



February 7, 2008

MEMO TO: Stanislaus County Planning Commission

FROM: Stanislaus County Planning and Community Development Department

SUBJECT: TIME EXTENSION - PARCEL MAP NO. 2004-28 - OLD GERMAN BAPTIST BRETHREN CHURCH

On December 16, 2004, the Planning Commission approved Use Permit No. 2004-17 and Parcel Map No. 2004-28. The application's approval was for the creation of one parcel of 3.9 acres, and a 14.8 acre remainder to leave as agriculture, from an 18.65 acre parcel. This project received one time extension, which was approved by the Planning Commission on February 15, 2007.

A Use Permit was applied for and granted to allow construction of a church facility on the 3.9 acre parcel. This was approved at the same time as the Parcel Map. The Use Permit was approved for a 15,171 square foot, single story church facility with a lighted parking area of 318 parking spaces. The church facility will include a sanctuary and dining hall. The project will be served by a private on-site well and septic system. The applicant was issued a building permit and has begun construction on the church. By doing this, the applicant does not need to apply for a time extension for the Use Permit.

The site is located at 6306 Covert Road, between Hammett and Williams Roads, in the Salida area (APN: 012-007-013). The site is zoned "General Agriculture" (A-2-40) with a General Plan designation of "Agriculture" (AG) on the Land Use Element of the County General Plan. This designation requires lot sizes to be a minimum of forty (40) acres. In this particular case, the applicants are using a distinct provision of the A-2 zoning ordinance which allows an exemption from site area requirements. The exemption referenced was written for the expressed purpose of separating an existing use, approved by a Use Permit or of legal non-conforming status, from a larger, separate farming operation.

Description

The approved Parcel Map for the project was, as is the case in all parcel maps, approved for a period of two years from the December 16, 2004 Planning Commission meeting, where the project was approved. This resulted in an expiration date for the map of December 16, 2006. On December 15, 2006, a letter was received from the applicant's representatives which requested a one year time extension. As the request was received prior to expiration of the map, it has not expired despite this being scheduled for consideration after the expiration date. The project time extension is a discretionary act in that it does grant approval of continued life for the map which otherwise would expire.

Reason for Request

The reason given for the request was that the applicant's representative, Dennis Wilson, who wrote the request dated December 5, 2007, indicated that the church is under construction but the church is not finished yet and the Planning Commission Condition No. 17 states "The construction of the church must be completed prior to the parcel map being recorded."

The building is up, but many months from being completed. The exterior still needs siding materials to be installed, most of the interior work has not been done and the parking area still needs to be finished. Dennis Wilson indicated in his letter that the church is utilizing some volunteer labor and progress has been slower than a normal church construction and is expecting that the building will be done and the parcel map will be recorded in mid-2008.

Recommendation

1. Find the extension is consistent with the approved General Agriculture (A-2-40) zone on the subject property.
2. Grant the requested extension for the Parcel Map No. 2004-28 for Old German Baptist Brethren Church, subject to the attached conditions as well as any previously adopted Development Standards. The extension will allow the map to stay active for one year from its previous expiration date. The map will now expire on December 15, 2008.

Attachments: Exhibit A - Conditions of Approval for Parcel Map No. 2004-28 - Old German Baptist Brethren Church
 Exhibit B - Letter dated December 5, 2007 requesting time extension
 Exhibit C - December 16, 2004 Staff Report, and Project Plans

AS AMENDED BY THE PLANNING COMMISSION

DECEMBER 16, 2004

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

CONDITIONS OF APPROVAL

**PARCEL MAP APPLICATION NO. 2004-28
USE PERMIT APPLICATION NO. 2004-17
OLD GERMAN BAPTIST BRETHERN CHURCH**

Planning and Community Development

1. This use is to be conducted as described in the application and supporting information (including the plot plan), as approved by the Stanislaus County Planning Commission and/or the Board of Supervisors, and in accordance with other laws and ordinances.
2. Hours of construction on the project site shall be limited to 7:00 a.m. to 6:00 p.m. Monday thru Friday, with no construction allowed on holidays.
3. The off-site level of noise generated by the project shall not exceed a level of 60 Ldn measured in outdoor activity areas and/or 45 Ldn measured within interior living spaces. Costs associated with enforcement of this condition shall be the responsibility of the church.
4. Applicant, and/or subsequent property owner(s) must obtain building permits for all proposed structures, equipment, and utilities. Plans shall be prepared by a California licensed engineer working within the scope of his/her license.
5. 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 for on-site water storage.
6. All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect.
7. 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 archaeologist.
8. A plan for any proposed signs indicating the location, height, and area of the sign must be approved by the Planning Director prior to installation.
9. 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.

10. Outside storage of materials and equipment shall be screened from view from the road by a sound screen fence of uniform construction as approved by the Planning Director.
11. 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.
12. The subdivider 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 map as set forth in Government Code Section 66474.9. The County shall promptly notify the subdivider of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
13. Prior to the issuance of the Notice of Determination, the applicant shall pay, within five working days of Planning Commission approval, a filing fee of \$50.00 to "**Stanislaus County Clerk/Recorder**" care of the Planning Department. Should the "De Minimis" finding be found invalid for any reason, the applicant/developer shall be responsible for payment of Department of Fish and Game Fees.
14. Prior to construction: The developer shall be responsible for contacting the U.S. 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 these agencies, if necessary.
15. 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 streambed alteration agreements permits or authorizations, if necessary.
16. 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. Once complete, and prior to construction, a copy of the Storm Water Pollution Prevention Plan shall be submitted to the Stanislaus County Department of Planning and Community Development.
17. The construction of the church must be completed prior to the parcel map being recorded.

Department of Public Works

18. Prior to the issuance of any building permit, road right-of-way shall be deeded, if necessary, to the Stanislaus County to provide 30 feet south of the centerline of Covert Road. The developer's engineer is responsible for preparing the Road Deed.
19. Prior to occupancy of the property with the approved use, driveway approaches shall be installed on Covert Road per County Standards.

20. All driveway locations and widths shall be approved by the Department of Public Works
21. An encroachment permit shall be obtained from the Department of Public Works prior to the start of any work within the Covert Road Right-of way.
22. No parking, loading or unloading of vehicles shall be permitted within the right-of-way of Covert Road. The developer will be required to install or pay for the installation of all required signs and/or markings, if warranted.
23. The developer shall provide lights on poles outside the Covert Road right-of-way that illuminate the driveway entrances prior to occupancy of the approved use. The owner shall be solely responsible for the maintenance and operation of these lights.
24. The parking lot shall be paved (~~not rubberized chip seal~~) and double striped to County standards **to allow a minimum of 90 parking spaces and road base treatment for the remaining parking area.**
25. A Grading Permit shall be obtained from the Department of Public Works prior to the start of importing, exporting or otherwise moving any dirt.
26. A Grading and Storm Drainage Plan shall be approved by the Department of Public Works prior to the issuance of any building permit. The drainage system shall be installed prior to final and/or occupancy of any building.
27. An erosion control plan must be submitted that provides for erosion and sedimentation control. The plan shall prevent dirt from the project site from getting into the road right-of-way and drainage system. The plan shall be implemented during all phases of development including grading and construction. The plans shall also address the project in the long term.
28. Prior to issuance of the Grading Permit or approval of the improvement plans, the developer shall file a Notice of Intention (NOI) with the California Regional Water Quality Control Board and a Waste Discharge Identification Number must be obtained and provided to the Department of Public Works.
29. The recorded parcel map shall be prepared by a licensed land surveyor or a registered civil engineer.
30. All existing non-public facilities and/or utilities that do not have lawful authority to occupy the road right of way shall be relocated onto private property upon the request of the Department of Public Works.
31. All structures not shown on the tentative parcel map shall be removed prior to the parcel map being recorded.
32. Parcel "1" shall be surveyed and fully monumented.

Development Services

33. Building permits shall be required for all new construction and demolition of existing structures per Section 106.1 of the Uniform Building Code.

Modesto Irrigation District - Electrical

34. In conjunction with related site improvement requirements, existing electric facilities within or adjacent to the proposed project shall be protected, relocated or removed as required by the District's Electric Engineering Department.
35. Installation of electric facilities shall conform to the District's Electric Service Rules.
36. Cost for relocation and / or under grounding the Districts facilities at the requested of others will be bourne by the requested party. Estimates for relocating or under grounding existing facilities will be supplied upon request.
37. The District should be contacted for requests to remove the existing services within the outlined area designated for removal. The cost of removal will be the District's expense provided that the load being served is also removed.
38. The Electric service to the proposed project is not available at this time. Customer should contact the district's Electric Engineering Department to arrange for electric service to the project.
39. A 10 foot PUE is required along the existing and proposed street frontage.
40. There is an existing irrigation pipeline that runs east to west across the applicant's property. The pipeline must be re-routed and a 10 foot irrigation easement must be granted to MID by separate instrument to protect the pipeline.
41. Prior to any construction, improvement plans for the applicant's project must be submitted to the MID Irrigation Engineering Department for review and approval.
42. In order for the District to accept the necessary easements, a Certificate of Acceptance statement shall appear on the acceptance document. The Certificate of Acceptance statement and the Final Map Signature Block shall appear in the format specified by the District.

Stanislaus Consolidated Fire

43. Fire department access and water for fire protection shall be provided and maintained in accordance with all applicable codes and ordinances. This shall include providing secondary emergency access.
44. 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 a building permit issuance.

Salida Fire Protection District

- 45. All Buildings constructed shall meet the District's requirements for on-site water for fire protection and/or fire hydrants and hydrant locations, blue reflective street hydrant markers, sprinkler and alarms systems, key-box rapid entry systems, adherence to all applicable codes and ordinances, etc.
- 46. All Buildings of 5,000 square feet and greater shall be required to have fire sprinklers.
- 47. Prior to and during combustible construction, the District's shall approve provisions for serviceable fire vehicle access and fire protection water supplies.

Agricultural Commissioner's Office

- 48. Any required landscaping plan shall be reviewed by the Stanislaus County Agricultural Commissioner's Office prior to installation of any landscaping and include plant species and identification of the plans origin. Said review is necessary to help stop the spread of the Glassy-winged sharpshooter, an injurious insect to agriculture, which can enter our County on the leaves of landscape plants.

Department of Environmental Resources

- 49. Water supply for the project is defined by State regulations as a public water system. Water system owner must submit plans for water system construction or addition; and obtain approval from the Department, prior to construction. Prior to final approval of the project, the owner must obtain a Public Water Supply Permit from this Department. Public Water Supply Permit issuance is contingent upon water system meeting construction standards, and providing water which is of acceptable quantity and quality.
- 50. The sewage disposal system shall be an approved Aerobic Treatment System so as to comply with Primary and Secondary Sewage Treatment Initiative (Measure X).
- 51. Subscription to weekly refuse collection service, with the appropriate franchised refuse collector, is required within all unincorporated areas defined as "mandatory collection service areas" in the Stanislaus County Code.

San Joaquin Valley Air Pollution Control District

- 52. Construction of the project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.

Salida Union School District

- 53 The developer shall pay the appropriate schools fees at the time of construction.



December 5, 2007

JOB NO. 02-18



Mr. Bill Carlson
Senior Planner
Stanislaus County Planning Department
1010 Tenth Street, Third Floor
Modesto, CA 95354

Re: Parcel Map No. 2004-28 (Old German Baptist Brethren Church)

Dear Mr. Carlson,

We respectfully request a one year continuance on the above parcel map which will expire on Dec. 16, 2007.

Condition No. 17 of Use Permit Application No. 2004-17 stipulated that the parcel map could not be recorded until the construction of the church has been completed. The building permit for the church was issued on December 7, 2006.

Dennis E. Wilson
Land Planning and
Zoning Consultant

P.O. Box 1448
Modesto, California
95353

phone 209.491.7620
fax 209.491.7626
e-mail: dwilson@arrival.net

Construction commenced soon after and the church is now approximately 75% complete. Since the project is utilizing some volunteer labor progress has been slower than a normal one. My clients expect that completion will occur in mid 2008, allowing the final parcel map to be recorded.

Please notify us when this matter will come before the County Planning Commission.

Sincerely,

Dennis E. Wilson

DEW/chw

Cc: Merlyn Garber
7848 Shackelford Rd., Modesto, CA

EXHIBIT B

STANISLAUS COUNTY PLANNING COMMISSION

December 16, 2004

STAFF REPORT

PARCEL MAP APPLICATION NO. 2004-28
USE PERMIT APPLICATION NO. 2004-17
OLD GERMAN BAPTIST BROTHERS CHURCH

REQUEST: TO DIVIDE 18.65 ACRES INTO A 3.9 ACRE PARCEL FOR A CHURCH SITE AND A 14.80 ACRE REMAINDER. REQUEST TO CONSTRUCT A 15,171 SQUARE FOOT CHURCH BUILDING ON THE 3.9 ACRE PORTION, IN THE SALIDA AREA.

APPLICATION INFORMATION

Applicant	Old German Baptist Brethren Church
Representative	Dennis Wilson, Horizon Consulting Services
Architect	Frank Boots, Architecture Plus
Property Owner:	Merlyn and Betty Lou Garber
Location:	6306 Covert Road, between Hammett and Williams Roads, in the Salida area.
Section, Township, Range:	5-3-8
Supervisory District:	Three (Supervisor Grover)
Assessor's Parcel:	012-007-013
Referrals:	See Exhibit "H" Environmental Review Referrals
Area of Parcel :	18.65 acres
Water Supply:	Private Well
Sewage Disposal:	Aerobic septic/leach field system
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	Agriculture
Community Plan Designation:	Not applicable
Williamson Act:	Not applicable
Environmental Review:	Negative Declaration
Present Land Use:	Fallow agricultural land.
Surrounding Land Use:	Almond orchard and single-family home to the east and walnut orchards and single-family dwellings to the north, south, and west.

PROJECT DESCRIPTION

This project is a request for a 15,171 square foot, single story church facility with a lighted parking area of 318 parking spaces. The church facility will include a sanctuary and dining hall. The project will be served by a private on-site well and septic system. The application also includes a parcel map to split the 18.65 acre parcel into two parcels, a 3.9 acre site for the church and a 14.8 acre remainder to leave as agriculture.

The church activities will be on Sundays. Services are scheduled to be held at 10 a.m. and 6:30 p.m. The applicant proposes minimal usage on weekdays for special meetings, funerals and weddings. The occupancy capacity of the building is 803, if both the sanctuary and dining hall are filled at the same time.

SITE DESCRIPTION

The project site is located on the south side of Covert Road, between Hammett and Williams Roads, in the Salida area. The site is currently fallow agricultural land. The project site is surrounded by agricultural (almond and walnut orchards) and scattered single-family dwellings.

DISCUSSION

The site is zoned A-2-40 (General Agriculture) and designated "Agriculture" on the General Plan. Churches in the A-2 zoning district are permitted upon approval of a Use Permit as a Tier Three use. Tier Three uses are defined as uses not directly related to agriculture but may be necessary to serve the A-2 District **or** may be difficult to locate in an urban area. Some of the Tier Three uses can be people-intensive and, as a result, have the potential to adversely impact agriculture; these people-intensive uses are generally required to be located within LAFCO-approved spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities. Tier Three uses may be allowed when the Planning Commission finds that, in addition to the findings required under Section 21.96.050 of the County Zoning Ordinance:

1. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity, **and**
2. The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas," as that term is used in the Agricultural Element of the General Plan; **or** the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future. "Most productive agricultural area" does not include any land within LAFCO-approved spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities.

The proposed building has a social hall and worship facility requiring 268 parking spaces, based on the applicant's planned maximum occupancy. The project includes the development of 318 parking spaces. The type of proposed facility does not generally have uses being conducted in all of the on-site facilities at the same time.

Currently, the applicant's existing church is located on an 1.97 acre parcel at 2766 Dakota Avenue (south of Beckwith). The church has been there since 1937. Dakota Avenue has been designated as an expressway and would require an additional 47.5 feet of dedication which would hinder the church's plans for any additions or expansion of use.

Staff is torn on this application. The existing church on Dakota is 67 years old and with future plans to widen Dakota, this facility needs to be replaced. The site that was initially chosen to replace the church had a Williamson Act Contract. However, with recent Senate Bill (SB 1492) approval and the 2003 Planning Commissions decision regarding a Williamson Act cancellation of the Catholic Cemetery, the church looked for a new location. This site is outside the Salida Planning area and in the middle of several orchards.

Staff could take the easy position and recommend against a church in the A-2 zoning district outside a community planning area. Under normal circumstance, Staff would not recommend approval for a church outside the sphere of influence or outside the community plan area. This particular church is different. Primarily it has roots outside the urban area where this congregation first settled, many years ago. They do have an existing facility outside the community and many members do live near the proposed facility.

When the church application was first submitted, the 2002 membership was 208. There are 156 members that would live within a 4 mile radius of the proposed site (75%). This is a slight increase from the existing site which has 150 members within a 4 mile radius (72%). The applicant submitted a map in the traffic study which shows that 178 of this church's members live in rural areas (86%).

In 1998, staff recommended against relocation of the Brethren Heritage School to Dakota Avenue in the A-2-40 zoning district outside the Salida Community Plan. This required a use permit and a Williamson Act cancellation. The Planning Commission approved the use permit in June 1998 and the Board approved the Williamson Act cancellation in October 1998 on a 3-2 vote (Supervisor Mayfield and Caruso dissenting).

There are differences and similarities to both of these projects. Both of the projects had existing facilities outside the Salida Community Plan Area and wanted to relocate them outside the urban area. The one major difference is that the school needed to cancel the Williamson Act contract. The church's first choice was a site (near the proposed area) which had a Williamson Act contract. After listening to the proposed Catholic Cemetery for the Salida site at to the Planning Commission and Board of Supervisor's meetings in 2003, the applicant decided to find a different location without a Williamson Act contract.

Staff believes that, in this case, the Planning Commission could make the necessary findings for approval. The proposed project, with conditions of approval, does not appear to have features which will result in adverse impacts to persons residing or working in the neighborhood, property and improvements in the neighborhood, or to the general welfare of the County. There is no indication that the proposed project will be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.

The application also includes a parcel map to split the 18.65 acre parcel to create a 3.9 acre site and a 14.80 acre remainder parcel. The remainder parcel will have micro-sprinkler system installed and will be planted into a almond orchard.

Parcel Map

The site is designated as General Agriculture and zoned A-2-40, which requires a minimum lot size of 40 acres for the creation of new parcels. In this particular case, the applicants are using a distinct provision of the A-2 zoning ordinance which allows an exemption from site area requirements. The exemption referenced was written for the expressed purpose of separating an existing use, approved by a use permit or of legal non-conforming status, from a larger, separate farming operation. Section 21.20.060 of the Zoning Ordinance, states:

The following shall be exempt as to the minimum parcel size requirements provided the parcels are consistent with the subdivision ordinance and all other applicable county regulations:

(D) Parcels created and used pursuant to Sections 21.20.030 [Uses Requiring a Use Permit] and 21.20.040 [Uses Requiring Board of Supervisors Approval].

A concern associated with this project is the requirement that the parcel actually be used as approved by the Planning Commission prior to the split itself. This would help to insure that the division of the parcels is occurring in association with the need to divide the uses. A condition will be placed on the parcel map that before a final map can be recorded, the construction of the church must be completed.

WILLIAMSON ACT

The project site is not enrolled under a Williamson Act Contract. Section 21.20.045 of the County Zoning Ordinance specifically identifies churches as a use determined to be inconsistent with the principles of compatibility, outlined in Government Code Section 51238.1, which cannot be approved on contracted land.

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 "H" for the Environmental Review Referral list.) Based on the proposed capacity of the church building and multi-purpose building, the County Public Works Department identified a significant traffic impact associated with increased traffic and turning movements on Covert Avenue.

RECOMMENDATION

Based on the preceding discussion, the site's location and the site's non-enrollment under a Williamson Act contract, staff recommends the Planning Commission take the following actions:

1. Find the project to be "De Minimis" for the purposes of collection of Fish and Game Fees pursuant to California Code of Regulations, Section 753.5, by adopting the findings of fact contained in the attached Certificate of Fee Exemption, those findings being based on the analyses presented in the Initial Study, and order the filing of the Certificate of Fee Exemption with the Stanislaus County Clerk-Recorder's Office.
2. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgement and analysis.

3. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
4. Find That:
 - A. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Urban Transition" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. Certain conditions have been added to ensure that the impact from this project is minimal.
 - B. The establishment as proposed will not be substantially detrimental to or in conflict with agricultural uses of other property in the vicinity.
 - C. The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas," as that term is used in the Agricultural Element of the General Plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future.
 - D. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
5. Approve Parcel Map Application No. 2004-28 and Use Permit Application 2004-17 - Old German Baptist Brethren Church, subject to the attached Conditions of Approval.

Report written by: Bill Carlson, Associate Planner, November 22, 2004

Attachments: Exhibit A - Applicant's Project Description
Exhibit B - Maps
Exhibit C - Elevations
Exhibit D - Conditions of Approval
Exhibit E - Findings
Exhibit F - Initial Study
Exhibit G - Certificate of Fee Exemption
Exhibit H - Environmental Review Referrals

Reviewed by:


Bob Kachel, Senior Planner

"PROJECT DESCRIPTION"
OLD GERMAN BAPTIST BRETHERN CHURCH

The Old German Baptist Brethren Church has been located on the east side of Dakota on a 1.97-acre parcel since 1937. The church congregation has grown over the last 65 years a point where a new facility is long overdue.

Dakota Avenue has been designated as an expressway by the City of Modesto that will require an additional 47.5 feet of dedication that would render the site unusable for the church. The current dimensions of the site are 200 feet (east/west) and 430 feet (north/south). All of these factors have led the Church to conduct an intensive search for a new site that would be the approximate center-point of the Church census. (See Exhibit "A").

The church as culminated their search efforts with the selection of a 3.9-acre site located on the south side of Covert Road between Williams Road on the west and Hammett Road on the east. The Church site is a portion of a 18.65-acres owned by Merlyn E. and Betty Lou Garber and they have agreed to donate the site to the Church.

This 18.65-acre parcel is currently planted to walnuts and almonds. The walnuts are 34+ years old and the almonds are 25+ years of age. The Garbers will be pulling all of the trees and replanting to almonds exclusively. With current methods of tree spacing and watering an equal or better crop yield is expected, even after removal of the church site of 3.9 acres.

Covert Road is a community road, 2 ½ miles in length, running between Jackson Road on the west and Finney Road on the east. Traffic entering and leaving the site will be far safer than the current location on Dakota Avenue.

The physical dimensions of the new parcel would be approximately 275 feet (Covert Road frontage) by 610 feet deep (north/south).

The Church building will be sited at the southerly end of the parcel, fronted by a 318-stall parking lot, and the periphery of the site will be landscaped and screened. The building itself will be 15,171 square feet in area and would allow for a maximum occupancy of 803 people. See the attached site plan and elevation drawings for details.

The Church will not conduct any schooling on-site as they have educational facilities located within close proximity to this request.

Church usage varies with the emphasis on Sunday worship services. Average attendance on Sundays is 200 to 250 persons. The Church also would utilize the facility for occasional weddings, funerals and other special occasions during the week. The parking provided is far in excess of that required (268 required/318 provided). There are no employees or customers other than services donated by members of the Church. The majority of occupancy occurs during daylight hours.

**PM 2004-28 & UP 2004-17
OLD GERMAN BRETHREN CHURCH
AREA MAP**

SAN JOAQUIN
COUNTY

LADD RD

KIERNAN AVE

SITE

BACON RD

*City of
Modesto*

BECKWITH RD

DAKOTA AVE

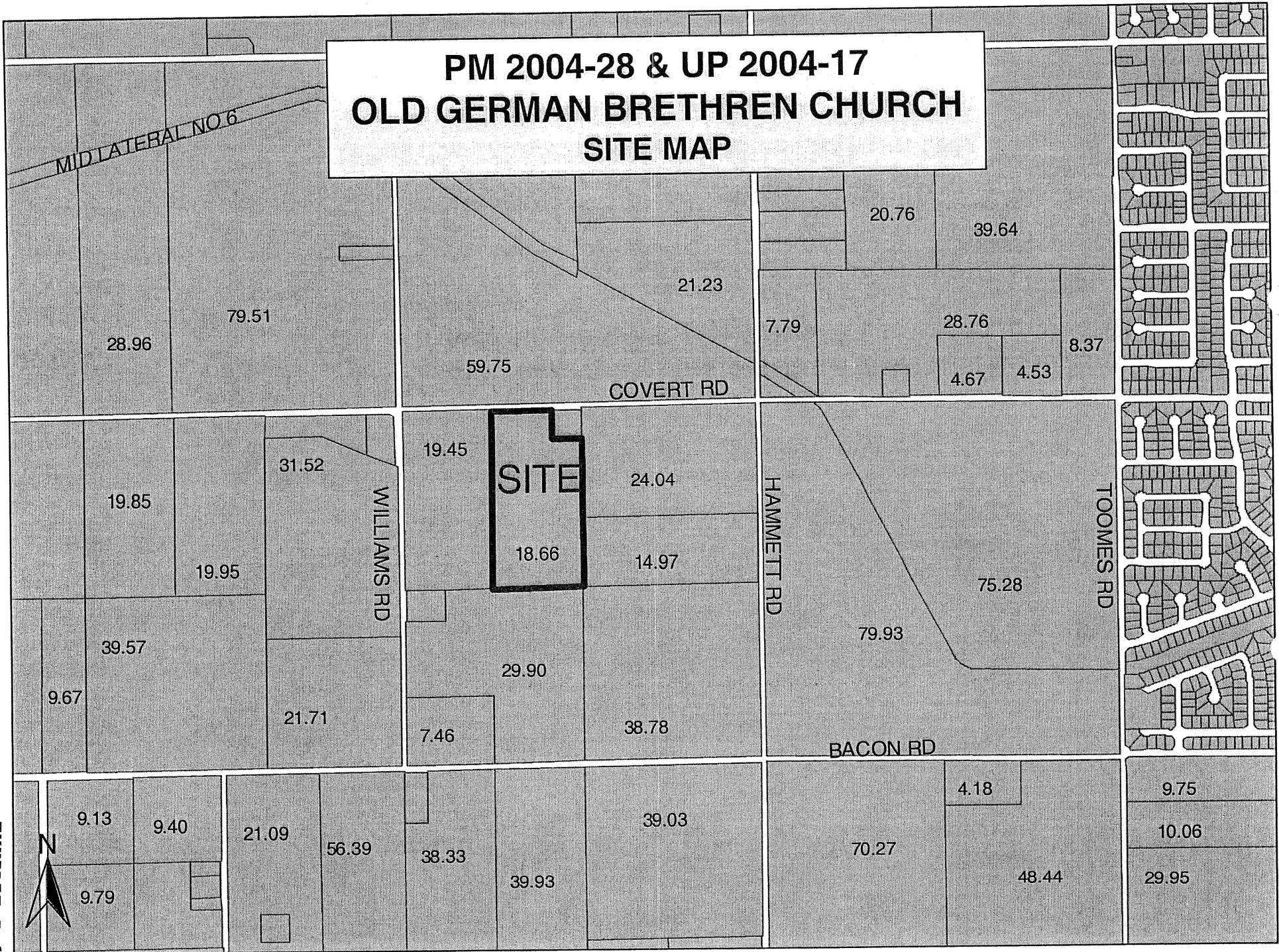
DUNN RD

SHOEMAKE AVE

99



**PM 2004-28 & UP 2004-17
 OLD GERMAN BRETHREN CHURCH
 SITE MAP**

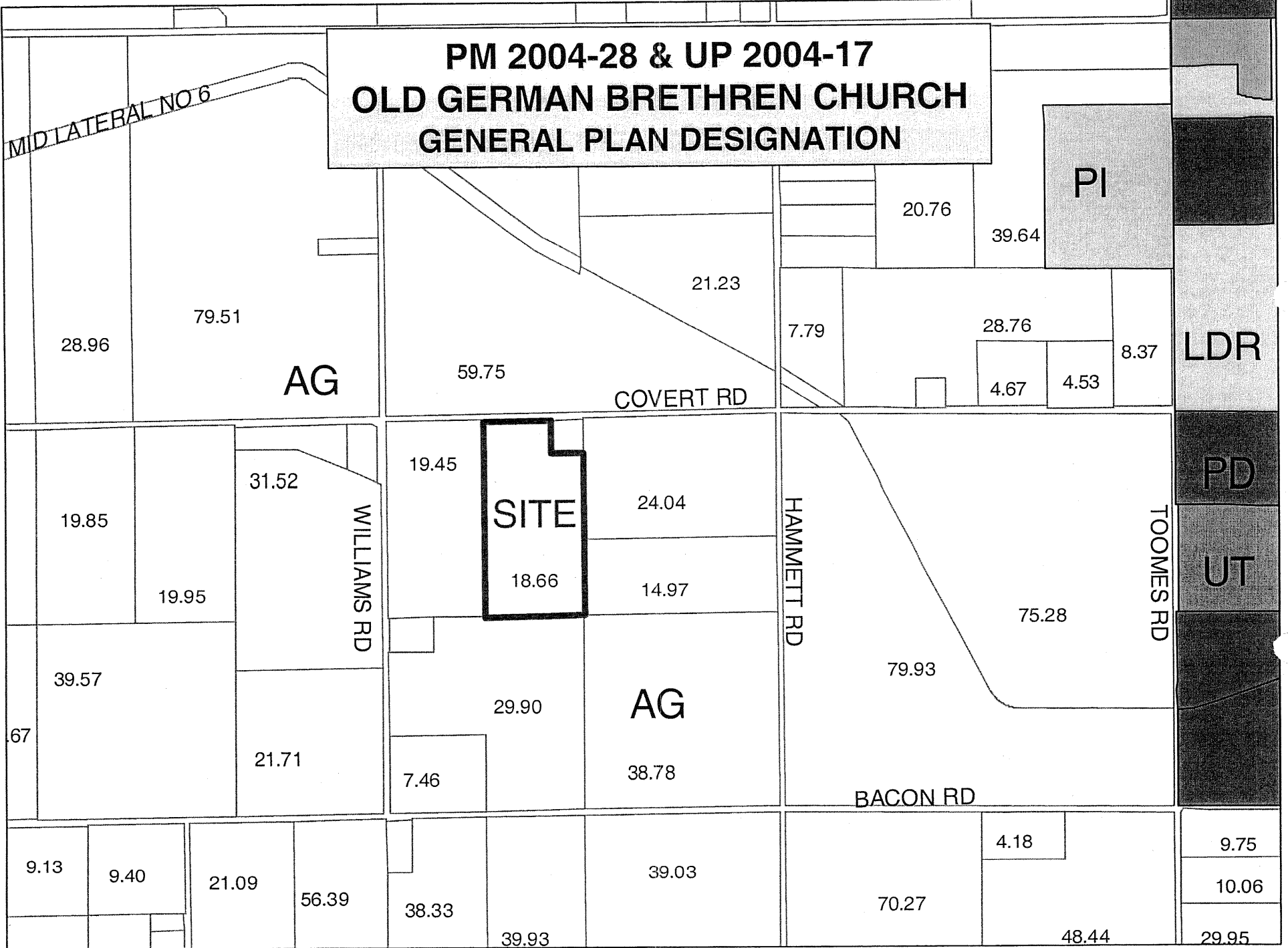


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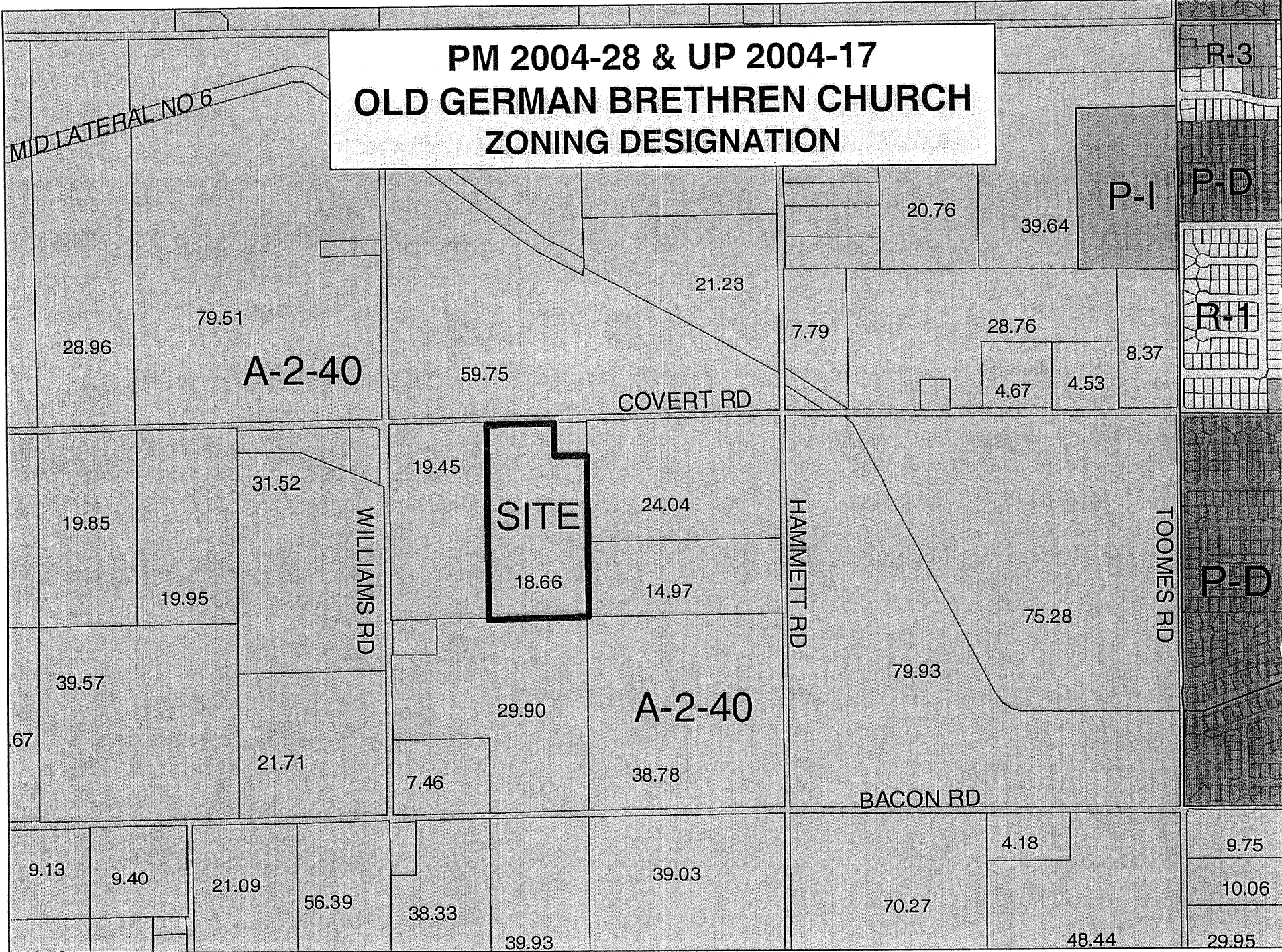
EXHIBIT B-1

**PM 2004-28 & UP 2004-17
 OLD GERMAN BRETHREN CHURCH
 GENERAL PLAN DESIGNATION**

MID LATERAL NO 6

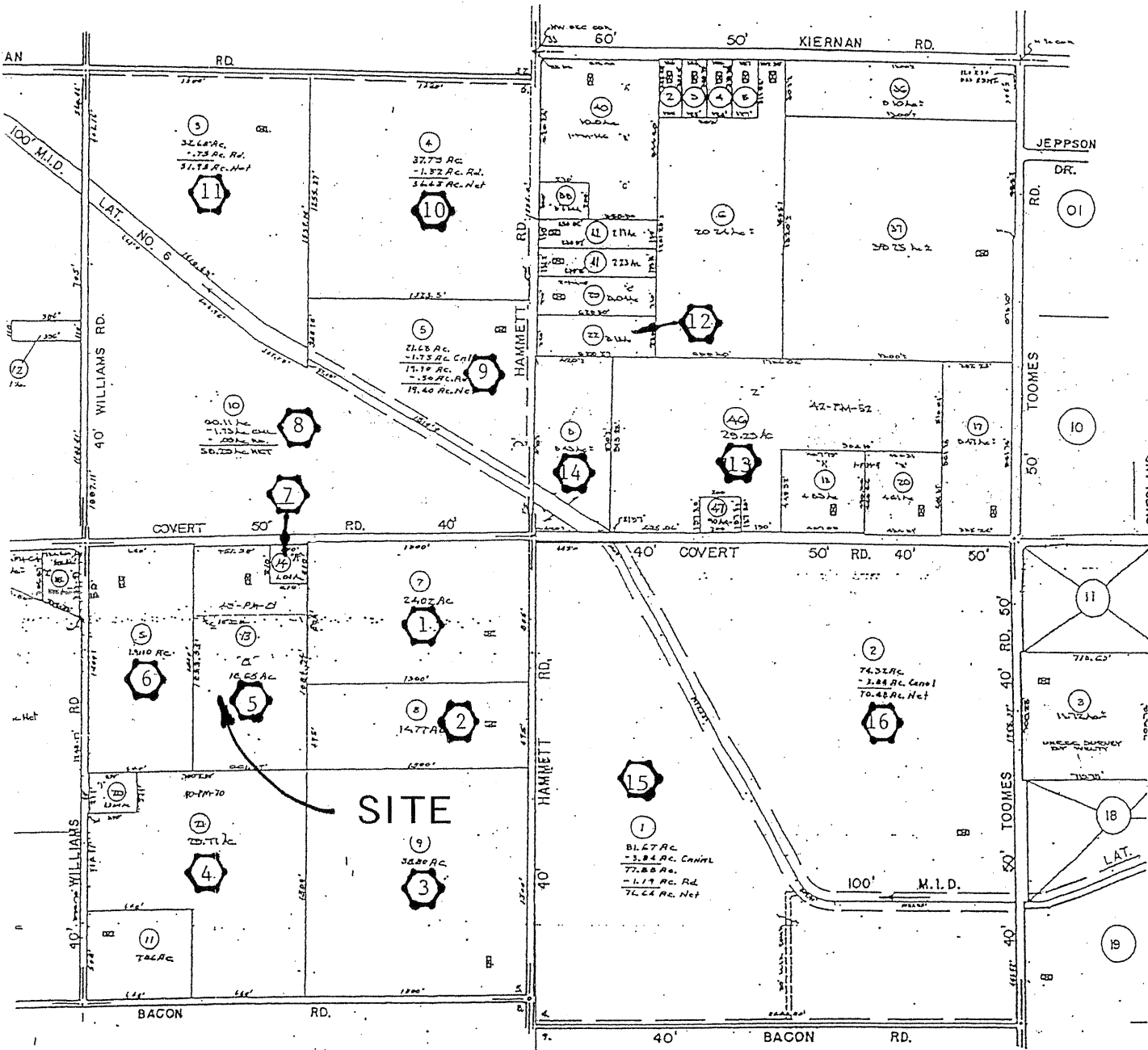


**PM 2004-28 & UP 2004-17
 OLD GERMAN BRETHREN CHURCH
 ZONING DESIGNATION**



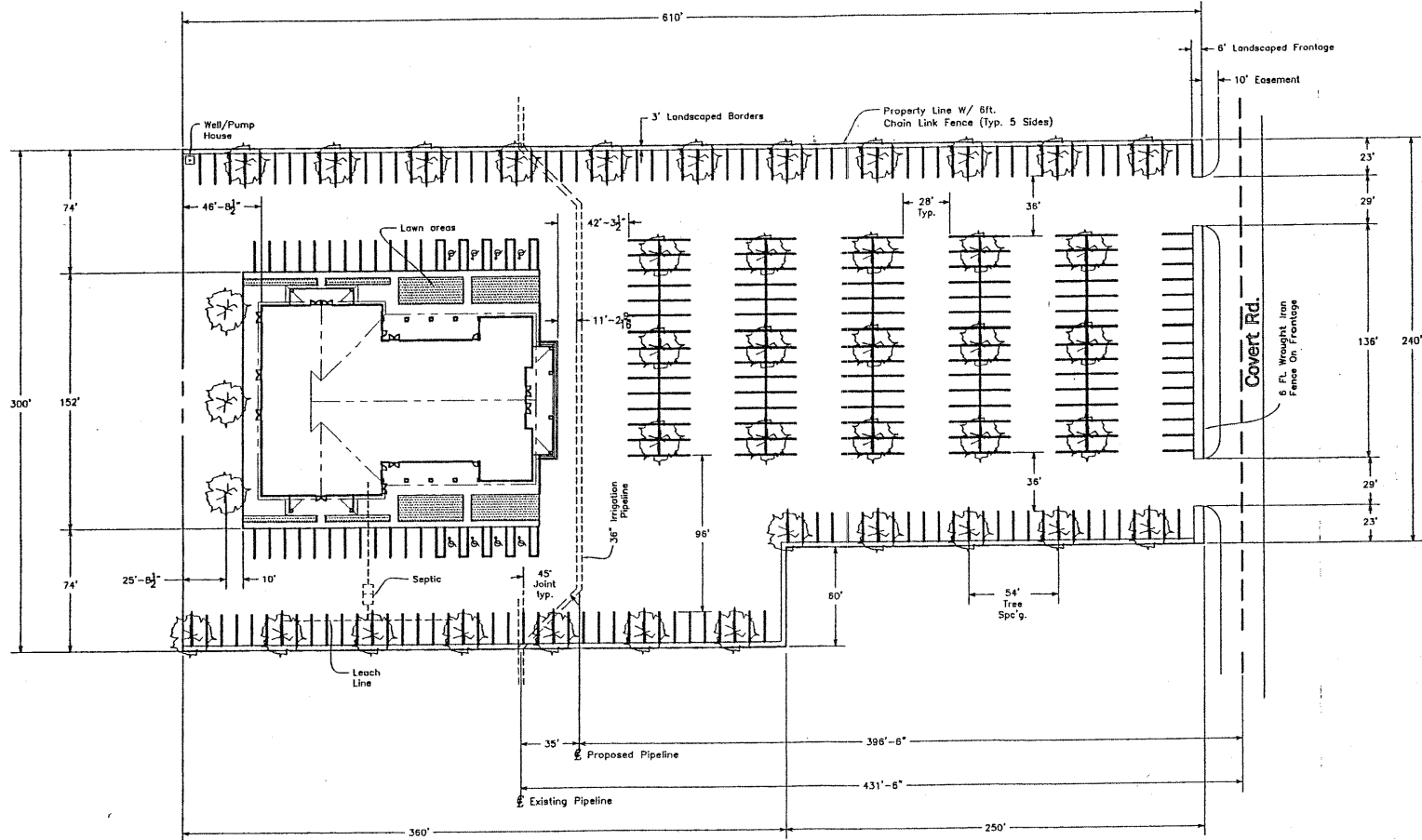
**PM 2004-28 & UP 2004-17
OLD GERMAN BRETHREN CHURCH
AERIAL PHOTO**





- 1. Almonds, R-1 + Outbuildings
- 2. Almonds, R-1 + Outbuildings
- 3. Walnuts/Almonds, R-1 + Outbuildings
- 4. Walnuts, R-1 + Outbuildings
- 5. Almonds, R-1 + Outbuildings
- 6. Walnuts, R-1 + Outbuildings
- 7. R-1 + Outbuildings
- 8. Walnuts, R-1 + Outbuildings

- 9. Walnuts, R-1 + Outbuildings
- 10. Almonds, R-1 + Outbuildings
- 11. Almonds, R-1 + Outbuildings
- 12. R-1 + Outbuildings
- 13. Almonds, R-1 + Outbuildings
- 14. Walnuts
- 15. Row Crops
- 16. Row Crops, R-1 + Outbuildings



General Notes

PARKING:

1. General parking has 286 spaces.
2. Handicapped parking has 8 spaces.
3. Elderly parking has 24 spaces.
4. Total parking spaces is 318.
5. Parking stalls are 9' X 18'.

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6. Landscaping on north frontage totals 1,092 sq. ft.
7. Sq. footage of building is 15,171 sq. ft.

No.	Revision/Issue	Date

Firm Name and Address

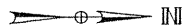
Flory Industries
 P.O. Box 908
 Solida, Co. 95368
 (209) 545-1167

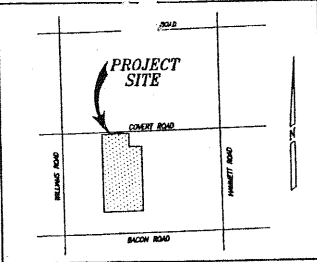
Project Name and Address

New Church
 Covert Rd.
 Solida, Co.

Proposal No. 2

Project	Sheet
Date: 4/21/04	1 of 2
Scale: Do not scale	





Vicinity Map
NOT TO SCALE

PREPARED BY:
HORIZON CONSULTING SERVICES
P.O. BOX 1448
MOUNTAIN VIEW, CA 94039

OWNER AND SURVIDOR:
MOLLY E. AND BETTY LOU GAMBER
7342 SHAWLFOURD ROAD
WOODRIDGE, CA 94588-8010
PHONE: (209) 322-3851

NOTES:

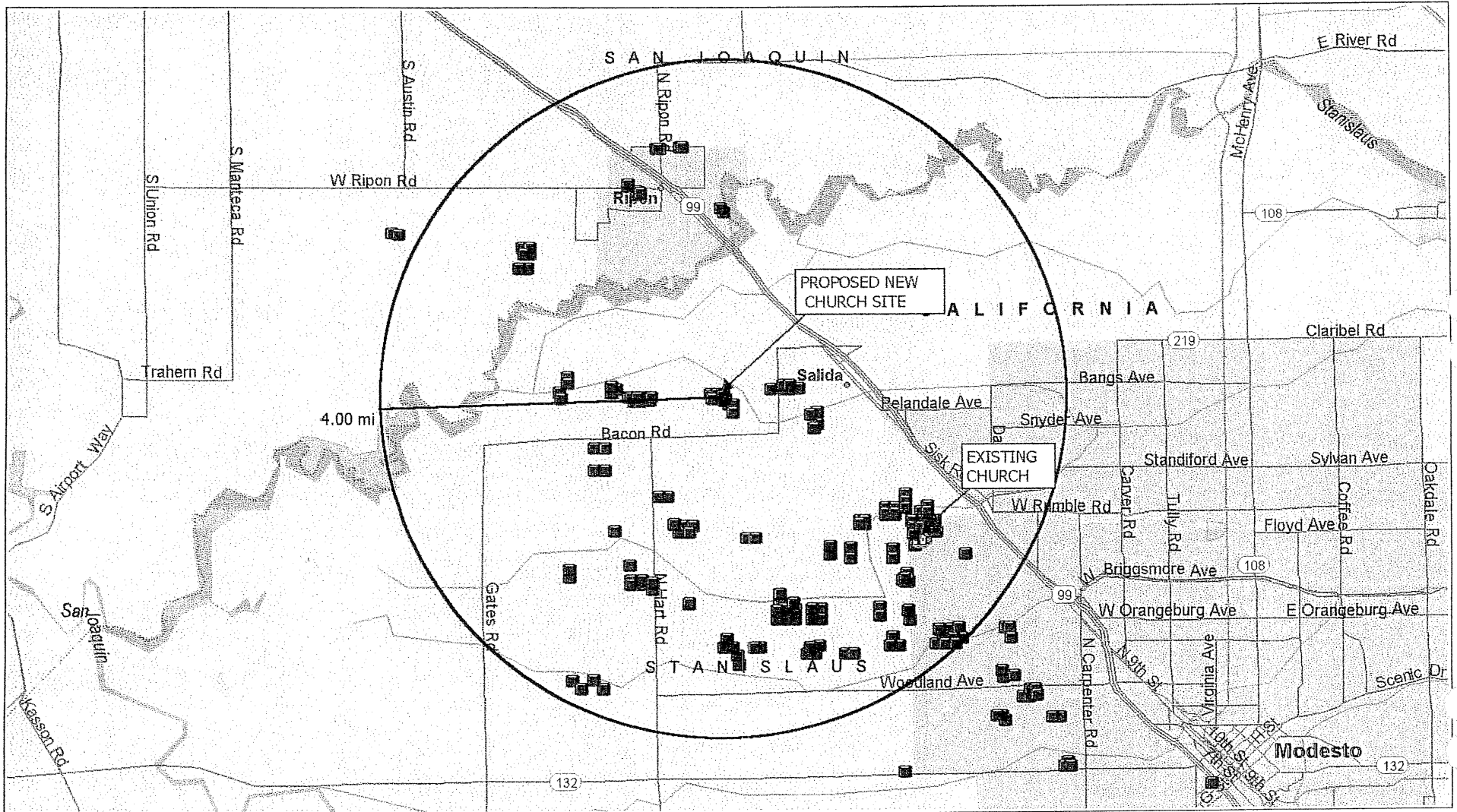
1. PRESENT ZONING: A-2-40
2. APN: 12-07-13
3. UTILITY SERVICES:
SEWER: SEPTIC SYSTEM
PORTABLE WATER: PRIVATE WELL
SEWER FACILITIES: ON-SITE
PROVISION: M.I.A.
TELEPHONE: SDC
ELECTRICAL: M.I.A.
NATURAL GAS: P.G.A.C.
4. TOTAL AREA: 18.64 ACRES
5. TOTAL REMAINDER OF PROPOSED PARCELS: 2
6. ALL EXISTING BUILDINGS AND IMPROVEMENTS TO REMAIN.
7. PROPOSED ACCESS AND UTILITY EASEMENTS SHALL BE FOR PRIVATE ACCESS AND UTILITIES TO BENEFIT AND SERVICE THOSE PARCELS AS INDICATED ON THIS MAP.
8. GROUND WATER DEPTH: 25'[±]
9. SOIL TYPE: OVERSAND SANDY LOAM / INTERMEDIATE SANDY LOAM
10. ALL DIMENSIONS, DISTANCES, BEARINGS, ETC. ARE TAKEN FROM THE RECORD PARCEL MAP FOR EACH PARCEL, AND DOES NOT REPRESENT AN ACTUAL FIELD SURVEY.

LEGEND:

- LIMITS OF PROPOSED SUBDIVISION
- - - IRRIGATION PIPELINE
- P.M. PARCEL MAP
- S.C.R. STANISLAUS COUNTY RECORDS

BY: RCE/NOA	DATE: 12-07-07	SCALE: 1"=200'	JOB #	FILE
CHK: J.D. WASH	DATE: 12-07-07	SCALE: 1"=200'	JOB #	FILE
APPROVED:	DATE:	SCALE:	JOB #	FILE
VESTING TENTATIVE PARCEL MAP				
PREPARED FOR MOLLY E. AND BETTY LOU GAMBER				
OF A PORTION OF SECTION 5, TOWNSHIP 3 SOUTH, RANGE 8 EAST, MOUNT Diablo				
BASE AND MERIDIAN, STANISLAUS COUNTY, CALIFORNIA				
P.O. BOX 1448	94039	PH: (209) 491-7620		
		FX: (209) 491-7626		
HORIZON				
CONSULTING SERVICES				
SHEET				

WEST MODESTO CHURCH DISTRICT CENSUS, JUNE 2002



number of members / % (total 208)

PROPOSED NEW SITE	156 / 75%	(@ 4 mile radius)
EXISTING CHURCH SITE	150 / 72%	
TOTAL URBAN MEMBERSHIP	30 / 14 %	
TOTAL RURAL MEMBER SHIP	178 / 86%	

STANISLAUS COUNTY PLANNING COMMISSION

December 16, 2004

STAFF REPORT

PARCEL MAP APPLICATION NO. 2004-28
USE PERMIT APPLICATION NO. 2004-17
OLD GERMAN BAPTIST BROTHERS CHURCH

REQUEST: TO DIVIDE 18.65 ACRES INTO A 3.9 ACRE PARCEL FOR A CHURCH SITE AND A 14.80 ACRE REMAINDER. REQUEST TO CONSTRUCT A 15,171 SQUARE FOOT CHURCH BUILDING ON THE 3.9 ACRE PORTION, IN THE SALIDA AREA.

APPLICATION INFORMATION

Applicant	Old German Baptist Brethren Church
Representative	Dennis Wilson, Horizon Consulting Services
Architect	Frank Boots, Architecture Plus
Property Owner:	Merlyn and Betty Lou Garber
Location:	6306 Covert Road, between Hammett and Williams Roads, in the Salida area.
Section, Township, Range:	5-3-8
Supervisorial District:	Three (Supervisor Grover)
Assessor's Parcel:	012-007-013
Referrals:	See Exhibit "H" Environmental Review Referrals
Area of Parcel :	18.65 acres
Water Supply:	Private Well
Sewage Disposal:	Aerobic septic/leach field system
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	Agriculture
Community Plan Designation:	Not applicable
Williamson Act:	Not applicable
Environmental Review:	Negative Declaration
Present Land Use:	Fallow agricultural land.
Surrounding Land Use:	Almond orchard and single-family home to the east and walnut orchards and single-family dwellings to the north, south, and west.

PROJECT DESCRIPTION

This project is a request for a 15,171 square foot, single story church facility with a lighted parking area of 318 parking spaces. The church facility will include a sanctuary and dining hall. The project will be served by a private on-site well and septic system. The application also includes a parcel map to split the 18.65 acre parcel into two parcels, a 3.9 acre site for the church and a 14.8 acre remainder to leave as agriculture.

The church activities will be on Sundays. Services are scheduled to be held at 10 a.m. and 6:30 p.m. The applicant proposes minimal usage on weekdays for special meetings, funerals and weddings. The occupancy capacity of the building is 803, if both the sanctuary and dining hall are filled at the same time.

SITE DESCRIPTION

The project site is located on the south side of Covert Road, between Hammett and Williams Roads, in the Salida area. The site is currently fallow agricultural land. The project site is surrounded by agricultural (almond and walnut orchards) and scattered single-family dwellings.

DISCUSSION

The site is zoned A-2-40 (General Agriculture) and designated "Agriculture" on the General Plan. Churches in the A-2 zoning district are permitted upon approval of a Use Permit as a Tier Three use. Tier Three uses are defined as uses not directly related to agriculture but may be necessary to serve the A-2 District **or** may be difficult to locate in an urban area. Some of the Tier Three uses can be people-intensive and, as a result, have the potential to adversely impact agriculture; these people-intensive uses are generally required to be located within LAFCO-approved spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities. Tier Three uses may be allowed when the Planning Commission finds that, in addition to the findings required under Section 21.96.050 of the County Zoning Ordinance:

1. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity, **and**
2. The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas," as that term is used in the Agricultural Element of the General Plan; **or** the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future. "Most productive agricultural area" does not include any land within LAFCO-approved spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities.

The proposed building has a social hall and worship facility requiring 268 parking spaces, based on the applicant's planned maximum occupancy. The project includes the development of 318 parking spaces. The type of proposed facility does not generally have uses being conducted in all of the on-site facilities at the same time.

Currently, the applicant's existing church is located on an 1.97 acre parcel at 2766 Dakota Avenue (south of Beckwith). The church has been there since 1937. Dakota Avenue has been designated as an expressway and would require an additional 47.5 feet of dedication which would hinder the church's plans for any additions or expansion of use.

Staff is torn on this application. The existing church on Dakota is 67 years old and with future plans to widen Dakota, this facility needs to be replaced. The site that was initially chosen to replace the church had a Williamson Act Contract. However, with recent Senate Bill (SB 1492) approval and the 2003 Planning Commissions decision regarding a Williamson Act cancellation of the Catholic Cemetery, the church looked for a new location. This site is outside the Salida Planning area and in the middle of several orchards.

Staff could take the easy position and recommend against a church in the A-2 zoning district outside a community planning area. Under normal circumstance, Staff would not recommend approval for a church outside the sphere of influence or outside the community plan area. This particular church is different. Primarily it has roots outside the urban area where this congregation first settled, many years ago. They do have an existing facility outside the community and many members do live near the proposed facility.

When the church application was first submitted, the 2002 membership was 208. There are 156 members that would live within a 4 mile radius of the proposed site (75%). This is a slight increase from the existing site which has 150 members within a 4 mile radius (72%). The applicant submitted a map in the traffic study which shows that 178 of this church's members live in rural areas (86%).

In 1998, staff recommended against relocation of the Brethren Heritage School to Dakota Avenue in the A-2-40 zoning district outside the Salida Community Plan. This required a use permit and a Williamson Act cancellation. The Planning Commission approved the use permit in June 1998 and the Board approved the Williamson Act cancellation in October 1998 on a 3-2 vote (Supervisor Mayfield and Caruso dissenting).

There are differences and similarities to both of these projects. Both of the projects had existing facilities outside the Salida Community Plan Area and wanted to relocate them outside the urban area. The one major difference is that the school needed to cancel the Williamson Act contract. The church's first choice was a site (near the proposed area) which had a Williamson Act contract. After listening to the proposed Catholic Cemetery for the Salida site at to the Planning Commission and Board of Supervisor's meetings in 2003, the applicant decided to find a different location without a Williamson Act contract.

Staff believes that, in this case, the Planning Commission could make the necessary findings for approval. The proposed project, with conditions of approval, does not appear to have features which will result in adverse impacts to persons residing or working in the neighborhood, property and improvements in the neighborhood, or to the general welfare of the County. There is no indication that the proposed project will be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.

The application also includes a parcel map to split the 18.65 acre parcel to create a 3.9 acre site and a 14.80 acre remainder parcel. The remainder parcel will have micro-sprinkler system installed and will be planted into a almond orchard.

Parcel Map

The site is designated as General Agriculture and zoned A-2-40, which requires a minimum lot size of 40 acres for the creation of new parcels. In this particular case, the applicants are using a distinct provision of the A-2 zoning ordinance which allows an exemption from site area requirements. The exemption referenced was written for the expressed purpose of separating an existing use, approved by a use permit or of legal non-conforming status, from a larger, separate farming operation. Section 21.20.060 of the Zoning Ordinance, states:

The following shall be exempt as to the minimum parcel size requirements provided the parcels are consistent with the subdivision ordinance and all other applicable county regulations:

(D) Parcels created and used pursuant to Sections 21.20.030 [Uses Requiring a Use Permit] and 21.20.040 [Uses Requiring Board of Supervisors Approval].

A concern associated with this project is the requirement that the parcel actually be used as approved by the Planning Commission prior to the split itself. This would help to insure that the division of the parcels is occurring in association with the need to divide the uses. A condition will be placed on the parcel map that before a final map can be recorded, the construction of the church must be completed.

WILLIAMSON ACT

The project site is not enrolled under a Williamson Act Contract. Section 21.20.045 of the County Zoning Ordinance specifically identifies churches as a use determined to be inconsistent with the principles of compatibility, outlined in Government Code Section 51238.1, which cannot be approved on contracted land.

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 "H" for the Environmental Review Referral list.) Based on the proposed capacity of the church building and multi-purpose building, the County Public Works Department identified a significant traffic impact associated with increased traffic and turning movements on Covert Avenue.

RECOMMENDATION

Based on the preceding discussion, the site's location and the site's non-enrollment under a Williamson Act contract, staff recommends the Planning Commission take the following actions:

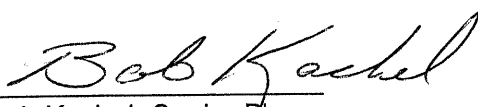
1. Find the project to be "De Minimis" for the purposes of collection of Fish and Game Fees pursuant to California Code of Regulations, Section 753.5, by adopting the findings of fact contained in the attached Certificate of Fee Exemption, those findings being based on the analyses presented in the Initial Study, and order the filing of the Certificate of Fee Exemption with the Stanislaus County Clerk-Recorder's Office.
2. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgement and analysis.

3. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
4. Find That:
 - A. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Urban Transition" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. Certain conditions have been added to ensure that the impact from this project is minimal.
 - B. The establishment as proposed will not be substantially detrimental to or in conflict with agricultural uses of other property in the vicinity.
 - C. The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas," as that term is used in the Agricultural Element of the General Plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future.
 - D. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
5. Approve Parcel Map Application No. 2004-28 and Use Permit Application 2004-17 - Old German Baptist Brethren Church, subject to the attached Conditions of Approval.

Report written by: Bill Carlson, Associate Planner, November 22, 2004

Attachments: Exhibit A - Applicant's Project Description
Exhibit B - Maps
Exhibit C - Elevations
Exhibit D - Conditions of Approval
Exhibit E - Findings
Exhibit F - Initial Study
Exhibit G - Certificate of Fee Exemption
Exhibit H - Environmental Review Referrals

Reviewed by:


Bob Kachel, Senior Planner

"PROJECT DESCRIPTION"
OLD GERMAN BAPTIST BRETHERN CHURCH

The Old German Baptist Brethren Church has been located on the east side of Dakota on a 1.97-acre parcel since 1937. The church congregation has grown over the last 65 years a point where a new facility is long overdue.

Dakota Avenue has been designated as an expressway by the City of Modesto that will require an additional 47.5 feet of dedication that would render the site unusable for the church. The current dimensions of the site are 200 feet (east/west) and 430 feet (north/south). All of these factors have led the Church to conduct an intensive search for a new site that would be the approximate center-point of the Church census. (See Exhibit "A").

The church as culminated their search efforts with the selection of a 3.9-acre site located on the south side of Covert Road between Williams Road on the west and Hammett Road on the east. The Church site is a portion of a 18.65-acres owned by Merlyn E. and Betty Lou Garber and they have agreed to donate the site to the Church.

This 18.65-acre parcel is currently planted to walnuts and almonds. The walnuts are 34+ years old and the almonds are 25+ years of age. The Garbers will be pulling all of the trees and replanting to almonds exclusively. With current methods of tree spacing and watering an equal or better crop yield is expected, even after removal of the church site of 3.9 acres.

Covert Road is a community road, 2 ½ miles in length, running between Jackson Road on the west and Finney Road on the east. Traffic entering and leaving the site will be far safer than the current location on Dakota Avenue.

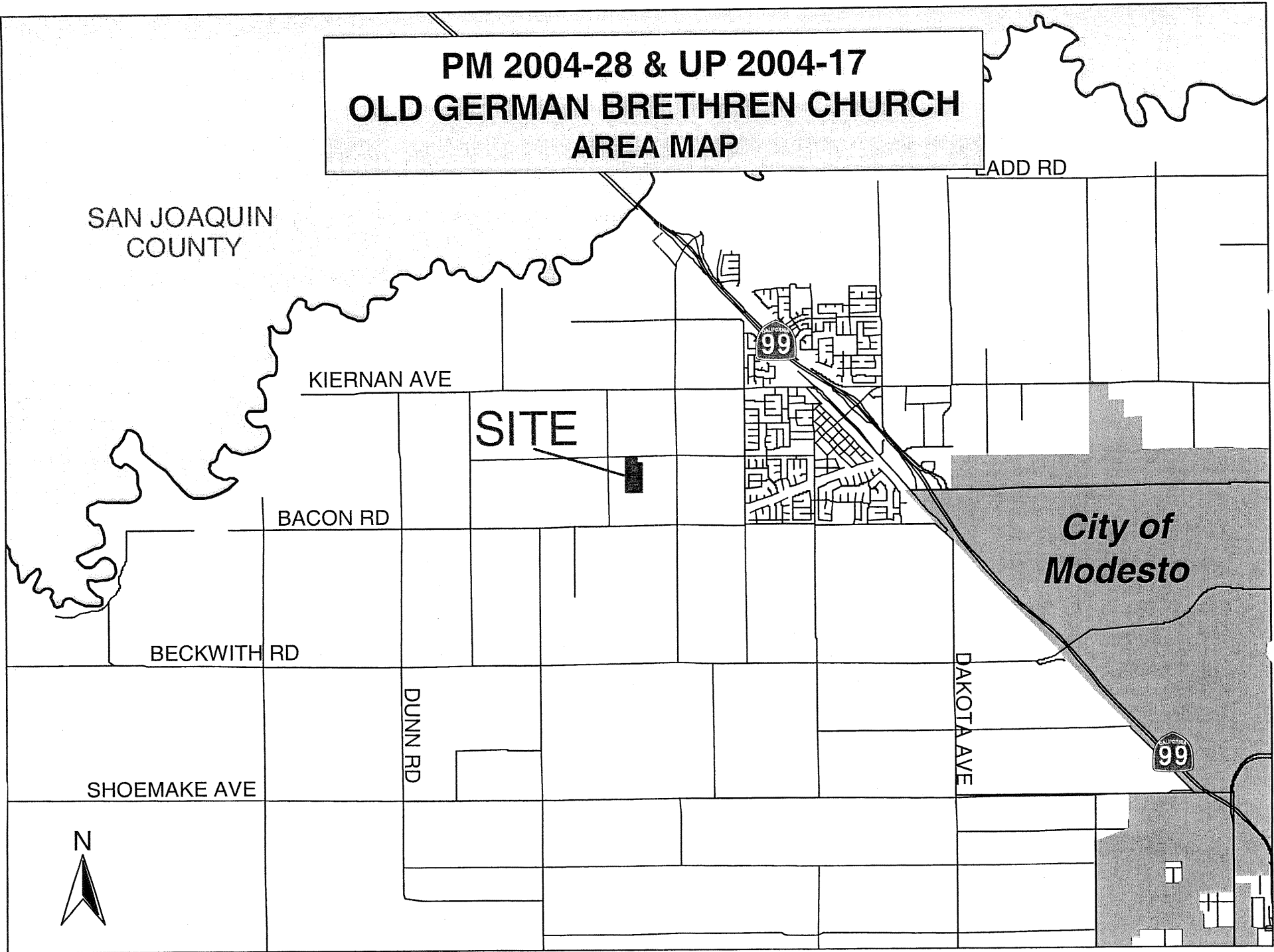
The physical dimensions of the new parcel would be approximately 275 feet (Covert Road frontage) by 610 feet deep (north/south).

The Church building will be sited at the southerly end of the parcel, fronted by a 318-stall parking lot, and the periphery of the site will be landscaped and screened. The building itself will be 15,171 square feet in area and would allow for a maximum occupancy of 803 people. See the attached site plan and elevation drawings for details.

The Church will not conduct any schooling on-site as they have educational facilities located within close proximity to this request.

Church usage varies with the emphasis on Sunday worship services. Average attendance on Sundays is 200 to 250 persons. The Church also would utilize the facility for occasional weddings, funerals and other special occasions during the week. The parking provided is far in excess of that required (268 required/318 provided). There are no employees or customers other than services donated by members of the Church. The majority of occupancy occurs during daylight hours.

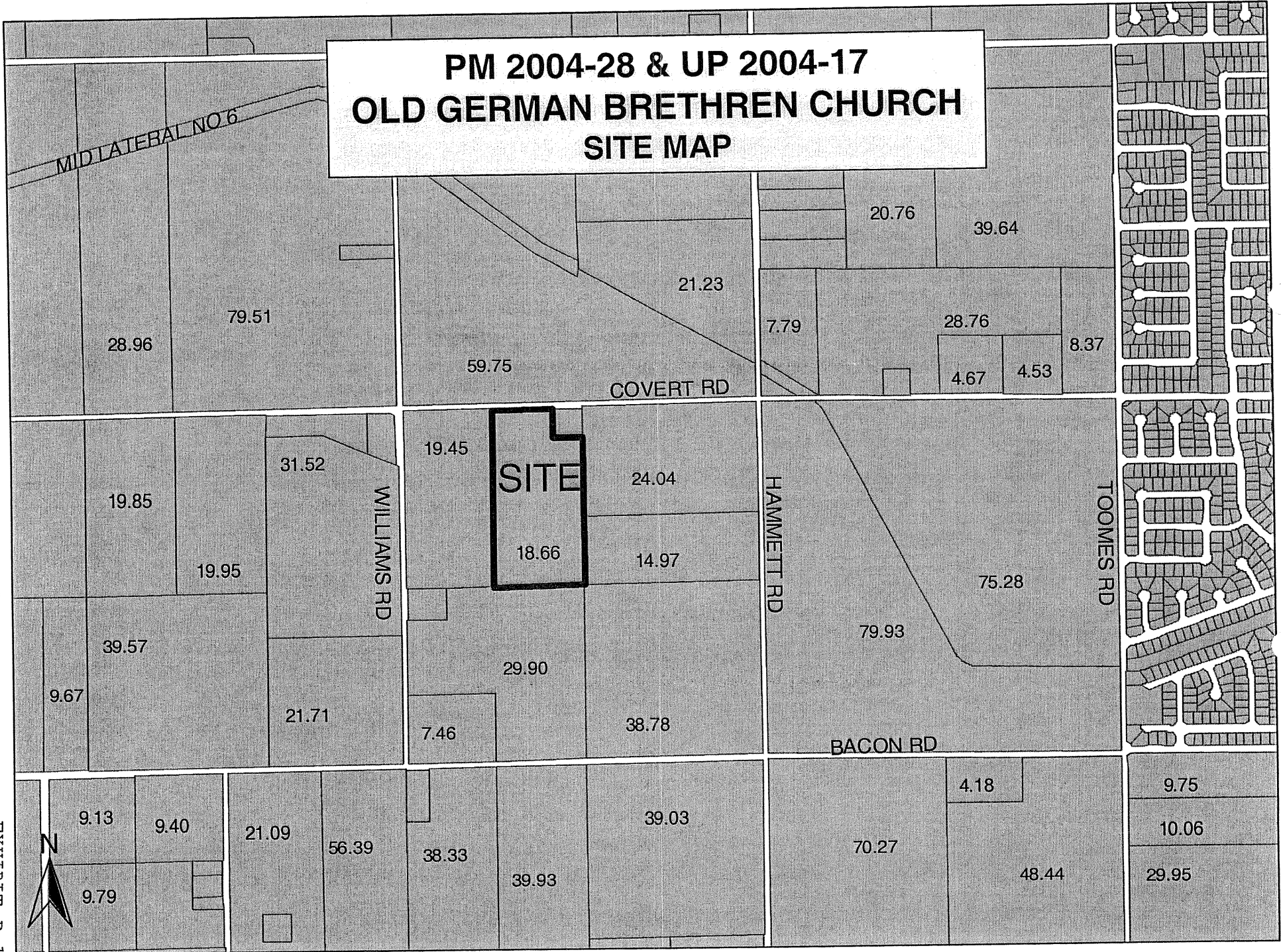
**PM 2004-28 & UP 2004-17
OLD GERMAN BRETHREN CHURCH
AREA MAP**



32

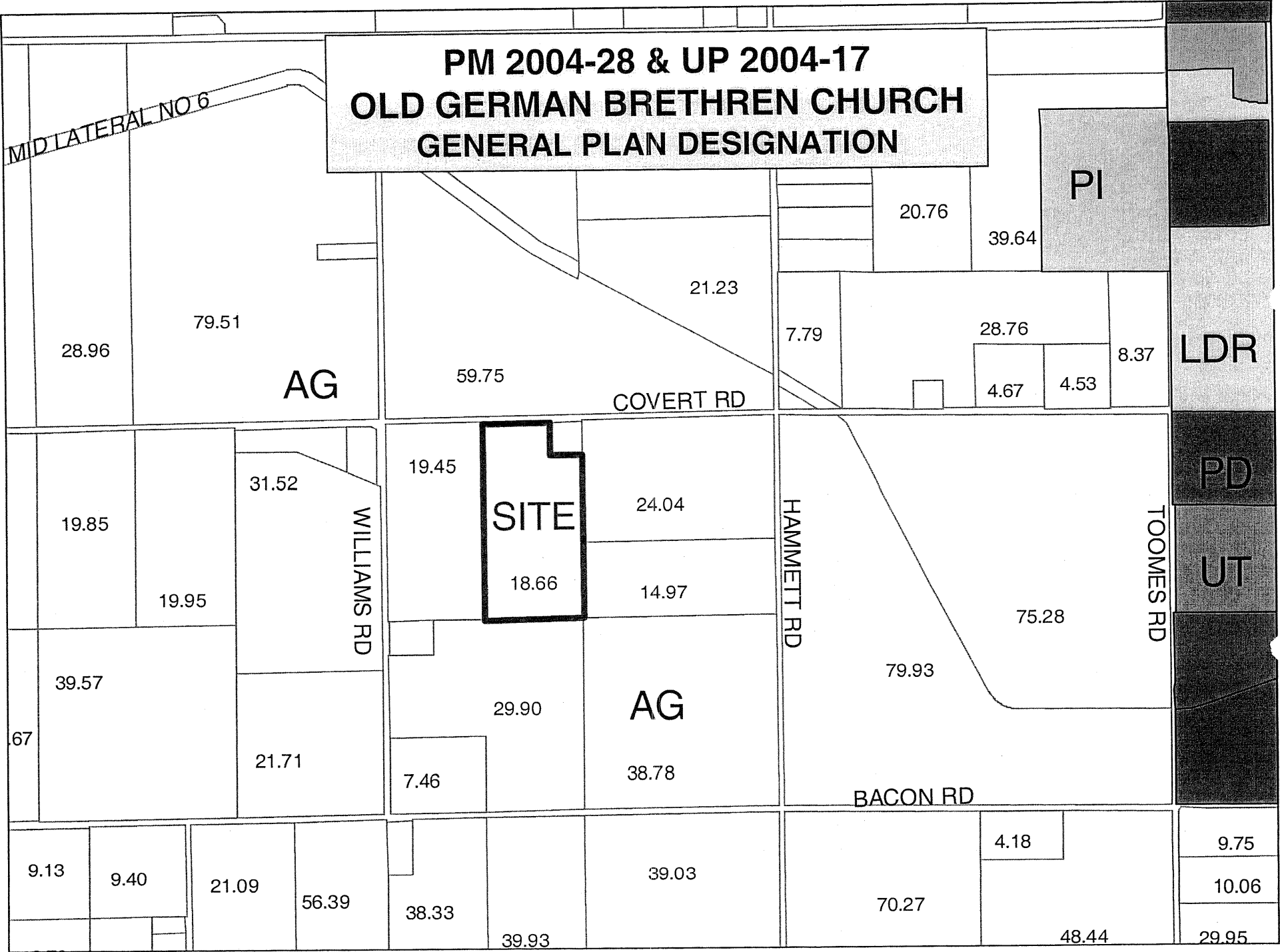
EXHIBIT B

**PM 2004-28 & UP 2004-17
OLD GERMAN BRETHREN CHURCH
SITE MAP**

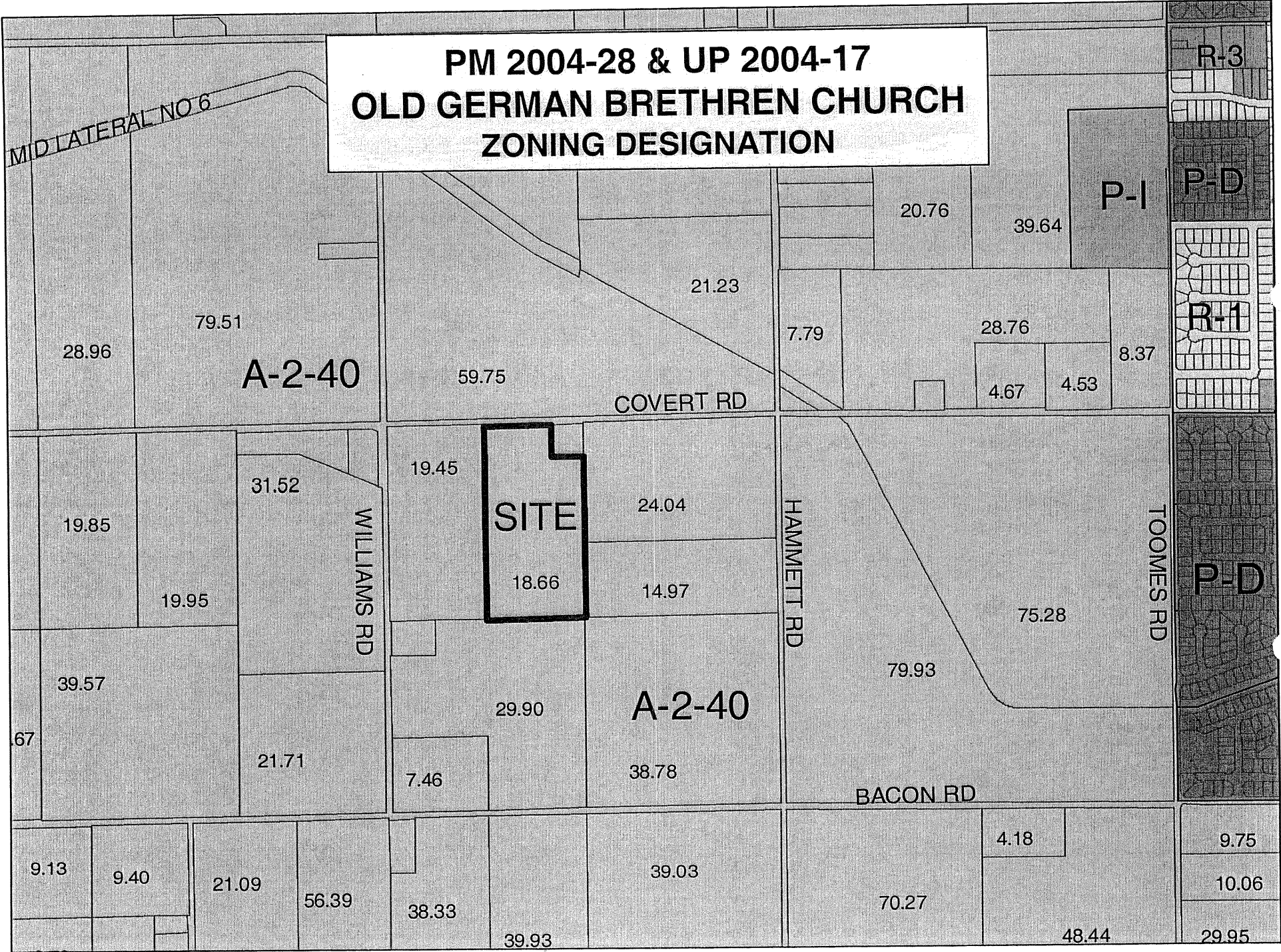


**PM 2004-28 & UP 2004-17
 OLD GERMAN BRETHREN CHURCH
 GENERAL PLAN DESIGNATION**

MID LATERAL NO 6



**PM 2004-28 & UP 2004-17
 OLD GERMAN BRETHREN CHURCH
 ZONING DESIGNATION**



**PM 2004-28 & UP 2004-17
OLD GERMAN BRETHREN CHURCH
AERIAL PHOTO**

COVERT RD

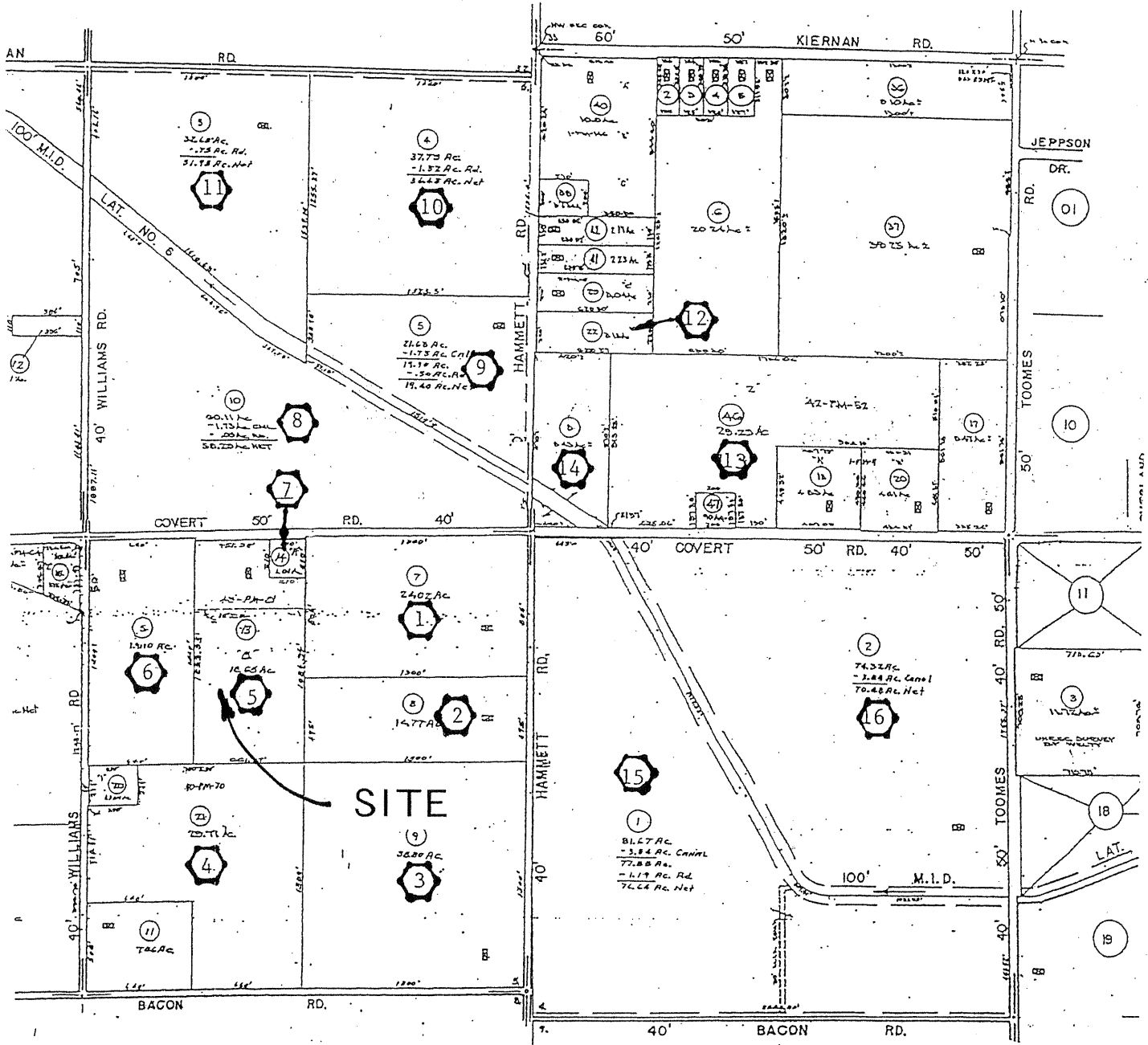
SITE

WILLIAMS RD

HAMMETT RD

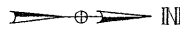
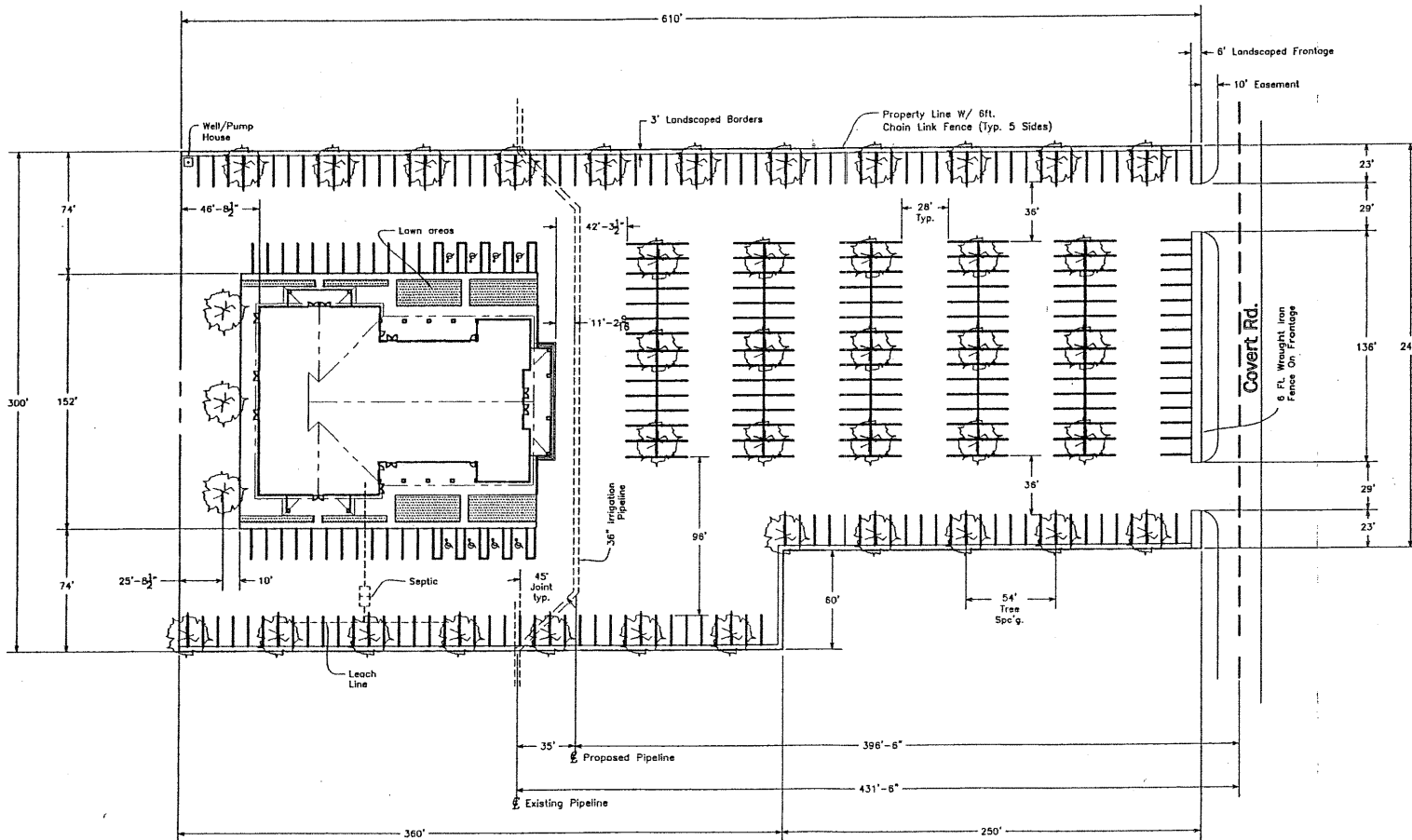
BAGON RD

USGS



- 1. Almonds, R-1 + Outbuildings
- 2. Almonds, R-1 + Outbuildings
- 3. Walnuts/Almonds, R-1 + Outbuildings
- 4. Walnuts, R-1 + Outbuildings
- 5. Almonds, R-1 + Outbuildings
- 6. Walnuts, R-1 + Outbuildings
- 7. R-1 + Outbuildings
- 8. Walnuts, R-1 + Outbuildings

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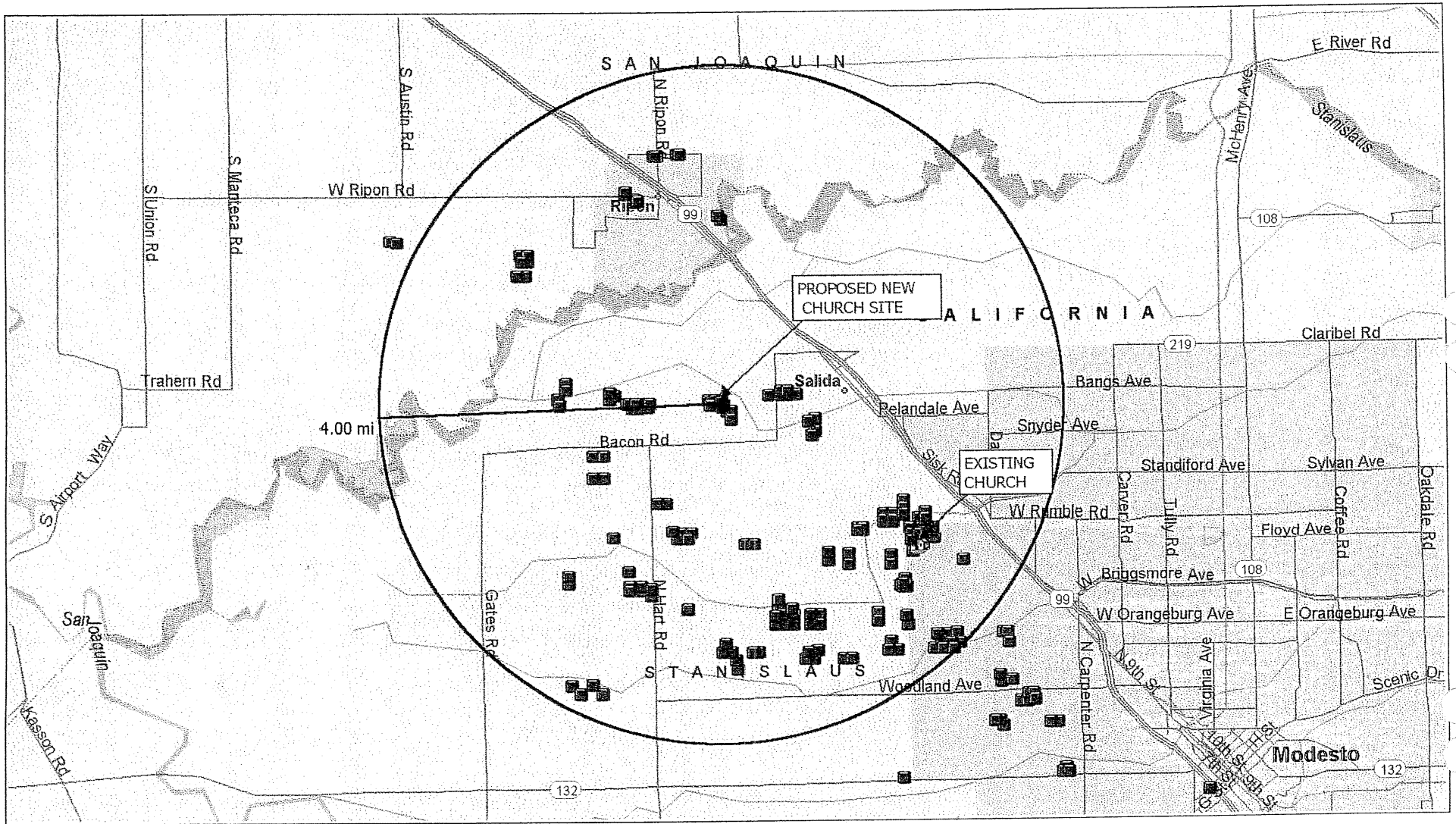
Firm Name and Address
 Flory Industries
 P.O. Box 808
 Salido, Co. 95368
 (209) 545-1167

Project Name and Address
 New Church
 Covert Rd.
 Salido, Co.

Proposal No. 2

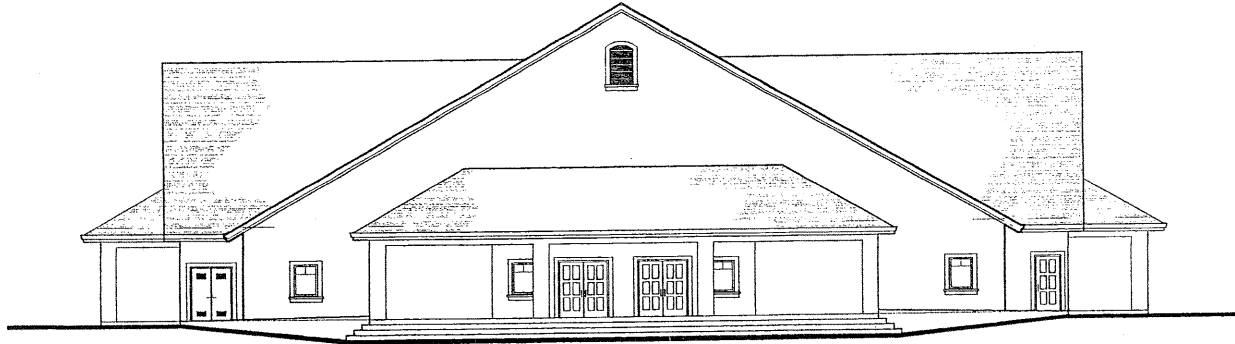
Project	Sheet
Date	1 of 2
Scale	4/21/04
Do not scale	

WEST MODESTO CHURCH DISTRICT CENSUS, JUNE 2002

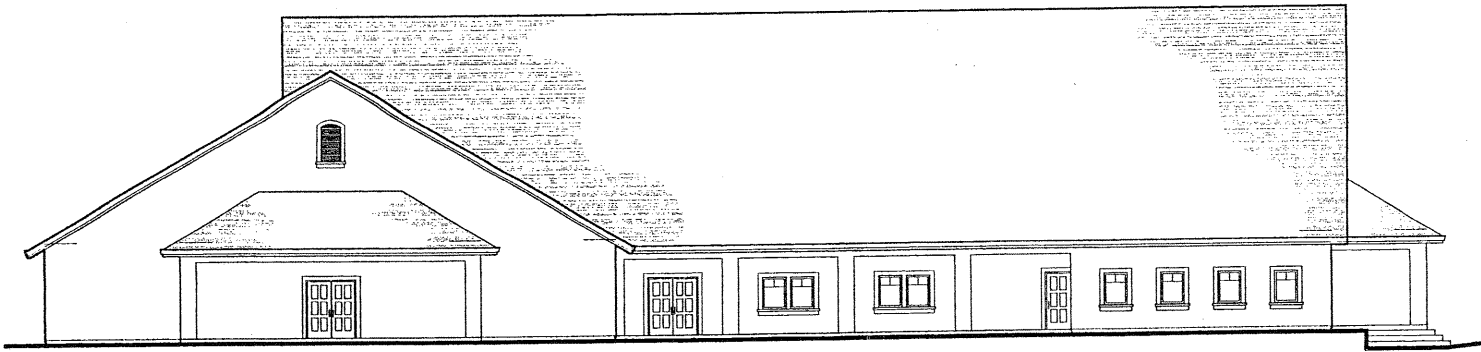


39

	number of members / %	(total 208)
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EXISTING CHURCH SITE	150 / 72%	
TOTAL URBAN MEMBERSHIP	30 / 14 %	
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FRONT ELEVATION



SIDE ELEVATION

PROPOSED NEW DEVELOPMENT FOR:
German Baptist Church
WEST MODESTO DISTRICT
SALIDA, CA.



**ARCHITECTURE
PLUS, INC.**
1207 THIRTEENTH STREET, SUITE 4
MODESTO, CA 95354
209-577-4641 FAX 577-0213

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

CONDITIONS OF APPROVAL

PARCEL MAP APPLICATION NO. 2004-28 USE PERMIT APPLICATION NO. 2004-17 OLD GERMAN BAPTIST BRETHERN CHURCH

Planning and Community Development

1. This use is to be conducted as described in the application and supporting information (including the plot plan), as approved by the Stanislaus County Planning Commission and/or the Board of Supervisors, and in accordance with other laws and ordinances.
2. Hours of construction on the project site shall be limited to 7:00 a.m. to 6:00 p.m. Monday thru Friday, with no construction allowed on holidays.
3. The off-site level of noise generated by the project shall not exceed a level of 60 Ldn measured in outdoor activity areas and/or 45 Ldn measured within interior living spaces. Costs associated with enforcement of this condition shall be the responsibility of the church.
4. Applicant, and/or subsequent property owner(s) must obtain building permits for all proposed structures, equipment, and utilities. Plans shall be prepared by a California licensed engineer working within the scope of his/her license.
5. 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 for on-site water storage.
6. All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect.
7. 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 archaeologist.
8. A plan for any proposed signs indicating the location, height, and area of the sign must be approved by the Planning Director prior to installation.
9. 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.

10. Outside storage of materials and equipment shall be screened from view from the road by a sound screen fence of uniform construction as approved by the Planning Director.
11. 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.
12. The subdivider 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 map as set forth in Government Code Section 66474.9. The County shall promptly notify the subdivider of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
13. Prior to the issuance of the Notice of Determination, the applicant shall pay, within five working days of Planning Commission approval, a filing fee of \$50.00 to "**Stanislaus County Clerk/Recorder**" care of the Planning Department. Should the "De Minimis" finding be found invalid for any reason, the applicant/developer shall be responsible for payment of Department of Fish and Game Fees.
14. Prior to construction: The developer shall be responsible for contacting the U.S. 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 these agencies, if necessary.
15. 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 streambed alteration agreements permits or authorizations, if necessary.
16. 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. Once complete, and prior to construction, a copy of the Storm Water Pollution Prevention Plan shall be submitted to the Stanislaus County Department of Planning and Community Development.
17. The construction of the church must be completed prior to the parcel map being recorded.

Department of Public Works

18. Prior to the issuance of any building permit, road right-of-way shall be deeded, if necessary, tho Stanislaus County to provide 30 feet south of the centerline of Covert Road. The developer's engineer is responsible for preparing the Road Deed.
19. Prior to occupancy of the property with the approved use, driveway approaches shall be installed on Covert Road per County Standards.

20. All driveway locations and widths shall be approved by the Department of Public Works
21. An encroachment permit shall be obtained from the Department of Public Works prior to the start of any work within the Covert Road Right-of way.
22. No parking, loading or unloading of vehicles shall be permitted within the right-of-way of Covert Road. The developer will be required to install or pay for the installation of all required signs and/or markings, if warranted.
23. The developer shall provide lights on poles outside the Covert Road right-of-way that illuminate the driveway entrances prior to occupancy of the approved use. The owner shall be solely responsible for the maintenance and operation of these lights.
24. The parking lot shall be paved (~~not rubberized chip seal~~) and double striped to County standards **to allow a minimum of 90 parking spaces and road base treatment for the remaining parking area.**
25. A Grading Permit shall be obtained from the Department of Public Works prior to the start of importing, exporting or otherwise moving any dirt.
26. A Grading and Storm Drainage Plan shall be approved by the Department of Public Works prior to the issuance of any building permit. The drainage system shall be installed prior to final and/or occupancy of any building.
27. An erosion control plan must be submitted that provides for erosion and sedimentation control. The plan shall prevent dirt from the project site from getting into the road right-of-way and drainage system. The plan shall be implemented during all phases of development including grading and construction. The plans shall also address the project in the long term.
28. Prior to issuance of the Grading Permit or approval of the improvement plans, the developer shall file a Notice of Intention (NOI) with the California Regional Water Quality Control Board and a Waste Discharge Identification Number must be obtained and provided to the Department of Public Works.
29. The recorded parcel map shall be prepared by a licensed land surveyor or a registered civil engineer.
30. All existing non-public facilities and/or utilities that do not have lawful authority to occupy the road right of way shall be relocated onto private property upon the request of the Department of Public Works.
31. All structures not shown on the tentative parcel map shall be removed prior to the parcel map being recorded.
32. Parcel "1" shall be surveyed and fully monumented.

Development Services

33. Building permits shall be required for all new construction and demolition of existing structures per Section 106.1 of the Uniform Building Code.

Modesto Irrigation District - Electrical

34. In conjunction with related site improvement requirements, existing electric facilities within or adjacent to the proposed project shall be protected, relocated or removed as required by the District's Electric Engineering Department.
35. Installation of electric facilities shall conform to the District's Electric Service Rules.
36. Cost for relocation and / or under grounding the Districts facilities at the requested of others will be bourne by the requested party. Estimates for relocating or under grounding existing facilities will be supplied upon request.
37. The District should be contacted for requests to remove the existing services within the outlined area designated for removal. The cost of removal will be the District's expense provided that the load being served is also removed.
38. The Electric service to the proposed project is not available at this time. Customer should contact the district's Electric Engineering Department to arrange for electric service to the project.
39. A 10 foot PUE is required along the existing and proposed street frontage.
40. There is an existing irrigation pipeline that runs east to west across the applicant's property. The pipeline must be re-routed and a 10 foot irrigation easement must be granted to MID by separate instrument to protect the pipeline.
41. Prior to any construction, improvement plans for the applicant's project must be submitted to the MID Irrigation Engineering Department for review and approval.
42. In order for the District to accept the necessary easements, a Certificate of Acceptance statement shall appear on the acceptance document. The Certificate of Acceptance statement and the Final Map Signature Block shall appear in the format specified by the District.

Stanislaus Consolidated Fire

43. Fire department access and water for fire protection shall be provided and maintained in accordance with all applicable codes and ordinances. This shall include providing secondary emergency access.
44. 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 a building permit issuance.

Salida Fire Protection District

45. All Buildings constructed shall meet the District's requirements for on-site water for fire protection and/or fire hydrants and hydrant locations, blue reflective street hydrant markers, sprinkler and alarms systems, key-box rapid entry systems, adherence to all applicable codes and ordinances, etc.
46. All Buildings of 5,000 square feet and greater shall be required to have fire sprinklers.
47. Prior to and during combustible construction, the District's shall approve provisions for serviceable fire vehicle access and fire protection water supplies.

Agricultural Commissioner's Office

48. Any required landscaping plan shall be reviewed by the Stanislaus County Agricultural Commissioner's Office prior to installation of any landscaping and include plant species and identification of the plans origin. Said review is necessary to help stop the spread of the Glassy-winged sharpshooter, an injurious insect to agriculture, which can enter our County on the leaves of landscape plants.

Department of Environmental Resources

49. Water supply for the project is defined by State regulations as a public water system. Water system owner must submit plans for water system construction or addition; and obtain approval from the Department, prior to construction. Prior to final approval of the project, the owner must obtain a Public Water Supply Permit from this Department. Public Water Supply Permit issuance is contingent upon water system meeting construction standards, and providing water which is of acceptable quantity and quality.
50. The sewage disposal system shall be an approved Aerobic Treatment System so as to comply with Primary and Secondary Sewage Treatment Initiative (Measure X).
51. Subscription to weekly refuse collection service, with the appropriate franchised refuse collector, is required within all unincorporated areas defined as "mandatory collection service areas" in the Stanislaus County Code.

San Joaquin Valley Air Pollution Control District

52. Construction of the project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.

Salida Union School District

53. The developer shall pay the appropriate schools fees at the time of construction.

FINDINGS FOR APPROVAL

USE PERMIT APPLICATION NO. 2004-17 OLD GERMAN BAPTIST BRETHERN CHURCH

FINDINGS

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

1. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. Certain conditions have been added to ensure that the impact from this project is minimal.
2. The establishment as proposed will not be substantially detrimental to or in conflict with agricultural uses of other property in the vicinity.
3. The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas," as that term is used in the Agricultural Element of the General Plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future.
4. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.

bc

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FINDINGS STATEMENT TO SUPPORT
CASE FOR APPROVAL OF USE PERMIT
PER SECTION 21.96.050 OF THE STANISLAUS COUNTY
ZONING ORDINANCE

The Old German Baptist Brethren Church has been located at 2766 N. Dakota Avenue on a 1.97-acre parcel since 1937. The last 65 years have been growth years for the German Baptist Congregation and caused the elder board to start thinking about the possibilities of moving to a larger site.

The present site is shallow (200 feet depth, east/west) and has approximately 430 lineal feet of frontage on Dakota Avenue. Traffic as well as church membership has increased substantially over the years and several years ago the Church began a site search for a new location. The established criteria for relocation were (1) A larger parcel with room for more parking on a less heavily traveled roadway; (2) The site should remain in the heart of the church membership; (3) Needs to be a rural location and (4) not the least of which donated land by a church member. Based on the recent changes in the Williamson Act, a non-contracted parcel was the most desirable from the County's viewpoint.

The only site that met the above criteria was a portion of a 18.65-acre parcel owned by church member, Merlyn Garber. Mr. Garber offered to donate a rectangular shaped (275 feet wide x 610 feet deep) 3.9-acre site located in the northwest corner of his property on the south side of Covert Road. The attached site plan portrays the advantages of a concentrated parking area in the front (318 spaces) with the new church set back approximately 431 feet from the centerline of Covert Rd. Covert Rd is only 2 ½ miles long and runs east/west between Jackson Road on the west and Finney Road on the east. In other words, Covert Rd. is not a heavily traveled roadway like Beckwith, Shoemake, Dakota or Kiernan Avenue. See Traffic Support information attached.

The choice of this location for the new church is consistent with the goals and policies of the Stanislaus County General Plan adopted by the Board of Supervisors in October of 1994. Under the circumstances of this particular case will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

The existing church is located on the easterly side of Dakota Avenue which has been designated as an expressway of 135 feet in width. This would require dedication of an additional 47.5 feet of right-of-way. The existing traffic on Dakota is quite heavy at the AM and PM peaks now making it somewhat hazardous to ingress and egress the church during functions.

The Wood Colony area is primarily made up of German Baptist residents and members of the church (See Exhibit A), with 86% of its total rural membership residing within a 4-mile radius of the new location. Covert Road is a less heavily traveled community road and therefore will be safer for traffic entering and leaving the site. The Church petitioned the surrounding neighbors as to their concerns about the new location and found unanimous support for the relocation.

Job No. 02-18

FINDINGS REQUIRING DENIAL

VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2004-28 OLD GERMAN BAPTIST BRETHERN CHURCH

FINDINGS

As per Section 66474. of the Subdivision Map Act:

A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

Staff has not been presented with any evidence to indicate any of the above findings should be made.

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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:** Parcel Map Application No. 2004-28 and Use Permit Application No. 2004-17 -Old German Baptist Church
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Bill Carlson, Associate Planner
(209)525-6330
4. **Project location:** 6306 Covert Road in the Salida area.. (APN: 012-007-013)
5. **Project sponsor's name and address:** Dennis Wilson/Horizon Consulting Service
P.O. Box 1448
Modesto, CA 95353
6. **General plan designation:** Agriculture
7. **Zoning:** A-2-40 (General Agriculture)
8. **Description of project:**

Request to construct a 15,171 square foot church building on a 3.9 acre portion of an 18.65 acre parcel located in an A-2-40 (General Agriculture) zone, general planned Agriculture. The church would not include any weekday school activities. Capacity would be 803 people. A parking lot for 318 vehicles is planned. The Parcel Map application is to subdivide 18.65 acres into one 3.9 acre parcel for the church site and a 14.80 acre remainder parcel. The proposed project is located outside the Salida Community Plan.

9. **Surrounding land uses and setting:** Agricultural land, ranchettes, almonds and walnut orchards
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)** Public Works, Development Services
Stanislaus Consolidated Fire
Department of Environmental Resources

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.

- | | | |
|--|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |

Public Services

Recreation

Transportation/Traffic

Utilities / Service Systems

Mandatory Findings of

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.

Bill Carlson
Signature

October 19, 2004
Date

Bill Carlson
Printed name

For

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: Community standards generally do not dictate the need or desire for architectural review of new buildings. The project incorporates landscaping along the frontage and side property lines. A condition of approval will be added to the project to require that outdoor lighting be aimed downward in order to address glare to surrounding areas.</p>				
<p>Mitigation: None.</p>				
<p>References: County policies, application information and staff experience.</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 project site lies outside the Salida Community Plan and is not enrolled under a Williamson Act contract. At present there is no indication that this project will directly impact existing agricultural activities in the area or result in conversion of farmland to non-agricultural use. A basis for this conclusion can be seen by reviewing the attached map showing area land uses. There are both almond (east) and walnut orchards (north, south, west) and ranchettes in the immediate area. The County also has a Right to Farm Ordinance in place to protect the agricultural users from unjust nuisance complaints.</p>				
<p>Mitigation: None.</p>				

References: Application information, County Policies, Stanislaus County General Plan - Adopted October 1994, Stanislaus County Zoning Ordinance.

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 "serious 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.

Any pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions standards for vehicles, and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the SJVAPCD has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the basin. A condition of approval will be added to this project to require compliance with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.

Mitigation: None.

References: San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis and Stanislaus County General Plan - Adopted June 1994.

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
<p>Discussion: It does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. There are no known sensitive or protected species or natural communities located on the site and/or in the surrounding area.</p>				
<p>Mitigation: None.</p>				
<p>References: Application information, Stanislaus County General Plan - Adopted June 1994 and the Stanislaus County General Plan Support Documentation - Adopted June 1987, Natural Diversity Data Base, October 2002.</p>				
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: Cultural resources are not known to exist on the project site. A condition of approval will be added to this project to address any discovery of cultural resources during the construction phases.				
Mitigation: None.				
References: Stanislaus County General Plan - Adopted October 1994 and the Stanislaus County General Plan Support Documentation - Adopted June 1987.				
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 18-1-B of the Uniform Building Code (1994), 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 on page 288 of the General Plan Support Document (June 1987), the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5. Any structures resulting from this project shall be built according to building standards appropriate to withstand shaking for the area in which they are constructed.				
Mitigation: None.				
References: Stanislaus County General Plan - Adopted October 1994, Stanislaus County General Plan Support Documentation - Adopted June 1987, and the Uniform Building Code (1997).				

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
<p>Discussion: The County Department of Environmental Resources is responsible for overseeing hazardous materials and has not indicated any particular concerns in this area. Pesticide exposure is a risk in areas located in the vicinity of agricultural uses. Sources of exposure include contaminated groundwater which is consumed and drift from spray applications. Application of sprays are strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. The groundwater is not known to be contaminated in this area. The project is not located within any airport or airstrip.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan - Adopted October 1994 and the Stanislaus County General Plan Support Documentation - Adopted June 1987, Airport Land Use Commission Plan, 1978.</p>				

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
<p>Discussion: On-site areas subject to flooding have not been identified in accordance with the Federal Emergency Management Act and/or county designated flood areas. By virtue of paving for the building pad, parking lot and driveways, the current absorption patterns of water placed upon this property will be altered. The project has not yet developed plans to handle drainage on-site, but a condition of approval requiring a Master Grading and Storm Drainage Plan Permit will be added to this project, as required by the Public Works Department. A condition of approval will also be added to require the developer to file a Notice of Intent (NOI) with the California Regional Water Quality Control Board, prior to issuance of the grading permit. This project has been referred to the Regional Water Quality Control Board, but no comments have been received.</p>				
<p>Mitigation: None.</p>				

References: Application information, County Public Works Department - referral response dated May 10, 2004, Stanislaus County General Plan - Adopted October 1994, and the Stanislaus County General Plan Support Documentation - Adopted June 1987.



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 project site is designated Agriculture, zoned A-2-40 (General Agriculture) and located outside the Salida Community Plan. The proposed use is classified as Tier Three use which may be permitted within the A-2 zoning district upon approval of a use permit. Tier three uses are defined as not directly related to agricultural but may be necessary to serve the A-2 district or may be difficult to locate in the urban area. While neither of those criteria appear to exist in this instance, staff views this as a land use policy issue as opposed to an environmental issue under the purview of CEQA. There is a longtime county policy, enforced through Planning Commission and Board of Supervisors actions, that A-2 zoned churches, in most instances, belong within areas which are in the long term committed to urban development, i.e. within a sphere of influence. Again, this is mainly a land use issue. The proposed project will not conflict with any applicable habitat conservation plan or natural community conservation plan and will not physically divide an established community.

Mitigation: None.

References: Stanislaus County General Plan - Adopted June 1994 and the Stanislaus County General Plan Support Documentation - Adopted June 1987, Stanislaus County Ordinance Code Chapter 21.20.



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 in or around the project area.

Mitigation: None.

References: State Division of Mining & Geology-Special Report 173 (1993), Stanislaus County General Plan - Adopted October 1994, and the Stanislaus County General Plan Support Documentation - Adopted June 1987.

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	
<p>Discussion: The construction phases of this project may temporarily increase the areas ambient noise levels, however a significant impact is not anticipated. A condition of approval will be added to this project to limit the hours of construction. As proposed, the majority of church activities will be taking place within enclosed structures. Outside activities will primarily consist of on-site traffic. The Stanislaus County General Plan identifies 75 Ldn as the normally acceptable level of noise for agricultural areas. The General Plan limits noise generated by new development to 60 Ldn or less in outdoor activity areas and 45 Ldn or less within interior living spaces.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan - Adopted October 1994, Stanislaus County General Plan Support Documentation - Adopted June 1987, and staff experience.</p>				
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: The proposed use of the site will not create significant service extensions or new infrastructure which could be considered as growth inducing. No housing or persons will be displaced by this project.

Mitigation: None.

References: Application information, Stanislaus County General Plan - Adopted June 1994 and the Stanislaus County General Plan Support Documentation - Adopted June 1987.

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 Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the Salida Fire District, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance. Conditions of approval will be added to this project to insure the proposed development complies with all applicable fire department standards with respect to access and water for fire protection.

Mitigation: None.

References: Stanislaus County General Plan - Adopted October 1994, and the Stanislaus County General Plan Support Documentation - Adopted June 1987.

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: This project is not anticipated to increase significant demands for recreational facilities, as such impacts typically are associated with residential development.

Mitigation: None.

References: Stanislaus County General Plan - Adopted October 1994, and the Stanislaus County General Plan Support Documentation - Adopted June 1987.

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: Based on the proposed capacity of the church building and multi-purpose building, the County Public Works Department required a traffic study for a previous proposed project on a neighboring parcel. It did not identify a significant traffic impact associated with increased traffic and turning movements in this area. Standard road improvement and driveway oriented conditions will be made part of any use permit approval.

Mitigation: None.

References: Application information, Public Works - referral response dated August 19, 2004, Stanislaus County General Plan - Adopted June 1994 and the Stanislaus County General Plan Support Documentation - Adopted June 1987.

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

Discussion: Limitations on providing services have not been identified. The project will be served by private well and aerobic septic. Conditions of approval will be added to the project to require a water supply permit from the County Department of Environmental Resources. Any existing on-site wells and/or septic tanks will need to be destroyed as a condition of approval. Less than significant impacts associated with public utility and irrigation easement(s) will be reflected in the project's conditions of approval.

Mitigation: None.

References: Department of Environmental Resources - referral response dated August 25, 2004, Stanislaus County General Plan - Adopted June 1994 and the Stanislaus County General Plan Support Documentation - Adopted June 1987.

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	

<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>				<p>X</p>
<p>Discussion: Review of this project has not indicated any feature(s) which might significantly impact the environmental quality of the site and/or adjacent areas. As such, all identified project-significant impacts have been mitigated to a level of less than significant.</p>				

I:\Staff\PM 2004.sr\PM2004-28, UP 2004-17 - Old German Baptist Church.IS.wpd

NEGATIVE DECLARATION

NAME OF PROJECT: Parcel Map Application No. 2004-28 and Use Permit Application No. 2004-17 -Old German Baptist Brethren Church

LOCATION OF PROJECT: 6306 Covert Road in the Salida area.. (APN: 012-007-013)

PROJECT APPLICANT: Dennis Wilson , Horizon Consulting, Inc.

DESCRIPTION OF PROJECT: Request to construct a 15,171 square foot church building on a 3.9 acre portion of an 18.65 acre parcel located in an A-2-40 (General Agriculture) zone, general planned Agriculture. The church would not include any weekday school activities. Capacity would be 803 people. A parking lot for 318 vehicles is planned. The Parcel Map application is to subdivide 18.65 acres into one 3.9 acre parcel for the church site and a 14.80 acre remainder parcel. The proposed project is located outside the Salida Community Plan.

Based upon the Initial Study, dated **October 19, 2004**, 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 aforementioned findings are contingent upon the following mitigation measures (if indicated) which shall be incorporated into this project: None

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: Bill Carlson, Associate Planner

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

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 indicate this to show that each question has been carefully considered. Contact the Planning & Community Development Department Staff, 1010 10th Street - 3rd Floor, (209) 525-6330, if you have any questions. Pre-application meetings are highly recommended.

ASSESSOR'S PARCEL NUMBER(S): Book 012 Page 007 Parcel 013

additional parcel numbers: _____

Project Site Address

or Physical Location:

6306 Covert Road, Modesto, CA 95358

Property Area:

Acres: 18.65

or

Square feet: 812,394

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

Single Family Home/Outbuildings/Walnuts & Almonds

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

Book 43 of Parcel Maps at Page 21

Existing General Plan & Zoning: Agriculture/A-2-40

Proposed General Plan & Zoning: No Change Proposed
(if applicable)

ADJACENT LAND USE: (Describe adjacent land uses within 1320 feet (1/4 mile) and/or two parcels in each direct of the project site)

East: Almonds/Single Family Home/Outbuildings

West: Walnuts/Single Family Home/Outbuildings

North: Walnuts/Single Family Home/Outbuildings

South: Walnuts/Single Family Home/Outbuildings

WILLIAMSON ACT CONTRACT:

YES NO

Is the property currently under a Williamson Act contract?

Contract Number: _____

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

Date Filed: _____

YES NO

Do you propose to cancel any portion of the Contract?

YES NO

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

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

SITE CHARACTERISTICS: (Check one or more:)

Flat Rolling Steep

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

Field crops Orchard Pasture/grassland Scattered trees
Shrubs Woodland River/Riparian Other

Explain Other: _____

YES NO

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

GRADING:

YES NO

Do you plan to do any grading? (If yes, please indicate how many cubic yards and acres to be disturbed - Please show areas to be graded on plot plan.) A grading and drainage plan will be submitted with civil engineering drawings. No import or export.

STREAMS, LAKES, & PONDS:

YES NO

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

YES NO

Will the project change any drainage patterns? (If yes, please explain - provide additional sheet if needed) Remainder of 18.65 acre parcel (14.75 acres) will be converted to a micro-sprinkler system.

YES NO

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

YES NO

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

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

STRUCTURES:

- YES NO Are there structures on the site? (If yes, please show on plot plan. Show a relationship to property lines and other features of the site)
- YES NO Will structures be moved or demolished? (If yes, indicate on plot plan)
- YES NO Do you plan to build new structures? (If yes, show location and size on plot plan)
- YES NO Are there buildings of possible Historical significance? (If yes, please explain and show location and size on plot plan) _____

PROJECT SITE COVERAGE:

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

BUILDING CHARACTERISTICS:

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

Number of floors for each building: Single Story Building

Building height in feet (measured from ground to highest point): (Provide additional sheets if necessary) _____
See attached elevation drawings.

Height of other appurtenances, excluding buildings, measured from ground to highest point (i.e., antennas, mechanical equipment, light poles, etc.): (Provide additional sheets if necessary) On-site lighting poles will not exceed 20 feet in height.

Proposed surface material for parking area: (Provide information addressing dust control measures if non-asphalt/concrete material to be used) Rubberized chip seal over entire parking area.

UTILITIES AND IRRIGATION FACILITIES:

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

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

Electrical: M.I.D. Sewer*: Septic System
 Telephone: SBC Gas/Propane: J.S. West
 Water**: Private Well Irrigation: M.I.D.

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

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

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

No

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

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

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

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

AFFORDABLE HOUSING/SENIOR

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

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

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

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

<i>(complete if applicable)</i>	Single Family	Two Family Duplex	Multi-Family Apartments	Multi-Family Condominium/Townhouse
Number of Units:	_____	_____	_____	_____
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): 15,171

Type of use(s): Church

Days and hours of operation: Majority of usage will be on Sundays. Services are held at 10 AM and 6:30 PM. Minimal usage on weekdays for special meetings, funerals and Weddings.

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

Occupancy/capacity of building: 803 (if sanctuary and dining hall were filled to capacity.

Number of employees: (Maximum Shift): -0- (Minimum Shift): -0-

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

Estimated number of daily customers/visitors: Weekdays: -0-, Weekends: 200-250

Other occupants: Site maintenance (2 people, 1 day/week

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

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

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

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

Square footage of:

Office area: -0- Warehouse area: n/a

Sales area: n/a Storage area: n/a

Loading area: n/a Manufacturing area: n/a

Other: (explain type of area) _____

YES NO Will the proposed use involve toxic or hazardous materials or waste? (Please explain) _____

ROAD AND ACCESS INFORMATION:

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

Covert and Hammett Roads

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

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

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

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

STORM DRAINAGE:

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

Other: (please explain) On-site drainage swales or underground piping.

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

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

EROSION CONTROL:

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

NPDES Standards

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

ADDITIONAL INFORMATION:

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

"PROJECT DESCRIPTION"
OLD GERMAN BAPTIST BRETHERN CHURCH

The Old German Baptist Brethren Church has been located on the east side of Dakota on a 1.97-acre parcel since 1937. The church congregation has grown over the last 65 years a point where a new facility is long overdue.

Dakota Avenue has been designated as an expressway by the City of Modesto that will require an additional 47.5 feet of dedication that would render the site unusable for the church. The current dimensions of the site are 200 feet (east/west) and 430 feet (north/south). All of these factors have led the Church to conduct an intensive search for a new site that would be the approximate center-point of the Church census. (See Exhibit "A").

The church as culminated their search efforts with the selection of a 3.9-acre site located on the south side of Covert Road between Williams Road on the west and Hammett Road on the east. The Church site is a portion of a 18.65-acres owned by Merlyn E. and Betty Lou Garber and they have agreed to donate the site to the Church.

This 18.65-acre parcel is currently planted to walnuts and almonds. The walnuts are 34+ years old and the almonds are 25+ years of age. The Garbers will be pulling all of the trees and replanting to almonds exclusively. With current methods of tree spacing and watering an equal or better crop yield is expected, even after removal of the church site of 3.9 acres.

Covert Road is a community road, 2 ½ miles in length, running between Jackson Road on the west and Finney Road on the east. Traffic entering and leaving the site will be far safer than the current location on Dakota Avenue.

The physical dimensions of the new parcel would be approximately 275 feet (Covert Road frontage) by 610 feet deep (north/south).

The Church building will be sited at the southerly end of the parcel, fronted by a 318-stall parking lot, and the periphery of the site will be landscaped and screened. The building itself will be 15,171 square feet in area and would allow for a maximum occupancy of 803 people. See the attached site plan and elevation drawings for details.

The Church will not conduct any schooling on-site as they have educational facilities located within close proximity to this request.

Church usage varies with the emphasis on Sunday worship services. Average attendance on Sundays is 200 to 250 persons. The Church also would utilize the facility for occasional weddings, funerals and other special occasions during the week. The parking provided is far in excess of that required (268 required/318 provided). There are no employees or customers other than services donated by members of the Church. The majority of occupancy occurs during daylight hours.

FINDINGS STATEMENT TO SUPPORT
CASE FOR APPROVAL OF USE PERMIT
PER SECTION 21.96.050 OF THE STANISLAUS COUNTY
ZONING ORDINANCE

The Old German Baptist Brethren Church has been located at 2766 N. Dakota Avenue on a 1.97-acre parcel since 1937. The last 65 years have been growth years for the German Baptist Congregation and caused the elder board to start thinking about the possibilities of moving to a larger site.

The present site is shallow (200 feet depth, east/west) and has approximately 430 lineal feet of frontage on Dakota Avenue. Traffic as well as church membership has increased substantially over the years and several years ago the Church began a site search for a new location. The established criteria for relocation were (1) A larger parcel with room for more parking on a less heavily traveled roadway; (2) The site should remain in the heart of the church membership; (3) Needs to be a rural location and (4) not the least of which donated land by a church member. Based on the recent changes in the Williamson Act, a non-contracted parcel was the most desirable from the County's viewpoint.

The only site that met the above criteria was a portion of a 18.65-acre parcel owned by church member, Merlyn Garber. Mr. Garber offered to donate a rectangular shaped (275 feet wide x 610 feet deep) 3.9-acre site located in the northwest corner of his property on the south side of Covert Road. The attached site plan portrays the advantages of a concentrated parking area in the front (318 spaces) with the new church set back approximately 431 feet from the centerline of Covert Rd. Covert Rd is only 2 ½ miles long and runs east/west between Jackson Road on the west and Finney Road on the east. In other words, Covert Rd. is not a heavily traveled roadway like Beckwith, Shoemake, Dakota or Kiernan Avenue. See Traffic Support information attached.

The choice of this location for the new church is consistent with the goals and policies of the Stanislaus County General Plan adopted by the Board of Supervisors in October of 1994. Under the circumstances of this particular case will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

The existing church is located on the easterly side of Dakota Avenue which has been designated as an expressway of 135 feet in width. This would require dedication of an additional 47.5 feet of right-of-way. The existing traffic on Dakota is quite heavy at the AM and PM peaks now making it somewhat hazardous to ingress and egress the church during functions.

The Wood Colony area is primarily made up of German Baptist residents and members of the church (See Exhibit A), with 86% of its total rural membership residing within a 4-mile radius of the new location. Covert Road is a less heavily traveled community road and therefore will be safer for traffic entering and leaving the site. The Church petitioned the surrounding neighbors as to their concerns about the new location and found unanimous support for the relocation.

Job No. 02-18

KIERNAN AVE

COVERT RD

COVERT RD

WILLIAMS RD

012-007-013

HAMMETT RD

HAMM

BACON RD

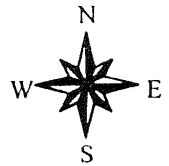
76 FT

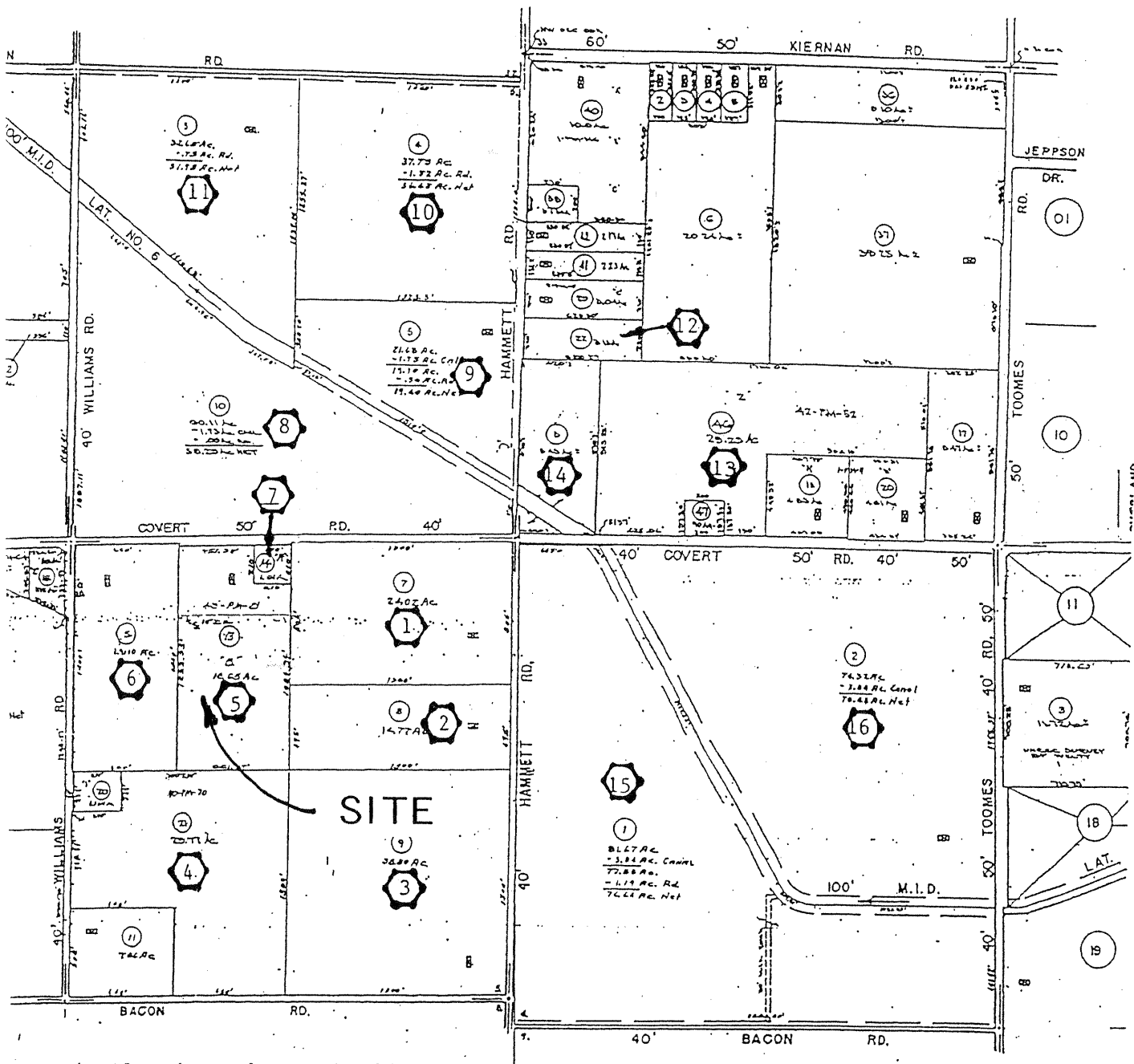


Use Permit 2004-17

Old German Baptist Brethren Church

538 0 538 1076 Feet

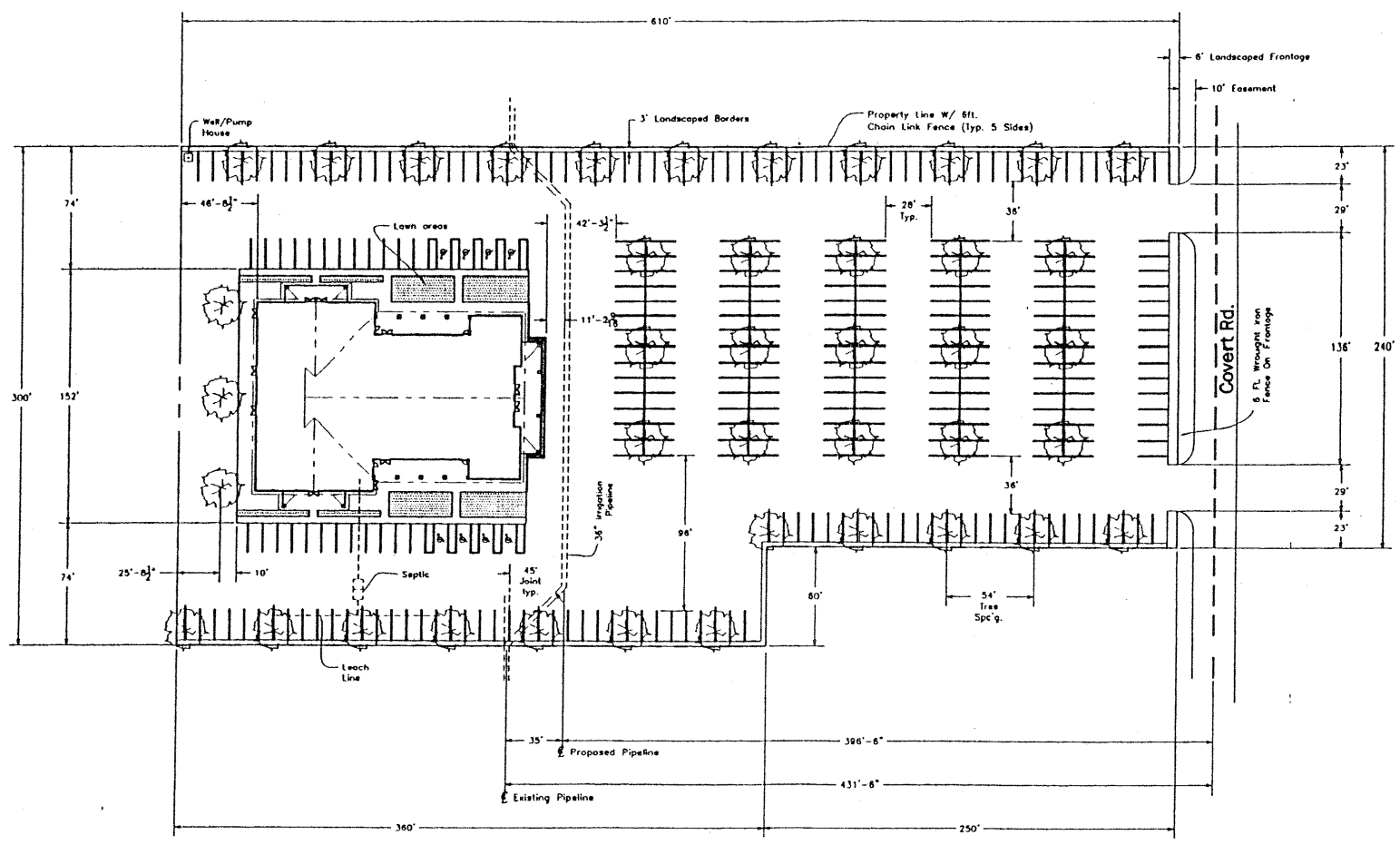




- | | |
|--|-----------------------------------|
| 1. Almonds, R-1 + Outbuildings | 9. Walnuts, R-1 + Outbuildings |
| 2. Almonds, R-1 + Outbuildings | 10. Almonds, R-1 + Outbuildings |
| 3. Walnuts/Almonds, R-1 + Outbuildings | 11. Almonds, R-1 + Outbuildings |
| 4. Walnuts, R-1 + Outbuildings | 12. R-1 + Outbuildings |
| 5. Almonds, R-1 + Outbuildings | 13. Almonds, R-1 + Outbuildings |
| 6. Walnuts, R-1 + Outbuildings | 14. Walnuts |
| 7. R-1 + Outbuildings | 15. Row Crops |
| 8. Walnuts, R-1 + Outbuildings | 16. Row Crops, R-1 + Outbuildings |

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JSE:SM REVDATE_4/21/2004 FNAME:WOODSITE 10



General Notes

- PARKING:**
1. General parking has 286 spaces.
 2. Handicapped parking has 8 spaces.
 3. Elderly parking has 24 spaces.
 4. Total parking spaces is 318.
 5. Parking stalls are 9' X 18'.

- NOTES:**
1. Total sq. footage of site: =168,000 sq. ft.
 2. Min. landscaped area of 5% req'd.=8,400 sq. ft.
 3. Total landscaped area (lawn & planters) is 8,080 sq. ft. (* Does not incl. trees)
 4. Lawn areas around building are 1,552 sq. ft. on east and west sides. (3,184 sq. ft. total)
 5. Landscaping on east border is 1,992 sq. ft. West border is 1,812 sq. ft.
 6. Landscaping on north frontage totals 1,092 sq. ft.
 7. Sq. footage of building is 15,171 sq. ft.

No.	Revision/Issue	Date

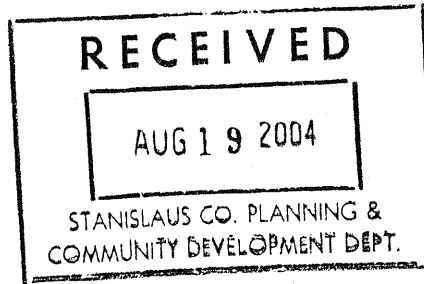
Firm Name and Address
 Flory Industries
 P.O. Box 908
 Soleda, Ca. 95368
 (209) 545-1167

Project Name and Address
 New Church
 Covert Rd.
 Soleda, Ca.
Proposal No. 2

Project	Sheet
Date	1 of 2
4/21/04	
Scale	
Do not scale	



August 19, 2004



DEPARTMENT OF PUBLIC WORKS

George Stillman
Director

1010 10TH Street, Suite 3500, Modesto, CA 95354
Phone: 209.525.6550

MEMO TO: Department of Planning and Community Development
FROM: *Ron Cherrier*
Ron Cherrier, Senior Land Development Coordinator
SUBJECT: Use Permit Application No. 2004-17 - Old German Baptist Brethren Church

The proposed use permit application to construct a church may create a significant traffic impact to local Stanislaus County roads. Therefore, in order to mitigate any potential traffic impacts and to be consistent with County development standards, this Department recommends the following conditions of approval:

1. Prior to the issuance of any building permit, road right-of-way shall be deeded, if necessary, to Stanislaus County to provide 30 feet south of the centerline of Covert Road. The developer's engineer is responsible for preparing the Road Deed.
2. Prior to occupancy of the property with the approved use, driveway approaches shall installed on Covert Road per County "Collector" standards.
3. All driveway locations and widths shall be approved by the Department of Public Works.
4. An encroachment permit shall be obtained from the Department of Public Works prior to the start of any work within the Covert Road right-of-way.
5. No parking, loading or unloading of vehicles shall be permitted within the right-of-way of Covert Road. The developer will be required to install or pay for the installation of all required signs and/or markings, if warranted.
6. The developer shall provide lights on poles outside the Covert Road right-of-way that illuminate the driveway entrances prior to occupancy of the approved use. The owner shall be solely responsible for the maintenance and operation of these lights.
7. The parking lot shall be paved (not rubberized chip seal) and double striped to County standards.

SUBJECT: Use Permit Application No. 2004-17 - Old German Baptist Brethren Church
August 19, 2004
Page 2

8. A Grading and Drainage Plan shall be approved by the Department of Public Works prior to the issuance of any building permit. The drainage system shall be installed prior to final and/or occupancy of any building.
9. An erosion control plan shall be submitted that provides mitigation measures for erosion and sedimentation control. These measures shall prevent dirt from the project site from getting into the road right-of-way and the drainage system. The plan shall be implemented during all phases of development including grading and building construction. The plans shall also address long term mitigation measures.
10. Prior to the issuance of the Grading Permit or approving the improvement plans, the developer shall file a Notice of Intention with the California Regional Water Quality Control Board and a Waste Discharge Identification Number must be obtained and provided to the Department of Public Works.
11. A Grading Permit shall be obtained from the Department of Public Works prior to the start of importing, exporting, or otherwise moving any dirt.

If you have any questions concerning the above recommended conditions, please contact me as soon as possible.

(H:\services\UP2004-17Memo.rc)



DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Comucopia Way, Suite C, Modesto, CA 95358-9492
Phone: 209.525.6700 Fax: 209.525.6774

BC

TO: STANISLAUS COUNTY PLANNING & COMMUNITY DEV.
FROM: DEPARTMENT OF ENVIRONMENTAL RESOURCES
RE: ENVIRONMENTAL REVIEW COMMENTS

PROJECT TITLE: ENVIRONMENTAL REFERRAL-USE PERMIT APPLICATION NO. 2004-17 OLD GERMAN BAPTIST BRETHERN CHURCH.

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

X See comments below.

Water supply for the project is defined by State regulations as a public water system, contact John Aud, with the Department of Environmental Resources. Water system owner must submit plans for the water system construction or addition; and obtain approval from this Department, prior to construction. Prior to final approval of the project, the owner must obtain a Water Supply Permit from this Department. Water Supply Permit issuance is contingent upon water system meeting construction standards, and providing water, which is of acceptable quantity and quality.

The sewage disposal system is subject to Measure X, and shall provide Primary and Secondary Sewage Treatment Unit

Response prepared by:

BELLA BADAL, SR. R.E.H.S. DATE: 8/25/04
REGISTERED ENVIRONMENTAL HEALTH SPECIALIST
Department of Environmental Resources

Cc: CEO'S OFFICE- Raul Mendez



Stanislaus Consolidated Fire Protection District
3705 Oakdale Road
Modesto, California 95357
Phone (209) 552-3700
Fax (209) 552-3705

August 24, 2004

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

PROJECT: Use Permit Application No. 2004-17 – Old German Baptist Brethren Church

I have reviewed the information for the subject project and wish to submit the following comments on behalf of the Stanislaus Consolidated Fire Protection District.

Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of the building permit for any construction and shall be based on the rates in effect at the time of building permit issuance.

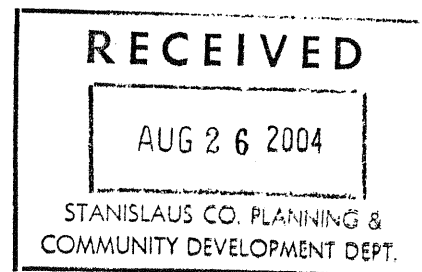
Fire department access and water for fire protection shall be provided and maintained in accordance with all requirements, applicable codes and ordinances.

If you have any questions, please feel to contact me at (209) 552-3722.

Sincerely,

Shirley Koelmans

Shirley Koelmans
Fire Prevention Specialist



**CALIFORNIA DEPARTMENT OF FISH AND GAME
CERTIFICATE OF FEE EXEMPTION
De Minimis Impact Finding**

Project Title/Location/Owner Name and address (include county):

Parcel Map Application No. 2004-28 and Use Permit Application No. 2004-17 -Old German Baptist Brethren Church, 6306 Covert Road, Salida, Stanislaus County.

Project Description:

Request to construct a 15,171 square foot church building on a 3.9 acre portion of an 18.65 acre parcel located in an A-2-40 (General Agriculture) zone, general planned Agriculture. The church would not include any weekday school activities. Capacity would be 803 people. A parking lot for 318 vehicles is planned. The Parcel Map application is to subdivide 18.65 acres into one 3.9 acre parcel for the church site and a 14.80 acre remainder parcel. The proposed project is located outside the Salida Community Plan.

Findings of Fact:

The Stanislaus County Planning Commission makes a finding of "De Minimis" on this project for the following reasons:

An initial study has been conducted by the lead agency so as to evaluate the potential for adverse environmental impact; and when considering the record as a whole there is no evidence before the agency that the proposed project will have potential for an adverse effect on wildlife resources or the habitat upon which the wildlife depends. Further, the lead agency has, on the basis of substantial evidence, rebutted the presumption of adverse effect contained in the California Code of Regulations at Title 14 Section 753.5(d). As follows:

Based on the Initial Study, the project will not result in changes to the resources listed below:

- (A) Riparian land, rivers, streams, watercourses, and wetlands under state and federal jurisdiction;
- (B) Native and non-native plant life and the soil required to sustain habitat for fish and wildlife;
- (C) Rare and unique plant life and ecological communities dependent on plant life; and
- (D) Listed threatened and endangered plant and animals and the habitat in which they are believed to reside.
- (E) All species of plant or animals as listed as protected or identified for special management in the Fish and Game Code, the Public Resources Code, the Water Code or regulations adopted thereunder.
- (F) All marine and terrestrial species subject to the jurisdiction of the Department of Fish and Game and the ecological communities in which they reside.
- (G) All air and water resources the degradation of which will individually or cumulatively result in a loss of biological diversity among the plants and animals residing in that air and water.

Certification:

I hereby certify that the public agency has made the above finding and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

(Chief Planning Official)

Title: Planning Director
Lead Agency: Stanislaus County
Date: _____

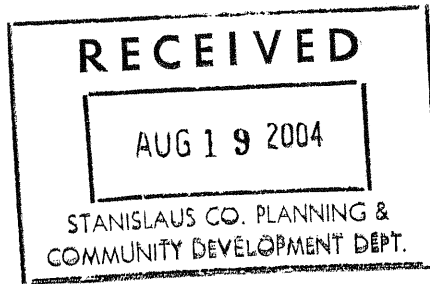
(I:\Staff\p\PM 2004.sn\PM 2004-28 UP 2004-17 Old German Baptist Church\PM 2004-28, UP 2004-17 - Old German BB Church.neg dec.&cert of fee ex.wpd)

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS
PROJECT: PARCEL MAP APPLICATION NO. 2004-28, USE PERMIT APPLICATION NO. 2004-17 - OLD GERMAN BAPTIST BRETHERN CHURCH

REFERRED TO:	PUBLIC HEARING NOTICE		RESPONDED		RESPONSE			MITIGATION MEASURES		Conditions	
	DATE:		YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	No
DATE: October 29, 2004											
AGRICULTURE COMMISSIONER	X	X		X							
AIRPORT LAND USE COMMISSION											
CA DEPT OF FORESTRY											
CALTRANS DISTRICT 10	X	X		X							
CENTRAL CALIF INFO CENTER - CSUS											
CITY OF											
COMMUNITY SERVICES/SANITARY											
CORPS OF ENGINEERS											
COUNTY COUNSEL	X	X		X							
DENAIR POSTMASTER											
DEPARTMENT OF CONSERVATION											
DEVELOPMENT SERVICES	X	X		X							
ENVIRONMENTAL RESOURCES	X	X	X								X
FIRE PROTECTION DIST: SALIDA	X	X	X								X
CONSOLIDATED FIRE PROTECTION	X	X		X							
FISH & GAME	X	X		X							
HOSPITAL DISTRICT:	X										
IRRIGATION DISTRICT: MODESTO	X	X	X								X
LAFCO	X	X		X							
MOSQUITO DISTRICT: EASTSIDE	X	X		X							
MOUNTAIN VALLEY EMERGENCY MEDICAL	X	X	X						X		
MUNICIPAL ADVISORY COUNCIL: SALIDA	X	X		X							
PARKS & FACILITIES	X	X		X							
P.G. & E.	X	X		X							
PUBLIC WORKS	X	X	X						X		X
PUBLIC WORKS - TRANSIT	X	X		X							
REDEVELOPMENT	X	X		X							
REGIONAL WATER QUALITY	X	X		X							
StanCOG	X	X		X							
SCHOOL DISTRICT 1: SALIDA UNION	X	X	X								X
SCHOOL DISTRICT 2: MODESTO HIGH	X	X		X							
SHERIFF	X	X		X							
STANISLAUS COUNTY FARM BUREAU	X	X		X							
STANISLAUS ERC	X	X	X						X		X
STATE CLEARINGHOUSE											
STATE LANDS BOARD											
SUPERVISORIAL DISTRICT 3: GROVER	X	X		X							
TELEPHONE COMPANY: SBC	X	X		X							
TUOLUMNE RIVER PRESERVATION TRUST											
US FISH & WILDLIFE	X	X		X							
VALLEY AIR DISTRICT	X	X	X								X
WATER DISTRICT											
DEPT OF WATER RESOURCES											



August 19, 2004



DEPARTMENT OF PUBLIC WORKS

George Stillman
Director

1010 10TH Street, Suite 3500, Modesto, CA 95354
Phone: 209.525.6550

MEMO TO: Department of Planning and Community Development

FROM: *Ron Cherrier*
Ron Cherrier, Senior Land Development Coordinator

SUBJECT: Use Permit Application No. 2004-17 - Old German Baptist Brethren Church

The proposed use permit application to construct a church may create a significant traffic impact to local Stanislaus County roads. Therefore, in order to mitigate any potential traffic impacts and to be consistent with County development standards, this Department recommends the following conditions of approval:

1. Prior to the issuance of any building permit, road right-of-way shall be deeded, if necessary, to Stanislaus County to provide 30 feet south of the centerline of Covert Road. The developer's engineer is responsible for preparing the Road Deed.
2. Prior to occupancy of the property with the approved use, driveway approaches shall installed on Covert Road per County "Collector" standards.
3. All driveway locations and widths shall be approved by the Department of Public Works.
4. An encroachment permit shall be obtained from the Department of Public Works prior to the start of any work within the Covert Road right-of-way.
5. No parking, loading or unloading of vehicles shall be permitted within the right-of-way of Covert Road. The developer will be required to install or pay for the installation of all required signs and/or markings, if warranted.
6. The developer shall provide lights on poles outside the Covert Road right-of-way that illuminate the driveway entrances prior to occupancy of the approved use. The owner shall be solely responsible for the maintenance and operation of these lights.
7. The parking lot shall be paved (not rubberized chip seal) and double striped to County standards.

SUBJECT: Use Permit Application No. 2004-17 - Old German Baptist Brethren Church
August 19, 2004
Page 2

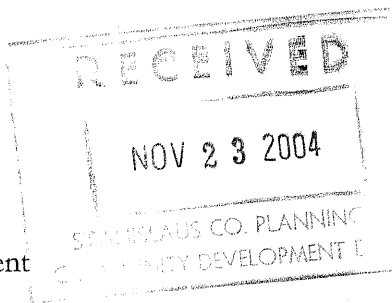
8. A Grading and Drainage Plan shall be approved by the Department of Public Works prior to the issuance of any building permit. The drainage system shall be installed prior to final and/or occupancy of any building.
9. An erosion control plan shall be submitted that provides mitigation measures for erosion and sedimentation control. These measures shall prevent dirt from the project site from getting into the road right-of-way and the drainage system. The plan shall be implemented during all phases of development including grading and building construction. The plans shall also address long term mitigation measures.
10. Prior to the issuance of the Grading Permit or approving the improvement plans, the developer shall file a Notice of Intention with the California Regional Water Quality Control Board and a Waste Discharge Identification Number must be obtained and provided to the Department of Public Works.
11. A Grading Permit shall be obtained from the Department of Public Works prior to the start of importing, exporting, or otherwise moving any dirt.

If you have any questions concerning the above recommended conditions, please contact me as soon as possible.

(H:\services\UP2004-17Memo.rc)

November 22, 2004

Stanislaus County
Department of Planning and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354



**Regarding: Norm Layman - Old German Baptist Church – CEQA Use Permit
6306 Covert Rd**

Thank you for allowing the District to comment on this referral received on 11/1/04 with a due date of 11/30/04. In order to reply in a timely manner, please provide a minimum of 10 working days review period. If you have any questions, please contact me at 526-7433. Below are our recommendations for this project.

ELECTRICAL

- Please refer to M.I.D.'s previous response provided on August 26,2004, for location of M.I.D.'s existing electric facilities and comments, which include:
- In conjunction with related site improvement requirements, existing electric facilities within or adjacent to the proposed project shall be protected, relocated or removed as required by the District's Electric Engineering Department.
- Installation of electric facilities shall conform to the District's Electric Service Rules.
- Costs for relocation and/or under grounding the District's facilities at the request of others will be borne by the requesting party. Estimates for relocating or under grounding existing facilities will be supplied upon request.
- The District should be contacted for requests to remove the existing service within the outlined area designated for removal. The cost of removal will be at the District's expense provided that the load being served is also removed.
- Electric service to the proposed project is not available at this time. Customer should contact the District's Electric Engineering Department to arrange for electric service to the project.
- A 10' PUE is required along all existing and proposed street frontages.

IRRIGATION

- As noted in our comments of 8/18/04:
- There is an existing irrigation pipeline that runs east to west across the applicant's property as noted on the attached drawings. The pipeline must be re-routed and a 10' irrigation

Stanislaus County Dept of Planning & Community Development
Response Letter Use Permit App. #2004-17 German Baptist Church (Covert Rd)
11/22/2004
Page 2

- easement must be granted to MID by separate instrument to protect the pipeline.
- Prior to any construction improvement plans for the applicant's project must be submitted to the MID Irrigation Engineering Department for review and approval.

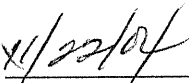
DOMESTIC WATER

- No comments at this time.

The Modesto Irrigation District reserves its future rights to utilize its property, including its canal and electrical easements and rights-of-way, in a manner it deems necessary for the installation and maintenance of electric, irrigation, agricultural and urban drainage, domestic water and telecommunication facilities. These needs, which have not yet been determined, may consist of poles, cross arms, wires, cables, braces, insulators, transformers, service lines, open channels, pipelines, control structures and any necessary appurtenances, as may, in District's opinion, be necessary or desirable.



Celia Aceves
Risk and Property Analyst



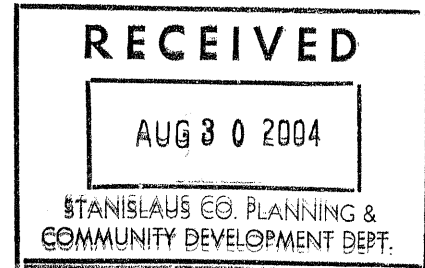
Date



P.O. Box 1335 Salida, CA 95368 • ph: 209.545.0365 • fax: 209.545.3840 • www.salidafire.com

August 27, 2004

Stanislaus County
Department of Planning and Community Development
1010 10th Street Place, Suite 3400
Modesto, CA 95354



RE: USE PERMIT APPLICATION NO. 2004-17 — OLD GERMAN BAPTIST BRETHERN CHURCH

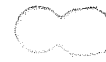
The Salida Fire Protection District ("District") has reviewed the proposed project and offers the following comments:

- This project will be subject to CEQA 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.
- All buildings constructed shall meet the District's requirements for on-site water for fire protection and/or fire hydrants and hydrant locations, blue reflective street hydrant markers, sprinkler and alarms systems, key-box rapid entry systems, adherence to all applicable codes and ordinances, etc.
- All buildings of 5,000 square feet and greater shall be required to have fire sprinklers.
- All traffic signals installed and/or retrofitted due to proposed project shall meet the District's requirements for signal preemption.
- Prior to, and during, combustible construction, the District shall approve provisions for serviceable fire vehicle access and fire protection water supplies.

Thank you for the opportunity to comment. If we can be of further assistance, feel free to contact us at (209) 545-0365.

Sincerely,

Dale Skiles, Fire Chief
Salida Fire Protection District



Stanislaus Consolidated Fire Protection District
3705 Oakdale Road
Modesto, California 95357
Phone (209) 552-3700
Fax (209) 552-3705

August 24, 2004

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

PROJECT: Use Permit Application No. 2004-17 – Old German Baptist Brethren Church

I have reviewed the information for the subject project and wish to submit the following comments on behalf of the Stanislaus Consolidated Fire Protection District.

Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of the building permit for any construction and shall be based on the rates in effect at the time of building permit issuance.

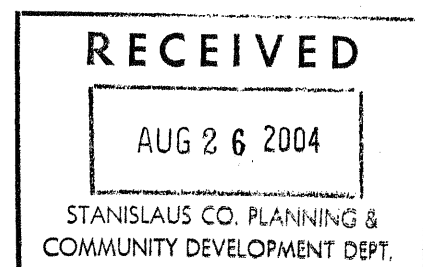
Fire department access and water for fire protection shall be provided and maintained in accordance with all requirements, applicable codes and ordinances.

If you have any questions, please feel to contact me at (209) 552-3722.

Sincerely,

Shirley Koelmans

Shirley Koelmans
Fire Prevention Specialist





CHIEF EXECUTIVE OFFICE

1010 10th Street, Suite 6800, Modesto, CA 95354
P.O. Box 3404, Modesto, CA 95353-3404

Patricia Hill Thomas
Interim Chief Executive Officer
Phone: 209.525.6333 Fax 209.544.6886

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

November 23, 2004

Bill Carlson
Stanislaus County
Planning Department
1010 10th Street, Suite 3400
Modesto, CA 95354

**SUBJECT: ENVIRONMENTAL REFERRALS-PARCEL MAP APPLICATION
NO. 2004-17-OLD GERMAN BAPTIST BRETHERN CHURCH**

Mr. Carlson:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has the following comment(s):

- Water Supply for the project is defined by State regulations as a public water system. Water system owner must submit plans for the water system construction or addition; and obtain approval from the Department of Environmental Resources, prior to construction. Prior to final approval of the project, the owner must obtain a Water Supply Permit from the Department of Environmental Resources. Water Supply permit issuance is contingent upon the water system meeting construction standards, and providing water, which is of acceptable quantity and quality.
- On site sewage disposal shall be by individual Primary and Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

W. Richard Jantz, Deputy Executive Officer
Raul Mendez, Senior Management Consultant
Environmental Review Committee

cc: ERC Members

