

STANISLAUS COUNTY PLANNING COMMISSION

February 17, 2022

STAFF REPORT

USE PERMIT APPLICATION NO. PLN2021-0080
BOOMERS MODESTO

REQUEST: TO AMEND THE DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENT (P-D) (203) TO ALLOW FOR THE INSTALLATION OF A 59-FOOT-TALL FERRIS WHEEL AND TO ALLOW FOR THE ON-SITE SALE AND SERVICE OF ALCOHOL AT AN EXISTING AMUSEMENT PARK.

APPLICATION INFORMATION

Applicant:	Navid Tayebi, Project Manager, Boomers Modesto
Property owner:	Arnold H. Gazarian, Executive Vice President, J-Mar Sisk Road Property, L.P.
Agent:	Casey Walker, North Star Engineering
Location:	4215 Bangs Avenue, between Sisk Road and Enterprise Way, in the Community of Salida
Section, Township, Range:	3-3-8
Supervisory District:	Three (Supervisor Withrow)
Assessor's Parcel:	135-042-026
Referrals:	See Exhibit F Environmental Review Referrals
Area of Parcel(s):	6.37± acres
Water Supply:	City of Modesto
Sewage Disposal:	Salida Sanitary
General Plan Designation:	Planned Industrial
Community Plan Designation:	Planned Development
Existing Zoning:	Planned Development (P-D) (203)
Sphere of Influence:	N/A
Williamson Act Contract No.:	N/A
Environmental Review:	Negative Declaration
Present Land Use:	Amusement park
Surrounding Land Use:	Commercial and industrial uses in all directions; State Route 99 to the east; and a vacant parcel to the south.

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 the project, Exhibit A provides an overview of all of the findings required for project approval, which include use permit findings.

PROJECT DESCRIPTION

The project is a request to amend the development standards for Planned Development (P-D) (203) to allow for the installation of a 59-foot-tall Ferris wheel and to allow for the on-site sale and service of alcohol at an existing amusement park. As part of this request, the applicant proposes to remove the existing Kiddy-Go-Kart track attraction from the project site and replace it with the Ferris wheel (see Exhibit B – *Maps, Site Plan and Elevations*). No expansion of the park boundaries is associated with this request.

No additional landscaping or on-site lighting is proposed as part of this request; however, the Ferris wheel will have manually controlled LED lighting strips along the spokes of the attraction which will be illuminated during operating hours. Existing operating hours are Monday-Thursday 12:00 p.m. to 8:00 p.m., Friday 12:00 p.m. to 10:00 p.m., Saturday 10:00 a.m. to 10:00 p.m. and Sunday 10:00 a.m. to 9:00 p.m. The amusement park has 25 employees on a maximum shift, and 300 customers per day, and currently receives four daily truck trips. No change in operating hours, number of customers, employees, or daily truck trips is proposed under this request.

The existing amusement park was approved by the Board of Supervisors on February 9, 1993 under Rezone No. 92-09 – Camelot Park Family Entertainment Centers, Inc. which rezoned a 10-acre parcel from P-D (77) to P-D (203) to allow for the development of a family entertainment center. Subsequently, on June 15, 1993, a Parcel Map (45-PM-95) was recorded subdividing P-D (203) into three parcels, including a 30,000-square-foot parcel which remains undeveloped, a 1.9-acre parcel which is now improved with a hotel, and the 6.37± acre project site. The most recent permit issued for the amusement park was approved on November 19, 2021 under Staff Approval Permit No. PLN2021-0067 – Boomers Modesto allowing for the installation of four rides, including three new rides (Frog Hopper, Carousel, and Lolli Swings), and the relocation of one ride (Spin Zone) from inside the arcade to the southern portion of the amusement park.

The Development Standards for P-D (203) specify a height limit of 35-feet-tall. The proposed Ferris wheel does not conform to the development standards for the zoning district and, as such, a use permit is required to permit the Ferris wheel as proposed. The existing amusement park has a state license to sell and serve beer and wine on-site; however, the state license does not permit the sale or service of spirits. The applicant has applied to the state to obtain a General Alcohol License for the sale and service of beer, wine, and spirits. Staff has determined that an alcohol license may be considered accessory to the permitted snack bar and dining area within the arcade; however, Rezone No. 92-09 did not include the sale or service of alcohol on-site as a permitted use. The County does not have a record of authorizing the current license issued by the state. Therefore, a Use Permit is required to amend the permitted uses of P-D (203) to formally recognize the on-site sale and service of alcohol within the zoning district.

SITE DESCRIPTION

The 6.37± acre project site is located at 4215 Bangs Avenue, between Sisk Road and Enterprise Way, in the community of Salida. The project site is currently developed with a 12,069± square-foot family entertainment building (arcade building) consisting of a snack bar, dining area, restrooms, and arcade gaming area; a 4.34± acre outdoor area for attractions and rides; and a 1.75± acre parking lot consisting of 183 parking stalls. The project site has wrought iron fencing and landscaping consisting of deciduous trees, shrubs and river rock along the west and southeast property lines of the project site. Mature evergreen and deciduous trees are planted within the attraction area, parking lot, and along the north and east property lines. An existing 7-

foot-tall cement masonry (CMU) block wall is located along the east and north property lines, which screens the amusement park from the commercial development to the east and light industrial operation to the north.

Surrounding land uses include commercial and industrial uses in all directions; State Route 99 to the east; and a vacant parcel to south of the project site.

The project site is served with public water by the City of Modesto and sewer services by Salida Sanitary District and has access to County-maintained Bangs Avenue.

ISSUES

This application was originally submitted in August 2021 to request authorization for the Ferris wheel; however, the application was revised in November 2021 to recognize the on-site sale and service of alcohol which has been licensed by the state but is not approved as a permitted use under P-D (203). The project was originally presented to the Salida Municipal Advisory Council (MAC), at its regular meeting held on September 28, 2021, as an Early Consultation referral. At the meeting, the Salida MAC recommended approval of the proposed project; however, the Early Consultation referral did not include the sale and service of alcohol on-site. Therefore, the project was recirculated to the Salida MAC through the California Environmental Quality Act (CEQA) Initial Study referral process (see Exhibit D – *Initial Study*). The Initial Study circulated from December 16, 2021 to January 18, 2022. The project and updated project description were reconsidered by the Salida MAC at its regular meeting on January 25, 2022. During the meeting, the applicants clarified that all alcohol sales will cease one hour before closing. The MAC did not identify any issues with the request and recommended acceptance of the updated project description. A condition of approval has been added to the project requiring alcohol sales to cease one hour before the park closes.

GENERAL PLAN CONSISTENCY

Consistency with the goals, objectives, and policies of the various elements of the General Plan were evaluated when processing this discretionary project request. The site is currently designated as Planned Industrial (PI) in the Stanislaus County General Plan and is designated Planned Development (PD) by the Salida Community Plan. According to the Stanislaus General Plan Designations, the intent of PI designation is to provide locations for light industrial development. The PD designation is intended for land which, because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental effects on other property. The Planned Development zoning designation is consistent with both the PI General Plan and PD Community Plan designations.

As required by the Stanislaus County General Plan's Land Use Element Sphere of Influence (SOI) Policy, all discretionary projects within the sphere of influence of a sanitary sewer district, domestic water district, or community services district, shall be forwarded to the district board for comment regarding the ability of the district to provide services. If the district serves an unincorporated community with a Municipal Advisory Council (MAC), the proposal shall also be referred to the MAC for comment. The project site is served with public water by the City of Modesto and sewer by the Salida Sanitary District. The project has been referred to the City of Modesto and the Salida Sanitary District, each agency responded with no comments for the project. The proposed project is located within the Salida MAC boundaries and, accordingly, has been referred to the Salida MAC. The Salida MAC considered the project at its regular meeting held on September 28, 2021 and again on January 25, 2022. As discussed in the Issues section

of this report, the MAC recommended approval of the proposed project for the Ferris wheel and the on-site sale and service of alcohol.

Staff believes that the proposed project is consistent with the General Plan policies discussed above. The project site is already developed and is surrounded by light industrial and commercial uses, and the proposed use is consistent with the Planned Industrial and Planned Development land use designations.

ZONING ORDINANCE CONSISTENCY

The site is currently zoned Planned Development (P-D) (203) which permits the use of an amusement park. This is a request to amend the development standards for Planned Development (P-D) (203) to allow for the installation of a 59-foot-tall Ferris wheel, exceeding the height standards for P-D (203) and to allow for the on-site sale and service of alcohol. The current development standards for P-D (203) specify a height limit of 35-feet-tall.

If this request is approved, the development standards for P-D (203) will remain in effect for the amusement park, and the development of the Ferris wheel and alcohol sales and service will be subject to the Conditions of Approval of this Use Permit. If a conflict arises between the development standards and the Conditions of Approval, the conditions of this Use Permit shall prevail.

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.

The surrounding area is built-out with light industrial and commercial uses in all directions. A hotel is located south of the project site, across Bangs Avenue; however, the project site is screened by an existing row of trees at the frontage of Bangs Avenue. Additionally, the applicant has proposed the seats for the Ferris wheel to face inward for patrons to look out over the existing amusement park, limiting views of the adjacent hotel while riding the Ferris wheel. A vacant parcel to the south is adjacent to the project site and zoned P-D (203); however, any development of the parcel to the south would require additional land use entitlements and environmental review as permitted uses for the site were not specified under P-D (203) and development of the vacant parcel was anticipated to occur separately from the amusement park.

This project will maintain zoning consistency by adhering to the approved P-D (203) uses and development standards as well as the conditions of approval incorporated into this Use Permit.

ENVIRONMENTAL REVIEW

An environmental assessment for the project has been prepared in accordance with the California Environmental Quality Act (CEQA). The assessment included preparation of an Initial Study (see Exhibit D – *Initial Study*). Pursuant to CEQA, the proposed project was circulated to interested parties and responsible agencies for review and comment and no significant issues were raised (see Exhibit F - *Environmental Review Referrals*).

A Negative Declaration has been prepared for approval prior to action on the project itself as the project will not have a significant effect on the environment (see Exhibit E – *Negative Declaration*). Conditions of approval reflecting referral responses have been placed on the project (see Exhibit C – *Conditions of Approval*).

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay **\$2,605.00** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Contact Person: Emily Basnight, Assistant Planner, (209) 525-6330

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps, Site Plan and Elevations
- Exhibit C - Conditions of Approval
- Exhibit D - Initial Study
- Exhibit E - Negative Declaration
- Exhibit F - Environmental Review Referrals

Findings and Actions Required for Project Approval

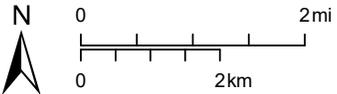
1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. 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.
4. Approve Use Permit Application No. PLN2021-0080 – Boomers Modesto, subject to the attached Conditions of Approval.

BOOMERS UP PLN2021-0080

AREA MAP

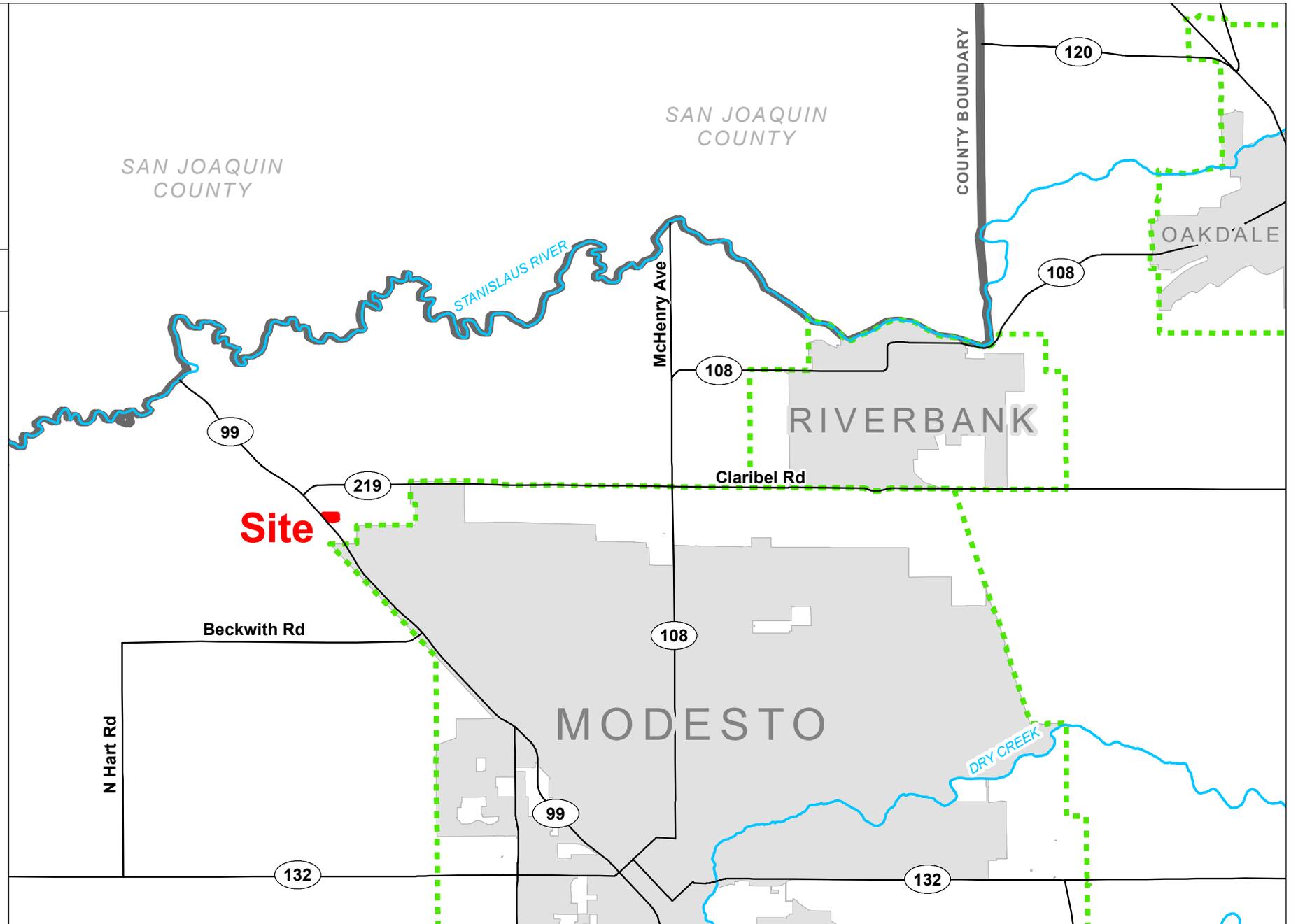
LEGEND

-  Project Site
-  Sphere of Influence
-  City
-  Road
-  River



Source: Planning Department GIS

Date: 8/25/2021



**BOOMERS
UP
PLN2021-0080**

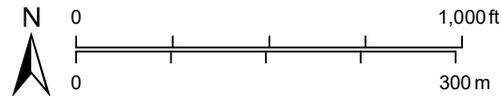
GENERAL PLAN MAP

LEGEND

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

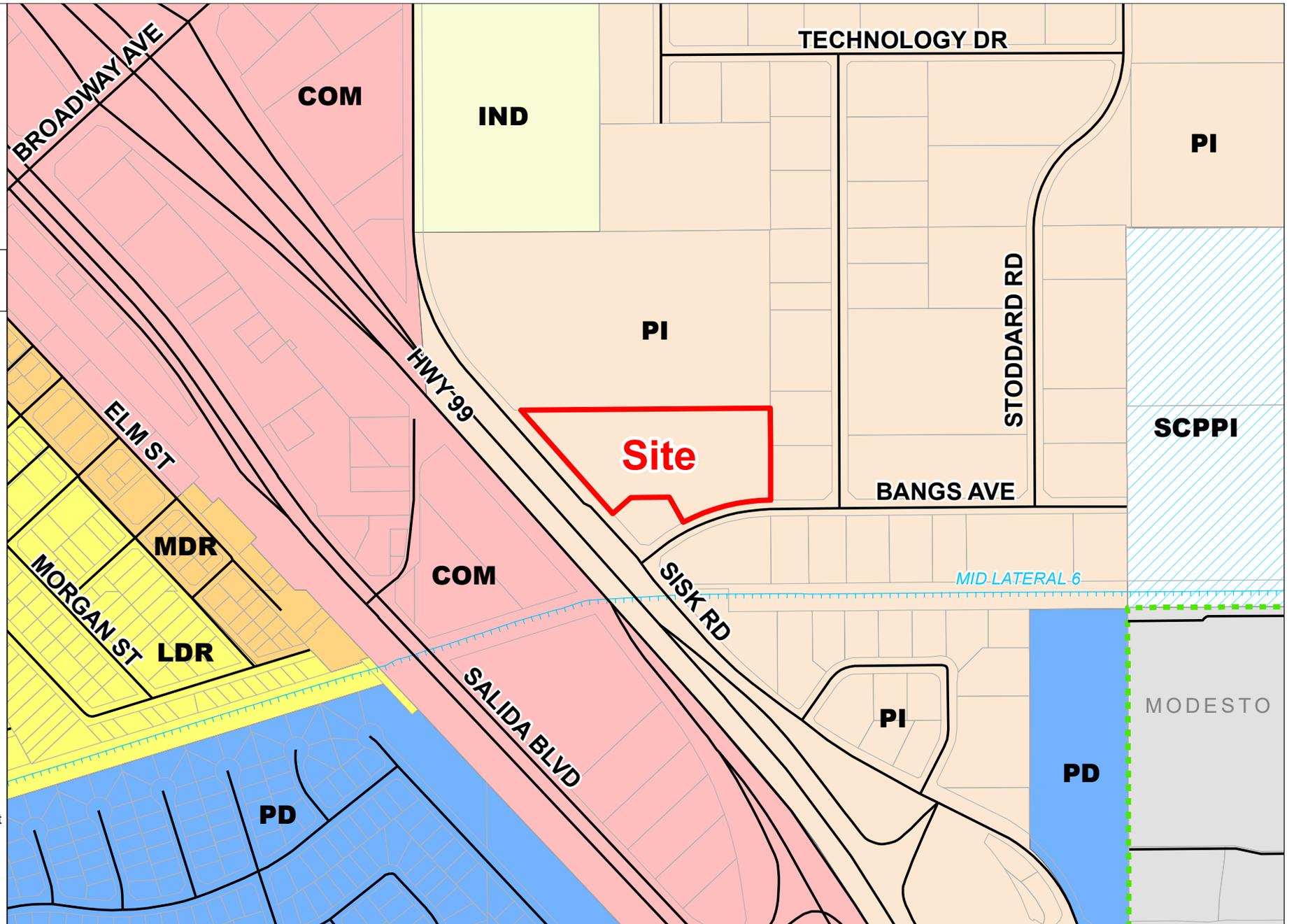
General Plan

-  Planned Development
-  Commercial
-  Low Density Residential
-  Medium Density Residential
-  Planned Industrial
-  SCPPI



Source: Planning Department GIS

Date: 8/25/2021

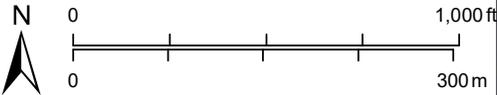


BOOMERS UP PLN2021-0080

COMMUNITY PLAN MAP

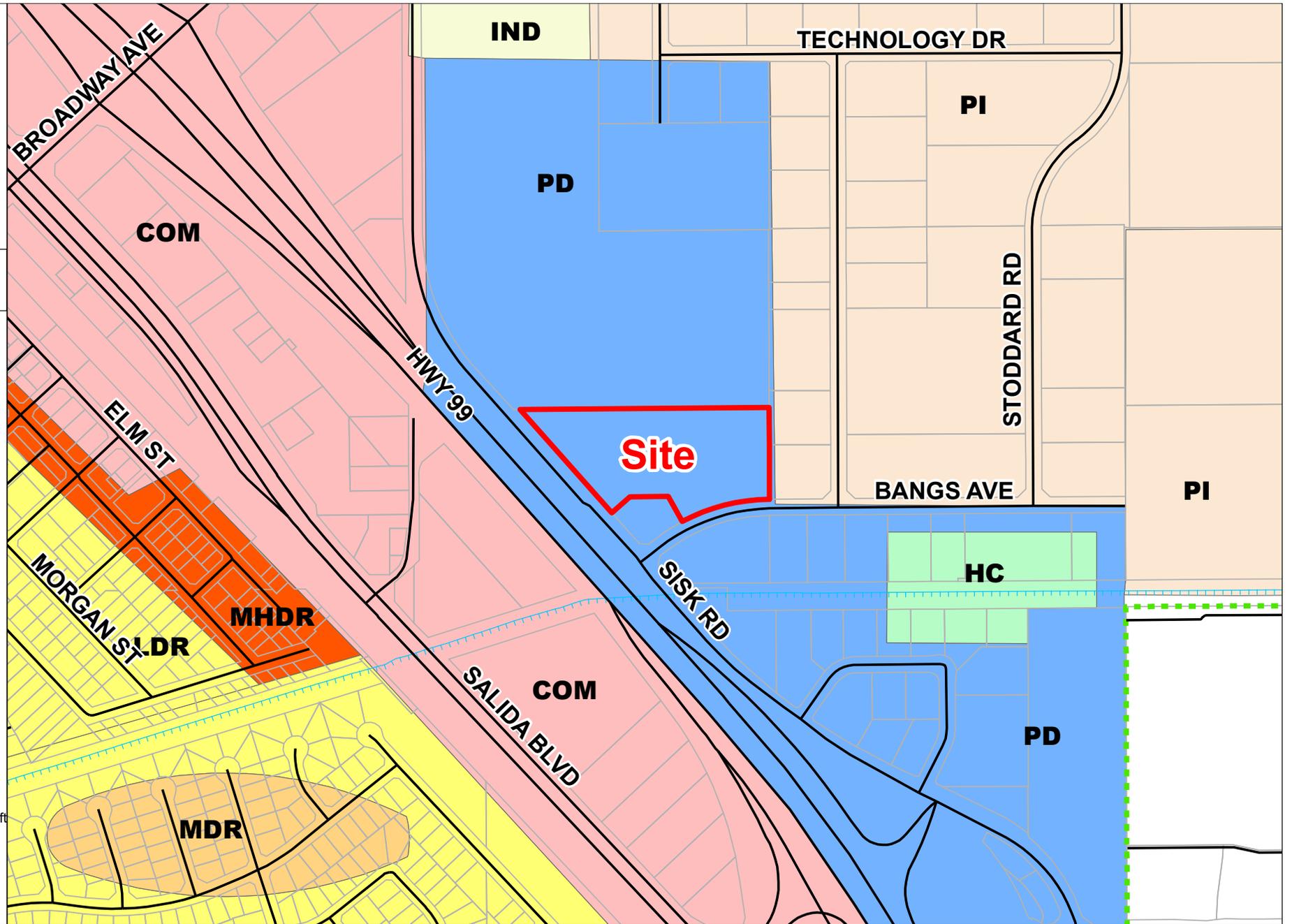
LEGEND

-  Project Site
-  Parcel
-  Sphere of Influence
-  Road
- Community Plan**
-  Industrial
-  Commercial
-  Commercial - Highway
-  Residential - Medium-High
-  Residential - Low
-  Residential Medium
-  Planned Development
-  Planned Industrial



Source: Planning Department GIS

Date: 9/27/2021



BOOMERS UP PLN2021-0080

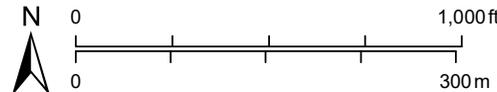
ZONING MAP

LEGEND

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

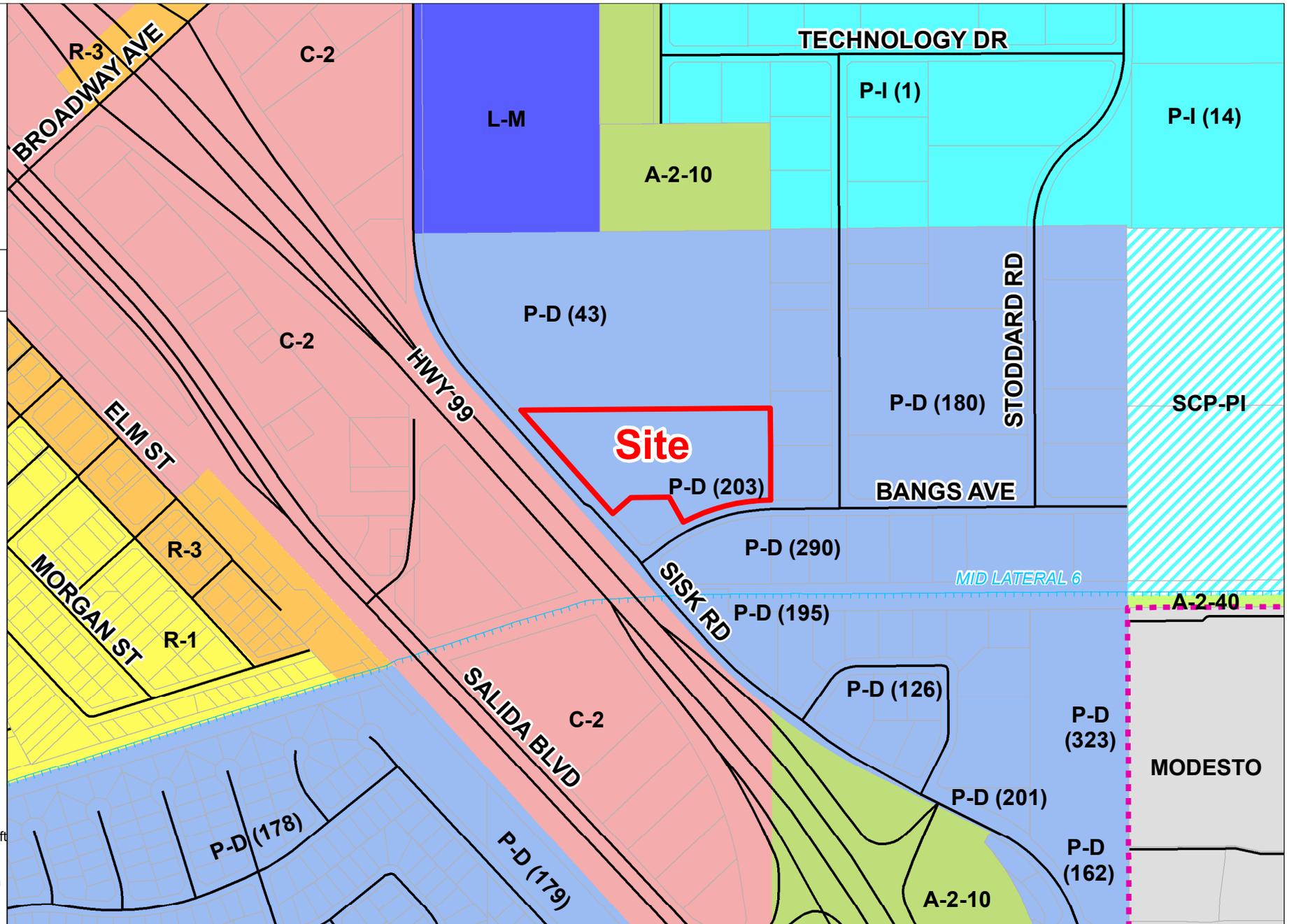
Zoning Designation

- General Agriculture 10 Acre
- General Agriculture 40 Acre
- Low Density Residential
- Medium Density Residential
- Commercial
- Planned Industrial
- Planned Development
- Limited Industrial
- Salida Community Plan PI



Source: Planning Department GIS

Date: 8/25/2021

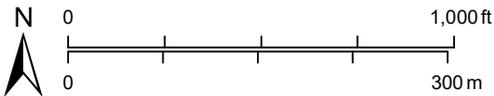
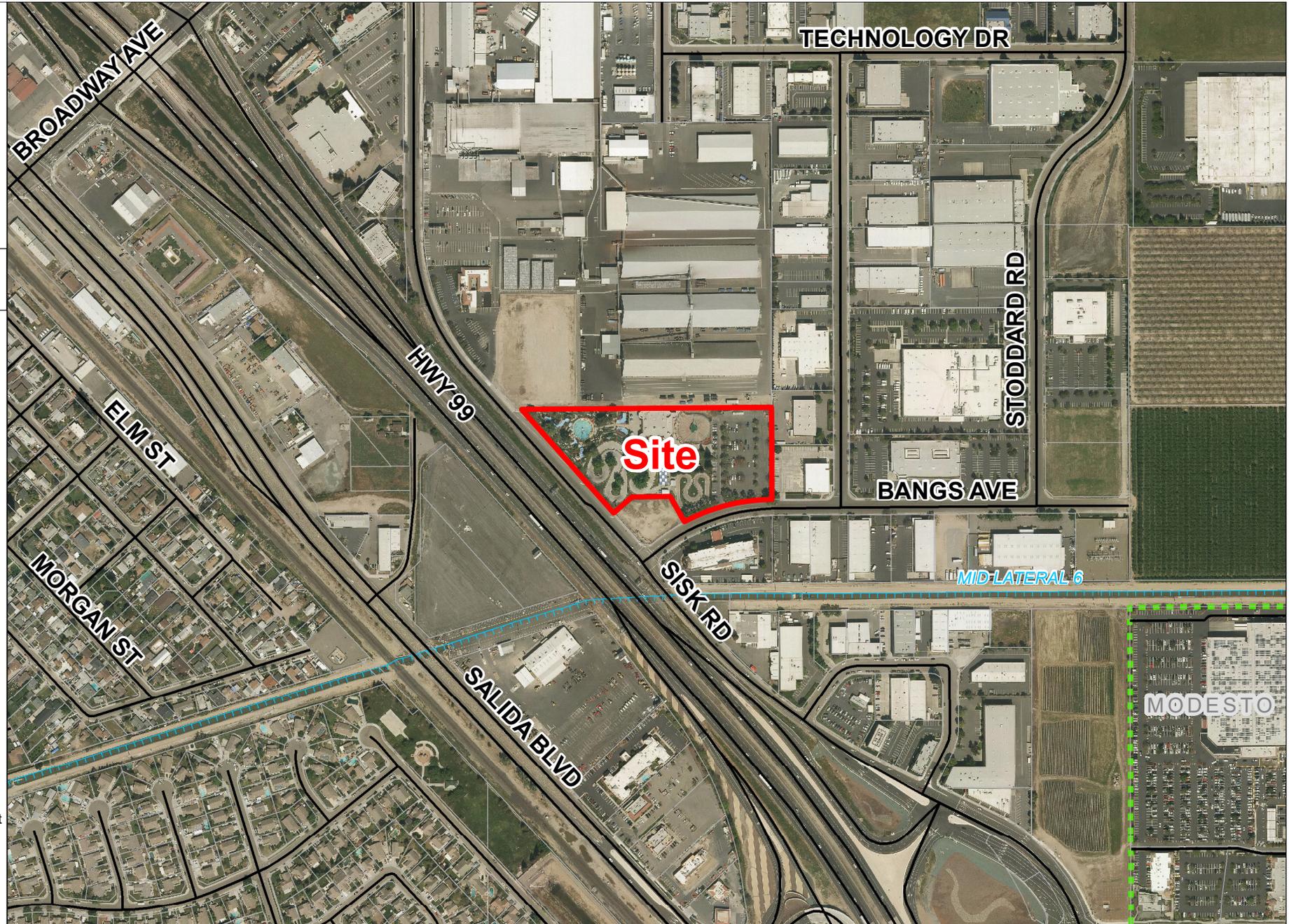


BOOMERS UP PLN2021-0080

2017 AERIAL AREA MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  Road
-  Canal



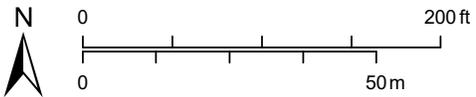
BOOMERS UP PLN2021-0080

2017 AERIAL SITE MAP

LEGEND

 Project Site

 Road



Source: Planning Department GIS

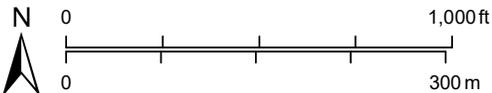
Date: 8/25/2021

BOOMERS UP PLN2021-0080

ACREAGE MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  City of
-  Parcel/Acres
-  Road
-  Canal



Source: Planning Department GIS

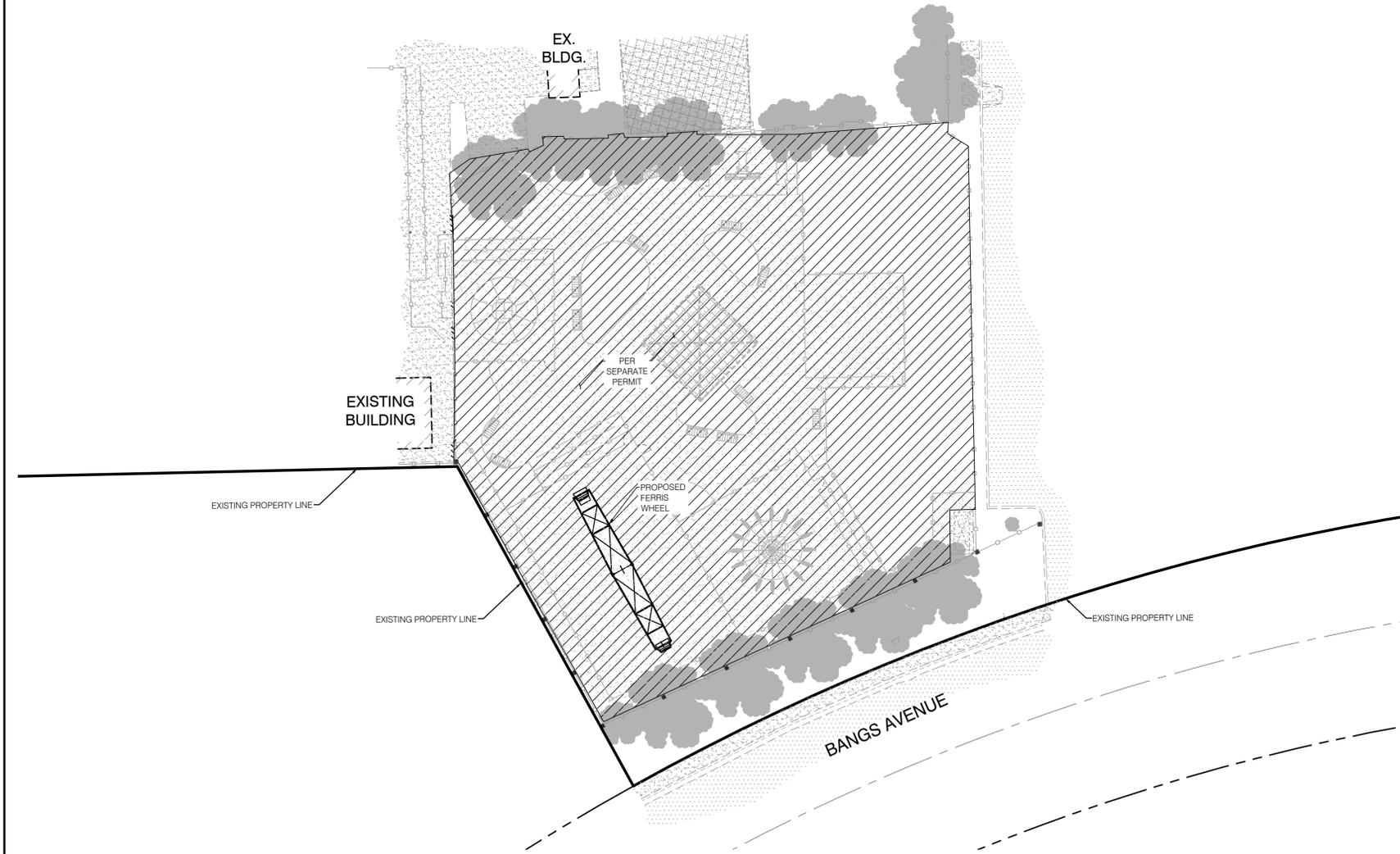
Date: 8/25/2021



LEGEND

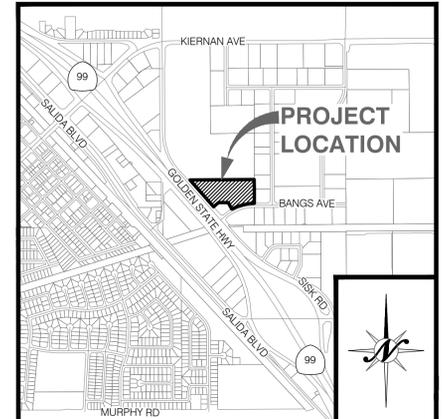
Legend table with columns for EXISTING and PROPOSED symbols for various infrastructure elements like boundary lines, drains, valves, and electrical components.

PRELIMINARY CIVIL IMPROVEMENT PLANS FOR BOOMERS MODESTO FERRIS WHEEL, MODESTO, CALIFORNIA

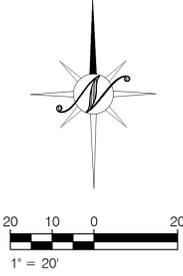


ABBREVIATIONS

Table of abbreviations for various engineering terms such as DW (Driveway), MIN (Minimum), S (Slope), and others.



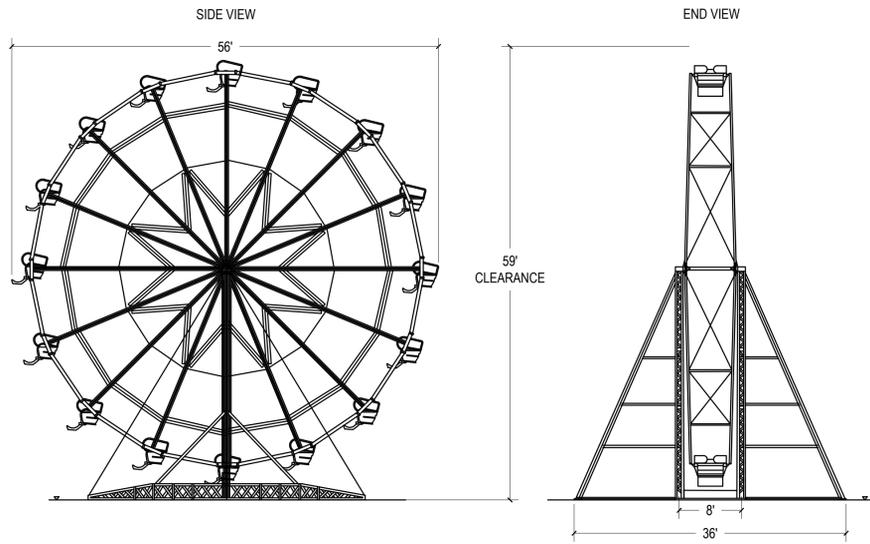
VICINITY MAP NTS



Prepared for and Project Location information boxes containing client details and address (4215 Bangs Avenue, Modesto, CA).

SHEET INDEX table listing sheet numbers and titles, including C1.1 COVER SHEET and C1.2 SITE PLAN.

Vertical sidebar containing logos (North Star Engineering Group, Inc.), project title, sheet number (C1.1), and contact information.



1 FERRIS WHEEL
SCALE: NTS

NO.	DATE	DESCRIPTION
1	7/15/2021	INITIAL RELEASE
REVISIONS		

JAI JAKES ASSOCIATES, INC.
 Alameda Park Center
 2021 The Alameda, Suite 230
 San Jose, CA 95126-1145
 Tel: (408) 249-7200 Fax: (408) 249-7296
 E-mail: jakes@jakesassociates.com
 Website: www.jakesassociates.com

THE INFORMATION CONTAINED
 HEREIN IS PROPRIETARY. THIS
 DRAWING IS LOANED SUBJECT TO
 RECALL AT ANY TIME. BY
 RETAINING THIS DOCUMENT, THE
 RECIPIENT AGREES NOT TO
 DISCLOSE ANY INFORMATION
 DETRIMENTAL TO THE INTERESTS
 OF JAKES ASSOCIATES, INC.

Drafter	SMC	BOOMERS MODESTO NEW AMUSEMENTS
Checked & Approved	JDM	
Scale	NTS	DESCRIPTION: FERRIS WHEEL DETAILS & ELEVATIONS
Drawing Number	G-03	Sheet 1 OF 1
		Drawing Size "D-Size"
		Revision 1

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

CONDITIONS OF APPROVAL

USE PERMIT APPLICATION NO. PLN2021-0080 BOOMERS MODESTO

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, including the Development Standards approved under Rezone No. 92-09 – Camelot Park Family Entertainment Centers, Inc. for the Planned Development (P-D) (203) zoning district. All development standards adopted for the P-D (203) zoning district shall remain in effect. If a conflict arises between the P-D (203) Development Standards and the Conditions of Approval of Use Permit No. PLN2021-0080, the conditions of the Use Permit shall prevail.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2020), 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 (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,605.00**, 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.
3. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
4. 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.
5. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant,

appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.

6. Prior to issuance of a building permit for any new on-site lighting, a photometric lighting plan shall be submitted for review and approval by the Stanislaus County Planning Department. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties). The height of the lighting fixtures should not exceed 20 feet above grade.
7. All landscaped areas, fences, and walls shall be maintained in an attractive condition and in compliance with the approved final landscape and irrigation plan. The premises shall be kept free of weeds, trash, and other debris. Dead or dying plants shall be replaced with materials of equal size and similar variety within 30 days, at the property owner's expense.
8. Alcohol sales shall cease one hour prior to the park closing.

Department of Public Works

9. No parking, loading, or unloading of vehicles shall be permitted within the County road right-of-way.
10. A grading, drainage, and erosion/sediment control plan for the project site shall be submitted for any building permit that will create a larger or smaller building footprint. The grading and drainage plan shall include the following information:
 - a. The plan shall contain drainage calculations and enough information to verify that runoff from project will not flow onto adjacent properties and Stanislaus County road right-of-way. Public Works will review and approve the drainage calculations.
 - b. For projects greater than one acre in size, 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 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.

Building Permits Division

11. Building permits are required and the project must conform with the California Code of Regulations, Title 24.

Modesto Irrigation District

12. Should the project impact or otherwise alter existing private infrastructure, the pipeline(s) must be upgraded, replaced and/or relocated as required by the pipeline owner. All costs associated with design, approval, and analysis of relocation shall be at the owner's expense. Any affected landowners should consult with MID to discuss potential improvement plans for review and approval.
13. High voltage is present within and adjacent to the project area. This includes 69,000 volts overhead primary, 12,000 volts overhead and underground primary, overhead and underground secondary facilities and an overhead fiber optic cable. Use extreme caution when operating heavy equipment, using a crane, ladders, scaffolding, handheld tools or any other type of equipment near the existing MID electric lines and cables. Workers and equipment should always maintain a distance no less than 10 feet from overhead facilities. Assume all overhead and underground electric facilities are energized.
14. Any trenching shall maintain a 1:1 horizontal distance from any existing pole, determined by the depth of the trench. If trenching encroaches on this requirement, the Contractor shall contact the MID Electric Engineering Department to brace any effected poles during the trenching process. The cost of any required pole bracing will be assumed by the requesting party. For any future construction, the contractor shall verify actual depth and location of all underground utilities prior to start of construction.
15. Existing MID easement for the protection of overhead electrical facilities are to remain. Overhead secondary cable shall be protected by a minimum of 20-foot-wide easement centered on the overhead cable. Overhead primary cable shall be protected by a minimum 30-foot-wide easement centered on the overhead cable.
16. Existing MID easements for the protection of underground electrical facilities are to remain. Underground secondary cable shall be protected by a minimum 5-foot-wide easement centered on the underground cable. Underground primary cable shall be protected by a minimum 10-foot-wide easement centered on the underground cable.
17. In conjunction with related site improvement requirements, existing overhead and underground electric facilities within or adjacent to the proposed project shall be protected, relocated, or removed as required by the District's Electric Engineering Department. Any relocation or installations shall conform to the District's Electric Service Rules. Customer will be responsible for all MID's cost associated with the development.
18. During the construction phase of this project, the applicant/property owner shall put in place effective construction dust control measures to avoid windblown dirt/dust on electric facilities at the MID Stoddard Substation. Windblown dirt/dust on electric facilities at the MID Stoddard Substation may cause a power outage.

19. Prior to any construction, a full set of construction plans must be submitted to the MID Electrical Engineering Design Group in order to address the electrical and irrigation clearances.

Central Valley Regional Water Quality Control Board

20. Prior to the issuance of a Grading, Demolition, or Building Permit, property owner/developer shall be responsible for contacting the California Regional Water Quality Control Board (CRWQCB) to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation including a Storm Water Pollution Prevention Plan (SWPPP), if applicable, to obtain coverage for the project under the State Water Resources Control Board (SWRCB) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, as amended by 2010-0014-DWQ and 2012-0006-DWQ. Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.

*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~~.*

CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, January 1, 2020

1. **Project title:** Use Permit Application No. PLN2021-0080 – Boomers Modesto
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Emily Basnight, Assistant Planner
4. **Project location:** 4215 Bangs Avenue, between Sisk Road and Enterprise Way, in the Community of Salida (APN:135-042-026).
5. **Project sponsor's name and address:** Navid Tayebi, Project Manager for Boomers Modesto
6. **General Plan designation:** Planned Industrial
7. **Zoning:** Planned Development (P-D) (203)
8. **Description of project:**

Request to install a 59-foot tall Ferris wheel and amend the uses permitted in P-D (203), to allow for the sale and service of alcohol for on-site consumption at an existing amusement park on a 6.37± acre parcel in the Planned Development (P-D) (203) zoning district. The existing amusement park was approved by the Board of Supervisors on February 9, 1993 under Rezone No. 92-09 – Camelot Park Family Entertainment Centers, Inc. Development Standards for P-D 203 specify a height limit of 35-feet tall. As part of this request, the applicant proposes to remove and replace the existing Go Kart track attraction from the project site to install the Ferris wheel. The proposed Ferris wheel does not conform to the development standards for the zoning district and, as such, a use permit is required to permit the Ferris wheel as proposed. Additionally, Rezone No. 92-09 did not permit the sale or service of alcohol on-site therefore a Use Permit is required to amend the permitted uses of P-D (203). The project site is currently developed with a 12,069± square-foot family entertainment building consisting of a snack bar, dining area, restrooms and arcade gaming area; a 4.34± acre outdoor area for attractions and rides; and a 1.75± acre parking lot consisting of 183 parking stalls. The existing amusement park has a current license to sell and serve beer and wine from the snack bar to be consumed onsite. Current hours of operation will remain unchanged from Monday-Thursday 12:00 p.m. to 8:00 p.m., Friday 12:00 p.m. to 10:00 p.m., Saturday 10:00 a.m. to 10:00 p.m. and Sunday 10:00 a.m. to 9:00 p.m. The applicant anticipates 25 employees on a maximum shift, and 300 customers per day; no increases to employees or customers are anticipated as a result of this request. No increases to the four daily truck trips are anticipated either. No expansion of the park boundaries is associated with this request. A Staff Approval Application (SAA No. PLN2021-0067 – Boomers Modesto) to permit three additional rides to be developed within the existing park area is being processed separately from this request. The project site has access to County-maintained Bangs Avenue, and is served with public water by the City of Modesto and sewer services by Salida Sanitary District.
9. **Surrounding land uses and setting:** Commercial and industrial uses in all directions; State Route 99 to the east.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** CalTrans
Stanislaus County Department of Public Works
Department of Environmental Resources
11. **Attachments:** None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology / Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

Signature on file
Prepared by _____

December 16, 2021
Date _____

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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

ISSUES

I. AESTHETICS – Except as provided in Public Resources Code Section 21099, could the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

Discussion: The project site is currently developed with a 12,069± square-foot family entertainment building consisting of a snack bar, dining area, restrooms and arcade gaming area; a 4.34± acre outdoor area for attractions and rides; and a 1.75± acre parking lot consisting of 183 parking stalls consistent with the development standards for the P-D zoning district. The applicant proposes to install a 59-foot tall Ferris wheel and amend the uses permitted in P-D (203), to allow for the sale and service of alcohol for on-site consumption. As part of this request, the applicant proposes to remove and replace the existing Kiddy-Go-Kart track attraction from the project site. No expansion of the existing amusement park is proposed. The project site is surrounded by commercial and industrial uses in all directions and State Route 99 to the east.

The project site has spaced wrought iron fencing and landscaping consisting of deciduous trees, shrubs and river rock along the west and southeast property lines of the project site. Mature evergreen and deciduous trees are planted within the attraction area, parking lot, and along the north and east property lines. An existing 7-foot tall cement masonry (CMU) block wall along the east and north property lines screens the amusement park from the commercial development to the east and light industrial operation to the north. No additional landscaping or onsite lighting is proposed as part of this request; however, the Ferris wheel will have manually controlled LED lighting strips along the spokes of the attraction which will be illuminated during the businesses operating hours which are Monday-Thursday 12:00 p.m. to 8:00 p.m., Friday 12:00 p.m. to 10:00 p.m., Saturday 10:00 a.m. to 10:00 p.m. and Sunday 10:00 a.m. to 9:00 p.m. No change in the operating days and hours are proposed as part of this project request.

The only scenic designation in the County is along I-5, which is not near the project site. The site itself is not considered to be a scenic resource or a unique vista. No adverse impacts to the existing visual character of the site or its surroundings are anticipated.

Mitigation: None.

References: Application information; Stanislaus County Zoning Ordinance; the Stanislaus County General Plan; and Support Documentation¹.

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

Discussion: The California Department of Conservation's (DOC) Farmland Mapping and Monitoring Program lists the project site's soil as comprised of Urban and Built-Up Land. The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that the soil consists of: Grade 1 Hanford sandy loam, 0 to 3 percent slopes, Storie Index rating 93; and Grade 1 Oakdale sandy loam, 0 to 3 percent slopes, Storie Index rating 93. While Grade 1 soils are considered Prime Farmland, the DOC lists the soil as Urban and Built-Up Land, and the project site is already developed with existing commercial uses. The project will not convert Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.

The project site has been developed with the current amusement park facility since 1993. No agricultural land surrounds the site. A vacant parcel to the south is adjacent to the project site; however, it is zoned P-D (203) and is not currently in agricultural production. Any development of the parcel to the south would be subject to the permitted uses included in the Development Standards for P-D (203) or would require additional land use entitlements and environmental review. There are no active Williamson Act Contracts in the surrounding vicinity. The nearest parcel in agricultural production is located .25 miles to the east down Bangs Avenue and is zoned Salida Community Plan – Planned Industrial. If approved, the proposed project will not convert farmland to non-agriculture uses as the project site and surrounding area is built-out with light industrial and commercial uses; nor will it conflict with existing zoning or a Williamson Act Contract.

The project site is located within the Modesto Irrigation District (MID) boundaries. A project referral response received from MID indicated an abandoned 30-inch private concrete pipeline and an existing 10-inch PVC pipeline that run north and

south along the eastern property line of the project site. MID will require the existing 10-inch pipeline be upgraded, replaced or relocated as required by the pipeline owner if the pipeline is impacted or otherwise altered by the proposed project. MID recommended the affected landowners discuss potential improvement plans for review and approval if the pipeline is affected. All costs associated with any design, approval, and analysis of relocation shall be at the project owner's expense. MID's comments have been incorporated into the project as conditions of approval.

No forest lands exist in Stanislaus County. Therefore, this project will have no impact to forest land or timberland.

Mitigation: None.

References: Application information; California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2018; USDA – NRCS Web Soil Survey; Referral response from the Modesto Irrigation District, dated September 23, 2021; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan and Support Documentation¹.

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

Discussion: The proposed project is located within the San Joaquin Valley Air Basin (SJVAB) and, therefore, falls under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In conjunction with the Stanislaus Council of Governments (StanCOG), the SJVAPCD is responsible for formulating and implementing air pollution control strategies. The SJVAPCD's most recent air quality plans are the 2007 PM10 (respirable particulate matter) Maintenance Plan, the 2008 PM2.5 (fine particulate matter) Plan, and the 2007 Ozone Plan. These plans establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SJVAB, which has been classified as "extreme non-attainment" for ozone, "attainment" for respirable particulate matter (PM-10), and "non-attainment" for PM 2.5, as defined by the Federal Clean Air Act.

Mobile emission sources are generally regulated by the Air Resources Board of the California Environmental Protection Agency (EPA) which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin. The project will not substantially increase traffic in the area and, thereby, impact air quality. The applicant anticipates 4 daily truck trips for deliveries, 25 employees on a maximum shift, and 300 customers per day; no increases to truck trips, employees or customers are anticipated as a result of this request.

The District's Small Project Analysis Level (SPAL) guidance identifies thresholds of significance for criteria pollutant emissions, which are based on the District's New Source Review (NSR) offset requirements for stationary sources. Using project type and size, the District has pre-qualified emissions and determined a size below which it is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants. In the interest of streamlining CEQA requirements, projects that fit the descriptions and are less than the project sizes provided by the District are deemed to have a less-than significant impact on air quality due to criteria pollutant emissions and as such are excluded from quantifying criteria pollutant emissions for CEQA purposes. The District's threshold of significance for recreational projects similar to the project site under this request, such as city parks, arenas, and clubs which attract local residents as well as people from outside Stanislaus County and are used for entertainment or amusement activities, is identified as less than

1,100 daily one-way trips for all fleet types, and less than 20 one-way trips for heavy duty truck trips per-day. The applicant does not anticipate additional vehicle trips for the proposed project. Vehicle trips will continue to reflect the current 25 employees on a maximum shift, and 300 customers per day for a total of 650 vehicle trips (employees and customers going to and from the project site) per day, and 8 heavy-duty delivery truck trips per day (to and from the project site). As this is well below the District's threshold of significance, no significant impacts to air quality are anticipated.

Construction activities associated with new development can temporarily increase localized PM10, PM2.5, volatile organic compound (VOC), nitrogen oxides (NOX), sulfur oxides (SOX), and carbon monoxide (CO) concentrations a project's vicinity. The primary source of construction-related CO, SOX, VOC, and NOX emission is gasoline and diesel-powered, heavy-duty mobile construction equipment. Primary sources of PM10 and PM2.5 emissions are generally clearing and demolition activities, grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed surfaces. Initial activities for the proposed project would consist primarily of removing the Kiddy-Go-Kart track attraction and installing the Ferris wheel. These activities would not require any substantial use of heavy-duty construction equipment and would require little or no demolition or grading as the project site is presently unimproved and considered to be topographically flat. Consequently, emissions would be minimal. Furthermore, all construction activities would occur in compliance with all SJVAPCD regulations; therefore, construction emissions would be less-than significant without mitigation.

Potential impacts on local and regional air quality are anticipated to be less-than significant, falling below SJVAPCD thresholds, as a result of the nature of the installation of the Ferris wheel and project's operation after construction. Implementation of the proposed project would fall below the SJVAPCD significance thresholds for both short term construction and long-term operational emissions, as discussed above. Because construction and operation of the project would not exceed the SJVAPCD significance thresholds, the proposed project would not increase the frequency or severity of existing air quality standards or the interim emission reductions specified in the air plans.

The project was referred to the Air District as part of the Early Consultation referral process; however, no response was received to date.

For these reasons, the proposed project would be consistent with the applicable air quality plans. Also, the proposed project would not conflict with applicable regional plans or policies adopted by agencies with jurisdiction over the project and would be considered to have a less-than significant impact.

Mitigation: None.

References: Application information; San Joaquin Valley Air Pollution Control District's Small Project Analysis Level (SPAL) guidance, November 13, 2020; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; www.valleyair.org; and the Stanislaus County General Plan and Support Documentation¹.

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Discussion: The project is located within the Salida Quad of the California Natural Diversity Database based on the U.S. Geographical quadrangle map series. According to aerial imagery and application materials, the surrounding area is almost entirely built up with light industrial and commercial uses.

Based on results from the California Natural Diversity Database (CNDDDB), there are four animals and one insect species which are state or federally listed, threatened, or identified as species of special concern or a candidate of special concern within the Salida California Natural Diversity Database Quad. These species include the California tiger salamander, Swainson's hawk, tricolored blackbird, steelhead – Central Valley DPS, and valley elderberry longhorn beetle. There are no reported siting's of any of the aforementioned species on the project site; however, a Swainson's hawk nesting site was observed on July 15, 2002, 2.9± miles east of the project site according to the California Natural Diversity Database. There is a very low likelihood that these species are present on the project site as it has already been developed with the existing amusement park since 1993. While the adjacent parcel to the south is vacant, it has been continually cleared of weeds and plants since the development of the amusement park.

The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans. Impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors are considered to be less-than significant.

An early consultation was referred to the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and no response was received.

Mitigation: None.

References: Application information; California Department of Fish and Wildlife's Natural Diversity Database Quad Species List; California Natural Diversity Database, Planning and Community Development GIS, accessed December 10, 2021; Stanislaus County General Plan and Support Documentation¹.

V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?				X
c) Disturb any human remains, including those interred outside of formal cemeteries?				X

Discussion: It does not appear this project will result in significant impacts to any archaeological or cultural resources. The project site has already been developed with a 12,069± square-foot family entertainment building consisting of a snack bar, dining area, restrooms and arcade gaming area; a 4.34± acre outdoor area for attractions and rides; and a 1.75± acre parking lot consisting of 183 parking stalls. However, conditions of approval will be placed on the project, requiring that construction activities shall be halted if any resources are found, until appropriate agencies are contacted and an archaeological survey is completed.

Mitigation: None.

References: Application information; Stanislaus County General Plan and Support Documentation¹.

VI. ENERGY. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?				X
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				X

Discussion: The CEQA Guidelines Appendix F states that energy consuming equipment and processes, which will be used during construction or operation such as: energy requirements of the project by fuel type and end use, energy conservation equipment and design features, energy supplies that would serve the project, total estimated daily vehicle trips to be generated by the project, and the additional energy consumed per trip by mode, shall be taken into consideration when evaluating energy impacts. Additionally, the project's compliance with applicable state or local energy legislation, policies, and standards must be considered.

All construction activities shall be in compliance with all San Joaquin Valley Air Pollution Control District (SJVAPCD) regulations and with Title 24, Green Building Code, which includes energy efficiency requirements. The applicant proposes to install a 59-foot tall Ferris wheel and remove the Kiddy-Go-Kart track attraction from the project site.

The project was referred to the Air District; however, the District responded with no comments for the proposed project.

The Modesto Irrigation District provided a referral response to the project indicating that electric service may not be adequate for the proposed project development. An email from MID was received which provided clarification that there are electrical clearances that need to be addressed prior to implementation of the project. Prior to any construction a full set of construction plans must be submitted to the MID Electrical Engineering Design Group in order to address the electrical and irrigation clearances. MID's comments have been incorporated into the project as conditions of approval.

It does not appear this project will result in significant impacts to the wasteful, inefficient, or unnecessary consumption of energy resources. A condition of approval will be added to this project to address compliance with Title 24, Green Building Code, for projects that require energy efficiency.

Mitigation: None.

References: Application information; CEQA Guidelines; Title 16 of County Code; CA Building Code; Referral response received from Modesto Irrigation District, dated September 23, 2021; Email from Modesto Irrigation District, dated October 12, 2021; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation¹.

VII. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X

Discussion: The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that the soil consists of Hanford sandy loam and Oakdale sandy loam. As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Public Works Standards and Specifications, which consider the potential for erosion and run-off prior to permit approval. An Early Consultation referral response received from the Department of Public Works indicated that a grading, drainage, and erosion/sediment control plan will be required, subject to Public Works review and Standards and Specifications. Likewise, any addition or expansion of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements. No new septic system, or well is proposed under this project. Public Works' comment will be applied to the project as a condition of approval.

The project was referred to the Stanislaus County Department of Environmental Resources who replied with no comments.

The project proposes to install a 59-foot tall Ferris wheel and remove the Kiddy-Go-Kart track ride from the project site. No expansion of the existing amusement park is proposed. The project site is served with public water by the City of Modesto and sewer services by Salida Sanitary District. No additional water or sewer connects are proposed as part of this request. The project was referred to the City of Modesto and Salida Sanitary District who both responded with no comments on the project.

The project site is not located near an active fault or within a high earthquake zone. Landslides are not likely due to the flat terrain of the area.

DER, Public Works, and the Building Permits Division will review and approve the building and grading permits required for construction of the proposed Ferris wheel to ensure their standards are met. Development standards regarding these standards will be applied to the project and will be triggered when a building permit is requested.

Mitigation: None.

References: Referral response from the Stanislaus County Department of Public Works, dated September 14, 2021, and as revised on October 5, 2021; Referral response from the Department of Environmental Resources (DER), dated October 12, 2021; Email from the City of Modesto, received November 29, 2021; Referral response from Salida Sanitary District, dated September 21, 2021; Stanislaus County General Plan and Support Documentation¹.

VIII. GREENHOUSE GAS EMISSIONS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X

Discussion: The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H₂O). CO₂ is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO₂ equivalents (CO₂e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020. Two additional bills, SB 350 and SB32, were passed in 2015 further amending the states Renewables Portfolio Standard (RPS) for electrical generation and amending the reduction targets to 40% of 1990 levels by 2030.

This project proposes to install a 59-foot tall Ferris wheel and amend the uses permitted in P-D (203), to allow for the sale and service of alcohol for on-site consumption at an existing amusement park, on a 6.37± acre parcel in the Planned Development (P-D) (203) zoning district. As part of this request, the applicant proposes to remove and replace the existing Go Kart track attraction from the project site to install the Ferris wheel. The existing amusement park currently has 25 employees on a maximum shift, and receives 300 customers per day; no increases to employees or customers are anticipated as a result of this request. No increase to the four daily truck trips is anticipated.

Direct emissions of GHGs from the operation of the proposed project are primarily due to passenger vehicle trips. Therefore, the project would result in direct annual emissions of GHGs during operation; however, no additional vehicle or truck trips are proposed as part of this request.

As required by CEQA Guidelines Section 15064.3, potential impacts regarding Green House Gas Emissions should be evaluated using Vehicle Miles Traveled (VMT). Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by case basis for evaluation under CEQA. However, the State of California Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. The CEQA Guidelines identify vehicle miles traveled (VMT), which is the amount and distance of automobile travel attributable to a project, as the most appropriate measure of transportation impacts. According to the same technical advisory from OPR, projects that generate or attract fewer than 110 trips per-day generally may be assumed to cause a less-than significant transportation impact. The existing amusement park currently generates a total of 8 heavy-duty delivery truck trips (4 truck trips to and from the park for deliveries); 50 vehicle trips per day for employees (25 employees traveling to and from the park) and 600 customer vehicle trips per day (300 customers traveling to and from the park), for a total of 8 heavy-duty delivery truck trips

and 650 vehicle trips per day. The project does not propose to generate additional vehicle trips. The VMT increase associated with the proposed project is less-than significant as additional vehicle trips generated by the proposed project will not exceed 110 per-day.

The proposed project will result in short-term emissions of GHGs during construction. These emissions, primarily CO₂, CH₄, and N₂O, are the result of fuel combustion by construction equipment and motor vehicles. The other primary GHGs (HFCs, PFCs, and SF₆) are typically associated with specific industrial sources and are not expected to be emitted by the proposed project. As described above in Section III - Air Quality of this report, the use of heavy-duty construction equipment would be very limited; therefore, the emissions of CO₂ from construction would be less-than significant. Additionally, the construction of the proposed buildings is subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11). All proposed construction activities associated with this project are considered to be less-than significant as they are temporary in nature and are subject to meeting SJVAPCD standards for air quality control.

The analysis of mobile source pollution based on SPAL within Section III – Air Quality of this report would apply in regard to Greenhouse Gas Emissions as well. The District’s Small Project Analysis Level (SPAL) guidance identifies thresholds of significance for criteria pollutant emissions, which are based on the District’s New Source Review (NSR) offset requirements for stationary sources. Using project type and size, the District has pre-qualified emissions and determined a size below which it is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants. In the interest of streamlining CEQA requirements, projects that fit the descriptions and are less than the project sizes provided by the District are deemed to have a less-than significant impact on air quality due to criteria pollutant emissions and as such are excluded from quantifying criteria pollutant emissions for CEQA purposes. The District’s threshold of significance for recreational projects similar to the project site under this request, such as city parks, arenas, and clubs which attract local residents as well as people from outside Stanislaus County and are used for entertainment or amusement activities, is identified as less than 1,100 daily one-way trips for all fleet types, and less than 20 one-way trips for heavy duty truck trips per-day. The project does not propose additional vehicle trips for the proposed project. Vehicle trips will continue to reflect the current 25 employees on a maximum shift, and 300 customers per day for a total of 650 vehicle trips (employees and customers going to and from the project site) per day, and 8 heavy-duty delivery truck trips per day (to and from the project site) per day. As this is well below the District’s threshold of significance, no significant impacts to air quality are anticipated.

This project was referred to the San Joaquin Valley Air Pollution Control District; however, no response has been received to date. Staff will include a condition of approval requiring the applicant to comply with all appropriate District rules and regulations should future construction occur on the project site. Consequently, GHG emissions associated with this project are considered to be less-than significant.

Mitigation: None.

References: California Air Resources Board 2019 Edition, California Greenhouse Gas Emission Inventory: 2000 – 2017; Application information; Governor’s Office of Planning and Research Technical Advisory, December 2018; San Joaquin Valley Air Pollution Control District’s Small Project Analysis Level (SPAL) guidance, California Air Pollution Control Officers Association Quantifying Greenhouse Gas Mitigation Measures (August 2010); CA Building Code; Stanislaus County General Plan and Support Documentation¹.

IX. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?			X	
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

Discussion: The proposed project is a request to install a 59-foot tall Ferris wheel and amend the uses permitted in P-D (203), to allow for the sale and service of alcohol for on-site consumption at an existing amusement park. Additionally, the applicant proposes to remove and replace the existing Kiddy-Go-Kart track attraction from the project site. No expansion of the existing amusement park is proposed. Per the application, the operation will not include or generate any hazardous wastes associated with the project. Additionally, Chapter 6.95 of the California Health and Safety Code requires businesses that use, handle, or store hazardous materials above an identified threshold to submit a Hazardous Materials Business Plan. The applicant is required to use, store, and dispose of any hazardous materials in accordance with all applicable federal, state, and local regulations. The County Department of Environmental Resources (DER) is responsible for overseeing hazardous materials. This project was referred to the Department of Environmental Resources – Hazardous Materials Division who responded with no comments for the project.

The project site is not listed on the EnviroStor database managed by the CA Department of Toxic Substances Control or within the vicinity of any airport. The groundwater is not known to be contaminated in this area. The project site is located in a Local Responsibility Area (LRA) for fire protection and is served by Salida Fire Protection District. The project was referred to the District; however, no response has been received to date. The project does not interfere with the Stanislaus County Local Hazard Mitigation Plan, which identifies risks posed by disasters and identifies ways to minimize damage from those disasters. The project was referred to the Environmental Review Committee (ERC), who responded with no comments.

The project site is not within the vicinity of any airstrip or wildlands.

The proposed use is not recognized as a generator and/or consumer of hazardous materials, therefore no significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project.

Mitigation: None.

References: Application information; Referral response from Stanislaus County Department of Environmental Resources – Hazardous Materials Division, dated September 22, 2021; Referral response from Stanislaus County Environmental Review Committee, dated September 27, 2021; Stanislaus County General Plan and Support Documentation¹.

X. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			X	
(i) result in substantial erosion or siltation on – or off-site;			X	
(ii) substantially increase the rate of amount of surface runoff in a manner which would result in flooding on- or off-site;			X	
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X	
(iv) impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

Discussion: The project site is served with public water by the City of Modesto and sewer services by Salida Sanitary District. The project was referred to both agencies who replied with no comments for the proposed project. No new wells or septic systems are proposed under this request. No additional water or sewer line connections are proposed either. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project site is located in FEMA Flood Zone X, which includes areas determined to be outside the 0.2% annual chance floodplains. All flood zone requirements will be addressed by the Building Permits Division during the building permit process.

By virtue of the proposed demolition of the Kiddy-Go-Kart track, and installation of the Ferris wheel, the current absorption patterns of water upon this property will be altered; however, current standards require that all of a project's storm water be maintained on-site. The applicant proposes to utilize an existing French drain for storm water drainage and straw wattle, soil stabilization, stabilized construction entrance and inlet protection and gravel bags as part of their erosion control during construction. The project design indicates that stormwater runoff generated by the development of this site will be kept on-site. The Department of Public Works referral response requested a Grading, Drainage and Erosion/Sediment Control Plan, to be included in this project's conditions of approval. Public Works' comment will be included as a condition of approval for the project. Accordingly, runoff associated with the project at the proposed project site will be reviewed as part of the grading and building permit review process.

The project was referred to the Central Valley Regional Water Quality Control Board (RWQCB); however, no response has been received to date.

The Sustainable Groundwater Management Act (SGMA) was passed in 2014 with the goal of ensuring the long-term sustainable management of California's groundwater resources. SGMA requires agencies throughout California to meet certain requirements including forming Groundwater Sustainability Agencies (GSA), developing Groundwater Sustainability Plans (GSP), and achieving balanced groundwater levels within 20 years. The site is located in the Stanislaus and

Tuolumne Rivers Groundwater Basin Association GSA which is a part of the Modesto Sub-basin. The Stanislaus and Tuolumne Rivers GSA, is composed of seven agencies within the Modesto Sub-basin who are collaboratively developing one GSP under the Stanislaus and Tuolumne Rivers Groundwater Basin Association GSA. SGMA requires the Modesto Sub-basin to adopt and begin implementation of a GSP by January 31, 2022. Stanislaus County adopted a Groundwater Ordinance in November 2014 (Chapter 9.37 of the County Code, hereinafter, the “Ordinance”) that codifies requirements, prohibitions, and exemptions intended to help promote sustainable groundwater extraction in unincorporated areas of the County. The Ordinance prohibits the unsustainable extraction of groundwater and makes issuing permits for new wells, which are not exempt from this prohibition, discretionary. For unincorporated areas covered in an adopted GSP pursuant to SGMA, the County can require holders of permits for wells it reasonably concludes are withdrawing groundwater unsustainably to provide substantial evidence that continued operation of such wells does not constitute unsustainable extraction and has the authority to regulate future groundwater extraction. As the site is served by the City of Modesto for water, it is exempt from the well permitting program. The project site will be metered and subject to all conservation efforts or ordinances the City maintains for groundwater.

The project was referred to the Stanislaus County Environmental Review Committee and the Department of Environmental Resources, who each responded with no comments for the proposed project.

No additional landscaping is proposed as part of this project.

The project site is located within the Modesto Irrigation District (MID) boundaries. A project referral response received from MID indicated an abandoned 30-inch private concrete pipeline and an existing 10-inch PVC pipeline that run north and south along the eastern property line of the project site. MID will require the existing 10-inch pipeline be upgraded, replaced or relocated as required by the pipeline owner if the pipeline is impacted or otherwise altered by the proposed project. MID recommended the affected landowners discuss potential improvement plans for review and approval if the pipeline is affected. All costs associated with any design, approval, and analysis of relocation shall be at the project owner’s expense. MID’s comments have been incorporated into the project as conditions of approval.

As a result of the conditions of approval required for this project, impacts associated with drainage, water quality, and runoff are expected to have a less-than significant impact.

Mitigation: None.

References: Application information; Email from the City of Modesto, received November 29, 2021; Referral response from Salida Sanitary District, dated September 21, 2021; Referral response from the Stanislaus County Department of Public Works, dated September 14, 2021, and as revised on October 5, 2021; Stanislaus and Tuolumne Rivers Groundwater Basin Association GSA; Referral response from Stanislaus County Environmental Review Committee, dated September 27, 2021; Referral response from Stanislaus County Department of Environmental Resources, dated October 12, 2021; Referral response the Modesto Irrigation District, dated September 23, 2021; from Stanislaus County General Plan and Support Documentation¹.

XI. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?			X	
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

Discussion: The project site is located in the Community of Salida and is designated Planned Industrial by the Salida Community Plan, and is designated Planned Industrial by the Stanislaus County General Plan land use diagrams. The project site is zoned Planned Development (P-D) (203). The applicant is requesting to install a 59-foot tall Ferris wheel and amend the uses permitted in P-D (203), to allow for the sale and service of alcohol for on-site consumption at an existing amusement park on a 6.37± acre parcel, Assessor’s Parcel Number 135-042-026. Additionally, as part of this request, the

applicant proposes to remove and replace the existing Kiddy-Go-Kart track attraction from the project site to install the Ferris wheel.

The existing 6.37± acre amusement park was approved by the Board of Supervisors on February 9, 1993 under Rezone No. 92-09 – Camelot Park Family Entertainment Centers, Inc. Development Standards for P-D 203 specify a height limit of 35-feet tall. The proposed Ferris wheel does not conform to the development standards for the zoning district and, as such, a use permit is required to permit the Ferris wheel as proposed. Rezone No. 92-09 also did not permit the sale or service of alcohol on-site, therefore a Use Permit is required to amend the permitted uses of P-D (203) to allow the sale and service of alcohol to be consumed onsite. No expansion of the park boundaries is associated with this request; the Ferris wheel will be installed within the existing park boundaries. The existing amusement park has a current license to sell and serve beer and wine from the snack bar within the onsite arcade. The onsite sale and service of alcohol is consistent with the approved uses under Rezone No. 92-09 – Camelot Park Family Entertainment Centers, Inc. as the request for the alcohol license is considered accessory to the permitted snack bar and dining area within the arcade. All Development Standards applied to Rezone No. 92-09 – Camelot Park Family Entertainment Centers, Inc. will remain in effect on the current project.

The site is currently served with public water by the City of Modesto, and sewer by the Salida Sanitary District. The project was referred to both agencies who each responded with no comments. The project site has access to County-maintained Bangs Avenue. No agricultural land surrounds the site. A vacant parcel to the south is adjacent to the project site; however, it is zoned P-D (203) and is not currently in agricultural production. Any development of the parcel to the south would be subject to the permitted uses included in the Development Standards for P-D (203) or would require additional land use entitlements and environmental review. The nearest parcel in agricultural production is located .25 miles to the east down Bangs Avenue and is zoned Salida Community Plan – Planned Industrial. There are no active Williamson Act Contracts in the surrounding vicinity. If approved, the proposed project will not convert farmland to non-agriculture uses as the project site and surrounding area is built-out with light industrial and commercial uses and is located adjacent to State Route 99 to the east.

The project site is located .27 miles from City of Modesto city limits, but is not located within Modesto’s Sphere of Influence. The Stanislaus County General Plan Land Use Element Policy 27 requires all discretionary projects outside the sphere of influence of a city but located within one mile of the city’s adopted sphere of influence be referred to the city and to apply city development standards to the extent such standards are appropriate for the type of development. Consequently, the project was referred to the City of Modesto, who responded with no comments for the project.

The project was presented to the Salida Municipal Advisory Council (MAC) on September 28, 2021 as an Early Consultation referral. The MAC made a motion finding no problem with the project as proposed; however, the Early Consultation referral did not include the applicant’s request to amend the uses permitted in P-D (203) to allow for the sale and service of alcohol for on-site consumption. Therefore, the project will be recirculated to the Salida MAC during the 30-Day Referral for the Initial Study.

The project will not physically divide an established community nor conflict with any habitat conservation plans. Impacts to Land Use and Planning is considered to be less-than significant.

Mitigation: None.

References: Application information; Development Schedule, Rezone No. 92-09 – Camelot Park Family Entertainment Centers, Inc. as amended by the Board of Supervisors on February 9, 1993; Email from the City of Modesto, dated November 29, 2021; Referral response from Salida Sanitary District, dated September 21, 2021; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan and Support Documentation¹.

XII. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X	
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Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site, nor is the project site located in a geological area known to produce resources.

Mitigation: None.

References: Application information; Stanislaus County General Plan and Support Documentation¹.

XIII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	

Discussion: The Stanislaus County General Plan identifies noise levels up to 65 dB Ldn (or CNEL) as the normally acceptable level of noise for office buildings, business commercial and professional uses. The normally acceptable level of noise for residential uses is 55 dB Ldn (or CNEL). The nearest residence is located approximately 434-feet west of the project site; however, the property developed with the residence is located across State Route 99 and is zoned General Commercial (C-2). The proposed project is required to comply with the noise standards included in the General Plan and Noise Control Ordinance. On-site grading and construction resulting from this project may result in a temporary increase in the area’s ambient noise levels; however, noise impacts associated with on-site activities and traffic are not anticipated to exceed the normally acceptable level of noise.

The site itself is impacted by the noise generated from State Route 99 and the Blue Diamond Growers almond processing facility to the north. The amusement park operates from Monday-Thursday 12:00 p.m. to 8:00 p.m., Friday 12:00 p.m. to 10:00 p.m., Saturday 10:00 a.m. to 10:00 p.m. and Sunday 10:00 a.m. to 9:00 p.m. Approval of this request is not expected to increase the existing noise levels associated with the business. No expansion to the maximum number of employees on-site or daily truck trips is proposed.

Conditions of approval will be placed on the project to ensure compliance with the General Plan’s Noise Element and Chapter 10.46 of the County Code – Noise Control.

The site is not located within an airport land use plan. Noise impacts associated with the proposed project are considered to be less-than significant.

Mitigation: None.

References: Application information; Stanislaus County Noise Control Ordinance (Title 10); Stanislaus County General Plan, Chapter IV – Noise Element, and Support Documentation¹.

XIV. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?			X	

Discussion: The site is not included in the vacant sites inventory for the 2016 Stanislaus County Housing Element, which covers the 5th cycle Regional Housing Needs Allocation (RHNA) for the county and will therefore not impact the County's ability to meet their RHNA. No population growth will be induced nor will any existing housing be displaced as a result of this project.

Mitigation: None.

References: Application information; Stanislaus County General Plan and Support Documentation¹.

XV. PUBLIC SERVICES --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in the substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	

Discussion: The County has adopted Public Facilities Fees, as well as Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. All adopted public facility fees will be required to be paid at the time of building permit issuance.

The project was referred to the appropriate public service agencies, as well as the Stanislaus County Environmental Review Committee (ERC). The ERC provided a comment letter; however, no comments were received related to public facilities or services.

The project site is served with public water by the City of Modesto and sewer services by Salida Sanitary District. The project was referred to both agencies who each responded with no comment.

The project was also referred to the Salida Fire Protection District; however, no response has been received to date.

The project site is located within the Modesto Irrigation District (MID) boundaries and receives electrical services from MID. A project referral response received from MID indicated that electric service may not be adequate for the proposed project development. An email from MID was received which provided clarification that there are electrical clearances that need to

be addressed prior to implementation of the project. Prior to any construction a full set of construction plans must be submitted to the MID Electrical Engineering Design Group in order to address the electrical and irrigation clearances. Additionally, an abandoned 30-inch private concrete pipeline and an existing 10-inch PVC pipeline that run north and south along the eastern property line of the project site. MID will require the existing 10-inch pipeline be upgraded, replaced or relocated as required by the pipeline owner if the pipeline is impacted or otherwise altered by the proposed project. MID recommended the affected landowners discuss potential improvement plans for review and approval if the pipeline is affected. All costs associated with any design, approval, and analysis of relocation shall be at the project owner's expense. MID's comments have been incorporated into the project as conditions of approval.

Mitigation: None.

References: Application information; Referral response from the Stanislaus County Environmental Review Committee, dated September 27, 2021; Referral response from the Salida Sanitary District, dated September 21, 2021; Email from the City of Modesto, dated November 29, 2021; Referral response from the Modesto Irrigation District, dated September 23, 2021; Email from the Modesto Irrigation District, dated October 12, 2021; Stanislaus County General Plan and Support Documentation¹.

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

Discussion: This project will not increase demands for recreational facilities, as such impacts typically are associated with residential development.

Mitigation: None.

References: Application information; Stanislaus County General Plan and Support Documentation¹.

XVII. TRANSPORTATION-- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?			X	

Discussion: The project proposes to install a 59-foot tall Ferris wheel and amend the uses permitted in P-D (203), to allow for the sale and service of alcohol for on-site consumption at an existing amusement park on a 6.37± acre parcel in the Planned Development (P-D) (203) zoning district. Current hours of operation will remain unchanged from Monday-Thursday 12:00 p.m. to 8:00 p.m., Friday 12:00 p.m. to 10:00 p.m., Saturday 10:00 a.m. to 10:00 p.m. and Sunday 10:00 a.m. to 9:00 p.m. The applicant anticipates 25 employees on a maximum shift, and 300 customers per day; no increases

to employees or customers are anticipated as a result of this request. No increases to the four daily truck trips are anticipated either. No expansion of the park boundaries is associated with this request.

As required by CEQA Guidelines Section 15064.3, potential impacts to transportation should be evaluated using Vehicle Miles Traveled (VMT). Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by case basis for evaluation under CEQA. However, the State of California - Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. The CEQA Guidelines identify vehicle miles traveled (VMT), which is the amount and distance of automobile travel attributable to a project, as the most appropriate measure of transportation impacts. According to the same technical advisory from OPR, projects that generate or attract fewer than 110 trips per-day generally may be assumed to cause a less-than significant transportation impact. The existing amusement park currently generates a total of 8 heavy-duty delivery truck trips (4 truck trips to and from the park for deliveries); 50 vehicle trips per day for employees (25 employees traveling to and from the park) and 600 customer vehicle trips per day (300 customers traveling to and from the park), for a total of 8 heavy-duty delivery truck trips and 650 vehicle trips per day. The project does not propose to generate additional vehicle trips. The VMT increase associated with the proposed project is less-than significant as additional vehicle trips generated by the proposed project will not exceed 110 per-day.

Level of service (LOS) is a standard measure of traffic service along a roadway or at an intersection for vehicles. It ranges from A to F, with LOS A being best and LOS F being worst. As a matter of policy, Stanislaus County strives to maintain LOS D or better for motorized vehicles on all roadway segments and a LOS of C or better for motorized vehicles at all roadway intersections. When measuring levels of service, Stanislaus County uses the criteria established in the Highway Capacity Manual published and updated by the Transportation Research Board. The project site has access to Bangs Avenue, a County-maintained road identified as a two-lane 80-foot wide Major Collector Road. The LOS threshold for a Local Road to operate at a LOS C is 3,400 vehicles per-lane, per-day, respectively. It is not anticipated that the project would substantially affect the level of service (LOS) on Bangs Avenue. A referral response was received from the Department of Public Works requiring a grading and drainage plan, and that no parking, loading, or unloading of vehicles be permitted within the Stanislaus County right-of-way. Public Works' comments will be added to the project as conditions of approval. Additionally, all development onsite will be required to pay applicable County PFF fees, which will be utilized for maintenance and traffic congestion improvements to all County roadways.

This project was referred to the City of Modesto and the California Department of Transportation (Caltrans). No response was received from Caltrans and the City of Modesto responded with no comment.

The proposed project is not anticipated to conflict with any transportation program, plan, ordinance or policy.

Mitigation: None.

References: Application information; Governor's Office of Planning and Research Technical Advisory, December 2018; Referral response from the Stanislaus County Public Works Department, dated September 14, 2021 and as revised on October 5, 2021; Email from the City of Modesto, dated November 29, 2021; Stanislaus County General Plan, Chapter II – Circulation Element, and Support Documentation¹.

XVIII. TRIBAL CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California native American tribe, and that is:			X	
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X	

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set for the in subdivision (c) of Public Resource Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X	
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Discussion: It does not appear that this project will result in significant impacts to any archaeological or cultural resources. The project site consists of a 12,069± square-foot family entertainment building consisting of a snack bar, dining area, restrooms and arcade gaming area; a 4.34± acre outdoor area for attractions and rides; and a 1.75± acre parking lot consisting of 183 parking stalls. In accordance with SB 18 and AB 52, this project was not referred to the tribes listed with the Native American Heritage Commission (NAHC) as the project is not a General Plan Amendment and no tribes have requested consultation or project referral noticing. A condition of approval regarding the discovery of cultural resources during the construction process will be added to the project.

Mitigation: None.

References: Application information; Stanislaus County General Plan and Support Documentation¹.

XIX. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

Discussion: Limitations on providing services have not been identified. The site is served by the City of Modesto for water and Salida Sanitary District for sewer. The project was referred to the City of Modesto and Salida Sanitary District and both agencies each replied with no comments. Storm water run-off will be handled by an existing French Drain System.

The project was referred to the Department of Public Works and development standards addressing their comments, including submission and approval of a grading and drainage plan, will be applied to the project. The Department of Public Works will review and approve grading and drainage plans prior to construction.

The project site is located within the Modesto Irrigation District (MID) boundaries and is served by MID for electrical services. The proposed Ferris wheel will utilize electricity for the operation of the ride. A project referral response received from MID indicated an abandoned 30-inch private concrete pipeline and an existing 10-inch PVC pipeline that run north and south

along the eastern property line of the project site. MID will require the existing 10-inch pipeline be upgraded, replaced or relocated as required by the pipeline owner if the pipeline is impacted or otherwise altered by the proposed project. MID recommended the affected landowners discuss potential improvement plans for review and approval if the pipeline is affected. All costs associated with any design, approval, and analysis of relocation shall be at the project owner's expense. MID's comments have been incorporated into the project as conditions of approval.

Impacts to utilities and service systems associated with this project request are considered to be less than significant.

Mitigation: None.

References: Application information; Email from City of Modesto, dated November 29, 2021; Referral response from Salida Sanitary District, dated September 21, 2021; Referral response from Stanislaus County Public Works Department, dated September 14, 2021 and as revised on October 5, 2021; Referral response from the Modesto Irrigation District, dated September 23, 2021; Stanislaus County General Plan and Support Documentation¹.

XX. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
c) Require the installation of maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

Discussion: The Stanislaus County Local Hazard Mitigation Plan identifies risks posed by disasters and identifies ways to minimize damage from those disasters. With the Wildfire Hazard Mitigation Activities of this plan in place, impacts to an adopted emergency response plan or emergency evacuation plan are anticipated to be less than significant. The terrain of the site is relatively flat, and the site has access to a County-maintained road. The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Salida Fire Protection District. The project was referred to the District; however, no response has been received to date.

California Building and Fire Code establishes minimum standards for the protection of life and property by increasing the ability of a building to resist intrusion of flame and burning embers. Building permits required as a result of the proposed project will be reviewed by the County's Building Permits Division and Fire Prevention Bureau to ensure all State of California Building and Fire Code requirements are met prior to construction. All applicable fire fees will be required to be paid with issuance of the building permit for this project request.

Wildfire risk and risks associated with postfire land changes are considered to be less than significant.

Mitigation: None.

References: Application information; California Fire Code Title 24, Part 9; California Building Code Title 24, Part 2, Chapter 7; Stanislaus County Local Hazard Mitigation Plan; Stanislaus County General Plan and Support Documentation¹.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

Discussion: The 6.37± acre project site is located in the Community of Salida and is designated Planned Industrial by the Salida Community Plan, and designated Planned Industrial by the Stanislaus County General Plan land use diagrams. The project site is zoned Planned Development (P-D) (203). The site is surrounded by existing development and the footprint of the already developed project site will not be expanded by this project request.

No agricultural land surrounds the site. A vacant parcel to the south is adjacent to the project site; however, it is zoned P-D (203) and is not currently in agricultural production. Any development of the parcel to the south would be subject to the permitted uses included in the Development Standards for P-D (203) or would require additional land use entitlements and environmental review. There are no active Williamson Act Contracts in the surrounding vicinity. The nearest parcel in agricultural production is located .25 miles to the east down Bangs Avenue and is zoned Salida Community Plan – Planned Industrial. If approved, the proposed project will not convert farmland to non-agriculture uses as the project site and surrounding area is built-out with light industrial and commercial uses; nor will it conflict with existing zoning or a Williamson Act Contract.

The project site is located .27 miles from City of Modesto city limits, but is not located within Modesto’s Sphere of Influence. The Stanislaus County General Plan Land Use Element Policy 27 requires all discretionary projects outside the sphere of influence of a city but located within one mile of the city’s adopted sphere of influence be referred to the city and to apply city development standards to the extent such standards are appropriate for the type of development. Consequently, the project was referred to the City of Modesto, who responded with no comments for the project.

Any development of the surrounding parcels would be subject to the permitted uses of the applicable Planned Development zoning districts as well as uses permitted by the Industrial (M) zoning district, or would require additional land use entitlements and review.

Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area.

Mitigation: None.

References: Initial Study; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan and Support Documentation¹.

¹Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. **Housing Element** adopted on April 5, 2016.

NEGATIVE DECLARATION

NAME OF PROJECT: Use Permit Application No. PLN2021-0080 – Boomers Modesto

LOCATION OF PROJECT: 4215 Bangs Avenue, between Sisk Road and Enterprise Way, in the Community of Salida

PROJECT DEVELOPERS: Navid Tayebi, Boomers Modesto, 3405 Michelson Drive, Irvine, CA 92612

DESCRIPTION OF PROJECT: Request to amend the development standards for Planned Development (P-D) (203) to allow for the installation of a 59-foot-tall Ferris wheel and to allow for the on-site sale and service of alcohol at an existing amusement park. The site is located at 4215 Bangs Avenue, between Sisk Road and Enterprise Way, in the Community of Salida. APN: 135-042-026.

Based upon the Initial Study, dated **December 16, 2021**, the Environmental Coordinator finds as follows:

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

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

Initial Study prepared by: Emily Basnight, Assistant Planner

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

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: USE PERMIT APPLICATION NO. PLN2021-0080 - BOOMERS MODESTO

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 FISH & WILDLIFE	X	X	X		X							
CA OPR STATE CLEARING HOUSE	X	X	X		X							
STATE OF CA SWRBC - DIV OF DRINKING WATER DIST: 10	X	X	X		X							
CA RWQCB CENTRAL VALLEY REGION	X	X	X		X							
COOPERATIVE EXTENSION	X	X	X		X							
DER GROUNDWATER RESOURCES DIVISION	X	X	X		X							
FIRE PROTECTION DIST: SALIDA	X	X	X		X							
GSA: STANISLAUS AND TUOLUMNE RIVERS	X	X	X		X							
IRRIGATION DISTRICT: MODESTO	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL					X							
MUNICIPAL ADVISORY COUNCIL: WOOD COLONY	X	X	X	X				X		X	X	
PACIFIC GAS & ELECTRIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X		X							
SCHOOL DISTRICT 1: HART-RANSOM UNION	X	X	X		X							
SCHOOL DISTRICT 2: MODESTO UNION	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X	X				X		X		X
STAN CO ANIMAL SERVICES	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X	X		X							
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X	X				X		X		X
STAN CO ERC	X	X	X	X				X		X		X
STAN CO FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X	X	X				X		X		X
STAN CO PUBLIC WORKS	X	X	X	X				X		X	X	
STAN CO SHERIFF	X	X	X		X							
STAN CO SUPERVISOR DIST 3: WITHROW	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X		X							
TELEPHONE COMPANY: AT&T	X	X	X		X							
SFPUC: HETCH HETCHY	X	X	X		X							
SURROUNDING LAND OWNERS		X	X		X							