

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

DEPT: Planning and Community Development Af

BOARD AGENDA # 6:40 p.m.

Urgent Routine

AGENDA DATE April 21, 2015

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Consider Planning Commission's Recommendation for Approval of General Plan Amendment and Rezone Application No. PLN2014-0077, BPL Properties, a Request to Modify the Current Legal Non-conforming Use to Allow for Commercial Uses and Construction of a New Building, Located at 5801 McHenry Avenue, North of the City of Modesto, and Adoption of a Negative Declaration

PLANNING COMMISSION RECOMMENDATIONS:

1. Conduct a public hearing to consider the Planning Commission's recommendation for approval of General Plan Amendment and Rezone Application No. PLN2014-0077 - BPL Properties, a request to amend the General Plan designation of Agriculture and zoning designation of A-2-40 (General Agriculture) of 1.5 acres to Planned Development (P-D), to modify the current legal non-conforming use to allow uses consistent with C-2 (General Commercial) zoning district and construction of an additional 6,500 square foot building, located at 5801 Mc Henry Avenue, at the northwest corner of Highway 108 (McHenry Avenue) and St. Francis Avenue, south of Ladd Road, north of the City of Modesto.

(Continued on page 2)

FISCAL IMPACT:

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. All County costs associated with processing 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. 2015-165

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) X Approved as amended INTRODUCED, ADOPTED, AND WAIVED THE READING OF

4) Other: ORDINANCE C.S. 1163

MOTION: The Board amended the list of Approved Uses (Exhibit E) to allow outdoor vehicle sales to be subject to a Staff Approval Application instead of the Use Permit Approval process; and, approved Staff Recommendations Nos. 1-6 as amended

ATTEST: 
ELIZABETH A. KING, Assistant Clerk

PLANNING COMMISSION RECOMMENDATIONS: (Continued)

2. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
3. 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.
4. Find that:
 - (a) The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses;
 - (b) The County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service;
 - (c) The amendment is consistent with the General Plan goals and policies;
 - (d) The proposed Planned Development zoning is consistent with the Planned Development General Plan designation;
 - (e) The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; and
 - (f) The proposed alternative agricultural buffer provides equal or greater protection to surrounding agricultural uses.
5. Approve General Plan Amendment and Rezone Application No. PLN2014-0077, BPL Properties, subject to revised Exhibit E – Approved Uses and the amended development standards as recommended by the Planning Commission.
6. Introduce, waive the reading and adopt an ordinance for the approved Rezone Application No. PLN2014-0077, BPL Properties.

DISCUSSION:

The project is a request to amend the General Plan designation of Agriculture and zoning designation of A-2-40 (General Agriculture) of a 1.5± acre parcel to P-D (Planned Development) to modify the current legal non-conforming use to allow for uses consistent with the C-2 (General Commercial) zoning district and construction of an additional 6,500 square foot building.

The site is located at 5801 McHenry Avenue, at the northwest corner of Highway 108 (McHenry Avenue) and St. Francis Avenue, south of Ladd Road, north of the City of Modesto. The surrounding parcels contain a variety of uses. The Garton Tractor business, a legal non-conforming liquor store, and a mechanical repair shop are located north of the site. The Modesto Irrigation District's Main Canal, an almond orchard, and residential development lie directly to the west. Row crops and residential development exist to the east. P-D 327, which was approved for commercial and light industrial uses in 2012, is south of the site.

The project site is presently developed with a 2,954 square foot commercial building and 31 space parking lot located in the southern area of the parcel. Vehicles can access the site via McHenry and St. Francis Avenues. The site has been partially developed for over 30 years and the types of uses on the site have varied during that time. An expansion of the original restaurant and cocktail lounge was authorized in 1980 to allow a 24-hour card room with a restaurant and bar. According to the applicant, the project site and commercial building are currently vacant. The northern portion of the property is undeveloped.

If approved, the proposed development will occur in two phases. Phase 1 consists of utilizing the existing developed area, generally located on the south half of the property, and incorporating minor site improvements as follows:

- Modified vehicular access;
- Added water storage facility for fire suppression; and
- Installation of landscaping improvements

Phase 2 will consist of development of the vacant ground on the north half of the parcel. It is anticipated that a new building of up to 6,500 square feet will be developed as reflected in the proposed site plan. The timing of Phase 2 will be market driven and is anticipated to occur within 7 to 15 years of project approval.

The applicant initially proposed all C-2 (General Commercial) uses, excluding crop farming and adult businesses, be permitted for both Phases; however, due to potential traffic impacts identified by Caltrans with respect to vehicle trips generated, a revised list of proposed uses was developed. Proposed Phase 1 uses permitted by business license will be those uses that fall under a threshold of 50 vehicle trips generated at peak hour. Proposed Phase 1 uses requiring a use permit are those that would likely exceed the vehicle trip threshold or may be of concern to the neighbors based on the nature and/or intensity of the use. Permitted and conditional uses for Phase 2 are the same as Phase 1; however, prior to issuance of a building permit for development of Phase 2, a traffic impact analysis will need to be prepared in order to determine if a restriction on uses or additional improvements are needed.

A detailed discussion of the traffic issues and proposed permitted uses is provided in the March 5, 2015 Planning Commission Staff Report (see Attachment 2). A revised Exhibit E – Approved Uses was provided to the Planning Commission by memo on

March 5, 2015 (see Attachment 1). The revised list reflects the finalized uses agreed upon by staff and the applicant. Also reflected in the March 5th Memo was a typographical error to proposed Development Standard No. 22. Exhibit C – Development Standards of the attached March 5, 2015 Planning Commission Staff Report, has been updated to reflect the revision. Exhibit C also reflects a revision to Development Standard No. 8 requested at the Planning Commission meeting to allow the existing pole sign to be permitted and remain until a single monument sign is approved.

The Planning Commission Staff Report also provides an overview of the issues concerning the Modesto Irrigation District (MID) rights-of-way. During the early consultation process, staff received a referral response from the MID requesting dedication of a 100-foot right-of-way centered on the canal as a condition of approval. This requested right-of-way could conflict with both Phase 1 and Phase 2 property use and development. However, the applicant along with MID have worked together to alleviate the potential conflict. If approved, the applicant shall obtain a license agreement from the MID Board of Directors to accommodate any new encroachment into the MID right-of-way. At this time, the applicant is in the process of fulfilling MID's requirements. Development standards have been added to reflect MID's right-of-way requirements as well as clearance limits between landscaping and overhead lines (see Attachment 2 – Planning Commission Staff Report, *March 5, 2015*, Exhibit C – *Development Standards*).

On March 5, 2015, the Planning Commission held a public hearing to consider this application. No one spoke in opposition of the project and two people spoke in favor of the project, the applicant's representative Rod Hawkins, with Hawkins & Associates, and Mark Stone, a neighboring property owner. Their comments focused on the ability of developing the site into a viable business that could fit with the adjacent neighborhood.

The Planning Commission voted 8-0 (Unanimous) to recommend approval of the General Plan Amendment and Rezone to the Board of Supervisors.

Planning Staff believes that the General Plan Amendment and Rezone for the proposed use on this specific site is consistent with the goals and policies of the County's General Plan.

POLICY ISSUES:

The proposed general plan amendment and 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.

Public Hearing to Consider Planning Commission's Recommendation for Approval of
General Plan Amendment and Rezone Application No. PLN2014-0077, BPL Properties,
North of Modesto
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STAFFING IMPACT:

Planning and Community Development Department staff is responsible for preparing all reports and attending meetings associated with the proposed rezone application.

CONTACT PERSON:

Angela Freitas, Planning and Community Development Director
Telephone: (209) 525-6330

ATTACHMENTS:

1. Planning Commission Memo, March 5, 2015
2. Planning Commission Staff Report, March 5, 2015
3. Planning Commission Minutes, March 5, 2015
4. Draft Ordinance and Sectional District Map



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10th Street, Suite 3400, Modesto, CA 95354
Phone: 209.525.6330 Fax: 209.525.5911

March 5, 2015

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

SUBJECT: GENERAL PLAN AMENDMENT AND REZONE APPLICATION NO. PLN2014-0077 – BPL PROPERTIES

Staff is requesting that Exhibit E – Approved Uses of the Planning Commission staff report for General Plan Amendment and Rezone Application No. PLN2014-0077 – BPL Properties be replaced with a revised list. The exhibit being replaced does not reflect the finalized uses agreed upon by staff and the applicant.

A typographical error is also present in Development Standard No. 22. Staff is requesting that the development standard be amended as follows:

22. Approved uses for the entire development shall be those included in Exhibit ~~H~~ E – Approved Uses of the project's Planning Commission staff report.

RECOMMENDATION

Staff recommends that the Planning Commission accept the revision to Exhibit E – Approved Uses and amended Development Standard No. 22 into the record.

Attachments:

Revised Exhibit E – Approved Uses

ATTACHMENT 1

Approved Uses

As revised by the Planning Commission per memo from staff dated March 5, 2015

As revised by the Board of Supervisors April 21, 2015

PHASE ONE:

Permitted with the approval of a Business License

- A. *Professional and medical offices; walk up banks; retail; restaurants (alcohol service in accessory to the restaurant); Personal Service Establishment (e.g. hair salon, day spa); day care center; and social halls, fraternal lodges, and clubhouses;*
- B. *Automobile repair shops; body and paint shops; tire, battery, and automobile parts establishments; motorcycle shops; and farm equipment and services, provided the storage of all materials and vehicles being serviced is maintained inside the building and there is no outdoor display area;*
- C. *Nursery retail and wholesale; recreational facilities (e.g. batting cages, gymnastic studios, etc.); building materials and contractor yard; hardware and paint establishments; Christmas tree and firework sales (subject to §21.56.020); mail-order establishments; storage; and animal services and facilities, provided all activities of operation remain indoors; and*
- D. *Similar uses which, in the opinion of the Director of Planning and Community Development, are similar in character and purpose to uses enumerated in this section.*

Uses Requiring a Staff Approval

- A. **Outdoor vehicle sales.**

Uses Requiring a Use Permit

- A. *Convenience markets and service stations; liquor store; drive thru (food, bank, retail); fast food restaurant; bar; and churches or schools; **and***
- ~~B. *Auto, recreational, and used auto sales; and*~~
- ~~C.B. *Similar uses which, in the opinion of the Director of Planning and Community Development, are similar in character and purpose to uses enumerated in this section.*~~

PHASE TWO:

Uses Requiring a Staff Approval Permit

- A. *All uses permitted with approval of a business license **or Staff Approval** in Phase One. A Traffic Impact Analysis, as required by the County and/or Caltrans, shall be prepared at the applicant's expense and submitted as part of the Staff Approval Permit application, prior to the issuance of a building permit.*

Uses Requiring a Use Permit

- A. *All uses permitted requiring a Use Permit in Phase One.*

STANISLAUS COUNTY PLANNING COMMISSION

March 5, 2015

STAFF REPORT

GENERAL PLAN AMENDMENT AND REZONE APPLICATION NO. PLN2014-0077 BPL PROPERTIES

REQUEST: TO AMEND THE GENERAL PLAN DESIGNATION OF AGRICULTURE AND ZONING DESIGNATION OF A-2-40 (GENERAL AGRICULTURE) OF A 1.5± ACRE PARCEL TO P-D (PLANNED DEVELOPMENT), TO MODIFY THE CURRENT LEGAL NON-CONFORMING USE TO ALLOW USES CONSISTENT WITH THE C-2 (GENERAL COMMERCIAL) ZONING DISTRICT AND CONSTRUCTION OF AN ADDITIONAL 6,500 SQUARE FOOT BUILDING.

APPLICATION INFORMATION

Applicant/Owner:	Brian & Don Lee, BPL Properties
Agent:	Rod Hawkins, Hawkins & Associates Engineering, Inc.
Location:	5801 McHenry Avenue, at the northwest corner of Highway 108 (McHenry Avenue) and St. Francis Avenue, south of Ladd Road, north of the City of Modesto
Section, Township, Range:	32-2-9
Supervisorial District:	Four (Supervisor Monteith)
Assessor's Parcel:	004-070-010
Referrals:	See Exhibit H Environmental Review Referrals
Area of Parcel(s):	1.5± acres
Water Supply:	Well
Sewage Disposal:	Septic
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	Agriculture
Sphere of Influence:	N/A
Community Plan Designation:	N/A
Williamson Act Contract No.:	N/A
Environmental Review:	Negative Declaration
Present Land Use:	Legal non-conforming commercial building, parking lot, and undeveloped land
Surrounding Land Use:	Commercial uses to the north; row crops and residential development to the east; Modesto Irrigation District Main Canal, an Almond Orchard, and a single-family dwelling to the west; and Planned Development (P-D 327), commercial, and light industrial uses to the south

RECOMMENDATION

Staff recommends that the Planning Commission recommend the Board of Supervisors approve the project as proposed based on the entirety of the evidence on the record, this staff report and its attachments, and the General Plan. Exhibit A provides an overview of the findings and actions required for project approval.

PROJECT DESCRIPTION

The project is a request to amend the General Plan and zoning designations of a 1.5± acre parcel to P-D (Planned Development) to modify the current legal non-conforming status and allow for uses consistent with the C-2 (General Commercial) zoning district. If approved, development will occur in two phases as follows:

PHASE 1

Phase 1 consists of utilizing the existing developed area, generally located on the south half of the property, and incorporating minor site improvements as follows:

- Modified vehicular access;
- Added water storage facility for fire suppression; and
- Installation of landscaping improvements

Access modification will include the relocation of existing driveways away from the State Route 108/McHenry Avenue and St. Francis Avenue intersection as well as incorporating road improvements consistent with both Stanislaus County and California Department of Transportation (Caltrans) standards. The applicant is also proposing to remove existing pavement improvements extending beyond property lines into the adjacent street rights-of-way. The existing 31 space parking lot exceeds the 10 parking spaces required for the size of the existing commercial building.

A water storage tank will be added to meet fire flow standards as required by the National Fire Protection Association (NFPA) §1142. The commercial building will be used "as is" with only minimal improvements based on tenant requirements.

Landscaping for Phase 1 will consist of installing drought tolerant plants which conform to California State Water Resources Control Board stormwater low impact development requirements. Additional landscaping improvements include installation of a hedge row along the western property line in conformance with the County's agricultural buffer requirements.

PHASE 2

Phase 2 will consist of development of the vacant ground on the north half of the parcel. It is anticipated that a new building of up to 6,500 square feet will be developed as reflected in the proposed site plan. The additional development will require construction of additional storm drainage facilities, a measure "X" aerobic type septic system, an additional water storage facility for fire suppression, and an additional 22 space parking lot. This portion of the property will also be landscaped with drought resistant material, similar to Phase 1, at the time of its development.

The timing of Phase 2 will be market driven and is anticipated to occur within 7 to 15 years of project approval.

Land Uses

The applicant initially proposed all C-2 (General Commercial) uses, excluding crop farming and adult businesses, be permitted for both Phases. Staff worked with the applicant and their representative to propose a list of approved uses. (See Exhibit E – Approved Uses.) Proposed Phase 1 uses permitted by business license will be those uses that fall under a threshold of 50 vehicle trips generated at peak hour. Proposed Phase 1 uses requiring a use permit are those that would likely exceed the vehicle trip threshold or may be of concern to the neighbors based on the nature and/or intensity of the use. Permitted and conditional uses for Phase 2 are the same as Phase 1; however, prior to issuance of a building permit for development of Phase 2, a traffic impact analysis will need to be prepared in order to determine if a restriction on uses or additional improvements is needed. The vehicle trip threshold is further discussed in the Issues section below.

SITE DESCRIPTION

The site is located at 5801 McHenry Avenue, at the northwest corner of Highway 108 (McHenry Avenue) and St. Francis Avenue, south of Ladd Road, north of the City of Modesto. The surrounding parcels contain a variety of uses. The Garton Tractor business, a legal non-conforming liquor store, and a mechanical repair shop are located north of the site. The Modesto Irrigation District's Main Canal, an almond orchard, and residential development lie directly to the west. Row crops and residential development exist to the east. P-D 327, which was approved for commercial and light industrial uses, is south of the site. The major use approved for P-D 327 was an auction house specializing in vehicle, surplus equipment, and furniture auctions.

The site is presently developed with a 2,954 square foot commercial building and 31 space parking lot located in the southern area of the parcel. Vehicles can access the site via McHenry and St. Francis Avenues. According to the applicant, the project site and commercial building are currently vacant. The northern portion of the property is undeveloped.

Background

The project site has been partially developed for over 30 years and the types of uses on the site have varied during that time. The following are previous land use entitlements approved for the site.

- *Use Permit 74-25* – Permitted the replacement of a sign (60 square feet in area and 35 feet in height) for an existing legal non-conforming restaurant and cocktail lounge.
- *Use Permit 78-41* – Permitted expansion of non-conforming use to include used car sales.
- *Use Permit 80-42* – Permitted further expansion of the non-conforming use to allow a 24-hour card room with a restaurant and bar. The previously allowed used car lot was abandoned during this entitlement process.

ISSUES

The following section is a discussion of issues identified by County staff. Staff has evaluated these issues and provides the following comments, which will be reflected in the project's development standards.

Issue 1 – Traffic

The proposed project has identified a variety of land uses within the C-2 (General Commercial) zoning district which may generate different volumes of traffic. (See Exhibit E – Approved Uses.)

During the early consultation review process, traffic impacts were identified by Caltrans due to a potential increase in the number of trips generated by the project site from increased commercial development. Caltrans stated that a threshold of 50 or more vehicular trips onto McHenry Avenue/State Route 108 during the morning and evening peak hours would warrant a traffic impact analysis to determine the level of impacts to the existing traffic volumes and to determine the need for additional street improvements. The County's adopted threshold for a traffic impact analysis is 100 or more vehicular trips occurring at the busiest times of the day; however, County staff will defer to the threshold Caltrans has set for this portion of State Route 108.

The standard Caltrans uses for determining potential traffic impacts is consistent with the Institute of Transportation Engineers (ITE). (ITE uses prior traffic impact studies to create a trip generation model based on specific variables, such as square footage of development, number of employees, or type of land use. Using these models, an average trip generation calculation during the prescribed morning and evening peak hours can be made.) At this time, the applicant has elected not to conduct a traffic impact analysis and proposed land uses that generate lower levels of traffic. (See Exhibit E – Approved Uses.) Based on the specifics of the Phase 1 development, uses consistent within the C-2 zoning district, such as professional offices, retail and wholesale establishments, as well as farm equipment sales, would generate less than the 50 vehicular trips during peak hours. Upon project approval, Phase 1 uses that have been identified will be permitted with the issuance of a business license.

The same characteristics of Phase 1 would indicate uses such as drive thru eateries, drive thru banks, and convenience markets which would generate above 50 vehicular trips during peak hours. As stated previously, any development that would generate more than 50 vehicular trips during peak hours would be subject to a traffic impact analysis and its findings with a use permit application.

The approved uses of Phase 2 will be consistent with Phase 1. Phase 2's development will most likely increase the entire site's peak hour vehicular trips above the established threshold of 50; therefore, prior to the issuance of a building permit for Phase 2, a Staff Approval Application, as well as a traffic impact analysis, shall be required. As with Phase 1, uses such as convenience stores, drive thru establishments, and auto sales shall be subject to the approval of a use permit in Phase 2.

Issue 2 - Modesto Irrigation District Right-of-Way

During the early consultation process, staff received a referral response from the Modesto Irrigation District (MID) requesting dedication of a 100-foot right-of-way centered on the canal as a condition of approval. This requested right-of-way would conflict with both Phase 1 and Phase 2 property use and development. MID requested modification to the site plan to address potential development conflicts. If approved, the applicant will need to obtain a license agreement from the MID Board of Directors for Phase 1's agricultural buffer and Phase 2's development of a 20' paved driveway. The license agreement will be needed to accommodate any new encroachment into the MID right-of-way. At this time, the applicant is in the process of fulfilling MID's requirements. Development standards have been added to reflect MID's requirements. (See Exhibit C – Development Standards.)

Also as part of the referral response, MID requested that any landscaping within their right-of-way be no taller than 17' to maintain a clearance of 10' for any existing or future overhead facilities. The Agricultural Commissioner's office believes that the addition of any landscaping material capable of screening at least six (6) feet in height would be suitable in meeting agricultural buffer requirements, as is discussed further below.

GENERAL PLAN CONSISTENCY

This project requests to amend the site's current General Plan designation of Agriculture to P-D (Planned Development). To evaluate a proposed General Plan amendment, the goals and policies of the General Plan must be reviewed. The following comparison is made between the goals and policies of the General Plan and the proposed project:

Land Use Element

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

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

The implementation of these policies requires that the criteria described in the DESIGNATIONS section of the Land Use Element be applied. The General Plan identifies the project site as Agriculture. Agriculture has been identified as lands of economic importance, not only to Stanislaus County, but to the state and nation as well. The General Plan designation of agriculture identifies areas that are potentially desirable for agriculture based on characteristics such as location, topography, parcel size, soil classification, water availability, and adjacent use.

Under the Planned Development section, 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 to other property. The Planned Development designation also allows for flexibility in development to accommodate unique characteristics of the site or proposed use. In this case, the 1.5± acre parcel possesses unique characteristics being compressed between MID's Main Canal and State Route 108 (McHenry Avenue) as well as partially developed with a commercial building and accompanying parking lot. The proximity of additional commercial development along State Route 108 (McHenry Avenue) lends itself to a variety of uses appropriate for the Planned Development designation. Staff finds that an amendment of General Plan designations from Agriculture to Planned Development would be most appropriate.

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

Policy Seventeen – Promote diversification and growth of the local economy.

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

Approval of this non-agricultural project will allow an existing partially developed parcel, which has employed a variety of different non-agricultural businesses for over thirty years, to expand and diversify, which upholds the goals set forth within Policy Seventeen of the Land Use Element. The uses the applicant has identified as potential commercial development can have a positive impact on the local economy. Commercial uses are normally not permitted on a site that has been designated in the General Plan as Agriculture; however, due to the site's existing development, staff believes that the General Plan amendment and rezone to ensure land use consistency would be the most appropriate measure to achieve the project's intent.

Agricultural Element

Objective Number 1.3 - *Minimizing agricultural conflicts.*

Policy 1.10 - *The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.*

Buffer and Setback Guidelines (Appendix A of the Agricultural Element) requires new or expanding uses approved in or adjacent to the A-2 (General Agriculture) zoning district to provide a 150 foot setback for low people intensive uses and a 300 foot wide buffer setback for people intensive outdoor activities. An alternative buffer and setback plan may be proposed by a project applicant. Alternatives are referred to the Stanislaus County Agricultural Commissioner as part of the planning review process. The Planning Commission shall consider the Agricultural Commissioner's referral response in making a determination on the proposed alternative. In order to approve a buffer alternative, the Planning Commission must find that the alternative buffer will provide equal or greater protection to surrounding agricultural uses.

Due to the potential for people intensive activities as permitted by the proposed commercial uses, a 300 foot wide buffer setback would be appropriate. MID's right-of-way height requirements along the canal create the need for an alternative agricultural buffer; therefore, the applicant, as part of the Phase 1 development, will install a chain link fence and an approved landscape screening material the length of the western portion of the parcel. The buffer will be required to be at least six (6) feet in height to meet the Agricultural Commissioner's requirements to screen from agricultural operations on neighboring properties. Findings of an alternative agricultural buffer will need to be made for recommendation by the Planning Commission and approval by the Board of Supervisors and will be reflected in the project's development standards. (See Exhibit A – Findings and Actions Required for Project Approval.)

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

Implementation Measure

1. *Procedures for processing General Plan amendments shall incorporate the following requirements for evaluating proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to urban uses:*

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

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

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

- A. *Overall, the proposal is consistent with the goals and policies of the General Plan.*
- B. *There is evidence on the record to show a demonstrated need for the proposed project based on population projections, past growth rates and other pertinent data.*
- C. *No feasible alternative site exists in areas already designated for the proposed uses.*
- D. *Approval of the proposal will not constitute a part of, or encourage, piecemeal conversion of a larger agricultural area to non-agricultural uses, and will not be growth-inducing (as used in the California Environmental Quality Act).*
- E. *The proposed project is designed to minimize conflict and will not interfere with agricultural operations on surrounding agricultural lands or adversely affect agricultural water supplies.*
- F. *Adequate and necessary public services and facilities are available or will be made available as a result of the development.*
- G. *The design of the proposed project has incorporated all reasonable measures, as determined during the CEQA review process, to mitigate impacts to agricultural lands, fish and wildlife resources, air quality, water quality and quantity, or other natural resources.*

As covered during the Environmental Review, the proposed project will not contribute to or encourage further conversion of larger agricultural lands to non-agricultural lands and will not be growth inducing due to the physical features of the project site. (See Exhibit F - Initial Study.) The project site has been partially developed for over 30 years with a commercial building and parking lot. The project will minimize conflicts with neighboring agricultural operations by creation of an agricultural buffer the length of the western property line. As stated above, staff believes the project is consistent with the goals and polices of the General Plan. Staff believes that all the necessary findings of the Agricultural Element's conversion criteria can be made.

In order to take affirmative action regarding the General Plan amendment application, it must be found that:

1. The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses;
2. The County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service; and
3. The amendment is consistent with the General Plan goals and policies.

The County has adopted standardized Public Facilities Fees to address impacts to public services. The Salida Fire Protection District has responded to this project with a development standard requiring the property to form or annex into a community facilities district for operational services

with the Salida Fire Protection District. To allow for additional traffic along St. Francis Avenue, the Department of Public Works is requiring that the northbound lane of St. Francis Avenue be improved to a 12 foot wide travel lane and a four (4) foot asphalt shoulder, per county standards, in conjunction with a financial guarantee and Irrevocable Offer of Dedication for 30 feet north of the centerline of St. Francis Avenue. These development standards will be applied to the project. (See *Exhibit C - Development Standards.*) Commercial businesses have operated on this site for over 30 years, along with adjacent development that consisted of commercial and industrial uses. Staff believes that this development will maintain a logical land use pattern without detriment to the existing planned land uses as well as County Services. (See *Exhibit F - Initial Study.*)

ZONING ORDINANCE CONSISTENCY

In order to approve the requested rezone, the Planning Commission must find that the proposed P-D (Planned Development) zoning is consistent with the General Plan designation of Planned Development for the proposed project site. The Land Use Element of the General Plan states that the P-D zone is consistent with the Planned Development General Plan designation provided a specific development plan is developed which takes into consideration the nature and location of the proposed planned development and determines building intensity and population density on an individual basis.

If the proposed General Plan amendment is approved, the proposed P-D zoning will be consistent with the Planned Development designation.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment and no significant issues were raised. (See *Exhibit H - Environmental Review Referrals.*) A Negative Declaration has been prepared for approval prior to action on the use permit as the project will not have a significant effect on the environment. (See *Exhibit G - Negative Declaration.*) Development standards reflecting referral responses have been placed on the project. (See *Exhibit C - 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 **\$2,267.00** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees. The attached Development Standards ensure that this will occur.

Contact Person: Jeremy Ballard, Assistant Planner, (209) 525-6330

Attachments:

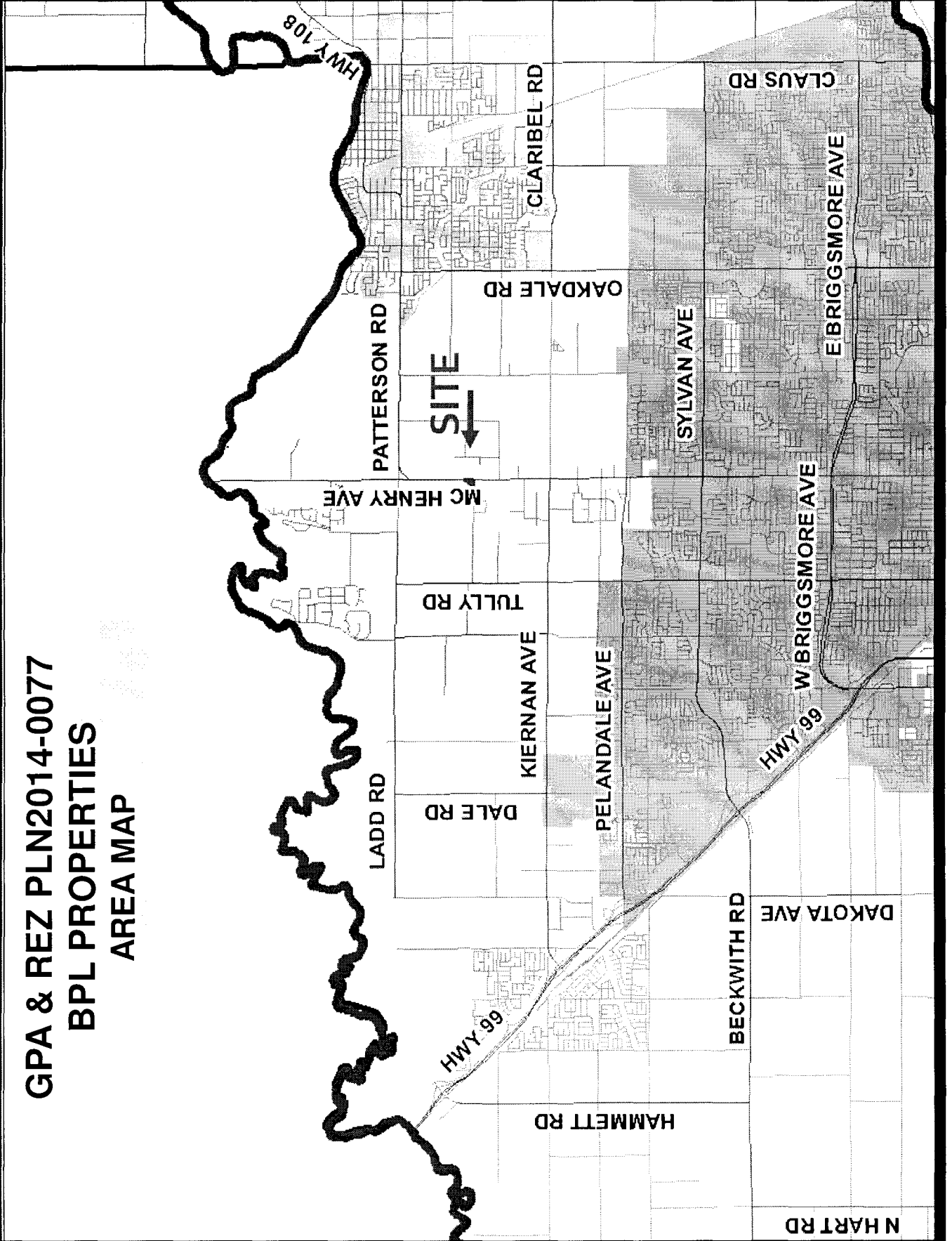
- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps, Site Plan, and Elevations
- Exhibit C - Development Standards
- Exhibit D - Development Schedule
- Exhibit E - Approved Uses
- Exhibit F - Initial Study
- Exhibit G - Negative Declaration
- Exhibit H - Environmental Review Referrals

I:\Planning Project Forms\Staff Report\staff rpt form.wpd

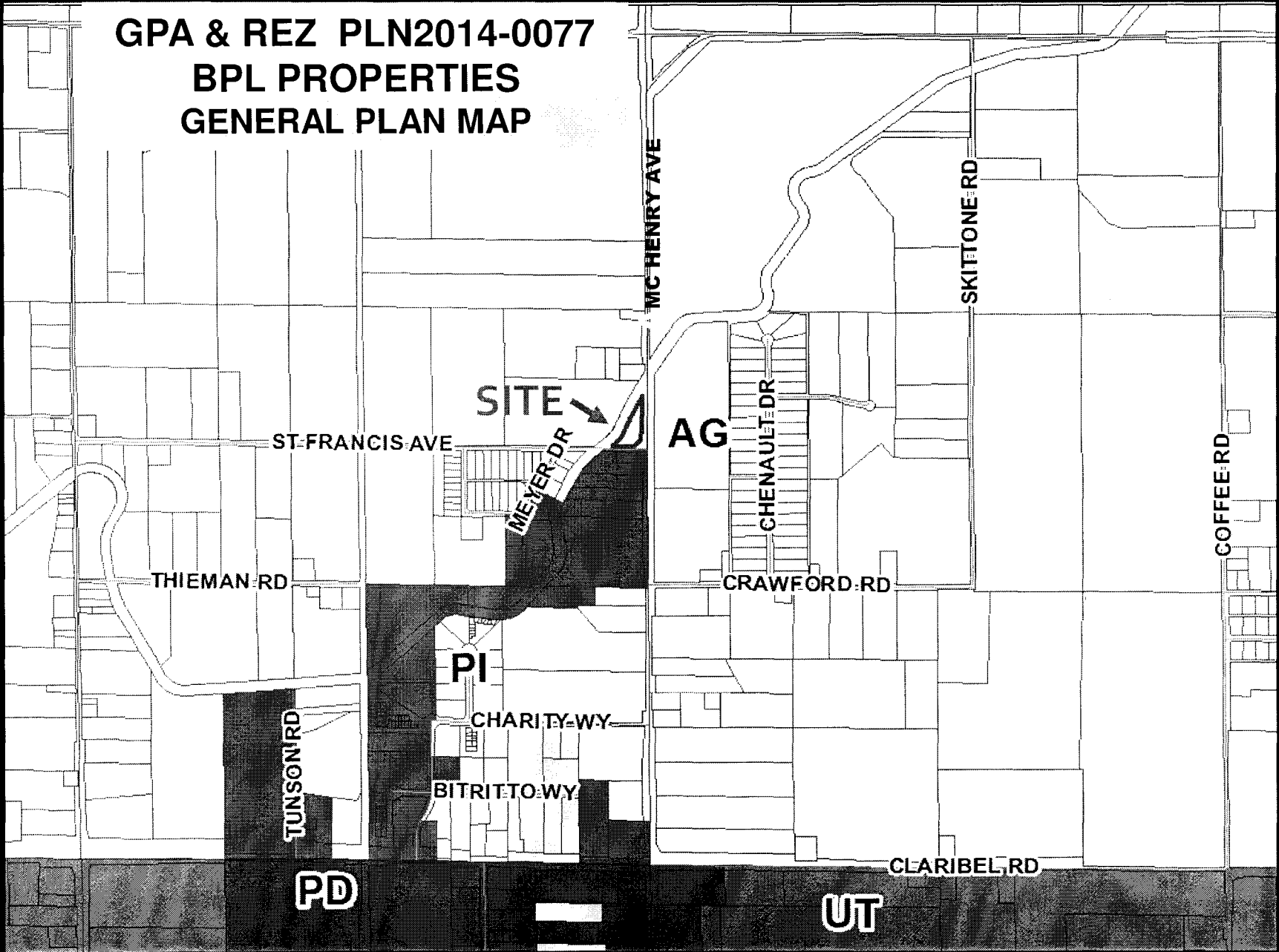
Exhibit A
Findings and Actions Required for Project Approval

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent 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:
 - (a) The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses;
 - (b) The County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service;
 - (c) The amendment is consistent with the General Plan goals and policies;
 - (d) The proposed Planned Development zoning is consistent with the Planned Development General Plan designation;
 - (e) The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; and
 - (f) The proposed alternative agricultural buffer provides equal or greater protection to surrounding agricultural uses.
4. Approve General Plan Amendment and Rezone Application No. PLN2014-0077 – BPL Properties and introduce, waive the reading, and adopt an ordinance for the Rezone.

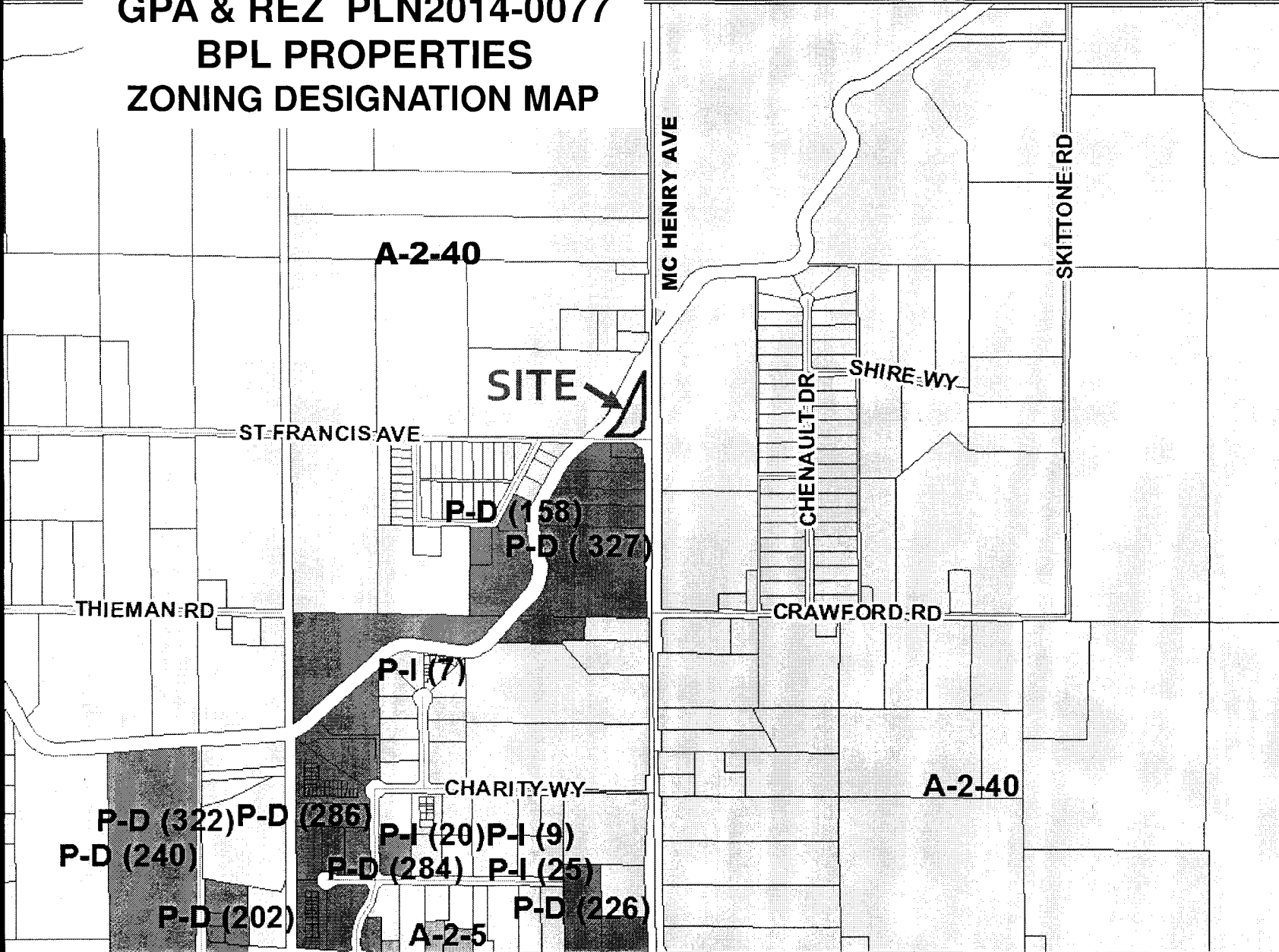
**GPA & REZ PLN2014-0077
BPL PROPERTIES
AREA MAP**



**GPA & REZ PLN2014-0077
BPL PROPERTIES
GENERAL PLAN MAP**



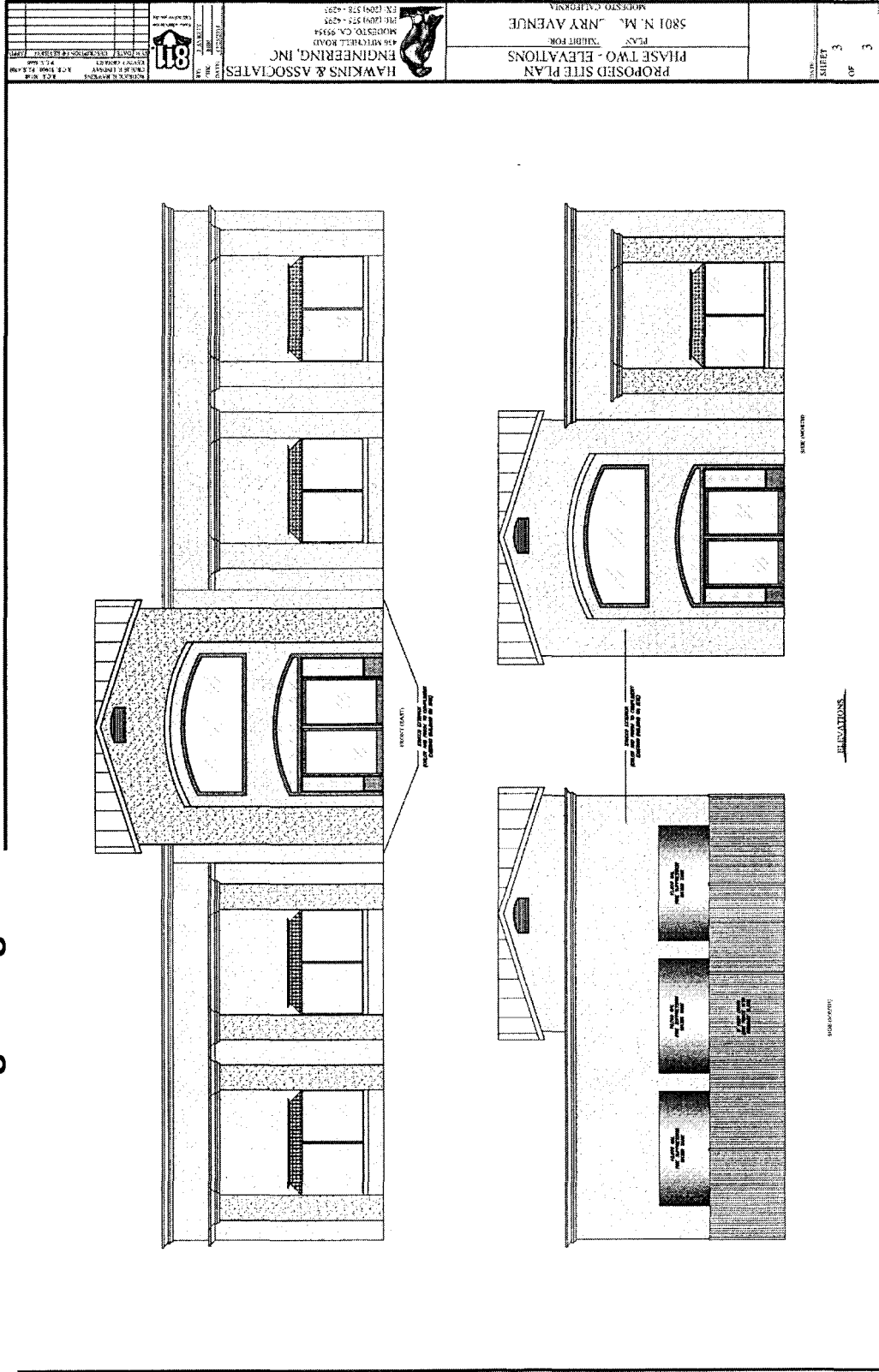
**GPA & REZ PLN2014-0077
BPL PROPERTIES
ZONING DESIGNATION MAP**



**GPA & REZ PLN2014-0077
BPL PROPERTIES
2013 AERIAL**



GPA & REZ PLN2014-0077
BPL PROPERTIES
Phase Two Building Design



PROPOSED SITE PLAN PHASE TWO - ELEVATIONS PLANS FOR 5801 N. MARY AVENUE MODESTO, CALIFORNIA		SHEET 3 OF 3
HAWKINS & ASSOCIATES ENGINEERING, INC. 416 MORTFIELD ROAD MODESTO, CA 95354 TEL: (209) 578-4238 FAX: (209) 578-4235		DATE: 08/20/14 DRAWN: JACOBSON CHECKED: JACOBSON SCALE: AS SHOWN PROJECT: BPL PROPERTIES SHEET: 3 OF 3

DEVELOPMENT STANDARDS

GENERAL PLAN AMENDMENT AND REZONE APPLICATION NO. PLN2014-0077 BPL PROPERTIES

Department of Planning and Community Development

1. Use(s) 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. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2015), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing 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 **\$2,267.00**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife 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.

3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
4. The applicant/owner 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.
5. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).
6. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary.

7. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
8. A sign plan for all proposed on-site signs indicating the location, height, area of the sign(s), and message must be approved by the Planning Director or appointed designee(s) prior to installation. ~~No~~**The existing** pole sign shall be permitted ~~and to remain until~~ a single monument sign ~~shall be allowed~~ **is approved** for both Phase 1 and Phase 2 development.
9. Pursuant to Sections 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and shall be responsible for obtaining all appropriate streambed alteration agreements, permits, or authorizations, if necessary.
10. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
11. 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 Wildlife (formerly the 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.
12. 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.
13. 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.
14. Any future inclusion of trash bins on the site shall be kept in trash enclosures constructed of materials compatible with the architecture of the development. Any future trash enclosures shall be placed in locations as approved by the refuse collecting agency and the Planning Director or appointed designee(s).
15. Any approved business (current & future) operating on-site shall obtain and maintain a valid business license. Application may be made with the Department of Planning and Community Development. (Section 6.04 of the Stanislaus County Ordinance Code)

16. Sufficient paved and marked parking spaces shall be provided for all uses in compliance with County Code Chapter 21.76. Prior to issuance of any building permits, the Director of Planning and Community Development, or appointed designee(s), shall approve a final parking and circulation plan for the entire P-D. The parking facilities shall be in place prior to occupancy of any new buildings.
17. No uses shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration, or electrical interference detectable off site.
18. A landscape plan, including the approved agricultural buffer, shall be submitted to the Department of Planning and Community Development and landscaping shall be installed in accordance with the approved Development Schedule. The landscaping plan shall be in conformance with §21.102 of the Stanislaus County Zoning Ordinance.
19. 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.
20. The proposed agricultural buffer shall be limited to 17 feet in height in accordance with the Modesto Irrigation District Electrical Division's request.
21. All uses shall be conducted indoors, unless approved by the Director of Planning and Community Development.
22. Approved uses for the entire development shall be those included in Exhibit H E – Approved Uses of the project's Planning Commission staff report.

Department of Public Works

23. A grading and drainage plan for the project site shall be submitted with the grading or building permit. Public Works will review and approve the drainage calculations. The grading and drainage plan shall be designed in accordance to the 2014 County Standards and Specifications and shall include the following minimum information:
 - A. 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.
 - B. The grading, drainage, and erosion control plan shall comply with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit, including post development treatment and water quality treatment requirements.
 - C. A Notice of Intent (NOI) shall be submitted to the County prior to the approval of the grading permit.
 - D. 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 grading/building permit.

- E. The applicant of the grading/building permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the building and/or grading plan and all inspection fees. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site. The plans shall not be released until such time that all plan check and inspection fees have been paid.

The applicant shall determine the project risk level and pay the appropriate NPDES fee based on the latest Public Works Engineering fee schedule.

24. An acceptable financial guarantee for the road improvements shall be provided to the Department of Public Works prior to the issuance of any grading or encroachment permit. This may be deferred if the work in the right-of-way is done prior to the issuance of any grading or building permit or issuance of a business license.
25. A signed Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined.
26. No parking, loading or unloading of vehicles will be permitted within the County road right-of-way.
27. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted.
28. St. Francis Avenue is classified as 60-foot Local Roadway. The required ½ width of St. Francis Avenue is 30-feet north of the centerline of the roadway. If 30-feet of the right-of-way do not exist north of the centerline, then the remainder 30-feet shall be dedicated with an Irrevocable Offer of Dedication for the entire parcel frontage.
29. An Encroachment Permit shall be obtained for any work done in Stanislaus County road right-of-way. Public Works will have the final say on the location of the new driveway on Saint Francis Avenue.
30. Prior to the final of any grading or building permit or the issuance of any business license for the property, the applicant shall make road frontage improvements along the entire frontage length of the project on Saint Francis Avenue. This improvement shall include additional paving to provide a 12' wide paved vehicle lane and a 4' wide paved asphalt shoulder to bring the roadway in front of the parcel to meet County standard requirements. If the paving of the 16' road improvements make it necessary to relocate the power poles, the relocation shall be done at the owner's sole expense. Improvement plans are to be submitted to the Public Works department for approval.

Department of Environmental Resources

31. The Water System may now be or may become a public water system as defined by California Health and Safety Code (CA HSC) Section 116275 and Title 22 California Code of Regulations (CCR) Sections 64400.10, 64400.80, 64401.85. Prior to issuance of building permits or licenses to conduct business identified in the submitted application PLN2014-0077, the property owner shall certify to Stanislaus County Department of Environmental Resources (Department) that: the property use does not or will not constitute a public water system, or submit a public water supply permit [(CA HSC) 116525] to the Department

accompanied by a public water system technical report [(CA HSC) 116530], financial and managerial and technical information [(CA HSC) 116540], and obtain a public water supply permit to operate the public water system [(CA HSC) Sections 11625, 116530, 116540, 116550].

32. Applicant must submit 3 sets for the proposed food facility to the Department of Environmental Resources for review and approval for compliance with the California Retail Food Code section 114380. The submitted food facility construction plans are to be complete, easily readable and drawn to scale and specification.
33. On-site wastewater disposal system (OSWDS) shall be by individual Primary and Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X.

Building Permits Division

34. Building permits are required and the project must conform with the California Code of Regulations, Title 24.

Modesto Irrigation District (MID)

35. MID requires a 100' right-of-way (centered on the canal) for the Canal. Any and all of the 100' right-of-way lying within the applicant's parcel shall be granted to MID.
36. The applicant shall apply for a License Agreement from MID for the existing encroachments located within the 100' strip of land should the Applicant wish for the improvements to remain in place.
37. MID will not accept any stormwater into the Canal.
38. Any and all existing overhead electrical facilities within or adjacent to the proposed project shall be protected or relocated as required by the District's Electric Engineering Department.
39. Relocation or Installation of electric facilities shall conform to the District's Electric Service Rules.
40. Costs for relocation of the District's electric facilities at the request of others will be borne by the requesting party. Estimates for relocating MID electric facilities will be supplied upon request.
41. The District's Electrical Division reserves its future right to utilize its property, including the MID canal adjacent to parcel 004-070-010 in a manner it deems necessary for the installation and maintenance of electric and telecommunication facilities. These needs, which have not yet been determined, may consist of new poles, towers, cross arms, wires, cables, braces, insulators, transformers, service lines, underground conduits, control structures and any necessary appurtenances, as may, in the District's opinion, be necessary or desirable.

42. The Electric Division is requesting a 10' clearance along the MID canal in order to protect future overhead electric facilities. The proposed trees along the MID canal should be limited to those species that do not exceed a maximum height of 17' at maturity in order to maintain necessary clearances from future overhead electrical facilities.
43. A set of construction drawings shall be submitted to the Engineering Design Group in order to coordinate requirements for new construction. The District will address specific requirements when detailed construction plans are submitted for review.

Salida Fire Protection District

44. The 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.
45. 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.
46. Prior to, and during, combustible construction, the District shall approve provisions for serviceable fire vehicle access and fire protection water supplies.
47. 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.
48. Buildings of 5,000 square feet and greater shall be required to have fire sprinklers meeting the standards listed within the adopted California Fire Code and related amendments. In addition, there may be revisions to the fire sprinkler requirements in future fire code adoptions. At the time of construction, the most current, adopted fire code will be required and must be adhered to.
49. For buildings of 30 feet or three (3) or more stories in height, gated 2 ½" hose connections (Class III) for fire department use shall be installed on all floors in each required exit stairwell.
50. The project shall meet fire apparatus access standards. Two ingress/egress accesses to each parcel meeting the requirements listed within the California Fire Code.
51. 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.
52. Prior to the issuance of a Phase 1 business license, the owner(s) of the property 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 this process may take 60-120 days to complete, it is recommended that advanced consideration be given to initiate this requirement early in the project.

California Department of Transportation

53. The proposed driveway will need to accommodate the appropriate design vehicle that will be accessing this type of business and must be designed to Caltrans Standards.
54. The applicant must proceed with an Encroachment Permit application prior to any commencement of work within the State's right-of-way (ROW) and upon any access (driveway) point onto the State Highway System. All work performed within/adjacent to the State's ROW will be subject to Caltrans Highway Design Manual and Standards and Specifications.

Central Valley Regional Water Quality Control Board (RWQCB)

55. Prior to any ground disturbing activities or building permit issuance, the applicant/owner shall be responsible for contacting the RWQCB to ensure compliance with all RWQCB standards and obtain any required permits, including but not limited to:
 - a) Construction Storm Water General Permit
 - b) Phase I and II Municipal Separate Storm Sewer System (MS4) Permits
 - c) Industrial Storm Water General Permit
 - d) Clean Water Act Section 404 Permit
 - e) Clean Water Act Section 401 Permit – Water Quality Certification
 - f) Waste Discharge Requirements
 - g) Low or Limited Threat General (NPDES) Permit

San Joaquin Valley Air Pollution Control District (SJVAPCD)

56. The proposed project is subject to District Rule 9510 (Indirect Source Review). The developer shall submit an Air Impact Assessment (AIA) and pay all applicable District fees to SJVAPCD prior to obtaining final project approval.
57. Development of the project site may be subject to the following District Rules and may be subject to additional regulations/permits, as determined by the SJVAPCD.
 - a) Regulation VIII (Fugitive PM10 Prohibitions);
 - b) Rule 4102 (Nuisance);
 - c) Rule 4601 (Architectural Coatings);
 - d) Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations); and
 - e) Rule 4692 (Commercial Charbroiling)

*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~~.*

DEVELOPMENT SCHEDULE

GENERAL PLAN AMENDMENT AND REZONE APPLICATION NO. PLN2014-0077 BPL PROPERTIES

Phase 1

- Within one (1) year of project approval, an encroachment permit shall be submitted for Phase 1 ingress and egress improvements.
- Within one (1) year and 6 months of project approval, an encroachment permit shall be finalized for Phase 1 ingress and egress improvements.
- Within 6 months of project approval, a landscape plan, including the approved agricultural buffer, for Phase 1 shall be approved. Landscaping and the agricultural buffer shall be installed within 3 months of plan approval.
- Prior to the modification of any existing sign or installation of any new sign, a comprehensive sign plan (Phases 1 and 2) shall be approved.

Phase 2

Phase 2 will have a development life of up to 15 years. If Phase 2 is not developed during this time, the Planned Development is expired and a new rezone application will be required for subsequent development of the site.

- Prior to issuance of any building permit, a landscape plan, including approved agricultural buffer, for Phase 2 shall be approved. Landscaping and agricultural buffer shall be installed prior to occupancy.

**** All approvals shall be by the Director of the Department of Planning and Community Development or an appointed designee.**

Approved Uses

Permitted with the approval of a Business License

- A. *Personal Service Establishment; social halls, fraternal lodges and clubhouses; Professional offices; and similar uses, which in the opinion of the Director of Planning and Community Development are similar in character and purpose to uses enumerated in this section.*

Staff Approval with Referral

- A. *Automobile repair shops; body and paint shops; tire, battery, and automobile parts establishments; motorcycle shops; farm equipment and service; and similar light industrial type uses.*
- B. *Nursery retail and wholesale; recreational facilities; building materials and contractor yard; hardware and paint establishments; Christmas tree and firework sales (subject to §21.56.020); mail-order establishments; medical offices; storage; animal services and facilities; financial institutions; and similar uses, which in the opinion of the Director of Planning and Community Development are similar in character and purpose to uses enumerated in this section.*

Uses Requiring a Use Permit

- A. *Convenience market and service stations; liquor sales; drive thru eatery of any kind; bank and retail; high traffic generating restaurant, bar, dance hall, drive in theaters, night clubs, or any similar uses.*
- B. *Mobile home park; hotel or motel; clinic or hospital; church or school; daycare center; or any other similar uses.*
- C. *Auto, recreational, and used auto sales; automated car washes.*
- D. *Uses not found within the C-2 (General Commercial) zoning district but found to be consistent, by the Director of Planning and Community Development, with the P-D (Planned Development) zoning district.*
- E. *All other uses found in §21.56.030 of the C-2 (General Commercial) zoning district.*

Supplemental Development Standards

- *All uses that may conduct operations outdoors shall be required to provide screening, subject to approval by the Director of Planning and Community Development.*
- *Landscaping as stated in §21.56.040 of the C-2 (General Commercial) zoning district shall be required.*
- *Any sign program for any use shall be submitted to the planning director for approval prior to installation.*
- *Parking standards as identified in §21.76 - Off-Street Parking shall be met.*
- *Any use(s) that generate more than 50 peak hour vehicular trips shall be subject and required to fulfill all recommendations of a traffic impact analysis. (See Staff Report.)*
- *Shall be subject to any and all other development standards recommended by the Planning Commission and approved by the Board of Supervisors.*



Stanislaus County Planning and Community Development

1010 10th Street, Suite 3400
Modesto, California 95354

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

CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, December 30, 2009

- 1. **Project title:** General Plan Amendment and Rezone Application No. PLN2014-0077 - BPL Properties
- 2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
- 3. **Contact person and phone number:** Jeremy Ballard, Assistant Planner
(209) 525-6330
- 4. **Project location:** 5801 McHenry Avenue, at the northwest corner of Highway 108 (McHenry Avenue) and St. Francis Avenue, south of Ladd Road, north of the City of Modesto. APN: 004-070-010
- 5. **Project sponsor's name and address:** Rod Hawkins
Hawkins & Associates
436 Mitchell Road
Modesto, CA 95354
- 6. **General Plan designation:** Agriculture
- 7. **Zoning:** A-2-40 (General Agriculture)
- 8. **Description of project:**

This is a request to amend the current General Plan and zoning designation of a 1.5± acre parcel to Planned Development (P-D) to expand the current legal non-conforming use and allow for General Commercial (C-2) zoning district uses with the exception of crop farming and adult businesses. Development will occur in two phases. Phase one will consist of tenant improvements, added water storage for fire suppression, and the modification of current driveway conditions to provide adequate ingress/egress from adjacent roadways to the existing 2,954 square foot structure and parking lot. Phase two is to be developed as the market allows and will consist of the construction of a 6,500 square foot building, additional storm drainage facilities, a Measure "X" aerobic septic system, and additional water storage to meet fire suppression requirements. Phase two development will also include the need for landscaping as well as an agricultural buffer to ensure compatibility between the project site and the agricultural activities to the west. The entire development project will be restricted to uses that generate less than 50 cumulative peak-hour-vehicular-trips. Once the threshold of 50 peak-hour-vehicular-trips is surpassed, the applicant will be responsible to perform a traffic impact analysis.

- 9. **Surrounding land uses and setting:** Garton Tractor, Inc., legal non-conforming liquor store, and a mechanical repair shop to the north; row crops and residential development to the east; Modesto Irrigation District Main Canal, an almond orchard, and a single-family dwelling to

the west; and Planned Development 327 (P-D [327]), commercial and light industrial uses, to the south.

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

Stanislaus County Department of Public Works
Stanislaus County Department of Environmental Resources
State of California Department of Transportation
Modesto Irrigation District
Salida Fire District

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

Jeremy Ballard, Assistant Planner
 Prepared By _____

December 29, 2014
 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>Discussion: The Stanislaus County General Plan Circulation Element section for Scenic Highways details Interstate 5 as being the sole officially designated State Scenic Highway in Stanislaus County. The site itself, which is adjacent to California State Route (SR) 108, commonly known as McHenry Avenue, is not considered to be a scenic resource or a unique scenic vista. Community standards generally do not dictate the need or desire for architectural review of agricultural or commercial buildings, or residential development. The site has been partially developed with a 2,954 square foot commercial building for over 30 years and also includes a paved parking lot, water well, and pressure tank. Phase one of the project will consist of minor exterior improvements to the ingress/egress from SR 108 and St. Francis Avenue, any needed tenant improvements, and the addition of two 10,000 gallon water tanks to accommodate the needed capacity for fire suppression. Phase two, which is market driven and not anticipated to take place for at least several years, would consist of: the construction of a 6,500 square foot commercial building and paved parking lot; the planting of redwood trees the distance of the western property line for the purpose of creating an agricultural buffer; construction of a Low Impact Development Pre-Treatment Storm Water Basin; landscaping for the entire site; and the addition of one 10,000 gallon water tank and aerobic Measure "X" sewer system to accommodate both developments. The project should not degrade the existing visual character or quality of the site and its surroundings as the site is currently partially developed with a commercial building. The project is also in the proximity of other commercial and light industrial developments along SR 108. While there are still agricultural operations directly to the west, the installation of an appropriate agricultural buffer to ensure compatibility as phase two develops is required and will be addressed in the conditions of approval. Conditions of approval will be added to the project to ensure all existing and future lighting shall be aimed downward to prevent glare onto adjacent properties.</p>				
<p>Mitigation: None.</p>				
<p>References: Proposed site plans for phases one and two; referral response from the Environmental Review Committee dated September 16, 2014; and the Stanislaus County General Plan Circulation Element and Support Documentation¹.</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 has a General Plan designation of Agriculture, a zoning designation of A-2-40 (General Agriculture), and has been partially developed and utilized for various commercial uses off and on for over 30 years. The most recent use was that of a legal non-conforming card room which is no longer in operation at this current site. The California State Department of Conservation’s Farmland Mapping and Monitoring Program designates the project site as half “Urban and Built-up Land” and half “Farmland of Statewide Importance.” The site’s soil consists of Delhi sand, 0 to 3 percent slopes, Index Rating of 48, and Grade of 3.

In order to take affirmative action regarding the General Plan Amendment application, it must be found that the proposed project will maintain a logical land use pattern without detriment to existing and planned land uses. Conversion of agricultural land to urban uses findings from Policy 2.7 of the Agricultural Element of the General Plan need to be met. While the State of California Department of Conservation designates the site as half “Farmland of Statewide Importance”, the site itself is 1.5± acres in total size and is already partially developed and bound by the Modesto Irrigation District (MID) Main Canal to the west. According to Implementation Measure 1 of Policy Two for Goal One of the General Plan Land Use Element, agricultural areas should generally be zoned for 40- to 160-acre minimum parcel sizes. Lot size is also a factor in the General Plan’s land use designations. The previously mentioned factors contribute to reasonably conclude that findings from the General Plan Land Use and Agricultural Element can be met by this project. Most parcels adjacent to the project are zoned A-2-40. Parcels north of the project site consist of a liquor store, a Garton Tractor location, and a mechanical repair shop. Parcels to the south consist of Planned Development (P-D [327]) allowing general commercial and

light industrial uses. The project should not degrade the existing visual character or quality of the site and its surroundings as the site is currently partially developed with a commercial building. The project is also in the proximity of other commercial and light industrial developments along SR 108. If approved, the new P-D's permitted uses will be consistent with the General Commercial (C-2) zoning district with the exception of crop farming and adult businesses. As stated in the project description, permitted uses will be limited to commercial operations that generate less than 50 peak-hour-vehicular-trips for both phases until a traffic impact analysis (TIA) is performed.

In December of 2007, Stanislaus County adopted an updated Agricultural Element which incorporated guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 zoning district. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts resulting from the interaction of agricultural and non-agricultural uses. Buffer guidelines require any new or expanding use approved by a discretionary permit in the A-2 zoning district to incorporate a buffer to minimize conflicts between agricultural and nonagricultural uses. All projects shall incorporate a minimum 150 foot wide buffer setback or 300 feet for people-intensive outdoor activities. As part of phase two, an agricultural buffer of Redwood trees will be added to the entire western portion of the project site to limit conflicts between the commercial development and the adjacent almond orchard. The Redwood tree buffer is in addition to the 100-foot MID canal, along the western property line, which provides an additional buffer between the project site and the agricultural property to the west.

Based on the analysis above, it does not appear the project will convert economically viable farmland to non-agricultural use. As mentioned previously, most parcels adjacent to the project site are zoned A-2-40 and parcels directly to the east and west are in agricultural production; however, the site's existing features and partial commercial development, as well as the requested uses, should not create, or contribute to, changes in the existing environment that will result in the future conversion of farmland to non-agricultural use. The site, and surrounding area, do not consist of forest land; therefore, proposed development will not convert or contribute to the loss of forest land.

Mitigation: None.

References: Referral response from the Environmental Review Committee dated September 16, 2014; California Department of Conservation Farmland Mapping and Monitoring Program data; USDA Natural Resources Conservation Service Soil Survey data, Eastern Stanislaus Soil Survey 1964; and the Stanislaus County General Plan and Support Documentation¹.

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.

A referral response from the SJVAPCD indicated that the project is not expected to produce specific emissions of criteria pollutants enough to exceed the district's significance thresholds for NOX, ROG, and PM10. The district also commented that phase two development would exceed 2,000 square feet of commercial space and, therefore, would be subject to District Rule 9510. District Rule 9510 requires the applicant to submit an Air Impact Assessment application to the district no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. Conditions of approval will be added to the project to reflect the district's comments.

Mitigation: None.

References: Referral response from the San Joaquin Valley Air Pollution Control District dated December 4, 2014; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; and the Stanislaus County General Plan and Support Documentation¹.



IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Discussion: The proposed project will not result in impacts to endangered species, habitats, locally designated species, wildlife dispersal, or mitigation corridors. There are no known sensitive or protected species or natural communities located on the site. The project was referred to the California and US Departments of Fish and Wildlife, but no comments have been received to date.

Mitigation: None.

References: California Department of Fish and Game California Natural Diversity Database and the Stanislaus County General Plan and Support Documentation¹.

V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 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	

Discussion: It does not appear that this project will result in significant impacts to any archaeological or cultural resources. A records search from the Central California Information Center (CCIC) dated May 20, 2014, states that no prehistoric or historic archaeological resources nor historic properties have been reported to the information center. Furthermore, the report documents the MID Main Canal as being built over 100 years ago, but not formally evaluated. Overall, the CCIC believes that the project area has a low sensitivity for the possible discovery of historical materials. As recommended by the CCIC report, a condition of approval will be placed on the project that requires that if any subsurface resources are found, construction activities will halt at that time until a qualified archaeologist can survey the site. An Early Consultation referral was sent to the Tribal Contacts as required by California Government Code §65352.3. No response has been received to date.

Mitigation: None.

References: Applicant submitted record search from the Central California Information Center dated May 20, 2014, and the Stanislaus County General Plan and Support Documentation¹.

VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X

b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil 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 Five 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 as part of the building permit process. 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 Stanislaus County Department of Public Works (Public Works) Standards and Specifications which consider 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 (DER) 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 Element¹.



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 principal Greenhouse Gasses (GHGs) are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H₂O). CO₂ is the reference gas for climate change because it is the predominant greenhouse gas emitted.

All future development must comply with Title 24 Building Code Regulations which include measures for energy-efficient buildings that require less electricity and reduce fuel consumption, which in turn decreases GHG emissions. The main factor that would contribute to greenhouse gas emissions from this project would be from vehicular trips generated. At this time, the applicant has indicated in their project description that occupancy of phase one and phase two will cumulatively remain at or under 50 peak-hour-vehicular-trips until a TIA is completed. Upon completion, the TIA will detail the impacts associated with vehicular trips and further define the potential GHG emissions impact from mobile sources. At this time, the proposed impacts to GHG emissions are considered to be less than significant.

A referral response from the SJVAPCD indicated that the project is subject to District Rule 9510 (Indirect Source Review), may require further environmental review and mitigation, and may be subject to the District’s rules and regulations, including but not limited to: Regulation VIII (Fugitive PM10 Prohibitions); Rule 4102 (Nuisance); Rule 4601 (Architectural Coatings); Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations); and Rule 4002 (National Emissions Standards for Hazardous Air Pollutants). The referral response also noted that, if any restaurants are included in future construction, then the applicant is subject to Rule 4692 (Commercial Charbroiling).

A standard condition of approval will be applied to the project which requires the applicant to contact the SJVAPCD to identify other rules that may apply to the project for any future construction related activities. Any major expansions or additions of uses will require that a discretionary permit (Use Permit or Rezone) is first obtained through the Planning Department. These discretionary project applications would be circulated to the SJVAPCD for comment and conditions.

Mitigation: None.

References: Referral response from the San Joaquin Valley Air Pollution Control District dated December 4, 2014, and the Stanislaus County General Plan and Support Documentation¹.

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	

<p>h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</p>				X
<p>Discussion: No known hazardous materials are on site. Pesticide exposure is a risk in agricultural areas. Sources of exposure include contaminated groundwater, which is consumed, and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. DER is responsible for overseeing hazardous materials in this area. As phase one is an existing commercial structure, the time for addition of an agricultural buffer will be phase two. Phase two development will incorporate an agricultural buffer that extends the length of the western portion of the property to minimize the potential exposure to pesticides.</p>				
<p>Mitigation: None.</p>				
<p>References: Referral response from the Environmental Review Committee dated September 16, 2014, and the Stanislaus County General Plan and Support Documentation¹.</p>				
<p>IX. HYDROLOGY AND WATER QUALITY -- Would the project:</p>	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<p>a) Violate any water quality standards or waste discharge requirements?</p>			X	
<p>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)?</p>			X	
<p>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?</p>			X	
<p>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?</p>			X	
<p>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?</p>			X	
<p>f) Otherwise substantially degrade water quality?</p>			X	
<p>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?</p>				X
<p>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</p>				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	
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j) Inundation by seiche, tsunami, or mudflow?				X
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Discussion: Run-off is not considered an issue because of several factors which limit the potential impact. These factors include a relative flat terrain of the subject site and relatively low rainfall intensities. 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. The project was referred to Public Works and to the Central Valley Regional Water Quality Control Board (RWQCB). Public Works did not have any comments related to hydrology & water quality; however, the proposed project will be required to meet Public Works standards for grading and drainage requirements. RWQCB is requiring that the applicant obtain all necessary RWQCB permits for construction, if required. RWQCB's comments will be incorporated into the project's conditions of approval. As part of phase two development, a Low Impact Development Stormwater Pre-Treatment Basin will be constructed to ensure any stormwater related runoff will be contained and pre-treated onsite and will be subject to review from all necessary departments during the building permit process.

Mitigation: None.

References: Phase two site plans and the Stanislaus County General Plan and Support Documentation¹.



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

Discussion: The project site has a General Plan designation of Agriculture, a zoning designation of A-2-40 (General Agriculture), and has been partially developed with a 2,954 square foot commercial building, with varying legal non-conforming commercial uses, for over 30 years. The applicant is proposing to amend the General Plan and rezone the property to P-D thereby expanding the allowable uses to be consistent with the C-2 zoning district's permitted uses with the exception of crop farming and adult businesses.

In order to take affirmative action regarding the General Plan amendment application, it must be found that the proposed project will maintain a logical land use pattern without detriment to existing and planned land uses. While the State of California Department of Conservation designates the site as half "Farmland of Statewide Importance", the site itself is 1.5± acres in total size and is already partially developed and bound by the MID Main Canal to the west. According to Implementation Measure 1 of Policy Two for Goal One of the General Plan Land Use Element, agricultural areas should generally be zoned for 40- to 160-acre minimum parcel sizes. Lot size is also a factor in the General Plan's land use designations. The site's existing features and partial commercial development, as well as the requested uses, should not create, or contribute to, changes in the existing environment that will result in the future conversion of farmland to non-agricultural use. Most parcels adjacent to the project are zoned A-2-40. Parcels north of the project site consists of a liquor store, a Garton Tractor location, and a mechanical repair shop. Parcels to the south consist of P-D (327) allowing general commercial and light industrial uses. The intent of the project is to amend the current General Plan and zoning designations to allow and expand an existing commercial building's permitted uses as well as to utilize the remaining portion of the project site for commercial uses should the market allow. The P-D's permitted uses, with the exception of crop farming and adult businesses, will be consistent with the C-2 zoning district. As stated in the project description, permitted uses will be limited to commercial operations that generate less than 50 peak-hour-vehicular-trips for both phases until a TIA is performed.

The project intent is to bring the existing building into zoning compliance by creating a P-D zone that would allow the whole property to be utilized for commercial uses. The General Plan amendment and rezone to P-D will legalize the current commercial use of the property which, by its current development and physical features, makes logical land use sense. The requested General Plan amendment and rezone makes logical sense due to the factors mentioned above such as existing features and the size of the project site.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

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

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

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

XII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
<p>Discussion: Any noise impacts associated with increased on-site activities and traffic are not anticipated to exceed the area's existing noise levels. The Stanislaus County General Plan identifies noise levels up to 75 dB L_{dn} (or CNEL) as the normally acceptable level of noise for agricultural, industrial, manufacturing, and other similar land uses. Any activity on site will be required to comply with the Noise Element of the General Plan for commercial uses.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
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	
<p>Discussion: No housing or persons will be displaced by this project. The proposed parcel will be restricted to the approved uses and structures. Any alterations to the use or building type requires the developer obtain a Staff Approval Permit, Use Permit, or Rezone to modify the project beyond what was reviewed in compliance with CEQA. This project does not propose any type of significant growth inducing features; therefore, adverse effects created by population growth should not occur.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
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:			X	
Fire protection?			X	
Police protection?			X	
Schools?				X

Parks?				X
Other public facilities?			X	

Discussion: The County has adopted a standardized mitigation measure requiring payment of all applicable Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. In addition, first year costs of the Sheriff’s Department have been standardized based on studies conducted by the Sheriff’s Department. All structures on the property will be required to comply with all applicable sections of the Title 24 California Code of Regulations. Payment of Public Facility Fees will be required upon issuance of any required building permit, which will be reflected as a condition of approval for this project.

A referral response from the Building Permits Division of the Stanislaus County Planning and Community Development Department requires a change of occupancy permit for the existing structure. Standard conditions of approval will be added to reflect this requirement as well as other building permit and ADA requirements.

A referral response from the Salida Fire Protection District does not identify any potentially significant impacts, but requires that buildings of 5,000 square feet and greater have fire sprinklers meeting the standards listed within the adopted California Fire Code and related amendments and noted that there may be revisions to fire sprinkler requirements in future fire code adoptions and that the most current, adopted fire code will be required and must be adhered to at the time of construction. The response also requires the applicant, prior to final project approval, to form or annex into a community facilities district for operational services. All applicable comments contained in the referral response will be recorded as conditions of approval.

Public Works responded to the Early Consultation referral with comments regarding the need for a grading and drainage plan, right-of-way dedication, an encroachment permit, and restrictions within the right-of-way. The response also requires the applicant to make road frontage improvements along the entire frontage length of Saint Francis Avenue prior to receiving any final grading or building permit. The improvements will be done to all County standard requirements. All applicable comments from Public Works will be listed as conditions of approval for the project.

The original site plan did not recognize, and encroached into, an existing right-of-way of the MID Main Canal. Phase two development included further encroachment into MID’s right-of-way. A revised referral response received from MID dated November 13, 2014, requires that the applicant grant any and all of the 100’ right-of-way lying within the applicant’s parcel to MID. This process can be done through a quitclaim deed and will be added as a condition of approval for phase one. While portions of phase two enter into the MID canal right-of-way, MID has stated that any new encroachments will need authorization from the MID Board of Directors through a License Agreement. A revised site plan was received from the applicant to reflect the 100’ right-of-way as well as the relocation of an existing water pressure tank. The applicant will need to receive a License Agreement from the MID Board of Directors for phase two development of a 20’ paved driveway and redwood agricultural buffer. This will be reflected as a phase two condition of approval. MID also relayed comments in regards to the existing utility poles onsite. Conditions of approval will reflect those comments.

The project was also referred to the Stanislaus County Sheriffs Department, AT&T, PG&E, and the Stanislaus and Modesto School Districts. No comments have been received from these agencies to date.

Mitigation: None.

References: Referral response from the Salida Fire Protection District dated September 4, 2014; referral response from the Stanislaus County Department of Public Works dated September 24, 2014; referral response from the Building Permits Division dated September 25, 2014; referral responses from the Modesto Irrigation District dated September 17 and November 13, 2014; and the Stanislaus County General Plan and Support Documentation¹.

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>			<p>X</p>	
<p>Discussion: The proposed commercial project will not cause an increase in the use of existing recreational facilities as no dwelling units will be permitted as a part of this project</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				

XVI. TRANSPORTATION/TRAFFIC -- Would the project:

<p>XVI. TRANSPORTATION/TRAFFIC -- Would the project:</p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant With Mitigation Included</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
<p>a) Conflict with 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>			<p>X</p>	
<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>			<p>X</p>	
<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>			<p>X</p>	
<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>			<p>X</p>	
<p>e) Result in inadequate emergency access?</p>			<p>X</p>	
<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>			<p>X</p>	

Discussion: The project site is adjacent to California SR 108, more commonly known as McHenry Avenue. As discussed earlier, both project phases will be subject to allowed uses that do not exceed 50 cumulative peak-hour-vehicular-trips, a.m. or p.m., whichever is greater, until a TIA is performed. The basis for the trip generation limit was determined by staff's discussion with the California Department of Transportation (Caltrans). Based on discussions with Caltrans and Public Works, staff, along with the applicant, agreed that the development's permitted uses will be tailored as not to exceed 50 peak-hour-vehicular-trips. Per the revised project description for phase one, and phase two respectively:

"Upon project approval, prior to business license issuance, the applicant shall provide County staff with sufficient data demonstrating trip generation calculations based on the Institute of Transportation Engineers (ITE) land use designations. Permitted uses of the C-2 district that do not exceed 50 AM or PM peak-hour-vehicular-trips, whichever is greater, shall be permitted. Any permitted use that exceeds 50 peak-hour-vehicular-trips shall not be allowed without a Use Permit. Sufficient data shall mean an ITE approved measured variable such as land use designation, number of potential employees, or square footage of development. The applicant shall meet any and all other development standards of the General Commercial District, C-2, Chapter 21.56 of the County zoning ordinance."

"Any use that may, cumulatively with phase one, generate more than 50 peak-hour-vehicular-trips shall be required to submit a traffic impact analysis for review prior to approval of the appropriate permit and or business license."

Aside from the traffic impact, phase one of the project will feature improvements to the current ingress/egress design. Referral responses from Public Works and Caltrans stated that any work done in the right-of-way requires an encroachment permit. Caltrans further stipulated that the driveway adjacent to California SR 108 must be designed to Caltrans standards. Conditions of approval will reflect these requirements.

Mitigation: None.

References: Revised project description; referral response from the Stanislaus County Department of Public Works dated September 24, 2014; referral response from the California Department of Transportation dated September 15, 2014; and the Stanislaus County General Plan and Support Documentation¹.



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

Discussion: The property is currently improved with well and septic systems. Phase two development will include a Low Impact Development Pre Treatment Basin as well as a Measure X aerobic system for sewage treatment. A referral response from DER stated that, prior to issuance of building permits or business licenses, the applicant shall certify that: the property use does not or will not constitute a public water system, or submit a public water supply permit application (including all required reports and data) and obtain a public water supply permit to operate the system. This requirement will be added to the project's conditions of approval.

A referral response was received from RWQCB dated September 10, 2014. Their comments will be reflected in the project's condition of approvals.

Public Works responded to the Early Consultation referral with comments regarding the need for a grading and drainage plan. Adequate storage and onsite drainage of stormwater will be required as a condition of approval for the project.

The project, as proposed, would not require or result in the construction of new water or wastewater treatment facilities, or expansion of existing facilities, as it is drawing from an onsite well and treats sewage onsite with a septic system. It is not anticipated that either phase of the proposed project will exceed needed capacity in regards to solid waste, or be subject to any existing regulations for commercial operations.

Mitigation: None.

References: Referral response from the Stanislaus County Department of Public Works dated September 24, 2014; referral response from the Central Valley Regional Water Quality Control Board dated September 10, 2014; referral response from the Stanislaus County Department of Environmental Resources dated September 4, 2014; and the Stanislaus County General Plan and Support Documentation¹.



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	

Discussion: Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area. The General Plan Amendment and Rezone makes logical sense based on the existing and physical features of the project site and does not appear, as presently proposed, to create any significant environmental impacts.

I:\Planning\Staff Reports\GPA\2014\GPA REZ PLN2014-0077 - BPL Properties\CEQA-30-Day-Referral\Initial Study.wpd

¹Stanislaus 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 August 28, 2012; **Circulation Element** and **Noise Element** adopted on April 18, 2006.

NEGATIVE DECLARATION

NAME OF PROJECT: General Plan Amendment and Rezone Application No. PLN2014-0077 - BPL Properties

LOCATION OF PROJECT: 5801 McHenry Avenue, at the northwest corner of Highway 108 (McHenry Avenue) and St. Francis Avenue, south of Ladd Road, north of the City of Modesto. APN: 004-070-010

PROJECT DEVELOPERS: Brian Lee
BPL Properties
1521 K Street
Modesto, CA 95354

DESCRIPTION OF PROJECT: This is a request to amend the current General Plan and zoning designation of a 1.5± acre parcel to Planned Development (P-D) to expand the current legal non-conforming use and allow for General Commercial (C-2) zoning district uses with the exception of crop farming and adult businesses. Development will occur in two phases. Phase one will consist of tenant improvements, added water storage for fire suppression, and the modification of current driveway conditions to provide adequate ingress/egress from adjacent roadways to the existing 2,954 square foot structure and parking lot. Phase two is to be developed as the market allows and will consist of the construction of a 6,500 square foot building, additional storm drainage facilities, a Measure "X" aerobic septic system, and additional water storage to meet fire suppression requirements. Phase two development will also include the need for landscaping as well as an agricultural buffer to ensure compatibility between the project site and the agricultural activities to the west. The entire development project will be restricted to uses that generate less than 50 cumulative peak-hour-vehicular-trips. Once the threshold of 50 peak-hour-vehicular-trips is surpassed, the applicant will be responsible to perform a traffic impact analysis.

Based upon the Initial Study, dated **December 29, 2014**, 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 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: Jeremy Ballard, Assistant Planner

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

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: GENERAL PLAN AMENDMENT AND REZONE APPLICATION NO. PLN2014-0077 - BPL PROPERTIES

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
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF TRANSPORTATION DIST 10	X	X	X		X							
CA OPR STATE CLEARINGHOUSE	X	X	X	X				X		X		X
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X				X		X	X	
COOPERATIVE EXTENSION	X	X			X							
FIRE PROTECTION DIST: SALIDA	X	X	X	X				X		X	X	
IRRIGATION DISTRICT: MODESTO	X	X	X	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							
RAILROAD: UNION PACIFIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X	X				X		X	X	
SCHOOL DISTRICT 1: STANISLAUS	X	X	X		X							
SCHOOL DISTRICT 2: MODESTO	X	X	X		X							
STAN ALLIANCE	X	X			X							
STAN CO AG COMMISSIONER	X	X			X							
STAN CO BUILDING PERMITS DIVISION	X	X		X				X		X	X	
STAN CO CEO	X	X			X							
STAN CO DER	X	X		X				X		X	X	
STAN CO ERC	X	X		X		X				X		X
STAN CO FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X			X							
STAN CO PUBLIC WORKS	X	X		X				X		X	X	
STAN CO SHERIFF	X	X			X							
STAN CO SUPERVISOR DIST 4: MONTEITH	X	X			X							
STAN COUNTY COUNSEL	X	X			X							
STANISLAUS FIRE PREVENTION BUREAU	X	X			X							
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS			X		X							
TELEPHONE COMPANY: AT&T	X	X	X		X							
TRIBAL CONTACTS												
(CA Government Code §65352.3)	X	X	X		X							
US MILITARY AGENCIES												
(SB 1462) (5 agencies)	X	X	X		X							

- B. **GENERAL PLAN AMENDMENT AND REZONE APPLICATION NO. PLN2014-0077 - BPL PROPERTIES** – *Continued from February 19, 2015.* Request to amend the General Plan designation of Agriculture and zoning designation of A-2-40 (General Agriculture) of a 1.5± acre parcel to P-D (Planned Development) to modify the current legal non-conforming use to allow for C-2 (General Commercial) zoning district uses and construction of an additional 6,500 square foot building. The property is located at 5801 McHenry Avenue, at the northwest corner of Highway 108 (McHenry Avenue) and St. Francis Avenue, south of Ladd Road, north of the City of Modesto. The Planning Commission will consider adoption of a CEQA Negative Declaration for this project.

APN: 004-070-010

Staff Report: Jeremy Ballard Recommends **APPROVAL**.

Public hearing opened.


OPPOSITION: No one spoke.

FAVOR: Rod Hawkins, 436 Mitchell Road, Modesto, Marc Stone, 330 St. Francis Road, Modesto.

Public hearing closed.

Buehner/Peterson, 8/0 (Unanimous), **RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT INCLUDING ACCEPTANCE OF REVISIONS AND AMENDMENTS TO EXHIBIT E AND DEVELOPMENT STANDARD NO. 22 AS OUTLINED IN THE MARCH 5, 2015 MEMO TO THE PLANNING COMMISSION AND DEVELOPMENT STANDARD NO. 8 AS FOLLOWS:**

8. A sign plan for all proposed on-site signs indicating the location, height, area of the sign(s), and message must be approved by the Planning Director or appointed designee(s) prior to installation. ~~Ne~~**The existing** pole sign shall be permitted ~~and to remain until a single monument sign shall be allowed~~ **is approved** for both Phase 1 and Phase 2 development.
22. Approved uses for the entire development shall be those included in Exhibit ~~H~~ **E** – Approved Uses of the project's Planning Commission staff report.

<p>EXCERPT</p> <p>PLANNING COMMISSION</p> <p>MINUTES</p> <p></p> <p>Secretary, Planning Commission</p> <p><u>4.8.2015</u></p> <p>Date</p>
--

DRAFT

STANISLAUS COUNTY ORDINANCE NO. C.S. _____

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO.9-110-_____FOR THE PURPOSE OF REZONING FROM A-2-40 (GENERAL AGRICULTURE) TO A NEW PD (PLANNED DEVELOPMENT) FOR A PARCEL 1.5± ACRES IN SIZE TO MODIFY THE CURRENT LEGAL NON-CONFORMING USE TO ALLOW FOR COMMERCIAL USES AND CONSTRUCTION OF A 6,500 SQUARE FOOT BUILDING. THE PROPERTY IS LOCATED AT 5801 MCHENRY AVENUE, AT THE NORTHWEST CORNER OF HIGHWAY 108 (MCHENRY AVENUE) AND ST. FRANCIS AVENUE, SOUTH OF LADD ROAD, NORTH OF THE CITY OF MODESTO, APN: 040-070-010.

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

Section 1. Sectional District Map No. 9-110-_____ is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:

(Map to be inserted upon rezone approval)

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 _____, seconded by Supervisor _____, 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 21st day of April, 2014, by the following called vote:

AYES: Supervisors:
NOES: Supervisors:
ABSENT: Supervisors:
ABSTAINING: Supervisors:

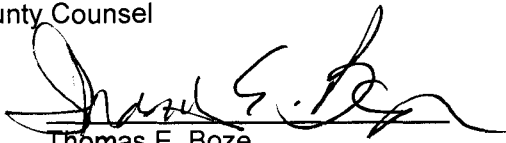
Terrance Withrow
CHAIRMAN OF THE BOARD OF SUPERVISORS
of the County of Stanislaus,
State of California

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

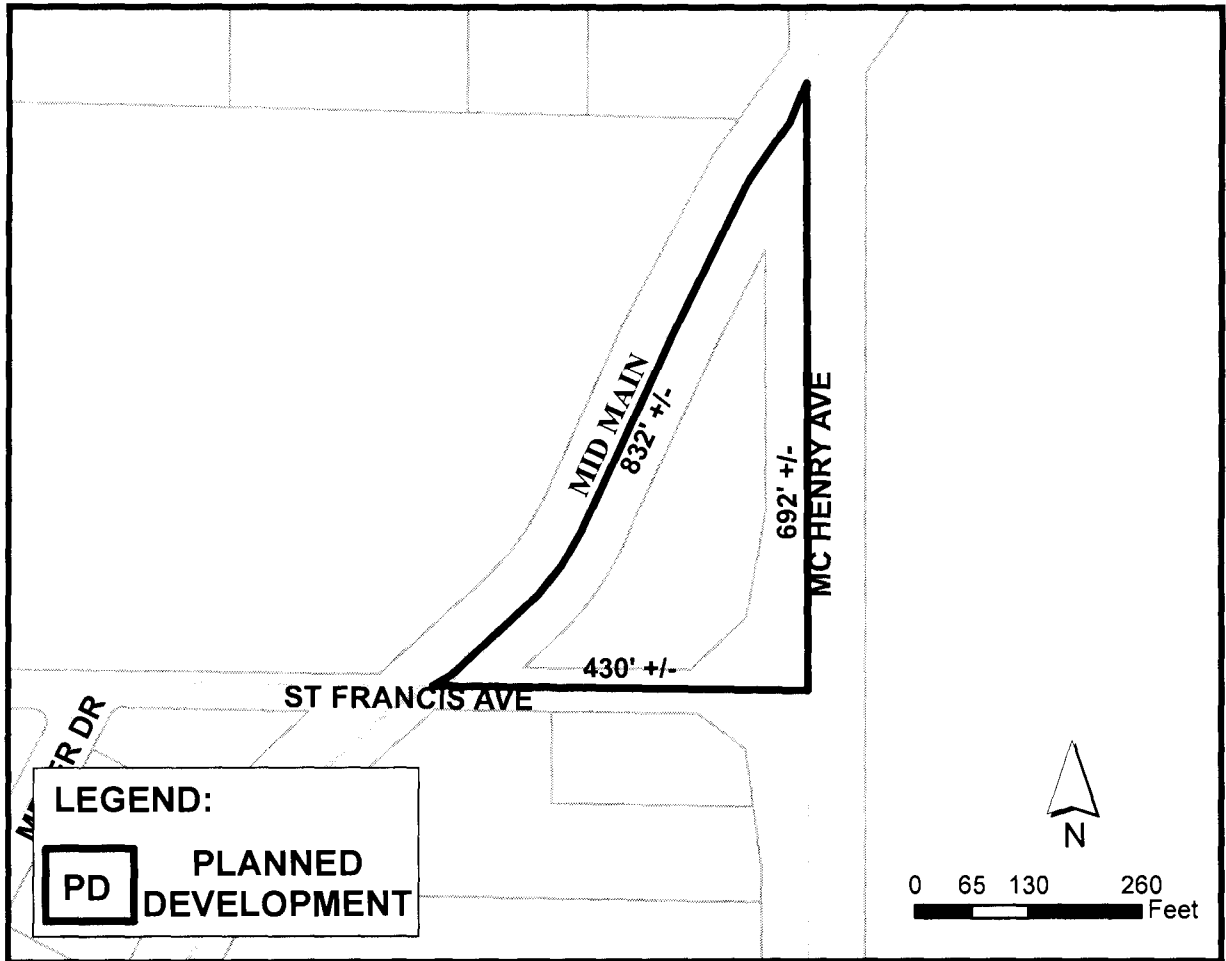
BY: _____
Elizabeth A. King, Assistant Clerk of the Board

APPROVED AS TO FORM:

JOHN P. DOERING
County Counsel

By 
Thomas E. Boze
Deputy County Counsel

SECTIONAL DISTRICT MAP NO. 9-110-



EFFECTIVE DATE:
PREVIOUS MAPS: 508, 85, 7

**GENERAL PLAN AMENDMENT &
REZONE
APPLICATION NO. PLN2014-0077
BPL PROPERTIES**



Project Description

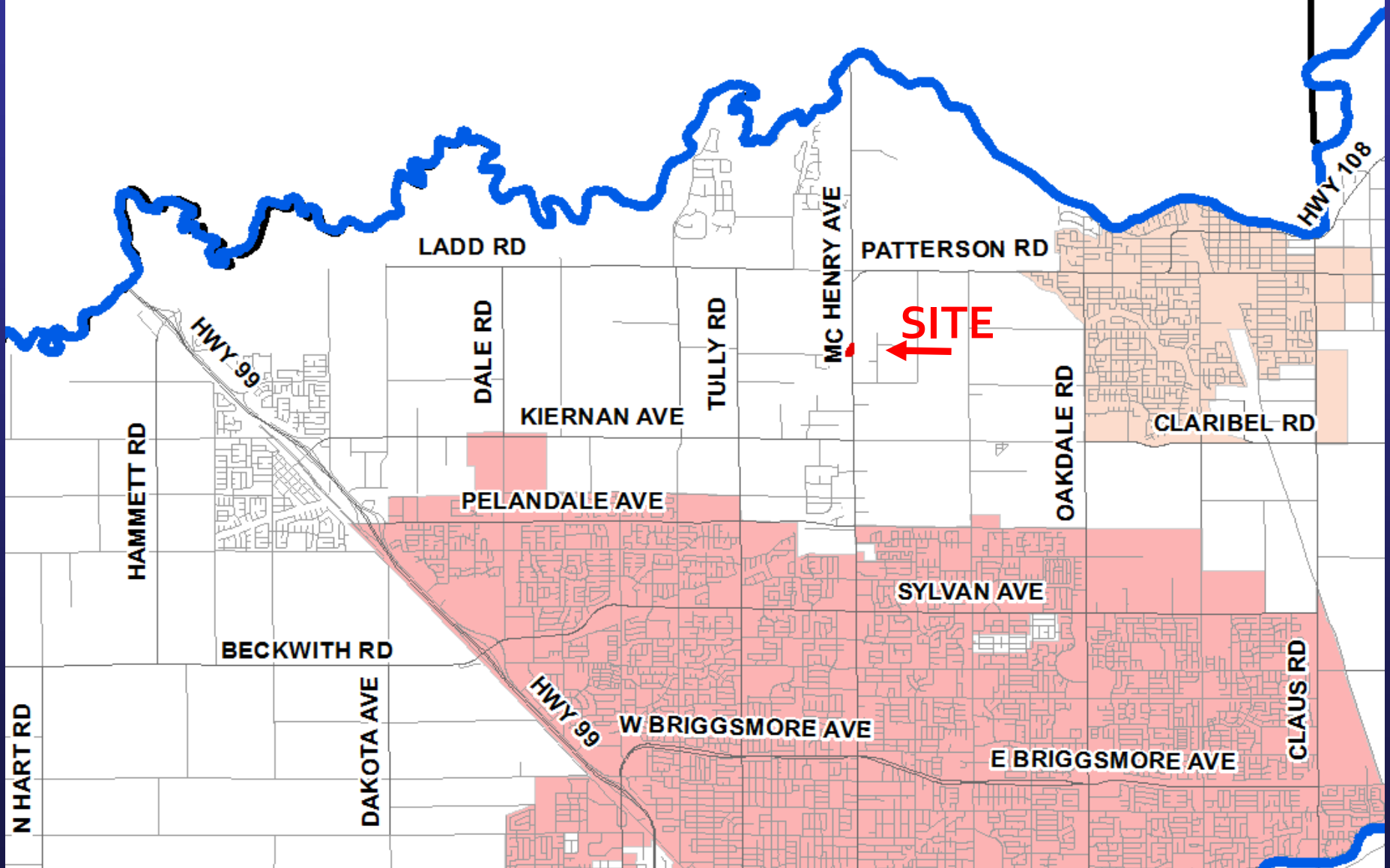
General Plan Amendment from Agriculture to Planned Development.

Rezoning from A-2-40 (General Agriculture) to P-D (Planned Development) to allow uses consistent with the C-2 (General Commercial).

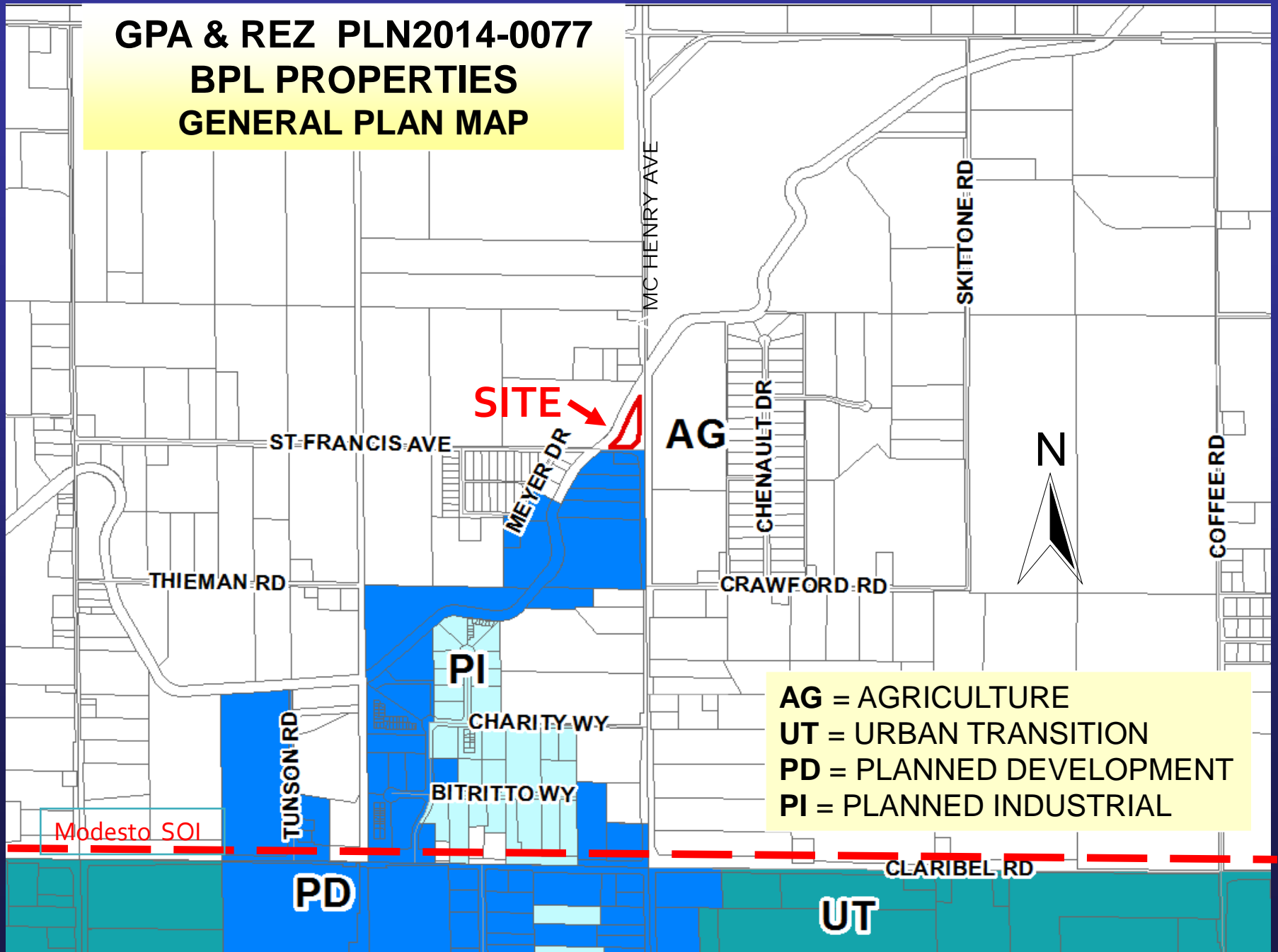
Project involves use of an existing commercial building and construction of a 6,500 square foot commercial building and parking lot.



**GPA & REZ PLN2014-0077
BPL PROPERTIES
AREA MAP**



**GPA & REZ PLN2014-0077
BPL PROPERTIES
GENERAL PLAN MAP**



SITE

AG

N

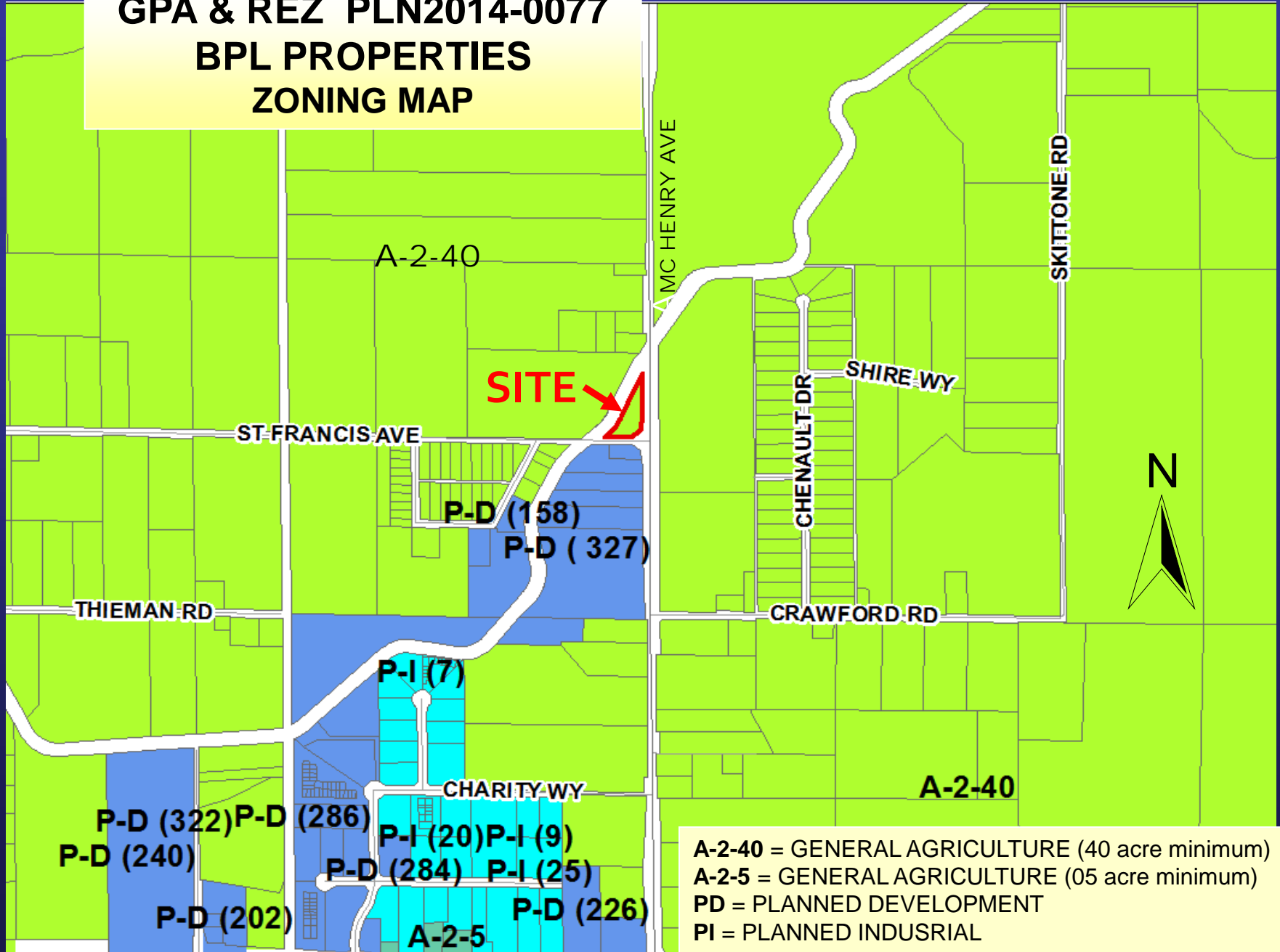
**AG = AGRICULTURE
UT = URBAN TRANSITION
PD = PLANNED DEVELOPMENT
PI = PLANNED INDUSTRIAL**

Modesto SOI

PD

UT

**GPA & REZ PLN2014-0077
BPL PROPERTIES
ZONING MAP**



A-2-40 = GENERAL AGRICULTURE (40 acre minimum)
A-2-5 = GENERAL AGRICULTURE (05 acre minimum)
PD = PLANNED DEVELOPMENT
PI = PLANNED INDUSTRIAL

**GPA & REZ PLN2014-0077
BPL PROPERTIES
2013 AERIAL**



**GPA & REZ PLN2014-0077
BPL PROPERTIES
2013 AERIAL**



SITE

MC HENRY AVE

ST FRANCIS AVE

HULEN ST

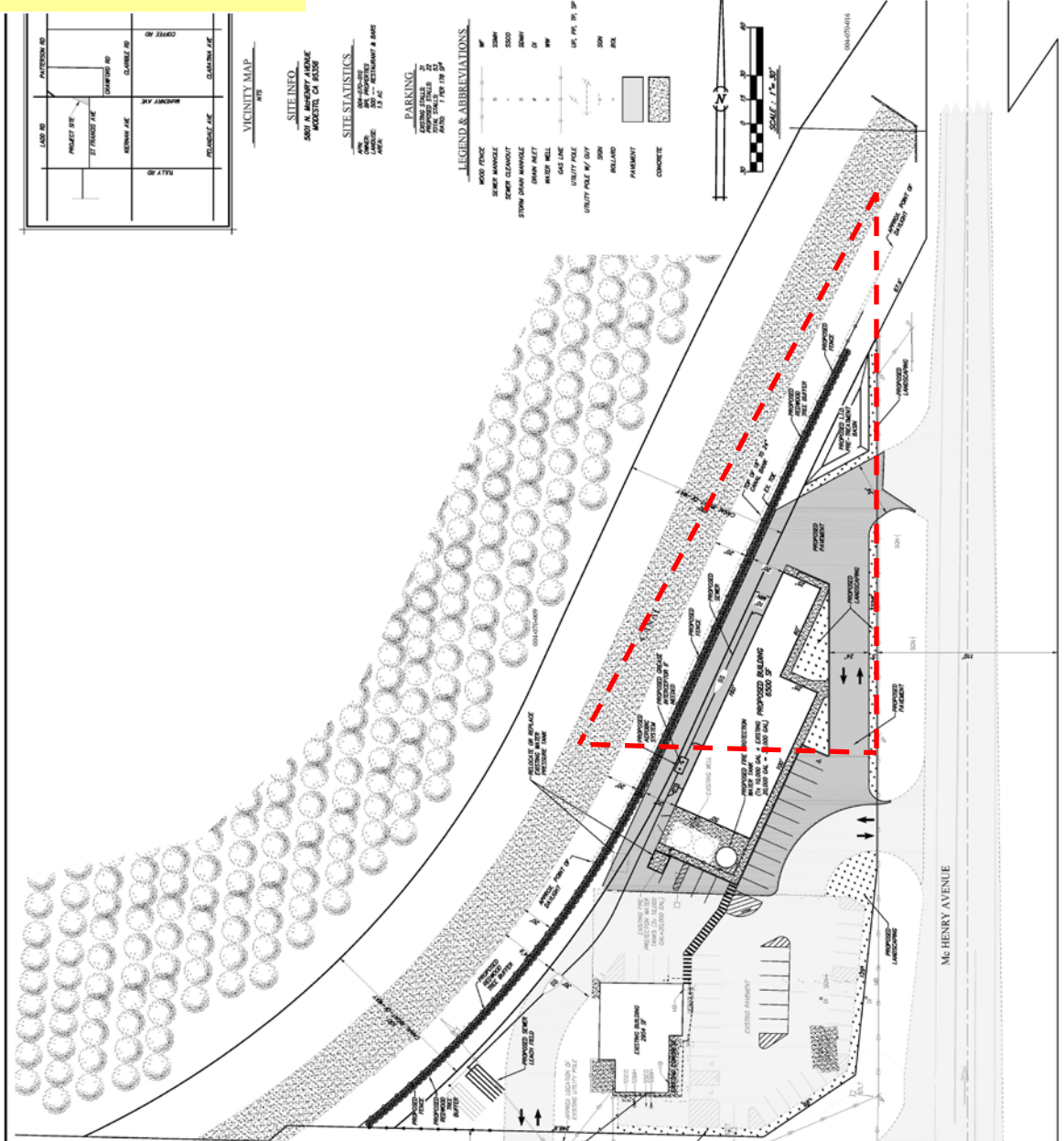
MEYER DR

EVELYN WY

SHIRE WY

CHENAULT DR

MYERS AVE



SITE INFO
3001 N. HENRY AVENUE
MORISTON, CA 95356

SITE STATISTICS
ACRES: 3.38
TOTAL AREA: 146,000 SQ. FT.
TOTAL BUILDING AREA: 6,000 SQ. FT.
TOTAL PARKING: 100 SPACES

LEGEND & ABBREVIATIONS

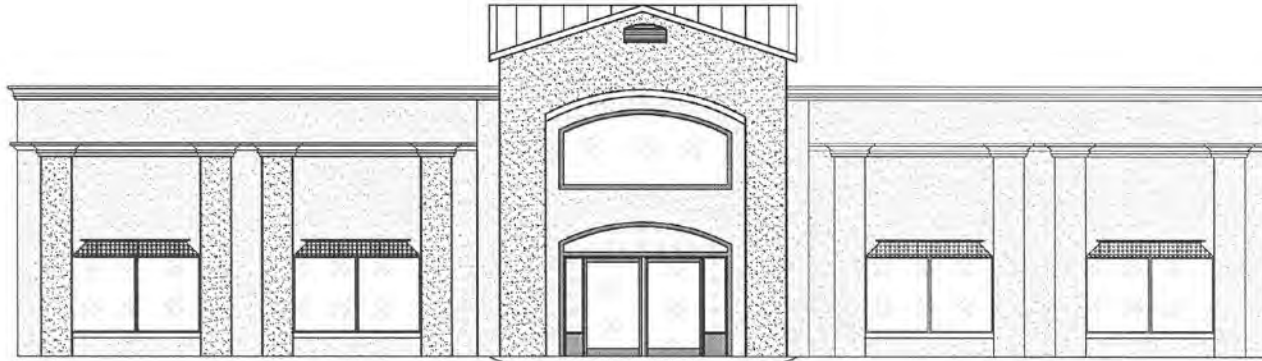
Symbol	Description
WOOD FENCE	WOOD FENCE
SEWER MANHOLE	SEWER MANHOLE
SEWER CLEANOUT	SEWER CLEANOUT
STORM DRAIN MANHOLE	STORM DRAIN MANHOLE
DRAIN VALVE	DRAIN VALVE
WATER WELL	WATER WELL
GAS LINE	GAS LINE
UTILITY POLE	UTILITY POLE
UTILITY POLE W/ SIGN	UTILITY POLE W/ SIGN
UT. TR. IN SP	UT. TR. IN SP
ASPHALT	ASPHALT
CONCRETE	CONCRETE

0714-000000

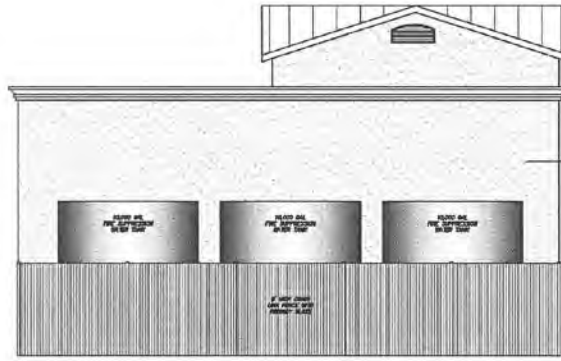
GPA & REZ PLN2014-0077

BPL PROPERTIES

Phase Two Building Elevations



FRONT (EAST)
 FINISH COURSE
 (COLOR AND FINISH TO CORRELATE
 EXISTING ELEVATION ON SITE)



SIDE (NORTH)



SIDE (NORTH)

ELEVATIONS

HAWKINS & ASSOCIATES ENGINEERING, INC. 438 MITCHELL ROAD SUITE 104 5801 N. MARY AVENUE REDDING, CALIFORNIA 96001 TEL: (530) 241-4881 FAX: (530) 278-4255	
PROPOSED SITE PLAN PHASE TWO - ELEVATIONS PLAN	SHEET 3 OF 3

Issues

Traffic

The Caltrans threshold for requiring a Traffic Impact Analysis is 50 vehicle trips at peak hour. The applicant elected to postpone a traffic impact analysis until a commercial tenant is selected.

- Approved uses for Phase 1 and Phase 2 - Commercial Uses are delineated in Attachment 1 (Planning Commission Memo dated March 5, 2015)

Issues

Land Use

- Subsequent to the Planning Commission Meeting, the Applicant requested that outdoor vehicle sales be permitted subject to Staff Approval Application instead of a Use Permit.
- Planning Staff is in support of this request.

General Plan Consistency

Land Use Element

- Land use patterns & designations
- Promote & foster economic growth

Agricultural Element

- Agriculture Buffer
- Conversion Criteria



FINDINGS

- The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses;
- The County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service; and
- The amendment is consistent with the General Plan goals and policies



Zoning Ordinance Consistency

- Rezone needs to be consistent with General Plan Designation
- Planned Development is intended to modify requirements established by other zoning districts while complying with General Plan



Environmental Review

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to various agencies.

Based on the Initial Study prepared for this project no significant issues were raised and adoption of a Negative Declaration is proposed.



RECOMMENDATION

- The Planning Commission at its March 5, 2015, Regular Meeting on an 8-0 vote recommended project approval. No one spoke in opposition.
- Staff recommends amending the entitlement requirement for allowing outdoor vehicle sales subject to Staff Approval Application.



Questions



Planning & Community Development

STANISLAUS COUNTY ORDINANCE NO. C.S. 1163

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110-1003 FOR THE PURPOSE OF REZONING FROM A-2-40 (GENERAL AGRICULTURE) TO P-D 331 (PLANNED DEVELOPMENT) FOR A PARCEL 1.5± ACRES IN SIZE TO ALLOW FOR CERTAIN COMMERCIAL USES AND CONSTRUCTION OF A 6,500 SQUARE FOOT BUILDING. THE PROPERTY IS LOCATED AT 5801 MCHENRY AVENUE, AT THE NORTHWEST CORNER OF HIGHWAY 108 (MCHENRY AVENUE) AND ST. FRANCIS AVENUE, SOUTH OF LADD ROAD, NORTH OF THE CITY OF MODESTO, APN: 040-070-010.

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

Section 1. Sectional District Map No. 9-110-1003 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.

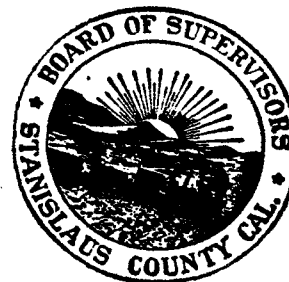
Upon motion of Supervisor Monteith, seconded by Supervisor O'Brien, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 21st day of April, 2015, by the following called vote:

AYES:	Supervisors:	O'Brien, Chiesa, Monteith, De Martini, and Chairman Withrow
NOES:	Supervisors:	None
ABSENT:	Supervisors:	None
ABSTAINING:	Supervisors:	None

Terrance Withrow
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

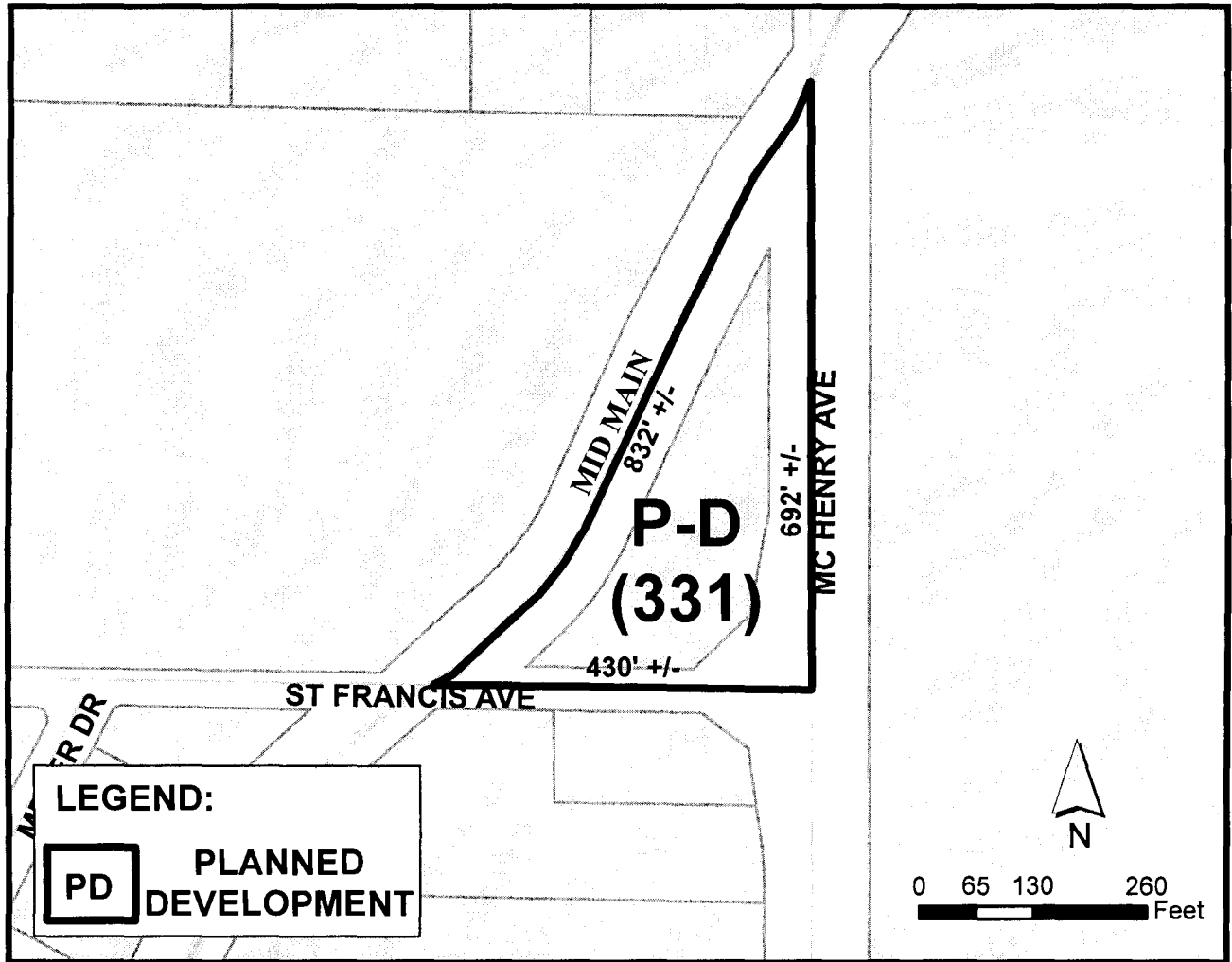


APPROVED AS TO FORM:

JOHN P. DOERING
County Counsel

By
Thomas E. Boze
Deputy County Counsel

SECTIONAL DISTRICT MAP NO. 9-110-1003



EFFECTIVE DATE: 05.21.2015
PREVIOUS MAPS: 508, 85, 7

**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 entitled matter. I am a printer and principal clerk of the publisher of **THE MODESTO BEE**, which 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**. The notice of which the annexed is a printed copy has been published in each issue thereof on the following dates, to wit:

APRIL 30, 2015

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

APRIL 30, 2015

Cynthia A. McClammy

(Signature)

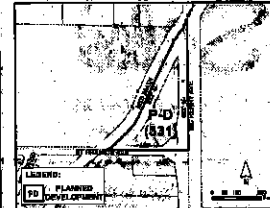
**STANISLAUS
COUNTY ORDINANCE
NO. C.S. 1163**

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110-1003 FOR THE PURPOSE OF REZONING FROM A-2-40 (GENERAL AGRICULTURE) TO P-D 331 (PLANNED DEVELOPMENT) FOR A PARCEL 1.5± ACRES IN SIZE TO ALLOW FOR CERTAIN COMMERCIAL USES AND CONSTRUCTION OF A 6,500 SQUARE FOOT BUILDING. THE PROPERTY IS LOCATED AT 5801 MCHENRY AVENUE, AT THE NORTHWEST CORNER OF HIGHWAY 108 (MCHENRY AVENUE) AND ST. FRANCIS AVENUE, SOUTH OF LADD ROAD, NORTH OF THE CITY OF MODESTO, APN: 040-070-010.

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

Section 1. Sectional District Map No. 9-110-1003 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:

SECTIONAL DISTRICT MAP NO. 9-110-1003



EFFECTIVE DATE: 05/21/2015
PREVIOUS MAPS: 500, 66, 7

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 O'Brien, 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 21st day of April, 2015, by the following called vote: AYES: Supervisors: O'Brien, Chiesa, Monteith, De Martini, and Chairman Withrow. NOES: None. ABSENT: None. ABSTAINING: None. /s/ Terrence Withrow 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 APPROVED AS TO FORM: John P. Doering, County Counsel By: Thomas E. Boze, Deputy County Counsel.

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