

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

DEPT: Planning and Community Development

BOARD AGENDA # 6:40 p.m.

Urgent Routine

AGENDA DATE April 20, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Consider Planning Commission's Recommendation for Approval of General Plan Amendment No. 2009-01 and Rezone Application No. 2009-02, Derrel's Mini Storage, a Request to Amend the General Plan Designation of a 7.37 Acre Parcel from Agriculture to Planned Development and Rezone from A-2-40 (General Agriculture) to PD (Planned Development)

PLANNING COMMISSION AND STAFF RECOMMENDATIONS:

After conducting a duly advertised public hearing at its regular meeting of February 18, 2010, the Planning Commission, on a 5-0 vote, recommended the Board approve the project as follows:

1. Adopt the Negative Declaration pursuant to California Code of Regulations Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.

(Continued on page 2)

FISCAL IMPACT:

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

BOARD ACTION AS FOLLOWS:

No. 2010-216

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

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION: INTRODUCED, ADOPTED, AND WAIVED THE READING OF ORDINANCE C.S. 1085 FOR REZONE APPLICATION #2009-02.

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-M-1

PLANNING COMMISSION AND STAFF RECOMMENDATIONS: (Continued)

2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. In relation to the request for a General Plan Amendment and Rezone, find:
 - A. The General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses;
 - B. The County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service;
 - C. The amendment is consistent with the General Plan goals and policies.
4. Find that the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
5. Find that the proposed alternative buffer is found to provide equal or greater protection to surrounding agricultural uses.
6. Find that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation.
7. Approve General Plan Amendment Application No. 2009-01 and Rezone Application No. 2009-02, Derrel's Mini Storage, subject to the attached Development Standards/Conditions of Approval and Development Schedule.

DISCUSSION:

This is a request to amend the General Plan designation of a 7.37 acre parcel from Agriculture to Planned Development and the zoning designation from A-2-40 (General Agriculture) to Planned Development, to allow for recreational vehicle (RVs) and boat storage as an expansion of an existing mini storage facility located on the adjacent property to the west. Derrel's Mini Storage is made up of two legal parcels, 15.4 and 7.37 acres in size. The 15.4 acre parcel was approved for a mini-storage facility in November of 1999 (Attachment 1, Exhibit K). This application is a request for the 7.37 acre parcel.

The project site is located at 5019 Tunson Road, on the west side of Tunson Road, near the northwest corner of Kiernan Avenue and Tunson Road, just outside of the City of

Modesto Sphere of Influence. Planned Developments surround the project site to the south, southeast, northeast and east. The agriculture parcel nearest to the project site is located 250 feet to the north and is separated by an on-site drainage basin and the Modesto Irrigation District (MID) main canal.

Although the 7.37 acre project site was not a part of the 1999 approval for the mini-storage facility, it was identified as a future expansion area for the mini-storage facility which would require a General Plan Amendment and Rezone at the time that expansion was determined. Ultimately, the facility expanded with RV/boat storage without going through the General Plan Amendment and Rezone process. This project request was submitted as the result of a building permit review for the operation located on the 15.4 acre parcel.

The applicant is requesting to utilize roof only structures to store RVs and boats. Approximately 213 of these roof only structures currently exist on the 7.37 acre site. No septic or well is proposed for this part of the facility. Access to the project site is from Tunson Road, through a security gate located on the main 15± acre site. Customers enter and exit through the secured gate and then drive through the main mini-storage facility to enter into the RV and boat storage area. The operation is open from 7 a.m. to 7 p.m., seven (7) days a week.

On February 18, 2010, the Planning Commission considered this application at a properly advertised public hearing. No one spoke against the project. Derrel Ridenour, the proprietor of Derrel's Mini Storage, spoke in favor of the project. Joseph K. Fluence, a neighboring property owner, who had previously been approved for a RV, auto and mini-storage facility under P-D (202), inquired during the public hearing about the required road improvements applied to the project. As described within the Planning Commission Staff Report, CalTrans had no comments on the current project request. The Stanislaus County Department of Public Works applied conditions of approval requiring improvements along Tunson Road that they found to be appropriate for the project request. (Attachment 1)

During the Planning Commission's public hearing, Commissioner Assali inquired about a comment letter received from the Department of Conservation (DOC) which suggested measures for mitigating potential loss of prime farmland (Attachment 4). The project site is not considered to be "prime farmland" due to the California Farmland Mapping and Monitoring Program classification of the parcel as "Urban and Built-Up Land" as well as the concentration of multiple planned development and industrial uses surrounding the site.

Following the closing of the hearing, the Commission unanimously voted 5-0 (Ramos/Pires) to forward the project to the Board of Supervisors for approval. A detailed discussion of the request and staff's recommendation of approval can be found in the attached Planning Commission Staff Report.

POLICY ISSUES:

The Board should determine if approval of this proposed General Plan Amendment and Rezone furthers the goals of efficient delivery of public services and a well-planned infrastructure system.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Kirk Ford, Planning and Community Development Director. Telephone: (209) 525-6330

ATTACHMENTS:

1. Planning Commission Staff Report, March 18, 2010
2. Planning Commission Minutes, March 18, 2010
3. GPA92-08, REZ92-06 – Oakbrook Associates Development Standards
4. Department of Conservation Comment Letter

STANISLAUS COUNTY PLANNING COMMISSION

February 18, 2010

STAFF REPORT

GENERAL PLAN AMENDMENT APPLICATION NO. 2009-01
REZONE APPLICATION NO. 2009-02
DERREL'S MINI STORAGE

REQUEST: TO AMEND THE GENERAL PLAN DESIGNATION OF A 7.37 ACRE PARCEL FROM AGRICULTURE TO PLANNED DEVELOPMENT AND TO AMEND THE ZONING FROM A-2-40 (GENERAL AGRICULTURE) TO PLANNED DEVELOPMENT TO ALLOW FOR RECREATIONAL VEHICLE (RV) & BOAT STORAGE AS AN EXPANSION OF AN EXISTING MINI STORAGE FACILITY LOCATED ON AN ADJACENT PROPERTY.

APPLICATION INFORMATION

Applicant:	Perry Novak & Paul Ridenour, Derrel's Mini Storage
Property Owners:	Equitybak, LP
Location:	5019 Tunson Road, at the northwest corner of Kiernan Avenue and Tunson Road, north of Modesto
Section, Township, Range:	32-2-9
Supervisory District:	Four (Supervisor Monteith)
Assessor's Parcel:	004-057-010
Referrals:	See Exhibit L Environmental Review Referrals
Area of Parcel(s):	7.37 acres
Water Supply:	Private well
Sewage Disposal:	Septic
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	Agriculture
Williamson Act:	Not applicable
Environmental Review:	Negative Declaration
Present Land Use:	RV & Boat Storage
Surrounding Land Use:	Derrel's Mini Storage to the west, Planned Developments and Industrials to the south and east, scattered home sites and a few agricultural operations currently in row crops and orchards surround the site, MID Main Canal to the north and Union Pacific Railroad to the east

PROJECT DESCRIPTION

The current project is a request to amend the General Plan designation of the subject parcel from Agriculture to Planned Development and the zoning designation from A-2-40 (General Agriculture) to Planned Development, to allow for RV and boat storage in conjunction with Derrel's Mini Storage. Derrel's Mini Storage is made up of two legal parcels, 15.4 and 7.37 acres in size. The 15.4 acre

parcel was approved for a mini-storage facility in November of 1999. This application is a request for the 7.37 acre parcel. The subject parcel has been utilized for RV and boat storage for several years in conjunction with the Derrel's Mini Storage facility (P-D (240)), without the proper land use or building permits. This project request was submitted as the result of a building permit review for the operation located on the 15.4 acre parcel. The proposed project includes 12 foot by 25 foot roof only storage structures. RV ports are approximately 14 ½ feet in height and boat ports are approximately 9 ½ feet in height. Approximately 213 of these roof only structures currently exist on the 7.37 acre site. Additional canopies may be added or removed, provided building permits are obtained in accordance with California Code of Regulations Title 24. No septic or well is proposed for this part of the facility. The following project details are proposed as part of the development plan for this planned development:

Parking: The applicant anticipates a maximum of five (5) customers per day for the RV/boat storage portion of the business. Five (5) customer parking spaces are provided on the existing mini-storage parcel outside of the security gate. Two (2) employee and customer parking spaces are provided inside the security gate of the existing mini-storage site. No specific standards are laid out within Chapter 21.76 - Off-Street Parking of the Stanislaus County Zoning Ordinance for mini-storage type uses. Previous mini-storage projects were utilized as a gauge to verify that seven (7) was an appropriate number of parking spaces for the existing mini-storage facility. Because the proposed RV/boat storage area will be accessed through the mini-storage facility, reciprocal parking maintenance and access agreements shall be recorded, as required within the Development Standards (Exhibit D - Development Standards/Conditions of Approval).

Access & Circulation: Access to the project site is from Tunson Road, through a security gate located on the main 15± acre site. Customers enter through the secured gate and then drive through the main mini-storage facility to enter into the RV and boat storage area. Exiting the site also requires going through the main facility and back through the secured gate out to Tunson Road. Reciprocal access agreements will be recorded between the two parcels as a condition of approval for the project. A secondary emergency access is required to be installed in order for the project to meet fire code. This and any other new access points are required, as a condition of approval, to be installed in accordance with Public Works standards and to be a minimum of 350-feet from Kiernan Avenue (Exhibit D - Development Standards/Conditions of Approval).

Landscaping & Fencing: The property is currently landscaped, with a combination of redwood trees and shrubs, along the road frontage of Tunson Road (see Exhibit B - Site Plan, Landscaping & Elevations). A condition of approval will require that dead and dying plants be replaced (Exhibit D - Development Standards/Conditions of Approval). The site also currently has chain link fencing with slats along Tunson Road and along the northern and southern boundaries of the use, which separate the storage area from the existing drainage basins on each end of the parcel.

Hours of Operation: The operation is open from 7 a.m. to 7 p.m., seven (7) days a week.

Lighting: The property currently has light poles with security cameras at the corners of the storage facility measuring approximately 45 feet in height. Building permits will be required to be obtained for these light poles as a condition of approval of the project. (Exhibit D - Development Standards/Conditions of Approval).

Signs: The facility currently has a 10 foot tall by 12 foot wide monument sign located on Kiernan Avenue. The sign was permitted with building permit number BLD2002-03288. Although no new signs are being proposed as a part of this project, a condition of approval applied to the project requires that any new sign obtain a building permit and be approved by the Planning Director or designated representative prior to installation. (Exhibit D - Development Standards/Conditions of Approval).

Development Schedule: The existing structures on the subject parcel, including the roof only canopies utilized for RV and boat storage and the light poles, will require building permits. A building permit application must be submitted to the Stanislaus County Department of Planning and Community Development within six (6) months of project approval. An Irrevocable Offer of Dedication must be completed and submitted to the Stanislaus County Department of Public Works within three (3) months of project approval and road improvements along Tunson Road must be complete within six (6) months of project approval (see Exhibit E - Development Schedule).

Future Development: Currently the office, caretaker living unit, security gate and parking are located on the main 15± acre parcel which fronts on Kiernan Avenue (SR 219). CalTrans was in the process of widening Kiernan from a two-lane conventional highway to a four-lane expressway which would have impacted the existing facility's infrastructure. The Kiernan widening project was placed on hold in Fall of 2009. When the project is reactivated and construction along the existing Derrel's Mini Storage facility frontage is imminent, it is the applicant's desire to relocate the office, caretaker unit, security gate & entrance, parking and landscaping onto the subject 7.37 acre parcel to accommodate the widening; however, this relocation is not part of this request. In accordance with Chapter 21.40 - Planned Development District, a Use Permit or Rezone may be required based on the scope and intensity of the requested modifications.

SITE DESCRIPTION

The project site consists of a 7.37 acre parcel located near the northwest corner of Kiernan Avenue and Tunson Road, just outside of the City of Modesto Sphere of Influence. As stated above, the permitted mini-storage portion of the business is located on a 15± acre parcel adjacent to the project site (APN: 004-057-011).

Planned Developments surround the project site to the south, southeast, northeast and east. The south side of Kiernan, which is the City of Modesto Sphere of Influence line, includes multiple planned development and planned industrial developments as well as four agricultural parcels ranging between 18 and 32 acres in size. Scattered home sites ranging between 1 and 9 acres in size surround the project site to the west along Tully Road and directly across Tunson Road to the east. Several parcels surround the site that are planted in row crops or orchards. One such parcel, enrolled in a Williamson Act contract, is 23.54 acres in size and is located adjacent to the existing Derrel's Mini Storage facility to the west. Four other such parcels exist north of the project site, separated by the MID Main Canal. Two of those agricultural parcels, 17.93 and 6.92 acres in size, are enrolled in Williamson Act contracts, and the other two parcels, 10.3 and 5.5 acres in size, are not enrolled in the Williamson Act. The project site is separated from any remaining productive agriculture on all sides. The existing Derrel's Mini Storage facility is located to the west of the project site. The northern 150 feet of the subject parcel is an on-site drainage basin, which is fenced off from the storage portion of the site. The MID Main canal (100-feet in width) is located directly north of the drainage basin.

BACKGROUND

The existing Derrel's Mini Storage Facility (P-D (240)), which is adjacent to the current project site, was approved in November of 1999, under GPA 99-05, REZ 99-11 - Derrel A. Ridenour (see Exhibit K). The approval allowed for construction of a mini-storage facility, including RV/boat storage, a facility managers living quarters and an office, on approximately 15.4 acres of the total 23± acre site. Although the 7.37 acre parcel was not a part of the approved P-D for the mini-storage facility, it was identified as a future expansion area for the mini-storage facility which would require a General Plan Amendment and Rezone at the time that expansion was determined. Ultimately, the facility expanded with RV/boat storage without going through the General Plan Amendment and Rezone process.

The area surrounding the subject project has gradually converted from agriculture into a light industrial area. The City of Modesto Sphere of Influence extended to the south side of Kiernan Avenue on December 19, 1984. Up to the early 1990s there was a general understanding that development was discouraged from locating north of Kiernan Ave. Two projects that changed that general standard included P-D (202), an RV and auto storage facility, and P-I (6), a pallet manufacturing business. Since the approval of these two projects, the County has approved several other General Plan Amendments and Rezones in the north Kiernan area (west of McHenry and east of Tully Road) from General Agriculture to either Planned Development (P-D) or to Planned Industrial (P-I). See Exhibit J - Surrounding P-D & P-I Details for more information on the Planned Developments and Planned Industrials in the area.

DISCUSSION

GENERAL PLAN AMENDMENT

The project proposes to change the General Plan designation from Agriculture to Planned Development. General Plan Amendments effect the entire County and any evaluation must give primary concern to the County as a whole; therefore, a fundamental question must be asked in each case: "Will this amendment, if adopted, generally improve the economic, physical and social well-being of the County in general?" Additionally, the County in reviewing General Plan Amendments shall consider the additional costs to the County that might be anticipated and how levels of public and private service might be affected. In order to approve a General Plan Amendment, three (3) findings must be made:

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

The proposed change in general plan designation will maintain a logical land use pattern as the area has a concentration of low traffic generating light industrial uses. The proposed project will not be extending the boundaries of the current concentration of these uses and seems to be consistent with the existing planned land uses in the area.

The County has adopted a standardized mitigation measure requiring payment of all applicable Public Facilities Fees, on behalf of the appropriate service district, to address impacts to public services. The Salida Fire Protection District has responded to this project with a condition of approval requiring the property to form or annex into a community facilities district for operational services with the Salida Fire Protection District. To allow for additional traffic along Tunson Road the Department of Public Works is requiring that the southbound lane of Tunson Road be improved to a 12-foot wide travel lane and a 4-foot asphalt shoulder, per county standards, in conjunction with a financial guarantee and Irrevocable Offer of Dedication for 30-feet west of the centerline of Tunson Road. These conditions of approval will be applied to the project (Exhibit D - Development Standards/Conditions of Approval). No potentially significant environmental concerns were raised in regard to the project's potential impacts on County services (Exhibit F - Initial Study).

To fully address the third required finding a more in depth look must be taken at the County's General Plan. The following are the relevant goals and policies of the General Plan that apply to this project:

Land Use Element

GOAL 1 Provide for diverse land use needs by designating patterns which are responsive to the physical characteristics of the land as well as to environmental, economic and social concerns of the residents of Stanislaus County.

Policy 3 - Land use designations shall be consistent with the criteria established in this element.

Policy 10 - New areas of urban development (as opposed to expansion of existing areas) shall be limited to less productive agricultural areas.

GOAL 2 Ensure compatibility between land uses.

Policy 14 - Uses shall not be permitted to intrude into an agricultural area if they are detrimental to continued agricultural usage of the surrounding area.

GOAL 3 Foster stable economic growth through appropriate land use policies.

Policy 16 - Agriculture, as the primary industry of the County, shall be promoted and protected.

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

As discussed within the background and site description portions of this staff report, the majority of the surrounding area has been urbanized and is not in agricultural production. The Planned Development (P-D) designation is intended for land that, because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental effects to surrounding properties. Staff believes that the proposed Planned Development designation, which would allow an expansion of an existing mini-storage facility, is appropriate given the developed character of the site and surrounding area. Approval of this project will foster economic stability for the county by allowing a successful business to continue operating on property appropriate for such a use.

The fact that the County has been promoting the development of industrial uses in this area for more than a decade, and that the use has been operating at this location for many years, supports that the requested change in the General Plan designation from Agriculture to Planned Development would be compatible to the surrounding area.

Conservation Element

GOAL 3 Provide for the long-term conservation and use of agricultural lands.

Policy 11 - In areas designated "Agriculture" on the Land Use Element, discourage land uses which are incompatible with agriculture.

The nearest parcels still in agricultural production and enrolled in Williamson Act contracts are to the west, separated by the existing Derrel's Mini Storage facility, and to the north, separated by the MID Main canal, which is 100 feet wide. An agricultural buffer alternative, supported by the Agricultural Advisory Board, has been incorporated into the project proposal to address concerns with spray drift (Exhibit H - Alternative Buffer Proposal & Exhibit I - Ag Advisory Board Agenda & Minutes). The adjoining industrial uses are generally low traffic generating and have existed next to this site for many years. To the best of staff's knowledge, agricultural conflicts have not been an issue in the area.

Circulation Element

GOAL 1 Provide a system of roads and roads throughout the County that meets land use needs.

Policy 1 - Development will be permitted only when facilities for circulation exist or will exist as part of the development, to adequately handle increased traffic.

Policy 2 - Circulation systems shall be designed to provide safety and minimize traffic congestion.

Policy 5 - Transportation requirements of commercial and industrial development shall be considered in all planning, designing, construction and improvements.

The Board of Supervisors has adopted a circulation plan for this general area. It was done in recognition of continuing industrial interest in the area and of the need to minimize direct access to Kiernan Avenue, a major east-west travel route for local, regional and state traffic. As was the case with other projects along Kiernan Avenue, this project will allow for the ultimate expansion of Kiernan Avenue as an expressway.

Agricultural Element

GOAL 1 Strengthen the agricultural sector of our economy.

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

Implementation Measure No. 1 - The County shall require buffers and setbacks for all discretionary projects introducing or expanding non-agricultural uses in or adjacent to an agricultural area consistent with the guidelines presented in Appendix "A" (Agricultural Element).

GOAL 2 Conserve our agricultural lands for agricultural uses.

Policy 2.5 - To the greatest extent possible, development shall be directed away from the County's most productive agricultural areas.

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

A letter received from the Department of Conservation suggests that farmland mitigation at a ratio of 2:1 be applied to the project to mitigate the loss of Prime Farmland. Planning staff, however, has not applied such a requirement to the project because the project site is not enrolled in a Williamson Act contract nor is it considered to be prime agricultural land. The term "Most Productive Agricultural Areas" is evaluated on a case-by-case basis taking into consideration factors such as soil types and potential for agricultural production; the availability of irrigation water; ownership and parcelization patterns; uniqueness and flexibility of use; the existence of Williamson Act contracts; existing uses and their contributions to the agricultural sector of the local economy. Although the Initial Study for this project identified the northern portion of the parcel as being classified as "Prime Farmland" and the southern half of the subject property is classified as "Urban and Built-Up Land", corrected GIS records indicate that the California State Department of Conservation Farmland Mapping and Monitoring Program actually classify the entire parcel as "Urban and Built-Up Land". The nearest parcels still in agricultural production and enrolled in Williamson Act contracts are located to the west, separated by the existing Derrel's Mini Storage facility, and to the north, separated by the MID Main canal (100-feet in width).

In December of 2007, Stanislaus County adopted an updated Agricultural Element which incorporated guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 zoning district. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts such as spray drift and trespassing resulting from the interaction of agricultural and non-agricultural uses. Alternatives are taken to the Agricultural Advisory Board for support and may be approved provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. Current buffer guideline standards require a project to provide solid fencing and a double row of landscaping around the perimeter of the proposed operation. An alternative to the buffer requirements, proposed by the applicant, was presented to the Agricultural Advisory Board on June 1, 2009. The alternative, which was supported by the Agricultural Advisory Board, included fencing around the entire site combined with a vegetative screening along the eastern property line.

Goal 2, Policy 2.7 - Implementation Measure 1 of the Agricultural Element requires that the following also be taken into consideration when evaluating General Plan Amendments which propose to change agricultural designations:

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

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

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

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

Staff believes all these findings can be met for the reasons stated above. Parcels surrounding the site to the south and east have been developed for planned development and planned industrial uses. As this is a request to legalize an existing use, that was anticipated but not approved in 1999, this project will not create new impacts to surrounding agricultural operations. On-site customers are intermittent, as the proposed use is storage based. Long-term productive agricultural capabilities of the adjacent properties in the A-2 zoning district are not anticipated to be negatively

impacted as a result of approval of this project. As stated above, the project site is separated from any remaining productive agriculture on all sides by existing development, small parcels and the MID canal. In summary, Planning Staff believes the General Plan Amendment for the proposed use on this specific site is consistent with the goals and policies of the County's General Plan.

REZONE

This project is also requesting a change in the zoning designation of the parcel from A-2-40 (General Agriculture) to P-D (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 in General Plan designation is approved, the zoning designation of Planned Development would indeed be consistent with the General Plan.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment (see Exhibit L - Environmental Review Referrals). Based on the comments received and the Initial Study discussion, a Negative Declaration is being recommended for adoption (see Exhibit F - Initial Study and Exhibit G - Negative Declaration). Development Standards/Conditions of Approval have been added to this project (see Exhibit D - Development Standards/Conditions of Approval).

RECOMMENDATION

Based on all evidence on the record, and on the ongoing discussion, staff recommends that the Planning Commission recommend that the Board of Supervisors approve General Plan Amendment Application No. 2009-01, Rezone Application No. 2009-02 - Derrel's Mini Storage, subject to the following actions:

1. Adopt the Negative Declaration pursuant to California Code of Regulations Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgement and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. In relation to the request for a General Plan Amendment and Rezone, find:
 - 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;

5. Find that the proposed alternative buffer is found to provide equal or greater protection to surrounding agricultural uses;
6. Find that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation;
7. Approve General Plan Amendment Application No. 2009-01 & Rezone Application No. 2009-02 - Derrel's Mini Storage, subject to the attached Development Standards/Conditions of Approval and Development Schedule.

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project. Therefore, the applicant will further be required to pay \$2,067.25 for the Department of Fish and Game, and the Clerk Recorder filing fees. The attached Development Standards ensure that this will occur.

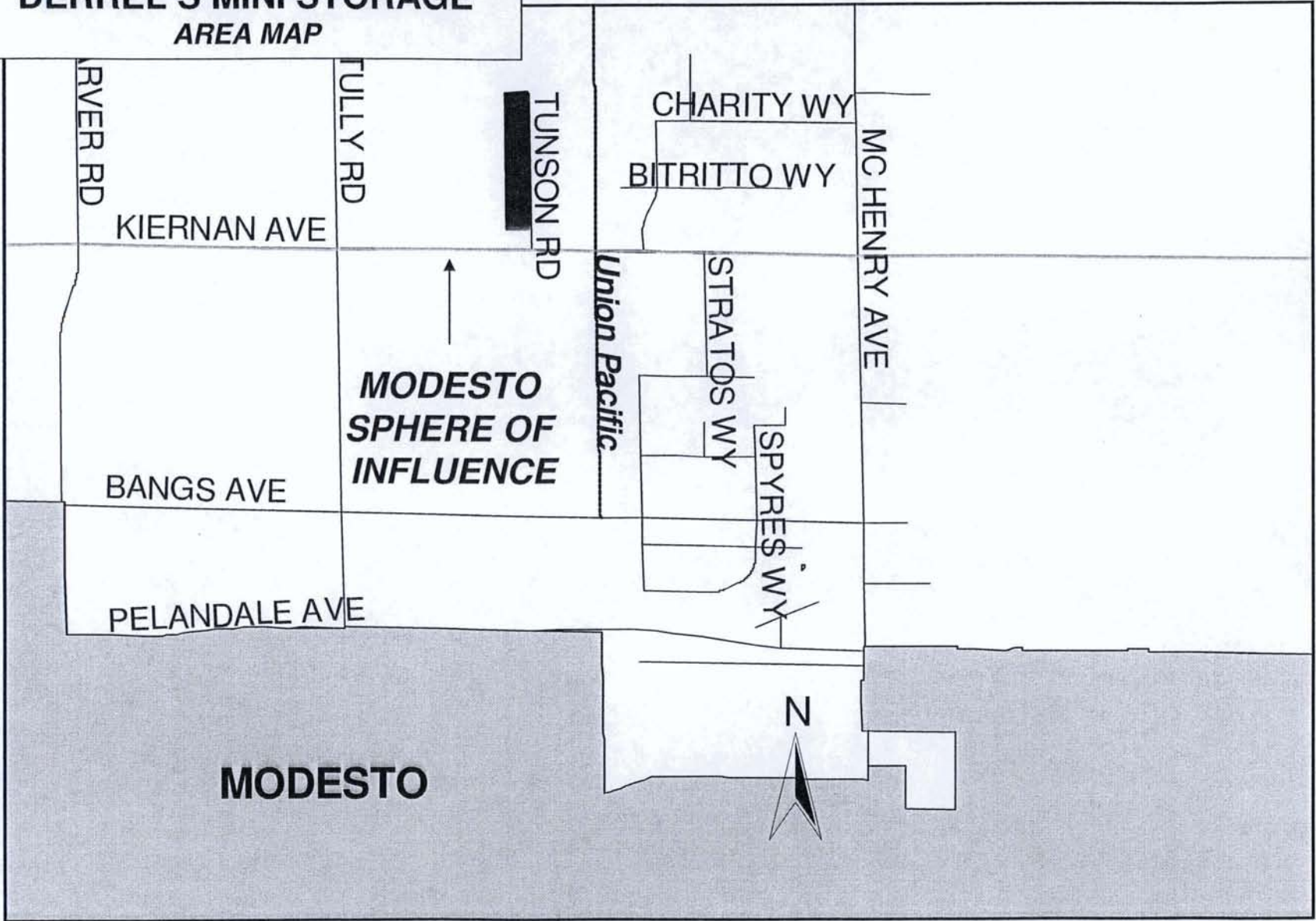
Report written by: Kristin Doud, Assistant Planner, January 25, 2010
Reviewed By: Bill Carlson, Senior Planner

Attachments:

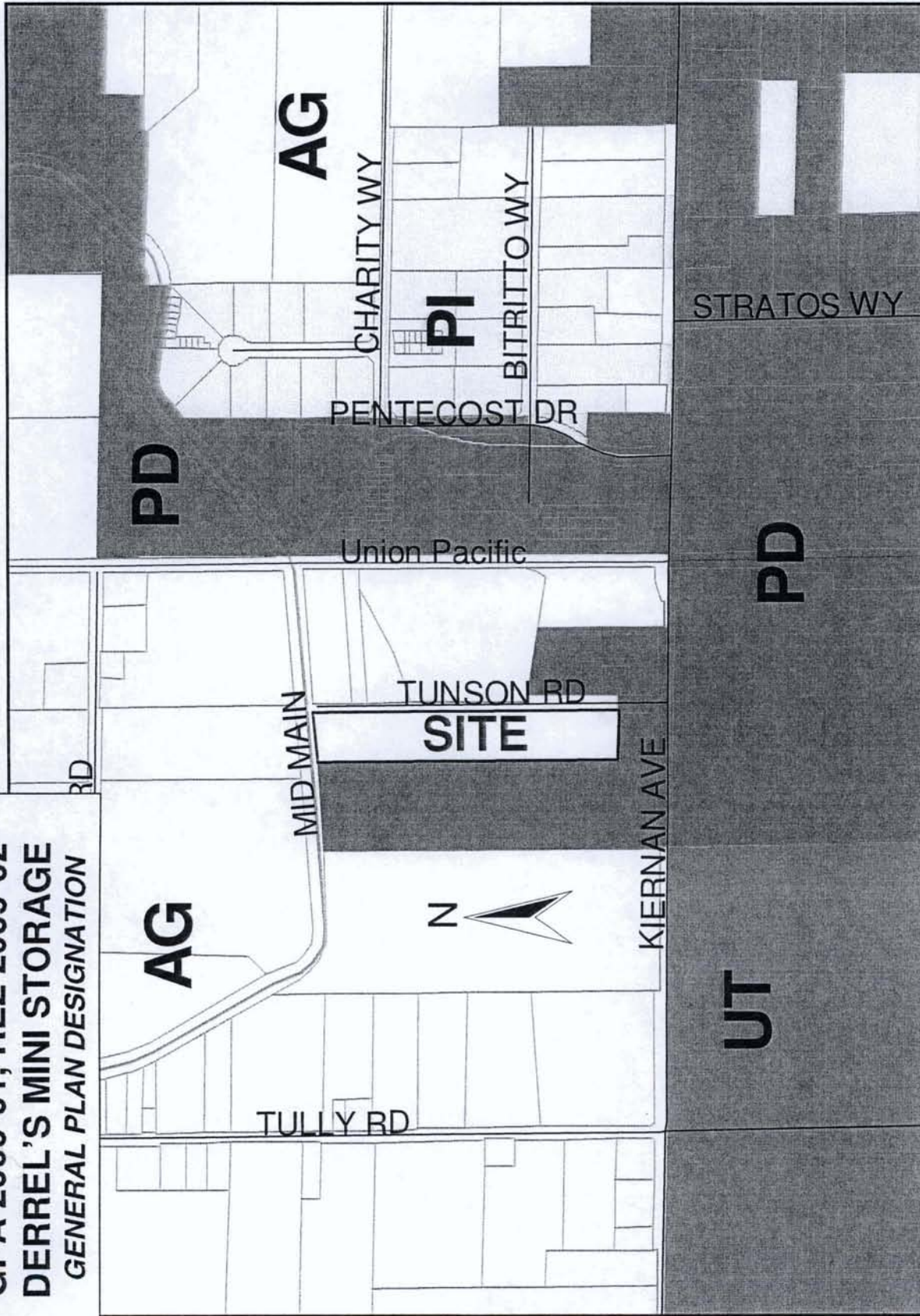
- Exhibit A - Maps
- Exhibit B - Site Plan, Landscaping & Elevations
- Exhibit C - Applicant's General Plan Findings
- Exhibit D - Development Standards/Conditions of Approval
- Exhibit E - Development Schedule
- Exhibit F - Initial Study
- Exhibit G - Negative Declaration
- Exhibit H* - Alternative Buffer Proposal
- Exhibit I - Ag Advisory Board Agenda & Minutes - June 1, 2009
- Exhibit J - Surrounding P-D & P-I Details
- Exhibit K - GPA 99-05, REZ 99-11 - Derrel A. Ridenour
- Exhibit L - Environmental Review Referrals

* Alternative Buffer Proposal does not include attachments. Attachments are included in Exhibits A & B of this report.

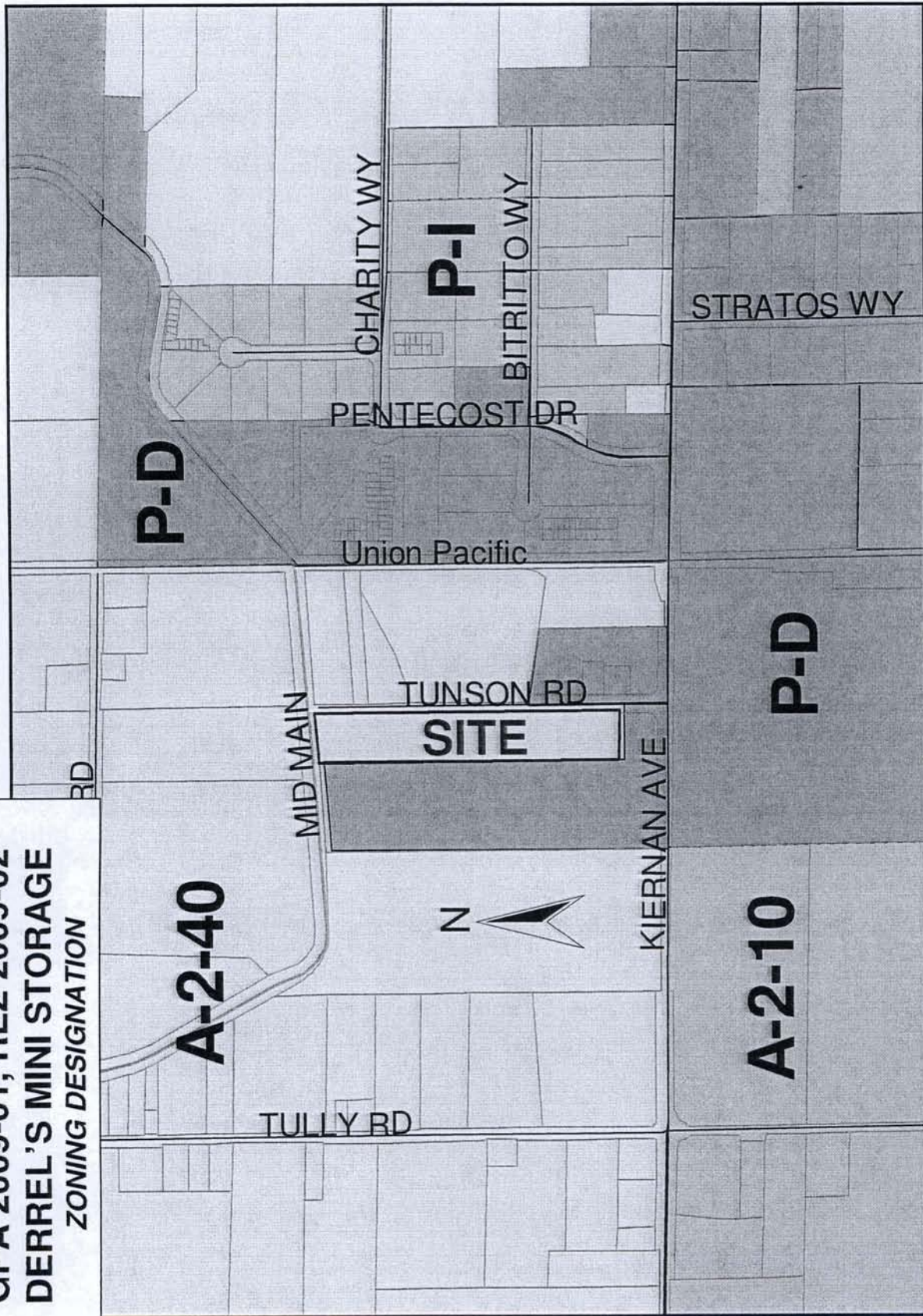
**GPA 2009-01, REZ 2009-02
DERREL'S MINI STORAGE
AREA MAP**



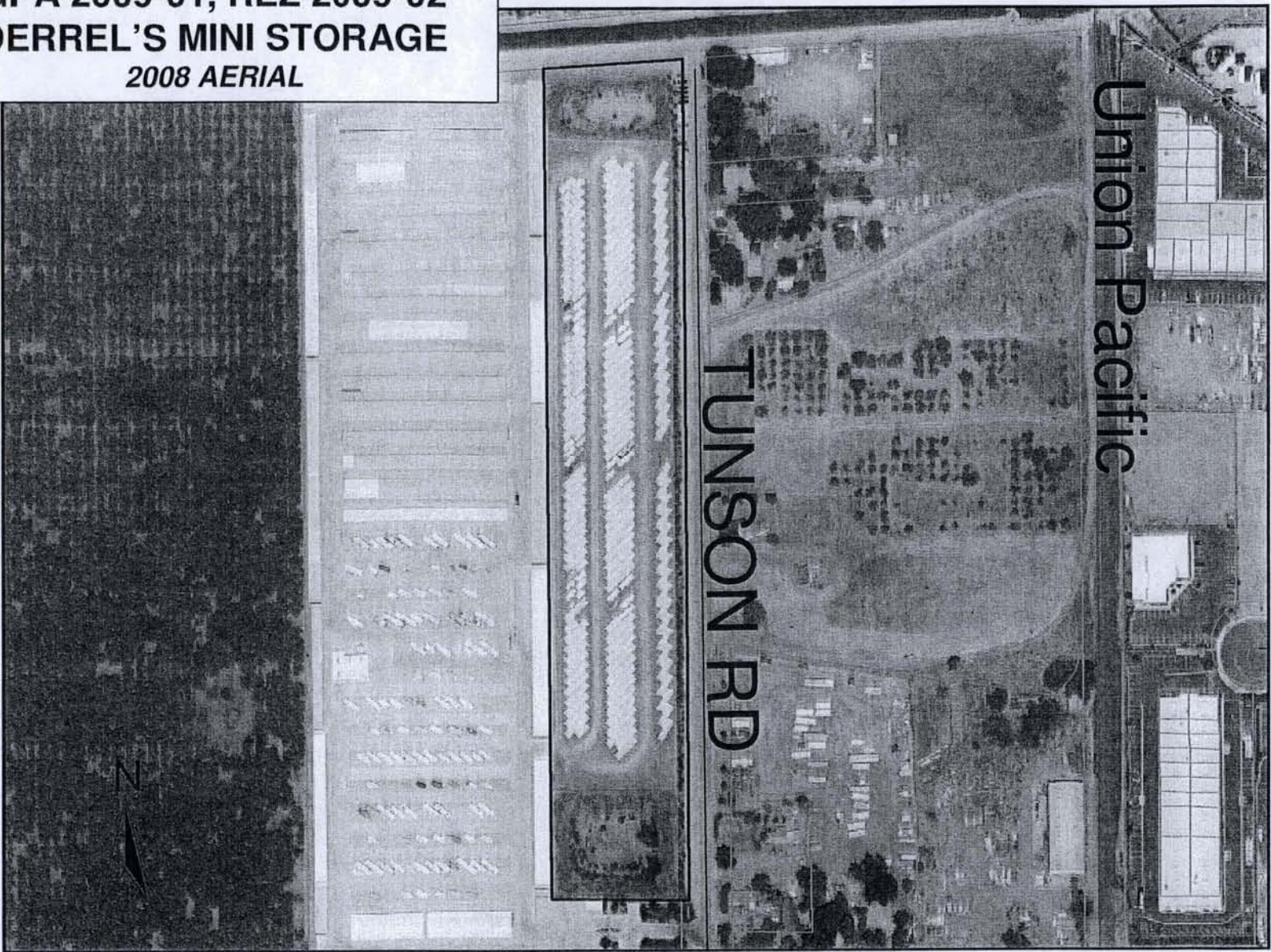
**GPA 2009-01, REZ 2009-02
DERREL'S MINI STORAGE
GENERAL PLAN DESIGNATION**



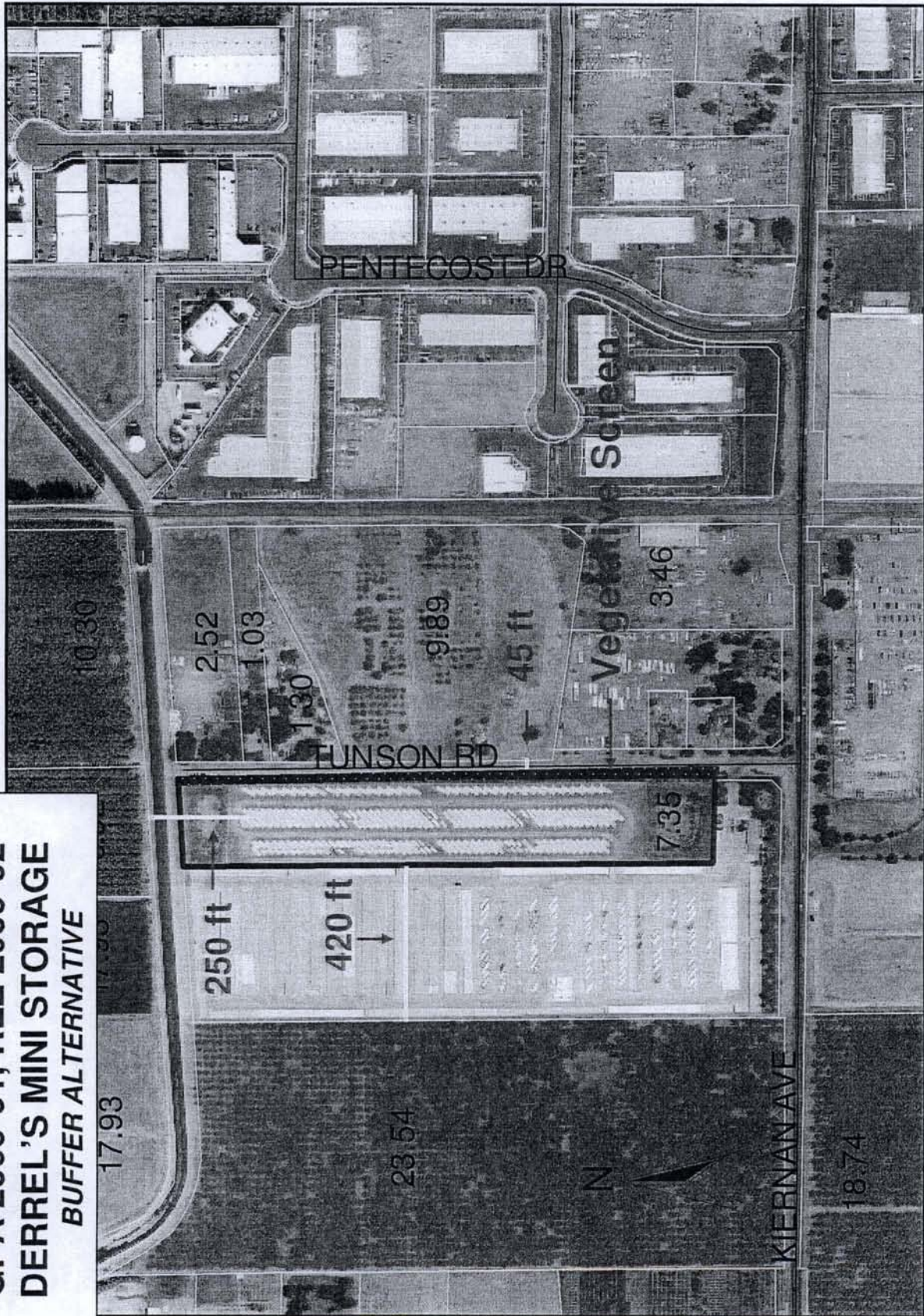
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DERREL'S MINI STORAGE
ZONING DESIGNATION**



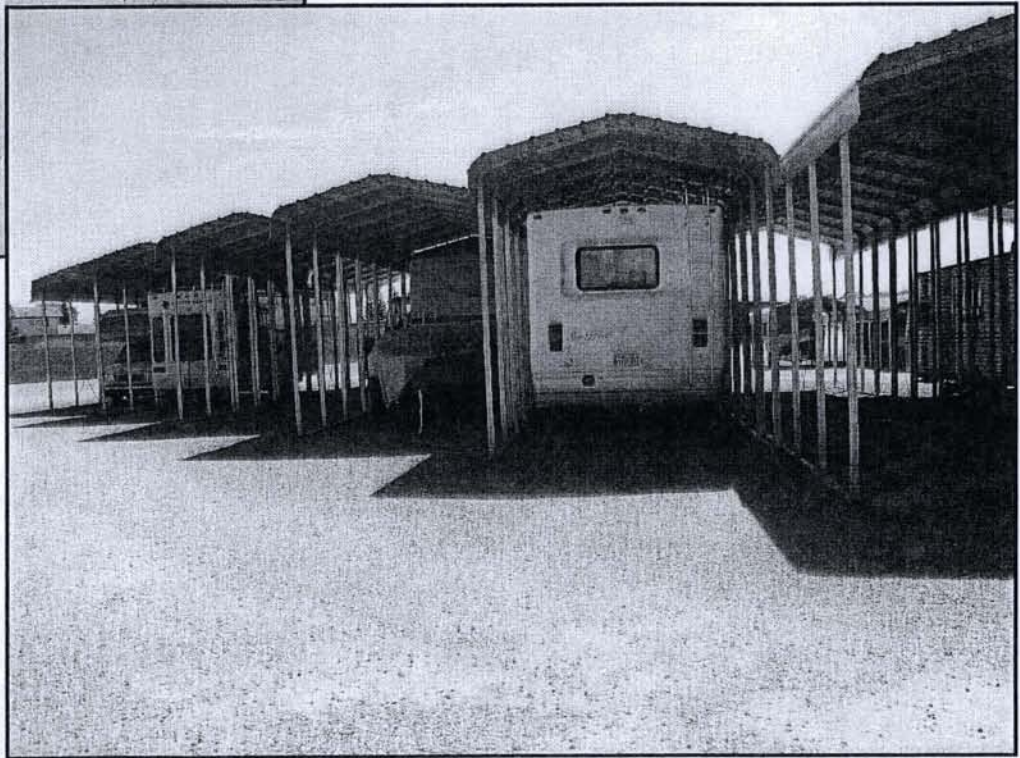
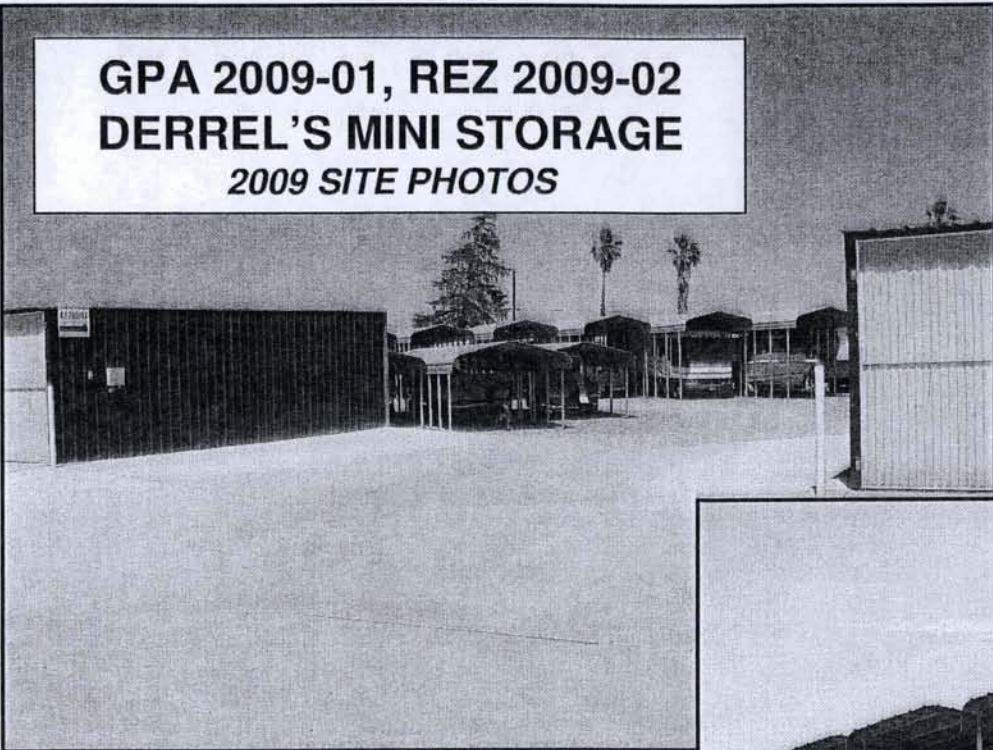
GPA 2009-01, REZ 2009-02
DERREL'S MINI STORAGE
2008 AERIAL



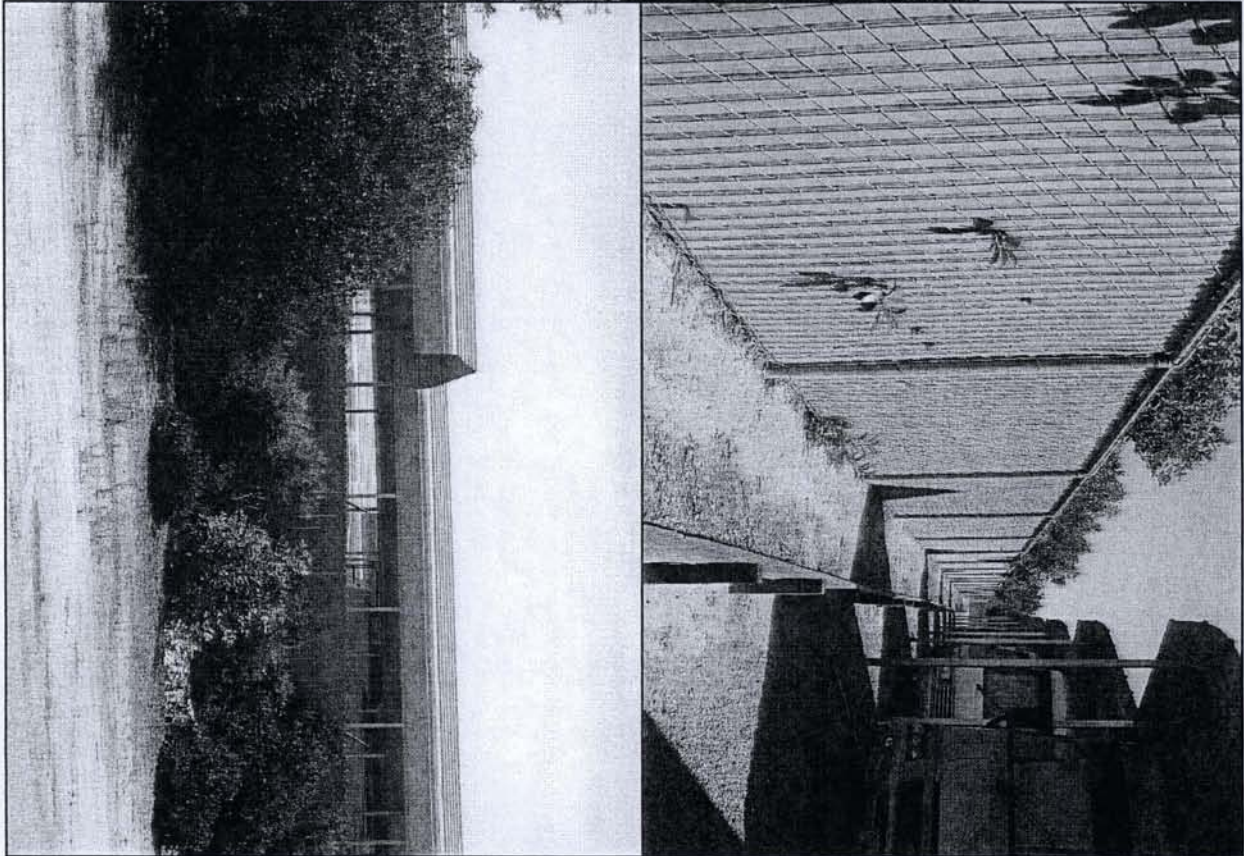
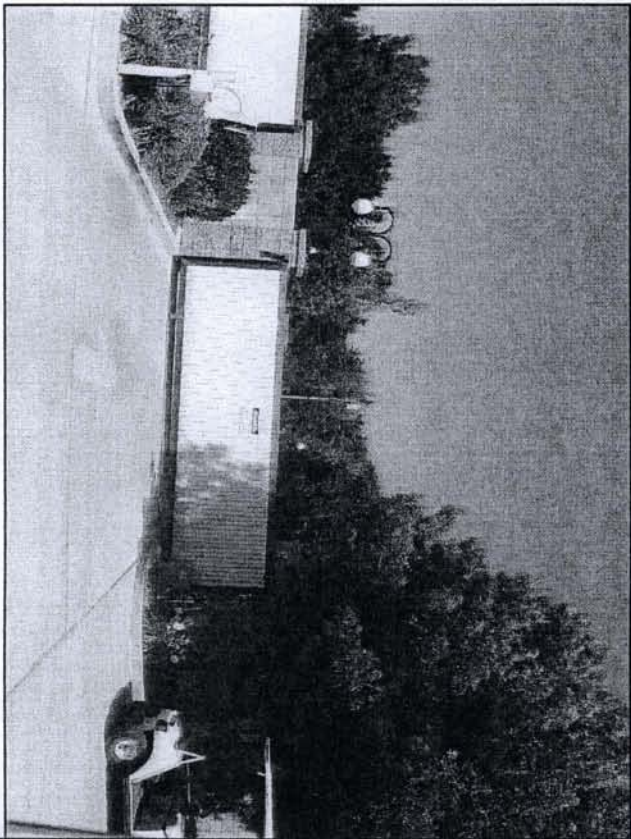
**GPA 2009-01, REZ 2009-02
DERREL'S MINI STORAGE
BUFFER ALTERNATIVE**



**GPA 2009-01, REZ 2009-02
DERREL'S MINI STORAGE
2009 SITE PHOTOS**



**GPA 2009-01, REZ 2009-02
DERREL'S MINI STORAGE
2009 SITE PHOTOS**



REVISIONS

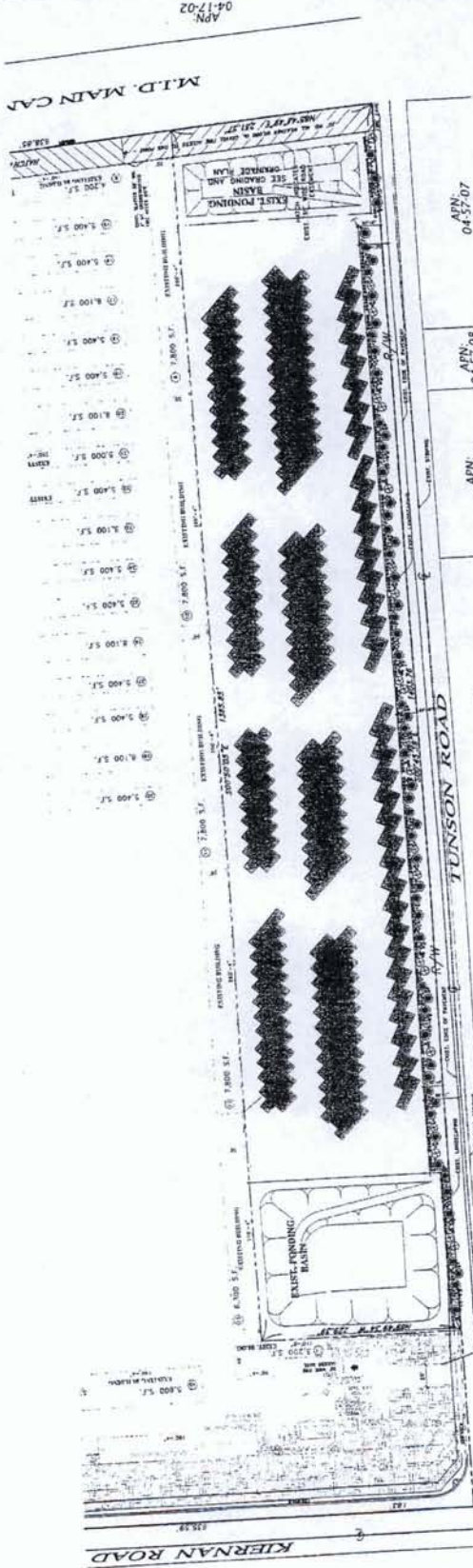
DERRETT'S Mini STORAGE
3265 W ASHLAN AVE FRESNO CA 93722 (559) 224-9900

APPROVALS

APPROVED
J. L. Modesto
Kiersten & Tunson
L-1



Landscape Plan



APN: 04-57-07

APN: 04-57-08

APN: 04-57-09

APN: 04-57-01

APN: 04-57-05

APN: 04-57-03

APN: 04-57-04

APN: 04-57-05

LANDSCAPING LEGEND

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100



SITE DATA

PROJECT: DERRETT'S MINI STORAGE
 ADDRESS: 3265 W ASHLAN AVE
 FRESNO, CA 93722
 APN: 04-57-01-10
 LEVER: NONE
 SHEET: 46 OF 48

General Plan Amendment for APN 004-057-010

- **Description of specific area of General Plan which are requested to be changed:**
The subject area (parcel 004-057-010) is currently zoned A-2-40. It is located on the northwest corner of Kiernan Road and Tunson Road which is 7.37 acres east of our 15.77 acre parcel (004-057-011).
- **Statement of justification for changes in the General Plan:**
The reason that we are applying to amend the General Plan for this particular parcel is that it's designation is Agriculture and is being used for RV storage. The current land use does not allow for such storage so we wish to convert to Planned Development (PD-240) land use to be in compliance.
- **Description of policies warranting a change to General Plan:**
Stanislaus County's Department of Planning and Community Development required that this General Plan Amendment be made as a result of submitting for building permits on the 15.78 acre parcel.
- **Description of studies or policies which have brought into question the specific policies or portion of the General Plan sought to be changed:**
Other than the necessity to be in the correct land use designation, there have been no other policies or studies that prompted the change to PD.
- **Description of the impact this change will have upon the General Plan in relation to the future development within Stanislaus County:**
The parcel is currently being used for RV storage and the only change that is occurring is the documentation itself.
- **Records Search for historical and cultural resources from the Central California Information Center:**
Report enclosed
- **Development Schedule:**
N/A - The work is already complete
- In regards to the "Will Serve" issue, there is to be no required water or sewer services to be installed.

DEVELOPMENT STANDARDS / CONDITIONS OF APPROVAL

**GENERAL PLAN AMENDMENT APPLICATION NO. 2009-01
REZONE APPLICATION NO. 2009-02
DERREL'S MINI STORAGE**

Department of Planning & Community Development

1. This 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. A building permit application shall be submitted to the Building Permits Division within six (6) months of project approval for all applicable structures currently existing on the subject parcel. All required building permits for existing structures shall be finalized within 18 months of project approval.
3. Hours of exterior construction on the site shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Saturday.
4. During the construction phases of the project, if any human remains, significant or potentially unique are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist.
5. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include but not be limited to the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).
6. All outside storage and mechanical equipment shall be screened from the view of any public right-of-way by a screen fence of uniform construction as approved by the Planning Director or appointed designee. Any required water tanks for fire suppression shall be painted to blend with the surrounding landscape and/or screened with landscaping and shall not be used as a sign unless approved by the Planning Director or appointed designee.
7. A sign plan for all proposed on-site signs shall be submitted indicating the location, height, area of the sign(s), and message. This sign plan shall be approved by the Planning Director or appointed designee prior to building permit issuance.
8. Trash bins shall be kept in trash enclosures constructed of materials compatible with the architecture of the development. Trash enclosures shall be placed in locations as approved by the refuse collecting agency and the Planning Director.

9. A final landscape plan prepared in accordance with Section 21.102 of the Stanislaus County Zoning Ordinance and consistent with the alternative buffer requirements, shall be submitted prior to issuance of any building permit or approved use of the project site. Final plans shall be approved by the Planning Director or appointed designee prior to the issuance of any building permit or approved use of the project site.
10. The applicant, or subsequent property owner, shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety. Any dead trees shall be replaced with a similar variety of a 15-gallon size or larger.
11. Any approved business (current & future) operating on-site shall obtain and maintain a valid business license. Application may be made with the Planning Department. (Section 6.04 of the Stanislaus County Ordinance Code)
12. Prior to issuance of a building permit, reciprocal parking, maintenance and access agreements shall be recorded between Assessor Parcel Number's 004-057-010 and 004-057-011.
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. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2009), the applicant is required to pay a Department of Fish and Game filing fee at the time of recording a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,067.25** made payable to **Stanislaus County**, for the payment of Fish and Game, and Clerk Recorder filing fees.

Pursuant to Section 711.4 (e)(3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
15. 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.
16. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands", "waters of the United States", or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary.

17. Pursuant to Section 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate stream-bed alteration agreements, permits or authorizations, if necessary.
18. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.
19. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
20. 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.

Building Permits Division

21. Building permits are required in accordance with California Code of Regulations Title 24.

Department of Public Works

22. All driveway locations and widths shall be approved by the Stanislaus County Department of Public Works and shall be a minimum of 350-feet from Kiernan Avenue. Any driveway approaches to be installed shall be done to county standards on Tunson Road and constructed in a manner as to prevent runoff from going into the County right-of-way.
23. An Encroachment Permit shall be obtained for any work in the right-of-way.
24. Street improvements shall be installed along the parcel frontage of Tunson Road. These shall include building out the existing southbound lane on Tunson Road to include a 12-foot wide travel lane and a 4-foot wide asphalt shoulder per County Standard plate 3-A6. Improvement plans shall be submitted to and approved by the Stanislaus County Department of Public Works prior to issuance of a building permit for the project site. The improvements shall be complete within six (6) months of project approval, or prior to occupancy of any new building on the project site, which ever comes first.
25. An Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined. This shall be submitted with the roadway improvement plans.

26. Prior to issuance of a building permit, an acceptable financial guarantee for the road improvements shall be provided to the Stanislaus County Department of Public Works. This may be deferred if the work is completed and accepted by the County within 3 months of project approval.
27. Tunson Road is classified as a 60-foot local road. The applicant's engineer or surveyor shall prepare an Irrevocable Offer of Dedication for 30-feet west of the centerline of Tunson Road. The Irrevocable Offer of Dedication shall be completed and submitted to the Stanislaus County Department of Public Works within 3 months of project approval, or prior to issuance of the first building permit, whichever comes first.
28. No parking, no loading or unloading of vehicles shall be permitted within the road right-of-way of Tunson Road. The developer will be required to install or pay for the installation of any signs and/or markings.
29. Prior to issuance of a building permit, a Grading and Drainage plan shall be submitted to and approved by the Stanislaus County Department of Public Works. It shall provide sufficient information to verify all runoff will be kept from going onto adjacent property and into the county road right-of-way.

Department of Environmental Resources

30. No water & sewer hook-ups are to be installed at the proposed RV/boat storage within Derrel's Mini Storage.

Salida Fire Protection District

31. This project will be subject to Fire Service Impact Mitigation Fees as adopted by the District Board of Directors and currently in place at the time of issuance of construction permits.
32. This project shall meet the District's requirements of on-site water for fire protection prior to construction of combustible materials. Fire hydrant(s) and static source locations, connections, and access shall be approved by the District.
33. Prior to, and during, combustible construction, the District shall approve provisions for serviceable fire vehicle access and fire protection water supplies.
34. A District specified Rapid Entry System (Knox) shall be installed and serviceable prior to final inspection allowing fire department access into gated areas, limited access points and/or buildings.
35. Buildings of 5,000 square feet and greater shall be required to have fire sprinklers meeting the standards, current at the time of construction, listed within the adopted California Fire Code and related amendments.
36. For buildings of 30 feet or three (3) or more stories in height, gated 2 ½ inch hose connections (Class III) for fire department use shall be installed on all floors in each required exit stairwell.

37. The project shall meet fire apparatus access standards. Two ingress/egress accesses to each parcel meeting the requirements listed within the California Fire Code.
38. If traffic signals are installed and/or retrofitted for the project, signal preemption devices shall be paid for or installed by the developer/owner and shall conform to the District's standards and requirements.
39. Prior to issuance of a building permit, the owner of the property(s) will be required to form or annex into a community facilities district for operational services with the Salida Fire Protection District. *(This process may take 60-120 days to complete.)*

Stanislaus Fire Prevention Bureau

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

San Joaquin Valley Air Pollution Control District (SJVAPCD)

41. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
42. Project shall comply with the following rules from the SJVAPCD:
 - Regulation VIII (*Fugitive PM10 Prohibitions*)
 - Rule 4102 (*Nuisance*)
 - Rule 4601 (*Architectural Coatings*)
 - Rule 4641 (*Cutback, Slow Cure, and Emulsified Asphalt, Paving, & Maintenance operations*)
 - Rule 9510 (*Indirect Source Review*)

Modesto Irrigation District

43. Installation of electric facilities shall conform to the District's Electric Service Rules.
44. The developer shall contact the District's Electric Engineering Design Group to coordinate electric service requirements. Appropriate easements for electric facilities shall be granted before the property is developed.

Modesto City Schools

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

*Please note: If Development Standards/Conditions of Approval are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Conditions of Approval/Development Standards, new wording is in **bold**, and deleted wording will have a ~~line through it~~.*

DEVELOPMENT SCHEDULE

**GENERAL PLAN AMENDMENT APPLICATION NO. 2009-01
REZONE APPLICATION NO. 2009-02
DERREL'S MINI STORAGE**

A building permit application shall be submitted to the Stanislaus County Department of Planning and Community Development within 6 months of project approval for the existing structures on the subject parcel, including the roof only canopies utilized for RV and boat storage and the light poles, as well as the new driveway. All required building permits for existing structures shall be finalized within 18 months of project approval. An Irrevocable Offer of Dedication must be completed and submitted to the Stanislaus County Department of Public Works within 3 months of project approval and road improvements along Tunson Road must be complete within six months of project approval.



Stanislaus County Planning and Community Development

1010 10th Street, Suite 3400
Modesto, California 95354

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

CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, October 26, 1998

1. **Project title:** General Plan Amendment Application No. 2009-01 and Rezone Application No. 2009-02 - Derrel's Mini Storage
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Kristin Doud, Assistant Planner
(209) 525-6330
4. **Project location:** 5019 Tunson Road, at the northwest corner of Kiernan Avenue and Tunson Road, north of Modesto. (APN: 004-057-010)
5. **Project sponsor's name and address:** Paul Ridenour, Perry Novak
Equitybak, L.P.
3265 W. Ashlan Avenue
Fresno, CA 93722
6. **General plan designation:** Agriculture
7. **Zoning:** A-2-40 (General Agriculture)
8. **Description of project:**

Request to amend the General Plan designation from Agriculture to Planned Development and re-zone approximately 7.37 acres from A-2-40 to Planned Development. The adjacent 15+ acre property previously underwent a General Plan Amendment and rezone to allow the operation of Derrel's Mini Storage in November of 1999 (GPA 99-05, REZ 99-11 - Derrel A. Ridenour). This request will allow the property to have 130± roof only structures (totaling 80,805 square feet) to be rented for RV storage. The proposed RV storage operation will expand the existing Derrel's Mini Storage operation. The storage area will include electric hook-ups only to allow for outdoor lighting. No septic or well is anticipated for the site. Parking and restrooms for customers are available on the adjacent mini-storage site. The operation is open from 7 am to 7 pm seven days a week except for major holidays. A maximum of 5 customers per day are anticipated for the RV storage portion of the business. The site has access from Tunson Road through the existing mini-storage facility. The property is located just outside of the City of Modesto Sphere of Influence, which extends to the south side of Kiernan.
9. **Surrounding land uses and setting:** Derrel's Mini Storage to the west, Planned Developments to the south, Planned Developments and Planned Industrials to the east, four agricultural properties under 10 acres in size to the northeast, MID Canal and agricultural operations currently in row crops and orchard to the north.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Public Works
Salida Fire Protection District

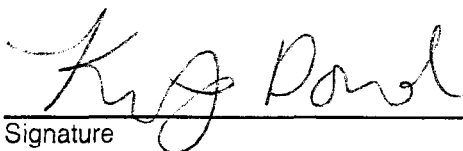
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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

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


Signature

November 13, 2009
Date

Kristin Doud, Assistant Planner
Printed name

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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

ISSUES

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X
<p>Discussion: The site itself is not considered to be a scenic resource or a unique scenic vista. Although the applicant does not currently have approval to operate RV storage on the subject parcel, it is an existing use, which includes roof only RV storage canopies. The site is currently fenced and landscaped as is consistent with existing area developments. Conditions of approval will be applied to the project that require that dead or dying plants be replaced as well as that nighttime lighting be aimed downward to prevent glare to adjacent properties.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
II. AGRICULTURE RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?			X	
<p>Discussion: The subject parcel is zoned A-2-40 (General Agriculture), but is currently being utilized for commercial RV storage in conjunction with the mini storage operation on the adjoining parcel to the west. Parcels surrounding the site to the south and east have been developed for planned development and planned industrial uses.</p>				
<p>The northern half of the property is classified as "Prime Farmland" and the southern half of the subject property is classified as "Urban and Built-Up Land" by the California State Department of Conservation Farmland Mapping and Monitoring Program. The parcel is made up of 46.6% (DhA) Delhi sand, with 0-3 percent slopes, which is a Grade 3 soil with a Storie Index Rating of 48, and 53.4% (TuA) Tujunga loamy sand, with 0-3 percent slopes, which is a Grade 2 soil with a Storie Index Rating of 76.</p>				

In December of 2007, Stanislaus County adopted an updated Agricultural Element which incorporated guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 Zoning District. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts such as spray drift and trespassing resulting from the interaction of agricultural and non-agricultural uses. Alternatives are taken to the Agricultural Advisory Board for support and may be approved provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. Current buffer guideline standards require a project to provide solid fencing and a double row of landscaping around the perimeter of the proposed operation. An alternative to the buffer requirements, proposed by the applicant, was presented to the Agricultural Advisory Board on June 1, 2009. The alternative, which was supported by the Agricultural Advisory Board, included fencing around the entire site combined with a vegetative screening along the eastern property line.

As this is a request to legalize an existing use, this project will not create new impacts to surrounding agricultural operations. On-site customers are intermittent, as the proposed use is storage based. The long-term productive agricultural capability of the adjacent properties in the A-2 zoning district is not anticipated to be negatively impacted as a result of approval of this project.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

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

Discussion: The project site is within the San Joaquin Valley Air Basin, which has been classified as "severe non-attainment" for ozone and respirable particulate matter (PM-10) as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. As such, the District maintains permit authority over stationary sources of pollutants.

The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin.

A referral response received from the district indicated that this project, "is expected to have no significant adverse impact on air quality". A standard condition of approval will be applied to the project which requires the applicant to contact the SJVAPCD to inquire what Air District rules may apply to the project.

Mitigation: None.

References: Referral response from the San Joaquin Valley Air Pollution Control District, dated June 1, 2009, San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis, Stanislaus County General Plan and Support Documentation¹.

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

Discussion: The project site is not located within the vicinity of any California Natural Diversity Database species observations. The project site is a developed 7+ acre site that is improved with 135+ cover only RV storage canopies. Therefore, it does not appear this project will result in any direct or indirect impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors.

Mitigation: None.

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

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

Discussion: As the site is already existing, it does not appear this project will result in significant impacts to any archaeological or cultural resources. A letter received from the Native American Heritage Commission requested that this project be referred to local Native American tribes and that the Central California Information Center be consulted in regard to potential historic and archeological resources existing on the site. Pursuant to Section 65352.3 of the California Government Code, all General Plan Amendment projects are to be referred to local Native American tribes for a comment period no less than 90 days in length. This project was referred to such tribes on May 15, 2009. No tribal comments were received. A historical records search conducted by the Central California Information Center indicated that, "the area has been previously surveyed by professional archeologists and architectural historians and has a low sensitivity for the possible discovery of prehistoric and historic resources on the surface". A condition of approval will be placed on the project that requires that if any subsurface resources are found, construction activities will halt at that time.

Mitigation: None.

References: Referral response from the Native American Heritage Commission, dated June 4, 2009, Historic Records Search conducted by the Central California Information Center, dated April 24, 2009, Stanislaus County General Plan and Support Documentation¹.

VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X

d) Be located on expansive soil, as defined in Table 1804.2 of the California Building Code (2007), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

Discussion: As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5. However, as per the 2007 California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. All existing structures on the project site will be required to obtain the proper building permits which requires they be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Public Works Standards and Specifications which considers the potential for erosion and run-off prior to permit approval. Likewise, any addition of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources through the building permit process, which also takes soil type into consideration within the specific design requirements.

Mitigation: None.

References: California Building Code (2007), Stanislaus County General Plan and Support Documentation - Safety Element¹.



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

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Discussion: No known hazardous materials are on site. Pesticide exposure is a risk in agricultural areas. Sources of exposure include contaminated groundwater which is consumed and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. In addition, the site is currently fenced and the use is storage based and non-people intensive. The County Department of Environmental Resources (DER) is responsible for overseeing hazardous materials in this area. No RV dumping will take place on site.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

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

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

Discussion: If approved, the project will be required to provide a grading and drainage plan to be approved by the Department of Public Works. This plan requires that each parcel maintain storm water run-off on site. The site currently contains 2 drainage basins, which may require improvements when their required grading and drainage plan is submitted. Run-off is not considered an issue because of several factors which limit the potential impact. These factors include a relative flat terrain of the subject site, and relatively low rainfall intensities. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act. The project site itself is not located within a recognized flood zone and, as such, flooding is not an issue with respect to this project.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

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

Discussion: The General Plan designation for the site is Agriculture and the zoning designation is A-2-40. To evaluate a General Plan amendment, the goals and policies of the General Plan must be reviewed for consistency. In addition, County policies, adopted by the Board of Supervisors, set forth additional findings necessary for approval of a General Plan amendment request. In each case, in order to take affirmative action regarding a General Plan amendment application, it must be found that:

1. The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses.
2. The County and other affected 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.
3. The amendment is consistent with the General Plan goals and policies.

To approve a re-zone, the Planning Commission must find that it is consistent with the General Plan. The P-D zoning district would be consistent with the General Plan if the General Plan Amendment to P-D is approved.

As stated in the project description, the adjacent 15+ acre property previously underwent a General Plan amendment and rezone to allow the operation of Derrel's Mini Storage in November of 1999 (GPA 99-05, REZ 99-11 - Derrel A. Ridenour). Generally, the number of parcels in the vicinity now approved for non-agricultural uses has increased to the point that it appears clear that industrial uses will dominate in the future, along this Kiernan Avenue Corridor. The majority of the surrounding area has been urbanized and is not in agricultural production. This project site is of limited agricultural potential due to its location within the Kiernan Corridor which is made up of many urban/commercial uses.

Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation ¹ .				
X. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site.				
Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation ¹ .				
XI. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
Discussion: The proposed use for the subject parcel is not high traffic generating and should generally create very low levels of noise. As the project is an existing use, no additional noise generation than is currently present is anticipated. The Stanislaus County General Plan identifies noise levels up to 75 dB L _{dn} (or CNEL) as the normally acceptable level of noise for agricultural, industrial, manufacturing, and other similar land uses.				

Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation ¹ .				
XII. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
Discussion: No housing or persons will be displaced by this project. The proposed parcel will be restricted to the approved uses and structures. Any alterations to the use or building type could result in the developer being required to submit a Use Permit or rezone to modify the project beyond what was reviewed in compliance with CEQA. The property is currently improved with multiple canopy only RV storage structures. This project does not propose any type of significant growth inducing features, therefore, adverse affects created by population growth should not occur.				
Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation ¹ .				
XIII. PUBLIC SERVICES:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?				X
Parks?				X
Other public facilities?			X	
Discussion: The County has adopted a standardized mitigation measure requiring payment of all applicable Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. In addition, first year costs of the Sheriff's Department have been standardized based on studies conducted by the Sheriff's Department. All structures on the property will be required to comply with all applicable sections of the Title 24 California Code of Regulations. Payment of public facility fees will be required upon issuance of any required building permit, which will be reflected as a condition of approval for this project.				

This project was referred to Salida Fire Protection District, Stanislaus Fire Prevention Bureau, the Sheriff's Office, Modesto City School District, Stanislaus County Department of Parks and Recreation, Modesto Irrigation District (MID), PG&E and AT&T. No responses were received from the Stanislaus County Department of Parks and Recreation, PG&E or AT&T. Responses from the Sheriff's Office, MID and Modesto City School District did not reflect any significant impacts.

The Stanislaus Fire Prevention Bureau provided a comment regarding five non-conforming buildings existing on the adjacent Derrel's Mini Storage parcel. These buildings, however, are already equipped with fire walls and have since been cleared by the Stanislaus Fire Prevention Bureau. The Salida Fire Protection District responded with a condition of approval requiring the property to form or annex into a community facilities district for operational services with the Salida Fire Protection District. Other general fire protection comments will be reflected within standard conditions of approval for the project.

The Department of Public Works responded to the project referral with comments regarding encroachments permits, a grading and drainage plan, driveway locations and restrictions within the right-of-way. In addition to these comments the Department of Public Works is requiring that the Southbound lane of Tunson Road be improved to a 12-foot wide travel lane and a 4-foot asphalt shoulder, per county standards, in conjunction with a financial guarantee and Irrevocable Offer of Dedication for 30-feet west of the centerline of Tunson Road. These conditions of approval will be applied to the project. No potentially significant environmental concerns were raised in regard to traffic impacts.

Mitigation: None.

References: Referral response from the Environmental Review Committee, dated July 7, 2009, referral response from the Salida Fire Protection District, dated May 18, 2009, referral response from the Building Permits Division, dated May 26, 2009, referral response from the Department of Public Works, dated November 5, 2009, Stanislaus County General Plan and Support Documentation¹.

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

Discussion: The proposed commercial project will not cause an increase in the use of existing recreational facilities as no dwelling units will be permitted as a part of this project.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

XV. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Discussion: The proposed use should not increase traffic levels as it is already in operation. The proposed facility will be accessed from the existing Derrel's Mini Storage facility which is on Tunson Road, a 60-foot local road. The project was referred to CalTrans, who responded by phone on November 10, 2009 with "no comment". Kiernan Avenue (SR 219), is the nearest cross street which is identified as a six-lane Class B expressway by CalTrans. CalTrans was in the process of widening Kiernan from a two-lane conventional highway to a four-lane expressway which would have impacted the adjacent Derrel's Mini Storage facility. This project was recently placed on hold indefinitely, allowing the adjacent facility to maintain its operations as is.

This project will not substantially increase traffic for this area, and the proposed facility will have direct access to Tunson Road which is a County-maintained local road. As previously discussed within Section XIII - Public Services, the Department of Public Works did not raise any potentially significant environmental concerns in regard to traffic impacts. The Department of Public Works responded to the project referral with comments regarding encroachments permits, a grading and drainage plan, driveway locations and restrictions within the right-of-way. In addition to these comments the Department of Public Works is requiring building out the existing southbound lane of Tunson Road to include a 12-foot wide travel lane and a 4-foot asphalt shoulder, per county standards, in conjunction with a financial guarantee and Irrevocable Offer of Dedication for 30-feet west of the centerline of Tunson Road. These conditions of approval will be applied to the project.

Mitigation: None.

References: Phone response from Joshua Swearingen of CalTrans, on November 10, 2009, referral response from the Department of Public Works, dated November 5, 2009, Stanislaus County General Plan and Support Documentation¹.

XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:				
	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X
<p>Discussion: The RV storage canopies will utilize electric hook-ups only. The property does not currently have well or septic. Existing landscaping is watered through a pipe that comes from a well located on the adjacent Derrel's Mini Storage site. A condition of approval will be applied to the project that will require an irrigation easement be recorded prior to issuance of a building permit. There are currently two drainage basins on-site which will be evaluated by the Department of Public Works for their capacity to maintain storm water run-off on-site during the building permit process.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
XVII. MANDATORY FINDINGS OF SIGNIFICANCE:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X
<p>Discussion: Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area.</p>				

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¹Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and updated elements of the General Plan and Support Documentation: **Agricultural Element** adopted on December 18, 2007; **Housing Element** adopted on December 12, 2003 and certified by the California Department of Housing and Community Development Department on March 26, 2004; **Circulation Element** and **Noise Element** adopted on April 18, 2006.

NEGATIVE DECLARATION

NAME OF PROJECT: General Plan Amendment Application No. 2009-01 and Rezone Application No. 2009-02 - Derrel's Mini Storage

LOCATION OF PROJECT: 5019 Tunson Road, at the northwest corner of Kiernan Avenue and Tunson Road, north of Modesto. (APN: 004-057-010)

PROJECT DEVELOPERS: Paul Ridenour
Derrel's Mini Storage
3265 W. Ashlan Avenue
Fresno, CA 93722

DESCRIPTION OF PROJECT: Request to amend the General Plan designation from Agriculture to Planned Development and re-zone approximately 7.37 acres from A-2-40 to Planned Development. The adjacent 15+ acre property previously underwent a General Plan Amendment and rezone to allow the operation of Derrel's Mini Storage in November of 1999 (GPA 99-05, REZ 99-11 - Derrel A. Ridenour). This request will allow the property to have 130± roof only structures (totaling 80,805 square feet) to be rented for RV storage. The proposed RV storage operation will expand the existing Derrel's Mini Storage operation. The storage area will include electric hook-ups only to allow for outdoor lighting. No septic or well is anticipated for the site. Parking and restrooms for customers are available on the adjacent mini-storage site. The operation is open from 7 am to 7 pm seven days a week except for major holidays. A maximum of 5 customers per day are anticipated for the RV storage portion of the business. The site has access from Tunson Road through the existing mini-storage facility. The property is located just outside of the City of Modesto Sphere of Influence, which extends to the south side of Kiernan.

Based upon the Initial Study, dated **November 13, 2009**, the Environmental Coordinator finds as follows:

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

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

Initial Study prepared by: Kristin Doud, Assistant Planner

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



June 1, 2009

MEMO TO: Ag Advisory Board

FROM: Department of Planning and Community Development

SUBJECT: **GENERAL PLAN AMENDMENT APPLICATION NO. 2009-01 AND REZONE APPLICATION NO. 2009-02 - DERREL'S MINI STORAGE ALTERNATIVE TO THE AGRICULTURAL BUFFER AND SETBACK GUIDELINES**

The Stanislaus County Department of Planning and Community Development has received an application requesting to amend a General Plan designation of Agriculture to Planned Development and to rezone approximately 7.37 acres from A-2-40 to Planned Development. The adjacent 15+ acre property previously underwent a General Plan Amendment and rezone to allow the operation of Derrel's Mini Storage in November of 1999 (GPA 99-05, REZ 99-11 - Derrel A. Ridenour). This request will allow the property to legalize 130± existing roof only structures currently being rented for RV storage. The RV storage operation is a part of the existing Derrel's Mini Storage operation.

Stanislaus County Buffer & Setback Guidelines Requirements

- All new non-agricultural uses shall incorporate a minimum 150-foot buffer (300-foot wide buffer for people-intensive outdoor activities) from all property lines.
- The buffer shall incorporate a solid wall and a vegetative screen consisting of two staggered rows of trees and shrubs along any portion of a buffer where the project site and the adjoining agricultural operation share a common parcel line.
- In September of 2008 the Agricultural Advisory Board supported a buffer alternative applicable to all non-agricultural uses in the A-2 zoning district allowing for non-solid fencing to be utilized; provided that the fencing is 6-feet in height and designed to prevent trespassing and that prevented Buffer and Setback standards from applying to projects located on a site surrounded by a minimum of 150-feet of residential type uses (including parcels of 3-acres or less in size), parks, schools or other similar non-agricultural uses.

Applicant's Proposal

- Because the commercial operation is storage based, it is considered to be a "Non People-Intensive Use", requiring a 150 foot setback, rather than a 300 foot setback. The applicant is proposing to leave the existing site as is with respect to Agricultural Buffers and Setbacks, which includes the following:

- ▶ **North Property Line:** The RV storage structures are located approximately 170 feet away from the Northern property line. The subject parcel and the nearest agricultural property to the north are separated by a canal. The northern property line has no vegetative screening but is currently fenced with chainlink and slats.
- ▶ **East Property Line:** The RV storage canopies are only setback 5 feet from the eastern property line which fronts Tunson Road. This provides a total setback of 45 feet between the proposed non agricultural use and nearest agricultural property. However, three of the four agriculturally zoned properties across Tunson Road are under 3 acres in size, and fit under the comprehensive buffer alternative taken to the Board by staff in September of 2008, which prevents Buffer and Setback standards from applying to projects located on sites surrounded by a minimum of 150-feet of residential type uses (including parcels of 3-acres or less in size), parks, schools or other similar non-agricultural uses. The one remaining agricultural parcel across from the eastern property line is under 10 acres in size and is not currently in agricultural production. The area currently has vegetative screening and 6 foot fencing consisting of chainlink with slats.
- ▶ **Southern and Western Property Lines:** Both of these property lines are surrounded by Planned Development zoning which do not require buffering. Both property lines abut up to the previously re-zoned Derrel's Mini Storage. Additional Planned Development properties exist across Kiernan Road to the south.

Site Specific Items to Consider

- The proposed alternative meets the required setback distances on all sides of the property except the eastern side where structures are located only 45' from nearest agricultural property.
- The proposed alternative provides evergreen vegetative screening where needed with the exception of the northern property line. The northern most canopy structures, however, are fenced and setback 170 feet from the northern property line.
- The proposed project is surrounded by multiple Planned Developments and other various non-agricultural uses and is located near Kiernan Ave. which will soon become a six lane expressway.
- The proposed use is for parking, which is a permitted use within the required buffer setback.

Attachments:

Buffer Alternative Map
Project Description
Property Maps



**AGRICULTURAL COMMISSIONER'S OFFICE AND
SEALER OF WEIGHTS & MEASURES**

Gary Caseri
Agricultural Commissioner/Sealer

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Agricultural Advisory Board

MINUTES

June 1, 2009
Stanislaus County Ag Center
Conference Room H/I
10:00 a.m.

Committee Members Present:

Bridget Riddle	John Herlihy	Rowe Barney
Tom Maring	Ed Perry	Wayne Zipser
John Azevedo	Chris Hempleman	Alan Cover

Committee Members Absent:

Norman Kline	Richard Gibson
Ray Prock, Jr.	

Ex-Officio:

Supervisor Jim DeMartini – Present
Supervisor Vito Chiesa (Alternate) - Absent
Gary Caseri, Ag Commissioner – Present

Others Present:

Al Brizard, Stanislaus County Farm Bureau	Angela Freitas, Stan Co. Planning
Bill Carlson, Stan Co. Planning	Denny Hoeh, Ag Comm Office
Cynthia Darmstandler, Ag Comm Office	Raul Mendez, Chief Executive Office
Kristin Doud, Stan Co. Planning	Tom Orvis, Stanislaus County Farm Bureau
Mich Etchebarne, Stanislaus County Farm Bureau	Dennis Wilson, Horizon Consulting

I. PLEDGE OF ALLEGIANCE TO THE FLAG

After the Pledge of Allegiance, Chairman Herlihy thanked Chris Hempleman for his service to the Ag Advisory Board, as Chris will not be renewing his term when it expires on June 30th. At a later point in the meeting, John thanked Bridget Riddle, who is retiring from her term as well.

II. PUBLIC COMMENT PERIOD

Mich Etchebarne stated that he is asking the Ag Advisory Board for an endorsement for an ordinance on zon guns. He said that an ordinance would not be another rule or regulation, but would be a tool to be utilized when the zon gun is abused. John Herlihy asked that the Ag Advisory Board move into the Bird Cannon agenda item on this matter.

III. APPROVAL OF MINUTES FROM MAY 4, 2009 MEETING

The minutes from the May 4, 2009 meeting were approved.

IV. BIRD CANNONS (Bird Frightening Device)

There was discussion regarding a potential ordinance dealing with bird cannons. It was stated that if an ordinance were recommended, it should be stand-alone and not part of the Ag Element document. It was noted that such an ordinance would not be the responsibility of the Ag Advisory Board to craft, but that staff of the CEO and County Counsel would draft the ordinance, with feedback from the Ag Advisory Board. Gary Caseri reported the number of bird cannon complaints since his office began tracking complaints in 2004: 2004-1; 2005-1; 2006-0; 2007-2; 2008-1. Rowe Barney stated that he didn't believe that the situation warranted the number of County staff hours that would be required to work on this issue. It was also noted that Tulare County has an ordinance which was distributed at the previous meeting. John Herlihy stated that he believes the Stanislaus County guidelines and the Tulare County Ordinance should be redistributed and that the bird cannon item should be brought back again to the Ag Advisory Board.

V. ALTERNATIVE AGRICULTURAL BUFFERS

Use Permit 2009-03 Caloy Company:

This is an almond processing plant which is proposing to expand with an additional building on site. They are required to meet the setback of 150' and a vegetative screen. This alternative request is for the vegetative screen; instead of a double row of evergreen, the applicant is proposing oleander shrubs and olive trees.

It was M/S/P to approve the alternative buffers for this project.

GPA 2009-01 Rezone 2009-02 Derrel's Mini Storage:

This application requests a change in zoning from A2-40 to Planned Development. The north and east side of the project don't meet the buffer requirements. The applicant is proposing to leave the site "as is" with respect to agricultural buffers and setbacks.

It was M/S/P to approve the alternative buffers for this project.

Use Permit 2009-02 Camp Smeck

This project is for RV hookups and an area for family gatherings, with a maximum use of 7 times per year. There is no fencing or vegetative screening. The property is too narrow to meet the 150' setback requirements. The applicant is proposing to leave the site "as is" with respect to agricultural buffers and setbacks.

It was M/S/P that the Ag Advisory Board does not support the alternative buffers for this project.

UP 2009-08 Amerine Systems

The applicant is requesting to expand an existing agricultural sprinkler/irrigation business within A-2-40 zoning. The site is located on 12.6 acres in the Oakdale area. The applicant proposed an alternative to the ag buffer standards. The property currently has chain link fencing around the entire property and the applicant is proposing increasing the tree planting to cover the entire frontage of the property except for the entry gates.

It was M/S/P to approve the alternative buffers for this project.

Ed Perry brought up the use of evergreens as a vegetative buffer and redwoods, specifically. He suggested that other types of trees than redwoods be considered since they are not drought tolerant, they use a lot of water and they do not tolerate high temperatures well.

VI. Groundwater Management

Subcommittee members were asked to meet briefly after the meeting. John Azevedo stated there are several studies showing that the groundwater is highly re-chargeable. Al Brizard commented that there is nothing preventing a metropolitan water district from buying a plot of land in Stanislaus County and drilling a well and exporting the water to Southern California.

VII. Ag Advisory Board By-Laws

The group will wait until Ray Prock is able to meet with the subcommittee since he was particularly interested in reviewing and possibly revising the By-Laws. A subcommittee meeting will be forthcoming.

VIII. NEXT MEETING

A. Meeting Date/Time:

The next scheduled meeting is **Monday, July 13, 2009 at 10:00 a.m.** at the Stanislaus County Ag Center, Conference Room H/I

B. Agenda Items

- ✓ Bird Cannons
- ✓ Alternative Buffers
- ✓ By-Laws Agricultural Advisory Board
- ✓ Groundwater Management

Please contact John Herlihy, Gary Caseri or Cynthia Darmstandler with items you wish placed on the agenda.

IX. ADJOURNMENT

Chairman John Herlihy adjourned the meeting.

Minutes Respectfully
Submitted,



Cynthia Darmstandler
Confidential Assistant IV
Stanislaus County

SURROUNDING P-D & P-I DETAILS

GENERAL PLAN AMENDMENT APPLICATION NO. 2009-01 REZONE APPLICATION NO. 2009-02 DERREL'S MINI STORAGE

P-D (88) GPA 82-03, REZ 82-03 - North Modesto Industrial Park - Approved, September 21, 1982, for an industrial park with ten buildings. Development limited to warehouse/contractor space and general commercial non-retail type uses. Bangs Ave. and North Star Way. Inside Modesto Sphere.

P-D (131) REZ 86-07 - Lincoln Property Company - Approved, July 29, 1986, for uses such as, auto parts, cabinet shops, product assembly, mini-warehouses, plumbing and heating establishments, warehouses and a plastic recycling plant. South side of Kiernan Avenue, west of McHenry. Inside Modesto Sphere. **824 Kiernan Ave. - The Auction Park**

P-D (240) GPA 99-05, REZ 99-11 - Derrel A. Ridenour - Approved, November 9, 1999. Allowed for construction of a mini-storage facility on a 15.4 acre site, a residential care and office, and RV storage. Project site is currently offering RV storage in conjunction with Derrel's Mini Storage but it still zoned A-2-40. Outside Modesto Sphere. **5019 Tunson Rd. - Derrel's Mini Storage**

P-D (202) GPA 92-06, REZ 92-08 - Oakbrook Associates - Approved, December 15, 1992, allowed for legalization & expansion of a recreational vehicle and auto storage. Followed by UP 95-12 - Joseph Fluence - Converted the parcel from a vehicle storage facility to a fully enclosed mini-storage facility (both permits Expired) *PC - Denied, BOS - Approved*. Outside Modesto Sphere.

P-D (301) GPA 2005-07 REZ 2005-08 - CG Properties - Approved, December 20, 2005, on a 1.16 acre parcel permitted to construct buildings for professional office uses with accessory warehouse/storage space. TE 2007-1, Request for a 1-year Time Extension to the Development Schedule . Outside Modesto Sphere. **625 Kiernan Avenue.**

P-I (20) GPA 2000-06, REZ 2000-07, PM 2000-10 - Bavarao Industrial Park - The project rezoned 16.5 acres to create five parcels from 1.2 to 9.2 acres, PI type uses. Manufacturing, Assembly and Warehouse uses require Staff Approvals. SAA 2005-123 - blanket staff approval. The project is located on the north side of Kiernan Ave., west of McHenry Avenue, adjacent to Pentecost Drive. Outside Modesto Sphere.

P-D (286) REZ 2003-08, VTPM 2003-15 - B & D United Builders - Approved, March 2, 2004, Parcel 1 is for a fraternal lodge, other parcels are PI-type uses. The project is located at the NW corner of Kiernan and Pentecost Way, in the Modesto area. Previously P-D (233) GPA 97-07, REZ 97-10, to allow a 5,000 seat church and parking on 22 acres & P-I (6) GPA91-12, REZ 91-15, PM 91-37 - Empire Pallet Allowed establishment of a pallet manufacturing business. *PC/BOS - Approved*. Outside Modesto Sphere.

AMENDED ORDINANCE NO. C.S. - 706

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.886 FOR THE PURPOSE OF CHANGING THE ZONING CLASSIFICATION FROM AGRICULTURE AND A-2-40 (GENERAL AGRICULTURE) TO PLANNED DEVELOPMENT (PD) TO REZONE A 23 ACRE PARCEL, FOR THE PURPOSE OF ALLOWING CONSTRUCTION OF A MINI-STORAGE FACILITY ON APPROXIMATELY 15.4 ACRES OF THIS SITE, THE REMAINDER WOULD REMAIN UNDEVELOPED AT THIS TIME. THE SITE WILL INCLUDE 232,000 SQUARE FEET OF MINI-WAREHOUSE STRUCTURES, A 2,400 SQUARE FOOT CARETAKER'S RESIDENCE/OFFICE AND A 3.7 ACRE OUTDOOR RV STORAGE AREA. DEVELOPMENT WILL OCCUR IN PHASES. THE PROPERTY IS LOCATED ON THE NORTHWEST CORNER OF KIERNAN AVENUE AND TUNSON ROAD. APN: 004-71-37

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

~~Section 1. Sectional District Map No. 9-110.886 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:~~

(Insert Map Here)

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

Upon motion of Supervisor Paul, seconded by Supervisor Caruso, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 9th day of November, 1999, by the following called vote:

AYES: Supervisors: Paul, Mayfield, Blom, Caruso, and Chairman Simon

NOES: Supervisors: None

ABSENT: Supervisors: None

ABSTAINING: Supervisors: None

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

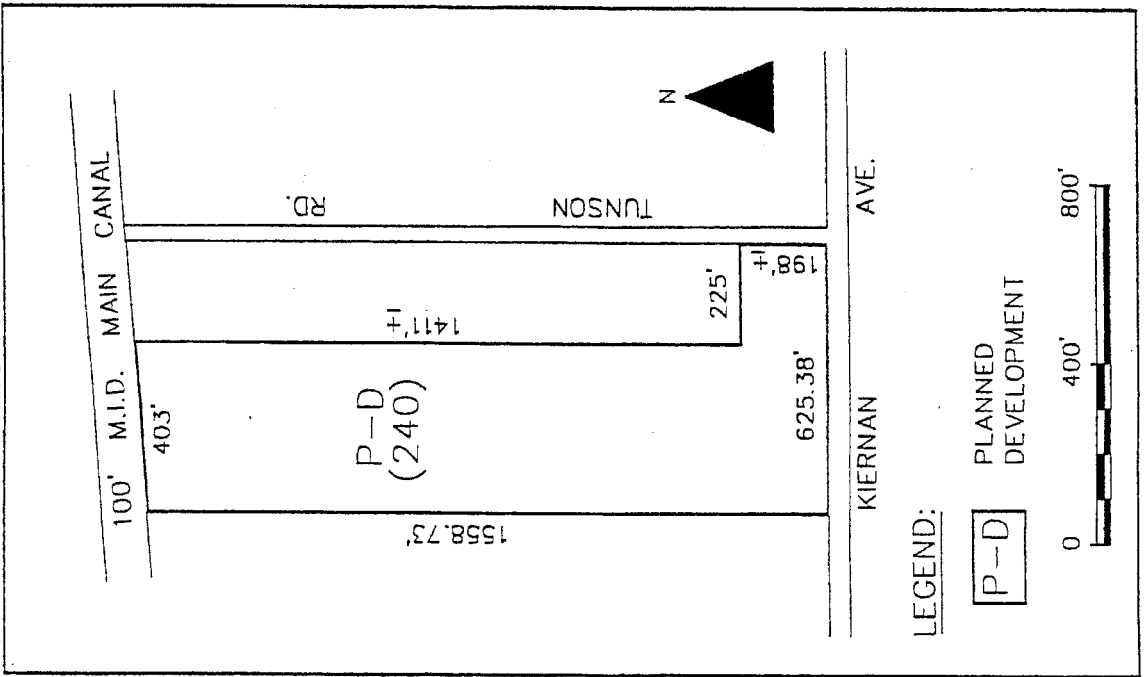
ATTEST: REAGAN M. WILSON, Clerk of the Board of Supervisors of the County of Stanislaus, State of California

BY: 
Lillie Farriester, Assistant Clerk



ORD-54-D-6

SECTIONAL DISTRICT MAP NO.9-110.886



SUBJECT: GENERAL PLAN AMENDMENT NO. 99-05 AND REZONE APPLICATION NO. 99-11 -
DERREL A. RIDENOUR

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DISCUSSION:

The subject applications seek approval to change the general plan designation and zoning classification of a 23 acre parcel, located on the northwest corner of Kiernan Avenue and Tunson Road, from Agriculture and A-2-40 (General Agriculture) to Planned Development (PD). The proposed development plan would allow construction of a mini-storage facility on approximately 15.4 acres of this site, the remainder would remain undeveloped at this time. The site would include 232,000 square feet of mini-warehouse structures, a 2,400 square foot caretaker's residence/office and a 3.7 acre outdoor RV storage area. Development would occur in phases as outlined in the attached staff report to the Planning Commission.

The property in the past was used to dispose of waste water from the Tri-Valley Growers cannery formerly located across Kiernan Avenue. Subsequently, in 1990 Burchell Nursery was granted a use permit to relocate some of its nursery operations from its McHenry Avenue site to this property. Until it was decided to move the operation to a site in the Oakdale area, Burchell used this property to "heal in" orchard trees prior to shipment. In 1997, Ernst and Associates applied to rezone this property to allow development of an auction park. That application was subsequently withdrawn. The property also has been used as an unauthorized parking lot for customers of the Ernst auction located on the south side of Kiernan Avenue.

Speaking in opposition to the proposal was Vance Kennedy, owner of a 7.78 acre parcel located 660 feet west of the subject property at the northeast corner of Tully Road and Kiernan Avenue. He noted his property in the past was a Christmas tree farm and now supports a wide variety of fruits and vegetables year-round. The intervening parcel between his parcel and the subject parcel is a 23-acre almond orchard. Mr. Kennedy pointed out that this is prime Hanford soil which can grow a wide variety of crops. His concern is that with the rapid urbanization of the valley, there will not be enough good farmland to feed our children and grandchildren without relying on other countries. He presented posters delineating sprawl in the Central Valley and the loss of irrigated crop land. Mr. Kennedy also noted that he currently drives across this property to turn on the irrigation valve at the M.I.D. Main Canal when he irrigates his property. He would be unable to drive to the valve if this property is developed.

Richard Hagerty, a manager for Burchell Nursery; Max Garcia, the applicant's engineer; and Derrel Ridenour, applicant; spoke in favor. Mr. Hagerty outlined the history of the property noting that the disposal of waste from the cannery had diminished its agricultural value. Burchell had been able to use it for temporary healing in of its trees, but did not grow plants in the soil for harvest. The surrounding land uses were noted which include the former cannery property which is now an industrial park, the Continental Landscaping business on Tunson Road, the restaurant/bar adjacent to the railroad to the east and the planned development zone for a similar mini-storage facility which has been approved just across Tunson Road to the east. Also noted, was that the subject parcel is several feet higher than the orchard to the west which would likely

SUBJECT: GENERAL PLAN AMENDMENT NO. 99-05 AND REZONE APPLICATION NO. 99-11 -
DERREL A. RIDENOUR

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**DISCUSSION
CONTINUED:**

result in a five feet, more or less, setback which would still allow access to the canal from Kiernan Avenue. Proponents pointed out that unlike the previously applied for auction park, this proposal was heartily supported by many of the neighbors in the area.

Mr. Ridenour spoke about his business practices. He presented a video which depicted several of his facilities and detailed how and why such uses are needed. Also pointed out, was the compatibility of mini-storage uses with just about any other land use.

Commissioners were divided. They agreed that the proposed use is compatible with the area. They also agreed that this developer would provide a top-notch facility with aesthetic landscaping treatments which would be an asset to this area. The concern expressed by the majority was with the loss of agricultural land. It was noted that the City of Modesto had included this area in its general plan, but LAFCO had denied its inclusion in a sphere of influence expansion a couple of years ago. On a 4-2 (McWilliams and Griffin) vote the Commission recommended denial.

Prior to recommending denial, the Commission had unanimously voted to amend the development standards to require a stucco wall around the perimeter of development including adjacent to the M.I.D. canal. Staff had recommended approval of the 15.4 acre portion for which a development plan had been submitted.

**POLICY
ISSUES:**

The policies for general plan amendments are outlined in the attached staff report to the Commission.

**STAFFING
IMPACT:**

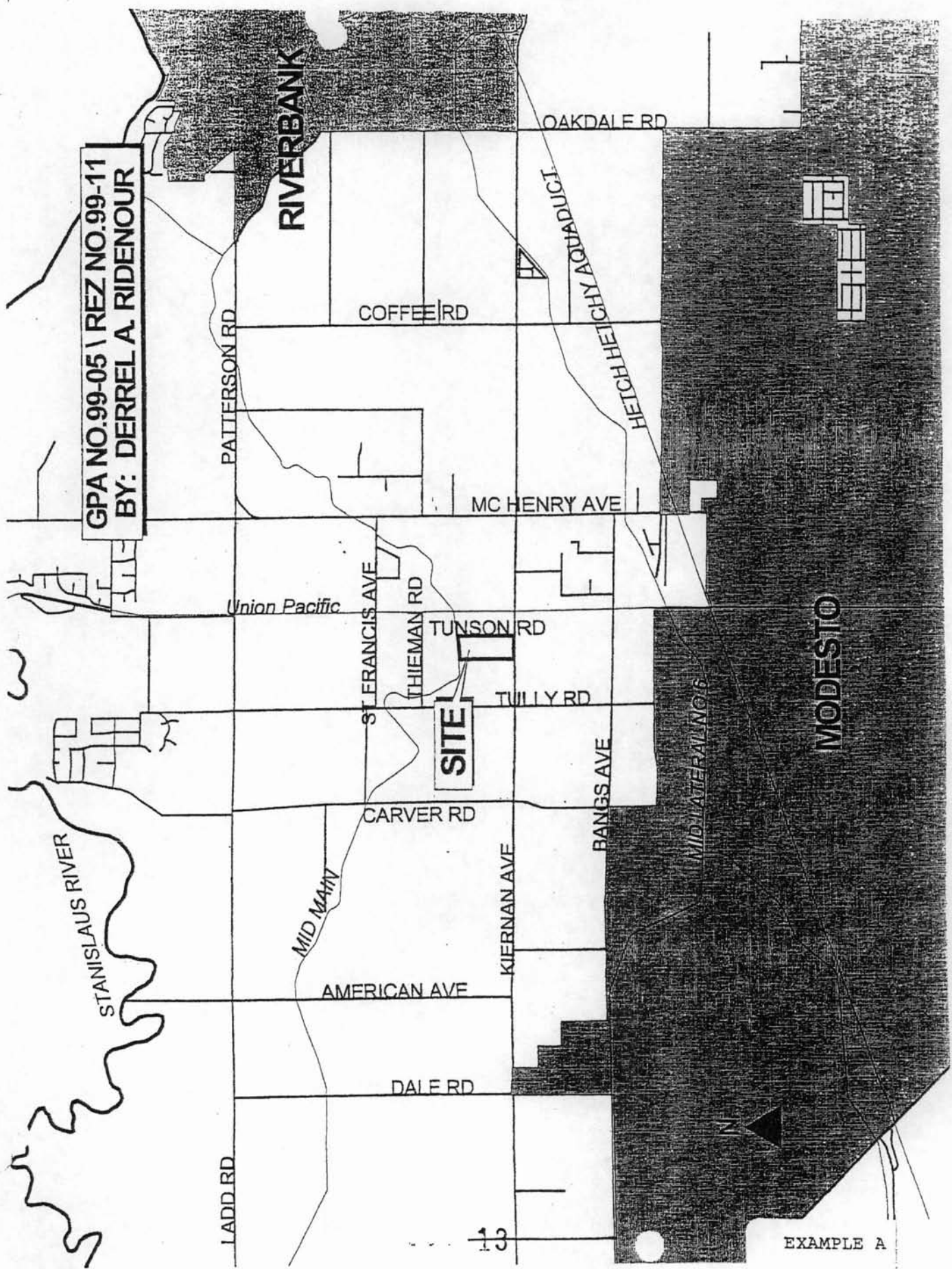
None.

ATTACHMENTS:

Letters Vance Kennedy, October 5, 1999 and August 23, 1999
Planning Commission Minutes, August 19, 1999
Planning Commission Staff Report, August 19, 1999
Letter, Dorene Paoluccio, August 18, 1999
Letter, Russell Farms, August 17, 1999

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GPA NO.99-05 \ REZ NO.99-11
BY: DERREL A. RIDENOUR



SITE

13

EXAMPLE A

**GPA NO.99-05 \ REZ NO.99-11
BY: DERREL A RIDENOUR**



1.675AC. 10.94AC. 9.51AC. 7.88AC. 1.97AC. 2.813AC. 2.68 AC. 2.45AC. 2.86AC. 1.32AC. 38.74AC.

5.268AC. 17.43AC. 6.7AC. 1.2794AC. 8.8AC. 3.024AC. 3.2AC. 4.57AC. 7.78AC. 18.48AC. 20.02AC.

14.98 24.36AC. 14.98 9.81 AC. 16.545AC. 1.207 AC.

1.26AC. 9.77AC. 3.5AC. 3.75AC. 3.35AC. 1.24 AC. 1.0 AC. 1.10 AC. 1.97AC. 1.99AC. 1.08AC. 1.02AC. 1AC.

2.1AC. 1.2794AC. 8.8AC. 3.024AC. 3.2AC. 4.57AC. 7.78AC. 14.30AC. 36.31AC. 5.59AC. 1.52 1.29 2.49AC 3.42AC 2.45AC

SITE 23.09AC.

MID-MAIN Union Pacific KIERNAN AVE TULLY RD

2.63AC. 1.26AC. 9.77AC. 3.5AC. 3.75AC. 3.35AC. 1.207 AC. 1.0 AC. 1.10 AC. 1.97AC. 1.99AC. 1.08AC. 1.02AC. 1AC.

DEVELOPMENT STANDARDS

**GENERAL PLAN AMENDMENT 99-05
REZONE APPLICATION 99-11
DERREL A. RIDENOUR**

Salida Fire Protection District

The Salida Fire Protection District will require that this project be responsible for its share of said impaction by contributing fees for the services provided by the District on a continuing basis, and further said fees shall be those that are currently in place at the time of issuance of construction permits. Fees currently being assessed are:

1. Equipment: The Salida Fire Protection District requires that the CEQA Fire Service Impact Mitigation Fees as researched and adopted by the Salida Fire Protection be applied initially as follows:

1) Unsprinkled Residential	\$.35 per square foot
2) Sprinkled Residential	\$.28 per square foot
3) Unsprinkled Commercial, Industrial	\$.25 per square foot
4) Sprinkled Commercial, Industrial	\$.18 per square foot
5) Unoccupied Agricultural Buildings	\$.10 per square foot
6) Recreational Vehicle/Mobile Home Space	\$250.00 per space

To be paid to the District prior to issuance of the building permits.

2. Manpower: The District requires the salary for three years (including benefits adjusted annually for inflation) of any engineer for each additional 1,200 residents or 1,500 jobs (or fraction thereof). In addition, the District requires the salary of Captain (including benefits adjusted annually for inflation) to be provided for three years for each 3,600 residents or 4,500 jobs (or fraction thereof). Said Manpower Fee will approximate \$325.00 per residential living unit or \$0.158 per square foot on commercial/industrial construction. Said mitigation fees shall be paid prior to issuance of building permits.
3. General: All buildings constructed shall meet the Salida Fire Protection District's requirements for sprinklers, alarm systems, water supply and flow rates, fire hydrant locations, key-lock entry systems, and compliance with all applicable sections of the Uniform Fire Code and all other applicable codes and ordinances. All fire hydrants will be identified with blue reflective street markers and red painted curbs. In addition, the District requires a paved, all-weather street with all required hydrants in place and with working fire flows supplied to the hydrant system prior to any building construction. All subdivisions must provide for two accesses suitable for fire and emergency apparatus.
4. Method of Monitoring and Collection: (1) Required action shall be guaranteed by the deposit

of said mitigation fees with the Salida Fire Protection District; (2) Prior to the approval of final map (or other County regulated act), the applicant shall provide a Statement of Compliance from the Salida Fire Protection District stating that the appropriate mitigation measures have been provided and which shall include any written agreements between the applicant and the District concerning the mitigation measures; (3) Monitoring shall be by one of the following: John A. Brubaker, Fire Chief, or David E. Boyd, Deputy Chief and clerk to the Board of Directors.

Caltrans (Standard Conditions on Kiernan Avenue)

5. Mitigations to the state highway system should include the dedication of right-of-way along the frontage of the property to fifty-five feet from the centerline.
6. The pavement must be widened to thirty-eight feet from the centerline.
7. Any work being done within Caltrans' right-of-way will require an encroachment permit.
8. Building setbacks shall be consistent with the tentative 135 foot wide plan line for SR-219 (i.e. 82.5 feet from centerline).

Public Works

9. Prior to the issuance of any building permits, sufficient road right-of-way shall be dedicated as follows:
 - A. 55 feet north of the centerline of Kiernan Avenue;
 - B. On Tunson Road in conformance with Stanislaus County Plate 3-K (Typical Intersection of a Major/Collector; and,
 - C. The chord of a 25 foot radius at the Kiernan/Tunson intersection.
10. Curb, gutter, sidewalk, drainage facilities and street markings shall be installed along the Kiernan Avenue and Tunson Road frontages of the development. The improvements on Kiernan Avenue may be deferred by the signing of a Street Improvement Agreement prior to issuance of any building permits. The Tunson Road improvements shall be installed prior to occupancy of the property with the approved use. A complete set of street improvement plans shall be approved by Stanislaus County prior to issuance of any building permits.

11. No parking, loading or unloading of vehicles shall be permitted within the Kiernan Avenue right-of-way. The developer will be required to install or pay for the installation of all required signs and/or markings.
12. A storm drainage plan shall be approved by the Department of Public Works prior to issuance of any building permits. The storm drain system shall be installed prior to occupancy of the property with the approved use.
13. Prior to issuance of any building permits, the property may be required to be annexed to the North McHenry Lighting District. If the annexation is required, the developer shall provide all necessary documents and pay all associated fees. The developer will also be required to install street lights and pay the first year's operation and maintenance cost of the lights.
14. The only access to the property shall be the locations shown on the approved site plan. The fire access at the north end of the property shall be gated and locked as approved by the Fire District.

Department of Environmental Resources

15. Wastewater to be disposed through an approved aerobic treatment system so as to comply with the Primary and Secondary Sewage Treatment Initiative (Measure X).
16. Drinking water will have to meet the requirements of a public water system.

Central California Information Center (Standard Condition)

17. If, during construction, cultural resources are encountered, work shall be halted or diverted in the immediate area while a qualified archaeologist evaluates the site and makes a recommendation to the Planning Director.

Modesto Irrigation District

18. In conjunction with related site/road improvement requirements, existing overhead electric facilities with or adjacent to the proposed development shall be protected, relocated or removed as required by the District's Electric Engineering Department. Appropriate easements for electric facilities shall be granted as required.
19. Costs for relocation and/or undergrounding the District's facilities at the request of others will be borne by the requesting party. Estimates for relocating or undergrounding existing facilities will be supplied upon request.
20. A 10' PUE is required along all existing and proposed street frontages. Additional easements may be required relative to future improvement/development plans.
21. Existing service to the project site may not be appropriate or adequate to serve the proposed load additions. The existing overhead high voltage and service liens along the westerly property line appear to be in conflict with the proposed new building arrangement. Customer should contact the District's Electric Engineering Department to arrange for electric service to the project.

22. A 5' irrigation easement is required along the west property line to protect the existing irrigation pipeline.
23. ~~A 6' high masonry fence is required along the MID Main Canal right-of-way as indicated on the map.~~

An approximate 8' high stucco wall is required along the perimeter of the facility including the MID Main Canal right-of-way as indicated on the map.

Department of Planning and Community Development

24. This project is to be constructed and operated as described in the application information submitted including submittals modifying the project in accordance with other laws and ordinances.
25. All uses within the PD zone shall be consistent with the approved development plan.
26. That building permits must be obtained from the Building Inspection Division. (UBC Section 301 and Title 16, Stanislaus County Ordinance Code). No building permits shall be issued until the Department of Environmental Resources has indicated that adequate water and sewage treatment facilities will be available prior to occupancy.
27. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to: (California Health and Safety Code, Division 20)
 - a. Permits for the underground storage of hazardous substances at new or existing tank facilities.
 - b. Requirements for registering as a handler of hazardous materials in the County.
 - c. Submittal of hazardous materials Business Plans by handlers of hazardous materials in excess of 55 gallons, 500 pounds or 200 cubic feet of compressed gas. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Plan.
 - d. Generators of hazardous waste must notify the department relative to the (1) quantities of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices.
28. Prior to the occupancy of any building or operation of the approved use, the applicant shall meet all the requirements of the Department of Fire Safety.
29. That a Certificate of Occupancy shall be obtained from the Building Inspection Division prior to occupancy (UBC Section 307).
30. That sufficient paved and marked parking spaces be provided as required by Chapter 21.76 of the Stanislaus County Code.

31. That a landscaping plan indicating type of plants, initial plant size, location and method of irrigation shall be submitted and approved by the County Planning Director for each property. Landscaping must be installed prior to occupancy.
32. Applicant, or subsequent property owner, shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety.
33. Exterior lighting of the parking areas shall be designed (aimed down and towards the site), to provide adequate illumination without a glaring effect.
34. A plan for any proposed signs indicating the location, height, area of the sign, and message must be approved by the Planning Director before installation.
35. Trash bins shall be kept in trash enclosures constructed of materials compatible with the architecture of the development. Trash enclosures shall be placed in locations as approved by the refuse collecting agency and the Planning Director.
36. Fences and landscaping adjacent to roadways shall be in compliance with the County's "Visibility and Obstructions at Public Intersections" ordinance.
37. The project shall comply with all development standards of the PD zone, unless the Planning Commission grants specified exemptions based on justifiable reasoning and evidence presented by the applicant.
38. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by resolution by the Board of Supervisors. The fees shall be payable at the time of issuance of building permits for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
39. The applicant is required to defend, indemnify, or hold harmless the County, its officers and employees from any claim, action or proceeding 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.

Within two weeks of approval, the property owner shall execute the indemnification agreement attached as Exhibit "F".

40. At such time as Kiernan Avenue is reconstructed to expressway standards, no access to Kiernan Avenue from this property shall be allowed and access shall be limited to Tunson Road as shown in the circulation plan for the area adopted by the Board of Supervisors.

Department of Fish and Game

41. Prior to the recording of the Notice of Determination for this project, and within two weeks of the Board of Supervisors' final action on the project, the applicant shall deposit with the Planning Department the \$50.00 filing fee made payable to "Stanislaus County Clerk/Recorder" needed for filing the Notice of Determination. A "De Minimis" finding, based on lack of any anticipated wildlife impacts, will be filed.

San Joaquin Valley Unified Air Pollution Control District

The SJVUAPCD suggests that the following measures to reduce ozone precursors be used:

42. The project is subject to District Regulations VIII (Fugitive Dust Prohibitions).
43. Provide for efficient interior circulation and pedestrian access within the project area and provide logical connection points for future development on the surrounding properties.
44. If transit service is available to the project site, improvements should be made to encourage its use. If transit service is not currently available but is planned for the area in the future, appropriate easements should be reserved to provide for future improvements such as bus turnouts, loading areas and shelters.

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DEVELOPMENT SCHEDULE

GENERAL PLAN AMENDMENT NO. 99-05
REZONE APPLICATION NO. 99-11
DERREL A. RIDENOUR

1999-2000	Entitlements and Approvals
2000-2002	Construction of Phase I Improvements
2003-2004	Construction of Phase II Improvements
2004 - 2006	Construction of Phase III Improvements

Note: Development schedule is approximate only based upon project goals, financial parameters, and economic conditions. The applicant reserves the right to alter the schedule accordingly in consultation with County staff.

Justification


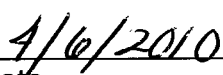
The property is in an area that has been the focus of a number of development requests. The proposed project is a use that will compliment the other approved and proposed uses in the area. The min-storage facility is a clean, quiet, and low-traffic generating use that will provide a necessary public use in a convenient location along a major street.

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: GENERAL PLAN AMENDMENT APPLICATION NO. 2009-01 AND REZONE APPLICATION NO. 2009-02 - DERREL'S MINI STORAGE

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
AGRICULTURE COMMISSIONER	X	X			X			X		X		X
ALLIANCE	X	X	X		X							
BUILDING PERMITS DIVISION	X	X		X				X		X	X	
CALTRANS DISTRICT 10	X	X	X	X				X		X		X
CENTRAL VALLEY FLOOD PROTECTION	X	X	X		X							
CHIEF EXECUTIVE OFFICE	X	X			X							
CITY OF: MODESTO	X	X	X	X				X		X		X
CONSERVATION, DEPT OF: DIVISION OF LAND RESOURCES	X	X		X				X		X		X
COOPERATIVE EXTENSION	X	X			X							
COUNTY COUNSEL	X	X			X							
ENVIRONMENTAL RESOURCES	X	X		X		X				X	X	
FIRE PROTECTION DIST: SALIDA	X	X	X	X				X		X	X	
FISH & GAME, DEPT OF	X	X	X		X							
HAZARDOUS MATERIALS	X	X			X							
IRRIGATION DISTRICT: MODESTO	X	X	X	X		X				X	X	
LAFCO	X	X	X		X							
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
NATURAL RESOURCES CONSERVATION	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
PARKS & FACILITIES	X	X		X				X		X		X
PUBLIC WORKS	X	X		X				X		X	X	
PUBLIC WORKS - TRANSIT	X	X			X							
RAILROAD: UNION PACIFIC	X	X	X		X							
SCHOOL DISTRICT 1: STANISLAUS	X	X	X		X							
SCHOOL DISTRICT 2: MODESTO	X	X	X	X				X		X	X	
SHERIFF	X	X		X				X		X		X
StanCOG	X	X			X							
STANISLAUS COUNTY FARM BUREAU	X	X	X		X			X		X		X
STANISLAUS ERC	X	X		X				X		X		X
STANISLAUS FIRE PREVENTION BUREAU	X	X		X				X		X	X	
STATE CLEARINGHOUSE	X	X	X	X				X		X		X
SUPERVISORIAL DISTRICT 4: MONTEITH	X	X			X							
SURROUNDING LAND OWNERS			X									
TELEPHONE COMPANY: AT&T	X	X	X		X							
TRIBAL CONTACTS	X	X	X		X							
UNITED STATES MILITARY AGENCIES (SB 1462) (5 agencies)	X	X	X		X							
VALLEY AIR DISTRICT (SJVAPCD)	X	X	X	X				X		X	X	

- C. **GENERAL PLAN AMENDMENT APPLICATION NO. 2009-01 AND REZONE APPLICATION NO. 2009-02 - DERREL'S MINI STORAGE** - Request to amend the General Plan designation of a 7.37 acre parcel from Agriculture to Planned Development and the zoning designation from A-2-40 (General Agriculture) to Planned Development to allow for recreational vehicle (RV) & boat storage as an expansion of an existing mini storage facility located on the adjacent property to the west. The property is located at 5019 Tunson Road, at the northwest corner of Kiernan Avenue and Tunson Road, north of Modesto. The Planning Commission will consider a Negative Declaration on this project.
APN: 004-057-010
Staff Report: Kristin Doud Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: Paul Ridenour, 3265 W. Ashlan, Fresno, CA 93722
OTHER: Joseph K. Fluence, 1412 Avenida Del Rio, Modesto, CA 95356
Public hearing closed.
Ramos/Pires, Unanimous (5-0), **RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS.**

<p style="text-align: center;">EXCERPT</p> <p style="text-align: center;">PLANNING COMMISSION</p> <p style="text-align: center;">MINUTES</p> <p style="text-align: center;"> _____ Secretary, Planning Commission</p> <p style="text-align: center;"> _____ Date</p>

ORDINANCE NO. C.S. - 510

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.830
FOR THE PURPOSE OF DESIGNATING A PLANNED DEVELOPMENT DISTRICT
(R-92-08 - OAKBROOK ASSOCIATES)

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

Section 1. Sectional District Map No. 9-110.830 is adopted for the purpose of designating and indicating the location and boundaries of a "P-D," Planned Development, District, such map to appear as follows:

(Insert map here)

Section 2. A "Development Plan" consisting of exhibits on file in the office of the County Planning Department has been approved by the Planning Commission and regulates all development in the designated area.

Section 3. This Ordinance shall take effect and be in full force thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against same, in the Modesto Bee, a newspaper of general circulation published in Stanislaus County, State of California.

Upon motion by Supervisor Blom, seconded by Supervisor Simon, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 15th day of December, 1992, by the following called vote:

AYES: Supervisors: Starn, Blom, Simon and Chair Paul

NOES: Supervisors: Caruso

ABSENT: Supervisors: None

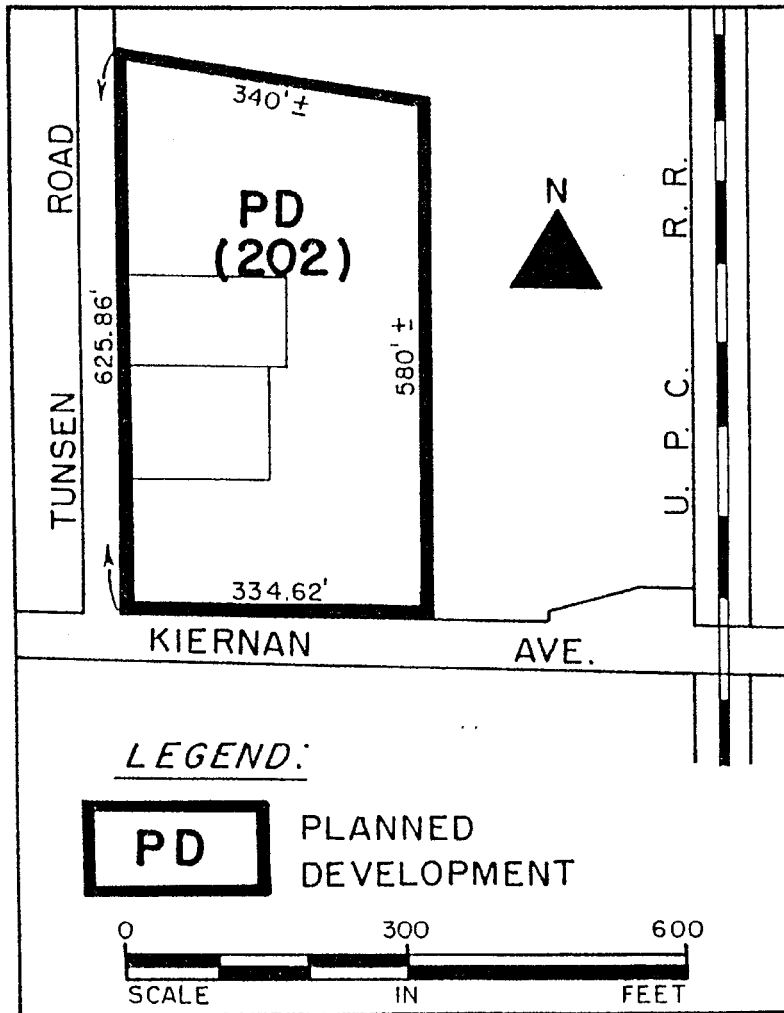
PAT PAUL

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

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

By: PATRICIA A. MINTON

SECTIONAL DISTRICT MAP
NO. 9-110.830



GPA 92-06
R 92-08
Olin Israel/Oakbrook Assoc
A-2-40 to PD

MITIGATION MEASURES/DEVELOPMENT STANDARDS

**GENERAL PLAN AMENDMENT NO. 92-06
REZONE APPLICATION NO. 92-08
OAKBROOK ASSOCIATES**

Department of Planning and Community Development

1. This project is to be constructed and operated as described in the application. Information submitted including the mitigation plan shall be in accordance with other laws and ordinances.
2. All additional uses within the P-D zone shall, prior to any construction or use, obtain a staff approval permit to allow site plan and operation/design review. Said staff approvals shall be circulated for comments as per normal County procedures.
3. Prior to the occupancy of any building, or operation of the approved use, the applicant shall meet all the requirements of the Department of Fire Safety.
4. That a landscaping plan indicating type of plants, initial plant size, location and method of irrigation shall be submitted and approved by the County Planning Director. Landscaping must be installed prior to occupancy.
5. Applicant, or subsequent property owner, shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety. (CEQA, Section 15041)
6. Exterior lighting of the parking areas shall be designed (aimed down and towards the site) to provide adequate illumination without a glaring effect. (Stanislaus County Sheriff's Department, CEQA, Section 15041 and Planning Staff's professional opinion)
7. A plan for any proposed signs indicating the location, height, area of the sign and message must be approved by the Planning Director before installation.
8. Fences and landscaping adjacent to roadways shall be in compliance with the County's "Visibility and Obstructions at Public Intersections: ordinance.
9. Developer shall pay all Public Facilities Fees and Fire Facilities Fees, if applicable, 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.
10. Should the De Minimis finding be found invalid for any reason, the applicant shall be responsible for payment of Department of Fish and Game fees.

11. 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.
12. All persons proposing uses within the boundaries of this approved map should be prepared to accept the inconveniences associated with agricultural operations, such as noise, odors, flies, dust or fumes. Stanislaus County has determined that such inconveniences shall not be considered to be a nuisance if agricultural operations are consistent with accepted customs and standards.

State Department of Fish and Game

13. Prior to the issuance of the Notice of Determination, the applicant shall pay, within two weeks of approval by the Planning Commission, a fee of \$50.00 to "Stanislaus County Clerk/Recorder".

Modesto Irrigation District

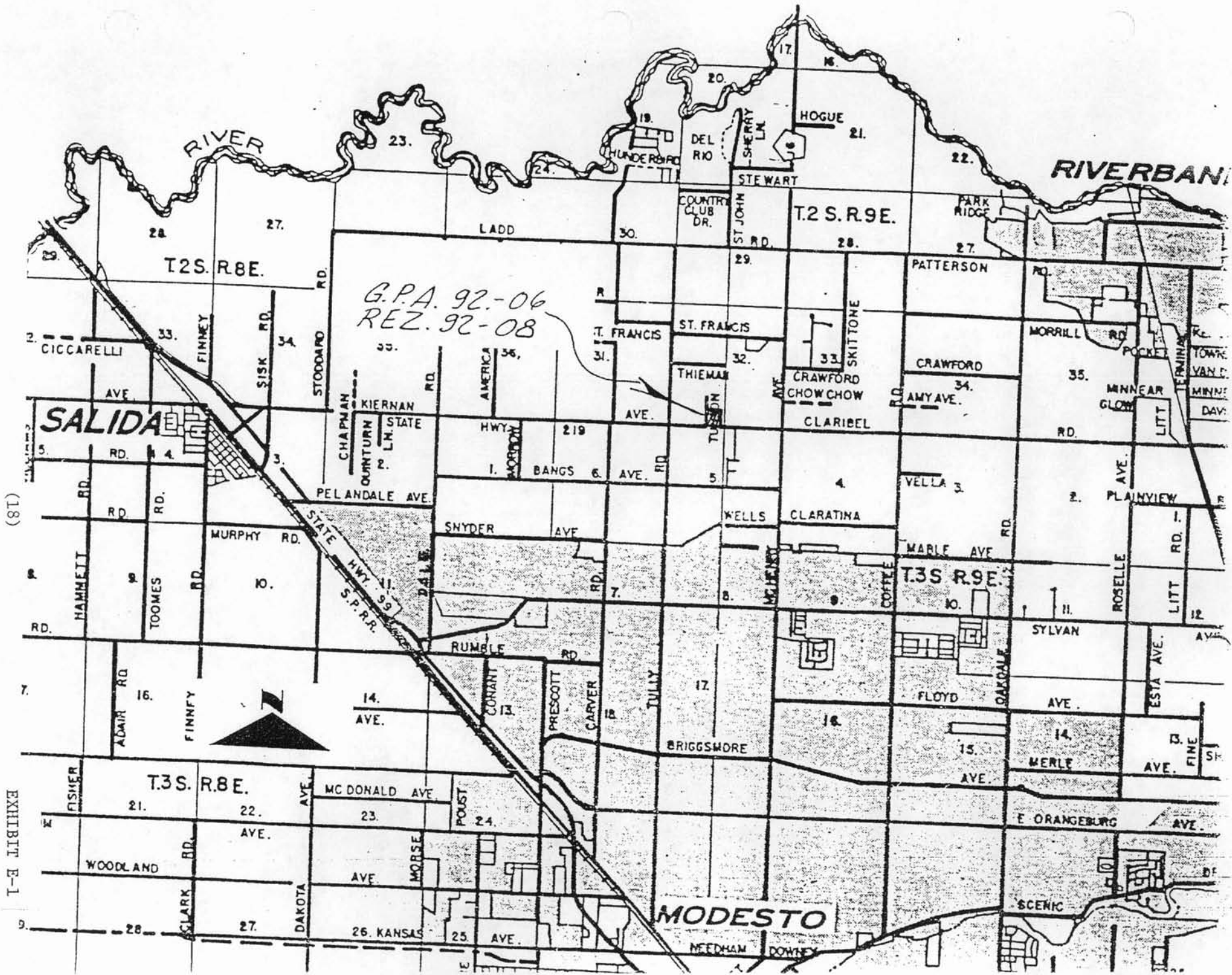
14. 5-foot MID easement required centered on existing overhead line.
15. 10-foot P.U.E. required along all street frontages.
16. The District has an existing electric service within the area marked Phase II, feeding a mobile home. Should the mobile home be removed, the District will remove its service at own expense in conjunction with the removal of the load being served. Owner should contact the District if such removal is necessary.
17. Existing pipeline needs to be replaced, by the developer, with reinforced concrete pipe through the proposed development.
18. 10-foot irrigation easement required centered on pipeline.

Public Works

19. Prior to occupancy of the property with the approved use, a sufficient amount of road right-of-way shall be dedicated to provide for:
 - A. 50 feet of right-of-way north of the centerline of Kiernan Avenue;
 - B. 30 feet of right-of-way east of the centerline of Tunson Road;

- C. Future left turn lane on Tunson Road at Kiernan Avenue; and,
 - D. The chord distance of a 25-foot radius at Kiernan/Tunson intersection.
20. Curb, gutter, sidewalk, drainage facilities, street lights and street pavement shall be installed on Kiernan Avenue and Tunson Road prior to occupancy of the property with the approved use. If the project is phased, the street improvement may also be phased in a manner approved by the Department of Public Works.
- Prior to issuance of any building permits, or occupancy of the property with the approved use if no building permits are required, a set of street improvement plans for the entire Kiernan Avenue and Tunson Road frontages shall be approved by the Department of Public Works.
21. Prior to issuance of any building permits, or occupancy of the property with the approved use if no building permits are required, a grading and drainage plan shall be approved by the Department of Public Works. The plan shall be implemented prior to the occupancy of the property with the approved use.
22. There shall be no parking, loading or unloading of vehicles associated with the approved use within the right-of-way of Kiernan Avenue and Tunson Road. The applicant will be required to pay for the installation and maintenance of "No Parking" signs if they should become necessary.
23. Prior to the occupancy of the property with the approved use the entire property shall annex to the North McHenry Lighting District. The applicant shall provide all required documents and pay all cost associated with the annexation. In addition, the applicant shall deposit sufficient funds with the Department of Public Works to operate and maintain the street lights until assessment funds can be generated.
24. All signs shall be located outside the road right-of-way and shall conform to Chapter 11.26, "Visibility Obstructions at Public Intersections", of the Stanislaus County Code.

kh/S10



(81)

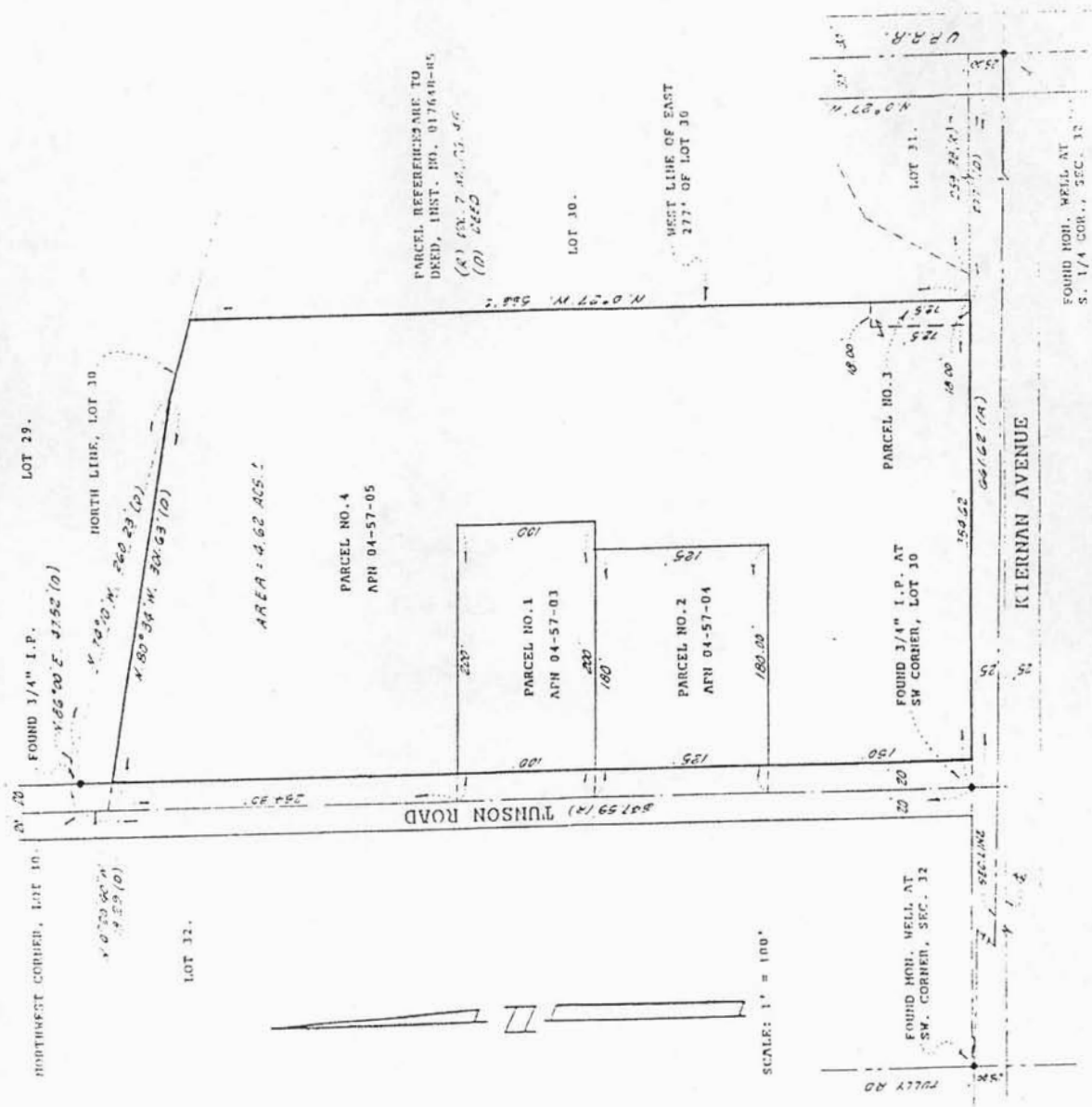
EXHIBIT E-1

G.P.A. NO. 92-06/REZ. NO. 92-08
 By: Olen & Geraldine Israel



Sec: 92-2-9

G.P.A. NO. 92-06/REZ. NO. 92-08
 By: Olen & Geraldine Israel



Sec: 32-2-9



DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

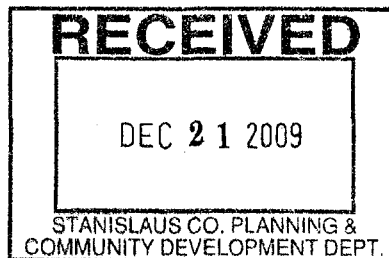
801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

December 21, 2009

VIA FACSIMILE (209) 525-5911

Ms. Kristin Doud, Assistant Planner
Stanislaus County
Planning and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354



Subject: Negative Declaration for Derrel's Mini Storage - SCH# 2009052064

Dear Ms. Doud:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Negative Declaration for General Plan Amendment Application No. 2009-01 and Rezone Application No. 2009-02 – Derrel's Mini Storage. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

Project Description

The proposed project is located outside of the City of Modesto's Sphere of Influence on approximately 7.37 acres. The request is for an amendment to the General Plan from Agriculture to Planned Development and a re-zone from A-2-40 to Planned Development. The adjacent 15+ acre property previously underwent a General Plan Amendment and rezone to allow the construction of Derrel's Mini Storage in November of 1999. This request will allow the Derrel's Mini Storage operation to expand to 130± roof only structures (totaling 80,805 square feet) to be rented for RV storage.

Mitigation Measures

The northern half of the property is classified as Prime Farmland and the southern half of the subject property is classified as Urban and Built-Up Land by the Department of Conservation Farmland Mapping and Monitoring Program. However, the initial study does not address any mitigation measures for the loss of Prime Farmland.

The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.

Ms. Kristin Doud
December 21, 2009
Page 2 of 2

The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. As such, the Department recommends the use of permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land. If growth inducing or cumulative agricultural impacts are involved, the Department recommends that this ratio of conservation easements to lost agricultural land be increased. Mitigation for the loss of Prime Farmland is suggested at a 2:1 ratio due to its importance in the State of California.

Such conservation easements can protect a portion of those remaining land resources and lessen project impacts in accordance with California Environmental Quality Act (CEQA) Guideline §15370. The Department highlights this measure because of its acceptance and use by lead agencies as an appropriate mitigation measure under CEQA, and because it follows an established rationale similar to that of wildlife habitat mitigation.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands can be conducted regionally or statewide, and need not be limited strictly to lands within the project's surrounding area.

Thank you for giving us the opportunity to comment on this Negative Declaration for the General Plan Amendment and Rezone Application. Please provide this Department with the date of any hearings for this particular action, and any staff reports pertaining to it. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Meri Meraz, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, California 95814, or by phone at (916) 445-9411.

Sincerely,



Dan Otis
Program Manager
Williamson Act Program

cc: State Clearinghouse

4/20/10 PowerPoint Presentation

GENERAL PLAN AMENDMENT 2009-01

RE-ZONE 2009-02

DERREL'S MINI STORAGE

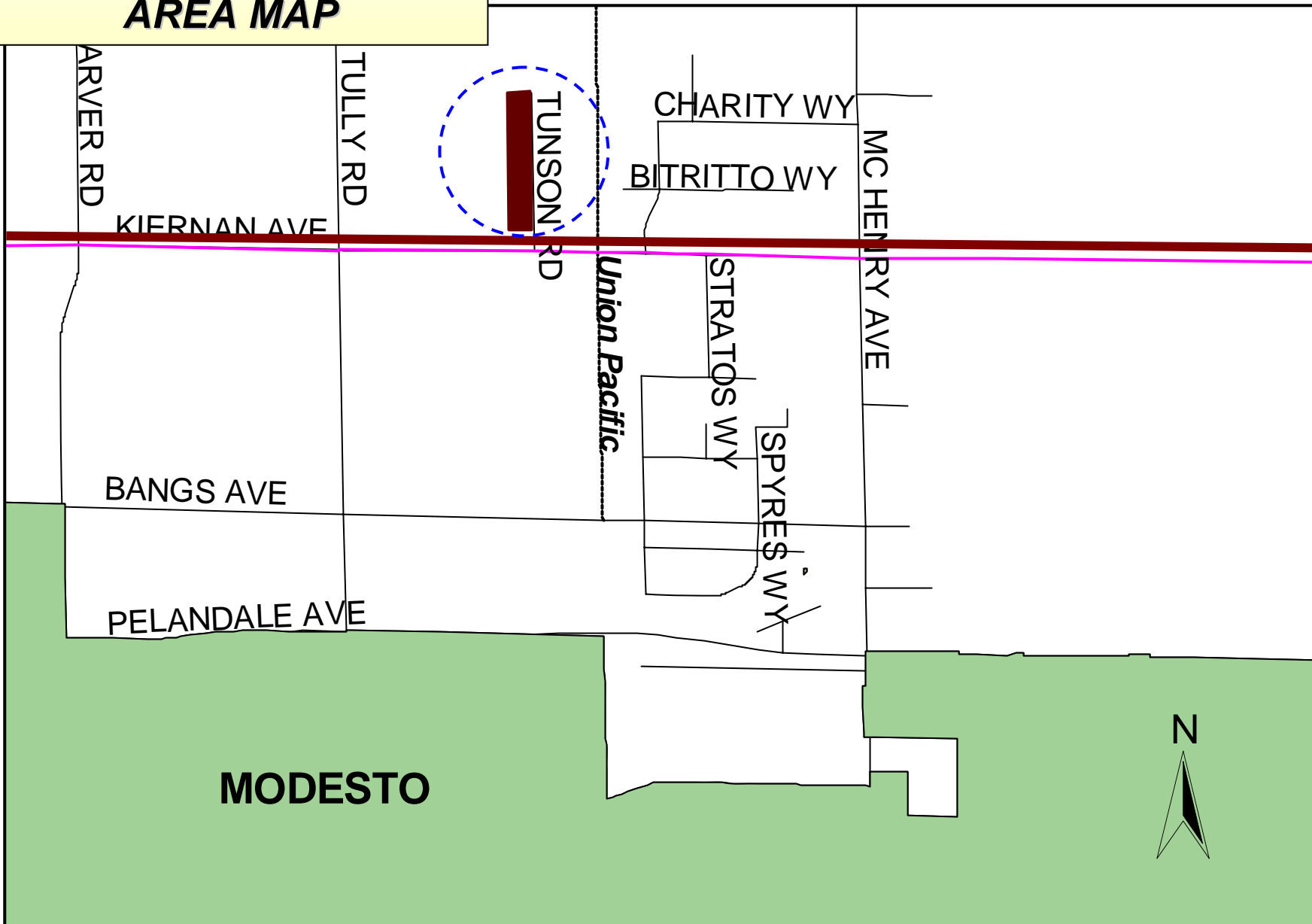




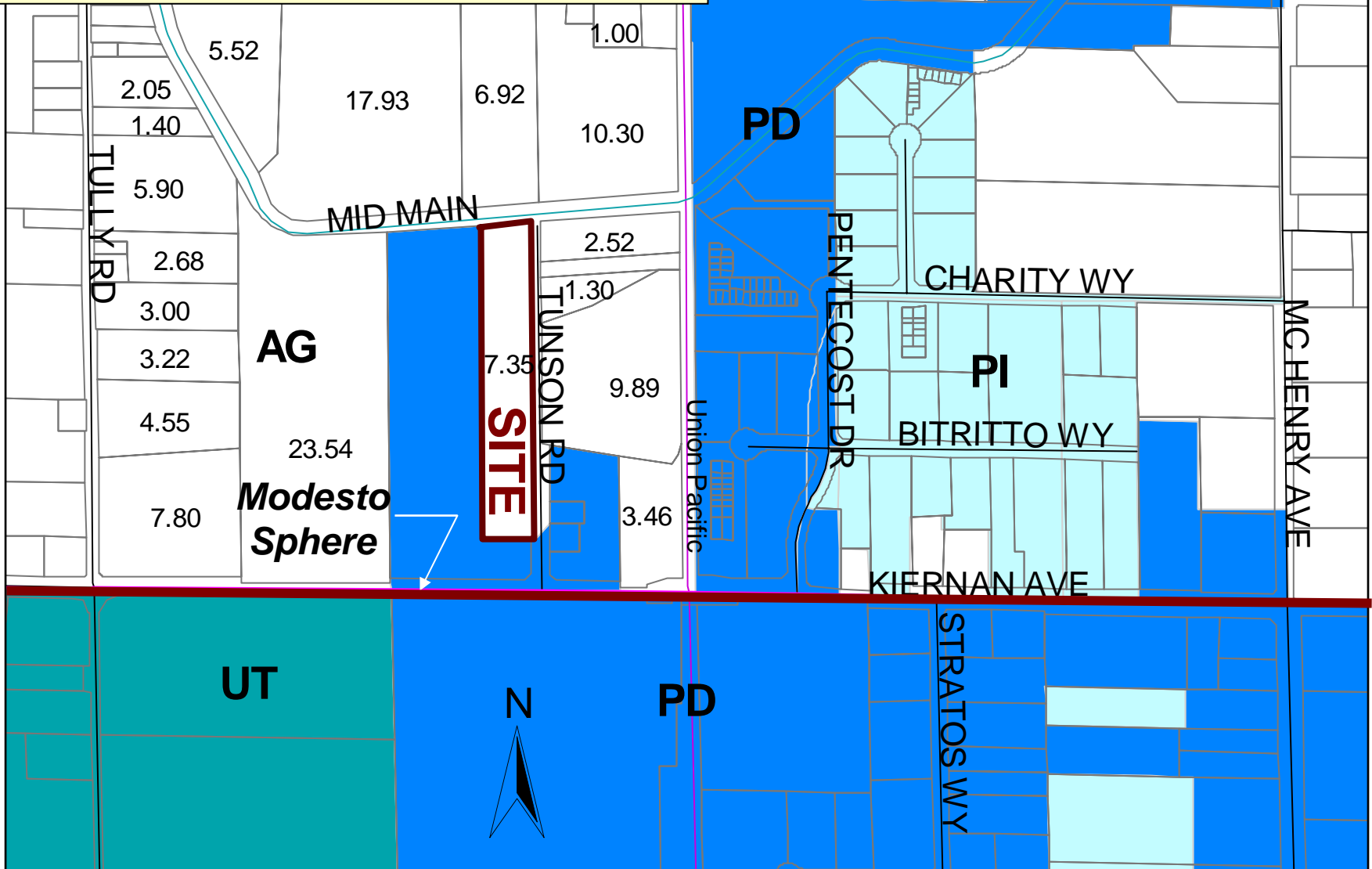
PROJECT DESCRIPTION

This is a request to amend the General Plan designation of a 7.37 acre parcel from Agriculture to Planned Development and to amend the Zoning from A-2-40 (General Agriculture) to Planned Development to allow for Recreational Vehicle (RV) & boat storage as an expansion of Derrel's Mini Storage.

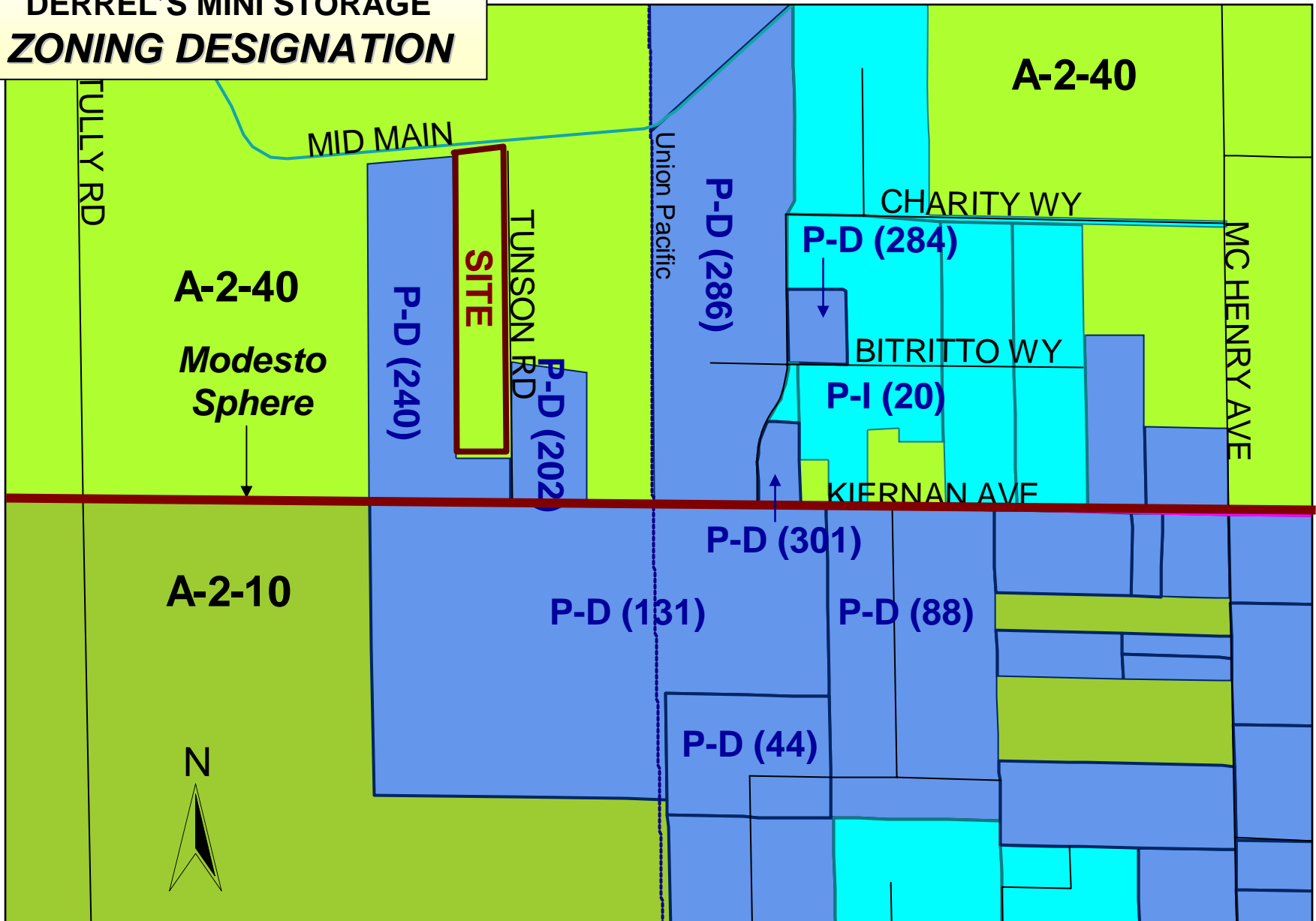
**GPA 2009-01, REZ 2009-02
DERREL'S MINI STORAGE
AREA MAP**



GPA 2009-01, REZ 2009-02
DERREL'S MINI STORAGE
GENERAL PLAN DESIGNATION



GPA 2009-01, REZ 2009-02
DERREL'S MINI STORAGE
ZONING DESIGNATION



GPA 2009-01, REZ 2009-02
DERREL'S MINI STORAGE
2008 AERIAL



TUNNSON RD

Union Pacific

GPA 2009-01, REZ 2009-02 DERREL'S MINI STORAGE SITE PLAN

APN:
04-71-08

N

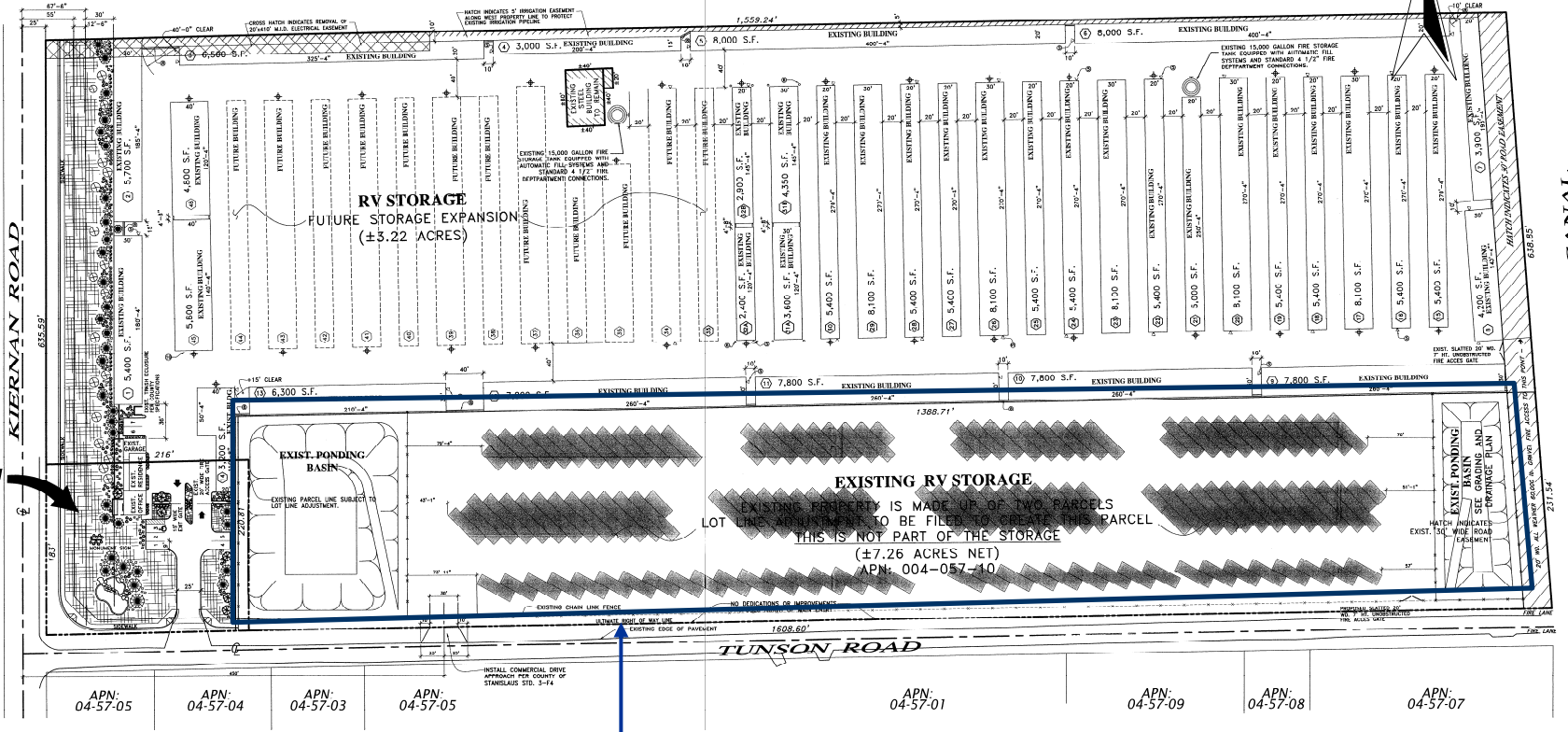
BOOK 46

KIERNAN ROAD

M.I.D. MAIN CANAL

APN:
04-71-32

APN:
04-17-02



SITE

APN:
04-57-05

APN:
04-57-04

APN:
04-57-03

APN:
04-57-05

APN:
04-57-01

APN:
04-57-09

APN:
04-57-08

APN:
04-57-07

INSTALL COMMERCIAL DRIVE APPROACH FOR COUNTY OF STANISLAUS SITS. 3-74

TUNSON ROAD

Parcel 1

**GPA 2009-01, REZ 2009-02
DERREL'S MINI STORAGE
2009 SITE PHOTOS**



**GPA 2009-01, REZ 2009-02
DERREL'S MINI STORAGE
2009 SITE PHOTOS**





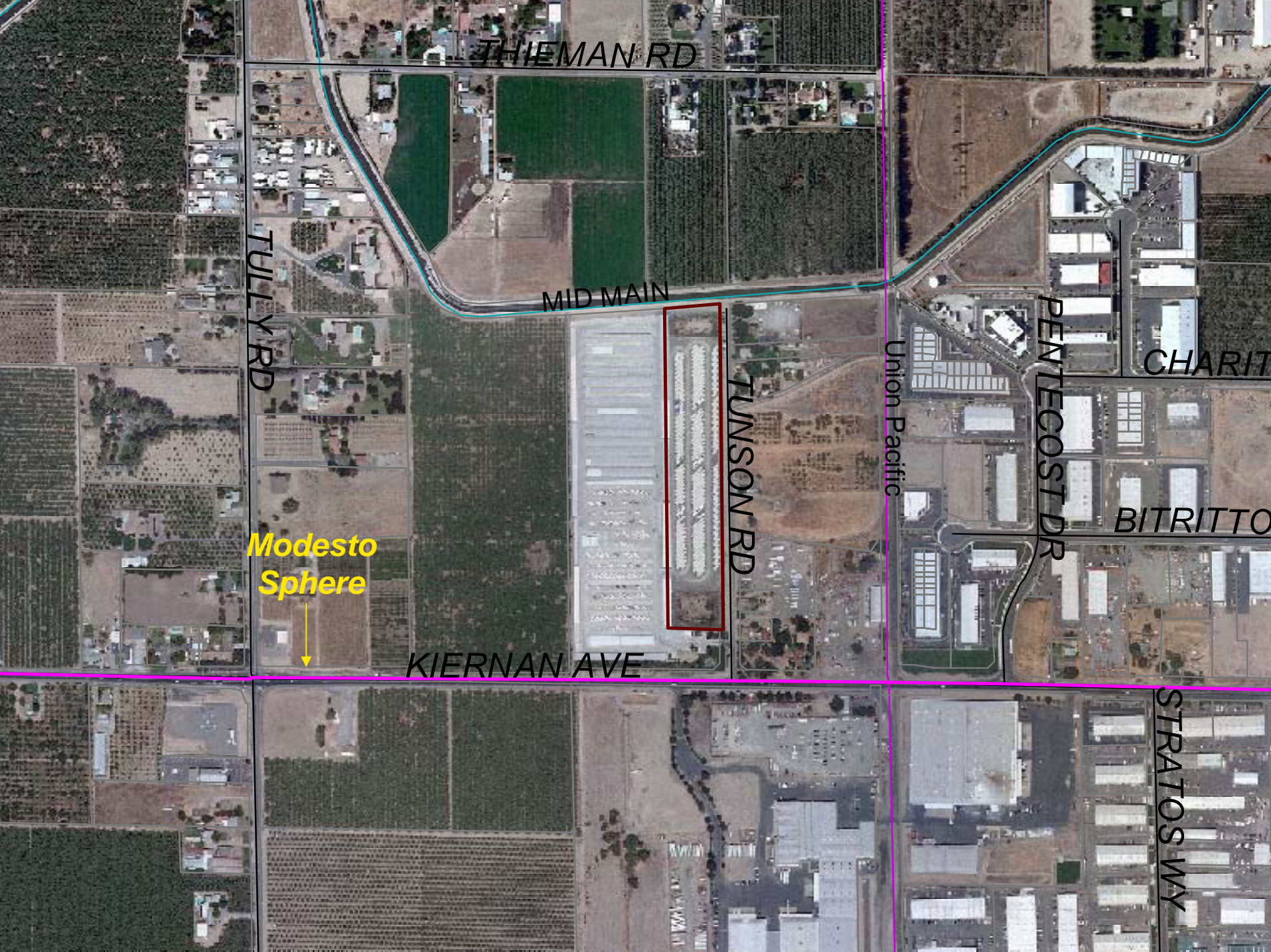
RECOMMENDATION

- ❖ The Planning Commission considered this project at a public hearing held on February 18, 2010
 - ❖ No one spoke in opposition to the project
 - ❖ Joseph K. Fluence, a neighboring property owner, inquired about the required road improvements



RECOMMENDATION

- ❖ The Planning Commission unanimously voted 5-0 to forward the project to the Board of Supervisors for **approval**



THIEMAN RD

TULLY RD

MID MAIN

TUNSON RD

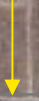
PENTECOST DR

CHARIT

BITRITTO

Union Pacific

Modesto Sphere



KIERNAN AVE

STRATOS WY

STANISLAUS COUNTY ORDINANCE NO. C.S. 1085

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.992 FOR THE PURPOSE OF REZONING A 7.37 ACRE PARCEL FROM A-2-40 (GENERAL AGRICULTURE) TO PD (PLANNED DEVELOPMENT) TO ALLOW FOR RECREATIONAL VEHICLE (RV) & BOAT STORAGE AS AN EXPANSION OF AN EXISTING MINI STORAGE FACILITY LOCATED ON THE ADJACENT PROPERTY TO THE WEST. THE PROPERTY IS LOCATED AT 5019 TUNSON ROAD, AT THE NORTHWEST CORNER OF KIERNAN AVENUE AND TUNSON ROAD, NORTH OF MODESTO, APN: 004-057-010.

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

Section 1. Sectional District Map No. 9-110.992 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:

(Insert Map Here)

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

Upon motion of Supervisor Chiesa, seconded by Supervisor Monteith, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 20th day of April, 2010, by the following called vote:

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

NOES: Supervisors: None

ABSENT: Supervisors: None

ABSTAINING: Supervisors: None



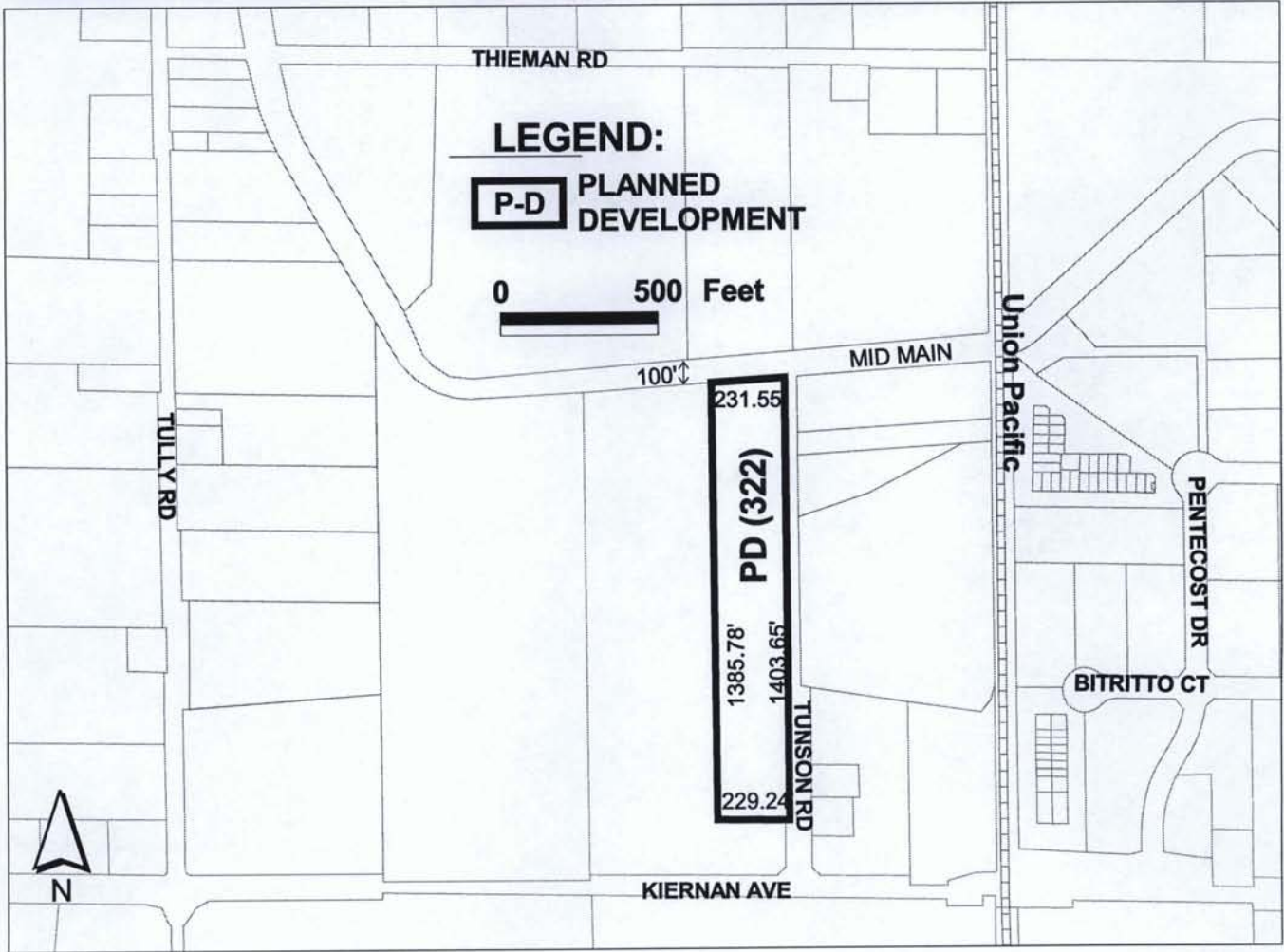
CHAIRMAN OF THE BOARD OF SUPERVISORS
of the County of Stanislaus,
State of California

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



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

SECTIONAL DISTRICT MAP NO. 9-110.992



EFFECTIVE DATE: 05.20.2010
PREVIOUS MAP: 671 F

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

COUNTY OF STANISLAUS
STATE OF CALIFORNIA

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am a printer and principal clerk of the publisher of **THE MODESTO BEE**, which has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, under the date of **February 25, 1951, Action No. 46453**. The notice of which the annexed is a printed copy has been published in each issue thereof on the following dates, to wit:

APRIL 27, 2010

I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration was executed at **MODESTO**, California on

APRIL 27, 2010

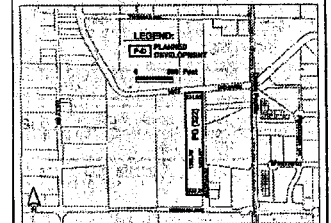

(Signature)

**STANISLAUS COUNTY
ORDINANCE NO. C.S. 1085**

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.992 FOR THE PURPOSE OF REZONING A 7.37 ACRE PARCEL FROM A-2-40 (GENERAL AGRICULTURE) TO PD (PLANNED DEVELOPMENT) TO ALLOW FOR RECREATIONAL VEHICLE (RV) & BOAT STORAGE AS AN EXPANSION OF AN EXISTING MINI STORAGE FACILITY LOCATED ON THE ADJACENT PROPERTY TO THE WEST. THE PROPERTY IS LOCATED AT 5019 TUNSON ROAD, AT THE NORTHWEST CORNER OF KIERNAN AVENUE AND TUNSON ROAD, NORTH OF MODESTO. APN: 004-057-010. The Board of Supervisors of the County of Stanislaus, State of California, ordains as follows:

Section 1. Sectional District Map No. 9-110.992 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:

SECTIONAL DISTRICT MAP NO. 9-110.992



**EFFECTIVE DATE: 05.20.2010
PREVIOUS MAP: 671 F**

Section 2. This ordinance shall take effect and be in full force thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against same, in the Modesto Bee, a newspaper of general circulation published in Stanislaus County, State of California. Upon motion of Supervisor Chiesa, seconded by Supervisor Monteith, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 20th day of April, 2010, by the following called vote: AYES: Supervisors: O'Brien, Chiesa, Monteith, DeMartini and Chairman Grover. NOES: Supervisors: None. ABSENT: Supervisors: None. ABSTAINING: Supervisors: None. Jeff Grover, Chairman of the Board of Supervisors of the County of Stanislaus, State of California. Attest: Christine Ferraro Tallman, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Elizabeth A. King, Assistant