



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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

May 19, 2016

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

SUBJECT: REZONE AND PARCEL MERGER NO. PLN2015-0113 – DERREL'S MINI STORAGE – EQUITYBAK, LP

DISCUSSION

The applicant is requesting that Rezone and Parcel Merger Application No. PLN2015-0113 – Derrel's Mini Storage – Equitybak, LP be continued to a future Planning Commission date. The applicant has requested this continuance to review the proposed Development Standards relating to Modesto Irrigation District infrastructure. The applicant is requesting to amend these Development Standards but has been unable to meet with the District in the time frame allowed to make the May 19, 2016, Planning Commission Meeting.

RECOMMENDATION

Staff recommends the Planning Commission approve an indefinite continuance of Rezone and Parcel Merger Application No. PLN2015-0113 – Derrel's Mini Storage – Equitybak, LP.

Attachment:

- A. Planning Commission Staff Report dated April 21, 2016

STANISLAUS COUNTY PLANNING COMMISSION

April 21, 2016

STAFF REPORT

REZONE AND PARCEL MERGER APPLICATION NO. PLN2015-0113 DERREL'S MINI STORAGE - EQUITYBAK, LP

REQUEST: TO REZONE EXPIRED PLANNED DEVELOPMENT (P-D) (202) TO A NEW P-D TO ALLOW FOR 100 SPACES OF VEHICLE STORAGE AND TO MERGE THREE ADJOINING PARCELS INTO ONE 3.0 ± PARCEL

APPLICATION INFORMATION

Applicant/Property Owner:	Equitybak, LP dba Derrel's Mini Storage, Inc.
Agent:	Dennis Wilson, Horizon Consulting
Location:	5038 Tunson Road, north of State Route 219/Kiernan Avenue, between Tully Road and State Route 108/McHenry Avenue, in the Modesto area.
Section, Township, Range:	32-2-9
Supervisorial District:	Four (Supervisor Monteith)
Assessor's Parcel:	004-057-003, 004-057-004 & 004-057-005
Referrals:	See Exhibit G Environmental Review Referrals
Area of Parcel(s):	APN 004-057-003: 0.41± gross acres APN 004-057-004: 0.46± gross acres APN 004-057-005: 3.07± gross acres Total gross acreage 3.94 (3.0± net acres)
Water Supply:	Private well
Sewage Disposal:	Septic system
Existing Zoning:	Planned Development (P-D) 202
General Plan Designation:	Planned Development (P-D)
Sphere of Influence:	N/A
Community Plan Designation:	N/A
Williamson Act Contract No.:	N/A
Environmental Review:	Negative Declaration
Present Land Use:	Vacant
Surrounding Land Use:	Derrel's Mini Storage facility to the west, a vacant industrial building and a light industrial business park to the east, ranchettes and a landscape contractor to the north and, State Route 219 and commercial development to the south.

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

The project is a request to rezone three parcels from expired Planned Development (P-D) 202 to a new P-D to allow the storage of vehicles and to merge three adjoining parcels into one 3.0 ± net acre parcel.

The site is proposed to be developed with a 100 - space vehicle storage facility consisting of approximately 38,750 square feet of building coverage (78 completely enclosed and a combination of 22 roof-only and open storage spaces) The enclosed storage spaces will vary in size from 13 feet by 30 feet to 13 feet by 40 feet. The roofed-only storage space will vary in size from 12 feet by 20 feet to 12 feet by 40 feet in size. The various stall sizes are intended to accommodate automobiles, boats and other recreational vehicles (RV).

The proposal also included, a 20-foot tall, 16-foot wide by 7.5-foot wide pylon free-standing sign, three light poles with attached surveillance equipment, perimeter fencing (7-foot high chain link with privacy slats) and perimeter landscaping along the project exterior (See Exhibit – B *Maps, Site Plan, Landscape Plan and Sign Plan*).

The applicant also proposes to construct a retention basin near the northwest portion of the site to maintain stormwater on-site and to extend a two-inch potable water line across Tunson Road from the existing Derrel's Mini Storage site located to the west of the project site. Construction of a 15,000- gallon water storage tank will be constructed for the purpose of fire suppression. The water line will be for the irrigation of the proposed landscaping as well as fire suppression.

This storage facility is proposing to be open 7 days a week from 7:00 a.m. to 7:00 p.m. and will be unstaffed. Customers will continue to utilize the adjacent Derrel's Mini Storage office to lease parking spaces at which point they will access the site using an entry/exit keypad operating an electric gate located at the northwest street frontage of the site, with a 20-foot wide emergency access gate at the southwest portion on the site. The development schedule is proposed to commence on or before January 1, 2018, and be completed in one phase.

SITE DESCRIPTION

The site is located at 5038 Tunson Road, north of State Route 219/Kiernan Avenue, between Tully Road and State Route 108/McHenry Avenue in the Modesto area (See Exhibit – B *Maps, Site Plan, Landscape Plan and Sign Plan*). The site currently consists of three undeveloped parcels totaling 3.9 ± gross acres. If approved, the three parcels will be merged into a single parcel of 3± net acres.

In 1992, the Board of Supervisors approved a General Plan Amendment and Rezone request to Planned Development (P-D)/ P-D 202 for the storage of automobile and RV storage. The site was further granted a Use Permit in 1995 to convert the approved use from vehicle storage to a fully enclosed mini-storage facility. However, no development ever took place resulting in an expired Planned Development.

An approved mini storage (Derrel's Mini Storage) business that includes vehicle storage as well as a fully enclosed personal storage is located to the west. A non-producing agricultural parcel, two home site parcels, a permitted wholesale nursery and landscape contractor and the Modesto Irrigation Main Canal that cordons off this area from larger agricultural production areas are located to the north. A vacant warehouse that was approved for equipment storage is located immediately to the east. Further to the east of the site has been developed with various light industrial businesses, mainly consisting of smaller warehouse buildings. Finally, going south of the site, across State Route 219, is a mixture of light industrial development and agricultural production.

ISSUES

The following section is a discussion of issues identified during the review process.

Modesto Irrigation District (MID)

During the early consultation process, a referral response was received from the Modesto Irrigation District (MID). The response identified existing irrigation infrastructure running through the site. The District is requesting that the applicant relocate the existing facilities along the eastern boundary as well as provide a new thirty-foot-wide irrigation easement centering on the pipeline. Any relocation of irrigation facilities must meet District standards. Development Standards have been added to the project to comply with the District's request.

GENERAL PLAN CONSISTENCY

The site is currently designated Planned Development in the Stanislaus County General Plan. The Planned Development designation is intended for lands, which because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental effect on other property. The appropriate zoning for the Planned Development is determined by the County on an individual basis, depending upon the nature and location of the proposed development. In this case, the site consists of an expired P-D and is purposing to be rezoned to a new P-D, which will continue to ensure consistency with the General Plan if approved.

To protect the long-term health of local agriculture by minimizing conflicts resulting from normal agricultural practices as a consequence of new or expanding uses approved in or adjacent to the A-2 (General Agriculture) zoning district, Appendix "A" of the Agricultural Element requires a buffer between agricultural and non-agricultural uses. Agricultural Buffer design standards for new uses stipulate that certain activities are permitted uses within the buffer area such as parking lots and low- people intensive uses. The Planning Commission and eventually the Board of Supervisors have the ultimate authority to determine if a use is "low-people intensive". The proposed project is requesting a storage facility for a variety of vehicles, it will be unstaffed and the applicant is only anticipating on average 5-10 people on-site per day. The applicant has also proposed a perimeter fence with privacy slats for the entirety of the site. Staff believes that the project will be consistent with permitted uses outlined in the Agricultural Element regarding Agricultural buffers.

ZONING ORDINANCE CONSISTENCY

The site is currently zoned P-D 202, which would be consistent with the current General Plan Designation; however, P-D 202 is expired and requires a rezone prior to any further development of the site. As previously mentioned, P-D 202 was approved for storage of vehicles as well as an enclosed storage facility. The proposed rezone to a new P-D to allow for 100 spaces of vehicle storage would be similar in nature as what was previously approved on the site. If approved, the applicant will merge all three existing parcels to create one single parcel of 3± net acres.

The P-D zoning district stipulates that a development plan be submitted along with an application for P-D zoning. The development plan includes information pertaining to elevations of structures, a proposed landscaping plan, plot plan, etc. As part of the development plan, the applicant has submitted plans addressing signage, landscaping and enclosed storage space elevations (See Exhibit – B *Maps, Site Plan, Landscape Plan and Sign Plan*). Staff believes the proposed development plan is consistent with the Planned Development zoning district development standards.

However, prior to the issuance of a building permit or use of the facility for vehicle storage, the applicant will need to comply with State standards for landscaping & irrigation efficiency. A Development Standard has been added to the project regarding landscaping plans.

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 G - *Environmental Review Referrals*.) A Negative Declaration has been prepared for approval prior to action rezone, 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*.)

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay **\$2,267.25** 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: Jeremy Ballard, Assistant Planner, (209) 525-6330

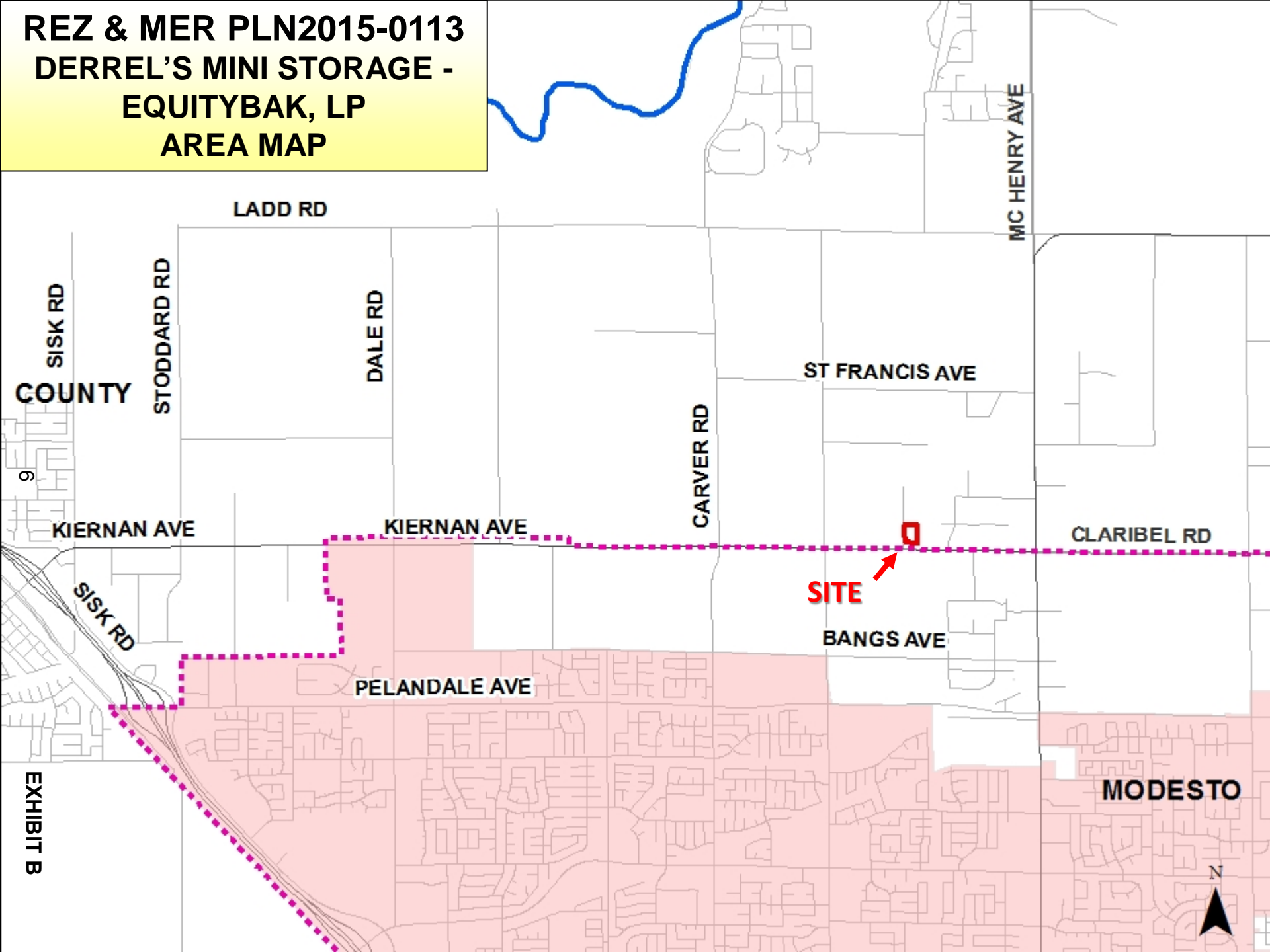
Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps, Site Plan, Landscape Plan and Sign Plan
- Exhibit C - Development Standards
- Exhibit D - Development Schedule
- Exhibit E - Initial Study
- Exhibit F - Negative Declaration
- Exhibit G - Environmental Review Referral

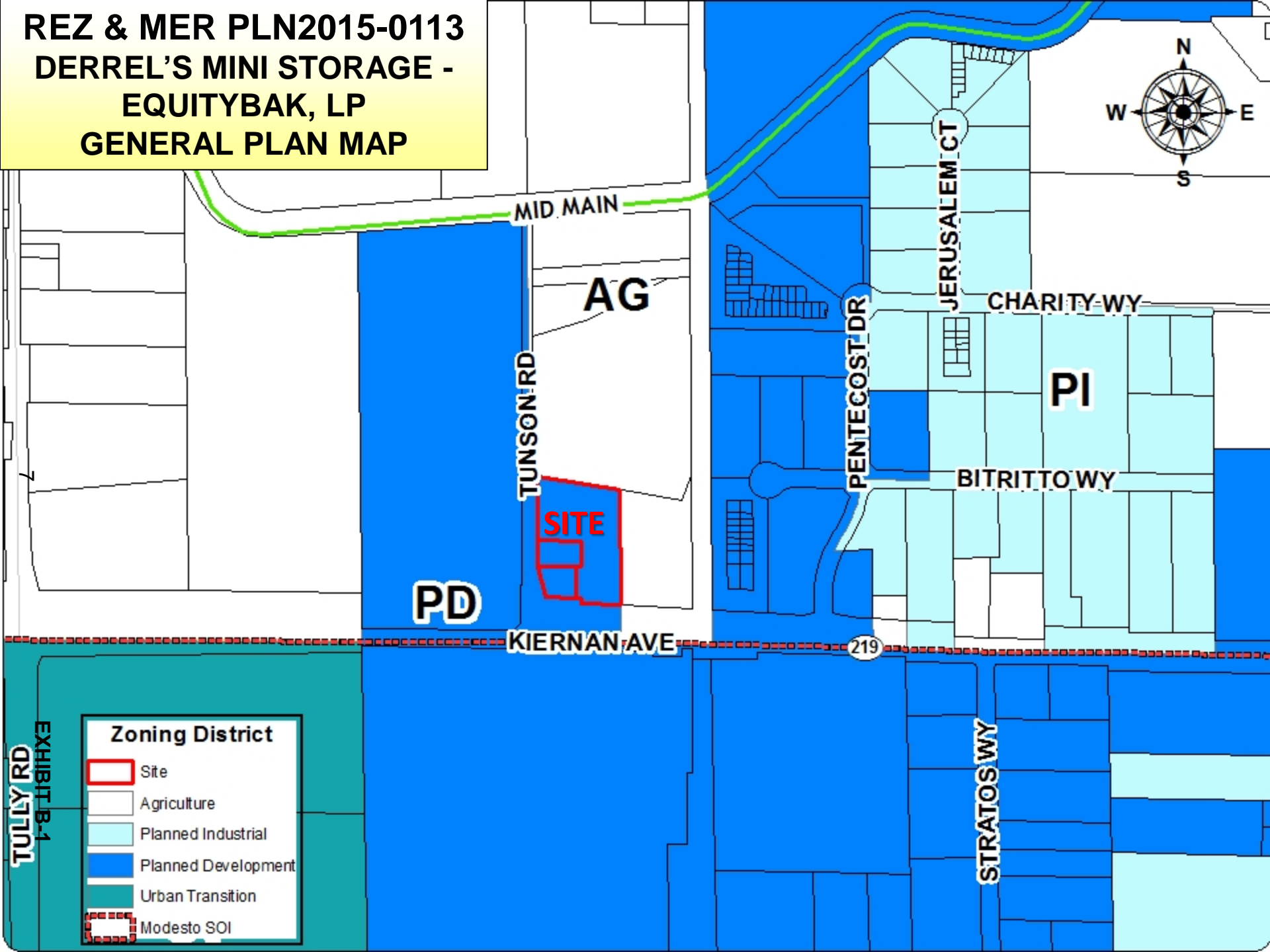
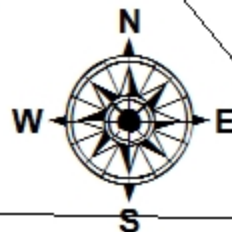
Exhibit A
Findings and Actions Required for Project Approval

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 Determination with the Stanislaus County Clerk Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075;
3. Find that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation;
4. Find that the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; and
5. Recommend approval to the Board of Supervisors of Rezone & Merger Application No. PLN2015-0113 – Derrel's Mini Storage – Equitybak, LP subject to the attached Development Standards.

**REZ & MER PLN2015-0113
DERREL'S MINI STORAGE -
EQUITYBAK, LP
AREA MAP**



**REZ & MER PLN2015-0113
DERREL'S MINI STORAGE -
EQUITYBAK, LP
GENERAL PLAN MAP**

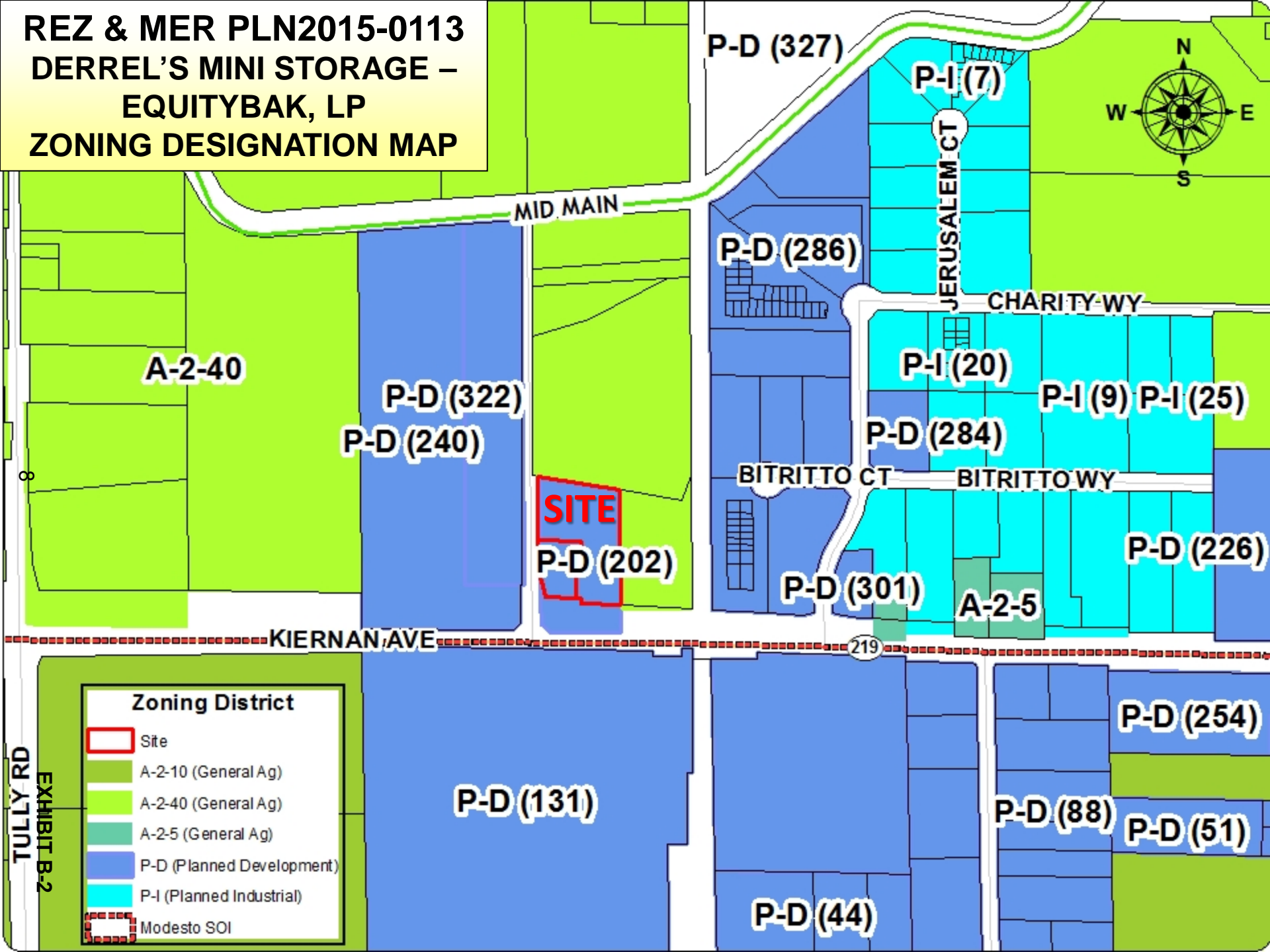


Zoning District

- Site
- Agriculture
- Planned Industrial
- Planned Development
- Urban Transition
- Modesto SOI

**EXHIBIT B-1
DR 1717L**

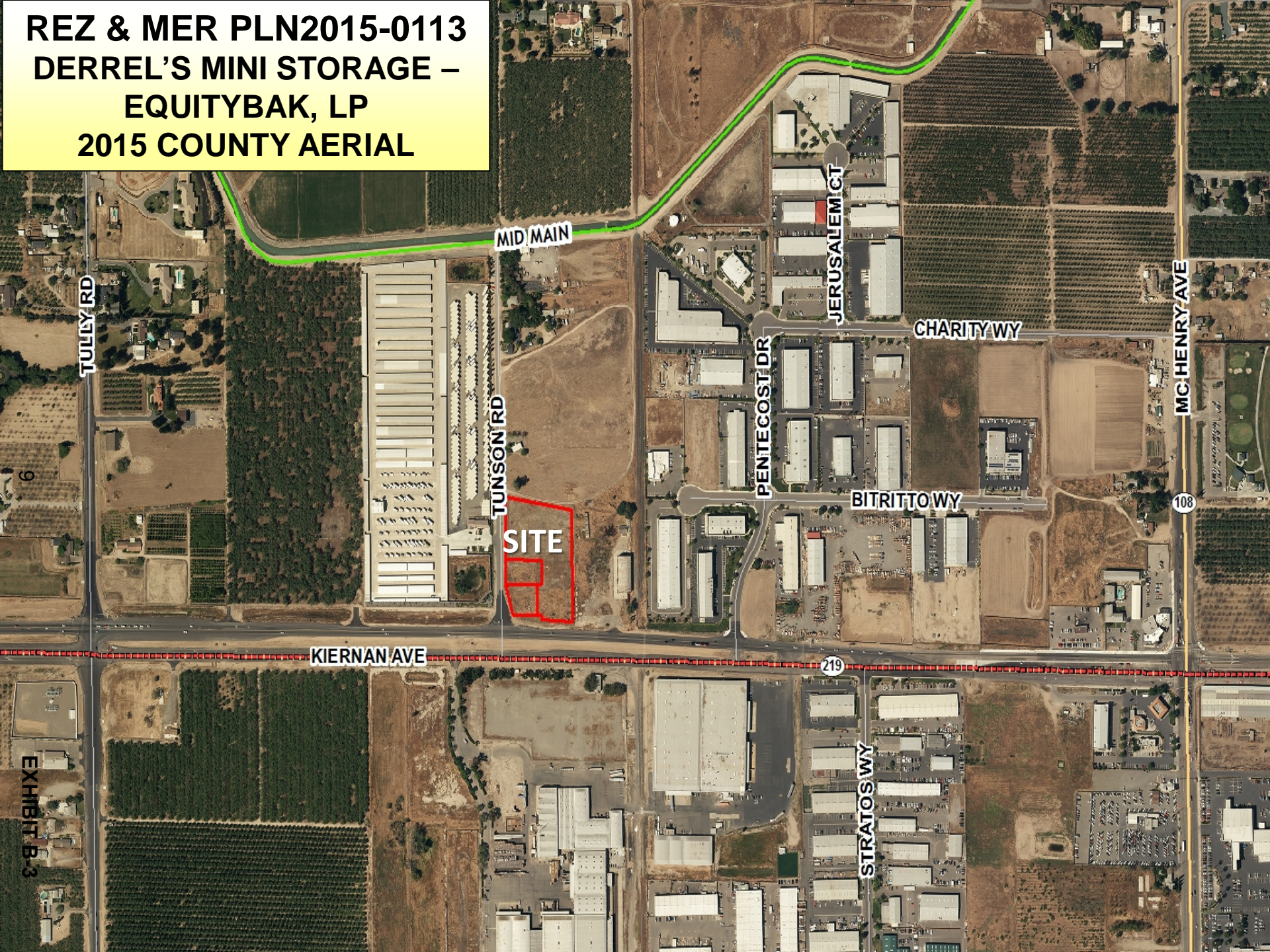
**REZ & MER PLN2015-0113
 DERREL'S MINI STORAGE –
 EQUITYBAK, LP
 ZONING DESIGNATION MAP**



Zoning District	
	Site
	A-2-10 (General Ag)
	A-2-40 (General Ag)
	A-2-5 (General Ag)
	P-D (Planned Development)
	P-I (Planned Industrial)
	Modesto SOI

TULLEY RD
EXHIBIT B-2

**REZ & MER PLN2015-0113
DERREL'S MINI STORAGE –
EQUITYBAK, LP
2015 COUNTY AERIAL**



TULLY RD

MID MAIN

JERUSALEM CT

CHARITY WY

MC HENRY AVE

TUNSON RD

PENTECOST DR

BITRITTO WY

108

SITE

KIERNAN AVE

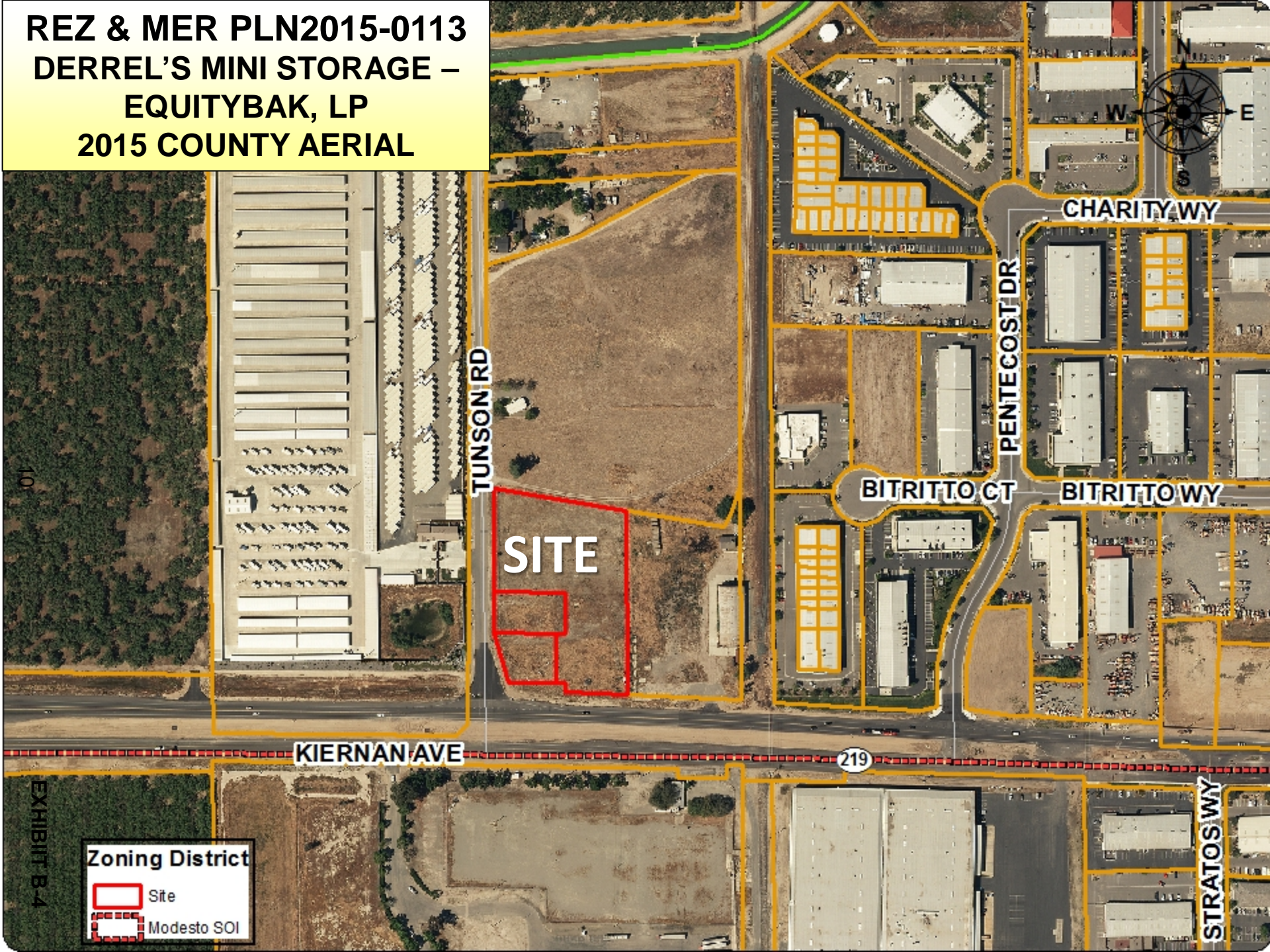
219

STRATOS WY

EXHIBIT B-3

6

**REZ & MER PLN2015-0113
DERREL'S MINI STORAGE –
EQUITYBAK, LP
2015 COUNTY AERIAL**



SITE

Zoning District

 Site

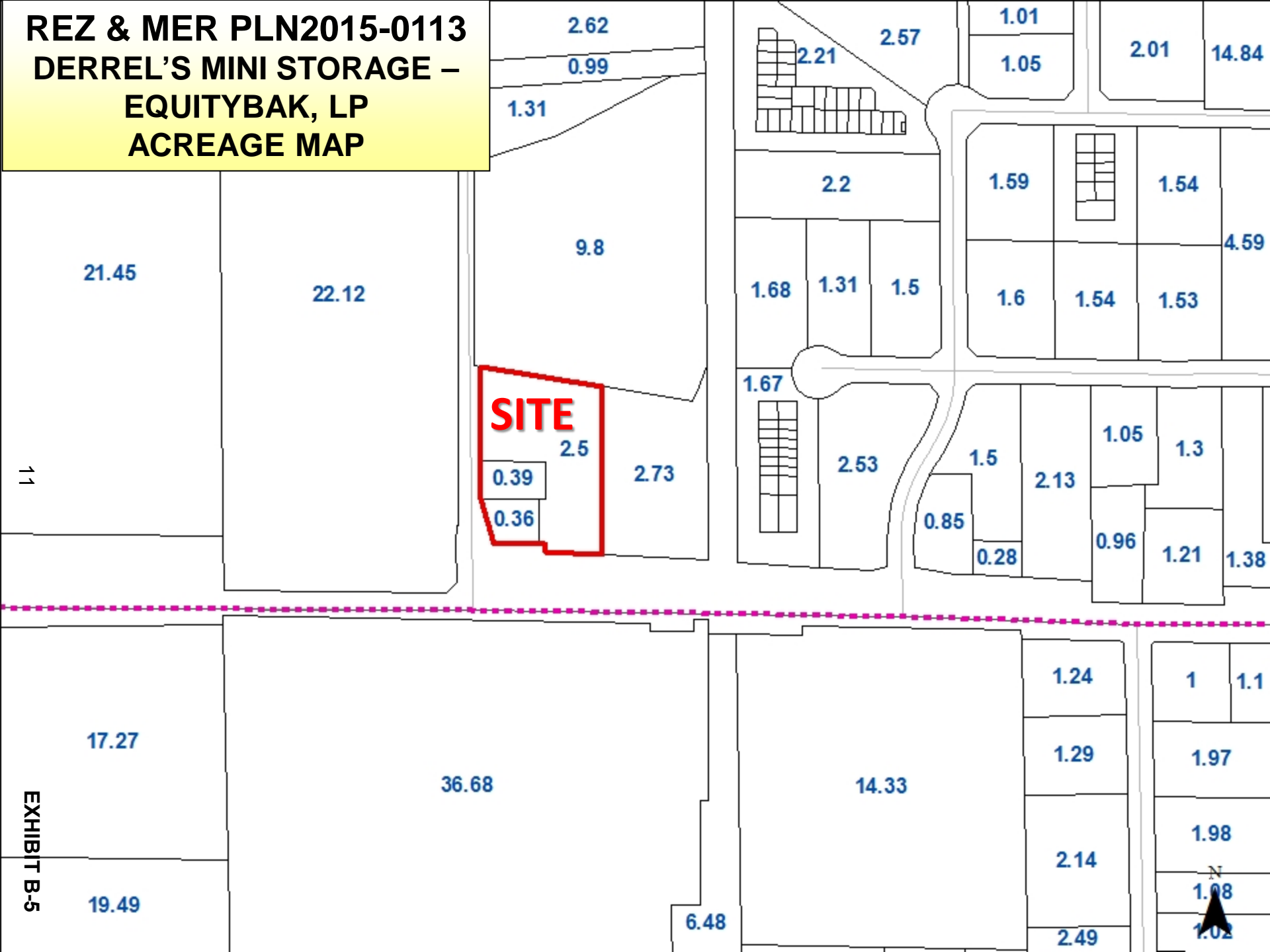
 Modesto SOI

10

EXHIBIT B-4

STRATOS WY

**REZ & MER PLN2015-0113
DERREL'S MINI STORAGE –
EQUITYBAK, LP
ACREAGE MAP**



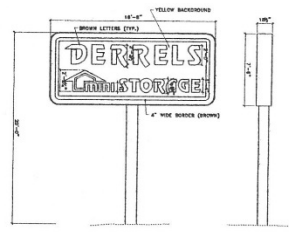
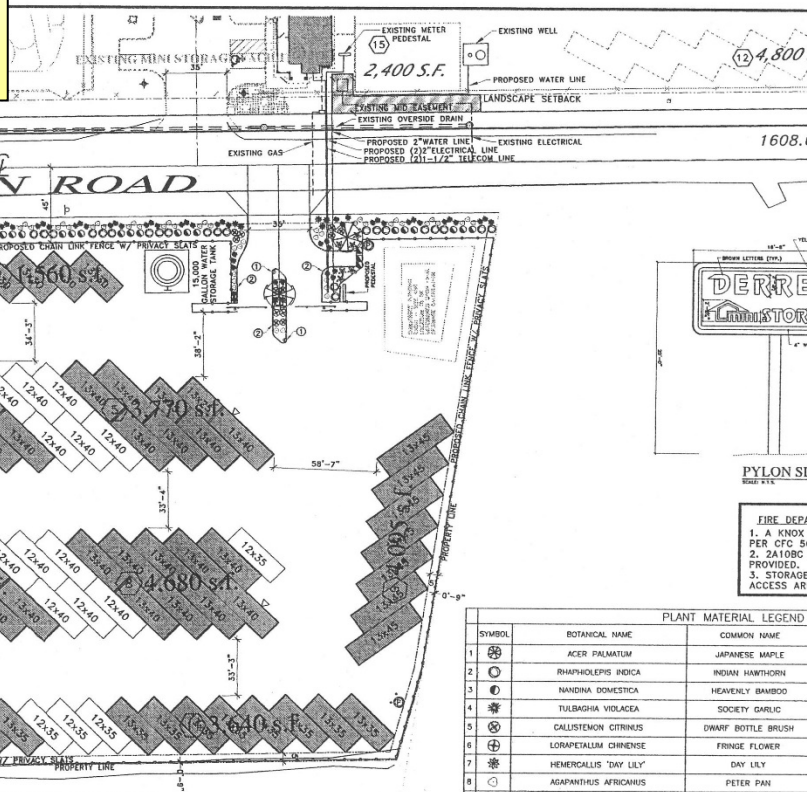
11

EXHIBIT B-5

REZ & MER PLN2015-0113 DERREL'S MINI STORAGE – EQUITYBAK, LP SITE PLAN

12

EXHIBIT B-6



PYLON SIGN
8000 FT X

- FIRE DEPARTMENT NOTES**
1. A KNOX KEY BOX SHALL BE PROVIDED PER CFC 505.
 2. 2A10BC FIRE EXTINGUISHERS SHALL BE PROVIDED.
 3. STORAGE SHALL NOT BLOCK EXITS OR ACCESS AREAS.

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY	REGIONAL EVALUATION WATER NEEDS
1	ACER PALMATUM	JAPANESE MAPLE	15 GAL	2	MEDIUM
2	RHAPHIOLEPIS INDICA	INDIAN HAWTHORN	1 GAL	63	LOW
3	NANDINA DOMESTICA	HEAVENLY BAMBOO	1 GAL	60	LOW
4	TULBAGHIA VIOLACEA	SOCIETY GARLIC	1 GAL	115	MEDIUM
5	CALLISTEMON CITRINUS	DWARF BOTTLE BRUSH	1 GAL	8	LOW
6	LORAPELALUM CHINENSE	FRINGE FLOWER	1 GAL	4	MEDIUM
7	HEMERCALLIS 'DAY LILY'	DAY LILY	1 GAL	7	MEDIUM
8	ADAPANTHUS AFRICANUS	PETER PAN	1 GAL	113	MEDIUM
9	ROSMARINUS OFFICINALIS	ROSEMARY	1 GAL	6	LOW

SITE DATA

LAND AREA: 0.41 ACRES(GROSS) – RV APN: 004-057-003-000
 0.46 ACRES(GROSS) – RV APN: 004-057-004-000
 3.07 ACRES(GROSS) – RV APN: 004-057-005-000
 3.94 ACRES(GROSS) – TOTAL LENDER: NONE

OWNER: DERREL'S MINI STORAGE
 3265 W. ASHLAN AVENUE
 FRESNO, CA 93722
 (209)224-9900

PROPOSED ENCLOSED RV STORAGE 38,350 S.F.

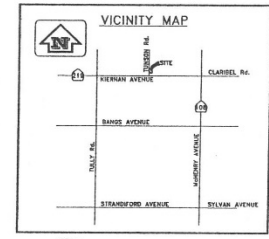
LEGEND

- ENTRY/EXIT KEYPAD
- CURB AND GUTTER
- ⊕ 2A 10BC FIRE EXTINGUISHER IN CABINET AS REQUIRED
- CAMERA/LIGHT POLE LOC.
- CHAIN LINK FENCE W/ PRIVACY SLATS

PROPOSED TEMPORARY ENCLOSED RV STORAGE = 38,350 S.F. COMMERCIAL
 ENCLOSED RV STORAGE SPACES = 78 SPACES

OPEN RV STORAGE SPACES = 22 SPACES

TOTAL RV STORAGE SPACES = 100 SPACES



SITE PLAN

REVISIONS:

May 15, 2015
July 22, 2015
August 17, 2015

DERREL'S Mini STORAGE
 3265 W ASHLAN AVE
 FRESNO CA 93722 (559) 224-9900

APPROVALS

City of Fresno
 Planning Department
 February 25, 2015
 Title: 1" = 30'-0"

Project: Site Plan
 Modesto Klernan & Tunson

Sheet: **A-1**

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

DEVELOPMENT STANDARDS

REZONE AND PARCEL MERGER APPLICATION NO.PLN2015-0113 DERREL'S MINI STORAGE - EQUITYBAK, LP

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, 2016), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,267.25**, 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 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. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.

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. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.
9. 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.
10. A final landscape plan shall be prepared and comply with MWEL0 and be approved by the Director of Planning and Community Development or their designee prior to the issuance of grading permits. The installation of the approved landscape plan shall be done prior to any use of the property for vehicle storage or the final occupancy for any building permit. The applicant, or subsequent property owner, shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety. Any dead trees shall be replaced with a similar variety of a 15-gallon size or larger.
11. A valid Stanislaus County Business License shall be maintained for any business operating on site.
12. The parcel merger shall be recorded prior to the issuance of any building permit.
13. An irrevocable maintenance and operation agreement shall be recorded for the use of the extended water line. If at any time the water line becomes unusable, an on-site water source shall be established prior to the existing supply is diminished, subject to any state regulation for public water systems.

Department of Public Works

14. All driveway locations and widths shall be approved by the Department of Public Works. Any driveway approaches to be installed shall be done to County standards on Tunson Road and constructed in a manner as to prevent runoff from going into the County right-of-way.
15. An Encroachment Permit shall be obtained before any work is done in the road right-of-way.
16. Street improvements shall be installed along the parcel frontage of Tunson Road. These shall include building out the existing southbound lane on Tunson Road to include a 12-foot wide travel lane and a 4-foot asphalt shoulder per County Standard plate 3-A6. The

improvements shall be complete within 6 months of the rezone approval, or prior to the issuance for any new buildings or grading permit for the project site, whichever comes first.

17. An acceptable financial guarantee for the road improvements shall be provided to the Department of Public Works prior to the issuance of a building or grading permit. This may be deferred if the work is completed and accepted by the County within 3 months of the approval of the rezone.
18. An Engineer's Estimate shall be provided for these road improvements so that the amount of the financial guarantee can be determine. This will be submitted with the roadway improvement plans.

Department of Environmental Resources

19. Prior to the issuance of any building permits or licenses to conduct business the applicant shall certify whether the on-site water system will constitute a public water system.

Building Permits Division

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

Modesto Irrigation District

21. Any existing improvement District infrastructure must be upgraded, replaced and/or relocated as required by MID. MID will not allow facilities to be installed within roadways. All costs associated with design, approval and analysis of relocation shall be at the Developers' expense.
22. MID requires a dedicated thirty (30) foot irrigation easement for the Brown ID pipeline centered on the pipeline. The irrigation easement shall be dedicated to MID by separate instrument and noted prior to recordation of the parcel merger.
23. MID shall not permit any permanent structures within the easement area.
24. Any existing or proposed improvements within the irrigation easement must be submitted to MID's Irrigation Operations Division for review. Permitted improvements within the easement area will require a License Agreement with MID.
25. All work on any irrigation facility shall be completed during the non-irrigation season.
26. Installation of electric facilities shall conform to the District's Electric Services Rules.
27. A 15' PUE is required adjacent to the existing 12kv overhead lines along Tunson Road.

Salida Fire Protection District

28. This project will be subject to Fire Service Impact Mitigation Fees as adopted by the District Board of Directors and currently in place at the time of issuance of construction permits.
29. This project shall meet the District's requirements of on-site water for fire protection prior to construction of combustible materials. Fire hydrant(s) and static source locations, connections, and access shall be approved by the District.

30. Prior to, and during, combustible construction, the District shall approve provisions for serviceable fire vehicle access and fire protection water supplies.
31. A District specified Rapid Entry System (Knox) shall be installed and serviceable prior to final inspection allowing fire department access into gated areas, limited access points, and or buildings.
32. Buildings of 5,000 square feet and greater shall be required to have fire sprinklers meeting the standards listed within the adopted California Fire Code and related amendments. In addition, there may be revisions to the fire sprinkler requirements in future fire code adoptions. At the time of construction, the most current, adopted fire code will be required and must be adhered to.
33. For buildings of 30 feet of three (3) or more stories in height, gated 2 ½" hose connections (Class III) for fire department use shall be installed on all floors in each required exit stairwell.
34. The project shall meet fire apparatus access standards. Two ingress/egress accesses to each parcel meeting the requirements listed within the California Fire Code.
35. If traffic signals are installed and/or retrofitted for the project, signal preemption devices shall be paid for or installed by the developer/owner and shall conform to the District's standards and requirements.
36. Prior to recording the final map, issuance of a permit, and/or development, the owner(s) of the property will be required to form or annex into a community facilities district for operational services with the Salida Fire Protection District. Due to the fact this process may take 60-120 days to complete, it is recommended that advanced consideration be given to initiate this requirement early in the project.

San Joaquin Valley Air Pollution Control District

37. Prior to the issuance of a grading permit the applicant shall complete the Air Impact Assessment application to the District and pay any applicable off-site mitigation fees.
38. Prior to issuance of a grading permit the applicant shall contact the District's Small Business Assistance Office to determine if an Authority to Construct is needed.

*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
TUNSON ROAD and KIERNAN AVENUE REZONE
EQUITYBAK, LP

Development to commence on or before January 1, 2018 and be constructed in one Phase.



CEQA INITIAL STUDY

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

1. **Project title:** Rezone & Merger Application No. PLN 2015-0113 – Derrel’s Mini Storage – Equitybak, LP
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Jeremy Ballard, Assistant Planner
4. **Project location:** 5038 Tunson Road, north of State Route 219/Kiernan Ave, east of Carver and west of State Route 108/ McHenry Ave. APN: 004-057-003, 004-057-004, 004-057-005
5. **Project sponsor’s name and address:** Dennis Wilson Horizon Consulting, Equitybak, LP dba Derrel’s Mini Storage
3265 Ashlan Avenue
Fresno, CA 93722
6. **General Plan designation:** Planned Development (P-D)
7. **Zoning:** P-D (202)
8. **Description of project:**

This is a Request to rezone expired P-D (202) to a new P-D and to merge three adjoining parcels into one 3.0+/- parcel to allow for 100 spaces of RV storage. The proposed project will include 78 enclosed and 22 open storage spaces, a 20’ pole sign, perimeter fencing and landscaping. The project site is located 5038 Tunson Road, north of the State Route 219/Kiernan Avenue, east of Carver and west of State Route 108/McHenry Avenue. The Planning Commission will consider adoption of a CEQA Negative Declaration for the project.
9. **Surrounding land uses and setting:** To the west, existing Derrel’s Mini Storage development, to the east Vacant industrial buildings and business park, north vacant land and agriculture, to the south SR 219 and commercial development
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Department of Public Works, Caltrans District 10 and Modesto Irrigation District.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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

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

Jeremy Ballard
 Signature

January 29, 2016
 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. The applicant will install landscaping along the perimeter and entrance of the site. A condition of approval will be added to require the landscaping to meet State standards. The proposed project will also include a 20-foot-high pylon information sign. A condition of approval will be added as well to the project requiring all exterior lighting be aimed down to provide adequate illumination without a glare effect.

Mitigation: None

References: Application material, Stanislaus County General Plan and Support Documentation¹.

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
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Discussion: The project site and its surrounding area is classified as “Semi-agriculture and Rural Commercial Land” and by the Farmland Mapping and Monitoring Program and soils include Tujunga Sandy Loam. The site does not appear to have been farmed for some time. The most recent land use consisted of single family dwellings on each of the three parcels. The site was previously approved for automobile and R-V storage but was never developed. If approved, the proposed rezone and resulting merger will not convert any farmland to non-agriculture uses as it is nearly surrounded by light industrial and commercial uses.

Mitigation: None

References: California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2014, Department of Conservation California Farmland Finder; USDA – NRCS Web Soil Survey Stanislaus County General Plan and Support Documentation¹.

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

Discussion: The 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 PM10 (respirable particulate matter) Maintenance Plan, the 2015 for the 1997 PM2.5 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-10), and “non-attainment” for PM 2.5, 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. The project will increase traffic in the area and, thereby, impacting air quality. The applicant estimates that there will be an average of 5-10 vehicle trips generated per day by this project.

Construction activities associated with new development can temporarily increase localized PM10, PM2.5, volatile organic compound (VOC), nitrogen oxides (NOX), sulfur oxides (SOX), and carbon monoxide (CO) concentrations a project's vicinity. The primary source of construction-related CO, SOX, VOC, and NOX emission is gasoline and diesel-powered, heavy-duty mobile construction equipment. Primary sources of PM10 and PM2.5 emissions are generally clearing and demolition activities, grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed surfaces.

Construction activities associated with the proposed project would consist primarily of paving the entire site, construct 78 new covered temporary RV storage spaces, and installing a storm drainage basin. These activities would not require any substantial use of heavy-duty construction equipment and would require little or no demolition or grading as the site is presently unimproved and considered to be topographically flat. 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.

A comment referral received from the SJVAPCD confirmed that the project would have less than significant adverse impact on air quality. The comment letter also stated the proposed project will be subject to District Rule 9510 as well as possibly subject to Rules 4102, 4601 and 4641. Based on these comments the applicant will be responsible for an Air Impact Assessment, contacting air district to determine if subject for Authority to Construct permit, and any other mitigation or fees prescribed by the air district. Conditions of approval will be added to the project to address these comments.

Mitigation: None

References: Referral response from the San Joaquin Valley Air Pollution Control District dated November 19, 2015; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; Stanislaus County General Plan and Support Documentation¹

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or 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	
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Discussion: 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 which is almost entirely built up with urban uses. While the parcel is currently undeveloped, it can be considered in-fill as the surrounding area has been developed with light industrial and commercial uses. If approved, the development would have a less than significant impact on biological resources.

Mitigation: None

References: Application material, California Natural Diversity Database, Stanislaus County General Plan and Support Documentation¹

V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	

Discussion: It does not appear this project will result in significant impacts to any archaeological or cultural resources. A records search formulated by the Central California Information Center (CCIC) indicated that there was a low probability of discovery of prehistoric or historic resources onsite; nor have any cultural resources been discovered or reported in the immediate vicinity. The project was referred to the Native American Heritage Commission (NAHC) but no response was received to date. A condition of approval will be added to the project that requires that if any archaeological or cultural resources are found, construction activities will halt at that time until a qualified survey is performed.

Mitigation: None

References: Central California Information Center (CCIC) report dated November 04, 2015; Stanislaus County General Plan and Support Documentation¹

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

iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	

Discussion: As contained in Chapter Five of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required as part of the building permit process. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be 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. Likewise, any addition of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements.

Mitigation: None

References: California Building Code, Stanislaus County General Plan and Support Documentation¹

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

Discussion: The principal Greenhouse Gases (GHGs) are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H₂O). CO₂ is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO₂ equivalents (CO₂e). 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. As a requirement of AB 32, the ARB was assigned the task of developing a Climate Change Scoping Plan that outlines the state’s strategy to achieve the 2020 GHG emissions limits. This Scoping Plan includes a comprehensive set of actions designed to reduce overall GHG emissions in California, improve the environment, reduce the state’s dependence on oil, diversify the state’s energy sources, save energy, create new jobs, and enhance public health. The Climate Change Scoping Plan was approved by the ARB on December 22, 2008. According to the September 23, 2010, AB 32 Climate Change Scoping Plan Progress Report, 40 percent of the reductions identified in the Scoping Plan have been secured through ARB actions and California is on track to its 2020 goal.

Although not originally intended to reduce GHGs, California Code of Regulations (CCR) Title 24, Part 6: California’s Energy Efficiency Standards for Residential and Nonresidential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California’s energy consumption. Since then, Title 24 has been amended with recognition that energy-efficient buildings require less electricity and reduce fuel consumption, which in turn decreases GHG emissions. The current Title 24 standards were adopted to respond to the requirements of AB 32. Specifically, new development projects within California after January 1, 2011, are 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).

The proposed project would result in short-term emissions of GHGs during construction. These emissions, primarily CO2, CH4, and N2O, are the result of fuel combustion by construction equipment and motor vehicles. The other primary GHGs (HFCs, PFCs, and SF6) are typically associated with specific industrial sources and are not expected to be emitted by the proposed project. As described above in Section III - Air Quality, the use of heavy-duty construction equipment would be very limited; therefore, the emissions of CO2 from construction would be less than significant.

The project would also result in direct annual emissions of GHGs during operation. Direct emissions of GHGs from operation of the proposed project are primarily due to vehicles trips. This project would not result in emission of GHGs from any other sources. Consequently, GHG emissions are considered to be less than significant.

Mitigation: None

References: Application materials, Stanislaus County General Plan and Support Documentation¹

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

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
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Discussion: The proposed project will consist of the storage of recreational vehicles in open and enclosed spaces. Per the application, the operation will not include or generate of any unique wastes associated with the project. Operation of this site will be unstaffed and will be sporadically affected by activity. DER is responsible for overseeing hazardous materials and has not indicated any particular concern. The site is currently an expired planned development and is currently vacant. The project site is not within the vicinity of any airstrip or wildlands.

Mitigation: None

References: Application, Stanislaus County General Plan and Support Documentation¹

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?				
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: Run-off is not considered an issue because of several factors which limit the potential impact. These factors include the relatively flat terrain of the subject site, and relatively low rainfall intensities in the Central Valley. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act. The project site

itself is located in Zone X (outside the 0.2% floodplain) and, as such, exposure to people or structures to a significant risk of loss/injury/death involving flooding due levee/dam failure and/or alteration of a watercourse, at this location is not an issue with respect to this project.

By virtue of the proposed paving for the parking and driveways, 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. The project design indicates that stormwater runoff generated by the development of this site will be kept on site and retained via a drainage basin. This project was referred to the Regional Water Quality Control Board (RWQCB) which responded with standards of development and requirements that will be incorporated into this project's conditions of approval. West of the project site is an existing Derrel's Mini Storage facility. This applicant plans to extend a 2 inch water line to the propose project site. Primary use of water for the proposed project will consist of landscaping and storage for fire suppression. The landscaping associated with the project will need to meet State standards for water efficiency but is not expected have significant effects on groundwater supplies.

Mitigation: None

References: Application Material; referral response from the Regional Water Quality Control Board dated November 19, 2015, Stanislaus County General Plan and Support Documentation¹

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

Discussion: The project site has a General Plan Designation of Planned Development and is zoned P-D (Planned Development) 202, which is expired. P-D (202) was originally approved for a 236 space R-V storage facility. However, the project site was never developed and thus became expired in terms of entitlements. The request to rezoning the property to a new Planned Development would be required to develop the site. The project will not physically divide an established community nor conflict with any habitat conservation plans.

Mitigation: None

References: Stanislaus County General Plan and Support Documentation¹

XI. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
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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 know significant resources on the site, nor is the project site located in a geological area known to produce resources.

Mitigation: None

References: Stanislaus County General Plan and Support Documentation¹

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

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 existing SR 219; however, the proposed used will be unstaffed and only temporary access of the site for the storage of RV’s by customers. Therefore, the commercial development of the proposed project will have less than significant impacts of exposure of noise levels. The site is not located within an airport land use plan.

Mitigation: None

References: Application Materials, Stanislaus County General Plan and Support Documentation¹

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

Discussion: The proposed use of this site will not create significant service extension or new infrastructure which could be considered as growth inducing. No housing or persons will be displaced by this project. This project is surrounding State Route 219, industrial and agriculture uses. No housing or persons will be displaced by the project site's development.

Mitigation: None

References: Application material, Stanislaus County General Plan and Support Documentation¹

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 Facility Fees, as well as Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services from the development of the site. Such fees are required to be paid at the time of building permit issuance. Conditions of approval will be added to this project to ensure the proposed development complies with all applicable fire department standards with respect to access and water for fire suppression. The project will feature a 15,000 gallon fire suppression storage tank, a secondary access point for emergency services and gated. A Comment referral was received from the Salida Fire Protection District requiring the applicant to form or annex into the services district to provide for operational services. A condition of approval added to the project requiring the applicant to perform this prior issuance of any building permit.

A referral response was received from the Modesto Irrigation District (MID) locating irrigation facilities within the project site. The 36 inch Brown improvement district pipeline runs along the center of the project site and serves downstream users. The comment letter stated that MID will not permit any permanent structures within the easement area. MID has

requested the pipeline be relocated along the property line. Even though the applicant is not proposing any permanent structures, a condition of approval will be added to the project for the applicant to relocate all irrigation facilities and constitute a new 30 foot irrigation easement along the center of the pipeline.

Mitigation: None

References: Application Material; referral response from the Salida Fire Protection District dated November 23, 2015; Referral response from Modesto Irrigation District dated November 23, 2015; Stanislaus County General Plan and Support Documentation¹

XV. RECREATION --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
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: The proposed project does not have a residential element and is not anticipated to significantly increase demand for any recreational activities or facilities.

Mitigation: None

References: Application Material, Stanislaus County General Plan and Support Documentation¹

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	
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Discussion: The project will have access via Tunson Road. No access will be granted to State Route 219 and any traffic generated will be minimal due to the nature of the project’s intended use. State Route 219 is managed by the California Department of Transportation (Caltrans). No comment letter has been received to date from CalTrans regarding this project. The applicant is anticipating, 5-10 RV’s to access the site per day. A comment referral was received from the County’s Public Works Department and is requesting improvements on Tunson Road for the development of the site. This will include building out the southbound lane of Tunson road with a 12 foot wide travel lane and 4 foot asphalt shoulder. Conditions of approval will be added to the project to address this request.

Mitigation: None

References: Referral response from the Stanislaus County Department of Public Works dated December 1, 2015, Stanislaus County General Plan and Support Documentation¹

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

Discussion: Limitations on providing services have not been identified. The site will be served by an extension of 2 inch water line from the westerly parcel, also a Derrel’s Mini Storage, will not have the need for septic facilities, and on-site drainage of stormwater. Referral responses from Public Works and DER have not indicated any concerns in these areas. A referral response from DER indicated that the project could result in the water well supply for the proposed project being defined by the State as a public water system. Conditions of approval will be added to the project requiring the owner to certify to DER that the property does not qualify as a public water system or submit a public water supply permit application to DER accompanied by a public water system technical report, financial and managerial and technical information, and obtain a public water supply permit to operate a public water system. Conditions will also be added to record an irrevocable user agreement for the use of the water line for any future tenets.

Mitigation: None

References: Application material; referral response from the Stanislaus County Department of Environmental Resources dated November 18, 2015; Stanislaus County General Plan and Support Documentation¹

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

Discussion: Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or surrounding area.

¹Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and updated elements of the General Plan and Support Documentation: **Agricultural Element** adopted on December 18, 2007; **Housing Element** adopted on August 28, 2012; **Circulation Element** and **Noise Element** adopted on April 18, 2006.

NEGATIVE DECLARATION

NAME OF PROJECT: Rezone & Merger Application No. PLN2015-0113 – Derrel’s Mini Storage – Equitybak, LP

LOCATION OF PROJECT: 5038 Tunson Road, north of State Route 219/Kiernan Ave, east of Carver and west of State Route 108/ Mc Henry Ave. APN: 004-057-003, 004-057-004, 004-057-005.

PROJECT DEVELOPERS: Equitbak LP dba Derrel’s Mini Storage
3256 W Ashlan Avenue
Fresno, CA 93722

DESCRIPTION OF PROJECT: Request to rezone expired P-D (202) to a new P-D and to merge three adjoining parcels into one 3.0+/- parcel to allow for 100 spaces of RV storage. The proposed project will include 78 enclosed and 22 open storage spaces, a 20’ pole sign, perimeter fencing and landscaping. The project site is located 5038 Tunson Road, north of the State Route 219/Kiernan Avenue, east of Carver and west of State Route 108/McHenry Avenue. The Planning Commission will consider adoption of a CEQA Negative Declaration for the project.

Based upon the Initial Study, dated **January 29, 2016**, the Environmental Coordinator finds as follows:

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

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

Initial Study prepared by: Jeremy Ballard, Assistant Planner

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

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: REZONE & MERGER APPLICATION NO. PLN2015-0113 - DERREL'S MINI STORAGE

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 / Mine Reclamation		X			X							
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF TRANSPORTATION DIST 10	X	X	X		X							
CA OPR STATE CLEARINGHOUSE	X	X	x		X							
CA RWQCB CENTRAL VALLEY REGION	X	X	x	X				X		X		X
CITY OF MODESTO:	X	X	x		X							
COOPERATIVE EXTENSION	X	X	x		X							
FIRE PROTECTION DIST: SALIDA FIRE	X	X	x	X				X		X	X	
IRRIGATION DISTRICT: MID	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	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: MODESTO UNION	X	X	X		X							
SCHOOL DISTRICT 2: STANISLAUS 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				X		X	X	
STAN CO ERC	X	X	X	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 #:	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
StanCOG	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS			X		X							
US MILITARY AGENCIES (SB 1462) (5 agencies)	X	X	X		X							