOW NEW COMMERCIAL AND INDUSTRIAL USES.**

### APPLICATION INFORMATION

Owners/Applicants:	Randall, Pamela and Rojean Thomas
Agents:	Rod Hawkins, Hawkins & Associate Eng.
Location:	South side of St. Francis Avenue and west of McHenry Avenue (5700 Meyer Drive; 5703, 5637, 5719, and 5737 McHenry Avenue; 112 St. Francis Avenue; 5433 and 5537 McHenry Avenue; 342 Evelyn Way; and 5712 Meyer Drive, in the Modesto area.
Section, Township, Range:	32-2-9
Supervisorial District:	Four (Supervisor Monteith)
Assessor's Parcel:	004-018-042; 004-021-003, 004, 006, 008, 010; 004-065-001, 014; 004-070-011, 047, 048
Referrals:	See Exhibit I Environmental Review Referrals
Area of Parcels:	P-D (158) – 12.3 acres P-D (197) – 2.6 acres P-D (216) – 11.89 acres P-D (219) – 2.33 acres P-D (223) – 11.51 acres MID Canal +/- 1.4 acres
Sewage Disposal:	Septic tank/leach field
Water Supply:	Water well
Existing Zoning:	P-D (158); P-D (197); P-D (216); P-D (219); P-D (223)
General Plan Designation:	P-D (Planned Development)
Community Plan Designation:	Not applicable
Williamson Act Contract Number:	Not applicable
Environmental Review:	Mitigated Negative Declaration

### RECOMMENDATION

Based on the entirety of the evidence on the record and this staff report and attachments, Staff's position is that the Planning Commission should recommend that the Board of Supervisors approve the project. Exhibit A provides an overview of the required findings for project approval.

## **PROJECT DESCRIPTION**

This project is a request to rezone 42± acres in five (5) different P-D (Planned Development) zoning districts into one new P-D zone to allow new commercial and industrial uses. The proposed new uses are generally those allowed in a Planned Industrial (PI) zoning district with some limited retail sales added for products manufactured, distributed from, or installed on-site and a "Park and Sell" auto sales area. The applicant originally requested broader commercial uses as allowed under the C-2 (General Commercial) zoning district, however, staff felt the traffic impact would be too great and requested the applicant to scale back the uses. (*Exhibit E -Application, Project Description and Proposed Uses*)

The applicants' original request also included an auction house specializing in vehicle auctions and auctions for surplus equipment and furniture as permitted uses. In response to concerns discussed in the "issues" section of this report, the applicant's request has been amended to include the auction house, subject to approval of a Use Permit at a later date. Staff has amended the applicants' proposed list of approved uses to include modified sign criteria, the addition of "Park and Sell" auto sales (limited to the auction staging area), and the addition of auctions as a permitted use requiring a use permit approval. The amended list of permitted uses is provided in Exhibit C as "Permitted Uses Presented for Approval".

The proposed rezone will combine all five (5) of the individual existing P-Ds into one single P-D zoning district. The square foot of existing buildings total 71,300 square feet with 160 existing parking spaces. All of the proposed new commercial and industrial uses will utilize the existing buildings and parking spaces with no new buildings being proposed. The proposed hours (for non-auction businesses) will be Monday to Sunday, 6:00 am to 7:00 pm.

## **Background**

The previous use of this property was by Thomas Equipment Rental; a business concentrated and specializing in High Lift apparatus and cranes. At one time, Thomas Equipment Rental employed 325 people full-time at this site and had 45 large trucks making daily deliveries of equipment throughout the United States. They also had a fleet of 25 to 30 service vehicles to repair and maintain equipment deployed off-site. In 1999, Thomas Equipment Rental was acquired by United Rentals which continued to operate the business on-site until 2010. Since the lease expired, the site has been mostly vacant. Because the approved uses allowed under the existing P-D zones are limited to equipment rental and accessory uses, the owners have had a difficult time finding a new tenant for the site. The purpose of this application is to broaden the spectrum of permitted uses.

In 1985, GPA 85-01 and REZ 85-05 - Randy Thomas authorized the rezoning of an A-2-40 (General Agriculture) site to P-D (118) allowing for operation of an equipment rental business. This site has expanded over the years and is now comprised of 11 parcels with five (5) P-D zoning districts: P-D (158); P-D (197); P-D (216); P-D (219); and P-D (223). The following is a brief description of the different P-D zones:

- P-D (158) - Originally approved December 13, 1988, GPA 88-16, REZ 88-29, Thomas Equipment to allow for a parts department, office buildings, storage, two residences, a paint building, tire shop, a primary repair area, employee residences, and a fuel storage area. 5703 McHenry Avenue. (Rezoned from P-D (118).

- P-D (197) - Originally approved August 18, 1992, REZ 92-04, B&R Enterprises, to allow for a house, a garage, and a large storage area at 5433 McHenry Avenue.
- P-D (216) - Originally approved, December 20, 1994, GPA 94-02, REZ 94-03, B&R Enterprises, to allow for an expansion of an equipment rental business on 11.89 acres for two 24,000 sq. ft. metal buildings and allow access only on McHenry. This approval was never built.
- P-D (219) - Originally approved October 24, 1995, REZ 95-2, B & R Enterprises, to allow a parking area and rental equipment storage and conversion of a house to a business office, and VAR 86-22, to place a mobile home along with house on a half-acre located at 5737 McHenry Avenue, 112 St Francis Avenue.
- P-D (223) - Originally approved August 27, 1996, REZ 96-05, Randy Thomas, to allow for the expansion of Thomas Equipment Rental business at 5537 McHenry Avenue.

There are a number of Staff Approval permits that have been approved over the years. These permits vary from adding additional buildings for the rental business to approving accessory uses for this site.

Currently, there are over 20 buildings located on the project site: seven (7) storage buildings, four (4) office buildings, three (3) assembly/warehouse/storage, a paint facility, maintenance shop, employee break room, two homes, and a temporary mobile home (approved for a watchman).

### **SITE DESCRIPTION**

The project site is located at the following addresses: 5700 Meyer Drive; 5703, 5637, 5719, and 5737 McHenry Avenue; 112 St. Francis Avenue; 5433 and 5537 McHenry Avenue; 342 Evelyn Way; and 5712 Meyer Drive, on the south side of St. Francis Avenue and west of McHenry Avenue, in the Modesto area.

The project site is surrounded by row crops, orchards, single-family homes, and a bar (former card room) to the north; row crops, orchards, and home sites to the east; orchard and business park to the south; and single-family homes to the west. The site is not located within any LAFCO adopted Sphere of Influence of a city.

The project site is bisected by the Modesto Irrigation District (MID) Main Canal and has access across the canal by three bridges built by Mr. Thomas via agreements with MID. According to the applicant, all three bridges are built to withstand legal highway loads. The site currently has six (6) driveways on McHenry Avenue and two (2) secondary vehicle accesses on Meyer Drive.

### **ISSUES**

The following is an overview of the primary issues identified during the project review period:

#### *Auction Yard and Noise Concerns:*

As discussed earlier, the applicant's original request also included an auction house specializing in vehicle auctions and auctions for surplus equipment and furniture. The intent was to relocate an existing auction business located on Kiernan Avenue to the project site. The operator of the existing auction business has a history of utilizing public announcement (PA) equipment, both indoors and outdoors, with no noise complaints. Based on the operator's methods for

addressing noise, a noise study was not required as part of the project's environmental review and a mitigation measure requiring compliance with the County's adopted noise limits was identified.

There was an auction held on the project site on June 2, 2012, and the County received several phone calls and a couple letters (*Exhibit H - Letters from Neighboring Property Owners*) complaining about the noise, traffic and trash and expressing objection to the rezoning of the project site. Those complaining are worried that the auction is going to be very noisy and are upset that they never received any notice of the event. No approval to conduct any auction activities has been issued by the County in the form of either a land-use entitlement from the Planning Department or a special event permit from the Sheriff's Office.

In response to the noise complaints, the applicant's request has been amended to include the auction as a permitted use, subject to approval of a use permit at a later date. A noise study will be required as part of the use permit application process and surrounding property owners will be notified of any public hearings to consider the permit.

*Access across the Modesto Irrigation District (MID) Main Canal:*

The three (3) on-site bridges crossing the MID Main Canal are authorized by a MID revocable license agreement intended to accommodate uses directly controlled by Mr. Thomas. MID can revoke the access according to the agreements. In response to the proposed project, MID has expressed concern with the number of people accessing these bridges and is requiring the license agreement to be revised to address potential public safety, security, hazardous material exposure, and liability and any other issues deemed necessary by MID.

The applicant has requested and is in the process of obtaining a revised license agreement from MID, however, should MID revoke the license agreement for the bridges, the project site area west of the canal will no longer have access to McHenry Avenue. Under the proposed new P-D only secondary emergency vehicle access for new uses are allowed west of the canal onto Meyers Drive. The currently permitted equipment rental business has existing access rights on Meyer Drive that will remain under the new P-D, but only if the MID license agreement is revoked. Components of the equipment rental business located west of the canal include product assembly/warehouse/storage, painting facility, two (2) offices, maintenance shop, covered storage area, and a truck parking area. The existing dwelling located west of the canal has and will retain direct access on Meyer Drive. Development Standards No. 15 and 52 have been added to reflect the license agreement and access restrictions. One problematic aspect of this project is the potential for any new business(s) establishing west of the canal having to be closed if the MID license agreement is revoked. The Development Standards reflect the property owner's obligation to disclose the access restrictions to all tenants as part of leasing/rental process.

*Traffic*

The subject project was referred to the Stanislaus County Department of Public Works and the California Department of Transportation (Caltrans) for review. Caltrans will require the auction use to mitigate traffic on McHenry Avenue by extending the two-way left turn lane for vehicles entering and exiting the facility (Development Standard No. 58). Also, Caltrans is requiring two driveways be removed; the southern driveway marked "exit only" and one of the driveways north of the "enter only" driveway on the applicants proposed site plan. By eliminating these two

driveways, Caltrans will allow the "enter only" driveway to be widened and modified to allow exiting for both right and left turns. Public Works does not have any overriding environmental concerns with the current list of acceptable uses (list attached for Planned Industrial). They added Development Standards No 18, 19, and 20 to address right-of-way issues on McHenry Avenue, Evelyn Way and Meyer Drive. As mentioned previously, this property was an equipment rental business that employed 325 people full-time on this site and had 45 large trucks making daily deliveries of equipment.

*Temporary Mobile Home Permit (TMHP):*

The on-site mobile home (112 St. Francis Avenue) is authorized under a TMHP to provide housing for an on-site watchman; however, the watchman is assigned to watching off-site commercial properties, which is outside the scope of the temporary mobile home permit approval. The proposed P-D authorizes the mobile home to remain on-site, as one of three permitted dwellings, provided the necessary building permits are obtained (including payment of all applicable fees) to make the mobile home permanent. If the necessary building permits are not obtained, the mobile home needs to be removed from the property within 90-days of the proposed P-D zoning being adopted.

**GENERAL PLAN CONSISTENCY**

The site is currently designated "Planned Development" in the Stanislaus County General Plan and this designation is consistent with a P-D (Planned Development) zoning district. The Planned Development designation is intended for land which, because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental effects on other property.

The proposed project is addressed by the following goal, objectives, and policies of the Land Use Element of the General Plan:

Goal Three - Provide for diverse land uses.

Policy 17 - Promote diversification and growth of the local economy.

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

The existing P-Ds already allow for commercial/industrial use of the project site. The expansion of allowable uses under the new P-D will promote growth of the local economy by enhancing the opportunity for reuse of existing vacant buildings.

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

Policy 22 - Future growth shall not exceed the capabilities/capacity of the provider of services such as sewer, water, public safety, solid waste management, road systems, schools, health care facilities, etc.

Development Standards have been added to require payment of applicable public facility fees, school fees, and formation of a fire benefit assessment district if any new buildings are constructed. These fees are to ensure the same, or better, level of public services is provided.

### **ZONING CONSISTENCY**

To approve the requested rezone, the Planning Commission must find that it is consistent with the General Plan. The Planned Development zoning district is consistent with the Planned Development designation of the General Plan.

### **DEVELOPMENT SCHEDULE**

Given the nature of this rezone, including the requirement for the auction use to obtain a use permit in the future, Staff is not requiring a Development Schedule for this project.

### **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 and no significant issues were raised. (See Exhibit I - Environmental Review Referrals) Based on the comments received and the Initial Study discussion, a Mitigated Negative Declaration is being recommended for adoption. (See Exhibit G – Mitigated *Negative Declaration*) Development Standards and Mitigation Measures have been added to this project to mitigate potential impacts to a level of less than significant. The three mitigation measures are lighting, (*new exterior lighting shall be aimed down and shielded*), noise (*shall meet the noise limits at the residential property lines*) and traffic (*extending the two-way left turn lane for vehicles*) (See Exhibit D – Development Standards)

\*\*\*\*\*

**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 \$2,158.50 for the Department of Fish and Game and the Clerk Recorder filing fees. The attached Development Standards ensure that this will occur.

Contact Person: Bill Carlson, Senior Planner, (209) 525-6330

#### Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Permitted Uses Presented for Approval
- Exhibit D - Development Standards
- Exhibit E - Application, Project Description and Proposed uses
- Exhibit F - Initial Study
- Exhibit G - Mitigated Negative Declaration and Monitoring Plan
- Exhibit H - Letters from Neighboring Property Owners
- Exhibit I - Environmental Review Referrals



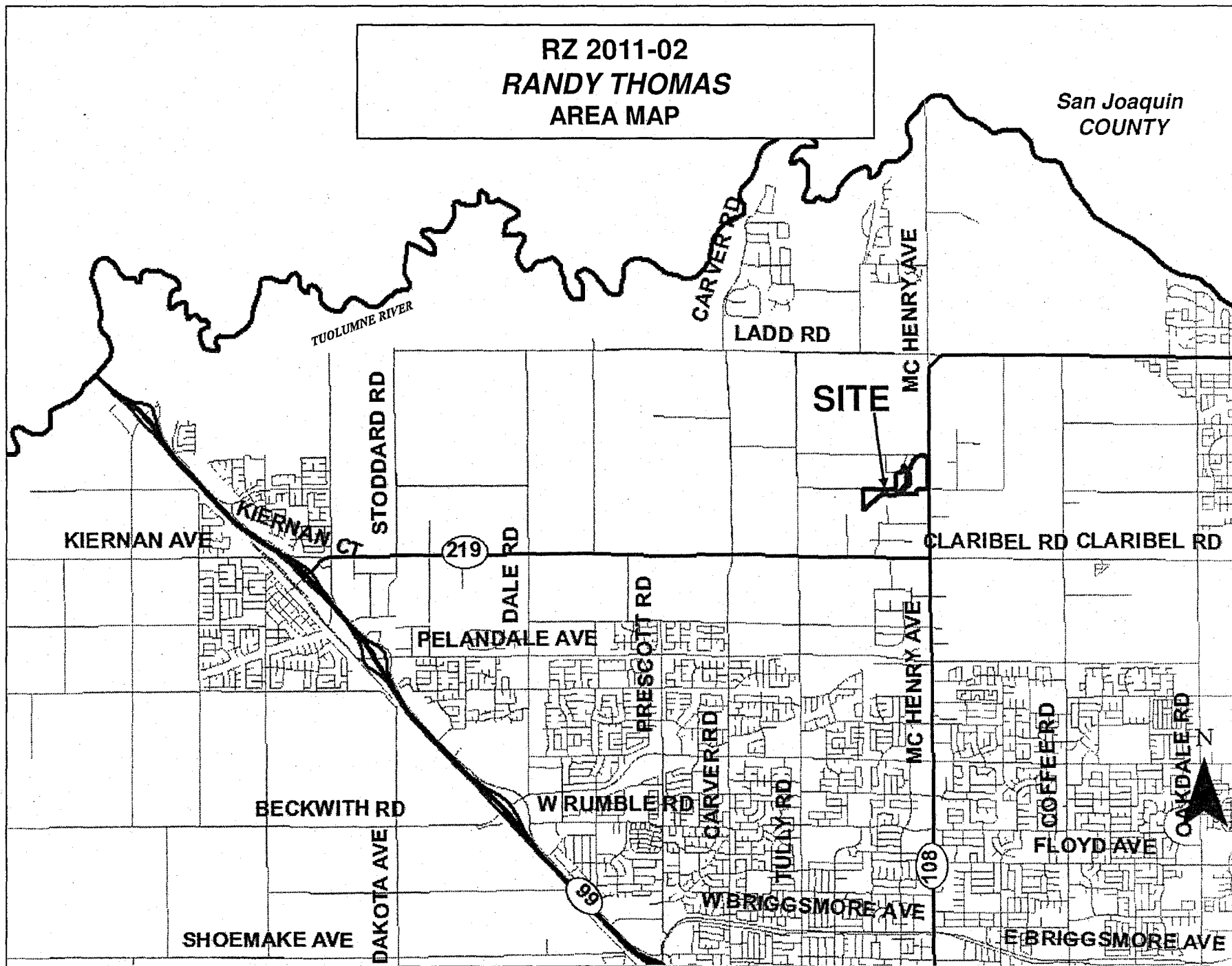
**Exhibit A**

**Findings and Actions Required for Project Approval**

1. 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 Negative Declaration reflects Stanislaus County's independent judgment and analysis;
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075;
3. Find that the proposed Planned Development zoning district is consistent with the Planned Development General Plan designation;
4. Find that the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; and
5. Approve Rezone Application No. 2011-02 – Randy Thomas, subject to the attached Development Standards.

RZ 2011-02  
RANDY THOMAS  
AREA MAP

San Joaquin  
COUNTY



REZ 2011-02 RANDY THOMAS  
ZONING MAP

ST. FRANCIS AVE.

McHENRY AVE.



PD 219

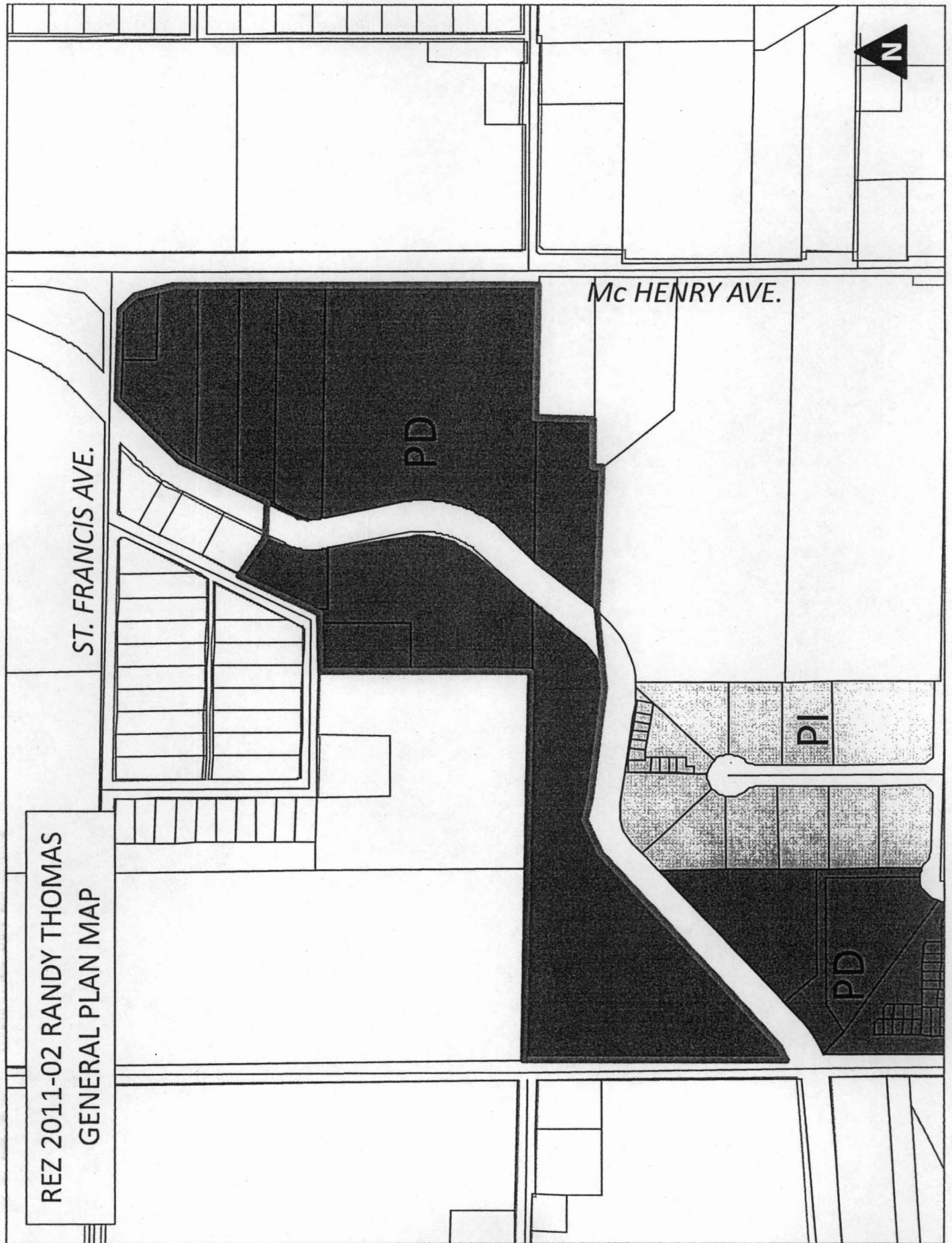
PD 158

PD 223

PD 158

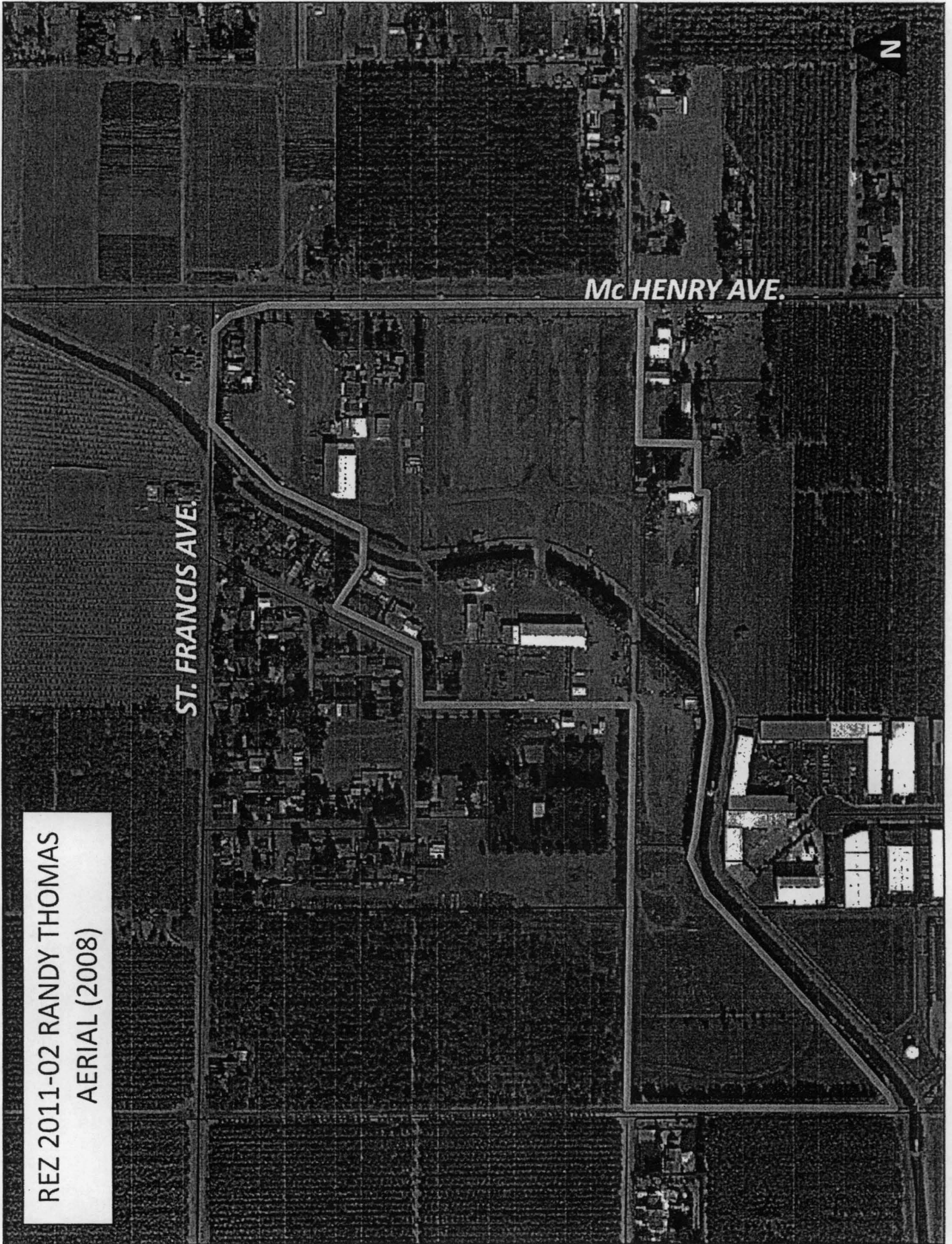
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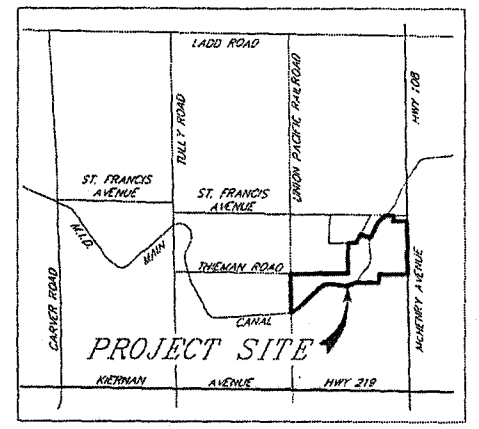
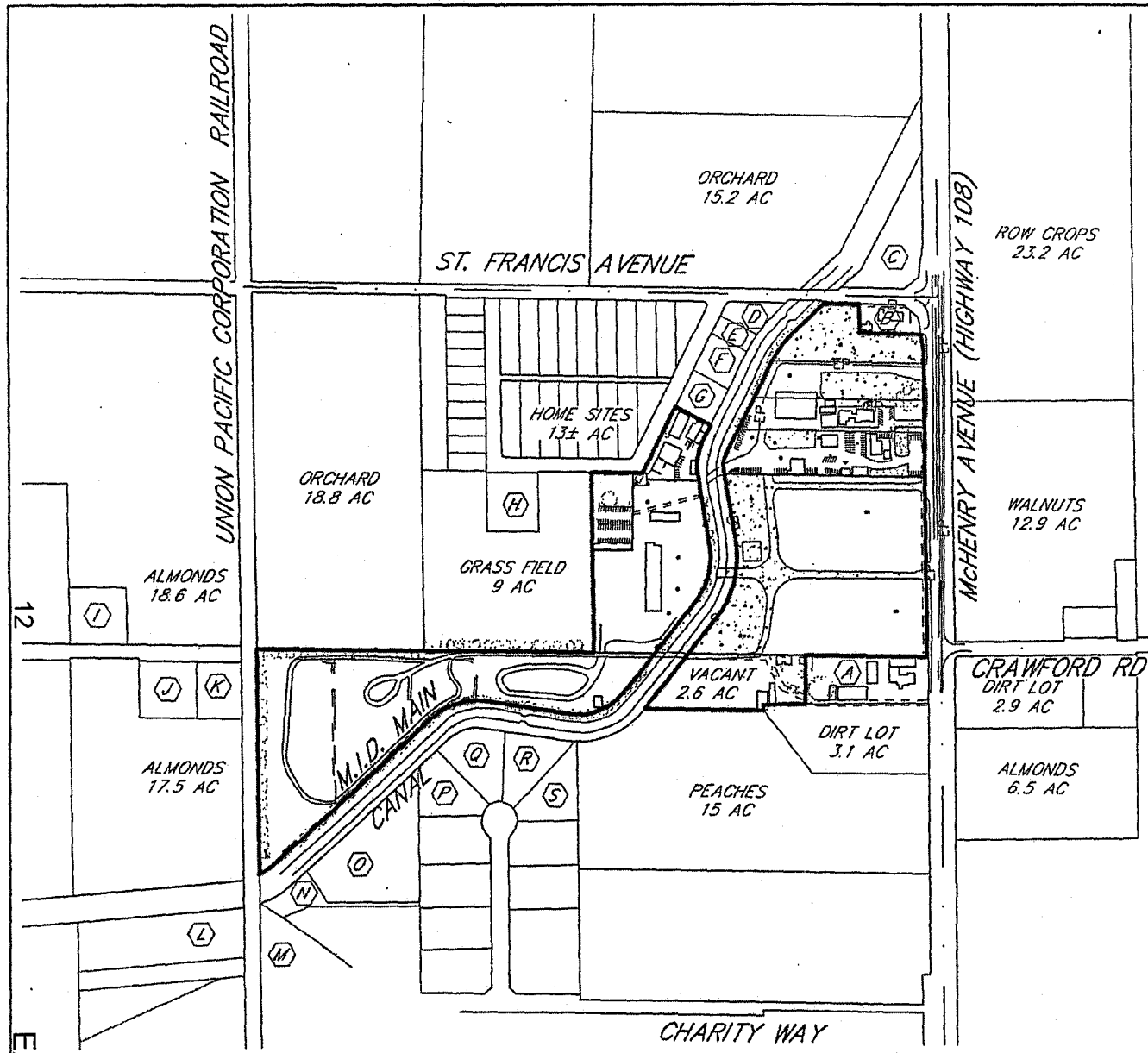
PD 216



REZ 2011-02 RANDY THOMAS  
GENERAL PLAN MAP

REZ 2011-02 RANDY THOMAS  
AERIAL (2008)





VICINITY MAP  
NO SCALE

TYPE	AC
(A) HOUSE	1.9
(B) HOUSE	0.5
(C) SPORT CLUB	1.5
(D) HOUSE	0.4
(E) HOUSE	0.3
(F) HOUSE	0.5
(G) HOUSE	0.5
(H) HOUSE	1.0
(I) HOUSE	1.0
(J) HOUSE	1.0
(K) HOUSE	0.8
(L) NURSERY	2.6
(M) COMM CONDOS	2.22
(N) TANK	0.97
(O) BASIN	2.97
(P) COMMERCIAL	1.04
(Q) COMMERCIAL	1.12
(R) COMM CONDOS	1.03
(S) COMMERCIAL	1.01

EXHIBIT B-4



**HAWKINS & ASSOCIATES  
ENGINEERING, INC.**  
436 MITCHELL RD.  
MODESTO, CA 95354  
PH: (209) 575 - 4295  
FX: (209) 578 - 4295

**AREA MAP**

**RANDY THOMAS PROPERTIES**  
STANISLAUS COUNTY, CALIFORNIA

BY: DRP  
CHK: RHH  
DATE: 10/2011  
SCALE: 1"=600'  
JOB #: 3026  
FILE: LAND USE

SHEET  
**1.**  
OF  
**1.**



**Permitted Uses Randy Thomas Rezone Application 2011-02  
Revised List**

- A. Ambulance and armored car service;
- B. Animal hospitals;
- C. Appliance repair;
- D. Auto parts establishment, wholesale only;
- E. Body and paint shops;
- F. Building materials yard;
- G. Bus and truck terminal;
- H. Cabinet shops;
- I. Compounding and packaging of cosmetics, pharmaceuticals and toiletries;
- J. Contractor's yards;
- K. Crop farming and the dwellings and outbuildings appurtenant to crop farming;
- L. Cultured marble manufacture;
- M. Express office;
- N. Farm and garden supply, wholesale only;
- O. Farm equipment service;
- P. Farm implement manufacture;
- Q. Food processing, packaging, and storage (low water generator) and provides adequate sewage treatment facilities and capacity are available;
- R. Fork lift sales/service;
- S. Laboratories (low water generator);
- T. Machine shops;
- U. Mail order establishments;
- V. Mini-warehouses;
- W. Mobile home storage and service;



- X. Assembly of products, consisting of previously prepared materials, including but not limited to jewelry, clocks, appliances, containers, business machines, toys, electronic equipment, leather goods, office supplies and photographic and optical equipment;
- Y. Offices, administrative, business and professional;
- Z. Office furniture repair;
- AA. Outside storage when screened by a solid ornamental or uniformly painted wooden fence of not less than six feet in height;
- BB. Petroleum and oil storage when accessory to another permitted use;
- CC. Plumbing and heating establishments;
- DD. Printing, publishing and book binding;
- EE. Public and quasi-public buildings;
- FF. Public garages;
- GG. Public utilities, including electrical receiving and/or transformer stations;
- HH. Radio, television and communications facilities;
- II. Research institutions;
- JJ. Recreational vehicle service;
- KK. Sheet metal shops;
- LL. Sign shop and storage;
- MM. Signage: one identification sign, may be permitted in the front yard of each lot adjacent to each street frontage. No new pole signs, no expansion of the existing pole sign and no electronic reader board sign shall not be allowed. All proposed signs shall indicate the location, height, area of the sign, and message must be approved by the County Planning Director or designee prior to installation;
- NN. Tire, battery and auto parts, wholesale only;
- OO. Uses normally accessory (incidental and secondary) to other listed uses, including storage of fresh fruit or vegetable containers which are uniformly stacked and maintained at least one hundred feet from the nearest property line;
- PP. Warehouses, including storage within a building but excluding storage of explosives;
- QQ. Welding, portable;
- RR. Welding school;

- SS. Sandwich/donut shop designed to serve planned industrial development;
- TT. Retail sales, accessory to a permitted use, of items manufactured, distributed from, or installed on-site provided the sales area does not to exceed 25% of business square footage used by the business;
- UU. "Park and Sell" auto sales (Limited to the auction staging area) provided all cars parked for sale are individually owned and offered for sale by the vehicles current owner of record and not being offered for sale as part of an auto sales business;
- VV. Uses similar to those listed as approved by the Planning Director.

Uses requiring a Use Permit approval

- A. Auctions;
- B. Other uses which the Planning Director may deem appropriate in this section.

## DEVELOPMENT STANDARDS

### REZONE APPLICATION NO. 2011-02 RANDY THOMAS

#### Department of Planning and Community Development

1. This use shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance for any building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
3. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder 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.
4. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
5. 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.
6. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2012), 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 **\$2,158.50**, 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.

7. 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.

8. The existing temporary mobile home shall obtain the necessary building permits (including payment of all applicable fees) to make the mobile home permanent. If the necessary building permits are not obtained, the mobile home shall be removed from the property within 90-days of the proposed P-D zoning being adopted.
9. 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.
10. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.
11. The applicant shall submit Landscape and Irrigation plans, for all areas of the site with frontage along a public right-of-way, prepared by a Licensed Landscape Architect, to the Stanislaus County Planning Department within three months of project approval. The landscape plan shall meet current Stanislaus County landscape standards. The landscaping shall be installed within nine months of project approval. The applicant, or subsequent property owner, shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety. Any dead trees shall be replaced with a similar variety of a 15-gallon size or larger.
12. A business license shall be obtained for any businesses operating on the site.
13. 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.
14. A plan for any proposed signs indicating the location, height, area of the sign, and message must be approved by the County Planning Director or designee prior to installation. All signs shall comply with the signage criteria specified in the approved list of permitted uses.
15. No new businesses shall take place west of the Modesto Irrigation District (MID) canal until a new agreement with MID is finalized. If the access to cross the canal is revoked under the MID agreements, the only approved use shall be for an equipment rental business. The property owner shall take all necessary actions to remove all non-permitted uses within 30 days of the agreement being revoked and all businesses shall be removed within 90 days. Additional time may be allowed for compliance with applicable state and federal regulations relating to tenant rights. The applicant, or any subsequent property owner, shall be responsible for notifying all tenants of the area west of the MID canal of this development standard.

16. A use permit shall be required prior to operation of an auction use. All applicable development standards of the Planned Development zoning shall be applied to the use permit as a condition of approval and additional conditions of approval may be applied to the use permit.
17. The applicant shall meet Caltrans requirements by removing two driveways (the southern driveway marked "exit only" and one of the driveways north of the "enter only" driveway on the applicants' proposed site plan.) By eliminating these two driveways, Caltrans will allow the "enter only" driveway to be widened and modified to allow exiting for both right and left turns. The applicant shall eliminate the southern driveway within 90 days of project approval and the other driveway (north of the "enter only") prior to the issuance of a new business license.

**Department of Public Works**

18. McHenry Avenue is classified as a 110-foot Major Road. The ½ width is 55-feet west of the centerline of McHenry Avenue. All that portion of the required 55-foot dedication from centerline not previously dedicated shall be dedicated to Stanislaus County Public Works with an Irrevocable Offer of Dedication. The Irrevocable Offer of Dedication shall be submitted and recorded prior to the issuance of any building permit ~~or prior to the Planning Division signing a business license for any business for the project, whichever comes first.~~
19. Evelyn Way is classified as a 60-foot Minor Road. The ½ width is 30-feet south of the centerline of Evelyn Way. All that portion of the required 30-foot dedication from centerline not previously dedicated shall be dedicated to Stanislaus County Public Works with a Road Easement. The Road Easement shall be submitted and recorded prior to the issuance of any building permit ~~or prior to the Planning Division signing a business license for any business for the project, whichever comes first.~~ The corner of Evelyn Way and Meyer Drive shall be for a 60' right-of-way of a 25-foot radius, per Stanislaus County Standards and Specifications Plate 3-C.
20. Meyer Drive, Evelyn Way and Hulen Street are residential streets that are not suited to industrial or commercial traffic. The access on Evelyn Way and Meyer Drive shall be restricted to emergency vehicle access and/or employee access only. All customer access shall be off of McHenry Avenue.
21. If the parcel(s) fronting St Francis Avenue (current Assessor Parcel Numbers of 004-021-008 and 004-021-010) develops and access is requested to be taken off of St Francis Avenue, then the applicant of the building permit shall make full frontage improvements as required by Stanislaus County Public Works Standards and Specifications and pay their fair share for the bridge improvements at St Francis Avenue and the Modesto Irrigation District's main canal. If access is taken off of McHenry Avenue, the frontage along St Francis Avenue shall have curbing and fencing placed, blocking access to St Francis Avenue. An encroachment permit shall be obtained from Stanislaus County Public Works for any work done in the road right-of-way on St Francis Avenue.

22. A grading and drainage plan for the project site shall be submitted with the building permit ~~and/or prior to the Planning Department signing a business license for any business at this location.~~ Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:
- Drainage calculations shall be prepared as per the Stanislaus County Standards and Specifications that are current at the time the permit is issued. The calculations will only be required if grading takes place outside the footprint for the foundation of the new building.
  - The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.
  - The grading and drainage plan shall comply with the current Stanislaus County National Pollutant Discharge Elimination System (NPDES) General Permit and the Quality Control standards for New Development and Redevelopment contained therein.
  - The grading, drainage, and associated work shall be accepted by Stanislaus County Public Works prior to a final inspection or occupancy, as required by the building permit.

The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the building and/or grading plan. The plans shall not be released until such time that all plan check fees have been paid.

23. The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.
24. The applicant shall install, at their expense, the No Parking Anytime signs (Manual of Uniform Traffic Control sign R7-1) upon approval of the project, prior to Planning signing a business license for any business at this location, and after approval from Stanislaus County Public Works. This approval can take 6 to 8 weeks to obtain. Stanislaus County shall approve the signs and locations of the signs prior to installation on McHenry Avenue and St Francis Avenue. The placement of the signs on McHenry Avenue will require an Encroachment Permit from Caltrans.
25. All deliveries of vehicles and goods shall enter the site from the driveways on McHenry Avenue. All customers to the project shall also enter from McHenry Avenue.
26. No parking, loading or unloading of vehicles will be permitted within the right-of-ways of McHenry Avenue, St. Francis Avenue, Meyer Drive, and Evelyn Way.
27. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted.
28. An Encroachment Permit shall be obtained for any work done in Stanislaus County road right-of-way

29. An Encroachment Permit shall be obtained from Caltrans for any work done in Caltrans road right-of-way. This shall include the location of the proposed No Parking Anytime signs (Manual of Uniform Traffic Control sign R7-1).
30. The four northern most parcels that front on McHenry Avenue shall form a reciprocal driveway easement and utilize one centralized full access driveway for their use. The parcels that shall develop the reciprocal driveway are Assessor Parcel Numbers 004-021-003, 004-021-004, 004-021-006, and 004-021-008.
31. Per the Caltrans letter dated March 20, 2012, the southernmost driveway shall not be installed, or if it already exists, it shall be closed. The driveway to the north, labeled entrance only, shall be a full access driveway for the auction site on Assessor Parcel Number 004-070-011.

#### **Department of Environmental Resources**

32. Water system may now be or may become public water system as defined by California Health and Safety Code ((HSC) Section 116275) and (Title 22 California Code of Regulations Sections 64400.80, 64401.85). Prior to insurance of building permits or licenses to conduct business identified in Rezone Application No. 2011-02, the property owner shall certify to Stanislaus County Department of Environmental Resources that: the property use does not or will not constitute a public water system, or submit a public water supply permit application (CA HSC 116525) to the Department accompanied by a public water system technical report (CA HSC 116540), and obtain a public water system permit to operate the public water system(CA HSC Sections 116525, 116530, 116540, 116550).
33. On-site wastewater disposal system (OSWDS) shall be individual primary and secondary wastewater treatment units, operated under conditions and guidelines established by Measure X.
34. On-site wastewater disposal system (OSWDS) shall be designed according to type in maximum occupancy of any proposed and existing structures to estimated waste/sewage design flow rate; and in accordance to a number of plumbing fixture units proposed within the building. The dispersal field shall be designed in size using field data collection from soil profile and percolation test performed at the locations proposed for dispersal field in the 100% future reserved.
35. The OSWDS design system shall provide 100% of the original system for the" future expansion area", may be installed if the original system cannot absorb all sewage.

#### **Building Permits Division**

36. Building permits are required and must comply with California Code of Regulation Title 24. All structures must comply with American's with Disabilities Act (ADA) regulations.

#### **Department of Transportation**

37. An Encroachment Permit will be requires for work done within the Department's right-of-way.

**Salida Fire Protection District**

38. This project will be subject to Fire Service Impact Mitigation Fees as adopted by the District Board of Directors and currently in place at the time of issuance of construction permits.
39. This project shall meet the District's requirements of on-site water for fire protection prior to construction of combustible materials. Fire hydrant(s) and static source locations, connections, and access shall be approved by the District.
40. Prior to, and during, combustible construction, the District shall approve provisions for serviceable fire vehicle access and fire protection water supplies.
41. A District specified Rapid Entry System (Knox) shall be installed and serviceable prior to final inspection allowing fire department access into gated areas, limited access points and/or buildings.
42. Buildings of 5,000 square feet and greater shall be required to have fire sprinklers meeting the standards, current at the time of construction, listed within the adopted California Fire Code and related amendments.
43. For buildings of 30 feet or three (3) or more stories in height, gated 2½ inch hose connections (Class III) for fire department use shall be installed on all floors in each required exit stairwell.
44. The project shall meet fire apparatus access standards. Two ingress/egress accesses to each parcel meeting the requirements listed within the California Fire Code.
45. If traffic signals are installed and/or retrofitted for the project, signal preemption devices shall be paid for or installed by the developer/owner and shall conform to the District's standards and requirements.
46. Prior to issuance of a building permit, the owner of the property(s) will be required to form or annex into a community facilities district for operational services with the Salida Fire Protection District. *(This process may take 60-120 days to complete.)*

**Stanislaus Fire Prevention Bureau**

47. All buildings constructed shall meet the Salida Fire Protection District's requirements for on-site water for fire protection and/or fire hydrants and hydrant locations, blue reflective street hydrant markers, fire sprinkler and fire alarm systems, key-box rapid entry systems and adherence to all applicable codes and ordinances, etc.

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

48. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
49. Project shall comply with the following rules from the SJVAPCD:
  - Regulation VIII (*Fugitive PM10 Prohibitions*)
  - Rule 4102 (*Nuisance*)



- Rule 4601 (*Architectural Coatings*)
- Rule 4641 (*Cutback, Slow Cure, and Emulsified Asphalt, Paving, & Maintenance operations*)
- Rule 4022 (*National Emission Standards for Hazardous Air Pollutants*)
- Rule 9510 (*Indirect Source Review*)

**Modesto Irrigation District**

50. Installation of electric facilities shall conform to the District's Electric Service Rules.
51. The customer shall contact the District's Electric Engineering Design Group if additional electric service is required.
52. The existing bridge agreements shall be amended or re-written to address potential public safety, security, hazardous materials exposure, liability and any other issues deemed necessary by MID. No new businesses shall take place west of the canal until these new agreements are finalized.
53. The Modesto Irrigation District reserves its future right to utilize its property, including its canal and right-of-way in a manner it deems necessary for the installation and maintenance of electric, irrigation, agricultural and urban drainage, domestic water and telecommunication facilities. These needs, which have not yet been determined, may consist of poles, cross arms, wires, cables, braces, insulators, transformers, service lines, open channels, pipelines, pumps, control structures and necessary appurtenances, as may, in the District's opinion, be necessary or desirable.

**Modesto City Schools**

54. Appropriate school impact fees will be assessed on all construction.

**California Regional Water Quality Control Board (RWQCB)**

55. Prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if any of the following are required: a Construction Storm Water General Permit; a Phase I and II Municipal Separate Storm Sewer System (MS4) Permit; an Industrial Storm Water General Permit; a Clean Water Act Section 404 Permit; a Clean Water Act Section 401 Permit-Water Quality Certification; and/or Waste Discharge Requirements (WDR). If a Storm Water Pollution Prevention Plan is required, it shall be completed prior to construction and a copy shall be submitted to the Stanislaus County Department of Public Works.

**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.)**

56. All new 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).
57. Noise levels at residential property lines from non-residential development shall be maintained within the Stanislaus County Noise Limits. Standard noise controls shall be incorporated into the project as necessary.
58. Prior to conducting business, the auction area will need to mitigate by extending the two-way left turn lane for vehicles entering and exiting the facility.

\*\*\*\*\*

*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~~.*

## Project Description Thomas Rezone Application

In 1988 the Stanislaus County Board of Supervisors approved General Plan Amendment 88-16 and Rezone 88-29 which allowed the expansion of Thomas Equipment Rental Company to 13.3 acres on the west side of McHenry Avenue just south of St. Francis Avenue. Throughout the following years the company enjoyed great success and expanded incrementally several times through the planned development process and now has a number of PD Zones listed on a total of 42 acres. These PD Zones include: PD 158, PD 197, PD 216, PD 219 and PD 223.

Thomas Equipment Rental concentrated in specialized in High Lift apparatus and cranes. At its apex Thomas Equipment Rental employed 325 people at this site and had 45 large trucks making daily deliveries of equipment throughout the United States. They also had a fleet of 25 to 30 services vehicles so that they could repair and maintain their equipment where it was deployed. All this together with daily deliveries from numerous vendors made for very high traffic volumes to this site through the work week.

In 1999 the Thomas Equipment Rental business was acquired by United Rentals who then leased the subject property and continued the business operations. In 2010 the ground lease expired and the site has been mostly vacant. Because the approved use allowed by the existing PD's is for equipment rentals and use appurtenant to it, the owner has had a difficult time bringing in new business to occupy the site. More than one prospective tenant has been turned away because their business didn't fit the uses narrowly defined on the approved PD.

The purpose of this application is to rezone the entire 42 acres with a new Planned Development that will allow a broader spectrum of uses that would normally fit in this type of commercial / industrial setting. The project site is bisected by the MID Main Canal but has access across the canal by three bridges built by Mr. Thomas via agreements with MID. All three bridges are built to withstand legal highway loads. This proposal does not request any major physical changes or improvements to the site. At this time the only proposed building would be the construction of a 4,000 to 5,000 sq ft administration building.

The major tenant proposed at this time will be an auction house specializing in the sale of trucks, cars, boats and other recreational vehicles. In addition to these there will be surplus equipment and liquidated furniture auctions. There is also a "help you sell" component, where individuals can park their vehicles they wish to sell in a secure area with high visibility and not just park them on the side of City and County roads.

THOMAS REZONE  
BUILDING AND OCCUPANCY LIST

NO.	PROPOSED USE	APPROX. SIZE (sq ft)	APPROX. HT (ft)	ESTIMATED* OCCUPANCY
1	PRODUCT ASSEMBLY / WAREHOUSE / STORAGE	16,701	30	17
2	STORAGE BUILDING	990	12	1
3	STORAGE BUILDING	1,153	12	1
4	PRODUCT ASSEMBLY / WAREHOUSE / STORAGE	2,735	16	3
5	OFFICE BUILDING	4,645	16	15
6	EMPLOYEE BREAKROOM	2,711	12	9
7	OFFICE BUILDING	2,793	16	9
8	COVERED PATIO	717	10	-
9	STORAGE BUILDING	1,567	10	2
10	STORAGE BUILDING	653	10	1
11	FUEL STORAGE TANKS	3,062	10	-
12	CHECK-IN BOOTH	900	10	3
13	HOUSE	1,600	16	-
14	STORAGE BUILDING	500	10	1
15	STORAGE BUILDING	1,600	12	2
16	STORAGE BUILDING	2,478	12	2
17	MAINTENANCE SHOP	1,320	20	4
18	PRODUCT ASSEMBLY / WAREHOUSE / STORAGE	12,218	30	12
19	PAINTING FACILITY	2,757	30	3
20	OFFICE BUILDING	1,132	16	4
21	MAINTENANCE SHOP	3,433	20	3
22	COVERED STORAGE AREA	1,100	20	-
23	OFFICE BUILDING	1,043	20	3
24	HOUSE	3,500	16	-
25	Proposed Admin Office	5,000	16	17
TOTAL =				112

\* Occupancy Based on 1 per 1000 sq ft for Product Warehouse / Assembly and Storage and 1 per 300 for Office.

# PROJECT SITE INFORMATION

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

ASSESSOR'S PARCEL NUMBER(S): Book 4 Page 70 Parcel 11

Additional parcel numbers: 4-21-03,04,06,08,10 ; 4-18-42 ; 4-65-01,14 ; 4-70-47,48

Project Site Address or Physical Location: 5537 McHenry Avenue

Modesto, CA 95356

Property Area: Acres: 41.6 or Square feet: \_\_\_\_\_

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

Specialized Equipment Rental (See Project Description)

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

PD 158, PD 197, PD 216, PD 219 and PD 223

Existing General Plan & Zoning: Planned Development

Proposed General Plan & Zoning: Planned Development  
(if applicable)

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

East: Hwy 108, Agriculture

West: Residential and Agriculture

North: Agriculture

South: Commercial / Agriculture

WILLIAMSON ACT CONTRACT:

Yes  No

Is the property currently under a Williamson Act Contract?  
Contract Number: \_\_\_\_\_

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

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

Yes  No

Do you propose to cancel any portion of the Contract?

Yes  No

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

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

**SITE CHARACTERISTICS:** (Check one or more) Flat  Rolling  Steep

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

Field crops  Orchard  Pasture/Grassland  Scattered trees

Shrubs  Woodland  River/Riparian  Other

Explain Other: **It is developed for industrial / commercial use, pavement and landscaping.**

Yes  No

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

**GRADING:**

Yes  No

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

**STREAMS, LAKES, & PONDS:**

Yes  No

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

Yes  No

Will the project change any drainage patterns? (If yes, please explain – provide additional sheet if needed) **The site has an existing storm drain system.**

Yes  No

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

Yes  No

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

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

**STRUCTURES:**

Yes  No  Are there structures on the site? (If yes, please show on plot plan. Show a relationship to property lines and other features of the site.)

Yes  No  Will structures be moved or demolished? (If yes, indicate on plot plan.)

Yes  No  Do you plan to build new structures? (If yes, show location and size on plot plan.)

Yes  No  Are there buildings of possible Historical significance? (If yes, please explain and show location and size on plot plan.) \_\_\_\_\_

**PROJECT SITE COVERAGE:**

Existing Building Coverage: 71,300 Sq. Ft. Landscaped Area: 126,945 Sq. Ft.

Proposed Building Coverage: 5,000 Sq. Ft. Paved Surface Area: 310,000 Sq. Ft.

**BUILDING CHARACTERISTICS:**

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) One new 4,000 to 5,000 sq ft administration office.

Number of floors for each building: All buildings are single floor.

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

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

Ex Light Poles 30 ft high max

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

The parking areas will be covered with crushed rock to minimize dust.

**UTILITIES AND IRRIGATION FACILITIES:**

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

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

Electrical: Modesto Irrigatin Dist Sewer\*: On-Site Measure X facillties

Telephone: AT&T Gas/Propane: \_\_\_\_\_

Water\*\*: On- Site Wells Irrigation: n/a

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

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

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

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

- Yes  No  Are there existing irrigation, telephone, or power company easements on the property? (If yes, show location and size on plot plan.)
- Yes  No  Do the existing utilities, including irrigation facilities, need to be moved? (If yes, show location and size on plot plan.)
- Yes  No  Does the project require extension of utilities? (If yes, show location and size on plot plan.)

**AFFORDABLE HOUSING/SENIOR:**

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

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

Total No. Lots: \_\_\_\_\_ Total Dwelling Units: \_\_\_\_\_ Total Acreage: \_\_\_\_\_  
Net Density per Acre: \_\_\_\_\_ Gross Density per Acre: \_\_\_\_\_

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

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

Square footage of each existing or proposed building(s): **(see attached list)**

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Type of use(s): **(see attached list)**

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Days and hours of operation: Mon thru Fri 5:00 am to 7:00 pm  
Sat and Sun 7:00 am to 7:00 pm

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

Occupancy/capacity of building: (see attached list)

Number of employees: (Maximum Shift): 112 (Minimum Shift): 30

Estimated number of daily customers/visitors on site at peak time: 300 people at weekend auctions

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

Estimated number of truck deliveries/loadings per day: 20 max

Estimated hours of truck deliveries/loadings per day: 5:00 am to 4:00 pm

Estimated percentage of traffic to be generated by trucks: 20 percent

Estimated number of railroad deliveries/loadings per day: n/a

Square footage of:

Office area: 18,224 sq ft Warehouse area: \_\_\_\_\_

Sales area: \_\_\_\_\_ Storage area: 8,941 sq ft

Loading area: \_\_\_\_\_ Manufacturing area: 39,164 sq ft

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

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

**ROAD AND ACCESS INFORMATION:**

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

McHenry Avenue will provide the main access.

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

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

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

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

**STORM DRAINAGE:**

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

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

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

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

**EROSION CONTROL:**

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

*n/a*

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

**ADDITIONAL INFORMATION:**

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

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## 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, December 30, 2009

1. **Project title:** Rezone Application No. 2011-02 - Randy Thomas
2. **Lead agency name and address:** Stanislaus County  
1010 10th Street, Suite 3400  
Modesto, CA 95354
3. **Contact person and phone number:** Bill Carlson, Senior Planner  
(209) 525-6330
4. **Project location:** 5700 Meyer Drive; 5703, 5637, 5719, and 5737  
McHenry Avenue; 112 St. Francis Avenue; 5433  
and 5537 McHenry Avenue; 342 Evelyn Way; and  
5712 Meyer Drive, in the Modesto area.  
APN: 004-018-042; 004-021-003, 004, 006, 008,  
010; 004-065-001, 014; 004-070-011, 047, 048
5. **Project sponsor's name and address:** Randy Thomas.  
5703 McHenry Avenue  
Modesto, CA 95356
6. **General Plan designation:** Planned Development
7. **Zoning:** P-D (158); P-D (219); P-D (216); P-D (197); P-D  
(223)
8. **Description of project:**  
Request to rezone 42± acres in five (5) different zoning districts into one new Planned Development zone to allow new commercial and industrial uses. The new major tenant will be an auction house specializing in vehicle auctions and auctions for surplus equipment and furniture. There will also be an area for consignment vehicle sales and Planned Industrial (P-I) uses. (Applicant's project description is attached.)
9. **Surrounding land uses and setting:** Row crops, orchards, single-family homes, and a  
bar to the north; row crops, orchards, and home  
sites to the east; orchard and business park to the  
south; and single-family homes to the west.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** CalTrans  
Department of Public Works  
Department of Environmental Resources  
San Joaquin Valley Air Pollution Control District  
Regional Water Quality Control Board  
Modesto Irrigation District

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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

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

Bill Carlson, Senior Planner  
Prepared By \_\_\_\_\_

March 27, 2012  
Date \_\_\_\_\_

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

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

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

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

ISSUES

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?		X		
<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. A mitigation measure will be added to this project to address glare from any proposed on-site lighting.</p>				
<p><b>Mitigation:</b>                      1. All new exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
II. AGRICULTURE AND FOREST 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. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- 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) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			X	
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

**Discussion:** The project site is currently improved with buildings and gravel. The rezoning of these parcels to a new Planned Development zone will allow new commercial and industrial uses. The new major tenant will be an auction house specializing in vehicle auctions and auctions for surplus equipment and furniture. There will also be an area for consignment vehicle sales and some Planned Industrial (P-I) uses.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>; Stanislaus County Agricultural Element<sup>1</sup>; and the Stanislaus County Zoning Ordinance.

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

**Discussion:** The project site is 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.

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.

<b>Mitigation:</b> None.				
<b>References:</b> San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis and the Stanislaus County General Plan and Support Documentation <sup>1</sup> .				
<b>IV. BIOLOGICAL 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) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
<b>Discussion:</b> It does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. There are no known sensitive or protected species or natural communities located on the site. The project site is located approximately one mile north of the City of Modesto. The project was referred to Fish and Game, but no comments were received.				
<b>Mitigation:</b> None.				
<b>References:</b> Stanislaus County General Plan and Support Documentation <sup>1</sup> and the California Department of Fish and Game California Natural Diversity Database.				



V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 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	
<p><b>Discussion:</b> It does not appear this project will result in significant impacts to any archaeological or cultural resources. The applicant submitted a records search from the Central California Information Center (CCIC) which indicates that the project area has a low sensitivity for the possible discovery of prehistoric resources, due to the distance from a natural water source, as well as a low sensitivity for historic archaeological resources. There is a possibility on parcels 004-065-001 &amp; 014; and 040-007-011, 047, &amp; 048 that if a new building is built, historic refuse, artifacts, and debris might be found. A condition of approval will be placed on the project requiring that construction activities be halted until appropriate agencies are contacted and an archaeological survey is completed if any resources are found.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Records search from the Central California Information Center dated October 26, 2011, and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<p>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</p>				
<p>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.</p>				X
<p>ii) Strong seismic ground shaking?</p>			X	
<p>iii) Seismic-related ground failure, including liquefaction?</p>			X	
<p>iv) Landslides?</p>				X
<p>b) Result in substantial soil erosion or the loss of topsoil?</p>			X	
<p>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?</p>				X

d) Be located on expansive soil 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 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 and the Stanislaus County General Plan and Support Documentation - Safety Element<sup>1</sup>.

**VII. GREENHOUSE GAS EMISSIONS – Would the project:**

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

**Discussion:** The previous use of this property was by Thomas Equipment Rental. They concentrated and specialized in High Lift apparatus and cranes. At its apex, Thomas Equipment Rental employed 325 people full-time at this site and had 45 large trucks making daily deliveries of equipment throughout the United States. They also had a fleet of 25 to 30 service vehicles so that they could repair and maintain their equipment where it was deployed. All of this together with daily deliveries from numerous vendors made for very high traffic volumes to this site through the work week.

The major tenant proposed at this time will be an auction house specializing in the sale of trucks, cars, boats, and other recreational vehicles. While this use has the potential for bringing 300 people to the site for an event, these events will only happen once per week. Smaller events for the sale of furniture or surplus goods may happen weekly as well, on different days, but will draw much smaller crowds; therefore, the net effect of this change in use is a dramatic reduction in daily traffic which corresponds to a reduction in greenhouse gas emissions.

**Mitigation:** None.

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

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
<p><b>Discussion:</b> 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 County Department of Environmental Resources (DER) is responsible for overseeing hazardous materials in this area. An early consultation referral response from DER requested conditions which will be incorporated into the project's conditions of approval.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
IX. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X
<p><b>Discussion:</b> Run-off is not considered an issue because of the large existing basin located at the southwest corner of the project site. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act. The project site itself is not located within a recognized flood zone and, as such, flooding is not an issue with respect to this project; however, the applicant will be required to address storm water issues for the project in order to obtain a grading permit from Stanislaus County and a National Pollution Discharge Elimination General Permit from the State of California. The Stanislaus County Department of Public Works will provide a condition of approval, which will be incorporated into the Staff Report, requiring that the applicant meet this requirement prior to initiation of project activities.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Referral response from the California Regional Water Quality Control Board dated November 30, 2011; referral response from the Stanislaus County Department of Public Works dated March 22, 2012; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
<b>X. LAND USE AND PLANNING -- 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) Physically divide an established community?				X

<p>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?</p>			X	
<p>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</p>				X
<p><b>Discussion:</b> The project site is designated Planned Development and has several Planned Development zoning districts (P-D [158]; P-D [219]; P-D [216]; P-D [197]; and P-D [223]). The proposed rezone will combine all of the individual PDs into one Planned Development zoning district. In addition to the existing approved uses, the applicant's proposed project will be a new major tenant: an auction house specializing in vehicle auctions and auctions for surplus equipment and furniture. There will also be an area for consignment vehicle sales and Planned Industrial (P-I) uses. The site will have six (6) driveways on McHenry Avenue and two (2) secondary vehicle accesses on Meyer Drive but no new buildings are proposed at this time. The accesses on Meyer Drive are for the existing business and emergency access only. The proposed project will not conflict with any applicable habitat conservation plan or natural community conservation plan and will not physically divide an established community.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
<p><b>XI. MINERAL RESOURCES -- Would the project:</b></p>	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<p>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?</p>				X
<p>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?</p>				X
<p><b>Discussion:</b> The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
<p><b>XII. NOISE -- Would the project result in:</b></p>	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<p>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?</p>		X		
<p>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</p>			X	

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

**Discussion:** There will be occasional noise increases associated with the auction. The auction of cars is done with the auctioneer traveling thru cars on a mobile stage with the crowd following close behind. The speakers are mounted to the stage and are aimed down, toward the crowd, keeping the volume required to a minimum and minimizing any extraneous noise. No new buildings are proposed. As mentioned previously, this property was originally approved as an equipment rental business which also had outdoor activities on site.

The major tenant proposed at this time will be an auction house specializing in the sale of trucks, cars, boats, and other recreational vehicles. This new use will bring 300 people to the site for these events once per week. Smaller events for the sale of furniture or surplus goods may happen weekly as well, on different days, and will draw much smaller crowds.

Single-family homes exist immediately to the west. The closest dwelling is approximately 200 feet west of the project site on the adjacent parcel.

**Mitigation:**

- Noise levels at residential property lines from non-residential development shall be maintained within the Stanislaus County Noise Limits. Standard noise controls shall be incorporated into the project as necessary.

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

XIII. 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 which could be considered as growth inducing as services are already available to this property. No housing or persons will be displaced by this project. An increased ability to hire additional employees may result in the relocation of working families closer to the site.

**Mitigation:** None.

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

XIV. 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	

**Discussion:** The County has adopted Public Facilities Fees, as well as 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. Staff received a response from the Salida Fire Protection District requiring the project form or annex into a community facilities district. *"Prior to recording the final map, development, and or construction, the owner of the property(s) will be required to form or annex into a community facilities district for operational services with the Salida Fire Protection District. Due to the fact that this process may take 60-120 days to complete, it is recommended that advanced consideration be given to initiating this requirement early in the project."* This project does not have a map or any new building associated with it. The applicant is combining the different P-D zoned districts and expanding to cover the permitted uses allowed in the Planned Industrial zoning district. Staff will add a condition of approval on the project that any parcel adding new building(s) will be required to meet the Salida Fire Protection District requirements at the time of development including being *"annexed into a community facilities district for operational services with the Salida Fire Protection District"*. New construction would be required to meet the current fire code and fire district requirements as part of the building permit process.

**Mitigation:** None.

**References:** Referral response from the Salida Fire Protection District dated December 5, 2011, and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XV. 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

<p>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</p>				X
<p><b>Discussion:</b> This project is not anticipated to increase significant demands for recreational facilities, as such impacts typically are associated with residential development.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				

<p><b>XVI. TRANSPORTATION/TRAFFIC -- Would the project:</b></p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant With Mitigation Included</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
<p>a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</p>			X	
<p>b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?</p>			X	
<p>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?</p>		X		
<p>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</p>			X	
<p>e) Result in inadequate emergency access?</p>			X	
<p>f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</p>			X	

**Discussion:** The subject project was referred to the Stanislaus County Department of Public Works and the California Department of Transportation (Caltrans) for review. Caltrans required the auction area to mitigate by extending the two-way left turn lane for vehicles entering and exiting the facility. Public Works does not have any overriding environmental concerns with the current list of acceptable uses (list attached for Planned Industrial). Their conditions of approval will be submitted after the Initial Study is reviewed. The conditions of approval will address right-of-way issues on McHenry Avenue and Evelyn Way. Access issues on Evelyn Way and Meyer Drive will also be addressed. As mentioned previously, this property was an equipment rental business that employed 325 people full-time on this site and had 45 large trucks making daily deliveries of equipment. They also had a fleet of 25 to 30 services vehicles so that they could repair and maintain their equipment where it was deployed. All this together with daily deliveries from numerous vendors made for very high traffic volumes to this site through the work week.

The major tenant proposed at this time will be an auction house specializing in the sale of trucks, cars, boats, and other recreational vehicles. This new use will bring 300 people to the site for these events once per week. Smaller events for the sale of furniture or surplus goods may happen weekly as well, on different days, and will draw much smaller crowds resulting in a decrease in daily traffic.



<p><b>Mitigation:</b>                  3. Prior to conducting business, the auction area will need to mitigate by extending the two-way left turn lane for vehicles entering and exiting the facility.</p>				
<p><b>References:</b> Referral response from the California Department of Transportation dated December 5, 2011, and March 20, 2012; referral response from the Stanislaus County Department of Public Works dated March 22, 2012; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
<b>XVII. UTILITIES AND SERVICE SYSTEMS -- 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) 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> Impacts to the existing utility and service systems are anticipated to be minimal as a result of this project. Less than significant impacts associated with public utilities, private water and sewage treatment facilities, irrigation easement(s), and storm water retention will be reflected in the project's 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 March 22, 2012, and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				

XVIII. 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 features which might significantly impact the environmental quality of the site and/or the surrounding area. Any potential impacts to aesthetics, noise, and transportation/traffic from this project 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 April 20, 2010 and pending certification by the California Department of Housing and Community Development; **Circulation Element** and **Noise Element** adopted on April 18, 2006.

## MITIGATED NEGATIVE DECLARATION

**NAME OF PROJECT:** Rezone Application No. 2011-02 - Randy Thomas

**LOCATION OF PROJECT:** 5700 Meyer Drive; 5703, 5637, 5719, and 5737 McHenry Avenue; 112 St. Francis Avenue; 5433 and 5537 McHenry Avenue; 342 Evelyn Way; and 5712 Meyer Drive, in the Modesto area. APN: 004-018-042; 004-021-003, 004, 006, 008, 010; 004-065-001, 014; 004-070-011, 047, 048

**PROJECT DEVELOPER:** Randy Thomas.  
5703 McHenry Avenue  
Modesto, CA 95356

**DESCRIPTION OF PROJECT:** Request to rezone 42± acres in five (5) different zoning districts into one new Planned Development zone to allow new commercial and industrial uses. The new major tenant will be an auction house specializing in vehicle auctions and auctions for surplus equipment and furniture. There will also be an area for consignment vehicle sales and Planned Industrial (P-I) uses.

Based upon the Initial Study, dated **March 27, 2012** 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. *All new exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).*
2. *Noise levels at residential property lines from non-residential development shall be maintained within the Stanislaus County Noise Limits. Standard noise controls shall be incorporated into the project as necessary.*
3. *Prior to conducting business, the auction area will need to mitigate by extending the two-way left turn lane for vehicles entering and exiting the facility.*

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

Initial Study prepared by: Bill Carlson, Senior Planner

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

# Stanislaus County

## Planning and Community Development

1010 10th Street, Suite 3400  
Modesto, CA 95354

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

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### Mitigation Monitoring Plan

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

**March 27, 2012**

1. Project title and location: Rezone Application No. 2011-02 - Randy Thomas  
  
5700 Meyer Drive; 5703, 5637, 5719, and 5737 McHenry Avenue; 112 St. Francis Avenue; 5433 and 5537 McHenry Avenue; 342 Evelyn Way; and 5712 Meyer Drive, in the Modesto area. APN: 004-018-042; 004-021-003, 004, 006, 008, 010; 004-065-001, 014; 004-070-011, 047, 048
2. Project Applicant name and address: Randy Thomas.  
5703 McHenry Avenue  
Modesto, CA 95356
3. Person Responsible for Implementing Mitigation Program (Applicant): Randy Thomas
4. Contact person at County: Bill Carlson, Senior Planner  
(209) 525-6330

#### MITIGATION MEASURES AND MONITORING PROGRAM:

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

#### I. AESTHETICS

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

- |   |   |
|---|---|
| Who Implements the Measure:             | Applicant   |
| When should the measure be implemented: | Prior to issuance of a building permit                            |
| When should it be completed:            | Upon completion of construction/continuous                        |
| Who verifies compliance:                | Stanislaus County Planning Department                             |
| Other Responsible Agencies:             | Stanislaus County Building Permits, DER Code Enforcement Division |

**XII. NOISE**

**No. 2 Mitigation Measure:** Noise levels at residential property lines from non-residential development shall be maintained within the Stanislaus County Noise Limits. Standard noise controls shall be incorporated into the project as necessary.

Who Implements the Measure:	Applicant
When should the measure be implemented:	Ongoing
When should it be completed:	Ongoing
Who verifies compliance:	Stanislaus County Sheriff
Other Responsible Agencies:	Stanislaus County Planning Department

**XVI. TRANSPORTATION/TRAFFIC**

**No. 3 Mitigation Measure:** Prior to conducting business, the auction area will need to mitigate by extending the two-way left turn lane for vehicles entering and exiting the facility.

Who Implements the Measure:	Applicant
When should the measure be implemented:	Ongoing
When should it be completed:	Ongoing
Who verifies compliance:	California Department of Transportation
Other Responsible Agencies:	Stanislaus County Department of Public Works

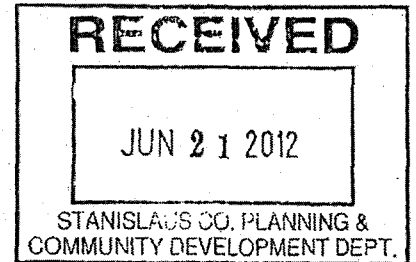
I, the undersigned, do hereby certify that I understand and agree to be responsible for implementing the Mitigation Program for the above listed project.

Signature on file.  
\_\_\_\_\_  
Person Responsible for Implementing  
Mitigation Program

March 30, 2012  
\_\_\_\_\_  
Date

June 18, 2012

Stanislaus County Planning Commission  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354



RE: Rezone Application No. 2011-02 – Randy Thomas

Dear Commissioners:

As owners of a 32 acre farm that has been in our family since the 1940's, we are adamantly opposed to this rezone proposal. Our walnut orchard is located on the south side of Crawford Road, 1/4 mile east of McHenry Avenue and approximately 1/3 mile southeast of the Thomas property.

The most recent matter approved by you in our vicinity was the conversion of a historic almond orchard to a golf driving range which touches the southwest corner of our land. A vote by you to approve the Thomas application would signal that you are pursuing a policy of commercial development expansion to the detriment of agricultural interests. In our view, the Thomas property never should have been granted approval as a commercial development (equipment rental) in the first place. We urge you to avoid compounding that long-ago mistake by denying a rezoning application that would adversely affect surrounding landowners.

An auction house on the Thomas property strikes us as an inappropriate land use concept. The last thing an already bustling McHenry Avenue needs in this location is a bottleneck of congestion created by a beehive enterprise. We have witnessed the crowds and parking chaos associated with auctions held at the former Tri Valley Growers cannery site on Kiernan Avenue. With prevailing winds blowing in a northwest to southeast direction, the inevitable trash generated by some auction attendees would end up across McHenry Avenue onto orchard properties. Traffic flow on McHenry would be disrupted. Undoubtedly, there would be an increase in traffic (and probably illegal parking) down Crawford Road. It's an unpleasant scenario for nearby farms and residents.

The proper decision is to firmly reject the Thomas rezone application. Development toward the north on McHenry Ave. should be accomplished only as clearly needed for the greater public good, following an orderly progression that combats the creeping checkerboard sprawl that results from approval of premature applications such as this one. The current equipment rental business should simply be allowed to succeed or fail on its own merits as a stand-alone operation. This is not the place to experiment with a rezone bailout.

Sincerely,

*Mark Meissner for both*

Mark and Richard Meissner

RECEIVED

JUL 06 2012

STANISLAUS CO. PLANNING &  
COMMUNITY DEVELOPMENT DEPT.

To Planning Comm

In Regards to Rezone Application  
# 2011-02 Randy Thomas

As a concerned neighbor whos  
property backs up against the  
property in question, I am concerned  
about the noise and traffic this will  
bring to the neighborhood on weekends.  
Most neighbors enjoy their backyards.  
The noise of Auctions over loudspeakers  
will be very disturbing to the  
neighborhood.

They have already had two  
Auctions without permits and it  
was noisy + loud. They never built  
Sound Walls like they said they  
would years ago.

That property has noise limits  
against it, and no noise on weekends.  
They hold Auctions on Saturdays.  
Therefore I am very much  
against this zone change.

Property Owner  
Steve J. Lunke  
5742 Meyer Dr.  
Mar Vista, Ca. 95356

6-13-12

To Dept of Planning

my <sup>husband</sup> and I are against  
the rezoning application  
no 2011-02 - Randy Thomas,  
I called the Sheriff Office  
he said the permit on  
Feb 26 was one time  
only, no permit issued for June 7

It had see a sign out  
front on McHenry Ave (5637)  
having a auction on June 7 '12.

It was very noisy because  
we live on 5736 Meyer Ave,  
which is acrossed the canal  
from this property.

I took some pictures  
of sign on the McHenry ave.

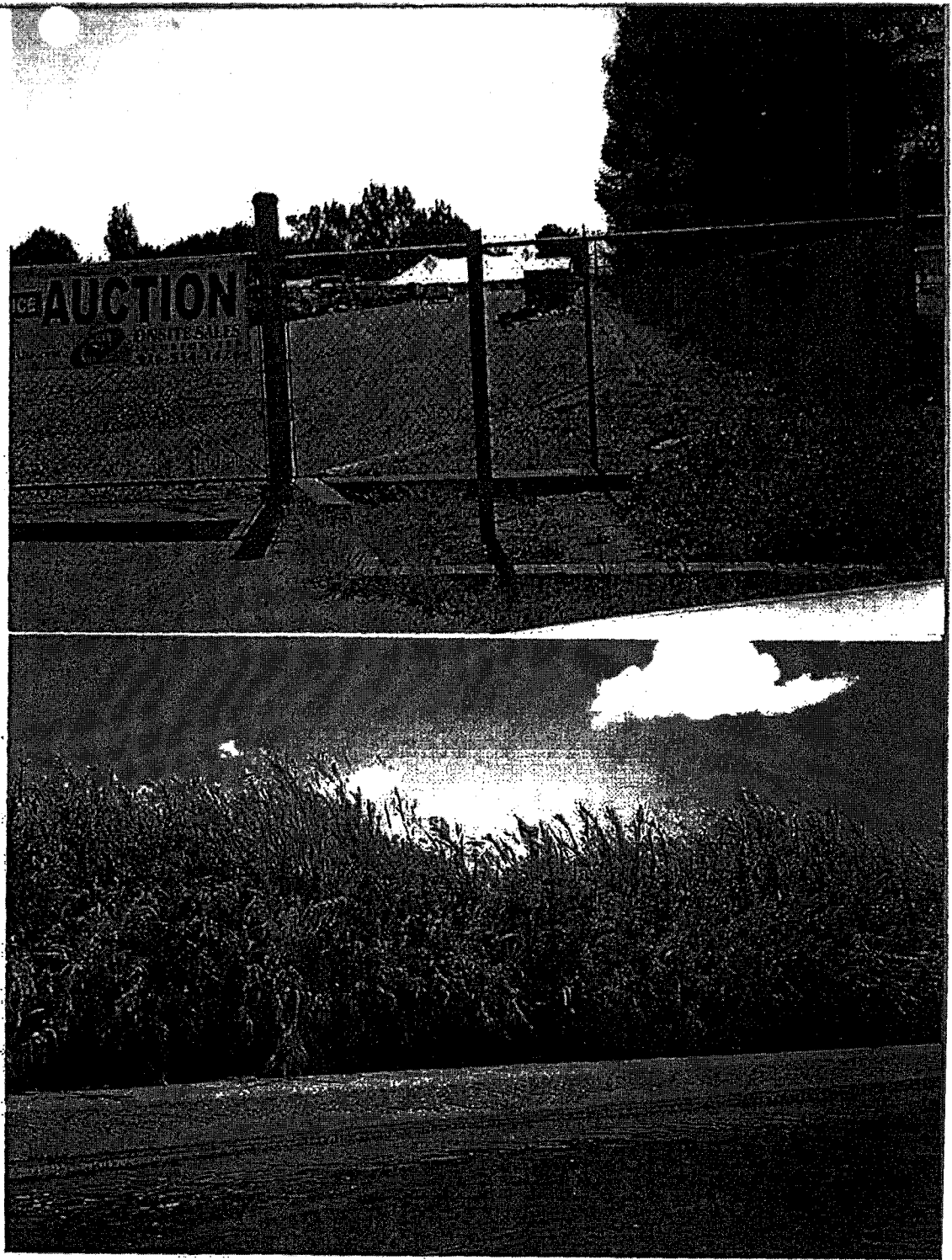
Flora Cuska

My husband is 93 and I  
am 88 and we like to  
live years in place.









**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**

**PROJECT: REZONE APPLICATION NO. 2011-02 - RANDY THOMAS**

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	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							
BUILDING PERMITS DIVISION	X	X		X							X	
CALTRANS DISTRICT 10	X	X	X	X			X		X		X	
CENTRAL VALLEY FLOOD PROTECTION	X	X	X		X							
CHIEF EXECUTIVE OFFICE	X	X			X							
CITY OF: MODESTO	X	X	X		X							
COOPERATIVE EXTENSION	X	X			X							
COUNTY COUNSEL	X	X			X							
ENVIRONMENTAL RESOURCES	X	X		X				X			X	
FIRE PROTECTION DIST: SALIDA	X	X	X	X			X				X	
FISH & GAME, DEPT OF	X	X	X		X							
HAZARDOUS MATERIALS	X	X			X							
IRRIGATION DISTRICT: MODESTO	X	X	X	X			X				X	
LAFCO	X	X	X		X							
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
PUBLIC WORKS	X	X		X				X			X	
PUBLIC WORKS - TRANSIT	X	X			X							
REGIONAL WATER QUALITY CONTROL	X	X	X	X				X			X	
SAN JOAQUIN VALLEY APCD	X	X	X	X				X			X	
SCHOOL DISTRICT 1: STANISLAUS	X	X	X		X							
SCHOOL DISTRICT 2: MODESTO	X	X	X	X				X			X	
SHERIFF	X	X			X							
StanCOG	X	X			X							
STANISLAUS ERC	X	X		X				X			X	
MODESTO REGIONAL FIRE AUTHORITY	X	X		X				X				X
STATE CLEARINGHOUSE	X	X	X		X							
SUPERVISORIAL DISTRICT 4: MONTEITH	X	X			X							
SURROUNDING LAND OWNERS			X		X							
TELEPHONE COMPANY: AT&T	X	X	X		X							
TUOLUMNE RIVER PRESERVATION TRUST	X	X	X		X							
UNITED STATES MILITARY AGENCIES (SB 1462) (5 agencies)	X	X	X		X							



July 19, 2012

MEMO TO: Stanislaus County Planning Commission  
FROM: Department of Planning and Community Development  
SUBJECT: REZONE APPLICATION NO. 2011-02 - RANDY THOMAS

Planning Staff received an email from the Stanislaus County Department of Public Works on July 17, 2012, requesting modifications to the department's proposed development standards. The request is to reflect that the requirements for roadway dedication and a grading and drainage plan are "triggered" by building permit(s) and not business licenses. The Public Works Department recommends the following amendments to the proposed development standards:

18. McHenry Avenue is classified as a 110-foot Major Road. The ½ width is 55-feet west of the centerline of McHenry Avenue. All that portion of the required 55-foot dedication from centerline not previously dedicated shall be dedicated to Stanislaus County Public Works with an Irrevocable Offer of Dedication. The Irrevocable Offer of Dedication shall be submitted and recorded prior to the issuance of any building permit ~~or prior to the Planning Division signing a business license for any business for the project, whichever comes first.~~
19. Evelyn Way is classified as a 60-foot Minor Road. The ½ width is 30-feet south of the centerline of Evelyn Way. All that portion of the required 30-foot dedication from centerline not previously dedicated shall be dedicated to Stanislaus County Public Works with a Road Easement. The Road Easement shall be submitted and recorded prior to the issuance of any building permit ~~or prior to the Planning Division signing a business license for any business for the project, whichever comes first.~~ The corner of Evelyn Way and Meyer Drive shall be for a 60' right-of-way of a 25-foot radius, per Stanislaus County Standards and Specifications Plate 3-C.
22. A grading and drainage plan for the project site shall be submitted with the building permit ~~and/or prior to the Planning Department signing a business license for any business at this location.~~ Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:

The applicant's representative is aware of the proposed amendments and has expressed no objection.

**RECOMMENDATION**

If the Planning Commission recommends approval of Rezone Application No. 2011-02 - Randy Thomas to the Board of Supervisors, Planning Staff recommends the Planning Commission modify Development Standards 18, 19, and 22.

**ATTACHMENT 2**

- D. **REZONE APPLICATION NO. 2011-02 - RANDY THOMAS** – *Continued from July 5, 2012.* Request to rezone 42± acres in five (5) different Planned Development zones to one new Planned Development zone which will allow specific commercial and light industrial uses. The major tenant is proposed to be an auction house specializing in vehicle, surplus equipment, and furniture auctions. The project is located just southwest of the McHenry Avenue (State Route 108)/St. Francis Avenue intersection, in the Modesto area. The Planning Commission will consider a CEQA Mitigated Negative Declaration.

APN: 004-018-042; 004-021-003, 004, 006, 008, 010; 004-065-001, 014; 004-070-011, 047, 048

Staff Report: Bill Carlson Recommends **APPROVAL**.

Public hearing opened.

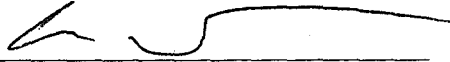
**OPPOSITION:** No one spoke.

**FAVOR:** Rod Hawkins, Hawkins & Associates

Public hearing closed.

Gammon/Buehner, 7-0 (Unanimous), **RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS WITH AMENDED DEVELOPMENT STANDARDS 18, 19, AND 22 AS FOLLOWS:**

18. McHenry Avenue is classified as a 110-foot Major Road. The ½ width is 55-feet west of the centerline of McHenry Avenue. All that portion of the required 55-foot dedication from centerline not previously dedicated shall be dedicated to Stanislaus County Public Works with an Irrevocable Offer of Dedication. The Irrevocable Offer of Dedication shall be submitted and recorded prior to the issuance of any building permit ~~or prior to the Planning Division signing a business license for any business for the project, whichever comes first.~~
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22. A grading and drainage plan for the project site shall be submitted with the building permit ~~and/or prior to the Planning Department signing a business license for any business at this location.~~ Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:

<b>EXCERPT</b>
<b>PLANNING COMMISSION</b>
<b>MINUTES</b>

Secretary, Planning Commission
8-15-2012
Date

STANISLAUS COUNTY ORDINANCE NO. C.S. 1122

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.997 FOR THE PURPOSE OF REZONING 42± ACRES IN FIVE (5) DIFFERENT P-D (PLANNED DEVELOPMENT) ZONING DISTRICTS INTO ONE NEW P-D ZONE TO ALLOW NEW COMMERCIAL AND INDUSTRIAL USES. THE PROPERTY IS LOCATED AT SOUTHWEST OF THE MCHENRY AVENUE (STATE ROUTE 108)/ST. FRANCIS AVENUE INTERSECTION, IN THE MODESTO AREA. APNS: 004-018-042; 004-021-003; 004-021-004; 004-021-006; 004-021-008; 004-021-010; 004-065-001; 004-065-014; 004-070-011; 004-070-047; 004-070-048.

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

Section 1. Sectional District Map No. 9-110.997 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:

(Insert Map Here)

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

Upon motion of Supervisor Monteith, seconded by Supervisor Chiesa, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 11th day of September, 2012, by the following called vote:

AYES: Supervisors: Chiesa, Withrow, Monteith, DeMartini and Chairman O'Brien,

NOES: Supervisors: None

ABSENT: Supervisors: None

ABSTAINING: Supervisors: None

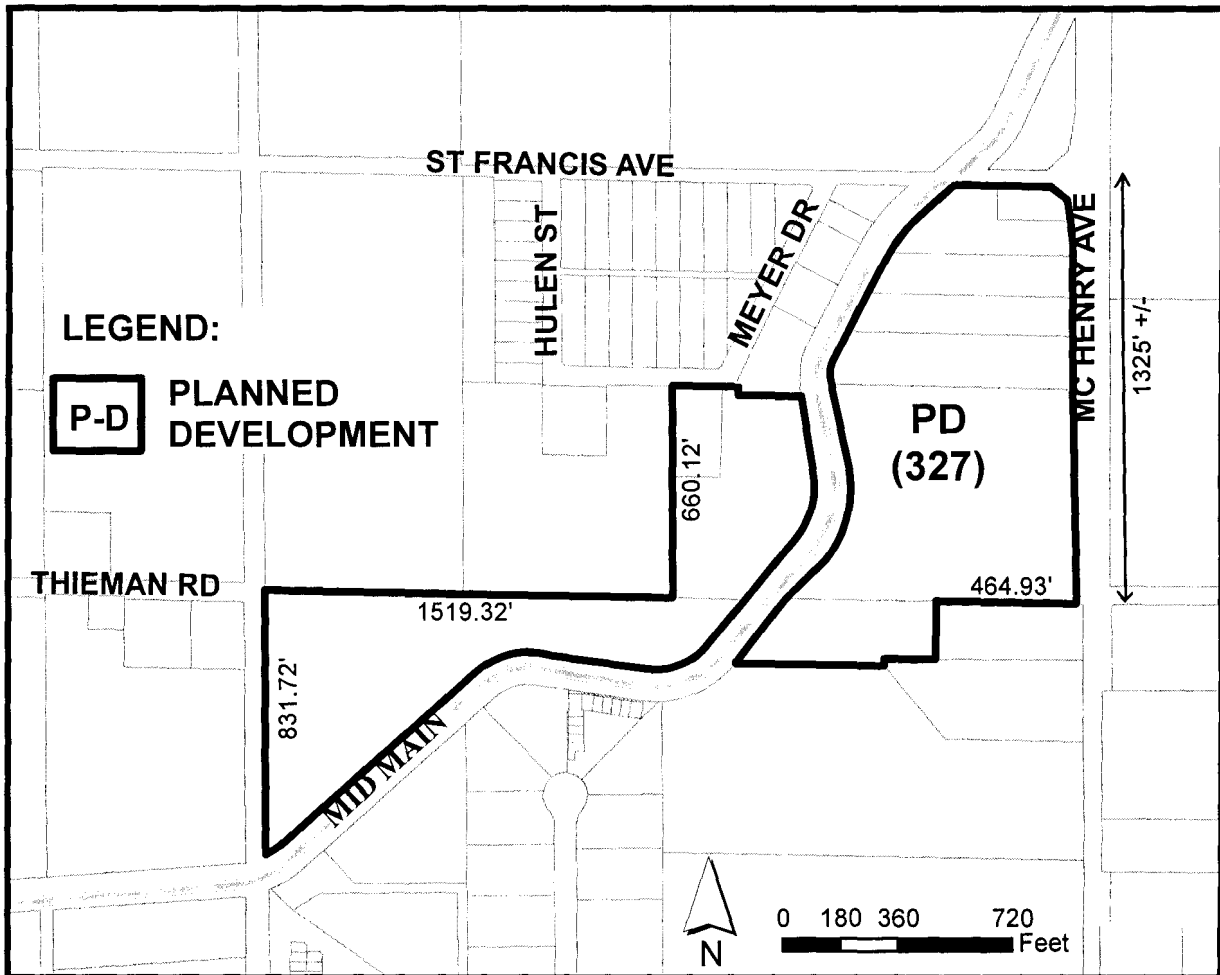


CHAIRMAN OF THE BOARD OF SUPERVISORS  
of the County of Stanislaus,  
State of California

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

BY:   
Pam Villarreal, Deputy Clerk of the Board

# SECTIONAL DISTRICT MAP NO. 9-110-997



EFFECTIVE DATE: 010.11.2012

PREVIOUS MAP: 862, 853, 848, 825, 780



# REZONE APPLICATION NO. 2011-02

## RANDY THOMAS



# Project Description

To Rezone 42± acres in five (5) different Planned Development Zoning Districts into One new Planned Development zone to allow new commercial and industrial uses.



# Project Description

- Low water generating Planned Industrial (PI) zoning district uses.
- Limited retail sales for products manufactured, distributed from, or installed on-site
- “Park and Sell” auto sales area.
- Auctions subject to approval of a Use Permit.



**REZ 2011-02  
"RANDY THOMAS"  
AREA MAP**

*SAN JOAQUIN  
COUNTY*

*DEL RIO*

*STANISLAUS RIVER*

*CITY OF  
RIVERBANK*

LADD RD



PATTERSON RD

DALE RD

CARVER RD

ST FRANCIS AVE

COFFEE RD

**SITE**



KIERNAN AVE

CLARIBEL RD

BANGS AVE

TULLY RD

MC HENRY AVE

OAKDALE RD

ROSELLE AVE



*CITY OF  
MODESTO*

**REZ 2011-02**  
**"RANDY THOMAS"**  
**GENERAL PLAN DESIGNATION**

**AG**

St FRANCIS AVE

EVELYN WY

MEYER DR

M.I.D. MAIN CANAL

**AG**

**SITE**

**P-D**

**AG**

McHENRY AVE

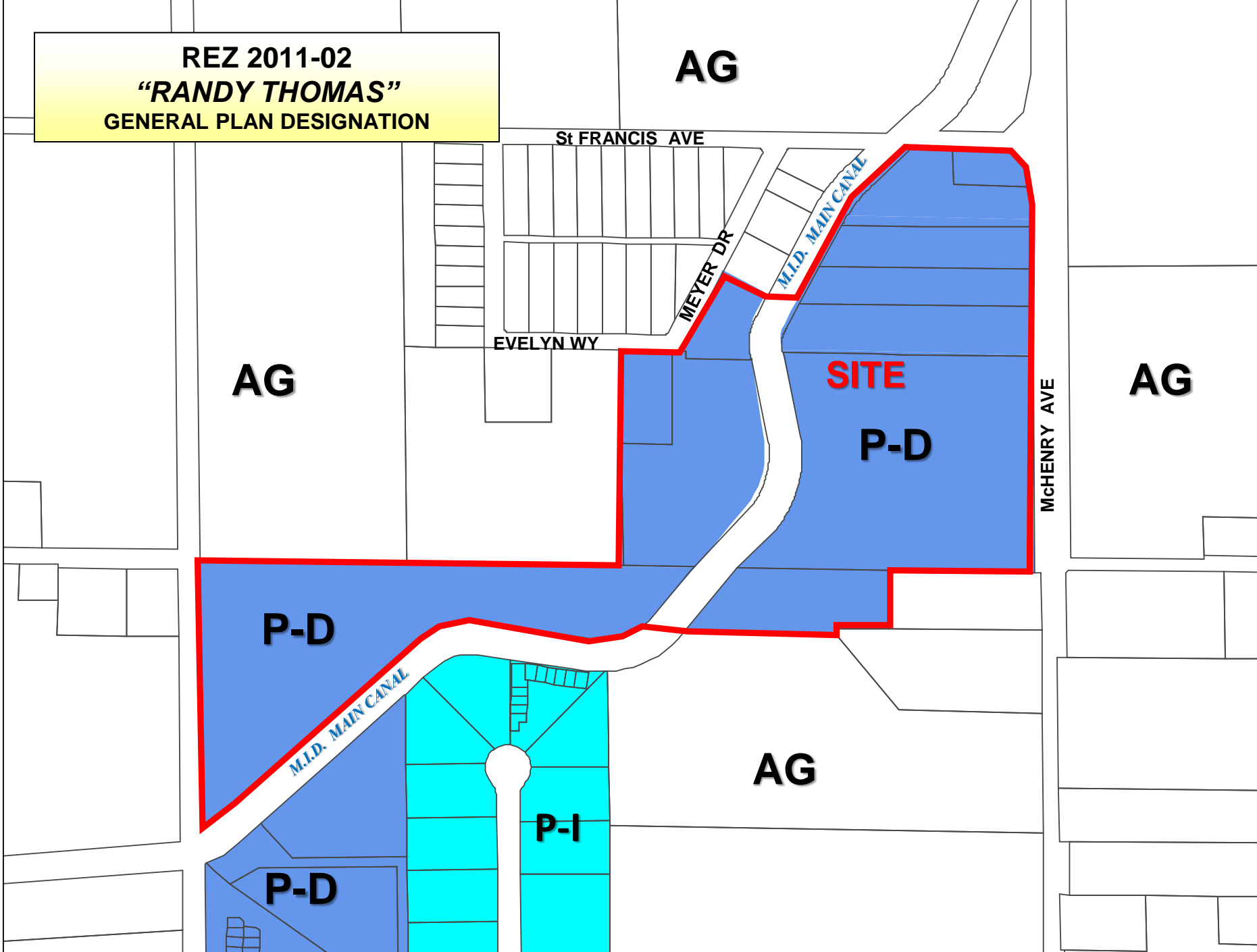
**P-D**

M.I.D. MAIN CANAL

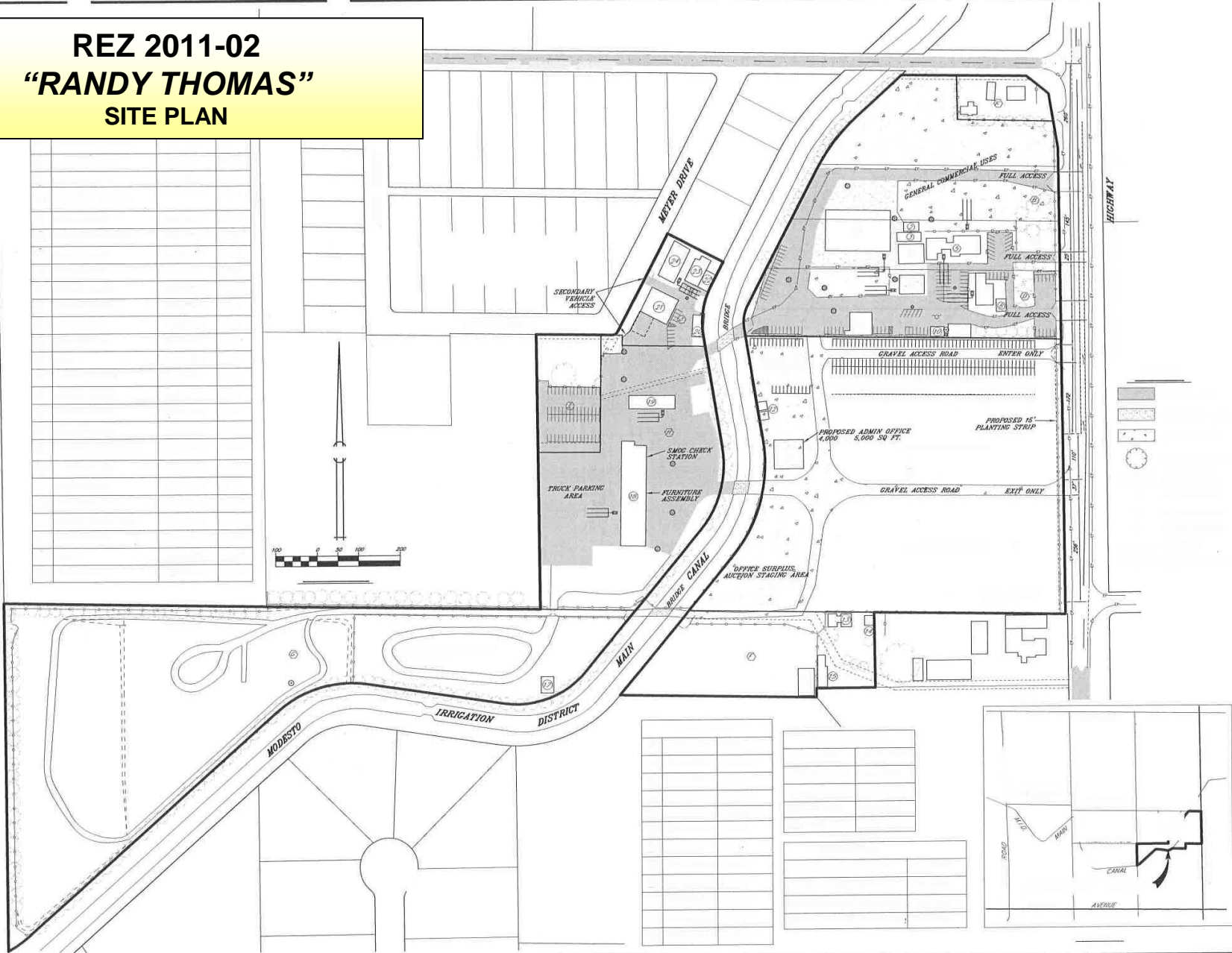
**AG**

**P-I**

**P-D**



**REZ 2011-02**  
**"RANDY THOMAS"**  
**SITE PLAN**



COPY



# Meeting on August 21

- This project was continued from the August 21 meeting
- A neighbor, asked what safeguards are in place to protect the neighboring subdivision's groundwater from the project's septic tanks.
- Other comments: noise, crime, and Meyer Road (being a private road).
- Concerns regarding noise and crime, were focused on the proposed auction and impacts to the neighborhood
- Two auctions that did not have approval.

# Water and Septic Tanks

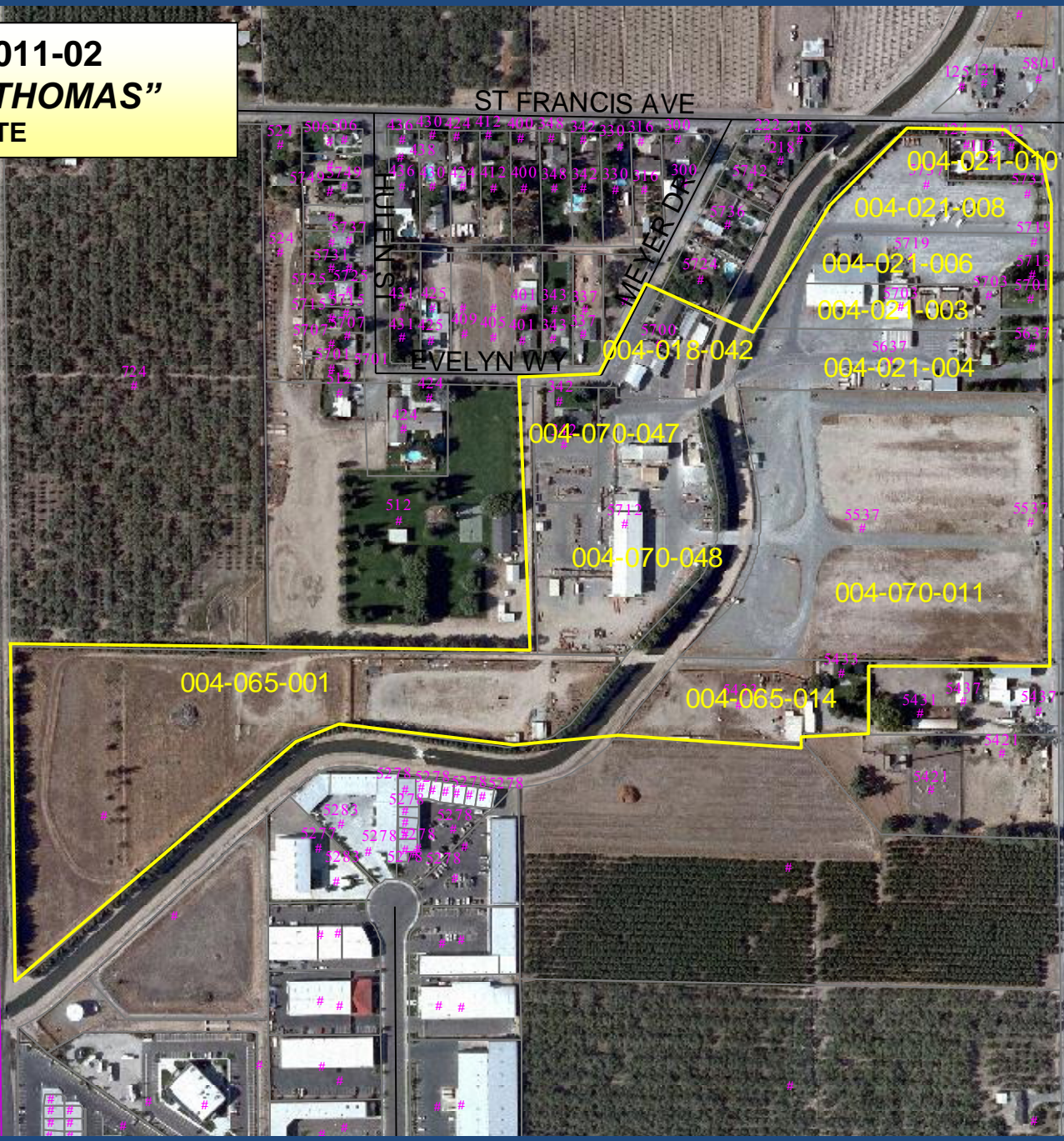
- Neighboring residential subdivision is served by individual water wells and septic systems.
- DER has reviewed the ground water concerns.
- Both the project site and the general area are comprised of sandy soils; however, there are significant clay layers.



# Water and Septic Tanks

- Since 1987, the domestic well logs indicate that wells were drilled to on average to 110 to 360 ft.
- Older wells were drilled to shallower depths.
- Possible that these wells may be impacted by their own onsite septic systems or their neighbor's septic system particularly given the small lot sizes (1/4 to 1/2 acre) and the concentration of homes in the area.

**REZ 2011-02**  
**"RANDY THOMAS"**  
**SITE**



074-010-001

074-010-002  
137 #

CRAWFORD



# Water and Septic Tanks

- Project sites two (2) onsite wells were classified as a public water system regulated by DER.
- The system was inactivated on December 31, 2010, when the operation ceased.
- The water system owner is not currently required to have a domestic water supply permit, but continues to conduct water quality monitoring.
- Any new business ventures would require a domestic water supply permit and meet regulatory requirements.

# Water and Septic Tanks

- One of the wells has at times had elevated nitrate levels, it is unknown whether the nitrate levels are due to historic farming practices in the area or whether they are naturally occurring.
- The concentration of homes nearby may have impacted the nitrate levels of the water wells.
- No new buildings are being proposed, but any onsite construction projects that trigger a new or expanded septic system would be subject to the Measure X standards which provide a higher level of treatment.
- Development Standards No. 32-35 address the water and septic systems

# Meyer Drive

- Access to the project site area located west of the MID canal, is provided by three bridges crossing the MID canal; and Meyer Drive, Evelyn Way, and Hulen Street.
- Meyer DR was part of a subdivision recorded in 1946, but not accepted by the County.
- It is legal access for the adjacent parcels; including the project site. In essence, it is a public road that is not publicly maintained.
- Evelyn Way and Hulen Street are maintained by the County.

# Meyer Drive

- Development Standards for the project require ROW dedication on Evelyn Way and no additional dedication is required on Meyer Drive.
- As reflected in the project's Development Standard No. 20, the proposed new P-D only authorizes secondary emergency vehicle access onto Meyers and Evelyn Way for new uses west of the canal.
- The currently permitted equipment rental business has existing access rights that will remain under the new P-D, but only if the MID license agreement for the three existing bridges is revoked.

# MID Canal Access

- The three (3) on-site bridges crossing the MID Main Canal that have a MID revocable license agreement.
- Concern with the number of people accessing these bridges and is requiring the license agreement be revised to address these issues.
- Applicant and MID have had meetings to discuss revision to the access agreement

# MID Canal Access

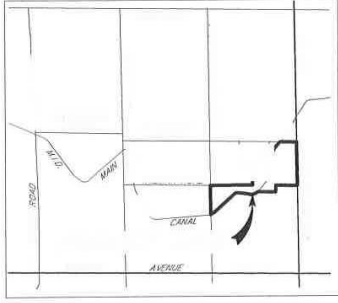
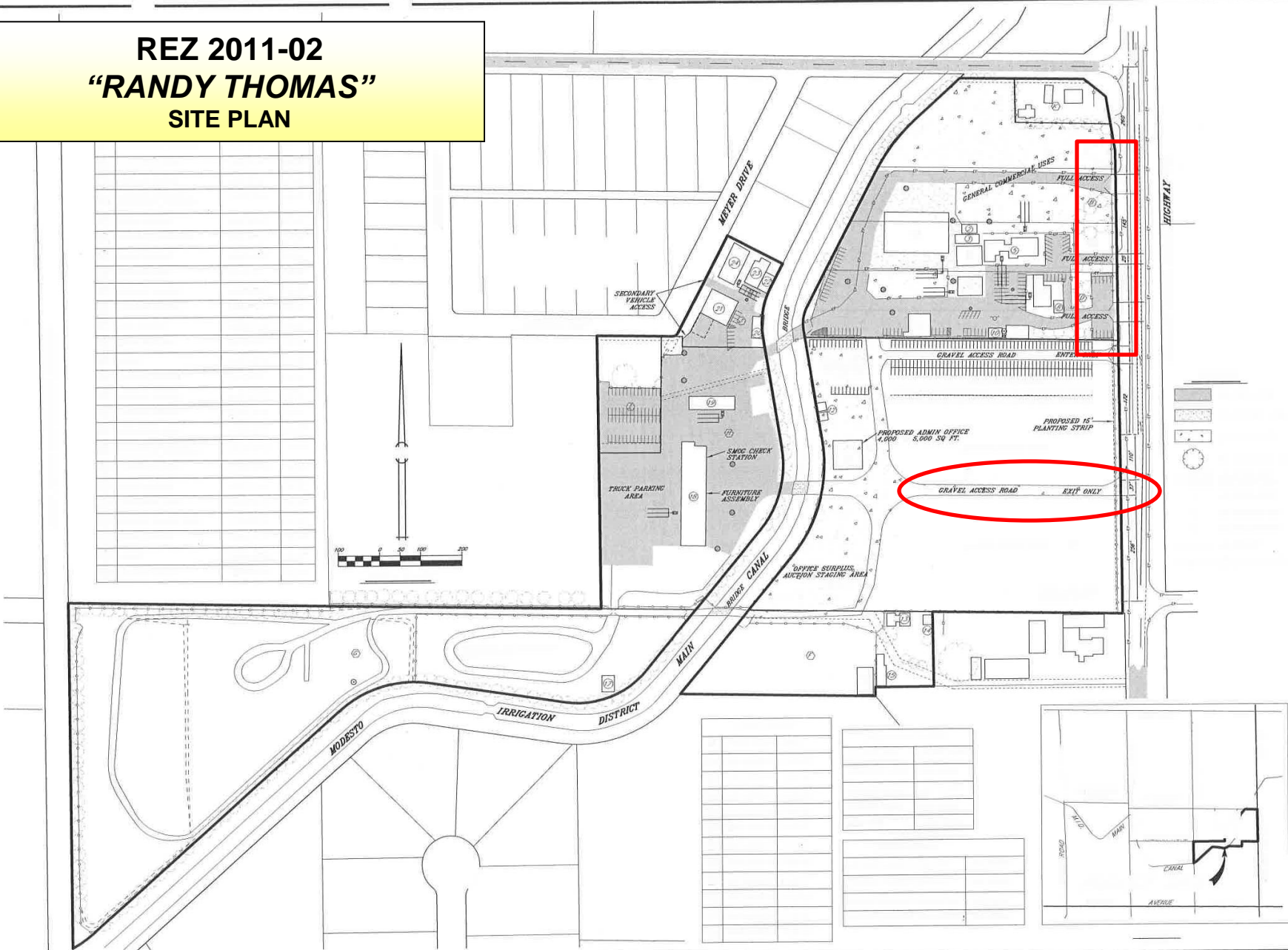
- Normally, a project would not move forward with access issues; however, the project area located west of the canal has alternative access rights onto Meyers and Evelyn Way from the equipment rental business.
- The Development Standards address limitations for new uses located west of the canal if the MID agreement is revoked.



# McHenry Avenue Improvements

- The southernmost driveway shown on the project site plan, will need to be closed.
- Full access to the three northernmost driveways, labeled “full access”, will need to be restricted to one centralized full access driveway and up to one additional restricted access driveway (right in/right out only).
- These will be required prior to the issuance of a business license for a new use.

**REZ 2011-02**  
**"RANDY THOMAS"**  
**SITE PLAN**



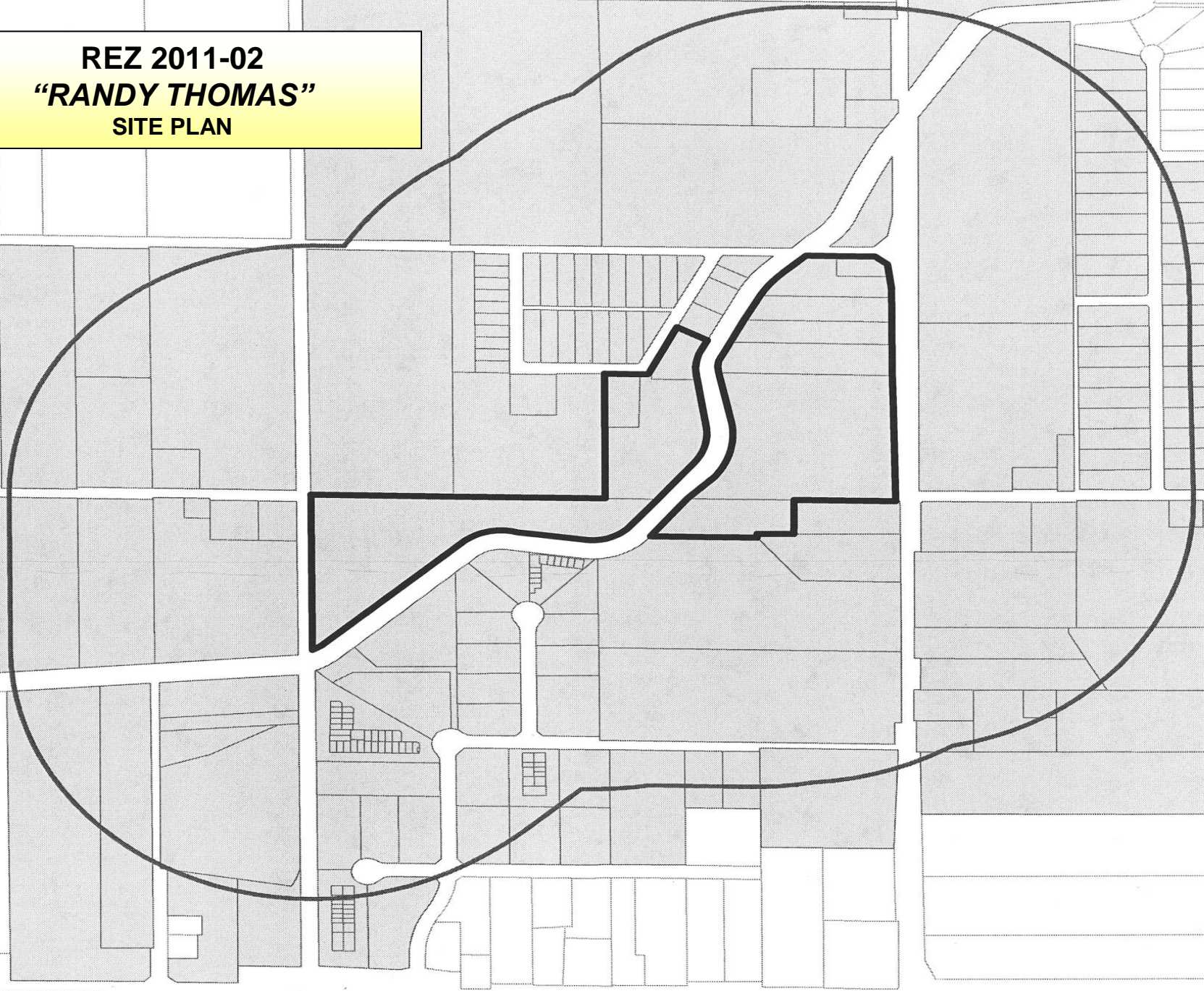
COPY



# Land Owner Notices

- Both the Planning Commission and Board of Supervisor's meetings were sent to all surrounding land owners within a ¼ mile.
- Included all the property owners on Meyer Drive, Evelyn Way and Hulen Street and 37 property owners on Chenault Drive.

**REZ 2011-02**  
***"RANDY THOMAS"***  
**SITE PLAN**



# Auction

- As clarified at the meeting, the auction use was included as a permitted use under the proposed new P-D
- During the Planning Review, the auction use was changed to require a separate Use Permit application before any auction activities may be operated on-site.

# Proposed Auction

- Application process with independent analysis of traffic, noise, and other land use issues.
- Property owner had two (2) auctions on-site without authorization since submitting this Rezone Application.
- Questions: Is an auction use compatible with the adjoining residential neighborhood and how does the County address future non-permitted auction activities?

# Possible Options

- Eliminate the auction use entirely from this project.
- A future rezone would be needed if the an auction use is requested.
- Add a new development standard limiting use of the site if non-permitted uses, such as an auction, occur in the future.

# Possible New Standard

- "If non-permitted uses are known to be occurring on-site, no new business licenses or business license renewals shall be issued for any use until the Planned Development has been reviewed by the Planning Commission and the Planning Commission finds it appropriate to continue issuance of business licenses. The Planning Commission may as part of the review initiate noncompliance proceedings under Chapter 21.40."



# Recommendation

Planning Commission has recommended, on a 7-0 vote, that the Board of Supervisors approve the request subject to Actions 1 Through 5 listed on the Board of Supervisors August 21, 2012 Board Report.

- No one spoke in opposition to the project at the Planning Commission meeting.



**DECLARATION OF PUBLICATION  
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS  
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Sep 18, 2012

STANISLAUS COUNTY  
ORDINANCE C.S. 1119

Upon motion of Supervisor Withrow, seconded by Supervisor Monteith, Ordinance C.S. 1119 was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 11th day of September 2012, by the following called vote: AYES: SUPERVISORS: Chiesa, Withrow, Monteith, De Martini and Chairman O'Brien. NOES: None. ABSENT: None. ABSTAINING: None. Ordinance C.S. 1119 amends Sections 14.14.150 and 14.14.180 of the Stanislaus County Code relating to storm water management and discharge control. This ordinance defines administrative enforcement powers, includes a notice and order to abate, and an administrative citation process.

NOTICE IS FURTHER GIVEN that a full copy of the ordinance is available for review in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA. For further information, contact the Stanislaus County Department of Public Works at (209) 525-4100 or at 1716 Morgan Road, Modesto, CA. BY ORDER OF THE BOARD OF SUPERVISORS. DATED: September 11, 2012. ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. Elizabeth A. King, Assistant Clerk. Pub Dates Sept 18, 2012

-----  
I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at

**MODESTO, California** on

September 18th, 2012

(By Electronic Facsimile Signature)

Marie Hickman