

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

Referral Early Consultation

Date: September 28, 2016

To: Distribution List (See Attachment A)

From: Denzel Henderson, Assistant Planner, Planning and Community

Development

Subject: USE PERMIT APPLICATION NO. PLN2016-0085 – VARGAS CUSTOM

LANDSCAPING, INC.

Respond By: October 17, 2016

****PLEASE REVIEW REFERRAL PROCESS POLICY****

The Stanislaus County Department of Planning and Community Development is soliciting comments from responsible agencies under the Early Consultation process to determine: a) whether or not the project is subject to CEQA and b) if specific conditions should be placed upon project approval.

Therefore, please contact this office by the response date if you have any comments pertaining to the proposal. Comments made identifying potential impacts should be as specific as possible and should be based on supporting data (e.g., traffic counts, expected pollutant levels, etc.). Your comments should emphasize potential impacts in areas which your agency has expertise and/or jurisdictional responsibilities.

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

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

Applicant: Vargas Custom Landscaping, Inc. Gabriel Vargas

Project Location: 1500 Saint Francis Ave, North of Kiernan Ave and west of Carver Road in

the Modesto area.

APN: 004-017-004

Williamson Act

Contract: 1977-2426

General Plan: Agriculture

Current Zoning: A-2-40 (General Agricultural)

Project Description: This is a request to establish and operate a landscape contractor business in conjunction with a wholesale nursery on a 9.65 acre parcel. The site is currently improved with a single family dwelling and detached garage, serviced by private septic and well facilities. The project proposes to store and load materials for landscape installation and maintenance. A proposed maximum of 8-10 employees will be on-site in the morning between 6:00 a.m. and 7:00 a.m., for loading service pick-up trucks for offsite labor. These employees will load their vehicles and return to unload at the end of the work day.

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

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USE PERMIT APPLICATION NO. PLN2016-0085 - VARGAS CUSTOM LANDSCAPING, INC.

Attachment A

Distribution List

Х	CA DEPT OF CONSERVATION		STAN CO ALUC
X	Land Resources CA DEPT OF FISH & WILDLIFE		STAN CO ANIMAL SERVICES
		V	
X	CA DEPT OF FORESTRY (CAL FIRE)	X	STAN CO BUILDING PERMITS DIVISION
	CA DEPT OF TRANSPORTATION DIST 10	Х	STAN CO CEO
X	CA OPR STATE CLEARINGHOUSE		STAN CO CSA
Х	CA RWQCB CENTRAL VALLEY REGION	Χ	STAN CO DER
	CA STATE LANDS COMMISSION	Χ	STAN CO ERC
	CEMETERY DISTRICT	Χ	STAN CO FARM BUREAU
	CENTRAL VALLEY FLOOD PROTECTION	Х	STAN CO HAZARDOUS MATERIALS
	CITY OF:	Х	STAN CO PARKS & RECREATION
	COMMUNITY SERVICES/SANITARY DIST	Х	STAN CO PUBLIC WORKS
Χ	COOPERATIVE EXTENSION		STAN CO RISK MANAGEMENT
	COUNTY OF:	Χ	STAN CO SHERIFF
Х	FIRE PROTECTION DIST: SALIDA	Χ	STAN CO SUPERVISOR DIST #:4 DICK MONTEITH
	HOSPITAL DIST:	Χ	STAN COUNTY COUNSEL
Χ	IRRIGATION DIST: MODESTO		StanCOG
Χ	MOSQUITO DIST: EASTSIDE	Х	STANISLAUS FIRE PREVENTION BUREAU
Х	MOUNTIAN VALLEY EMERGENCY MEDICAL SERVICES	Χ	STANISLAUS LAFCO
	MUNICIPAL ADVISORY COUNCIL:		SURROUNDING LAND OWNERS (on file w/the Clerk to the Board of Supervisors)
Х	PACIFIC GAS & ELECTRIC	Χ	TELEPHONE COMPANY: AT&T
	POSTMASTER:		TRIBAL CONTACTS (CA Government Code §65352.3)
	RAILROAD:		TUOLUMNE RIVER TRUST
Χ	SAN JOAQUIN VALLEY APCD		US ARMY CORPS OF ENGINEERS
Χ	SCHOOL DIST 1: STANISLAUS UNION	Х	US FISH & WILDLIFE
Χ	SCHOOL DIST 2: MODESTO CITY	Χ	US MILITARY (SB 1462) (7 agencies)
	STAN ALLIANCE		USDA NRCS
Χ	STAN CO AG COMMISSIONER	_	WATER DIST:

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STANISLAUS COUNTY CEQA REFERRAL RESPONSE FORM

Stanislaus County Planning & Community Development

TO:

	1010 10" Street, Modesto, CA 9						
FROM:							
SUBJECT:	USE PERMIT LANDSCAPING		16-0085 – VARGAS CUSTOI	VI			
Based on thi project:	s agencies particu	ular field(s) of expertise, it is	our position the above describe	d			
		significant effect on the environ ificant effect on the environme					
		ts which support our determin etc.) – (attach additional sheet	ation (e.g., traffic general, carryin if necessary)	g			
Listed below TO INCLUDE	E WHEN THE MI	ITIGATION OR CONDITION	listed impacts: PLEASE BE SUR NEEDS TO BE IMPLEMENTE A BUILDING PERMIT, ETC.):				
	ur agency has the	following comments (attach ac	dditional sheets if necessary).				
Response pre	epared by:						
Name		Title	Date	_			



APPLICATION QUESTIONNAIRE

-	e Check all applicable boxes LICATION FOR:	PLANNING STAFF USE ONLY: Application No(s): PLD 2016-00 85	
Staff	is available to assist you with determ	Date:	
	General Plan Amendment	Subdivision Map	S 31 T 25 R 9E GP Designation:
	Rezone	Parcel Map	Zoning:
X	Use Permit	Exception	Fee:
	Variance	Williamson Act Cancellation	Receipt No
	Historic Site Permit	Other	Notes:

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

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

PROJECT INFORMATION

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

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

The applicant, Joey Vargas, dba Vargas Landscaping is seeking a Teir 1 Use Permit to operate a landscape contractor at 1500 Saint Francis Avenue. The site has a zoning designation of A-2-40 and the request is consistent with Section 21.20.030.A.1 that permits landscape contractors with a wholesale nursery. The landscape contractor currently has up to 10 employees and associated trucks that start the day by loading materials and tools, departing then coming back to park over night. No impacts to adjacent agricultural practices are anticipated due to this request.

PROJECT SITE INFORMATION

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

ASSESSOR'S PARCEL I	NUMBER(S):	Book	004	_ Page	017	Parcel	004
Additional parcel numbers: Project Site Address	1500 Spint Fr	ancis Avenue					
or Physical Location:	+						
	Modesto, CA	95356					
Property Area:	Acres:	or	Square	feet:			
Current and Previous Land Use	e: (Explain exist	ing and previo	us land use	e(s) of site f	or the last to	en years)	
Agricultural with associated si	ingle family dwe	elling unit.					
List any known previous proposed name, type of project, and Lot 6 of the Carver Tract, as pe	date of approval)						
Existing General Plan & Zoni	ing: Agricultura	al, A-2-40					
Proposed General Plan & Zo (if applicable)	ning: Agricultu	ral, A-2-40					
ADJACENT LAND USE direction of the project site)	: (Describe adj	jacent land us	es within	1,320 feet	(1/4 mile) a	and/or two pa	rcels in each
East: Agricultural with asso	ciated residenc	e					
West: Agricultural with asso	ciated residenc	e					
North: Agricultural with asso	ciated residenc	e					
South: Agricultural with asso	ociated residenc	e					
WILLIAMSON ACT CON	TRACT:						
Yes 🗵 No 🗖	Is the property Contract Num	y currently undobber: 242	er a Willian	nson Act Co ective	ontract?		
	If yes, has a N	Notice of Non-F	Renewal be	en filed?			
	Date Filed:	A Notice of	Non-Rene	wal has not	been filed		

Yes	No	X	Do you propose to cancel any portion of the Contract?
Yes 🛘	No	X	Are there any agriculture, conservation, open space or similar easements affecting the use of the project site. (Such easements do not include Williamson Act Contracts)
			If yes, please list and provide a recorded copy:
SITE CH	IAR.	ACTER	RISTICS: (Check one or more) Flat 🗵 Rolling 🗆 Steep 🗖
VEGETA	ATIC	N: Wh	at kind of plants are growing on your property? (Check one or more)
Field crop	s C]	Orchard Pasture/Grassland Scattered trees
Shrubs			Woodland ☐ River/Riparian ☐ Other ☐
Explain O	ther:		
Yes 🗖	No	X	Do you plan to remove any trees? (If yes, please show location of trees planned for removal on plot plan and provide information regarding transplanting or replanting.)
GRADIN	IG:		
Yes 🗖	No	X	Do you plan to do any grading? (If yes, please indicate how many cubic yards and acres to be disturbed. Please show areas to be graded on plot plan.)
STREAL	WS,	LAKES	S, & PONDS:
Yes 🗖	No	X	Are there any streams, lakes, ponds or other watercourses on the property? (If yes, please show on plot plan)
Yes 🗖	No	X	Will the project change any drainage patterns? (If yes, please explain – provide additional sheet if needed)
Yes 🗖	No	X	Are there any gullies or areas of soil erosion? (If yes, please show on plot plan)
Yes	No	X	Do you plan to grade, disturb, or in any way change swales, drainages, ditches, gullies, ponds, low lying areas, seeps, springs, streams, creeks, river banks, or other area on the site that carries or holds water for any amount of time during the year? (If yes, please show areas to be graded on plot plan)
			Please note: If the answer above is yes, you may be required to obtain authorization from other agencies such as the Corps of Engineers or California Department of Fish and Game.

STRUC	TUR	ES:				
Yes 🗵	No		Are there structures on the property lines and other feature		ease show on plot pla	an. Show a relationship to
Yes 🗖	No	X	Will structures be moved or d	lemolished? (If yes	s, indicate on plot plan.)	
Yes 🗖	No	X	Do you plan to build new stru	ictures? (If yes, sho	ow location and size on p	lot plan.)
Yes 🗖	No	X	Are there buildings of possib size on plot plan.)			
PROJE	CT S	SITE CO	OVERAGE:			
Existing E	Buildii	ng Cover	age: <u>5,556</u> Sq. I	Ft.	Landscaped Area:	Sq. Ft.
Proposed	l Buile	ding Cove	erage: <u>5,556</u> Sq. I	Ft.	Paved Surface Area	(gravel)22,500 Sq. Ft.
Size of ne	ew st	ructure(s	CTERISTICS:) or building addition(s) in gros			
Building I	neigh	t in feet (measured from ground to high	nest point): (Provide	e additional sheets if ned	essary)
Height of equipmen	othe	er appurte ht poles,	enances, excluding buildings, etc.): (Provide additional sheets	measured from g	round to highest poin	
Proposed material to	d sur	face mai sed) Exis	terial for parking area: (Provi ting yard area has gravel surf	ide information add ace of 22,500 sq. f	ressing dust control me t.	easures if non-asphalt/concrete
UTILITI	ES A	AND IR	RIGATION FACILITIES:			
Yes 🗵	No		Are there existing public or pyes, show location and size on		the site? Includes tele	phone, power, water, etc. (I
Who pro	vides	, or will p	rovide the following services to	o the property?		
Electrica	l: <u></u>	M	odesto Irrigation District	Sewe	r*:	Private septic
Telephor	ne:		AT&T	Gas/F	Propane:	PG&E
\\/atar**			Private well	Irrigat	ion Modes	to Irrigation District

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

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

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

No sewage is nor will be created by Vargas Custom Landscaping operations yard.						
single family resid	old any waste be generated ence, it is likely that Was ard. Detailed descriptions	te Discharge Requireme	nts will be required by	the Regional Water		
Yes No 🗵		Are there existing irrigation, telephone, or power company easements on the property? (If yes, show location and size on plot plan.)				
Yes 🔲 No 🗵	Do the existing utilities, size on plot plan.)	Do the existing utilities, including irrigation facilities, need to be moved? (If yes, show location and size on plot plan.)				
Yes 🔲 No 🗵	Does the project require	e extension of utilities? (If yo	es, show location and size o	on plot plan.)		
AFFORDABLE H	HOUSING/SENIOR:					
Yes No 🗵	Will the project include a	affordable or senior housing	g provisions? (If yes, plea	se explain)		
RESIDENTIAL F	PROJECTS: (Please comp	olete if applicable – Attach add	litional sheets if necessary)			
Total No. Lots:	Total Dwell	ling Units:	Total Acreag	e:		
Net Density per Acre	ə: <u>,</u>	Gross De	Gross Density per Acre:			
(complete if applic	Single able) Family	Two Family Duplex	Multi-Family Apartments	Multi-Family Condominium/ Townhouse		
Number of Units:	(1) (1) (1) (1) (1) (1) (1) (1) (1) (1)	0		-		
Acreage:	-					
COMMERCIAL, INDUSTRIAL, MANUFACTURING, RETAIL, USE PERMIT, OR OTHER PROJECTS: (Please complete if applicable – Attach additional sheets if necessary) Square footage of each existing or proposed building(s): Home and office (2,572 sq. ft.); Barn (1,800 sq. ft.); Pool House						
(544 sq ft.); two (2) tool storage trailers (640 sq. ft.)						
Type of use(s):						
. 300 01 430(3).						

Days and hours of operation: Monday through Friday 6:00am to 4:30pm			
Seasonal operation (i.e.	, packing shed, huller, etc.) month	ns and hours of operation: N/A	
Occupancy/capacity of k	ouilding: N/A		
Number of employees:	(Maximum Shift):1	10 (Minimum Shift	
Estimated number of da	ily customers/visitors on site at pe	eak time: None, nursery i	s for job installation only.
Other occupants:			
Estimated number of tru	uck deliveries/loadings per day: _	10 one ton servic	e pick-up trucks
Estimated hours of truck	k deliveries/loadings per day:	1 from 6:00an	n to 7:00am
	of traffic to be generated by trucks		vice pick-up trucks
Estimated number of ra	ilroad deliveries/loadings per day:	<u> </u>	N/A
Square footage of:			
Office area:	250 in home	Warehouse area:	N/A
Sales area:	N/A	Storage area:	N/A
Loading area:	22,500 sq. ft.	Manufacturing area:	N/A
Other: (explain	type of area)		
Yes No K	Will the proposed use involve to	xic or hazardous materials or wa	ste? (Please explain)
ROAD AND ACCE	SS INFORMATION:		
What County road(s) w	ill provide the project's main acce	ss? (Please show all existing and p	proposed driveways on the plot plan)
Saint Francis Avenue			

Yes		No	X	Are there private or public road or access easements on the property now? (If yes, show location and size on plot plan)					
Yes		No	o 🗵 Do you require a private road or easement to access the property? (If yes, show location and size on plot plan)						
Yes		No	X	Do you require security gates and fencing on the access? (If yes, show location and size on plot plan)					
app	Please Note: Parcels that do not front on a County-maintained road or require special access may require approval of an Exception to the Subdivision Ordinance. Please contact staff to determine if an exception is needed and to discuss the necessary Findings.								
ST	STORM DRAINAGE:								
How	will y	our p	oroject h	andle storm water runoff? (Check one) Drainage Basin Direct Discharge Direct Discharge					
	Other:	(ple	ease exp	plain)					
If di	ect di	scha	rge is pr	roposed, what specific waterway are you proposing to discharge to? N/A					
_									
Wat	er Qu	ality	If direct Contro lication	t discharge is proposed, you will be required to obtain a NPDES permit from the Regional I Board, and must provide evidence that you have contacted them regarding this proposal .					
ER	OSIC	ON C	ONTR	ROL:					
	If you plan on grading any portion of the site, please provide a description of erosion control measures you propose to implement.								
N/A	N/A								
Plea Cor	ase n ntrol E	ote: Board	You ma	ny be required to obtain an NPDES Storm Water Permit from the Regional Water Quality repare a Storm Water Pollution Prevention Plan.					
AD	DITI	ONA	AL INF	ORMATION:					
Plea you	Please use this space to provide any other information you feel is appropriate for the County to consider during review of your application. (Attach extra sheets if necessary)								
The	The site is currently being used as a landscape contractor with a wholesale nursery. The nursery is for plants to be								
ins	installed for individual jobs as needed.								
_									

Buffer and Setback Guidelines – Statement of Compliance

Vargas Custom Landscaping would consider their business operation as a "low people intensive Tier One" pursuant to the Stanislaus County Agricultural Element, Appendix A definition. This definition defines this classification as:

"Low people intensive Tier One and Tier Two Uses (such as nut hulling, shelling, dehydrating, grain warehousing, and agricultural processing facilities) which do not serve the general public shall not be subject to compliance with these guidelines; however, conditions of approval consistent with these guidelines may be required as part of the project approval. The decision making body shall have the ultimate authority to determine if a use is "low people intensive"."

Vargas Custom Landscaping, Inc. at any given time has at most 8 to 10 employees. The site, a 22,500 square foot operations yard, is not open to the public and is used to store and load materials needed for landscape maintenance and installation. The nursery portion of the operation yard is not open to the public, but rather only used for the storage of plant materials used for job installation. Employees are only present on the site during the initial work hour (6:00 am) to load materials. Employees then return to the site and depart at the end of the working day (4:30 pm). As such, the entire yard is a work area for limited times during the day and not open to the public.

In the event that Vargas Custom Landscaping is not considered a "low people intensive" land use, Vargas Custom Landscaping, Inc complies with the applicable provisions of the Stanislaus County Agricultural Element. The Element states:

All projects shall incorporate a <u>minimum 150 foot wide buffer setback</u>. Projects which propose people intensive outdoor activities, such as athletic fields, shall incorporate a minimum 300 foot wide buffer setback.

The Vargas Custom Landscaping, Inc. yard meets the required 150 foot setback from the north (St. Francis Avenue), west (1618 St. Francis Avenue), and south (MID irrigation canal). The yard is within approximately 100 feet of the property to the east (1472 St. Francis Avenue).

Although the yard does not meet the 150 foot setback, the yard does meet the requirements of two (2) important provisions of the Agricultural Element. The first provision is that the yard may be considered a permitted use pursuant to the following provision (bold underline for emphasis):

1. Permitted uses within a buffer area shall include:

a. Public roadways, utilities, drainage facilities, rivers and adjacent riparian areas, landscaping, parking lots, and similar low people intensive uses. Walking and bike trails shall be allowed within buffers setback areas provided they are designed without rest areas.

The second provision applicable to the east is that there are 2 single family residences on the properties to the east. The Agricultural Element provides that the buffer is not needed when:

Permitted non-agricultural uses adjoining or surrounding a project site (including but not limited to legal non-conforming uses and homesites which are of a permanent nature and not likely to be returned to agriculture.

Thus the site of the operations yard does comply with applicable provisions of the Agricultural Element for buffer setbacks.

The request of Vargas Custom Landscaping also complies with the policies limiting of intrusion of non-agricultural uses onto other existing agricultural lands. Given the relatively low people intensity of the operations yard and the use would be exempt from the fencing policy of the Agricultural Element. This policy states that:

A six foot high fence of uniform construction shall be installed along the perimeter of the developed area of the use to prevent trespassing onto adjacent agricultural lands. Fencing shall not be required for uses which do not directly establish the potential for increased trespassing onto adjacent agricultural lands.

There is a six (6) foot fence along the northern boundary of the yard area, screening the use from St. Francis Avenue. The existing orchard tree crop on the Vargas property acts as a barrier to the residential homesite to the east of the yard area. To the south is again an existing tree orchard on the Vargas property, then a MID irrigation canal. The Vargas homesite forms the eastern boundary of the operations yard. Thus the 22,500 square foot operations yard does not have the potential to increase trespassing onto adjacent agricultural lands.

Thus the request for a Tier 1 Use Permit at 1500 St. Francis for Vargas Custom Landscaping complies with all applicable provisions of the Stanislaus County Agricultural Element.

OFF-STREET PARKING ANALYSIS

A contractor storage/operations yard is not listed as a land use with specified parking ratio under the Stanislaus County zoning ordinance. For uses not listed under the ordinance, the code gives discretion to decision makers for the appropriate parking ratio. Currently workers show up at the yard and park personal vehicles informally on the site behind the screening fence facing St. Francis Avenue and away from the usual tool and material loading patterns. The entire yard area, 22,500 square feet, is covered with compacted gravel. For shading purposes, it is not uncommon for workers to park between trees in the orchard owned by the applicant. Because of the relatively small work force, this parking arrangement has not created any complaints nor interfered with agricultural production on the remaining acreage owned by the applicant.

Vargas Custom Landscaping, Inc. is requesting that the County allow a continuance of the existing parking arrangement.

LANDSCAPING PLAN

The contractor storage/operation yard is completely screened from the view of St. Francis Avenue by both trees and screening fence. There are 11 rows of trees fronting on St. Francis Avenue followed by a 6 foot, slatted chain link fence. Behind the fence there is a pool house that is not part of the contractor storage/operation yard. Thus, the contractor storage/operation yard is completely screened from St. Francis Avenue view. The western and southern border of the yard is under agricultural production and owned by the applicant. The eastern border of the

yard is the applicant's single family home. Because the contractor yard is completely screened from the view of the public street and the agricultural improvements surrounding the borders of the yard, no landscape improvements are being proposed by Vargas Custom Landscaping, Inc.









