

# STANISLAUS COUNTY PLANNING COMMISSION

January 6, 2022

## STAFF REPORT

USE PERMIT APPLICATION NO. PLN2021-0079  
BEST RV CENTER

**REQUEST: REQUEST TO AMEND THE DEVELOPMENT SCHEDULE AND DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENT (P-D) (351), WHICH ALLOWED FOR THE EXPANSION AND REORGANIZATION OF AN EXISTING RECREATIONAL VEHICLE (RV) SALES BUSINESS IN TWO PHASES. THIS REQUEST ALSO AMENDS THE DEVELOPMENT PLAN FOR P-D (351) TO ADD A 1,378 SQUARE FOOT THREE-SIDED SHED STRUCTURE AS PART OF PHASE ONE.**

### APPLICATION INFORMATION

Applicant:	Nader Ammari, Best RV Center
Property owner:	Turlock RV Lot, LP (Naiel M. Ammari) and Naiel and Chirin Ammari Trust
Agent:	N/A
Location:	5100, 5340, 6424, and 6460 Taylor Court, and 4318 W. Warner Road, between E. Keyes Road and E. Taylor Road, in the Keyes/Turlock Area
Section, Township, Range:	31-4-10 and 32-4-10
Supervisorial District:	District 2 (Supervisor Chiesa)
Assessor's Parcel:	045-050-005, 009, and 013; 045-053-040, 042, 043, and 044; and 045-062-001
Referrals:	See Exhibit G Environmental Review Referrals
Area of Parcel(s):	29.68± Acres
Water Supply:	Keyes Community Service District
Sewage Disposal:	Private septic system
General Plan Designation:	Planned Development
Community Plan Designation:	N/A
Existing Zoning:	Planned Development (P-D) (351)
Sphere of Influence:	N/A
Williamson Act Contract No.:	N/A
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	RV sales and service business, perimeter landscaping, customer and employee parking, storm drain basins, offices, sales area, RV washing station, two shops, and the permitted and unpermitted storage of RVs throughout the project site.
Surrounding Land Use:	State Route 99, a dairy, row crops, the Union Pacific rail line, trucking, refrigeration repair,

and furniture sales

## **RECOMMENDATION**

Staff recommends the Planning Commission approve this request based on the discussion below and on the whole of the record provided to the County. If the Planning Commission decides to approve this project, Exhibit A provides an overview of all the findings required for project approval.

## **PROJECT DESCRIPTION AND BACKGROUND**

This is a request to amend the Development Schedule and Development Standards for Planned Development (P-D) (351), which allowed for the expansion and reorganization of an existing recreational vehicle (RV) sales business in two phases. This project also requests to amend the Development Plan for P-D (351) to include a 1,378-square foot three-sided shed structure as part of the project's Phase One development.

The project site includes various Assessors Parcels which are reflected in Exhibit B-4 by their Assessor's Parcel Numbers (APNs). Exhibit B-5 of *Maps, Site & Landscaping Plans, and Phasing map* also identifies the project phasing as approved under P-D (351).

### **Background and 2017 Rezone**

The Best RV business began its operations in Keyes on APNs 045-053-042, 043, and 044, as an authorized use under P-D No. (306) on April 25, 2007 (earliest business license issuance). The applicant subsequently purchased three parcels (APNs 045-050-005, 009, and 013) located north of the original Best RV location and begun parking RVs and installed lighting on each of the northern parcels without obtaining the necessary land use entitlements or building permits. The applicant also purchased two additional properties located south of their original location (APNs 045-053-040 and 045-062-001) and also begun parking RVs on each parcel without the necessary land use entitlements. In addition to the general operation of a business without the necessary land use entitlements, the applicant committed County code violations including: use of the Taylor Court right-of-way for the parking of RVs and employee and customer parking; parking of RVs within the original sites storm drain basin; the pumping of stormwater into the Taylor Court right-of-way; installation of perimeter and display area lighting without a building permit; RV deliveries blocking neighboring driveways; use of County right-of-way to temporarily park RVs while employees rearrange the on-site RV inventory; and failure to install required perimeter landscaping as well as removal of landscaping from the property frontage along State Route 99 as required by previous land use permits. Ultimately, the applicant applied to rezone all eight parcels to create one single zoning district for the entire operation in 2017.

P-D (351), was approved by the Board of Supervisors on August 11, 2020, as recommended by the Planning Commission on June 18, 2020, to rezone eight parcels to allow for the expansion and reorganization of an existing RV sales in two phases (Rezone Application No. PLN2017-0098 – Best RV Center).

Phase 1 was approved to require site improvements consisting of grading, paving, and landscaping areas of the existing operations, across all parcels within the project site. Additional customer and employee parking was required to be developed on APNs 045-053-040 and 045-062-001. Phase 1 site work also included the decommissioning of an existing storm drain basin on APN 045-053-043 and the development of a new storm drain basin to be located on APN 045-

050-009. The existing storm drain basin located on APN 045-053-043 was approved to be graded and paved, to be utilized for the additional parking of RVs. Phase 1 was also required to obtain a permit for site lighting that had been installed without building permits on APNs: 045-050-005, 009 and 013; and 042, 043, and 044. As part of Phase 1, the applicant is required to pay a fair share traffic fee prior to issuance of any permit or license.

Phase 2 was approved to include the reorganization of the existing sales and service operation within the two existing buildings located on APNs 045-053-040 and 044. The reorganization would include converting a portion of the service shop to a retail area for parts, constructing two roof-only structures for use as sales staging areas, and developing a drive-thru waste disposal and propane station with a landscaping medium. Phase 2 was also approved to develop a second landscaped storm drain basin on APN 045-062-001; allowing the existing basin on APN 045-053-040 to be decommissioned.

The August 11, 2020 Board of Supervisors Report, including the June 18, 2020, Planning Commission Staff Report, providing a detailed project description, an overview of project issues, project maps, development standards/development schedule, environmental review, and other project documents is available online at the following link:  
<http://www.stancounty.com/bos/agenda/2020/20200811/PH01.pdf>

Approved Development Standards No. 9-12 for P-D (351), required that all applications or permits associated with site improvements required for Phase 1 be submitted to the appropriate agency within three months of project approval, be approved or issued within six months of project approval, and be completed within one year of project approval. The two permits that had been submitted by the applicant in 2018, prior to P-D (351) being approved, have yet to be issued. The two permits are: Building Permit Application No. 2018-1498 for the unpermitted lighting on the original location, as well as the five parcels to the north, and Grading Permit Application No. 2018-0011 for grading, paving, and storm drainage improvements on the five parcels to the north of the original Best RV location.

Development Standard No. 15 provided for an extension to be granted for implementation of Development Standards No. 9-12 if the Planning Director found, in its sole discretion, that both (i) the need for the extension was due to an unforeseen or unavoidable condition that was outside of the applicant's control, and (ii) that the applicant was and is diligently pursuing the satisfaction of the Development Standards. In order to trigger the extension, the applicant was required to provide evidence or documentation of the unforeseen or unavoidable condition, and the applicant was to demonstrate its diligence by providing invoices, work orders, receipts of accepted applications, or other documentation of applicant's efforts to satisfy the Development Standards.

An extension to Development Standards No. 9-12 was submitted by the applicant, in accordance with Development Standard No. 15, prior to the August 11, 2021 deadline (See Exhibit E - *Applicant Phasing Proposal and Project Progress*). However, the request was denied by the Planning Director for failure to provide specific evidence or documentation that delays to completion of permitting were unforeseen or unavoidable, or outside of the applicant's control. Additionally, the extension requested an additional 14-33 months for development of Phases 1 and 2, which exceeded the time that could be reasonably granted by the Planning Director without Planning Commission input. The Development Schedule for P-D (351) provided that Development Standards applicable to Phase 1 shall act as the Development Schedule for the project – three months to submit permit applications, six months for approval or issuance of permits, and one year to complete improvements and obtain final permits. Due to the failure to meet the timing requirements, P-D (351) is now considered expired and requires a use permit,

with a new Development Schedule, in order to re-activate the Planned Development.

2021 Project Description

As part of the Use Permit needed to re-activate P-D (351), the applicant is requesting to amend Development Standards No. 9-12, to allow for additional time to complete the project requirements, but also to reconfigure the scope of Phases 1 and 2. The applicant's proposed phasing is reflected in Exhibit B-6 of *Maps, Site & Landscaping Plans, and Phasing map*. In accordance with Section 21.040.080 of the Stanislaus County Zoning Ordinance, amendments to an approved development plan of a planned development district may be approved provided the Planning Commission consider the proposed changes through the use permit process.

The approved Phase 1 requires site improvements consisting of grading, paving, and landscaping areas of the existing operation, across all parcels within the project site. As part of the Phase 1 site improvements, additional customer and employee parking was required to be developed on APNs 045-053-040 and 045-062-001. As part of this request, the applicant now proposes that the grading, paving, and landscaping for development of the new customer parking spaces on APNs 045-053-040 and 045-062-001 not be included as part of Phase 1 and be deferred until Phase 2 (See Exhibit B-8 of *Maps, Site & Landscaping Plans, and Phasing map*). The applicant also proposes to amend the timing of Phase 1 to allow for the following based on the date of approval for this Use Permit request: three (3) months for contract negotiation, one (1) month for contract awarding and mobilization, and six (6) to eight (8) months for completion of the grading, paving, and landscaping for a total of 14 months.

Additionally, as part of Phase 1, the applicant is proposing to construct a new 1,378 square foot three-sided shed structure on APN 045-053-044, adjacent to the existing Best RV sales office. The shed structure will store RV parts that are currently being stored outdoors. The applicant has proposed to construct the structure as part of Phase 1 and anticipates it to be completed within six (6) months from the date of building permit issuance.

Included in the applicant's request for amending Phase 1, is utilization of the southernmost parcel (APN 045-062-001), which is currently unimproved, for the temporary storage of RVs during the construction and installation of the site improvements required with Phase 1. The approved development plan for P-D (351) does not allow for use of this parcel until Phase 2.

The applicant has also requested to amend the development schedule approved for Phase 2, for the completion of all improvements, from December 31, 2024 to 33 months following the completion of Phase 1. With the applicant proposing 14 months for the completion of Phase 1, the applicant would have up to 47 months, from the date of use permit approval, to complete both Phase 1 and 2 of the project. Of the 33 months proposed for Phase 2, six (6) months are to be utilized for evaluation of the business needs, six (6) months for improvements design, six (6) months for jurisdictional review, and 15 months for construction. The Development Schedule for P-D (351) allowed for up to 52 months, to complete both Phase 1 and 2 of the project and allowed for issuance of building permits for Phase 2 after December 31, 2024 subject to a Staff Approval Permit to allow modification to Development Standards as determined necessary by the Planning Director.

No changes to hours of operation, or number of employees for each phase is anticipated or proposed under this request.

## **SITE DESCRIPTION**

The project site is located at 5100 and 5340 Taylor Court, between E. Keyes Road and E. Taylor Road, in the Keyes and Turlock area. State Route 99, a dairy, row crops, the Union Pacific rail line, trucking, refrigeration repair, and furniture sales surround the site (See Exhibit B-3 – *Maps*).

As stated in the *Background* section, the site is developed with a RV sales and service business on multiple parcels. The site is developed with partial perimeter landscaping, customer and employee parking, storm drain basins, offices, sales area, RV washing station, two shops, and the permitted and unpermitted storage of RVs throughout the project site.

## **ISSUES**

The primary issue associated with this project is the need to bring an existing business into compliance with the County's develop standards. Since being issued its first business license for operations in 2007, Best RV has more than doubled in size through the acquisition and use of parcels to the north and south of the original location. While the County is supportive of the businesses growth, the efforts to bring the property into compliance have been on-going for well over four years. To address the need to bring the property into compliance, the development standards for P-D (351) set very specific triggers for which progress was to be made, while providing for flexibility if delays were encountered that were outside of the applicant's control. While the period for compliance, August 11, 2020 through August 11, 2021, was impacted by the COVID-19 Pandemic, the applicant has been unable to demonstrate its diligence to satisfy the Development Standards needed to bring the property into compliance. During this time many construction projects continued throughout Stanislaus County and the Central Valley.

Without taking steps to force the business to close, which is not the outcome the County is seeking, the County is relying on the applicant to act to bring their business into compliance, as required by adopted Development Standards. In return, the County has requested that the applicant do so within a reasonably timely manner – to show a good faith effort in coming into compliance. With more than a years' time now lost since the original 2020 approval of P-D (351) the applicate is requesting an additional 14 months to bring Phase 1 of the project into compliance.

On June 11, 2021 the applicant submitted a request for an extension to the August 11, 2021 deadline (See Exhibit E - *Applicant Phasing Proposal and Project Progress*). As reflected in the request, all plans required for proposed Phase 1 improvements have been submitted, including: approval of a landscape plan by the City of Turlock for the entire project site; agreement for abandonment of Turlock Irrigation District (TID) irrigation facilities; approval of an out of boundary service agreement from the Local Agency Formation Commission (LAFCO) for connection to the Keyes Community Service District (CSD) for potable water; and application of an accompanying encroachment permit from Caltrans for installation of the water line beneath State Route (SR) 99. Since the submittal of the application to Caltrans, construction has begun on the water line connection and it is anticipated to be completed by the end of January 2022.

Section B, Affected Delays, of the applicant's extension request highlights delays that affected the project meeting the required timelines, such as: interruptions from COVID-19 in both the private and public sectors; extended plan check for the landscaping plan by the City of Turlock; consultants being in short supply; and Stanislaus County not approving the abandonment of Warner Road, which is located within the P-D (351) Phase 2 development area. The applicant's extension request provided no documentation to verify that materials could not be sourced or that consultants where unavailable or unable to provide services in a timely manner. While the

abandonment of Warner Road was delayed, it had no bearing on the applicant's ability to proceed with the completion of Phase 1 improvements. County departments responsible for the review, approval, and issuance of the required building and grading permits have remained open and staffed during the COVID-19 Pandemic.

While it is unfortunate that the applicant's 12-months to complete Phase 1 coincided with the COVID-19 Pandemic, the issues with noncompliance predate COVID-19 and the applicant has been very slow in their response to bring their business into compliance, while at the same time continuing to operate the business without any commercial site development. While the applicant did object to planning staff about the timelines recommended by staff for P-D (351), the applicant raised no objection during the public hearings before the Planning Commission or the Board of Supervisors.

The applicant is requesting to amend the development schedule for Phase 1 to allow for completion within 14 months of use permit approval and to amend the development schedule for Phase 2 to allow for completion within 33 months of the completion of Phase 1. Additionally, it would remove the two southernmost parcels (APNs 045-053-040 and 045-062-001) from the improvements required with Phase 1 and would allow the use of the unimproved APN 045-062-001 for temporary storage of RVs during the construction and site improvement stages of Phase 1. Without the temporary storage of RVs on APN 045-062-001 the existing sales stock would have to be relocated offsite during construction, which the applicant claims would hinder operations.

As for Phase 2, the applicant states that the additional 33 months, post completion of Phase 1, is needed to evaluate if renovation or replacement of the building on APN 045-053-040 would be the most cost effective. The applicant states that this decision would affect potential site circulation and ingress/egress points, as the orientation of the building could ultimately be changed.

Based on the January 6, 2022 date of when this request might be approved, the applicant's current request would provide until March 6, 2023, 14 months, for completion of Phase 1 and up to December 6, 2025, 33 months from the Phase 1 deadline, to complete Phase 2. In total, the applicant is requesting 47 months to complete the entire project. P-D (351) provided until August 11, 2021 for completion of Phase 1, 12 months, and up to December 31, 2024, 40 months from the Phase 1 deadline, to complete Phase 2. In total, P-D (351) provided for 52 months to complete the entire project. While the applicant's request is five (5) months shorter in overall total time, it allows for nearly one additional year for the entire project to be completed (December 6, 2025 instead of December 31, 2024). Given the 17-months that has already been lost since the approval of P-D (351) and the years that it took to get to approval of P-D (351), the request to extend the completion of Phase 1 from 12 to 14 months is concerning to staff. Adding to the concern, is that in December, 2021 the County Public Works Department verified that, once again, Best RV had parked RVs in the Taylor Court right of way; a violation which has occurred intermittently since the approval of P-D (351) despite Development Standard No. 9 which restricted all customer, RVs, employee, and delivery vehicle from parking within the public right-of-way.

Consequently, as P-D (351) is now expired, staff believes that a path forward must be reached to ensure orderly development and compliance while supporting an existing business. Therefore, staff has proposed an alternative approach to the applicant's requested amendments to the development plan and timeline. The alternative would provide for inclusion of APN 045-053-040 into Phase 1 for the purposes of installing landscaping along SR 99 frontage (instead of the

applicants request to defer all improvements of this parcel to Phase 2) and completion of Phase 1 within 12 months of project approval (instead of the 14 months requested by the applicant), while allowing for: issuance of the 1,378-square foot three-sided shed structure within Phase 1; limiting use of APN 045-062-001 for the parking of RVs to a temporary use until the completion of Phase 2; deferring the development of customer parking on APNs 045-053,040 and 045-062-001 to Phase 2; and completion of Phase 2 within 33 months of completion of Phase 1.

The inclusion of APN 045-053-040 in Phase 1 makes logical sense, as the site itself has been previously developed with a commercial building and includes pavement, off-street parking, storm drainage facilities, etc. The applicant has requested this parcel be included in Phase 2 due to potential changes to the use of the building and site reorganization that would incur vast expenses; however, as proposed by the applicant, the use of the parcel, as currently developed, would take place throughout the 12 to 14 months of Phase 1 development. Thus, staff believes it would be appropriate for the parcels SR 99 frontage to be landscaped as part of the Phase 1 improvements. Staff understands that a different path may be chosen for the Phase 2 reorganization of the site, however, this would take place outside of the SR 99 frontage, not disturbing what would have been planted as part of Phase 1. A condition of approval has been added to the project to include the landscaping of this parcel's frontage into Phase 1.

While the applicant has requested that Phase 1 be completed within 14 months of project approval, staff believes that 12 months from project approval is enough time to complete the site improvements for this phase. As mentioned previously, the site improvement and building permit applications for the proposed Phase 1 improvements have already been submitted to the County and have already gone through various stages of review. Approval and issuance of the permits are pending the applicant's action. The applicant has identified needing three (3) months for contract negotiation, one (1) month for contract awarding and mobilization, and six (6) to eight (8) months for completion of the grading, paving, and landscaping for a total of 14 months. The allowance provided by Development Standard No. 15 of P-D (351) for a time extension, if needed due to an unforeseen or unavoidable condition that are outside of the applicant's control provided that the applicant is diligently pursuing completion of the required improvements, has also been added as a condition of approval for this request. Staff believes that with this condition, 12 months supports a good faith effort to bring the project into compliance, while providing flexibility for conditions outside of the applicant's control. In order to be granted an extension the applicant will need to show written documentation that efforts to secure a contractor were made (e.g. responses to requests for bids from multiple contractors) and that start dates for the construction could not be secured in a time to meet the required deadline (e.g. commitment letters from multiple contractors) or that materials could not be sourced in a timely manner (e.g. invoices for materials with anticipated delivery dates).

Staff supports permitting of the proposed 1,378-square foot three-sided shed structure within Phase 1, provided that: 1) the building permit for the shed it is issued concurrently or after issuance of all site improvement permits (grading, lighting, landscaping) for Phase 1, and 2) a final permit for the shed not be obtained until all landscaping for Phase 1 has been installed and inspected. A condition of approval has been added to address this requirement.

Staff also supports the applicant's request to use APN 045-062-001 for temporary storage of RVs during Phase 1 construction provided that temporary storage ceases once Phase 1 construction activities have been completed or if no Phase 1 construction activities occur over a consecutive 30-day period. A condition of approval allowing for the temporary use of APN 045-062-001 has been added to the request, with language clarifying the definition consecutive construction activity.

Development Standard No. 9 of P-D (351) requires development of additional off-street customer parking stalls as part of Phase 1, on the two southernmost parcels (APNs 045-053-040 and 045-062-001), in response to parking occurring along and within the Taylor Court right-of-way. At the time that P-D (351) was approved, Best RV anticipated an inventory of up to 2,700 RVs at full buildout; however, due to supply chain constraints the current inventory on site is approximately 500 RVs. Accordingly, storage of RVs on these two parcels is not currently needed, except to temporarily store existing inventory while grading and construction activities are occurring on the northernmost parcels. Staff supports the applicant's request to defer the development of customer parking on these two parcels until to Phase 2. A condition of approval has been added to reflect this change.

Lastly, the applicant has requested that the development schedule for Phase 2 be amended to allow for development of Phase 2 to occur within 33 months of the completion of Phase 1. Staff supports this amendment and is recommending that the amended development schedule allow for issuance of a building permit after the 33 months provided a Staff Approval Permit is obtained to allow for modifications to Development Standards as determined necessary by the Planning Director.

Excluding the amendments to Development Standards No. 9-12, all other adopted development standards for P-D (351) are recommended to remain in effect (See Exhibit D – *P-D (351) Development Standards and Development Schedule*). If this request for a use permit is approved as recommended, the approved development schedule for P-D (351) will also be amended to permit development of Phases 1 to occur within 12 months of project approval and development of Phase 2 to occur within 33 months of Phase 1 completion. The Planning Commission has the discretion to approve the project with a different development schedule, including the 14 months for Phase 1 being requested by the applicant. As a condition of approval of this request, Development Standard No. 2 of P-D (351) will continue to make any violation of the projects developments standards or conditions of approval subject to further Planning Commission review and consideration of amendments for operational restrictions and requirements to address nuisance concerns, if deemed necessary by the Planning Director.

The City of Turlock has raised concerns regarding the applicants requested amendment to the projects development schedule. The project is located outside of the City's Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI), but is located within the City's adopted general plan area. The General Plan Consistency section of this report provides an overview of the County's General Plan policies relating to projects located outside of a city's LAFCO adopted SOI and within a city's adopted general plan area.

In response to the City of Turlock's referral response for the 2017 rezone request, P-D (351) requires that landscaping and signage be approved by the City of Turlock as the project sites location is considered a gateway into the City. In response to the City, P-D (351) also requires that drive isles be paved. In response to this use permit request, the City is requesting that site improvements associated with the applicant's proposed Phase 1, as well as installation of the landscaping, in accordance to landscape plans already approved by the City and the County, for the entire project site, be completed with 12 months of use permit approval and that Phase 2 be completed within 36-months of project approval; 11 months less than the applicant is proposing for completion of Phase 2. Additionally, the City is requesting that no parking of RVs take place on unimproved or unpaved areas and that the passenger vehicle parking lots meet City standards for drainage, wheel stops, curbing, lighting and striping (See Exhibit F – *City of Turlock Referral Response*).

Although staff considers the project site a gateway into the City of Turlock, which warrants the City's standards for landscaping and signage, the project site is located within the County jurisdiction and ultimately outside of any LAFCO adopted SOI for the City, thus the County standards for grading, paving, curb placement, and parking lot configuration, should be utilized. Development standards for the City's approval of landscaping and signage are already incorporated in P-D (351) and will continue to apply to project development.

The City's requested 36-month completion from project approval was predicated on continued use of the undeveloped parcel (APN 045-062-001); however, if the use is restricted to temporary RV storage only during construction, as recommended by staff, then the Phase 2 development schedule, proposed at 33 months from completion of Phase 1, would be appropriate.

### **GENERAL PLAN CONSISTENCY**

Consistency with the goals, objectives, and policies of the various elements of the General Plan must be evaluated when processing all discretionary project requests.

When the existing SR 99 was constructed, access to adjoining properties was required to be maintained so a portion of the old highway was relinquished to Stanislaus County and became a County-maintained road, named Taylor Court. Subsequently, the northbound lanes of old SR 99 were sold to adjacent property owners and incorporated into the existing parcels. The small parcels located between the old and new SR 99 were considered marginal for agricultural or residential use due to their location between a highway and a railroad. Additionally, irrigation water supplies were severed by the new highway. Stanislaus County, recognizing that these subsequent parcels remained in a unique situation, designated the area Planned Development (PD) in the Land Use Element of the General Plan.

The General Plan designation of PD is intended for areas appropriate for land which, because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental effect on surrounding properties. The existing P-D (351) zoning district covering the entire project site is consistent with the General Plan designation of PD.

Policy 27 of the General Plan's Land Use Element requires development subject to discretionary approval, located outside the SOI of cities, but within one mile of a city's LAFCO adopted sphere of influence, and within a city's adopted general plan area, to be referred out to the city for consideration. Implementation Measure Two, of Land Use Element Policy 27 specifies that the County shall consider applying city development standards to discretionary projects located within one mile of a city's adopted sphere of influence boundary and within the city's adopted general plan area to the extent such standards are appropriate for the type of development. The County's General Plan also includes a policy measure that encourages joint County and city cooperation in establishing land use and development standards along all major County defined gateways to cities. However, the County reserves the right for final discretionary action. This project is located within one mile of the City of Turlock's LAFCO adopted Sphere of Influence and inside of their General Plan study area. A discussion of the City's response to this Use Permit request, and development standards applied to P-D (351) at the request of the City, is provided in the *Issues* section of this report. Staff believes the proposed use permit request, as recommended for approval, is consistent with the County's General Plan and with the project sites Land Use designation of PD.

## **ZONING ORDINANCE CONSISTENCY**

The site is zoned P-D (351), which allows the property to be used for the purpose of RV sales, storage, and service across eight parcels for a total of 29.68 acres. The proposed use permit requests to amend the Development Schedule and Development Standards No. 9-12 approved for P-D (351) and also requests to amend the Development Plan to include a 1,378 square foot three-sided shed structure as part of the project's Phase 1 development. In accordance with Section 21.040.080 of the Stanislaus County Zoning Ordinance, amendments to an approved development plan of a planned development district may be approved provided the Planning Commission consider the proposed changes through the use permit process. P-D (351) is considered to be expired due to the failure to meeting the implementation timing established by the Development Standards and, as such, a use permit, with a new development schedule, is required to re-activate the Planned Development.

In order to approve a use permit, the Planning Commission shall make a finding that the establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan and will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

P-D (351) was adopted with standards for site improvements, utilities, landscaping, off-street parking, signage, and timing of development requirements. As discussed earlier in the report, with the exception of amendments to Development Standards No. 9-12, no other amendments to the existing Development Standards are proposed at this time. Thus, the proposed project will maintain zoning consistency by adhering to the approved P-D (351) uses and Development Standards as well as the Conditions of Approval incorporated into this Use Permit.

If approved, Development Standards No. 9-12 shall be superseded by the by the Conditions of Approval included in Exhibit C of this report.

## **ENVIRONMENTAL REVIEW**

Under California law, a request for a project that previously was subject to review under the California Environmental Quality Act (CEQA) may be evaluated under the provisions to determine if a subsequent or supplemental CEQA review is necessary (under Public Resources Code Section 21166 and CEQA Guidelines Section 15162). A Mitigated Negative Declaration (MND) was adopted for the 2017 Rezone on August 11, 2020. In order to trigger additional CEQA review, a significant environmental effect must be identified. The proposed amendments to the project are primarily aimed at adjusting the timing for the project and not proposing new development different from what was originally analyzed in the environmental assessment for the 2017 Rezone. However, the one new area of development proposed under this use permit is development of a 1,378 square foot three-sided shed as part of Phase 1. The shed is proposed to be located in an area of the project site already being used for storage and is adjacent to existing development. The shed itself will not add any new uses or create any new impacts that were not already previously analyzed. The MND adopted for the 2017 Rezoned included only one mitigation intended to address potentially significant traffic and transportation impacts. Mitigation Measure No. 1, payment of a fair share fee for future improvements to the Taylor Road and SR 99 interchange, remain in effect. No new significant environmental effects associated with this request have been identified.

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**Note:** Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project. The applicant previously paid the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees on August 12, 2020, when the Notice of Determination for the 2017 Rezone was filed.

Contact Person:                      Jeremy Ballard, Associate Planner, (209) 525-6330

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps, Site & Landscaping Plans, and Phasing map
- Exhibit C - Conditions of Approval
- Exhibit D - Adopted P-D (351) Development Standards/Development Schedule
- Exhibit E - Applicant Phasing Proposal and Progress of Development
- Exhibit F - City of Turlock Referral Response
- Exhibit G - Environmental Review Referral

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### **Findings and Actions Required for Project Approval**

1. Find there is no evidence of any significant changes involving this project since the time it was originally approved, which could trigger a new significant environmental effect.
2. Find that:
  - a. 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.
3. Approve Use Permit Application No. PLN2021-0079 – Best RV Center, subject to the attached Conditions of Approval.



# BEST RV CENTER

UP

PLN2021-0079

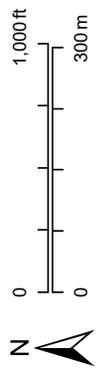
## GENERAL PLAN MAP

### LEGEND

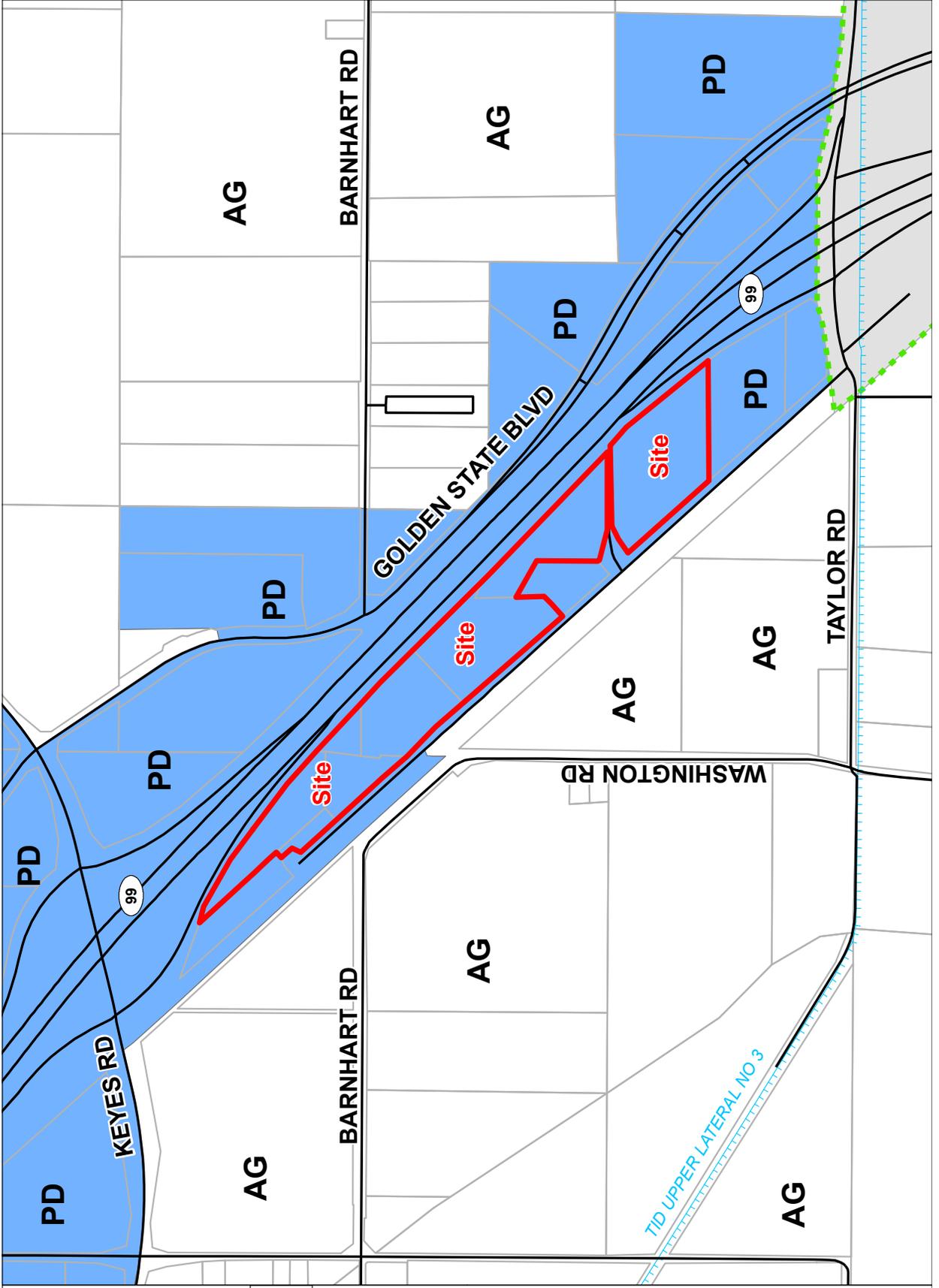
-  Project Site
-  Sphere of Influence
-  City of Turlock
-  Parcel
-  Road
-  Canal

### General Plan

-  Agriculture
-  Planned Development



Source: Planning Department GIS Date: 10/4/2021



# BEST RV CENTER

UP  
PLN2021-0079

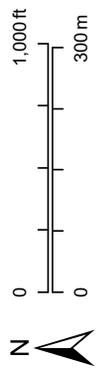
## ZONING MAP

### LEGEND

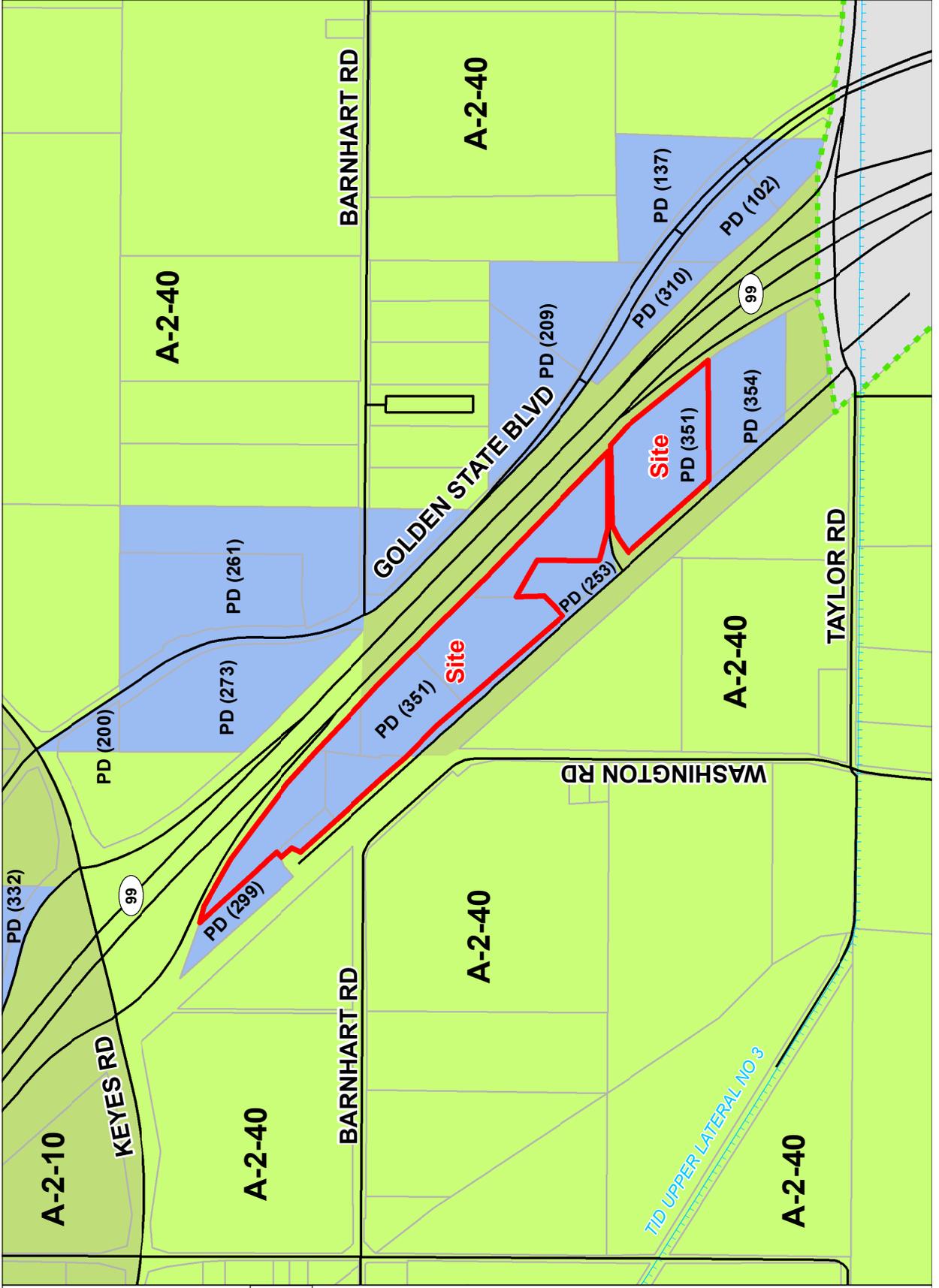
-  Project Site
-  Sphere of Influence
-  City of Turlock
-  Parcel
-  Road
-  Canal

### Zoning Designation

-  General Agriculture 10 Acre
-  General Agriculture 40 Acre
-  Planned Development



Source: Planning Department GIS Date: 10/6/2021

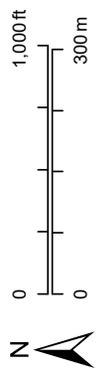


# BEST RV CENTER UP PLN2021-0079

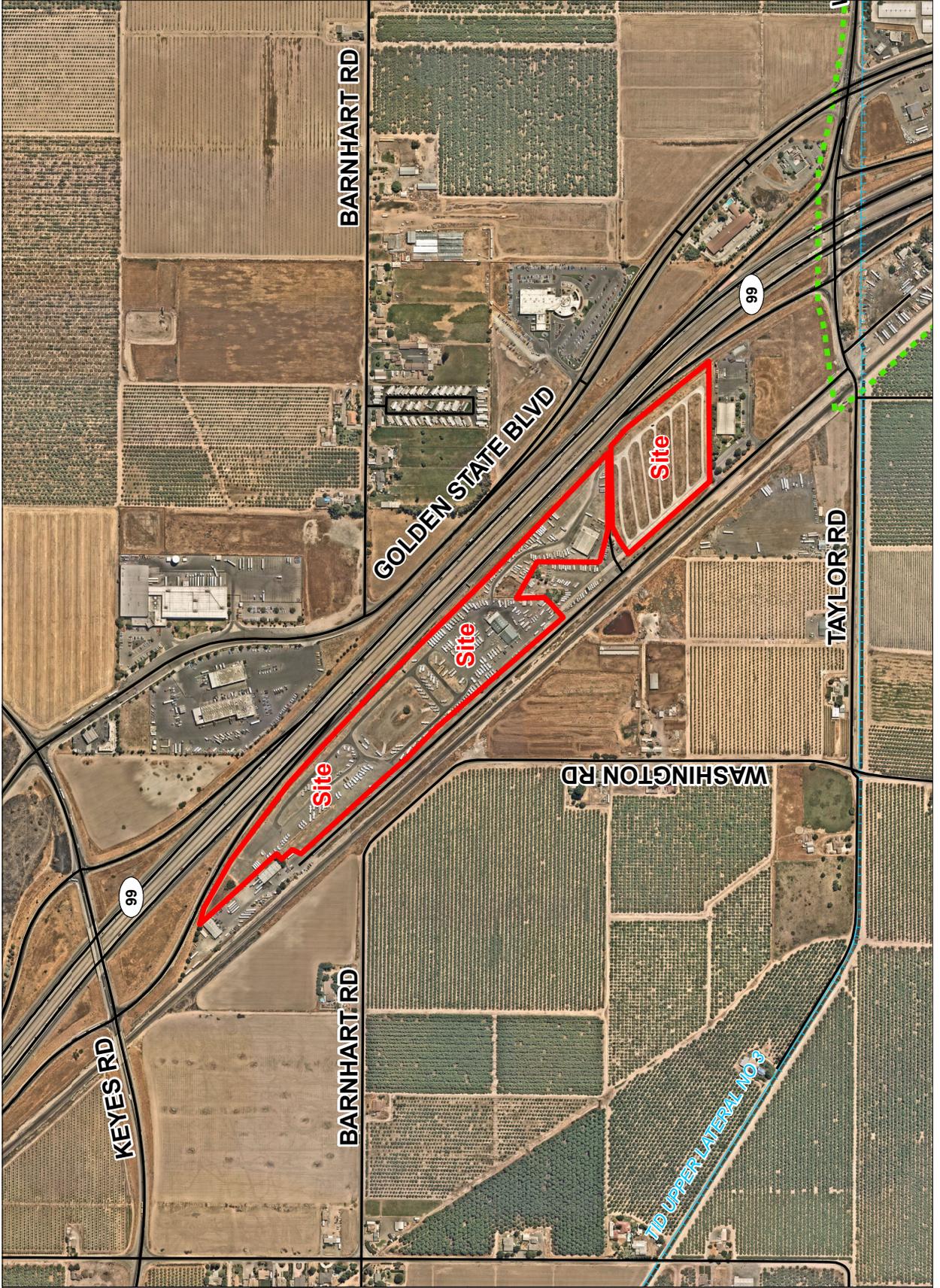
## 2021 AERIAL AREA MAP

### LEGEND

-  Project Site
-  Sphere of Influence
-  Road
-  Canal



Source: Planning Department GIS Date: 10/4/2021



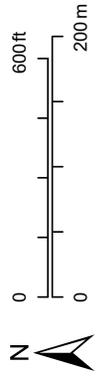
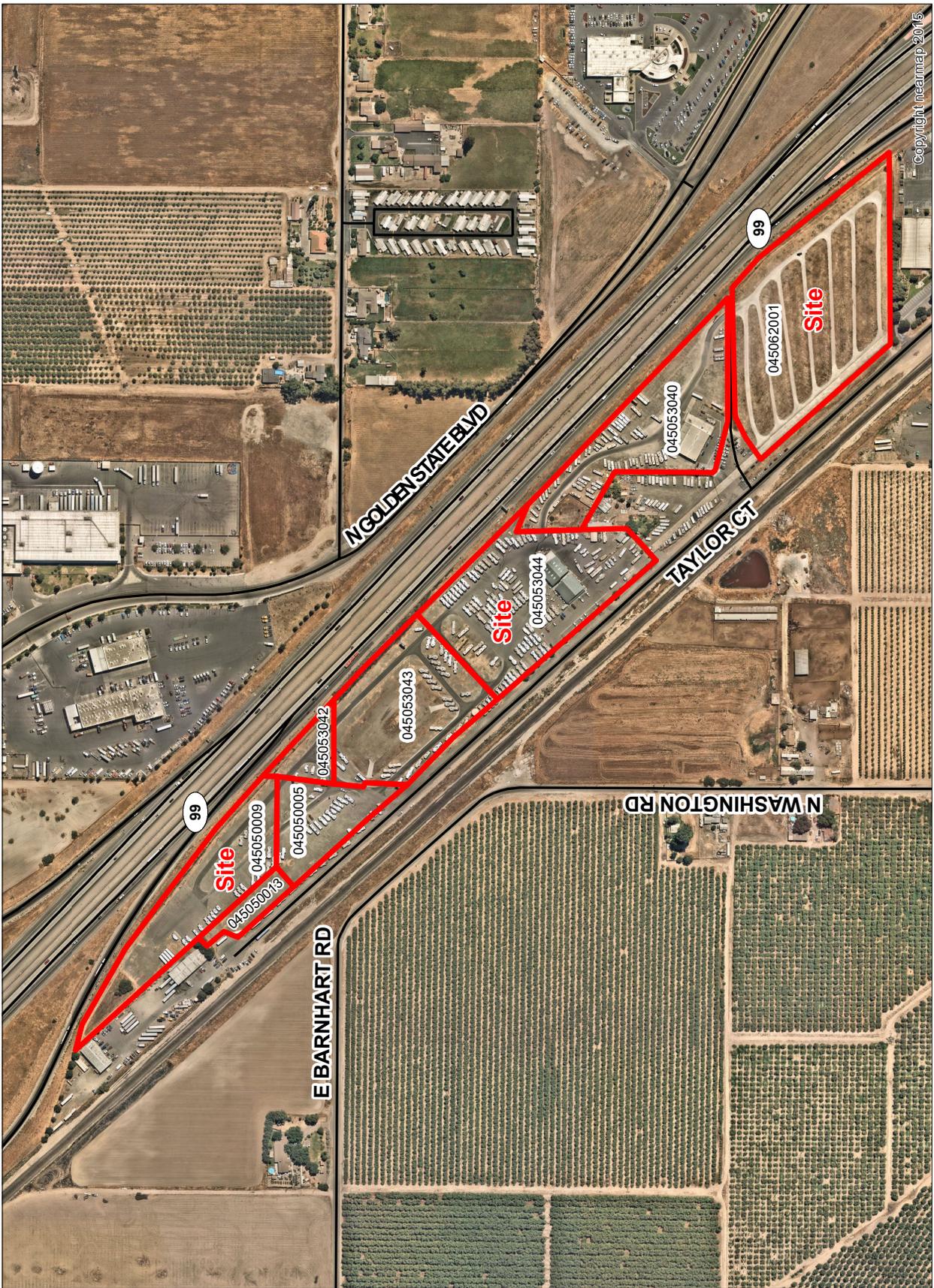
# BEST RV CENTER UP PLN2021-0079

## 2021 AERIAL SITE MAP

### LEGEND

 Project Site

 Road



Source: Planning Department GIS Date: 10/4/2021

Copyright nearmap 2015

# BEST RV CENTER UP PLN2021-0079

## 2021 AERIAL PHASE MAP

### LEGEND

 Project Site

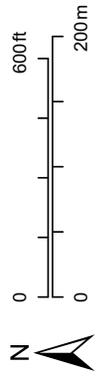
 Road

 Approved under Planned  
Development No. 351

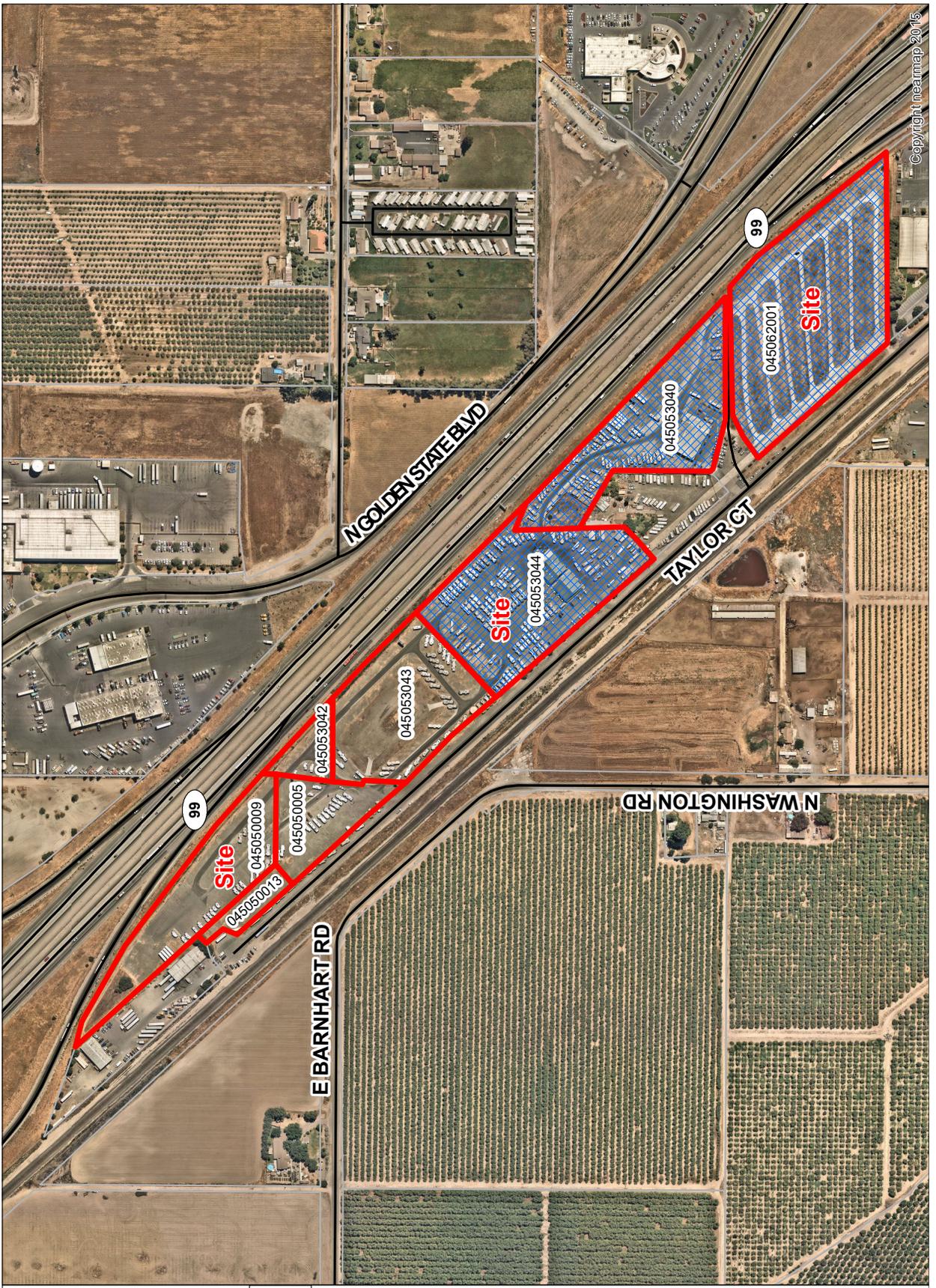
 Approved Phase 1:

Parcels required to meet  
Development Standards No. 9-12.

 Approved Phase 2



Source: Planning Department GIS Date: 12/30/2021



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# BEST RV CENTER UP PLN2021-0079

## 2021 AERIAL SITE MAP

### LEGEND

 Project Site

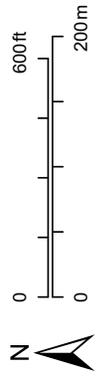
 Road

Phases proposed by applicant

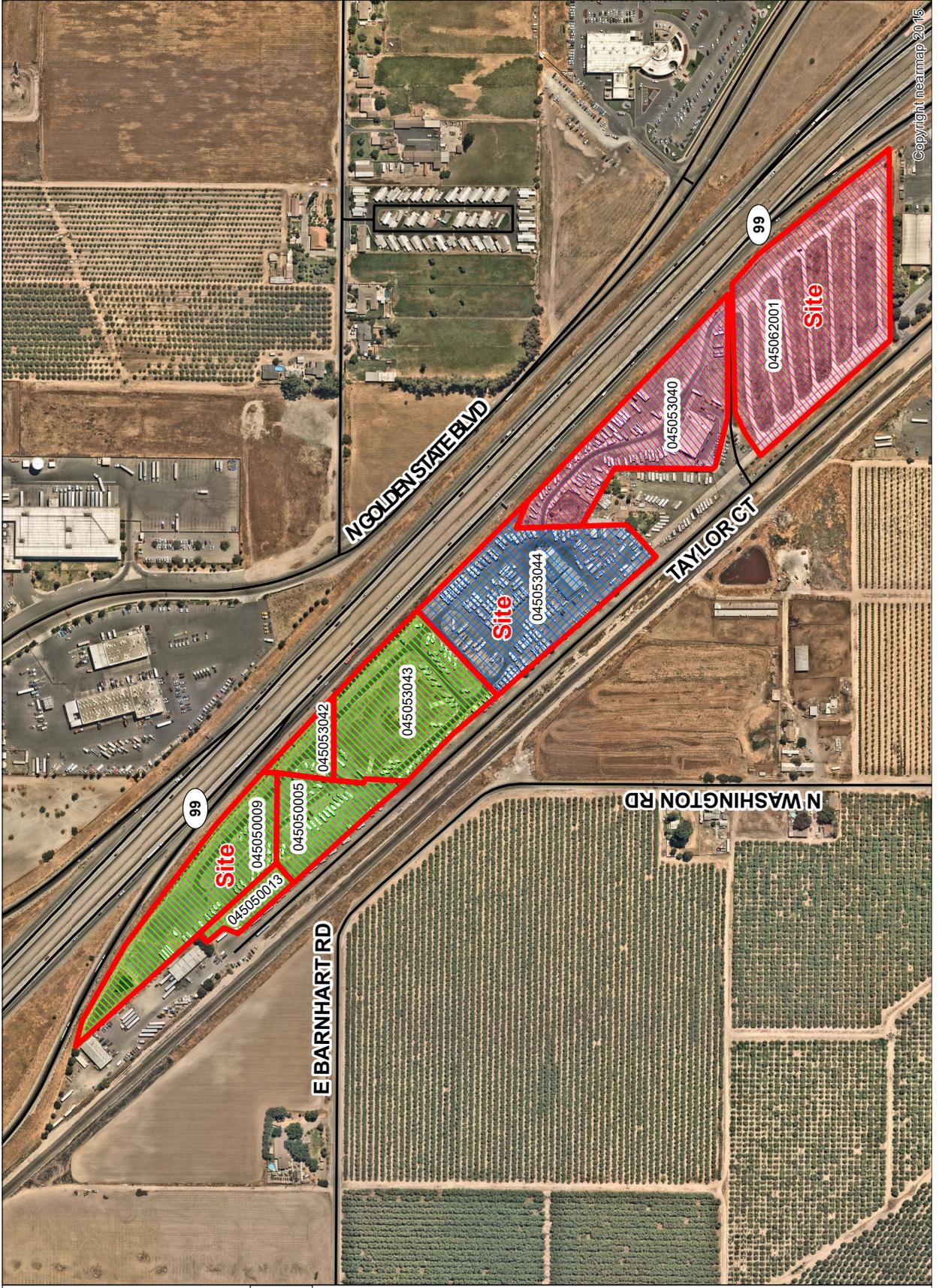
 Phase 1

 Phase 2

 Phase 1 & 2



Source: Planning Department GIS Date: 10/15/2021



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Revisions

△	Date	By

Michael J. Kline, P.E., License No. 21821  
I am a duly Licensed Professional Engineer in the State of California and I hereby certify that I am the author of the design and drawings herein and that I am a duly Licensed Professional Engineer in the State of California.  
© 2021

**Best RV Center  
Expansion**  
Taylor Ct.  
Turlock, CA

Best RV  
5340 Taylor Ct.  
Turlock, CA 95382  
209-276-5200

The original size of this drawing is 24" x 36". If the plan is a different size, it is a reproduction of the original.

**Planting Plan**

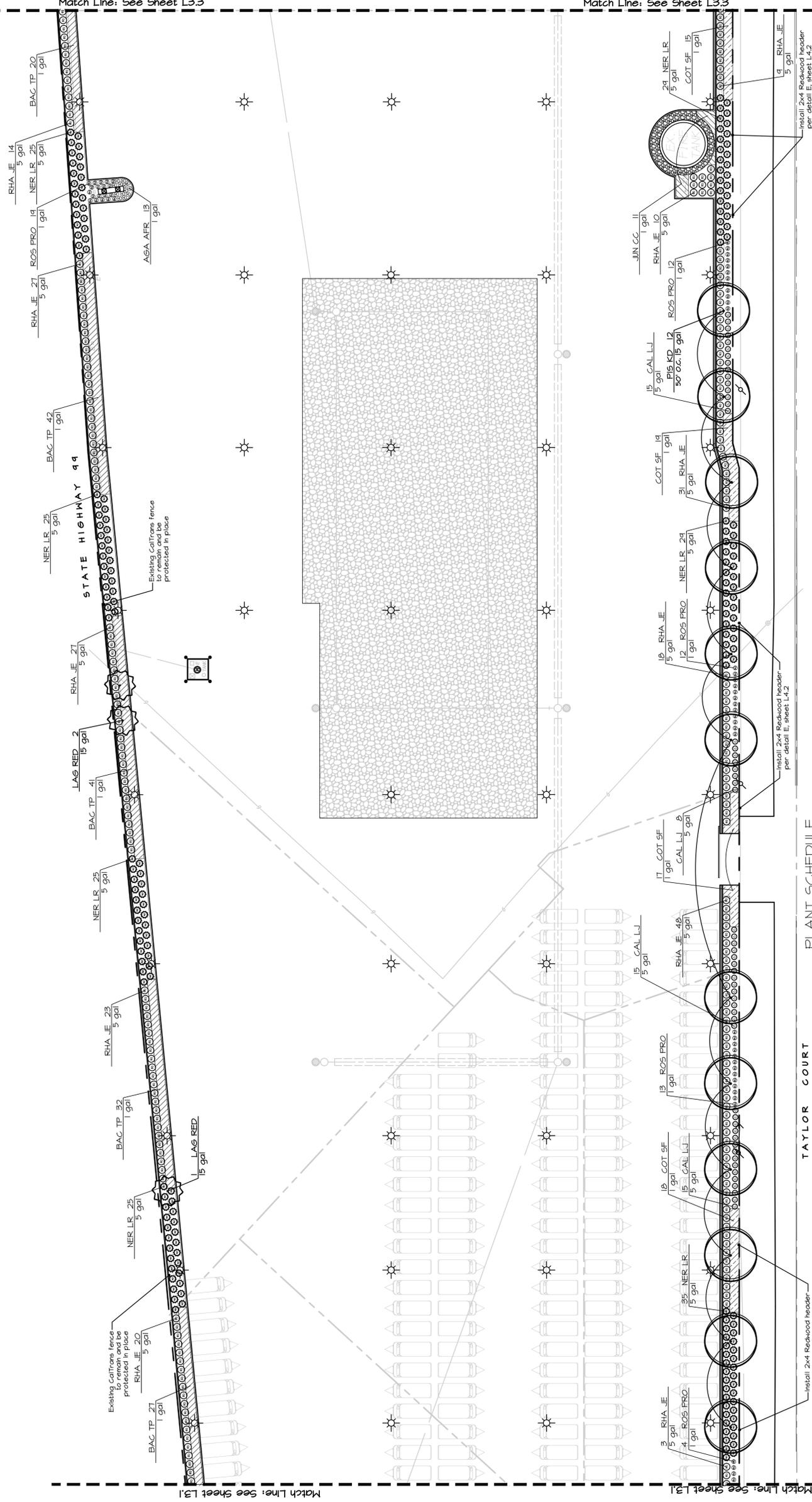
Scale: 1" = 30'-0"

Date: February 18, 2021

Drawn/Checked: NAB / JA / TPH

Project No.: 10-1356

Sheet Number: **L3.2**



**PLANT SCHEDULE**

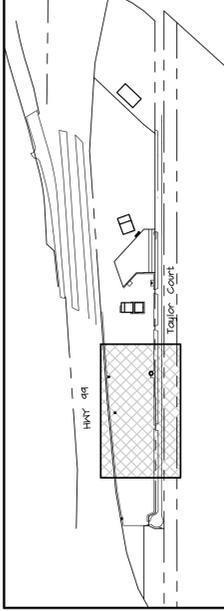
TREES	BOTANICAL NAME	COMMON NAME	CONT	QTY	Water Use
ACA MEL	Acacia melanoxylon	Blackwood	15 gal	22	Low
LAG RED	Lagerstroemia x 'Tuscaraora'	Red Crape Myrtle	15 gal	32	Low
PIS KD	Pistacia chinensis 'Keith Davey'	Keith Davey Chinese Pistache	15 gal	52	Low
SCH MOL	Schinus molle	California Pepper	15 gal	2	Low
SHRUBS	BOTANICAL NAME	COMMON NAME	SIZE <td>QTY <td>Water Use</td> </td>	QTY <td>Water Use</td>	Water Use
AGA AFR	Agapanthus africanus	African Lily	1 gal	11	Low
CAL LJ	Callistemon viminalis 'Little John'	Dwarf Weeping Bottlebrush	5 gal	131	Low
MUH RIG	Muhlenbergia rigens	Deer Grass	5 gal	113	Low
NER LR	Nerium oleander 'Little Red'	Little Red Oleander	5 gal	113	Low
RHA JE	Raphiolepis indica 'Jack Evans'	Italian Hawthorn	5 gal	441	Low
ROS PRO	Rosmarinus officinalis 'Prostratus'	Dwarf Rosemary	1 gal	245	Low
XYL COM	Xylocarpus gongolus 'Compacta'	Compact Xylocarpus	5 gal	64	Low
BAC TP	Baccharis pilularis 'Thin Peaks #2'	Thin Peaks #2 Coyote Brush	CONT	QTY	Water Use
COT SF	Coloneaster dammeri 'Strebs Finding'	Strebs Finding Coloneaster	1 gal	133	Low
JUN CC	Juniperus sabinna 'Calgary Carpet'	Calgary Carpet Juniper	1 gal	227	Low
HYDROSEED	BOTANICAL NAME	COMMON NAME	Grasses	QTY	Water Use
BAS BOT	Basin Bottom Grass Mix	Basin Bottom Grass Mix	25,041 sf	657	Low
BAS SID	Basin Side Grass Mix	Basin Side Grass Mix	54' o.c.	133	Low
BAS SID	Basin Side Grass Mix	Basin Side Grass Mix	54' o.c.	227	Low
BAS SID	Basin Side Grass Mix	Basin Side Grass Mix	54' o.c.	16,374 sf	Low

**TAYLOR COURT**

For General Planting Notes - See Sheet L4.2

**Planting Detail References**  
For Basin Irrigation, refer to Detail A, Sheet L4.2  
For Shrubs, refer to Detail B, Sheet L4.2  
For Groundcovers, refer to Detail C, Sheet L4.2 for layout and Detail B, Sheet L4.2 for installation

**Water Efficient Landscape Ordinance (MELO)**  
Planting and irrigation have been designed to be compliant with the Water Efficient Landscape Ordinance. The contractor shall make substitutions of plants and materials that are more water efficient than those specified, without written consent of the Landscape Architect. The contractor shall be responsible for making all modifications to ensure compliance with the ordinance. If any changes are made, the contractor shall submit calculations as described on these plans to the Landscape Architect. The contractor shall submit calculations as described on these plans to the Landscape Architect. The contractor shall submit calculations as described on these plans to the Landscape Architect. The contractor shall submit calculations as described on these plans to the Landscape Architect.



Key Map  
Not to Scale

All shrub and groundcover areas shall be top-dressed with a 2" layer of mulch derived from recycled wood chips or arbor chips from tree trimming. The mulch shall be a light tan color. Contractor shall provide sample for approval prior to installation. Shredded redwood or cedar bark ('Serrilla-Hair') is not acceptable.

Aggregate 3" layer of pea gravel or 3/4" crushed chain rock aggregate mulch (no fines). Contractor to submit sample to Landscape Architect for approval prior to installation. See Detail D, Sheet L4.2.

Cable edging to be Dura-Edge 3/16" x 4" brown steel edging by JD Russell Co., with stakes per manufacturer. See Detail D, Sheet L4.2.







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**NOTE:** Approval of this application is valid only if the following conditions are met. 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)

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## **CONDITIONS OF APPROVAL**

### **USE PERMIT APPLICATION NO. PLN2021-0079 BEST RV CENTER**

#### **Department of Planning and Community Development**

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. All development standards previously adopted for Planned Development (P-D) (351) shall remain in effect, with the exception of Development Standards No. 9-12, which shall be superseded by the conditions of approval for Use Permit No. 2021-0079.
3. All customer, RV, employee, and delivery vehicle parking shall occur on the project site and not within the public right-of-way. All existing off-street parking shall be maintained and available for use during Phase 1 development. All new parking areas required by P-D (351), including, but not limited to, those on APNs 045-053-040 and 045-062-001, shall be fully developed as part of the Phase 2 improvements. This condition of approval supersedes P-D (351) Development Standard No. 9.
4. Building permits, as applicable, shall be obtained for any on-site lighting. For existing lighting, the applicant shall apply for, meet all requirements needed for the building permit to be issued, implement the building permit, and have taken the steps necessary for the building permit to be finalized within one year of project approval. A photometric lighting plan shall be submitted with any building permit for on-site lighting, showing all exterior lighting will be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties). This condition of approval supersedes P-D (351) Development Standard No. 10.
5. Grading permits, as applicable, for Phase 1 improvements shall be obtained, implemented, and finalized within one year of project approval. Unpaved RV parking and storage areas shall be landscaped or covered with dust control material approved by the Planning Department prior to installation. Landscaping and/or other materials used to cover RV parking and storage areas shall be regularly maintained. This condition of approval supersedes P-D (351) Development Standard No. 11.
6. Within one year of project approval, all Phase 1 landscaping and irrigation shall be

installed and inspected by the Stanislaus County Planning Department, and determined to be in compliance with the landscape plan approved by the City of Turlock and Stanislaus County Planning Department on APNs: 045-050-005, 009, and 013; 045-053-042 and 043; 045-053-044; and along the Highway 99 frontage of APN 045-053-040. Phase 2 landscaping and irrigation on APN 045-062-001 shall be installed and inspected, to the same standards as Phase 1 landscaping and irrigation. Review of any landscape plan, including the review of any revisions to the plan, shall be subject to applicable City and County landscape review and inspection fees in effect at the time of review and inspection. Landscape and Irrigation plans shall meet current State of California water use requirements and City of Turlock standards at the time of submittal. This condition of approval supersedes P-D (351) Development Standard No. 12.

7. Prior to the issuance of a building permit for the three-sided shed structure on APN 045-053-044 (5340 Taylor Court) the following shall be met:
  - a. A grading permit shall be issued for a storm drainage basin on APN 045-050-009; and
  - b. A building permit for light poles and a grading permit for paving for the parking of RVs on APNs 045-050-005, 009, and 013; and 045-053-042 and 043 shall be issued.
8. Prior to issuance of a certificate of occupancy for the three-side shed structure on APN 045-053-044 (5340 Taylor Court), all landscaping and irrigation shall be installed and inspected, as approved by the City of Turlock and Stanislaus County, on APNs: 045-050-005, 009, and 013; 045-053-042 and 043; 045-053-044; and along the Highway 99 frontage of APN 045-053-040.
9. All Phase 1 improvements shall be completed within one-year of Use Permit No. 2021-0079 approval, unless an extension is granted in accordance with Development Standard No. 15 of P-D (351). Failure to meet the timing for the completion of Phase 1 shall result in P-D (351) being considered expired and a use permit, with a new development schedule, shall be required in order to re-activate the Planned Development.
10. All Phase 2 improvements, as allowed by Use Permit No. 2021-0079, including the approved landscaping of APNs 045-053-040 and 045-062-001, shall be completed within 33 months of Phase 1 completion, which shall be no later than December 6, 2025. Issuance of any building permit for Phase 2 after the 33 months, shall be subject to a Staff Approval Permit to allow modification to P-D (351) Development Standards or Use Permit 2021-0079 Conditions of Approval as determined necessary by the Planning Director.
11. APN 045-062-001 (4318 W Warner Road) shall not be used for the storage of RVs until all improvements for Phase 2 are completed, with the exception of temporary storage of RVs during Phase 1 construction activities. Temporary storage shall not exceed eight (8) months after issuance of any grading permit for Phase 1 improvements, unless approved by the Planning Director in accordance to the standards allowing for an extension to the completion date for Phase 1 improvements. Temporary storage shall cease on APN 045-062-001, if no Phase 1 construction activities occur over a consecutive 30-day period. It shall be presumed that no constructive activities have occurred if progression of on-site improvements are not visible from a public right-of-way and no inspection requests for building or grading activities have been requested of, and undertaken by, the applicable County Department.
12. Failure to comply with any of the Conditions of Approval of Use Permit No. 2021-0079,

shall be subject to Development Standard No. 2 of P-D (351) which allows for, at the discretion of the Planning Director, any use permitted in accordance with this project to be brought back to the Planning Commission for review to consider amendments to operational restrictions and requirements to address nuisance concerns.

\*\*\*\*\*

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

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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 21.104.03)

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## DEVELOPMENT STANDARDS

### REZONE APPLICATION NO. PLN2017-0098 BEST RV CENTER

#### Department of Planning and Community Development

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances. The development standards for this project shall supersede all development standards previously adopted for Planned Development (P-D) 194, P-D 289, P-D 306, and P-D 307.
2. At the discretion of the Planning Director, any use permitted in accordance with this project may be brought back to the Planning Commission for review to consider amendments to operational restrictions and requirements to address nuisance concerns.
3. Within 30 days of project approval, the property owner/developer shall deposit \$10,000.00 with the Stanislaus County Department of Planning and Community Development to cover Staff time and material costs needed for the review, inspection, and monitoring of all permitting activities associated with project implementation. Staff costs and expenses will be billed at fully burdened weighted labor rates as provided by the County's Auditor's Office at the time services are rendered. If the deposit reaches a balance of 20% of the initial deposit or less, the property owner/developer shall make a subsequent deposit in the amount required for the deposit amount to total \$10,000.00. The entire balance of remaining deposit shall be returned when the project is fully implemented.
4. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2019), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination." Within five days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,463.75**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk Recorder filing fees.  
  
Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
5. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.

6. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
7. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
8. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.
9. All customer, RV, employee, and delivery vehicle parking shall occur on the project site and not within the public right-of-way. All required parking areas shall be fully developed and available for use within one year of project approval.
10. Building permits, if applicable, shall be obtained for any on-site lighting. For existing lighting, the applicant shall apply for a building permit within three months of project approval; the applicant shall have met all requirements needed for the building permit to be issued within six months of project approval; and the applicant shall implement the building permit, and shall have taken the steps necessary for the building permit to be finalized within one year of project approval. A photometric lighting plan shall be submitted with any building permit for on-site lighting, showing all exterior lighting will be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).
11. Within three months of project approval, the applicant shall apply for a grading and drainage permit for the entire site. Within six months of project approval, the applicant shall have met all requirements needed for the grading permit to be issued. Within one year of project approval, the applicant shall implement the grading permit and shall have taken the steps necessary for the grading permit to be finalized. Unpaved RV parking and storage areas shall be landscaped or covered with dust control material approved by the Planning Department prior to installation. Landscaping and/or other materials used to cover RV parking and storage areas shall be regularly maintained.
12. Within three months of project approval, a final landscape and irrigation plan for the entire site shall be submitted to the City of Turlock and the Stanislaus County Planning Department for review and approval. Landscape and Irrigation plans shall meet current State of California water use requirements and City of Turlock standards at the time of submittal. The review of the landscape plan shall be subject to applicable City and County landscape review and inspection fees in effect at the time of review and inspection. The applicant shall have an approved landscape and irrigation plan within six months of project approval.

Within one year of project approval, the landscaping and irrigation shall be installed, inspected by the Stanislaus County Planning Department, and determined to be in compliance with the approved landscape plan.

- ~~13. Within three months of project approval, the applicant shall apply for an Out of Boundary Service Agreement Application through the Stanislaus Local Area Formation Commission (LAFCO). If approved, the applicant shall implement all work related to the connection to the Keyes Community Service District for potable water within one year of project approval.~~
- ~~14. Within one year of project approval, the applicant shall have connected to the Keyes CSD for water service or shall meet all requirements of Compliance Order DER 19R-004.~~
15. An extension may be granted for implementation of Development Standards 9 through 14 if the Planning Director finds that the need for the extension is due to an unforeseen or unavoidable condition that was outside of the applicant's control.

**An extension may be granted for implementation of Development Standards 9 through 12 if the Planning Director finds, in its sole discretion, that both (i) the need for the extension is due to an unforeseen or unavoidable condition that was outside of the applicant's control, and (ii) that the applicant was and is diligently pursuing the satisfaction of the Development Standards. Applicant shall provide evidence or documentation of the unforeseen or unavoidable condition, and applicant shall demonstrate its diligence by providing invoices, work orders, receipts of accepted applications, or other documentation of applicant's efforts to satisfy the Development Standards.**

16. Prior to issuance of a building permit for tenant improvements to the existing building on Parcel 045-053-040 or Parcel 045-053-044, all site improvements, including lighting, landscaping or grading shall be completed as proposed in the June 18, 2020 Planning Commission Staff Report.
17. Prior to issuance of a building permit for any new structures on Parcel 045-053-040, all site improvements, including lighting, landscaping or grading shall be completed.
18. Prior to issuance of a building permit for any signage (new or replacement), all site improvements, including lighting, landscaping, or grading shall be completed. No more than two pole signs shall be permitted along the State Route 99 frontage and no more than one monument sign shall be permitted along the Taylor Court frontage. Signs shall not exceed the heights allowed by the City of Turlock sign standards.

#### Department of Public Works

19. No parking, loading or unloading of vehicles will be permitted within the County road right-of-way.
20. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted.
21. An Encroachment Permit shall be obtained for any work done in Stanislaus County road right-of-way.

22. A grading, drainage, and erosion/sediment control plan for the project site shall be issued. The grading and drainage plan shall include the following information:
- a. The plan shall contain drainage calculations and enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way. Public Works will review and approve the drainage calculations.
  - b. The grading drainage and erosion/sediment control plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharge Identification Number (WDID) and a copy of the Notice of Intent (NOI) and the project's Storm Water Pollution Prevention Plan (SWPPP) shall be provided prior to the approval of any grading, if applicable.
  - c. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the grading plan.
  - d. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.

#### Department of Environmental Resources

23. No portion of any new on-site wastewater treatment systems (OWTS) or 100% expansion area can be paved over with asphalt, concert, or other impervious material.
24. Any new buildings with an OWTS connection shall be subject to Measure X. At the time there is an increase to the drainage fixtures or the number of users, the existing OWTS shall be subject to review and required to be upgraded to accommodate the change in flow. All Local Agency Management Program (LAMP) standards shall be met
25. The RV dump station shall include a self-contained, zero-discharge, holding vault, which will require regular pumping by a permitted company to haul all septic waste to an approved location. There shall be no connection from the proposed RV dump station's holding vault to the OWTS.
26. ~~Without a connection to the Keyes Community Service District, the project site remains an existing, non-conforming public water system in violation of the State of California Regulation of a Public Water System (PWS) and the applicant must comply with all requirements and revisions to Compliance Order No. DER-19R-004.~~

The project site shall comply with all requirements and revisions to Compliance Order No. DER-19R-004. The site will remain a non-conforming public water system in violation of State of California Regulations of a Public Water System (PWS) until all requirements and revisions to the Compliance Order are met.

#### Department of Environmental Resources – Hazardous Materials Division

27. The applicant shall contact the Department of Environmental Resources regarding appropriate permitting requirements for hazardous materials, and/or wastes. The applicant

and/or occupants handling hazardous materials or generating wastes must notify the Department prior to operation.

**Turlock Irrigation District (TID)**

28. All irrigation pipelines or equipment not utilized for irrigation on the subject parcels shall be removed per District requirements. The District shall approve any plans for removal of facilities prior to the work being done.
29. All parcels shall apply for abandonment from the Lower McHenry Keyes Branch improvement district.
30. No trees with a maximum growth over 15 feet shall be planted under any District overhead lines. No trees shall be planted within any District easement.

**City of Turlock**

31. Prior to issuance of a building permit, the applicant shall submit Landscape and Irrigation plans to the City of Turlock for review and approval. Landscape and Irrigation plans shall meet current State of California water use requirements and City of Turlock standards at time of submittal.
32. Prior to issuance of a building permit for any sign, the applicant shall submit signage plans to the City of Turlock for review and approval. All signage shall meet City standards.
33. All drive aisles shall be paved.

**Local Agency Formation Commission (LAFCO)**

34. Prior to connecting to the Keyes Community Service District's water system, LAFCO approval of an out-of-boundary service extension shall be obtained.

**Central Valley Air Pollution Control District**

35. Prior to the start of construction, the property owner/operator shall contact the District's Small Business Assistance Office to determine if any Air District permits or if any other District rules or permits are required, including but not limited to an Authority to Construct (ATC).

**Central Valley Regional Water Quality Control Board**

36. Prior to ground disturbance or issuance of a building permit, the Central Valley Regional Water Quality Control Board shall be consulted to obtain any necessary permits and to implement any necessary measures, Construction Storm Water General Permit, Phase I and II Municipal Separate Storm Sewer System (MS4) Permits, Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit (Water Quality Certification), Waste Discharge Requirements, Dewatering Permit, Low or Limited Threat General NPDES Permit, NPDES Permit or any other applicable Regional Water Quality Control Board permit.

## MITIGATION MEASURES

1. Prior to the issuance of a grading or building permit, or business license, a fair share payment of 1.13% of the SR 99/Taylor Road Interchange estimated cost (\$143,878.83) as adjusted to meet the most current Engineering News-Record Construction Cost Index, as recommended by the Best RV Center Traffic Impact Analysis, prepared by Pinnacle Traffic Engineering December 31, 2018, shall be made to the City of Turlock for future improvements to State Route 99 and Taylor Road interchange.

\*\*\*\*\*

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

## **DEVELOPMENT SCHEDULE**

### **REZONE APPLICATION NO. PLN2017-0098 BEST RV CENTER**

- Development Standards that apply to Phase 1, shall act as the Development Schedule for the project. Failure to meet the timing for any of the Development Standards shall result in the Planned Development being considered expired and a Use Permit, with a new Development Schedule, shall be required in order to re-activate the Planned Development.
- Issuance of any building permit for Phase 2 after December 31, 2024, shall be subject to a Staff Approval Permit to allow modification to Development Standards as determined necessary by the Planning Director.



Date: 6/11/2021

**Att: Mrs. Angela Freitas**  
**Planning and Community Development Director**  
**Stanislaus Count, CA**  
**e-mail: ANGELA@stancounty.com**

**RE: Entitlement Extension Request (Submitted by e-mail)**

**SUBJECT: Rezone Application No. PLN2017-0098 – BEST RV CENTER**

Following the recent developments and the Planning Department e-mail dated 5/12/2021 (attached) and the subsequent replay of Best RV through email dated 5/23/2021 (attached) and in line with the Planning Department requirements this Entitlement Extension Request is submitted.

**Section A: Best RV Accomplishments:**

Best RV strongly believe that they are following the issued Rezone Application approval that was issued back in August 2020. This is due to the following reasons:

- 1) We had commenced and submitted all necessary civil engineering, landscaping, electrical plans, storm water calculations...etc. through our assigned Consultants to Planning Department since February/March 2021. These plans are awaiting Planning Department issuance of necessary building permits to commence construction works.
- 2) We had to liaise with city of Turlock to finalize and complete the Landscaping designs. This process took longer than expected hence Turlock city had requested to plant full grown trees on HW-99 frontage. This request was contrary to the main project development purpose of having exposure towards HW-99 which is the main marketing exposure for Best RV business. Stanislaus Planning Department had to interfere and mediate in this matter until we had reached to an acceptable solution of having FEW grown up trees planted on HW-99 side (see attachments).
- 3) We had completed liaison with TID to finalize the Irrigation line abandonment along with its constructed manholes and valves which run through Phase-2 boundaries (South of HW-99 and South/West side). We had completed the necessary agreement (attached) by both parties, and it is ready for execution during Phase 2 construction.



- 4) We had completed the Covenant Agreement for private outdoor lighting and electrical lines easement and maintenance affecting both Phase-1 & 2. This is in line with the direction of Planning Department (attached).
- 5) We had finalized the revised Signage proposition with the contractor based on the approved TWO locations on HW-99. The contractor commenced liaison with City of Turlock for their pre-approval. The selected Two signage; one will replace the current existing sign located at Phase-1 and the second will be installed on the high single mast located at Phase-2.
- 6) We had completed all necessary approvals for the water line connection to Keyes network including LAFCO, Caltrans and Keyes Community approvals. This is in line with the issued Compliance Order DER-19R-004. We also had completed the tendering process and selected the contractor Northern Directional Drilling, Inc. as the successful bidder and currently coordinating with Caltrans to issue necessary construction permits to commence the work on site.

### **Section B: Affected Delays:**

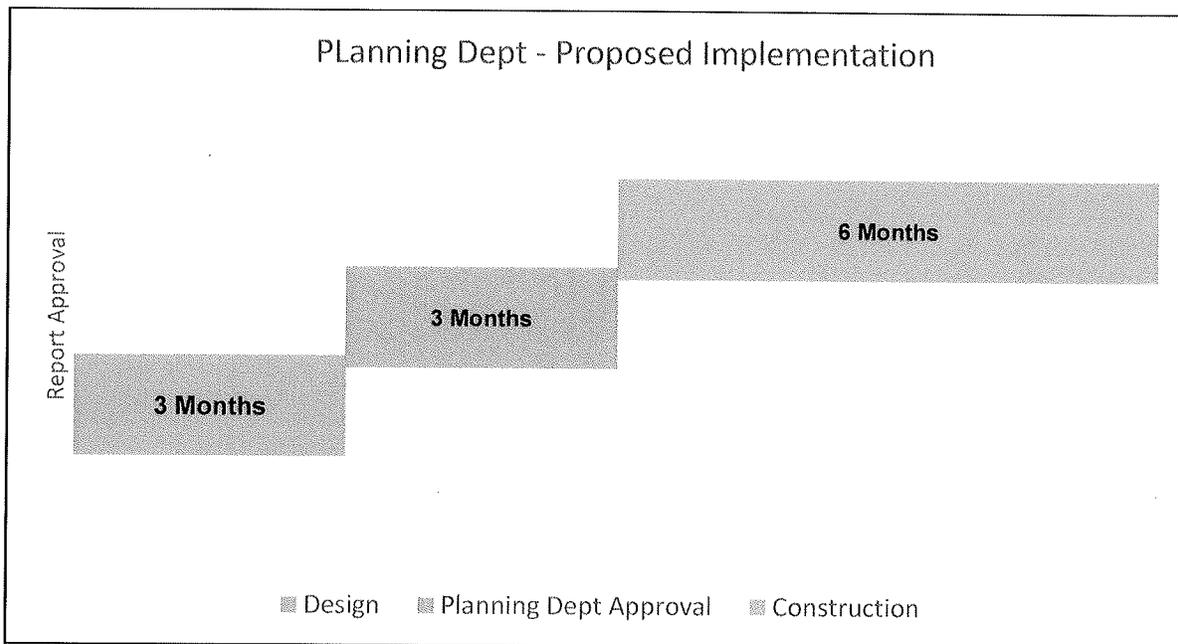
We had suffered certain delays in accomplishing the above referred progressed steps due to:

- 1) The whole Country as well as California State were affected by COVID-19 and its consequential damages to life of people and unusual delays in processing works/ documentation including:
  - a) Lack of personnel which affected our participating consultants as well as Best RV personnel.
  - b) Partial closer of many government departments causing delays in processing applications.
  - c) Many companies as well as banks switch to working from home.
  - d) Many suppliers either stopped producing or cut drastically their production capabilities which led to unusual increase in prices of ALL materials.
  - e) Increased Gas prices due to lower production rates.
  - f) Closing the borders for international trade as well as passengers travel.
- 2) Best RV suffered delays in processing the Landscaping submission/approval from either Planning Department or Turlock City with their unrealistic request to add full grown trees on HW-99 side. This process caused excessive delays of approx. 4-months until the final landscaping designs were approved by the City of Turlock on 3/4/2021.
- 3) Our assigned Consultants being busy with other works with limited personnel.
- 4) Until this date and after a period of 3 years still Stanislaus County did not grant or approved our application for "Warner Road" abandonment that is located within our Phase-2 planned development. Our application was submitted on 2/18/2018 without results. Best RV unable to properly plan and design Phase-2 if this abandonment application was not granted, otherwise, Phase-2 plots will be split in half.

## Section C: Project Phases

This is the most critical issue that we are in difference with the Planning Department.

- Since the project inception and Best RV presented consistently the planned project intended execution to be separated into TWO phases as marked on the attached drawings. Were.
  - Phase 1: consist of current existing operational location and all the parcels to the North.
  - Phase 2: consist of previous Indian River parcel as well as the farmland to the south of current location.
- Planning Department Rezoning Approval Report refers to the two-phase stages of our project in many parts of their Report (see attached extracts from Planning Department Report)
- Planning Department used all referenced drawings indicating and referring to the TWO phased execution projects.
- Best RV objected and alerted Planning Department to correct their report before the draft report issuance (Best RV email, 06/18/2020). Where we had clearly objected to the proposed unrealistic project execution plan of physically 9 months only for Best RV to complete design and construction of the entire project including both Phases 1&2 (see below)



- Planning Department proposed timing intervals unrealistic and designed to put Best RV in default hence it is unachievable timetable by any means.

## Section D: Proposed Timeline

Best RV proposing the following realistic timetable with explanatory notes supporting our assumptions, as follows:

- **Phase-1:** Hence ALL design drawings and its supplementary documents already submitted to Planning Department since February/March 2021 It is recommended to have a Construction Period of 14 months from Planning Department Permit(s) approval date. This will enable Best RV to accomplish the following:
  - Tendering & Contract negotiation with main contracting company; expected period 3-months.
  - Contract award and mobilization; estimated period 1-month.
  - Contract execution 6 to 8-months period. This is taking into consideration that Best RV must always have a continuous and operational business. Therefore, the contractor ability to work will be always coordinated and maneuvered by the business logistical needs. We can not shut-down our business to execute the construction works!
  
- **Evaluation Phase:** Best RV require a period of 6 months to evaluate and assess their operational needs after the completion of Phase-1. This is a very strategic decision that shall impact the level of our intended investment for Phase-2. Based on the evaluation outcomes; Best RV will decide the following:
  - Continue with the previously prepared plans for renovating the existing “Indian River” building and add the additional 3 separate structures in line with the initial designs (expected level of investment \$10.0 million), OR
  - Demolish all existing structures and re-design a more ONE comprehensive and much larger warehouse that will accommodate all service & parts requirements including Offices, Parts display area, service bays (min 20 nos.), wash bays, storage...etc. this will require changing the orientation of the proposed new building which will affect the ingress/egress points...etc. (expected level of investment \$40.0 million)
  
- **Phase-2:** Based on the outcomes of the ‘Evaluation Phase’ Best RV will adopt one of the above strategies that will require the following stages:
  - Design Stage: a period of 6-months hence it is involving a complete project redesign of architectural, structural, steel frame designs, MEP designs, civil works, lighting...etc.
  - Planning Dept Approval’s Stage: expected a period of 6-months as it is expected to involve various departments of Stanislaus County and might require Turlock City pre-approvals.
  - Construction Stage: expected period of 15-months which will include similar breakdown as follows:
    - Tendering & Contract negotiation: Expected period of 3-months.
    - Contract Award & Mobilization: expected period of 1-month.
    - Contract Execution: 11-months

As seen from the above the proposed timeline is more realistic and reflect the level of investment Best RV intended to spend on this Project development. We hope the above is sufficient and looked at in favorable way to enable us to proceed further with the intended execution.

We appreciate your continuous support and please do not hesitate to contact us if you require further clarification.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nader Ammari', written over a horizontal line.

**Nader Ammari**  
Managing Director

Attachments: as listed

- Planning Dept. email dated 5/12/2021
- Best RV email dated 5/23/2021
- 20210608\_Best RV Plots Parcels\_2 Phases
- 20180228\_Abandon Road\_Exhibit A
- Best RV email @ 11/29/2020 objecting on City of Turlock proposed full grown trees on HW99
- Planning Dept email @ 12/21/2020 requesting FEW trees on HW99
- Planning Dept email 12/22/2020 confirming acceptance and advising proceeding with few landscape trees on HW99
- AEG email @ 02/26/2021 confirming resubmitting all Civil Engineering drawing.
- AEG email @ 03/04/2021 confirming Turlock City approval of the resubmitted Landscaping design.
- 20210317\_TID\_Line Abandonment Agreement\_Notorized\_Phase-2
- 20210608\_Best RV Lighting Easement Agreement. Rev(002)\_signed
- 20210301\_CALTRANS\_Encroachment Permit Approval



**KATIE QUINTERO**  
DEPUTY DIRECTOR OF DEVELOPMENT SERVICES  
[kquintero@turlock.ca.us](mailto:kquintero@turlock.ca.us)

**DEVELOPMENT SERVICES**  
**PLANNING DIVISION**

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156 S. BROADWAY, SUITE 120 | TURLOCK, CALIFORNIA 95380 | PHONE 209-668-5542 EXT 2215 | FAX 209-668-5107 | TDD 1-800-725-2929

December 1, 2021

Jeremy Ballard  
Associate Planner  
Stanislaus County Planning and Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

**SUBJECT: Use Permit Application PLN2021-0079 (Best RV Center 5100, 5340, 6424, 6460 Taylor Court and 4318 W. Warner Road, APNs: 045-050-005, 009, 013; 045-053-040, 042, 043, 044, and 045-062-001)**

Dear Mr. Ballard:

Thank you for the opportunity to review the proposed project and phasing schedule for Best RV Center.

### **PROJECT DESCRIPTION**

The applicant is requesting to amend Development Standard Nos. 9-12 of Planned Development 351 (PD 351) to allow for the reactivation and reconfiguring of the approved Development schedule for the expansion and reorganization of an existing recreational vehicle (RV) sales center. As noted in the use permit application the Board of Supervisors, at the August 11, 2020 meeting, approved the rezoning and phasing schedule of eight parcels to allow for the expansion and reorganization of the existing recreational vehicle sales business, Best RV.

Development Standards Nos. 9-12 for PD 351 established the timing for the project improvements to be completed based on the date of project approval. The development standards required permits for Phase 1 improvement plans to be fully submitted within 3 months of project approval, issued within 6 months of project approval, and the improvements fully completed and accepted within 12 months of project approval. The permits associated with Phase 1 were submitted by the applicant; however, the information submitted for the permits did not include the entire site, as a result, the applicant had not complied with the Development Schedule established in PD 351 or the timeframes described in Development Standards Nos. 9-12. A request for an extension to the Development Standards Nos. 9-12 was submitted but the applicant failed to adequately provide specific evidence or documentation that the delays in complying with the permitting requirements and development standards were unforeseen, unavoidable, or out of the control of the applicant. Additionally, as part of the extension request,

the applicant requested an additional 14-33 months for developing Phases 1 and 2 which exceeded the time that could reasonably be granted by the Planning Director. Subsequently, PD 351 expired and a Use Permit is required to reactivate the Development Schedule.

### Phasing Request

#### **Phase 1**

The previously approved Phase 1 included the development of parcels 045-050-013, 045-050-009, 045-050-005, 045-053-042, 045-053-043, and 045-053-044 with paving, landscaping, and storm drainage across all parcels to address the business expansion done without land use permits. These improvements are encompassed within the existing submitted permits and are proposed to be completed within 14 months of permit approval.

#### **Phase 2**

The previously approved Phase 2 included the conversion of the existing sales and service building on parcel 045-053-043 to strictly sales, the conversion of a portion of the service building on parcel 045-053-040 for a retail parts store, development of an RV waste disposal station, construction of two structures for RV staging, paving, landscaping, and the development of a storm drain basin on parcel 045-062-001. The applicant proposed that these improvements would be completed within 33 months of the completion of Phase 1.

### Background Information

Parcel 045-053-044 is the location of the original Best RV sales and service building and RV parking and display areas. The site is improved with paved drive aisles and paved RV storage, display and inventory areas.

In August 2017 the applicant submitted Rezone Application No PLN2017-0098 to expand the storage and display of recreational vehicles for Best RV Center onto the adjacent parcels 045-050-005, 045-050-009, and 045-050-013. The City responded to the September 2017 County referral in a letter dated October 6, 2017 requesting conditions of approval be incorporated into the permit in accordance with Policy 26 of the Stanislaus County General Plan. The conditions of approval included:

1. A minimum 10-foot wide landscaped area to be installed along the Taylor Court frontage.
2. A minimum 10-foot wide landscaped area to be installed along the SR 99 freeway frontage.
3. Approximately 7½% of the area of development should be landscaped. The landscaped areas should include a combination of trees, shrubs and groundcover.
4. Drainage basins landscaped to enhance the filtering of storm water runoff.
5. Paving of all drive aisles.
6. Any parking lot areas for employee and customer parking shall be developed in accordant with Turlock Municipal Code Section 9-2-214 and the City of Turlock Standards. The parking lot shall have paving, drainage, wheel stops, curbing, lighting and space marking. In all parking lots with a capacity of five (5) parking spaces or more, a minimum of one (1) shade tree for every five (5) spaces shall be provided in landscape islands within the parking lot.

The applicant expanded onto the parcels, parking, storing, and displaying RVs without obtaining the appropriate permits and without installing the onsite improvements noted above and required as part of the land use permit. These unpermitted activities continue as of November 30, 2021.

The City responded to the re-referral of Rezone Application No. PLN2017-0098 requesting to rezone parcels 045-050-005, 045-050-009, 045-050-013, 045-053-040, 42, 43 and 045-062-001 to allow for the expansion of the existing RV sales business for additional storage areas for RV inventory, expanded RV maintenance area, a new retail parts area, additional sales offices, and new drive-through waste disposal and propane station. The City responded to the re-referral in the letter dated April 11, 2018 with the following request for conditions of approval:

1. A minimum 10-foot wide landscaped area to be installed along the Taylor Court frontage.
2. A minimum 10-foot wide landscaped area to be installed along the SR 99 freeway frontage.
3. Approximately 7½% of the area of development should be landscaped. The landscaped areas should include a combination of trees, shrubs and groundcover.
4. Drainage basins landscaped to enhance the filtering of storm water runoff.
5. Paving of all drive aisles.
6. Any parking lot areas for employee and customer parking shall be developed in accordant with Turlock Municipal Code Section 9-2-214 and the City of Turlock Standards. The parking lot shall have paving, drainage, wheel stops, curbing, lighting and space marking. In all parking lots with a capacity of five (5) parking spaces or more, a minimum of one (1) shade tree for every five (5) spaces shall be provided in landscape islands within the parking lot.

The applicant expanded onto parcel 045-053-040, the former Indian River site, storing and displaying RVs and using the existing service building. The parcel has been improved including paved drive aisles and vehicle storage areas. In addition, the applicant expanded onto parcel 045-062-001, parking, storing, and displaying additional RV inventory without obtaining the appropriate permits and without installing the onsite improvements noted above and required as part of the land use permit. These unpermitted activities continue as of November 30, 2021.

### **CONDITIONS OF APPROVAL**

The project is located outside the City's Sphere of Influence but within a one-mile buffer of the City Limits. In accordance with Policy Twenty-Six of the Stanislaus County General Plan, the City is requesting the project be held to City standards and design guidelines. Because of the applicant's history of expanding and utilizing the parcels without appropriate land use permits and without installing the required improvements, including paving and landscaping the City requests that the following conditions of approval be incorporated into the permit:

1. The developer/property owner shall install the irrigation and landscaping across all parcels in accordance with the landscape plans dated February 18, 2021 and included with this application. The irrigation and landscaping shall be installed and completed as part of Phase 1 and within 12-months of project approval. Landscape and irrigation plans shall meet the State of California Water Efficient Landscape Ordinance.

2. All required drive aisles, parking areas for customers, RVs, employees, and delivery vehicles proposed on parcels 045-050-005, 045-050-009, 045-050-013, 045-053-042, and 045-053-043 shall be fully developed in accordance with Turlock Municipal Code Section 9-2-214 and the City of Turlock Standards including paving, drainage, wheel stops, curbing, lighting and striping as part of Phase 1 and within 12-months of project approval. No parking or storage of vehicles shall take place on unimproved or unpaved areas.
3. The irrigation and landscaping areas shown in the landscape plans dated February 18, 2021 and proposed on parcels 045-053-044 and 045-053-040 shall be installed and completed as part of Phase 1 and within 12-months of project approval. Landscape and irrigation plans shall meet the State of California Water Efficient Landscape Ordinance.
4. The irrigation and landscaping areas shown in the landscape plans dated February 18, 2021 and proposed on parcel 045-062-001 shall be installed and completed as part of Phase 1 and within 12-months of project approval. Landscape and irrigation plans shall meet the State of California Water Efficient Landscape Ordinance.
5. All required drive aisles, parking areas for customers, RVs, employees, and delivery vehicles proposed on parcel 045-062-001 and proposed as part of Phase 2, shall be fully developed in accordance with Turlock Municipal Code Section 9-2-214 and the City of Turlock Standards including paving, drainage, wheel stops, curbing, lighting and striping, and within 36-months of project approval. No parking, display or storage of vehicles shall take place on unimproved or unpaved areas.

Thank you for the opportunity to comment on the above project. Please contact me if you have any questions regarding these comments at (209) 668-5542 x2215. City staff is available to meet with the applicant, if desired.

Sincerely,



Katie Quintero  
Deputy Director of Development Services/  
Planning Manager

**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**

**PROJECT: USE PERMIT NO. PLN2021-0079 - BEST RV CENTER**

REFERRED TO:	RESPONDED			RESPONSE			MITIGATION MEASURES		CONDITIONS			
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF TRANSPORTATION DIST 10	X		X		X							
CA RWQCB CENTRAL VALLEY REGION	X		X		X							
CA WATER RESOURCES BOARD: DRINKING WATER DIVISION	X		X		X							
CITY OF: TURLOCK	X		X	X				X		X	X	
COMMUNITY SERVICES / SANITARY DIST: KEYES	X		X		X							
COOPERATIVE EXTENSION	X		X		X							
FIRE PROTECTION DIST: KEYES	X		X		X							
IRRIGATION DISTRICT: TID	X		X		X							
MUNICIPAL ADVISORY COUNCIL: KEYES	X		X		X							
RAILROAD: UNION PACIFIC	X		X		X							
SAN JOAQUIN VALLEY APCD	X		X		X							
STAN CO AG COMMISSIONER	X		X		X							
STAN CO BUILDING PERMITS DIVISION	X		X		X							
STAN CO CEO	X		X		X							
STAN CO DER	X		X		X							
STAN CO ERC	X		X	X				X		X		X
STAN CO HAZARDOUS MATERIALS	X		X		X							
STAN CO PUBLIC WORKS	X		X	X				X		X	X	
STAN CO SHERIFF	X		X		X							
STAN CO SUPERVISOR DIST #2:CHIESA	X		X		X							
STAN COUNTY COUNSEL	X		X		X							
STANISLAUS FIRE PREVENTION BUREAU	X		X		X							
STANISLAUS LAFCO	X		X		X							
SURROUNDING LAND OWNERS			X		X							