



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10TH Street, Suite 3400, Modesto, CA 95354
Planning Phone: (209) 525-6330 Fax: (209) 525-5911
Building Phone: (209) 525-6557 Fax: (209) 525-7759

October 4, 2018

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

SUBJECT: GENERAL PLAN AMENDMENT & REZONE APPLICATION NO. PLN2018-0087 – EMPIRE MIGRANT CENTER HOUSING PROJECT

This project was scheduled to be heard during the September 20, 2018, Planning Commission meeting. However, staff requested the item to be continued to the October 4, 2018, Planning Commission meeting to allow additional time for Staff to review two comment letters received from neighboring property owners. The comment letters, which were provided to the Planning Commission during the September 20, 2018, Planning Commission meeting as items of Correspondence, raised the following objections with the proposed project (See Appendix A - Letter dated September 13, 2018, from Tom Troffey and Attachment B - Letter dated September 17, 2018, from Danny and Dianna Bates):

- Concern with additional strain on an already overburdened and dilapidated sewer system
- Project was improperly noticed in accordance with the Cortese/Knox/Hertzberg Act of 2000
- Decline in property values
- Increased incidents of crime
- Increased pedestrian traffic
- Increased noise
- Proximity to homeless services

In considering the comments received regarding concerns with Empire's sewer system, Staff reached out to the City of Modesto for input. City of Modesto Staff acknowledged that the system does need to be improved, which they are currently working on and anticipate having completed by the end of 2019. However, they also stated that because there are no new connections being requested, that this project should not negatively impact sewer service to the surrounding residents and do not object to the project (See Attachment A – *City of Modesto Response, dated September 27, 2018*). All units proposed to be utilized for this project are already constructed and have been occupied on a seasonal basis since they were constructed in 2001. Additionally, the Housing Authority has previously utilized the 22 units for the temporary shelter of homeless families during the winter months for two seasons, in 2014 and 2015, and no on-site sewer issues were reported.

Comments received also stated that this project was incorrectly noticed, as required by the Cortese/Knox/Hertzberg Act of 2000. The Cortese/Knox/Hertzberg Act applies to Local Agency Formation Commission (LAFCO) actions only. Public hearings conducted by the County, concerning land use matters, are subject to meeting the noticing requirements of the California Government Code Sections 65090 and 65091, which require a 10-day notice in at least one

newspaper of general circulation within the jurisdiction and to all landowners 300 feet from the site in all directions prior to the public hearing. This requirement was met with the noticing of this project in the Modesto Bee and the mailing of landowner notices on September 10, 2018.

In response to the remaining comments; this project is unique in that, unlike traditional emergency shelters open to walk-ins only during the evening, the project site will function like a residential use open to families who have been pre-screened and identified by Community Services Agency (CSA) Case Management staff as families actively working toward self-sufficiency and housing stability. This project includes an on-site property manager who will ensure the property is well maintained and the families will have access to on-site parking, laundry, and an outdoor recreational space. Families will either have their own transportation or will utilize public transportation to access services. Although concerns about the project, such as increased vagrant and crime activity in the neighborhood, have been raised, Staff believes that such impacts are unlikely, as a result of this project.

Although this project is focused on serving the needs of homeless families, it is also a part of the larger effort to address homelessness in Stanislaus County. The most recent Point-in-Time counts in Stanislaus County estimates that on average, 1,500 community members were experiencing homelessness and thousands more showed signs of risk for becoming homeless. The impact of homelessness and the risk and threat to the health and safety of those experiencing homelessness is evident. There are many strategies that the County has been pursuing and implementing to address homelessness in our County. The solution is not singular but involves collaborative efforts and multipronged outreach and housing strategies throughout the County, providing services to all populations in need. This project fulfills an important need but is also a small portion of the continuum of services required to address homelessness in Stanislaus County.

RECOMMENDATION

Staff maintains the recommendation provided in the September 20, 2018, Planning Commission Staff Report which includes a recommendation that the Planning Commission recommend that the Board of Supervisors approve this request. If the Planning Commission decides to provide a recommendation of approval, Exhibit A of the September 20, 2018, Planning Commission Staff Report (Attachment D) provides an overview of all of the findings required for project approval.

Attachments:

- A - Letter dated September 13, 2018, from Tom Troffey
- B - Letter dated September 17, 2018, from Danny and Dianna Bates
- C - City of Modesto Response, dated September 27, 2018
- D - Planning Commission Staff Report, September 20, 2018



Date: September 13, 2018

To: Stanislaus Co. Planning Commission

From: Thomas Troffey

Subject: Hearing regarding rezone of Empire Migrant Center Housing Project: Application No. PLN2018-0087

I apologize for not submitting this letter at least 10 days prior to the Sept. 20th hearing but the mailed notification, which was dated September 10th was not received until September 12th.

5221 SOUTH AVE.

I am a homeowner on the north side of South Avenue and am directly across the street from the existing Migrant Center. If the proposed changes are made I am concerned about such things as:

1. A certain decline in property values of all adjacent properties.
2. Social ills associated with homelessness such as burglary, vandalism, drug abuse, pet issues etc.
3. Increased pedestrian traffic on South Ave.—especially eastbound down to the river

I do not want to invite this to my neighborhood and am therefore against this general plan amendment. This is not in my backyard, it is in my front yard !

However, if this project must go forward, please do the following items to mitigate the changes:

1. Compensate property owners for an expected decline in property values. Such a decline in values is not mere speculation, it is guaranteed.
2. Install a permanent barrier at the east end of South Avenue to prevent pedestrian ingress and egress to and from the Tuolumne River.
3. For privacy purposes, create an opaque wall of sufficient height along South Avenue in place of the current chain link fence.

Thank you for your consideration.

A handwritten signature in black ink that reads "Tom Troffey".

Tom Troffey, homeowner
P.O. Box 1600
Empire, Ca. 95319
209-985-5637

Photos enclosed

ATTACHMENT A

September 17, 2018

To: The Department of Planning and Community Development
1010 10th St. Suite 3400
Modesto, CA 95354

From: Danny E. & Dianna L. Bates
P.O. Box 1174
5114 South Ave.
Empire, CA 95319
209-404-8477

Re: General Plan Amendment & Rezone Application No. PLN2018-0087
– Empire Migrant Center Housing Project

Our statement follows in objection to the proposed project with supporting document attachments.

1) **Attachment: Application #PLN2018-0087 - Empire Migrant Center Housing Project**

• Early Consultation

The applicant states on page 4 of their application that there is no “agriculture, conservation, open space or similar easements affecting the use of the project site”, and that there are “no streams, lakes ponds or other *watercourses* on the property”.

The applicant states on page 6 that “project will not require extension of utilities”.

Application projects “100 Multi-family apartments”.

Application states on page 8 that “no new construction is being done at this location”.

NOTE: There is a MID pipeline which delivers irrigation water to our pasture. It runs underground the entire southern course of the property on this proposed project. Does that pipeline fit the definition of a *watercourse*?

With no improvements or upgrades planned, we believe that the proposed project will put additional strain on our already over-burdened and dilapidated sewer system. We believe that upgrades and improvements need to be made to the existing sewer line(s) before this project is considered for approval.

2) **Attachment: Stanislaus LAFCO Municipal Service Review and Sphere of Influence Update, - dated August 23, 2017. Note sections inserted below are from pgs. 4, 6, 8-9**

This project is located within the City of Modesto’s LAFCO Adopted Sphere of Influence (SOI) and is currently served with public water and sewer services provided by the City of Modesto.

Per the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000 the LAFCO conducted a service review to analyze the Empire Sanitary District.

In brief their findings are as follows:

Services: pg 4

“The District was formed for the purpose of providing sanitary sewer services to approximately 1,488 residential and commercial customers within the unincorporated community of Empire. However, since 1969, the District has had a contractual agreement with the City of Modesto for sewer disposal services. Under the terms of the agreement, the City agreed to accept and treat the sewage collected in the District’s system and the District agreed to pay a service charge for said service”.

“In 2003, the City of Modesto conducted a six-week capacity study, which determined that the District’s collection system was at 90-percent capacity. Daily volumes of sewage collected from the system during the study time period averaged 168,761 gallons per day. The City’s study at that time revealed that the District’s main pipeline, which connects to the City’s system, was at 90% flow capacity, which could potentially result in sanitary sewer overflows. In addition, the majority of the sewage is distributed through old and undersized pipelines. Therefore, the District is required to receive prior written consent from the City before allowing additional users to connect to the District’s system”.

Service Review Determinations: pg 6

“The following provides an analysis of the six categories or components required by Section 56430 for a Service Review for the Empire Sanitary District”.

1. Growth and Population Projections for the Affected Area

The District serves the unincorporated community of Empire. The District currently serves approximately 1,488 residential and commercial customers with sanitary sewer service. According to the County’s 2015-2023 Housing Element, the town of Empire has the potential to add an estimated 30 dwelling units, based on current vacant and/or underutilized parcels. However, due to limited infrastructure and resources, it is not expected that any significant population growth will occur within the District boundaries at this time.

2. The Location and Characteristics of Any Disadvantaged, Unincorporated Communities Within or Contiguous to the Sphere of Influence.

Based on annual median household income, the area within the Empire Sanitary District is identified as a Disadvantaged Unincorporated Community (DUC) as defined in Section 56033.5 of the Cortese-Knox-Hertzberg Act of 2000. No additional DUCs have been identified within or contiguous to the District’s sphere of influence.

3. Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs or Deficiencies Including Needs or Deficiencies Related to Sewers, Municipal and Industrial Water, and Structural Fire Protection in Any Disadvantaged, Unincorporated Communities Within or Contiguous to the Sphere of Influence.

“The present condition of the District’s sewer system is in need of improvement and upgrades. The main sewer connection line to the City of Modesto’s outflow station is at capacity and undersized”. “Therefore, the District would need to complete the necessary infrastructure upgrades in order to add capacity to the District’s system. Further, any additional connections to the District’s sewer system would require prior written consent from the City of Modesto (e.g. Will Serve Letter)”.

Determinations pgs 8-9

3. The present capacity of public facilities and adequacy of public services that the agency provides, or is authorized to provide.

The present capacity of the District facilities is hindered by the fact **that the sewer system is at capacity and in need of infrastructure improvements. Several of the District's current sewer lines are undersized and over 30 years old, which thereby limits the District's ability to provide new service connections within its existing boundaries.**

4. The existence of any social or economic communities of interest in the area if the Commission determines they are relevant. The unincorporated community of Empire is considered a community of interest within the District's boundaries.

Further, the City of Modesto is also considered to be a Community of Interest, as the entire District's boundaries are located within the City's Sphere of Influence. As previously mentioned, the City of Modesto is now managing all Empire Sanitary District (ESD) activity. In addition, there has been no indication by the City of their intent to annex all or a part of any territory within the District's boundaries in the near future.

5. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

There are no proposals to change the District's existing Sphere of Influence. The District's area covers **the town of Empire, which is identified as a Disadvantaged Unincorporated Community (DUC) as defined in Section 56033.5 of the Cortese/Knox/Hertzberg Act of 2000.**

PROPER NOTICE: We believe that the required PROPER NOTICE for this proposed project was not given. The letter we received for notice of the public hearing was dated September 10, 2018 and mailed that same day, with instructions to submit "any material, photographs, etc. 10 days prior to the meeting." This notice DID NOT ALLOW ample time to submit challenges that would be allowed for consideration at the hearing scheduled for Thursday, Sept. 20th, 2018. Per the Cortese/Knox/Hertzberg Act we believe that a 21-day notice should have been made.

3) **Attachment: Guide to the Cortese/Knox/Hertzberg Act of 2000.**
Notes inserted below are from pgs. 31-33

CHAPTER 4. NOTICE

Means of notice 56150. Unless the provision or context otherwise requires, whenever this division requires notice to be published, posted, or mailed, the notice shall be published, posted, or mailed as provided in this chapter. Unless the provision or context otherwise requires, whenever this division requires notice to be given that notice shall also be given in electronic format on a website provided by the commission, to the extent that the commission maintains a website.

Notice given by clerk; contents

Resolution or ordinance sufficient

56151. Notice authorized or required to be given by publication, posting, or mailing shall be given by the clerk or executive officer and shall contain all matters required by any particular provision of this division. If any ordinance, resolution, or order of any legislative body or the commission gives notice and contains all matters required to be contained in any notice, the clerk or executive officer may cause a copy of that ordinance, resolution, or order to be published, posted, or mailed, in which case no other notice need be given by the clerk or executive officer.

Notice given by clerk or executive officer if not specified

56152. Whenever any notice is required to be given and the duty of giving that notice is not specifically enjoined upon some officer, agency, or person, the clerk or executive officer, as the case may be, shall give notice or cause that notice to be given.

Publication in newspaper(s) of general circulation

Publication in two or more counties

56153. Notice required to be published shall be published pursuant to Section 6061 in one or more newspapers of general circulation within each affected county, affected city, or affected district. If any newspaper is a newspaper of general circulation in two or more affected cities or affected districts, publication in that newspaper shall be sufficient publication for all those affected cities or affected districts. If there are two or more affected counties, publication shall be made in at least one newspaper of general circulation in each of the affected counties.

Publication; 21 days prior 56154. If the published notice is a notice of a hearing, publication of the notice shall be commenced at least 21 days prior to the date specified in the notice for the hearing.

Notice by first-class mail 56155. Except as otherwise provided in this division, mailed notice shall be sent first class and deposited, postage prepaid, in the United States mails and shall be deemed to have been given when so deposited.

Mailing; 21 days prior 56156. If the mailed notice is notice of a hearing, the notice shall be mailed at least 21 days prior to the date specified in the notice for hearing.

Mailing; addresses 56157. When mailed notice is required to be given to: (a) A county, city, or district, it shall be addressed to the clerk of the county, city, or district. (b) A commission, it shall be addressed to the executive officer. (c) Proponents, it shall be addressed to the persons so designated in the petition at the address specified in the petition. (d) Landowners, it shall be addressed to each person to whom land is assessed, as shown upon the most recent assessment roll being prepared by the county at the time the proponent adopts a resolution of application pursuant to Section 56654 or files a notice of intention to circulate a petition with the executive officer pursuant to subdivision (a) of Section 56700.4, at the address shown upon the assessment roll and to all landowners within 300 feet of the exterior boundary of the property that is the subject of the hearing at least 21 days prior to the hearing. This requirement may be waived if proof satisfactory to the commission is presented that shows that individual notices to landowners have already been provided by the initiating agency. Notice also shall be either posted or published in accordance with Section 56153 in a newspaper of general circulation that is circulated within the affected territory 21 days prior to the hearing. € Persons requesting special notice, it shall be addressed to each person who has filed a written request for special notice with the executive officer or clerk at the mailing address specified in the request. (f) To all registered voters within the affected territory, to the address as shown on the most recent index of affidavits prepared by the county elections official at the time the proponent adopts a resolution of application pursuant to Section 56654 or files a notice of intention to circulate a petition with the executive officer pursuant to subdivision (a) of Section 56700.4 and to all registered voters within 300 feet of the exterior boundary of the property that is the subject of the hearing at least 21 days prior to the hearing. This requirement may be waived if proof satisfactory to the commission is presented that shows that individual notices to registered voters have already been provided by the initiating agency. Notice shall also either be posted or published in accordance with Section 56153 in a newspaper of general circulation that is circulated within the affected territory 21 days prior to the

hearing. (g) Pursuant to subdivisions (d) and (f), if a landowner or landowners and registered voter or voters are the same individual or individuals, only one notice is required to be mailed. (h) If the total number of notices required to be mailed in accordance with subdivisions (d) and (f) exceeds 1,000, then notice may instead be provided by publishing a display advertisement of at least one-eighth page in a newspaper, as specified in Section 56153, at least 21 days prior to the hearing.

Posted notice; place 56158. Notice required to be posted shall be posted on or near the doors of the meeting room of the legislative body or commission or upon any official bulletin board used for the purpose of posting public notices by, or pertaining to, the legislative body or commission.

Posted notice; time 56159. Posted notice shall remain posted for not less than five days. If the posted notice is notice of a hearing, posting shall be commenced at least 21 days prior to the date specified in the notice for hearing and shall continue to the time of the hearing.

Failure to receive notice; validity of action 56160. The failure of any person or entity to receive notice given pursuant to this division shall not constitute grounds for any court to invalidate any action taken for which the notice was given.

OUR COMMENTS & STATEMENT OF OBJECTIONS:

We've have lived most of our sixty plus years in the small town of Empire. Our Grandparents settled here in the 1940's. Along with their siblings they purchased 40 acres; some of which is currently the site of the migrant workers center. Our property is situated on the west side of the center. Our family and our seasonal guest workers have peacefully co-existed as part-time neighbors for many years now.

In recent years there has been an increase of clogging and stoppages at the main pipeline located under the street for the sewer system. This especially occurs when the workers first arrive each spring. These incidents have required hiring plumbers to unblock the clogged sewer line. Since the City of Modesto has taken over responsibility for our sewer service we've also had several occasions where the workers have "blown the lines" which forces water up through our toilet and floods our bathroom. We have complained many times about this, most especially out of concern that our basement could become flooded with sewer water.

The applicant states that there will be no construction as part of this project. The current sewer system is barely able to handle the job that it currently does. **We believe that before this proposal is accepted, that the necessary upgrades and improvements need to be made.** Take a drive down our little street today and you will find that there is a seepage of water coming up from under the road in the street in front of our house. We reported this issue and nothing has been done (see picture attached).

Our little road repeatedly caves-in at the Santa Fe. & South Avenue intersection, only to be patched and re-patched over again and again. We've never been told of any plans for upgrades or permanent improvements to alleviate this problem. Over the years there has been an increase of large vehicle traffic on our street as well. The large buses, delivery trucks, etc., may be too heavy for our old road and the old pipes below it. The applicant also states that there would be no increase in traffic. That seems hard to imagine if you add more residents to a neighborhood.

Empire is a very poor and disadvantaged town. The ratio of the unemployed to the employed is probably 3 to 1. In 2016 the reported number of Empire residents living in poverty was 42%. Our large number of unemployed and underemployed roam our streets throughout the day with nothing to do. As a result, we have a high incidence of theft and crime.

There are very few services or activities for the residents of our town. The nearest County and City services are easily 6 or more miles away. Public transportation is limited in our town. We have few developed sidewalks on most of our streets for safe walking, so people unsafely just walk in the streets.

We have drug cartels, gang wars and other drug related activities, along with one of the few licensed pot dispensaries in the County. We have numbers of homeless who live down at the river who roam our streets day and night. It's not uncommon to find one or more of them sleeping in the front yard of the Children's Resource Center (next door to our house). Often, they are high on drugs and are sometimes loud and violent. Most days there is little law enforcement presence, and the response time from the Sheriff's office is usually at least 45 minutes to an hour or more.

For more than 20 years Monday-Friday, the United Samaritans Food pantry truck has made lunch-time meal deliveries on our street, in front of our house, just passed our driveway. This service attracts a good number of people who mill around and loiter in front of our house and in our driveway often for hours before and after the truck leaves. They leave their trash everywhere (see attached picture). This happens every day while we are away from home working at our jobs. We are always concerned of a burglary, which did happen to my Aunt who lives around the corner.

Then, there's Zumba. Monday, Wednesday and Fridays over the spring and summer months, while the migrant workers are here. We have about 2 hours of loud Zumba music during our dinner time. There are other loud late evening events associated with the migrant center, parties and gatherings. Most of the month of July our evenings and late into the night we have loud illegal fireworks. This really disturbs our livestock.

The application states that this project is "EXEMPT from the California Environmental Quality Act". Our town and neighborhood environment stand to have its quality impacted once again. The values of our homes have already been adversely impacted by multiple issues beyond our control:

- The trains: at all hours of the day and night there are loud horns and crashing sounds from them that disturb our sleep
- The Migrant Workers Center: with all of its loud outdoor activities
- The Central Valley Ag Grinding business that came to our town: We have layers of dust coating everything inside & outside of our homes, along with their loud machinery and awful odors. (Somehow, we missed our opportunity to object to its permit, we're not even sure that a public notice was ever given). Our air quality has been severely and adversely impacted by this operation, to the point that we are sure that it's seriously "unhealthy" and probably poses health risks.

We feel that this new project would pose an additional negative impact on the values of our homes. Going from having our part-time working seasonal neighbors to yearlong unemployed neighbors will no doubt impact our neighborhood, our town, our school and our limited services.

Empire is a poor town with many poor people. Our little school and limited public services just can't handle any more. Our town is disadvantaged and underserved. One example of this is the status of the fire hydrant that serves our block (including the Children's Resource Center and the Migrant Center). It has been "non-operational" for most of the summer (see picture inserted).

If self-sufficiency is the goal of the program, please find homes for these families nearer to town where jobs and services are closer and more available for them. The opportunities for their success would be much better for them there. Housing them here, so far from town would only isolate them from possible opportunities that may be available.

Respectfully Submitted,

Mr. Danny E. Bates & Mrs. Dianna L. Bates



Seepage in the street in front of my house 9/19/18



9/19/18

Children's Resource Center next door our property



Un-operational fire hydrant 9/19/18



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10TH Street, Suite 3400, Modesto, CA 95354

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

Building Phone: (209) 525-6557 Fax: (209) 525-7759

September 10, 2018

NOTICE OF PUBLIC HEARING AND NOTICE OF EXEMPTION

NOTICE IS HEREBY GIVEN THAT the Stanislaus County Planning Commission will hold a public hearing on **Thursday, September 20, 2018**, at a meeting starting at **6:00 P.M.** in the Joint Chambers, 1010 10th Street, Basement Level, Modesto, California, to consider the following:

GENERAL PLAN AMENDMENT & REZONE APPLICATION NO. PLN2018-0087 – EMPIRE MIGRANT CENTER HOUSING PROJECT – A request to amend the general plan and zoning designation of a 7.63 acre site, from Low Density Residential (LDR) and Rural Residential (R-A) to Planned Development (PD), to allow the Empire Migrant Farm Worker Center, operated by the Housing Authority of the County Stanislaus (HA), to be utilized as a cold weather emergency shelter (less than 6 months) to temporarily house homeless families. The project is located at 5132 South Avenue, on the south side of South Abbie St. and South Ave., east of Santa Fe Avenue, in the Community of Empire. The project is considered Exempt from the California Environmental Quality Act.

The property is further identified as Assessor Parcel Number: 009-020-028

This Project is considered **EXEMPT** from the California Environmental Quality Act.

At the above noticed time and place, all interested persons will be given an opportunity to speak.

Any written material, photographs, or other new information which you intend to present regarding this application should be submitted to this office ten days prior to the meeting. Presenting such information for the first time at the public hearing may lead to a continuance because the Planning Commission and other concerned parties may not be able to adequately review such new information during a meeting.

Materials submitted to the Planning Commission for consideration (i.e., photos, slides, petitions, letters, etc.) will be retained by the County and cannot be returned. Comments may be submitted by U.S. mail, email: planning@stancounty.com or fax: (209) 525-5911.

If you challenge the above item in court, you may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

All Documents related to this project are available for review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto California or on-line at <http://www.stancounty.com/planning/>. For further information, please call (209) 525-6330 or email: planning@stancounty.com.

STRIVING TOGETHER TO BE THE BEST!

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CEQA Exempt Referral and Notice of Public Hearing

Date: August 9, 2018

To: Distribution List (See Attachment A)

From: Kristin Doud, Senior Planner, Planning and Community Development

Subject: GPA & REZ APPLICATION NO. PLN2018-0087 – EMPIRE MIGRANT CENTER HOUSING PROJECT

Respond By: August 24, 2018

Public Hearing Date: September 20, 2018

Under the California Environmental Quality Act of 1970, the project described herein is **exempt** from CEQA review (Section 15061(b)(3)). However, the Stanislaus County Department of Planning and Community Development is soliciting comments from responsible agencies to determine if specific conditions should be placed upon project approval. Therefore, please contact this office within **15 days** if you have any comments pertaining to the proposal. Comments made identifying potential impacts should be as specific as possible and should be based on supporting data (e.g., traffic counts, expected pollutant levels, etc.). Your comments should emphasize potential impacts in areas which your agency has expertise and/or jurisdictional responsibilities.

These comments will assist our Department in preparing a staff report to present to the Planning Commission. Those reports will contain our recommendations for approval or denial. They will also contain recommended conditions to be required should the project be approved. Therefore, please list any conditions that you wish to have included for presentation to the Commission as well as any other comments you may have. Please return all comments and/or conditions as soon as possible or no later than the response date referenced above.

Thank you for your cooperation. Please call (209) 525-6330 if you have any questions.

Applicant: Housing Authority of the County of Stanislaus (HACS)

Property Owner: Housing Authority of the County of Stanislaus (HACS)

Project Location: 5132 South Avenue, on the south side of South Abbie St. and South Ave., east of Santa Fe Avenue, in the Community of Empire.

APN: 009-020-028

Williamson Act Contract: N/A

General Plan: Low Density Residential (LDR)

Current Zoning: Rural Residential (R-A)

Project Description: This is a request to amend the general plan and zoning designation of a 7.63 acre site located at 5132 South Avenue in Empire, from Low Density Residential (LDR) and Rural Residential (R-A) to Planned Development (PD), to utilize the Empire Migrant Farm Worker Center, operated by the Housing Authority of the County Stanislaus (HA), as a cold weather

emergency shelter (less than 6 months) to temporarily house homeless families. The site is currently improved with 90 housing units, a paved parking lot, fencing, common greenspace area with a playground, laundry room, community center, office, and caretaker unit. The project will utilize 22 of the site's existing housing units, with the potential to utilize up to all 90 units in the future, during the off-season, between mid-November to the end of April, when migrant farm worker households are not occupying the site. Three employees will be on-site during a maximum shift. The project will provide case management (both on-site and off-site) and on-site property management, through sub-contractors. The goal of the project is to promote self-sufficiency and ultimately permanent housing placement for homeless families. Clients are proposed to be referred to the housing project through the Stanislaus County Community Services Agency (CSA). The target population would be those families who are currently being case managed in CSA's Housing Support Program (HSP), have used all available temporary shelter nights, are still engaged in permanent housing search, and have been unsheltered the longest from date of referral to the HSP. The site is located within the City of Modesto's LAFCO Adopted Sphere of Influence (SOI) and is currently served with public water and sewer services provided by the City of Modesto. No construction is proposed as part of this project.

Full document with attachments available for viewing at:
<http://www.stancounty.com/planning/pl/act-projects.shtm>

*Sewer Service
is not
adequate for
this project*



GPA & REZ APPLICATION NO. PLN2018-0087 – EMPIRE MIGRANT CENTER HOUSING PROJECT
Attachment A

Distribution List

	CA DEPT OF CONSERVATION Land Resources / Mine Reclamation	X	STAN CO ALUC
X	CA DEPT OF FISH & WILDLIFE		STAN CO ANIMAL SERVICES
X	CA DEPT OF HOUSING & COMMUNITY DEVELOPMENT (HCD)	X	STAN CO BUILDING PERMITS DIVISION
	CA DEPT OF TRANSPORTATION DIST 10	X	STAN CO CEO
	CA OPR STATE CLEARINGHOUSE	X	STAN CO CSA
	CA RWQCB CENTRAL VALLEY REGION	X	STAN CO DER
	CA STATE LANDS COMMISSION	x	STAN CO BHRS
	CEMETERY DISTRICT		STAN CO FARM BUREAU
	CENTRAL VALLEY FLOOD PROTECTION	X	STAN CO HAZARDOUS MATERIALS
X	CITY OF: MODESTO		STAN CO PARKS & RECREATION
	COMMUNITY SERVICES/SANITARY DIST	X	STAN CO PUBLIC WORKS
X	COOPERATIVE EXTENSION		STAN CO RISK MANAGEMENT
	COUNTY OF:	X	STAN CO SHERIFF
X	FIRE PROTECTION DIST: STANISLAUS CONSOLIDATED	X	STAN CO SUPERVISOR DIST #1: OLSEN
X	HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS)	X	STAN COUNTY COUNSEL
X	IRRIGATION DIST: MODESTO		StanCOG
X	MOSQUITO DIST: EASTSIDE	X	STANISLAUS FIRE PREVENTION BUREAU
X	MOUNTIAN VALLEY EMERGENCY MEDICAL SERVICES	X	STANISLAUS LAFCO
X	MUNICIPAL ADVISORY COUNCIL: EMPIRE		STATE OF CA SWRCB DIVISION OF DRIKING WATER DIST. 10
X	PACIFIC GAS & ELECTRIC	X	SURROUNDING LAND OWNERS
	POSTMASTER:	X	TELEPHONE COMPANY: AT&T
X	RAILROAD: BURLINGTON NORTHERN SANTA FE		TRIBAL CONTACTS (CA Government Code §65352.3)
X	SAN JOAQUIN VALLEY APCD		US ARMY CORPS OF ENGINEERS
X	SCHOOL DIST 1: EMPIRE UNION		US FISH & WILDLIFE
X	SCHOOL DIST 2: MODESTO UNION		US MILITARY (SB 1462) (7 agencies)
	STAN ALLIANCE		USDA NRCS
X	STAN CO AG COMMISSIONER		WATER DIST:
	TUOLUMNE RIVER TRUST		

**STANISLAUS COUNTY
CEQA REFERRAL RESPONSE FORM**

TO: Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

FROM: _____

SUBJECT: GPA & REZ APPLICATION NO. PLN2018-0087 – EMPIRE MIGRANT CENTER HOUSING PROJECT

Based on this agencies particular field(s) of expertise, it is our position the above described project:

- _____ Will not have a significant effect on the environment.
- _____ May have a significant effect on the environment.
- _____ No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) – (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts: *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

Response prepared by:

Name Title Date



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10th Street, Suite 3400, Modesto, CA 95354

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

Building Phone: (209) 525-6557 Fax: (209) 525-7759

Form Available Online: <http://www.stancounty.com/planning/applications.shtm>

APPLICATION QUESTIONNAIRE

<p>Please Check all applicable boxes APPLICATION FOR: <i>Staff is available to assist you with determining which applications are necessary</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> General Plan Amendment <input type="checkbox"/> Rezone <input checked="" type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> Historic Site Permit </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Subdivision Map <input type="checkbox"/> Parcel Map <input type="checkbox"/> Exception <input type="checkbox"/> Williamson Act Cancellation <input type="checkbox"/> Other _____ </td> </tr> </table>	<input type="checkbox"/> General Plan Amendment <input type="checkbox"/> Rezone <input checked="" type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> Historic Site Permit	<input type="checkbox"/> Subdivision Map <input type="checkbox"/> Parcel Map <input type="checkbox"/> Exception <input type="checkbox"/> Williamson Act Cancellation <input type="checkbox"/> Other _____	<p>PLANNING STAFF USE ONLY:</p> <p>Application No(s): _____</p> <p>Date: _____</p> <p>S _____ T _____ R _____</p> <p>GP Designation: _____</p> <p>Zoning: _____</p> <p>Fee: _____</p> <p>Receipt No. _____</p> <p>Received By: _____</p> <p>Notes: _____</p>
<input type="checkbox"/> General Plan Amendment <input type="checkbox"/> Rezone <input checked="" type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> Historic Site Permit	<input type="checkbox"/> Subdivision Map <input type="checkbox"/> Parcel Map <input type="checkbox"/> Exception <input type="checkbox"/> Williamson Act Cancellation <input type="checkbox"/> Other _____		

In order for your application to be considered COMPLETE, please answer all applicable questions on the following pages, and provide all applicable information listed on the checklist on pages i – v. Under State law, upon receipt of this application, staff has 30 days to determine if the application is complete. We typically do not take the full 30 days. It may be necessary for you to provide additional information and/or meet with staff to discuss the application. Pre-application meetings are not required, but are highly recommended. An incomplete application will be placed on hold until all the necessary information is provided to the satisfaction of the requesting agency. An application will not be accepted without all the information identified on the checklist.

Please contact staff at (209) 525-6330 to discuss any questions you may have. Staff will attempt to help you in any way we can.

PROJECT INFORMATION

PROJECT DESCRIPTION: (Describe the project in detail, including physical features of the site, proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, etc. – Attach additional sheets as necessary)

**Please note: A detailed project description is essential to the reviewing process of this request. In order to approve a project, the Planning Commission or the Board of Supervisors must decide whether there is enough information available to be able to make very specific statements about the project. These statements are called "Findings". It is your responsibility as an applicant to provide enough information about the proposed project, so that staff can recommend that the Commission or the Board make the required Findings. Specific project Findings are shown on pages 17 – 19 and can be used as a guide for preparing your project description. (If you are applying for a Variance or Exception, please contact staff to discuss special requirements).*

This application is being submitted to change the Use Permit the Housing Authority of the County of Stanislaus has now.

The current use permit is for Migrant and Farmworker housing. The Housing Authority is requesting it to be changed to a Housing Use Permit.

PROJECT SITE INFORMATION

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

ASSESSOR'S PARCEL NUMBER(S): Book 09 Page 20 Parcel 13

Additional parcel numbers: 09-20-14

Project Site Address
or Physical Location: 5132 South Ave., Empire, CA

Property Area: Acres: 7.78 or Square feet: _____

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

The property has been used for Migrant farm worker housing.

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

Use permit for Migrant Farm Worker Housing- Empire Migrant Family Center October of 2000 (current)

Existing General Plan & Zoning: _____

Proposed General Plan & Zoning: _____
(if applicable)

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

East: Almond Orchard

West: Child Care Center and Residential

North: Residential

South: Mobile Home Park

WILLIAMSON ACT CONTRACT:

Yes No

Is the property currently under a Williamson Act Contract?

Contract Number: _____

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

Date Filed: _____

Yes No

Do you propose to cancel any portion of the Contract?

Yes No

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

If yes, please list and provide a recorded copy: _____

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

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

Field crops Orchard Pasture/Grassland Scattered trees

Shrubs Woodland River/Riparian Other

Explain Other: _____

Yes No

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

GRADING:

Yes No

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

STREAMS, LAKES, & PONDS:

Yes No

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

Yes No

Will the project change any drainage patterns? (If yes, please explain – provide additional sheet if needed) _____

Yes No

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

Yes No

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

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

STRUCTURES:

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

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

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

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

PROJECT SITE COVERAGE:

Existing Building Coverage: _____ Sq. Ft. Landscaped Area: _____ Sq. Ft.

Proposed Building Coverage: _____ Sq. Ft. Paved Surface Area: _____ Sq. Ft.

BUILDING CHARACTERISTICS:

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) N/A

Number of floors for each building: _____

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

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

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

UTILITIES AND IRRIGATION FACILITIES:

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

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

Electrical: _____ TID MID

Sewer*: _____ City of Modesto

Telephone: _____

Gas/Propane: _____ PG&E

Water** _____ City of Modesto

Irrigation: _____

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

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

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

NO

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

Yes No Are there existing irrigation, telephone, or power company easements on the property? (If yes, show location and size on plot plan.)

Yes No Do the existing utilities, including irrigation facilities, need to be moved? (If yes, show location and size on plot plan.)

Yes No Does the project require extension of utilities? (If yes, show location and size on plot plan.)

AFFORDABLE HOUSING/SENIOR:

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

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

Total No. Lots: _____ Total Dwelling Units: _____ Total Acreage: 7.7

Net Density per Acre: _____ Gross Density per Acre: _____

(complete if applicable)	Single Family	Two Family Duplex	Multi-Family Apartments	Multi-Family Condominium/Townhouse
Number of Units:	_____	_____	<u>100</u>	_____
Acreage:	_____	_____	_____	_____

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

Square footage of each existing or proposed building(s): _____

Type of use(s): Housing

Days and hours of operation: _____

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

Occupancy/capacity of building: _____

Number of employees: (Maximum Shift): 3 (Minimum Shift): 1

Estimated number of daily customers/visitors on site at peak time: _____

Other occupants: _____

Estimated number of truck deliveries/loadings per day: _____ 0

Estimated hours of truck deliveries/loadings per day: _____ 0

Estimated percentage of traffic to be generated by trucks: _____ 0

Estimated number of railroad deliveries/loadings per day: _____ 0

Square footage of:

Office area: _____ Warehouse area: _____

Sales area: _____ Storage area: _____

Loading area: _____ Manufacturing area: _____

Other: (explain type of area) _____

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

Increased traffic!

ROAD AND ACCESS INFORMATION:

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

South Avenue _____

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

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

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

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

STORM DRAINAGE:

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

Other: (please explain) _____

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

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

EROSION CONTROL:

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

N/A

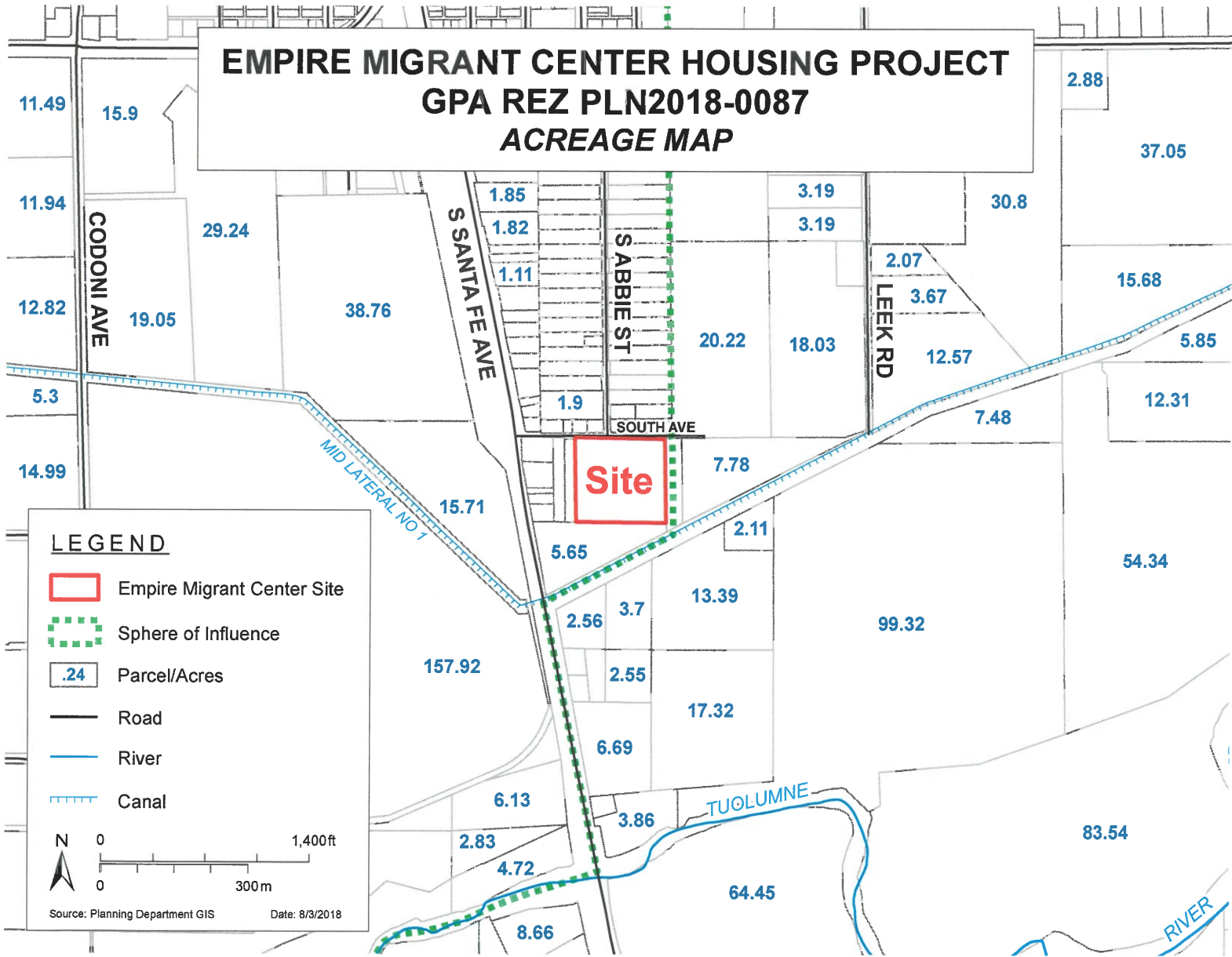
Please note: You may be required to obtain an NPDES Storm Water Permit from the Regional Water Quality Control Board and prepare a Storm Water Pollution Prevention Plan.

ADDITIONAL INFORMATION:

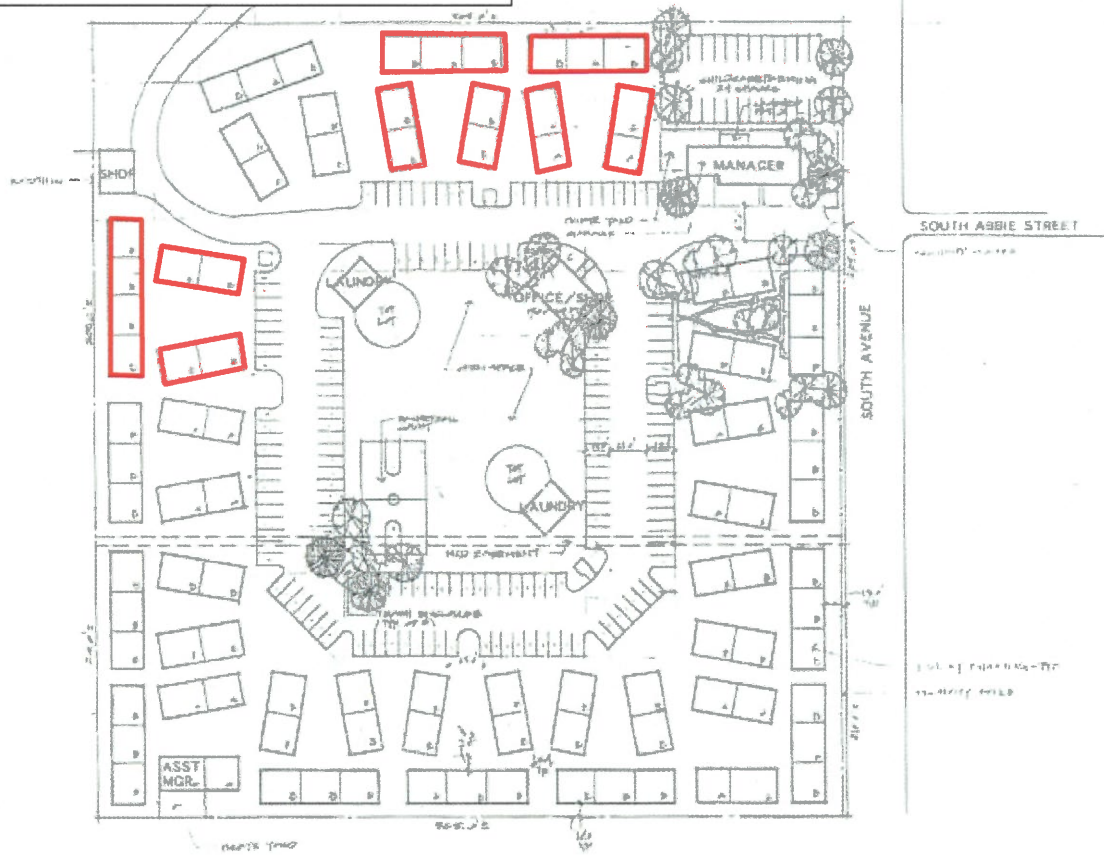
Please use this space to provide any other information you feel is appropriate for the County to consider during review of your application. (Attach extra sheets if necessary)

At this time the Housing Authority has a Use permit for Migrant and Farmworker Housing. The Housing Authority is requesting to have their Use Permit changed to Housing in general. No new construction is being done at this location.

EMPIRE MIGRANT CENTER HOUSING PROJECT GPA REZ PLN2018-0087 ACREAGE MAP



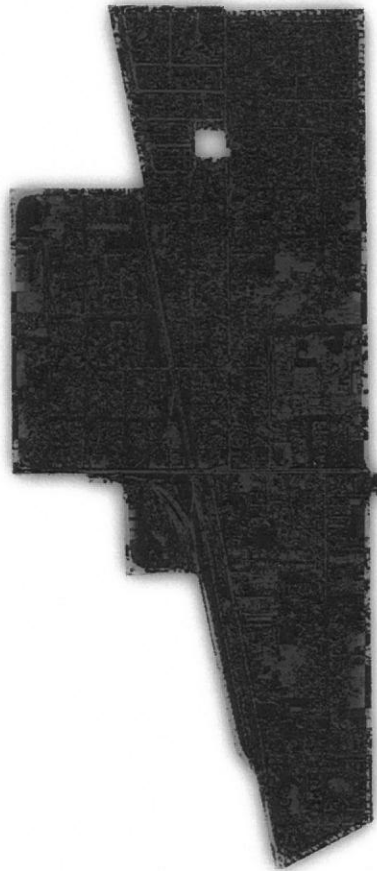
EMPIRE MIGRANT CENTER HOUSING PROJECT
GPA REZ PLN2018-0087
SITE PLAN



PRELIMINARY
SITE PLAN

Phase 1 Units to be occupied (22 total)

**MUNICIPAL SERVICE REVIEW AND
SPHERE OF INFLUENCE UPDATE FOR THE:**



EMPIRE SANITARY DISTRICT

Prepared By:

**Stanislaus Local Agency Formation Commission
1010 Tenth Street, Third Floor
Modesto, CA 95354
Phone: (209) 525-7660**

Adopted: August 23, 2017

STANISLAUS
LOCAL AGENCY FORMATION COMMISSION

COMMISSIONERS

William Berryhill, Public Member

Amy Bublak, City Member

Tom Dunlop, City Member

Jim DeMartini, County Member

Terry Withrow, County Member

Michael Van Winkle, Alternate City Member

Brad Hawn, Alternate Public Member

Kristin Olsen, Alternate County Member

STAFF

Sara Lytle-Pinhey, Executive Officer

Javier Camarena, Assistant Executive Officer

Rob Taro, Commission Counsel

Jennifer Goss, Commission Clerk

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Municipal Service Review and Sphere of Influence Update For the Empire Sanitary District

Introduction

The Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000 Act (CKH Act) requires the Local Agency Formation Commission (LAFCO) to update the Spheres of Influence (SOI) for all applicable jurisdictions in the County. A Sphere of Influence is defined by Government Code §56076 as "...a plan for the probable physical boundary and service area of a local agency, as determined by the Commission." The Act further requires that a Municipal Service Review (MSR) be conducted prior to or, in conjunction with, the update of a Sphere of Influence (SOI).

The legislative authority for conducting Service Reviews is provided in Government Code §56430 of the CKH Act. The Act states, that "in order to prepare and to update spheres of influence in accordance with §56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area..." A Service Review must have written determinations that address the following factors:

Service Review Factors to be Addressed

1. Growth and population projections for the affected area
2. The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence
3. Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged unincorporated communities within or contiguous to the sphere of influence.
4. Financial ability of agencies to provide services
5. Status of, and opportunities for, shared facilities
6. Accountability for community service needs, including governmental structure and operational efficiencies
7. Any other matter related to effective or efficient service delivery, as required by commission policy

This Service Review will analyze the Empire Sanitary District. The most recent Sphere of Influence (SOI) update for the Empire Sanitary District was adopted in 2011 and proposed no changes to the District's SOI. The current update serves to comply with Government Code §56425 and will reaffirm the SOI for the District.

Sphere of Influence Update Process

A special district is a government agency that is required to have an adopted and updated Sphere of Influence. Section 56425(g) of the Cortese Knox Hertzberg Act calls for Spheres of Influence to be reviewed and updated every five years, as necessary. Stanislaus LAFCO processes the Service Review and Sphere of Influence Updates concurrently to ensure efficient use of resources. For rural special districts, which do not have the typical municipal level services to review, this Service Review will be used to determine what type of services each district is expected to provide and the extent to which they are actually able to do so. For these special districts, the spheres will delineate the service capability and expansion capacity of the agency, if applicable.

Service Review – Empire Sanitary District

Authority

This review will cover the Empire Sanitary District, which was organized under the Sanitary District Act of 1923, Health and Safety Code, Section 6400 et. seq. In addition, the District is considered a “registered voter district”, as the board members are elected by the registered voters residing within the district’s boundaries.

Background

Special districts are local governments that are separate from cities and counties, yet provide public services such as fire protection, sewer, water, and street lighting. In California, there are over 3,300 special districts with a great diversity of purposes, governance structures, and financing mechanisms. There are 50 major types of special districts ranging from airports and fire protection to mosquito abatement and water conservation. Some districts are responsible for multiple public services or one specific type of public service, as is the case of the Empire Sanitary District.

Purpose

The Empire Sanitary District was formed for the purpose of providing sanitary sewer services to the unincorporated community of Empire.

Governance

In 2015, as part of an extended agreement, the City of Modesto became the ex-officio Board of the District. The extended agreement will be later discussed in this review.

Formation

The Empire Sanitary District was formed on June 8, 1948.

Location and Size

The District is located in central Stanislaus County, east of the City of Modesto. The District encompasses an area of approximately 428 acres. Of note, there is a residential tract approximately 1 acre in size, which, although it is within the District’s Sphere, according to LAFCO records, it has not been annexed to the District.

Sphere of Influence

The District’s Sphere of Influence is approximately 428 acres. The entire District’s boundaries are within the City of Modesto’s Sphere of Influence. When the District’s SOI was initially established by LAFCO in November 1984, the following alternatives were proposed:

1. A LAFCO policy that no annexation of District territory except the entire District at once will be approved.
2. The inclusion of LAFCO conditions of annexation approval that require the City to provide sewer service to any problem areas left in the District.

3. An agreement between the City and District under which the City operates the District's collection system. This would be similar to the agreement between Ceres and the Ceres Fire District to alleviate a similar problem.

The Modesto Urban Area General Plan includes the Empire Sanitary District, and designates the area for residential and commercial land uses, which is consistent with the County's General Plan designations. At this time, the City has no plans in the foreseeable future to annex the area.

If and when the District territory is entirely annexed to the City, the District may be formally dissolved and merged with the City or continue as a subsidiary district, in which the City Council is designated and remain empowered to act as, ex-officio Board of Directors.

Personnel

The District does not have employees at this time. Outside services are completed through contractors.

Classification of Services

The District is authorized to provide the functions or classes of services (e.g. sewer services) as identified in this report. Due to recent changes in the Cortese-Knox-Hertzberg Act, the District would have to seek LAFCO approval to exercise other latent powers not currently provided

Services

The District was formed for the purpose of providing sanitary sewer services to approximately 1,488 residential and commercial customers within the unincorporated community of Empire. However, since 1969, the District has had a contractual agreement with the City of Modesto for sewer disposal services. Under the terms of the agreement, the City agreed to accept and treat the sewage collected in the District's system and the District agreed to pay a service charge for said service.

In 2003, the City of Modesto conducted a six-week capacity study, which determined that the District's collection system was at 90-percent capacity. Daily volumes of sewage collected from the system during the study time period averaged 168,761 gallons per day. The City's study at that time revealed that the District's main pipeline, which connects to the City's system, was at 90% flow capacity, which could potentially result in sanitary sewer overflows. In addition, the majority of the sewage is distributed through old and undersized pipelines. Therefore, the District is required to receive prior written consent from the City before allowing additional users to connect to the District's system.

On December 15, 2015, the City of Modesto approved an expanded agreement with the Empire Sanitary District (ESD). Under the terms of the agreement, the City accepted the transfer of all ESD sewer infrastructure and took over maintenance, repair, and replacement obligations of all such infrastructure. ESD customers continue to pay charges and rates to the City of Modesto.

Empire Sanitary District (ESD) remitted the District's Reserve Fund of approximately \$500,000 to the City. The funds have been dedicated to existing ESD infrastructure repairs and rehabilitation.

Support Agencies

The District is now being managed by the City of Modesto which maintains a collaborative relationship the Empire Municipal Advisory Council (MAC) and Stanislaus County.

Funding Sources

The District's main source of revenue is derived from monthly service charges and connection fees. In 2010, the District adopted a monthly sewer service rate of \$35.75. The District also receives a small portion of the shared property tax revenues from Stanislaus County. The District has recently retained the accounting firm of Charles Strand, CPA to complete an independent audit of the District's financial statements for the last five years (2006-present), as mandated by Government Code Section 26909.

Service Review Determinations:

The following provides an analysis of the six categories or components required by Section 56430 for a Service Review for the Empire Sanitary District.

1. Growth and Population Projections for the Affected Area

The District serves the unincorporated community of Empire. The District currently serves approximately 1,488 residential and commercial customers with sanitary sewer service. According to the County's 2015-2023 Housing Element, the town of Empire has the potential to add an estimated 30 dwelling units, based on current vacant and/or underutilized parcels. However, due to limited infrastructure and resources, it is not expected that any significant population growth will occur within the District boundaries at this time.

2. The Location and Characteristics of Any Disadvantaged, Unincorporated Communities Within or Contiguous to the Sphere of Influence.

Based on annual median household income, the area within the Empire Sanitary District is identified as a Disadvantaged Unincorporated Community (DUC) as defined in Section 56033.5 of the Cortese-Knox-Hertzberg Act of 2000. No additional DUCs have been identified within or contiguous to the District's sphere of influence.

3. Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs or Deficiencies Including Needs or Deficiencies Related to Sewers, Municipal and Industrial Water, and Structural Fire Protection in Any Disadvantaged, Unincorporated Communities Within or Contiguous to the Sphere of Influence.

The present condition of the District's sewer system is in need of improvement and upgrades. The main sewer connection line to the City of Modesto's outflow station is at capacity and undersized. Therefore, the District would need to complete the necessary infrastructure upgrades in order to add capacity to the District's system. Further, any additional connections to the District's sewer system would require prior written consent from the City of Modesto (e.g. Will Serve Letter).

The Empire Sanitary District provides sewer services. Additional services, such as water and structural fire protection are provided through the City of Modesto, other special districts, or by way of private systems.

4. Financial Ability of Agencies to Provide Services

Under the terms of the agreement with the City of Modesto, the City accepted the transfer of all Empire Sanitary District (ESD) infrastructure, and took over maintenance, repair, and replacement obligations of all such infrastructure. Current ESD customers are effectively Modesto out-of-boundary customers. ESD residential ratepayers are currently charged a monthly rate of \$35.75 for collection and treatment service. Commercial ratepayers are charged for sewer service based on metered water use. In addition, the ESD has remitted the District's reserve fund of approximately \$500,000 to the City to be dedicated to existing ESD infrastructure repairs and rehabilitation.

5. Status of, and Opportunities for, Shared Facilities

The District does not currently share any facilities with other districts or agencies. However, as mentioned previously, the District has transferred management of the District to the City of Modesto.

6. Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies

The City of Modesto is the ex officio Board of the District and, therefore, sits as the Board of the Empire Sanitary District (ESD). At a later date, the City could and most likely will file an application with LAFCO seeking approval of full dissolution of the ESD pursuant to the provisions of the Cortese-Knox Hertzberg Local Government Reorganization Act of 2000. However, at this time there is no plan to dissolve the District.

7. Any Other Matter Related to Effective or Efficient Service Delivery, as Required by Commission Policy

None

Sphere of Influence Update for the Empire Sanitary District

In determining the Sphere of Influence (SOI) of each local agency, the Commission shall consider and prepare determinations with respect to each of the following factors pursuant to Government Code Section 56425:

1. The present and planned land uses in the area, including agricultural and open-space lands.
2. The present and probable need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services that the agency provides, or is authorized to provide.
4. The existence of any social or economic communities of interest in the area if the Commission determines they are relevant.
5. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

This document proposes no changes to the District's existing Sphere of Influence. Rather, it serves to reaffirm the existing SOI boundary. As part of this process, Staff researched the history of the establishment of the District's SOI. A map of the current District boundary and Sphere of Influence is attached in Appendix "A".

The following determinations for the Empire Sanitary District's Sphere of Influence update are made in conformance with Government Code §56425 and Commission policy.

Determinations:

1. The present and planned land uses in the area, including agricultural and open-space lands

The District's Sphere of Influence (SOI) includes approximately 428 acres. Territory within the District's boundaries consists of residential and commercial land uses. The District does not have the authority to make land use decisions, nor does it have authority over present or planned land uses within its boundaries. The responsibility for land use decisions within the District boundaries is retained by Stanislaus County and the City of Modesto.

2. The present and probable need for public facilities and services in the area

The District was formed to provide sewer service within its boundary. The present and probable need for this service is not expected to diminish, as the residents within the District are dependent on the sewer services they receive.

- 3. The present capacity of public facilities and adequacy of public services that the agency provides, or is authorized to provide.**

The present capacity of the District facilities is hindered by the fact that the sewer system is at capacity and in need of infrastructure improvements. Several of the District's current sewer lines are undersized and over 30 years old, which thereby limits the District's ability to provide new service connections within its existing boundaries.

- 4. The existence of any social or economic communities of interest in the area if the Commission determines they are relevant.**

The unincorporated community of Empire is considered a community of interest within the District's boundaries.

Further, the City of Modesto is also considered to be a Community of Interest, as the entire District's boundaries are located within the City's Sphere of Influence. As previously mentioned, the City of Modesto is now managing all Empire Sanitary District (ESD) activity. In addition, there has been no indication by the City of their intent to annex all or a part of any territory within the District's boundaries in the near future.

- 5. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.**

There are no proposals to change the District's existing Sphere of Influence. The District's area covers the town of Empire, which is identified as a Disadvantaged Unincorporated Community (DUC) as defined in Section 56033.5 of the Cortese-Knox-Hertzberg Act of 2000.

The Empire Sanitary District provides sewer service for the District. Additional services, such as water and structural fire protection, are provided through the City of Modesto, other special districts, or by way of private systems.

APPENDIX "A" DISTRICT SUMMARY PROFILE

District: **EMPIRE SANITARY DISTRICT**

Location: Approximately 3 miles southeast of the City of Modesto

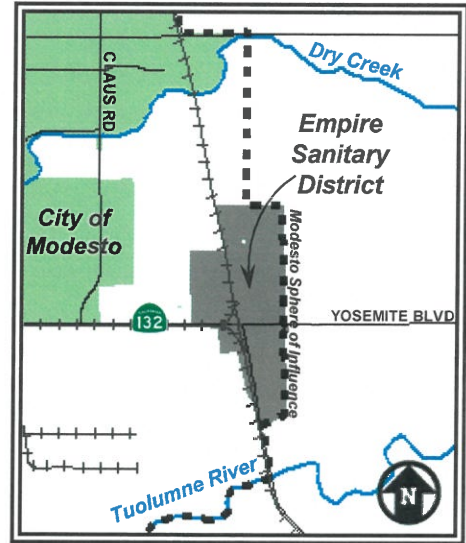
Service Area: Approximately 428 acres

Population*: 4,675 persons (Estimate)

Land Use: Low Density Residential and Commercial

Date of Formation: June 18, 1948

Enabling Act: Sanitary District Act of 1923, Health and Safety Code, Section 6400 et seq



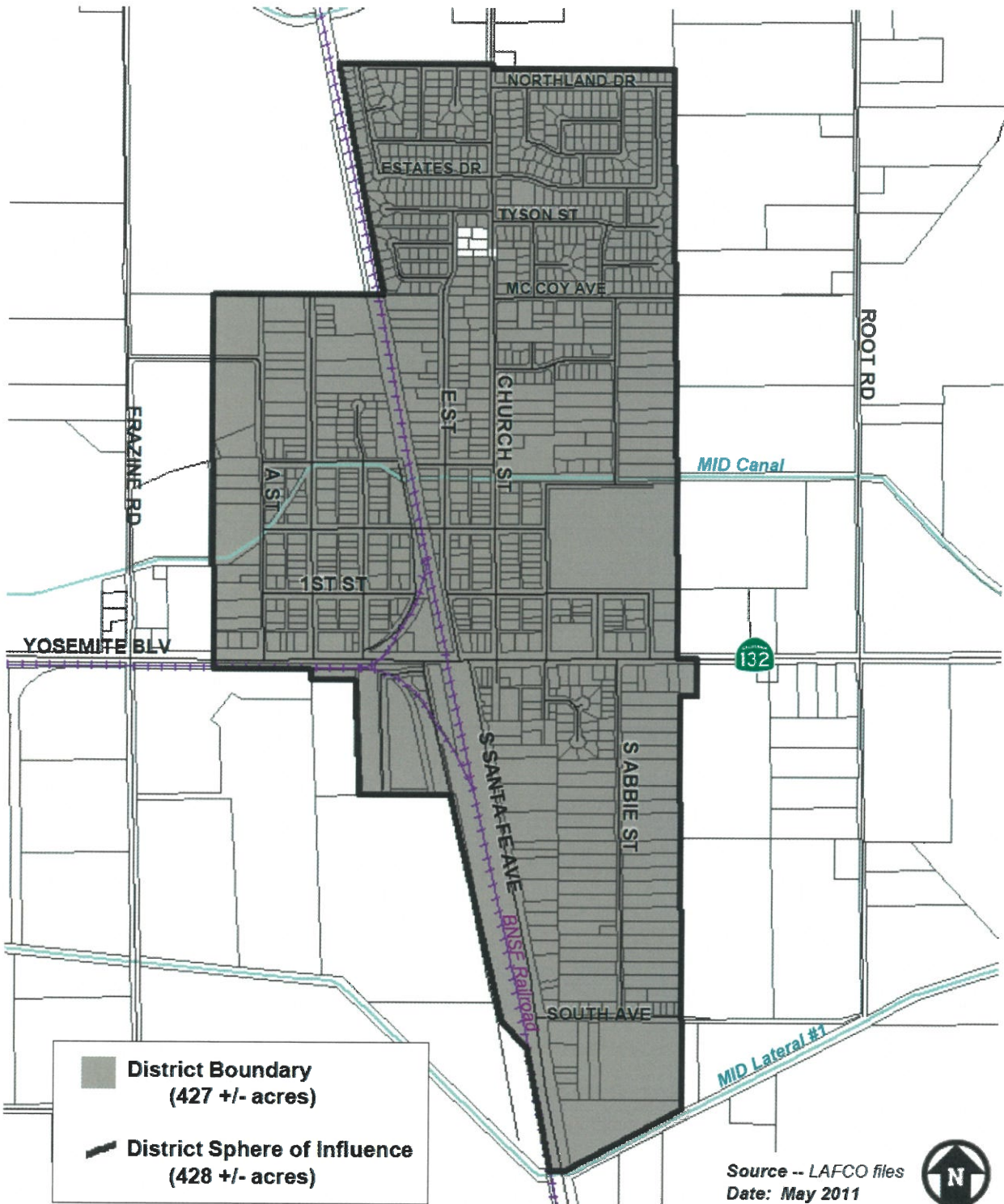
Governing Body: City of Modesto (Ex-Officio Board)

District Services: Domestic sewer service to the unincorporated community of Empire

Revenue Sources: Monthly service and connection fees; property taxes

**Source: American Community Survey 5-year Estimate 2011-2015*

**MAP 1:
EMPIRE SANITARY DISTRICT
BOUNDARIES AND SPHERE OF INFLUENCE**



APPENDIX "B"

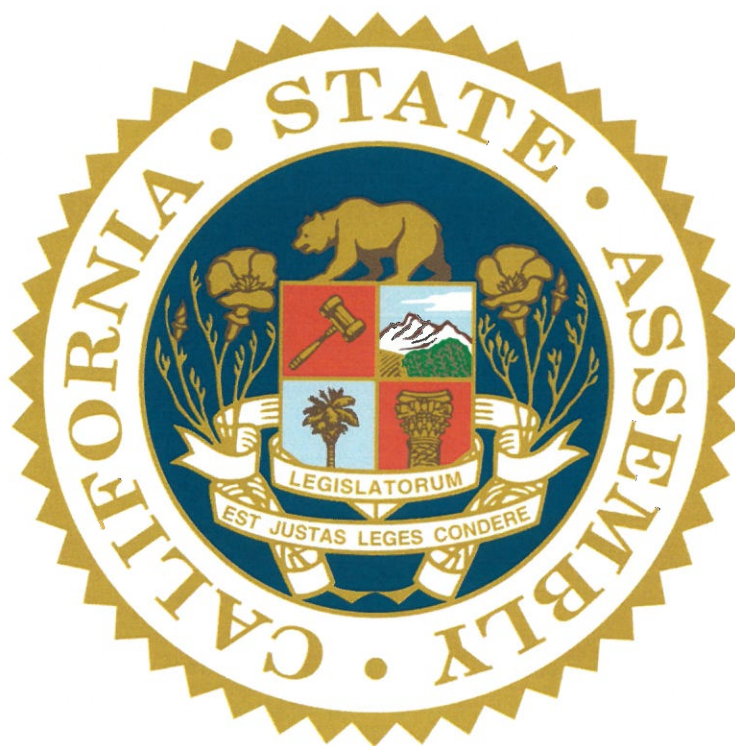
REFERENCES

1. Previous MSR/SOI Update for the Empire Sanitary District, Adopted August 24, 2011.
2. Extended Agreement for Sewer Service signed in December 2015.
3. GEOTivity Letter dated January 29, 2003, regarding a capacity study, which monitored an existing Empire Sanitary District sewage pipe located on Hwy 132 & Codoni Road.
4. City of Modesto letter dated November 25, 2003, regarding "Sewer Connections to the City of Modesto's Collection System".
5. Stanislaus County Draft 2009-2014 Housing Element, adopted April 20, 2010.
6. 2009/2010 Stanislaus County Civil Grand Jury Report regarding the Empire Sanitary District, June 25, 2010.
7. Auditor-Controller Response to the 2009-2010 Stanislaus County Civil Grand Jury Report – Empire Sanitary District, dated July 16, 2010.
8. Empire Sanitary District's Grand Jury Response Letter dated September, 8, 2010.
9. California State Controller's Office, "Special District's Annual Report", April 26, 2011.
10. City of Modesto Council Agenda Report, November 30, 2015

INDIVIDUALS AND AGENCIES CONTACTED

1. Jim Alves, Associate Civil Engineer, City of Modesto

Guide to the
CORTESE—KNOX—HERTZBERG
LOCAL GOVERNMENT
REORGANIZATION ACT OF 2000



Prepared by
Assembly Committee on Local Government
Honorable Cecilia M. Aguiar-Curry, Chair

December 2017

CHAPTER 4. NOTICE

Means of notice

56150. Unless the provision or context otherwise requires, whenever this division requires notice to be published, posted, or mailed, the notice shall be published, posted, or mailed as provided in this chapter. Unless the provision or context otherwise requires, whenever this division requires notice to be given that notice shall also be given in electronic format on a website provided by the commission, to the extent that the commission maintains a website.

Notice given by clerk; contents

56151. Notice authorized or required to be given by publication, posting, or mailing shall be given by the clerk or executive officer and shall contain all matters required by any particular provision of this division. If any ordinance, resolution, or order of any legislative body or the commission gives notice and contains all matters required to be contained in any notice, the clerk or executive officer may cause a copy of that ordinance, resolution, or order to be published, posted, or mailed, in which case no other notice need be given by the clerk or executive officer.

Resolution or ordinance sufficient

Notice given by clerk or executive officer if not specified

56152. Whenever any notice is required to be given and the duty of giving that notice is not specifically enjoined upon some officer, agency, or person, the clerk or executive officer, as the case may be, shall give notice or cause that notice to be given.

Publication in newspaper(s) of general circulation

56153. Notice required to be published shall be published pursuant to Section 6061 in one or more newspapers of general circulation within each affected county, affected city, or affected district. If any newspaper is a newspaper of general circulation in two or more affected cities or affected districts, publication in that newspaper shall be sufficient publication for all those affected cities or affected districts. If there are two or more affected counties, publication shall be made in at least one newspaper of general circulation in each of the affected counties.

Publication in two or more counties

Publication; 21 days prior

56154. If the published notice is a notice of a hearing, publication of the notice shall be commenced at least 21 days prior to the date specified in the notice for the hearing.

Notice by first-class mail

56155. Except as otherwise provided in this division, mailed notice shall be sent first class and deposited, postage prepaid, in the United States mails and shall be deemed to have been given when so deposited.

Mailing; 21 days prior

56156. If the mailed notice is notice of a hearing, the notice shall be mailed at least 21 days prior to the date specified in the notice for hearing.

Mailing; addresses

56157. When mailed notice is required to be given to:

(a) A county, city, or district, it shall be addressed to the clerk of the county, city, or district.

(b) A commission, it shall be addressed to the executive officer.

(c) Proponents, it shall be addressed to the persons so designated in the petition at the address specified in the petition.

(d) Landowners, it shall be addressed to each person to whom land is assessed, as shown upon the most recent assessment roll being prepared by the county at the time the proponent adopts a resolution of application pursuant to Section 56654 or files a notice of intention to circulate a petition with the executive officer pursuant to subdivision (a) of Section 56700.4, at the address shown upon the assessment roll and to all landowners within 300 feet of the exterior boundary of the property that is the subject of the hearing at least 21 days prior to the hearing. This requirement may be waived if proof satisfactory to the commission is presented that shows that individual notices to landowners have already been provided by the initiating agency. Notice also shall be either posted or published in accordance with Section 56153 in a newspaper of general circulation that is circulated within the affected territory 21 days prior to the hearing.

(e) Persons requesting special notice, it shall be addressed to each person who has filed a written request for special notice with the executive officer or clerk at the mailing address specified in the request.

(f) To all registered voters within the affected territory, to the address as shown on the most recent index of affidavits prepared by the county elections official at the time the proponent adopts a resolution of application pursuant to Section 56654 or files a notice of intention to circulate a petition with the executive officer pursuant to subdivision (a) of Section 56700.4 and to all registered voters within 300 feet of the exterior boundary of the property that is the subject of the hearing at least 21 days prior to the hearing. This requirement may be waived if proof satisfactory to the commission is presented that shows that individual notices to registered voters have already been provided by the initiating agency. Notice shall also either be posted or published in accordance with Section 56153 in a newspaper of general circulation that is circulated within the affected territory 21 days prior to the hearing.

(g) Pursuant to subdivisions (d) and (f), if a landowner or landowners and registered voter or voters are the same individual or individuals, only one notice is required to be mailed.

(h) If the total number of notices required to be mailed in accordance with subdivisions (d) and (f) exceeds 1,000, then notice may instead be provided by publishing a display advertisement of at least one-eighth page in a newspaper, as specified in Section 56153, at least 21 days prior to the hearing.

Posted notice; place **56158.** Notice required to be posted shall be posted on or near the doors of the meeting room of the legislative body or commission or upon any official bulletin board used for the purpose of posting public notices by, or pertaining to, the legislative body or commission.

Posted notice; time **56159.** Posted notice shall remain posted for not less than five days. If the posted notice is notice of a hearing, posting shall be commenced at least 21 days prior to the date specified in the notice for hearing and shall continue to the time of the hearing.

Failure to receive notice; validity of action **56160.** The failure of any person or entity to receive notice given pursuant to this division shall not constitute grounds for any court to invalidate any action taken for which the notice was given.

PART 2. LOCAL AGENCY FORMATION COMMISSION

CHAPTER 1. GENERAL

Written policies and procedures **56300.** (a) It is the intent of the Legislature that each commission, not later than January 1, 2002, shall establish written policies and procedures and exercise its powers pursuant to this part in a manner consistent with those policies and procedures and that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns.

Legislative intent

Disclosure hearing (b) Each commission with a proposal pending on January 1, 2001, shall, by March 31, 2001, hold a public hearing to discuss the adoption of policies and procedures to require the disclosure of contributions, expenditures, and independent expenditures authorized by Section 56100.1. Reporting requirements adopted pursuant to this section shall be effective upon the date of adoption or a later date specified in the resolution. Any commission that does not have a proposal pending on January 1, 2001, shall hold a public hearing to discuss the adoption of those policies and procedures within 90 days of submission of a proposal or at any time prior to submission of a proposal. Once a hearing has taken place under this subdivision, no subsequent hearing shall be required except by petition of 100 or more registered voters residing in the county in which the commission is located.

Kristin Doud

From: Kristin Doud
Sent: Thursday, September 27, 2018 4:42 PM
To: Angela Freitas; Miguel Galvez
Cc: Patricia Thomas; 'Jim Kruse'; Kathryn Harwell
Subject: FW: Empire Migrant Center Housing Project

FYI

From: Robert Englent <renglent@modestogov.com>
Sent: Thursday, September 27, 2018 4:27 PM
To: Kristin Doud <doudk@StanCounty.com>
Cc: Jim Alves <jalves@modestogov.com>; Jesse Franco <jfranco@modestogov.com>; Tamorah Bryant <tbryant@modestogov.com>; William Wong <WWong@modestogov.com>
Subject: Re: Empire Migrant Center Housing Project

Hi Kristin,

Just to follow up on our meeting, as long as the County is not expanding the size of the facility, then the City has no objections to this project.

We have evaluated on sewer main on South Ave. and determined that the line is deficient in capacity and grade. However, this only causes increased maintenance issues on our end and should not effect sewer service to the surrounding residents. We are currently working on a Capital Improvement Project to replace this section of pipe, hopefully by mid next year.

Thank you,

Robert Englent

STANISLAUS COUNTY PLANNING COMMISSION

September 20, 2018

STAFF REPORT

GENERAL PLAN AMENDMENT AND REZONE APPLICATION NO. PLN2018-0087 EMPIRE MIGRANT CENTER HOUSING PROJECT

REQUEST: TO AMEND THE GENERAL PLAN AND ZONING DESIGNATION OF A 7.63 ACRE SITE, FROM LOW DENSITY RESIDENTIAL (LDR) AND RURAL RESIDENTIAL (R-A) TO PLANNED DEVELOPMENT (PD), TO ALLOW THE EMPIRE MIGRANT FARM WORKER CENTER, OPERATED BY THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS), TO BE UTILIZED AS A COLD WEATHER EMERGENCY SHELTER (LESS THAN 6 MONTHS) TO TEMPORARILY HOUSE HOMELESS FAMILIES.

APPLICATION INFORMATION

Applicant:	Housing Authority of the County of Stanislaus
Property owner:	Housing Authority of the County of Stanislaus
Agent:	N/A
Location:	5132 South Avenue, on the south side of South Abbie Street and South Avenue, east of Santa Fe Avenue, in the Community of Empire.
Section, Township, Range:	32-3-10
Supervisorial District:	One (Supervisor Olsen)
Assessor's Parcel:	009-020-028
Referrals:	See Exhibit G Environmental Review Referrals
Area of Parcel(s):	7.63 acres
Water Supply:	City of Modesto
Sewage Disposal:	City of Modesto
General Plan Designation:	Low Density Residential
Community Plan Designation:	N/A
Existing Zoning:	R-A (Rural Residential)
Sphere of Influence:	City of Modesto
Williamson Act Contract No.:	N/A
Environmental Review:	Exempt
Present Land Use:	90 single-family dwelling units, utilized for farmworker housing, a paved parking lot, fencing, common greenspace area with a playground and basketball court, laundry room, community center, office, and caretaker unit.
Surrounding Land Use:	Single-family residences, the community of Empire, and CA Highway 132 to the north; The Beard Industrial Tract and the Burlington Northern Santa Fe Railroad to the west; Breezewood Mobile Home Park directly south of the project site; and agricultural land with orchards, pasture, and scattered single-family dwellings to the east and 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 provide a recommendation of approval, Exhibit A provides an overview of all of the findings required for project approval.

PROJECT DESCRIPTION

The project is a request to amend the general plan and zoning designation of a 7.63 acre site from Low Density Residential (LDR) and Rural Residential (R-A) to Planned Development (PD), to utilize the Empire Migrant Farm Worker Center, operated by the Housing Authority of the County of Stanislaus (HACS), as a cold weather emergency shelter (less than 6 months) to temporarily house homeless families. The site is currently improved with 90 housing units, a paved parking lot, fencing, common greenspace area with a playground and basketball court, laundry room, community center, office, and caretaker unit. The project will utilize 22 of the site's existing housing units, with the potential to utilize up to all 90 units in the future, during the off-season, between mid-November to the end of April, when migrant farm worker households are not occupying the site. (See Exhibit B – *Maps*.)

Three employees will be on-site during a maximum shift. Both case management, to be provided to the occupants both on-site and off-site, and on-site property management will be provided through sub-contractors. The goal of the project is to promote self-sufficiency and ultimately permanent housing placement for homeless families. Clients will be referred to the housing project through the Stanislaus County Community Services Agency (CSA). The target population would be those families who are currently under case management in CSA's Housing Support Program (HSP), have used all available temporary shelter nights, are still engaged in permanent housing search, and have been unsheltered the longest from date of referral to the HSP. Once entered into the program by an off-site case manager, shelter residents will have access to their residential units 24 hours a day, 7 days a week during the shelter season. Accordingly, no daily intake process will take place on site. Shelter residents who have vehicles will be permitted to park in the existing on-site parking lot. There is a Stanislaus Regional Transit (START) bus station located ½ mile north of the project site, at the corner of Yosemite Blvd. (HWY 132) and S. Abbie St.

The site is located within the City of Modesto's LAFCO Adopted Sphere of Influence (SOI) and is currently served with public water and sewer services provided by the City of Modesto. No construction is proposed as part of this project.

The existing migrant center was approved by the Planning Commission on October 5, 2000, to reconstruct a 100-unit migrant farmworker family center, under Use Permit Application No. 2000-08 – Stanislaus County Housing Authority. Prior to the 2000 redevelopment of the site, the property included 67 farm worker housing units, which were approved under the site's previous (pre-1973) A-1 zoning designation.

SITE DESCRIPTION

Single-family residences, the community of Empire, and CA Highway 132 are located to the north of the project site. The Beard Industrial Tract and the Burlington Northern Santa Fe Railroad are located to the west of the project site. The Breezewood Mobile Home Park is located directly south of the project site; and agricultural land with orchards, pasture, and scattered single-family dwellings are located to the east and south.

ISSUES

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

GENERAL PLAN CONSISTENCY

The site is currently designated Low Density Residential in the Land Use Element of the General Plan. The General Plan states that the intent of Low Density Residential designation is to provide appropriate locations and adequate areas for single-family detached homes in either conventional or clustered configurations. Appropriate zoning designations include R-A (Rural Residential) or R-1 (Single-Family Residential). Planned Development (PD) zoning may also be appropriate, provided the development does not exceed the established building intensity of this designation. Residential building intensity when served by a community services district or sanitary sewer district and public water district is zero to eight units per net acre. The zoning designation is proposed to be changed from Rural Residential (R-A) to Planned Development to allow the site to be used to temporarily shelter homeless families during the migrant work off-season, which is not currently permitted in the R-A zoning district. Based on the density limitations described in the Land Use Element of the General Plan, the proposed Planned Development (PD) zoning designation would not be consistent with the existing Low Density Residential General Plan designation, as the site exceeds the 8 dwelling units per acre, which for the 7.63 acre project site would equal a maximum of 61 residential units. Accordingly, a General Plan Amendment is requested to change the land use designation from Low Density Residential to Planned Development to allow the proposed PD zoning designation and project to be consistent with the proposed Planned Development General Plan Designation.

To minimize conflicts between agriculture operations and non-agricultural operations, Buffer and Setback Guidelines (Appendix A of the Agricultural Element) have been adopted. The purpose of these guidelines is 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. While this request allows for expanded use of the existing Center, the overall intensity and density of the use will not be increasing, and no new facilities are proposed. As such, staff has determined that the proposed use is not a new or expanding use subject to the Buffer and Setback Guidelines. This project was referred to the Stanislaus Agricultural Commissioner's office and no comments were received, to date.

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 D – *City of Modesto Referral Response dated August 31, 2018.*)

ZONING ORDINANCE CONSISTENCY

The site is currently zoned Rural Residential (R-A). The R-A zoning district allows farmworker housing when a use permit is obtained. The existing migrant center was approved by the Planning Commission on October 5, 2000, to reconstruct a 100-unit migrant farmworker family center, under Use Permit Application No. 2000-08 – Stanislaus County Housing Authority. The current project

proposal to allow the site to be used to temporarily shelter homeless families during the migrant work off-season, is not currently permitted in the R-A zoning district zoning designation. Accordingly, in order to approve the project, the zoning must be changed from Rural Residential (R-A) to Planned Development. To approve a Rezone, the Planning Commission must find that it is consistent with the General Plan. 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. Planned Developments typically include a Development Schedule which indicates the timing for meeting specific project benchmarks. However, in this case no Development Schedule is proposed as the project is already built-out and in use. Approval of this project will allow continued use of the facility for the purposes of migrant housing and supplemental use of the facility for the temporary housing of homeless families during the off-season.

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. The project is considered Exempt under Section 15301 for *Existing Facilities* of the California Code of Regulations, which allows an exemption for the "...operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination." A Notice of Exemption has been prepared as the project meets the criteria for a CEQA Exemption. (See Exhibit F – *Notice of Exemption*.) Conditions of approval 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, California Department of Fish and Wildlife (formerly the Department of Fish and Game) has determined that this project has no potential effect on Fish and Wildlife and the project as described does not require payment of the CEQA filing fee. See attached.

Contact Person: Kristin Doud, Senior Planner, (209) 525-6330

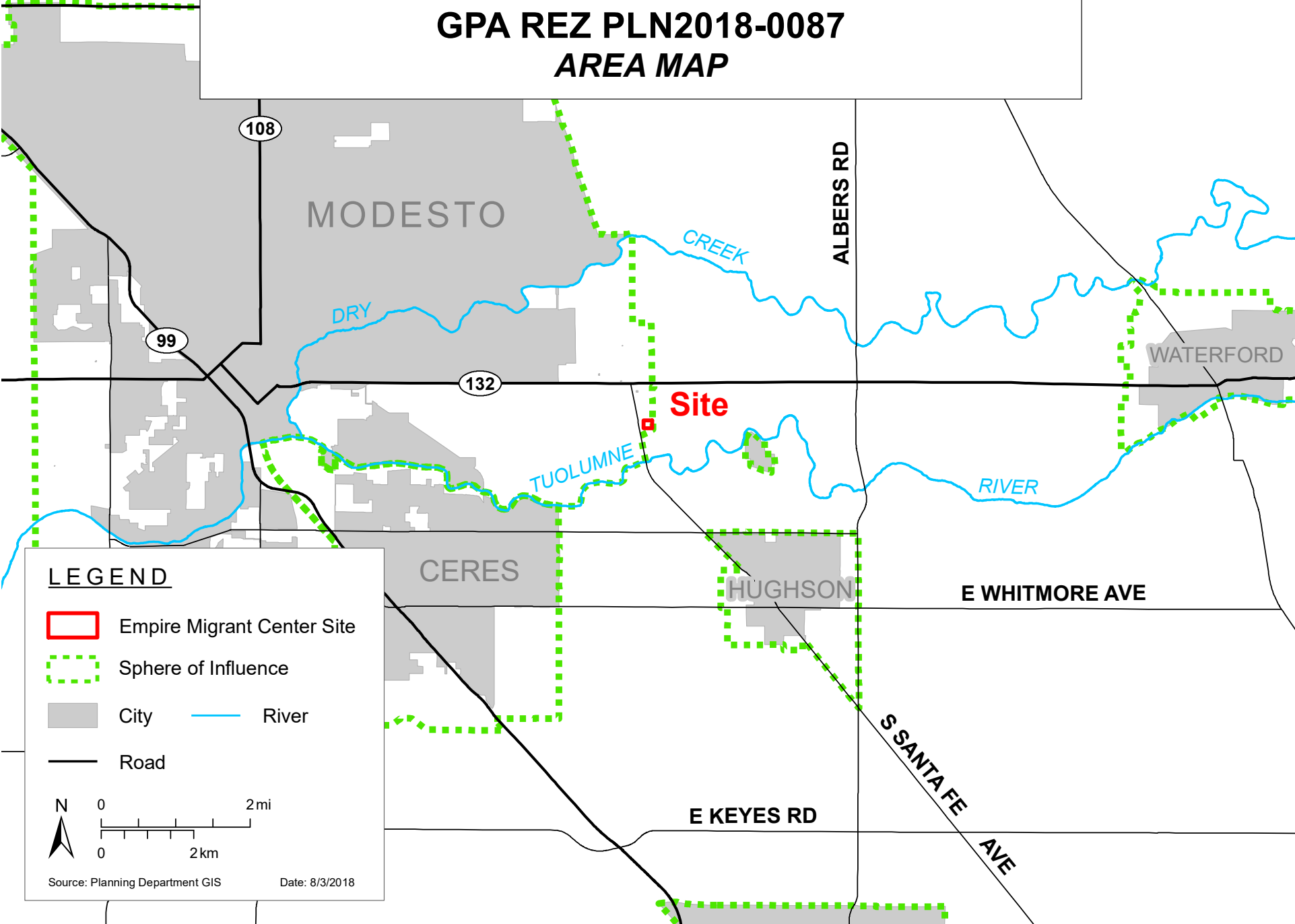
Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Development Standards
- Exhibit D - City of Modesto Referral Response dated August 31, 2018
- Exhibit E - Planning Commission Staff Report for Use Permit 2000-08 – Stanislaus County Housing Authority, dated October 5, 2000 (*with partial attachments*)
- Exhibit F - Notice of Exemption
- Exhibit G - Environmental Review Referral

Exhibit A
Findings and Actions Required for Project Approval

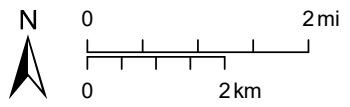
1. Find the project to be categorically exempt from the California Environmental Quality Act (CEQA) and order the filing of the Notice of Exemption.
2. Find, based on the discussion in this report, and the whole of the record that:
 - (a) The General Plan Amendment will maintain a logical land use pattern 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.
 - (d) That the proposed alternative agricultural buffer provides equal or greater protection to surrounding agricultural uses.
3. Find that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation.
4. Approve General Plan Amendment and Rezone Application No. PLN2018-0087 – Empire Migrant Center Housing Project, subject to the attached Development Standards.
5. Introduce, waive the reading, and adopt an ordinance for the approved Rezone Application No. PLN2018-0087 – Empire Migrant Center Housing Project.

EMPIRE MIGRANT CENTER HOUSING PROJECT GPA REZ PLN2018-0087 AREA MAP



LEGEND

- Empire Migrant Center Site
- Sphere of Influence
- City
- River
- Road

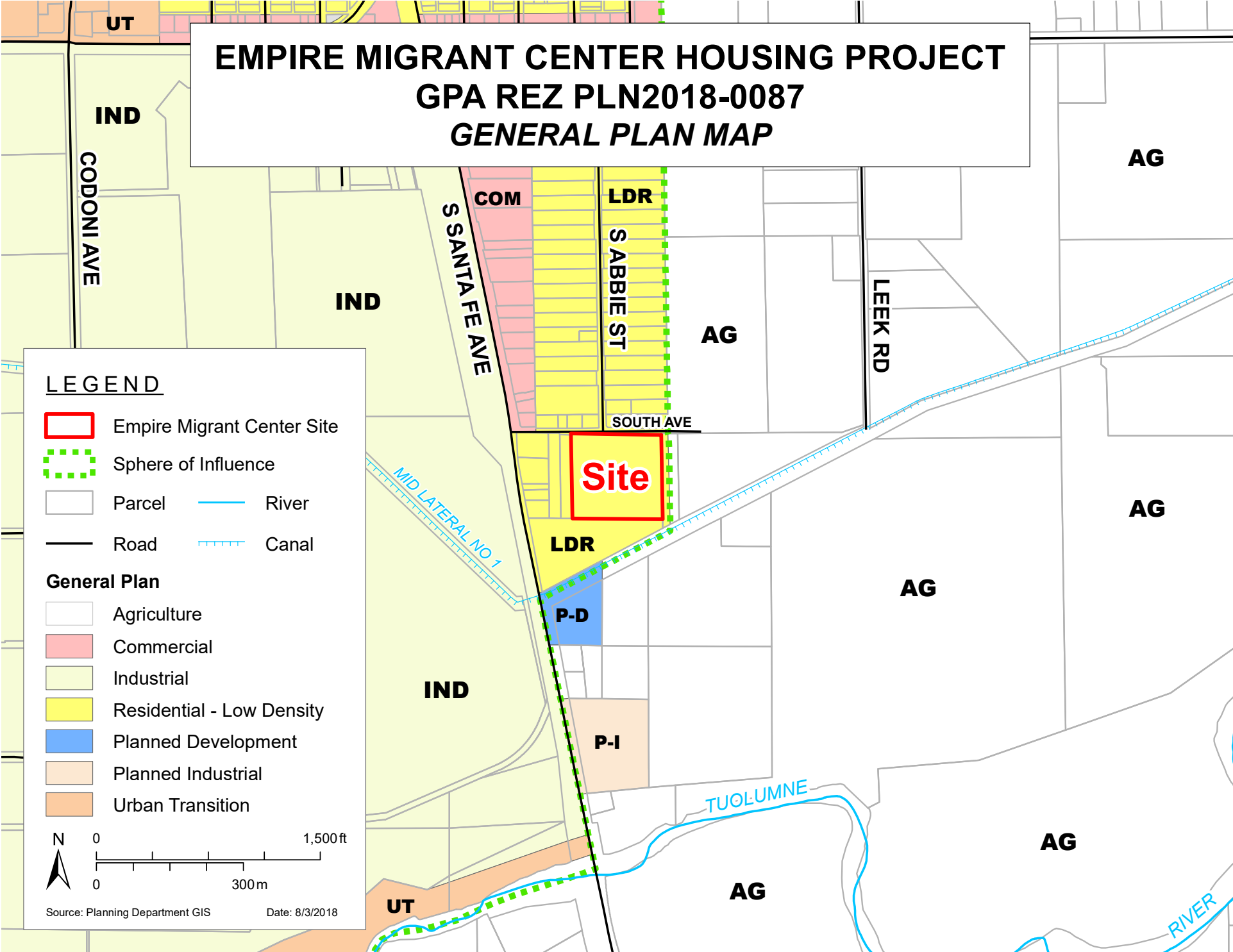


Source: Planning Department GIS Date: 8/3/2018

9

EXHIBIT B

EMPIRE MIGRANT CENTER HOUSING PROJECT GPA REZ PLN2018-0087 GENERAL PLAN MAP



LEGEND

- Empire Migrant Center Site
- Sphere of Influence
- Parcel
- River
- Road
- Canal

General Plan

- Agriculture
- Commercial
- Industrial
- Residential - Low Density
- Planned Development
- Planned Industrial
- Urban Transition

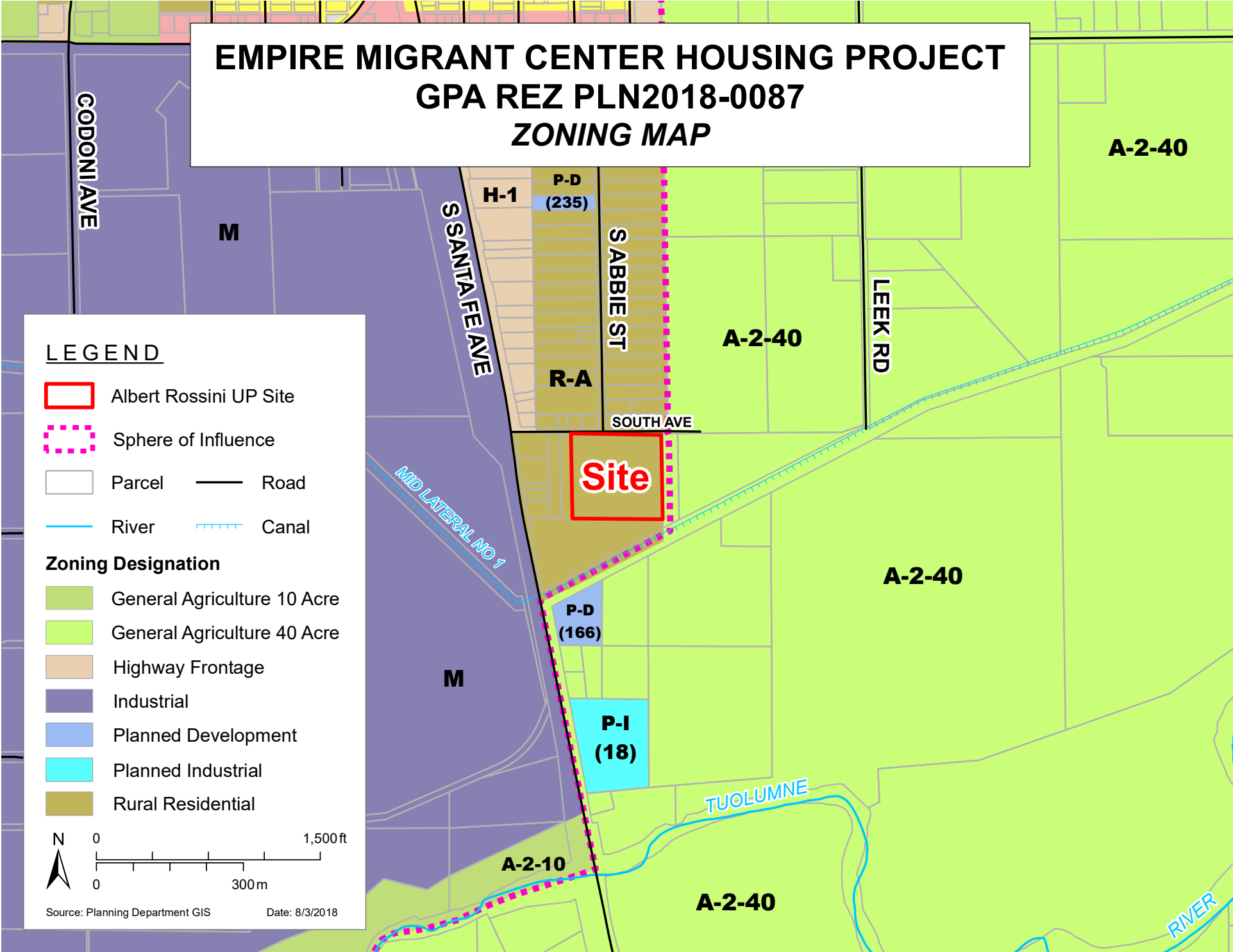
N
0 1,500ft
0 300m

Source: Planning Department GIS Date: 8/3/2018

7

EXHIBIT B-1

EMPIRE MIGRANT CENTER HOUSING PROJECT GPA REZ PLN2018-0087 ZONING MAP

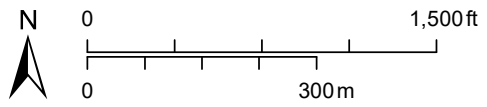


LEGEND

- Albert Rossini UP Site
- Sphere of Influence
- Parcel
- Road
- River
- Canal

Zoning Designation

- General Agriculture 10 Acre
- General Agriculture 40 Acre
- Highway Frontage
- Industrial
- Planned Development
- Planned Industrial
- Rural Residential

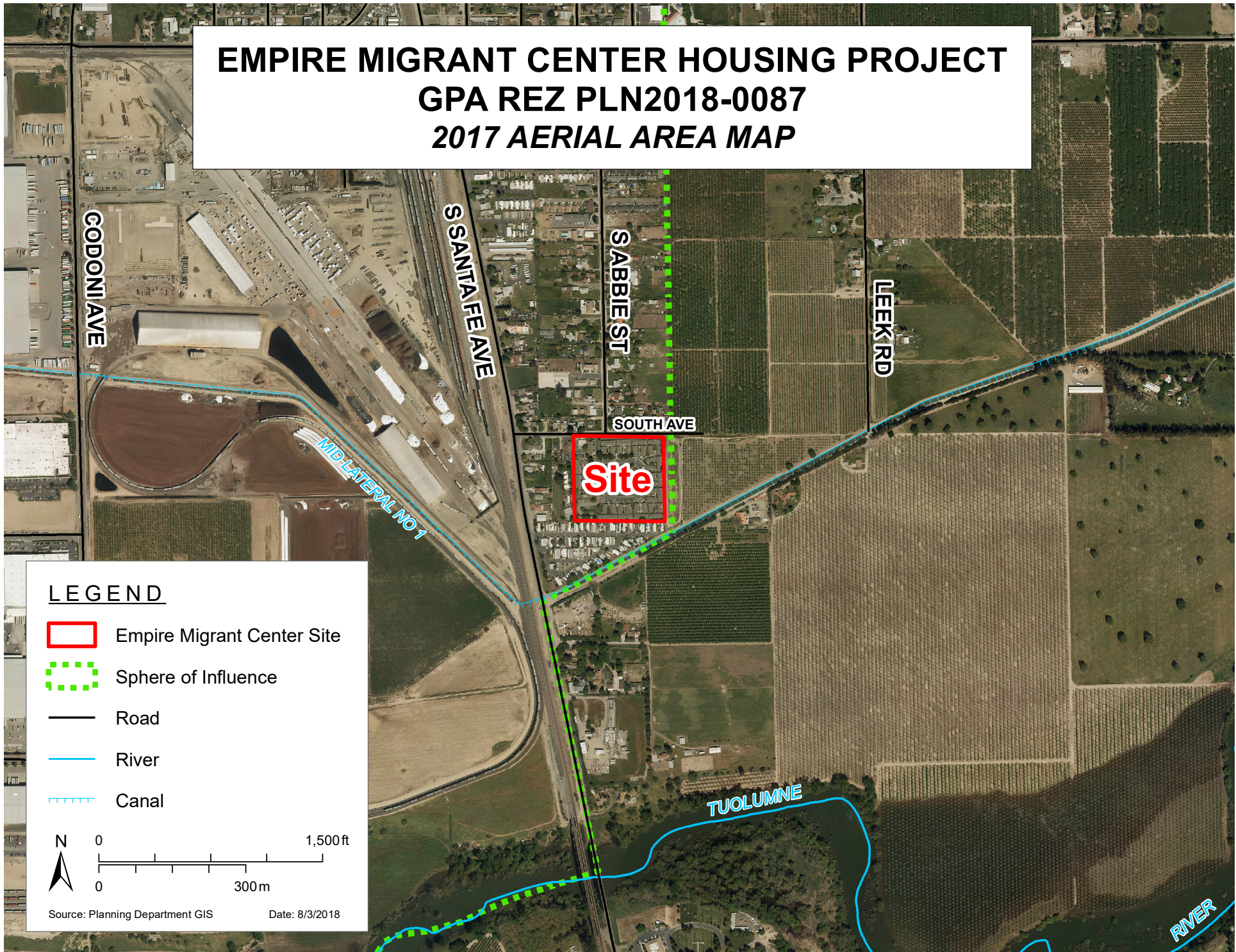


Source: Planning Department GIS Date: 8/3/2018

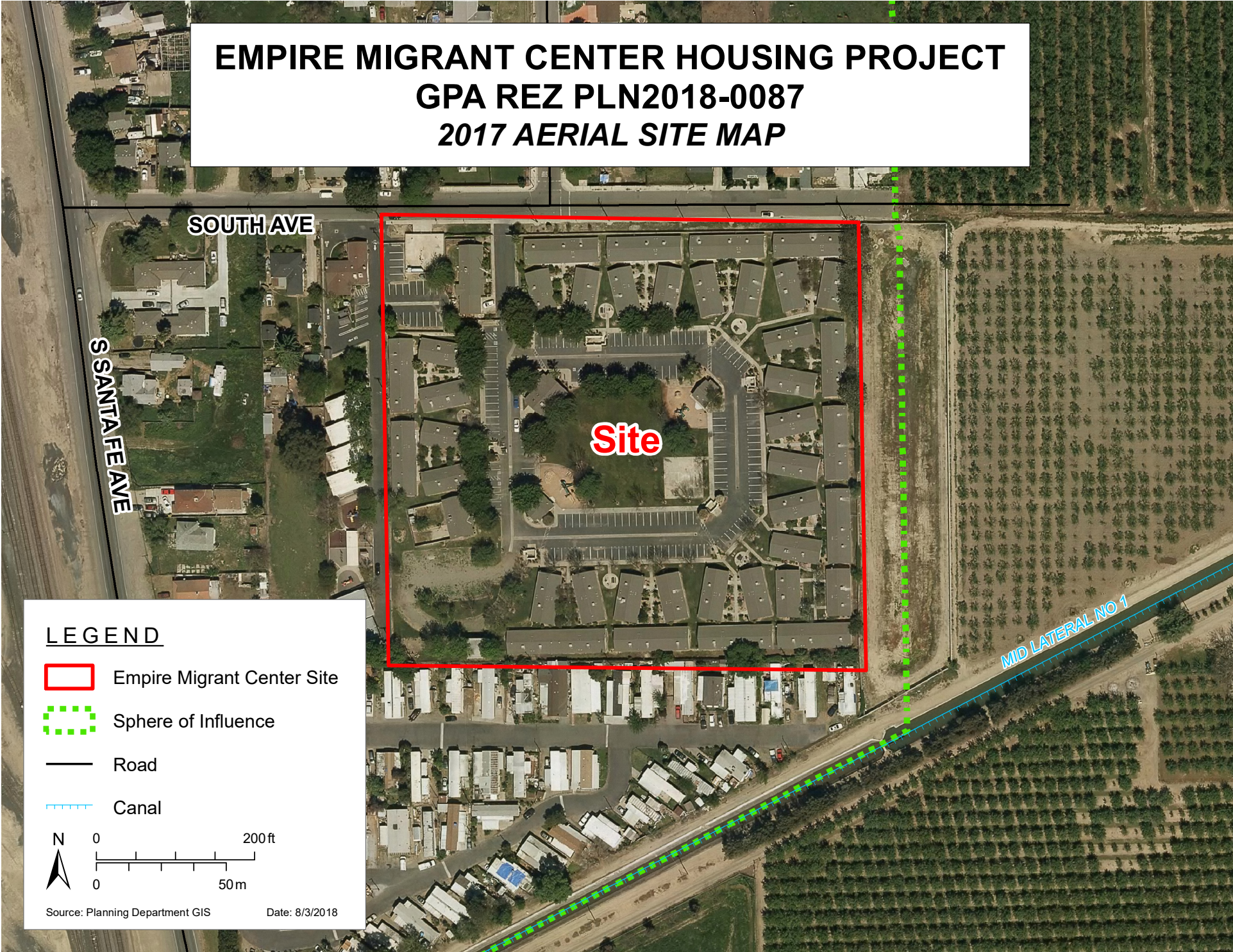
8

EXHIBIT B-2





EMPIRE MIGRANT CENTER HOUSING PROJECT GPA REZ PLN2018-0087 2017 AERIAL AREA MAP

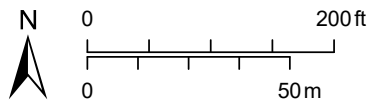


EMPIRE MIGRANT CENTER HOUSING PROJECT GPA REZ PLN2018-0087 2017 AERIAL SITE MAP



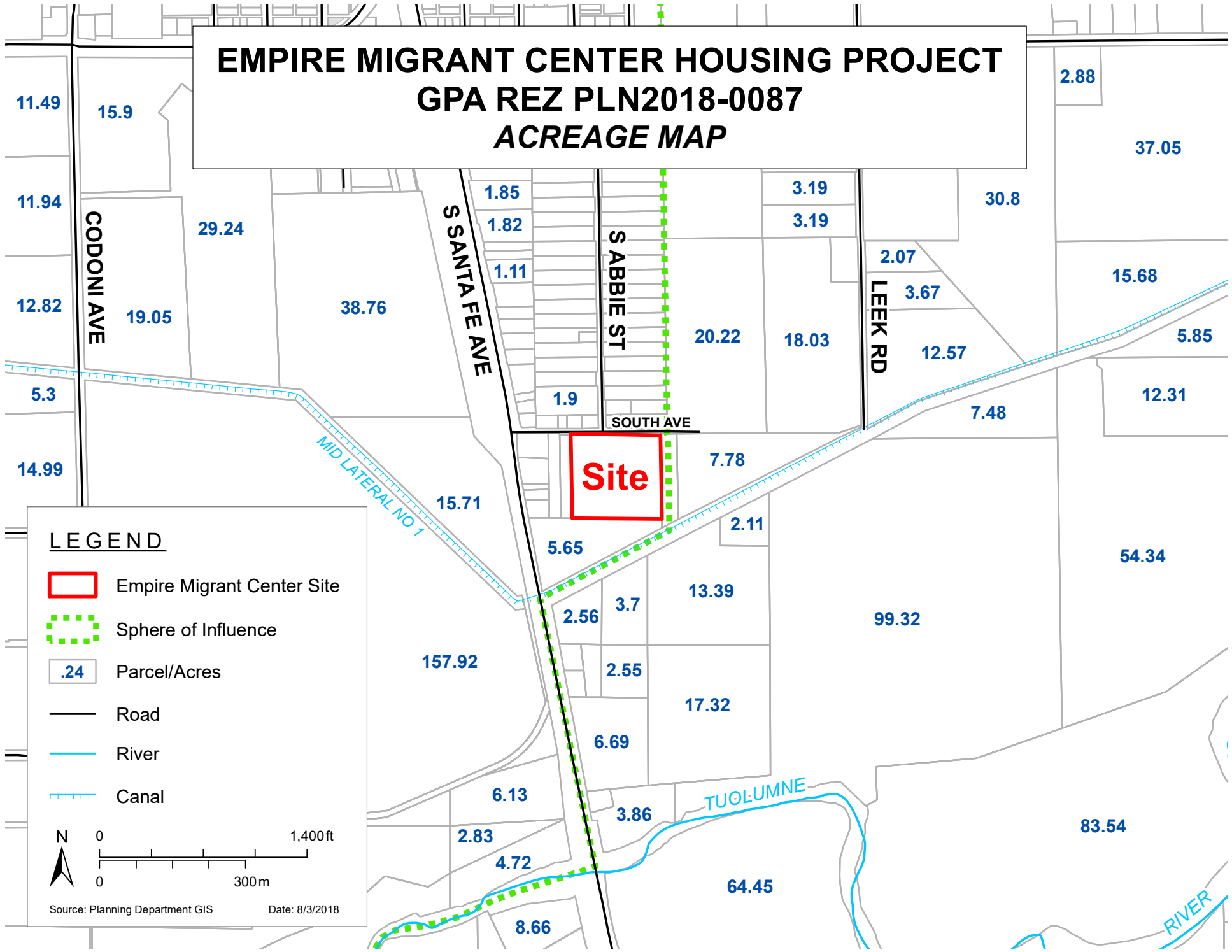
LEGEND

-  Empire Migrant Center Site
-  Sphere of Influence
-  Road
-  Canal



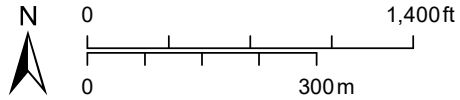
Source: Planning Department GIS Date: 8/3/2018

EMPIRE MIGRANT CENTER HOUSING PROJECT GPA REZ PLN2018-0087 ACREAGE MAP



LEGEND

- Empire Migrant Center Site
- Sphere of Influence
- Parcel/Acres
- Road
- River
- Canal




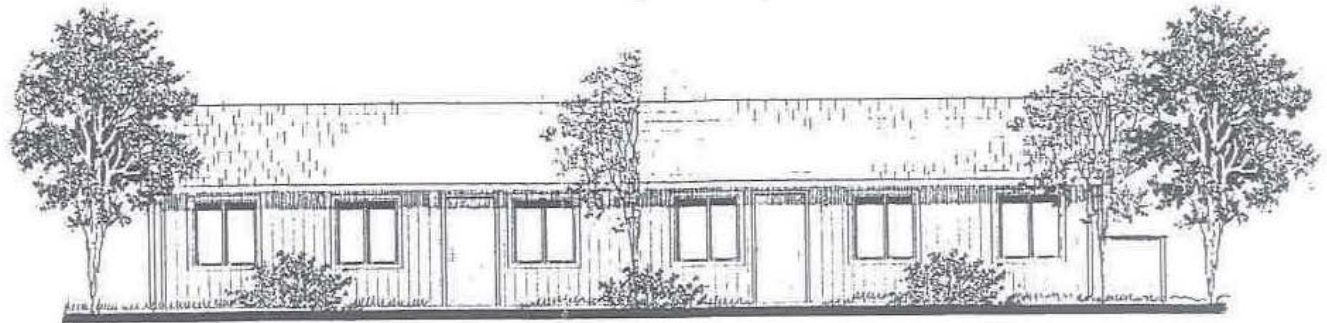
Source: Planning Department GIS Date: 8/3/2018

EMPIRE MIGRANT CENTER HOUSING PROJECT
GPA REZ PLN2018-0087
SITE PLAN



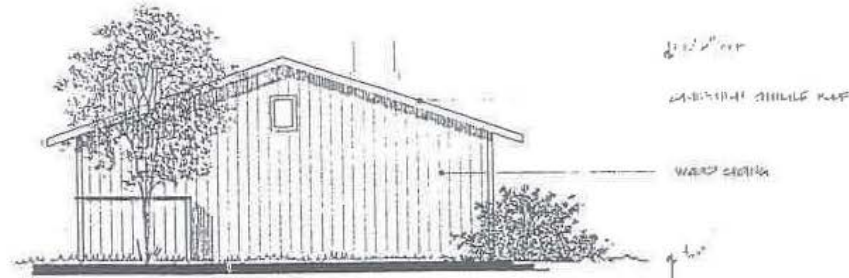
PRELIMINARY
SITE PLAN

 Phase 1 Units to be occupied (22 total)

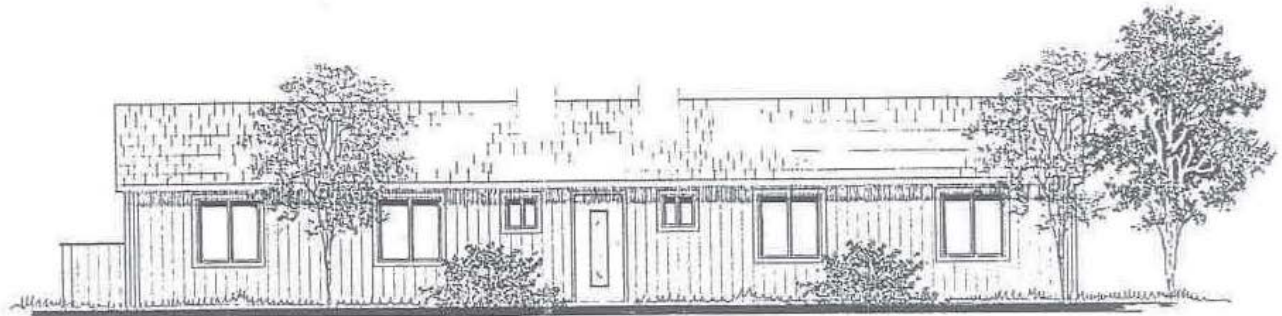


TYPICAL FRONT ELEVATION

EMPIRE MIGRANT CENTER
HOUSING PROJECT
GPA REZ PLN2018-0087
ELEVATIONS



TYPICAL SIDE ELEVATION



TYPICAL REAR ELEVATION



EMPIRE MIGRANT CENTER
HOUSING PROJECT
GPA REZ PLN2018-0087
2018 SITE PHOTOS



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

GENERAL PLAN AND REZONE APPLICATION NO. PLN2018-0087 EMPIRE MIGRANT CENTER HOUSING PROJECT

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. Outdoor activity, and intake areas, if applicable, shall be screened from public view and from the view of adjacent properties.
3. On-site lighting shall be provided in all parking, pedestrian paths, and entry areas. 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).
4. Off-street parking shall be provided at a rate of one and a half parking space per unit plus one additional vehicle parking space per employee on a maximum shift. Bicycle parking shall be provided at a rate of one space for every three beds.
5. A minimum of one supervisory level staff member must be present on the site during hours of operation.
6. A security plan shall be submitted to the sheriff's department for review and approval prior to operation and shall be annually reviewed.
7. If intake is to occur on-site, a security guard or security officer must be provided during the intake period. Security guards must be licensed through the state of California Department of Consumer Affairs Bureau of Security and Investigative Services. Operator(s) must ensure that loitering does not occur on the property during non-shelter hours and must ensure that clients are not loitering, littering, or otherwise creating a nuisance to the neighborhood.
8. The maximum length of stay shall be no longer than six months, as established by the California Health and Safety Code for emergency shelters.
9. Outdoor activity shall be allowed only during the hours of 8:00 a.m. to 10:00 p.m. The shelter shall comply with the County's noise ordinance.

10. If pets are permitted, a plan for their care must be reviewed and approved by the department of animal services.
11. Outdoor trash receptacles shall be provided on-site, and the property maintained free of litter and debris.
12. All other applicable local, State and federal laws, regulations and codes shall be met.
13. 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.
14. 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.
15. 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.
16. A sign plan for all proposed on-site signs indicating the location, height, area of the sign(s), and message must be approved by the Planning Director or appointed designee(s) prior to installation.
17. 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.
18. 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.
19. The applicant or subsequent property owner shall be responsible for maintaining the existing landscaping in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety.
20. These Development Standards (GPA REZ PLN2018-0087) shall superseded all Conditions of Approval from Use Permit No. 2000-08.

Department of Public Works

21. There shall be no parking, loading, or unloading of vehicle associated with this use in the South Avenue right-of-way.

Building Permits Division

22. Building permits are required for any construction related activities and the project must conform with the California Code of Regulations, Title 24.

*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~~.*

From: Steve Mitchell
To: [Kristin Doud](#)
Cc: [Brad Wall](#); [Katharine Martin](#); [Patrick Kelly](#)
Subject: RE: Empire Migrant Center Housing Project
Date: Friday, August 31, 2018 3:32:11 PM

Kristin,

We've reviewed this proposal, and the City has no objections to the proposed use. Let me know if you need anything further from us.

Steve Mitchell

Principal Planner

City of Modesto

Community & Economic Development Dept.

1010 Tenth St. Ste. 3300

Modesto, CA 95354

(209) 577-5287

From: Kristin Doud [mailto:Doudk@stancounty.com]
Sent: Friday, August 31, 2018 11:24 AM
To: Katharine Martin; Steve Mitchell
Subject: Empire Migrant Center Housing Project

Steve and Katharine – I never received a response from the City of Modesto on the Empire Migrant Center Housing Project. See referral at the following link:

http://www.stancounty.com/planning/pl/act-proj/PLN2018-0087_EC.pdf

The two-week referral ended on August 24thDid you have any comments?

Thank you!!

Kristin Doud

Senior Planner

Long Range Planning Manager

Stanislaus County Department of Planning & Community Development

1010 10th Street, Suite 3400

Modesto, CA 95354

(209) 525-6330

doudk@stancounty.com

STANISLAUS COUNTY PLANNING COMMISSION

October 5, 2000

STAFF REPORT

USE PERMIT APPLICATION NO. 2000-08
STANISLAUS COUNTY HOUSING AUTHORITY

REQUEST: TO RECONSTRUCT A 100-UNIT MIGRANT FARMWORKER FAMILY CENTER ON A 7.7 ACRE SITE IN THE RURAL RESIDENTIAL (R-A) ZONING DISTRICT.

APPLICATION INFORMATION

Owner/applicant:	Housing Authority of Stanislaus County
Location:	5120 and 5200 South Avenue in the Empire area.
Section, Township, Range:	32-03-10
Supervisorial District:	One (Supervisor Paul)
Assessor's Parcel:	09-20-13,14
Referrals:	See Exhibit "H" Environmental Review Referrals
Area of Parcels:	2.78 acres and 5 acres
Water Supply:	City of Modesto
Sewage Disposal:	Empire Sanitary District
Existing Zoning:	Rural Residential (R-A)
General Plan Designation:	Low Density Residential
Community Plan Designation:	Not applicable
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	Vacant parcel, former farm worker housing
Surrounding Land Use:	Residential uses in a rural setting to the north, almond orchard and additional residences to the east, mobile home park to the south, child care center and additional residences to the west..

PROJECT DESCRIPTION

To construct a Migrant Farm Worker Family Center consisting of 100 dwelling units, an ancillary shop, laundry facilities and management buildings. The proposed dwelling units will consist of 8 two-bedroom units at 624 square feet each, 83 three-bedroom units at 730 square feet each, 8 four-bedroom units at 834 square feet each, and 1 four-bedroom unit for the on-site manager consisting of 1680 square feet. The manager's unit also includes an attached two car garage. Parking for the remaining units is provided at 1.5 spaces per unit for a total of 155 spaces.

The proposed project also includes open-space and recreation areas. A basketball court and 2 tot-lot play areas will be located in the center of the project. The site is adjacent to the Pearlene Reese Child Development Center and will provide 24 additional parking spaces in the north west corner of the project site for that facility.

SITE DESCRIPTION

The project site consists of two parcels, a 5 acre parcel owned by the Stanislaus County Housing Authority and, an adjacent 2.78 acre parcel which was recently purchased by the Housing Authority. Until recently, the 5 acre site contained a 67 unit farm labor housing center that was built in the late 1960s. The 2.78 acre site also contained a run-down multi-family housing unit. The buildings on both parcels were recently demolished and the sites have been cleared. Permits were obtained by the Housing Authority for the demolition of the buildings and special permits were obtained from the proper authorities for the identification and removal of possible asbestos and lead contaminants.

The subject site is located on the south side of South Avenue, east of Santa Fe Avenue in the Empire area. Surrounding uses include mixed residential uses, a mobile home park and peach and almond orchards.

DISCUSSION

The proposed project is to construct 100 dwellings on a 7.7 acre site to be used as migrant farm worker housing. The project also includes housing for a full-time manager, an assistant manager, 2 laundry facilities and adjacent tot-lot play areas, an office and 2 shop buildings, recreational open space, and 155 parking spaces. A chain-link fence will surround the property and access to the site will be provided from South Avenue. Security gates with a Knox Lock Box, to be used by emergency personnel when the gates are closed, will be installed across the South Avenue driveway. A fire access road located in the southwest corner of the property will allow additional emergency access to and from the site.

The project site is located immediately adjacent to the Pearlene Reese Child Development Center on the west. As proposed, 24 parking spaces will be developed in the northwest corner of the subject site to serve the Center.

As shown on the plans, the project will be developed in a circular pattern around a center recreational open space and parking area. The larger dwellings will be located around the perimeter of the site facing the center courtyard. The smaller units will be developed perpendicular to the larger units in a "horseshoe" pattern. The project design offers a sense of community and privacy for the tenants. Prior to occupancy, the site will be fully landscaped.

As proposed, a full-time manager will live at the center and maintain the property year round, however, the farm worker housing will only be occupied during the normal harvest season of May to October.

The subject site is zoned Rural Residential (R-A) and designated Low Density Residential on the Land Use Element Map of the Stanislaus County General Plan. Section 21.21.030 of the Zoning Ordinance allows for the development of agricultural uses, as specified in Sections 21.20.030 and 21.20.040, in the R-A district subject to the approval of a use permit. Farm labor housing is allowed in the General Agriculture zoning district as a Tier One use.

Tier One uses may be allowed when the planning commission finds that, in addition to finding that *"the establishment, maintenance and operation of the proposed use or building applied for is consistent with the general plan and will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County,"* the use as proposed will not be substantially detrimental to, or in conflict with the agricultural use of other property in the vicinity.

The subject site is designated Low Density Residential on the Land Use Element Map of the Stanislaus County General Plan and rural residential zones are appropriate within this designation. The site is located on the edge of a rural township and is surrounded by a mix of older single-family residences and multiple-family dwellings. The properties immediately to the east of the site are zoned (A-2-40) general agriculture and are farmed in fruit and nut orchards. The proposed project would replace a 67 unit farm worker housing center that had been approved under a prior zoning designation and would expand the use to include 33 additional units. The proposed project would blend well with the rural character of the surrounding neighborhood and would not be detrimental to, or in conflict with the agricultural use of other property in the vicinity.

Pursuant to the California Environmental Quality Act (CEQA) the proposed project was circulated to all interested parties and responsible agencies, including the State Clearing House, the City of Modesto, and the Empire Municipal Advisory Committee for review and comment. No significant impacts were raised and any requests for conditions have been incorporated into the attached Conditions of Approval for this project.

RECOMMENDATION

Order the filing of the Mitigated Negative Declaration, find the project to be "De Minimis" for the purpose of the Fish and Game Codes, make all the appropriate findings, and approve Use Permit Application No. 2000-08 - Housing Authority of Stanislaus County, subject to the attached Conditions of Approval.

UP 2000-08
Staff Report
October 5, 2000
Page 4

Report written by: Barbara Denlis, Associate Planner, September 21, 2000

Attachments:

- Exhibit A - Maps
- Exhibit B - Conditions of Approval
- Exhibit C - Findings
- Exhibit D - Initial Study and Initial Study Comments
- Exhibit E - Mitigation Monitoring Plan
- Exhibit F - Mitigated Negative Declaration
- Exhibit G - Certificate of Fee Exemption
- Exhibit H - Environmental Review Referrals

Reviewed by:



Kirk Ford, Senior Planner

BD:dh
(I:\STAFFRPT\Up-2000.sr\up2000-08.Housing Authority.sr.wpd)

U.P. NO.2000-08
BY: HOUSING AUTHORITY OF
STANISLAUS COUNTY

MODESTO

EMPIRE

Burlington Northern Santa Fe

CHURCH ST

WELLSFORD RD

YOSEMITE BLV

YOSEMITE BLV

Modesto & Empire Traction

CODONI AVE

SITE

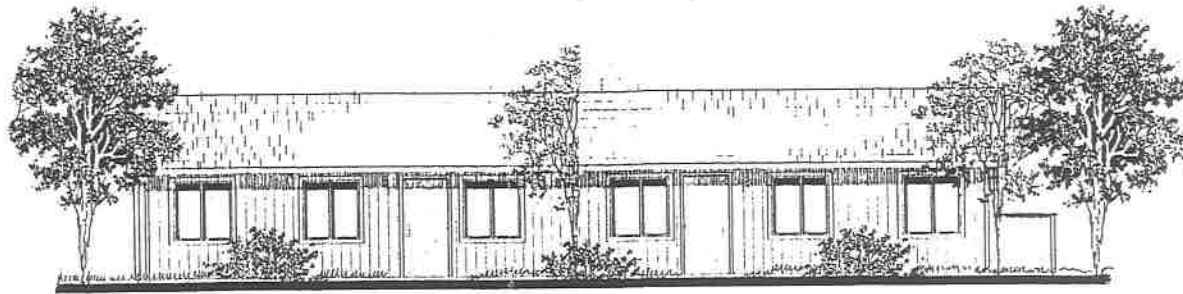
SABBIE ST
S SANTA FE AVE

SOUTH AV

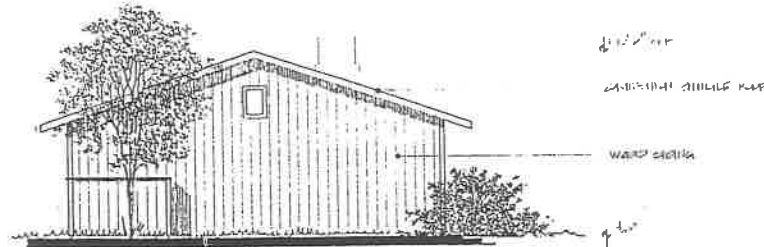
FINCH RD

TUOLUMNE RIVER

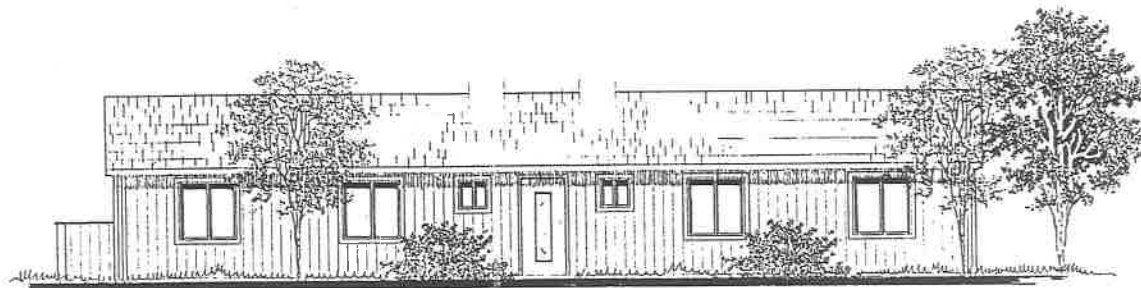




TYPICAL FRONT ELEVATION



TYPICAL SIDE ELEVATION



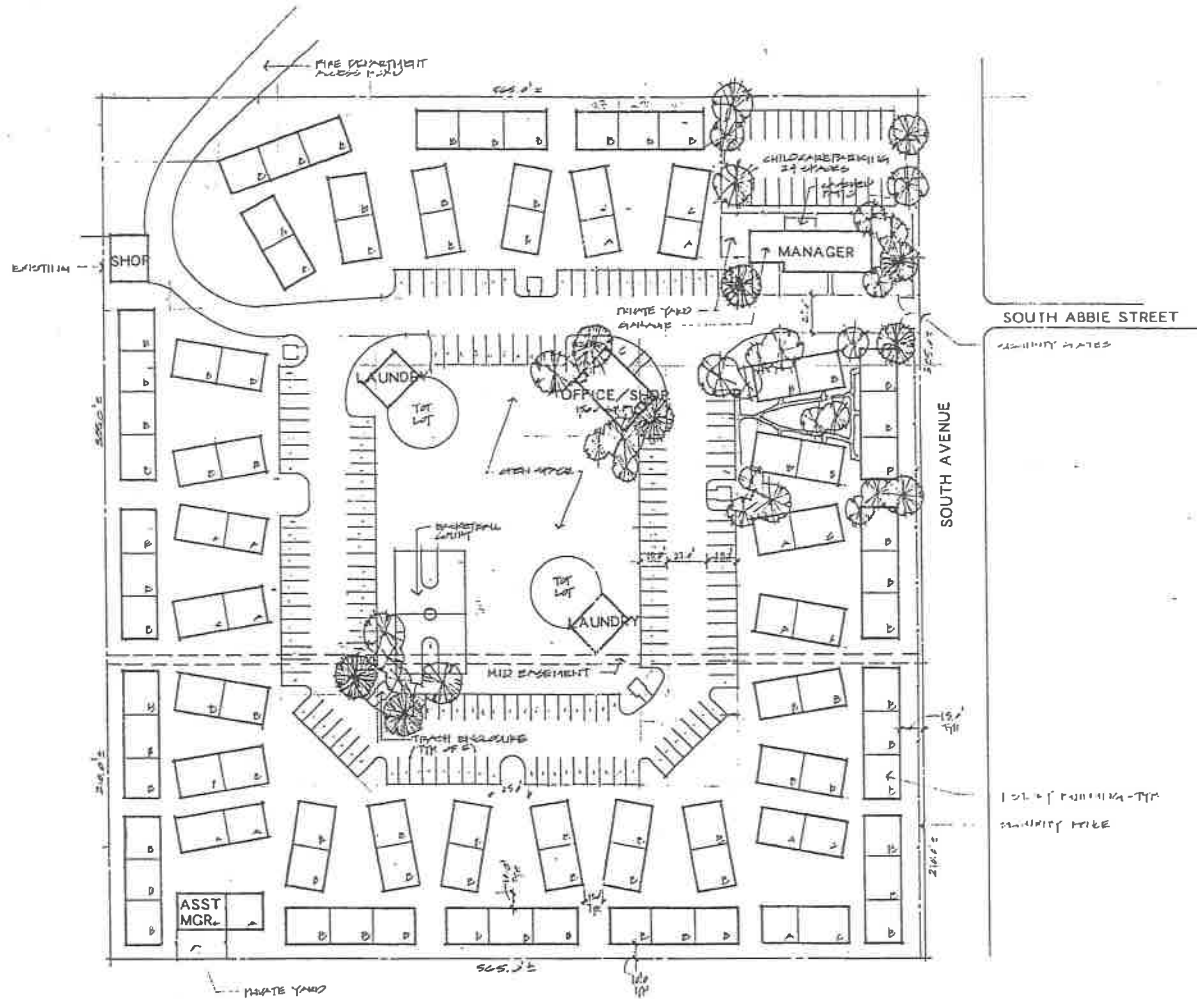
TYPICAL REAR ELEVATION

PRELIMINARY
ELEVATION

EMPIRE MIGRANT
FAMILY CENTER



ARCHITECTURE
PLUS, INC.
1207 13TH STREET, SUITE 6
MODESTO, CA 95354
209-577-4661 FAX 577-0213



PROJECT DATA
 1 UNIT 2 BDR, 175 SQ FT / 7.7 AC
 UNIT A 2 BDR 214 SQ FT 0
 " B 2 BDR 160 SQ FT 20
 " C 4 BDR 231 SQ FT
 " D 4 BDR 1030 SQ FT
 TOTAL 1
 1 UNIT 10 BDR
 1 UNIT 10 BDR 155 SQ FT
 1 UNIT 10 BDR 155 SQ FT

**EMPIRE MIGRANT
 FAMILY CENTER**



**ARCHITECTURE
 PLUS, INC.**
 1207 13TH STREET, SUITE 6
 MODESTO, CA 95354
 209-577-4661 FAX 577-0213

**PRELIMINARY
 SITE PLAN**

DATE 1/11/00 DRAWN 4/11/00

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)

CONDITIONS OF APPROVAL

USE PERMIT APPLICATION NO. 2000-08 HOUSING AUTHORITY OF STANISLAUS COUNTY

Department of Planning and Community Development

1. This use shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. Building permits must be obtained from the Building Inspection Division. No building permits shall be issued until the Consolidated Fire Protection District has indicated that adequate fire protection water and fire department access roads will be available prior to combustible construction. All replacement buildings will be required to meet all current fire prevention codes and requirements.
3. A Certificate of Occupancy shall be obtained from the Building Inspection Division prior to occupancy of the buildings.
4. Sufficient paved and marked parking spaces shall be provided as required by Chapter 21.76 of the Stanislaus County Zoning Ordinance. Two bicycle racks capable of supporting 4 to 6 bicycles each shall be installed near the common open space/play area located in the center of the complex.
5. All exterior lighting resulting from this project shall be designed (aimed down and towards the site) to provide adequate illumination without a glaring effect.
6. Prior to development, a landscaping plan indicating the type of plants, initial plant size, location and method of irrigation shall be submitted and approved by the County Planning Director. Landscaping plans shall include the planting of deciduous trees on the south and westerly facing sides of buildings. The landscaping shall be installed prior to occupancy.
7. The applicant or subsequent property owner shall be responsible for maintaining the landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety.

8. Prior to the occupancy of the property with the approved use the owner/developer shall coordinate with a solid waste disposal service for the pick-up of recycled waste products. Individual waste containers for paper/plastic and cans/bottles shall be placed at convenient locations on the subject site to encourage the recycling of waste products.
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 archeologist. 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.
10. Unless found to be exempt by the sponsoring agency the 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 the 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.
11. Unless found to be exempt by the sponsoring agency, prior to the issuance of a building permit for a dwelling, the owner/developer shall pay a fee of \$339.00 per dwelling unit to the Stanislaus County Sheriff's Department.
12. Unless found to be exempt by the sponsoring agency, prior to the issuance of a building permit for any construction, the owner/developer shall pay all applicable school fees at the rate in effect at the time of building permit issuance.
13. Prior to the issuance of the Notice of Determination, the applicant shall pay, within five working days of Planning Commission approval, a filing fee of \$50.00 to "Stanislaus County Clerk/Recorder" care of the Planning Department. Should the "De Minimis" finding be found invalid for any reason, the applicant/developer shall be responsible for payment of Department of Fish and Game Fees.
14. The applicant is required to defend, indemnify, or hold harmless the County, its officers and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.

Department of Public Works

15. The owners shall dedicate a 10 foot wide public utility easement along the frontage of South Avenue adjacent to the right-of-way line prior to the issuance of any building permit.

16. Prior to final and/or occupancy of the property with the approved use, street improvements shall be installed along the entire frontage of the property on South Avenue. The improvements shall include, but not be limited to, curb, gutter, sidewalk, drainage facilities, street lights, signs, pavement markings, and street pavement.
17. There shall be no parking, loading or unloading of vehicles associated with this use in the South Avenue right-of-way.
18. Off-site street improvement plans shall be prepared by a registered civil engineer and approved by the Department of Public Works prior to the issuance of any building permits.
19. Driveway locations and widths shall be approved by the Department of Public Works.
20. A Grading and Drainage Plan for the entire property shall be designed to meet the requirements of the County's "Standards and Specifications, 1998 Edition". Percolation test results must be included in the required engineering calculations. The plan shall be approved by the Department of Public Works prior to the issuance of any building permits. The storm drainage system shall be installed prior to occupancy of any buildings.
21. The owners shall dedicate sufficient right-of-way to Stanislaus County to provide for 30 feet south of the centerline of South Avenue.
22. Prior to the issuance of any building permits, the entire parcel shall be annexed to the Empire Highway Lighting District. The developer shall provide all required documents and pay all costs associated with the annexation. In addition, the developer shall pay the first years operating and maintenance cost of the street lights.

San Joaquin Valley Air Pollution Control District

23. All construction resulting from the proposed project shall comply with the standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
24. Owner/developer shall provide low nitrogen oxide (NOX) emitting and/or high efficiency water heaters for the units.
25. Unless found to be exempt by the sponsoring agency, energy efficient design including automated control systems for heating/air conditioning and energy efficient lighting controls and energy efficient lighting in buildings. Increased insulation beyond Title 24 requirements, and light-colored roofs to reflect heat shall be required.
26. If transit is available to the project site, improvements should be made to encourage residents to use it. If transit service is not currently available, but planned for the future, appropriate easements should be reserved to provide for future improvements such as bus turn-outs, loading areas and shelters.

UP 2000-08
Conditions of Approval
October 5, 2000
Page 4

27. Sidewalks and bike paths should be installed throughout as much of the project as possible and should be connected to any nearby open-space areas, parks, schools, commercial areas, etc.

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FINDINGS FOR APPROVAL

USE PERMIT APPLICATION NO. 2000-08 STANISLAUS COUNTY HOUSING AUTHORITY

FINDINGS

These findings must be made by the Planning Commission in order to approve the project:

1. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Low Density Residential" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. Certain conditions have been added to ensure that the impact from this project is minimal.
2. The establishment as proposed will not be substantially detrimental to or in conflict with rural residential and/or agricultural uses of other property in the vicinity, and the parcel on which such use is requested is of diminished agricultural importance because of size, shape, location orientation, soil type or relationship to existing adjacent usage or the character of the use which is requested is such that the land may reasonably be returned to agricultural use in the future.
3. The project is not likely to cause substantial environmental damage, because this site is not identified as having endangered plant or animal habitat as noted on the Natural Diversity Data Base Maps of the Stanislaus County General Plan Support Documentation.

BD:dh
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STANISLAUS COUNTY
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT
1010 10th Street, Suite 3400
Modesto, California 95354

NOTICE OF EXEMPTION

Project Title: General Plan Amendment and Rezone Application No. PLN2018-0087 – Empire Migrant Center Housing Project

Applicant Information: Housing Authority of the County of Stanislaus

Project Location: 5132 South Avenue, on the south side of Santa Fe Avenue, in the Community of Empire. Stanislaus County APN: 009-020-028.

Description of Project: Request to amend the general plan and zoning designation of a 7.63 acre site, from a Low Density Residential (LDR) and Rural Residential (R-A) to Planned Development (PD), to allow the Empire Migrant Farm Worker Center, operated by the Housing Authority of the County of Stanislaus (HACS), to be utilized as a cold weather emergency shelter (less than 6 months) to temporarily house homeless families.

Name of Agency Approving Project: Stanislaus County Planning Commission

Lead Agency Contact Person: Kristin Doud, Senior Planner

Telephone: (209) 525-6330

Exempt Status: (check one)

- Ministerial (Section 21080(b)(1); 15268);
- Declared Emergency (Section 21080(b)(3); 15269(a));
- Emergency Project (Section 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: 15301 (Existing Facilities)
- Statutory Exemptions. State code number: _____
- General Exemption.

Reasons why project is exempt: The project is considered Exempt under Section 15301 for *Existing Facilities* of the California Code of Regulations, which allows an exemption for the "...operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination." The project will be utilizing an existing migrant center during the off-season to temporarily house homeless families. No construction is proposed.

September 11, 2018 _____
Dated

Signature on file. _____
Kristin Doud
Senior Planner

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: GENERAL PLAN AND REZONE APPLICATION NO. PLN2018-0087 - EMPIRE MIGRANT CENTER HOUSING PROJECT

REFERRED TO:	RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS			
	2 WK	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X	X		X							
CA DEPT OF HOUSING AND COMMUNITY DEV	X	X		X							
CITY OF MODESTO	X	X	X				X		X		X
COOPERATIVE EXTENSION	X	X		X							
FIRE PROTECTION DIST: STANISLAUS CONSOLIDATED	X	X		X							
HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS	X	X	X				X		X		X
IRRIGATION DISTRICT: MODESTO	X	X	X				X		X		X
MOSQUITO DISTRICT: EASTSIDE	X	X									
MT VALLEY EMERGENCY MEDICAL	X	X									
MUNICIPAL ADVISORY COUNCIL: EMPIRE	X	X									
PACIFIC GAS & ELECTRIC	X	X									
RAILROAD: BURLINGTON NORTHERN SANTA FE	X	X									
SAN JOAQUIN VALLEY APCD	X	X									
SCHOOL DISTRICT 1: EMPIRE UNION	X	X									
SCHOOL DISTRICT 2: MODESTO UNION	X	X									
STAN CO AG COMMISSIONER	X	X									
STAN CO ALUC	X	X									
STAN CO BUILDING PERMITS DIVISION	X	X									
STAN CO BHRS	X	X									
STAN CO CEO	X	X									
STAN CO CSA	X	X									
STAN CO DER	X	X									
STAN CO ERC	X	X	X				X		X		X
STAN CO HAZARDOUS MATERIALS	X	X									
STAN CO PUBLIC WORKS	X	X	X				X		X		X
STAN CO SHERIFF	X	X									
STAN CO SUPERVISOR DIST #1: OLSEN	X	X									
STAN COUNTY COUNSEL	X	X									
STANISLAUS FIRE PREVENTION BUREAU	X	X									
STANISLAUS LAFCO	X	X									
SURROUNDING LAND OWNERS		X									
TELEPHONE COMPANY: AT&T	X	X									