



**STANISLAUS LAFCO  
LOCAL AGENCY FORMATION COMMISSION**

**Sara Lytle-Pinhey, Executive Officer**  
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**Chair Jim DeMartini**, County Member  
**Vice Chair Bill Berryhill**, Public Member  
Terry Withrow, County Member  
Amy Bublak, City Member  
Michael Van Winkle, City Member  
Richard O'Brien, Alternate City Member  
Brad Hawn, Alternate Public Member  
Vito Chiesa, Alternate County Member

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**AGENDA  
Wednesday, October 28, 2020  
6:00 P.M.  
Joint Chambers—Basement Level  
1010 10<sup>th</sup> Street, Modesto, California 95354**

**MEMBERS OF THE PUBLIC MAY OBSERVE THE MEETING AND ADDRESS  
THE COMMISSION AS DESCRIBED BELOW.**

- This meeting will be open to the public. Effective August 26, 2020, pursuant to the order issued by Governor Newsom and consistent with guidance issued by the California Department of Public Health, social distancing and face coverings are required for in person attendance at the meeting. The chamber's audience seating capacity will be limited to approximately thirty (30) persons.
- You can also observe the live stream of the LAFCO meeting at:  
<http://www.stancounty.com/sclive/>
- In addition, LAFCO meetings are broadcast live on local cable television. A list of cable channels is available at the following website:  
<http://www.stancounty.com/planning/broadcasting.shtm>
- If you wish to provide a written comment, please submit your comment (include Agenda Item Number in the subject line), to the Clerk at [lafco@stancounty.com](mailto:lafco@stancounty.com). Public comments will be accepted by email until the close of the public comment period for the specific item. You do not have to wait until the meeting begins to submit a comment. All comments will be shared with the Commissioners and placed in the record.

**1. CALL TO ORDER**

- A. Pledge of Allegiance to the Flag.
- B. Introduction of Commissioners and Staff.

**2. PUBLIC COMMENT PERIOD**

This is the period in which persons may comment on items that are not listed on the regular agenda. No action will be taken by the Commission as a result of any item presented during the public comment period.

**3. APPROVAL OF MINUTES**

A. Minutes of the August 26, 2020 Meeting.

**4. CORRESPONDENCE**

No correspondence addressed to the Commission, individual Commissioners or staff will be accepted and/or considered unless it has been signed by the author, or sufficiently identifies the person or persons responsible for its creation and submittal.

A. Specific Correspondence.

B. Informational Correspondence.

C. "In the News."

**5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS**

**6. CONSENT ITEMS**

A. **YEAR-END FINANCIAL REPORT FOR FISCAL YEAR 2019-2020**  
(Staff Recommendation: Accept and file the report.)

B. **PROPOSED LAFCO MEETING CALENDAR FOR 2021**  
(Staff Recommendation: Accept the 2021 Meeting Calendar.)

**7. PUBLIC HEARING**

A. **OUT-OF-BOUNDARY SERVICE APPLICATION NO. 12: BEST RV CENTER (KEYES COMMUNITY SERVICES DISTRICT – WATER)**: The Commission will consider approval of an out-of-boundary service extension to provide water to the Best RV Center for its sales office and service facility. (Staff Recommendation: Adopt Resolution No. 2020-09, approving the application.)

**8. OTHER BUSINESS**

None.

**9. COMMISSIONER COMMENTS**

Commission Members may provide comments regarding LAFCO matters.

**10. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON**

The Commission Chair may announce additional matters regarding LAFCO matters.

**11. EXECUTIVE OFFICER'S REPORT**

The Commission will receive a verbal report from the Executive Officer regarding current staff activities.

A. On the Horizon.

**12. ADJOURNMENT**

- A. Set the next meeting date of the Commission for December 2, 2020.
- B. Adjournment.

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**LAFCO Disclosure Requirements**

**Disclosure of Campaign Contributions:** If you wish to participate in a LAFCO proceeding, you are prohibited from making a campaign contribution of more than \$250 to any commissioner or alternate. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until three months after a final decision is rendered by LAFCO. No commissioner or alternate may solicit or accept a campaign contribution of more than \$250 from you or your agent during this period if the commissioner or alternate knows, or has reason to know, that you will participate in the proceedings. If you or your agent have made a contribution of more than \$250 to any commissioner or alternate during the twelve (12) months preceding the decision, that commissioner or alternate must disqualify himself or herself from the decision. However, disqualification is not required if the commissioner or alternate returns the campaign contribution within thirty (30) days of learning both about the contribution and the fact that you are a participant in the proceedings.

**Lobbying Disclosure:** Any person or group lobbying the Commission or the Executive Officer in regard to an application before LAFCO must file a declaration prior to the hearing on the LAFCO application or at the time of the hearing if that is the initial contact. Any lobbyist speaking at the LAFCO hearing must so identify themselves as lobbyists and identify on the record the name of the person or entity making payment to them.

**Disclosure of Political Expenditures and Contributions Regarding LAFCO Proceedings:** If the proponents or opponents of a LAFCO proposal spend \$1,000 with respect to that proposal, they must report their contributions of \$100 or more and all of their expenditures under the rules of the Political Reform Act for local initiative measures to the LAFCO Office.

**LAFCO Action in Court:** All persons are invited to testify and submit written comments to the Commission. If you challenge a LAFCO action in court, you may be limited to issues raised at the public hearing or submitted as written comments prior to the close of the public hearing. All written materials received by staff 24 hours before the hearing will be distributed to the Commission.

**Reasonable Accommodations:** In compliance with the Americans with Disabilities Act, hearing devices are available for public use. If hearing devices are needed, please contact the LAFCO Clerk at 525-7660. Notification 24 hours prior to the meeting will enable the Clerk to make arrangements.

**Alternative Formats:** If requested, the agenda will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC 12132) and the Federal rules and regulations adopted in implementation thereof.

**Notice Regarding Non-English Speakers:** Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedure Section 185 which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the Local Agency Formation Commission shall be in English and anyone wishing to address the Commission is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

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# STANISLAUS LOCAL AGENCY FORMATION COMMISSION

## MINUTES

August 26, 2020

### 1. CALL TO ORDER

Chair DeMartini called the meeting to order at 6:01 p.m.

- A. Pledge of Allegiance to Flag. Chair DeMartini led in the pledge of allegiance to the flag.
- B. Introduction of Commissioners and Staff. Chair DeMartini led in the introduction of the Commissioners and Staff.

Commissioners Present: Jim DeMartini, Chair, County Member  
Bill Berryhill, Vice-Chair, Public Member  
Terry Withrow, County Member  
Michael Van Winkle, City Member  
Richard O'Brien, Alternate City Member  
Brad Hawn, Alternate Public Member

Staff Present: Sara Lytle-Pinhey, Executive Officer  
Javier Camarena, Assistant Executive Officer  
Jennifer Vieira, Commission Clerk  
Alice Mimms, LAFCO Counsel

Commissioners Absent: Amy Bublak, City Member  
Vito Chiesa, Alternate County Member

### 2. PUBLIC COMMENT

None.

### 3. APPROVAL OF MINUTES

- A. Minutes of the June 24, 2020 Meeting.

Motion by Commissioner Berryhill, seconded by Commissioner Van Winkle and carried with a 5-0 vote to approve the Minutes of the June 24, 2020 meeting by the following:

Ayes: Commissioners: Berryhill, DeMartini, O'Brien, Van Winkle and Withrow  
Noes: Commissioners: None  
Ineligible: Commissioners: Hawn  
Absent: Commissioners: Bublak and Chiesa  
Abstention: Commissioners: None

#### 4. CORRESPONDENCE

A. Specific Correspondence.

None.

B. Informational Correspondence.

1. CALAFCO Quarterly – June 2020.

2. Letter from Pamela Miller of CALAFCO dated August 11, 2020, regarding cancellation of the 2020 CALAFCO Conference.

A. “In the News.”

#### 5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

None.

#### 6. CONSENT ITEMS

A. **MUNICIPAL SERVICE REVIEW NO. 2020-01 AND SPHERE OF INFLUENCE UPDATE NO. 2020-01 – DEL PUERTO HEALTHCARE DISTRICT, WESTSIDE COMMUNITY HEALTHCARE DISTRICT AND OAK VALLEY HOSPITAL DISTRICT:** The Commission will consider the adoption of a Municipal Service Review (MSR) and Sphere of Influence (SOI) Update for the Del Puerto and Westside Community Healthcare Districts and Oak Valley Hospital District. This item is exempt from the California Environmental Quality Act (CEQA) review pursuant to sections 15306 and 15061(b)(3). (Staff Recommendation: Approve the update and adopt Resolution No. 2020-04.)

Chair DeMartini pulled the item from consent for comment. Chair DeMartini stated that LAFCO should think about combining the Del Puerto Healthcare District and Westside Community Healthcare District during the next MSR.

Motion by Commissioner O'Brien, seconded by Commissioner Berryhill and carried with a 5-0 vote to adopt Resolution No. 2020-04, by the following vote:

Ayes:	Commissioners: Berryhill, DeMartini, O'Brien, Van Winkle and Withrow
Noes:	Commissioners: None
Ineligible:	Commissioners: Hawn
Absent:	Commissioners: Bublak and Chiesa
Abstention:	Commissioners: None

#### 7. OTHER BUSINESS

A. Designation of Voting Delegate and Alternate for the Annual CALAFCO Business Meeting. (Staff Recommendation: Designate a voting delegate and alternate.)

The Commission directed the Executive Officer and Assistant Executive Officer to be the voting delegates.

**9. COMMISSIONER COMMENTS**

None.

**10. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON**

Commissioner DeMartini stated that the LAFCO response letter to the City of Modesto was well written especially in such a short time and that he was disappointed that the CLAAFCO Annual Conference was cancelled.

**11. EXECUTIVE OFFICER'S REPORT**

A. On the Horizon. The Executive Officer informed the Commission of the following:

- The election for the Northwest Newman Annexation was held yesterday by mail in ballot. Staff is waiting for the results. The Executive Officer will advise the Commission of the outcome.
- Staff is anticipating an application for a CSA in Salida soon.
- Staff is recommending canceling the September meeting as there are no public hearings scheduled.

**12. CLOSED SESSION – EXECUTIVE OFFICER ANNUAL EVALUATION**

Pursuant to Government Code Section 54957, a closed session will be held to consider the following item: Public Employee Performance Evaluation – Title: LAFCO Executive Officer

Alice Mimms, Legal Counsel, announced the closed session and provided an opportunity for the public to comment. There were no comments. Counsel Mimms stated there was no reportable action planned.

**13. ADJOURNMENT**

A. Chair DeMartini adjourned the meeting at 6:16 p.m.

**NOT YET APPROVED**

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Sara Lytle-Pinhey, Executive Officer

**CORRESPONDENCE – IN THE NEWS**

**Newspaper Articles**

- West Side Index, August 27, 2020, “West Side Ambulance phasing in SN unit.”
- Ceres Courier, Sept 2, 2020, “Council holds off on exploring contract with Modesto Fire.”
- West Side Index, September 3, 2020, “Measure R. NW Neman annexation rejected by voters.”
- West Side Index, October 1, 2020, “Newman may pursue smaller annexation.”
- West Side Index, October 15, 2020, “Final EIR released on Del Puerto Canyon Reservoir project.”
- Modesto bee, October 15, 2020, “MID candidates spar over selling water beyond district boundaries in a dry year.”
- Modesto Bee, October 19, 2020, “New reservoir in Stanislaus County could move forward with approval of final study.”
- Modesto Bee, October 21, 2020, “Massive west side dam approved as new Diablo Grande owner plans thousands of homes.”

# West Side Ambulance phasing in SN unit

West Side Community Ambulance has started staffing a third unit in order to resume primary coverage of the Santa Nella area.

Michael Courtney, director of ambulance operations, said that West Side has been posting a 12-hour car in Santa Nella on Fridays and Saturdays since early July as staffing is available.

The Santa Nella area - and Highway 152 up to Dinosaur Point - is technically the service area of West Side Community Ambulance but Riggs Ambulance has been providing coverage in that area as well, Courtney explained.

"It is basically (response by) the closest unit," said Courtney, who estimated that Riggs and West Side had been running an equal amount of calls into that territory.

Whether West Side adds days of Santa Nella coverage depends on both staffing availability and the call volume, he added.

"We need to look at the numbers and make sure that it is financially feasible to keep moving forward. It will be a phased-in process," he said.

West Side has been able to put the third car in service each Friday but not every Saturday due to staffing, Courtney told Mattos Newspapers. Those days were chosen because they generate the highest call volume in the area.

The district, which staffs two 24-hour units, is in the process of recruiting additional personnel with the goal of staffing the third, part-time car on a daily basis.

Having the third unit is a benefit to the remainder of the West Side Community Healthcare District's service area, Courtney noted, as that ambulance moves into place to cover the Gustine-Newman area if the two other cars are out on calls.

## Budget

The West Side Healthcare District Board of Directors at its July 28 meeting approved an operational budget for the 2020-21 fiscal year.

The budget underscores how much the district writes off each year for contractual adjustments - and its reliance on tax revenues to close the operating gap.

Ambulance revenue is estimated at \$7 million, according to the budget, but \$5.5 million is written off in contractual allowances and adjustments. That leaves a net ambulance revenue of \$1.4 million against operating expenses of \$2.2 million.

That gap is largely offset by an anticipated \$661,000 in tax revenues (from property tax allocations and the Measure A assessment).

When other miscellaneous income is factored in, the budget projects a net operating loss of just over \$37,000 for the year.

Courtney said the goal will be to erase that deficit to at least break even on the year.

"It is definitely tight," he said of the budget. "We have to get really lean and watch our dollars. That is why we are phasing in the Santa Nella car."

**IN THE NEWS – West Side Index, August 27, 2020 (Continued Page 2)**

Payroll - at \$1.17 million - represents the largest expenditure for the ambulance service.

In order to control costs, Courtney said, the district will avoid staffing a unit with two paramedics whenever possible and try to keep overtime to a minimum.

The personnel cost of staffing a unit with a paramedic and EMT is lower than that of having two paramedics staff a car.

IN THE NEWS – The Ceres Courier, September 2, 2020

## Council holds off on exploring contract with Modesto Fire

By Jeff Benziger

A pitch to have the city of Ceres engage in contracting out fire service to the city of Modesto was rejected – for now – by the Ceres City Council last week.

Fire Chief Kevin Wise said the city could realize a savings of \$500,000 in the first year alone because of economies of scale and see increased service.

Fire regionalization is different from the resource sharing agreement the city entered in 2014. That agreement has Ceres helping neighboring fire agencies with Ceres benefitting from agencies helping it. Mutual aid has been going on for years but the resource sharing has fire departments being automatically dispatched.

Wise said if Ceres contracted for service, any budget cuts experienced by Modesto would not affect Ceres staffing.

He said budget constraints are forcing some agencies to think “outside the box” about eliminating overhead of administration and other expenses.

Wise gave the example of Alameda, Contra Costa, Sacramento Metro, Orange County fire departments where regionalization has taken place. He said the 1993 model in Alameda had five cities and two national laboratory fire agencies come together “is a very successful model.”

Modesto Fire, with its 165 personnel and \$45 million budget, has contracts with the city of Oakdale and the Oakdale Fire Protection District.

Wise said the fire equipment and stations would remain the possession of the city of Ceres. A contract would also keep all Ceres firefighters in place.

He said Ceres Fire has limited administration and fire prevention and community risk reduction.

“We have increased calls for service with decreased staffing,” said Wise. “An example would be 10 years ago. We ran approximately 4,200 calls a year for service. We had four fire stations. Since that time we’ve reduced our engine companies by one so we currently have three today and we’ve eliminated our administration by 50 percent. In 2018 we ran 6,100 calls for service. So our workload has increased but we’ve decreased in our staffing.”

He said the city of Ceres relies heavily on the assistance of neighboring agencies during major incidences.

“It wouldn’t hurt to look at a contract,” said Councilman Bret Durossette, who had the discussion item placed on the agenda. He said while he had fears about Modesto City Council being in charge of fire service but said “it could be really beneficial for the citizens or ... maybe it’s not.”

Vice Mayor Linda Ryno noted that the contract would be worded to allow Ceres to back out after giving a year’s notice but said “I don’t think that’s something that could be easily undone.” She cited how Ceres firefighters would go from the Stanislaus County Employees’ Retirement Association (StanCERA) to the California Public Employees’ Retirement System (CalPERS) for retirement. Ryno also worries about what happens when Modesto cuts service to Ceres as the result of budget problems.

**IN THE NEWS – The Ceres Courier, September 2, 2020 (continued)**

"I just think that's going to be a slippery slope and I don't want to go in that direction," said Ryno. "I don't think that this City Council should give up their control over what benefits our citizens."

Ryno said there is no guarantee that all the new fire engines purchased by Ceres will be used exclusively in Ceres.

"I absolutely do not want to see regionalization. I believe Ceres is large enough that we should continue to have our own fire department."

Wise said firefighters would have reciprocity between the two retirement systems. He also said a reduction to Modesto's budget would be independent to the contract with Ceres. Wise said Ceres would always have control over the level of service it wants. He also said Ceres' apparatus would remain in Ceres.

Councilman Mike Kline said he would be interested in looking at the mechanics of a contract.

Mayor Chris Vierra said he's never supported the idea of a contract with Modesto.

"I don't like losing the control," said Kline. "As a citizen I don't like the fact that I'm paying a special tax for public safety up and above what another jurisdiction is not doing."

He said he didn't want to waste time even looking into a contract and said "if it ain't broke, why fix it?"

Ceres resident Lee Brandt said Ceres Fire has been doing a "tremendous job" and wants to see local control.

Councilman Chance Condit said he believes in autonomy and is hesitant to proceed.

"We really can't make a huge decision like this when we don't know our city's finances," said Condit. "I do think we should hold off and tread cautiously in moving forward with such a big monumental decision."

Mayor Vierra said the next council can take up the matter again in the spring.

# Measure R

## NW Newman annexation rejected by voters

NEWMAN - The proposed annexation of about 120 acres representing the first phase of the city's Northwest Newman master plan area was rejected by voters living in the affected area.

Measure R, a ballot measure asking those voters to confirm the annexation, was voted down by a 21-3 margin, according to Stanislaus County elections officials. Forty-seven voters were eligible to participate in the Aug. 25 election.

The proposed annexation area was west of Highway 33, stretching north from the existing city limits to Stuhr Road and west to an area just past Fig Lane. While the master plan for the roughly 360-acre Northwest Newman project includes extensive residential uses, the first phase was focused primarily on providing opportunities for development of a job-generating business park and highway commercial uses.

"We weren't proposing to bring it all in," said City Manager Michael Holland. "It was just for planning purposes to get some land and infrastructure available for jobs."

The Stanislaus Local Agency Formation Commission (LAFCO) approved the annexation in October, but a sufficient number of protests were lodged by registered voters within the area to require the election.

Holland acknowledged a measure of disappointment in the election outcome.

"Twenty one votes is probably (representative) of six or seven houses out there. I'm not sure that it reflected the true desires of the property owners," he commented. "With being said, and in accordance with the rules, it (the measure confirming the annexation) is going to fail."

Holland said he has received calls from property owners in that area who wanted to annex their land into the city but do not live on the property. Under election laws, he explained, those property owners had no vote on Measure R, while tenants could participate.

Holland previously said that the city, which took the lead in Northwest Newman planning after the initial project stalled during the economic downturn of more than a decade ago, has invested several years and approximately \$300,000 in the project.

He said he will present options to the City Council and ask for direction moving forward.

One potential alternative, he said, is attempting to reconfigure the proposed annexation area.

"We can be passive or we can be active," Holland told Mattos Newspapers. "One option is that we can stay active and try to get this done. The other is to sit back and wait for somebody to bring this to us."

Holland said he still considers the proposed project area the best suited for future economic development, based on proximity to infrastructure and access to Highway 33 and Interstate 5.

"I still think that is the most logical place to go first," he said of the location.

Holland noted that the Northwest Newman project was consistent with sentiments voiced by the community during its most recent general plan update and reflected comprehensive planning rather than piecemeal development.

"We are only trying to put our best foot forward for the long-term health of the community," he reflected. "We are trying to do what the community asked of us."

## Newman may pursue smaller annexation

NEWMAN - The city may try a second time to annex property to launch the first phase of its planned Northwest Newman project.

City officials say the 360-acre Northwest Newman project will provide the opportunity to develop job-generating business park and commercial uses while also designating land for future residential uses.

But a proposal to start the project by annexing 121 acres north of the existing city limits and west of Highway 33 was recently rejected by voters living in the affected area.

City Manager Michael Holland advised the City Council last week, however, that the city can modify its proposed annexation and submit a new application to the Stanislaus County Local Agency Formation Commission (LAFCO) for consideration.

Holland presented a map outlining a potential 62-acre annexation for council consideration. The redrawn map reflects property owners who are believed to be supportive of bringing their land into the city and excludes property whose owners are thought to be in opposition.

Holland said the area proposed for annexation, which primarily would be earmarked for business park development, encompasses 14 parcels and a dozen different property owners.

Those property owners are assumed to be supportive, according to a staff report. They have been notified by letter of the city's plans to include the parcels in a new annexation application and asked to notify City Hall by Sept. 30 if that was not the case.

Other property owners within the initial area earmarked for annexation were notified by the city of the updated plans and have the opportunity to indicate if they wish to be included, the staff report indicated.

But the prospect of a second bid for annexation was challenged by two members of the public who called in to express their concerns.

"Is that not circumventing what the voters have stated, that they don't want the annexation?" asked Timothy Parker. He also questioned whether the approach in essence would create piece-meal development that would be inconsistent with the city's General Plan.

Another resident, David Carey, later voiced opposition as well.

"The Newman City Council has totally disregarded the results of this last election. They agreed to participate in this election. It was a resounding defeat by the registered voters," Carey commented. "Now they don't like the results and want a second cut."

Carey went on to contend that the public has not been adequately informed about the project or had an opportunity to vote on the proposal. He suggested a moratorium on the Northwest Newman project.

Holland defended the city's approach.

"I don't think we are trying to go around the voters," he said in response to Parker, before Carey spoke later in the meeting. "We sent out letters to gauge support or opposition of property owners. We have not heard opposition from any in the proposed area."

**IN THE NEWS – West Side Index, October 1, 2020 (Continued Page 2)**

Holland later told Mattos Newspapers that, while the scope of the potential first-phase annexation would change, the overall Northwest Newman master plan does not.

“The larger landowners in the area we are proposing support the idea,” Holland told Mattos Newspapers.

Another concern was raised by Maria Sequeira, assessor for the Central California Irrigation District.

She pointed out that the proposed annexation configuration would create an “island” of unincorporated land which remains in CCID but is surrounded entirely by property within the city limits.

That is not consistent with CCID policy, Sequeira told the council.

“There are ways to make it work, but the current design would be a problem,” she stated.

Holland said he has spoken with the district’s general manager and would continue that dialogue.

He emphasized that the CCID water delivery infrastructure currently in place would remain.

Holland told Mattos Newspapers that the potential annexation is consistent with city policy.

“In a perfect world, under our original application, we would not create this type of environment,” he said of an annexation which results in an island of unincorporated land. “These landowners have indicated that they do not wish to participate at this time.”

Council members, by consensus, directed Holland to continue working on the amended annexation proposal. The matter will come back for a formal council decision as early as Oct. 13.

“We need to give (Holland) a chance in terms of moving forward with this and seeing what comes out of it,” said council member Laroy McDonald.

Mayor Bob Martina was also supportive.

“If we don’t look for projects like this, this city is not going to make it and it will die. People don’t seem to understand that,” Martina said. “If you don’t increase your population you will not get a lot of things that people would like to have in the city of Newman. We do the best we can as far as making it possible for us to grow.”

## Final EIR released on Del Puerto Canyon Reservoir project

The Del Puerto Water District last week released the final Environmental Impact Report for the Del Puerto Canyon Reservoir Project.

The proposed project involves construction of a reservoir in the foothills west of Interstate 5 and Patterson to store water for use in dry years for ag irrigation, groundwater recharge and wildlife refuges. The reservoir capacity would be 82,000 acre-feet within an 800-acre footprint.

The report is the next step in securing reliable water supplies to support the local and regional economy on the West Side, according to a news release. The report documents the potential environmental impacts from project construction and operations and the measures to avoid or minimize the impacts.

“We are very pleased to achieve this milestone for water supplies that will support our regional agricultural economy,” said Anthea Hansen, general manager of the Del Puerto Water District. “This project will store water supplies for droughts and protect the city of Patterson from flooding, among other benefits.”

The final Environmental Impact Report responds to 84 comments received from agencies and the public regarding the project. “We have worked hard to address the concerns in the community and plan a safe, reliable water storage reservoir,” said Chris White, executive director of the San Joaquin River Exchange Contractors Authority (Exchange Contractors). “This project will also help stabilize groundwater supplies for many of the communities on the West Side, including Patterson, Gustine, Newman, Los Banos and Firebaugh.”

The project planning and environmental review have been funded by the Del Puerto Water District and the Exchange Contractors, two local public water agencies.

Additional support for the environmental review, facilities design, and feasibility studies was provided through the 2016 federal Water Infrastructure Improvements for the Nation Act.

“We are grateful to Congressman Harder for his ongoing support for the project and our efforts to improve water supply reliability for the region,” Hansen noted. While much work remains to be done, she added, “having a local project named in federal legislation is definitely a win for the valley.”

A number of agencies will be involved in the permitting process, Hansen told Mattos Newspapers, and regulatory oversight will be ongoing to ensure the dam is safe and well-maintained.

In addition to completing the permitting process, she said, proponents must also finalize the engineering and design aspects of the project and develop a financing plan.

“Certifying the EIR is a big step, but we have a long way to go,” Hansen commented.

Construction is expected to begin in 2022 and take six years. The project would begin filling in 2028.

The Del Puerto Water District Board of Directors will consider final certification of the EIR when it convenes via Zoom at 8:30 a.m. Wednesday, Oct. 21.

The final EIR may be found on the Del Puerto Canyon Reservoir website.

# MID candidates spar over selling water beyond district boundaries in a dry year

By John Holland

The challenger for a Modesto Irrigation District board seat criticized incumbent Larry Byrd for suggesting water sales beyond its boundaries in April.

Suzy Powell Roos said Tuesday that the idea was unwise given this year's below-average runoff on the Tuolumne River.

Byrd said the sales would have been to farmers outside the MID boundaries but still within the Modesto-area groundwater basin. The canal water would allow them to rely less on their wells, thus boosting the groundwater supply, he said.

"We have to take care of our own irrigators first, but we can do that," Byrd said at the April 28 meeting, conducted via Zoom because of COVID-19. The board did not pursue the sales, which had been conducted in recent wet years.

Byrd and Powell Roos are running in the Nov. 3 election to represent the area from La Grange to east Modesto.

The incumbent has served since 2011, following a 35-year career in MID water and power operations. He is a cattle rancher and almond grower in the Waterford area.

Powell Roos was a discus competitor in three Olympics. She now has a walnut farm and a nursery for walnut and almond trees east of Modesto.

## MID AIMS TO REPLENISH AQUIFERS

The April 28 discussion involved MID's Groundwater Replenishment Program. It began in 2017, when runoff from rain and snow was a record 255% of average in the Tuolumne watershed. It continued to 2019, thanks to another above-average year and ample storage in Don Pedro Reservoir.

The program sold water over and above the regular annual allotment to MID farmers. They were encouraged to do an extra irrigation in the fall. Advocates say the aquifer benefits most from flood irrigation, rather than the sprinklers or drip systems used on many farms.

Non-MID farmers could get recharge water if they were within the Modesto-area groundwater basin. It is bounded on the south by the Tuolumne River, on the west by the San Joaquin River, on the north by the Stanislaus River, and on the east roughly by the Tuolumne County line.

The basin includes several cities and smaller irrigation districts along with MID. They are partners in complying with a 2014 state mandate for sustainable aquifers within a quarter-century.

## DRY 2020 PAUSED EXTRA WATER SALES

The MID staff recommended against the replenishment program this year because runoff was projected at only about 50% of average. Managers wanted to leave enough carryover water in Don Pedro to guard against another below-average winter.

The issue came up during a discussion Tuesday over whether Byrd let an unauthorized person be present during a Sept. 8 closed session. The board ended up dropping that matter after he explained that his grandson had only briefly leaned into the pickup cab where he had his Zoom connection.

Defenders of Byrd told the MID board Tuesday that he has served the district well, including efforts to replenish groundwater.

**IN THE NEWS – The Modesto Bee, October 15, 2020 (Continued Page 2)**

Roos Powell raised her concern about Byrd and the April discussion in an emailed statement to The Modesto Bee.

“If 2021 is a similarly dry year and MID faces the same issue next spring, and if I should be successful in my election, I would vote to put MID irrigators first, ahead of out-of-district irrigators,” she said. “While I support programs like the GRP that help recharge groundwater, district irrigators always should come first.”

## **New reservoir in Stanislaus County could move forward with approval of final study**

**By Ken Carlson**

The Del Puerto Water District board is set to vote Wednesday on approving a final environmental impact study on a much-disputed storage reservoir in western Stanislaus County.

The proposed 800-acre reservoir just west of Patterson stirred debate among vocal opponents and supporters at public meetings before the COVID-19 crisis deflected attention away from the project.

The board is scheduled for a regular meeting on Zoom. It's not holding meetings in public because of the coronavirus outbreak, but the online meeting will provide opportunity for public comments. The public can watch the Zoom meeting live, starting at 8:30 a.m. Instructions for joining are on the agenda at the district's website, [www.delpuertowd.org](http://www.delpuertowd.org).

Anthea Hansen, general manager of Del Puerto, said approval of the EIR would clear the way for project partners to complete designs for the dam and seek permits from a host of state and federal agencies.

Rep. Josh Harder, D-Turlock, secured funding for feasibility studies on the reservoir and sponsored legislation that will help it qualify for future federal infrastructure loans.

A coalition of groups including Save Del Puerto Canyon, Friends of the River, Sierra Club Mother Lode Chapter and others, said the risk of landslides was understated in the draft environmental study. At least seven landslides are mapped in the portion of Del Puerto Canyon that would be inundated by the dam, plus additional slides could form as the reservoir water saturates the canyon slopes, the group contends.

The group said landslides threaten to create a tsunami that could overtop the dam. Residents who have opposed the project fear a dam failure would unleash serious flooding in Patterson, which has 23,000 residents.

David Keller, a former mayor of Patterson, said the project would put the entire city in a dam inundation zone, requiring homeowners to disclose that to buyers. He said a map provided by the water district shows a catastrophic failure of the dam flooding the city with 10 to 15 feet of water.

Keller, who is running for mayor in the current election, said one of his main concerns is the city was not named the responsible agency for the environmental review.

In regard to landslide threat, the final environmental study says the landslides are slow moving and likely range from active to dormant. It says the closest landslide on maps is about three-quarters of a mile from the foot of the dam embankment.

According to the study, landslides are typical issues for reservoirs and can be stabilized with subdrains, retaining walls and other mitigations.

The review also responds to comments and concerns raised about impacts on wildlife, natural features and Native American artifacts in Del Puerto Canyon.

Hansen said the final EIR responds to the issues raised at public meetings and provides a lot of information on dam safety. The district posted a video discussing the safety of dams.

“The work we have done so far strongly indicates that we have a very good project that could change things in the Central Valley in terms of improving local storage and improving our water supply situation,” Hansen said.

According to proponents, the reservoir storing up to 82,000-acre feet of water will provide for more reliable water deliveries to farmers south of the Sacramento-San Joaquin river delta, increase water supplies for when crops need it the most and improve management of groundwater.

Water pumped from the nearby Delta-Mendota Canal would be stored behind the dam.

“We have worked hard to address the concerns in the community and plan a safe, reliable water storage reservoir,” Chris White, executive director of the San Joaquin River Exchange Contractors Authority, said in a news release. “This project will also help stabilize groundwater supplies for many of the communities on the west side.”

Del Puerto Water District and the Exchange Contractors funded the environmental review and planning for the reservoir, while additional support for design and studies came from the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act.

Construction on the dam next to Interstate 5 could begin within two years and be completed in 2028.

# Massive west side dam approved as new Diablo Grande owner plans thousands of homes

By Ken Carlson

Del Puerto Water District directors approved a final environment study Tuesday on a 800-acre storage reservoir near Patterson.

The 6-0 vote, with director Zach Maring absent, followed 30 minutes of discussion that foreshadowed more developments for the water storage project and for western Stanislaus County.

The reservoir, storing up at 82,000-acre feet of water, is proposed to increase the reliability of water deliveries to thirsty farms and improve management of groundwater. The project in a canyon just west of Patterson has stirred debate. It would inundate part of scenic Del Puerto Canyon and raises fears the dam near Interstate 5 could fail, flooding the city of 23,000.

Anthea Hansen, general manager for Del Puerto Water District, said the district and the San Joaquin River Exchange Contractors Authority have worked on the project and EIR for more than 20 months. The dam holding water pumped from the Delta Mendota Canal is expected to cost roughly \$500 million.

“We do recognize there are many steps ahead in a project like this,” Hansen said during the Zoom meeting. “We feel we have provided mitigation responses for the items of concern, and the project benefits far outweigh the significant and unavoidable impacts.”

Comments delivered at the meeting suggest the reservoir proposal could soon run into litigation.

Daniel Garrett-Steinman, a San Francisco attorney representing the Sierra Club, was among those who spoke during the Zoom meeting.

Steinman said the proponents added a significant amount of new information after an earlier draft of the EIR was released, which prevented the public from commenting on those details.

Steinman said the study disregarded the impacts on biological resources downstream in Del Puerto Creek and did not fully analyze the traffic impacts during construction of the dam. The six-year construction period is expected to generate 600 daily truck trips around the Patterson interchange on I-5.

The attorney outlined the issues in a letter submitted before Tuesday’s meeting that was also signed by Save Del Puerto Canyon, Friends of the River, the California Sportfishing Protection Alliance and other organizations.

“The statute of limitations is only 30 days for challenging (California Environmental Quality Act) approval,” Steinman said after the meeting. When asked about potential litigation to challenge the study, Steinman said it should be clear soon whether litigation will be filed or not.

Another wrinkle came from the new development manager of Diablo Grande, a resort community southwest of Patterson.

Jim Miller, a manager for a company that purchased Diablo Grande in May, said the study’s traffic analysis assumed less than 400 homes would be built at Diablo Grande in the next 20 years. Miller said the owners may actually develop an additional 4,000 homes at Diablo Grande.

Land use approvals for the master planned community require a widening of Diablo Grande Parkway to four lanes. Miller said the reservoir project could trigger the traffic improvements sooner than necessary.

**IN THE NEWS – The Modesto Bee, October 21, 2020 (Continued Page 2)**

Angela Freitas, director of planning and community development for Stanislaus County, said Tuesday the department had heard that Diablo Grande has a new owner that wants to expand beyond the development's original footprint.

In 1993, the county approved a 33,000-acre master plan for Diablo Grande with five "villages" including golf courses, thousands of homes, a luxury hotel and convention center and other amenities.

Only one of the villages was later authorized for development and the original ownership partners went into bankruptcy in 2008. A county-approved amendment in 2017 allows 2,354 dwellings at Diablo Grande. Assessor's records show the new property owner is Angel's Crossings LLC.

Freitas said the new owner has not submitted any formal applications to the county.

In another comment at Tuesday's meeting, a legal representative for the Friant division of the Central Valley Project said the participation of the San Joaquin River Exchange Contractors in the Del Puerto reservoir could shift the timing of water deliveries to districts south of the Sacramento-San Joaquin river delta and affect other water users

The Central Valley Project is a vast network of storage reservoirs and canals stretching across California.

**EXECUTIVE OFFICER'S AGENDA REPORT  
OCTOBER 28, 2020**

TO: LAFCO Commissioners

FROM: Sara Lytle-Pinhey, Executive Officer *SLP*

**SUBJECT: Year-End Financial Report for Fiscal Year 2019-2020**

**RECOMMENDATION**

Staff recommends that the Commission accept this informational report comparing budgeted and actual revenues and expenditures for Fiscal Year 2019-2020.

**DISCUSSION**

At the close of Fiscal Year 2019-2020, the Commission's revenues exceeded its expenditures by \$22,547. Overall, the Commission expended 96% of the amount budgeted for the year. Total revenue exceeded the anticipated amount due to an increase in application revenue. A summary of the expenditures and revenues is shown in Table 1, below.

*Table 1: Fiscal Year 2019-2020 Summary*

<i>Expenditures</i>	<b>Adopted Budget FY 19-20</b>	<b>Actuals (Year-End)</b>	<b>Difference</b>	<b>% of Budget</b>
Salaries & Benefits	429,200	430,639	(1,439)	100%
Services & Supplies	67,375	47,309	20,066	70%
Other Charges	1,600	475	1,125	30%
<b>Total Expenditures</b>	<b>498,175</b>	<b>478,423</b>	<b>19,752</b>	<b>96%</b>
<i>Revenues</i>				
Agency Contributions	453,175	453,175	0	100%
Applications	20,000	34,006	(14,006)	170%
Other (Interest & Reimb.)	-	13,788	(13,788)	-
<b>Total Revenue</b>	<b>473,175</b>	<b>500,969</b>	<b>(27,794)</b>	<b>106%</b>
<b>Revenue Less Expenditures</b>		<b>22,547</b>		

**Expenditures**

The Commission uses three expense categories: Salaries and Benefits, Services and Supplies, and Other Charges. Overall, expenses trended lower than budgeted. Details of the individual accounts are attached to this report. The following are highlights within each of these categories:

**Salaries and Benefits**

At the end of the fiscal year, the Salaries and Benefits category had expenditures of \$430,639, representing slightly over 100% of the amount budgeted in this category. This is mainly due to retirement expenses that trended higher than anticipated. This expense was partially offset by

**EXECUTIVE OFFICER'S AGENDA REPORT  
OCTOBER 28, 2020  
PAGE 2**

savings in health insurance costs.

Services and Supplies

Expenditures in the Services and Supplies category accounted for 70% of the amount budgeted. The Commission saw savings in the Legal Services account as this is billed based on the need for these services throughout the year and can fluctuate based on complexity of applications.

Savings were also seen in the Commission Expense and Education & Training accounts, due to cancellation or combining of Commission meetings and cancellation of CALAFCO trainings.

Other Charges

The Other Charges category consists of one account: "Planning Department Services" for shared use of a copier. These costs have been trending lower as Staff strives to make less paper copies of items. Staff lowered the budgeted amount for this category in the current fiscal year.

REVENUES

Overall, the Commission received \$500,969 in revenues, or \$27,794 above what was anticipated. Application revenue in Fiscal Year 2019-2020 exceeded estimates by over \$14,000. In addition, the Commission received over \$13,000 in interest earnings during the Fiscal Year.

CONCLUSION

Because the overall revenues received exceeded expenses at year-end, the use of fund balance was not necessary to offset the budget as originally estimated. These increased revenues received at the close of Fiscal Year 2019-2020 will be factored into the review of reserve funds and available fund balance at preparation of the next year's Commission budget.

*Attachments:* Fiscal Year 2019-2020 Expenditures and Revenues Detail

*Stanislaus LAFCO*  
**Fiscal Year 2019-2020 Expenditures and Revenues**

**EXPENDITURES**

Account	FY 19-20 ADOPTED BUDGET	ACTUALS (YEAR-END)	DIFFERENCE	%
				EXPENDED
<b>Salaries and Benefits</b>				
50000+ Salaries and wages	263,630	269,498	(5,868)	102%
52000 Retirement	70,100	77,291	(7,191)	110%
52010 FICA	20,000	20,628	(628)	103%
53000 Group health insurance	62,080	53,047	9,033	85%
53009 OPEB health insurance liability	2,920	-	2,920	0%
53020 Unemployment insurance	450	450	-	100%
53051 Benefits admin fee	190	140	50	74%
53081 Long term disability	380	391	(11)	103%
54000 Workers compensation insurance	1,300	1,091	209	84%
55000 Auto allowance	2,400	2,326	74	97%
55080 Professional development	2,200	1,962	238	89%
55130 Deferred comp mgmt/conf	3,550	3,815	(265)	107%
<b>Total Salaries and Benefits</b>	<b>429,200</b>	<b>430,639</b>	<b>(1,439)</b>	<b>100%</b>
<b>Services and Supplies</b>				
60400 Communications (ITC - Telecom)	1,110	1,067	43	96%
61000 Insurance (SDRMA)	3,600	4,021	(421)	112%
61030 Fiduciary liability insurance	40	29	11	73%
62200 Memberships (CSDA, CALAFCO)	6,615	6,681	(66)	101%
62400 Miscellaneous expense	3,000	1,137	1,863	38%
62450 Indirect costs (A87 roll forward)	(3,760)	(3,764)	4	100%
62600 Office supplies	1,500	505	995	34%
62730 Postage	1,200	584	616	49%
62750 Other mail room expense	420	231	189	55%
63000 Professional & special serv	11,690	11,107	584	95%
Building maint & supplies	3,000	3,297	(297)	110%
Office lease	4,010	3,851	159	96%
Utilities	1,410	1,113	297	79%
Janitorial	745	771	(26)	103%
Purchasing	275	133	142	48%
HR/Risk Mgt overhead	2,250	1,942	308	86%
63090 Auditing & accounting	2,850	2,075	775	73%
63400 Engineering services	2,000	1,586	414	79%
63640 Legal services	12,000	3,683	8,317	31%
63990+ Outside data proc services (IT & GIS Lic)	11,530	10,475	1,055	91%
IT Services (ITC)	7,830	7,375	455	94%
Video Streaming (ITC)	1,000	1,000	-	100%
Mtg Recording (Final Cut Media)	1,500	900	600	60%
GIS License (ITC)	1,200	1,200	-	100%
65000 Publications & legal notices	1,000	732	268	73%
65780 Education & training	5,500	3,225	2,275	59%
65810 Other supportive services (messenger)	350	228	122	65%
65890 Commission expense (stipends, training)	6,100	3,223	2,877	53%
67040 Other travel expenses (mileage)	500	358	142	72%
67201 Salvage disposal	130	127	3	98%
<b>Total Services and Supplies</b>	<b>67,375</b>	<b>47,309</b>	<b>20,066</b>	<b>70%</b>

**Other Charges**

73024	Planning dept services	1,600	475	1,125	30%
<b>Total Other Charges</b>		<b>1,600</b>	<b>475</b>	<b>1,125</b>	<b>30%</b>
<b>TOTAL EXPENDITURES</b>		<b>498,175</b>	<b>478,423</b>	<b>19,752</b>	<b>96%</b>

**REVENUES**

<b>Account</b>	<b>FY 19-20 ADOPTED BUDGET</b>	<b>ACTUALS (YEAR-END)</b>	<b>DIFFERENCE</b>	<b>% REALIZED</b>
40680+ Agency Contributions	453,175	453,175	0	100%
40445 Rebates & Refunds	-	-	-	-
36414 Application & Other Revenues	20,000	34,006	(14,006)	170%
17000+ Interest Earnings	-	13,788	(13,788)	-
<b>TOTAL REVENUE</b>	<b>473,175</b>	<b>500,969</b>	<b>(27,794)</b>	<b>106%</b>

**Revenues Less Expenditures**

**22,547**

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**MEMORANDUM**

DATE: October 28, 2020  
TO: LAFCO Commissioners  
FROM: Sara Lytle-Pinhey, Executive Officer  
SUBJECT: **Proposed LAFCO Meeting Calendar for 2021**

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**RECOMMENDATION**

Staff recommends that the Commission accept the proposed 2021 LAFCO Meeting Calendar

**BACKGROUND**

Each year, the Commission considers the following year's regular meeting calendar. The Commission's regular meetings occur on the fourth Wednesday of each month, with the exception of the November and December meetings that are combined due to the holidays and held on the first Wednesday in December. The calendar includes holidays and CALAFCO educational opportunities (staff workshop and annual conference) for the Commission's information.

Attachment: Proposed LAFCO 2021 Meeting Calendar

## LAFCO CALENDAR FOR 2021

**REGULAR MEETING TIME: 6:00 P.M.**

JANUARY							FEBRUARY							MARCH							APRIL						
Su	M	Tu	W	Th	Fr	Sa	Su	M	Tu	W	Th	Fr	Sa	Su	M	Tu	W	Th	Fr	Sa	Su	M	Tu	W	Th	Fr	Sa
					1	2		1	2	3	4	5	6		1	2	3	4	5	6					1	2	3
3	4	5	6	7	8	9	7	8	9	10	11	12	13	7	8	9	10	11	12	13	4	5	6	7	8	9	10
10	11	12	13	14	15	16	14	15	16	17	18	19	20	14	15	16	17	18	19	20	11	12	13	14	15	16	17
17	18	19	20	21	22	23	21	22	23	24	25	26	27	21	22	23	24	25	26	27	18	19	20	21	22	23	24
24	25	26	27	28	29	30	28							28	29	30	31				25	26	27	28	29	30	
31																											
MAY							JUNE							JULY							AUGUST						
Su	M	Tu	W	Th	Fr	Sa	Su	M	Tu	W	Th	Fr	Sa	Su	M	Tu	W	Th	Fr	Sa	Su	M	Tu	W	Th	Fr	Sa
						1			1	2	3	4	5					1	2	3	1	2	3	4	5	6	7
2	3	4	5	6	7	8	6	7	8	9	10	11	12	4	5	6	7	8	9	10	8	9	10	11	12	13	14
9	10	11	12	13	14	15	13	14	15	16	17	18	19	11	12	13	14	15	16	17	15	16	17	18	19	20	21
16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24	22	23	24	25	26	27	28
23	24	25	26	27	28	29	27	28	29	30				25	26	27	28	29	30	31	29	30	31				
30	31																										
SEPTEMBER							OCTOBER							NOVEMBER							DECEMBER						
Su	M	Tu	W	Th	Fr	Sa	Su	M	Tu	W	Th	Fr	Sa	Su	M	Tu	W	Th	Fr	Sa	Su	M	Tu	W	Th	Fr	Sa
			1	2	3	4						1	2		1	2	3	4	5	6				1	2	3	4
5	6	7	8	9	10	11	3	4	5	6	7	8	9	7	8	9	10	11	12	13	5	6	7	8	9	10	11
12	13	14	15	16	17	18	10	11	12	13	14	15	16	14	15	16	17	18	19	20	12	13	14	15	16	17	18
19	20	21	22	23	24	25	17	18	19	20	21	22	23	21	22	23	24	25	26	27	19	20	21	22	23	24	25
26	27	28	29	30			24	25	26	27	28	29	30	28	29	30					26	27	28	29	30	31	
							31																				

○ LAFCO MEETINGS – REGULAR TIME: 6:00 P.M.  
 (4<sup>TH</sup> WEDNESDAY OF EVERY MONTH, WITH THE EXCEPTION OF NOVEMBER & DECEMBER,  
 WHICH ARE COMBINED AND HELD ON THE 1<sup>ST</sup> WEDNESDAY IN DECEMBER)

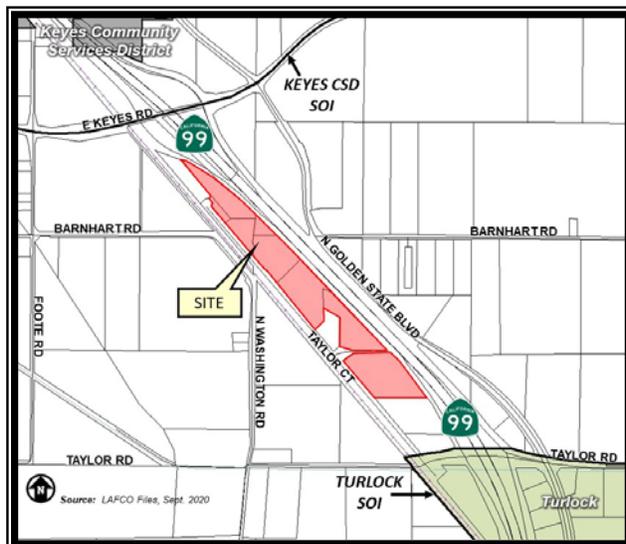
■ HOLIDAYS

□ CALAFCO STAFF WORKSHOP – NEWPORT BEACH (March 17-19, 2021)  
 CALAFCO ANNUAL CONFERENCE – NEWPORT BEACH (October 6-8, 2021)

**STANISLAUS LOCAL AGENCY FORMATION COMMISSION  
OUT-OF-BOUNDARY SERVICE APPLICATION NO 12:  
BEST RV CENTER (KEYES COMMUNITY SERVICES DISTRICT - WATER)**

**APPLICANT:** Keyes Community Services District

**LOCATION:** The site consists of approximately 8.16 acres located at 5640 Taylor Court, in the Turlock area, and is adjacent to Highway 99 (See Map, Exhibit A) The site includes Assessor's Parcel Numbers (APNs) 045-050-005, 009 and 013; 045-053-040, 042, 043, 044; and 045-062-001.



**REQUEST:** Stanislaus County recently rezoned the project site in order to expand and complete a site to accommodate the expansion and reconfiguration of the existing Best RV Center, which provides recreational vehicle (RV) sales and service. Water service is being requested for the sales office and service facility. The Keyes Community Services District has provided a will-serve letter for the proposal, attached in the project application as Exhibit B.

**BACKGROUND**

Government Code Section 56133 specifies that a city or special district must apply for and obtain LAFCO approval prior to providing new or extended services outside its jurisdictional boundaries. The section describes two situations where the Commission may authorize service extensions outside a city or district's jurisdictional boundaries:

- (1) For proposals *within* a city or district sphere of influence: in anticipation of a later change of organization.
- (2) For proposals *outside* a city or district sphere of influence: to respond to an existing or impending threat to the public health or safety of the residents of the affected territory.

Stanislaus LAFCO has adopted its own policy to assist in the Commission's review of out-of-boundary service requests, known as Policy 15 (see Exhibit C). Policy 15 reiterates the requirements of Government Code Section 56133 and allows the Executive Officer, on behalf of the Commission, to approve service extensions in limited circumstances to respond to health and safety concerns for existing development. However, as the current request would serve an expansion of an existing use, it is being forwarded to the Commission for review.

**DISCUSSION**

In order to connect to the Keyes CSD water supply, the applicant will construct a 2-inch water line that will be branched off from an existing water line at the corner of North Golden State Boulevard and Barnhart Road, extending under State Route 99 to the rear of the existing Best

RV Center office on APN 045-053-043. The water provided by the Keyes CSD will be utilized for domestic consumption for the commercial development.

State law and Commission policies generally prefer annexation in order to accommodate the extension of services. However, the Commission has recognized that there are situations when out-of-boundary service extensions may be an appropriate alternative, consistent with Government Code Section 56133 and Commission Policy 15, as discussed below.

#### Consistency with Commission Policy 15

The Commission's Policy 15(C) describes a variety of situations where the Commission may favorably consider service extensions. These include the following:

1. *Services will be provided to a small portion of a larger parcel and annexation of the entire parcel would be inappropriate in terms of orderly boundaries, adopted land use plans, open space/greenbelt agreements or other relevant factors.*
2. *Lack of contiguity makes annexation infeasible given current boundaries and the requested public service is justified based on adopted land use plans or other entitlements for use.*
3. *Where public agencies have a formal agreement defining service areas provided LAFCO has formally recognized the boundaries of the area.*
4. *Emergency or health related conditions mitigate against waiting for annexation.*
5. *Other circumstances which are consistent with the statutory purposes and the policies and standards of the Stanislaus LAFCO.*

The project site is not located within the sphere of influence of the Keyes Community Services District. The site is currently zoned PD-351 (Planned Development) and has a designation of Planned Development in Stanislaus County Zoning Ordinance and General Plan. Stanislaus County recently approved a rezone application for eight parcels located at the existing Best RV Center site. The rezone accommodated an expansion and site reconfiguration for Best RV Center.

The existing business has utilized a private well to provide domestic water services. The well is currently in violation with the State of California Water Resources Control Board Drinking Water Division standards for Public Water Services (PWS). Bringing the domestic water service into compliance with public water service standards would likely require a new water treatment system or drilling a new well. As part of the rezone approval, the applicant is required to bring the site's water system into compliance. Therefore, the applicant is requesting water service from Keyes CSD to address the site's health and safety requirements.

#### Environmental Review

Stanislaus County, as Lead Agency under the California Environmental Quality Act (CEQA), adopted a mitigated negative declaration for the proposal that determined there would not be a significant effect on the environment because of incorporated mitigations. A copy of the initial study and environmental determination is attached as Exhibit D.

## **CONCLUSION**

Although annexations to cities or special districts are generally the preferred method for the provision of services, Commission policies also recognize that out-of-boundary service extensions can be an appropriate alternative. Staff believes the Keyes CSD's proposal to provide water service to Best RV Center is consistent with Government Code Section 56133 and the Commission's Policy 15.

## **ALTERNATIVES FOR LAFCO ACTION**

Following consideration of this report and any testimony or additional materials that are submitted at the public hearing for this proposal, the Commission may take one of the following actions:

- APPROVE the request, as submitted.
- DENY the request without prejudice.
- CONTINUE the proposal to a future meeting for additional information.

## **STAFF RECOMMENDATION**

Based on the discussion in this staff report and following any testimony or evidence presented at the meeting, Staff recommends that the Commission approve the proposal as submitted by the Keyes CSD and adopt Resolution No. 2020-09, which finds the request to be consistent with Government Code Section 56133 and Commission Policy 15 and includes the following standard terms and conditions:

- A. This approval allows for the extension of water service to accommodate the existing sales office and service facility at Best RV Center only.
- B. The District shall not allow additional water service connections outside the District's boundaries and beyond the current request without first requesting and securing approval from LAFCO.

Respectfully submitted,

*Javier Camarena*

Javier Camarena  
Assistant Executive Officer

Attachments: Draft LAFCO Resolution 2020-09  
Exhibit A – Map  
Exhibit B – Out-of-Boundary Application & Attachments  
Exhibit C – LAFCO Policy 15  
Exhibit D – Stanislaus County Initial Study, Mitigation Monitoring Plan and Notice of Determination

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## **Draft LAFCO Resolution 2020-09**

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**STANISLAUS COUNTY LOCAL AGENCY  
FORMATION COMMISSION**

**RESOLUTION**

**DATE:** October 28, 2020

**NO.** 2020-09

**SUBJECT: OUT-OF-BOUNDARY APPLICATION FOR BEST RV CENTER (KEYES  
COMMUNITY SERVICES DISTRICT)**

On the motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and approved by the following:

Ayes: Commissioners:  
Noes: Commissioners:  
Ineligible: Commissioners:  
Absent: Commissioners:

**THE FOLLOWING RESOLUTION WAS ADOPTED:**

**WHEREAS**, the Keyes Community Services District (CSD) has submitted an out-of-boundary service application requesting to provide water service to a property located at 5640 Taylor Court, adjacent to Highway 99;

**WHEREAS**, the site is otherwise identified as Assessor’s Parcel Numbers 045-050-005, 009 and 013; 045-053-040, 042, 043, 044; and 045-062-001;

**WHEREAS**, the property is located outside the current boundary and sphere of influence of the Keyes CSD;

**WHEREAS**, Government Code Section 56133 states that a District may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the local agency formation commission in the affected county;

**WHEREAS**, Government Code Section 56133 further states that the Commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries and outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the affected territory;

**WHEREAS**, the Commission has adopted specific policies (Policy 15) to guide its evaluation of out-of-boundary service applications, consistent with Government Code Section 56133;

**WHEREAS**, in accordance with adopted Commission Policy 15, the current proposal has been forwarded to the Commission as it is outside of the District’s Sphere of Influence;

**WHEREAS**, the Keyes CSD has indicated that it has the ability to serve the site with water service;

**WHEREAS**, Stanislaus County, as Lead Agency, adopted a mitigated negative declaration pursuant to the California Environmental Quality Act (CEQA) determining that with mitigations, the proposal

will not have a significant effect on the environment;

**WHEREAS**, the Commission, as a Responsible Agency, has considered the District's environmental determination; and,

**WHEREAS**, the Commission has, in evaluating the proposal, considered the report submitted by the Executive Officer, consistency with California Government Code Section 56133 and the Commission's adopted policies, and all testimony and evidence presented at the meeting held on October 28, 2020.

**NOW, THEREFORE, BE IT RESOLVED** that this Commission:

1. Finds that the proposed extension of water service is consistent with the Commission's adopted policies and California Government Code Section 56133.
2. Certifies, as a Responsible Agency, that it has considered the environmental determination made by Stanislaus County, as Lead Agency pursuant to CEQA.
3. Authorizes the Keyes CSD to provide the requested water service, subject to the following terms and conditions:
  - A. This approval allows for the extension of water service to accommodate an existing recreational vehicle sales and service operation only.
  - B. The District shall not allow additional water service connections outside the District's boundary and beyond recreational vehicle sales and service operation without first requesting and securing approval from LAFCO.
4. Directs the Executive Officer to forward a copy of this resolution to the Keyes CSD.

**ATTEST:** \_\_\_\_\_  
Sara Lytle-Pinhey, Executive Officer

# **EXHIBIT A**

**Map**

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Keyes Community Services District

OUT OF BOUNDARY APPLICATION NO. 12  
BEST RV (KEYES CSD)

KEYES CSD  
SOI



E KEYES RD

BARNHART RD

BARNHART RD

SITE

FOOTE RD

N WASHINGTON RD

N GOLDEN STATE BLVD

TAYLOR CT



TAYLOR RD

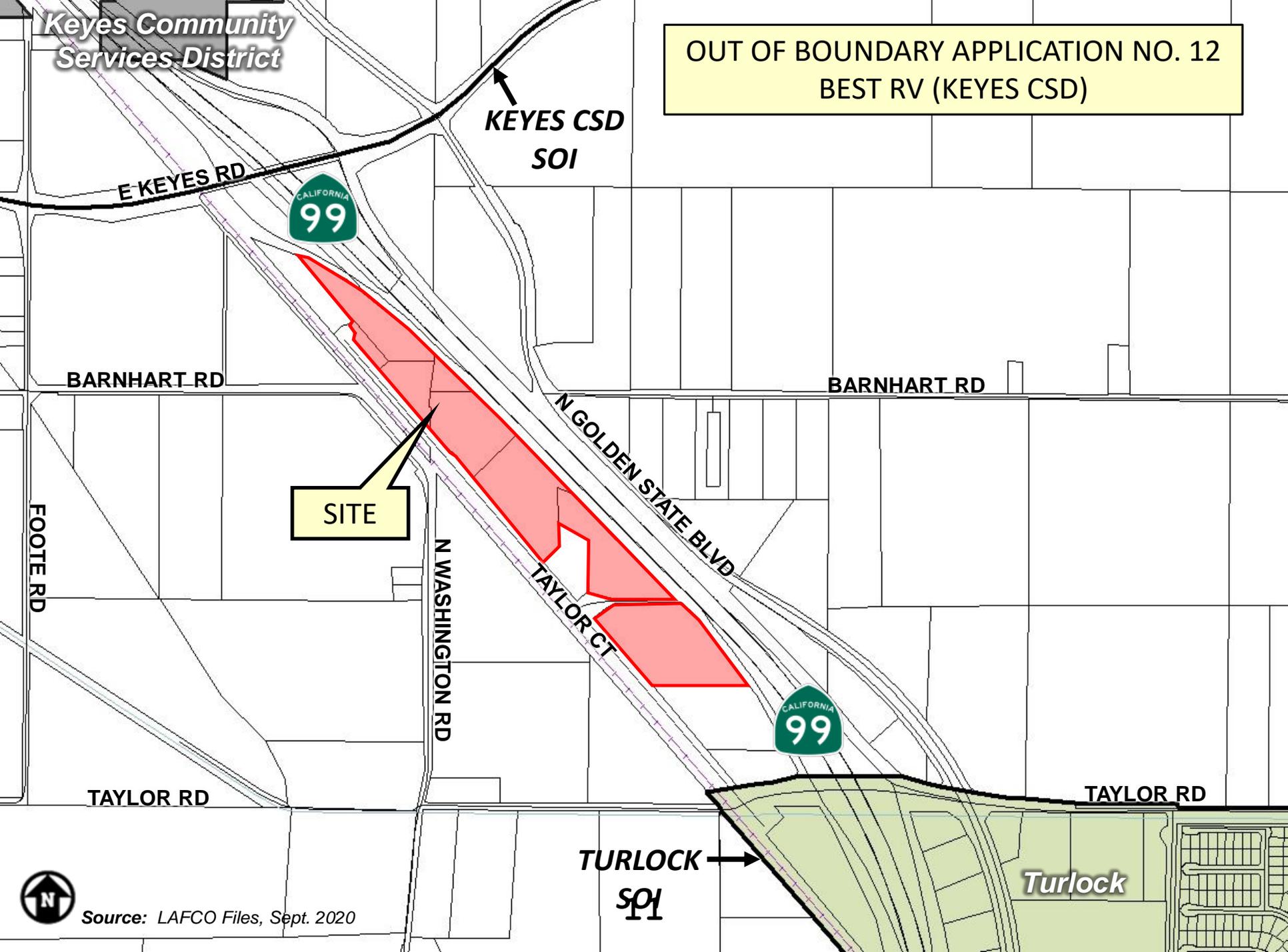
TAYLOR RD

TURLOCK  
SOI

Turlock



Source: LAFCO Files, Sept. 2020



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## **EXHIBIT B**

### **Keyes CSD Out-of-Boundary Application**

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# STANISLAUS LAFCO

Stanislaus Local Agency Formation Commission

1010 – 10 th Street, 3<sup>rd</sup> Floor ♦ Modesto, CA 95354

(209) 525-7660 ♦ FAX (209) 525-7643

www.stanislauslafco.org

## OUT OF BOUNDARY SERVICE APPLICATION

### AGENCY TO EXTEND SERVICE:

AGENCY NAME: Keyes Community Services District

CONTACT PERSON: Ernie Garza, General Manager

ADDRESS: 5601 7th Street, PO Box 699, Keyes, CA 95328

PHONE: 209-668-8341 FAX: 209-668-8396 E-MAIL: mharris@keyescsd.org

### CONTRACTING PARTY:

NAME OF PROPERTY OWNER: Best RV Center

SITE ADDRESS: 5340 Taylor Ct., Turlock, CA 95382

PHONE: 209-216-5200Ext724 FAX: 209-216-5210 E-MAIL: nmammari@bestrv.com

CONTRACT NUMBER/IDENTIFICATION: Nader Ammari

ASSESSOR PARCEL NUMBER(S): 045-053-044, 045-053-043, 0145-053-042, 045-050-005, 045-05

ACREAGE: 8.16 acres

The following application questions are intended to obtain enough data about the proposal to allow the Commission and staff to adequately assess the service extension. By taking the time to fully respond to the questions below, you can reduce the processing time for this application. You may include any additional information that you believe is pertinent. Use additional sheets where necessary.

1. (a) List type of service(s) to be provided by this application:

Potable water service for Best RV Center sales office and service facility.  
\_\_\_\_\_  
\_\_\_\_\_

(b) Are any of the services identified in 1-a "new" services to be offered by the agency? If yes, please provide explanation.

No. The Best RV Center is an existing business that has grown in employees until the County EHD is requiring them to meet the public water system regulations. Because of nitrate in the well water the best solution is to obtain potable water service from Keyes CSD.

2. Please provide a description of the service agreement/contract. (Included in this description should be an explanation as to why a jurisdictional change is not possible at this time and if this extension is an emergency health and safety situation.)

Will serve letter from Keyes CSD, attached  
This is a health and safety issue because the existing well water is contaminated with nitrate.

3. Is annexation of the territory by your agency anticipated at some future time? Please provide an explanation.

Only if required to obtain potable water service.

4. Is the property to be served within the Agency's sphere of influence?

No

5. If the service extension is for development purposes, please provide a complete description of the project to be served.

The service is not for development but to serve an existing business.

6. Has an environmental determination been made for this proposal? If yes, provide a copy. If no, please provide an explanation.

The environmental determination is being prepared by Stanislaus County as the lead agency for the Best RV Center building permit and associated permits, and will include all the related new facilities.

7. Are there any land use entitlements involved in the project or contract? If yes, please provide a copy of the documentation for this entitlement. Please check those documents attached:

- \_\_\_\_\_ Tentative Map and Conditions
- \_\_\_\_\_ Subdivision Map or Parcel Map
- \_\_\_\_\_ Specific Plan
- \_\_\_\_\_ General Plan Amendment
- \_\_\_\_\_ Rezoning
- \_\_\_\_\_ Other - (provide explanation) \_\_\_\_\_

\_\_\_\_\_  
Ernie Garza

8. Please provide a map showing existing facilities and proposed extensions and a detailed description of how services are to be extended to the property. Your response should include, but not be limited to, an explanation of distance for connection to existing infrastructure to the site; and cost of improvements, how financing is to occur, and any special financing arrangement for later repayment.  
See Figure 6 option 2, which shows the Best RV existing facilities and a new waterline connecting to waterline near the intersection of Golden State Blvd, and W. Barnhart. Approximately 400 feet of 4" casing and 2" water pipe installed under Hwy 99 by HDD. Construction cost approx \$50,000.

### CERTIFICATION

I hereby certify that the statement furnished above and in the attached exhibits present the data and information required for this evaluation of service extension to the best of my ability, and that the facts, statement, and information presented herein are true and correct to the best of my knowledge and belief.

SIGNED:



PRINTED NAME:

Ernie Garza

DATED:

August 28, 2020

#### REQUIRED ATTACHMENTS:

1. Copy of the proposed agreement.
2. Map showing the property to be served, existing agency boundary, and the location of infrastructure to be extended.
3. Application fee.

Please forward the completed form and related information to:

Stanislaus Local Agency Formation Commission  
Attn: Executive Officer  
1010 10<sup>th</sup> Street, 3<sup>rd</sup> Floor  
Modesto, CA 95354

---

# STANISLAUS LAFCO

**Stanislaus Local Agency Formation Commission**

1010 – 10 th Street, 3<sup>rd</sup> Floor ♦ Modesto, CA 95354

(209) 525-7660 ♦ FAX (209) 525-7643

[www.stanislauslafco.org](http://www.stanislauslafco.org)

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## INDEMNITY AGREEMENT

As part of this application, the applicant agrees to defend, indemnify, hold harmless and release the Stanislaus Local Agency Formation Commission (LAFCO), its officers, employees, attorneys, or agents from any claim, action or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul, in whole or in part, LAFCO's action on a proposal or on the environmental documents submitted to support it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, and expert witness fees that may be asserted by any person or entity, including the applicant arising out of or in connection with the application.

Date: August 28, 2020

APPLICANT OR APPLICANT'S REPRESENTATIVE:  
(Proof of authority must be provided)

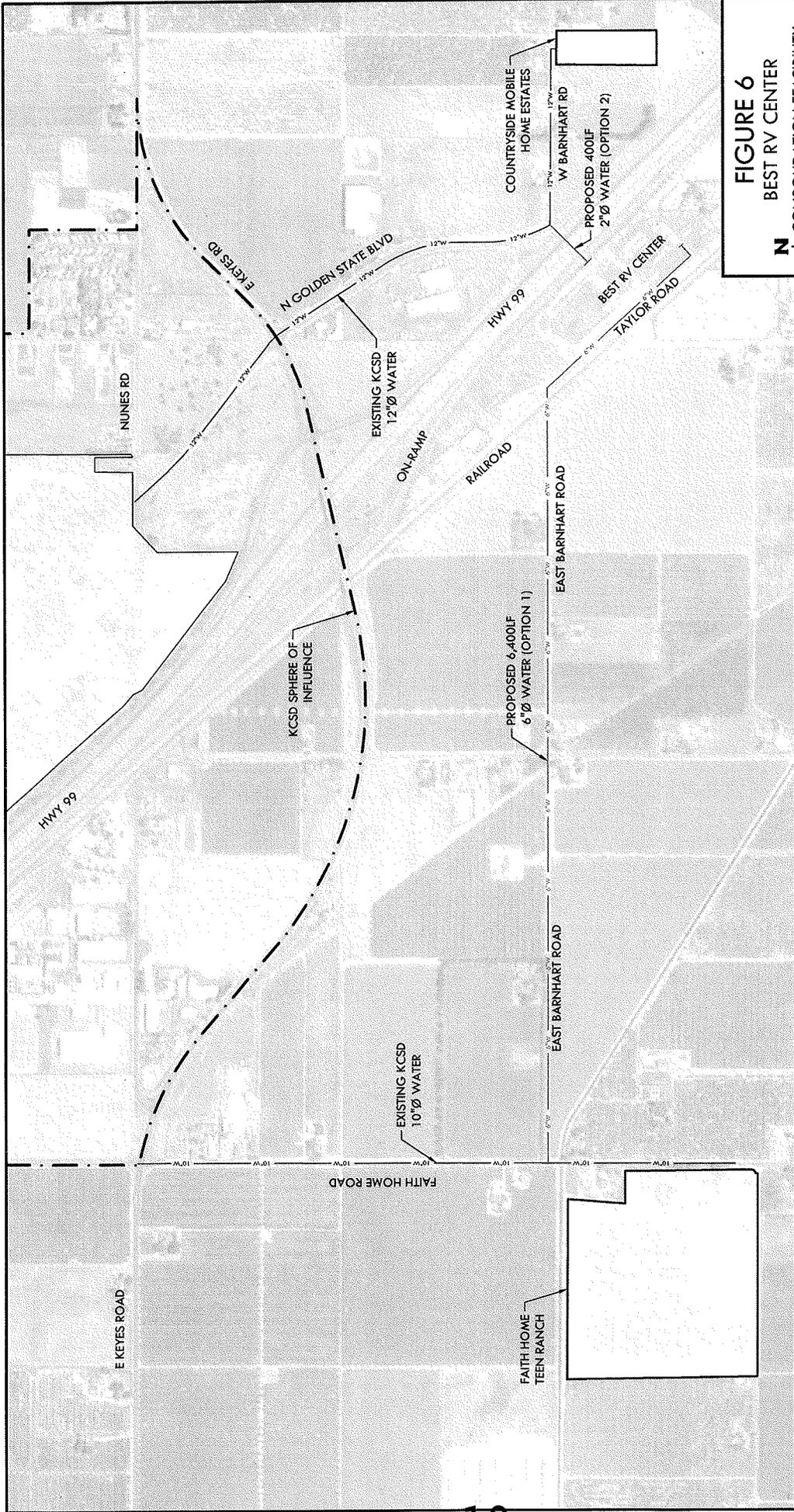
Signature: 

Name: Ernie Garza

Title: General Manager

Agency: Keyes Community Services District

Address: 5601 7th St.  
Keyes, Ca 95328



**FIGURE 6**  
**BEST RV CENTER**  
 CONSOLIDATION FEASIBILITY  
 SEPTEMBER, 2018

0 600' 1200'

SCALE: 1"=600'

**BLACK WATER**  
 CONSULTING ENGINEERS, INC.  
 665 SANDHOGS AVE, SUITE N, ANDERSTON, CA 92530, PH: 209.322.9817

DISTRICT BOUNDARY

WATER SYSTEMS TO BE CONSOLIDATED

DISTRICT SPHERE OF INFLUENCE

EXISTING WATER LINE

PROPOSED WATER LINE

**KEYES COMMUNITY SERVICES DISTRICT  
5601 7<sup>TH</sup> STREET  
P O BOX 699  
KEYES, CA 95328**

November 19, 2019

Turlock RV Center  
5340 Taylor Court  
Turlock, CA 95382

Re: Will Serve Letter Request For Property at 5340 Taylor Court  
APNs 045-053-044, 045-053-043, 045-053-042, 045-050-005,  
045-050-009, 045-050-013, 045-053-040, 045-062-001

Dear Mr. Hall:

The Keyes Community Services District is willing to provide the requested water service on the following conditions:

1. All water service lines and sewer connections must be installed to District standards and according to plans approved by the District, at the expense of the owner.
2. All applicable District connection, facilities and inspection fees must be paid upon application for connections.
3. The owner must comply with all District rules and regulations.
4. This will-serve commitment will expire on November 19, 2020 unless construction has commenced by that date.
5. This Will Serve Letter does not officially accept and approve the Construction Plans as submitted with your application.

Sincerely,



Ernie Garza  
General Manager

**EXHIBIT C**

**LAFCO Policy 15**

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## **POLICY 15 - OUT-OF-BOUNDARY SERVICE CONTRACTS OR AGREEMENTS**

*(Amended January 24, 2018)*

Government Code Section 56133 (Cortese-Knox-Hertzberg Act) specifies that a city or special district must apply for and obtain LAFCO approval before providing new or extended services outside its jurisdictional boundaries. The Commission will consider this policy in addition to the provisions of Government Code Section 56133 when reviewing out-of-boundary service extension requests.

- A. Pursuant to Government Code Section 56133(b), the Commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries, but within its sphere of influence, in anticipation of a later change of organization. The Commission may authorize a city or district to provide new or extended services outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory in accordance with Government Code Section 56133(c).
- B. The Commission has determined that the Executive Officer shall have the authority to approve, or conditionally approve, proposals to extend services outside jurisdictional boundaries in cases where the service extension is proposed to remedy a clear health and safety concern for existing development.

In cases where the Executive Officer recommends denial of such a proposed service extension or where the proposal will facilitate new development, that proposal shall be placed on the next agenda for which notice can be provided so that it may be considered by the Commission. After the public hearing, the Commission may approve, conditionally approve, or deny the proposal.

- C. Considerations for Approving Agreements: Annexations to cities and special districts are generally preferred for providing public services; however, out-of-boundary service extensions can be an appropriate alternative. While each proposal must be decided on its own merits, the Commission may favorably consider such service extensions in the following situations:
  - 1. Services will be provided to a small portion of a larger parcel and annexation of the entire parcel would be inappropriate in terms of orderly boundaries, adopted land use plans, open space/greenbelt agreements or other relevant factors.
  - 2. Lack of contiguity makes annexation infeasible given current boundaries and the requested public service is justified based on adopted land use plans or other entitlements for use.
  - 3. Where public agencies have a formal agreement defining service areas provided LAFCO has formally recognized the boundaries of the area.
  - 4. Emergency or health related conditions mitigate against waiting for annexation.

5. Other circumstances which are consistent with the statutory purposes and the policies and standards of the Stanislaus LAFCO.
- D. Health or Safety Concerns: The requirements contained in Section 56133(c) of the Government Code will be followed in the review of proposals to serve territory with municipal services outside the local agency's sphere of influence. Service extensions outside a local agency's sphere of influence will not be approved unless there is a documented existing or impending threat to public health and safety, and the request meets one or more of the following criteria as outlined below:
1. The lack of the service being requested constitutes an existing or impending health and safety concern.
  2. The property is currently developed.
  3. No future expansion of service will be permitted without approval from the LAFCO.
- E. Agreements Consenting to Annex: Whenever the affected property may ultimately be annexed to the service agency, a standard condition for approval of an out-of-boundary service extension is recordation of an agreement by the landowner consenting to annex the territory, which agreement shall inure to future owners of the property.
1. The Commission may waive this requirement on a case-by-case basis upon concurrence of the agency proposing to provide out-of-boundary services.
  2. The Commission has determined, pursuant to Government Code Section 56133(b) that the Beard Industrial Area shall not be subject to the requirement for consent-to-annex agreements, based on the historical land use of the area and its location within the Sphere of Influence of the City of Modesto.
- F. Area-wide Approvals: The Commission has recognized and approved extensions of sewer and/or water services to specific unincorporated areas, including the Bret Harte Neighborhood, Robertson Road Neighborhood, and the Beard Industrial Area. New development in these delineated unincorporated areas is considered infill and does not require further Commission review for the provision of extended sewer and/or water services. The Commission may consider similar approvals for area-wide service extensions on a case-by-case basis when it determines each of the following exists:
1. There is substantial existing development in the area, consistent with adopted land use plans or entitlements.
  2. The area is currently located within the agency's sphere of influence.
  3. The agency is capable of providing extended services to the area without negatively impacting existing users.

4. The proposal meets one of the situations outlined in Section C of this Policy where extension of services is an appropriate alternative to annexation.
- G. In the case where a city or district has acquired the system of a private or mutual water company prior to January 1, 2001, those agencies shall be authorized to continue such service and provide additional connections within the certificated service area of the private or mutual water company, as defined by the Public Utilities Commission or other appropriate agency at the time of acquisition, without LAFCO review or approval as outlined in Government Code Section 56133. The continuation of service connections under this policy shall not be constrained by the sphere of influence of that local agency at that time. Proposals to extend service outside this previously defined certificated area would come under the provisions of Government Code Section 56133 for the review and approval by the Commission prior to the signing of a contract/agreement for the provision of the service.
- H. Exemptions: Consistent with Government Code Section 56133, this policy does not apply to:
1. Two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.
  2. The transfer of non-potable or non-treated water;
  3. The provision of surplus water to agricultural lands and facilities, including but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county.
  4. An extended service that a city or district was providing on or before January 1, 2001.
  5. A local publicly owned electrical utility, as defined by Section 9604 of the Public Utilities Code, providing electrical services that do not involve the acquisition, construction, or installation of electrical distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundaries.
  6. A fire protection contract, as defined in Section 56134 and Policy 15a.

**POLICY 15a – FIRE PROTECTION CONTRACTS OR AGREEMENTS**

*(Adopted on January 24, 2018)*

Effective January 1, 2016, Government Code Section 56134 requires the Commission to review a fire protection contract or agreement that provides new or extended fire protection services outside an agency's jurisdictional boundaries and meets either of the following thresholds: (1) transfers service responsibility of more than 25 percent of an affected public

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**EXHIBIT D**

**Stanislaus County Initial Study  
Mitigation Monitoring Plan  
& Notice of Determination**

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# CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, December 30, 2009

1. **Project title:** Rezone Application No. PLN2017-0098 – Best RV Center
2. **Lead agency name and address:** Stanislaus County  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354
3. **Contact person and phone number:** Jeremy Ballard, Associate Planner
4. **Project location:** 5100, 5340, 6424 and 6460 Taylor Court, and 4318 W. Warner Road, between E Keyes Road and E Taylor Road, in the Turlock area. (APN's: 045-050-005, 009, 013; 045-053-040, 042, 043, 044; and 045-062-001).
5. **Project sponsor's name and address:** Naiel M. Ammari, Trustee of the 2005 Naiel M. Ammari Revocable Trust
6. **General Plan designation:** P-D (Planned Development)
7. **Zoning:** A-2-40 (General Agriculture), A-2-10, P-D (194) (Planned Development), P-D (289), P-D (306), and P-D (307)
8. **Description of project:**

Request to rezone eight parcels to expand and reorganize an existing recreational vehicle (RV) sales business by allowing the expansion in two phases. The sale of new and used RV's currently exists on two parcels (APN: 045-0530-043 and 044), which utilize two existing buildings for sales offices, service departments, parts counter, and RV wash facility. The existing business serves approximately 20 customers a day and include six truck delivers per day. The existing business includes a driveway from Taylor Court, and an emergency vehicle access, also from Taylor Court. APN 045-050-009, P-D 289, was approved for the sale of landscaping materials and gardening accessories. APN: 045-050-005 and 013, are zoned A-2-40, and are not permitted to be utilized for RV sales without a rezone. The site is currently served by an existing private well and septic system. Phase 1 will include: expanding storage of sales inventory onto APN's 045-050-005, 045-050-009, and 045-050-013; developing and fully landscaping a new storm drain basin to serve all existing and proposed Phase 1 development; paving all vehicle areas and installing a 10-foot wide landscape strip along Taylor Court and State Route 99 frontage; and utilization of APN 045-053-040 for maintenance of RV's and overflow inventory storage. Phase 2 proposes to re-configure the existing sales and service operation by converting the existing service shop on APN 045-053-044 to additional sales offices; converting existing offices on APN 045-053-040 to a retail area for parts; construction of two roof-only structures for service and sales staging areas used in conjunction with the existing maintenance building; developing a drive-thru waste disposal and propane station; utilizing APN 045-062-001 for the storage of overflow RV inventory by paving the entire site in order to develop a customer parking lot; construct a landscaped storm drain basin; and install landscaping along the frontage of all parcels. The applicant proposes to be served by the Keyes Community Service District (CSD) for domestic water with an out of boundary service connection. The service connection will connect to an existing Keyes CSD water line at the western end of the North Golden State Boulevard and West Barnhart Road intersection, extending under State Route 99 to the rear of the existing Best RV office. The proposed 2-inch water line will provide domestic water to the development. The site will continue to be served by private septic systems for

wastewater disposal. Phase 1 will include up to 65 total employees and is anticipated to be completed by 2020 and Phase 2 will include a total of 90 employees and will be completed by 2024.

- 9. Surrounding land uses and setting:** Commercial and light industrial uses to the north and south of the site, row crops and the Union Pacific rail line to the west, and State Route 99 to the east of the site
- 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:** Mitigation Monitoring and Reporting Program  
Maps  
Traffic Impact Report

**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"/> 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 checked="" type="checkbox"/> Transportation | <input type="checkbox"/> Utilities / Service Systems      | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Wildfire                  | <input type="checkbox"/> Energy                           |   |

**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.

Jeremy Ballard, Associate Planner  
Prepared by

March 6, 2020  
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 site itself is not considered to be a scenic resource or unique scenic vista. The project site consists of eight separate parcels and is partially developed with an existing recreational vehicle (RV) sales and service operation. The proposed project fronts along State Highway 99 and Taylor Court. The frontage along the state highway is highly visible to the traveling public. The application proposes lighting along the perimeter of the entire site and on the interior parking lot areas. Additionally, the project proposes to utilize existing landscaping along Taylor Court and to install additional landscaping along both road frontages, as well as interior landscaping. Conditions of approval will be applied to the project that require the final landscaping design be approved by the Planning Department and that the landscaping be maintained, including the replacement of dead or dying plants. A condition of approval will also be added to ensure that nighttime lighting be aimed downward towards the project site to prevent glare offsite. No adverse impacts to the existing visual character of the site or its surroundings are anticipated as a result of the proposed project.

**Mitigation:** None.

**References:** Application information; Stanislaus County Zoning Ordinance; the Stanislaus County General Plan; and Support Documentation<sup>1</sup>.

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:** None of the parcels included in this project request are enrolled in a Williamson Act Contract. Of the eight parcels requested to be rezoned only three are currently zoned A-2 (General Agriculture) and the five remaining parcels have various Planned Development zoning designations, which allowed for uses like RV sales, sale of outdoor landscaping accessories, vehicle repair, and storage.

According to the California Department of Conservation Farmland Mapping and Monitoring Program the project site is comprised of Urban and Built-Up Land. The USDA Natural Resources Conservation Services' Eastern Stanislaus County Soil Survey indicates that the property is made up of Dinuba sandy loam (DrA) with a Storie Index Rating of 77 and grade 2, shallow (DsA) with a Storie Index Rating of 43 and grade 3, slightly saline alkali (DyA) with a Storie Index Rating of 33 and grade 4, and Tujunga loamy sand (TuA) with a Storie Index Rating of 76 and grade 3. Based on this information none of the parcel included in the project request qualify as prime farmland.

A referral response was received from the Turlock Irrigation District regarding irrigation facilities within the project site. The District identified an irrigation pipeline and easement that lies within parts of the project site and has required that the facilities be removed as they no longer serve any users west of the State Highway. A condition of approval will be added to address the District's requirements.

The three parcels zoned A-2 have a General Plan designation of Planned Development and have not been utilized for agricultural operations for an extended period of time. The project site is bordered on the east by State Highway 99 and on the west by Taylor Court. Properties west of Highway 99 are zoned Planned Development and A-2-40 (General Agriculture) and include a mixture of vacant properties, ranchettes, and light industrial development. There are agricultural operations to the west of the project site, separated by Taylor Court and a Union Pacific rail line. It is not anticipated that the proposed project will result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use.

In December of 2007, Stanislaus County adopted an updated Agricultural Element which incorporated guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 Zoning District. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts such as spray-drift and trespassing resulting from the interaction of agricultural and non-agricultural uses. Alternatives may be approved provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. Additionally, the agricultural buffer exempts areas utilized for parking of vehicles. The project proposes a maximum of 90 employees at full build-out including retail activities with customers on-site, which would be considered to be people intensive and require a 300-foot setback from the proposed use to adjacent agriculturally zoned property. The site is surrounded by light industrial uses to the north, retail to the south, SR 99 to the east and agriculturally zoned parcels 165 feet to the west, at its closet point. The existing business was approved prior to the Agricultural Buffer policy and is within the 300-foot buffer, including the existing building at 245 feet east of the agricultural parcel. Accordingly, the applicant is proposing an alternative to the buffer requirement which consists of landscaping fencing. No new construction of buildings within the 300-foot buffer is being proposed. Additionally, the majority of areas within the 300 feet will be used for storage and parking of RV's and customer vehicles, which is exempt from the Agricultural buffer policy.

**Mitigation:** None.

**References:** California Department of Conservation Farmland Mapping and Monitoring 2016 Stanislaus County Map; USDA National Resources Conservation District Web Soil Survey and Eastern Stanislaus Soil Survey; Referral Response from Turlock Irrigation District, dated April 09, 2018; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>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:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Conflict with or obstruct implementation of the applicable air quality plan?</b>			<b>X</b>	
<b>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?</b>			<b>X</b>	
<b>c) Expose sensitive receptors to substantial pollutant concentrations?</b>			<b>X</b>	
<b>d) Result in other emissions (such as those odors adversely affecting a substantial number of people?</b>			<b>X</b>	

**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.

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

The San Joaquin Valley Air Pollution Control District's Small Project Analysis Level (SPAL) analyses indicates that the minimum threshold of significance for criteria pollutant emissions for commercial projects is 1,673 trips/day and 1,506 trips/day for industrial projects. Based on the traffic impact analysis performed the proposed project is anticipated to generate 710 trips per day at full build-out. This would be below the District's thresholds of significance for criteria pollutant emissions.

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.

Construction activities associated with the proposed project would consist primarily of grading and paving the site, interior tenant improvements of existing buildings and construction of a two new shade structure. These activities would not require any substantial use of heavy-duty construction equipment and would require little or no demolition or grading as the 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.

The proposed project was referred to the Air District who responded that they did not have comments on the project.

The proposed project is considered to be consistent with all 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 Material; Referral Response from San Joaquin Valley Air Pollution Control District, dated April 12, 2018; Traffic Impact Analysis performed by Pinnacle Traffic Engineering, dated December 31, 2018; Stanislaus County General Plan and Support Documentation<sup>1</sup>

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:** It does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. There is no known sensitive or protected species or natural community located on the site. The project is located within the Ceres Quad of the California Natural Diversity Database. Some of the threatened species known to populate the Ceres Quad include: Swainson’s hawk, the tricolored blackbird, Steelhead (Central Valley DPS), and the Valley Elderberry Longhorn Beetle. Portions of the project site have been previously developed with commercial uses, with the remaining portions disturbed from previous agricultural practices. Because of this, the site would have a low probability of containing suitable habitat.

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:** California Department of Fish and Wildlife’s Natural Diversity Database Quad Species List; Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

**Discussion:** A records search conducted by the Central California Information Center for the project site indicated that there are no historical, cultural, or archeological resources recorded on-site and that the site has a low sensitivity for the discovery of such resources. It does not appear that this project will result in significant impacts to any archaeological or cultural resources. Portions of the project site have already been developed and the proposed construction is within areas of the project site, which has already been disturbed. However, standard conditions of approval regarding the discovery of cultural resources during the construction process will be added to the project.

**Mitigation:** None.

**References:** Central California Information Center Report for the project site, dated March 1, 2018; Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

**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; and 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.

The proposed project will include the sales, storage and limited maintenance of RVs. Construction activities associated with the proposed project would consist primarily of grading and paving the site, interior tenant improvements of existing buildings and construction of a two new shade structures. Existing sales and maintenance buildings will continue to be utilized. Proposed tenant improvements in Phase 2 and any future construction is required to comply with Title 24, Green Building Code, which includes energy efficiency requirements.

A referral response received from the Turlock Irrigation District (TID) stated that the project site receives electrical service from existing TID facilities. The District did not indicate any significant impact the proposed project would have on their facilities resulting in wasteful, inefficient or unnecessary consumption of energy resources during project construction or operation.

**Mitigation:** None

**References:** Application Material, Referral Response from Turlock Irrigation District, dated April 9, 2018; Stanislaus County General Plan EIR

<b>VII. GEOLOGY AND SOILS -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:</b>			X	
<b>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.</b>			X	
<b>ii) Strong seismic ground shaking?</b>			X	
<b>iii) Seismic-related ground failure, including liquefaction?</b>			X	
<b>iv) Landslides?</b>			X	
<b>b) Result in substantial soil erosion or the loss of topsoil?</b>			X	
<b>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?</b>			X	
<b>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?</b>			X	
<b>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?</b>			X	
<b>f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</b>			X	

**Discussion:** USDA Natural Resources Conservation Services' Eastern Stanislaus County Soil Survey indicates that the property is made up of Dinuba sandy loam (DrA) with a Storie Index Rating of 77, shallow (DsA) with a Storie Index Rating of 43, slightly saline alkali (DyA) with a Storie Index Rating of 33 and Tujunga loamy sand (TuA) with a Storie Index Rating of 76. 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 will be subject to the Department of Public Works requirements for grading, drainage, and erosion/sediment control plan, 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.

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.

The project proposes to include a drive-thru waste disposal and propane station for customers. A referral response from DER stated that the dump station associated with the waste disposal for customers requires a holding vault that will need to be regularly pumped and haul to an approved facility. A condition of approval will be added to the project to address this requirement.

DER, Public Works, and the Building Permits Division review and approve any building or grading permit to ensure their standards are met. Conditions of approval 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 Department of Environmental Resources (DER), dated April 10, 2018; Stanislaus County General Plan and Support Documentation<sup>1</sup>

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 (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H<sub>2</sub>O). CO<sub>2</sub> 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 CO<sub>2</sub> equivalents (CO<sub>2</sub>e). 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.

The San Joaquin Valley Air Pollution Control District's Small Project Analysis Level (SPAL) Analysis indicates that the minimum threshold of significance for criteria pollutant emissions for commercial projects is 1,673 trips/day and 1,506 trips/day for industrial projects. Based on the traffic impact analysis performed state the proposed project is anticipated to generate 710 trips per day at the completion of Phase 2. This would be below the District's thresholds of significance for emissions. The project may be required to obtain applicable Air District permits, including an Authority to Construct (ATC) Permit and may be subject to the following District Rules: Regulation VIII, Rule 4102, Rule 4601, Rule 4641, Rule 4002, Rule 4102, Rule 4550, and Rule 4570. Staff will include a condition of approval on the project requiring that the applicant contact the District prior to issuance of any permit to determine what regulations apply.

The Air District was referred the proposed project and responded that they did not have comments on the project

**Mitigation:** None.

**References:** San Joaquin Valley Air Pollution Control District referral response, April 12, 2019; Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>IX. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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 County Department of Environmental Resources (DER) is responsible for overseeing hazardous materials and has not indicated any particular concerns in this area. The proposed inventory for sale are non-motorized and would not include hazardous wastes such as gasoline or oil. However, Phase 2 will develop a drive-thru waste disposal and propane station, which is subject to permitting by the HAZMAT division of DER. Prior to operation of the propane service, the applicant would be responsible to receive all permits and license through the County and State. A condition of approval will be added to ensure this takes place. Consequently, the proposed use is not recognized as a generator and/or consumer of hazardous materials itself, therefore no significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project. Any on-site maintenance of RV's, will only include service to the wheels or cosmetic items such as interior cabinetry or furniture.

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

**Mitigation:** None.

**References:** Referral response from the Department of Environmental Resources, dated April 10, 2018; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>X. HYDROLOGY AND WATER QUALITY -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	

<b>b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?</b>			<b>X</b>	
<b>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:</b>			<b>X</b>	
<b>(i) result in substantial erosion or siltation on – or off-site;</b>			<b>X</b>	
<b>(ii) substantially increase the rate of amount of surface runoff in a manner which would result in flooding on- or off-site;</b>			<b>X</b>	
<b>(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</b>				
<b>(iv) impede or redirect flood flows?</b>			<b>X</b>	
<b>d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?</b>			<b>X</b>	
<b>e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?</b>			<b>X</b>	

**Discussion:** 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. Any flood zone requirements will be addressed by the Building Permits Division during the building permit process. All stormwater is required to be maintained on-site. Phase 1 proposes to consolidate all storm drain facilities within the existing developed area to the northern most portion of the site. Phase 2 proposes to consolidate the remaining. The basin will be landscaped. A Grading and Drainage Plan will be included as a requirement in this project's conditions of approval. The City of Turlock in a referral response stated that potential impacts to the on-site waste disposal facility to ground water quality needed to be addressed. The proposed inventory for sale are non-motorized and would not include hazardous wastes such as gasoline or oil nor have an impact on groundwater quality. Any on-site maintenance of RV's within inventory or returned for service by customers, will only include service to the non-mechanical or cosmetic items such as interior cabinetry or furniture. Phase 2 of the project proposes development of a waste dump station for customers. A referral response from DER stated the dump station cannot be connected to the wastewater treatment system and will be required to install a holding vault to be regularly pumped by a permitted company to haul to an approved facility. A condition of approval will be added to address this requirement and ensure compliance. The on-site septic system facilities will only serve employee or customer bathrooms and will not be used to dispose hazardous wastes. Furthermore, DER regulates the size and capacity of wastewater discharge and have not indicated that the wastewater discharge facilities would have any significant impacts to groundwater sources.

The proposed project proposes to connect to the Keyes Community Service District for potable water. The project site also features a domestic well which is currently used for their existing operations. If that connection were not to take place, the project site would be required to go through the Public Water permitting process.

The California Safe Drinking Water Act (CA Health and Safety Code Section 116275(h)) defines a Public Water System as a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system includes the following:

- (1) Any collection, treatment, storage, and distribution facilities under control of the operator of the system that are used primarily in connection with the system.
- (2) Any collection or pretreatment storage facilities not under the control of the operator that are used primarily in connection with the system.

- (3) Any water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption.

If that existing well that would be used in lieu of the Keyes CSD connection, does not meet public water system standards the applicant may need to either drill a new well or install a water treatment system for the current well. Goal Two, Policy Seven, of the Stanislaus County General Plan’s Conservation/Open Space Element requires that new development that does not derive domestic water from pre-existing domestic and public water supply systems be required to have a documented water supply that does not adversely impact Stanislaus County water resources. This Policy is implemented by requiring proposals for development that will be served by new water supply systems be referred to appropriate water districts, irrigation districts, community services districts, the State Water Resources Board and any other appropriate agencies for review and comment. Additionally, all development requests shall be reviewed to ensure that sufficient evidence has been provided to document the existence of a water supply sufficient to meet the short and long-term water needs of the project without adversely impacting the quality and quantity of existing local water resources.

If the applicant is required to install a water treatment system, it will be required to be approved by the Regional Water Quality Control Board and the Department of Environmental Resources. Regardless of which avenue the applicant takes to meet public water system standards, public water supply permits require on-going testing.

If the connection to the CSD does not take place, prior to receiving occupancy of any building permit, the property owner must obtain concurrence from the State of California Water Resources Control Board (SWRCB), Drinking Water Division, in accordance to CHSC, Section 116527 (SB1263) and submit an application for a water supply permit with the associated technical report to Stanislaus County DER. This will be added as condition of approval.

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 Turlock Sub-Basin under the jurisdiction of the Turlock Groundwater Basin Association (TGBA) GSA. The TGBA GSA, along with other GSAs located in the Turlock Sub-Basin including the County, are collaboratively developing one GSP Turlock Sub Basin Regions GSA. The GSP is currently in draft form and must be finalized by January 31, 2020.

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

**Mitigation:** None.

**References:** Referral response from the Department of Environmental Resources, dated April 10, 2018, Stanislaus County General Plan and Support Documentation<sup>1</sup>

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:** Each parcel that comprises the project site has a General Plan Designation of Planned Development in the Stanislaus County's Land Use Element of the General Plan. Of the eight parcels requested to be rezoned only three are currently zoned A-2 (General Agriculture) and the five remaining parcels have various Planned Development zoning designations, which allowed for uses like RV sales, sale of outdoor landscaping accessories, vehicle repair and storage. The applicant is requesting to rezone all eight parcels to Planned Development for RV sales, service and storage in two phases. In total, the propose development will consist of approximately 18.5± acres. If approved the new Planned Development zoning district adopted would be consistent with the currently Planned Development General Plan Designation.

The project will not physically divide an established community nor conflict with any habitat conservation plans.

**Mitigation:** None.

**References:** Application Material, Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XII. MINERAL RESOURCES -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>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?</b>			X	
<b>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?</b>			X	

**Discussion:** The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site, nor is the project site located in a geological area known to produce resources.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XIII. NOISE -- Would the project result in:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>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?</b>			X	
<b>b) Generation of excessive groundborne vibration or groundborne noise levels?</b>			X	
<b>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?</b>				X

**Discussion:** The Stanislaus County General Plan identifies noise levels up to 70 dB Ldn (or CNEL) as the normally acceptable level of noise for commercial uses. 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

California Highway 99. The area's ambient noise level will temporarily increase during grading/construction. As such, the project will be conditioned to comply with County regulations related to hours and days of construction.

The site is not located within an airport land use plan.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XIV. POPULATION AND HOUSING -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>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)?</b>			<b>X</b>	
<b>b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?</b>			<b>X</b>	

**Discussion:** The site is not included in the vacant sites inventory for the 2016 Stanislaus County Housing Element, which covers the 5<sup>th</sup> 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:** Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XV. PUBLIC SERVICES --</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>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:</b>				
<b>Fire protection?</b>			<b>X</b>	
<b>Police protection?</b>			<b>X</b>	
<b>Schools?</b>			<b>X</b>	
<b>Parks?</b>			<b>X</b>	
<b>Other public facilities?</b>			<b>X</b>	

**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. Although, if future new building construction occurs, applicable school district fees will be required as well. Two new shade structures are being proposed to be constructed. The shade structures will be used for vehicle staging prior to possession being taken by the customer. The project will also feature remodeling of existing buildings to reorganize the existing sales, parts and service departments. Any construction occurring on the property as part of this project will be required to pay all adopted public facility fees at the time of building permit issuance. The proposed project will not have any impacts to schools or parks.

This project was circulated to all applicable school, fire, police, irrigation, and public works departments and districts during the early consultation referral period. As stated in the project description, the project proposes to connect to the Keyes Community Service District (CSD) for public water services. The applicant has been issued a will serve letter from the Keyes Community Service District, agreeing to provide the service. The project site is not within the Community Service District's service boundary nor within their LAFCO adopted sphere influence. The applicant proposes an agreement with the CSD to construct a 2-inch water line that will be installed under State Route 99 to the rear of the existing Best RV office. The domestic water provided by the CSD will be utilized for domestic consumption for the commercial development. Consequently, to connect to the District, the applicant will be required to gain approval of an out of boundary service agreement through LAFCO. A condition of approval will be added to reflect this.

A referral response was received from the City of Turlock, stating that the project could have a significant impact on the environment for areas such as traffic, air quality, fire and police services, and water quality impacts. The City stated that the project size and scope was never evaluated as part of the City's Northwest Triangle Specific Plan. The City has requested that the applicant mitigate the potential impact by payment of police and fire impact fees in addition to the transportation impact fees. Additionally, the City requested that the applicant coordinate with the City of Turlock's Fire Marshall and County Fire Marshall to install necessary improvements and equipment for fire protection as well as developments standards for the site regarding: landscaping, drive aisle sizes and parking dimensions.

Based on the City of Turlock's Northwest Triangle Specific Plan, the project site was never evaluated for this type of use because the site is outside the boundaries of the Specific Plan itself. The Specific Plan's northern boundary is Taylor Road, ending at the Highway 99 southbound onramp and offramp. Furthermore, the project site is outside of the City of Turlock's LAFCO Sphere of Influence. As part of a mutual aid agreement between the City and County's emergency services exist, City emergency services could be responding to calls for service at the project site. However, a portion of the development is already existing, the proposed expansion only includes two new structures, both of which are freestanding structures to be utilized for sales vehicles prepped before sale. The existing structures will go through tenant improvements to improve efficiency or design but will not increase in square footage nor will they increase the intensity of their existing uses. Furthermore, being that the site is not located within the City's Sphere of Influence nor within any specific plan areas, payment of any City Capital Facility Fees would not be warranted at this time. Any services related to emergency services is anticipated to be minimal as well, the only structures proposed are roof only for staging of vehicles for sale. Additionally, as discussed in Section XVII – Transportation, the applicant will be required to pay a fair share amount for upgrades to the Taylor Road/SR 99 future interchange to account for impacts to traffic. A full discussion, of payment of City of Turlock Capital Facility Fees will be discussed in the staff report.

Lastly, the City of Turlock stated that an evaluation should be done to determine if there is adequate water on-site to serve employees that would meet water quality standards. As mentioned above, the applicant proposes to connect to the Keyes Community Service District for public water. The District is responsible for maintaining water quality that meets Federal, State and local standards. However, if the out of boundary service agreement is not obtained, the project site would fall under the State of California's definition of a Public Water System and the existing well would be required to meet the regulatory requirement for public water consumption prior to expansion. A comprehensive discussion on the Public Water System can be found in Section X Hydrology and Water Quality. A condition of approval will be added to reflect both requirements prior to issuance of a grading or building permit.

**Mitigation:** None.

**References:** City of Turlock referral response dated on April 11, 2018, Department of Environmental Resources referral April 10, 2018, Stanislaus County General Plan and Support Documentation<sup>1</sup>

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>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?</b>			<b>X</b>	
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**Discussion:** This project will not increase demands for recreational facilities, as such impacts typically are associated with residential development.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

**Discussion:** The project is a request to rezone eight parcels to expand and reorganize an existing recreational vehicle (RV) sales business by allowing the storage of vehicles in two phases. Phase 1 will include: expanding storage of sales inventory onto APN's 045-050-005, 045-050-009 and 045-050-013; developing and fully landscaping a new storm drain basin to serve all existing and proposed Phase 1 development; paving all vehicle areas and installing a 10-foot wide landscape strip along Taylor Court and State Route 99 frontage; and utilization of APN: 045-053-040 for maintenance of RVs and overflow inventory storage. Phase 2 proposes to re-configure the existing sales and service operation by converting the existing service shop on APN: 045-053-044 to additional sales offices; converting existing offices on APN: 045-053-040 to a retail area for parts; construction of two roof-only structures for service and sales staging areas used in conjunction with the existing maintenance building; and developing a drive-thru waste disposal and propane station and utilizing APN: 045-062-001 for the storage of overflow RV inventory by paving the entire site in order to develop a customer parking lot, construct a landscaped storm drain basin, and landscaping of all parcel frontages. Phase 1 will include up to 65 total employees and is anticipated to be completed by 2020 and Phase 2 proposes to include a total of 90 employees and to be completed by 2024.

Project response from both Stanislaus County Environmental Review Committee and the City of Turlock requested the impacts to traffic be further evaluated. A Traffic Impact Analysis (TIA) for the proposed project was prepared by Pinnacle Traffic Engineering dated, December 31, 2018. The scope was developed in consultation with County and City of Turlock staff. Both jurisdictions have identified a need for improvements at the State Route 99 (SR 99) and Taylor Road interchange. The analysis evaluated the potential project impacts on weekday operations at adjacent intersections along Taylor Road, Taylor Court, on-ramps for SR 99, and North Golden State Boulevard. The analysis concluded that the proposed project is anticipated to generate 710 trips per day at full build-out. The analysis also found that existing service levels along Taylor Road and SR 99 southbound intersection already exceeds the threshold for adequate levels of service, warranting signalization. Taking into account the proposed project, the analysis identified potentially significant impacts to the intersections of SR 99 and Taylor Road. In both scenarios the analysis stated that mitigation measures to reduce congestion and delays at these intersections are not feasible without significant improvements to the interchange. To address traffic impacts from the proposed project, the analysis recommends the applicant pay County Public Facilities fee and a fair-share contribution towards the future improvements at the SR 99 and Taylor Road interchange. In review of the TIA, Caltrans recommends that the County collect a proportional share from the applicant, to hold for contribution for future improvements to SR 99 facilities. Additionally, Caltrans suggested "All Way Stop Control" be provided for both North Bound and Southbound onramps and offramps. Consequently, Taylor Road, which intersects with all four onramps to SR 99 is a City

of Turlock maintained road. The City of Turlock has not requested any additional traffic control measures at this time. To ensure that a fair-share is collected from future improvements to the intersection, a mitigation measure has been added for the applicant to pay a fair-share of traffic impacts to the City of Turlock prior to development. As described in the TIA, the City of Turlock's Capital Facility Fee Nexus Study the Taylor Road/SR 99 Interchange is anticipated to cost \$10,353,703. Based on trip volume comparisons between the proposed project and the City's General Plan, the project is anticipated to comprise 1.3% of the interchange. The applicant's fair-share amount to be paid is \$143,878.83, which was adjusted for inflation.

**Mitigation:**

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

**References:** City of Turlock referral response dated on April 11, 2018; Stanislaus County Environmental Review Committee referral response dated on April 09, 2018 Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>XIX. UTILITIES AND SERVICE SYSTEMS -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>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?</b>			X	
<b>b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?</b>			X	
<b>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?</b>			X	
<b>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?</b>			X	
<b>e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?</b>			X	

**Discussion:** The site is served by the Turlock Irrigation District (TID) for electrical services. TID provided a referral comment on the project stating that all landscaping cannot exceed 15 feet in height when located below any overhead electrical lines and all landscaping would have to remain outside of any existing easements. A condition of approval will be placed on the project requiring compliance with the District's comments.. All stormwater will be maintained on-site and collected by an on-site storm drain basin. Phase 1 proposes to consolidate all storm drain facilities within the existing developed area to the northern most portion of the site. Phase 2 proposes to consolidate the remaining. The basin will be landscaped. As stated previously, the applicant has been issued a will serve letter from the Keyes Community Service District (CSD), agreeing to provide water service. The project site is not within the Community Service District's service boundary nor within their LAFCO adopted sphere of influence. The applicant proposes an agreement with the CSD to construct a 2-inch water line that will be installed under State Route 99 to the rear of the existing Best RV office. The domestic water provided by the CSD will be utilized for the commercial development. Consequently, to connect to the District, the applicant will be required to gain approval of an out of boundary service agreement through LAFCO. A condition of approval will be added to reflect this.

Phase 2 of the project proposes development of a waste dump station for customers. A referral response from DER stated the dump station cannot be connected to the wastewater treatment system and will be required to install a holding vault to be regularly pumped by a permitted company to haul to an approved facility. A condition of approval will be added to address this requirement and ensure compliance. All on-site septic systems would be tied to employee or customer bathrooms and are not considered to be hazardous wastes generators. Furthermore, DER regulates the size and capacity of wastewater discharge and have not indicated that the wastewater discharge facilities would have any significant impacts to groundwater resources. Additionally, any new septic facilities would be required to adhere to current Local Agency Management Program (LAMP) standards, which include minimum setbacks from wells to prevent negative impacts to groundwater.

**Mitigation:** None.

**References:** Referral Response from Turlock Irrigation District, dated April 9, 2018, Referral response from the Department of Environmental Resources, dated April 10, 2018; Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XX. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Substantially impair an adopted emergency response plan or emergency evacuation plan?</b>			X	
<b>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?</b>			X	
<b>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?</b>			X	
<b>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?</b>			X	

**Discussion.** The project site is served by the Keyes Fire Protection District. The site is not located in a State Responsibility Area. The project site has access to a County-maintained road. The terrain is relatively flat, and it is not located near any bodies of water. Wildfire risk and risks associated with postfire land changes are considered to be less than significant.

**Mitigation:** None.

**References:** Application Material; Stanislaus County General Plan Safety Element and Support Documentation<sup>1</sup>

<b>XXI. MANDATORY FINDINGS OF SIGNIFICANCE --</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>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?</b>			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:** Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area. The site is south of the adopted Keyes Community Plan, which includes areas already developed for residential, industrial and commercial uses. East of State Route 99 includes additional existing commercial development. Currently, three potential development projects are in various stages of the land use process that will include evaluation of potential environmental impacts. Agriculturally zoned parcels are west of the project site. No additional development is anticipated to occur into the agriculturally zoned area west of the project as the Union Pacific railroad and Taylor Court act as a buffer between existing development and the agricultural land. Additionally, the site is north and northwest of the City of Turlock, which would include development that outside of the County’s jurisdiction. Subsequently, it is not anticipated that approval of the expansion of this existing business will contribute to any cumulative impacts in connection with other existing conditions. With mitigation measures in place, impacts from the project have been lowered to less than significant.

**Mitigation:** None.

**References:** Initial Study; Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

# Stanislaus County

## Planning and Community Development

### Mitigation Monitoring and Reporting Program

Adapted from CEQA Guidelines sec. 15097 Final Text, October 26, 1998

#### SAME DATE AS INITIAL STUDY

- 1. Project title and location: Rezone Application No. PLN2017-0098 – Best RV Center  
5100, 5340, 6424 and 6460 Taylor Court, between E Keyes Road and E Taylor Road, in the Turlock area. (APN's: 045-050-005, 009, and 013; 045-053-040, 042, 043, 044; and 045-062-001).
- 2. Project Applicant name and address: Naiel Ammari  
5340 Taylor Ct  
Turlock, CA 95382
- 3. Person Responsible for Implementing Mitigation Program (Applicant Representative): Naiel Ammari
- 4. Contact person at County: Jeremy Ballard, Associate Planner (209) 525-6330

#### MITIGATION MEASURES AND MONITORING PROGRAM:

List all Mitigation Measures by topic as identified in the Mitigated Negative Declaration and complete the form for each measure.

#### XVI. TRANSPORTATION/TRAFFIC

No.1 Mitigation Measure: Prior to the issuance of a grading or building permit, or business license, a fair share payment of 1.13% of the SR 99/Taylor Road Interchange estimated cost (\$143,878.83) as adjusted to meet the most current Engineering News-Record Construction Cost Index, as recommended by the Best RV Center Traffic Impact Analysis, prepared by Pinnacle Traffic Engineering December 31, 2018) shall be made to the City of Turlock for future improvements to State Route 99 and Taylor Road interchange.

Who Implements the Measure: Stanislaus County Planning and Public Works Departments

1. When should the measure be implemented: Prior to issuance of a grading or building permit, or business license

When should it be completed: Prior to issuance of a grading or building permit, or business license

Who verifies compliance: Stanislaus County Planning and Public Works Departments

Other Responsible Agencies: City of Turlock

I, the undersigned, do hereby certify that I understand and agree to be responsible for implementing the Mitigation Program for the above listed project.

Signature on file.  
\_\_\_\_\_  
Person Responsible for Implementing  
Mitigation Program

\_\_\_\_\_  
Date

# BEST RV CENTER

## REZ APP PLN2017-0098

### AREA MAP

#### LEGEND

 Project Site

 Sphere of Influence

 City

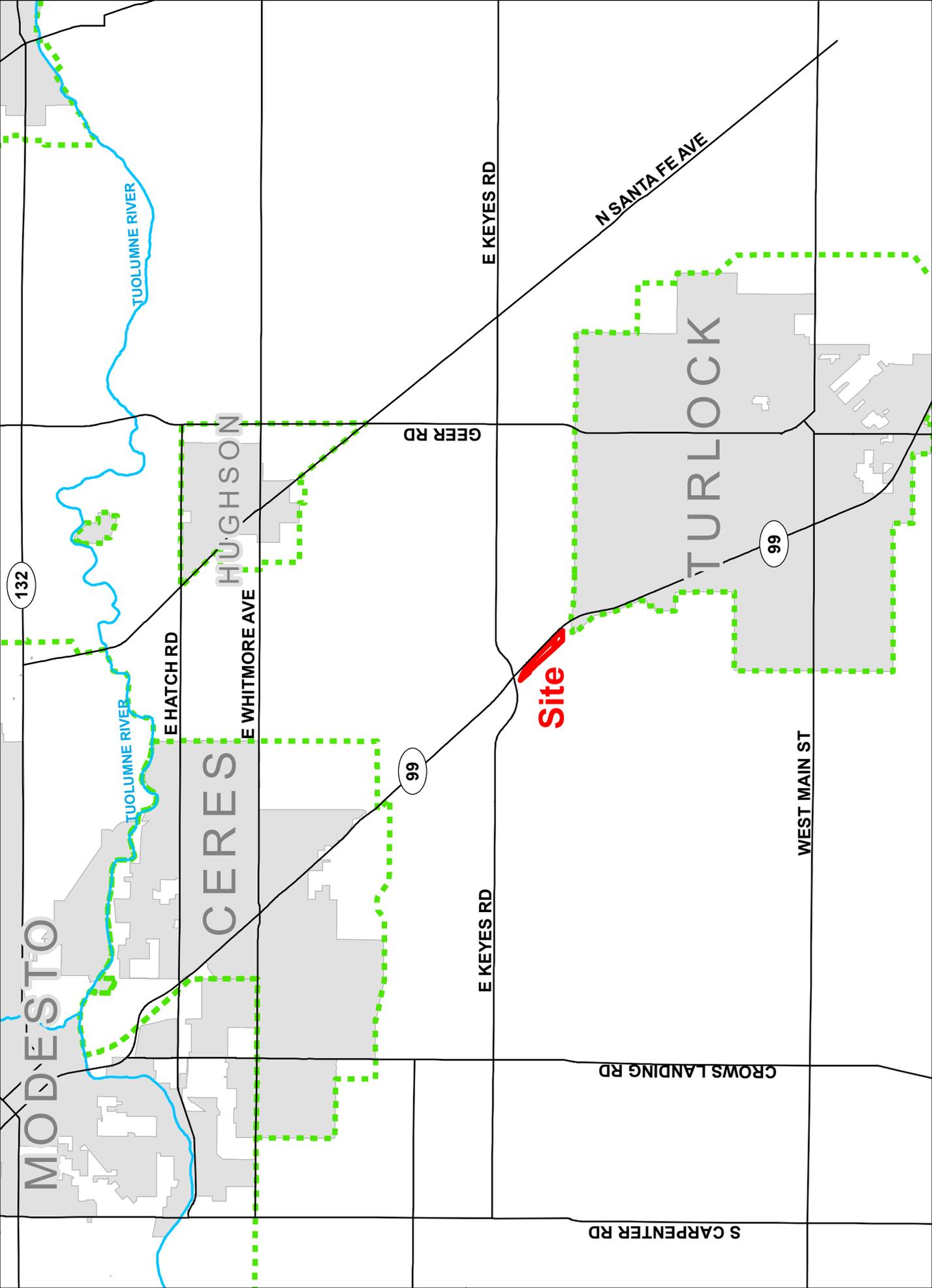
 Road

 River



Source: Planning Department GIS

Date: 1/10/2020



# BEST RV CENTER

REZ APP  
PLN2017-0098

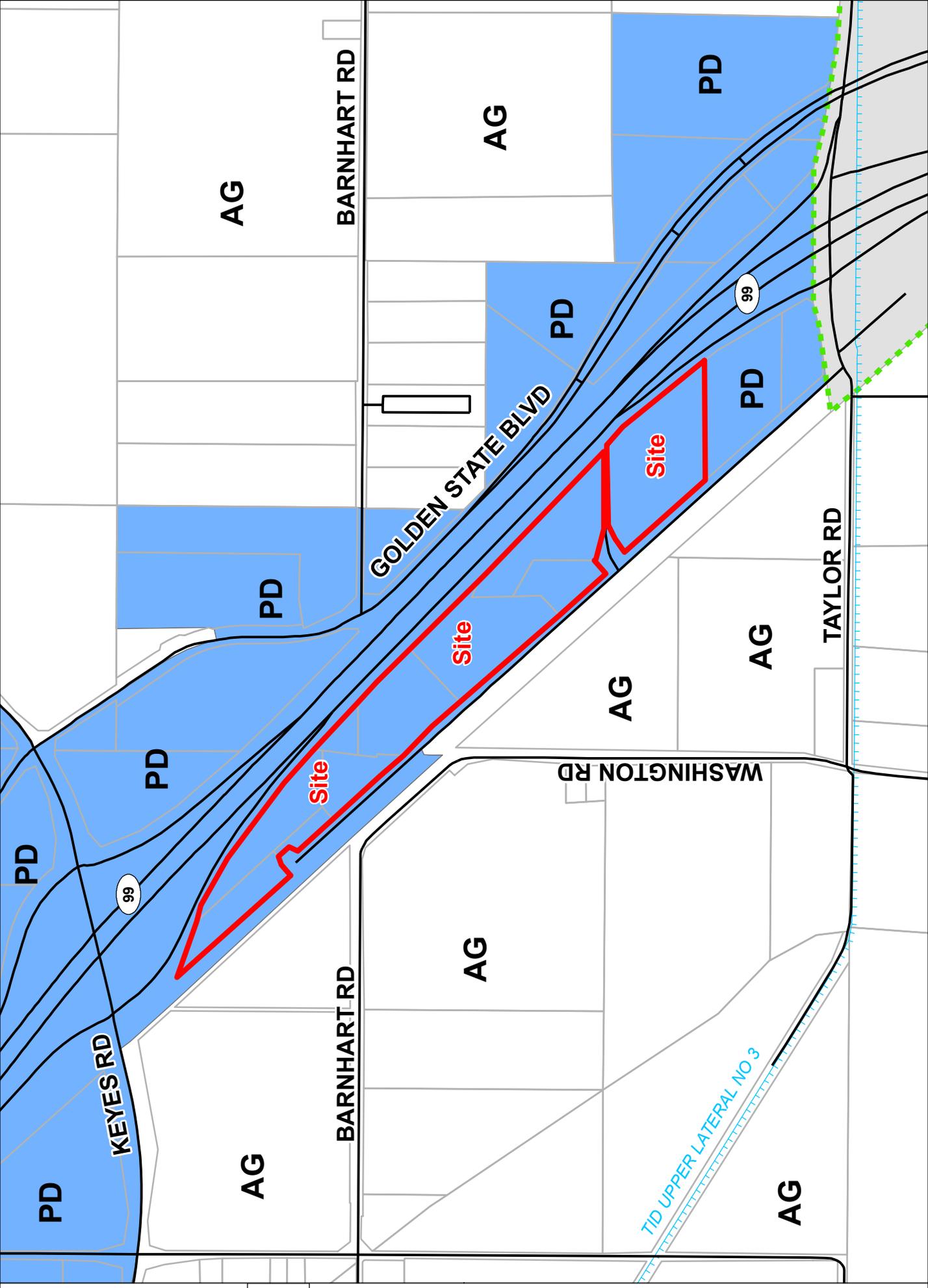
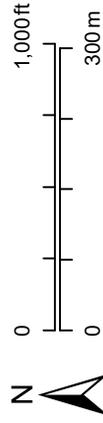
## GENERAL PLAN MAP

### LEGEND

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

### General Plan

-  Agriculture
-  Planned Development



# BEST RV CENTER

## REZ APP PLN2017-0098

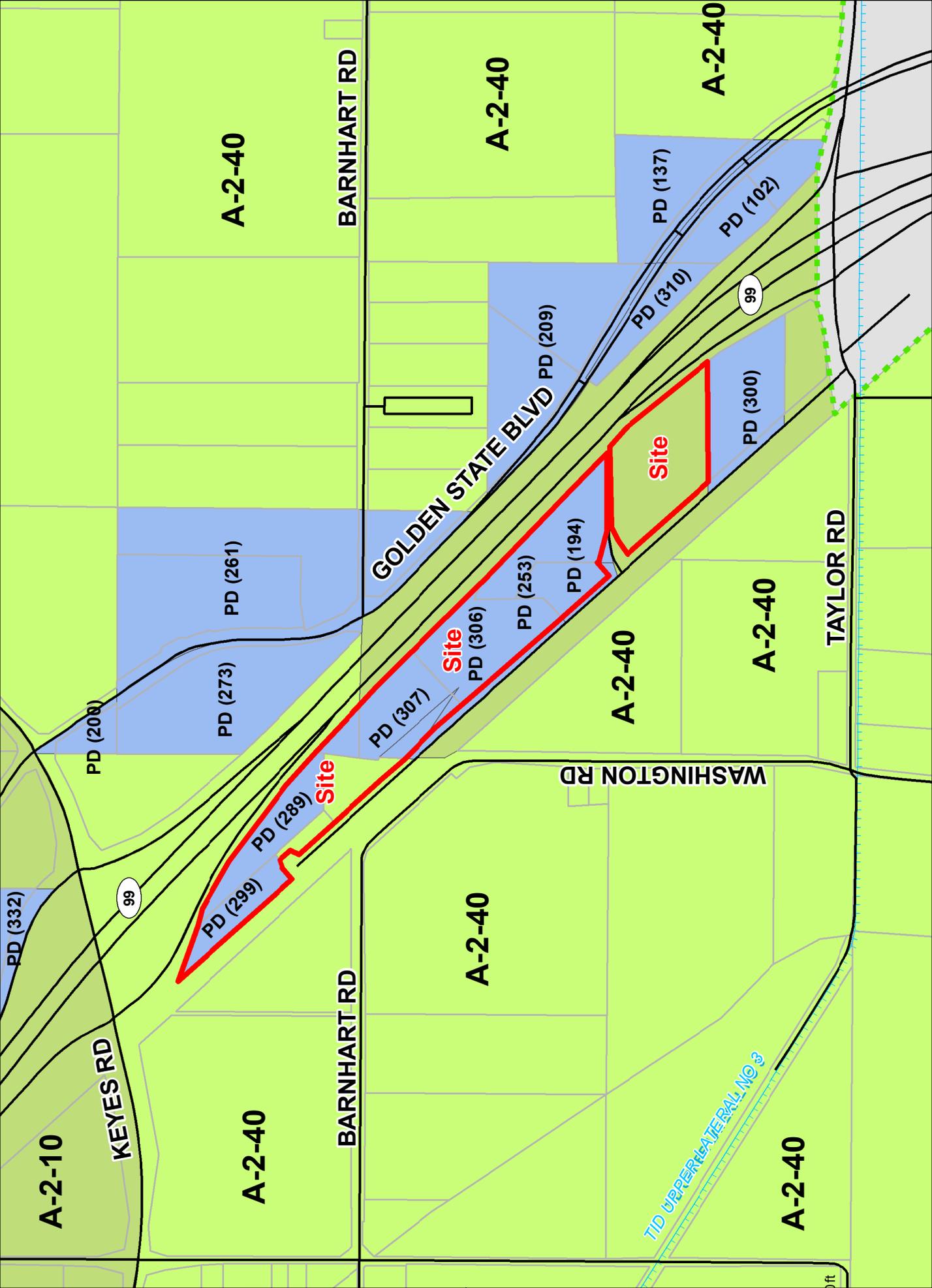
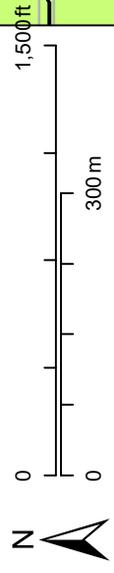
### ZONING MAP

#### LEGEND

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

#### Zoning Designation

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



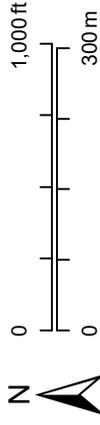
# BEST RV CENTER

## REZ APP PLN2017-0098

### ACREAGE MAP

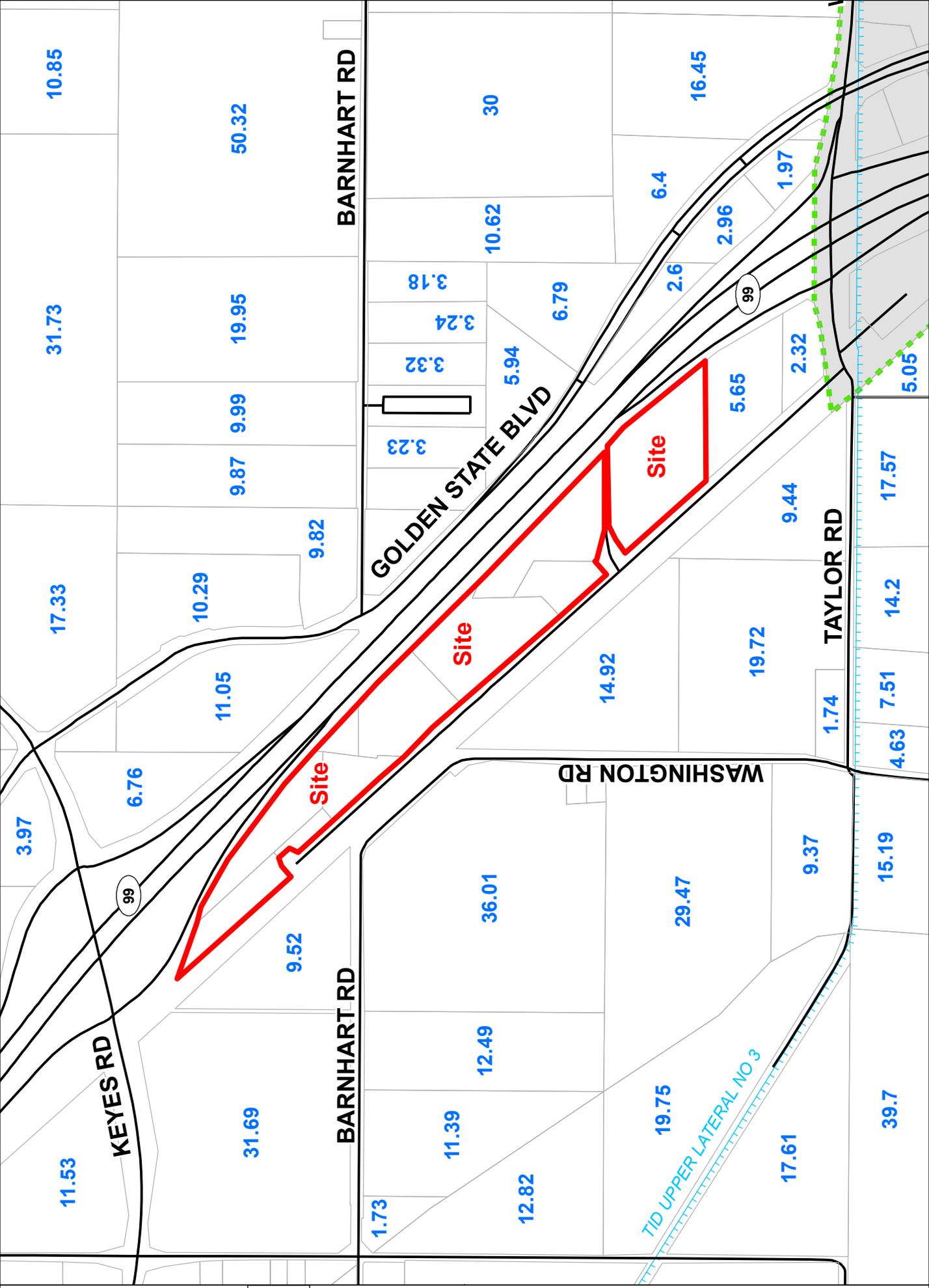
#### LEGEND

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



Source: Planning Department GIS

Date: 1/10/2020



# BEST RV CENTER

REZ APP  
PLN2017-0098

## 2017 AERIAL AREA MAP

### LEGEND



Project Site



Sphere of Influence



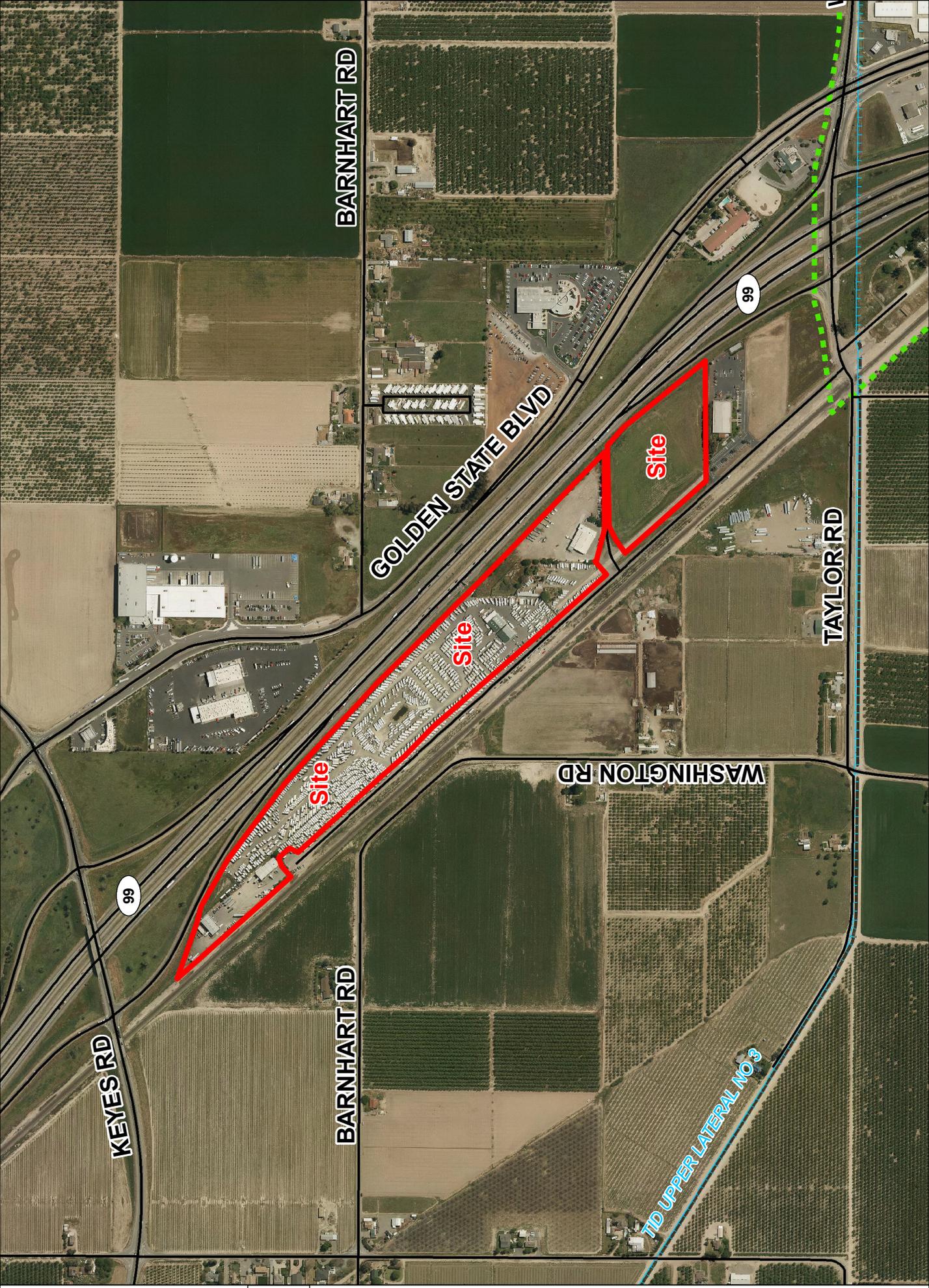
Road



Canal



1,000ft  
300 m



# BEST RV CENTER

REZ APP  
PLN2017-0098

## 2017 AERIAL SITE MAP

### LEGEND

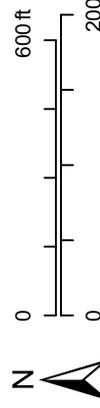
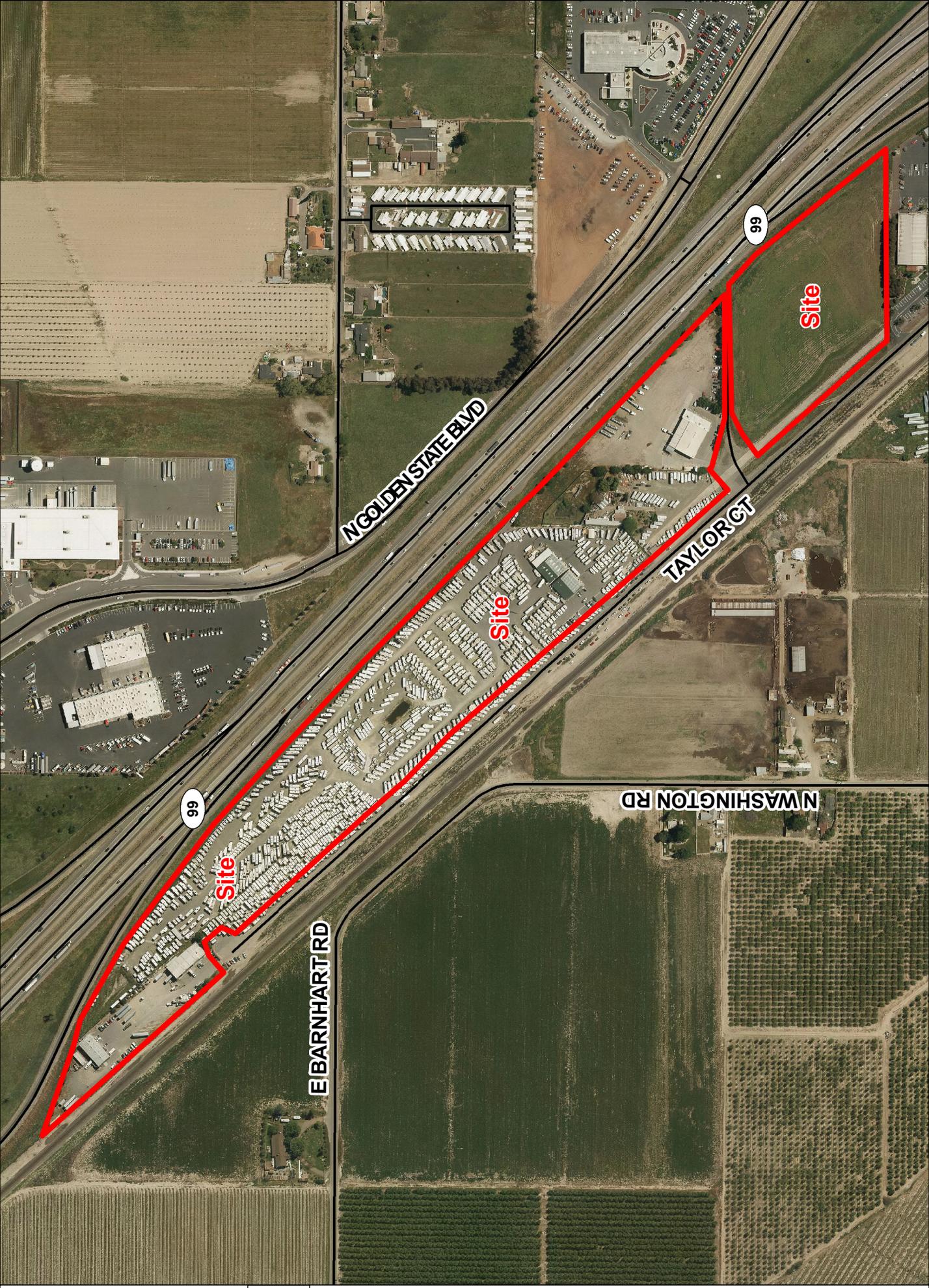


Project Site



Road

57











Revised	By

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

**Phase 2**

**Best RV**  
 5240 Taylor Ct.  
 Turlock, CA 95354  
 2023.08.2023

**Preliminary Landscape Plan**

Scale	1" = 50'-0"
Date	November 20, 2023
Drawn (checked)	Michael J. Smith
Project No.	2023-08-2023
Client	Best RV
Sheet Number	L0.2

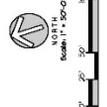
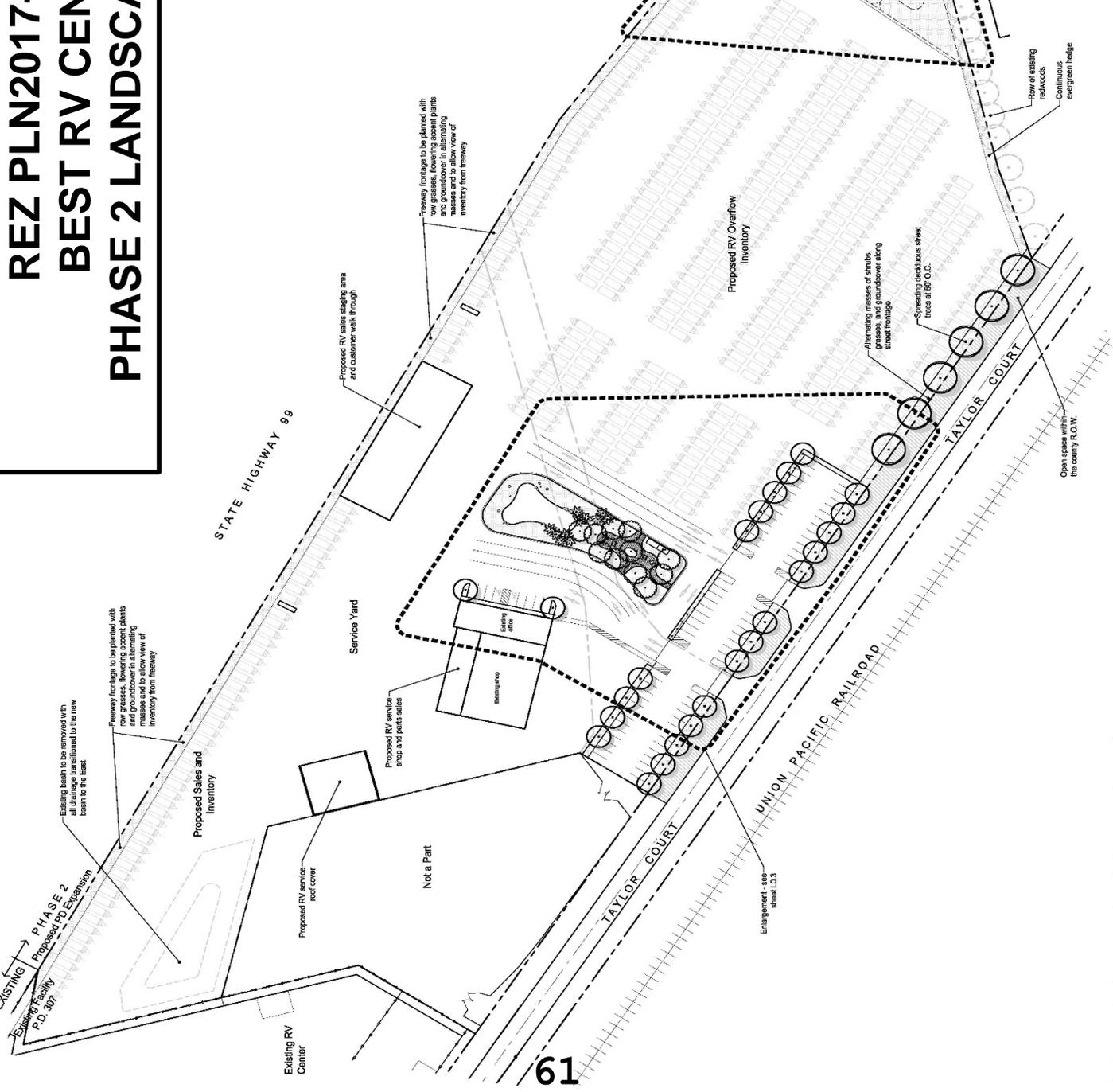
# REZ PLN2017-0098 BEST RV CENTER PHASE 2 LANDSCAPE PLAN



**Landscape Concept**  
 The site will be landscaped with a mix of native and non-native plants, trees, shrubs, and groundcover to create a sustainable and low-maintenance landscape. The design will incorporate a variety of plant species to provide year-round interest and color. The landscape will be designed to be drought-tolerant and require minimal irrigation. The goal is to create a landscape that is both functional and aesthetically pleasing, providing a pleasant environment for customers and staff.

**Irrigation**  
 The site will be irrigated with a drip irrigation system. The system will be designed to provide water directly to the roots of the plants, minimizing evaporation and runoff. The system will be controlled by a timer and will be installed in a way that is not visible to customers. The goal is to provide a consistent and efficient irrigation system that will keep the plants healthy and looking great.

**Freeway**  
 Freeway landscaping is planned with row grasses, flowering accent plants and groundcover in alternating masses and to allow view of freeway from freeway. The design will incorporate a variety of plant species to provide year-round interest and color. The landscape will be designed to be drought-tolerant and require minimal irrigation. The goal is to create a landscape that is both functional and aesthetically pleasing, providing a pleasant environment for customers and staff.





STANISLAUS COUNTY  
DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, California 95354

FILED  
20 AUG 12 PM 1:11  
STANISLAUS COUNTY CLERK-RECORDER  
Julia Gordin

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### NOTICE OF DETERMINATION

Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resources Code

---

**Project Title:** Rezone Application No. PLN2017-0098 – Best RV Center

**Applicant Information:** Naeil M. Ammari, Trustee of the 2005 Naeil M. Ammari Revocable Trust, 5340 Taylor Court, Turlock, CA 95382; (209) 216-5200

**Project Location:** 5100, 5340, 6424, 6460 Taylor Court, and 4318 W. Warner Road, between E. Keyes Road and E. Taylor Road, in the Keyes/Turlock area. Stanislaus County APNs: 045-050-005, 009, and 013; 045-053-040, 042, 043, and 044; and 045-062-001.

**Description of Project:** Request to rezone eight parcels to expand and reorganize and existing recreational vehicle (RV) sales business by allowing the expansion of RV storage in two phases.

**Name of Agency Approving Project:** Stanislaus County Board of Supervisors

**Lead Agency Contact Person:** Jeremy Ballard, Associate Planner

**Telephone:** (209) 525-6330

This is to advise that the Stanislaus County Board of Supervisors on **August 11, 2020** has approved the above described project and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
2. A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

The **Mitigated Negative Declaration** and record of project approval may be examined at:  
Stanislaus County Department of Planning and Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, California 95354

3. Mitigation measures **were** made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan **was** adopted for this project.
5. A statement of Overriding Considerations **was not** adopted for this project.
6. Findings **were** made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the Mitigated Negative Declaration, is available to the General Public @ <http://www.stancounty.com/planning/pl/agenda-min.shtm>

8/11/2020  
Dated

  
\_\_\_\_\_  
Kristin Lourd  
Principal Planner



State of California - Department of Fish and Wildlife  
**2020 ENVIRONMENTAL FILING FEE CASH RECEIPT**  
 DFW 753.5a (REV. 12/01/19) Previously DFG 753.5a

**Print**    **StartOver**    **Finalize&Email**

RECEIPT NUMBER:  
 50 — 08/12/2020 — 103  
 STATE CLEARINGHOUSE NUMBER (If applicable)

**SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.**

LEAD AGENCY Stanislaus County Department of Planning and Community Development	LEAD AGENCY EMAIL	DATE 08/12/2020
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COUNTY/STATE AGENCY OF FILING Stanislaus	DOCUMENT NUMBER 2020-103
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PROJECT TITLE  
**Rezoning Application No. PLN2017-0098 - Best RV Center**

PROJECT APPLICANT NAME Naeil M. Ammari, Trustee of the 2005 Naeil M. Ammari Revocable Trust	PROJECT APPLICANT EMAIL	PHONE NUMBER (209) 216-5200
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PROJECT APPLICANT ADDRESS 5340 Taylor Court	CITY Turlock	STATE Ca	ZIP CODE 95382
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**PROJECT APPLICANT (Check appropriate box)**  
 Local Public Agency     School District     Other Special District     State Agency     Private Entity

**CHECK APPLICABLE FEES:**

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,343.25	\$	0.00
<input checked="" type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,406.75	\$	2,406.75
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,136.50	\$	0.00
<input type="checkbox"/> Exempt from fee			
<input type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)			

<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	0.00
<input checked="" type="checkbox"/> County documentary handling fee		\$	57.00
<input type="checkbox"/> Other		\$	

**PAYMENT METHOD:**  
 Cash     Credit     Check     Other    **TOTAL RECEIVED \$ 2,463.75**

SIGNATURE 	AGENCY OF FILING PRINTED NAME AND TITLE Julia Gordin, Legal Clerk
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**NOTICE**

Each project applicant shall remit to the county clerk the environmental filing fee before or at the time of filing a Notice of Determination (Pub. Resources Code, § 21152; Fish & G. Code, § 711.4, subdivision (d); Cal. Code Regs., tit. 14, § 753.5). Without the appropriate fee, statutory or categorical exemption, or a valid No Effect Determination issued by the California Department of Fish and Wildlife (CDFW), the Notice of Determination is not operative, vested, or final, and shall not be accepted by the county clerk.

**COUNTY DOCUMENTARY HANDLING FEE**

The county clerk may charge a documentary handling fee of fifty dollars (\$50) per filing in addition to the environmental filing fee (Fish & G. Code, § 711.4, subd. (e); Cal. Code Regs., tit. 14, § 753.5, subd. (g)(1)). A county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied (Gov. Code, § 54985, subd. (a)).

**COLLECTION PROCEDURES FOR COUNTY GOVERNMENTS**

**Filing Notice of Determination (NOD):**

- Collect environmental filing fee or copy of previously issued cash receipt. *(Do not collect fee if project applicant presents a No Effect Determination signed by CDFW. An additional fee is required for each separate environmental document. An addendum is not considered a separate environmental document. Checks should be made payable to the county.)*
- Issue cash receipt to project applicant.
- Attach copy of cash receipt and, if applicable, previously issued cash receipt, to NOD.
- Mail filing fees for CRP document to CDFW prior to filing the NOD or equivalent final approval (Cal. Code Regs. Tit. 14, § 753.5 (b)(5)). The CRP should request receipt from CDFW to show proof of payment for filing the NOD or equivalent approval. Please mail payment to address below made attention to the Cash Receipts Unit of the Accounting Services Branch.

If the project applicant presents a **No Effect Determination** signed by CDFW, also:

- Attach No Effect Determination to NOD *(no environmental filing fee is due)*.

**Filing Notice of Exemption (NOE) (Statutorily or categorically exempt project (Cal. Code Regs., tit. 14, §§ 15260-15285, 15300-15333))**

- Issue cash receipt to project applicant.
- Attach copy of cash receipt to NOE *(no environmental filing fee is due)*.

**Within 30 days after the end of each month in which the environmental filing fees are collected**, each county shall summarize and record the amount collected on the monthly State of California Form No. CA25 (TC31) and remit the amount collected to the State Treasurer. Identify the remittance on Form No. CA25 as "Environmental Document Filing Fees" per Fish and Game Code section 711.4.

**The county clerk shall mail the following documents to CDFW on a monthly basis:**

- ✓ A photocopy of the monthly State of California Form No. CA25 (TC31)
- ✓ CDFW/ASB copies of all cash receipts (including all voided receipts)
- ✓ A copy of all CDFW No Effect Determinations filed in lieu of fee payment
- ✓ A copy of all NODs filed with the county during the preceding month
- ✓ A list of the name, address and telephone number of all project applicants for which an NOD has been filed. If this information is contained on the cash receipt filed with CDFW under California Code of Regulations, title 14, section 753.5, subdivision (e)(6), no additional information is required.

**DOCUMENT RETENTION**

The county shall retain two copies of the cash receipt (for lead agency and county clerk) and a copy of all documents described above for at least 12 months.

**RECEIPT NUMBER**

- # The first two digits automatically populate by making the appropriate selection in the County/State Agency of Filing drop down menu.
- # The next eight digits automatically populate when a date is entered.
- # The last three digits correspond with the sequential order of issuance for each calendar year. For example, the first receipt number issued on January 1 should end in 001. If a county issued 252 receipts for the year ending on December 31, the last receipt number should end in 252. CDFW recommends that counties and state agencies 1) save a local copy of this form, and 2) track receipt numbers on a spreadsheet tabbed by month to ensure accuracy.

**DO NOT COMBINE THE ENVIRONMENTAL FEES WITH THE STATE SHARE OF FISH AND WILDLIFE FEES.**

**Mail to:**

California Department of Fish and Wildlife  
 Accounting Services Branch  
 P.O. Box 944209  
 Sacramento, California 94244-2090