



**STANISLAUS LAFCO  
LOCAL AGENCY FORMATION COMMISSION**

**Sara Lytle-Pinhey, Executive Officer**  
1010 10<sup>th</sup> Street, Third Floor  
Modesto, California 95354  
Phone: 209-525-7660  
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[www.stanislauslafco.org](http://www.stanislauslafco.org)

**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, December 2, 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 October 28, 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.

1. Letter date October 30, 2020, from Raul Mendez, Assistant Executive Officer of Stanislaus County to Ken Irwin, Patterson City Manager. Regarding West Patterson Business Park Cooperative Agreement.

2. Letter dated October 30, 2020, from Sara Lytle-Pinhey, LAFCO Executive Officer, to Katharine Martin, Senior Planner, City of Modesto, regarding Prezone & Annexation of NE Whitmore Ave & Lodi Ave.

C. "In the News."

**5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS**

**6. CONSENT ITEM**

A. **2021 WORK PROGRAM – MUNICIPAL SERVICE REVIEW & SPHERE OF INFLUENCE UPDATES.** (Staff Recommendation: Adopt the 2021 Work Program.)

**7. PUBLIC HEARING**

A. **LAFCO APPLICATION NO. 2020-02 – CALIFORNIA TRUCK CENTER CHANGE OF ORGANIZATION TO THE KEYES COMMUNITY SERVICES DISTRICT:** The Commission will consider a request to annex two parcels including right-of-way totaling approximately 9.8 acres to the Keyes Community Services District to provide sewer and water services to a truck sales and service center. The two parcels included in this request are part of a larger project site consisting of five parcels in total. The remaining three parcels are already within the District. (Staff Recommendation: Adopt Resolution No. 2020-10, approving the application.)

**8. OTHER BUSINESS**

A. Recognition of Outgoing Commissioners.

**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 January 27, 2021.

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

October 28, 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  
Amy Bublak, City Member  
Vito Chiesa, Alternate County Member  
Brad Hawn, Alternate Public Member

Arrived at 6:05 p.m. Richard O'Brien, Alternate City Member

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

Commissioners Absent: Bill Berryhill, Vice-Chair, Public Member  
Terry Withrow, County Member  
Michael Van Winkle, City Member

### 2. PUBLIC COMMENT

None.

### 3. APPROVAL OF MINUTES

- A. Minutes of the August 26, 2020 Meeting.

Motion by Commissioner Bublak, seconded by Commissioner Hawn and carried with a 4-0 vote to approve the Minutes of the August 26, 2020 meeting by the following:

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

**4. CORRESPONDENCE**

A. Specific Correspondence.

1. Letter from the City of Turlock regarding Item 7A.

B. Informational Correspondence.

None.

A. "In the News."

**6:05 p.m. Commissioner O'Brien arrived on the Dais.**

**5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS**

None.

**6. CONSENT ITEMS**

**A. YEAR-END FINANCIAL REPORT FOR FISCAL YEAR 2019-2020**

(Staff Recommendation: Accept and file the report.)

Motion by Commissioner Chiesa, seconded by Commissioner Bublak and carried with a 5-0 vote to accept the report, by the following vote:

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

**B. PROPOSED LAFCO MEETING CALENDAR FOR 2021**

(Staff Recommendation: Accept the 2021 Meeting Calendar.)

Motion by Commissioner Chiesa, seconded by Commissioner Bublak and carried with a 5-0 vote to accept the calendar, by the following vote:

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

**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.)

Javier Camarena, Assistant Executive Officer, presented the item with a recommendation of approval.

Chair DeMartini opened the item up for Public Comment at 6:16 p.m.

Nader Ammari, Owner of Best RV, spoke in favor of the request and answered questions of the Commission regarding the location of the proposed water line.

Chair DeMartini closed the Public Hearing at 6:22 p.m.

Motion by Commissioner Bublak, seconded by Commissioner Hawn and carried with a 5-0 vote to adopt Resolution No. 2020-09, approving the application, by the following vote:

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

#### 8. COMMISSIONER COMMENTS

None.

#### 9. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON

Commissioner DeMartini stated he was disappointed that the CALAFCO Annual Conference was cancelled.

#### 10. EXECUTIVE OFFICER'S REPORT

- A. On the Horizon. The Executive Officer informed the Commission of the following:
- The CALAFCO election has been completed and the Central Region Board Members are Gay Jones, incumbent, and Daron McDaniel of Merced LAFCO.
  - For December, Staff will have an annexation for Keyes CSD and the 2021 Work Program.
  - Staff is anticipating an application from the City of Newman for the revised Phase I annexation. Staff is also awaiting revisions on an application for CSA 4 in Salida.

#### 11. ADJOURNMENT

- A. Chair DeMartini adjourned the meeting at 6:27 p.m.

**NOT APPROVED**

**CHIEF EXECUTIVE OFFICE**

*Jody L. Hayes*  
*Chief Executive Officer*

*Patrice M. Dietrich*  
*Assistant Executive Officer*

*Raul L. Mendez*  
*Assistant Executive Officer*

October 30, 2020

Sent Via Email to: kirwin@ci.patterson.ca.us

Ken Irwin, City Manager  
 City of Patterson  
 PO Box 667  
 Patterson, CA 95363

**SUBJECT: WEST PATTERSON BUSINESS PARK COOPERATIVE AGREEMENT**

Mr. Irwin:

This letter is in response to the October 15, 2020 correspondence received from Joel Andrews, City Planner, regarding the Proposed Baldwin Ranch General Plan Amendment/Rezone and Tentative Subdivision Map and in addition to a response from the Stanislaus County Environmental Review Committee, that will be provided in a separate letter. The proposal contemplates the rezone of an area within the West Patterson Business Park. As such, it necessitates a recognition of the First Amended Development and Restated Addendum No. 1 to the Development Cooperation Agreement (West Patterson Business Park).

The said agreement was executed on October 5, 2004 between Stanislaus County and the City of Patterson to further facilitate economic development and multi-jurisdictional cooperation in this area formerly west of the City of Patterson between Baldwin Road and the Interstate 5 Freeway (I-5). At the time, it outlined the conditions for the then future annexation of the West Patterson Business Park. Further, the City and County agreed that all development permitted shall be consistent with the approved West Patterson Business Park Master Development Plan and that no residential development shall be permitted by either party.

To memorialize this understanding and commitment, the City agreed to reimburse Stanislaus County for construction costs for Baldwin Road (approximately \$3 million) and Sperry Road (approximately \$6.5 million plus interest) if it permitted residential development or development that was inconsistent with the Master Development Plan after annexation. Further, the City also agreed to pay the County the greater amount of either \$10,000,000 or \$75,000 per acre for each project permitted for development inconsistent with the Master Development Plan. The agreement specifies that such payment to the County in the described amounts would be made within 30 days after the City approves such development.

The referenced Proposed Baldwin Ranch General Plan Amendment/Rezone and Tentative Subdivision Map, if approved by the City of Patterson, triggers these provisions of the First Amended Development and Restated Addendum No. 1 to Development Cooperation Agreement (West Patterson Business Park). It is important that the City recognizes this relationship at the

onset as well as the County's expectation that the executed agreement be adhered to, including the specified financial obligations. The West Patterson Business Park is a good example of a County-City partnership which was based on sound planning practices and included significant infrastructure investment to spur economic development.

The County and City have a long history of working together collaboratively. Jody Hayes, Chief Executive Officer, and I would be interested in meeting with you and your team to discuss the Proposed Baldwin Ranch General Plan Amendment/Rezone and Tentative Subdivision Map and better understand how the City of Patterson intends to meet the financial obligations as described in the West Patterson Business Park Cooperative Agreement. Thank you for your attention and we look forward to meeting with you to further discuss this important matter in the immediate future.

Regards,

A handwritten signature in blue ink, appearing to read 'Raul L. Mendez', with a stylized flourish at the end.

Raul L. Mendez  
Assistant Executive Officer

cc: Supervisor Jim DeMartini, District 5  
Jody Hayes, Chief Executive Officer  
Thomas Boze, County Counsel





1010 TENTH STREET, 3<sup>RD</sup> FLOOR  
MODESTO, CA 95354

PHONE: (209) 525-7660  
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October 30, 2020

Katharine Martin, Senior Planner  
City of Modesto - C&ED/Planning Division  
PO Box 642  
Modesto, CA 95353

**SUBJECT: PREZONE & ANNEXATION OF NE WHITMORE AVE & LODI AVE  
(ANX-20-001/PRZ-20-001)**

Dear Ms. Martin:

Stanislaus LAFCO is in receipt of a project referral for the proposed rezoning and annexation of two parcels located at the northeast corner of Whitmore Avenue and Lodi Avenue. As Lead Agency, the City of Modesto is responsible for completing the environmental review (CEQA) for the proposal. LAFCO, as Responsible Agency, will consider the CEQA determination prepared by the City during review of the proposal. The following comments are provided on behalf of LAFCO in anticipation of the annexation application.

As proposed, the annexation includes an approximately 31.2-acre portion of a 92-acre unincorporated island that is entirely surrounded by the city limits of Modesto and Ceres. Elimination of unincorporated islands has long been a goal of the City and County and is reflected in General Plan policies, the Master Property Tax-Sharing Agreement, State law and local LAFCO policies. While the State Legislature and LAFCOs have attempted to streamline the annexation process for islands, a key component in this process is the willingness of the City to apply for annexation of the *entire* island area. Annexation applications are typically triggered by new development and/or a request for City services. The current request involves the last vacant lots with development potential in the unincorporated island.

The majority of the subject unincorporated island is developed with industrial uses. Most of the area has curb, gutter, and sidewalk and it is currently traversed by City of Modesto sewer and water lines. The area is within the Industrial Fire Protection District, which is also served by the City of Modesto through an agreement. The proposed annexation involves two vacant lots within the unincorporated island, leaving the remainder of the area, although served by Modesto, within County jurisdiction. Based on the existing City services and development in this area, it is unclear what future

opportunity there may be for a development-initiated annexation application or whether the City intends to initiate its own application for the remainder of the island.

Consistent with State law and LAFCO Policy 20 encouraging logical boundaries and elimination of existing islands, Staff recommends that the City include the *entire* unincorporated island in its request. Inclusion of the entire unincorporated island and associated right-of-way along Whitmore Avenue and Crows Landing Road would eliminate the alternating city/county right-of-way and provide for a more logical City boundary that is consistent with the provision of services in the area.

LAFCO Staff would be happy to meet with the City and County to coordinate efforts regarding inclusion of the entire unincorporated island. It is important that this coordination occur prior to an application being submitted to LAFCO. Should you have any questions, please contact our office at (209) 525-7660.

Sincerely,

A handwritten signature in cursive script, reading "Sara Lytle-Pinhey".

Sara Lytle-Pinhey  
Executive Officer

cc: Joe Lopez, City Manager, City of Modesto  
Jaylen French, CED Director, City of Modesto  
Jody Hayes, Chief Executive Officer, Stanislaus County  
Angela Freitas, Planning & Community Devt. Director, Stanislaus County

**CORRESPONDENCE – IN THE NEWS**

**Newspaper Articles**

- West Side Index, October 2, 2020, “City to submit second annexation proposal for NW Newman.”
- Patterson Irrigator, November 12, 2020, “Proposed re-designation approved by Planning Commission.”
- Patterson Irrigator, November 12, 2020, “Navy testing groundwater near NASA Crows Landing.”
- Modesto Bee, November 12, 2020, “EDITORIAL: Something smells funny about Patterson’s plan to build houses instead of industry.”
- West Side Index, November 19, 2020, “County awards contract for C.L. Road bridge replacement.”
- Patterson Irrigator, November 19, 2020, “Lame duck council approves contested rezoning amendment.”

## City to submit second annexation proposal for NW Newman

NEWMAN - The city will try once again to annex property to begin development of its Northwest Newman master plan, with an emphasis on bringing land designated for job-generating development into the city.

The city's initial annexation effort, which involved 121 acres west of Highway 33 stretching from the northern city limits to Stuhr Road, was rejected by registered voters living in that area.

Now, the city has pared its annexation proposal to 65 acres held by landowners viewed as supportive of bringing their property into the city limits.

The City Council approved the annexation referral to the Stanislaus County Local Agency Formation Commission (LAFCO) last week after a detailed staff presentation and discussion.

City Manager Michael Holland said the new configuration maintains the city's emphasis on job creation. Of the 65 acres proposed for annexation, 44 acres are dedicated to business park uses. Ten acres are earmarked for professional office use, five acres are set aside for community commercial uses, roadways will take five acres of property and one acre is residential.

Holland said that a dozen landowners representing 14 parcels in the proposed annexation area were notified of the city's plans. Owners representing over 90 percent of the proposed annexation area responded to affirm their desire to be annexed, Holland said, and no objections were filed.

The annexation would be the first phase of the 360-acre Northwest Newman plan, which is a mix of residential, business park, commercial and other land uses.

"One out of 65 acres is residential. The other land is all job-generating," Holland told the City Council. "We are trying to emphasize job generation and economic development for our community."

David White, president and CEO of Opportunity Stanislaus, the county's economic development organization, wrote a letter in support of the business park concept. A 60-acre business park, he estimated, could create more than 700 well-paying jobs and generate a direct economic impact in wages alone of \$43 million per year.

One potential issue, however, is concern that the annexation as proposed would create an "island" of unincorporated area within the city because property owners opposed to annexation have been carved out.

That concern has been raised by representatives of the Central California Irrigation District (CCID), who again brought the matter to the attention of the council last week.

While those properties surrounded by the city would continue to be served by the irrigation district, said CCID General Manager Jarrett Martin, "the issue is that this is not consistent with public districts and being contiguous. This would create an island within my district surrounded by the city of Newman."

He said that could be resolved by excluding one parcel in one area of the proposed annexation or two others in another area.

Martin later told Mattos Newspapers that CCID is not taking a position in support of or opposition to the proposed annexation - but emphasized that the district wants to see the policies against the creation of islands adhered to.

"I think there are some opportunities for the city to do some strategic expansion while being consistent with the city and CCID policies of being contiguous and getting it through LAFCO successfully," Martin said. "We are here to help solve problems. We see a potential problem, and we want to help work through it."

But Holland said the owners of the three properties referenced by Martin have all requested inclusion - and two of the three parcels are essential if the city is to be able to improve Jensen Road between Highway 33 and Fig Lane.

Others also raised the issue.

"If it is an island, it would be a concern of LAFCO," said Stanislaus County Supervisor Jim DeMartini, who chairs the commission. "There is also a little finger going out to the west that is not really consistent with LAFCO."

Sara Lytle-Pinhey, executive officer of LAFCO, said that state law generally prohibits the creation of such islands.

One provision allowing an exemption, she said, is a commission finding that application of the island restriction would be detrimental to the orderly development of the community.

The agency will accept comments from CCID as it considers the annexation request, she added.

The council added a finding to its resolution requesting annexation that creation of the island is not detrimental to the orderly development of the city.

It was noted by Holland that the city's initial annexation proposal would not have resulted in creation of an island.

"If we would have been able to go with (the initial proposal) we would not have created that island, but those property owners did not want to participate," he stated.

Residential development was another question raised.

Council member Casey Graham asked about the inventory of remaining lots within the existing city limits.

"Do we have more housing opportunities still available in the community? We want slow, controlled growth but we are running short on homes and lots," Graham said.

Holland acknowledged that a limited amount of land remains for infill development, comprising slightly more than 100 lots.

Northwest Newman will in time create 1,200 residential units of various types, Holland said, but the initial focus is on economic development.

"At some point the city will have to consider annexing additional land for residential development. It was not included in this," Holland explained. "We still have to bring infrastructure into the business park before we can serve residential."

Holland later told Mattos Newspapers that the city's intent is to get infrastructure in place serving the business park, which can then be extended to serve future residential growth.

"It would be more market-driven," he said of future residential development.

**IN THE NEWS – West Side Index, October 22, 2020 (Continued Page 2)**

Improvements to Jensen Road are a high priority if the annexation moves forward, he told Mattos Newspapers.

Holland said he is "cautiously optimistic" that the annexation will go through.

"I think we have strong property owner support, which is something that the council wanted," Holland commented. "It is not the original one we wanted, but we think there is strong planning behind it."

## **Proposed re-designation approved by Planning Commission**

The Patterson City Council will have a robust development project to evaluate as the Planning Commission voted unanimously to approve a re-designation of approximately 131.4 acres of land located south of Sperry Avenue and west of Baldwin Road.

The applicant, Baldwin Ranch Development Co. LLC, proposed to re-designate 32.9 acres of the site adjacent to Sperry Avenue to a General Commercial Zone. The remaining 98.5 acres on the southern side of the project area would be changed to Medium Density Residential. All zones were previously earmarked for Light Industrial prior to this proposed change.

The changes would make way for a total of approximately 449 single-family housing lots, internal roadways, space for approximately 300,000 square feet of commercial development, four parks and a storm drain basin.

“What we have is commercial and residential added in addition to the industrial component. This is envisioned in a way to allow the developer the utmost flexibility to manage their project with city approval,” City Attorney Nubia Goldstein said.

Goldstein stated that the project will be subject to subsequent approvals and that there are “specific triggers and requirements” that are embedded in the proposal depending on what path the developer takes.

The site is surrounded by residential housing to the east, businesses north of Sperry Avenue, the Delta Mendota Canal to the west, as well as the city’s Corporation Yard and agricultural lands to the south.

A project assessment included an addendum to the West Patterson Project Environmental Impact Project Report. The evaluation also determined that the project would not require any significant provisions to the Environmental Impact Report.

“What we concluded is that essentially this project does not have more significant impacts than were previously disclosed. We also identified what mitigation measures in that document would be carried over into this document,” said Grant Gruber of First Carbon Solutions, a group hired to assess the land for residential and commercial use.

One specific issue with the development was how to reconcile the plan to build a hotel on the plot’s commercial portion while preserving privacy for the residential lots surrounding it.

“The orientation of that hotel could have either real or perceived privacy issues,” said Director of Community Development David James.

James revealed city staff worked with developers to come to an agreement that the proposed park area between the hotel and the residential area will act as a “buffer” zone. Staff asked for a requirement of a 12-foot swath area where trees can be planted to help insulate residents in the new neighborhoods from the multi-story hotel that is proposed for the site.

“The hotel is still a viable project, and as of this week, they still intend to build a hotel. They fully intend to build a hotel there, at least that is what has been communicated to us,” said James. The merchant builder of residential houses will be required to disclose to potential buyers of the hotel’s presence. “We feel very strongly that this approach we are taking, we can put lots there, and we can preserve the privacy of those future residents,” said James.

## **IN THE NEWS – Patterson Irrigator, November 12, 2020 (Continued)**

Commissioner Eric Bendix referenced a similar issue with the Reflections community's concerns of privacy when the Hampton Inn was built along Sperry Avenue. He stated that the contention point had been "solved," stating that an amicable settlement could also be found in the new proposed residential and commercial area.

James addressed the topic of the Reflections community.

"We met with the association and several of the homeowners, just private owners, and I think there were some initial misconceptions about the hotel, and almost everyone we met with walked away satisfied that their privacy wasn't going to be undermined. I feel pretty confident that the issue in the Reflections area has been resolved."

Bendix also brought up a concern about the newly proposed street formation that would occur along Sperry Avenue. The proposal has Haggerty Drive being expanded and running through Sperry, creating another intersection along the frequently used street vein heading into Patterson.

Bendix proposed that instead of another set of traffic signals, the intersection includes a roundabout instead or that Haggerty Drive simply bends and ends on Sperry Avenue rather than run through the intersection to avoid another traffic signal.

Chairman Ron West agreed with the idea of a roundabout, but Patterson resident Mia Mendes pushed back against the desire for a roundabout stating that she is not a fan of more roundabouts.

"I don't think they add to the smoothness at all. I wanted to start counting how many times I heard the term roundabouts. I hope you use those sparingly," said Mendes.

Other concerns brought forth by Mendes included if the new proposal included more funding for emergency services. She also questioned what kind of impact the project would have on groundwater supplies.

"Page 76 on the agenda states that there is less than a significant impact on groundwater supplies. I'm having a hard time believing that as water is always hard to come by on the westside," said Mendes.

Mendes also questioned if the infrastructure in Patterson is equipped to handle another residential development citing the congestion that occurs on Sperry Avenue and the Interstate 5 interchange.

City Planner Joel Andrews responded to Mendes' concerns.

"The project will be paying impact fees for public safety services.

They will also be entering into a public safety CFD, so that is an ongoing payment for public safety purposes," Andrews said.

"The city has had several studies that have been done. For the general buildout, those studies show that we have an adequate supply for wells for what the city is doing and will be doing to serve that planning area."

Andrews also stated that there are future plans to improve the Sperry/Interstate 5 intersection with stop signs in the near future and traffic signals in the long term, stating that there should be some interim and long term relief regarding traffic congestion.



## **IN THE NEWS – Patterson Irrigator, November 12, 2020 (Continued)**

He also revealed that there is currently no plan to build a police substation in the proposed area stating that officers will patrol the streets instead. Ultimately, commissioners recommended that the concerns regarding public safety and funding be brought forth to the Patterson City Council during their review process as these issues do not fall under the Planning Commission's purview.

### **School site**

An additional issue addressed was the need for a new school to deal with the uptick of residents and children in the new neighborhood.

"The applicant is in robust communication with the school district. Discussion about siting an elementary school site," said James. "Just trying to look at where would be the most appropriate place to site an elementary school. That is something that is being discussed and worked about between the district and the applicant. The school district has been very much a part of the conversation as this project moves forward."

The staff report stated that the EIR found that the new buildout would generate approximately 278 students who would enroll in Patterson Unified School District (PJUSD). The unit used to estimate this amount was taken from PJUSD's generation rate of 0.624 student/dwelling unit. The proposed project included 445 dwelling units.

"The prior EIR noted that the Patterson Gardens land-use plan contemplated several school sites and development fees would be assessed on a per dwelling unit basis to fund construction of new school facilities," the report stated.

The report states that the project applicant has identified two potential school sites that could serve as a project site and would pay development fees to the school district in accordance with the latest adopted fee schedule.

"The City has notified us about the site plan, located near Southside and Sperry. We look forward to working with them on the development of the plan," stated PJUSD in a prepared statement.

### **County's request denied**

Jeremy Ballard of the Stanislaus County Planning Department represented the county during the meeting on Nov. 5, stating that the county was not made aware of the addendum until Oct. 19 and asked for city officials to discontinue the project. The county submitted a letter to the city staff before the meeting, and it was acknowledged in the opening portion of the meeting.

City Planner Andrews recognized the letter but stated that the staff "felt it was okay to move ahead."

James stated that the city has had communication with the county and characterized the correspondence between the two entities as "pretty standard fare."

"This is the Planning Commission's turf. The decision to discontinue this is your choice. I would not recommend it. There will be time to review the addendum between now and the city council," James said.

Chairman West weighed in, stating that he hopes the county will support the city's decision.

"I'm going to expect the county to support us with this. They asked us to do a job, and we are doing it."

## IN THE NEWS – Patterson Irrigator, November 12, 2020 (Continued)

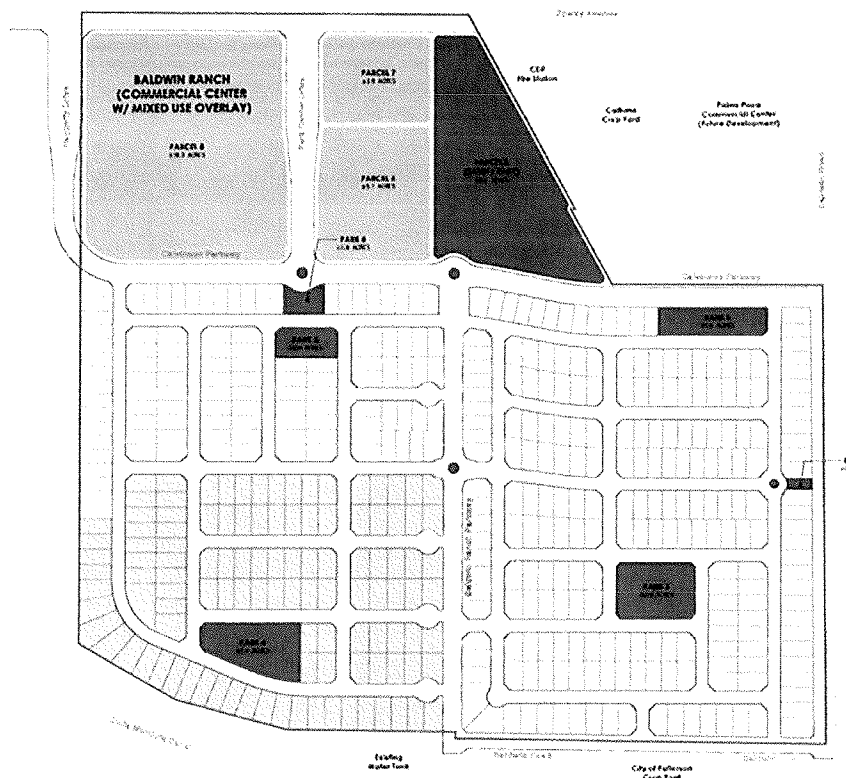
In 1999 the site in question was located in unincorporated Stanislaus County. County staff investigated the feasibility of locating industrial parks along the I-5 corridor. The 1999 study concluded that industrial land between Sperry Avenue and the I-5 interchange and the City of Patterson “offered the best opportunity for that effort,” according to the staff report.

Cooperatively the City of Patterson and Stanislaus County developed the West Patterson Business Park Master Development Plan that includes 814 acres, including the proposed site.

The project site was annexed into the city limits in 2004, and the Master Plan was used to provide direction for the development area.

In 2010 the Patterson City Council approved and adopted a comprehensive update to the General Plan. This update reflected the previously adopted and underlying Master Plan and retained the General Plan Light Industrial designation for this site.

The decision to amend this plan on Thursday will reclassify this site from industrial to commercial and residential.



## **Navy testing groundwater near NASA Crows Landing**

The Navy began testing groundwater sources near NASA Crows Landing Airport and Test Facility, formerly known as Naval Auxiliary Landing Field Crows Landing, in October. Testing is being done voluntarily by the Navy to determine if private wells or groundwater sources have been contaminated with perfluorooctanoic acid (PFOA) or perfluorooctane sulfonate (PFOS).

Per-and Polyfluoroalkyl Substances (PFAS) are a family of manufactured chemicals that have been in use since the mid-twentieth century. PFAS may be found in stain- and water-repellent products, lubricants, corrosion inhibitors, cable insulation, and many other industrial and commercial products.

PFAS compounds may be present in the soil or the groundwater at NASA Crows Landing due to the use of aqueous film-forming foam. AFFF is a firefighting foam that has historically been used by the Navy for testing, training, firefighting, and other life-saving emergency responses. "Because of this historical use, there is potential for PFOA, PFOS, and other PFAS to be in the groundwater on the former base, and it may also be present in nearby off base drinking water wells located in the direction that the groundwater flows away from the former base. Twenty seven (27) private wells have been identified to be within one mile and downgradient of potential PFAS release areas."

The wells being tested are all on private land and are not wells used by the City of Patterson to supply residents with drinking water. The City of Patterson's water supply is not currently being tested by the Navy, and there is no evidence that would suggest it will be in the future.

Although the Environmental Protection Agency has issued lifetime health advisories in regard to PFAS, the chemicals have no Safe Drinking Water Act regulatory standards or routine testing requirements. Further, the EPA's lifetime health advisories are non-enforceable and non-regulatory. Lifetime health advisories "provide information to states, agencies, and other public health officials on health effects, analytical methodologies, and treatment technologies associated with impacted drinking water."

Until a decision for regulating PFAS is made, the Navy will continue to proactively investigate installations that are known or suspected to have had a PFAS release to ensure that people are not being exposed to PFOA or PFOS in their drinking water at concentrations exceeding the EPA's advisory.

## **IN THE NEWS – Patterson Irrigator, November 12, 2020 (Continued)**

Residents whose private drinking water wells were tested can expect to receive their test results by the end of November.

In the event a private drinking water source is contaminated beyond the EPA's lifetime advisory of 70 parts per trillion for PFOA, 70 parts per trillion for PFOS, or if contaminated by both 70 parts per trillion combined, the Navy will provide an alternate water source for drinking and cooking until a permanent solution is implemented.

# EDITORIAL: Something smells funny about Patterson's plan to build houses instead of industry

By Modesto Bee Editorial Board

Patterson leaders better think twice before starting down a road that could drop off a \$20 million cliff.

On Tuesday, the Patterson City Council is to consider scrubbing part of a proven blueprint calling for industrial jobs on what is now farmland southwest of Sperry Avenue and Baldwin Road. Developers instead want to build a few stores and offices, plus 445 homes, and city officials don't seem to mind.

They should.

Patterson, 16 miles southwest of Modesto, has prospered from an explosion of industry over the past couple of decades. The West Patterson Business Park's proximity to Interstate 5 helped draw distribution centers for Amazon, Grainger, Restoration Hardware, Kohl's and more near the 131 acres now in question.

It wasn't all just a happy accident. Patterson's good fortune was the result of calculated risks taken by forward-thinking former city officials and industrial developers who put the plan together with another indispensable partner: Stanislaus County.

The county's main contribution was improving Sperry and Baldwin so they could handle the truck traffic that comes with an industrial hub. County officials at the time were happy to spend nearly \$10 million boosting that infrastructure because of the promise of thousands of decent-paying jobs that would benefit Patterson and the rest of our area.

Promising one thing (jobs) and delivering another (houses) is called bait and switch, and such behavior is deservedly looked down upon in development and politics.

The rest of West Patterson Business Park has brought success. There is every reason to stick with the original plan for more jobs on this 131 acres, called Baldwin Ranch.

Patterson must convince the county and the rest of us that changing the vision is in everyone's best interest. This demands complete transparency — not rushing through the city planning commission with a special meeting like they did last week. It didn't help that the city issued hundreds of pages of last-minute documents that the public, including county officials, had little opportunity to study, prompting questions about the adequacy of its environmental review.

Patterson ignored the county's request for a planning commission delay, and the proposal — to amend the city's General Plan and rezone that property — will go before the council at 7 p.m. Tuesday.

But the county may hold the best cards in this hand, after all.

A 2004 agreement between Patterson and the county requires that the city reimburse the \$10 million spent improving roads, plus interest — and another \$10 million penalty — should Patterson ever try to change terms of the all-jobs, no-homes deal.

City documents state that Patterson would force the property owner, called the Michael Mazzucchi 2020 Trust, to cover that penalty. But the city would try to renegotiate terms with the county, the papers say.

**STANISLAUS COUNTY TO PATTERSON: "NO SHENANIGANS"**

Good luck with that.

**IN THE NEWS – The Modesto Bee, November 12, 2020 (Continued Page 2)**

County Supervisor Jim DeMartini, who represents Stanislaus' West Side, publicly scoffed at the idea in a county meeting this week, using the word "deceptive" three times to describe the city's approach. "The city of Patterson appears to be trying to get away with something," he said. "After all we've done to help them develop that business park."

The county's chief executive office fired off a letter dated Oct. 30 to Patterson reminding the city of the 16-year-old agreement.

Patterson officials must be absolutely transparent and demonstrate they're not trying to get away with something. Otherwise, this sure looks like classic bait and switch.

## County awards contract for C.L. Road bridge replacement

The Stanislaus County Board of Supervisors recently awarded a contract for replacement of the Crows Landing Road bridge over the San Joaquin River, clearing the way for preliminary work to begin this fall and construction in earnest to start next spring.

The \$18.1 million construction contract was awarded Oct. 13 to Security Paving Company, Inc., the lowest of seven bidders on the project.

Mark Hamblin, senior civil engineer with Stanislaus County, said that initial environmental work will begin this year.

"We will be doing some things that nobody will really notice," he commented. "You will start seeing construction around April 2021. We are looking at being completed in the neighborhood of November 2022."

Hamblin explained that the construction process will include constructing one half of the new structure, moving traffic over to the new lanes, demolishing the current bridge and then building the remainder of the new one.

He said that the bridge will remain open during the construction, although traffic controls may at times be in place. Hamblin said any full closure will be temporary. Crews may need to fully close the bridge long enough to move a piece of equipment across the lanes, he said by way of example.

Crows Landing Road is a key link between the West Side and the remainder of Stanislaus County, and carries an average daily traffic volume of about 6,700 vehicles, according to a staff report to the Board of Supervisors.

The new bridge, Director of Public Works Dave Leamon said earlier this year, will be significantly higher than the current structure, with wider traffic lanes and the addition of a left-turn lane leading to the Carpenter Road intersection just off the bridge.

The bridge was built in 1949. The staff report indicates that the bridge has been determined to be vulnerable to damage in the event of a significant flood on the river, and has also been identified as being seismically deficient.

Federal funding will pick up 88.5 percent of the cost, Leamon previously told Mattos Newspapers.

Two other West Side bridge projects are in the planning stages. They include the replacement of both the Hills Ferry Road bridge which stands at the confluence of the San Joaquin and Merced rivers, and the Kilburn Road bridge over Orestimba Creek, which dates back to 1906 and is the oldest bridge in Stanislaus County.

## **Lame duck council approves contested rezoning amendment**

A council with two members slated to exit office in a matter of weeks unanimously approved an amendment to the city's general plan that will allow the rezoning of 131.4 acres of land located south of Sperry Avenue and west of Baldwin Road. The amendment passed despite a more than three hour public comment period from residents, county officials and local school officials asking for a delay.

The applicant, Baldwin Ranch Development Co. LLC, proposed to redesignate 32.9 acres of the site adjacent to Sperry Avenue to a General Commercial Zone. The remaining 98.5 acres on the southern side of the project area would be changed to Medium Density Residential. All zones were previously earmarked for Light Industrial previous to this proposed change.

The changes would make way for a total of approximately 449 single-family housing lots, internal roadways, space for approximately 300,000 square feet of commercial development, four parks and a storm drain basin.

Resident Sean Hansen asked, "Why is this being fast-tracked before the new council is in? It doesn't look good. The county and the school district are asking for a delay." He also shared his concerns over the fees that the city may be responsible for paying.

PJUSD Assistant Superintendent Jeff Menge asked for the vote to be rescheduled, "We're going to have to compare notes," (with the developer), "they've figured out how to streamline the permit process." He confirmed that the district has previously had difficulty keeping projects on schedule due to delays from the city.

Joseph Hollowell, the developer applicant, repeatedly commented that he has a good relationship with the district and affirmed that all district fees would be paid.

"We are absolutely committed to working with the school district. He told the council that two potential sites had been offered to the district to build a new school but, it is unknown if those sites are sufficient as they have not been evaluated by the district. "Thirty days will allow a conversation to understand the full impact on the district," Menge told the council.

Director of Community Development, David James, previously told the Planning Commission, "The applicant is in robust communication with the school district." He further remarked, "Just trying to look at where would be the most appropriate place to site an elementary school. That is something that is being discussed and worked about between the district and the applicant. The school district has been very much a part of the conversation as this project moves forward."

School Board President Michele Bays questioned the statement at the board meeting on Nov. 16. "Did I miss something?" she asked.

Menge confirmed that the district had, "received one e-mail from the developer, if that's robust communication." "There is maybe some manipulation," Bays stated her concern during Monday's school board meeting but was unclear who or what was being manipulated.

Due to an agreement between the county and city, if the property is rezoned, the city will be responsible for repaying the county for the costs the county incurred developing the area for industrial use.



## **IN THE NEWS – Patterson Irrigator, November 19, 2020 (Continued)**

City attorney Nubia Goldstein acknowledged the penalties expressly set out in the repayment obligation. She stated that the developer has already agreed to indemnify the city by covering the approximate \$20 million price tag.

Stanislaus County Assistant Executive Officer Raul Mendez, Supervisor Jim DeMartini, and Director of Public Works David Leamon all asked the city to delay the vote.

DeMartini emphatically expressed the county's opposition to the project. "There was no negotiation with the county at all. It was sneaked through." He stated accusatorily, "I know the developers never pay for anything in Patterson." "

Mendez said, "We have a good working relationship with City Manager Ken Irwin," and while his office has had conversations about this project, he requested a continuance. "Thirty days is an adequate time frame with the holidays."

Leamon spoke to the 50 percent increase in traffic that the westside has experienced from 2017-2020. The increase in traffic could cause the county to reconsider how Measure L funds are used in the future and agreed that the delay would give more opportunity to consider the project and the impact on public roads.

Irwin responded to resident Mia Mendes' concerns about public safety. "The city is well-staffed by the sheriff." The public safety fee schedule is already in place. Fees will be paid as part of the development agreement.

Patterson Police Services Chief Joshua Clayton also said, "The city has always been forward-looking," in regard to staffing needs. "Patterson is in a much better situation than some of its sister cities," that have contracts with the sheriff's department.

In the end, the council disregarded all requests and concerns from constituents and passed the amended resolution by five votes.

The council also adopted resolution number 2020-50, recommending approval of tentative cancellation of Williamson Act Contract. There were no public comments.

The city attorney provided direction to the council regarding establishing contribution limits for city candidates. Goldstein explained that the city could set its own limits but would then be responsible for enforcing those limits. Alternatively, the city could choose not to take any action defaulting to state guidelines, which would prevent any added expenses or potential oversight responsibilities.

The council agreed to default to state limits.

Mayor Deborah Novelli and Mayor Pro Tem Dominic Farinha thanked the many individuals who applied for the open positions on Patterson's Planning Commission and encouraged them to continue to be involved in the community. Diana Anderson and Ron West were appointed for a term of two years, beginning February 2020 through 2022.

**EXECUTIVE OFFICER'S AGENDA REPORT  
DECEMBER 2, 2020**

TO: LAFCO Commissioners

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

**SUBJECT: 2021 WORK PROGRAM - MUNICIPAL SERVICE REVIEW & SPHERE OF INFLUENCE UPDATES**

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**RECOMMENDATION**

Staff recommends that the Commission consider adoption of a work program to guide completion of Municipal Service Reviews (MSRs) and Sphere of Influence (SOI) updates for 2021. The Commission may direct Staff to prioritize certain updates as needed.

**DISCUSSION**

One of LAFCO's responsibilities includes a periodic review of spheres of influence for each city and special district. As part of this process a municipal service review must also be completed, outlining the services provided by the agency and making a series of determinations. Stanislaus LAFCO typically combines these into one document (referred to as a MSR-SOI) for better use of staff time and resources.

The requirement for reviewing and updating a sphere of influence is outlined in Government Code section 56425(g) which states, "on or before January 1, 2008, and every five years thereafter, the commission shall, as necessary, review and update each sphere of influence." Consistent with that section, Stanislaus LAFCO has generally made it a goal to initiate MSR-SOI updates for the special districts every five years, as these serve as a means for the Commission to check-in with various districts and service demands throughout the County.

For cities, the Commission has interpreted the "as necessary" provision in the above code section as coinciding with a city's General Plan update or proposed sphere of influence modification. City MSR-SOI updates are generally more detailed and time consuming than those of special districts and are often completed by a consultant in conjunction with an application to LAFCO.

The Commission's policies state that it is preferred that municipal service reviews be completed by LAFCO staff where possible to avoid additional costs of using outside consultants. The Commission's policies also state that in order to be cost-effective, MSR-SOI updates will be completed using existing information and documents that are available (e.g. master plans, general plans, budgets, etc) and are not intended to initiate new analyses.

Prior Year's Work Program

In 2020, LAFCO Staff completed MSR updates for the following districts:

- Denair Community Services District
- Keyes Community Services District
- Orestimba Flood Control District
- Sand Creek Flood Control District
- Del Puerto Healthcare District
- Westside Community Healthcare District

- Oak Valley Hospital District

### 2021 Goals - Special Districts

To stay aligned with the five-year goal, Staff will begin MSR updates for the following special districts in 2021:

- Knights Ferry Community Services District
- Monterey Park Tract Community Services District
- County Service Areas (22 total)
- Western Hills Water District
- Irrigation and Water Districts on the West Side (6 total)

The MSR update for the Fire Protection Districts (14 total) is also scheduled for 2021. This update will be initiated in 2021, but given the size of the document and the workload of completing the other updates above, may overlap into the 2022 Work Program.

A draft schedule for all the special districts, organized by the date of the last update is attached. The special districts are grouped together by the target year for adoption of a new MSR-SOI update.

### Upcoming City Updates

City MSR-SOI updates are typically initiated by the cities and/or their consultant in conjunction with a general plan update and/or a proposed sphere of influence amendment. In 2020, the Modesto City Council directed its staff to begin the process of a comprehensive General Plan Update. Any associated Sphere of Influence proposal will require an MSR update. Staff will continue to coordinate with cities that may be updating general plans or master plans to ensure this information is incorporated into their subsequent MSR updates.

## **CONCLUSION**

Staff believes that the proposed work program can be reasonably completed throughout the year. Paid applications (e.g. annexations, out-of-boundary service extensions) have required processing deadlines that are given precedence over Municipal Service Reviews and Sphere of Influence updates and may delay individual updates. Likewise, tasks involved with upcoming projects (e.g. responses to environmental referrals, pre-application meetings, etc.) may also delay MSR-SOI goals. Staff will continue to keep the Commission apprised of the progress in meeting the goals of the 2021 Work Program throughout the year.

Attachments:

*Special Districts MSR & SOI Update Schedule*  
*Cities MSR & SOI Updates*

**SPECIAL DISTRICTS**  
**MSR & SOI UPDATE SCHEDULE - BY YEAR**

	<b>DISTRICT</b>	<b>LAST MSR COMPLETED</b>
<b>2021</b>	<b>Water District -</b> Western Hills	January 27, 2016
	<b>Community Services District -</b> Monterey Park Tract	January 27, 2016
	<b>County Service Areas (CSAs) -- 22 total</b>	February 24, 2016
	<b>Westside Irrigation &amp; Water Districts -</b> Patterson and West Stanislaus IDs; Eastin, El Solyo, Del Puerto, and Oak Flat WDs	July 27, 2016
	<b>Fire Protection Districts -</b> Burbank-Paradise, Ceres Rural, Denair, Mountain View, Turlock Rural, Westport, Woodland, Hughson, Industrial, Keyes, Salida, Stanislaus Consolidated, West Stanislaus and Oakdale Rural	July 27, 2016
	<b>Community Services District -</b> Knights Ferry	August 24, 2016
<b>2022</b>	<b>Irrigation Districts -</b> Modesto Irrigation District	February 22, 2017
	Turlock Irrigation District	April 26, 2017
	<b>Community Services District -</b> Riverdale Park Tract	May 24, 2017
	<b>Sanitary District</b> Empire Sanitary District	August 23, 2017
<b>2023</b>	<b>Drainage District -</b> Newman Drainage District	March 28, 2018
	<b>Sanitary District -</b> Salida Sanitary District	May 23, 2018
	<b>Water District -</b> Rock Creek Water District	June 27, 2018
	<b>Mosquito Abatement Districts -</b> Turlock and Eastside	September 26, 2018
	<b>Irrigation District -</b> Oakdale Irrigation District	December 5, 2018
<b>2024</b>	<b>Resource Conservation Districts -</b> East Stanislaus and West Stanislaus	May 22, 2019
	<b>Cemetery Districts -</b> Hills Ferry, Knights Ferry and Patterson	August 28, 2019
	<b>Community Services District -</b> Crows Landing, Grayson, Westley	December 4, 2019
	<b>Water District -</b> Eastside Water District	December 4, 2019
<b>2025</b>	<b>Community Services District -</b> Denair and Keyes	January 22, 2020
	<b>Healthcare &amp; Hospital Districts -</b> Del Puerto Healthcare, Westside Community Healthcare, and Oak Valley Hospital Districts	August 26, 2020
	<b>Flood Control Districts -</b> Orestimba Creek and Sand Creek	June 24, 2020

**CITIES**  
**ADOPTED MUNICIPAL SERVICE REVIEWS (MSRs) &**  
**SPHERE OF INFLUENCE (SOI) UPDATES**

CITY	MSR-SOI ADOPTION	NOTES
Ceres	February 22, 2012	<i>City recently completed a General Plan Update (no SOI proposal included)</i>
Hughson	August 24, 2005	-
Modesto	September 22, 2004	<i>City will be pursuing a Comprehensive General Plan Update</i>
Newman	January 28, 2009	<i>Completed as part of SOI Modification in 2009.</i>
Oakdale	July 22, 2015	<i>Completed SOI modification (with simultaneous annexation)</i>
Patterson	December 4, 2013	<i>City preparing Draft EIR for proposal that will require MSR update</i>
Riverbank	July 27, 2016	<i>MSR approved as part of a SOI modification</i>
Turlock	August 28, 2019	<i>MSR approved as part of minor SOI modification</i>
Waterford	August 22, 2007	-

*Stanislaus LAFCO, Nov. 2020*

**EXECUTIVE OFFICER'S AGENDA REPORT  
DECEMBER 2, 2020**

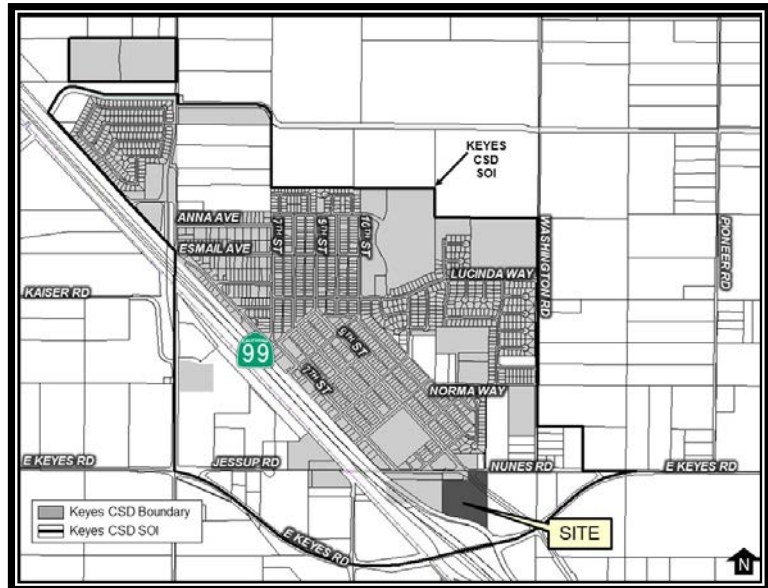
**TO: LAFCO Commissioners**

**FROM: Javier Camarena, Assistant Executive Officer**

**SUBJECT: LAFCO APPLICATION NO. 2020-02 – CALIFORNIA TRUCK CENTER  
CHANGE OF ORGANIZATION TO KEYES COMMUNITY SERVICES  
DISTRICT**

**PROPOSAL**

The proposed project is a request to annex two parcels including right-of-way totaling approximately 9.8 acres to the Keyes Community Services District to provide sewer and water services to a truck sales and service center. The two parcels included in this request are part of a larger project site consisting of five parcels in total. The remaining three parcels are already within the District.



1. Applicant: Keyes Community Services District (Keyes CSD)
2. Location: The project site is located on the south side of Nunes Road at the Nunes Road, 9<sup>th</sup> Street, and North Golden State Boulevard intersection. One parcel is located on the west side of North Golden State Boulevard with the other parcel located on the east side. The project site is located in the Keyes area.
3. Parcels Involved and Acreage: The project site includes Assessor's Parcel Numbers (APNs) 045-050-011 and 045-050-012 totaling approximately 9.8 acres (See Exhibit "A" Map and Legal Description).
4. Reason for Request: The annexation is requested in order to provide sewer and water service for a proposed truck sales and service operation.

**ENVIRONMENTAL REVIEW**

Stanislaus County, through its planning process, assumed the role of Lead Agency under the California Environmental Quality Act (CEQA) for the truck sales and service operation. The County approved a Mitigated Negative Declaration (Exhibit B). LAFCO, as a Responsible Agency, must consider the environmental documentation prepared by Stanislaus County. The proposed annexation will not result in a change of land use under the current zoning, which is under Stanislaus County jurisdiction.

## **BACKGROUND**

In 2015 Stanislaus County approved Rezone Application No. PLN2015-0032 – Belkorp Ag. The Rezone allowed the property to be used for Highway Frontage type uses, and establish an agricultural equipment dealership. The site was not developed within the required four years of project approval, which was part of the Rezone's Development Standards. Recently, Stanislaus County approved a Staff Approval application allowing the site to be developed outside of the Development Standard's time frame. As part of the Staff Approval, the project description was modified to allow a semi-truck sales and service facility.

The project includes a condition of approval requiring annexation into the Keyes Community Services District for domestic water and sewer services. The proposed LAFCO application has been submitted in order to fulfill the condition of approval.

## **FACTORS**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires several factors to be considered by a LAFCO when evaluating a proposal. The following discussion pertains to the factors, as set forth in Government Code Section 56668 and 56668.3:

- a. Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.***

The annexation is being proposed in order to provide domestic sewer and water service to a future semi-truck sales and service operation. The site is currently vacant and surrounded by the Keyes Community, Highway 99, and vacant land.

The project site is zoned PD 332 (Planned Development) in the Stanislaus County Zoning Ordinance and is designated Planned Development in the County's General Plan. The proposed development is a legal use within the zoning district. Annexation to the District will not change or lead to change in the zoning. The subject parcel is located in Tax Code Area: 072-005. The current total assessed value for the two parcels within the proposed annexation area is \$1,565,700.

- b. The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.***

The proposed annexation will provide sewer and water service to the approved California Truck Center sales and service operation. The service improvements will be installed by the developer. The Keyes CSD has indicated that the District is able to provide services to the project site. Service and maintenance will be financed through the collection of sewer and water charges.

- c. ***The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.***

There are no social or economic communities of interest as defined by the Commission in the area. The proposal is consistent with adopted Commission policies to encourage efficient and effective delivery of governmental services.

- d. ***The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.***

The parcel is located within an area that is zoned PD 332 (Planned Development) by Stanislaus County. The proposed semi-truck sales and service operation is consistent with the County's Zoning Ordinance. The proposed annexation will provide sewer and water services to the proposed development. There are no other plans to change the land uses.

- e. ***The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.***

The proposal will not result in the loss of agricultural land and will not affect the physical and economic integrity of agricultural land. The land is currently zoned PD 332 (Planned Development) by Stanislaus County.

- f. ***The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting proposed boundaries.***

The proposed boundary includes parcels 045-050-011 and 045-050-012 totaling approximately 9.8 acres. The two parcels are part of a five-parcel project site. The remaining three parcels are already within the Keyes CSD. The overall district boundary will be more defined as a result of the annexation. The proposal is fully within the current Sphere of Influence of the District.

- g. ***A regional transportation plan adopted pursuant to Section 65080***

The Regional Transportation Plan (RTP) is prepared and adopted by the Stanislaus Association of Governments (StanCOG) and is intended to determine the transportation needs of the region as well as the strategies for investing in the region's transportation system. The annexation will not change traffic or transportation routes for the area.

- h. ***The proposal's consistency with city or county general and specific plans***

The proposal is consistent with both the Stanislaus County General Plan land use designation of "Planned Development" and zoning designation of PD 332 (Planned Development).



**i. *The sphere of influence of any local agency, which may be applicable to the proposal being reviewed.***

The territory is within the Keyes Community Services District's Sphere of Influence. The proposal is consistent with those adopted spheres of influence and Commission policies.

**j. *The comments of any affected local agency or other public agency.***

All affected agencies and jurisdictions have been notified pursuant to State law requirements and the Commission adopted policies. A "No Comment" letter was received from the Stanislaus County Environmental Review Committee. An email was received from the Stanislaus Department of Environmental Resources. The email reiterated conditions and requirements for the project. Staff confirmed that these were included with the land use approval by the County.

**k. *The ability of the receiving entity to provide services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.***

The Keyes Community Services District, as applicant for the proposed annexation, has indicated it is willing and able to serve the proposal. The Developer will be responsible for installing all necessary infrastructure improvements required for the water connection. Once the site is on line, service and maintenance will be financed through the collection of water charges.

**l. *Timely availability of water supplies adequate for projected needs as specified in Government Code Section 65352.5.***

Keyes CSD has indicated that it is able to provide water service to the proposed project site. Currently, the District has four groundwater wells that provide drinking water to District customers. The District has some excess water capacity for growth. The District established an arsenic treatment facility that has been in operation since August of 2019. As a result, the District's arsenic levels are in compliance with the State's maximum contaminant level (MCL).

**m. *The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.***

The proposed annexation will serve a semi-truck sales and service operation. Therefore, this item is not applicable.

**n. *Any information or comments from the landowner or owners, voters, or residents of the affected territory.***

The owner of the project site has consented to the proposed annexation. No information or comments, other than what was provided in the application, have been received as of the drafting of this report.

***o. Any information relating to existing land use designations.***

The property within the proposal is zoned PD 332 (Planned Development) within the Stanislaus County Zoning Ordinance and is designated as "Planned Development" in the General Plan. The annexation will provide sewer and water service that will serve a semi-truck sales and service operation which is consistent with both designations. There are currently no plans to change the land uses.

***p. The extent to which the proposal will promote environmental justice.***

As defined by Government Code §56668, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. Staff has determined that approval of the proposal would not result in the unfair treatment of any person based on race, culture or income with respect to the provision of services within the proposal area.

***q. Information contained in a local mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.***

According to the CEQA Initial Study, the project site has not been identified as being within a very high fire hazard severity zone. Stanislaus County has placed a condition of approval on the project requiring that development meet all Department of Environmental Resources HazMat Division and Fire District standards, as well as obtain all required permits.

**DISCUSSION**

Based on the information provided by the Keyes CSD, annexation of project site can be considered a logical extension of the District's boundaries. Staff has determined that the proposed annexation is consistent with Government Code and LAFCO policies.

**Waiver of Protest Proceedings**

Pursuant to Government Code Section 56662(d), the Commission may waive protest proceedings for the proposal when the following conditions apply:

1. The territory is uninhabited.
2. All of the owners of land within the affected territory have given their written consent to the change of organization.
3. No subject agency has submitted written opposition to a waiver of protest proceedings.

As all the above conditions for the waiver of protest proceedings have been met, the Commission may waive the protest proceedings in their entirety.

### **ALTERNATIVES FOR COMMISSION 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:

- Option 1**      APPROVE the proposal, as submitted by the applicant.
- Option 2**      DENY the proposal.
- Option 3**      CONTINUE this proposal to a future meeting for additional information.

### **STAFF RECOMMENDATION**

Approve Option 1. Based on the information and discussion contained in this staff report, and the evidence presented, it is recommended that the Commission adopt Resolution No. 2020-10 (attached as Exhibit D), which:

- a. Certifies, as a Responsible Agency under CEQA, that the Commission has considered the environmental documentation prepared by Stanislaus County as Lead Agency;
- b. Finds the proposal to be consistent with State law and the Commission's adopted Policies and Procedures;
- c. Waives protest proceedings pursuant to Government Code Section 56662(d); and,
- d. Approves LAFCO Application 2020-10 – California Truck Center Change of Organization to the Keyes Community Services District as outlined in the resolution.

Respectfully submitted,

*Javier Camarena*

Javier Camarena  
Assistant Executive Officer

Attachments - Exhibit A: Map and Legal Description  
Exhibit B: CEQA Initial Study, Mitigation Monitoring Plan and Notice of Determination  
Exhibit C: Plan for Services & Will Serve Letter  
Exhibit D: Draft LAFCO Resolution No. 2020-10

## **EXHIBIT A**

### **Map & Legal Description**

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**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**CALIFORNIA TRUCK CENTER**  
**CHANGE OF ORGANIZATION TO THE KEYES CSD**

All that portion of the Northeast Quarter of Section 31, Township 4 South, Range 10 East, Mount Diablo Meridian, County of Stanislaus, State of California, more particularly described as follows:

**COMMENCING** at the southwest corner of the Diehl Annexation to Keyes, Resolution #112, dated November 22, 1971, said point also being the intersection of the north right-of-way line of Nunes Road (formerly Keyes Road) and the northeasterly right-of-way line of 9<sup>th</sup> Street in the Town of Keyes; thence,

from the **POINT OF COMMENCEMENT**:

Course 1. South 00°00'00" East, a distance of 40.00 feet to a point on the south right-of-way line of Nunes Road to the **POINT OF BEGINNING**, thence along the south right-of-way line of Nunes Road

Course 2. South 89°43'26" East, a distance of 278.88 feet, thence

Course 3. South 00°40'00" West, a distance of 869.02 feet to a point on a curve concave to the southwest and having a radius of 690.05 feet, to which a radial line bears North 40°16'36" East, said point also lying on the north right-of-way line of State Route Highway 99, thence along last said north right-of-way line the following 3 courses,

Course 4. Northeasterly along said curve an arc distance of 337.59 feet, a chord bearing of North 63°44'19" West, a chord length of 334.23 feet, a delta angle of 28°01'49", thence,

Course 5. North 78°41'20" West, a distance of 280.44, thence,

Course 6. North 65°07'29" West, a distance of 87.42 feet, thence,.

Course 7. North 0°16'34" East, a distance of 502.49 feet, thence,

Course 8. South 89°43'26" East, a distance of 382.85 feet, thence,

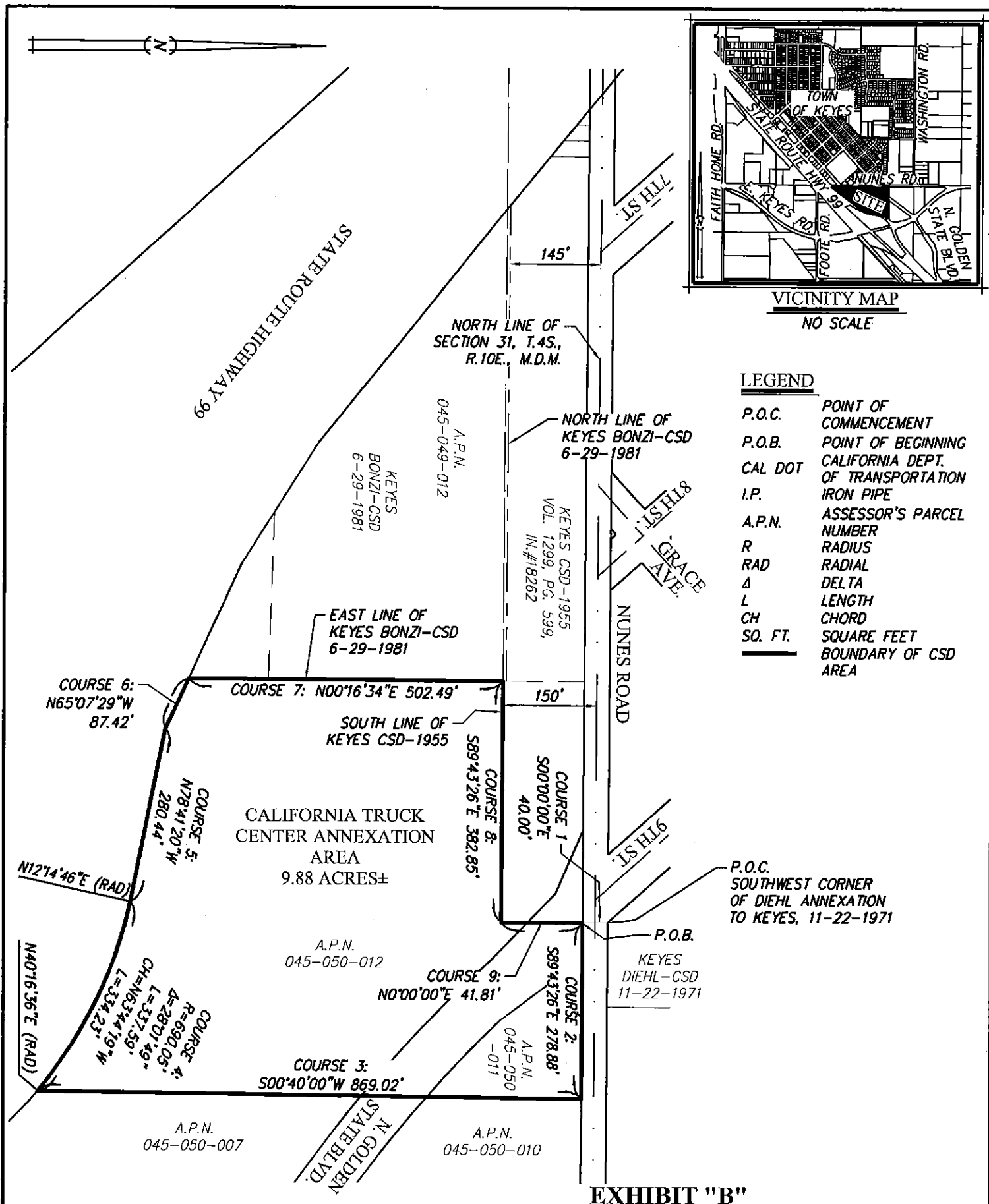
Course 9. North 0°00'00" East, a distance of 130.00 feet to the **POINT OF BEGINNING**.

**AREA A CONTAINING 9.88 acres, more or less.**

This description was created by me or under my direction in conformance with the Professional Land Surveyors' Act.

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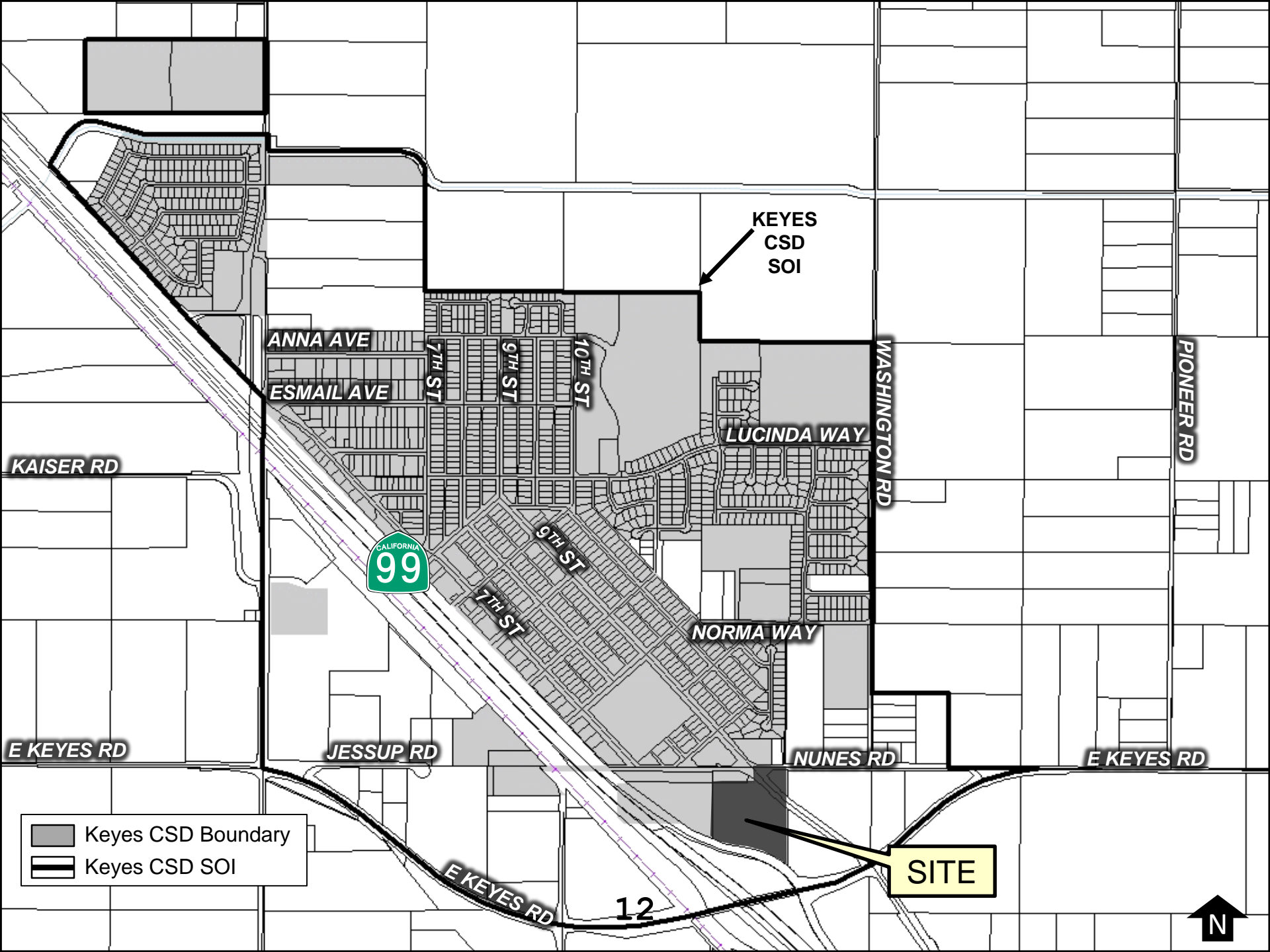
Rodrick H. Hawkins, P.L.S. 9489  
November 18, 2020



**EXHIBIT "B"**

<p>1 OF 1</p>	<p><b>HAWKINS &amp; ASSOCIATES ENGINEERING, INC.</b></p> <p>436 MITCHELL ROAD MODESTO, CA. 95354 PH: (209) 575 - 4295 FX: (209) 578 - 4295</p>	<p><b>CALIFORNIA TRUCK CENTER CHANGE OF ORGANIZATION TO THE KEYES CSD</b></p> <p><b>4612 NUNES ROAD, TURLOCK, CA 95382</b></p>	<p>BY: RCS</p> <p>CHK: RHH</p> <p>DATE: 11/17/2020</p> <p>SCALE: 1"=200'</p> <p>JOB #: 3233.02</p> <p>FILE: SUR/LAFCO</p>
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## **EXHIBIT B**

### **CEQA Initial Study Mitigation Monitoring Plan & Notice of Determination**

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DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10<sup>th</sup> Street, Suite 3400, Modesto, CA 95354  
Phone: 209.525.6330 Fax: 209.525.5911

## CEQA INITIAL STUDY

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

1. **Project title:** Rezone Application No. PLN2015-0032 – Belkorp AG
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:** Rachel Wyse, Associate Planner
4. **Project location:** 4618 Nunes Road, east of Highway 99, west of N. Golden State Blvd., in the Keyes area.  
(APN: 045-049-011, 045-049-012, 045-050-001, 045-050-011, 045-050-012).
5. **Project sponsor's name and address:** Belkorp AG – Tim Stokes  
2413 Crows Landing Road  
Modesto, CA 95358
6. **General Plan designation:** Planned Development
7. **Community Plan designation** HC (Highway Commercial)
8. **Zoning:** PD 302 (Planned Development) and A-2-10 (General Agriculture)
9. **Description of project:**

Request to rezone a 17.3± acre project site, from expired PD 302 and A-2-10 to a new PD (Planned Development), to allow H-1 uses and to establish an agricultural equipment dealership, construct a 57,000 square foot, two-story building for service maintenance, retail sales, parts, and administrative offices, allow outdoor display areas for agricultural equipment, develop a 74-space parking lot and driveways and construct an approximately one acre drainage basin south of the proposed building. Golden State Boulevard will provide primary access to the site. All existing driveways on Nunes Road shall be removed, except for a secondary access, south of the 8<sup>th</sup> Street/Grace Avenue intersection, on the northern boundary of the site. Acreage southeast of the building on APN 045-050-012 and APN 045-050-011 will be rezoned but left vacant and unimproved. This acreage may be utilized by other businesses provided the appropriate land use and building permits are obtained.

The project site is currently vacant and unimproved, except for the northwestern portion of the site which has the remnant foundations, three driveways, and drainage basin associated with the previous on-site trucking business. An Archaeological and Biological Survey were conducted on the 17.3± site. The archaeological survey determined that no historical, archaeological, or cultural resources were likely to occur on site. The biological survey determined that no special status plants, wildlife, or Waters of the US were likely to occur on the site, nor were they present at the time of the biological survey.

As additional background information, in April of 2000, the Board of Supervisors adopted a new Community Plan for the unincorporated community of Keyes along with an Environmental Impact Report (EIR). That EIR identified potential environmental issues and a series of Mitigation Measures were developed to reduce their impacts to less than significant level. Those individual mitigations, as appropriate case by case, apply to projects within the area of the Keyes Community Plan. The Mitigation Monitoring and Reporting Plan (MMRP) for the Keyes EIR is attached to this

Initial Study. Appropriate mitigation measures in each subject are listed alone or alongside mitigation measures identified as a part of the Early Consultation referral for this project. Some mitigation measures listed are based on the Keyes Community Plan MMRP, but have been modified and updated due to changes in development standards, so as to provide equal or greater protection than the original MMRP mitigation measures. In some cases, standard Conditions of Approvals now address previously identified Mitigation Measures. The details of the Keyes EIR mitigation measures can be found in the attached Keyes Community Plan MMRP.

- |   |  |
|---|--|
| <b>10. Surrounding land uses and setting:</b>   | Vacant A-2-10 zoned property with a Planned Development General Plan to the east; Hwy 99, and vineyards to the south and west; Nunes Road, residences, and Keyes Union School District to the north.   |
| <b>11. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):</b> | Stanislaus County Department of Public Works<br>Stanislaus County Department of Environmental Resources<br>Stanislaus Fire Prevention Bureau<br>LAFCO<br>Keyes Community Services District<br>Turlock Irrigation District<br>San Joaquin Valley Air Pollution Control District<br>Regional Water Quality Control Board<br>CA Department of Fish and Wildlife |
| <b>12. Attachments:</b>   | Maps<br>Archaeological Survey<br>Biological Survey<br>Mitigation Monitoring Plan (MMP)<br>Keyes Community Plan MMP<br>Mitigated Negative Declaration   |

**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 checked="" type="checkbox"/> Aesthetics           | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input checked="" 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 type="checkbox"/> Transportation / Traffic        | <input type="checkbox"/> Utilities / Service Systems      | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

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

Rachel Wyse

Prepared by

August 6, 2015

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, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

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

- a) **Earlier Analysis Used.** Identify and state where they are available for review.
  - b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) **Mitigation Measures.** For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). 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**

<b>I. AESTHETICS -- 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) Have a substantial adverse effect on a scenic vista?</b>		<b>X</b>		
<b>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</b>				<b>X</b>
<b>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</b>				<b>X</b>
<b>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</b>		<b>X</b>		

**Discussion:** The project site is bordered by State Route (SR) 99, Nunes Road, and North Golden State Boulevard, in the unincorporated community of Keyes, just north of the Keyes Road Overpass and the northbound SR 99 on and off ramps. The project site is within the Keyes Community Plan boundaries. The Keyes Community Plan, adopted by the Board of Supervisors in April of 2000, identifies the project site as a Gateway area to Keyes, visible from SR 99, that should be designed and landscaped to improve and enhance the appearance of the site and area. A separate landscape plan has not been submitted to date; however, the site plan indicates the use of drought tolerant landscaping in the display area and existing landscaping on the Nunes Road and SR 99 frontages. A final landscape plan, in compliance with the State Water Model Ordinance and in awareness of the drought, will be required at the time of building permit submittal.

There is no existing design criteria for the Keyes Community; however, the Keyes Community Plan encourages attractive and orderly development which preserves a small town atmosphere; the development of large, non-residential sites, with generous landscaping and Highway Commercial type uses along SR 99/Keyes Road Interchange; and the development of "Gateway" treatments and positive, high quality landscaped edges along SR 99 and major roads. These requirements will be addressed through PD development standards, consistent with the Keyes Community Plan, for this project, with design attention paid to the appearance of the rear of the building facing SR 99 and the Keyes Road Interchange, signage, and "Gateway" and landscape treatments.

Operating hours are Monday thru Saturday, from 7:00 a.m. to 6:00 p.m. Due to the orientation of the driveways, it is possible that vehicle lights will have an impact on homes 258± feet to the north of the project's proposed driveway on Nunes Road, during the winter months. Because the proposed business will close by 6:00 p.m., this impact is expected to be less than significant; however, to insure that the neighbors to the north are not impacted, a condition of approval will be added to the project requiring that traffic leaving the site near dusk, shall utilize the Golden State Boulevard entrance/exit. The North Golden State Boulevard driveway is across from the vacant, northeastern-most portion of the subject parcel which will also be rezoned to Planned Development. Consequently, traffic utilizing the Golden State exit is not expected to result in impacts caused by vehicle lights. The building will have wall pack security lights and 30-foot light poles will be installed in the parking lot as required for parking lot safety. Improvements to the site will result in a new source of substantial light and glare which could adversely affect day and/or nighttime views in the area. Mitigation measures have been added to reduce illumination impacts to less than significant. *Keyes MMRP Mitigation Measures Nos. 16, 17 on Page 18 of the MMRP.*

**Mitigation:**

1. *New multi-story development shall minimize the use of reflective surface and have those reflective surfaces which are used to be oriented in such a manner so as to reduce glare impacts along roadways.*
2. *New development shall include cut-off luminaries and/or shields. All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect. Low intensity lights shall be used to minimize the visibility of the lighting from nearby areas, and to prevent "spill over" of light onto adjacent residential properties.*

**References:** Application information; Keyes Community Plan, EIR and MMRP adopted April, 2000; and 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:** The project site is classified as Urban and Built-Up Land by the Farmland Mapping and Monitoring Program and contains Dinuba and Hanford sandy loam soils. The site is currently zoned as expired P-D (302), which was approved as Rezone 2005-14 – Cherokee Plaza/Patricia Cochran on May 23, 2006, to allow construction of a 50,000 square foot beauty college, restaurants, and retail services on seven acres of the current project site. Prior to this rezone, the property was zoned PD (55) in 1979 to allow a trucking business which utilized the site in one form or another until 2005. This site is not enrolled in a Williamson Act Contract.

The existing Stanislaus County General Plan designation and Keyes Community Plan designation for this site is Planned Development and Highway Commercial respectively. According to the Keyes Community Plan, Planned Development in this area is expected to function similar to the General Plan designations of Highway Commercial and Planned Industrial with a focus on light industrial uses east of SR 99 and heavy industrial uses west of SR 99. The parcels north of the site are zoned H-1 (Highway Frontage), R-1 (Single-Family) R-2 (Medium Density Residential) and R-3 (Multi-Family). There are vacant A-2-10 zoned properties with a Planned Development General Plan to the east; Highway 99, and vineyards to the south and west; Nunes Road, residential homes, and Keyes Union School District to the north. A-2-10 zoned parcels in the immediate vicinity appear to be vacant and unimproved and fallow, as per the County's Geographical Information System (GIS) 2013 aerial photos and site visit. The County has a Right-to-Farm Ordinance in place to protect the agricultural users in the area from unjust nuisance complaints; however, there does not appear to be any agricultural crops in the immediate vicinity of the project site.

Lands within the Keyes Community Plan area, with a General Plan of Agriculture are subject to farmland mitigation upon submittal of a General Plan Amendment/Rezone application. Because the project site is within the Keyes Community Plan area already designated as Highway Commercial and designated as Planned Development in the County General Plan, it is not subject to the Keyes Community Plan's one to one [acre] farmland mitigation. *Keyes MMRP Mitigation Measures Nos. 4.1-1 and 4.1-4 on Page 4 of the MMRP.*

**Mitigation:** None

**References:** Rezone 2005-14 - Cherokee Plaza/Patricia Cochran (P-D [302]); Stanislaus County Zoning Ordinance; the California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2004; Department of Conservation California Farmland Finder; USDA – NRCS Web Soil Survey; Stanislaus County GIS; Keyes Community Plan MMRP; and the 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 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) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</b>			<b>X</b>	
<b>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</b>			<b>X</b>	
<b>d) Expose sensitive receptors to substantial pollutant concentrations?</b>			<b>X</b>	
<b>e) Create objectionable odors 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 PM<sub>10</sub> (respirable particulate matter) Maintenance Plan, the 2008 PM<sub>2.5</sub> (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 project will increase traffic in the area and, thereby, impacting air quality. The applicant estimates that there will be a maximum of 50 employees on shift, approximately 30 daily customers, 10 of which would visit the site during peak hours, and up to 10 truck trips per day, resulting in a 5% increase in truck traffic for the area. The nearest sensitive receptors are the residences and Keyes Elementary School and School District approximately 200± feet north of the project site.

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

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

Construction activities associated with new development can temporarily increase localized PM<sub>10</sub>, PM<sub>2.5</sub>, 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 PM<sub>10</sub> and PM<sub>2.5</sub> 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 construction of the 57,000 square foot store, associated parking lot, and drainage basin. 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.

Operational emissions would be generated by mobile sources as a result of passenger vehicles going to and from work and the estimated 30 customers per day. The project's Early Consultation referral and the Keyes Community Plan Mitigation Monitoring and Reporting Plan (MMRP) was referred to SJVAPCD with a request that staff review the MMRP's mitigation measures and revise or amend as needed. SJVAPCD staff indicated that the project was subject to the SJVAPCD's Rule 9510 Indirect Sources Rule (ISR), and that the MMRP's mitigation measures did not need to be added to this project. *Keyes MMRP Mitigation Measures Nos. 4.4-1(a) and 4.4-2(a) on Pages 11-14 of the MMRP.*

**Mitigation:** None.

**References:** Email referral response from the San Joaquin Valley Air Pollution Control District dated July 31, 2015; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; and the 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 federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X

<b>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?</b>				<b>X</b>
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**Discussion:** The property is currently unimproved and zoned P-D (302) (Planned Development) on the western half of the project site and A-2-10 on the eastern half of the project site. Early consultation referral responses have not been received from the U.S. Fish and Wildlife Service; however, the California Department of Fish and Wildlife (CDFW) (formerly the Department of Fish and Game) responded with several project recommendations for nesting birds, such as Swainson's hawk (SWHA) and Burrowing Owl. SWHA recommendations included: pre-construction surveys for ground disturbing activities occurring during the breeding season (February through mid-September) and compensation for the loss of SWHA habitat. Burrowing Owl recommendations include pre-construction surveys for burrowing owl regardless of when construction will occur to identify any burrowing owl that may occur on the project site. Should Burrowing Owl(s) be found, it is recommended that: 1) impacts to occupied burrows be avoided in accordance with the table provided (in their referral response) which includes burrowing owl location, time of year, and level of disturbance, and; 2) that foraging habitat be acquired and permanently protected to offset the loss of foraging and burrow habitat, and; 3) replacement of occupied burrows with artificial burrow at a ratio of one burrow collapsed to one artificial burrow constructed, as mitigation for the potential significant impact of evicting a burrowing owl, if a biologist knowledgeable with the species determines that suitable burrows are a potential limiting factor for burrowing owl. (See CDFW referral response dated April 27, 2015)

A biological survey, dated June 26, 2015, and completed by Diane Moore, of Moore Biological Consultants, was conducted in response to the CDFW referral response. A field survey of the site was conducted on June 10, 2015, and consisted of walking throughout the project site, making observations of current habitat conditions, and nothing surrounding land use, general habitat types, and plant and wildlife species. The survey included an assessment of the project site for presence or absence of potentially jurisdictional Waters of the U.S. (a term that includes wetlands) as defined by the U.S. Army Corps of Engineers, special-status species, and suitable habitat for special-status species. Additionally, trees within and near the project site were assessed for the potential use by nesting raptors, especially SWHA; and, the site itself was searched for burrowing owls or ground squirrel burrows that could be utilized by burrowing owl. The survey found that while the project site may have provided habitat for special-status wildlife species at some time in the past, farming and development have substantially modified natural habitats in the greater project vicinity. Of the wildlife species identified in the California Natural Diversity Database (CNDDB), Swainson's hawk is the only species that has the potential to occur in the site on more than a transitory or very occasional basis. Other special-status birds including tricolor blackbird, and burrowing owl, may fly over the area on occasion, but would not be expected to nest in or immediately adjacent to the project site. No burrowing owls or ground squirrels were observed in the site. Two small blue elderberry shrubs in the northeast corner of the site lacked bore holes indicative of valley elderberry longhorn beetle (VELB), nor were VELB identified within the subject shrubs. In conclusion, based on the biological survey, the site does not appear to have or provide likely habitat for special-status flora or fauna, nor were any special-status species, Waters of the U.S., or wetlands found on site. Conclusion and recommendations of the biological survey can be found on pages 21-22 of the attached biological survey. Mitigation measures, as recommended by the survey are incorporated below.

There is no evidence to suggest that this project would result in impacts to sensitive and endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. There are no known sensitive or protected species or natural communities located on the site and/or in the surrounding area. The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans. *Keyes MMRP Mitigation Measures Nos. 4.2-1(a) and 4.2-5 on Pages 5-8 of the MMRP.*

#### **Mitigation:**

3. *Although considered unlikely, valley elderberry longhorn beetle could potentially occur in the small blue elderberry shrubs in the northeast part of the site. These small shrubs show no evidence of occupancy by valley elderberry longhorn beetle and removal of the shrubs is expected to have no effect on this species. Prior to removing the shrubs, the applicant shall obtain concurrence from US Fish and Wildlife Service regarding removing the shrubs.*
4. *Prior to securing concurrence to remove the blue elderberry shrubs, the shrubs should be protect with a no-disturbance buffer extending 10 feet from the driplines of the shrubs. Construction in the vicinity of the blue elderberry shrubs should occur between June 15 and April 15. During this time period, valley elder berry longhorn beetle (if present) would be within the interior portion of the stems of the shrubs and would not move (i.e., fly or walk) into the construction area.*
5. *Pre-construction surveys for nesting Swainson's hawks within 0.25 miles of the project site are recommended if construction commences between March 1 and September 1. If active nests are found, a qualified biologist*

should determine the need (if any) for temporal restrictions on construction. The determination shall utilize criteria set forth by CDFW (CDFG, 1994).

6. Pre-construction surveys for burrowing owls in the site should be conducted if construction commences between February 1 and August 31. If occupied burrows are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determinations shall be pursuant to criteria set forth by CDFW (CDFG, 2012).
7. Trees, shrubs, and grasslands in the site could be used by other birds protected by the Migratory Bird Treaty Act of 1918. If vegetation removal or construction commences during the general avian nesting season (March 1 through July 31), a preconstruction survey for nesting birds shall be completed. If active nests are found, work in the vicinity of the nest shall be delayed until the young fledge.

**References:** Referral response from CDFW dated April 27, 2015; Biological Survey dated June 26, 2015, conducted by Moore Biological Consultants; California Department of Fish and Wildlife (formerly the Department of Fish and Game) California Natural Diversity Database and the Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

**Discussion:** It does not appear this project will result in significant impacts to any archaeological or cultural resources. A records search indicated that there were no prehistoric or historic resources on-site; nor had any local cultural group reported to the Central California Information Center (CCIC) that the property had cultural value. The project was referred to the Native American Heritage Commission (NAHC) which responded with recommendations and procedures in regards to the discovery of archaeological or cultural resources. A condition of approval will be placed on the project that requires that if any resources are found, construction activities will halt at that time and investigated further.

**Mitigation:** None

**References:** Archaeological Inventory Study dated April 30, 2015; Stanislaus County General Plan and Support Documentation<sup>1</sup>

VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	

**Discussion:** As contained 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 as part of the building permit process. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Public Works Standards and Specifications which consider the potential for erosion and run-off prior to permit approval. Likewise, any addition 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 was referred to the Department of Public Works and the Building Permits Division. Both Departments responded with comments to address these concerns and will be incorporated into the project as conditions of approval and/or development standards. Previously identified as *Keyes MMRP Mitigation Measures Nos. 1 and 2 on Pages 14 and 15 of the MMRP of the MMRP*.

**Mitigation:** None.

**References:** California Building Code and the Stanislaus County General Plan and Support Documentation<sup>1</sup>

VII. 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) to 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. As a requirement of AB 32, the ARB was assigned the task of developing a Climate Change Scoping Plan that outlines the state's strategy to achieve the 2020 GHG emissions limits. This Scoping Plan includes a comprehensive set of actions designed to reduce overall GHG emissions in California, improve the environment, reduce the state's dependence on oil, diversify the state's energy sources, save energy, create new jobs, and enhance public health. The Climate Change Scoping Plan was approved by the ARB on December 22, 2008. According to the September 23, 2010, AB 32 Climate Change Scoping Plan Progress Report, 40 percent of the reductions identified in the Scoping Plan have been secured through ARB actions and California is on track to its 2020 goal.

Although not originally intended to reduce GHGs, California Code of Regulations (CCR) Title 24, Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. Since then, Title 24 has been amended with recognition

that energy-efficient buildings require less electricity and reduce fuel consumption, which in turn decreases GHG emissions. The current Title 24 standards were adopted to respond to the requirements of AB 32. Specifically, new development projects within California after January 1, 2011, are subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11).

The proposed project would result in short-term emissions of GHGs during construction. These emissions, primarily CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O, are the result of fuel combustion by construction equipment and motor vehicles. The other primary GHGs (HFCs, PFCs, and SF<sub>6</sub>) are typically associated with specific industrial sources and are not expected to be emitted by the proposed project. As described above in Section III - Air Quality, the use of heavy-duty construction equipment would be very limited; therefore, the emissions of CO<sub>2</sub> from construction would be less than significant.

The project would also result in direct annual emissions of GHGs during operation. Direct emissions of GHGs from operation of the proposed project are primarily due to passenger vehicles and truck trips. This project would not result in emission of GHGs from any other sources. Consequently, GHG emissions are considered to be less than significant.

**Mitigation:** None.

**References:** Application Information; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

**Discussion:** The Department of Environmental Resources (DER) is responsible for overseeing hazardous materials and has not indicated any particular concerns in this area. The project was referred to the Environmental Resources Committee (ERC), which includes a DER hazardous waste specialist. Maintenance of agricultural equipment will occur

within the proposed building and may involve the use of potentially hazardous fluids and lubricants typically used in diesel and large engine repair. A hazardous waste plan will be required to be submitted as a part of normal business operations, and will be reviewed by the DER-HazMat Division and the Fire Department. The presence and use of engine fluids and lubricants is expected to have a less than significant impact due to existing, use, disposal, and storage requirements for any business engaging in engine repair.

Pesticide exposure is a risk in areas located in the vicinity of agriculture. Sources of exposure include contaminated groundwater, which is consumed, and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. It does not appear that the neighboring, vacant, and A-2-10 zoned parcels are currently planted in crops. That said, any spraying activities on adjacent properties will be conditioned by the Agricultural Commissioner's Office. The project site is not located within an airport land use plan or a wildlands area, nor is the site listed on the EnviroStor database managed by the CA Department of Toxic Substances Control. The groundwater is not known to be contaminated in this area. Previously identified as *Keyes MMRP Mitigation Measures Nos. 11 and 12 on Page 16 of the MMRP*.

**Mitigation:** None.

**References:** [www.envirostor.dtsc.ca.gov/public](http://www.envirostor.dtsc.ca.gov/public); Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>IX. 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>
<b>a) Violate any water quality standards or waste discharge requirements?</b>			X	
<b>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</b>			X	
<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, in a manner which would result in substantial erosion or siltation on- or off-site?</b>			X	
<b>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</b>			X	
<b>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</b>			X	
<b>f) Otherwise substantially degrade water quality?</b>			X	
<b>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</b>				X
<b>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</b>				X



i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?				X

**Discussion:** Run-off is not considered an issue because of several factors which limit the potential impact. These factors include the relatively flat terrain of the subject site, and relatively low rainfall intensities in the Central Valley. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act. The project site itself is located in Zone X (outside the 0.2% floodplain) and, as such, exposure to people or structures to a significant risk of loss/injury/death involving flooding due levee/dam failure and/or alteration of a watercourse, at this location is not an issue with respect to this project.

By virtue of the proposed paving for the building pads, parking, and driveways, the current absorption patterns of water upon this property will be altered; however, current standards require that all of a project's stormwater be maintained on site and, as such, a Grading and Drainage Plan will be included in this project's conditions of approval. 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. This project was referred to the Regional Water Quality Control Board (RWQCB) which responded with standards of development and requirements that will be incorporated into this project's conditions of approval. The Department of Public Works reviewed the project and responded with a condition regarding intersection impact fees, indicating that standard conditions of approval, in regards to grading and drainage, encroachment permits, and improvement plans, would be forthcoming. *Keyes MMRP Mitigation Measures Nos. 2 thru 6 on Page 15 and 16 of the MMRP.*

A condition of approval will be placed on the project requiring that the landscaping plans comply with the California State Water Model Ordinance and utilize drought tolerant plants. The project was referred to the Keyes Municipal Advisory Council and a response has not been received by the time this initial study was drafted.

**Mitigation:** None.

**References:** Referral response from the Department of Public Works dated July 31, 2015; referral response from the Regional Water Quality Control Board dated April 27, 2015; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>

X. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

**Discussion:** The project site is zoned expired P-D (304) (Planned Development) and A-2-10 and the General Plan and Keyes Community Plan designation for this site is Highway Commercial. As such, the proposed project will not conflict with any land use designations or applicable habitat conservation plan or natural community conservation plan and will not physically divide an established community, as the General Plan and Keyes Community Plan call for this type of development. The need for a rezone is due to the way that PD 302 was approved for a specific use within a specific time frame. Failure to meet those requirements resulted in the expiration of PD 302 and the need for further discretionary approval prior to development. In an effort to streamline future development, the project includes a request to allow H-1 uses with updated development standards and a streamlined, land use, permitting process.

**Mitigation:** None.

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

<b>XI. 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>
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

**Discussion:** The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources 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>XII. 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>
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

**Discussion:** The Stanislaus County General Plan<sup>1</sup> identifies noise levels up to 70 dB L<sub>dn</sub> (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 existing nearby SR 99 and the Union Pacific railroad adjacent to southbound SR 99. The site is not located within an airport land use plan. *Keyes MMRP Mitigation Measures No. 14 on Page 17 of the MMRP.*

**Mitigation:** None.

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

<b>XIII. 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>
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

**Discussion:** The proposed use of the site may induce modest growth in the area by creating service extensions and/or new infrastructures in the form of Keyes Community Services District extension of water and sewer services. Extension of such services must be approved by Stanislaus County LAFCO. No housing or persons will be displaced by the project.

**Mitigation:** None.

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

<b>XIV. 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>
a) Would the project result in the substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?		X	X	
Police protection?			X	
Schools?				X
Parks?			X	
Other public facilities?			X	

**Discussion:** The County has adopted Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance. Conditions of approval will be added to this project to ensure the proposed development complies with all applicable fire department standards with respect to access and water for fire protection. Building permit review by the Office of Emergency Services will address adequate turn-around for a fire apparatus and on-site water supply for fire suppression. The project was referred to the ERC, the Modesto Regional Fire Authority, and the Keyes Fire Department. *Keyes Community Plan Mitigation Measure Nos. 15 and 18 on pages 17 and 18 of the MMRP addresses this on a Community-wide basis.* A condition of approval may be added to this project requiring compliance with these mitigation measures which requires all new development pay a fair share towards fire protection and parks.

**Mitigation:** None.

**References:** Keyes Community Plan MMRP; Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XV. RECREATION --</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) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

**Discussion:** The proposed project does not have a residential component and is not anticipated to significantly increase demand on recreational facilities. A condition of approval may be added to the project requiring compliance with this mitigation measure which requires all new development pay a fair share towards parks. *Keyes MMRP Mitigation Measures No. 18 on Page 18 of the MMRP addresses this on a Community-wide basis.*

**Mitigation:** None.

**References:** Keyes Community Plan MMRP; Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XVI. TRANSPORTATION/TRAFFIC -- 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) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?		X		
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X

**Discussion:** This project was referred to the Department of Public Works and CalTrans. CalTrans responded with a request for additional information regarding the trucks to be used to transport the agricultural equipment and a recommendation that the project pay its fair share for any future improvements to the SR 99/Keyes Road intersection and ramps. This information was forwarded to the Department of Public Works who responded with the applicant's fair share amount, as determined by the Keyes Community Plan and updated for inflation. The fair share fees have been added as a mitigation measure. Moreover, current Public Facility Fees (PFF) will be imposed when the project applies for building permits.

On May 1, 2015, the Keyes Union School District submitted a letter commenting on the location of proposed driveways along Nunes Road as they are located in front of a head Start facility. The District also commented on the potential safety concern for students that may walk along the Nunes Road. The site plan was amended, eliminating the two western most driveways and moved the main site entrance off of Nunes Road to N. Golden State Blvd. A District response to these site plan changes had not been received at the time this initial study was prepared.

Traffic movements were reviewed in the Keyes Community Plan, which considered the subject project site as utilized for a commercial type use on a Planned Development zoning. The Keyes MMRP was forwarded to the Stanislaus County Department of Public Works, who responded with the aforementioned mitigation measure and indicated that standard conditions of approval, in regards to grading and drainage, access, and improvements would be forthcoming. *Keyes Community Plan MMRP Mitigation Measure Nos. 4.3-1 (et.al), 4.3-2 (et.al), and 4.3-3 (et.al.) on pages 8-10.*

**Mitigation:**

8. *The applicant shall pay the Keyes Community Plan Mitigation Funding Program fees for Highway Commercial per the Keyes community Plan adopted on April 18, 2000. The fees were calculated in 2003 at \$751.47 per 1,000 square feet of floor space. With the fees adjusted for inflation using the Engineering News-Record index, the July 2015 fees are \$1137 per 1,000 square feet. These fees will be paid prior to building permit issuance.*

**References:** Referral response from Caltrans dated May 4, 2015; referral response from the Department of Public Works dated July 29, 2015; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XVII. 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) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</b>			X	
<b>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</b>			X	
<b>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</b>			X	
<b>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</b>			X	
<b>e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</b>				X
<b>f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</b>			X	
<b>g) Comply with federal, state, and local statutes and regulations related to solid waste?</b>			X	

**Discussion:** Limitations on providing services have not been identified. Although the site is not currently served by municipal services (sewer & water), the applicant is proposing to have the site be served by the Keyes Community Services District (CSD), the provider of sewer and water for this community. The Keyes CSD provided a letter stating that they are capable of providing water and sewer services to the project site (the westerly half); however, prior to connection the easterly half of the site must be annexed into the CSD via the LAFCO application and approval process. The water and sewer service is contingent on an agreement with the Keyes CSD regarding construction of infrastructure and the payment of fees. These requirements will be reflected in the project's conditions of approval/development standards. *Keyes Community Plan MMRP Mitigation Measure Nos. 2, 3, 4, and 6 on page 15.*

**Mitigation:** None

**References:** “Ability to Serve” letter from the Denair Community Services District (CSD) dated June 24, 2013; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

<sup>1</sup>Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and updated elements of the General Plan and Support Documentation: **Agricultural Element** adopted on December 18, 2007; **Housing Element** adopted on August 28, 2012; **Circulation Element** and **Noise Element** adopted on April 18, 2006.

# Stanislaus County

## Planning and Community Development

1010 10th Street, Suite 3400  
Modesto, CA 95354

Phone: (209) 525-6330  
Fax: (209) 525-5911

---

## Mitigation Monitoring Plan

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

**August 7, 2015**

1. Project title and location: Rezone Application No. PLN2015-0032 – Belkorp AG  
  
4618 Nunes Road, east of Highway 99, west of N. Golden State Blvd., in the Keyes area. (APN: 045-049-011, 045-049-012, 045-050-001, 045-050-011, 045-050-012).
2. Project Applicant name and address: Belkorp AG  
2413 Crows Landing Road  
Modesto, CA 95358
3. Person Responsible for Implementing Mitigation Program (Applicant Representative): Tim Stokes, Belkorp AG
4. Contact person at County: Rachel Wyse, 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.

#### I. AESTHETICS

- No. 1 Mitigation Measure: New multi-story development shall minimize the use of reflective surface and have those reflective surfaces which are used to be oriented in such a manner so as to reduce glare impacts along roadways.

Who Implements the Measure:	Applicant
When should the measure be implemented:	During building design
When should it be completed:	Prior to issuance of the Final Occupancy Permit
Who verifies compliance:	Stanislaus County Planning and Community Development Department, Building Permits Division
Other Responsible Agencies:	Stanislaus County Planning and Community Development Department, Planning Division

- No. 2 Mitigation Measure: New development shall include cut-off luminaries and/or shields. All exterior lighting shall be designed (aimed down and towards the site) to provide

adequate illumination without a glare effect. Low intensity lights shall be used to minimize the visibility of the lighting from nearby areas, and to prevent "spill over" of light onto adjacent residential properties.

Who Implements the Measure:	Applicant
When should the measure be implemented:	During building design
When should it be completed:	Prior to issuance of the Final Occupancy Permit
Who verifies compliance:	Stanislaus County Planning and Community Development Department, Building Permits Division
Other Responsible Agencies:	Stanislaus County Planning and Community Development Department, Planning Division

#### **IV. BIOLOGICAL RESOURCES**

- No. 3 Mitigation Measure: Although considered unlikely, valley elderberry longhorn beetle could potentially occur in the small blue elderberry shrubs in the northeast part of the site. These small shrubs show no evidence of occupancy by valley elderberry longhorn beetle and removal of the shrubs is expected to have no effect on this species. Prior to removing the shrubs, the applicant shall obtain concurrence from US Fish and Wildlife Service (USFWS) regarding removing the shrubs.

Who Implements the Measure:	Applicant
When should the measure be implemented:	Prior to removal of the small blue elderberry shrubs.
When should it be completed:	After United States Fish and Wildlife (USFW) approval of a plan to remove the small blue elderberry shrubs.
Who verifies compliance:	USFW
Other Responsible Agencies:	California Department of Fish and Wildlife (CDFW); Stanislaus County Planning and Community Development Department, Planning Division.

- No. 4 Mitigation Measure: Prior to securing concurrence to remove the blue elderberry shrubs, the shrubs should be protect with a no-disturbance buffer extending 10 feet



from the driplines of the shrubs. Construction in the vicinity of the blue elderberry shrubs should occur between June 15 and April 15. During this time period, valley elder berry longhorn beetle (if present) would be within the interior portion of the stems of the shrubs and would not move (i.e., fly or walk) into the construction area.

Who Implements the Measure:	Applicant
When should the measure be implemented:	Prior to grading and/or grubbing of site.
When should it be completed:	After April 15, the 10 foot buffer area can be removed.
Who verifies compliance:	Stanislaus County Planning and Community Development Department, Planning Division
Other Responsible Agencies:	USFW and/or Stanislaus County Planning and Community Development Department.

- No. 5 Mitigation Measure: Pre-construction surveys for nesting Swainson's hawks within 0.25 miles of the project site are recommended if construction commences between March 1 and September 1. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination shall utilize criteria set forth by CDFW (CDFG, 1994).

Who Implements the Measure:	Applicant
When should the measure be implemented:	Prior to any commencement of any construction activity between March 1 and September 1 of the year.
When should it be completed:	As determined by a qualified biologist when construction activities take place between March 1 and September 1 during the year.
Who verifies compliance:	California Department of Fish and Wildlife (CDFW) in consultation with a qualified biologist (Moore Biological Consultants).
Other Responsible Agencies:	CDFW and/or Stanislaus County Planning and Community Development Department.

- No. 6 Mitigation Measure: Pre-construction surveys for burrowing owls in the site should be conducted if construction commences between February 1 and August 31. If occupied burrows are found, a qualified biologist should determine the need (if any)

for temporal restrictions on construction. The determinations shall be pursuant to criteria set forth by CDFW (CDFG, 2012).

Who Implements the Measure:	Applicant
When should the measure be implemented:	Prior to any commencement of any grading, grubbing or construction activity between February 1 and August 31 of the year.
When should it be completed:	Prior to any grading, grubbing or construction activities.
Who verifies compliance:	California Department of Fish and Wildlife (CDFW) in consultation with a qualified biologist (Moore Biological Consultants).
Other Responsible Agencies:	CDFW and/or Stanislaus County Planning and Community Development Department.

No. 7 Mitigation Measure: Trees, shrubs, and grasslands in the site could be used by other birds protected by the Migratory Bird Treaty Act of 1918. If vegetation removal or construction commences during the general avian nesting season (March 1 through July 31), a preconstruction survey for nesting birds shall be completed. If active nests are found, work in the vicinity of the nest shall be delayed until the young fledge.

Who Implements the Measure:	Applicant
When should the measure be implemented:	Prior to any commencement of any grading, grubbing or construction activity between March 1 and July 31 of the year.
When should it be completed:	Prior to any grading, grubbing or construction activities.
Who verifies compliance:	California Department of Fish and Wildlife (CDFW) in consultation with a qualified biologist (Moore Biological Consultants).
Other Responsible Agencies:	CDFW and/or Stanislaus County Planning and Community Development Department, Planning Division.

## **XVI. TRANSPORTATION/TRAFFIC**

No. 8 Mitigation Measure: The applicant shall pay the Keyes Community Plan Mitigation Funding Program fees for Highway Commercial per the Keyes community Plan adopted on April 18, 2000. The fees were calculated in 2003 at \$751.47 per 1,000 square feet of floor space. With the fees adjusted for inflation using the Engineering News-Record index, the July 2015 fees are \$1137 per 1,000 square feet. These fees will be paid prior to building permit issuance.

Who Implements the Measure:	Applicant.
When should the measure be implemented:	Prior to issuance of a building permit.
When should it be completed:	Prior to issuance of a building permit.
Who verifies compliance:	Stanislaus County Planning and Community Development Department, Building Division.
Other Responsible Agencies:	Keyes Community Service District.

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

(I:\PLANNING\STAFF REPORTS\REZ\2015\REZ PLN2015-0032 - BELKORP AG\CEQA-30-DAY-REFERRAL\MITIGATION MONITORING PLAN MG.DOC)

## MITIGATED NEGATIVE DECLARATION

**NAME OF PROJECT:** Rezone Application No. PLN2015-0032 – Belkorp AG

**LOCATION OF PROJECT:** 4618 Nunes Road, east of Highway 99, west of N. Golden State Blvd., in the Keyes area, Stanislaus County (APN: 045-049-011, 045-049-012, 045-050-001, 045-050-011, 045-050-012)

**PROJECT DEVELOPER:** Rod Hawkins  
Hawkins & Associates  
436 Mitchell Rd  
Modesto, CA 95354

**DESCRIPTION OF PROJECT:** Request to rezone a 17.3± acre project site, from expired PD 302 and A-2-10 to a new PD (Planned Development), to allow H-1 uses and to establish an agricultural equipment dealership, construct a 57,000 square foot, two story building for service maintenance, retail sales, parts, and administrative offices, allow outdoor display areas for agricultural equipment, develop a 74 space parking lot and driveways, and construct an approximately one acre drainage basin south of the proposed building. North Golden State Boulevard will provide primary access to the site.

Based upon the Initial Study, dated **August 6, 2015**, the Environmental Coordinator finds as follows:

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

The aforementioned findings are contingent upon the following mitigation measures (if indicated) which shall be incorporated into this project:

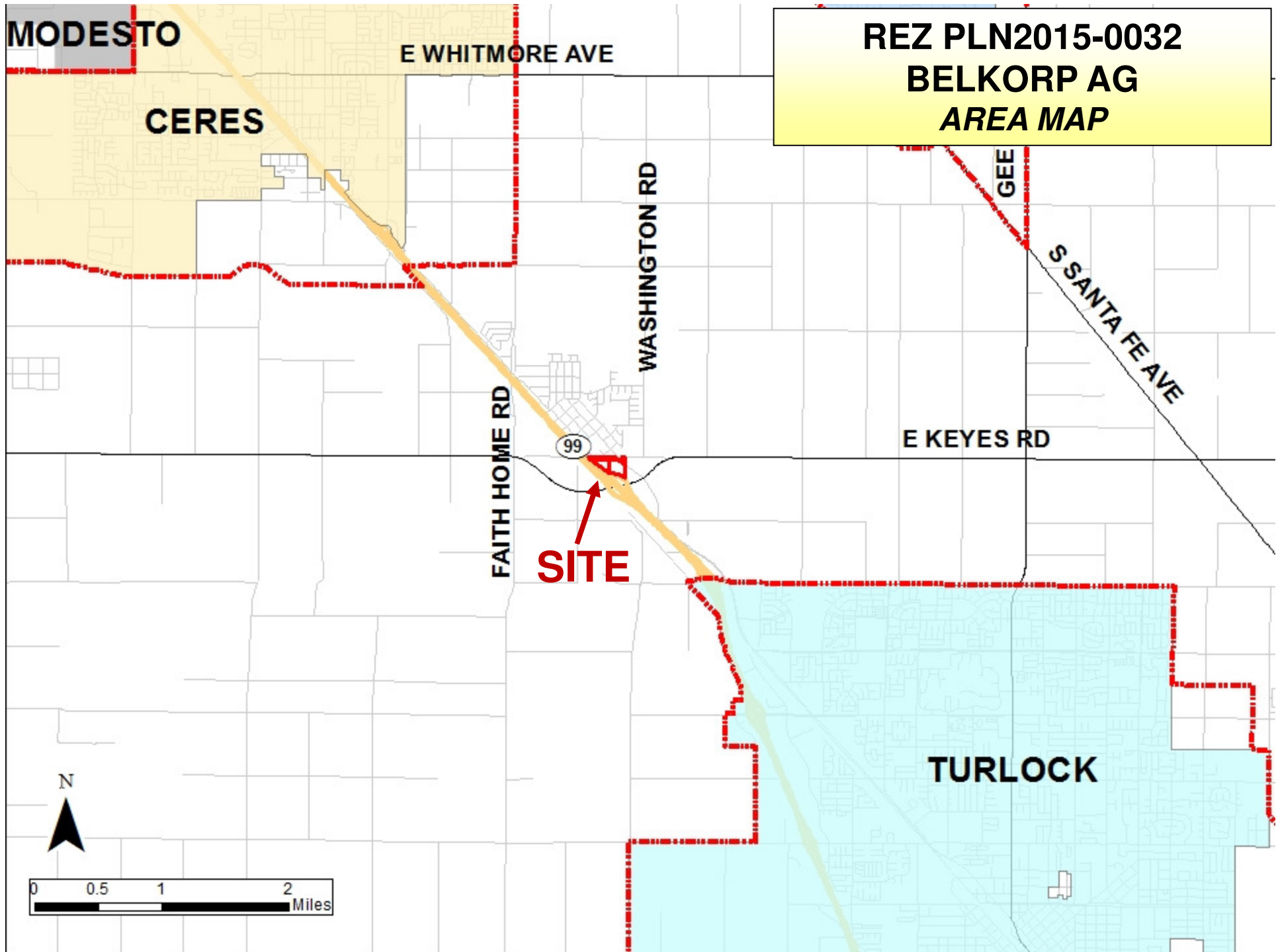
1. New multi-story development shall minimize the use of reflective surface and have those reflective surfaces which are used to be oriented in such a manner so as to reduce glare impacts along roadways.
2. New development shall include cut-off luminaries and/or shields. All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect. Low intensity lights shall be used to minimize the visibility of the lighting from nearby areas, and to prevent “spill over” of light onto adjacent residential properties.
3. Although considered unlikely, valley elderberry longhorn beetle could potentially occur in the small blue elderberry shrubs in the northeast part of the site. These small shrubs show no evidence of occupancy by valley elderberry longhorn beetle and removal of the shrubs is expected to have no effect on this species. Prior to removing the shrubs, the applicant shall obtain concurrence from US Fish and Wildlife Service regarding removing the shrubs.

4. Prior to securing concurrence to remove the blue elderberry shrubs, the shrubs should be protect with a no-disturbance buffer extending 10 feet from the driplines of the shrubs. Construction in the vicinity of the blue elderberry shrubs should occur between June 15 and April 15. During this time period, valley elder berry longhorn beetle (if present) would be within the interior portion of the stems of the shrubs and would not move (i.e., fly or walk) into the construction area.
5. Pre-construction surveys for nesting Swainson's hawks within 0.25 miles of the project site are recommended if construction commences between March 1 and September 1. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination shall utilize criteria set forth by CDFW (CDFG, 1994).
6. Pre-construction surveys for burrowing owls in the site should be conducted if construction commences between February 1 and August 31. If occupied burrows are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determinations shall be pursuant to criteria set forth by CDFW (CDFG, 2012).
7. Trees, shrubs, and grasslands in the site could be used by other birds protected by the Migratory Bird Treaty Act of 1918. If vegetation removal or construction commences during the general avian nesting season (March 1 through July 31), a preconstruction survey for nesting birds shall be completed. If active nests are found, work in the vicinity of the nest shall be delayed until the young fledge.
8. The applicant shall pay the Keyes Community Plan Mitigation Funding Program fees for Highway Commercial per the Keyes community Plan adopted on April 18, 2000. The fees were calculated in 2003 at \$751.47 per 1,000 square feet of floor space. With the fees adjusted for inflation using the Engineering News-Record index, the July 2015 fees are \$1137 per 1,000 square feet. These fees will be paid prior to building permit issuance.

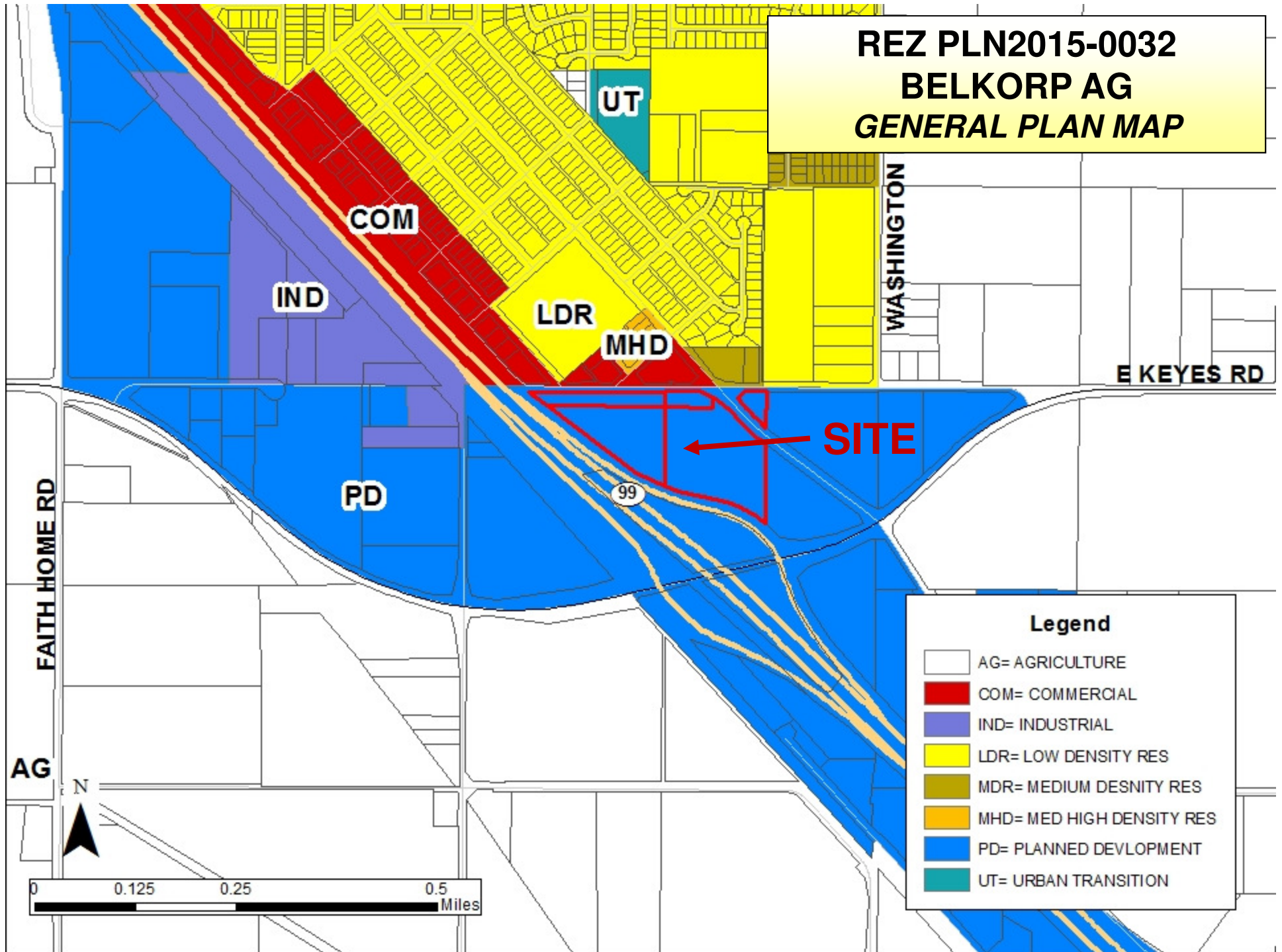
The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, California.

Initial Study prepared by: Rachel Wyse, Associate Planner

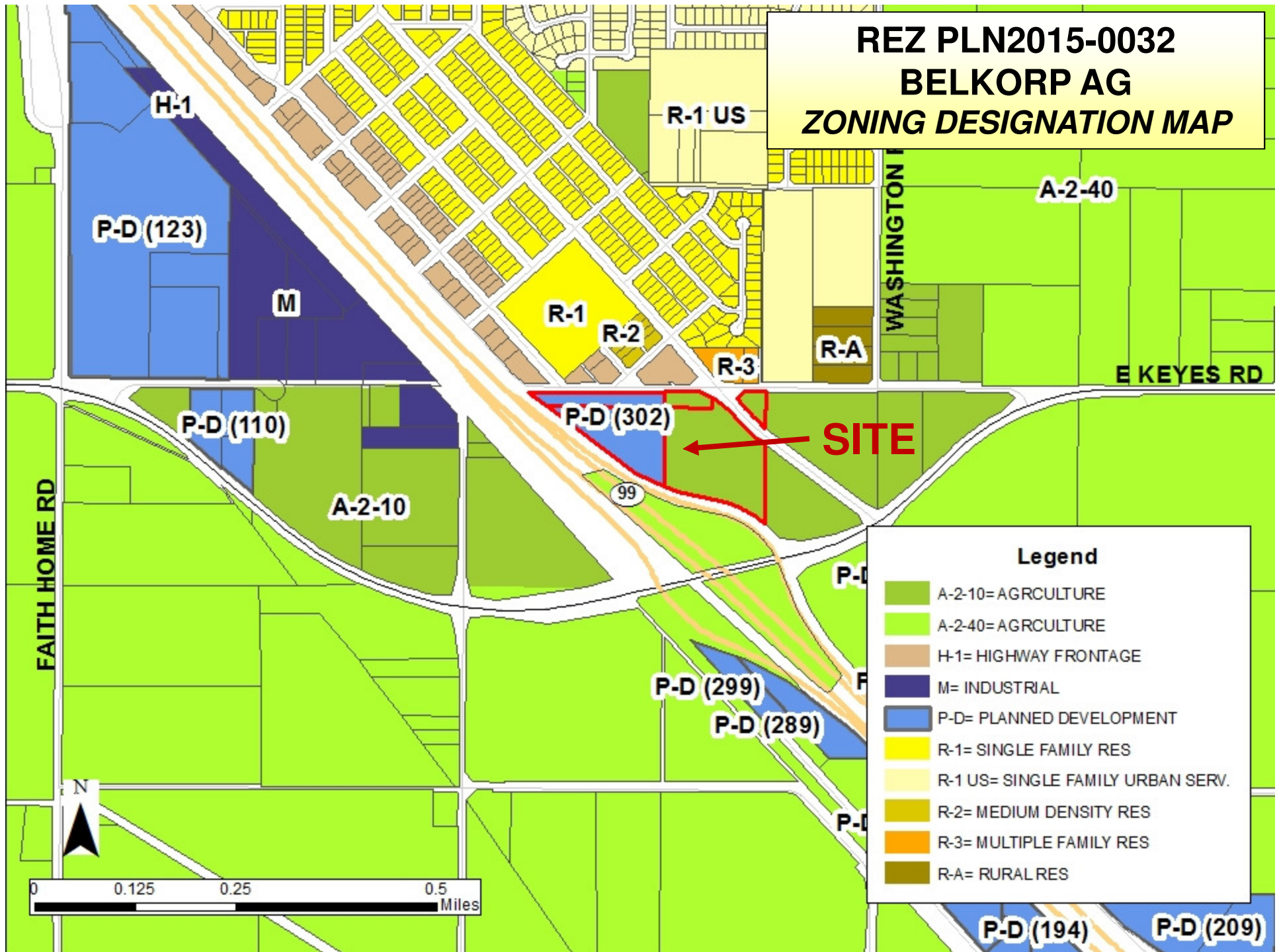
Submit comments to: Stanislaus County  
Planning and Community Development Department  
1010 10th Street, Suite 3400  
Modesto, California 95354



**REZ PLN2015-0032  
BELKORP AG  
GENERAL PLAN MAP**

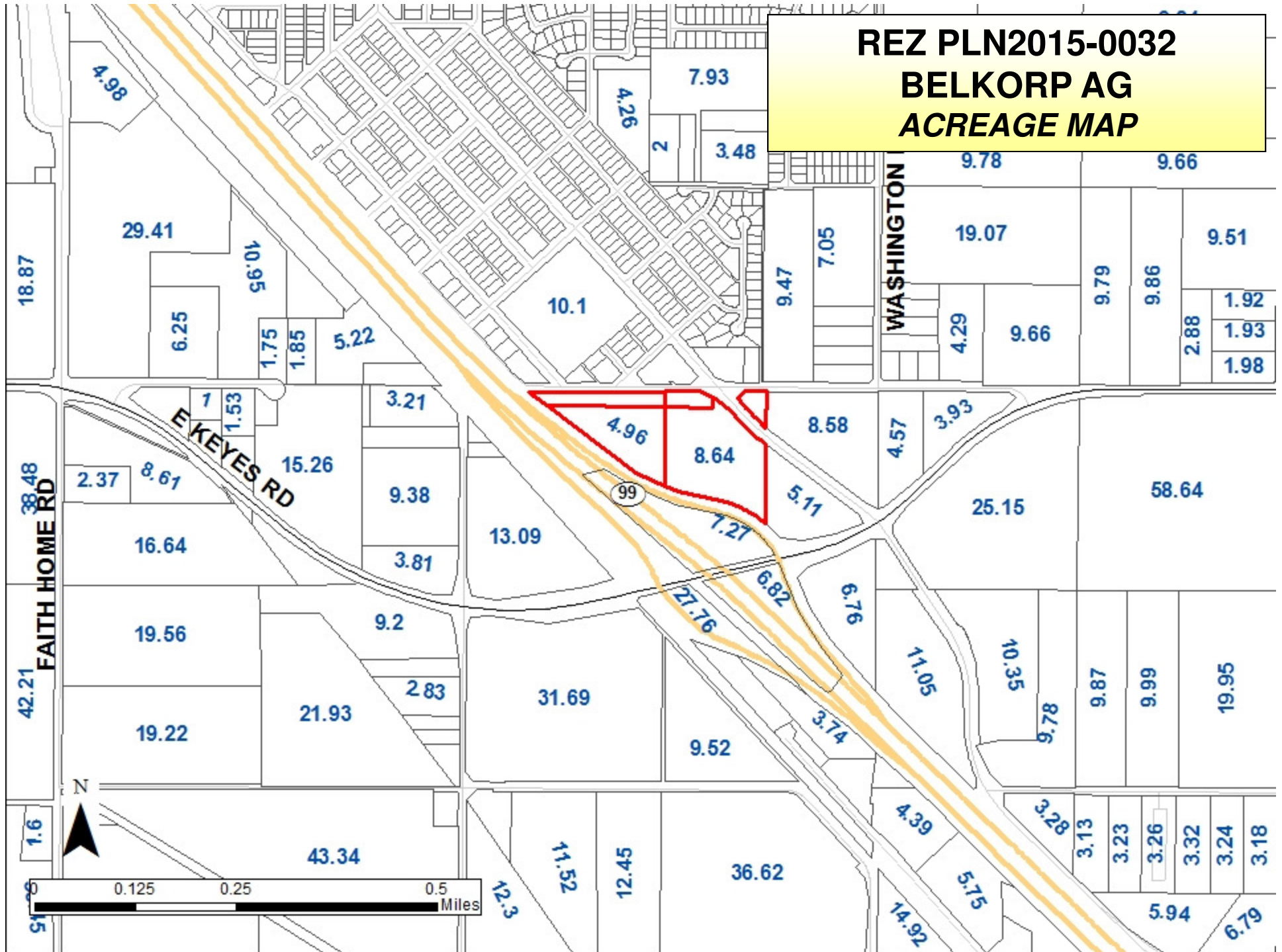






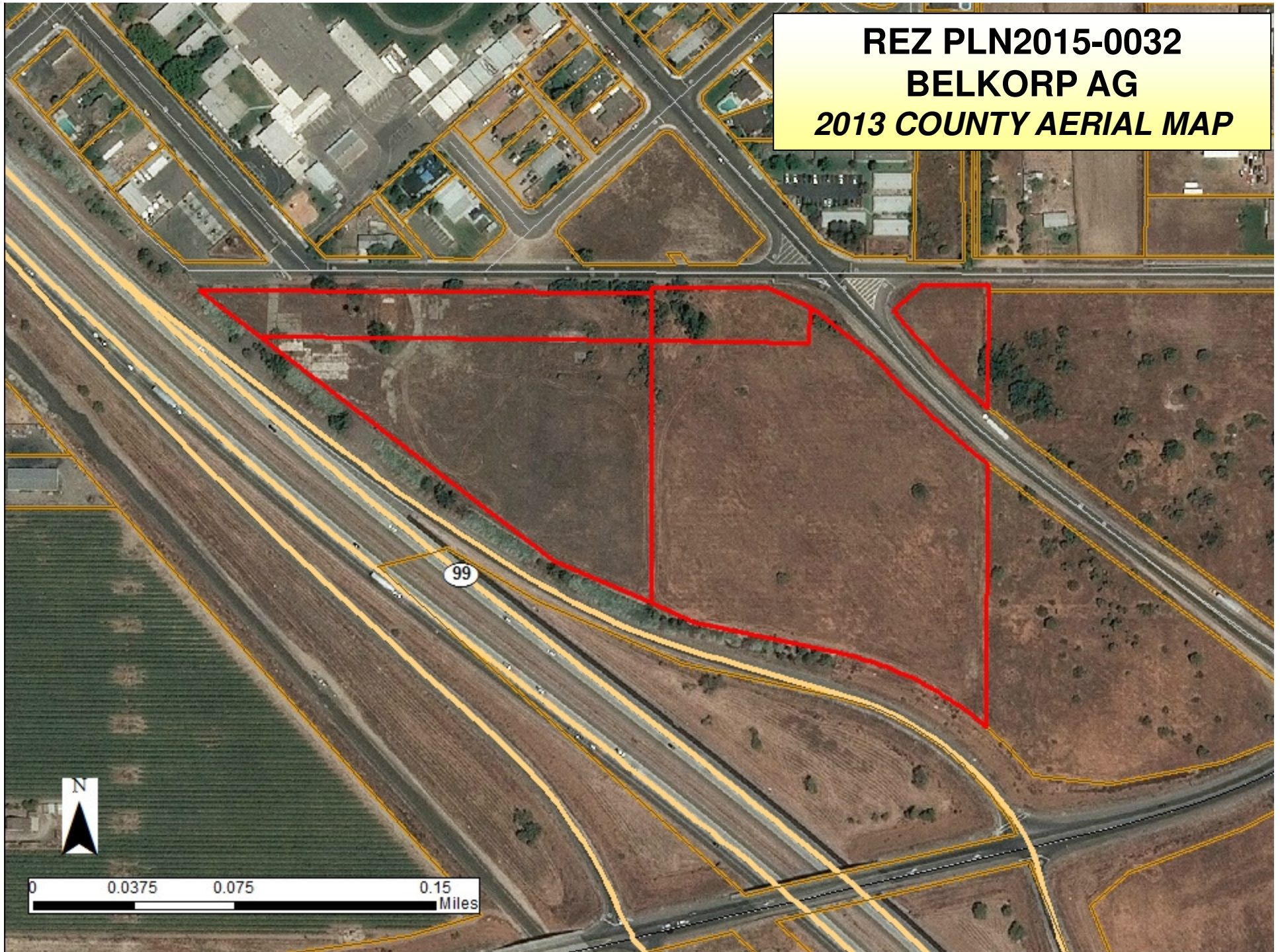


**REZ PLN2015-0032  
BELKORP AG  
ACREAGE MAP**





**REZ PLN2015-0032**  
**BELKORP AG**  
**2013 COUNTY AERIAL MAP**





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## *Belkorp AG Project Description*

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Belkorp AG is a John Deere Dealer proposing to build a new dealership on 16.7 acres, located at the southwest corner of the intersection of Nunes Road and Golden State Blvd in Keyes, adjacent to Highway 99.

The project will have a new 57,000 square foot building with 37,000 square feet dedicated to service and maintenance, 20,000 square feet for Retail Sales, Parts, and Administrative offices. The site will also have outdoor display areas to show the new equipment. The site provides easy access for customers and great visibility from Highway 99.

Sewer and water will be provided by the Keyes Sanitary Sewer District. Storm water will be retained on-site.

### Development Schedule

At this time it is anticipated that construction would start as soon as all permits are obtained and that the project would be complete within 9 months of starting. Therefore, the development should be complete within 2-years of approval.

Further information for the biological study can be found at:  
<http://www.stanislauslafco.org/info/PDF/Notices/CATruck.CEQA.pdf>

REC'T # 0003736369  
November 04, 2015 ----- 15:27:08

Stanislaus, County Recorder  
Lee Lundrigan Co Recorder Office

Environm #15-135 -

Check Number 47

REQD BY

County Admin Fee \$57.00

Total fee ..... \$2,267.00

Amount Tendered... \$2,267.00

Change ..... \$0.00

OJM,C1/1/0



State of California—Natural Resources Agency  
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
**2015 ENVIRONMENTAL FILING FEE CASH RECEIPT**

RECEIPT#

50-2015-135

STATE CLEARING HOUSE # (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY

STANISLAUS COUNTY DEPT OF PLANNING AND COMM DEV  
COUNTY/STATE AGENCY OF FILING

DATE

11/04/2015

DOCUMENT NUMBER

2015-135

STANISLAUS COUNTY CLERK RECORDER  
PROJECT TITLE

REZONE APP NO PLN2015-0032-BELKORP AG  
PROJECT APPLICANT NAME

PHONE NUMBER

(209) 525-6330

BELKORP AG, TIM STOKES  
PROJECT APPLICANT ADDRESS

CITY

STATE

ZIP CODE

2433 CROWS LANDING RD

MODESTO

CA

95358

PROJECT APPLICANT (Check appropriate box):

☐ Local Public Agency

☐ School District

☐ Other Special District

☐ State Agency

☒ Private Entity

CHECK APPLICABLE FEES:

☐ Environmental Impact Report (EIR)

3,069.75 \$ 0.00

☒ Mitigated/Negative Declaration (MND)(ND)

2,210.00 \$ 2,210.00

☐ Application Fee Water Diversion (State Water Resources Control Board only)

0.00 \$ 0.00

☐ Projects Subject to Certified Regulatory Programs (CRP)

0.00 \$ 0.00

☒ County Administrative Fee

57.00 \$ 57.00

☐ Project that is exempt from fees

☐ Notice of Exemption (attach)

☐ CDFW No Effect Determination (attach)

☐ Other \$ 0.00

PAYMENT METHOD:

☐ Cash

☐ Credit

☒ Check

☐ Other

TOTAL RECEIVED \$ 2,267.00

SIGNATURE

PRINTED NAME AND TITLE

Jennifer Mercado, Deputy County Clerk

FILED

2015 NOV -4 PM 3: 26

STANISLAUS CO. CLERK-RECORDER

Jennifer Mercado

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

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### NOTICE OF DETERMINATION

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

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**Project Title:** Rezone Application No. PLN2015-0032 – BELKORP AG

**Applicant Information:** Belkorp Ag, Tim Stokes, 2433 Crows Landing Rd, Modesto, CA 95358

**Project Location:** 4618 Nunes Road, east of Highway 99, north of E. Keyes Road, in the Keyes area, Stanislaus County.  
APN: 045-049-011, 045-049-012, 045-050-001, 045-050-011, 045-050-012.

**Description of Project:** Request to rezone 17.3± acres, from expired PD 302/A-2-10 to a new PD to allow H-1 type uses, establish an agricultural equipment dealership, construct a two story 57,000 square-foot building, and allow outdoor display areas for agricultural equipment.

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

**Lead Agency Contact Person:** Rachel Wyse, Associate Planner

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

This is to advise that the Stanislaus County **Board of Supervisors** on **November 3, 2015**, 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 Negative Declaration, is available to the General Public @ <http://www.stancounty.com/planning/pl/agenda-min.shtm>

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## **EXHIBIT C**

### **Plan for Services & Will Serve Letter**



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## Exhibit C - Plan for Providing Services

1. Service Territory. *An enumeration and description of the services currently provided or to be extended to the affected territory.*

Extension of water and wastewater services to the two parcels outside the CSD boundaries (APNs: 045-050-011 and 045-050-012), but within the SOL.

2. Service Level. *The level and range of those services.*

Per the signed Out of Boundary Service Pre-Annexation Agreement, the applicant agrees that water service provided by the District to the property will be the exclusive source of water conveyed through the user improvements. Upon connection to the District's water distribution system, the applicant also agrees that any individual water system previously providing water service to the Property will cease to exist, and that any other source of water, including existing wells, will be destroyed or permanently disconnected from the user Improvements. The applicant also intends to connect to District sewer services exclusively for its wastewater needs.

3. Service Extension. *An indication of when those services can feasibly be extended to the affected territory, if new services are proposed.*

The CSD has indicated that the properties can be served by existing District service (see attached Will Serve Letter dated 7-8-2020). Once all development approvals are in place including building permits with detailed utility plans, the property owner/applicant intends to move forward.

4. Service Management. *An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.*

Per the Out of Boundary Service Pre-Annexation Agreement, the applicant shall submit to the District's General Manager the plans and specifications for any public improvements (i.e., all improvements concerning service connections to District mains and/or laterals) upon which construction is to be based and obtain the written approval of said plans and specifications from the District's General Manager.

5. Service Financing. *Information with respect to how those services will be financed.*

All cost related to the extension of utilities to serve the annexed properties will be the responsibility of the property owner who is the applicant for the proposed development project.

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

July 8, 2020

California Truck Centers  
C/O Pam Ricci, RRM Design Group  
3765 South Higuera, Suite 102  
San Luis Obispo, Ca 93401

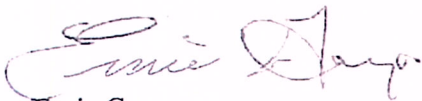
Re: Will Serve Letter Request For 4612 & 4618 Nunes Road, Turlock, Ca 95382  
APN: 045-049-011; 045-049-012; 045-050-000; 045-050-011; 045-050-012

Dear Ms. Ricci:

The Keyes Community Services District is willing to provide the requested water and wastewater 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 July 8, 2021 unless construction has commenced by that date.
5. This Will Service Letter is valid only upon approval by Stanislaus County Local Agency Formation Commission (LAFCO) and may require annexation to the Keyes Community Services District.

Sincerely,



Ernie Garza  
General Manager

**EXHIBIT D**

**Draft LAFCO Resolution No. 2020-10**

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**STANISLAUS COUNTY LOCAL AGENCY  
FORMATION COMMISSION**

**RESOLUTION**

**DATE:** December 2, 2020

**NO.** 2020-10

**SUBJECT:** LAFCO Application No. 2020-02 – California Truck Center Change of Organization to Keyes Community Services District

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

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

**THE FOLLOWING RESOLUTION WAS ADOPTED:**

**WHEREAS**, the applicant has requested to annex acreage to the Keyes Community Services District located at the south side of Nunes Road, at the intersection of 9<sup>th</sup> Street, North Golden State Boulevard and Nunes Road in the Keyes area;

**WHEREAS**, the Keyes Community Services District has provided a “Will Serve Letter” stating that the district is willing to provide water and sewer services to the project site;

**WHEREAS**, the territory is considered uninhabited as it contains less than 12 registered voters;

**WHEREAS**, the territory is within the current sphere of influence of the Keyes Community Services District;

**WHEREAS**, the purpose of the proposal is to allow the subject territory to receive water and sewer services from the Keyes Community Services District;

**WHEREAS**, Stanislaus County, as Lead Agency, prepared and subsequently approved Mitigated Negative Declarations for the proposal in compliance with the California Environmental Quality Act (CEQA);

**WHEREAS**, in the form and manner provided by law pursuant to Government Code Sections 56153 and 56157, the Executive Officer has given notice of the public hearing by the Commission on this matter;

**WHEREAS**, the Commission has conducted a public hearing to consider the proposal on December 2, 2020, and notice of said hearing was given at the time and in the form and manner provided by law; and

**WHEREAS**, the Commission has, in evaluating the proposal, considered the report submitted by the Executive Officer, which included determinations and factors set forth in Government Code Sections 56668 and 56668.3, and any testimony and evidence presented at the meeting held on December 2, 2020.

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

1. Certifies, in accordance with CEQA, as a Responsible Agency, that it has considered the Mitigated Negative Declarations prepared by Stanislaus County.
2. Determines that: (a) the subject territory is within the Keyes Community Services District's Sphere of Influence; (b) approval of the proposal is consistent with all applicable spheres of influence, overall Commission policies and local general plans; (c) there are less than twelve (12) registered voters within the territory and it is considered uninhabited; (d) all the owners of land within the subject territory have given their written consent to the annexation; (e) no subject agencies have submitted written protest to a waiver of protest proceedings; and (f) the proposal is in the interest of the landowners within the territory.
3. Approves the proposal subject to the following terms and conditions:
  - a. The applicant shall pay State Board of Equalization fees, pursuant to Government Code Section 54902.5.
  - b. The applicant agrees to defend, hold harmless and indemnify LAFCO and/or its agents, officers and employees from any claim, action or proceeding brought against any of them, the purpose of which is to attack, set aside, void or annul LAFCO's action on a proposal or any action relating to or arising out of such approval, and provide for the reimbursement or assumption of all legal costs in connection with that approval.
  - c. In accordance with Government Code Sections 56886(t) and 57330, the subject territory shall be subject to the levying and collection of all previously authorized charges, fees, assessments or taxes of the Keyes Community Services District.
  - d. The effective date of the change of organization shall be the date of recordation of the Certificate of Completion.
  - e. The application submitted has been processed as a change of organization consisting of annexation to the Keyes Community Services District.
4. Designates the proposal as the "California Truck Center Change of Organization to the Keyes Community Services District".
5. Waives the protest proceedings pursuant to Government Code Section 56662(d) and orders the change of organization subject to the requirements of Government Code Section 57200 et. seq.

6. Authorizes and directs the Executive Officer to prepare and execute a Certificate of Completion in accordance with Government Code Section 57203, upon receipt of a map and legal description prepared pursuant to the requirements of the State Board of Equalization and accepted to form by the Executive Officer, subject to the specified terms and conditions.

**ATTEST:**

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Sara Lytle-Pinhey  
Executive Officer