

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

DEPT: Planning and Community Development

BOARD AGENDA: 6:40 P.M.  
AGENDA DATE: December 19, 2017

**SUBJECT:**

Public Hearing to Consider the Planning Commission's Recommendation for Approval of General Plan Amendment and Rezone Application No. PLN2017-0081, Mistlin Honda, Located East of McHenry Avenue, Between Bangs Avenue and Claribel Road, in the Modesto Area (APN 082-006-072), and Adoption of a Negative Declaration

**BOARD ACTION AS FOLLOWS:**


**RESOLUTION NO. 2017-0723**

On motion of Supervisor Monteith , Seconded by Supervisor Olsen  
and approved by the following vote,  
Ayes: Supervisors: Olsen, Withrow, Monteith, DeMartini, and Chairman Chiesa  
Noes: Supervisors: None  
Excused or Absent: Supervisors: None  
Abstaining: Supervisor: None

- 1)  Approved as recommended
- 2)  Denied
- 3)  Approved as amended
- 4)  Other:

**MOTION:**

ATTEST:

  
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No. **ORD-56-B-6**

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM**

DEPT: Planning and Community Development

BOARD AGENDA: 6:40 PM  
AGENDA DATE: December 19, 2017

CEO CONCURRENCE:

4/5 Vote Required: No

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**SUBJECT:**

Public Hearing to Consider the Planning Commission's Recommendation for Approval of General Plan Amendment and Rezone Application No. PLN2017-0081, Mistlin Honda, Located East of McHenry Avenue, Between Bangs Avenue and Claribel Road, in the Modesto Area (APN 082-006-072), and Adoption of a Negative Declaration

**STAFF RECOMMENDATION:**

1. Conduct a public hearing to consider the Planning Commission's recommendation of approval of General Plan Amendment and Rezone Application No. PLN2017-0081, Mistlin Honda, located east of McHenry Avenue, between Bangs Avenue and Claribel Road, in the Modesto area.
2. Adopt the Negative Declaration pursuant to the California Environmental Quality Act (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's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
4. Find, based on the discussion in this report, and the whole of the record that:
  - (a) The General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses.
  - (b) The County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service.
  - (c) The amendment is consistent with the General Plan goals and policies.
5. Find that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation.

6. Approve General Plan Amendment and Rezone Application No. PLN2017-0081 – Mistlin Honda, subject to Development Standards, as amended by the Planning Commission.
7. Introduce, waive the reading, and adopt an ordinance for the approved Rezone Application No. PLN2017-0081 – Mistlin Honda.

## **DISCUSSION:**

This is a request to amend the General Plan designation on a 2.28± acre portion of a 50.26± acre parcel, Assessor's Parcel Number 082-006-072, from Urban Transition to Planned Development and to change the zoning district from General Agriculture (A-2-10) to Planned Development. The Planned Development is requested to expand the existing Mistlin Honda car dealership facility which will expand their vehicle storage area by developing an additional 288 paved and marked parking spaces. The expansion will be graded and paved and security fenced. This project will not require the expansion of existing infrastructure and no new structures are being proposed. The hours of operation and the number of employees will not increase.

This project includes a lot line adjustment to incorporate the 2.28± acre project site into the 7.45± acre Mistlin Honda dealership, Assessor's Parcel Numbers 082-006-055 and 070. The lot line adjustment, submitted as a part of this request, will be processed independently upon project approval of the proposed amendment to the General Plan and zoning designation.

The site is located east of McHenry Avenue, between Bangs Avenue and Claribel Road, directly east of and adjacent to the existing Mistlin Honda dealership vehicle storage area. The project site is located within the city of Modesto's Sphere of Influence area. Surrounding uses include Bambacigno Steel operation to the north, American Chevrolet car dealership to the south, the existing Mistlin Honda car dealership to the west, and orchards and row crops to the east.

On November 16, 2017, the Planning Commission held a public hearing to consider the application. Consideration of the application included modified development standards to address the applicant's concerns about the timing of the project site's annexation into the North McHenry Lighting District; along with modifications for clarification and tracking purposes. The modifications to the development standards are outlined in Attachment 1 – November 16, 2017, Planning Commission Memo. No one spoke in opposition of the project. The applicant's agent, Dennis Wilson, with Horizon Consulting, spoke in favor of the project. On a 7-0 vote, the Planning Commission recommended that the Board of Supervisors approve the request, including amended development standards.

## **POLICY ISSUE:**

In order to consider a general plan amendment and rezone request, the Board of Supervisors must hold a public hearing. The project includes a request to amend the General Plan from Urban Transition to Planned Development. In this case, if the

requested change for the General Plan designation is approved, the zoning designation of Planned Development would subsequently be consistent with the General Plan.

**FISCAL IMPACT:**

Cost associated with processing the application, setting the public hearing, publishing of required notices, and conducting the hearing have been covered by the application fee deposit plus revenue from additional invoicing at project end.

**BOARD OF SUPERVISORS' PRIORITY:**

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

**STAFFING IMPACT:**

Planning and Community Development Department staff is responsible for reviewing all applications, preparing all reports, and attending meetings associated with the proposed General Plan Amendment and Rezone application.

**CONTACT PERSON:**

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

**ATTACHMENT(S):**

1. Planning Commission Memo, November 16, 2017
2. Planning Commission Staff Report, November 16, 2017
3. Planning Commission (PC) Draft Minutes, November 16, 2017 - Excerpt (Pending PC Approval)
4. Draft Ordinance and Sectional District Map



November 16, 2017

MEMO TO: Stanislaus County Planning Commission

FROM: Rachel Wyse, Senior Planner, Department of Planning and Community Development

SUBJECT: **GENERAL PLAN AMENDMENT AND REZONE APPLICATION NO. PLN2017-0081 – MISTLIN HONDA**

Planning staff was contacted by the applicant's agent about the timing of the project site's annexation into the North McHenry Lighting District. As a result, Public Works has submitted a letter modifying Development Standards No. 11, addressing the applicant's concerns and further clarifying Public Works Conditions Nos. 12 and 13. (See Attachment 1 – *Public Works letter dated November 13, 2017.*) As a result Development Standard No. 10 is being replaced with two new development standards requested by Public Works for clarification and tracking purposes. The applicant's agent has reviewed and concurred with the amendments as follows:

#### **Department of Planning and Community Development**

10. ~~A 25-foot wide access easement shall be included in the grant deed that is prepared and recorded to reflect the lot line adjustment, for use by the 47.98± acre parcel (APN 082-006-072). A 20-foot wide access driveway, with an all-weather surface, shall be installed on the project site thereby extending the driveway from McHenry Avenue to the western property line of the 47.98± acre parcel.~~

#### **Department of Public Works**

11. ~~Prior to the lot line adjustment being recorded~~ **final inspection on the grading permit**, the area being added to the development shall be annexed to the North McHenry Lighting District. The owner shall provide all necessary documentation and pay all costs associated with the annexation.

12. A grading, drainage and erosion/sediment control plan for the project site shall be submitted prior to ~~onset of the use~~ **paving the vehicle storage areas**. Public Works will review and approve the drainage calculations. The grading, **and** drainage ~~and erosion/sediment control~~ plans shall include the following information:

- A. ~~Sufficient~~ **The plans shall contain enough** information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County and/or State of California road rights-of-ways.
- B. The grading, drainage and erosion/sediment control plans shall comply with the current Stanislaus County National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharger Identification Number and a copy of the Notice of Intent and the projects Stormwater Pollution

Prevention Plan (SWPPP) shall be provided prior to the approval of any grading, if applicable.

- C. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan reviews ~~and for all on-site inspections of the grading plan. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.~~
- 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 permit.~~ **The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.**

If approved by the Planning Commission, the following conditions will be added:

- 18. **Prior to the final inspection of the grading permit, a 25-foot-wide access easement shall be included in the grant deed that is prepared and recorded to reflect the lot line adjustment, for use by the 47.98± acre parcel (APN 082-006-072).**
- 19. **Prior to the final inspection of the grading permit, 20-foot-wide access driveway with an all-weather surface shall be installed on the project site. This will thereby extend the existing driveway from McHenry Avenue to the western property line of the 47.98± acre parcel.**

### **RECOMMENDATION**

As outlined in Exhibit A of the November 16, 2017, Planning Commission Staff Report, Staff recommends approval of the subject project with amended Development standards Nos. 10 thru 12, as reflected in this memo.

Attachments:

- 1 – Public Works letter dated November 13, 2017



**DEPARTMENT OF PUBLIC WORKS**

**Matt Machado, PE, LS**  
Director, County Surveyor

**Chris Brady, PE**  
Deputy Director - Design/Survey/Fleet Maintenance

**Frederic Clark, PE, LS**  
Deputy Director - Development/Traffic


**David Leamon, PE**  
Deputy Director - Construction Administration/Operations

**Letti Ortiz**  
Senior Business and Finance Manager

[www.stancounty.com/publicworks](http://www.stancounty.com/publicworks)



November 13, 2017

To: Rachel Wyse, Senior Planner, Planning and Community Development  
From:  Angie Halverson, Senior Land Development Coordinator  
Subject: PLN2017-0081 Mistlin Honda Rezone and General Plan Amendment McHenry Ave

This is a request to amend the General Plan Designation of Urban Transition with a Zoning District of A-2-10 on a 2.28 acre portion of 50.26 acre parcel to a General Plan Designation and Zoning of Planned Development. A lot line adjustment is being included in the project to include the 2.28 acres into the existing parcel to the west. This new 2.28 acre portion will be incorporated into the existing Mistlin Honda car dealership, expanding their vehicle storage area.

Stanislaus County Public Works has reviewed the subject use permit and applied the following conditions of approval:

**ON-SITE:**

1. A grading, drainage, and erosion/sediment control plan for the project site shall be submitted prior to paving the vehicle storage areas. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:
  - The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County and/or State of California road rights-of-way.
  - The grading drainage and erosion/sediment control plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharger Identification Number and a copy of the Notice of Intent and the projects Stormwater Pollution Prevention Plan shall be provided prior to the approval of any grading, if applicable.
  - The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the grading plan.
  - The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.

**ATTACHMENT 1**

PLN2017-0081  
Mistlin Honda  
REZ/GPA

2. Prior to final inspection on the grading permit, the area being added to the development shall be annexed to the North McHenry Lighting District. The owner shall provide all necessary documentation and pay all costs associated with the annexation.
3. Prior to the final inspection of the grading permit, a 25-foot wide access easement shall be included in the grant deed that is prepared and recorded to reflect the lot line adjustment, for use by the 47.98± acre parcel (APN 082-006-072).
4. Prior to the final inspection of the grading permit, 20-foot wide access driveway with an all-weather surface shall be installed on the project site. This will thereby extend the existing driveway from McHenry Avenue to the western property line of the 47.98± acre parcel.



# STANISLAUS COUNTY PLANNING COMMISSION

November 16, 2017

## STAFF REPORT

### GENERAL PLAN AMENDMENT AND REZONE APPLICATION NO. PLN2017-0081 MISTLIN HONDA

**REQUEST: TO AMEND THE GENERAL PLAN DESIGNATION ON A 2.28 +/- ACRES OF A 50.26 +/- ACRE PARCEL, FROM URBAN TRANSITION TO PLANNED DEVELOPMENT (PD) AND REZONE FROM A-2-10 (GENERAL AGRICULTURE) TO PD TO ALLOW FOR EXPANDED VEHICLE STORAGE FOR AN EXISTING DEALERSHIP.**

#### APPLICATION INFORMATION

Applicant	Tony Mistlin
Property owner:	Sarwat Sabet Fahmy and Colette Jane Fahmy, Trustees of the Fahmy Living Trust dated October 29, 2004
Agent:	Dennis E. Wilson, Horizon Consulting
Location:	East of McHenry Avenue, between Bangs Avenue and Claribel Road, directly east of the Mistlin Honda dealership, in the Modesto area.
Section, Township, Range:	4-3-9
Supervisorial District:	Four (Supervisor Monteith)
Assessor's Parcel:	082-006-072
Referrals:	See Exhibit H Environmental Review Referrals
Area of Parcel(s):	2.28± acres
Water Supply:	Not Applicable
Sewage Disposal:	Not Applicable
Existing Zoning:	A-2-10 (General Agriculture)
General Plan Designation:	Urban Transition (UT)
Sphere of Influence:	City of Modesto
Community Plan Designation:	Not Applicable
Williamson Act Contract No.:	Not Applicable
Environmental Review:	Negative Declaration
Present Land Use:	Vacant
Surrounding Land Use:	Bambacigno Steel operation to the north, American Chevrolet car dealership to the south, the existing Mistlin Honda car dealership to the west, orchards and row crops to the east.

## **RECOMMENDATION**

Staff recommends the Planning Commission recommend that the Board of Supervisors approve this request based on the discussion below and on the whole of the record provided to the County. If the Planning Commission decides to recommend approval of this project, Exhibit A provides an overview of all the findings required for project approval.

## **PROJECT DESCRIPTION**

Request to amend the General Plan designation on a 2.28± acre portion of a 50.26± acre parcel, Assessor's Parcel Number 082-006-072, from Urban Transition to Planned Development and to change the zoning district from General Agriculture (A-2-10) to Planned Development. The Planned Development is requested to expand the existing Mistlin Honda car dealership facility which will expand their vehicle storage area by developing an additional 288 paved and marked parking spaces. (See Exhibit B – *Maps*.) The expansion will be graded and paved and security fenced. This project will not require the expansion of existing infrastructure and no new structures are being proposed. The hours of operation and the number of employees will not increase.

The developer is requesting a lot line adjustment to incorporate the 2.28± acre project site into the 7.45± acre Mistlin Honda dealership, Assessor's Parcel Numbers 082-006-055 and 082-006-070. The lot line adjustment will be processed upon project approval of the amendment to the General Plan and zoning designation for this site.

## **SITE DESCRIPTION**

The site is located east of McHenry Avenue, between Bangs Avenue and Claribel Road, directly east of and adjacent to the existing Mistlin Honda dealership vehicle storage area. The project site is located within the city of Modesto's Sphere of Influence area.

Surrounding uses include Bambacigno Steel operation to the north, American Chevrolet car dealership to the south, the existing Mistlin Honda car dealership to the west, and orchards and row crops to the east.

## **ISSUES**

No issues have been identified as a part of this request. Standard Development Standards have been added to the project.

## **GENERAL PLAN CONSISTENCY**

The site is currently designated Urban Transition (UT). The intent of the Urban Transition designation is to ensure that land remains in agricultural usage until urban development consistent with a city's general plan designation is approved. The appropriate zoning to be prescribed for the Urban Transition designation is A-2 (General Agriculture) or Planned Development. A General Plan Amendment is requested to change the land use designation from Urban Transition (UT) to Planned Development. The Planned Development designation is intended for land which, because demonstrably unique characteristics, may be suitable, for a variety of uses without detrimental effects on other property. The proposed development is consistent with the proposed Planned Development General Plan Designation.

The Stanislaus County General Plan Sphere of Influence policy states, that development, other than agricultural uses and churches, which requires discretionary approval from incorporated cities, shall be referred to that city for preliminary approval. The project shall not be approved by the County unless written communication is received from the city memorializing their approval. If approved by the city, the city should specify what conditions are necessary to ensure that development will comply with city development standards. Requested conditions for such things as sewer service in an area where none is available shall not be imposed. Approval from a city does not preclude the County decision-making body from exercising discretion, and it may either approve or deny the project. The project was referred to the City of Modesto who responded with no comments to the proposed request. (See Exhibit E – *City of Modesto Referral Response dated September 1, 2017.*)

### **ZONING ORDINANCE CONSISTENCY**

The project site is currently zoned A-2-10 (General Agriculture). The project is requesting to rezone the proposed vehicle storage area and to process a lot line adjustment to incorporate the 2.28± acre project site into the existing Mistlin Honda Dealership.

To approve a Rezone, the Planning Commission must find that it is consistent with the General Plan. Pursuant to the General Plan, land within a Planned Development designation should be zoned A-2 (General Agriculture) until development occurs through Planned Development zoning. In this case, if the requested change for the General Plan designation is approved, the zoning designation of Planned Development would subsequently be consistent with the General Plan.

### **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.*) Both the City of Modesto and Caltrans responded that they had no objections to the development. A Negative Declaration has been prepared for the project, as the project will not have a significant effect on the environment. (See Exhibit F - *Negative Declaration.*) Development Standards reflecting referral responses have been placed on the project. (See Exhibit C – *Development Standards.*)

A lot line adjustment is part of this application but will be processed separately as it is a ministerial process. Lot lines are categorically exempt from CEQA - Section 15305 - Minor alterations in land use limitations. Lot Line Adjustment Application No. PLN2017-0084 has reviewed and tentatively approved by County staff. Final approval and recordation of the lot line adjustment will occur upon Board of Supervisors approval of the General Plan Amendment and Rezone for this project.

\*\*\*\*\*

**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 **\$2,273.25** 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: Rachel Wyse, Senior Planner, (209) 525-6330

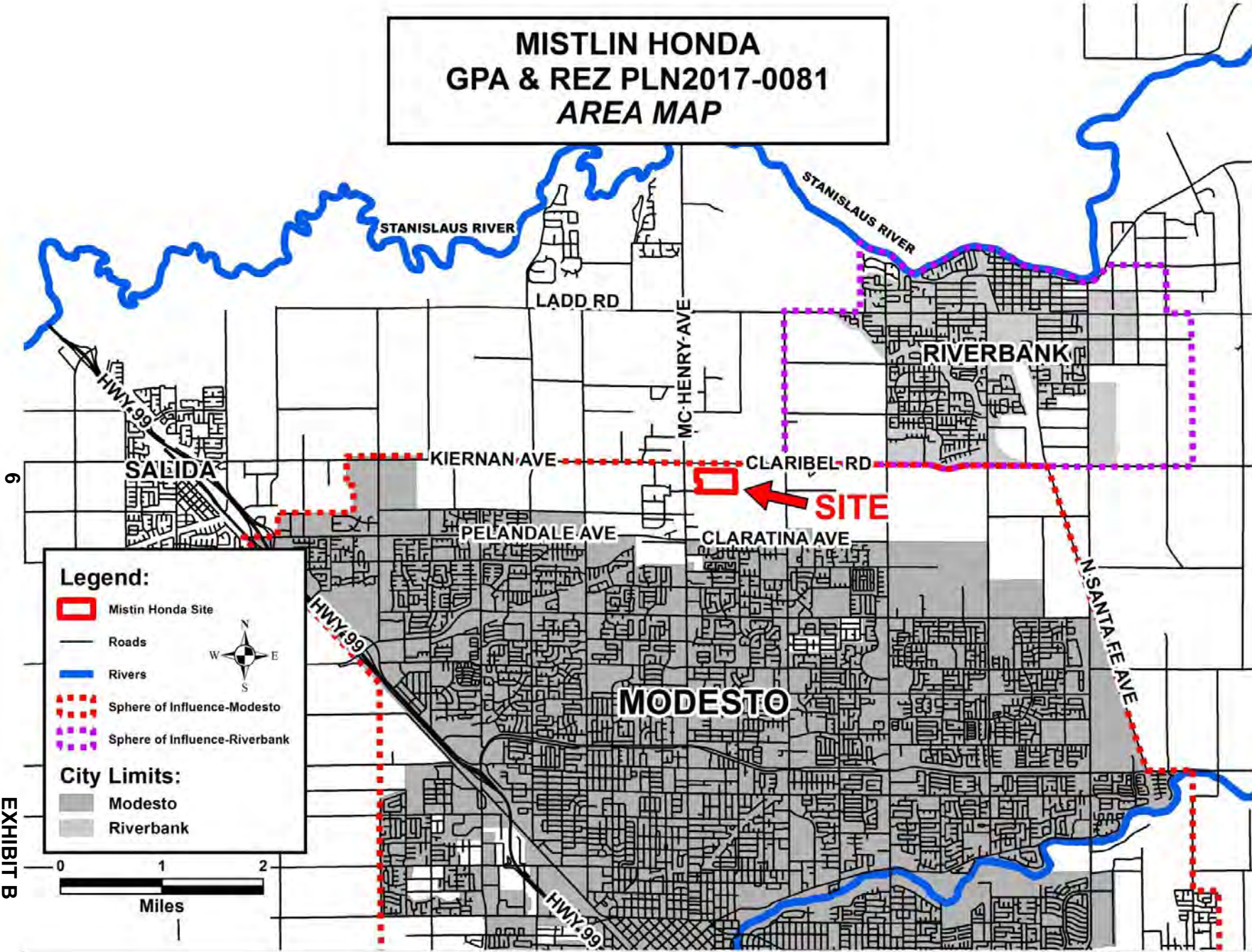
Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Development Standards
- Exhibit D - Development Schedule
- Exhibit E - City of Modesto Referral Response dated September 1, 2017
- Exhibit F - Initial Study
- Exhibit G - Negative Declaration
- Exhibit H - Environmental Review Referral

**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's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find, based on the discussion in this report, and the whole of the record that:
  - (a) The General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses.
  - (b) The County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service.
  - (c) The amendment is consistent with the General Plan goals and policies.
4. Find that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation.
5. Approve General Plan Amendment and Rezone Application No. PLN2017-0081 – Mistlin Honda, subject to the attached Development Standards.
6. Introduce, waive the reading, and adopt an ordinance for the approved Rezone Application No. PLN2017-0081 – Mistlin Honda.

# MISTLIN HONDA GPA & REZ PLN2017-0081 AREA MAP



**Legend:**

- Mistlin Honda Site
- Roads
- Rivers
- Sphere of Influence-Modesto
- Sphere of Influence-Riverbank

**City Limits:**

- Modesto
- Riverbank

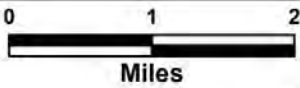
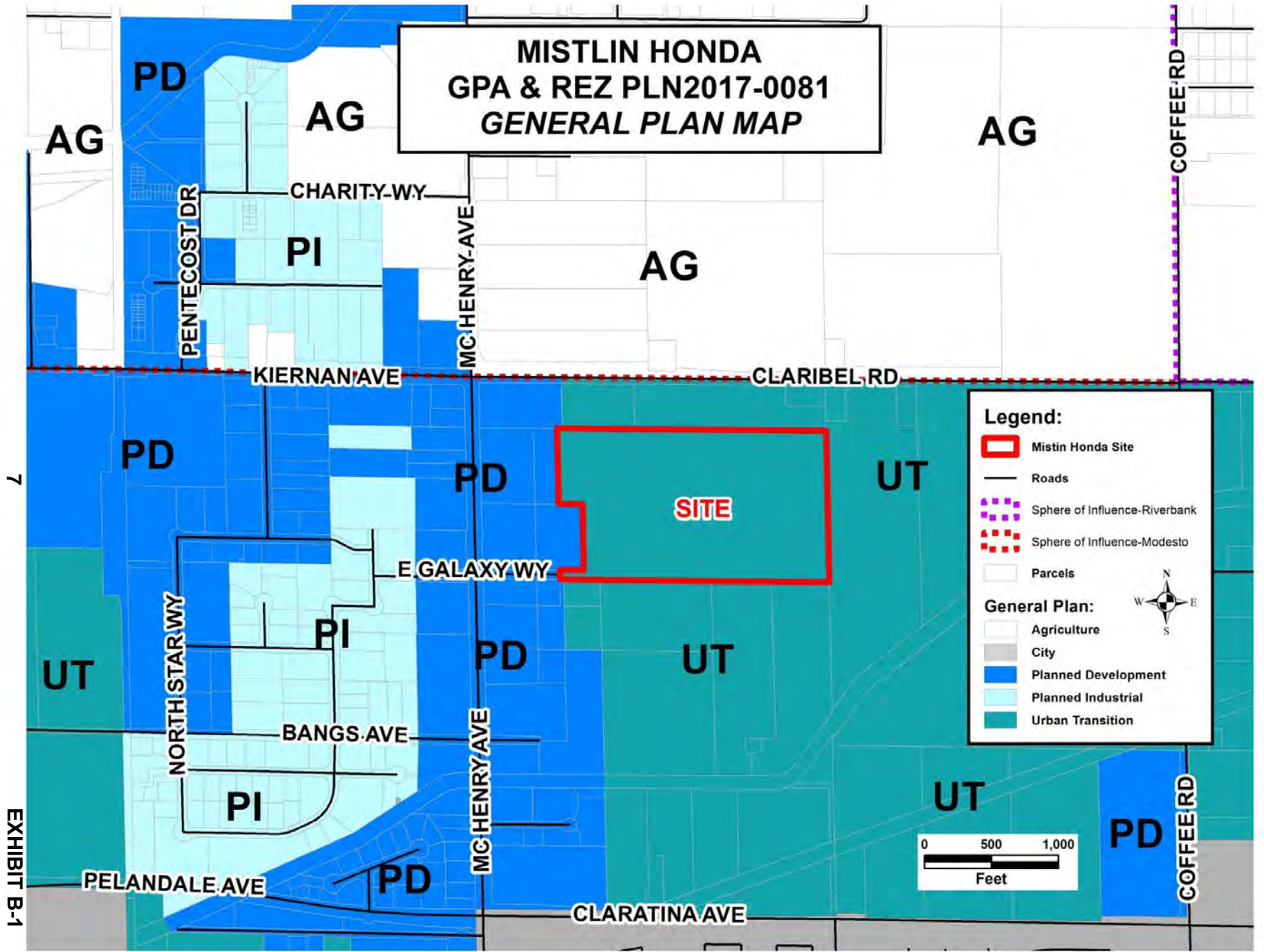


EXHIBIT B



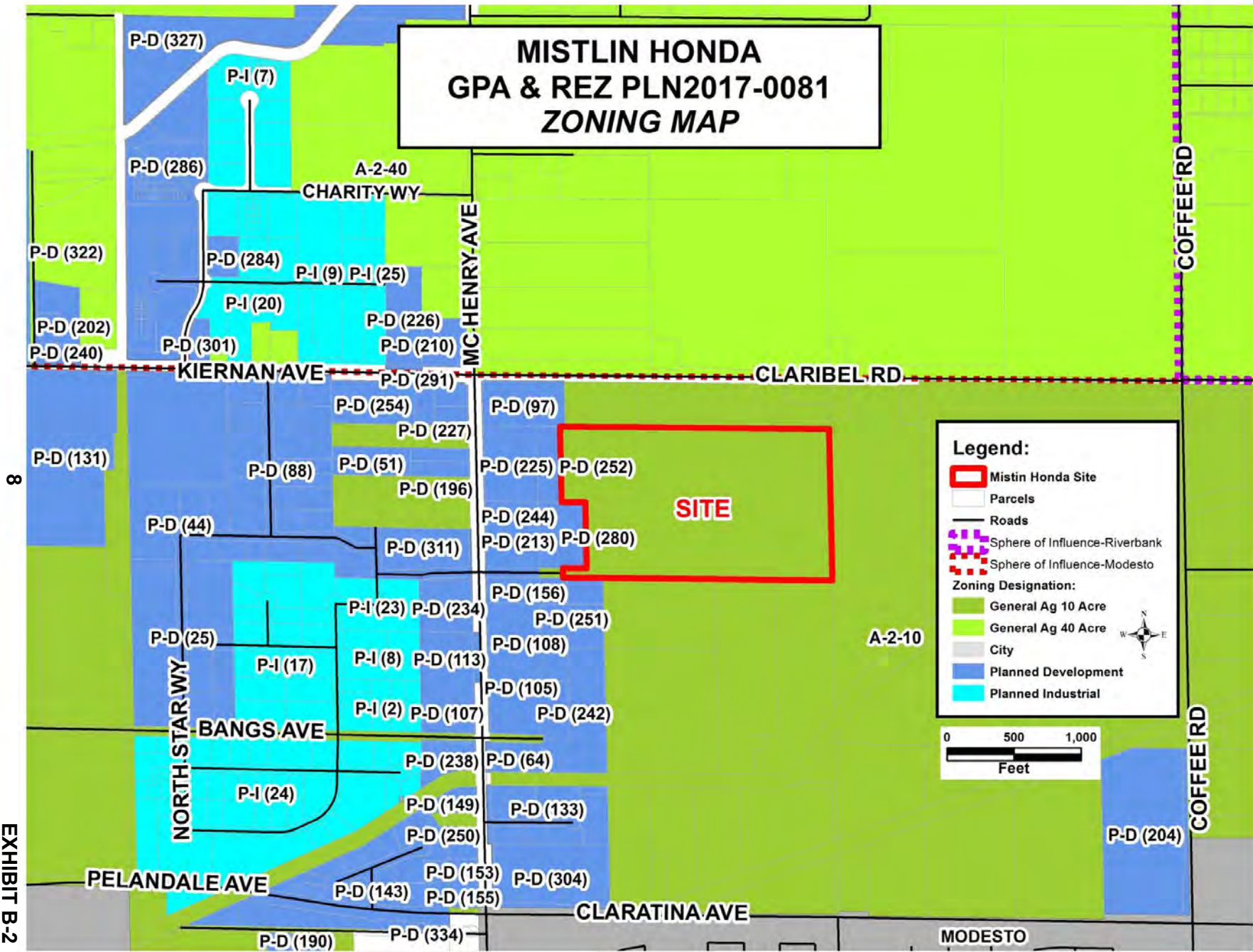
**MISTLIN HONDA  
GPA & REZ PLN2017-0081  
GENERAL PLAN MAP**



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EXHIBIT B-1

# MISTLIN HONDA GPA & REZ PLN2017-0081 ZONING MAP

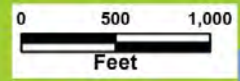


**Legend:**

- Mistlin Honda Site
- Parcels
- Roads
- Sphere of Influence-Riverbank
- Sphere of Influence-Modesto

**Zoning Designation:**

- General Ag 10 Acre
- General Ag 40 Acre
- City
- Planned Development
- Planned Industrial

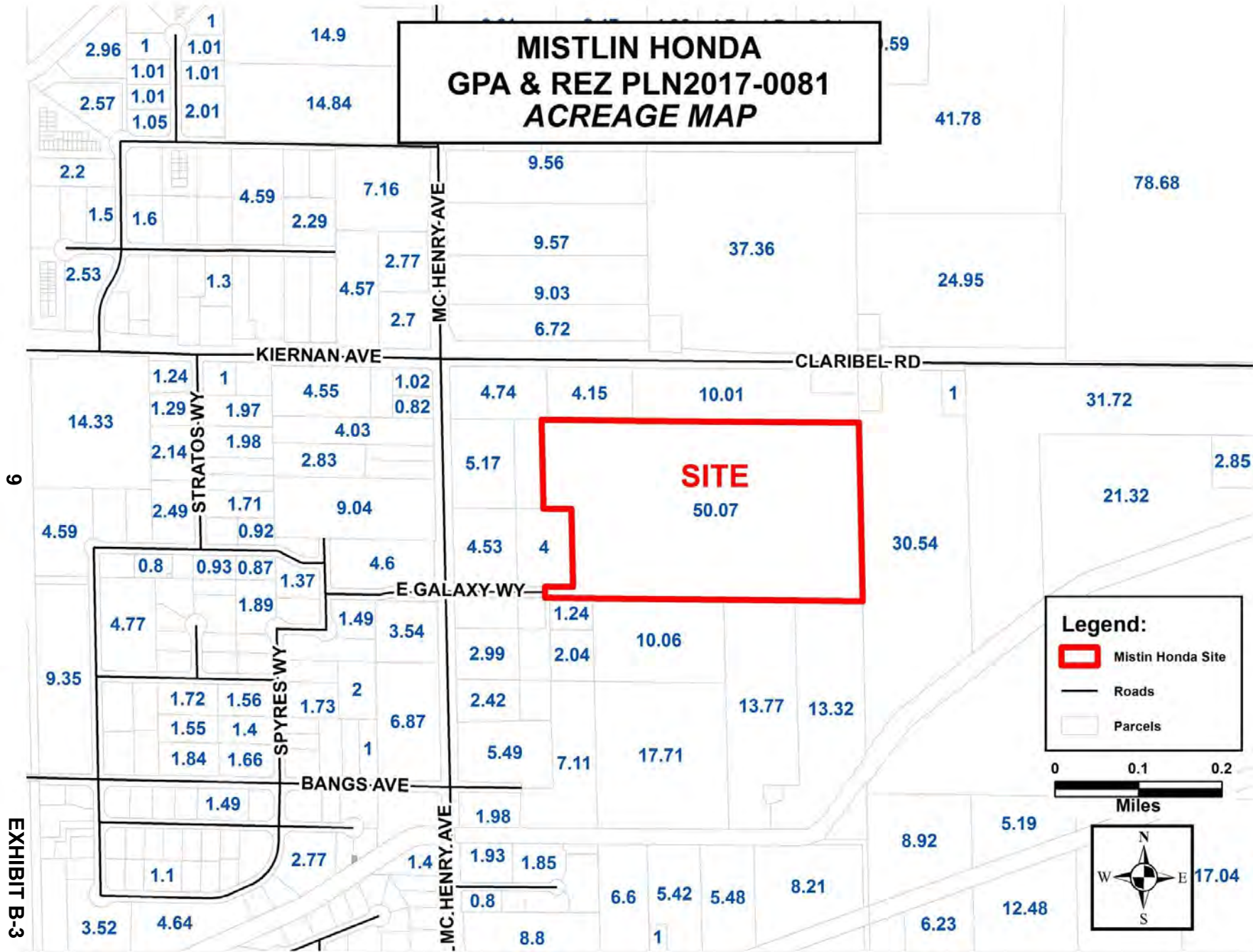


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EXHIBIT B-2

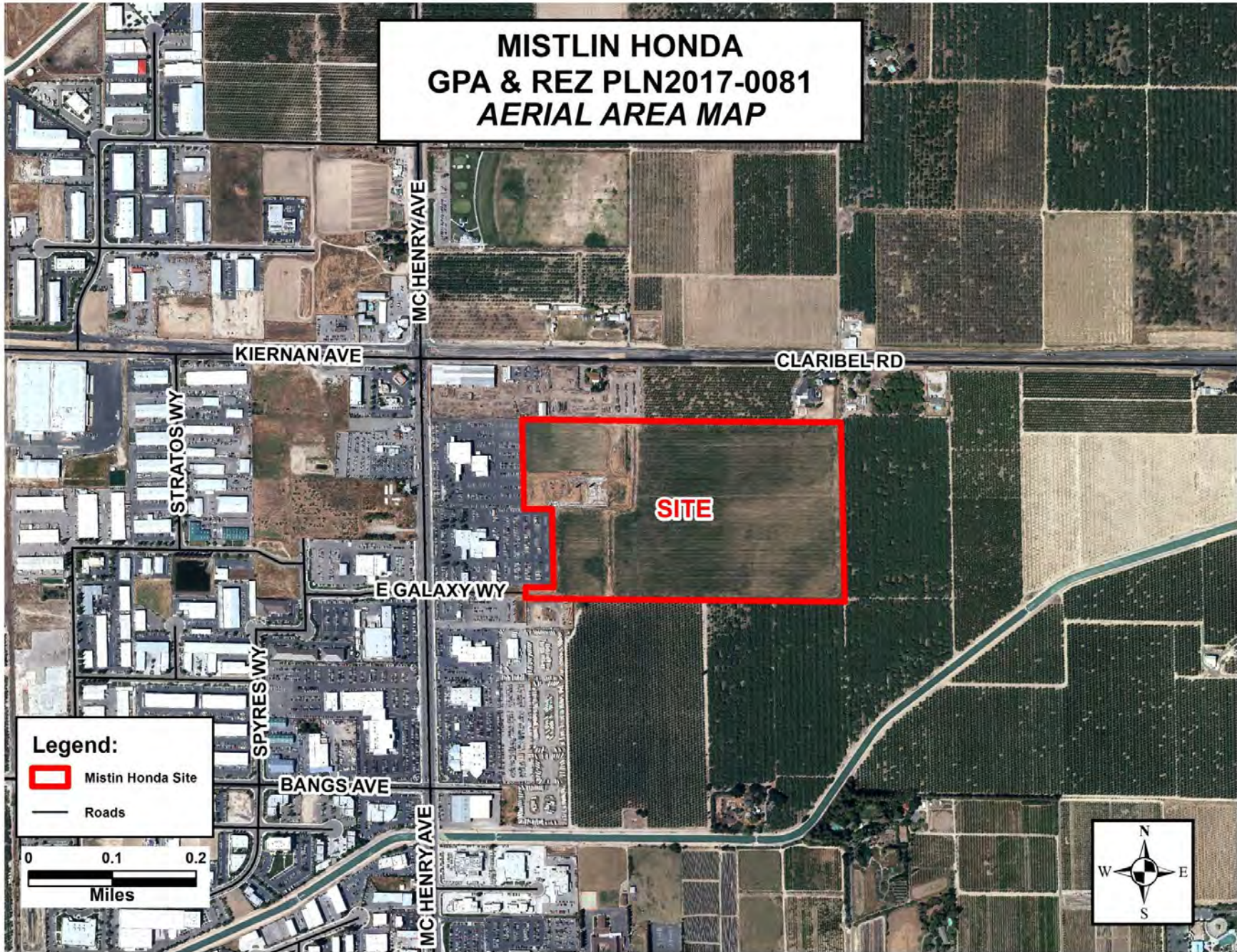


# MISTLIN HONDA GPA & REZ PLN2017-0081 ACREAGE MAP





**MISTLIN HONDA  
GPA & REZ PLN2017-0081  
AERIAL AREA MAP**



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EXHIBIT B-4

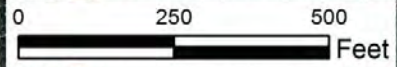


CLARIBEL RD

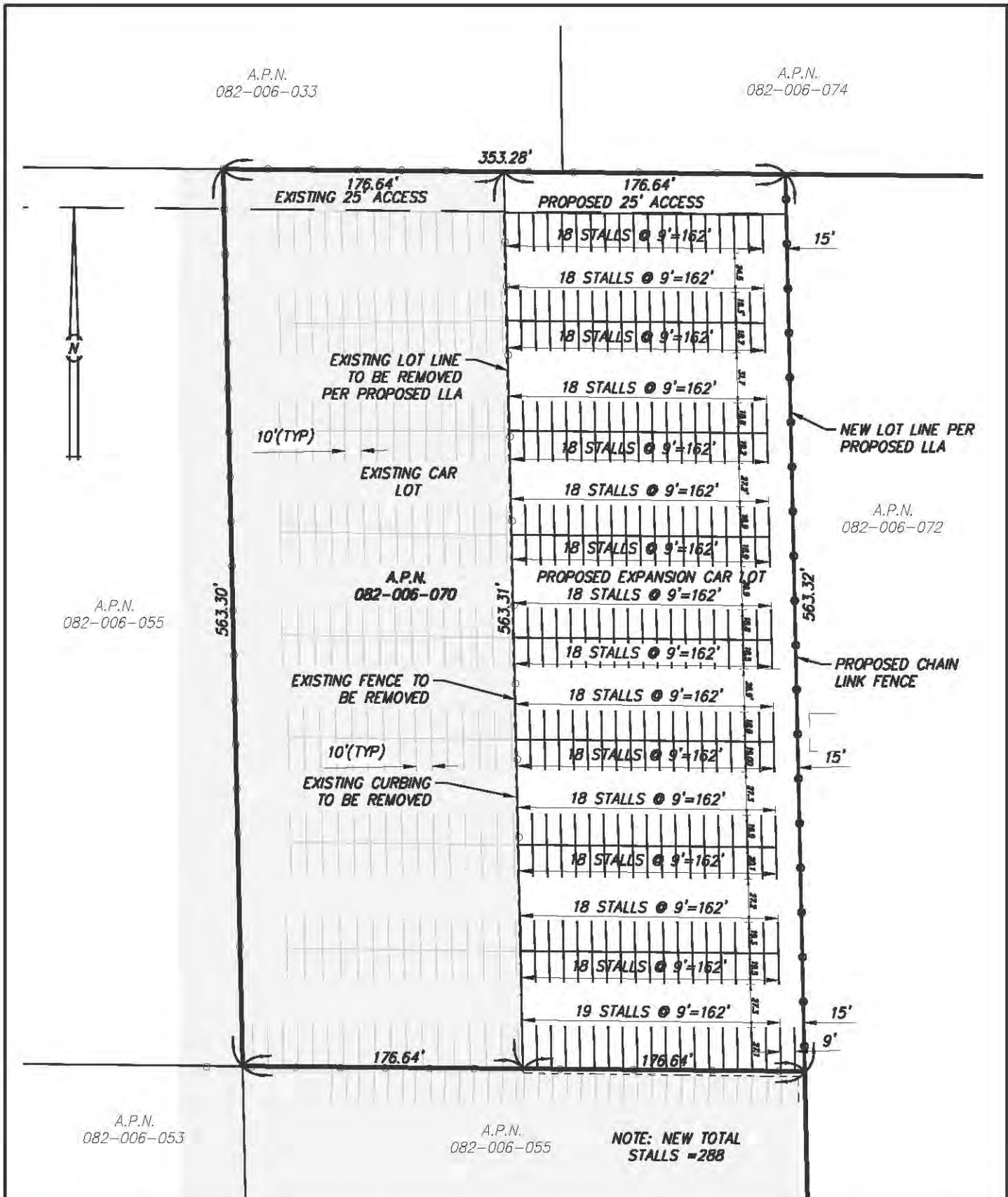
**MISTLIN HONDA  
GPA & REZ PLN2017-0081  
AERIAL SITE MAP**

MC HENRY AVE

**SITE**







NOTE: NEW TOTAL STALLS = 288



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

**PLOT PLAN  
MISTLIN HONDA**  
**A.P.N. 082-006-070 & 072**  
**STANISLAUS COUNTY, CALIFORNIA**

BY: RCS  
CHK: RHH  
DATE: 8/20/17  
SCALE: 1"=80'  
JOB #: 2211.01  
FILE: EXB

1  
OF  
1

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

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## DEVELOPMENT STANDARDS

### GENERAL PLAN AMENDMENT AND REZONE APPLICATION NO. PLN2017-0081 MISTLIN HONDA

#### 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, 2017), 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 **\$2,273.25**, 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 on-site lighting shall be designed in conformance with City of Modesto standards. 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. Construction shall occur between the hours of 7 a.m. and 7 p.m. No person shall operate any construction equipment so as to cause at or beyond the property line of any property upon which a dwelling unit is located an average sound level greater than 75 decibels between the hours of 7 p.m. and 7 a.m.
7. 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.
8. 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.
9. Prior to issuance of a grading permit, a grant deed shall be prepared and recorded for all parcels which reflect the lot line adjustment.
- ~~10. A 25-foot wide access easement shall be included in the grant deed that is prepared and recorded to reflect the lot line adjustment, for use by the 47.98± acre parcel (APN 082-006-072). A 20-foot wide access driveway, with an all-weather surface, shall be installed on the project site thereby extending the driveway from McHenry Avenue to the western property line of the 47.98± acre parcel.~~

#### Department of Public Works

11. ~~Prior to the lot line adjustment being recorded~~ **final inspection on the grading permit**, the area being added to the development shall be annexed to the North McHenry Lighting District. The owner shall provide all necessary documentation and pay all costs associated with the annexation.
12. A grading, drainage and erosion/sediment control plan for the project site shall be submitted prior to ~~onset of the use~~ **paving the vehicle storage areas**. Public Works will review and approve the drainage calculations. The grading; **and drainage and erosion/sediment control** plans shall include the following information:
  - A. ~~Sufficient~~ **The plans shall contain enough** information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County and/or State of California road rights-of-ways.
  - B. The grading, drainage and erosion/sediment control plans shall comply with the current Stanislaus County National Pollutant Discharge Elimination System (NPDES) General Construction Permit. **A Waste Discharger Identification Number and a copy of the Notice of Intent and the projects Stormwater Pollution Prevention Plan (SWPPP) shall be provided prior to the approval of any grading, if applicable.**
  - C. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan reviews ~~and for all on-site inspections of the~~ **grading plan**. ~~The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.~~

- 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 permit.~~ **The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.**

Modesto Irrigation District (MID)

13. In conjunction with related site, road, and lot line adjustment requirements, existing overhead and underground electric facilities within or adjacent to the project area shall be protected, relocated or removed as required by MID's Electric Engineering Department. Appropriate easements for electric facilities shall be granted as required.
14. Relocation or installation of electric facilities shall conform to MID's Electric Service Rules.
15. Costs for relocation of MID's electrical facilities at the request of others will be borne by the requesting party. Estimates for relocating existing facilities will be supplied upon request.

San Joaquin Valley Air Pollution Control District

16. The proposed project may be subject to Air District permits. Prior to the start of grading or construction, the property owner/operator shall contact the District's Small Business Assistance Office to determine if an Authority to Construct (ATC) is required, or if any other District rules or permits are required.

Central Valley Regional Water Quality Control Board

17. Prior to ground disturbance or issuance of a building or grading permit, the Central Valley Regional Quality Control Board shall be consulted to obtain any necessary permits and to implement any necessary measures, including but not limited to Construction Storm Water General Permit, Phase I and II Municipal Separate Storm Sewer System (MS4) Permits, Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit (Water Quality Certification), Waste Discharge Requirements, Low or Limited Threat General NPDES Permit, and any other applicable Regional Water Quality Control Board permit.

Planning Commission

18. **Prior to the final inspection of the grading permit, a 25-foot-wide access easement shall be included in the grant deed that is prepared and recorded to reflect the lot line adjustment, for use by the 47.98± acre parcel (APN 082-006-072).**
19. **Prior to the final inspection of the grading permit, 20-foot-wide access driveway with an all-weather surface shall be installed on the project site. This will thereby extend the existing driveway from McHenry Avenue to the western property line of the 47.98± acre parcel.**

GPA & REZ PLN2017-0081  
Development Standards  
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Page 4

As Amended by the Planning Commission  
November 16, 2017

*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

CONSTRUCTION TO BEGIN ON OR BEFORE DECEMBER 1, 2018 AND BE  
COMPLETED PRIOR TO JULY 1, 2019



**City of Modesto**  
**Community and Economic**  
**Development Department/Planning Division**  
*1010 Tenth Street, Third Floor*  
*Modesto, CA 95354*

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September 1, 2017

County of Stanislaus  
Department of Planning and Community Development  
1010 10<sup>th</sup> Street (Suite 3400)  
Modesto CA 95354  
Attn: Jeremy Ballard, Assistant Planner

RE: General Plan Amendment and Rezone Application No. PLN2017-0081 & Lot Line Adjustment  
Application No. PLN2017-0084 – Mistlin Honda

Mr. Ballard:

Due to the project site (post-LLA) being entirely within the "RC" designation shown on the Modesto general plan land use diagram, City staff has no comments regarding the subject referral. Thank you for the opportunity to review and comment.

Sincerely,

Brad Wall, AICP  
Principal Planner



## CEQA INITIAL STUDY

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

- 1. **Project title:** General Plan Amendment, Rezone, and Lot Line Adjustment Applications Nos. PLN2017-0081 & PLN2017-0084 – Mistlin Honda
- 2. **Lead agency name and address:** Stanislaus County  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354
- 3. **Contact person and phone number:** Adam Paszkowski, Associate Planner
- 4. **Project location:** East of McHenry Avenue, between Bangs Avenue and Claribel Road, directly east of the Mistlin Honda dealership, in the Modesto area. (APN: 082-006-072 and 082-006-070)
- 5. **Project sponsor's name and address:** Tony Mistlin / Mistlin Honda  
4754 McHenry Avenue  
Modesto, CA 95356
- 6. **General Plan designation:** Urban Transition (UT)
- 7. **Zoning:** A-2-10 (General Agriculture)
- 8. **Description of project:**

Request to amend the General Plan designation on a 2.28± acre portion of a 50.26± acre parcel, Assessor's Parcel Number 082-006-072, from Urban Transition to Planned Development and to change the zoning district from General Agriculture (A-2-10) to Planned Development. The Planned Development is requested to expand the existing Mistlin Honda car dealership facility which will expand their vehicle storage area by developing an additional 288 paved and marked parking spaces. The expansion will be graded and paved and security fenced. This project will not require the expansion of existing infrastructure and no new structures are being proposed. The hours of operation and the number of employees will not increase.

The developer is requesting a lot line adjustment to incorporate the 2.28± acre project site into the 7.45± acre Mistlin Honda Dealership, Assessor's Parcel Numbers 082-006-055 and 082-006-070. (Lot lines are categorically exempt from CEQA - Section 15305 - Minor alterations in land use limitations.)

- 9. **Surrounding land uses and setting:** To the north is the existing Bambacigno Steel operation, to the south is the existing American Chevrolet car dealership, to the west is the existing Mistlin Honda car dealership, and to the east are orchards and row crops.
- 10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Department of Public Works.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

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

Adam Paszkowski  
 \_\_\_\_\_  
 Signature

September 15, 2017  
 \_\_\_\_\_  
 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, than 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). References to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
  - 7) **Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
  - 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
  - 9) The explanation of each issue should identify:
    - a) the significant criteria or threshold, if any, used to evaluate each question; and
    - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

**ISSUES**

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

**Discussion:** The site itself is not considered to be a scenic resource or unique scenic vista. The site is currently vacant land. The applicant will provide landscaping as required by Ordinance, which will be held to City of Modesto standards. Conditions of approval will be added to the project requiring City of Modesto design standards for plant types, irrigation methods, and lighting standards. Conditions of approval will also be applied to the project that require that dead or dying plants be replaced as well as that nighttime lighting be aimed downward and towards the site to prevent glare to adjacent properties. No adverse impacts to the existing visual character of the site or its surroundings are anticipated.

**Mitigation:** None.

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

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 subject parcel is zoned A-2-10 (General Agriculture), and is vacant but has been utilized for commercial agriculture. The Eastern Stanislaus Soil Survey identifies the site as having prime soils, made up of (TuA) Tujunga loamy sand (0-3 percent slopes, grade 2, Storie Index Rating 62); however, the property is classified as “Urban and Built-Up Land” by the California State Department of Conservation Farmland Mapping and Monitoring Program. The property is not enrolled in a Williamson Act Contract and is surrounded by agricultural and urban uses including: the existing Bambacigno Steel operation to the north, the American Chevrolet car dealership to the south, the Mistlin Honda car dealership to the west, and orchards to the east. Consequently, development of the project will not result in the conversion of farmland of statewide importance or conversion of prime and/or unique farmland. Although approval of this project will result in the rezoning of land to a commercial use, the impact to agriculture is less than significant as this property is surrounded by urban development, and within the City of Modesto’s Sphere of Influence.

**Mitigation:** None.

**References:** USDA Natural Resource Conservation Service Web Soil Survey; USDA Soil Conservation Service Soil Survey of Eastern Stanislaus Area CA; California Farmland Mapping and Monitoring Program Data; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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

**Discussion:** The proposed project is located within the San Joaquin Valley Air Basin (SJVAB) and, therefore, falls under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In conjunction with the Stanislaus Council of Governments (StanCOG), the SJVAPCD is responsible for formulating and implementing air pollution control strategies. The SJVAPCD’s most recent air quality plans are the 2007 PM<sub>10</sub> (respirable particulate matter) Maintenance Plan, the 2015 for the 1997 PM<sub>2.5</sub> standard (fine particulate matter), and the 2007 Ozone Plan (The

District has also adopted similar ozone plans such as 2014 RACT SIP and 2013 Plan for the Revoked 1-Hour Ozone Standard). These plans establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SJVAB, which has been classified as “extreme non-attainment” for ozone, “attainment” for respirable particulate matter (PM<sub>10</sub>), and “non-attainment” for PM<sub>2.5</sub>, as defined by the Federal Clean Air Act. 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 temporary source of air pollution may result from on-site grading and paving. Consequently, emissions would be minimal. Furthermore, all construction activities would occur in compliance with all SJVAPCD regulations; therefore, construction emissions would be less than significant without mitigation.

The project will not conflict with, nor obstruct implementation of any applicable air quality plan. Based on the project details stated above, no significant impacts to air quality are anticipated. Additionally, a standard condition of approval will be added to this project requiring all construction activities comply with all SJVAPCD regulations.

**Mitigation:** None.

**References:** San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; Stanislaus County General Plan and Support Documentation<sup>1</sup>

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 U.S. 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:** Based on the site’s past farming operations and adjacency to commercial uses, it does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. There are no known sensitive or protected species or natural communities located on the site and/or in the surrounding area. No trees or natural vegetation exist on the site. If approved, the development would have a less than significant impact on biological resources.

The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans.

An Early Consultation was referred to the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and no response was received.

**Mitigation:** None.

**References:** California Department of Fish and Wildlife (formerly the Department of Fish and Game), California Natural Diversity Database, and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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 this project will result in significant impacts to any archaeological or cultural resources. Because this application includes a General Plan Amendment individual letters were sent to the tribes as required. To date, no response has been received from the consulted tribes. Since ground disturbance and construction can reveal archaeological resources a standard condition of approval will be added to this project to address any discovery of cultural resources during any ground disturbing activities.

**Mitigation:** None.

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

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

<b>b) Result in substantial soil erosion or the loss of topsoil?</b>			X	
<b>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?</b>			X	
<b>d) Be located on expansive soil creating substantial risks to life or property?</b>			X	
<b>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?</b>			X	

**Discussion:** The Eastern Stanislaus Soil Survey identifies the site as having prime soils, made up of (TuA) Tujunga loamy sand (0-3 percent slopes, grade 2, Storie Index Rating 62). As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of any structure will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Public Works Standards and Specifications which consider the potential for erosion and run-off prior to permit approval.

Department of Environmental Resources (DER), Public Works, and the Building Permits Division review and approve any building or grading permit to ensure their standards are met. Conditions of approval regarding these standards will be applied to the project.

**Mitigation:** None.

**References:** California Building Code; USDA Natural Resource Conservation Service Web Soil Survey; USDA Soil Conservation Service Soil Survey of Eastern Stanislaus Area CA; and the Stanislaus County General Plan and Support Documentation - Safety Element<sup>1</sup>.

<b>VII. GREENHOUSE GAS EMISSIONS -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</b>			X	
<b>b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</b>				X

**Discussion:** The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and tropospheric Ozone (O<sub>3</sub>). CO<sub>2</sub> is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO<sub>2</sub> equivalents (CO<sub>2</sub>e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020.

Although no structures are proposed, any subsequent buildings would be subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24,

Part 11). Minimal greenhouse gas emissions will occur during grading. Grading and construction activities are considered to be less than significant as they are temporary in nature and are subject to meeting SJVAPCD standards for air quality control. Minimal greenhouse gas emissions will also be generated from additional vehicle and truck trips. The project does not propose additional employees; however, it proposes one additional truck trip per day.

No significant impacts from greenhouse gas emissions occurring as a result of this project are anticipated.

**Mitigation:** None.

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

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

**Discussion:** The County Department of Environmental Resources is responsible for overseeing hazardous materials and has not indicated any particular concerns in this area. The proposed use is not recognized as a generator and/or consumer of hazardous materials, therefore no significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project.

The project site is not within the vicinity of any airstrip or wildlands.

**Mitigation:** None.

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

IX. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X	
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?			X	

**Discussion:** Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project site is located in FEMA Flood Zone X, which includes areas determined to be outside the 0.2% annual chance floodplains. All flood zone requirements will be addressed by the Building Permits Division during the building permit process. By virtue of the proposed paving for the parking lot, the current absorption patterns of water upon this property will be altered; however, current standards require that all of a project's stormwater be maintained on site and, as such, a Grading and Drainage Plan will be included in this project's conditions of approval. As a result of the development standards required for this project, impacts associated with drainage, water quality, and runoff are expected to have a less than significant impact.

**Mitigation:** None.

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

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			X	

(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?				
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

**Discussion:** The project site is designated Urban Transition by the Stanislaus County General Plan land use diagrams and zoned A-2-10 (General Agriculture). The applicant is requesting to amend the general plan designation on a 2.28± acre portion of a 50.26± acre parcel, Assessor's Parcel Number 082-006-072, from Urban Transition to Planned Development and to change the zoning district from General Agriculture (A-2-10) to Planned Development. The Planned Development is requested to expand the existing Mistlin Honda car dealership facility which will expand their vehicle storage area by developing an additional 288 paved and marked parking spaces. The site falls within the Sphere of Influence of the City of Modesto, and accordingly, a referral was sent to Modesto to ensure consistency with their General Plan for the area pursuant to County Zoning Ordinance Section 21.08.090 which requires written approval be received prior to County approval of discretionary projects within the City's Sphere of Influence. The City of Modesto responded that they have no comment regarding the project.

The project will not physically divide an established community nor conflict with any habitat conservation plans.

**Mitigation:** None.

**References:** Referral response from the City of Modesto dated September 1, 2017; Stanislaus County General Plan and Support Documentation<sup>1</sup>

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, nor is the project site located in a geological area known to produce important mineral resources.

**Mitigation:** None.

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

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

**Discussion:** The Stanislaus County General Plan identifies noise levels up to 70 dB Ldn (or CNEL) as the normally acceptable level of noise for commercial uses. On-site grading and construction resulting from this project may result in a temporary increase in the area’s ambient noise levels; however, noise impacts associated with on-site activities and traffic are not anticipated to exceed the normally acceptable level of noise. The site itself is impacted by the noise generated from McHenry Avenue (SR 108). Moreover, operating hours are limited to 7:00 a.m. to 9:00 p.m. daily. The area’s ambient noise level will temporarily increase during grading/construction. As such, the project will be conditioned to abide by County regulations related to hours and days of construction.

The site is not located within an airport land use plan.

**Mitigation:** None.

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

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

**Discussion:** The site is not included in the vacant sites inventory for the 2016 Stanislaus County Housing Element, which covers the 5<sup>th</sup> cycle Regional Housing Needs Allocation (RHNA) for the county and will therefore not impact the County’s ability to meet their RHNA. No population growth will be induced nor will any existing housing be displaced as a result of this project.

**Mitigation:** None.

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

XIV. PUBLIC SERVICES --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in the substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in				

order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?				X
Parks?				X
Other public facilities?			X	

**Discussion:** The County has adopted Public Facilities Fees, as well as Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. No buildings are proposed as part of this project. However, should any construction occur on the property in the future, all adopted public facility fees will be required to be paid at the time of building permit issuance.

This project was circulated to all applicable school, fire, police, irrigation, and public works departments and districts during the early consultation referral period and no concerns were identified with regard to public services.

**Mitigation:** None.

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

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

**Discussion:** This project will not increase demands for recreational facilities, as such impacts typically are associated with residential development.

**Mitigation:** None.

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

XVI. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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?			X	
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?			X	

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X	

**Discussion:** The project proposes to expand the existing Mistlin Honda car dealership facility which will expand their vehicle storage area by developing an additional 288 paved and marked parking spaces. No structures are being proposed as the existing sales and service building is on the adjacent parcel, which already includes indoor office and sales space, customer parking, and restrooms. Employees are proposed to remain the same as the existing operation. One additional truck delivery per day is estimated to be associated with the proposed operational expansion. The project proposes access to the expanded parking area from the existing parking area which is accessible by McHenry Avenue. Increased traffic resulting from the proposed use of the site is insignificant; therefore, staff has no evidence to support that this project will significantly impact McHenry Avenue (State Highway 108).

This project was referred to the Department of Public Works, City of Modesto, and the California Department of Transportation (Caltrans), all of which had no comments regarding the proposed project.

**Mitigation:** None.

**References:** Referral response from the City of Modesto dated September 1, 2017; Referral response from Caltrans dated September 5, 2017; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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



**Discussion:** Limitations on providing services have not been identified. The project does not propose any services as the building and restrooms located on the existing Mistlin Honda car dealership facility, to the west, will be utilized for any on-site employees or customers. The Department of Public Works will review and approve grading and drainage plans prior to construction. Conditions of approval will be added to the project to reflect this requirement.

**Mitigation:** None.

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

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.

**Mitigation:** None.

**References:** Initial Study; Stanislaus County General Plan and Support Documentation<sup>1</sup>

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<sup>1</sup>Stanislaus County General Plan and Support Documentation adopted on August 23, 2016. Optional and updated elements of the General Plan and Support Documentation: **Housing Element** adopted on April 5, 2016.

## NEGATIVE DECLARATION

**NAME OF PROJECT:** General Plan Amendment and Rezone Application No. PLN2017-0081 – Mistlin Honda

**LOCATION OF PROJECT:** East of McHenry Avenue, between Bangs Avenue and Claribel Road, directly east of the Mistlin Honda dealership, in the Modesto area. (APN: 082-006-072)

**PROJECT DEVELOPERS:** Tony Mistlin / Mistlin Honda  
4754 McHenry Avenue  
Modesto, CA 95356

**DESCRIPTION OF PROJECT:** Request to amend the General Plan designation on 2.28 +/- acres of a 50.26 +/- acre parcel, from Urban Transition to Planned Development (PD) and rezone from A-2-10 (General Agriculture) to PD to allow for expanded vehicle storage for an existing dealership. The expansion will allow the site to be graded and paved, and security fencing installed so as to allow an additional 288 marked spaces. This project will not require the expansion of existing infrastructure and no new structures are being proposed. The hours of operation and the number of employees will not increase. A lot line adjustment will add the 2.28 +/- acres to the adjoining 7.45 +/- Mistlin Honda dealership.

Based upon the Initial Study, dated **September 15, 2017**, 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: Adam Paszkowski, Associate 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: GPA & REZ PLN217-0081 - MISTLIN HONDA**

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 CONSERVATION: Land Resources	X	X	X		X							
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF TRANSPORTATION DIST 10	X	X	X	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	
CITY OF: MODESTO	X	X	X	X				X		X		X
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: STANISLAUS CONSOLIDATED	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: SYLVAN UNION	X	X	X		X							
SCHOOL DISTRICT 2: MODESTO UNION	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X	X		X							
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X		X							
STAN CO ERC	X	X	X	X				X		X		X
STAN CO FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X	X		X							
STAN CO PUBLIC WORKS	X	X	X	X		X				X	X	
STAN CO SHERIFF	X	X	X		X							
STAN CO SUPERVISOR DIST 4: MONTEITH	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS			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							

Planning Commission  
 Draft Minutes  
 November 16, 2017  
 Pages 3, 4, & 5

- B. GENERAL PLAN AMENDMENT AND REZONE APPLICATION NO. PLN2017-0081 – MISTLIN HONDA** – Request to amend the General Plan designation on 2.28 +/- acres of a 50.26 +/- acre parcel, from Urban Transition to Planned Development (PD) and rezone from A-2-10 (General Agriculture) to PD to allow for expanded vehicle storage for an existing dealership. The lot line adjustment will add the 2.28 +/- acres to the adjoin 2.28 +/- acre parcel used by the dealership. The project site is located east of the existing Mistlin Honda Dealership on McHenry Avenue, between Bangs Avenue and Claribel Road in the Modesto area. The Planning Commission will recommend adoption of a CEQA Negative Declaration for this project. APN: 082-006-072.  
 Staff Report: Rachel Wyse, Senior Planner, Recommends **APPROVAL**.  
 Public hearing opened.  
**OPPOSITION:** None  
**FAVOR:** Dennis Wilson, Horizon Consulting  
 Public hearing closed.  
 Borges/Buehner (7/0) **RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT AND INCLUDING THE DELETION OF DEVELOPMENT STANDARD NO. 10, THE AMENDMENT OF NOS. 11 AND 12, AND THE ADDITION OF NOS. 18 AND 19, AS OUTLINED IN THE NOVEMBER 16, 2017, MEMO TO READ AS FOLLOWS:**

**Department of Planning and Community Development**

10. ~~A 25 foot wide access easement shall be included in the grant deed that is prepared and recorded to reflect the lot line adjustment, for use by the 47.98± acre parcel (APN 082-006-072). A 20 foot wide access driveway, with an all-weather surface, shall be installed on the project site thereby extending the driveway from McHenry Avenue to the western property line of the 47.98± acre parcel.~~

**Department of Public Works**

11. ~~Prior to the lot line adjustment being recorded~~ **final inspection on the grading permit**, the area being added to the development shall be annexed to the North McHenry Lighting District. The owner shall provide all necessary documentation and pay all costs associated with the annexation.
12. A grading, drainage and erosion/sediment control plan for the project site shall be submitted prior to ~~onset of the use~~ **paving the vehicle storage areas**. Public Works will review and approve the drainage calculations. The grading, **and** drainage ~~and erosion/sediment control plans~~ shall include the following information:

- A. ~~Sufficient~~ **The plans shall contain enough** information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County and/or State of California road rights-of-ways.
- B. The grading, drainage and erosion/sediment control plans shall comply with the current Stanislaus County National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharger Identification Number and a copy of the Notice of Intent and the projects Stormwater Pollution Prevention Plan (SWPPP) shall be provided prior to the approval of any grading, if applicable.
- C. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan reviews ~~and for all on-site inspections of the grading plan.~~ **The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.**
- 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 permit.~~ **The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.**

**Planning Commission**

- 18. Prior to the final inspection of the grading permit, a 25-foot-wide access easement shall be included in the grant deed that is prepared and recorded to reflect the lot line adjustment, for use by the 47.98± acre parcel (APN 082-006-072).
- 19. Prior to the final inspection of the grading permit, 20-foot-wide access driveway with an all-weather surface shall be installed on the project site. This will thereby extend the existing driveway from McHenry Avenue to the western property line of the 47.98± acre parcel.

<p><b>EXCERPT</b></p> <p><b>PLANNING COMMISSION</b></p> <p><b>MINUTES</b></p> <p><u>Signature on file.</u> Angela Freitas, Secretary</p> <p><u>December 8, 2017 (PENDING</u> <u>PLANNING COMMISSION APROVAL)</u> Date</p>
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DRAFT

STANISLAUS COUNTY ORDINANCE NO. C.S. \_\_\_\_\_

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. \_\_\_\_\_ FOR THE PURPOSE OF REZONING 2.28 ACRES OF A 50.62 ACRES FROM A-2-10 (GENERAL AGRICULTURE) TO A NEW PD (PLANNED DEVELOPMENT), TO ALLOW THE ESTABLISHMENT OF A VEHICLE STORAGE AREA LOCATED BETWEEN BANGS AVENUE AND CLARIBEL ROAD, IN THE MODESTO AREA, APN: 041-023-050.

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 \_\_\_\_ day of \_\_\_\_\_, 2017, by the following called vote:

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

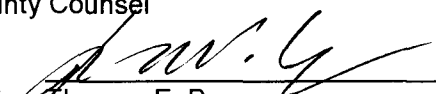
\_\_\_\_\_  
 Vito Chiesa  
 CHAIRMAN OF THE BOARD OF SUPERVISORS  
 of the County of Stanislaus,  
 State of California

ATTEST: ELIZABETH A. KING, Clerk of  
 the Board of Supervisors of  
 the County of Stanislaus,  
 State of California

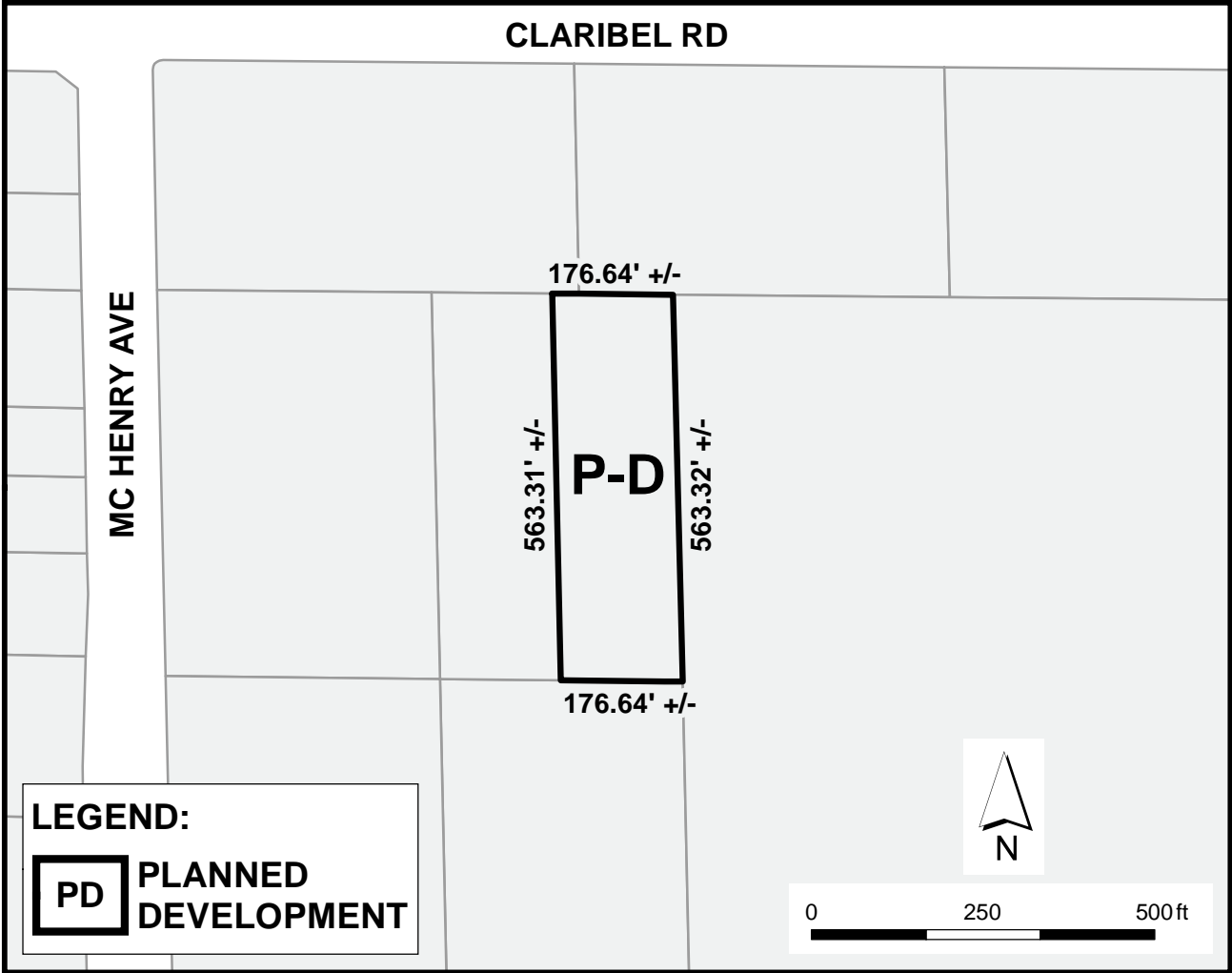
BY: \_\_\_\_\_  
 Pamela Villarreal, Assistant Clerk of the Board

APPROVED AS TO FORM:

JOHN P. DOERING  
County Counsel

By   
 Thomas E. Boze  
 Deputy County Counsel

# SECTIONAL DISTRICT MAP NO. 9-110-TBD



EFFECTIVE DATE:  
PREVIOUS MAPS: 488G

December 19, 2017  
6:40 P.M.  
2017-0724

STANISLAUS COUNTY ORDINANCE NO. C.S. 1209

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO.9-110-1011 FOR THE PURPOSE OF REZONING 2.28 ACRES OF A 50.26 ACRE PARCEL FROM A-2-10 (GENERAL AGRICULTURE) TO A NEW PD (PLANNED DEVELOPMENT), TO ALLOW THE ESTABLISHMENT OF A VEHICLE STORAGE AREA LOCATED BETWEEN BANGS AVENUE AND CLARIBEL ROAD, IN THE MODESTO AREA, APN: 082-006-072.

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

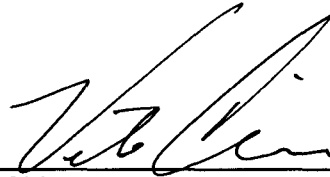
Section 1. Sectional District Map No. 9-110-1011 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:

(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 Monteith, seconded by Supervisor Olsen, 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 19<sup>th</sup> of December 2017, by the following called vote:

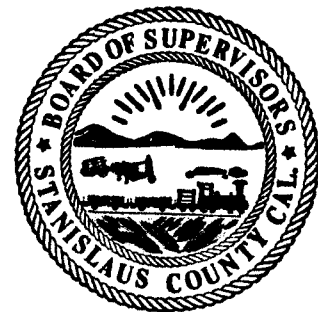
AYES: Supervisors: Olsen, Withrow, Monteith, DeMartini, and Chairman Chiesa  
NOES: Supervisors: None  
ABSENT: Supervisors: None  
ABSTAINING: Supervisors: None



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

ATTEST: ELIZABETH A. KING, Clerk of  
the Board of Supervisors of  
the County of Stanislaus,  
State of California

BY:   
Pamela Villarreal, Assistant Clerk of the Board



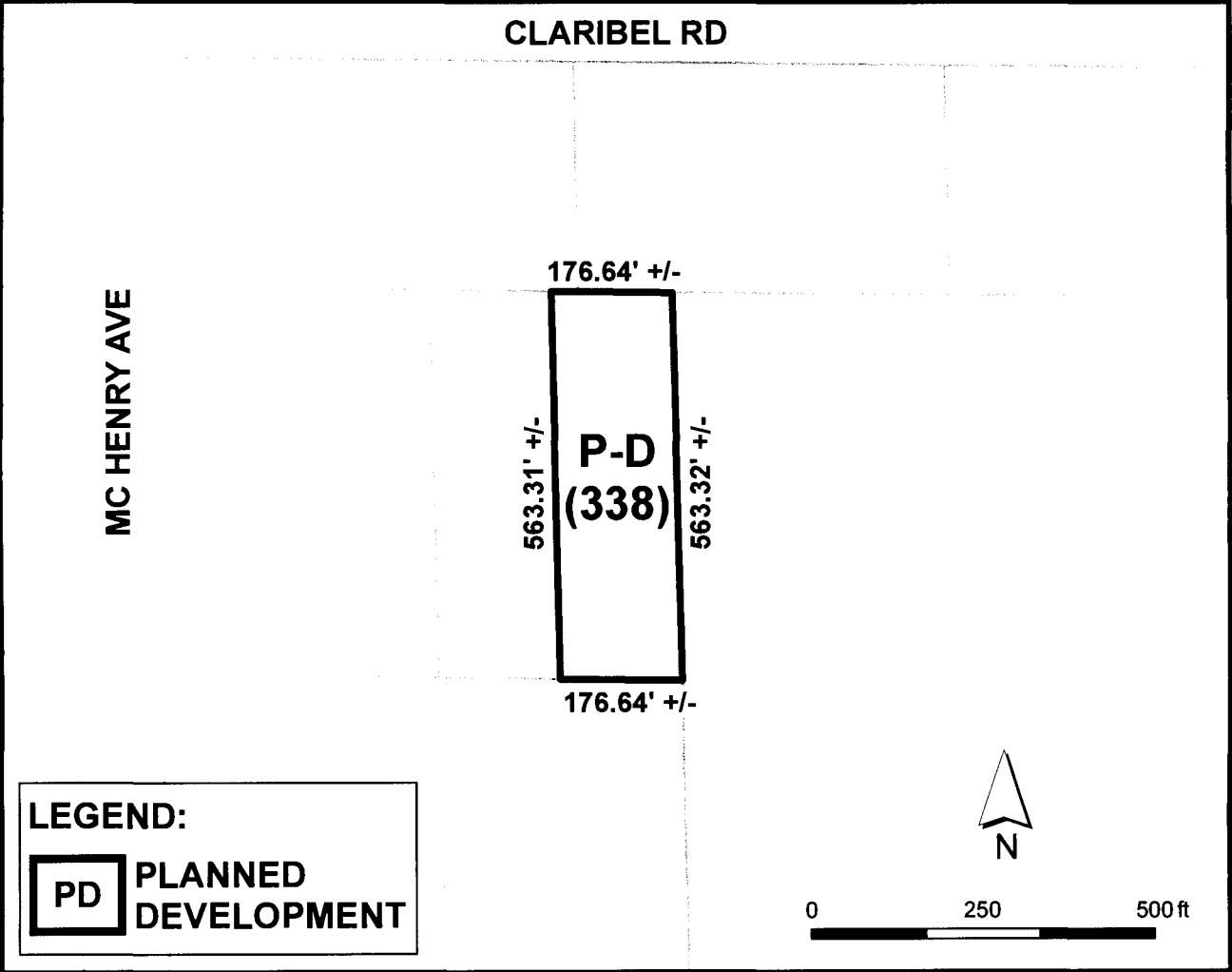
APPROVED AS TO FORM:

JOHN P. DOERING  
County Counsel

By   
Thomas E. Boze  
Deputy County Counsel



# SECTIONAL DISTRICT MAP NO. 9-110-1011



EFFECTIVE DATE: 01.18.2018  
PREVIOUS MAPS: 488G



# AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Cols	Lines
341787	0003449512	ORD CS 1209 PAM VILLARREAL	ORD CS 1209 PAM VILLARREAL	1	75

**Attention:**

CO STAN BOARD OF SUPERVISORS  
1010 10TH ST STE 6700  
MODESTO, CA 95354

**Declaration of Publication  
C.C.P. S2015.5**

STATE OF CALIFORNIA )  
 ) ss.  
County of Stanislaus )

I am a citizen of the United States; 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 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:

December 28, 2017

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:

Date: 28th, day of December, 2017

*Cynthia Q. Wickham*

Signature

**STANISLAUS  
COUNTY ORDINANCE  
NO. C.S. 1209**

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110-1011 FOR THE PURPOSE OF REZONING 2.28 ACRES OF A 50.26 ACRE PARCEL FROM A-2-10 (GENERAL AGRICULTURE) TO A NEW PD (PLANNED DEVELOPMENT), TO ALLOW THE ESTABLISHMENT OF A VEHICLE STORAGE AREA LOCATED BETWEEN BANGS AVENUE AND CLARIBEL ROAD, IN THE MODESTO AREA, APN: 082-006-072;

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

Section 1. Sectional District Map, No. 9-110-1011 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:



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

Upon motion of Supervisor Montelth, seconded by Supervisor Olsen, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 19th of December 2017, by the following called vote: AYES: Supervisors: Olsen, Withrow, Montelth, DeMartini, and Chairman Chiesa. NOES: None. ABSENT: None. ABSTAINING: None. /s/ Vito Chiesa, CHAIRMAN OF THE BOARD OF SUPERVISORS of the County of Stanislaus, State of California. ATTEST: ELIZABETH A. KING, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Pam Villarreal, Assistant Clerk of the Board APPROVED AS TO FORM: JOHN P. DOERING, County Counsel. By Thomas E. Boze, Deputy County Counsel.

# GPA & REZ PLN2017-0081 MISTLIN HONDA

**Board of Supervisors**  
December 19, 2017

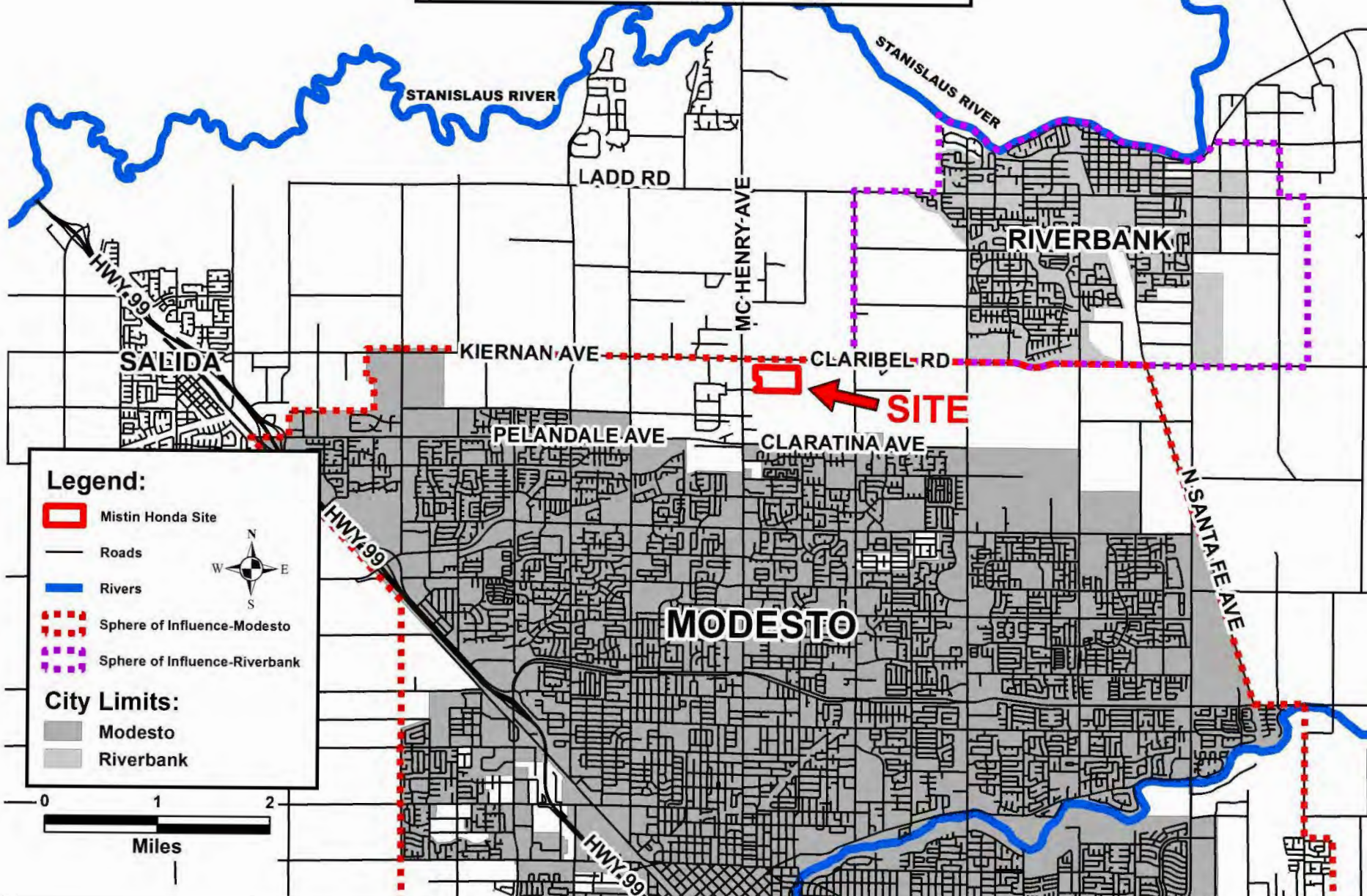


# Overview

- General Plan Amendment
- Rezone Application
  
- Request to amend the GP & rezone the 2.28+/- acre parcel to Planned Development for vehicle storage for an existing dealership.



# MISTLIN HONDA GPA & REZ PLN2017-0081 AREA MAP





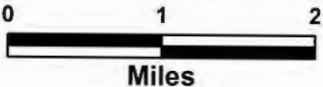
## Legend:

-  Mistlin Honda Site
-  Roads
-  Rivers
-  Sphere of Influence-Modesto
-  Sphere of Influence-Riverbank



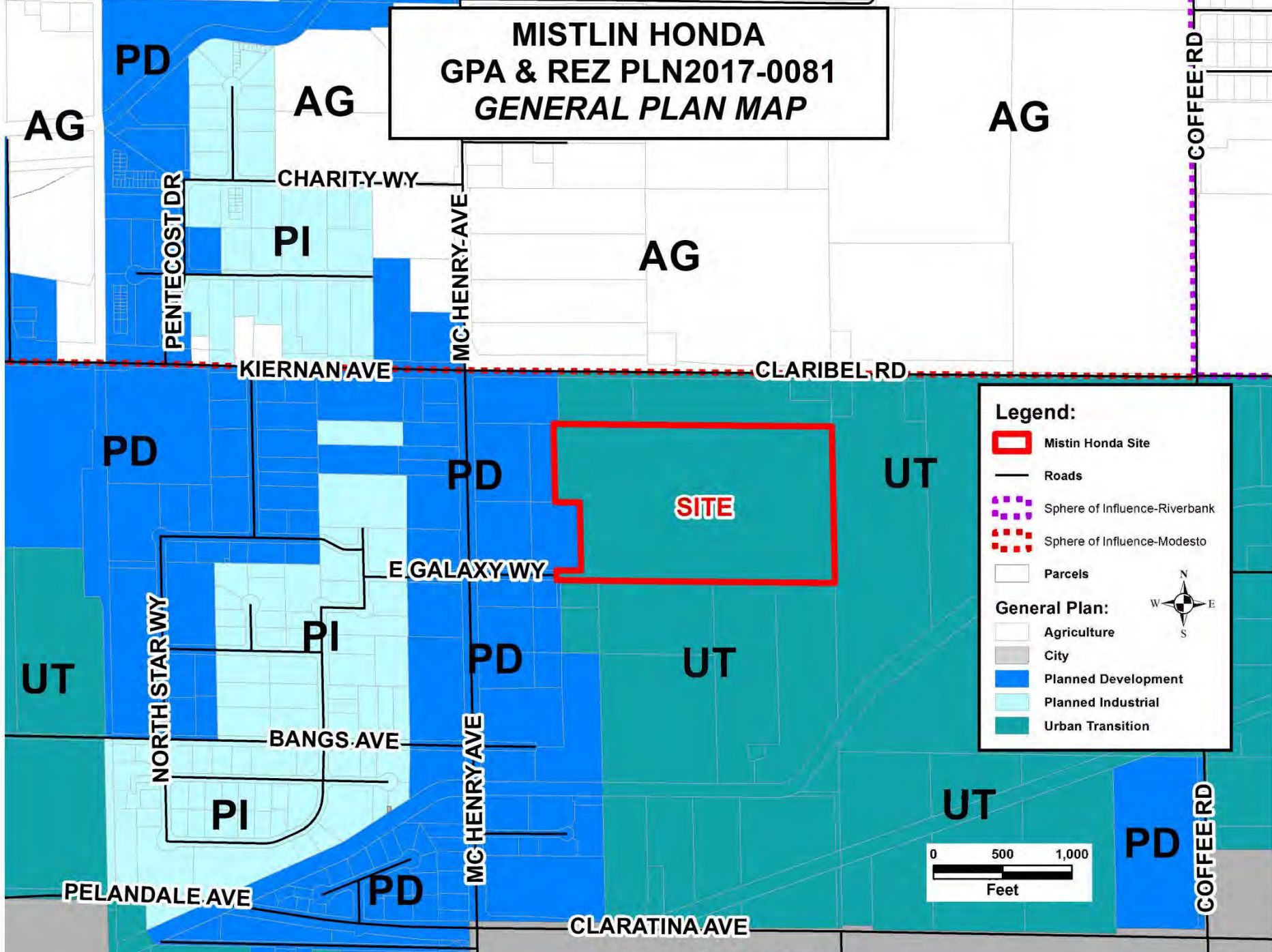
## City Limits:

-  Modesto
-  Riverbank





**MISTLIN HONDA  
GPA & REZ PLN2017-0081  
GENERAL PLAN MAP**

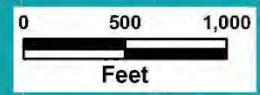


**Legend:**

- Mistin Honda Site
- Roads
- Sphere of Influence-Riverbank
- Sphere of Influence-Modesto
- Parcels

**General Plan:**

- Agriculture
- City
- Planned Development
- Planned Industrial
- Urban Transition









**MISTLIN HONDA  
GPA & REZ PLN2017-0081  
AERIAL AREA MAP**



KIERNAN AVE

MC HENRY AVE

CLARIBEL RD

STRATOS WY

**SITE**

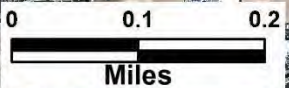
E GALAXY WY

SPYRES WY

BANGS AVE

MC HENRY AVE

**Legend:**  
[Red Outline] Mistin Honda Site  
[Black Line] Roads





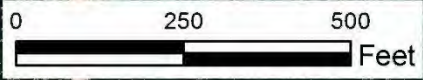
CLARIBEL RD

**MISTLIN HONDA  
GPA & REZ PLN2017-0081  
AERIAL SITE MAP**

MC HENRY AVE



**SITE**





A.P.N.  
082-006-033

A.P.N.  
082-006-074

353.28'

176.64'  
EXISTING 25' ACCESS

176.64'  
PROPOSED 25' ACCESS

18 STALLS @ 9'=162'

18 STALLS @ 9'=162'

18 STALLS @ 9'=162'

18 STALLS @ 9'=162'

18 STALLS @ 9'=162'

18 STALLS @ 9'=162'

18 STALLS @ 9'=162'

PROPOSED EXPANSION CAR LOT  
18 STALLS @ 9'=162'

18 STALLS @ 9'=162'

18 STALLS @ 9'=162'

18 STALLS @ 9'=162'

18 STALLS @ 9'=162'

18 STALLS @ 9'=162'

18 STALLS @ 9'=162'

18 STALLS @ 9'=162'

19 STALLS @ 9'=162'

EXISTING LOT LINE  
TO BE REMOVED  
PER PROPOSED LLA

10'(TYP)

EXISTING CAR  
LOT

NEW LOT LINE PER  
PROPOSED LLA

A.P.N.  
082-006-072

A.P.N.  
082-006-055

563.30'

A.P.N.  
082-006-070

563.31'

563.32'

EXISTING FENCE TO  
BE REMOVED

PROPOSED CHAIN  
LINK FENCE

10'(TYP)

EXISTING CURBING  
TO BE REMOVED

15'

15'

15'

9'

176.64'

176.64'

A.P.N.  
082-006-053

A.P.N.  
082-006-055

NOTE: NEW TOTAL  
STALLS = 288

**MISTLIN HONDA  
GPA & REZ PLN2017-0081  
SITE PLAN**

# General Plan Consistency

- Designations
- Sphere of Influence



# Zoning Ordinance Consistency

- Planned Development Zoning District



# Environmental Review

- CEQA – Negative Declaration



# Planning Commission

- November 16, 2017
- 7-0 Vote
- Amended Development Standards
- Recommended Approval





# Recommendation

- Approve
- Recommendations – 1-7



# Questions

