



CITY OF HUGHSON
CITY COUNCIL MEETING
City Hall Council Chambers
7018 Pine Street, Hughson, CA

AGENDA
MONDAY, DECEMBER 10, 2012 – 7:00 P.M.

CALL TO ORDER: Mayor Ramon Bawanan

ROLL CALL: Mayor Ramon Bawanan
Mayor Pro Tem Matt Beekman
Councilmember Jill Silva
Councilmember George Carr
Councilmember Jeramy Young

FLAG SALUTE:

INVOCATION:

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

Members of the Audience may address the City Council on any item of interest to the public pertaining to the City and may step to the podium, State their name and City of Residence for the record (requirement of Name and City of Residence is optional) and make their presentation. Please limit presentations to five minutes. Since the City Council cannot take action on matters not on the agenda, unless the action is authorized by Section 54954.2 of the Government Code, items of concern, which are not urgent in nature can be resolved more expeditiously by completing and submitting to the City Clerk a "Citizen Request Form" which may be obtained from the City Clerk.

2. PRESENTATIONS: None.

3. CONSENT CALENDAR:

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council unless otherwise requested by an individual Councilmember for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

3.1: Approval of the November 26, 2012 Regular City Council Minutes.

3.2: Approval of the Warrants.

- 3.3:** Approve Resolution No. 2012-50, Approving a One-Year Extension of the Master Professional Services Agreement with MCR Engineering, Inc., for On-Call City Engineer Services and Authorizing the City Manager to Sign the Agreement.

4. UNFINISHED BUSINESS: None.

5. PUBLIC HEARING TO CONSIDER THE FOLLOWING: None.

6. NEW BUSINESS:

- 6.1:** Consider Resolution No. 2012-51, a Resolution of the City Council of the City of Hughson Declaring the Results of the Consolidated General Municipal Election held on November 6, 2012.

6.1. a: City Clerk to administer the Oath of Office to newly elected Mayor, Matt Beekman, and re-elected Council members Jeramy Young and Jill Ferriera-Silva.

6.1. b: Passing of the gavel to newly elected Mayor, and Seating and Roll Call of new City Council:

Mayor Matt Beekman
Councilmember Jill Ferriera-Silva
Councilmember George Carr
Councilmember Jeramy Young

6.1. c: Recognition of exiting Mayor, Ramon Bawanan.

RECESS OF CITY COUNCIL MEETING (refreshments)

RECONVENE THE CITY COUNCIL MEETING

4. UNFINISHED BUSINESS:

- 4.1:** City Council Reorganization: Election of a Mayor Pro Tem.
- 4.2:** Review and Approve a Conditional Permit by Which the City of Hughson Grants to the River Oaks Ceres Congregation of Jehovah's Witnesses Permission for the Installation of a Water Well within the City.

5. PUBLIC HEARING TO CONSIDER THE FOLLOWING: None.

6. NEW BUSINESS:

- 6.1:** Consider approving the re-appointment of Harold Hill to the Planning Commission and direct Staff to advertise an available seat on the Planning Commission vacated by the term expiration of Commissioner Kyle Little.

- 6.2: Consider Resolution No. 2012-52, Authorizing the Refinancing of an Existing Installment Sale Agreement, the Execution and Delivery of Amendment No. 1 to the Installment Sale Agreement and Authorizing and Directing Certain Actions in Connection therewith.
- 6.3: Discuss the County Planning Commission’s approval of the Santa Fe Crossings Time Extension and provide direction to Staff.

7. CORRESPONDENCE: None.

8. COMMENTS:

- 8.1: Staff Reports and Comments: (Information Only – No Action)

City Manager:

City Clerk:

Community Development Director:

Director of Finance:

Police Services:

City Attorney:

- 8.2: Council Comments: (Information Only – No Action)

- 8.3: Mayor’s Comments: (Information Only – No Action)

9. CLOSED SESSION TO DISCUSS THE FOLLOWING:

- 9.1: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to subdivision (a) of Section 54956.9:**

City of Bellflower et. al. vs. Matosantos and State of California et. al.
Sacramento County Superior Court Case No. 34-2012-80001269.

- 9.2: **PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957:**

Title: City Manager

10. REPORT FROM CLOSED SESSION:

ADJOURNMENT:

WAIVER WARNING

If you challenge a decision/direction of the City Council in court, you may be limited to raising only those issues you or someone else raised at a public hearing(s) described in this Agenda, or in written correspondence delivered to the City of Hughson at or prior to, the public hearing(s).

UPCOMING EVENTS:

December 11	▪ Parks & Recreation Meeting, Council Chambers 6:00p.m.
December 18	▪ Planning Commission Meeting, Council Chambers, 6:00pm
December 24	▪ Christmas Eve, City Council Meeting Cancelled- City Hall will be closed to the Public December 24-28.
December 25	▪ Christmas Day
December 31	▪ New Year's Eve- City Hall will be open.
January 1, 2013	▪ New Year's Day- City Hall will be closed.
January 8	▪ Parks & Recreation Meeting, Council Chambers 6:00p.m.
January 14	▪ City Council Meeting, Council Chambers, 7:00pm
January 15	▪ Planning Commission Meeting, Council Chambers, 6:00pm
January 28	▪ City Council Meeting, Council Chambers, 7:00pm
February 11	▪ City Council Meeting, Council Chambers, 7:00pm
February 12	▪ Parks & Recreation Meeting, Council Chambers 6:00p.m.
February 19	▪ Planning Commission Meeting, Council Chambers, 6:00pm
February 25	▪ City Council Meeting, Council Chambers, 7:00pm
March 23	▪ Lorraine's Luncheon - "High Tea" @ Samaritan Village- 3pm

RULES FOR ADDRESSING CITY COUNCIL

Members of the audience who wish to address the City Council are requested to complete one of the forms located on the table at the entrance of the Council Chambers and submit it to the City Clerk. **Filling out the card is voluntary.**

AMERICANS WITH DISABILITIES ACT/CALIFORNIA BROWN ACT
NOTIFICATION FOR THE CITY OF HUGHSON

This agenda shall be made available upon request in alternative formats to persons with a disability; as required by the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132) and the Ralph M. Brown Act (California Government Code Section 54954.2).

Disabled or Special needs Accommodation: In compliance with the Americans with Disabilities Act, persons requesting a disability related modification or accommodation in order to participate in the meeting and/or if you need assistance to attend or participate in a City Council meeting, please contact the City Clerk's office at (209) 883-4054. Notification at least 48-hours prior to the meeting will assist the City Clerk in assuring that reasonable accommodations are made to provide accessibility to the meeting.

AFFIDAVIT OF POSTING

DATE: December 7, 2012 **TIME:** 1:00pm
NAME: Dominique Spinale **TITLE:** Deputy City Clerk

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 Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Hughson City Council shall be in English and anyone wishing to address the Council 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.

General Information: The Hughson City Council meets in the Council Chambers on the second and fourth Mondays of each month at 7:00 p.m., unless otherwise noticed.

Council Agendas: The City Council agenda is now available for public review at the City's website at www.hughson.org and City Clerk's Office, 7018 Pine Street, Hughson, California on the Friday, prior to the scheduled meeting. Copies and/or subscriptions can be purchased for a nominal fee through the City Clerk's Office.

Questions: Contact the City Clerk at (209) 883-4054



CITY OF HUGHSON
CITY COUNCIL MEETING
City Hall Council Chambers
7018 Pine Street, Hughson, CA

MINUTES
MONDAY, NOVEMBER 26, 2012 – 7:00 P.M.

CALL TO ORDER: Mayor Ramon Bawan

ROLL CALL:

Present: Mayor Ramon Bawan
Mayor Pro Tem Matt Beekman
Councilmember Jill Silva
Councilmember George Carr
Councilmember Jeramy Young

Staff Present: Bryan Whitemyer, City Manager
Dan Schroeder, City Attorney
Thom Clark, Community Development Director
Lisa Whiteside, Finance Manager
Sam Rush, Public Works Superintendent

FLAG SALUTE: Mayor Ramon Bawan

INVOCATION: Reverend Ernie Spears

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

Jean Henley thanked the City of Hughson for completing the painting of the water tank and thanked Public Works staff for re-stripping the streets. She also reminded the Council about the Historical Society's Open House Event that will take place after the Tree Lighting Ceremony on December 1.

2. PRESENTATIONS: None.

3. CONSENT CALENDAR:

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council unless otherwise requested by an individual Councilmember for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

- 3.1: Approval of the November 13, 2012 Regular City Council Minutes.
- 3.2: Approval of the Warrants.
- 3.3: Approval of the Treasurers Report for the month of October 2012.
- 3.4: Approval of Resolution No. 2012-48, Approving and Authorizing the Submission of the 2012-2013 Transportation Fund (LTF) Claim.

Beekman/Silva 5-0-0-0 motion passes to approve Items 3.1, 3.2, 3.3, and 3.4 of the Consent Calendar.

4. UNFINISHED BUSINESS:

- 4.1: Receive Status Update on the Stanislaus Regional Water Authority and Determine if the City of Hughson Should Join the Stanislaus Regional Water Authority.

Council deliberated on this item.

Bawanan/Silva 5-0-0-0 motion passes to authorize City Manager Whitemyer to send a letter to the SRWA advising that the City will not be joining the joint powers authority at this time, empathizing that the City has paid a significant price for the project, and requesting that the City be given preference to joining the SRWA in the future as past contributors.

5. PUBLIC HEARING TO CONSIDER THE FOLLOWING: None.**6. NEW BUSINESS:**

- 6.1: Review and Approve a Letter Requesting a Permit to Install a Water Well from River Oaks Ceres Congregation of Jehovah's Witnesses, located at 1524 Santa Fe Avenue in Hughson.

The Council deliberated on this item.

Beekman/Young 5-0-0-0 motion passes to direct Staff to work with the City Attorney in drafting a well drilling permit to be brought back to the Council at the meeting of December 10.

- 6.2: Consider adoption of Resolution No. 2012-49, repealing Resolution No. 07-190 and establishing New Council Policies Regarding Meetings & Rules of Order.

Attorney Schroeder discussed this item with the Council.

Carr/Silva 5-0-0-0 motion passes to adopt Resolution No. 2012-49, repealing Resolution No. 07-190 and establishing New Council Policies Regarding Meetings & Rules of Order.

- 6.3: Discuss options and provide direction on a pending vacancy on the City Council.

Beekman/Carr 5-0-0-0 motion passes to direct Staff to begin advertising the vacancy so the seat may be filled within 60 days, as required by State Law. Staff will open an application period beginning December 11 and ending January 14. The Council will then review and discuss the appointment process at the January 14 meeting and if needed will schedule interviews and appointment for the January 28 meeting.

7. CORRESPONDENCE: None.

8. COMMENTS:

- 8.1: Staff Reports and Comments: (Information Only – No Action)

City Manager:

City Clerk:

Community Development Director:

Director of Finance:

Police Services:

City Attorney:

1. Discussion of an Invocation Policy.

Attorney Schroeder discussed the importance of this item with the Council. Council asked that Staff meet with the Hughson Ministerial Association and receive their input on this item.

8.2: Council Comments: (Information Only – No Action)

Mayor Pro Tem Beekman updated the Council on his attendance at a StanCOG and Economic Development Committee meeting.

Councilmember Young updated the Council on his attendance at an Alliance meeting.

8.3: Mayor’s Comments: (Information Only – No Action)

9. CLOSED SESSION TO DISCUSS THE FOLLOWING:

9.1: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to subdivision (c) of Section 54956.9:

One (1) case

9.2: CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6:

Agency Negotiator: Bryan Whitemyer, City Manager

Employee Organizations: Operating Engineers Local No. 3
(Skilled Trades, Professional and Technical)

Unrepresented Employees

9.3: PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957:

Title: City Manager

10. REPORT FROM CLOSED SESSION:

Council returned from Closed Session at 9:33pm. All Council members were present for the duration of the Closed Session. No reportable action was taken.

ADJOURNMENT: Mayor Bawan an adjourned the meeting at 9:33pm.

RAMON BAWANAN, Mayor

DOMINIQUE SPINALE, Deputy City Clerk

REPORT.: Dec 06 12 Thursday
 RUN.....: Dec 06 12 Time: 12:47
 Run By.: KATHY DAHLIN

City of Hughson
 Cash Disbursement Detail Report
 Check Listing for 12-12 Bank Account.: 0100

PAGE: 001
 ID #: PY-DP
 CTL.: HUG

AW

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
43170	12/4/2012	ARA00	ARAMARK UNIFORM SERVICE	\$ 377.20	B21204	UNIFORM SERVICE
43171	12/4/2012	DOC00	DOCTORS MEDICAL CENTER	\$ 1,078.14	16611921	MEDICAL CLAIMS REIMB NOT PD BY TASC
43172	12/4/2012	EXP00	EXPRESS PERSONNEL SERVICE	\$ 570.00	117831313	EXTRA HELP - WWTP & WATER 11/11/12
43173	12/4/2012	GIB00	GIBBS MAINTENANCE CO	\$ 1,103.00 \$ 945.00	13795 13911	JANITOR SVCS OCT/NOV 2012 JANITOR SVCS FOR 11/12
Check Total:				\$ 2,048.00		
43174	12/4/2012	MEN05	DARIO MENDOZA	\$ 146.48 \$ 199.80	B21204 000B212011	MEDICAL REIMB MEDICAL REIMB NOV/DEC 2012
Check Total:				\$ 346.28		
43175	12/4/2012	PGE01	PG & E	\$ 303.01	B21204	UTILITIES
43176	12/4/2012	PRE05	PRECISION CONCRETE CUTTIN	\$ 6,300.00	JAO44823	SIDEWALK CUTTING & REPAIR
43177	12/4/2012	SHR02	SHRED-IT CENTRAL CA	\$ 117.31	940114501	SHREDDING
43178	12/4/2012	STA47	STANISLAUS COUNTY SHERIFF	\$ 75,117.75 \$ 10,824.05 \$ 8,479.99	1213121 1213-101 1213-125	LAW ENFORCEMENT SVCS 11/12 SLESF EXTRA PATROL 9/12 SLESF - 10/12
Check Total:				\$ 94,421.79		
43179	12/4/2012	SYN02	SYNAGRO WEST, LLC	\$ 3,862.29	30-101539	SLUDGE REMOVAL
43180	12/4/2012	THO05	THOMAS BROS. EQUIPMENT RE	\$ 837.94	3667	BOOMLIFT
43181	12/4/2012	TID01	TURLOCK IRRIGATION DIST.	\$ 24,569.38	B21204	ELECTRIC
43182	12/4/2012	TUR12	TURLOCK, CITY OF	\$ 364.40	2013-16	CNG FUEL
43183	12/4/2012	VSP01	VISION SERVICE PLAN	\$ 404.09	B21204	MEDICAL INSURANCE WITHHEL
43184	12/4/2012	WIL01	CORBIN WILLITS SYSTEM	\$ 571.40	B211151	ENHANCEMENT & SERVICE FEES
43185	12/4/2012	\D002	DEKELVA, ORA	\$ 34.85	000B21201	MQ CUSTOMER REFUND FOR DEK004
43186	12/4/2012	\E005	EXCEL AGENTS INC,	\$ 64.55	000B21201	MQ CUSTOMER REFUND FOR EXC0003
43187	12/4/2012	\G004	GARCIA, ERIN	\$ 32.07	000B21201	MQ CUSTOMER REFUND FOR GAR0048
43188	12/4/2012	\J002	JESSIE ESPINOSA ENTERPR,	\$ 52.60	000B21201	MQ CUSTOMER REFUND FOR JES0002
43189	12/4/2012	\L005	LIBERTY GENERAL INSURANC,	\$ 13.47	000B21201	MQ CUSTOMER REFUND FOR LIB0001
43190	12/4/2012	\M007	MACIEL, DANIEL	\$ 20.67	000B21201	MQ CUSTOMER REFUND FOR MAC001
43191	12/4/2012	\R003	ROBELLO, RODNEY & LAURA	\$ 72.08	000B21201	MQ CUSTOMER REFUND FOR ROB0012

43192	12/4/2012 \W001	WELLS FARGO BANK N.A,	\$	106.61	000B21201	MQ CUSTOMER REFUND FOR WEL0007
43193	12/4/2012 \W008	WHEAT, DEBORA & LLOYD	\$	43.29	000B21201	MQ CUSTOMER REFUND FOR WHE0016
43194	12/4/2012 EMP01	STATE OF CALIFORNIA	\$	1,186.72	B21204	PAYROLL TAXES
43195	12/4/2012 HAR02	THE HARTFORD	\$	604.63	B21204	DEFERRED COMPENSATION
43196	12/4/2012 PER01	P.E.R.S.	\$	8,077.11	B21204	RETIREMENT
43197	12/4/2012 STA23	CaPERS SUPPLEMENTAL INCO	\$	20.00	B21204	DEFERRED COMPENSATION
43198	12/4/2012 UNI07	UNITED WAY OF STANISLAUS	\$	9.00	B21204	UNITED WAY
43199	12/6/2012 ALL05	ALLIED ADMINISTRATORS	\$	2,128.76	B21205	DELTA DENTAL 1/13
43200	12/6/2012 ATT03	AT&T	\$	19.34	B21205	PHONE
43201	12/6/2012 BAY02	BAY ALARM CO	\$	143.68	634212111	FIRE & BURGLAR ALARM
			\$	207.68	704212115	FIRE & BURGLAR ALARM
		Check Total:	\$	351.36		
43202	12/6/2012 CHA01	CHARTER COMMUNICATION	\$	84.99	B21205	IP ADDRESS 12/12
43203	12/6/2012 CNA00	CNA SURETY	\$	304.53	B21205	WESTERN SURETY BOND #0601 -58231686
43204	12/6/2012 CON14	CONDOR EARTH TECHNOLOGIES	\$	1,517.55	65096	ENVIRONMENTAL MONITORING 10/24-11/08/12
43205	12/6/2012 EXP00	EXPRESS PERSONNEL SERVICE	\$	456.00	118165950	EXTRA HELP 11/18/12
			\$	342.00	118287341	EXTRA HELP - WWTP
		Check Total:	\$	798.00		
43206	12/6/2012 HUG34	VALLEY PARTS WAREHOUSE, I	\$	10.27	75228	FITTINGS
			\$	85.89	75565	DUI TRALER BATTERY
			\$	20.04	75690	MAN LIFT FIT BLADE
		Check Total:	\$	116.20		
43207	12/6/2012 KLE00	KLEINFELDER, INC.	\$	267.00	782333	ENGINEERING SVCS 10/12
43208	12/6/2012 SAN05	SAN JOAQUIN VALLEY	\$	479.00	N96566	13/14 ANNUAL PERMITS TO OPERATE #N8180
43209	12/6/2012 SHO02	SHORE CHEMICAL COMPANY	\$	1,354.13	35241	FERRIC CHOLRIDE WELL 8
43210	12/6/2012 TID01	TURLOCK IRRIGATION DIST.	\$	475.96	B21205	ASSESSMENT
		Cash Account Total:	\$	154,405.70		
		Total Disbursements:	\$	154,405.70		
				=====		



CITY OF HUGHSON AGENDA ITEM NO. 3.3

SECTION 3: CONSENT CALENDAR

Meeting Date: December 10, 2012
Presented By: Thom Clark, Community Development Director
Subject: Consideration of Resolution No. 2012-50, Approving a One-Year Extension of the Master Professional Services Agreement with MCR Engineering, Inc., for On-Call City Engineer Services and Authorizing the City Manager to Sign the Agreement.

Approval: _____

Background:

At its regularly scheduled meeting of November 23, 2009, the Hughson City Council adopted Resolution No. 09-81, approving a professional services agreement with MCR Engineering, Inc. for on-call City Engineer services. That agreement has expired.

The City Council had previously eliminated the full-time City Engineer position, in a budget cutting decision to save approximately \$100,000 a year. We have realized these savings as anticipated.

At its regularly scheduled meeting of February 14, 2012, the City Council adopted Resolution No. 2012-12 approving a one-year extension of the professional services agreement with MCR Engineering. The extension expires December 31, 2012.

Discussion:

Staff is requesting another one-year extension to the current professional services agreement with MCR. The extension will take us up to December 31, 2013. Prior to the expiration of this extension staff will develop and circulate a Request for Proposals from qualified engineering firms to perform the City Engineer services. We are required to do this by Caltrans.

In 2009 staff received five proposals for engineering services and chose to recommend MCR for a number of different reasons, not the least of which was that Tony Marshall,

the principle of MCR had almost 15 years experience as the City Engineer for the City of Waterford. This is important because it is essential that our City Engineer be able to navigate through the morass of paperwork and requirements from Caltrans and StanCOG to ensure we receive the maximum amount of funding for road projects.

MCR Engineering has been outstanding in that regard since they began work with us. Using a concept of designing road projects in front of the funding, MCR has positioned us to receive hundreds of thousands of dollars through StanCOG that we would otherwise not been able to access.

Additionally, they have shown themselves not only competent engineers and surveyors, but also efficient and cost effective in their work. MCR's completed projects this year include:

1. The Pine Street Sidewalk Infill Project
2. The Historic Water Tank Paint Project
3. The Well No. 7 Replacement Test Well Project
4. The Hatch Road Overlay Project
5. The High School Sports Fields Water Connection
6. Design for the Non-Potable Water System
7. Design for the Hughson Avenue Sidewalk/Stormdrain Project at the entrance to the High School off of 7th Street.

MCR is currently working on multiple projects for us including:

1. The 4th Street Sidewalk Infill Project. This project will bid in the spring of 2013.
2. The 5th Street Sidewalk Infill Project. This project is waiting for sufficient funding.
3. Tully Road Street and Industrial Sewer Line Replacement Project. This project is waiting for sufficient funding.

MCR consistently tries to keep their costs inside of funding limits for specific projects, so that the general City Engineer work, which is paid by the General Fund, is impacted minimally. Mr. Marshall has been very successful in this regard. It should be noted that the current rate schedule (attached) has not changed since the original agreement was signed in 2009.

Staff is very pleased with MCR Engineering and would be recommending a longer contract at this time but we are precluded from doing so by Caltrans rules.

Fiscal Impact:

Funding for the City Engineer position has been included in the FY 2012/13 budget.

Recommendation:

Adopt Resolution No. 2012-50, a resolution of the City Council of the City of Hughson approving a one-year extension of the master professional services agreement with MCR Engineering, Inc. for on-call City Engineer services and authorizing the City Manager to sign the agreement.

**CITY COUNCIL
CITY OF HUGHSON
RESOLUTION NO. 2012-50**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON APPROVING
A ONE-YEAR EXTENSION OF A PROFESSIONAL SERVICES AGREEMENT FOR
ON-CALL CITY ENGINEER SERVICES WITH MCR ENGINEERING, INC AND
AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT**

WHEREAS, the City of Hughson executed a Master Professional Service Agreement with MCR Engineering for City Engineer services on November 24, 2009, and approved by Hughson City Council Resolution 09-81 after an open and competitive selection process; and

WHEREAS, said contract expired on December 31, 2011 and the City Council subsequently extended the Agreement for one year by adoption of Resolution No. 2012-12; and

WHEREAS, it is the intent of the City and MCR Engineering for said agreement to remain in effect through December 31, 2013; and

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hughson does hereby extend the Master Professional Services Agreement with MCR Engineering for City Engineer Services through December 31, 2013.

PASSED AND ADOPTED by the Hughson City Council at a regular meeting thereof held on December 10, 2012, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

RAMON BAWANAN, Mayor

ATTEST:

DOMINIQUE SPINALE, Deputy City Clerk

**MASTER
PROFESSIONAL SERVICE AGREEMENT**
(City of Hughson/MCR Engineering, Inc.)

THIS PROFESSIONAL SERVICES AGREEMENT (“Agreement”) is entered into by and between the City of Hughson, a California municipal corporation (“City”) and MCR Engineering, Inc., a corporation (“Consultant”).

RECITALS

City has determined that it requires the following professional services from a consultant: on-call City Engineer services.

This Agreement is for the provision of those services by Consultant to City, from time to time during the term of this Agreement, set forth in task orders as specified in section 3.1 of this Agreement, below.

Consultant represents that it is fully qualified to perform such professional services by virtue of its experience and the training, education and professional ability of its principals and employees.

Consultant further represents that it is willing to accept responsibility for performing such services in accordance with the terms and conditions set forth in this Agreement.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions herein contained, City and Consultant agree as follows:

1. **DEFINITIONS**

1.1. “Scope of Services”: Such professional services as are generally set forth in Consultant’s proposal to City attached hereto as Exhibit A and incorporated herein by this reference. Assignment specific task orders will be issued.

1.2. “Approved Fee Schedule”: Such compensation rates as are set forth in Consultant’s fee schedule to City attached hereto also as Exhibit A and incorporated herein by this reference.

1.3. “Commencement Date”: November 24, 2009

1.4. “Expiration Date”: December 31, 2011.

ONE YEAR EXTENSION Expiration: December 31, 2012

Approved 2/14/2012 by Resolution No. 2012-12

ONE YEAR EXTENSION

Expiration: December 31, 2013

Approved 12/10/2012 by Resolution No. 2012-50

2. TERM

The term of this Agreement shall commence at 12:00 a.m. on the Commencement Date and shall expire at 11:59 p.m. on the Expiration Date unless extended by written agreement of the parties or terminated earlier in accordance with Section 15 (“Termination”) below.

3. CONSULTANT’S SERVICES

3.1. Consultant shall perform the services identified in the Scope of Services and in any and all individual Task Orders specifying the fees and the services for each Task Order under this Master Professional Services Agreement. City shall have the right to request, in writing, changes in the Scope of Services. Any such changes mutually agreed upon by the parties, and any corresponding increase or decrease in compensation, shall be incorporated by written amendment to this Agreement. In no event shall the total compensation and costs payable to Consultant under this Agreement exceed the sums specified by each subsequent Task Order unless specifically approved in advance and in writing by City.

3.2. Consultant shall perform all work to the currently prevailing professional standards of Consultant’s profession and in a manner reasonably satisfactory to City. Consultant shall comply with all applicable federal, state and local laws and regulations, including the conflict of interest provisions of Government Code Section 1090 and the Political Reform Act (Government Code Section 81000 et seq.).

3.3. Consultant represents that it has, or will secure at its own expense, all personnel required to perform the services identified in the Scope of Services. All such services shall be performed by Consultant or under its supervision, and all personnel engaged in the work shall be qualified to perform such services. The Public Works Director or his /her designee shall be Consultant’s project administrator and shall have direct responsibility for management of Consultant’s performance under this Agreement. No change shall be made in Consultant’s project administrator without City’s prior written consent.

4. COMPENSATION

4.1. City agrees to compensate Consultant for the services provided under this Agreement, and Consultant agrees to accept in full satisfaction for such services, payment in accordance with the Approved Fee Schedule.

4.2. Consultant shall submit to City an invoice, on a monthly basis or less frequently, for the services performed pursuant to this Agreement. Each invoice

shall itemize the services rendered during the billing period and the amount due. Within ten business days of receipt of each invoice, City shall notify Consultant in writing of any disputed amounts included on the invoice. Within forty-five (45) calendar days of receipt of each invoice, City shall pay all undisputed amounts included on the invoice. City shall not withhold applicable taxes or other authorized deductions from payments made to Consultant.

4.3. Payments for any services requested by City and not included in the Scope of Services shall be made to Consultant by City on a time-and-materials basis using Consultant's standard fee schedule.

5. OWNERSHIP OF WRITTEN PRODUCTS

All reports, documents or other written material ("written products") developed by Consultant in the performance of this Agreement shall be and remain the property of City without restriction or limitation upon its use or dissemination by City. Consultant may take and retain copies of such written products as desired, but no such written products shall be the subject of a copyright application by Consultant.

6. RELATIONSHIP OF PARTIES

Consultant is, and shall at all times remain as to City, a wholly independent contractor. Consultant shall have no power to incur any debt, obligation, or liability on behalf of City or otherwise to act on behalf of City as an agent. Neither City nor any of its agents shall have control over the conduct of Consultant or any of Consultant's employees, except as set forth in this Agreement. Consultant shall not represent that it is, or that any of its agents or employees are, in any manner employees of City.

7. CONFIDENTIALITY

All data, documents, discussion, or other information developed or received by Consultant or provided for performance of this Agreement are deemed confidential and shall not be disclosed by Consultant without prior written consent by City. City shall grant such consent if disclosure is legally required. Upon request, all City data shall be returned to City upon the termination or expiration of this Agreement.

8. INDEMNIFICATION

8.1. Consultant hereby agrees to defend, indemnify, and save harmless the City of Hughson, its officers, agents, employees, and volunteers, from and against any and all claims, suits, actions, liability, loss, damage, expense, and cost, of every nature, kind or description, which may be brought against, or suffered or sustained by, the City of Hughson, its officers, agents, volunteers and employees, caused by the negligence, omission or willful misconduct of Consultant, its officers, agents, and employees in the performance of any services of work pursuant to the agreement. The duty of Consultant to indemnify and save harmless, as set forth herein, shall include the duty to defend as set forth in

Section 2778 of the California Civil Code; provided, however, that nothing herein contained shall be construed to require Consultant to indemnify the City of Hughson, its officers, and employees against any responsibility or liability in contravention of Section 2782 of the California Civil Code.

8.2. The City of Hughson hereby agrees to defend, indemnify and save harmless Consultant, its officers, agents, volunteers and employees, from and against any and all claims, suits, actions, liability, loss, damage, expense, and cost, of every nature, kind or description which may be brought against, or suffered or sustained by Consultant, its officers, agents, and employees to the extent caused by the negligence, omission or willful misconduct of the City of Hughson, its officers, agents, employees, and volunteers, in the performance of any services or work pursuant to the Agreement.

8.3. City shall have the right to offset against the amount of any compensation due Consultant under this Agreement any amount due City from Consultant as a result of Consultant's failure to pay City promptly any indemnification arising under this Section 8 and related to Consultant's failure to either (i) pay taxes on amounts received pursuant to this Agreement or (ii) comply with applicable workers' compensation laws.

8.4. The obligations of Consultant under this Section 8 will not be limited by the provisions of any workers' compensation act or similar act. Consultant expressly waives any statutory immunity under such statutes or laws as to City, its officers, agents, employees and volunteers.

8.5. Consultant agrees to obtain executed indemnity agreements with provisions identical to those set forth here in this Section 8 from each and every subcontractor or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. In the event Consultant fails to obtain such indemnity obligations from others as required herein, Consultant agrees to be fully responsible and indemnify, hold harmless and defend City, its officers, agents, employees and volunteers from and against any and all claims, suits, actions, liability, loss, damage, expense and cost, of every nature, kind or description for any damage due to death or injury to any person and injury to any property resulting from the negligence, omission, or willful misconduct of Consultant's subcontractors or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement.

8.6. City does not, and shall not, waive any rights that it may possess against Consultant because of the acceptance by City, or the deposit with City, of any insurance policy or certificate required pursuant to this Agreement. This hold harmless and indemnification provision shall apply regardless of whether or not any insurance policies are determined to be applicable to the claim, demand, damage, liability, loss, cost or expense.

9. INSURANCE

9.1. During the term of this Agreement, Consultant shall carry, maintain, and keep in full force and effect insurance against claims for death or injuries to persons or damages to property that may arise from or in connection with Consultant's performance of this Agreement. Such insurance shall be of the types and in the amounts as set forth below:

9.1.1. Comprehensive or Commercial General Liability Insurance with coverage limits of not less than One Million Dollars (\$1,000,000), per occurrence and in the aggregate, including products and operations hazard, contractual insurance, broad form property damage, independent consultants, personal injury, underground hazard, and explosion and collapse hazard where applicable.

****ALTERNATE LANGUAGE:**

Comprehensive General Liability Insurance with minimum limits of One Million Dollars (\$1,000,000) for each occurrence and in the aggregate for any personal injury, death, loss or damage. [If consultant is a limited liability company, insert "General Liability coverage shall be amended so that Consultant and its managers, affiliates, employees, agents, and other persons necessary or incidental to its operation are insureds."]

9.1.2. Automobile Liability Insurance for vehicles used in connection with the performance of this Agreement with minimum limits of One Million Dollars (\$1,000,000) per claimant and One Million dollars (\$1,000,000) per incident.

****ALTERNATE LANGUAGE**

Automobile Liability Insurance for vehicles used in connection with the performance of this Agreement with minimum limits of One Million Dollars (\$1,000,000) per accident for bodily injury and property damage.

9.1.3. Worker's Compensation insurance as required by the laws of the State of California.

9.1.4. Professional Errors and Omissions Insurance with coverage limits of not less than One Million Dollars (\$1,000,000).

****ALTERNATE LANGUAGE**

Professional Liability Insurance with a minimum limit of One Million Dollars (\$1,000,000) per occurrence.

9.2. Consultant shall require each of its subcontractors to maintain insurance coverage that meets all of the requirements of this Agreement.

9.3. The policy or policies required by this Agreement shall be issued by an insurer admitted in the State of California and with a rating of at least A:VII in the latest edition of Best's Insurance Guide.

9.4. Consultant agrees that if it does not keep the aforesaid insurance in full force and effect, City may either (i) immediately terminate this Agreement; or (ii) take out the necessary insurance and pay, at Consultant's expense, the premium thereon.

9.5. At all times during the term of this Agreement, Consultant shall maintain on file with City a certificate or certificates of insurance showing that the aforesaid policies are in effect in the required amounts and naming the City and its officers, employees, agents and volunteers as additional insureds to the general and automobile liability policies. Consultant shall, prior to commencement of work under this Agreement, file with City such certificate(s).

9.6. Consultant shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Such proof will be furnished at least two weeks prior to the expiration of the coverages.

9.7. The general liability and automobile policies of insurance required by this Agreement shall contain an endorsement naming City and its officers, employees, agents and volunteers as additional insureds. The Certificate of Insurance required under this Agreement shall contain an endorsement providing that the policies cannot be canceled or reduced except on thirty days' prior written notice to City. Consultant agrees to require its insurer to modify the certificates of insurance to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions.

9.8. The insurance provided by Consultant shall be primary to any coverage available to City. Any insurance or self-insurance maintained by City and/or its officers, employees, agents or volunteers, shall be in excess of Consultant's insurance and shall not contribute with it.

9.9. All insurance coverage provided pursuant to this Agreement shall not prohibit Consultant, and Consultant's employees, agents or subcontractors, from waiving the right of subrogation prior to a loss. Consultant hereby waives all rights of subrogation against the City.

9.10. Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of City, Consultant shall either reduce or eliminate the deductibles or self-insured retentions with respect to City, or Consultant shall procure a bond guaranteeing payment of losses and expenses.

9.11. Procurement of insurance by Consultant shall not be construed as a limitation of Consultant's liability or as full performance of Consultant's duties to indemnify, hold harmless and defend under Section 8 of this Agreement.

10. MUTUAL COOPERATION

10.1. City shall provide Consultant with all pertinent data, documents and other requested information as is reasonably available for the proper performance of Consultant's services under this Agreement.

10.2. In the event any claim or action is brought against City relating to Consultant's performance in connection with this Agreement, Consultant shall render any reasonable assistance that City may require.

11. RECORDS AND INSPECTIONS

Consultant shall maintain full and accurate records with respect to all matters covered under this Agreement for a period of three years after the expiration or termination of this Agreement. City shall have the right to access and examine such records, without charge, during normal business hours. City shall further have the right to audit such records, to make transcripts therefrom and to inspect all program data, documents, proceedings, and activities.

12. PERMITS AND APPROVALS

Consultant shall obtain, at its sole cost and expense, all permits and regulatory approvals necessary in the performance of its services under this Agreement.

13. NOTICES

Any notices, bills, invoices, or reports required by this Agreement shall be deemed received on: (i) the day of delivery if delivered by hand, facsimile or overnight courier service during Consultant's and City's regular business hours; or (ii) on the third business day following deposit in the United States mail if delivered by mail, postage prepaid, to the addresses listed below (or to such other addresses as the parties may, from time to time, designate in writing).

If to City:

City of Hughson
P.O. Box 9
Hughson, CA 95326
Telephone: (209) 883-4055
Facsimile: (209) 883-2638

With courtesy copy to:

Daniel J. Schroeder, City Attorney
Neumiller & Beardslee
P.O. Box 20
509 W. Weber Avenue, Fifth Floor
Stockton, CA 95202
Telephone: (209) 948-8200
Facsimile: (209) 948-4910

If to Consultant:

MCR Engineering, Inc.
1242 Dupont Court
Manteca, CA 95336
Telephone: (209) 239-6229
Facsimile: (209) 239-8839

14. SURVIVING COVENANTS

The parties agree that the covenants contained in Section 7, Section 8, Paragraph 10.2 and Section 11 of this Agreement shall survive the expiration or termination of this Agreement.

15. TERMINATION

15.1. City shall have the right to terminate this Agreement for any reason on five calendar days' written notice to Consultant. Consultant shall have the right to terminate this Agreement for any reason on thirty calendar days' written notice to City. Consultant agrees to cease all work under this Agreement on or before the effective date of any notice of termination. All City data, documents, objects, materials or other tangible things shall be returned to City upon the termination or expiration of this Agreement.

15.2. If City terminates this Agreement due to no fault or failure of performance by Consultant, then Consultant shall be paid based on the work satisfactorily performed at the time of termination. In no event shall Consultant be entitled to receive more than the amount that would be paid to Consultant for the full performance of the services required by this Agreement.

16. GENERAL PROVISIONS

16.1. Consultant shall not delegate, transfer, subcontract or assign its duties or rights hereunder, either in whole or in part, without City's prior written consent, and any attempt to do so shall be void and of no effect. City shall not be obligated or liable under this Agreement to any party other than Consultant.

16.2. In the performance of this Agreement, Consultant shall not discriminate against any employee, subcontractor, or applicant for employment because of race, color, creed, religion, sex, marital status, sexual orientation, national origin, ancestry, age, physical or mental disability or medical condition.

16.3. Consultant agrees to comply with the regulations of City's "Conflict of Interest Code." Said Code is in accordance with the requirements of the Political Reform Act of 1974.

16.4. In accomplishing the scope of services of this Agreement, Consultant(s) may be performing a specialized or general service for the City, and there is a substantial likelihood that the consultant's work product will be presented, either written or orally, for the purpose of influencing a governmental decision. As a result, employees of the Consultant or the Consultant itself may be subject to a Category "1" disclosure of the City's Conflict of Interest Code. If in fact this applies to the Consultant a form 700 must be filed.

16.5. The captions appearing at the commencement of the sections hereof, and in any paragraph thereof, are descriptive only and for convenience in reference to this Agreement. Should there be any conflict between such heading, and the section or paragraph thereof at the head of which it appears, the section or paragraph thereof, as the case may be, and not such heading, shall control and govern in the construction of this Agreement. Masculine or feminine pronouns shall be substituted for the neuter form and vice versa, and the plural shall be substituted for the singular form and vice versa, in any place or places herein in which the context requires such substitution(s).

16.6. The waiver by City or Consultant of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition or of any subsequent breach of the same or any other term, covenant or condition herein contained. No term, covenant or condition of this Agreement shall be deemed to have been waived by City or Consultant unless in writing.

16.7. Consultant shall not be liable for any failure to perform if Consultant presents acceptable evidence, in City's sole judgment, that such failure was due to causes beyond the control and without the fault or negligence of Consultant.

16.8. Each right, power and remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise shall be cumulative and shall be in addition to every other right, power, or remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise. The exercise, the commencement of the exercise, or the forbearance of the exercise by any party of any one or more of such rights, powers or remedies shall not preclude the simultaneous or later exercise by such party of any of all of such other rights, powers or remedies. In the event legal action shall be necessary to enforce any term, covenant or condition herein contained, the party prevailing in such action,

whether reduced to judgment or not, shall be entitled to its reasonable court costs, including accountants' fees, if any, and attorneys' fees expended in such action. The venue for any litigation shall be Stanislaus County, California.

16.9. If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, then such term or provision shall be amended to, and solely to, the extent necessary to cure such invalidity or unenforceability, and in its amended form shall be enforceable. In such event, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

16.10. This Agreement shall be governed and construed in accordance with the laws of the State of California.

16.11. Any controversy, dispute or failure to agree on appropriate actions arising out of or related to this Agreement (collectively, a Dispute) shall be subject to negotiations between the parties as described in Section 16.11.1, and if then not resolved shall be subject to mediation as described in Section 16.11.2 below.

16.11.1. If a Dispute arises, the parties agree to negotiate in good faith to resolve the dispute. Within thirty (30) days of receipt of notice from either party, a representative of Consultant, designated by Consultant, and a representative of City, designated by the City Manager, shall meet in person to resolve the Dispute. If the Consultant's representative and the City Manager's representative are unable to resolve the Dispute, then the Dispute shall be subject to mediation pursuant to Section 16.11.2 below.

16.11.2. In the event the Dispute is not resolved, it shall be submitted to mediation before JAMS in Sacramento, California. The mediation shall be conducted in accordance with JAMS rules and procedures. Each party shall bear its own costs of mediation. In the event that the Dispute is not resolved by mediation, then Section 16.12 shall apply.

16.12. If either party initiates an action to enforce the terms hereof or declare rights hereunder, the parties agree that the venue thereof shall be the County of Stanislaus, State of California. Consultant hereby waives any rights it might have to remove any such action pursuant to California Code of Civil Procedure Section 394.

16.13. All documents referenced as exhibits in this Agreement are hereby incorporated into this Agreement. In the event of any material discrepancy

TO EFFECTUATE THIS AGREEMENT, the parties have caused their duly authorized representatives to execute this Agreement on the dates set forth below.

“City”

City of Hughson

By _____

Ramon Bawanan, Mayor

“Consultant”

MCR Engineering, Inc.

By: _____

Tony P. Marshall, Principle

Date: _____

Date: _____

Attest:

By: _____

Dominique Spinale, Deputy City Clerk

Date: _____

Approved as to form:

By: _____

Daniel J. Schroeder, City Attorney

Date: _____

EXHIBIT C
INSURANCE

**EXHIBIT “A”
ON-CALL CONTRACT CITY ENGINEER**

MCR Engineering will provide on-call consulting City Engineer services to the City of Hughson to include (but not limited to) the following:

1. Review correspondence from state and federal permitting agencies that require response or action from city engineer or public works staff.
2. Assist city staff as needed on current projects under construction in response to change order requests, shop drawing and submittal review, requests for payment, inspection requests, final acceptance and Notice of Completion, etc.
3. Assist city staff in processing paperwork with StanCOG and Caltrans Local Assistance regarding state and federal grant programs such as CMAQ, RSTP, SR2S, TEA, HSIP, EEMP etc.
4. Provide input to City Staff and City Council regarding the city’s master plans, capital improvement program, and maintenance needs.
5. Prepare Plans, Specifications and Estimates for capital improvement projects.
6. Provide Bid Administration, Construction Management, and Inspection services to the city as needed.
7. Provide plan review and approval of all proposed private development projects within the city. This shall include reviewing and proposing conditions of approval for all entitlement projects (tentative maps, site plans, etc) and reviewing and approving all encroachment permits, parcel maps, final maps, improvement plans etc.
8. Attend City Council and/or Planning Commission meetings as needed.
9. Provide all other city engineer functions as requested by city staff and council.

The services above will be provided on an “as needed” basis, as directed by the City Manager, and billed monthly at Time & Materials (per MCR Engineering’s Current Rate Schedule, attached). There will be no monthly retainer fees for our services.

At a minimum, the following individuals will be made available to provide on-going services to the city:

City Engineer:	Tony B. Marshall, P.E.	Professional Engineer No. C51015
Public Works Inspector:	Dan Eavenson, P.E.	Professional Engineer No. C54088
City Surveyor:	Doug Banks, L.S.	Licensed Land Surveyor No. L8159

In addition to the individuals above, the city will have access to our entire support staff and company resources, when called upon to meet the city’s engineering needs.

JOB DESCRIPTION**HOURLY RATE****Planning:**

PLANNER \$ 100.00

Engineering:

PRINCIPAL \$ 125.00

CIVIL ENGINEER \$ 110.00

PROJECT MANAGER \$ 100.00

DESIGNER \$ 90.00

SENIOR DRAFTER / CADD \$ 80.00

DRAFTER / CADD \$ 60.00

EXPERT WITNESS \$ 200.00

Administration:

CLERICAL \$ 45.00

ADMINISTRATIVE ASSISTANT \$ 55.00

OFFICE MANAGER \$ 60.00

Construction Management:

CONSTRUCTION MANAGER \$ 110.00

CONSTRUCTION INSPECTOR \$ 90.00

Surveying:

OFFICE SURVEYOR \$ 110.00

ASSISTANT OFFICE SURVEYOR \$ 80.00

TWO-MAN SURVEY CREW \$ 180.00

PUBLIC WORKS SURVEY CREW \$ 220.00

Materials:

The following services are billed at our cost plus 10%

- Sub-consultant fees
- Commercial delivery services (Fed Ex, California Overnight, messenger services etc)
- Copies and blue prints of plans beyond those required by city or county for plan review. We encourage client to arrange for blue-printing and copying with an outside blueprinting company, but if our services are used, the client will be charged \$1.00 per sheet.



CITY OF HUGHSON AGENDA
ITEM NO. 6.1 (a) (b) (c)
SECTION 6: NEW BUSINESS

Meeting Date: December 10, 2012
Presented By: Dominique Spinale, Mgmt. Analyst/Deputy City Clerk
Subject: Declaring the Election Results on the Consolidated General Election held on November 26, 2012

Approved: _____

Recommendation:

Staff recommends adopting Resolution No. 2012-51, a Resolution of the City Council of the City of Hughson Declaring the Results of the Consolidated General Municipal Election held on November 6, 2012.

Following the declaration of the election results, The City Clerk will administer the Oath of Office to newly elected Mayo and re-elected Council members.

Mayor Bawanan will pass the gavel to the New Mayor, Matt Beekman. The City Clerk will then conduct a Roll Call of the new City Council:

Mayor Matt Beekman
Councilmember Jill Ferriera-Silva
Councilmember George Carr
Councilmember Jeramy Young

Mayor Beekman, the City Council, and Staff will then give recognition to exiting Mayor, Ramon Bawanan.

**CITY OF HUGHSON
CITY COUNCIL
RESOLUTION NO. 2012-51**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON DECLARING
THE RESULTS OF THE CONSOLIDATED GENERAL MUNICIPAL ELECTION HELD
ON TUESDAY, NOVEMBER 6, 2012**

WHEREAS, the Consolidated General Municipal Election was held and conducted on November 6, 2012 as required by law, for the purpose of electing a Mayor for a two (2) year term and two (2) persons to the City Council for a four (4) year term; and

WHEREAS, the Notice of Election was given in time, form, and a manner as provided by law; that the voting precincts were properly established; that election officers were appointed and that in all respects, the election was held and conducted and the votes were cast, received, and canvassed, and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

WHEREAS, the Stanislaus County Elections Office canvassed the returns of the election and has certified the results to this City Council; the results are received, attached, and made a part hereof as "Exhibit A – Statement of the Vote for Stanislaus County".

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND DECLARED, by the City Council of the City of Hughson as follows:

Section 1: That the names and number of votes cast in favor of persons voted for at the election for Member of the City Council are as follows:

<u>MAYOR CANDIDATES</u>	<u>VOTES</u>
Matt Beekman	1883
<u>COUNCIL MEMBER CANDIDATES</u>	<u>VOTES</u>
Jill Ferriera-Silva	1375
Jeremy Young	1461
Billy Gonzales	578

Section 2: That the number of votes cast in favor of or against Measure U is as follows:

<u>MEASURE U</u>		<u>VOTES</u>	
Proposal to change the term of Office for Mayor from two years to four years.	Shall the term of the office of mayor be changed from two years to four years?	YES	758
		NO	1,477

Section 3: That the whole number of votes cast in the City of Hughson of the 3,271 registered voters is 2,361, a percentage turnout of 72.18; and

Section 4: That the City Council of the City of Hughson does declare and determine that: Matt Beekman was elected as Mayor for a two-year term, and that Jeramy Young and Jill Ferreira-Silva were elected as Council Members for a four-year term, all commencing on December 10, 2012; and

Section 5: That the City Clerk, as the elections official, shall immediately sign and deliver to each person elected a Certificate of Election and administer to each person elected the Oath of Office prescribed in the California Constitution; and

Section 6: That the City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED AND ADOPTED by the City Council of the City of Hughson at a regular meeting held on the 10th day of December 2012, by the following roll call vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

RAMON BAWANAN, Mayor

ATTEST:

DOMINIQUE SPINALE, Deputy City Clerk



**STATEMENT OF THE VOTE
FOR
STANISLAUS COUNTY
STATE OF CALIFORNIA**

-CAST AT THE-

PRESIDENTIAL GENERAL ELECTION

-HELD-

TUESDAY, NOVEMBER 6, 2012

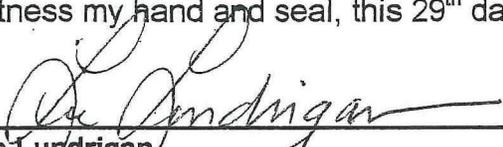
STATE OF CALIFORNIA

COUNTY OF STANISLAUS

} ss.

I, LEE LUNDRIGAN, Clerk Recorder & Registrar of Voters, of the above named county, in accordance with the provisions of Section 15301 of the California Elections Code, do hereby certify that the within is a true and correct statement of result of the votes cast in this county at the Presidential General Election as determined by the official canvass of the returns of said election.

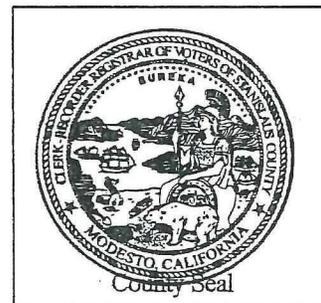
Witness my hand and seal, this 29th day of November 2012.



Lee Lundrigan
Clerk Recorder & Registrar of Voters
County of Stanislaus
State of California

FILED
in the office of the Secretary of State
of the State of California

NOV 29 2012





**OFFICE OF COUNTY CLERK-RECORDER
& REGISTRAR OF VOTERS
ELECTIONS DIVISION**

LEE LUNDRIGAN
*Clerk-Recorder, Registrar of Voters &
Commissioner of Civil Marriage*

*Elections: 1021 "Y" Street, Suite 101, Modesto, CA 95354
Telephone: 209.525.5200
Facsimile: 209.525.5802*

CERTIFICATION OF ELECTIONS OFFICIAL

STATE OF CALIFORNIA
COUNTY OF STANISLAUS

} ss.

Pursuant to the statewide voter registration list requirements set forth in the Help America Vote Act of 2002 (HAVA) (Pub. L. No. 107-252 (2002) 116 Stat. 1666, 42 U.S.C. § 15483), I, Lee Lundrigan, Registrar of Voters for the County of Stanislaus, State of California, hereby certify that I complied with all provisions of Chapter 2 of Division 7 of Title 2 of the California Code of Regulations for the Presidential General Election held on the 6th day of November 2012 in the County of Stanislaus, State of California, and all elections consolidated therewith.

I hereby set my hand and official seal this 29th day of November 2012 at the County of Stanislaus.



County Seal

Lee Lundrigan
Clerk-Recorder & Registrar of Voters
County of Stanislaus
State of California

FILED
in the office of the Secretary of State
of the State of California

NOV 29 2012

4 PRECINCTS	City of Hughson, Mayor						City of Hughson, Member, City Council 2 TO BE ELECTED				
	R E O G T I E S R T S E R E D	V O B C A A L S L T O T S	T P U E R R N C O E U N T T A G E	M B A E T E T K M A N (NON)	O V U V V O N O E T D T R E E S	U V N O D T E E R S	J F I E L R L R I E R A - S I L V A (NON)	B G I O L N J Y L Z E O R U Y A L L E M G Y (NON)	O V U V V O N O E T D T R E E R S	R E S	R E S
COUNTY TOTAL	3271	2361	72.18	1883	0	391	1375	578	1461	2	1266
VOTING PRECINCTS	3271	2361	72.18	1883	0	391	1375	578	1461	2	1266
BD OF EQUALIZATION 1 BOARD TOTAL	3271 3271	2361 2361	72.18 72.18	1883 1883	0 0	391 391	1375 1375	578 578	1461 1461	2 2	1266 1266
CONGRESSIONAL 10 CONGRESSIONAL TOTAL	3271 3271	2361 2361	72.18 72.18	1883 1883	0 0	391 391	1375 1375	578 578	1461 1461	2 2	1266 1266
SENATORIAL DISTRICT 8 SENATORIAL TOTAL	3271 3271	2361 2361	72.18 72.18	1883 1883	0 0	391 391	1375 1375	578 578	1461 1461	2 2	1266 1266
ASSEMBLY DISTRICT 12 ASSEMBLY TOTAL	3271 3271	2361 2361	72.18 72.18	1883 1883	0 0	391 391	1375 1375	578 578	1461 1461	2 2	1266 1266
2ND SUPERVISORIAL SUPERVISORIAL TOTAL	3271 3271	2361 2361	72.18 72.18	1883 1883	0 0	391 391	1375 1375	578 578	1461 1461	2 2	1266 1266
HUGHSON CITY TOTAL	3271 3271	2361 2361	72.18 72.18	1883 1883	0 0	391 391	1375 1375	578 578	1461 1461	2 2	1266 1266

4 PRECINCTS	City of Hughson, Mayor						City of Hughson, Member, City Council 2 TO BE ELECTED					
	RV EO GT IE SR TS E R E D	BC AA LS LT O T S	TP UE RR NC OE UN TT A G E	MB AE TE TK M A N (NON)	OV VO ET RE S	UV NO DT EE RS	JF IE LR LR I E R A - S I L V A (NON)	BG IO LN LZ YA L E S (NON)	JY EO RU AN MG Y (NON)	OV VO ET RE S	UV NO DT EE RS	
0037 114001 HUGHSON 1,2,	828	479	57.85	383	0	78	283	114	301	2	247	
0038 114003 HUGHSON 3,5,	652	375	57.52	285	0	73	200	108	215	0	217	
0258 AV 114001 HUGHSON 1	918	765	83.33	596	0	134	464	165	494	0	393	
0259 AV 114003 HUGHSON 3	873	742	84.99	619	0	106	428	191	451	0	409	
GRAND TOTALS	3271	2361	72.18	1883	0	391	1375	578	1461	2	1266	

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PAGE 114

4 PRECINCTS	RV	BC	TP	Measure U			
	EO	AA	UE	Y	N	OV	UV
	GT	LS	RR	e	o	VO	NO
	IE	LT	NC	s		ET	DT
	SR	TS	DE	(NON)	(NON)	RES	ERS
	TS	LT	UN				
	E	TT	TT				
	R	A	A				
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COUNTY TOTAL	3271	2361	72.18	758	1477	2	124
VOTING PRECINCTS	3271	2361	72.18	758	1477	2	124
BD OF EQUALIZATION 1	3271	2361	72.18	758	1477	2	124
BOARD TOTAL	3271	2361	72.18	758	1477	2	124
CONGRESSIONAL 10	3271	2361	72.18	758	1477	2	124
CONGRESSIONAL TOTAL	3271	2361	72.18	758	1477	2	124
SENATORIAL DISTRICT 8	3271	2361	72.18	758	1477	2	124
SENATORIAL TOTAL	3271	2361	72.18	758	1477	2	124
ASSEMBLY DISTRICT 12	3271	2361	72.18	758	1477	2	124
ASSEMBLY TOTAL	3271	2361	72.18	758	1477	2	124
2ND SUPERVISORIAL	3271	2361	72.18	758	1477	2	124
SUPERVISORIAL TOTAL	3271	2361	72.18	758	1477	2	124
HUGHSON	3271	2361	72.18	758	1477	2	124
CITY TOTAL	3271	2361	72.18	758	1477	2	124

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	R E G I S T E R E D	V B C A A L S L T O T A L S	T P U E R R N C O E U N T T A G E	Measure U			
				Y e s (NON)	N o (NON)	O V V O E T R E S	U V N O D T E E R S
4 PRECINCTS							
0037 114001 HUGHSON 1,2,	828	479	57.85	148	312	2	17
0038 114003 HUGHSON 3,5,	652	375	57.52	105	247	0	23
0258 AV 114001 HUGHSON 1	918	765	83.33	239	488	0	38
0259 AV 114003 HUGHSON 3	873	742	84.99	266	430	0	46
GRAND TOTALS	3271	2361	72.18	758	1477	2	124

Certificate of Election and Oath of Office

STATE OF CALIFORNIA,

County of Stanislaus } ss.

I, Dominique Spinale, City Clerk of the City of

HUGHSON

in the State of California, do hereby certify, that at the

Presidential General Election, held in this County, on the 6th day of November, 2012,

MATT BEEKMAN

was elected to the office of

MAYOR

as appears by the official result of the election, on file in my office.

Witness my hand and official seal this 10th day of December, 2012.

By _____
(ELECTION OFFICIAL /DEPUTY))

OATH OF OFFICE

STATE OF CALIFORNIA,

County of Stanislaus } ss.

I, MATT BEEKMAN, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

MAYOR
(NAME OF OFFICE)

(CANDIDATE SIGNATURE)

Subscribed and sworn to before me this 10th day of DECEMBER, 2012.

(SIGNATURE OF PERSON ADMINISTERING OATH)

Deputy City Clerk
(Title)

Certificate of Election and Oath of Office

STATE OF CALIFORNIA,

County of Stanislaus } ss.

I, Dominique Spinale, City Clerk of the City of
HUGHSON

in the State of California, do hereby certify, that at the

Presidential General Election, held in this County, on the 6th day of November, 2012,

JERAMY YOUNG

was elected to the office of

COUNCIL MEMBER

as appears by the official result of the election, on file in my office.

***Witness* my hand and official seal this 10th day of December, 2012.**

By _____
(ELECTION OFFICIAL /DEPUTY))

OATH OF OFFICE

STATE OF CALIFORNIA,

County of Stanislaus } ss.

I, JERAMY YOUNG, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

COUNCIL MEMBER
(NAME OF OFFICE)

(CANDIDATE SIGNATURE)

Subscribed and sworn to before me this 10th day of DECEMBER, 2012.

(SIGNATURE OF PERSON ADMINISTERING OATH)
Deputy City Clerk
(Title)

Certificate of Election and Oath of Office

STATE OF CALIFORNIA,

County of Stanislaus } ss.

I, Dominique Spinale, City Clerk of the City of
HUGHSON

in the State of California, do hereby certify, that at the
Presidential General Election, held in this County, on the **6th** day of **November, 2012**,

JILL FERRIERA-SILVA

was elected to the office of

COUNCIL MEMBER

as appears by the official result of the election, on file in my office.

Witness my hand and official seal this 10th day of December, 2012.

By _____
(ELECTION OFFICIAL /DEPUTY))

OATH OF OFFICE

STATE OF CALIFORNIA,

County of Stanislaus } ss.

I, **JILL FERRIERA-SILVA**, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

COUNCIL MEMBER
(NAME OF OFFICE)

(CANDIDATE SIGNATURE)

Subscribed and sworn to before me this **10th** day of **DECEMBER, 2012.**

(SIGNATURE OF PERSON ADMINISTERING OATH)
Deputy City Clerk
(Title)



CITY OF HUGHSON AGENDA ITEM NO. 4.1

SECTION 4: UNFINISHED BUSINESS

Meeting Date: December 10, 2012
Presented By: Dominique Spinale, Mgmt. Analyst/Deputy City Clerk
Subject: Election of a Mayor Pro Tem

Approved: _____

Staff Recommendation:

Staff recommends conducting a nomination process and appointing a Mayor Pro Tem of the Council.

Overview:

Now that the Election results are certified and declared, the City Council has been reorganized. Upon the reorganizing and seating of Mayor Matt Beekman, a Mayor Pro Tem shall be elected by the Council to serve in his absence.

Below is the nomination process that has been utilized by past Hughson City Council bodies. The Council may use this process if they so wish. The Council may also choose to hold nominations a different way if decided.

The past process is as follows:

The Mayor shall open nominations by nominating one member. The Council members shall then each be offered the opportunity to make one nomination each in the following order:

In even numbered years, the Council Member on the Mayor's immediate right is given the opportunity to make a nomination (Young); then to the Mayor's far left (Carr); then to that member's right (Silva); then the member on the Mayor's immediate left (Vacant). Members may pass if they do not wish to provide a nomination.

When the nominations return to the Mayor, the process shall be repeated until there are no further nominations.

The City Clerk will then hold a roll call vote on each of the nominated members. The member with the highest number of votes in support of becoming Mayor Pro Tem will be announced as Mayor Pro Tem.

That member will then be seated to the left of Mayor Beekman.



CITY OF HUGHSON AGENDA ITEM NO. 4.2

SECTION 4: UNFINISHED BUSINESS

Meeting Date: December 10, 2012
Subject: Consideration of a Conditional Permit By Which the City of Hughson Grants to the River Oaks Ceres Congregation of Jehovah's Witnesses Permission for the Installation of a Water Well Within the City.
Enclosures: Proposed Permit
Presented By: Thom Clark, Community Development Director
Approved By: _____

BACKGROUND AND OVERVIEW:

At its regularly scheduled meeting of November 26, 2012, the City Council directed the City Attorney to draft a permit for consideration which would allow the Jehovah's Witnesses church located at 1524 Santa Fe Avenue to construct a new water well to replace one impacted by undesirable constituents.

The proposed permit is attached for your consideration.

FISCAL IMPACT

None.

RECOMMENDATION:

Approve the conditional permit and authorize the City Manager to sign on behalf of the City.

CITY OF HUGHSON
CONDITIONAL PERMIT

A CONDITIONAL PERMIT BY WHICH THE CITY OF HUGHSON GRANTS TO THE RIVER OAKS CERES CONGREGATION OF JEHOVAH’S WITNESSES PERMISSION FOR THE INSTALLATION OF A WATER WELL WITHIN THE CITY

WHEREAS, the City of Hughson (“City”) Municipal Code Section 13.08.830 states that it is unlawful to install a well inside the city for any purpose whatsoever without first securing the permission of the city council (Ord. 89-06 § 2, 1989); and

WHEREAS, the city council intends to promote connection to the city water system and limit the installation of wells within the city for the purpose of ensuring access to safe, potable water for all persons; and

WHEREAS, the owner of the property, River Oaks Ceres Congregation of Jehovah’s Witnesses (“Church”), located at 1524 Santa Fe Avenue, Hughson, California (“Property”) has maintained an existing well for its own use but it was recently found to contain a nitrate level in excess of maximum allowable limits rendering it unsafe for use; and

WHEREAS, the Property is approximately 2,500 feet from the nearest City water main where the Church could access City water service, the cost of having to install a water line from the City’s system to the Property is high and the Church does not have the resources at this time to pay for the installation;

WHEREAS, the City is willing to allow the Property to be serviced by a new well under very specific conditions and for a limited time;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HUGHSON DECREES AS FOLLOWS:

The City Council of the City of Hughson hereby grants a conditional permit to the River Oaks Ceres Congregation of Jehovah’s Witnesses, including its successor in interest (“Owner”), located at 1524 Santa Fe Avenue, Hughson, California (“Property”) for the installation of a water well within city limits subject to the following conditions:

1. The Owner shall connect to City water system when a City main line is within 200 feet of the Property. This is the same distance required for connection to a sewer main.
2. The Owner shall connect to City water system if the Property is rezoned, unless the rezoning is initiated by the City.

3. The well on the Property must be properly abandoned at the time of connection to the City water system. A permit shall be required for abandonment.

4. The existing well on the Property shall be properly abandoned at the time the new well is operable. The two wells can be inspected together.

5. The well shall be designed and built to Stanislaus County standards. In no case shall the well casing be larger than 8 inches in diameter. Water from the well shall be restricted to use on the Property.

6. Stanislaus County shall review plans for and inspect the construction of the well. The Owner shall pay any charges for the existing well and new well levied by Stanislaus County.

7. The Owner shall apply for and obtain a permit from the City for construction of the new well.

8. The term of this permit shall be for six (6) years commencing on January 1, 2012. Thereafter, the Owner shall remove the new well and be required to connect to the City water system in accordance with its municipal code within 180 days' notice from the City which it may issue at its discretion.

9. The Owner shall pay all connection fees in existence at the time of connection to the City water system.

“City”

“Church”

City of Hughson

**River Oaks Ceres Congregation of
Jehovah’s Witnesses**

By: _____
Bryan Whitemyer, City Manager

By: _____
Owner

Date: _____

Date: _____

ATTEST:

By: _____
Dominique Spinale, Deputy City Clerk

Date: _____

Approved as to form:

By: _____
Daniel J. Schroeder, City Attorney

Date: _____



CITY OF HUGHSON AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date: December 10, 2012
Subject: Appointment and Advertisement of Planning Commission
Presented By: Dominique Spinale, Deputy City Clerk

Approved By: _____

RECOMMENDATION:

Staff recommends reappointing Commissioner Harold Hill and advertising the available seat vacated by the term expiration of Commissioner Kyle Little on the Planning Commission.

BACKGROUND AND OVERVIEW:

The Planning Commission has two Commissioners' terms that will expire on December 31, 2012. Staff has spoken with Commissioner Hill and Commissioner Little regarding their current status.

Commissioner Hill has expressed interest in reappointment and requested that the Council consider reappointing him to the Planning Commission. He was appointed by the Council on August 27, after the resignation of former Commissioner Alan McFadon.

However, Commissioner Kyle Little will not seek reappointment, so a seat will become available in January. Staff would like to advertise the Planning Commission seat along with the vacant Council seat, and set the same deadline to apply for January 14, 2013, by 5:00pm. This deadline was chosen by Council at the November 26 meeting. At the January 14 Council meeting, Council may then decide how they will fill the seat.

Staff will advertise this opening on the City website, in the Hughson Chronicle, and will add an announcement in the City newsletter for January.



CITY OF HUGHSON AGENDA ITEM NO. 6.2

SECTION 6: NEW BUSINESS

Meeting Date: December 10, 2012
Subject: Consider Resolution No. 2012-52, Authorizing the Refinancing of an Existing Installment Sale Agreement.
Presented By: Bryan Whitemyer, City Manager
Approved By: _____

RECOMMENDATION:

That the City Council considers Resolution No. 2012-52, Authorizing Refinancing of an Existing Installment Sale Agreement, the Execution and Delivery of Amendment No. 1 to the Installment Sale Agreement and Authorizing and Directing Certain Actions in Connection therewith.

BACKGROUND AND OVERVIEW:

On January 14, 2008, the City entered into an Installment Sale Agreement (the "Installment Sale Agreement") with Municipal Finance Corporation (the "Bank") for the acquisition and construction of the wastewater treatment plant in the amount of \$6,750,000 ("Loan"). The loan pursuant to the Installment Sale Agreement bears interest at 4.2%, with annual debt service payments of approximately \$502,200 (payable in semi-annual installments), through March 7, 2028. The current outstanding principal amount of the Loan is \$5,679,008.

Interest rates are at historical lows right now, and staff has been working with financial advisor Urban Futures, Inc. to review several outstanding sewer and water loans of the City, to determine if sufficient savings can be generated by refunding such loans.

Staff and Urban Futures have been working with the Bank to adjust the interest rate on the Installment Sale Agreement to be more in line with current rates, in light of the fact that the City could refund (refinance) the Installment Sale Agreement through another potential lender and pay off the Bank. The Bank has agreed to adjust the rate on the existing Installment Sale Agreement, by amending the

Installment Sale Agreement to reflect an interest rate of 3.4%, which is in line with what other lenders would offer on a new refunding loan.

The new adjusted loan for the amended Installment Sale Agreement would have annual debt service payments of approximately \$481,810, resulting in debt service savings of approximately \$20,388 annually through 2028, for a total savings of approximately \$316,000. The original term date of the Loan (March 7, 2028) will remain the same, and the adjusted loan will not extend that date. The costs associated with preparing the amendment to the Installment Sale Agreement will be incorporated into the new loan, with no out of pocket costs to the City. A copy of Amendment No. 1 to the Installment Sale Agreement is on file with the City Clerk.

FISCAL IMPACT:

By adjusting the interest rate on the Installment Sale Agreement, the City will save approximately \$20,388 annually through 2028, for a total debt service savings of approximately \$316,000. The costs associated with preparing the new documents will be incorporated into the amended loan, with no out of pocket costs to the City.

**CITY OF HUGHSON
CITY COUNCIL
RESOLUTION NO. 2012-52**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON
AUTHORIZING REFINANCING OF AN EXISTING INSTALLMENT SALE
AGREEMENT, THE EXECUTION AND DELIVERY OF AMENDMENT NO. 1 TO
THE INSTALLMENT SALE AGREEMENT AND AUTHORIZING AND
DIRECTING CERTAIN ACTIONS IN CONNECTION THEREWITH**

WHEREAS, the City of Hughson (the "City") is a general law city duly organized and existing under and pursuant to the Constitution and laws of the State of California; and

WHEREAS, on January 14, 2008 the City entered into an Installment Sale Agreement (the "Installment Sale Agreement") with Municipal Finance Corporation ("MFC") for the acquisition and construction of the wastewater treatment plant in the amount of \$6,750,000 bearing interest at a rate of 4.2%, with annual debt service payments of approximately \$502,200 (payable in semi-annual installments), through March 7, 2028. The current outstanding principal amount of the loan is \$5,679,008; and

WHEREAS, MFC has assigned the Installment Sales Agreement to City National Bank (the "Bank") who currently holds the rights to the agreement; and

WHEREAS, since interest rates are at historical lows right now, the City desires to refinance of the Installment Sale Agreement to obtain a more favorable interest and payment rate and pay off the Bank; and

WHEREAS, MFC has proposed a cost-effective arrangement to refinance the Installment Sale Agreement as of March 7, 2013 in the principal amount of \$5,577,167.92 at a 3.40% interest rate over a 15 year term;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Hughson that:

SECTION 1. Amendment No. 1. The Mayor, City Manager or a designee is hereby authorized to enter into an Amendment No. 1 to the Installment Sale Agreement (the "Amendment") with MFC and the Bank to refinance the Installment Sale Agreement, subject to approval thereof by the City's legal counsel.

SECTION 2. Attestations. The City Clerk or other appropriate City officer are hereby authorized and directed to attest to the signature of the Mayor, the City Manager or of such other person or persons as may have been designated by the Mayor or the City Manager, and to affix and attest the seal of the City, as may be

required or appropriate in connection with the execution and delivery of the Amendment.

SECTION 3. Other Actions. The Mayor, the City Manager and other officers of the City are each hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all agreements, documents and certificates which they may deem necessary or advisable in order to carry out, give effect to and comply with the terms of this Resolution and the Amendment. Such actions are hereby ratified, confirmed and approved.

SECTION 4. Qualified Tax-Exempt Obligations. The Amendment is hereby designated as “qualified tax exempt obligations” within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the “Code”). The City, together with all subordinate entities of the City, do not reasonably expect to issue during the calendar year in which the Amendment is issued more than \$10,000,000 of obligations which it could designate as “qualified tax-exempt obligations” under Section 265(b) of the Code.

SECTION 5. Effect. This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED on this 10th day of December, 2012, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

MATT BEEKMAN, Mayor

ATTEST:

DOMINIQUE SPINALE, Deputy City Clerk



December 6, 2012

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

SUBJECT: TIME EXTENSION FOR REZONE APPLICATION NO. 2007-01 - SANTA FE CROSSING

PROJECT DESCRIPTION

This is a request to amend the Development Schedule for Planned Development No. 313 (P-D – [313]) to allow for a five-year time extension. (See Attachment 1.) P-D (313) was approved January 8, 2008, to allow for development of the Santa Fe Crossing commercial project consisting of a 19,250 square foot commercial building, 435 mini storage units, 52 RV storage spaces, a gas station with a 5,065 square foot mini market, and a drive through coffee shop. (See Attachment 7.) The approved Development Schedule allowed for site development to take place over three (3) phases of construction and consisted of the following:

Phase I

- Construction of 435 mini-storage unit business on approximately 4.62± acres.
- Allowance of shipping container business to remain until Phase II development.

Phase II

- Convert previously approved truck repair facility into R.V. sales & service business.
- Convert an area previously used for shipping container storage into R.V. & boat storage.

Phase III

- Construction of gas station and 5,065± square foot mini market & drive-thru coffee shop.
- Construction of a 19,250± square foot commercial building with limited commercial uses.

The Board of Supervisors approval specified that the Development Schedule be limited to five years for all phases, with the ability to come back before the Planning Commission to request an extension of the approved Development Schedule. Since the 2008 approval, the 11.44± acre site has remained in the same condition as it was prior to the applicant's 2007/2008 rezone request and still contains the same uses/buildings, as were present with previous development. The project site is located at 4306 Santa Fe Avenue, at the northwest corner of Geer Road and Santa Fe Avenue, southeast of the City of Hughson. This site is located within the LAFCO adopted Sphere of Influence (SOI) for the City of Hughson. If approved as requested, the new development schedule would give the applicant until January 8, 2018, to start construction of all development phases of the project.

DISCUSSION

The requested time extension was made through a letter from the applicant's representative, Hawkins & Associates Engineering, received on March 15, 2012. (See Attachment 1.) Uncertainties in the nation's economy and the overall tough economic climate (the U.S. recession) are cited as the reasons for the request. The applicant has also prepared a short narrative and has provided copies of the on & off site improvement plans approved by the County's Public Works Department as well as copies of the Street Improvement Agreement and the Irrevocable Offer of Dedication for road right-of way and utility easement, all of which were required as part of the original approval. (See Attachments 2-6.)

When the project was presented to the Planning Commission in 2007, minor edits were proposed by Staff on various Development Standards to clarify the timing in which they would need to be implemented. The Planning Commission recommended approval of the project to the Board of Supervisors with the Development Schedule time frame shortened from seven (7) years to five (5) years. The Board of Supervisors approved the rezone request, subject to the amended Development Standards and modified Development Schedule as recommended by the Planning Commission.

Section 21.40.090(B) of the Stanislaus County Zoning Ordinance speaks to the allowance of modifying a Planned Development's Development Schedule. This section states:

Upon request by the property owner and for good cause shown, the planning commission may extend the time limits of the development schedule; provided, that any request for an extension of time limits shall be on file in the office of the director of planning prior to the expiration of any time limit required by the development schedule.

The project time extension is a discretionary act in that it does grant approval of continued life for the Planned Development which otherwise would expire. In reviewing requests for a time extension, Staff sends a referral to various interested and responsible agencies, as is done on any project. A large reason why Development Schedules (for Planned Developments) do not last indefinitely, is that the need to recognize the passage of time may have caused agencies to look at the project differently.

In reviewing this request, it was circulated to various agencies including those agencies with Development Standards placed on the approved P-D (313). (See Attachment 8.) With the exception to a response received from the City of Hughson, referral responses identifying no comment/no objection to the subject request have been received from various agencies/departments and no additional Development Standards have been requested.

CITY OF HUGHSON – BACKGROUND & CONCERNS

The original rezone request received by the County in 2007 was sent to the City of Hughson (as is standard practice for projects located within a city's SOI) for review and comments through the CEQA Early Consultation process. On February 7, 2007, County Planning Staff received a response from the City which stated numerous concerns with the project. (See Attachment 11.) On March 7, 2007, Staff attended a meeting with the project applicant, the applicant's engineer, and City of Hughson's Planning Director. During this meeting, it was agreed that the applicant would revise the project to address some of the concerns which the City had raised. On May 25, 2007, Staff received a letter from the City of Hughson stating that the applicant and the City had met and resolved the issues raised in the previous letter, and withdrawing their comments. (See

Attachment 12.) On August 21, 2007, the applicant submitted a revised project and moved forward with the processing of the application by preparing the project's CEQA Initial Study document. As is required by CEQA, the Initial Study was sent to all interested/reviewing agencies for comments, including the City of Hughson. The 30-day comment period started on September 5, 2007, and ran through October 10, 2007. In a letter dated October 29, 2007, the City of Hughson stated that the proposed project was considered to be located in a "gateway" area to the City and the development was consistent with the City's "Service Commercial" General Plan designation. (See Attachment 13.) There was no mention that the City had any concerns with any aspect of the proposal other than the need for quality aesthetics as the project site is within a "gateway" area.

The project was presented to the Planning Commission on December 6, 2007. Staff recommended the Commission shorten the applicant's proposed seven (7) year time-frame to five (5) years, with the ability for the applicant to request an extension, if needed. The Commission unanimously voted (8-0 [Souza/Mataka]) to recommend the Board of Supervisors approve this request. On January 8, 2008, the Board of Supervisors approved the Rezone request and, as recommended by the Planning Commission, shortened the Development Schedule to five (5) years. After Board approval, the City of Hughson contacted Staff to voice their displeasure with the project's approval.

In response to this time extension request, the City of Hughson has provided two comment letters to voice their opposition. (*See Attachments 9 & 10.*) In their letters, the City lays out several items which they believe prove that the applicant should not be granted the request. They have stated there are "environmental concerns" related to Green House Gasses (GHG), traffic, and water quality. With the exception of GHG's, the comments on traffic and water were taken into consideration during the original project review and were incorporated into the Development Standards so that any perceived "environmental impacts" are considered to be at a less than significant level.

With regards to the "environmental concerns" which the City of Hughson noted in their letter, the project was originally approved prior to the approval of the state law requiring GHG to be analyzed in the project's CEQA document. In this case, the Initial Study – Negative Declaration prepared in 2007 was not subject to the GHG CEQA requirements. The GHG CEQA requirement originated from Senate Bill 97 (*SB 97 – Dutton*) which was passed in 2007 and, as of January 1, 2010, required GHG analysis to be implemented on all project related environmental documents.

Since the City of Hughson raised GHG concerns which could be considered to be CEQA-related, Staff undertook a review of these comments under the standards for subsequent or supplemental CEQA review and determined no such supplemental review was required.

Under California law, a request for time extension of a project that previously was subject to CEQA review may be exempt from CEQA or may be evaluated under the standard, triggering subsequent or supplemental CEQA review (under Public Resources Code Section 21166 and CEQA Guidelines Section 15162). The City suggested that additional CEQA review would be needed to study "Greenhouse Gases" (GHG) related to the project; however, in order to trigger additional review when the project was previously approved with a Negative Declaration, a significant environmental effect must be shown. A summary provided by the applicant of why the threshold for further CEQA review has not been met is listed below:

- A request for time extension obviously would not, on its own, trigger the need for additional CEQA review of GHG issues.
- Any effects from GHG emissions could have been raised by the City during the initial processing of this project.
- The underlying project is predominately composed of mini-storage and RV storage which are low traffic generators and thus not large generators of GHG.
- The balance of the project is a combination fuel station/mini-mart/restaurant that must rely on existing levels of drive-by traffic to be feasible since it has no growth-generating aspects of its own; therefore, the vast majority of the traffic trips for this phase of the project currently exist and would not be solely generated as a result of this project.
- The project has offered an irrevocable dedication to the County's Department of Public Works most of which will be used to construct a traffic signal at the Santa Fe Avenue and Geer Road intersection. Currently, this is a very congested four-way stop and signaling this intersection will lower GHG emissions by reducing the time cars spend idling, waiting for their turn to proceed. While not a mitigation measure for the project, the project has, in fact, helped significantly to reduce GHG emissions in the area by providing this dedication.
- This project is similar in size and scope to other projects that the County has considered "*de minimus*" for the purpose of GHG emissions since such projects do not rise to the size and scope where the County requires a GHG analysis.

While staff does not necessarily agree that a new project submitted today of similar size and scope would not require a GHG analysis, staff does concur that as a time extension, and based on the nature of the approved use, there is no significant environmental effect triggering the need for additional environmental review.

The City also pointed out numerous Development Standards which they feel have not been complied with by the applicant. After submitting their concerns, the City of Hughson sent an additional letter to clarify some factual errors contained in their original letter. (*See Attachment 10.*) Many of the errors in their letter involved road dedication requirements and improvement plans, which the City stated, had not yet occurred. Upon further review, it was determined that the concerns with non-compliance on Development Standards are not entirely true and, in fact, have been in progress by the applicant since approval in 2008. The applicant has provided a copy of approved improvement plans as well as copies of the road dedication documents. A short summary of work completed to date has also been provided. (*See Attachment 2.*)

In the most recent City of Hughson letter, the City wrote that, to date, 51 out of 57 Development Standards have not been complied with. (*See Attachment 10.*) Staff's review of the Development Standards revealed that 52 out of 57 conditions are meant to be required at either the time at which a building permit is applied for and approved or at the time when physical site preparation is occurring. Neither of these two instances has occurred and compliance with all related Development Standards is premature at this stage. According to the applicant's request for a time extension, compliance with specific Development Standards, which were required at the pre-construction phase, has been met. If the requested time extension is granted, the applicant or property owner/developer will continue to be responsible for fulfilling all approved Development Standards for P-D (313).

Policy Twenty-Four of the Land Use Element of the County's General Plan specifies that development, other than agricultural uses and churches, which requires discretionary approval and is within LAFCO's SOI of cities, shall not be approved unless first approved by the city within whose SOI it lies. If the City of Hughson had objected to the original approval of P-D

(313) prior to project approval by the Board of Supervisors in 2008, it is likely that the County would not have approved the project. Attachment 14 provides Goal Five/Policy Twenty-Four and the SOI Policy from the Land Use Element of the General Plan. Essentially, the County has already approved the development of the project site; however, in question is the applicability of the SOI policy to a time extension.

On this request, the City of Hughson has expressed concerns over several policies, goals, and implementation measures with the County's General Plan as well as a City/County Agreement, dated June 12, 2006. Even though the City originally said the project was considered to be consistent with their General Plan, this current action is a new request/application and the City, in reviewing the new request, has stated that, "*This is not a good project from a planning standpoint, or environmental standpoint. This is a leapfrog development that will have adverse effects on local businesses and our public water and street systems.*"

Staff is not aware of a similar situation in which a city has raised concerns regarding a time extension for a project which was located within the city's SOI and subject to the County's General Plan SOI policies at the time of approval. Because the County's SOI policies do not distinguish time extensions from being considered development and, approval of a time extension grants continued life for the Planned Development which otherwise would expire, denial of the proposed time extension would be appropriate. In order to approve the time extension, the Planning Commission will need to find that the request is both consistent with the County General Plan (as a whole) and that "good cause" has been shown by the applicant for the time extension request.

PLANNING COMMISSION OPTIONS

If the Planning Commission decides to approve this request, Staff recommends that the following findings must be made:

1. Find that the time extension request is consistent with the County's General Plan; and
2. Find that the applicant has shown good cause for being granted a time extension.

If the Planning Commission decides to deny this request, Staff recommends that the following findings must be made:

1. Find that the findings required for approval cannot be made, and deny the time extension request for Rezone Application No. 2007-01 – Santa Fe Crossing

The Planning Commission may also decide to approve this request with a lesser number of years than the applicant is requesting. If this is the course of action the Commission wishes to take, the same findings as listed above for the approval will have to be made.

Contact Person: Joshua Mann, Associate Planner, (209) 525-6330

Attachments:

Attachment 1 - Applicants' Time Extension Request received March 15, 2012
Attachment 2 - Applicants' Time Extension Summary of Work, dated October 15, 2012
Attachment 3 - On-Site Improvement Plans, approved by Public Works on March 13, 2008

- Attachment 4 - Off-Site Improvement Plans, approved by Public Works on May 10, 2011
- Attachment 5 - Public Works - Street Improvement Agreement, recorded May 23, 2011
- Attachment 6 - Irrevocable Offer of Dedication – Road & Public Utility Easement, recorded May 23, 2011
- Attachment 7 - Board of Supervisors (BOS) Report for Rezone Application No. 2007-01 – Santa Fe Crossing dated January 8, 2008, including PC Staff Report & PC Minutes (Attachments 1 & 2 of BOS Report)
- Attachment 8 - Time Extension CEQA Early Consultation Referral - Distribution List
- Attachment 9 - City of Hughson Letter dated April 24, 2012
- Attachment 10 - City of Hughson Letter dated November 19, 2012
- Attachment 11 - Rezone 2007-01 - City of Hughson Letter received February 7, 2007
- Attachment 12 - Rezone 2007-01 - City of Hughson Letter dated May 24, 2007
- Attachment 13 - Rezone 2007-01 - City of Hughson Letter dated October 29, 2007
- Attachment 14 - Stanislaus County General Plan – Chapter 1, Land Use Element – Goal 5, Policy 24 & the Sphere of Influence Policy



HAWKINS & ASSOCIATES ENGINEERING, INC.

Civil Engineering • Land Surveying • Land Planning

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Modesto, CA 95354

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www.hawkins-eng.com

March 13, 2012

Ms. Angela Freitas
Interim Planning Director
Stanislaus County Planning
1010 Tenth Street, 3rd Floor
Modesto, CA 95354

Re: Santa Fe Crossing – Rezone
Application Number: 2007-01

Dear Ms. Freitas,

The re-zone application for Santa Fe Crossing was approved by the Board of Supervisors on January 8, 2008, with a five year development schedule, which will expire January 8, 2013. As we all know, the economy has been in a major recession and as far as development it is as if this last five years didn't happen. As for this project specifically, significant investments have been made, in that improvement for both on-site and off-site construction have been prepared and approved, but no construction has occurred. Therefore, I am requesting a five year extension to the development schedule, to January 8, 2018.

Enclosed, please find our processing fee of \$523.00. If you need additional information or have any questions, please do not hesitate to call.

Sincerely,

Rodrick H. Hawkins, PE
President

cc: Mr. Martin Ruddy
Mr. Mike Ruddy, Jr.



SANTA FE CROSSING COMMERCIAL DEVELOPMENT

PHASE ONE

Phase One development, as shown on the development exhibit, will include 537 mini-storage units covering 4.62 acres in the northeast portion of the site. There is an existing structure in the northwest corner currently housing tire sales and diesel truck repair business. We expect that use to continue with Phase 1 development.

Also located on-site is an existing non-conforming use, repair and sales of bulk storage containers. The location of the container units will be relocated to the west-center portion of the site away from Santa Fe Avenue. Approval is being requested for a use permit for the container storage use with Phase One development. The existing uses are short term and will be replaced with Phase Two development.

Phase One development will include construction of driveway access from both Santa Fe Avenue and Geer Road with signs at each point of entry. Four parking spaces will be included with the min-storage facility and 11 parking spaces will be provided at the existing tire and repair building. Each business will include the required handy-cap parking.

Roadway dedication to 65 feet from centerline at Santa Fe Avenue, and 67.50 feet from centerline at Geer Road will be made along the entire frontage of the site. A 40 foot radius return would also be dedicated; all with Phase one development. Roadway improvements will be constructed with each phase as shown.

Sanitary sewer will be by on-site treatment and disposal in conformance with County Standards. Water will be provided by on-site well and provide volumes as required for the proposed use, fire flows and planting. Stubs will be provided for future connection to municipal facilities as they become available.

Mini storage units will be constructed with a fire sprinkler system sized in accordance with the County Fire Prevention Bureau and conform to applicable codes and regulations.

Construction of the mini-storage facility is expected to begin with approval by the County. Completion of Phase One development is expected within 1 to 5 years.

PHASE TWO

Phase Two development will convert the tire and truck repair area to recreational vehicle sales, service and repair and include RV, boat and trailer storage. The area housing the bulk container sales and repair will likewise be converted to RV storage or mini-storage units.

Completion of Phase Two development is expected within 2 to 7 years.

PHASE THREE

Phase three includes a proposed mini-mart, coffee shop and fueling station at the southerly corner of the project. Fifteen parking spaces including handy-cap are proposed. An additional driveway from Santa Fe Avenue will be constructed with this phase.

The northerly portion of the Phase Three site is expect to develop as a carwash and auto shop, although we would like to reserve the option for a selected group of alternative uses listed with the site plan. Sanitary sewer and water will be provided by on site facilities as described in Phase One.

Roadway construction, including an additional driveway at Santa Fe Avenue will be completed with this phase.

Completion of Phase Three development is expected within 3 to 7 years.

OFF-SITE DEVELOPMENT

Off-site curb, gutter and sidewalk design and road right-of-way will be in accordance with the County master plan for roadway development standards. Storm drainage will be by horizontal infiltration and storage facilities.

NOTE:

This development plan is proposed based upon extensive contacts with County planning staff, public works, and fire district, and a number of contacts with City of Hughson planning staff and engineering.



HAWKINS & ASSOCIATES ENGINEERING, INC.

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Memorandum

To: Joshua Mann, Stanislaus County Planning Department

From: Rod Hawkins, President, R.C.E. 50188

Date: October 15, 2012

Regarding: Ruddy Enterprises Santa Fe Avenue and Geer Road Re-zoning

In February 2006, Mr. Martin Ruddy and Mr. Mike Ruddy engaged my firm with the task of re-zoning the subject property. Over the course of about ten months, we met with Stanislaus County Planning and Public Works staff to develop the final site plan and provide information required for the Planned Development Application.

The application was submitted in December 2006 and through the following year we continued to work with staff to address various issues that were brought up and the application was ultimately approved on January 8, 2008. It should be noted that during the application process we requested a development schedule of at least seven years. We were told at the Planning Commission Hearing that the County typically does not allow more than a five year schedule but that we could be granted a time extension if necessary.

After the project was approved, my firm developed improvement plans for the Phase One Mini Storage. These plans were review by Stanislaus County and approved in April 2010. Also, at the same time, we worked with Public Works to develop the off-site improvement plans. This also coincided with the Public Works Department's development of plans for the modification of the Santa Fe Avenue and Geer Road intersection. Since it appeared that the County's project would proceed before our development, my client entered into an agreement with the County to dedicate the right-of-way required for the County to develop Geer Road and Santa Fe Avenue to their ultimate widths. These plans and agreements were made in May 2011.

It was during this time that the entire U.S. economy was hit with the "Great Recession" Due to this nearly catastrophic economic downturn this development, and many others, have been put on hold.

Now, as we are beginning to see hints of an economic comeback, this project is due to expire. It seems only fair, only appropriate, that this project be granted a five year extension of its development schedule.

ON-SITE IMPROVEMENT PLANS FOR SANTA FE CROSSING PHASE 1 MINI STORAGE STANISLAUS COUNTY, CALIFORNIA



VICINITY MAP
NO SCALE

SPECIFICATIONS

GENERAL NOTES

- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANISLAUS COUNTY DEPARTMENT OF PUBLIC WORKS 2007 IMPROVEMENT STANDARDS AND ALL OTHER CODES OR REGULATIONS IN FORCE BY APPLICABLE GOVERNING AGENCIES.
- BENCHMARK:** A 2" IRON PIPE LOCATED AT THE CENTERLINE INTERSECTION OF GEER ROAD AND SANTA FE AVENUE. ELEVATION = 124.15' - NAV88
- WHERE PLANS OR SPECIFICATIONS DESCRIBE PORTIONS OF THE WORK IN GENERAL TERMS, IT IS UNDERSTOOD THAT ONLY FIRST QUALITY WORKMANSHIP AND MATERIALS ARE TO BE USED.
- THE CONTRACTOR AGREES TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING CONSTRUCTION, INCLUDING JOB SITE SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO WORKING HOURS. THE CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD HAWKINS & ASSOCIATES ENGINEERING, INC. HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH WORK PERFORMED ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF HAWKINS & ASSOCIATES ENGINEERING, INC.
- THE EXISTING UNDERGROUND UTILITIES ARE SHOWN IN APPROXIMATE LOCATIONS ONLY AND ARE BASED UPON INFORMATION PROVIDED BY UTILITY COMPANIES AND BY MEASUREMENT OF SURFACE FEATURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE VERIFICATION OF THE LOCATION OF ALL UNDERGROUND FACILITIES AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH OCCUR DUE TO FAILURE TO LOCATE AND PRESERVE SUCH UTILITIES.
- CAUTION:** CALL UNDERGROUND SERVICE ALERT (USA) BEFORE YOU DIG; PRIOR TO BORES, GRADING, EXCAVATION, DRILLING, TRENCHING, SETTING POSTS, PLANTING TREES, ETC. USA WILL PROVIDE INFORMATION OR OR LOCATE AND MARK UNDERGROUND UTILITIES. CALL USA, TOLL FREE AT 1 (800) 227-2200.
- CONTRACTOR SHALL LOCATE AND PRESERVE ALL FACILITIES INCLUDING GAS, WATER, IRRIGATION, SEWER, POWER, STREET LIGHTS, TELEPHONE, AND OTHERS WHICH MAY BE IN THE AREA OF CONSTRUCTION. UTILITY COMPANIES SHALL BE NOTIFIED PRIOR TO COMMENCEMENT OF WORK.
- ALL CASTINGS AND COVERS SHALL BE ADJUSTED TO FINISH GRADE BY THE PAVING CONTRACTOR AFTER STREET IMPROVEMENTS ARE COMPLETE.
- AN ENCROACHMENT PERMIT SHALL BE OBTAINED FROM THE COUNTY OF STANISLAUS BEFORE BEGINNING WORK IN THE PUBLIC RIGHT-OF-WAY.
- STAKING LINES AND GRADES: ALL STATIONS AND DIMENSIONS ARE GIVEN OR WILL BE MADE IN A HORIZONTAL PLANE. GRADES ARE REFERENCED FROM THE TOP OF STAKES OR NAILS, UNLESS OTHERWISE NOTED.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PRESERVATION OF ALL STAKES AND CONTROL POINTS PROVIDED FOR PROJECT CONSTRUCTION. EXPENSES INCURRED FOR REPLACEMENT OF STAKES OR CONTROL POINTS SHALL BE BORN BY THE CONTRACTOR.
- THE CONTRACTOR SHALL PROVIDE, AT HIS EXPENSE, APPROPRIATE DUST CONTROL AS REQUIRED FOR THE PREVENTION AND/OR ALLEVIATION OF DUST NUISANCE DURING THE COURSE OF PROJECT CONSTRUCTION.
- THE CONTRACTOR SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL SAFETY REGULATIONS PERTAINING TO HIS OPERATIONS. HE SHALL PROVIDE SIGNS, BARRICADES, FLAG MEN OR OTHER DEVICES NECESSARY FOR PUBLIC SAFETY. THE CONTRACTOR'S ATTENTION IS CALLED TO THE REQUIREMENTS OF TITLE 8, OF THE CALIFORNIA ADMINISTRATIVE CODE, SUBCHAPTER 4, ARTICLE 6, "EXCAVATIONS, TRENCHES, EARTHWORK".
- THE CONTRACTOR SHALL COMPLY WITH THE REQUIREMENTS OF CHAPTER 9, SECTION 6705, 6706 AND 6707 OF THE STATE LABOR CODE. THE CONTRACTOR SHALL SUBMIT, FOR APPROVAL, A DETAILED PLAN SHOWING DESIGN OF ALL SHORING, BRACING, SLOPE CUTS AND OTHER PROVISIONS FOR WORKER PROTECTION IN AREAS OF EXCAVATION EXCEEDING FIVE FEET IN DEPTH. IF SUCH PLAN VARIES FROM SHORING SYSTEM STANDARDS, THE PLANS SHALL BE PREPARED BY A REGISTERED CIVIL OR STRUCTURAL ENGINEER.
- WARNING:** HAWKINS & ASSOCIATES ENGINEERING, INC. WILL NOT BE RESPONSIBLE OR LIABLE FOR UNAUTHORIZED USES OR CHANGES TO THESE PLANS AND SPECIFICATIONS. ONLY SIGNED AND APPROVED HARD COPIES OF THESE PLANS SHALL BE USED FOR CONSTRUCTION. ANY CHANGES TO THESE PLANS MUST BE IN WRITING AND APPROVED BY HAWKINS & ASSOCIATES ENGINEERING, INC.

- IT IS INTENDED THAT HAWKINS & ASSOCIATES ENGINEERING, INC. WILL PROVIDE THE CONSTRUCTION STAKING FOR THIS PROJECT. HOWEVER, SHOULD ANOTHER ENGINEERING AND/OR SURVEYING FIRM BE EMPLOYED TO USE THESE PLANS FOR THE PURPOSE OF PROVIDING CONSTRUCTION STAKING, NOTICE IS HEREBY GIVEN THAT HAWKINS & ASSOCIATES ENGINEERING, INC. WILL NOT ASSUME ANY RESPONSIBILITY FOR ERRORS OR OMISSIONS, IF ANY, WHICH MAY OCCUR, AND WHICH COULD HAVE BEEN AVOIDED, CORRECTED, OR OTHERWISE MITIGATED HAD HAWKINS & ASSOCIATES ENGINEERING, INC. PERFORMED THE STAKING WORK.

GRADING NOTES

- AFTER CLEARING AND DISKING, THE EXPOSED SOIL SURFACE SHALL BE SCARIFIED AND RECOMPACTED TO A MINIMUM DEPTH OF 6". THE RECOMMENDED DEGREE OF RECOMPACTION IS 90% IN BUILDING AREAS, AND 95% IN AREAS TO BE COVERED WITH ASPHALT PAVING. THESE PERCENTAGES REFER TO MAXIMUM WET DENSITY AS OBTAINED BY THE CAL. TRANS. TEST PROCEDURE NO. 216.
 - THE GENERAL CONTRACTOR SHALL COORDINATE THE WORK OF THE GRADING AND LANDSCAPE CONTRACTORS WITH RESPECT TO FINISH GRADING IN PLANTING AREAS. THE GRADING CONTRACTOR SHALL STOCKPILE APPROPRIATE YARDAGE FROM SITE PREPARATION FOR THIS USE. THE EXACT AMOUNT SHALL BE DETERMINED BY THE LANDSCAPE CONTRACTOR. THE DIRT STOCKPILED SHALL BE FREE FROM GRASS, WEEDS, AND OTHER DEBRIS. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR FINAL PLACEMENT AND GRADING IN MOUNDING AREAS.
 - COMPACTION TESTS: CONTRACTOR TO PROVIDE COMPACTION TESTING AS REQUIRED BY STANISLAUS COUNTY, AT THE CONTRACTOR'S EXPENSE. AS A MINIMUM, TESTS SHALL BE PERFORMED AT 200 FOOT INTERVALS. ALL TESTING MUST BE PERFORMED BY A LICENSED TESTING FIRM. ALL TEST RESULTS SHALL BE PROVIDED TO THE ENGINEER FOR REVIEW.
 - THIS NOTE IS PROVIDED ONLY AS A CONVENIENCE TO THE CONTRACTOR TO AID IN DETERMINING QUANTITIES OF DIRT TO BE MOVED, CUT AND FILL QUANTITIES SHOWN INDICATE THEORETICAL YARDAGE FIGURES.
- | | |
|--|---------------|
| TOTAL CUT REQUIRED | 1893 CU. YDS. |
| TOTAL FILL REQUIRED
(25% COMPACTION INCLUDED) | 1006 CU. YDS. |
| AMOUNT OF EXPORT | 887 CU. YDS. |

CONCRETE PAVING

- CONCRETE: PORTLAND CEMENT CONCRETE PAVING SHALL BE CLASS B AS DEFINED IN THE CALTRANS STANDARD SPECIFICATIONS, WITH A MIN. 28 DAY COMPRESSIVE STRENGTH OF 2,500 POUNDS PER SQUARE INCH, AND A MAXIMUM SLOPE OF 3 INCHES. CONCRETE SHALL CONSIST OF A 5" SACK MIXTURE OF PORTLAND CEMENT, WATER, AND AGGREGATE. PORTLAND CEMENT SHALL BE TYPE II. AGGREGATES SHALL BE WASHED BEFORE USE AND BE FREE FROM ANY FOREIGN MATTER.
- THE AGGREGATE SHALL BE GRADED TO PROVIDE A PLASTIC, WORKABLE MIXTURE OF MAXIMUM DENSITY AND AN AGGREGATE OF 3/4 INCHES. THE WATER SHALL BE POTABLE AND NO ADMIXTURES SHALL BE USED WITHOUT APPROVAL OF THE ENGINEER. THE CEMENT WATER AND AGGREGATE SHALL BE COMBINED AT THE BATCH PLANT AND SHALL BE THOROUGHLY MIXED. NO WATER SHALL BE ADDED TO THE MIXTURE AFTER LEAVING THE BATCH PLANT, WITHOUT APPROVAL BY THE ENGINEER. ALL CONCRETE SHALL BE PLACED WITHIN 90 MINUTES OF THE INTRODUCTION OF WATER TO THE CEMENT. THE TEMPERATURE OF THE CONCRETE SHALL BE NOT LESS THAN 50° F., NOR MORE THAN 90° F.
- THE CONCRETE SHALL BE CONSOLIDATED BY VIBRATING. CONCRETE THAT HAS ROCK POCKETS OR HONEY COMBING AFTER CURING SHALL BE REMOVED AND REPLACED.
- CONCRETE SHALL BE CURED IN ACCORDANCE WITH SECTION 90-7.018 OF THE STANDARD SPECIFICATIONS.
- THE 6" THICK CONCRETE PAVEMENT SHALL BE REINFORCED WITH WELDED WIRE FABRIC (6x6 Wx4Wx4) AS NOTED ON THE PLANS.
- CRACK CONTROL JOINTS SHALL BE PLACED AT 20 FOOT MAXIMUM INTERVALS AND SHALL PENETRATE THE CONCRETE SLAB A MINIMUM OF 1/4 OF THE SLAB THICKNESS. SEE THE CRACK CONTROL PLAN.

WATER SYSTEM SPECIFICATIONS

- ALL PVC WATERLINES SHOWN SHALL BE SCHEDULE 40 PVC CONFORMING TO THE LATEST EDITION OF THE UNIFORM PLUMBING CODE AND THE REQUIREMENTS OF THE COUNTY OF STANISLAUS.
- ALL WATER MAINS 6" AND LARGER SHALL BE PVC CLASS 150, CONFORMING TO AWWA C-900.
- CONTRACTOR SHALL VERIFY THE LOCATION OF EXISTING WATERLINES BEFORE BEGINNING CONSTRUCTION.
- ALL WATERLINES TO BE INSTALLED WITH 36" MINIMUM COVER FROM FINISH GRADE.
- WATER SERVICES ARE TO BE INSTALLED AS SHOWN ON PLAN, AND ARE TO BE EXTENDED TO WITHIN 5' OF STRUCTURES AND CAPPED.
- ALL WATER LINES SHALL BE CHLORINATED IN ACCORDANCE WITH THE MINIMUM REQUIREMENTS OF THE STATE OF CALIFORNIA.

SEWER SPECIFICATIONS

- PIPE SHALL BE SDR35 PVC INSTALLED IN CONFORMANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
- SANITARY SEWER LATERALS TO BE INSTALLED AT LOCATIONS AS SHOWN ON PLANS. ALL LATERALS SHALL EXTEND TO WITHIN 5 FEET OF STRUCTURES AND PLUGGED.
- AFTER PIPE HAS BEEN PROPERLY INSTALLED, THE INITIAL BACKFILL SHALL CONSIST OF SELECT FINE SOIL FROM THE EXCAVATION. IT IS TO BE HAND-TAMPED IN 6" THICK LAYERS EXTENDING TO 12" OVER THE TOP OF THE PIPE. THE REMAINING BACKFILL SHALL BE PLACED IN LAYERS AND COMPACTED TO A MINIMUM RELATIVE DENSITY OF 95%.
- THE CONTRACTOR SHALL COMPLY WITH THE REQUIREMENTS OF THE STATE LABOR CODE, CHAPTER 9, SECTIONS 6705, 6706, AND 6707.

STORM DRAIN SPECIFICATIONS

- REINFORCED CONCRETE PIPE (R.C.P.) SHOWN ON THE PLANS SHALL CONFORM TO SECTIONS 65-1.02, 1.02A, 1.03, 1.06, 1.07, AND 65-1.08 OF THE CURRENT EDITION OF THE STANDARD SPECIFICATIONS OF THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION.
- AFTER PIPE HAS BEEN PROPERLY INSTALLED, THE INITIAL BACKFILL SHALL BE SELECT FINE EARTH FROM THE EXCAVATION. IT SHALL BE HAND-TAMPED IN 6" LAYERS TO 12" OVER THE TOP OF THE PIPE. THE FINAL BACKFILL SHALL BE PLACED IN LAYERS AND COMPACTED TO A MINIMUM RELATIVE DENSITY OF 95%.
- ALL CONSTRUCTION ACTIVITIES SHALL CONFORM TO THE REQUIREMENTS OF THE STATE OF CALIFORNIA WATER RESOURCES CONTROL BOARD, NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR STORMWATER DISCHARGE.

UTILITY NOTES

- UTILITY WORK SHALL BE CONSTRUCTED IN CONFORMANCE WITH ALL STANDARDS, CODES OR REGULATIONS IN FORCE BY THE APPLICABLE GOVERNING AGENCIES.
- TESTING: ALL REQUIRED LABORATORY RETESTING WILL BE PAID FOR BY THE CONTRACTOR.

WDID NO.: 5S50C350500

APPROVED BY THE STANISLAUS COUNTY DEPARTMENT OF PUBLIC WORKS.

BY: *John K. Chubb* DATE: 3/13/08

APPROVED BY THE STANISLAUS COUNTY FIRE PREVENTION BUREAU (FOR ON-SITE FIRE HYDRANTS ONLY).

BY: *Kandace* DATE: 5/8/08

APPROVED BY THE STANISLAUS COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES.

BY: *Bella Badal* DATE: 4/16/08

OWNER

RUDDY ENTERPRISES, INC.
1115 13TH STREET
MODESTO, CALIF. 95354
PHONE (209) 529-9993
FAX (209) 522-4618

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- FIRE HYDRANT PLAN & SEWER PLAN
- EROSION CONTROL PLAN



Costa Anderson

GENERAL SPECIFICATIONS, VICINITY MAP AND INDEX
GEER ROAD MINI STORAGE

HAWKINS & ASSOCIATES ENGINEERING
436 MITCHELL RD.
MODESTO, CA 95354
PH: (209) 575 - 4295
FX: (209) 578 - 4295

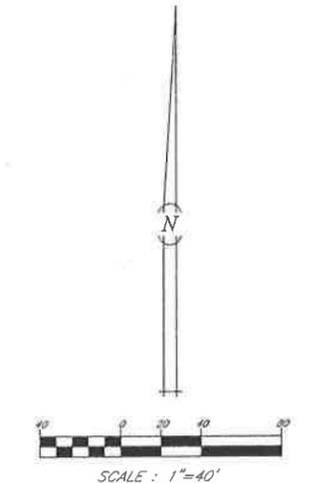
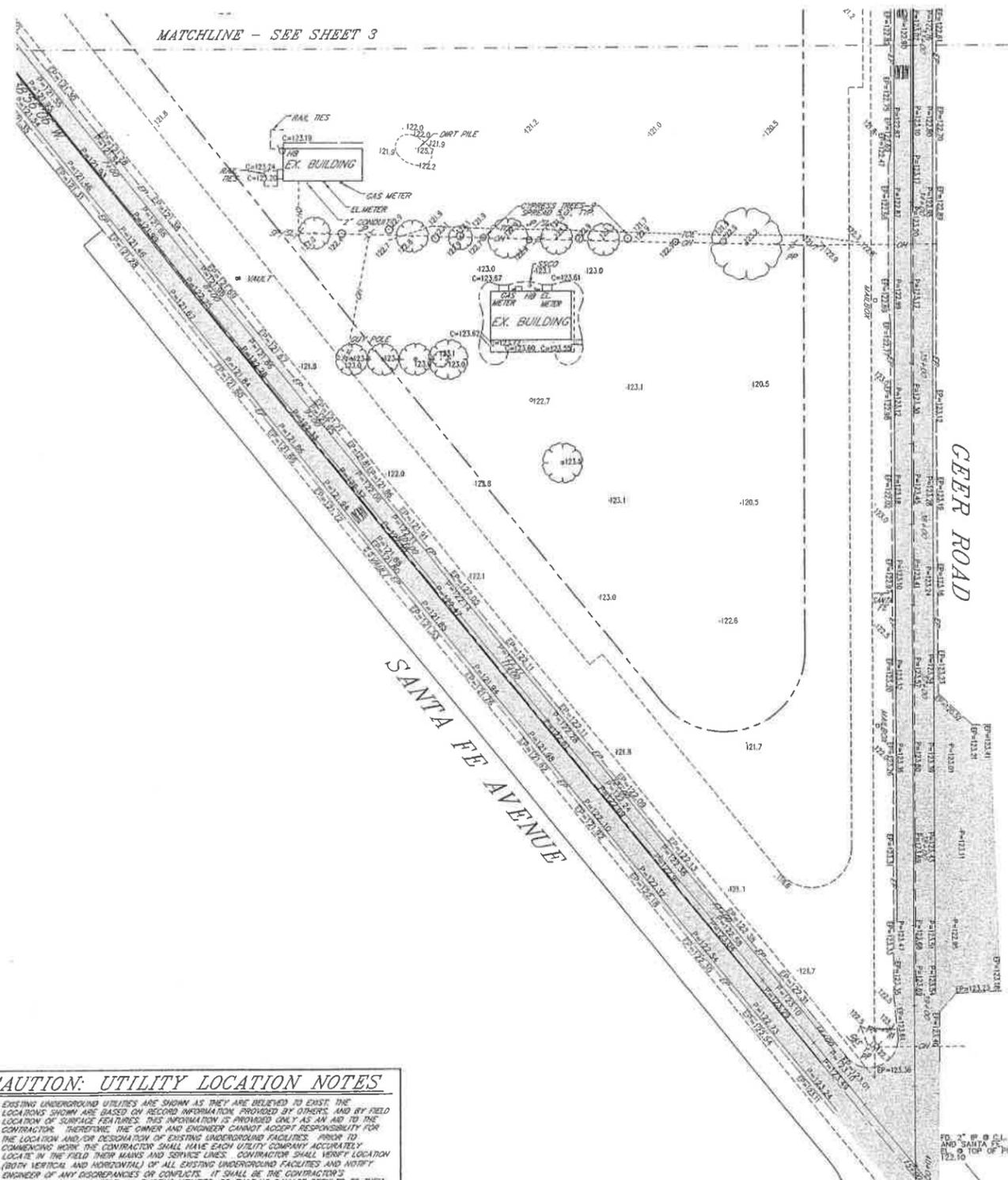


SHEET 1 OF 10
2617

CONSTRUCTION STAKING LIABILITY WAIVER
THESE IMPROVEMENT PLANS HAVE BEEN PREPARED WITH THE INTENT THAT THE FIRM OF HAWKINS & ASSOCIATES ENGINEERING WILL BE PERFORMING THE CONSTRUCTION STAKING FOR THE COMPLETE PROJECT. IF, HOWEVER, ANOTHER ENGINEERING AND/OR SURVEYING FIRM SHOULD BE EMPLOYED TO USE THESE PLANS FOR THE PURPOSE OF CONSTRUCTION STAKING, NOTICE IS HEREBY GIVEN THAT THE FIRM OF HAWKINS & ASSOCIATES ENGINEERING WILL NOT ASSUME ANY RESPONSIBILITY FOR ERRORS OR OMISSIONS, IF ANY, WHICH MIGHT OCCUR AND WHICH COULD HAVE BEEN AVOIDED, CORRECTED OR MITIGATED IF HAWKINS & ASSOCIATES ENGINEERING HAD PERFORMED THE STAKING WORK.

BEFORE DIGGING CALL USA, TOLL FREE 800-227-2500
BEFORE PLANTING TREES, TRENCHING, POST-HOLEING, READING, GRADING, EXCAVATING, BORING, UNLOADING, ETC. CALL UNDERGROUND SERVICE ALERT FOR UNDERGROUND CLEARANCE. THEY WILL PROVIDE INFORMATION OR LOCATE AND MARK UNDERGROUND FACILITIES FOR YOU.

ATTACHMENT 3



LEGEND

100.0	EXISTING GROUND ELEVATION	○ STAMP	EXISTING TREE STUMP
C=100.00	EXISTING CONCRETE ELEVATION	+	EXISTING SIGN, AS NOTED
TC=100.00	EXISTING TOP-OF-CURB ELEVATION	•	EXISTING BOLLARD
P=100.00	EXISTING PAVEMENT ELEVATION	— 8" W —	EXISTING WATER LINE
EP=100.00	EXISTING EDGE-OF-PAVEMENT ELEVATION	⊙	EXISTING WATER VALVE
FL=100.00	EXISTING FLOWLINE ELEVATION	• WM	EXISTING WATER METER
LP=100.00	EXISTING LP ELEVATION	⊙ FH	EXISTING FIRE HYDRANT
RM=100.00	EXISTING RM ELEVATION	⊙ HB	EXISTING HOSE BIB
INV=100.00	EXISTING INVERT ELEVATION	— 8" SS —	EXISTING SANITARY SEWER LINE
—+—+—	EXISTING VERTICAL CURBING	⊙ SS4H	EXISTING SANITARY SEWER MANHOLE
—+—+—	EXISTING CURB & GUTTER	○ CO	EXISTING SANITARY SEWER CLEANOUT
—+—+—	EXISTING CURB, GUTTER & SIDEWALK	— 12" SD —	EXISTING STORM DRAIN LINE
—+—+—	EXISTING VALLEY GUTTER	⊙ SD4H	EXISTING STORM DRAIN MANHOLE
—EP—	EXISTING EDGE-OF-PAVEMENT	⊙ CB	EXISTING CATCH BASIN
—+—+—	EXISTING AREA OF AC PAVING	⊙ DI	EXISTING DRAINAGE INLET
—+—+—	EXISTING AREA OF CONCRETE	⊙ JP	EXISTING JOINT POLE
---TOP---	EXISTING TOP OF GRADE BREAK	⊙ PP	EXISTING POWER POLE
---TOE---	EXISTING TOE OF GRADE BREAK	⊙ TP	EXISTING TELEPHONE POLE
ELEC ○	EXISTING CHAIN LINK FENCE, HEIGHT AS NOTED	⊙ SP	EXISTING SERVICE POLE
EW ○	EXISTING WOOD FENCE, HEIGHT AS NOTED	← ⊙ PP	EXISTING JOINT POLE W/ GUY WIRE
EWB ○	EXISTING BARBED WIRE FENCE, HEIGHT AS NOTED	← ⊙ TP	EXISTING POWER POLE W/ GUY WIRE
—+—+—	EXISTING TREE, SPREAD TO SCALE	← ⊙ SP	EXISTING TELEPHONE POLE W/ GUY WIRE
○ IRBMH	EXISTING IRRIGATION MANHOLE	⊙ ELEC	EXISTING STREET ELECTROLIER
○ IGW	EXISTING IRRIGATION GATE VALVE	⊙ SL	EXISTING SITE LIGHT
○ AV	EXISTING AIR VENT STAND PIPE	--- GAS ---	EXISTING GAS LINE
⊙ IRR BOX	EXISTING IRRIGATION BOX	⊙ GAS	EXISTING GAS METER
		--- EL ---	EXISTING ELECTRICAL LINE
		⊙ EL	EXISTING ELECTRICAL METER
		⊙ VAULT	EXISTING VAULT
		--- OH ---	EXISTING OVERHEAD LINE
		—+—+—	EXISTING STRIPING

CAUTION: UTILITY LOCATION NOTES

1. EXISTING UNDERGROUND UTILITIES ARE SHOWN AS THEY ARE BELIEVED TO EXIST. THE LOCATIONS SHOWN ARE BASED ON RECORD INFORMATION PROVIDED BY OTHERS, AND BY FIELD LOCATION OF SURFACE FEATURES. THIS INFORMATION IS PROVIDED ONLY AS AN AID TO THE CONTRACTOR. THEREFORE, THE OWNER AND ENGINEER CANNOT ACCEPT RESPONSIBILITY FOR THE LOCATION AND/OR DEPTH OF EXISTING UNDERGROUND FACILITIES. PRIOR TO COMMENCING WORK THE CONTRACTOR SHALL HAVE EACH UTILITY COMPANY ACCURATELY LOCATE IN THE FIELD THEIR MAINS AND SERVICE LINES. CONTRACTOR SHALL VERIFY LOCATION (BOTH HORIZONTAL AND VERTICAL) OF ALL EXISTING UNDERGROUND FACILITIES AND NOTIFY ENGINEER OF ANY DISCREPANCIES OR CONFLICTS. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO PROTECT ALL EXISTING UTILITIES, SO THAT NO DAMAGE RESULTS TO THEM DURING THE PERFORMANCE OF HIS WORK. AT LEAST 48 HOURS PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL CONTACT U.S.A. AT 1-800-227-2600.

2. SECTION 1541 (A) (1) OF THE CONSTRUCTION SAFETY ORDERS (TITLE 8 CALIFORNIA ADMINISTRATION CODE SECTION 1540) ISSUED BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD PURSUANT TO THE CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH ACT OF 1971 AS AMENDED, STATES:

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BENCHMARK

BENCHMARK IS TID#47, A BRASS DISK IN THE HEADWALL ON THE SOUTH SIDE OF SERVICE ROAD BETWEEN SANTA FE AVENUE AND GEER ROAD.

ELEVATION = 122.16 CITY OF HUGHSON DATUM
NOTE: +2.66 TO N.A.M.D. 1988 = 124.82

CONSTRUCTION STAKING LIABILITY WAIVER

THESE IMPROVEMENT PLANS HAVE BEEN PREPARED WITH THE INTENT THAT THE FIRM OF HAWKINS & ASSOCIATES ENGINEERING WILL BE PERFORMING THE CONSTRUCTION STAKING FOR THE COMPLETE PROJECT. IF, HOWEVER, ANOTHER ENGINEERING AND/OR SURVEYING FIRM SHOULD BE EMPLOYED TO USE THESE PLANS FOR THE PURPOSE OF CONSTRUCTION STAKING, NOTICE IS HEREBY GIVEN THAT THE FIRM OF HAWKINS & ASSOCIATES ENGINEERING WILL NOT ASSUME ANY RESPONSIBILITY FOR DAMAGES OR INJURIES OF ANY KIND WHICH MAY OCCUR AND WHICH COULD HAVE BEEN AVOIDED, CORRECTED OR MITIGATED IF HAWKINS & ASSOCIATES ENGINEERING HAD PERFORMED THE STAKING WORK.

BEFORE DIGGING CALL U.S.A. TOLL FREE 800-227-2600

BEFORE PLANTING TREES, TREENCHING, POST HOLE, BLASTING, GRADING, EXCAVATING, BORING, DRILLING, ETC. CALL UNDERGROUND SERVICE ALERT FOR UNDERGROUND CLEARANCE. THEY WILL PROVIDE INFORMATION OR LOCATE AND MARK UNDERGROUND FACILITIES FOR YOU.

BY: DRP	RODRICK H. HAWKINS	R.C.E. 50188
CHK: CEL	CROLE E. LINDSAY	R.C.E. 3900, L.S. 4709
DATE: 11/2007	PATRICK GARVEY	R.C.E. 49080
SCALE: 1" = 40'	SYM	DATE
JOB #: 2617	DESCRIPTION OF REVISION	APPROVED
FILE: BASE		

EXISTING TOPOGRAPHY AND DEMOLITION PLAN
GEER ROAD MINI STORAGE

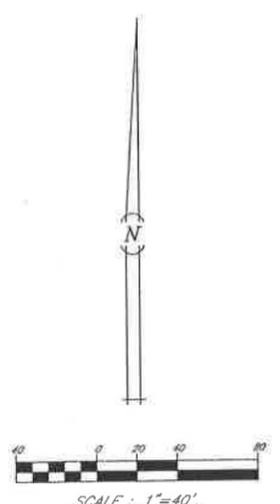
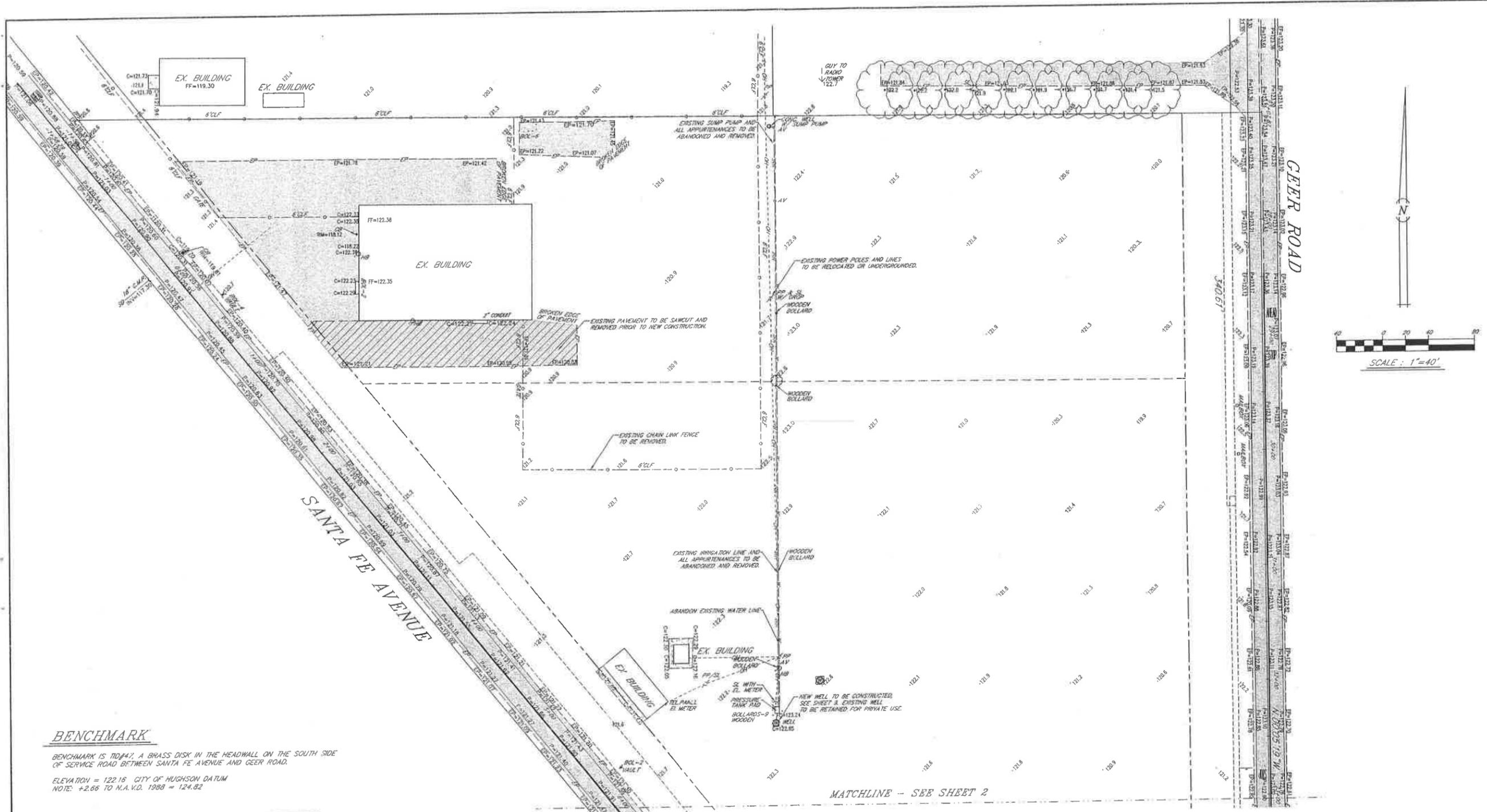
RUDDY ENTERPRISES, INC.
STANISLAUS COUNTY, CALIFORNIA

HAWKINS & ASSOCIATES ENGINEERING
436 MITCHELL RD.
MODESTO, CA 95354
PH: (209) 575-4295
FX: (209) 578-4295



SHEET 2 OF 10

2617



BENCHMARK

BENCHMARK IS 1024.2, A BRASS DISK IN THE HEADWALL ON THE SOUTH SIDE OF SERVICE ROAD BETWEEN SANTA FE AVENUE AND GEER ROAD.
 ELEVATION = 122.16 CITY OF HUGHSON DATUM
 NOTE: +2.66 TO N.A.V.D. 1988 = 124.82

CAUTION: UTILITY LOCATION NOTES

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CONSTRUCTION STAKING LIABILITY WAIVER

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RODRICK H. HAWKINS	R.C.E. 50188
CRODIE E. LINDSAY	R.C.E. 38000 L.S. 4709
PATRICK GARVEY	R.C.E. 49080
SYN.	DATE
DESCRIPTION OF REVISION	APPRO

BY: DRF	CEL
CHK: CEL	CEL
DATE: 11/20/07	SCALE: 1" = 40'
JOB # 2617	FILE: BASE

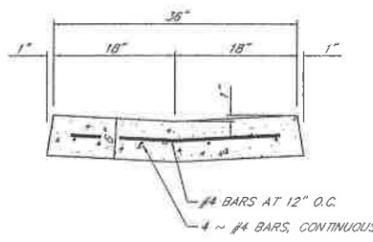
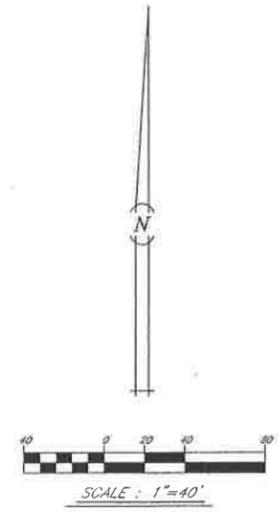
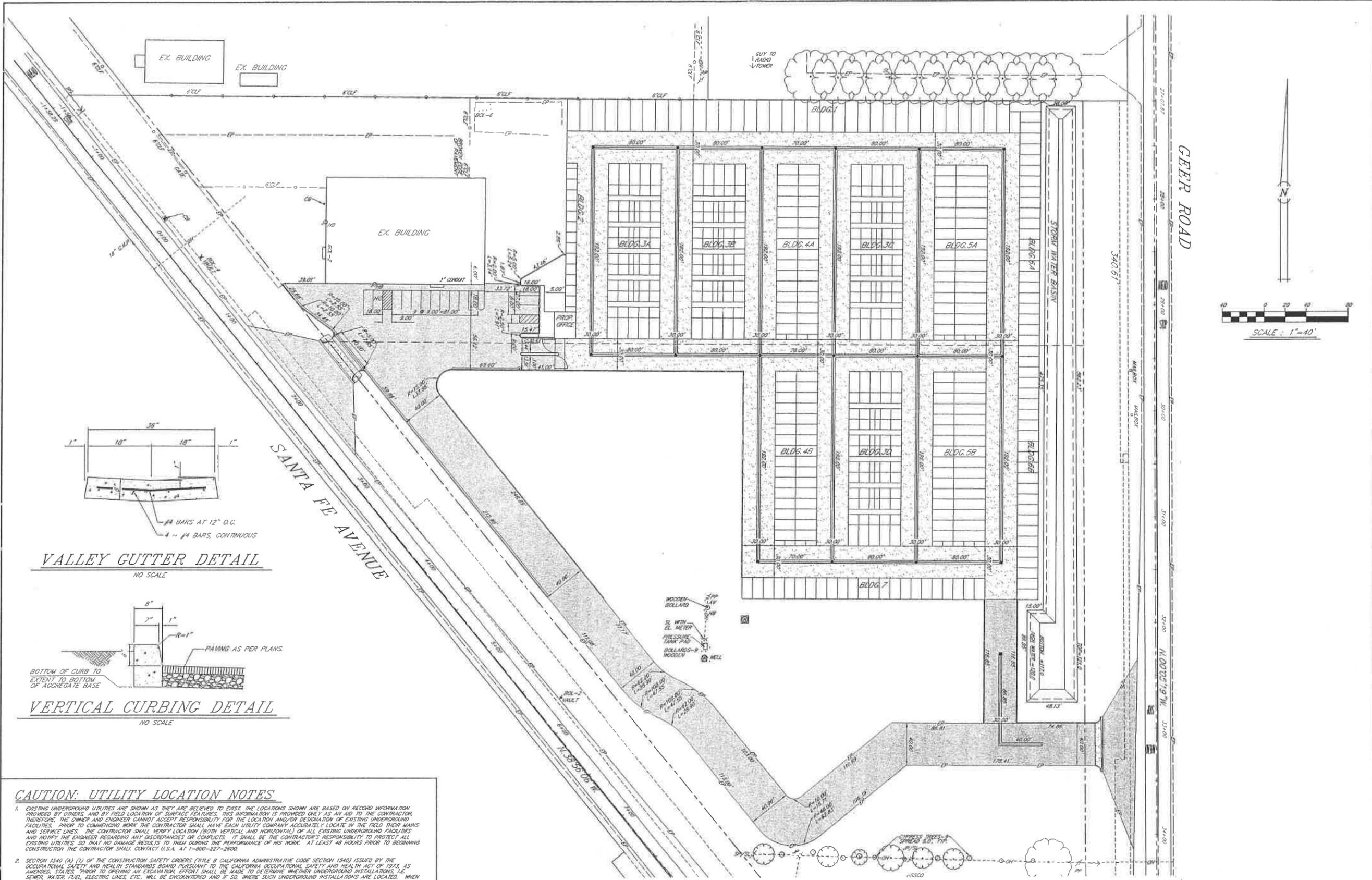
EXISTING TOPOGRAPHY AND DEMOLITION PLAN
GEER ROAD MINI STORAGE

HAWKINS & ASSOCIATES ENGINEERING
 436 MITCHELL RD.
 MODESTO, CA 95364
 PH: (209) 575-4295
 FX: (209) 578-4295

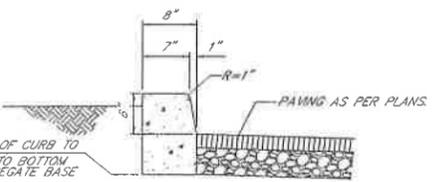


SHEET 3 OF 10
 2617





VALLEY GUTTER DETAIL
NO SCALE



VERTICAL CURBING DETAIL
NO SCALE

CAUTION: UTILITY LOCATION NOTES

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BY:	DRF	CEL	DATE	11/2007
CHK:	CEL	DATE	11/2007	SCALE: 1"=40'
DATE:	11/2007	JOB #:	267	FILE: BASE
SYM:	DATE	DESCRIPTION OF REVISION	APPD.	

SITE PLAN
GEER ROAD MINI STORAGE
RUDDY ENTERPRISES, INC.
STANISLAUS COUNTY, CALIFORNIA

HAWKINS & ASSOCIATES
ENGINEERING
436 MITCHELL RD.
MODESTO, CA 95354
PH: (209) 575-4295
FX: (209) 578-4295

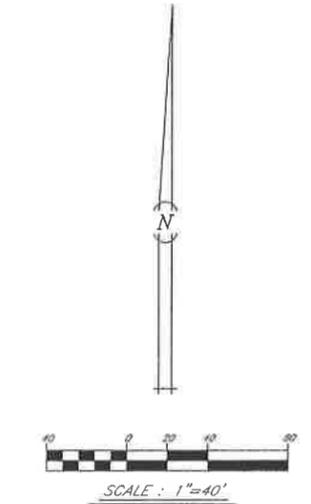
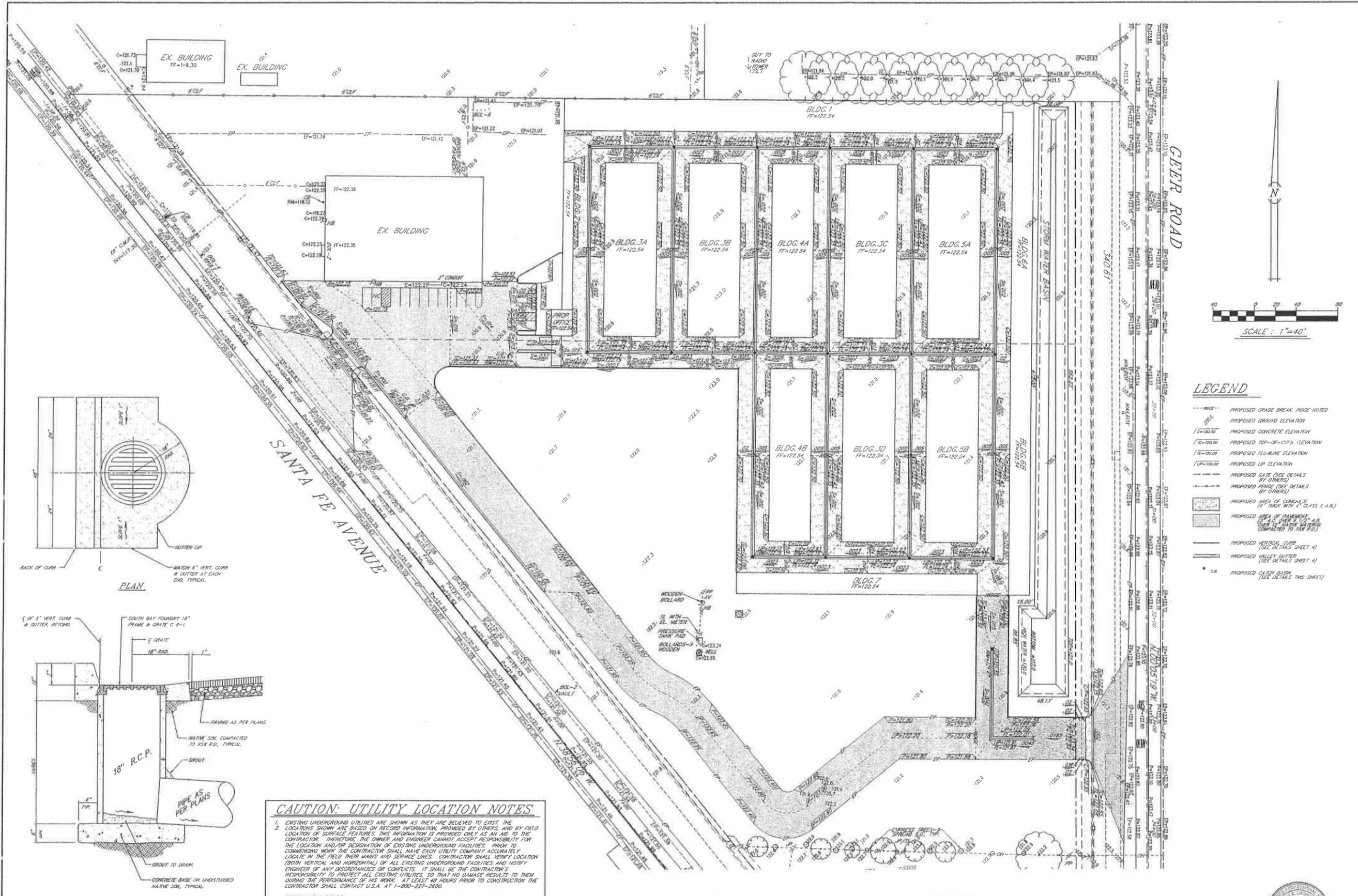


SHEET
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OF
10.
267



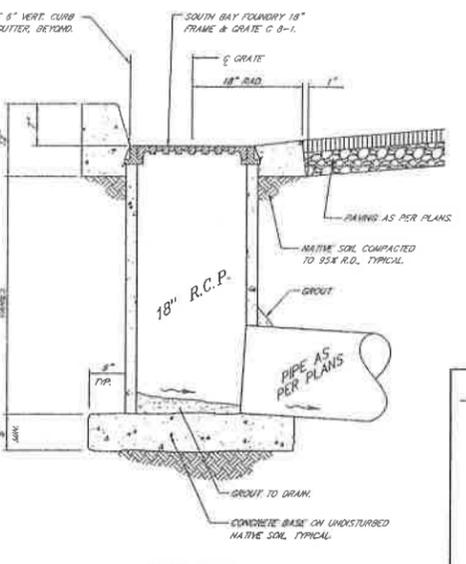
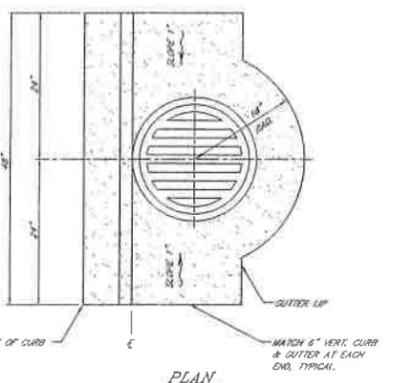
RODRICK H. HAWKINS
CROLE E. LINDSAY
PATRICK GARNEY
R.C.E. 50188
R.C.E. 31900 L.S. 4709
R.C.E. 49080

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LEGEND

- PROPOSED GRADE BREAK, RIDGE NOTED
- PROPOSED GROUND ELEVATION
- /C=100.00 PROPOSED CONCRETE ELEVATION
- /T=100.00 PROPOSED TOP-OF-CURB ELEVATION
- /L=100.00 PROPOSED FINISH ELEVATION
- /UP=100.00 PROPOSED LIP ELEVATION
- PROPOSED GATE (SEE DETAILS BY OTHERS)
- PROPOSED FENCE (SEE DETAILS BY OTHERS)
- PROPOSED AREA OF CONCRETE (6" THICK WITH 1" CLASS II A.B.)
- PROPOSED AREA OF PAVEMENT (2" AS OVER 1" A.B. OVER 1" ASPHALT WATERLAP COMPACTED TO 3/4" A.B.)
- PROPOSED VERTICAL CURB (SEE DETAILS SHEET 4)
- PROPOSED VALLEY GUTTER (SEE DETAILS SHEET 4)
- CR PROPOSED CATCH BASIN (SEE DETAILS THIS SHEET)



CATCH BASIN DETAIL
NO SCALE

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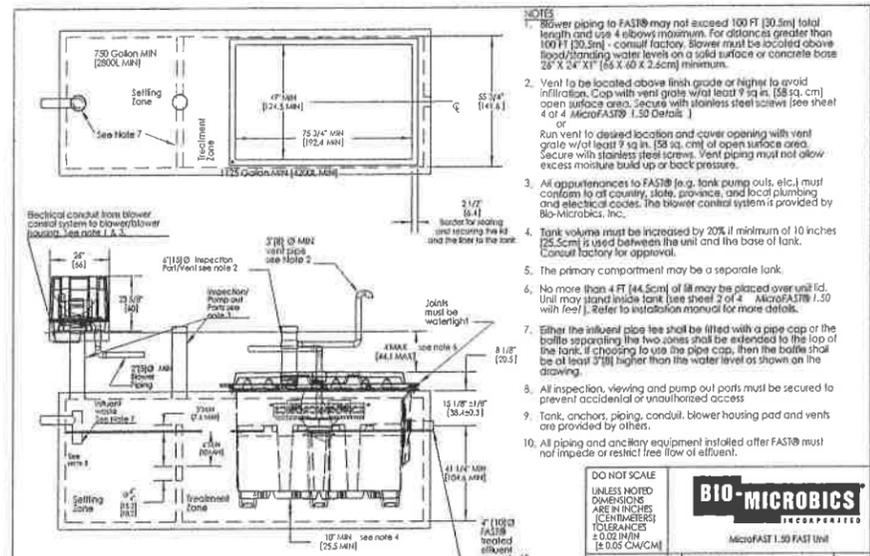
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HAWKINS & ASSOCIATES ENGINEERING 436 MITCHELL RD. MODESTO, CA 95354 PH: (209) 575 - 4295 FX: (209) 578 - 4295		GRADING AND DRAINAGE PLAN GEER ROAD MINI STORAGE RUDDY ENTERPRISES, INC. STANISLAUS COUNTY, CALIFORNIA		RCE: 50188 RCE: 31900, L.S. 4709 RCE: 49080
BY: DRF CHK: CEL DATE: 11/2007	SCALE: 1" = 40' JOB #: 2617 FILE: BASE	RODRICK H. HAWKINS CHOLIE E. LINDSAY PATRICK GARVEY	DESCRIPTION OF REVISION APPD	
SHEET 5 OF 10		2617		



BIO-MICROBICS SEPTIC TANK SPECIFICATIONS



- NOTES**
- Blower piping to FAST® may not exceed 100 FT (30.5m) total length and use 4 elbows maximum. For distances greater than 100 FT (30.5m) - consult factory. Blower must be located above floor/finishing water level on a solid surface or concrete base 24" X 24" (60 X 60 X 2.5cm) minimum.
 - Vent to be located above finish grade or higher to avoid infiltration. Cap with vent grate with least 7 sq. in. (58 sq. cm) open surface area. Secure with stainless steel screws (see sheet 4 of 4 MicroFAST® 1.50 Details).
 - Run vent to desired location and cover opening with vent grate w/ at least 7 sq. in. (58 sq. cm) of open surface area. Secure with stainless steel screws. Vent piping must not allow excess moisture build up or back pressure.
 - All appurtenances to FAST® (e.g. tank pump outs, etc.) must conform to all country, state, province, and local plumbing and electrical codes. The blower control system is provided by Bio-Microbics, Inc.
 - Tank volume must be increased by 20% if minimum of 10 inches (25.5cm) is used between the unit and the base of tank. Consult factory for approval.
 - The primary compartment may be a separate tank.
 - No more than 4 FT (1.2m) of fill may be placed over unit lid. Unit may stand inside tank (see sheet 2 of 4 - MicroFAST® 1.50 with lid). Refer to installation manual for more details.
 - Either the sillcock pipe tee shall be fitted with a pipe cap or the ballcock separating the two zones shall be extended to the top of the tank. If choosing to use the pipe cap, then the ballcock shall be at least 2" (51mm) higher than the water level as shown on the drawing.
 - All inspection, viewing and pump out ports must be secured to prevent accidental or unauthorized access.
 - Tank, anchors, piping, conduit, blower housing pad and vents are provided by others.
 - All piping and ancillary equipment installed after FAST® must not impede or restrict free flow of effluent.

BIO-MICROBICS
INCORPORATED
MicroFAST 1.50 FAST Unit

UNLESS NOTED OTHERWISE DIMENSIONS ARE IN INCHES (CENTIMETERS) TOLERANCES ± 0.05 CM (CM)

DATE: 11/2007
BY: RCE
CHK: RCE
DATE: 11/2007
SCALE: VARIES
JOB #: 2617
FILE: BASE

Specifications for MicroFAST 1.50 Wastewater Treatment System

1. GENERAL: The contractor shall furnish and install (1) MicroFAST 1.50 treatment system as manufactured by Bio-Microbics, Inc. This treatment system shall be complete with all needed equipment as shown on the drawing and specified herein.

2. OPERATING CONDITIONS: The MicroFAST 1.50 treatment system shall be capable of treating the wastewater produced by typical family activities (bath, laundry, kitchen, etc.) ranging from (6) six to (11) eleven one people and not to exceed 1500 US Gallons per day (568 LFD).

3. MEDIA: The FAST media shall be manufactured of rigid PVC, polyethylene, or polypropylene and it shall be supported by the polyethylene insert. The media shall be fixed in position and contain no moving or wearing parts and shall not corrode. The media shall be designed and installed to ensure that sloughed solids descend through the media to the bottom of the septic tank.

4. BLOWER: The MicroFAST 1.50 unit shall come equipped with a regenerative type blower capable of delivering 25-40 CFM (7.1-11.3 CMM). The blower assembly shall include an inlet filter with metal filter element.

5. REMOTE MOUNTED BLOWER: The blower shall be mounted up to 100 feet (30.5 meters) from the MicroFAST unit on a contractor supplied concrete base. The blower must not sit in standing water and its elevation must be higher than the normal flood level. A two-piece, rectangular housing shall be provided. The discharge or line from the blower to the MicroFAST system shall be provided and installed by the contractor.

6. ELECTRICAL: The electrical source shall be within 150 feet (45.7 meters) of the blower control local codes for longer wiring distances. All wiring must conform to applicable codes. The input power required for the blower is (115/230 VAC, Single Phase, 60/50 Hertz, 3/4 HP, 1500 Watts, maximum wire size is 14 AWG, 3-wire, grounded cable, max amp is 3.2 @ 115V). All conduit and wiring between the electrical control panel, the power supply, and the blower shall be furnished and installed by the contractor.

7. CONTROLS: The control panel provides power to the blower with an alarm system consisting of a visual and audible alarm capable of signaling blower circuit failure and high water conditions. The control panel is equipped with SFB® (Sequencing Feed Reactor) timed control feature. A manual silence switch is included.

8. INSTALLATION AND OPERATING INSTRUCTIONS: All work installation and connections of the MicroFAST 1.50 shall be done in accordance with the written instructions provided by the manufacturer and in accordance with all applicable local codes and regulations. Operators manuals shall be furnished which will include a description of installation, operation, and system maintenance procedures. There shall be a manual for the installer, in-text, present, and clear.

9. FLOW AND DESIGN: FAST systems have been successfully designed, tested and certified receiving gravity, demand-based influent flow. When influent flow is controlled by pump or other means to help with highly variable flow conditions, then multiple dosing events should be used to help ensure even flow.

10. WARRANTY: Bio-Microbics, Inc. warrants every new residential FAST® model (MicroFAST® 0.50, 0.75, 0.90, and 1.50) system against defects in materials and workmanship for a period of two years after installation or three years from date of shipment, whichever occurs first, subject to the following terms and conditions:

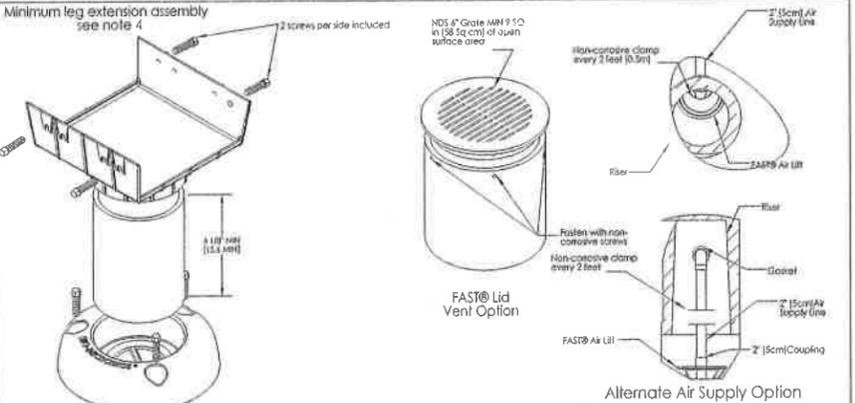
During the warranty period, if any part is defective or fails to perform as specified when operating in specified conditions, and if the equipment has been installed and is being operated and maintained in accordance with the written instructions provided by Bio-Microbics, Inc., Bio-Microbics, Inc. will repair or replace at its discretion (and selective parts list of charge). Selective parts must be returned by owner to Bio-Microbics, Inc.'s factory postage paid. If so requested, the cost of labor and of other expenses resulting from replacement of the defective parts and from installation of parts furnished under the warranty and regular maintenance (such as filters or bulbs) shall be borne by the owner. The warranty does not cover general system misuse, operator components which have been damaged by flooding or any component that have been dismantled by unauthorized persons, improperly installed or damaged due to altered or improper wiring or overload protection. The warranty covers only the treatment basin and does not include any of the house wiring.

11. THIS WARRANTY IS IN FULL OF ALL OTHER WARRANTIES EXPRESS OR IMPLIED. BIO-MICROBICS SPECIFICALLY DISCLAIMS ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

12. NO REPRESENTATIVE OR PERSON IS AUTHORIZED TO GIVE ANY OTHER WARRANTY OR TO ASSUME FOR BIO-MICROBICS, INC. ANY OTHER LIABILITY IN CONNECTION WITH THE SALE OF ITS PRODUCTS. Contact your local distributor for parts and service.

13. THE INFORMATION CONTAINED IN THIS DRAWING IS THE SOLE PROPERTY OF BIO-MICROBICS, INC. ANY REPRODUCTION IN PART OR AS A WHOLE WITHOUT THE WRITTEN PERMISSION OF BIO-MICROBICS, INC. IS PROHIBITED. SUCH REPRODUCTION IS PROHIBITED, IN THE ABSENCE OF WRITTEN PERMISSION. ALL PRODUCTS ARE SUBJECT TO DESIGN AND/OR MATERIAL CHANGE WITHOUT NOTICE.

BIO-MICROBICS © 2007



Minimum leg extension assembly
see note 4

2 screws per side included

DO NOT SCALE UNLESS NOTED OTHERWISE DIMENSIONS ARE IN INCHES (CENTIMETERS) TOLERANCES ± 0.05 CM (CM)

DATE: 11/2007
BY: RCE
CHK: RCE
DATE: 11/2007
SCALE: VARIES
JOB #: 2617
FILE: BASE

CAUTION: UTILITY LOCATION NOTES

1. EXISTING UNDERGROUND UTILITIES ARE SHOWN AS THEY ARE BELIEVED TO EXIST. THE LOCATIONS SHOWN ARE BASED ON RECORD INFORMATION PROVIDED BY OTHERS, AND BY FIELD LOCATION OF SURFACE FEATURES. THIS INFORMATION IS PROVIDED ONLY AS AN AID TO THE CONTRACTOR. THEREFORE, THE OWNER AND ENGINEER CANNOT ACCEPT RESPONSIBILITY FOR THE LOCATION AND/OR DESIGNATION OF EXISTING UNDERGROUND UTILITIES PRIOR TO COMMENCING WORK. THE CONTRACTOR SHALL VERIFY UTILITY COMPANY APPROVED UTILITY LOCATIONS IN THE FIELD, STREET MARKS AND SERVICE LINES. THE CONTRACTOR SHALL VERIFY LOCATION (BOTH VERTICAL AND HORIZONTAL) OF ALL EXISTING UNDERGROUND UTILITIES AND NOTIFY THE ENGINEER REGARDING ANY DISCREPANCIES OR CONFLICTS. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO PROTECT ALL EXISTING UTILITIES, SO THAT NO DAMAGE RESULTS TO THEM DURING THE PERFORMANCE OF HIS WORK. AT LEAST 48 HOURS PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL CONTACT U.S.A. AT 1-800-227-2600.

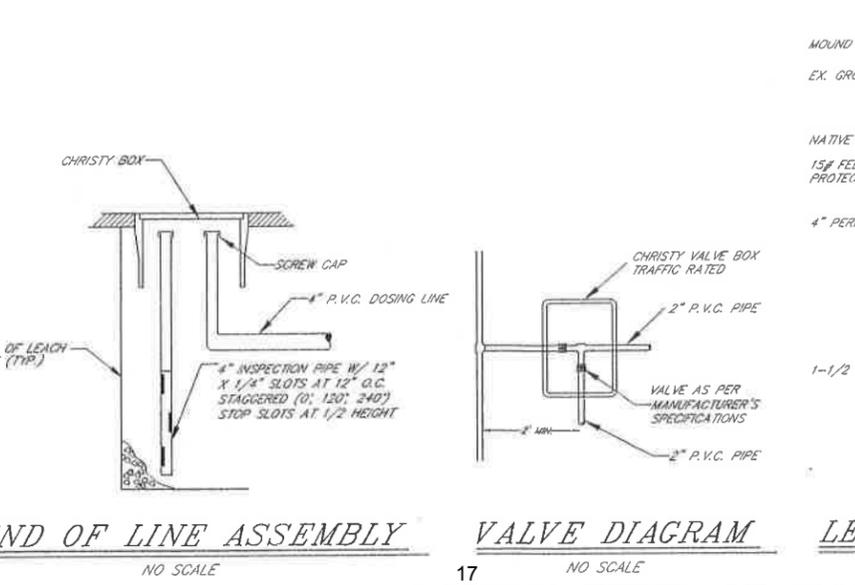
2. SECTION 1540 (A) (1) OF THE CONSTRUCTION SAFETY ORDERS (TITLE 8 CALIFORNIA ADMINISTRATIVE CODE SECTION 1540) ISSUED BY THE OCCUPATIONAL SAFETY AND HEALTH BY STANDARDS BOARD PURSUANT TO THE CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH ACT OF 1973, AS AMENDED STATES: PRIOR TO OPENING AN EXCAVATION, EFFORT SHALL BE MADE TO DETERMINE WHETHER UNDERGROUND INSTALLATIONS, I.E. SEWER, WATER, FUEL, ELECTRIC LINES, ETC., WILL BE ENCOUNTERED AND IF SO, WHERE SUCH UNDERGROUND INSTALLATIONS ARE LOCATED. WHEN EXCAVATION APPROXIMATES THE APPROXIMATE LOCATION OF SUCH AN INSTALLATION, THE EXACT LOCATION SHALL BE DETERMINED BY CAREFUL PROBING OR HAND DIGGING, AND WHEN IT IS UNCOVERED, ADEQUATE PROTECTION SHALL BE PROVIDED FOR THE INSTALLATION. ALL KNOWN OWNERS OF UNDERGROUND UTILITIES IN THE AREA CONCERNED SHALL BE ADVISED OF PROPOSED WORK AT LEAST 48 HOURS PRIOR TO THE START OF ACTUAL EXCAVATION.

CONSTRUCTION STAKING LIABILITY WAIVER

THESE IMPROVEMENT PLANS HAVE BEEN PREPARED WITH THE INTENT THAT THE FIRM OF HAWKINS & ASSOCIATES ENGINEERING WILL BE PERFORMING THE CONSTRUCTION STAKING FOR THE COMPLETE PROJECT. IF, HOWEVER, ANOTHER ENGINEERING AND/OR SURVEYING FIRM SHOULD BE EMPLOYED TO USE THESE PLANS FOR THE PURPOSE OF CONSTRUCTION STAKING, NOTICE IS HEREBY GIVEN THAT THE FIRM OF HAWKINS & ASSOCIATES ENGINEERING WILL NOT ASSUME ANY RESPONSIBILITY FOR ERRORS OR OMISSIONS, IF ANY, WHICH MIGHT OCCUR AND WHICH COULD HAVE BEEN AVOIDED, CORRECTED OR AVOIDED IF HAWKINS & ASSOCIATES ENGINEERING HAD PERFORMED THE STAKING WORK.

BEFORE DIGGING CALL USA, TOLL FREE 800-227-2600

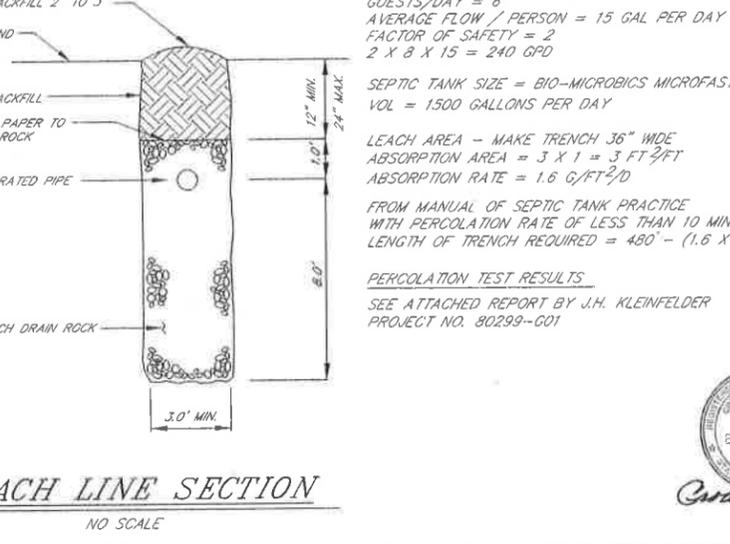
BEFORE PLANTING TREES, TREENCHING, POST HOLEING, INSTALLING, GRADING, EXCAVATING, BORING, DRILLING, ETC., CALL UNDERGROUND SERVICE ALERT FOR UNDERGROUND CLEARANCE. THEY WILL PROVIDE INFORMATION ON LOCATE AND MARK UNDERGROUND FACILITIES FOR YOU.



WASTE WATER DISPOSAL SPECIFICATIONS

- I. DESIGN CRITERIA:**
- U.P.C. 1994 EDITION, THE MANUAL OF SEPTIC TANK PRACTICE AND THE STANISLAUS COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES GUIDELINES FOR SEPTIC SYSTEM DESIGN.
- II. GENERAL NOTES:**
- THE DISPOSAL SYSTEM COVERED UNDER THIS CONTRACT AND DESIGNED HEREIN CONSISTS OF ALL WORKS TO BE DONE AS SHOWN ON THE PLANS. THIS WORK CONSISTS OF THE CONSTRUCTION OF THE DISTRIBUTION LINE WITH ITS APPURTENANCES AND THE CONSTRUCTION OF THE LEACH FIELD SYSTEM.
 - APPROPRIATE SUPERVISION DURING CONSTRUCTION IS MANDATORY TO INSURE THAT THE DESIGN IS ADHERED TO, TO PROVIDE THE DESIRED FUNCTIONAL QUALITY OF THE SYSTEM.
- III. CONSTRUCTION NOTES:**
- THE SEWAGE DISPOSAL SYSTEM CONSISTS OF A DRAIN LINE FROM THE BUILDING TO THE SEPTIC TANK, THE SEPTIC TANK, THE DISTRIBUTION BOXES, THE CONVEYANCE LINES AND THE LEACH LINES.
 - CONVEYANCE PIPE SHALL BE CAST IRON PIPE, VITRIFIED CLAY PIPE, OR ANY OTHER PIPE AS APPROVED BY THE UNIFORM PLUMBING CODE. ANY MATERIALS USED SHALL CONFORM TO THE CURRENT STANDARD SPECIFICATIONS OF THE AMERICAN NATIONAL STANDARDS INSTITUTE.
 - SEPTIC TANK: PRE-MANUFACTURED MODEL NO. MICROFAST 1.5 UNIT BY BIO-MICROBICS INC., OR AN APPROVED EQUAL; INSTALLED WITHIN A 1500 GALLON VAULT BY P&L CONCRETE, OR APPROVED EQUAL.
 - LAYING PIPE: THE PIPE SHALL BE LAID TO CONFORM TO THE PROSCRIBED LINES AND GRADES. THE LINE AND GRADE SHALL BE OBTAINED BY MEANS OF A LASER BEAM OR BY MEASURING FROM A TIGHTLY STRETCHED STRING OR WIRE SET FROM THE SURVEY STAKES. ALL ADJUSTMENTS OF PIPE TO LINE AND GRADE SHALL BE MADE BY SCRAPING AWAY OR FILLING IN AND TAMPING UNDER THE BODY OF THE PIPE, NOT BY BLOCKING OR WEDGING.
 - THE MANUFACTURER'S RECOMMENDATIONS ON PROPER PROCEDURES FOR LAYING PIPE SHALL BE FOLLOWED.
 - ALL PIPE SHALL BE LAID WITH THE BELL END UPSTREAM AND SHALL BE LAID UPSTREAM FROM STRUCTURE TO STRUCTURE. THREE GRADE STAKES PER 100 FOOT INTERVAL SHALL BE PROVIDED, AND EACH STAKE SHALL BE USED IN ESTABLISHING THE GRADE AND ALIGNMENT FOR THE SEWER.
 - LEACH LINES SHALL BE CONSTRUCTED AS PER THE DETAILS SHOWN ON THE PLAN. THE CONTRACTOR SHALL CONFIRM INFILTRATIVE CAPABILITY OF TRENCH PRIOR TO PLACEMENT OF LEACH LINE AND GRAVEL.
 - DISTRIBUTION LINE: THE DISTRIBUTION PIPE SHALL BE P.V.C. 1120 PRESSURE RATED PIPE 125 P.S.I. - SDR 32.5 CONFORMING TO A.S.T.M. D2241.
 - CONNECTIONS: CONNECTIONS ARE TO BE MADE USING SOLVENT CEMENT JOINTS PER MANUFACTURER'S RECOMMENDATIONS CAPABLE OF SUPPORTING THE LINE RATED PRESSURE.
 - LEACH LINES: USE RING, RITE P.V.C. PRESSURE PIPE 4 INCH DIAMETER - 125 P.S.I. RATED CONFORMING TO A.S.T.M. D2241. PIPE TO BE PERFORATED AS SHOWN ON THE PLANS. FITTINGS TO BE RUBBER RINGS CONFORMING TO A.S.T.M. D1869.
 - GRAVEL: COARSE GRADED GRAVEL USED IN LEACH LINE IS TO BE 1/2 INCH MINIMUM TO 2 1/2 INCH MAXIMUM AGGREGATE.
 - PAPER BARRIER: UNTREATED BUILDING PAPER IS TO BE USED AS A BARRIER ON TOP OF THE GRAVEL SEPARATING THE ROCKS FROM THE SOIL BACKFILL.

DESIGN OF LEACH FIELD SYSTEM



HAWKINS & ASSOCIATES ENGINEERING
436 MITCHELL RD.
MODESTO, CA 95354
PH: (209) 575 - 4295
FX: (209) 578 - 4295

RUEDDY ENTERPRISES, INC.
STANISLAUS COUNTY, CALIFORNIA

SEPTIC SYSTEM DETAILS AND SPECIFICATIONS
GEER ROAD MINI STORAGE

BY: RCE
CHK: RCE
DATE: 11/2007
SCALE: VARIES
JOB #: 2617
FILE: BASE

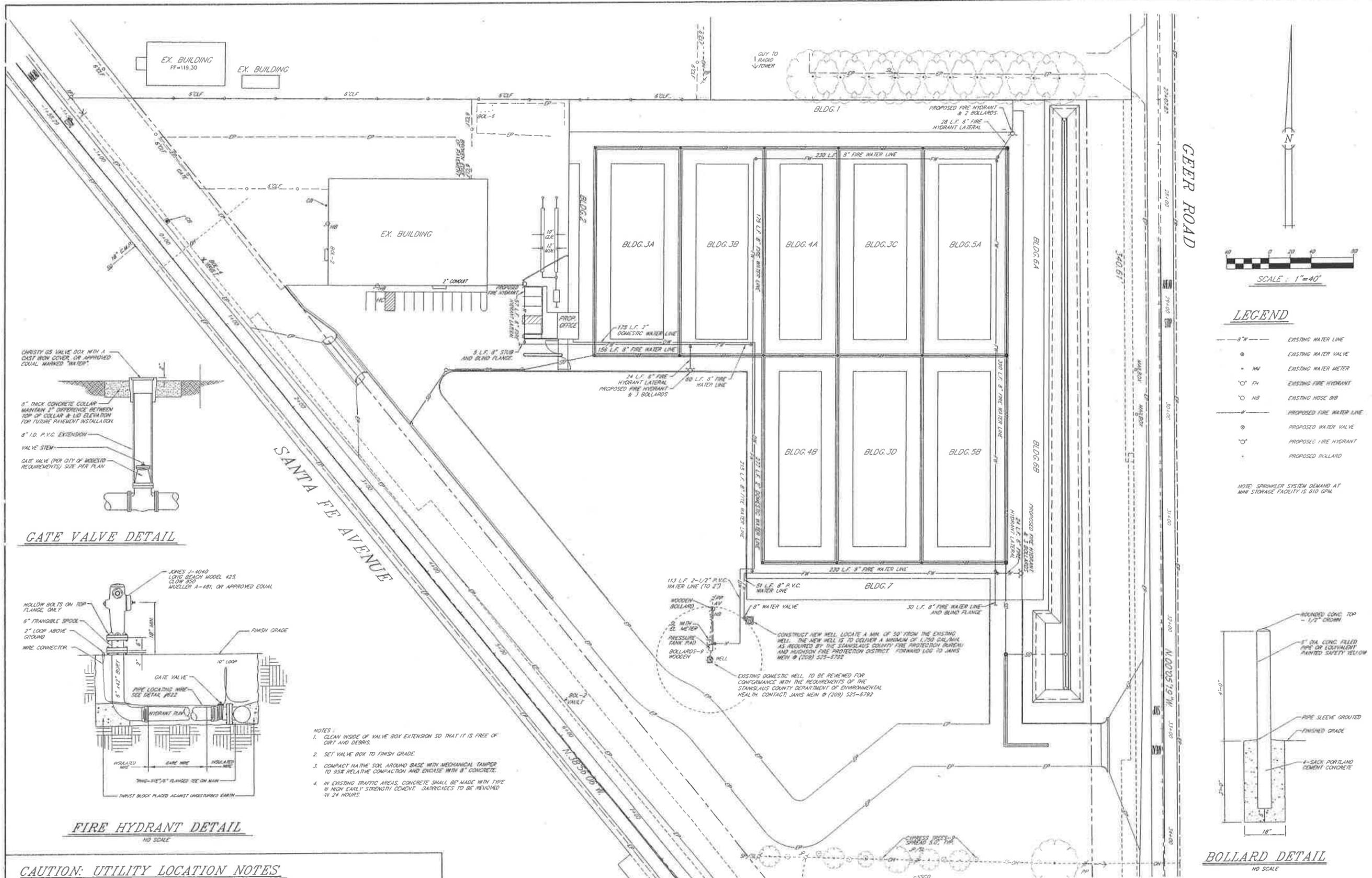
R.C.E. 50188
R.C.E. 8900 L.S. 4709
R.C.E. 49080

DESCRIPTION OF REVISION

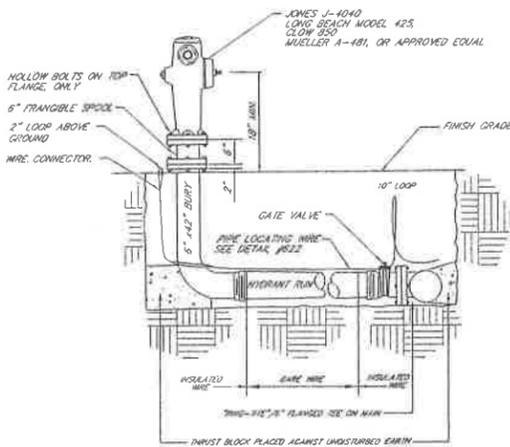
SYMBOL DATE

SHEET 7 OF 10

2617



GATE VALVE DETAIL



FIRE HYDRANT DETAIL

NO SCALE

- NOTES:
- CLEAN INSIDE OF VALVE BOX EXTENSION SO THAT IT IS FREE OF DIRT AND DEBRIS.
 - SET VALVE BOX TO FINISH GRADE.
 - COMPACT NATIVE SOIL AROUND BASE WITH MECHANICAL TAMPER TO 55% RELATIVE COMPACTION AND ENCASE WITH 8" CONCRETE.
 - IN EXISTING TRAFFIC AREAS, CONCRETE SHALL BE MADE WITH TYPE III HIGH EARLY STRENGTH CEMENT. BARRICADES TO BE REMOVED IN 24 HOURS.

CAUTION: UTILITY LOCATION NOTES

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CONSTRUCTION STAKING LIABILITY WAIVER

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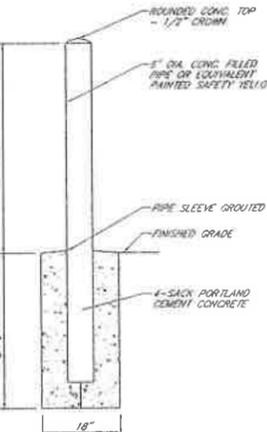
BEFORE DIGGING CALL USA, TOLL FREE 800-227-2600

BEFORE PLANTING TREES, BENCHMARKING POST HOLES, BLASTING, GRADING, EXCAVATING, BORING, DRILLING, ETC. CALL UNDERGROUND SERVICE AGENCY FOR UNDERGROUND CLEARANCE. THEY WILL PROVIDE INFORMATION ON LOCATION AND MARK UNDERGROUND FACILITIES FOR YOU.

LEGEND

- 8" W — EXISTING WATER LINE
- EXISTING WATER VALVE
- M — EXISTING WATER METER
- FH — EXISTING FIRE HYDRANT
- HB — EXISTING HOSE BIB
- W — PROPOSED FIRE WATER LINE
- — PROPOSED WATER VALVE
- — PROPOSED FIRE HYDRANT
- — PROPOSED BOLLARD

NOTE: SPRINKLER SYSTEM DEMAND AT MINI STORAGE FACILITY IS 810 GPM.



BOLLARD DETAIL

NO SCALE

CHAD E. LINDSAY
4-1-10

DRF	BY: RODRICK H. HAWKINS	R.C.E. 50188
CBL	CHK: CROLE E. LINDSAY	R.C.E. 31900, L.S. 4709
DATE: 11/20/07	PATRICK GARVEY	R.C.E. 49080
SCALE: 1" = 40'	DESCRIPTION OF REVISION	APPROVED
JOB #: 2617		
FILE: BASE		

FIRE WATER PLAN
GEER ROAD MINI STORAGE
RUDDY ENTERPRISES, INC.
 STANISLAUS COUNTY, CALIFORNIA

HAWKINS & ASSOCIATES
ENGINEERING
 436 MITCHELL RD.
 MODESTO, CA 95354
 PH: (209) 575-4295
 FX: (209) 578-4295



OFFSITE PLANS

GEER ROAD AND SANTA FE AVENUE AT SANTA FE CROSSING

STANISLAUS COUNTY, CALIFORNIA



VICINITY MAP
NO SCALE

SPECIFICATIONS

GENERAL NOTES

1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANISLAUS COUNTY DEPARTMENT OF PUBLIC WORKS 2007 IMPROVEMENT STANDARDS AND ALL OTHER CODES OR REGULATIONS IN FORCE BY APPLICABLE GOVERNING AGENCIES.
2. BENCHMARK: A 2" IRON PIPE LOCATED AT THE CENTERLINE INTERSECTION OF GEER ROAD AND SANTA FE AVENUE.
ELEVATION = 124.15' - NAV88
3. WHERE PLANS OR SPECIFICATIONS DESCRIBE PORTIONS OF THE WORK IN GENERAL TERMS, IT IS UNDERSTOOD THAT ONLY FIRST QUALITY WORKMANSHIP AND MATERIALS ARE TO BE USED.
4. THE CONTRACTOR AGREES TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING CONSTRUCTION, INCLUDING JOB SITE SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO WORKING HOURS. THE CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD HAWKINS & ASSOCIATES ENGINEERING, INC. HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH WORK PERFORMED ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF HAWKINS & ASSOCIATES ENGINEERING, INC.
5. THE EXISTING UNDERGROUND UTILITIES ARE SHOWN IN APPROXIMATE LOCATIONS ONLY AND ARE BASED UPON INFORMATION PROVIDED BY UTILITY COMPANIES AND BY MEASUREMENT OF SURFACE FEATURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE VERIFICATION OF THE LOCATION OF ALL UNDERGROUND FACILITIES AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH OCCUR DUE TO FAILURE TO LOCATE AND PRESERVE SUCH UTILITIES.
6. CAUTION: CALL UNDERGROUND SERVICE ALERT (USA) BEFORE YOU DIG, PRIOR TO BORES, GRADING, EXCAVATION, DRILLING, TRENCHING, SETTING POSTS, PLANTING TREES, ETC. USA WILL PROVIDE INFORMATION OR OR LOCATE AND MARK UNDERGROUND UTILITIES.
CALL USA, TOLL FREE AT 1 (800) 227-2600.
7. CONTRACTOR SHALL LOCATE AND PRESERVE ALL FACILITIES INCLUDING GAS, WATER, IRRIGATION, SEWER, POWER, STREET LIGHTS, TELEPHONE, AND OTHERS WHICH MAY BE IN THE AREA OF CONSTRUCTION. UTILITY COMPANIES SHALL BE NOTIFIED PRIOR TO COMMENCEMENT OF WORK.
8. ALL CASTINGS AND COVERS SHALL BE ADJUSTED TO FINISH GRADE BY THE PAVING CONTRACTOR AFTER STREET IMPROVEMENTS ARE COMPLETE.
9. AN ENCROACHMENT PERMIT SHALL BE OBTAINED FROM THE COUNTY OF STANISLAUS BEFORE BEGINNING WORK IN THE PUBLIC RIGHT-OF-WAY.
10. STAKING LINES AND GRADES: ALL STATIONS AND DIMENSIONS ARE GIVEN OR WILL BE MADE IN A HORIZONTAL PLANE. GRADES ARE REFERENCED FROM THE TOP OF STAKES OR NAILS, UNLESS OTHERWISE NOTED.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PRESERVATION OF ALL STAKES AND CONTROL POINTS PROVIDED FOR PROJECT CONSTRUCTION. EXPENSES INCURRED FOR REPLACEMENT OF STAKES OR CONTROL POINTS SHALL BE BORN BY THE CONTRACTOR.
12. THE CONTRACTOR SHALL PROVIDE, AT HIS EXPENSE, APPROPRIATE DUST CONTROL AS REQUIRED FOR THE PREVENTION AND/OR ALLEVIATION OF DUST NUISANCE DURING THE COURSE OF PROJECT CONSTRUCTION.
13. THE CONTRACTOR SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL SAFETY REGULATIONS PERTAINING TO HIS OPERATIONS. HE SHALL PROVIDE SIGNS, BARRICADES, FLAG MEN OR OTHER DEVICES NECESSARY FOR PUBLIC SAFETY. THE CONTRACTOR'S ATTENTION IS CALLED TO THE REQUIREMENTS OF TITLE 8, OF THE CALIFORNIA ADMINISTRATIVE CODE, SUBCHAPTER 4, ARTICLE 6, "EXCAVATIONS, TRENCHES, EARTHWORK".

14. THE CONTRACTOR SHALL COMPLY WITH THE REQUIREMENTS OF CHAPTER 9, SECTION 8703, 8708 AND 8707 OF THE STATE LABOR CODE. THE CONTRACTOR SHALL SUBMIT, FOR APPROVAL, A DETAILED PLAN SHOWING DESIGN OF ALL SHORING, BRACING, SLOPE CUTS AND OTHER PROVISIONS FOR WORKER PROTECTION IN AREAS OF EXCAVATION EXCEEDING FIVE FEET IN DEPTH. IF SUCH PLAN VARIES FROM SHORING SYSTEM STANDARDS, THE PLANS SHALL BE PREPARED BY A REGISTERED CIVIL OR STRUCTURAL ENGINEER.
15. WARNING: HAWKINS & ASSOCIATES ENGINEERING, INC. WILL NOT BE RESPONSIBLE OR LIABLE FOR UNAUTHORIZED USES OR CHANGES TO THESE PLANS AND SPECIFICATIONS. ONLY SIGNED AND APPROVED HARD COPIES OF THESE PLANS SHALL BE USED FOR CONSTRUCTION. ANY CHANGES TO THESE PLANS MUST BE IN WRITING AND APPROVED BY HAWKINS & ASSOCIATES ENGINEERING, INC.
16. IT IS INTENDED THAT HAWKINS & ASSOCIATES ENGINEERING, INC. WILL PROVIDE THE CONSTRUCTION STAKING FOR THIS PROJECT, HOWEVER, SHOULD ANOTHER ENGINEERING AND/OR SURVEYING FIRM BE EMPLOYED TO USE THESE PLANS FOR THE PURPOSE OF PROVIDING CONSTRUCTION STAKING, NOTICE IS HEREBY GIVEN THAT HAWKINS & ASSOCIATES ENGINEERING, INC. WILL NOT ASSUME ANY RESPONSIBILITY FOR ERRORS OR OMISSIONS, IF ANY, WHICH MAY OCCUR, AND WHICH COULD HAVE BEEN AVOIDED, CORRECTED, OR OTHERWISE MITIGATED HAD HAWKINS & ASSOCIATES ENGINEERING, INC. PERFORMED THE STAKING WORK.

GRADING NOTES

17. AFTER CLEARING AND DISKING, THE EXPOSED SOIL SURFACE SHALL BE SCARIFIED AND RECOMPACTED TO A MINIMUM DEPTH OF 6". THE RECOMMENDED DEGREE OF RECOMPACTATION IS 90% IN BUILDING AREAS, AND 95% IN AREAS TO BE COVERED WITH ASPHALT PAVING. THESE PERCENTAGES REFER TO MAXIMUM DRY DENSITY AS OBTAINED BY THE ASTM D-1557-78 TEST PROCEDURE.
18. THE GENERAL CONTRACTOR SHALL COORDINATE THE WORK OF THE GRADING AND LANDSCAPE CONTRACTORS WITH RESPECT TO FINISH GRADING IN PLANTING AREAS. THE GRADING CONTRACTOR SHALL STOCKPILE APPROPRIATE YARDAGE FROM SITE PREPARATION FOR THIS USE. THE EXACT AMOUNT SHALL BE DETERMINED BY THE LANDSCAPE CONTRACTOR. THE DIRT STOCKPILED SHALL BE FREE FROM GRASS, WEEDS, AND OTHER DEBRIS. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR FINAL PLACEMENT AND GRADING IN MOUNDING AREAS.
19. COMPACTION TESTS: CONTRACTOR TO PROVIDE COMPACTION TESTING AS REQUIRED BY STANISLAUS COUNTY, AT THE CONTRACTOR'S EXPENSE. AS A MINIMUM, TESTS SHALL BE PERFORMED AT 200 FOOT INTERVALS. ALL TESTING MUST BE PERFORMED BY A LICENSED TESTING FIRM. ALL TEST RESULTS SHALL BE PROVIDED TO THE ENGINEER FOR REVIEW.

OWNER

RUDDY ENTERPRISES, INC.
1115 13TH STREET
MODESTO, CALIF. 95354
PHONE (209) 529-9993
FAX (209) 522-4618

INDEX

- ST1. GENERAL SPECIFICATIONS, VICINITY MAP & INDEX
- ST2. GEER ROAD PLAN AND PROFILE
- ST3. SANTA FE AVENUE PLAN AND PROFILE - SHEET 1
- ST4. SANTA FE AVENUE PLAN AND PROFILE - SHEET 2

DATE	DESCRIPTION OF REVISION	APPROVED

BY:	DWF/IRCS
CHK:	FHH
DATE:	1/20/11
SCALE:	1" = 40'
JOB #:	2617
FILE:	BASE

**GENERAL SPECIFICATIONS, VICINITY MAP AND INDEX
GEER ROAD MINI STORAGE**

RUDDY ENTERPRISES, INC.
STANISLAUS COUNTY, CALIFORNIA

**HAWKINS & ASSOCIATES
ENGINEERING**
436 MITCHELL RD.
MODESTO, CA 95364
PH: (209) 575 - 4295
FX: (209) 578 - 4295



WDID NO.: 5550C350500

APPROVED BY THE STANISLAUS COUNTY
DEPARTMENT OF PUBLIC WORKS.

BY: *[Signature]*
Sr. Civil Engineer

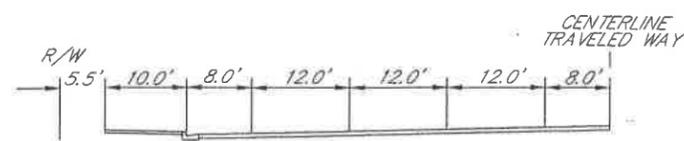
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OF
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2617

CONSTRUCTION STAKING LIABILITY WAIVER
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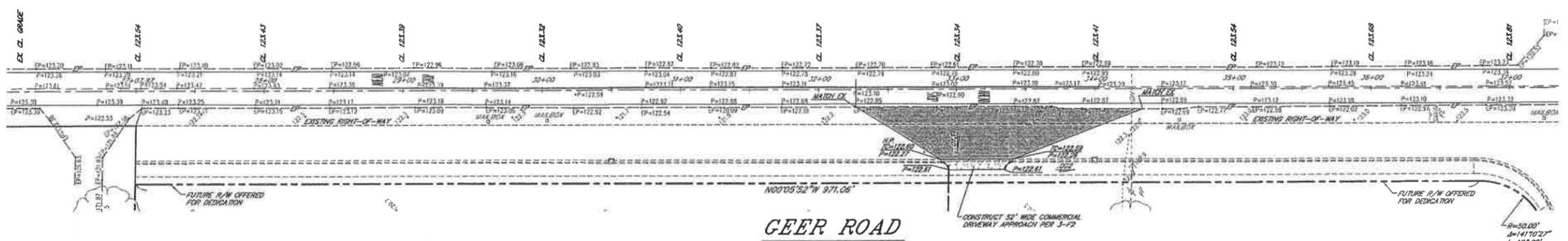
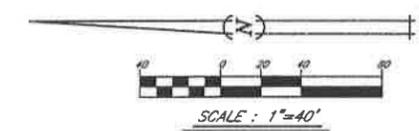
**BEFORE DIGGING CALL USA, TOLL FREE
800-227-2600**

BEFORE PLANTING TREES, TRENCHING, POST HOLES,
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CALL UNDERGROUND SERVICE ALERT FOR UNDERGROUND
CLEARANCE. THEY WILL PROVIDE INFORMATION OR
LOCATE AND MARK UNDERGROUND FACILITIES FOR YOU.



67.5' HALF STREET - GEER ROAD (FUTURE)

NOTE
ALL TOP OF CURB GRADES ARE FROM THE "STANISLAUS COUNTY INTERSECTION WIDENING PROJECT, PHASE 1: SANTA FE AND GEER ROAD", 60% CD DATED SEPTEMBER 20, 2010 BY BKF.



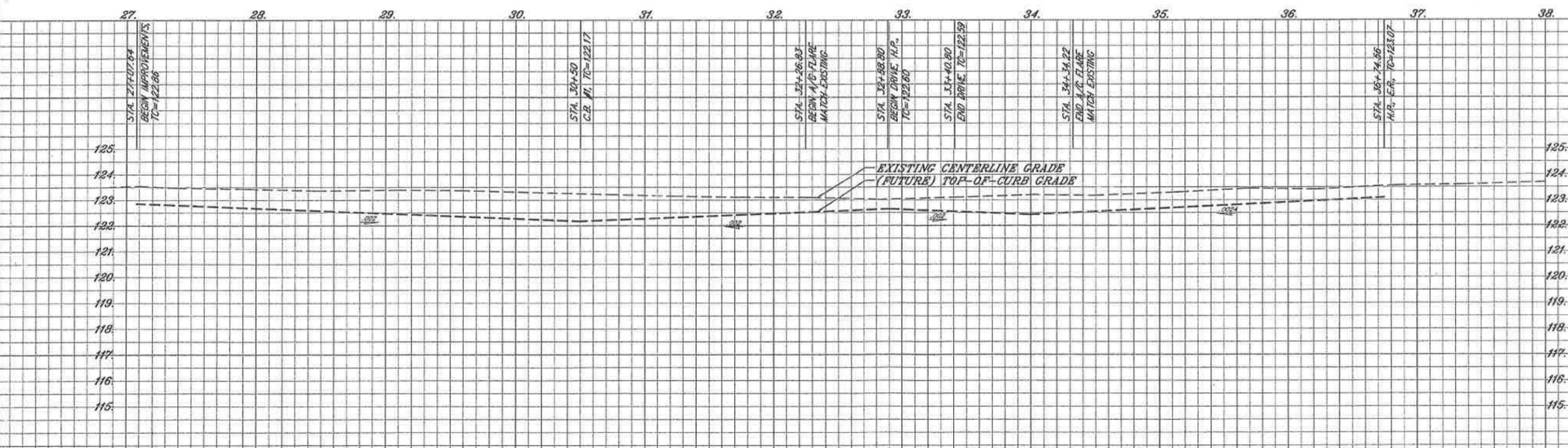
LEGEND

100.0	EXISTING GROUND ELEVATION	---	EXISTING SIGN, AS NOTED	---	EXISTING OVERHEAD LINE	CL 123.54	PROP. CENTERLINE ELEV. PER COUNTY DESIGN DRAWINGS
C=100.00	EXISTING CONCRETE ELEVATION	---	EXISTING DOLLARD	---	EXISTING STRIPING	TC=122.43 / RM=121.33	PROP. ELEV. @ CURB & GUTTER PER COUNTY DESIGN DRAWINGS
TC=100.00	EXISTING TOP-OF-CURB ELEVATION	---	EXISTING STORM DRAIN LINE	---	PROPOSED MEDIAN CURB (PER STAN. CO. DTL. J-102)	.020	DIRECTION OF FLOW/SLOPE
P=100.00	EXISTING PAVEMENT ELEVATION	---	EXISTING CATCH BASIN	---	PROPOSED 6" CURB & GUTTER (PER STAN. CO. DTL. J-01)	30+00	CENTERLINE STATIONS PER COUNTY DESIGN DRAWINGS
EP=100.00	EXISTING EDGE-OF-PAVEMENT ELEVATION	---	EXISTING JOINT POLE	---	PROPOSED CURB, GUTTER & SIDEWALK (CURB & GUTTER AS ABOVE, SIDEWALK PER STAN. CO. DTL. J-08)	CL 123.00	FUTURE CENTERLINE GRADE AT SANTA FE AVENUE (ULTIMATE R/W CONSTRUCTION)
FL=100.00	EXISTING FLOWLINE ELEVATION	---	EXISTING POWER POLE	---	PROPOSED AREA OF AC PAVING, 7" A.C. OVER 8.5" A.B. ON NATIVE SOILS SCARIFIED AND COMPACTED TO 95% P.D. IN CONFORMANCE WITH SEC. 19-3.03 OF THE CALTRANS STANDARD SPECIFICATIONS AND THE STANISLAUS COUNTY STANDARDS AND SPECIFICATIONS		
LP=100.00	EXISTING LP ELEVATION	---	EXISTING SERVICE POLE	---			
RM=100.00	EXISTING RM ELEVATION	---	EXISTING JOINT POLE W/ GUY WIRE	---			
EP	EXISTING EDGE-OF-PAVEMENT	---	EXISTING POWER POLE W/ GUY WIRE	---			
6" CL	EXISTING CHAIN LINK FENCE HEIGHT AS NOTED	---	EXISTING SERVICE POLE W/ GUY WIRE	---			
	EXISTING TREE, SPREAD TO SCALE	---	EXISTING SITE LIGHT	---			
		---	EXISTING GAS LINE	---			
		---	EXISTING VAULT	---			

CAUTION: UTILITY LOCATION NOTES

1. EXISTING UNDERGROUND UTILITIES ARE SHOWN AS THEY ARE BELIEVED TO EXIST. THE LOCATIONS SHOWN ARE BASED ON RECORD INFORMATION PROVIDED BY OTHERS AND BY FIELD LOCATION OF SURFACE FEATURES. THIS INFORMATION IS PROVIDED ONLY AS AN AID TO THE CONTRACTOR. THEREFORE, THE OWNER AND ENGINEER CANNOT ACCEPT RESPONSIBILITY FOR THE LOCATION AND/OR DEPTH OF EXISTING UNDERGROUND UTILITIES. PRIOR TO COMMENCING WORK THE CONTRACTOR SHALL HAVE EACH UTILITY COMPANY ACCURATELY LOCATE IN THE FIELD THEIR MAINS AND SERVICE LINES. CONTRACTOR SHALL VERIFY LOCATION (BOTH VERTICAL AND HORIZONTAL) OF ALL EXISTING UNDERGROUND UTILITIES AND NOTIFY ENGINEER OF ANY DISCREPANCIES OR CONFLICTS. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO PROTECT ALL EXISTING UTILITIES, SO THAT NO DAMAGE RESULTS TO THEM DURING THE PERFORMANCE OF HIS WORK. AT LEAST 48 HOURS PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL CONTACT U.S.A. AT 1-800-227-2600.

2. SECTION 1540 (A) (1) OF THE CONSTRUCTION SAFETY ORDERS (TITLE 8 CALIFORNIA ADMINISTRATION CODE SECTION 1540) ISSUED BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD PURSUANT TO THE CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH ACT OF 1974, AS AMENDED, STATES:
"PRIOR TO OPENING AN EXCAVATION, EFFORT SHALL BE MADE TO DETERMINE WHETHER UNDERGROUND INSTALLATIONS, I.E. SEWER, WATER, FUEL, ELECTRIC LINES, ETC., WILL BE ENCOUNTERED AND IF SO, WHERE SUCH UNDERGROUND INSTALLATIONS ARE LOCATED. WHEN EXCAVATION APPROACHES THE APPROXIMATE LOCATION OF SUCH AN INSTALLATION, THE EXACT LOCATION SHALL BE DETERMINED BY CAREFUL PROBING OR HAND DIGGING AND WHEN IT IS UNCOVERED, ADEQUATE PROTECTION SHALL BE PROVIDED FOR THE INSTALLATION. ALL KNOWN OWNERS OF UNDERGROUND FACILITIES IN THE AREA CONCERNED SHALL BE ADVISED OF PROPOSED WORK AT LEAST 48 HOURS PRIOR TO THE START OF ACTUAL EXCAVATION."



CONSTRUCTION STAKING LIABILITY WAIVER

THESE IMPROVEMENT PLANS HAVE BEEN PREPARED WITH THE INTENT THAT THE FIRM OF HAWKINS & ASSOCIATES ENGINEERING WILL BE PERFORMING THE CONSTRUCTION STAKING FOR THE COMPLETE PROJECT. IF HOWEVER, ANOTHER ENGINEERING AND/OR SURVEYING FIRM SHOULD BE EMPLOYED TO USE THESE PLANS FOR THE PURPOSE OF CONSTRUCTION STAKING, NOTICE IS HEREBY GIVEN THAT THE FIRM OF HAWKINS & ASSOCIATES ENGINEERING WILL NOT ASSUME ANY RESPONSIBILITY FOR ERRORS OR OMISSIONS, IF ANY, WHICH MIGHT OCCUR AND WHICH COULD HAVE BEEN AVOIDED, CORRECTED OR MITIGATED IF HAWKINS & ASSOCIATES ENGINEERING HAD PERFORMED THE STAKING WORK.

BEFORE DIGGING CALL USA TOLL FREE 800-227-2600

BEFORE PLACING PILES, BRIDGES, POST HOLES, BASTINGS, GRADING, EXCAVATING, BORING, DRILLING, ETC. CALL UNDERGROUND SERVICE ALERT FOR UNDERGROUND CLEARANCE. THEY WILL PROVIDE INFORMATION OF LOCATION AND MARK UNDERGROUND FACILITIES FOR YOUR PROTECTION.



**GEER ROAD PLAN AND PROFILE
GEER ROAD MINI STORAGE**

**HAWKINS & ASSOCIATES
ENGINEERING, INC.**
456 MITCHELL RD.
MODESTO, CA 95354
PH: (209) 575-4295
FX: (209) 578-4295



RUDDY ENTERPRISES, INC.
STANISLAUS COUNTY, CALIFORNIA

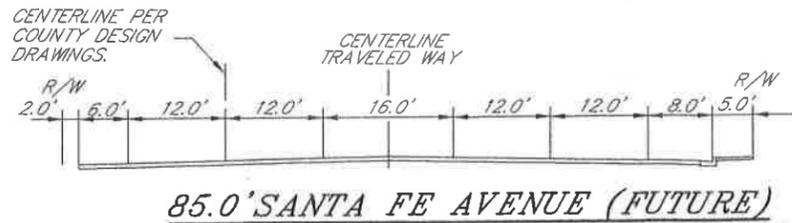
BY: DRH/HCS	DATE: 1/20/11	SCALE: 1" = 40'	FILE: BASE
CHK: RH	DATE: 1/20/11	JOB #: 2617	
DESCRIPTION OF REVISION	DATE		

RCE 50188
RCE 3900, L.S. 4709
RODRICK H. HAWKINS
CROLE E. LINDSAY

CAUTION: UTILITY LOCATION NOTES

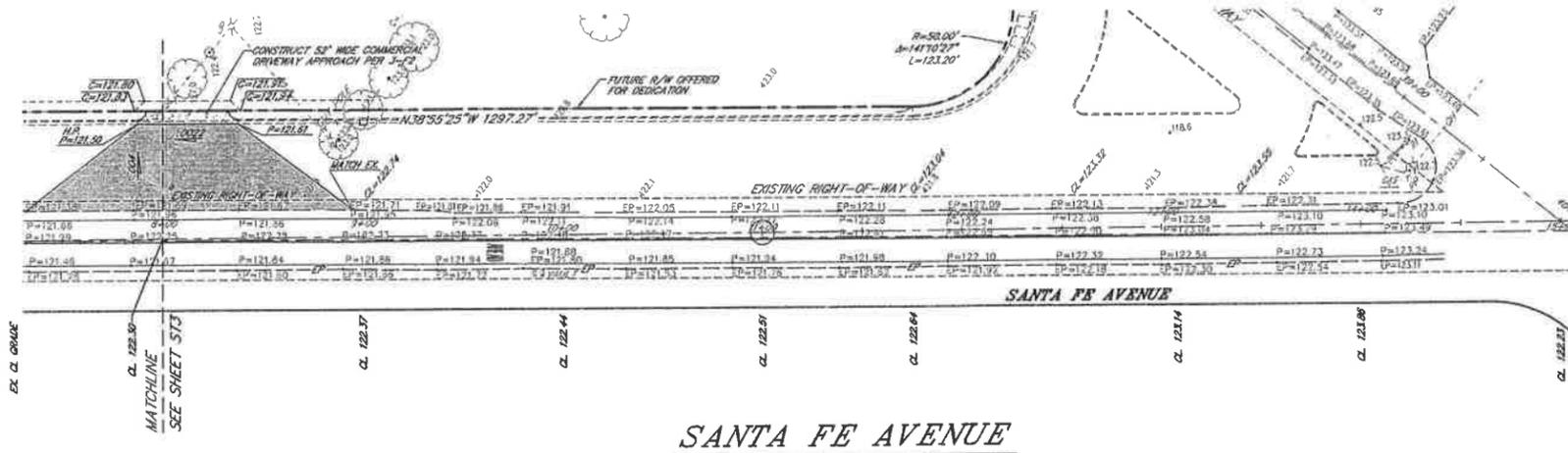
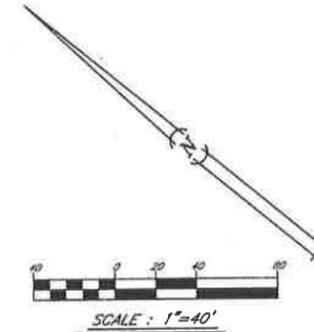
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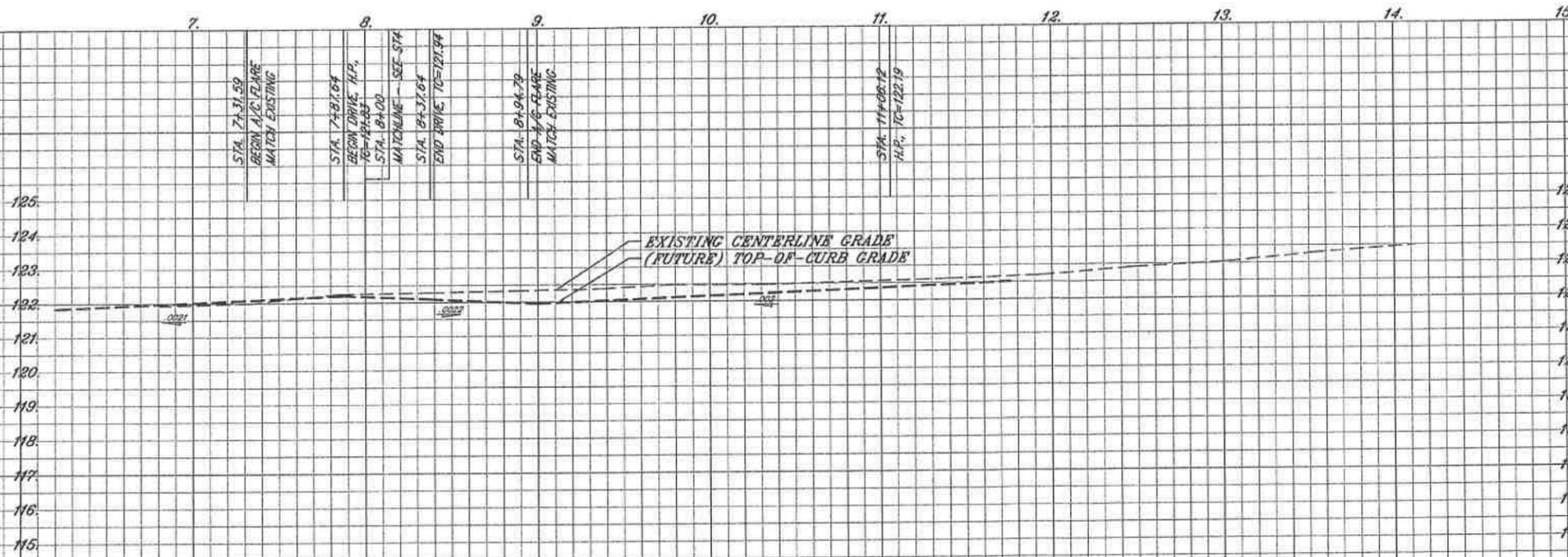


NOTE

ALL TOP OF CURB GRADES ARE FROM THE "STANISLAUS COUNTY INTERSECTION WIDENING PROJECT, PHASE 1: SANTA FE AND GEEB ROAD", 60% CD DATED SEPTEMBER 20, 2010 BY BKF.



SANTA FE AVENUE



CONSTRUCTION STAKING LIABILITY WAIVER

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BEFORE DIGGING CALL USA, TOLL FREE 800-227-2600

BEFORE PLANTING TREES, TREENING POST HOLEING, BRACING, GRADING, EXCAVATING, BORING, DRILLING, ETC. CALL UNDERGROUND SERVICE ALERT FOR UNDERGROUND CLEARANCE. THEY WILL PROVIDE INFORMATION OR LOCATE AND MARK UNDERGROUND FACILITIES FOR YOU.

BY: DRE/RSB	RODRICK H. HAWKINS	R.C.E. 50188
CHK: FHH	CROLE E. LINDSAY	R.C.E. 3900, L.S. 4709
DATE: 1/20/11		
SCALE: 1" = 40'		
JOB #: 2617		
FILE: BASE		
SANTA FE AVENUE PLAN AND PROFILE - 2		
GEER ROAD MINI STORAGE		
RUDDY ENTERPRISES, INC.		
STANISLAUS COUNTY, CALIFORNIA		
HAWKINS & ASSOCIATES ENGINEERING, INC.		
436 MITCHELL RD. MODESTO, CA 95354 PH: (209) 575-4285 FX: (209) 578-4295		
SHEET	ST4.	
OF	4.	
	2617	



RECORDED AT REQUEST OF:
Department of Public Works
Stanislaus County

Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2011-0043758-00

Acct 402-Counter Customers
Monday, MAY 23, 2011 13:35:29
Ttl Pd \$0.00 Nbr-0003059734
OCE/R2/1-6

WHEN RECORDED, MAIL TO:
Department of Public Works
Stanislaus County
ATTN: Angie Halverson
1716 Morgan Road
Modesto, CA 95358

Space Above This Line For Recorder's Use

**COUNTY OF STANISLAUS
DEPARTMENT OF PUBLIC WORKS**

4306 Santa Fe Avenue
Street Address of Lot or Parcel
Hughson, California
Name of Town or Post Office
APN: 045-007-031

STREET IMPROVEMENT AGREEMENT

This Agreement, made and entered into this 9th day of May, 2011, by and between the County of Stanislaus, hereinafter called "County", and Ruddy Enterprises, Incorporated, hereinafter called "Owner".

WITNESSETH

WHEREAS, application has been made by the Owner for a Planned Development Rezone requiring the full improvement of:

4306 Santa Fe Avenue

Name of Street(s)

Hughson, California

Name of Town

in accordance with the Ordinance Code of Stanislaus County; and

WHEREAS, the Ordinance Code of Stanislaus County authorizes the execution of a Street Improvement Agreement in lieu of immediate installation of such improvements.

NOW, THEREFORE, it is mutually agreed as follows:

1. That Owner, after finding by the Board of Supervisors that the deferred improvements should be constructed and installed upon demand of the Director of Public Works, shall construct and install or cause to be constructed and installed, at Owner's own cost and expense, the deferred improvements described herein in accordance with applicable County of Stanislaus improvement standards on the publicly maintained street(s) to be widened and improved by County adjoining the property described on the attachment hereto. Such improvements shall consist of concrete sidewalks approved by the County of Stanislaus and shall only be demanded upon completion by County, in County's sole and full discretion, of the County's Geer Road at Santa Fe Avenue improvement project.
2. That the cost of the required deferred improvements is estimated at this time to be **\$88,000.00**, said total amount to become a lien upon the Undersigned's lot or parcel upon the recording of this Agreement in the Office of the County Recorder.
3. That if the Owner refuses or neglects to install the required improvements within thirty (30) days after notification by the Director of Public Works, said improvements shall be installed pursuant to Chapter 27, Part 3, Division 7 (Section 5870 et seq.) of the Streets and Highways Code.

4. That upon the satisfactory completion of the deferred improvements, the County shall record a release exonerating the Agreement.
5. That each and every one of the provisions of this Agreement, herein contained, shall bind and inure to the benefit of the successors in interest of the parties hereto in the same manner as if they had herein been expressly named.
6. That the provisions of this Agreement shall inure to an incorporated city, should the lot or parcel described herein be annexed or included within a city newly formed.
7. That the property herein referred to is owned by Owner and is the property described in the attachment hereto. County and Owner agree that the Irrevocable Offer of Dedication – Road and Public Utility Easement dated 5/9/2011, the construction/installation of the improvements shown on the improvement plans approved by the County on May 10, 2011, and the construction/installation of the deferred improvements under this Agreement constitute satisfaction of conditions 25, 26, 27, 28, and 30 in the development standards for rezone 2007-1, approved January 8, 2008.

IN WITNESS WHEREOF, the County and Owner have executed this Agreement
the day and year first above written.

x Margaret S Potter By:
Margaret E. Potter
Secretary

COUNTY OF STANISLAUS

Matt Machado

**Matt Machado, Director
Department of Public Works**

5/19/11
Date

ATTACHMENT

Parcel "B " as per Parcel Map thereof recorded on May 8, 1974 in Book 19 of Parcel Maps, Page 13, Stanislaus County Records, subject to any easement of right-of-way

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Stanislaus

On May 9, 2011 before me, La Mona Davis
Date Here Insert Name and Title of the Officer

personally appeared Margaret E. Potter
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature La Mona Davis
Signature of Notary Public



#1841844

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: County of Stanislaus - Street Improvement Agreement

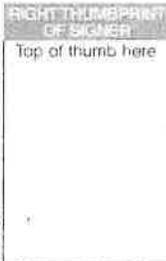
Document Date: May 9, 2011 Number of Pages: 5

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Margaret E Potter

- Individual
- Corporate Officer — Title(s): Secretary
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: Ruddy Enterprises Inc

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____



Stanislaus, County Recorder
 Lee Lundrigan Co Recorder Office
DOC- 2011-0043757-00

Acct 402-Counter Customers
 Monday, MAY 23, 2011 13:35:20
 Ttl Pd \$0.00 Nbr-0003059733
 OCE/R2/1-5

NO FEE
RECORDING REQUESTED BY:
BOARD OF SUPERVISORS

RETURN TO:
 STANISLAUS COUNTY
 DEPARTMENT OF PUBLIC WORKS
 1716 MORGAN ROAD
 MODESTO, CA 95358

IRREVOCABLE OFFER OF DEDICATION - ROAD AND PUBLIC UTILITY EASEMENT

Road Name: Geer Road and Santa Fe Avenue

A.P.N. 045-007-031

The undersigned, being the present title owner of record of the herein described parcel of land, do hereby make an irrevocable offer of dedication to the COUNTY OF STANISLAUS, a political subdivision of the State of California, and its successors or assigns, for road and public utility easement purposes, the real property situated in the COUNTY OF STANISLAUS, State of California, described in Exhibit "A" (written description) and shown on Exhibit "B" (plat map) attached hereto.

It is understood and agreed that COUNTY OF STANISLAUS and its successors or assigns shall incur no liability with respect to such offer of dedication, and shall not assume any responsibility for the offered parcel of land or any improvements thereon or therein, until such offer has been accepted by appropriate action of the Board of Supervisors.

The provisions hereof shall inure to the benefit of and be binding upon heirs, successors, assigns, and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, these present have executed this instrument this 9th day of May, 2011.

UNDERSIGNED:

RUDDY ENTERPRISES, INC., a California Corporation

SEE EXHIBITS "A" and "B"

(Sign) *Margaret G. Potter* May 9, 2011

(Print) Margaret G. Potter, Secretary

Dated: _____

(Sign) _____

(Print) _____

Dated: _____

NOTE: Signatures must be notarized.

APPROVED as to description: LSF Dated: 5/19/2011

(Authority of Stanislaus County Code: Title 13, Chapter 13.08)

CE

CERTIFICATE OF ACCEPTANCE AND CONSENT TO RECORDATION

This is to certify that the interest in real property conveyed by the deed or grant dated 9-MAY-11

From Ruddy Enterprises, Inc., a California Corporation to County of Stanislaus a political subdivision of the State of California, is hereby **not accepted** at this time, but reserving the right to accept at any future time on behalf of the public by the undersigned officer or agent on behalf of the Board of Supervisors of the County of Stanislaus, pursuant to authority conferred by resolution of the Board of Supervisors of the County of Stanislaus adopted on May 12, 1998 in accordance with the provisions of Government Code Section 27281. The grantee consents to recordation thereof by its duly authorized officer.

Wayne G. Sutton PLS 3863
County Surveyor Stanislaus County, State of California

Signed: Wayne G. Sutton Dated: 23-MAY-11



EXHIBIT "A"
LEGAL DESCRIPTION
APN 045-007-031(PORTION)

BEING a portion of Parcel B of that certain map, "Parcel Map for Dave Wilson Nursery, Inc." filed for record in Book 19 of Parcel Maps at Page 13, Stanislaus County Records, lying in the Northeast Quarter of Section 22, Township 4 South, Range 10 East, Mount Diablo Base and Meridian, said dedication being more particularly described as follows:

BEGINNING at the most southerly corner of said Parcel B, said corner also being the point of intersection of the northeasterly right-of-way line of Santa Fe Avenue, with the westerly right-of-way line of Geer Road, as shown on the above said map; Thence North $38^{\circ}39'40''$ West, along the said northeasterly line of Santa Fe Avenue, a distance of 1600.02 feet to the most westerly corner of said Parcel B; thence South $89^{\circ}19'10''$ East, along the northerly line of said Parcel, a distance of 58.19 feet to a point which lies 45.00 feet, measured perpendicularly, from the said northeasterly right-of-way line of Santa Fe Avenue; thence South $38^{\circ}39'40''$ East, parallel with and 45.00 feet distant from last said right-of-way, a distance of 1297.57 feet to the point of tangency with a 50.00 foot radius curve concave to the north; thence easterly along the arc of said curve, through a central angle of $141^{\circ}10'20''$, a distance of 123.20 feet to the point of tangency with a line lying 42.50 feet west of the westerly right-of-way line of the above said Geer Road and the easterly line of Parcel B; thence North $00^{\circ}10'00''$ East, parallel with and 42.50 feet distant from last said westerly right-of-way of Geer Road, a distance of 971.40 feet to a point on the north line of said Parcel B; thence South $89^{\circ}19'10''$ East, along last said north line, a distance of 42.50 feet to the westerly right-of-way line of said Geer Road; thence South $00^{\circ}10'00''$ West, along last said right-of-way, a distance of 1237.48 feet to the most southerly corner of said Parcel B and the **POINT OF BEGINNING**.

SUBJECT TO all easements and rights-of-way of record.

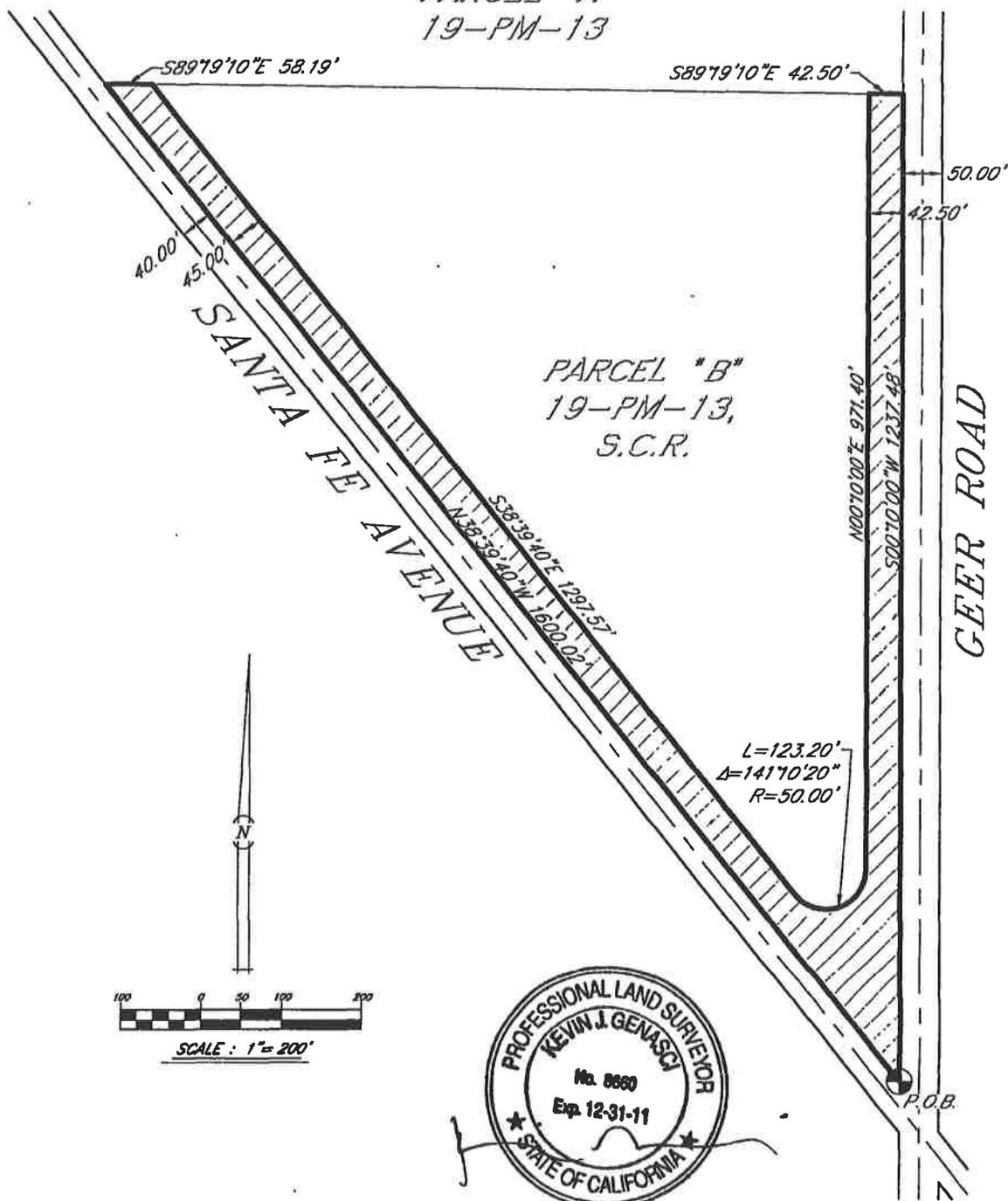
Containing 122,355 square feet (2.81 acres) more or less.


Kevin J. Genasci, P.L.S. 8660
March 3, 2011



PARCEL "A"
19-PM-13

PARCEL "B"
19-PM-13,
S.C.R.



3.3.11

EXHIBIT "B"



**HAWKINS & ASSOCIATES
ENGINEERING, INC.**
436 MITCHELL RD.
MODESTO, CA 95354
PH: (209) 575 - 4295
FX: (209) 578 - 4295

DEDICATION
APN 045-007-031

SANTA FE CROSSING
STANISLAUS COUNTY, CALIFORNIA

BY: KJG
CHK: KJG
DATE: 3/3/11
SCALE: 1"=200'
JOB #: 2617
FILE: 2617

SHEET
1
OF
1

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Stanislaus

On May 9, 2011 before me, La Mona Davis
Date Here Insert Name and Title of the Officer

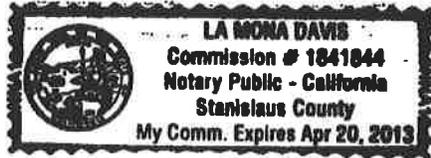
personally appeared Margaret E. Potter
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature La Mona Davis
Signature of Notary Public



La Mona Davis

#1841844

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Irrevocable Offer of Dedication APN: 045-007-031

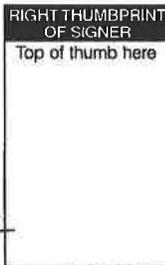
Document Date: May 9, 2011 Number of Pages: 5

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Margaret E. Potter

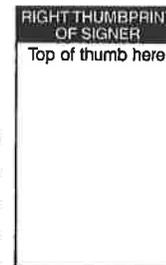
- Individual
- Corporate Officer — Title(s): Secretary
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: Ruddy Enterprises Inc

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development *RF*

BOARD AGENDA # 9:20 a.m.

Urgent Routine

AGENDA DATE January 8, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Consider Rezone Application # 2007-01, Santa Fe Crossing, a Request to Rezone a 14.25 Acre Parcel from P-D No. 185 (Planned Development) to a New P-D to Allow Commercial Project to be Developed in Three Phases. Phase 1 Consists of 435 Mini Storage Units, 50 Storage Container Units,
(Continued on page 2)

PLANNING COMMISSION RECOMMENDATIONS:

After conducting a duly advertised public hearing at its regular meeting of December 6, 2007, the Planning Commission, on a 8-0 vote, recommend that the Board of Supervisors approve the project, subject to the following actions:

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgement and analysis;

(Continued on page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2008-022

On motion of Supervisor Grover, Seconded by Supervisor O'Brien

and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini, and Chairman Mayfield

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION: Approved Rezone Application #2007-01, Santa Fe Crossing, subject to the Amended Development Standards and Modified Development Schedule as recommended by the Planning Commission, and **amended** the Development Schedule as follows: "Development Schedule will be limited to five years for all phases, with the ability to come back before the Planning Commission to request an extension of the approved Development Schedule"; and, introduced, waived the reading and adopted Ordinance C.S. 1022 for the approved Rezone Application #2007-01

Christine Ferraro 36

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

ATTACHMENT 7

File No. ORD-55-E-3

SUBJECT: (Continued)

and Storage for up to 52 Recreational Vehicles (RV's). Phase 2 Consists of a Gas Station and a 5,065 Square Foot Mini Market with a Drive-Through Coffee Shop. Phase 3 Consists of a 19,250 Square Foot Commercial Building. The Project Is Located at 4306 Santa Fe Avenue, Which is at the Northwest Corner of Geer Road and Santa Fe Avenue, Southeast of the City of Hughson. APN: 045-007-031.

PLANNING COMMISSION RECOMMENDATION: (Continued)

2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find That:
 - A. The project is consistent with the overall goals and policies of the County General Plan; and
 - B. The proposed Planned Development zoning is consistent with the Planned Development General Plan description.
4. Approve Rezone Application No. 2007-01 - Santa Fe Crossing, subject to the attached Development Standards and Development Schedule.

DISCUSSION:

The project proposal for "Santa Fe Crossing" is to allow a commercial project to be developed in three phases. Phase 1 development will include 435 mini-storage units that will cover approximately 4.62 acres in the northeast section of the site. The existing structure used for the tire sales and truck repair will remain during this Phase (1 of 3) of the project. Also located on-site, is an existing business that repairs and sells bulk storage containers (cargo containers). This business was not approved in the original rezone and is currently in a Code Enforcement action. Part of the approval process is to permit this land use. The applicant has asked that this use be allowed to continue operating during Phase 1 of the project. Phase 1 is expected to begin after approval and be completed within 5 years from the date of approval.

Phase 2 development will convert the tire and truck repair business to a Recreational Vehicle (RV) sales, service, and repair business that will include RV, boat, and trailer storage areas. The area that is currently used for the repair and sales of bulk storage containers will be converted to RV and boat storage. This Phase is expected to be completed within 2 to 7 years from approval.

Phase 3 will include the proposed 5,065 square foot mini-mart, coffee shop and fueling station at the southern corner of the project site. Just north of this area the applicant is proposing a 19,250 square foot building that would be used as a drive-thru car wash and automobile parts store. The applicant has also proposed a list of alternative uses for the 19,250 square foot building should the car wash and auto shop not be viable. The list of alternative uses can be seen in Exhibit "G". Phase 3 is expected to be completed within 3 to 7 years of approval.

All phases of the project will be served by a private well for water and on-site septic facilities will provide for sewage disposal. The proposal also includes "stubbing" sewer and water lines for future connections to the municipal services once they become available. Storm drainage is proposed to be handled on-site by horizontal infiltration and storage facilities.

In accordance with the County's Sphere of Influence policy, the project was referred to the City of Hughson for review. Cities are specifically asked to provide information addressing the proposed project's consistency with the land use designation of the city's general plan and the type of conditions necessary to ensure the development will comply with city's development standards such as street improvements, setbacks, and landscaping. In this case, the City has indicated that the project is consistent with their General Plan designation of "Service Commercial" for this area.

Background

The project site was rezoned in February of 1991, from A-2-40 (General Agriculture) to it's current zoning designation of Planned Development No. 185, which allowed for a variety of commercial type uses. According to the staff report written in November of 1990, the General Plan designation of Planned Development was established in 1986 as part of a comprehensive update to the Stanislaus County General Plan Land Use Element, and at that time this project site was not in the City of Hughson Sphere of Influence.

At the time, the Board of Supervisors decided that certain locations throughout the County would be designated as "Planned Development" given the unique aspect of the sites and because they displayed unique characteristics which may be suitable for a variety of uses. The project site, a triangular piece of property, located between Santa Fe Avenue, Service Road and Geer Road was one such property. The Board of Supervisors felt that this site met the criteria of a unique property given it's location at the crossroads of two major routes and a significant collector road. The other factor the Board determined, in designating this site as Planned Development, was the historical presence of commercial and industrial type uses.

The zoning designation of Planned Development No. 185, allowed for uses such as a mini-market, restaurant, truck terminal, truck repair, storage facility, and light manufacturing. Most of these uses were never established with the exception of the truck repair business in the northwest section of the property and improvements were not installed.

Planning Commission Hearing

The Planning Commission held a public hearing on this project at its regular meeting of December 6, 2007. Following staff's recommendation for approval, the Chairman opened the public hearing. Kathleen Hamilton, an adjacent homeowner, spoke in opposition to the project expressing a general concern regarding traffic in the area. The applicant's representative, Rod Hawkins (Hawkins Engineering) spoke in favor of the project.

Following the closing of the hearing, the Commission discussed the project indicating positions in favor of the project. The Commission also discussed the "Phasing" time-frame of 7 years that the applicant has proposed. It was recommended by the Commission that this 7 year time-frame be shortened to 5 years, with the ability for the applicant to request an extension, if needed. The Commission unanimously voted 8-0 (Souza/Mataka) to recommend the Board of Supervisor's approve this request. A detailed discussion of the request and the reasons behind staff's recommendation for approval can be found in the attached Planning Commission Staff Report.

POLICY ISSUES:

None.

STAFFING IMPACT:

None.

ATTACHMENTS:

1. Planning Commission Staff Report, December 6, 2007
2. Planning Commission Minutes, December 6, 2007

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STANISLAUS COUNTY PLANNING COMMISSION

December 6, 2007

STAFF REPORT

REZONE APPLICATION NO. 2007-01 SANTA FE CROSSING

REQUEST: TO REZONE A 14.25 ACRE SITE FROM P-D (PLANNED DEVELOPMENT) TO A NEW PLANNED DEVELOPMENT TO ALLOW A COMMERCIAL PROJECT TO BE DEVELOPED IN THREE PHASES. PHASE 1 WILL INCLUDE THE CONSTRUCTION OF 435 MINI STORAGE UNITS AND STORAGE FOR UP TO 52 RV'S. PHASES 2 & 3 WILL CONSIST OF A 5,065 SQUARE FOOT MINI MARKET, A GAS STATION AND A 19,250 SQUARE FOOT COMMERCIAL BUILDING/CAR WASH. THE PROPERTY IS LOCATED AT 4306 SANTA FE AVENUE, AT THE NORTHWEST CORNER OF GEER ROAD AND SANTA FE AVENUE, IN THE HUGHSON AREA.

APPLICATION INFORMATION

Applicant:	Hawkins & Associates Engineering
Owner:	Ruddy Enterprises, Inc.
Location:	4306 Santa Fe Avenue, at the northwest corner of Geer Road and Santa Fe Avenue, in the Hughson area
Section, Township, Range:	22-4-10
Supervisory District:	Two (Supervisor Mayfield)
Assessor's Parcel:	045-007-031
Referrals:	See Exhibit "J" Environmental Review Referrals
Area of Parcels:	14.25 acres
Water Supply:	Private well
Sewage Disposal:	On-site septic system
Existing Zoning:	P-D 185 (Planned Development)
General Plan:	Planned Development
Community Plan Designation:	Not applicable
Williamson Act:	Not applicable
Environmental Review:	Negative Declaration
Present Land Use:	Mostly vacant with a truck repair and tire sales business on the northwest portion of the property.
Surrounding Land Use:	Resendiz Family Fruit Stand, radio station with transmitter tower, and agricultural land

PROJECT DESCRIPTION

This is a request to rezone a 14.25 acre site from P-D No. 185 (Planned Development) to a new P-D zone to allow a commercial project to be developed in three phases. Phase 1 consists of 435 mini storage units, 50 storage container units, and storage for up to 52 RVs. Phase 2 consists of a gas station and a 5,065 square foot mini market with a drive through coffee shop. Phase 3 consists of a 19,250 square foot commercial building. The entire site will be paved, fenced, and landscaped. The project will be served by a private well for water and on-site septic facilities will provide for sewage disposal. The development schedule notes this project will be completed within 1 to 7 years from the start of site improvements

SITE DESCRIPTION

The site is located at 4306 Santa Fe Avenue, which is at the northwest corner of Geer Road and Santa Fe Avenue, southeast of the City of Hughson. This project is located within the LAFCO adopted Sphere of Influence for the City of Hughson. The project site is mostly vacant with a truck repair and tire sales business that was established as part of Planned Development No. 185 (the current zoning designation). The surrounding land uses consist of Resendiz Family Fruit Stand to the east, a radio station with a transmitter tower to the north, and agricultural uses to the west and south.

BACKGROUND

The project site was rezoned in February of 1991, from A-2-40 (General Agriculture) to it's current zoning designation of Planned Development No. 185, which allowed for a variety of commercial type uses. According to the staff report written in November of 1990, the General Plan designation of Planned Development was established in 1986 as part of a comprehensive update to the Stanislaus County General Plan Land Use Element, and at that time this project site was not in the City of Hughson Sphere of Influence.

At the time, the Board of Supervisors decided that certain locations throughout the County would be designated as "Planned Development" given the unique aspect of the sites and because they displayed unique characteristics which may be suitable for a variety of uses. The project site, a triangular piece of property, located between Santa Fe Avenue, Service Road and Geer Road was one such property. The Board of Supervisors felt that this site met the criteria of a unique property given it's location at the crossroads of two major routes and a significant collector road. The other factor the Board determined, in designating this site as Planned Development, was the historical presence of commercial and industrial type uses.

The zoning designation of Planned Development No. 185, allowed for uses such as a mini-market, restaurant, truck terminal, truck repair, storage facility, and light manufacturing. Most of these uses were never established with the exception of the truck repair business in the northwest section of the property and improvements were not installed.

DISCUSSION

The project proposal for "Santa Fe Crossing" is to allow a commercial project to be developed in three phases. Phase 1 development will include 435 mini-storage units that will cover approximately 4.62 acres in the northeast section of the site. The existing structure used for the tire sales and truck repair will remain during this Phase (1 of 3) of the project. Also located on site is an existing business that repairs and sells bulk storage containers (cargo containers). This business was not approved in the original rezone and is currently in Code Enforcement action. Part of the approval process is to permit this land use. The applicant has asked that this use be allowed to continue operating during Phase 1 of the project. Phase 1 is expected to begin after approval and be completed within 5 years from the date of approval.

Phase 2 development will convert the tire and truck repair business to a Recreational Vehicle (RV) sales, service, and repair business that will include RV, boat, and trailer storage areas. The area that is currently used for the repair and sales of bulk storage containers will be converted to RV and boat storage. This Phase is expected to be completed within 2 to 7 years from approval.

Phase 3 will include the proposed 5,065 square foot mini-mart, coffee shop and fueling station at the southern corner of the project site. Just north of this area the applicant is proposing a 19,250 square foot building that would be used as a drive-thru car wash and automobile parts store. The applicant has also proposed a list of alternative uses for the 19,250 square foot building should the car wash and auto shop not be viable. The list of alternative uses can be seen in Exhibit "G". Phase 3 is expected to be completed within 3 to 7 years of approval.

All phases of the project will be served by a private well for water and on-site septic facilities will provide for sewage disposal. The proposal also includes "stubbing" sewer and water lines for future connections to the municipal services once they become available. Storm drainage is proposed to be handled on-site by horizontal infiltration and storage facilities.

Street improvements will be built, to correspond with each Phase, as shown in Exhibit "C". These improvements shall include the construction of curb, gutter, sidewalk, street pavement, and left turn pockets at all driveway locations. The installation of these improvements may be phased in conjunction with the phasing of the development or deferred, by the Department of Public Works, until which time they are needed.

Parking:

Phase 1 of this project proposes the construction of mini-storage units, based on the existing County parking standards, the use would require one space for each employee on a maximum shift plus three additional parking spaces (four total). Generally, mini-storage facilities will have one employee on-site during business hours, with the possibility of a "night-watchman" or security guard on-site after hours. The existing site plan identifies four (4) general parking spaces which meets the minimum requirement stated above.

As part of Phase 2, the existing truck repair business that is currently in operation, will be converted to an RV sales, service, and storage establishment. The required number of parking spaces for such an establishment would be one space for every twenty vehicles displayed plus one space for each employee. The site plan shows a possibility of thirty-two display spaces, which would require at a minimum, three parking spaces. The site plan identifies a total of eleven spaces which should be adequate for this type of business.

Phase 3; construction of a 5,065 square foot mini-mart, coffee shop and fueling station as well as a 19,250 square foot building that would be used for a car wash and auto shop, is shown as providing a total of sixty parking spaces. The 5,065 square foot building would require 16 of those leaving 44 spaces for the 19,250 square foot building. The intent is that the 19,250 square foot building will be developed as a car wash and auto shop for which the 44 parking spaces should be more than adequate assuming the site develops with these uses. However, we note for the record that the applicant has provided a list of alternative uses for this 19,250 square foot building and the parking may not meet the County standards for these "retail" type uses. As generally required in PD zones with unspecified or alternative uses, a Staff Approval permit will be required for each business to ensure compatibility with the zoning and the development standards. The Staff Approval process will allow this parking issue to be monitored and controlled. It may also mean that potential users of the site may not be permitted due to a potential lack of parking. The owner/applicant of the project has chosen this approach to building size and parking, despite the limits it may place on the number and ultimate mix of users/tenants of the site.

Signs:

A specific sign program has been included as part of this project (see Exhibit "F"). The applicant is proposing a free standing pole-sign at the southern most part of the property. The pole-sign as proposed would be 20 feet in height, the actual face of the sign would measure 60 square feet (5' x 12') with two smaller signs (2' x 6') attached below the primary sign. The proposal includes two monument signs that would be 5 feet in height and have a 24.5 square foot (3.5' x 7') face. Both signs would be placed near the entrance and exit points on Santa Fe Avenue and Geer Road. As normally required as part of a Planned Development project, a development standard has been placed on this project for any additional smaller signs on-site (directional, monument, etc.) or any signs on the buildings to require approval from the City of Hughson and the County Planning Director.

Landscaping:

Based on the initial landscaping plans, it appears as though the project has provided adequate landscaping, consistent with both the County and the City of Hughson's landscaping requirements. The City of Hughson has commented on the possible need to provide additional landscaping to ensure an attractive appearance, as this site is considered a "gateway" to their City. The applicant has worked with County Staff and provided a landscaping plan that will adequately screen the proposed drainage basin and the area along Geer Road. County Staff also recommended some additional landscaping be placed near and around the proposed mini-storage facility due to its high visibility. The landscaping plan also provides landscaping along Santa Fe Avenue and at the intersection of Geer Road and Santa Fe Avenue. Development Standard No. 22 requires a final landscaping plan, prepared in compliance with the current City of Hughson landscape standards for commercial projects.

City of Hughson:

In accordance with the County's Sphere of Influence policy, the project was referred to the City of Hughson for review. Cities are specifically asked to provide information addressing the proposed project's consistency with the land use designation of the city's general plan and the type of conditions necessary to ensure the development will comply with city's development standards such as street improvements, setbacks, and landscaping. In this case, the City has indicated that the project is consistent with their General Plan designation of "Service Commercial" for this area.

PHASING

As mentioned earlier in the report the applicant is proposing three (3) phases for this Rezone Application to take place within seven (7) years from the date of approval.

Normally, staff recommends that a phasing plan be for a shorter period of time of around five (5) years. After reviewing this application, Staff does not have any concerns up until the third phase. Phase 1 is scheduled to be completed within 5 years with Phases 2 and 3 completed within 7 years. Phase 2, scheduled to be completed within 7 years, does not concern Staff because no new structures are proposed. The concerns that Staff has with such a long time table for Phase 3 is:

1. Possible future changes in county policy,
2. Tracking the multiple phases over a lengthy period of time.
3. Changes to industry and/or technology.

Some options for the Planning Commission are:

1. Approve the project as proposed with the time lines as submitted by the applicant.
2. Require a Use Permit for approval of Phase 3.
3. Or, add a Condition of Approval that states the Planning Director would review Phase 3 and at his/her discretion approve the Phase.

FINDINGS

In order to approve a rezone, it must be found to be consistent with the General Plan. In this case, the General Plan designation is Planned Development. This designation is "intended for land which, because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental effects on other property." The proposed use should not be detrimental to agricultural uses and other property in the area which consists mainly of a fruit stand, a radio station with a transmitter tower, and agricultural land. Staff feels this proposal to rezone the parcel to a Planned Development to be consistent with the General Plan which has been in place for some time, fits into the type of uses for this area, shape of parcel, and the location.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment (see Exhibit "J" - Environmental Review Referrals). Responses received from agencies have been incorporated into this project as Development Standards (see Exhibit "D").

RECOMMENDATION

Based on all evidence on the record, and on the ongoing discussion, staff recommends that the Planning Commission recommend that the Board of Supervisors take the following actions regarding this project:

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgement and analysis.

2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find That:
 - A. The project is consistent with the overall goals and policies of the County General Plan; and
 - B. The proposed Planned Development zoning is consistent with the Planned Development General Plan description.
4. Approve Rezone Application No. 2007-01 - Santa Fe Crossing, subject to the attached Development Standards and Development Schedule.

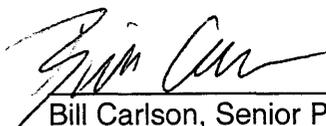
Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project. Therefore, the applicant will further be required to pay \$1,857.00 for the Department of Fish and Game, and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Report written by: Joshua Mann, Associate Planner, November 21, 2007

Attachments:

Exhibit A -	Maps
Exhibit B -	Application and Project Description
Exhibit C -	Site Plans (Phases 1-3) with Landscape Proposal
Exhibit D -	Development Standards
Exhibit E -	Development Schedule
Exhibit F -	Applicant's Sign Plan & Building Elevations
Exhibit G -	List of Proposed Alternative Uses
Exhibit H -	Initial Study
Exhibit I -	Negative Declaration
Exhibit J -	Environmental Review Referrals

Reviewed by:



Bill Carlson, Senior Planner

**REZ 2007-01
SANTA FE CROSSING
AREA MAP**

**CITY
OF
HUGHSON**

FOX RD

E WHITMORE AVE

ROEDING RD

TULLY RD

SANTA FE AVE

EUCLID AVE

GEER RD

BERKELEY AVE

SITE

E SERVICE RD

E GRAYSON RD

GRIFFIN RD

REDWOOD RD

EXHIBIT A

**REZ 2007-01
SANTA FE CROSSING
GENERAL PLAN DESIGNATION**

AG

2.34

13.16

19.05

42.70

49.17

E SERVICE RD

0.54

5.72

3.23

2.90

2.67

21.93

**P-D
SITE**

AG

5.98

55.36

18.06

4.15

1.04

13.32

4.22

0.68

19.24

GEER RD

GRIFIN RD

19.28

36.92

30.95

35.94

AG

40.08

17.29

2.04

30.68

S SANTA FE AVE

**REZ 2007-01
SANTA FE CROSSING
ZONING DESIGNATION**

A-2-40

2.34 13.16

19.05

42.70

49.17

E SERVICE RD

0.54

5.72 P-D (28) 3.23

2.90

A-2-40

2.67

21.93

5.98

55.36

**P-D (185)
SITE**

13.32

4.15

18.06

4.22

1.04

S SANTA FE AVE

GEER RD

0.68

19.24

A-2-40

30.95

35.94

36.92

GRIFFIN RD

19.28

40.08

17.29

2.04

30.68

P-D (237)

9

EXHIBIT A-2

**REZ 2007-01
SANTA FE CROSSING
AERIAL PHOTO**



10

EXHIBIT A-3

**REZ 2007-01
SANTA FE CROSSING
AERIAL PHOTO**



SANTA FE CROSSING COMMERCIAL DEVELOPMENT

PHASE ONE

Phase One development, as shown on the development exhibit, will include 537 mini-storage units covering 4.62 acres in the northeast portion of the site. There is an existing structure in the northwest corner currently housing tire sales and diesel truck repair business. We expect that use to continue with Phase 1 development.

Also located on-site is an existing non-conforming use, repair and sales of bulk storage containers. The location of the container units will be relocated to the west-center portion of the site away from Santa Fe Avenue. Approval is being requested for a use permit for the container storage use with Phase One development. The existing uses are short term and will be replaced with Phase Two development.

Phase One development will include construction of driveway access from both Santa Fe Avenue and Geer Road with signs at each point of entry. Four parking spaces will be included with the min-storage facility and 11 parking spaces will be provided at the existing tire and repair building. Each business will include the required handy-cap parking.

Roadway dedication to 65 feet from centerline at Santa Fe Avenue, and 67.50 feet from centerline at Geer Road will be made along the entire frontage of the site. A 40 foot radius return would also be dedicated; all with Phase one development. Roadway improvements will be constructed with each phase as shown.

Sanitary sewer will be by on-site treatment and disposal in conformance with County Standards. Water will be provided by on-site well and provide volumes as required for the proposed use, fire flows and planting. Stubs will be provided for future connection to municipal facilities as they become available.

Mini storage units will be constructed with a fire sprinkler system sized in accordance with the County Fire Prevention Bureau and conform to applicable codes and regulations.

Construction of the mini-storage facility is expected to begin with approval by the County. Completion of Phase One development is expected within 1 to 5 years.

PHASE TWO

Phase Two development will convert the tire and truck repair area to recreational vehicle sales, service and repair and include RV, boat and trailer storage. The area housing the bulk container sales and repair will likewise be converted to RV storage or mini-storage units.

Completion of Phase Two development is expected within 2 to 7 years.

PHASE THREE

Phase three includes a proposed mini-mart, coffee shop and fueling station at the southerly corner of the project. Fifteen parking spaces including handy-cap are proposed. An additional driveway from Santa Fe Avenue will be constructed with this phase.

The northerly portion of the Phase Three site is expect to develop as a carwash and auto shop, although we would like to reserve the option for a selected group of alternative uses listed with the site plan. Sanitary sewer and water will be provided by on site facilities as described in Phase One.

Roadway construction, including an additional driveway at Santa Fe Avenue will be completed with this phase.

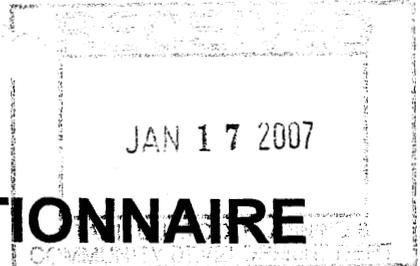
Completion of Phase Three development is expected within 3 to 7 years.

OFF-SITE DEVELOPMENT

Off-site curb, gutter and sidewalk design and road right-of-way will be in accordance with the County master plan for roadway development standards. Storm drainage will be by horizontal infiltration and storage facilities.

NOTE:

This development plan is proposed based upon extensive contacts with County planning staff, public works, and fire district, and a number of contacts with City of Hughson planning staff and engineering.



APPLICATION QUESTIONNAIRE

<p>Please Check all applicable boxes APPLICATION FOR: <i>Staff is available to assist you with determining which applications are necessary</i></p> <table border="0"> <tr> <td><input type="checkbox"/> General Plan Amendment</td> <td><input type="checkbox"/> Subdivision Map</td> </tr> <tr> <td><input checked="" type="checkbox"/> Rezone</td> <td><input type="checkbox"/> Parcel Map</td> </tr> <tr> <td><input type="checkbox"/> Use Permit</td> <td><input type="checkbox"/> Exception</td> </tr> <tr> <td><input type="checkbox"/> Variance</td> <td><input type="checkbox"/> Williamson Act Cancellation</td> </tr> <tr> <td><input type="checkbox"/> Historic Site Permit</td> <td><input type="checkbox"/> Other _____</td> </tr> </table>	<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Subdivision Map	<input checked="" type="checkbox"/> Rezone	<input type="checkbox"/> Parcel Map	<input type="checkbox"/> Use Permit	<input type="checkbox"/> Exception	<input type="checkbox"/> Variance	<input type="checkbox"/> Williamson Act Cancellation	<input type="checkbox"/> Historic Site Permit	<input type="checkbox"/> Other _____	<p>PLANNING STAFF USE ONLY: Application No(s): <u>REZ 2007 01</u> Date: <u>1.17.2007</u> S <u>22</u> T <u>4</u> R <u>10</u> GP Designation: <u>PD</u> Zoning: <u>PD-185</u> Fee: _____ Receipt No. _____ Received By: _____ Notes: _____</p>
<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Subdivision Map										
<input checked="" type="checkbox"/> Rezone	<input type="checkbox"/> Parcel Map										
<input type="checkbox"/> Use Permit	<input type="checkbox"/> Exception										
<input type="checkbox"/> Variance	<input type="checkbox"/> Williamson Act Cancellation										
<input type="checkbox"/> Historic Site Permit	<input type="checkbox"/> Other _____										

In order for your application to be considered COMPLETE, please answer all applicable questions on the following pages, and provide all applicable information listed on the checklist on pages i – v. Under State law, upon receipt of this application, staff has 30 days to determine if the application is complete. We typically do not take the full 30 days. It may be necessary for you to provide additional information and/or meet with staff to discuss the application. Pre-application meetings are not required, but are highly recommended. An incomplete application will be placed on hold until all the necessary information is provided to the satisfaction of the requesting agency. An application will not be accepted without all the information identified on the checklist.

Please contact staff at (209) 525-6330 to discuss any questions you may have. Staff will attempt to help you in any way we can.

PROJECT INFORMATION

PROJECT NAME: Santa Fe Crossing
(Desired name for project, if any)

CONTACT PERSON: Who is the primary contact person for information regarding this project?

Name: Crolie Lindsay **Telephone:** 209-575-4295

Address: 436 Mitchell Road Modesto, California 95354

Fax Number: 209-578-4295 **email address:** clindsay@hawkins-eng.com

(Attach additional sheets as necessary)
PROPERTY OWNER'S NAME: Ruddy Enterprises, Inc.

Mailing Address P.O. Box 1504

Modesto, Ca. 65353-1504

Telephone: 209-524-3177 **Fax:** 209-524-4765

PROJECT SITE INFORMATION

Complete and accurate information saves time and is vital to project review and assessment. Please complete each section entirely. If a question is not applicable to your project, please indicated this to show that each question has been carefully considered. Contact the Planning & Community Development Department Staff, 1010 10th Street – 3rd Floor, (209) 525-6330, if you have any questions. Pre-application meetings are highly recommended.

ASSESSOR'S PARCEL NUMBER(S): Book 45 Page 07 Parcel 31

Additional parcel numbers: _____

Project Site Address
or Physical Location:

4306 Santa Fe Ave.

Hughson, Ca.

Property Area: Acres: 14.2499 or Square feet: _____

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

From present to past 2 years open area has been used for non-conforming container storage, repair & sales. The previous 8 Years the open area was used for pallet repair & storage. All other uses are as described in attached document Santa Fe Crossing.

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

Existing General Plan & Zoning: PD #185

Proposed General Plan & Zoning: New P.D.
(if applicable)

ADJACENT LAND USE: (Describe adjacent land uses within 1,320 feet (1/4 mile) and/or two parcels in each direction of the project site)

East: Agriculture/Residential

West: Agriculture/Mixed Commercial/Residential

North: Agriculture/Residential

South: Agriculture/Residential

WILLIAMSON ACT CONTRACT:

Yes No

Is the property currently under a Williamson Act Contract?

Contract Number: _____

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

Date Filed: _____

Yes No

Do you propose to cancel any portion of the Contract?

Yes No

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

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

SITE CHARACTERISTICS: (Check one or more)

Flat

Rolling

Steep

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

Field crops

Orchard

Pasture/Grassland

Scattered trees

Shrubs

Woodland

River/Riparian

Other

Explain Other: _____

Yes No

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

GRADING:

Yes No

Do you plan to do any grading? (If yes, please indicate how many cubic yards and acres to be disturbed. Please show areas to be graded on plot plan.) 11,293 cu. yds. 14 acres

Overall cu. yds. based on removing 0.5 ft. over total site.

STREAMS, LAKES, & PONDS:

Yes No

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

Yes No

Will the project change any drainage patterns? (If yes, please explain - provide additional sheet if needed) _____

Yes No

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

Yes No

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

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

STRUCTURES:

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

PROJECT SITE COVERAGE:

Existing Building Coverage: 17,083 Sq. Ft. Landscaped Area: NIA Sq. Ft.
 Proposed Building Coverage: 117,755 Sq. Ft. Paved Surface Area: 263,514 Sq. Ft.

BUILDING CHARACTERISTICS:

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) 117,755

Number of floors for each building: ONE

Building height in feet (measured from ground to highest point): (Provide additional sheets if necessary) Not to exceed 30 feet upon completion of all 3 phases.

Height of other appurtenances, excluding buildings, measured from ground to highest point (i.e., antennas, mechanical equipment, light poles, etc.): (Provide additional sheets if necessary) Not to exceed 20' upon completion of all 3 phases

Proposed surface material for parking area: (Provide information addressing dust control measures if non-asphalt/concrete material to be used) Asphalt

UTILITIES AND IRRIGATION FACILITIES:

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

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

Electrical: <u>T.I.D.</u>	Sewer*: <u>Septic Tank</u>
Telephone: <u>AT&TIPac Bell</u>	Gas/Propane: <u>PG&E</u>
Water**: <u>Private well</u>	Irrigation: <u>NIA</u>

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

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

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

No special or unique sewage waste will be generated.

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

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

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

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

AFFORDABLE HOUSING/SENIOR:

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

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

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

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

(complete if applicable)	Single Family	Two Family Duplex	Multi-Family Apartments	Multi-Family Condominium/Townhouse
Number of Units:	<u>NIA</u>	<u>NIA</u>	<u>NIA</u>	<u>NIA</u>
Acreage:	<u>NIA</u>	<u>NIA</u>	<u>NIA</u>	<u>NIA</u>

COMMERCIAL, INDUSTRIAL, MANUFACTURING, RETAIL, USE PERMIT, OR OTHER PROJECTS: (Please complete if applicable – Attach additional sheets if necessary)

Square footage of each existing or proposed building(s): Storage Facilities (53,775 sq. ft.)

Gas Station/Mini-Mart (6,540 sq. ft.) Commercial Use (45,280 sq. ft.)

Type of use(s): Commercial

Days and hours of operation: PHASE 1 24 HRS. 7 DAYS PER WEEK - PHASE 2 6AM TO 9PM

PHASE 3 TO BE DETERMINED

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

Occupancy/capacity of building: PHASE 1 = 179 - PHASE 2 = 7 - PHASE 3 = 151

Number of employees: (Maximum Shift): P1=2-P2=5-P3=100 (Minimum Shift): P1=1-P2=3-P3=60

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

Other occupants: NONE

Estimated number of truck deliveries/loadings per day: 3-5

Estimated hours of truck deliveries/loadings per day: 6-9

Estimated percentage of traffic to be generated by trucks: 2%

Estimated number of railroad deliveries/loadings per day: NIA

Square footage of:

Office area: PHASE 1,2 & 3 =1100

Warehouse area: NIA

Sales area: PH1-840 PH2&3-38,865

Storage area: PH1-53,775 PH2&3 12,955

Loading area: PH1&2-NIA PH3-2000

Manufacturing area: NIA

Other: (explain type of area) NIA

Yes No Will the proposed use involve toxic or hazardous materials or waste? (Please explain)

ROAD AND ACCESS INFORMATION:

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

Santa Fe Avenue and Geer Road

- Yes No Are there private or public road or access easements on the property now? (If yes, show location and size on plot plan)
- Yes No Do you require a private road or easement to access the property? (If yes, show location and size on plot plan)
- Yes No Do you require security gates and fencing on the access? (If yes, show location and size on plot plan)

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

STORM DRAINAGE:

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

Other: (please explain) NIA

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

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

EROSION CONTROL:

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

SEE ATTACHED DRAWING SHEET #4

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

ADDITIONAL INFORMATION:

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

INDEMNIFICATION:

In consideration of the County's processing and consideration of this application for approval of the land use project being applied for (the "Project"), and the related California Environmental Quality Act (CEQA) consideration by the County, the Owner and Applicant, jointly and severally, agree to indemnify the County of Stanislaus ("County") from liability or loss connected with the Project approvals as follows:

1. The Owner and Applicant shall defend, indemnify and hold harmless the County and its agents, officers and employees from any claim, action, or proceeding against the County or its agents, officers or employees to attack, set aside, void, or annul the Project or any prior or subsequent development approvals regarding the Project or Project condition imposed by the County or any of its agencies, departments, commissions, agents, officers or employees concerning the said Project, or to impose personal liability against such agents, officers or employees resulting from their involvement in the Project, including any claim for private attorney general fees claimed by or awarded to any party from County.

The obligations of the Owner and Applicant under this Indemnification shall apply regardless of whether any permits or entitlements are issued.

2. The County will promptly notify Owner and Applicant of any such claim, action, or proceeding that is or may be subject to this Indemnification and, will cooperate fully in the defense.
3. The County may, within its unlimited discretion, participate in the defense of any such claim, action, or proceeding if the County defends the claim, actions, or proceeding in good faith. To the extent that County uses any of its resources responding to such claim, action, or proceeding, Owner and Applicant will reimburse County upon demand. Such resources include, but are not limited to, staff time, court costs, County Counsel's time at their regular rate for external or non-County agencies, and any other direct or indirect cost associated with responding to the claim, action, or proceedings.
4. The Owner and Applicant shall not be required to pay or perform any settlement by the County of such claim, action or proceeding unless the settlement is approved in writing by Owner and Applicant, which approval shall not be unreasonably withheld.
5. The Owner and Applicant shall pay all court ordered costs and attorney fees.
6. This Indemnification represents the complete understanding between the Owner and Applicant and the County with respect to matters set forth herein.

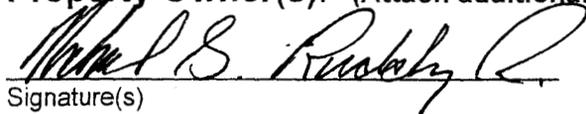
IN WITNESS WHEREOF, by their signature below, the Owner and Applicant hereby acknowledge that they have read, understand and agree to perform their obligations under this Indemnification.

PROPERTY OWNER/APPLICANT SIGNATURE

I hereby certify that the facts, statements, and information presented within this application form are true and correct to the best of my knowledge and belief. I hereby understand and certify that any misrepresentation or omissions of any information required in this application form may result in my application being delayed or not approved by the County. I hereby certify that I have read and fully understand all the information required in this application form including:

1. The Notices to All Applicants on page 9;
2. Acknowledgments/Authorizations on pages 10 and 11; and,
3. The Indemnification on page 12.

Property Owner(s): (Attach additional sheets as necessary)


Signature(s)

Mike Ruddy
Print Name

Applicant(s): (If different from above)


Signature(s)

Crolie Lindsay
Print Name

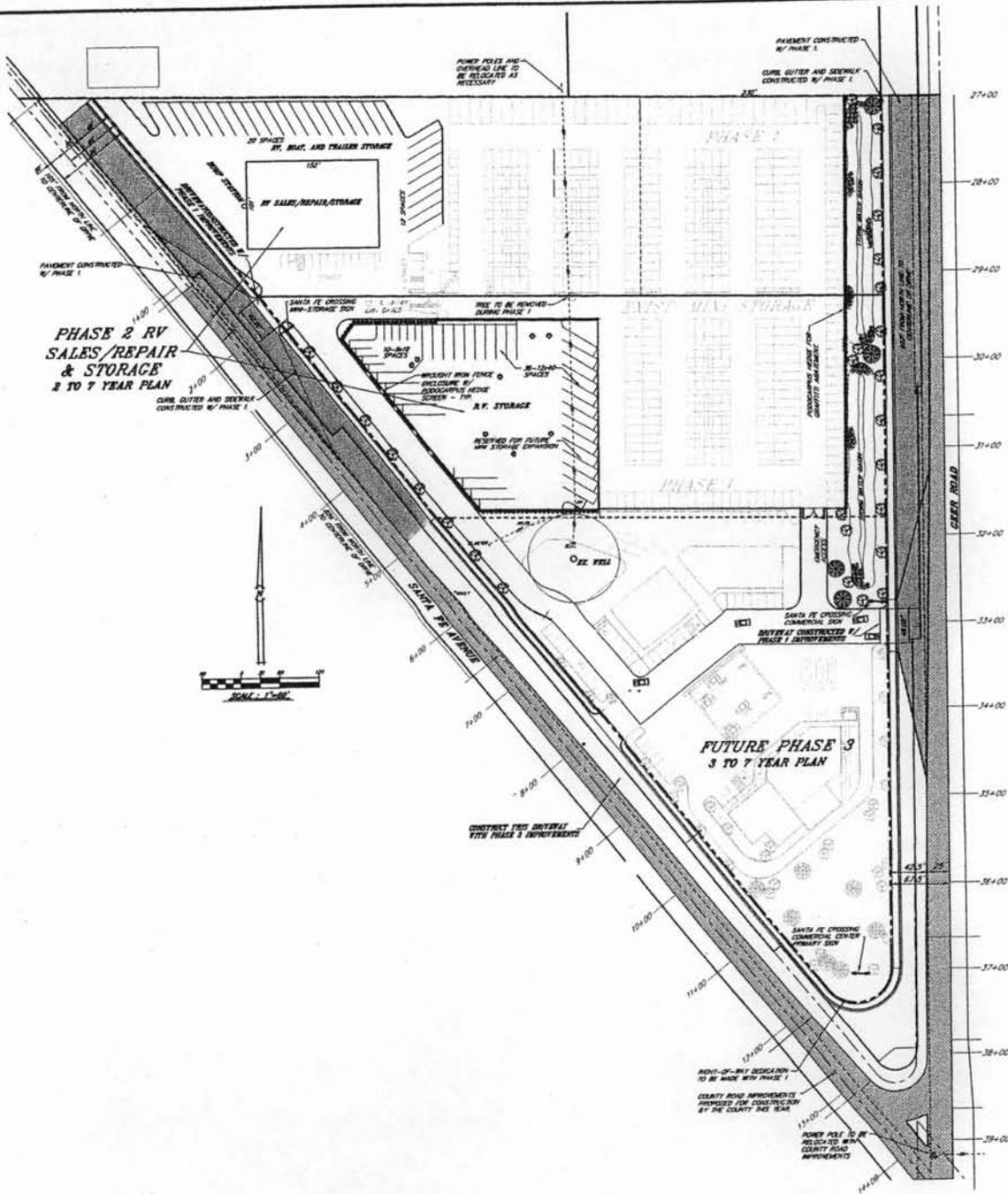
Hawkins & Associates Engineering

436 Mitchell Road

Modesto, CA 95354

(209) 575-4295

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SANTA FE CROSSING COMMERCIAL DEVELOPMENT PHASE 2

GENERAL NOTES:

WATER IS TO BE SUPPLIED BY ON-SITE WELL AND SUPPLY SHALL MEET THE MINIMUM REQUIREMENTS OF THE STANISLAUS COUNTY FIRE MARSHALL. STUBS SHALL BE PROVIDED FOR CONNECTION TO FUTURE CITY MAINS.

STORM WATER WILL BE CONTAINED AND IMPROVED BY ON-SITE DRAINAGE BASINS CONSTRUCTED WITH SUBSURFACE FRENCH DRAINS.

ON-SITE STORM WATER WILL BE INFILTRATED BY FRENCH DRAIN/CATCH BASIN FACILITIES CONSTRUCTED IN CONFORMANCE WITH THE REQUIREMENTS OF STANISLAUS COUNTY.

SANITARY SEWERAGE SHALL BE HANDLED BY ON-SITE SEWERAGE DISPOSAL FACILITIES CONSTRUCTED FOR THE REQUIREMENTS OF STANISLAUS COUNTY. STUB LINES SHALL BE PROVIDED FOR FUTURE CONNECTION TO MUNICIPAL FACILITIES WHEN THEY BECOME AVAILABLE.

RIGHT-OF-WAY CONSTRUCTION OF CURB, GUTTER AND SIDEWALK SHALL CONFORM TO THE REQUIREMENTS OF STANISLAUS COUNTY.

LANDSCAPE TREES SHALL BE A MINIMUM OF 15 GALLON AND 10 FEET IN HEIGHT. A LANDSCAPE PLAN WILL BE PROVIDED INDICATING THE TYPE AND SIZE OF PLANTING AND IRRIGATION FACILITIES.

A DRAINING AND DRAINAGE PLAN SHALL BE PROVIDED SHOWING ALL OFF-PLANS FOR ON-SITE IMPROVEMENTS WILL BE PROVIDED BY EACH PHASE.

ON-SITE DRY UTILITIES SHALL BE RELOCATED AS NECESSARY WITH EACH PHASE.

APPROVED	DATE	DESCRIPTION OF WORK
BY: RICHARD H. HAWKINS CHOLE E. LINDSAY	DATE	DESCRIPTION OF WORK

DATE	DESCRIPTION OF WORK
DATE	DESCRIPTION OF WORK

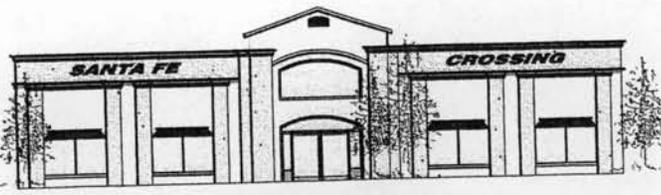
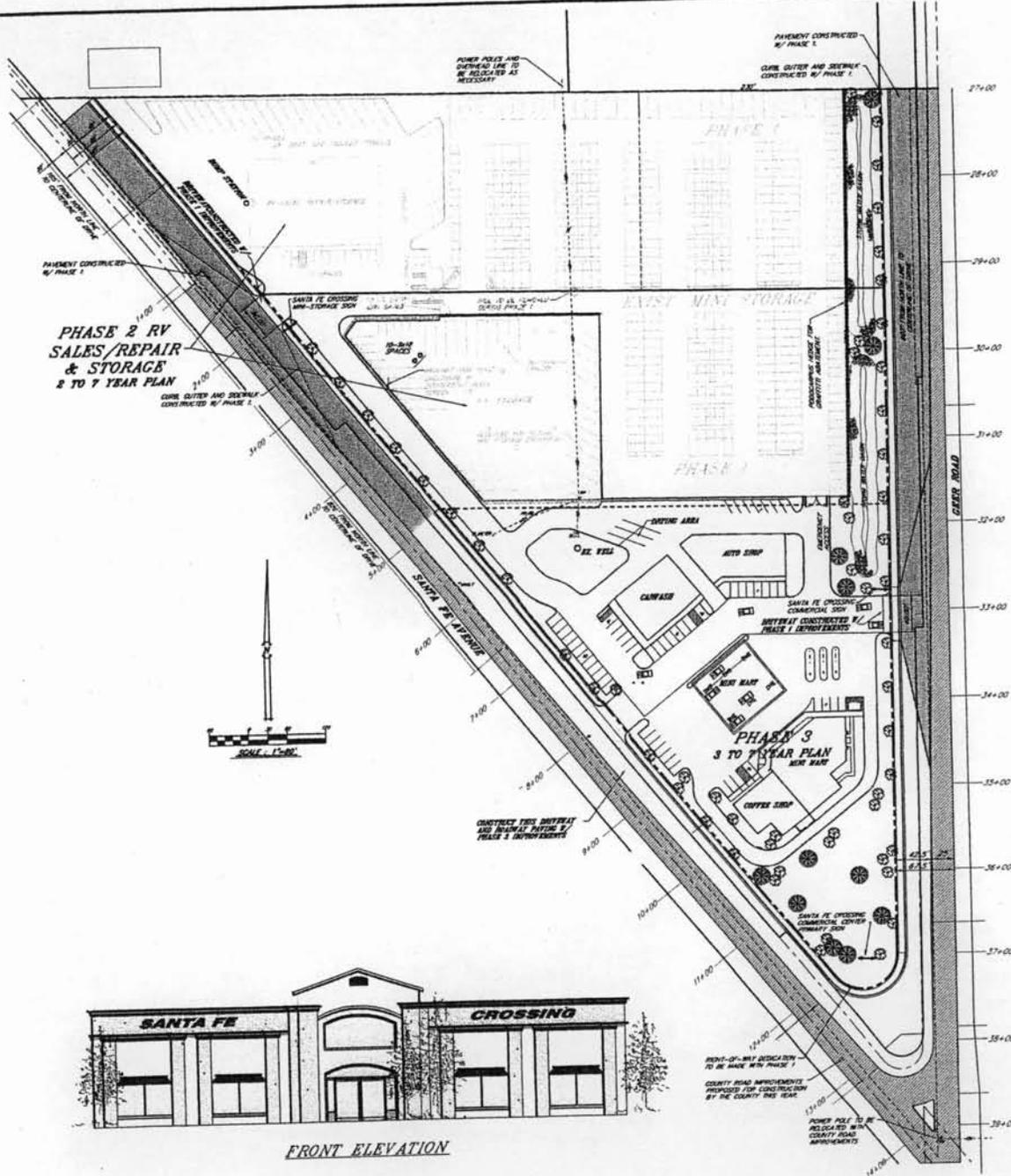
SANTA FE CROSSING
COMMERCIAL DEVELOPMENT
CONDITIONAL USE PERMIT APPLICATION & ZONING REQUEST
FOR
APN 45-07-31

HAWKINS & ASSOCIATES
ENGINEERING
46 MITCHELL RD.
MODesto, CA 95204
PH: (209) 575-4266
FX: (209) 575-4266



SHEET	2
OF	3

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FRONT ELEVATION

SANTA FE CROSSING COMMERCIAL DEVELOPMENT PHASE 3

GENERAL NOTES:

WATER IS TO BE SUPPLIED BY ON-SITE WELL AND SUPPLY SHALL MEET THE MINIMUM REQUIREMENTS OF THE SANDHILLS COUNTY FIRE MARSHALL. STUBS SHALL BE PROVIDED FOR CONNECTION TO FUTURE CITY MAINS.

STORM WATER WILL BE CONTAINED AND INFILTRATED BY ON-SITE DRAINAGE BASINS CONSTRUCTED WITH SUBSURFACE FRENCH DRAINS.

OFF-SITE STORM WATER WILL BE INFILTRATED BY FRENCH DRAIN/CATCH BASIN FACILITIES CONSTRUCTED IN CONFORMANCE WITH THE REQUIREMENTS OF SANDHILLS COUNTY.

SANITARY SEWERAGE SHALL BE HANDLED BY ON-SITE SEWERAGE DISPOSAL FACILITIES CONSTRUCTED PER THE REQUIREMENTS OF SANDHILLS COUNTY. STUB LINES SHALL BE PROVIDED FOR FUTURE CONNECTION TO MUNICIPAL FACILITIES, WHEN THEY BECOME AVAILABLE.

RIGHT-OF-WAY CONSTRUCTION OF CURB, GUTTER AND SIDEWALK SHALL CONFORM TO THE REQUIREMENTS OF SANDHILLS COUNTY.

LANDSCAPE TREES SHALL BE A MINIMUM OF 15 GALLON AND 10 FEET IN HEIGHT. A LANDSCAPE PLAN WILL BE PROVIDED INDICATING THE TYPE AND SIZE OF PLANTING AND IRRIGATION FACILITIES.

A GRADING AND DRAINAGE PLAN SHALL BE PROVIDED SHOWING ALL OFF-PLANS FOR ON-SITE IMPROVEMENTS WILL BE PROVIDED W/ EACH PHASE.

OFF-SITE DRY UTILITIES SHALL BE RELOCATED AS NECESSARY WITH EACH PHASE.

CONSIDERED ALTERNATIVE USES

- | | |
|-----------------------|------------------------|
| APPLIANCE SALES | HARDWARE STORE |
| BAKERY | LAUNDRY/DRY CLEANING |
| BARBERS/BEAUTY SHOP | POOL SERVICE/SUPPLY |
| CLOTHES CLEANING | PRESCRIPTION PHARMACY |
| COMMERCIAL TOW/PUBLIC | VARIETY STORE |
| UTILITY SERVICES | VIDEO/ARCADE SHOPS |
| DRUG STORE | FILM PROCESSING |
| FLOREST | FOOD AND GROCERY STORE |
| | FLOREST |

R.C.E. 5088
R.C.E. 5900, I.B. 4709

RODRICK H. HAWKINS
CROLE E. LINDSAY

SANTA FE CROSSING
COMMERCIAL DEVELOPMENT
CONDITIONAL USE PERMIT APPLICATION & ZONING REQUEST

APN 45-07-31

DATE	DESCRIPTION OF REVISION	APPROVED

BY: SIL SJK
C-H-K P-T-Y-E 2/25/08
E-80 E-207 E-207

HAWKINS & ASSOCIATES
ENGINEERING
405 MITCHELL RD.
MORRISTOWN, CA 92584
PH: (951) 275-4285
FX: (951) 278-4285

SHEET 3
OF 3

As Amended by the Planning Commission
December 6, 2007

As Approved by the Board of Supervisors
January 8, 2008

DEVELOPMENT STANDARDS

REZONE APPLICATION NO. 2007-01 SANTA FE CROSSING

Stanislaus County - Department of Planning and Community Development

1. This project is to be constructed and operated as described in the application information submitted including submittals modifying the project in accordance with other laws and ordinances.
2. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect.
3. Construction of the project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
4. A plan for any proposed signs indicating the location, height, area of the sign, and message must be approved by the City of Hughson and the County Planning Director prior to installation. Maximum height of any sign shall not exceed 20 feet.
5. Trash bins shall be kept in trash enclosures constructed of materials compatible with the architecture of the development. Trash enclosures shall be placed in locations as approved by the refuse collecting agency and the Planning Director.
6. All outside storage and mechanical equipment shall be screened from the view of any public right-of-way by a screen fence of uniform construction as approved by the Planning Director. Any required water tanks for fire suppression shall be painted to blend with the surrounding landscape or screened with landscaping and shall not be used as a sign unless approved by the Planning Director.
7. Applicant and/or subsequent property owner(s), must obtain building permits for all proposed structures, equipment, and utilities. Plans shall be prepared by a California licensed engineer working within the scope of his/her license.
8. A landscape plan consistent with Section 21.102, Landscape and Irrigation Standards, of the Stanislaus County Zoning Ordinance, shall be submitted and approved by the Planning Director. The landscaping shall be installed prior to operation of business.
9. Any required landscaping plan shall be reviewed by the Stanislaus County Agricultural Commissioner's Office prior to installation of any landscaping and include plant species and identification of the plant's origin. Said review is necessary to help stop the spread of the Glassy-winged Sharpshooter, an injurious insect to agriculture, which can enter our County on the leaves of landscape plants.

10. The applicant, or subsequent property owner, shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety. Any dead trees shall be replaced with a similar variety of a 15-gallon size or larger.
11. A business license shall be obtained for any businesses operating on the site.
12. The project site shall install infrastructure on site now to allow connection to sewer and water service in the event it becomes available.
13. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented.
14. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
15. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2007), the applicant is required to pay a Department of Fish and Game filing fee at the time of recording a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$1,857.00**, made payable to **Stanislaus County**, for the payment of Fish and Game, and Clerk Recorder filing fees.

Pursuant to Section 711.4 (e)(3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
16. The applicant is required to defend, indemnify, or hold harmless the County, its officers and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense. Written evidence of said contact shall be submitted to the Planning Department prior to issuance of any building permit.
17. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality

certifications, if necessary. Written evidence of said contact shall be submitted to the Planning Department prior to issuance of any building permit, **if permits from this agency are necessary, copies of said permits shall be submitted to the Planning Department prior to the issuance of any building permit.**

18. Pursuant to Section 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate stream-bed alteration agreements, permits or authorizations, if necessary. Written evidence of said contact shall be submitted to the Planning Department prior to issuance of any building permit **if permits from this agency are necessary, copies of said permits shall be submitted to the Planning Department prior to the issuance of any building permit.**
19. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works. Written evidence of said contact shall be submitted to the Planning Department prior to issuance of any building permit **if permits from this agency are necessary, copies of said permits shall be submitted to the Planning Department prior to the issuance of any building permit.**
20. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary. Written evidence of said contact shall be submitted to the Planning Department prior to issuance of any building permit **if permits from this agency are necessary, copies of said permits shall be submitted to the Planning Department prior to the issuance of any building permit.**
21. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
22. The applicant shall be required to submit Landscape and Irrigation plans, prepared by a Licensed Landscape Architect, to the City of Hughson for approval. The landscape plan shall meet current City of Hughson landscape standards.
23. All proposed "alternative" uses within the Planned Development zone shall obtain a Staff Approval Permit, in accordance with Chapter 21.100 of the Stanislaus County Code, prior to any construction or use, to allow site plan, operational/design/review, elevations and imposition of applicable conditions. The staff approvals shall be circulated for comments per adopted County procedures

Stanislaus County - Department of Public Works

24. The property owners shall dedicate a 10 foot wide public utility easement along the entire road frontages of Geer Road and Santa Fe Avenue adjacent to the right-of-way prior to the issuance of any building permit.
25. Street improvements per County standards shall be installed along the property's frontage on Geer Road and Santa Fe Avenue. The improvements shall include, but not be limited to, curb, gutter, sidewalk, street pavement, drainage facilities, signs, pavement markings, and left turn pockets at all driveway locations. The installation of these improvements may be phased in conjunction with the phasing of the development.

Phase 1: The installation of all required street improvements including a left turn pocket along the Geer Road frontage adjacent to the mini-storage complex. The installation of a left turn pocket on Santa Fe Avenue at the most southerly driveway that provides access to the Phase 1 development and the existing container storage area.

Phase 2: The installation of all required street improvements along the Geer Road and Santa Fe Avenue frontages adjacent to the Phase 2 development.

Phase 3: The installation of all required street improvements along the Santa Fe Avenue frontage adjacent to the Phase 3 development. These improvements shall include a left turn pocket at the most northerly driveway. If the existing storage, sales, and repair use changes to a different use with the development of either Phase 1 or 2, the left turn pocket at the most northerly driveway on Santa Fe Avenue shall be installed as a requirement of that particular phase.

The required road improvements shall be installed prior to final and/or occupancy of any building that is associated with the phase that triggers the improvements **or the developer may enter into a deferred street improvement agreement with Stanislaus County. The improvements may be deferred until Phase 3 or until such time that the Director of Public Works requires the improvements to be installed (County Code 13.08.030).**

26. Off-site improvement plans (including left turn pockets) for the entire road frontages of Geer Road and Santa Fe Avenue for all phases of development shall be approved by the Department of Public Works prior to the issuance of the first building permit for ~~Phase 1~~ development. **An Engineer's estimate shall be submitted for the entire project with the off-site plans.**
27. A financial guarantee in a form acceptable to the Department of Public Works to ensure the construction of the street improvements required for each phase shall be deposited with the Department prior to the issuance of the first building permit for the particular phase. **If the deferred street improvement agreement is filed with this Department, the financial guarantee requirement will be waived for this phase of work.**

28. All driveway locations and widths shall be approved by the Department of Public Works.
29. An encroachment permit shall be obtained from the Department of Public Works prior to the start of any work within the road right-of-way.
30. Road right-of-way shall be dedicated to Stanislaus County to provide the following:
 - A. 67.5 feet west of the centerline of Geer Road along the entire frontage to comply with the 6-lane Expressway standard;
 - B. 85 feet east of the railroad right-of-way on Santa Fe Avenue to comply with the 4-lane Class C Expressway standard for this road; and,
 - C. The chord of a 50 foot radius at the Geer / Santa Fe intersection.

A Road Easement document shall be prepared by the applicant's engineer and executed prior to the issuance of a building permit for Phase 1.
31. No parking, no loading or unloading of vehicles shall be permitted within the right-of-ways of Geer Road and Santa Fe Avenue. The developer will be required to install or pay for the installation of all required signs and/or markings, if warranted.
32. A Master Grading and Drainage Plan for the entire parcel that meets County standards shall be approved by the Department of Public Works prior to the issuance of any building permit. Runoff and storage capacity calculations shall be provided as part of the approval process. Adequate land shall be reserved for a drainage basin that is capable of handling the runoff of the entire parcel. The drainage system necessary for each phase shall be installed prior to occupancy of that phase.
33. All on-site parking areas and driveways from Geer Road and Santa Fe Avenue to the parking areas shall be paved per County standards. All parking spaces shall be double striped per County standards.
34. The developer shall pay Public Facilities Fees prior to or at the time of building permit issuance as part of mitigating traffic impacts.
35. A Grading Permit shall be obtained from the Department of Public Works prior to the start of importing, exporting, or otherwise moving any dirt.
36. Prior to the approval of the off-site improvement plans, the applicant shall file a Notice of Intention (NOI) with the California Regional Water Quality Control Board and a Waste Discharge Identification Number must be obtained and provided to the Department of Public Works.

Stanislaus County - Fire Prevention Bureau

37. All mini-storage buildings to be protected by an automatic fire sprinkler system. All buildings 5,000 square feet and greater shall be provided with an automatic fire sprinkler system.

38. Per the 2001 California Fire Code (Section 902), fire access roads (easements) shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. Fire access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface as to provide all-weather driving capabilities. The turning radius of a fire apparatus access road shall be as approved, (50 foot outside, 30 foot inside turning radius).
39. All buildings constructed shall comply with on-site water for fire protection. Based on preliminary submittal for the mini-storage, a minimum water supply for fire protection is 107,500 gallons. This may be reduced based on protection of the buildings with a fully complying automatic fire sprinkler system.
40. All traffic signals installed and/or retrofitted, due to the proposed project, shall be provided with signal preemption.
41. Developer shall pay all Public Facilities Impact Fees and Fire Facility Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of the building permit for any construction and shall be based on the rates in effect at the time of building permit issuance.

Stanislaus County - Department of Environmental Resources (DER)

42. On-site wastewater disposal system (OSWDS) shall be by individual Primary & Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X.
43. The on-site wastewater disposal system (OSWDS) is to be engineer designed for the maximum occupancy of an office building.
44. The OSWDS design system shall provide 100% expansion area. Any portion of the drainfield of the on-site wastewater installed under pavements is to be doubled.
45. Water supply for this project is defined by the State regulations as a public water system. Water system owner must submit plans for the water system construction or addition; and obtain approval from this Department, prior to construction. Prior to final approval of the project, the owner must obtain a Water Supply Permit from the Department of Environmental Resources. "The Water Supply Permit Application must include a technical report that demonstrates compliance with State regulations and include the technical, managerial, and financial capabilities of the owner to operate a public water system." Contact the DER for the required submittal information.

At such time that the water well's water is consumed or washing hands by 25 or more persons, 60 days or more out of the year, or there are five (5) or more service connections, the owner must obtain a public water supply permit from DER. The water supply permit issuance is contingent upon the water system meeting construction standards and providing water, which is of acceptable quantity and quality.

46. At any time the project consists of any food facility (Phase 3), applicant must submit 3 sets of food facility construction plans to the Department of Environmental Resources for review and approval for compliance with the California Uniform Retail Food Facilities Law (Section 27550).

Stanislaus County - Building Permit Division

47. The proposed development shall comply with current adopted Title 24 Building Codes.

Stanislaus County - Environmental Review Committee (ERC)

48. The applicant shall determine, to the satisfaction of the Department of Environmental Resources (DER), that a site containing (or formerly containing) residences or farm buildings, or structures, has been fully investigated (via Phase I and II studies) prior to the issuance of a grading permit. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of DER.
49. Prior to and during construction, the Hughson Fire Protection District shall approve provisions for serviceable fire vehicle access and fire protection water supply.
50. Applicant should contact the Department of Environmental Resources regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to: (Calif. H&S, Division 20)
- A. Permits for the underground storage of hazardous substances at a new or the modification of existing tank facilities.
 - B. Requirements for registering as a handler of hazardous materials in the County.
 - C. Submittal of hazardous materials Business Plans by handlers of materials in excess of 55 gallons or 500 pounds of a hazardous material or of 200 cubic feet of compressed gas.
 - D. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program, which must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section 302.
 - E. Generators of hazardous waste must notify the Department of Environmental Resources relative to the: (1) quantities of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices.
 - F. Permits for the treatment of hazardous waste on-site will be required from the hazardous materials division.
 - G. Medical waste generators must complete and submit a questionnaire to the Department of Environmental Resources for determination if they are regulated under the Medical Waste Management Act.

San Joaquin Valley Air Pollution Control District (SJVAPCD)

51. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
52. Applicant must complete and have approved an Air Quality Impact Assessment (AQIA) by the SJVAPCD.
53. Project to comply with the following rules from the SJVAPCD:
 - Regulation VIII (Fugitive PM10 Prohibitions)
 - Rule 2010 (Permits Required)
 - Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)
 - Rule 4102 (Nuisance)
 - Rule 4601 (Architectural Coatings)
 - Rule 4622 (Gasoline Transfer into Motor Vehicle Fuel Tanks)
 - Rule 4623 (Storage of Organic Liquids)
 - Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving, & Maintenance operations)
 - Rule 9510 (Indirect Source Review)
 - District Permitting

Turlock Irrigation District (TID)

54. A 13-foot Public Utility Easement must be dedicated along all street frontages.
55. A review of District maps and records indicate that there was once an irrigation pipeline entering the parcel from the north. This line is no longer active and any remnants of the pipeline must be removed as per District Standards.
56. The District's electric utility has an existing overhead power line within the proposed development. The owner/developer must apply for a facility change for any pole or electrical facility relocation. Facility changes are performed at developer's expense.

Local Agency Formation Commission (LAFCO)

57. Should the proposed commercial development require the use of public water and/or sewer services, annexation of the area must occur prior to the connection of public services to the City of Hughson.

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

As Amended by the Planning Commission
December 6, 2007
As Approved by the Board of Supervisors
January 8, 2008

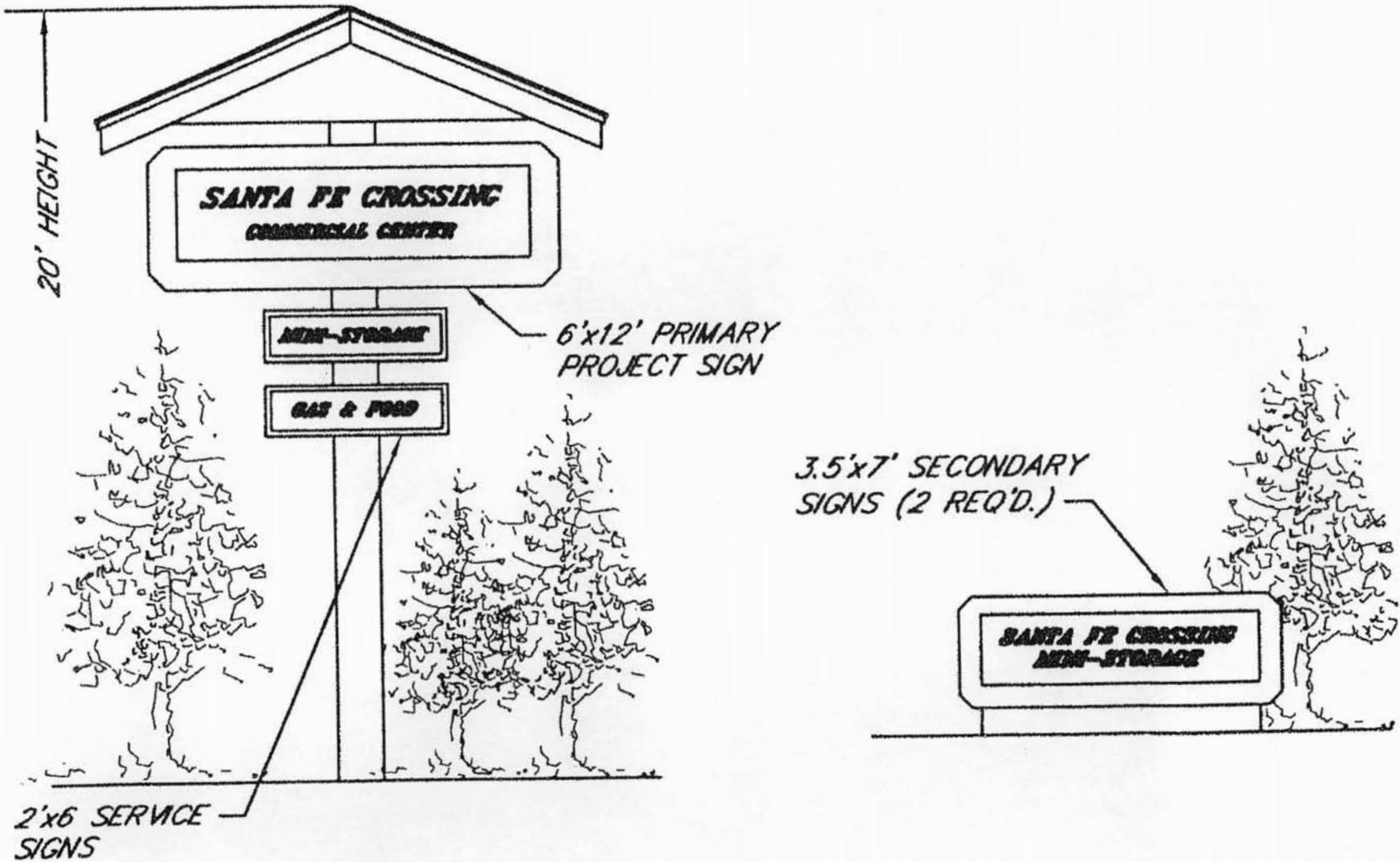
DEVELOPMENT SCHEDULE

REZONE APPLICATION NO. 2007-01 SANTA FE CROSSING

- Phase 1 is expected to be completed within 5 years from the date of approval.
- Phase 2 is expected to be completed within 2 to 7 5 years from approval.
- Phase 3 is expected to be completed within 3 to 7 5 years of approval.

(I:\Staffrpt\REZ\2007\REZ 2007-01 - Santa Fe Crossing\staff report.wpd)

**REZ 2007-01
SANTA FE CROSSING
PROPOSED SIGNS**

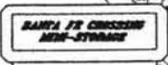


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EXHIBIT F

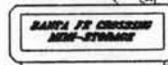
REZ 2007-01 SANTA FE CROSSING PROPOSED SIGN LOCATIONS

3.5x7' SECONDARY SIGNS (2 RECD.)



Proposed Monument Sign

3.5x7' SECONDARY SIGNS (2 RECD.)

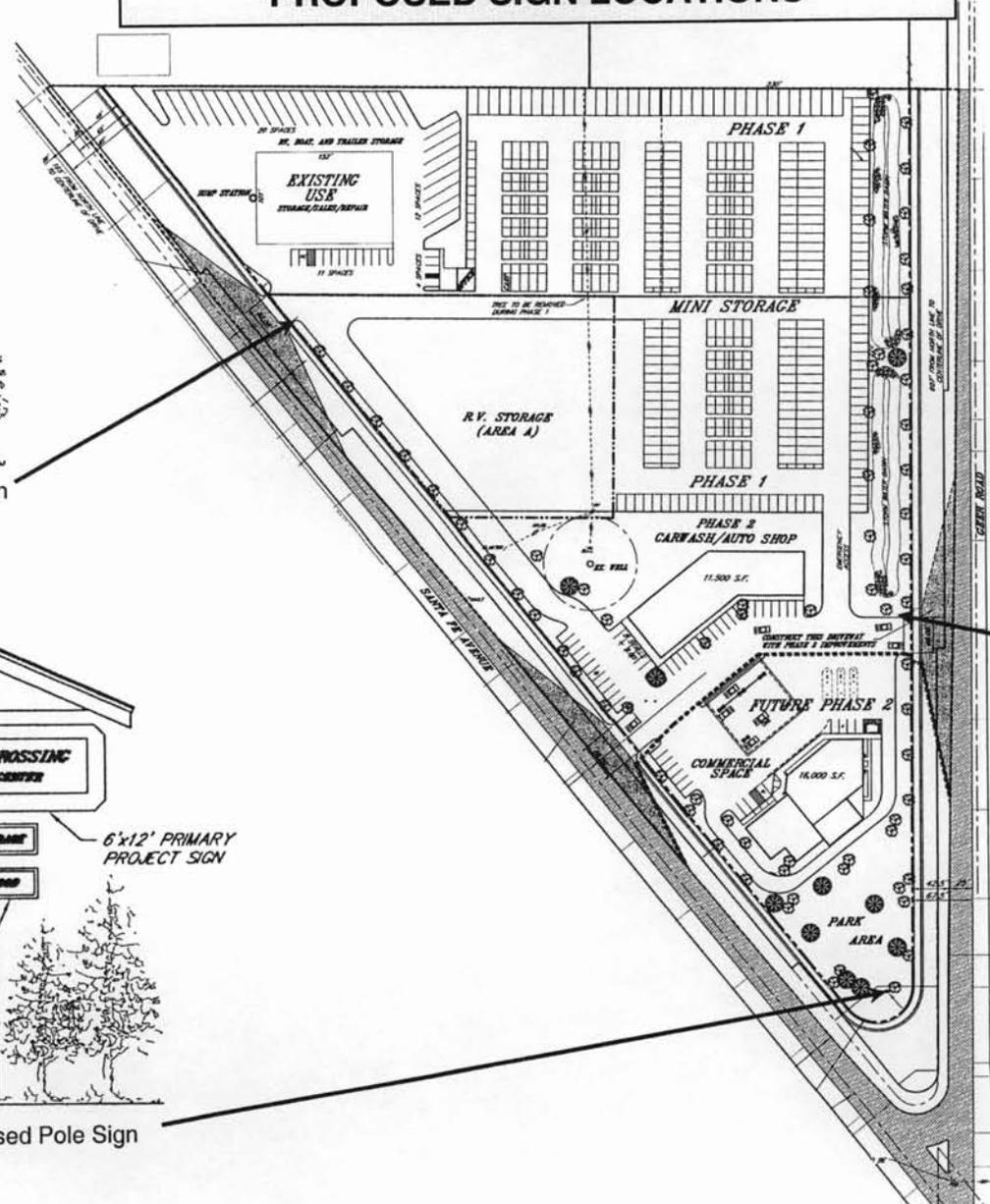


Proposed Monument Sign



2x6 SERVICE SIGNS

Proposed Pole Sign



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REZ 2007-01
SANTA FE CROSSING
BUILDING ELEVATIONS



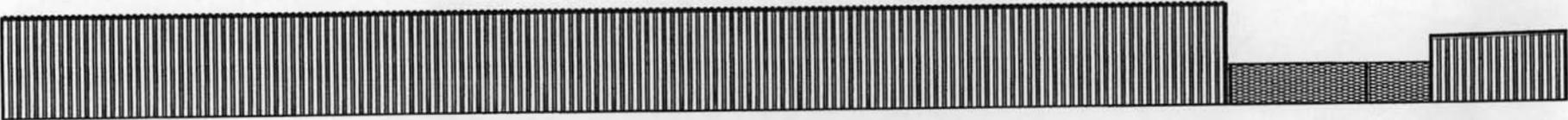
FRONT ELEVATION

39

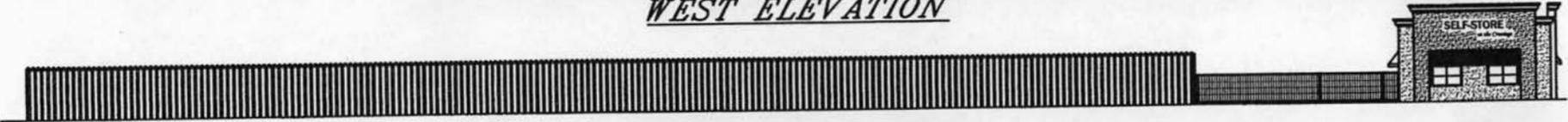
**REZ 2007-01
SANTA FE CROSSING
"MINI-STORAGE" ELEVATIONS**



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

40

**POTENTIAL / ALTERNATIVE USES
PHASE 3 - "COMMERCIAL BUILDING"**

**REZONE APPLICATION NO. 2007-01
SANTA FE CROSSING**

- Appliance Sales
- Bakery
- Barber / Beauty Shop
- Dry Cleaner / Laundry
- Communication / Public Utility Services
- Florist
- Hardware Store
- Pool Service / Supply
- Pharmacy
- Variety Store
- Video / Arcade Shops
- Film Processing
- Food and Grocery Store

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Stanislaus County

Planning and Community Development

1010 10th Street, Suite 3400
Modesto, California 95354

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

CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, October 26, 1998

- | | | |
|------------|---|--|
| 1. | Project title: | Rezone Application No. 2007-01 - Santa Fe Crossing |
| 2. | Lead agency name and address: | Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354 |
| 3. | Contact person and phone number: | Joshua Mann, Associate Planner
(209) 525-6330 |
| 4. | Project location: | 4306 Santa Fe Avenue, at the northwest corner of Geer Road and Santa Fe Avenue, southeast of the City of Hughson. (APN: 045-007-031) |
| 5. | Project sponsor's name and address: | Ruddy Enterprises, Inc.
P.O. Box 1504
Modesto, CA 95353 |
| 6. | General plan designation: | Planned Development |
| 7. | Zoning: | P-D 185 (Planned Development) |
| 8. | Description of project: | <p>This is a request to rezone a 14.25 acre site from PD (Planned Development) to a new PD zone to allow a commercial project to be developed in three phases. Phase I consists of 435 mini storage units, 50 storage container units, and storage for up to 52 RVs. Phase 2 consists of a gas station and a 5,065 square foot mini market with a drive through coffee shop. Phase 3 consists of a 19,250 square foot commercial building. Also included in this request is a "sign program" that proposes a 20-foot pole sign and three "monument" signs (see attached). The development schedule notes this project will be completed within 1 to 7 years from the start of site improvements. Please see the attachments for a more detailed project description.</p> |
| 9. | Surrounding land uses and setting: | Fruit Stand/Market, Radio Station, Commercial Shop Building, and Agricultural Land. |
| 10. | Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.): | Stanislaus County Public Works Department
Stanislaus County Department of Environmental Resources
Stanislaus Fire Prevention Bureau
San Joaquin Valley Air Pollution Control District |

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.

- Aesthetics
- Agriculture Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology /Soils
- Hazards & Hazardous Materials
- Hydrology / Water Quality
- Land Use / Planning
- Mineral Resources
- Noise
- Population / Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities / Service Systems
- Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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


Signature

September 5, 2007
Date

Joshua Mann
Printed name

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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

ISSUES

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Discussion: The site is located at the northwest corner of Geer Road and Santa Fe Avenue, southeast of the City of Hughson. This project is located inside of the boundaries of the City of Hughson's Sphere of Influence and as such, staff and the applicant are very well aware of the visual character of the project. The applicant has submitted extensive landscaping plans and building elevations to ensure that visual character and quality of the site will be improved. In addition, the applicant has submitted one large sign and three monument signs for the project. A Condition of Approval will be added to the project to require that any new outdoor lighting be aimed downward in order to address glare to surrounding areas.

Mitigation: None.

References: Stanislaus County General Plan¹, Stanislaus County Zoning Ordinance, County policies, and staff experience.



II. AGRICULTURE RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

Discussion: The project is classified as Urban and Built-Up Land by the Farmland Mapping and Monitoring Program. The site is currently zoned as Planned Development No. 185, which was approved for various commercial type uses but never fully developed. The Stanislaus County General Plan designation is for Planned Development. Most of the parcels directly surrounding the site are agricultural type uses, but there are commercial type uses to the north of the project site. The County has a Right-to-Farm Ordinance in place to protect the agricultural users in the area from unjust nuisance complaints.

Mitigation: None.

References: Stanislaus County General Plan¹, Stanislaus County Zoning Ordinance, and the California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2004.



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

Discussion: The project site is within the San Joaquin Valley Air Basin, which has been classified as "non-attainment" for ozone and respirable particulate matter (PM-10 and PM-2.5) as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. As such, the District maintains permit authority over stationary sources of pollutants.

Any pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions standards for vehicles, and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the SJVAPCD has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the basin. The project will be subject to compliance with all applicable district rules including, but not limited to fugitive PM-10 prohibitions, nuisance, and architectural coatings, and cutback, and slow cure and emulsified asphalt. This project was referred to the SJVAPCD for early comments, to which they replied that the project may emit more than the District's project level thresholds of significance for ozone precursors of 10 tons per year of reactive organic gases (ROG) and oxides of nitrogen (NO_x). However, this project will be subject to the District's Indirect Source Review Rule (9510) since preliminary analysis indicated this project may generate emission in excess of the Rules 2.0 tons per year baseline for ROG and NO_x that would require emissions to be reduced. Conditions of Approval will be placed on the project to insure compliance with the District's rules and the need for the applicant to submit a preliminary Air Quality Impact Assessment prior to construction.

Mitigation: None.

References: Referral response dated February 8, 2007 from the SJVAPCD, and the Stanislaus County General Plan¹.



IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
<p>Discussion: There is no evidence to suggest this project would result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. There are no known sensitive or protected species or natural communities located on the site and/or in the surrounding area.</p>				
<p>Mitigation: None.</p>				
<p>References: California Natural Diversity Database and the Stanislaus County General Plan and Support Documentation¹.</p>				
V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X

d) Disturb any human remains, including those interred outside of formal cemeteries?				X
Discussion: Cultural resources are not known to exist on the project site. However, a standardized Condition of Approval will be added to this project to address any discovery of cultural resources during the construction phases.				
Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation ¹ .				

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:			X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial 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 Document ¹ , the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5. Any structures resulting from this project shall be built according to building standards appropriate to withstand shaking for the area in which they are constructed. The Stanislaus County Department of Public Works is requiring a grading and drainage plan be submitted which will be placed as a Conditions of Approval.				
Mitigation: None.				
References: Referral response from the Stanislaus County Public Works Department dated March 8, 2007, Stanislaus County General Plan and Support Documentation ¹ , California Department of Conservation, and the Uniform Building Code.				

VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X	
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
<p>Discussion: The County Department of Environmental Resources is responsible for overseeing hazardous materials and has not indicated any particular concerns in this area. Pesticide exposure is a risk in areas located in the vicinity of 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. Spraying activities on adjacent properties will be conditioned by the Agricultural Commissioners Office. The project site is not located within an airport land use plan or a wildlands area. The groundwater is not known to be contaminated in this area.</p>				
<p>Mitigation: None.</p>				
<p>References: County Policies, Stanislaus County General Plan and Support Documentation¹.</p>				

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

Discussion: On-site areas subject to flooding have not been identified in accordance with the Federal Emergency Management Act and/or county designated flood areas. By virtue of paving for the building pads, parking, and driveway, the current absorption patterns of water placed upon this property will be altered. A Condition of Approval requiring a Grading and Drainage Plan will be included as part of this project as required by the Public Works Department. This project has been referred to the Regional Water Quality Control Board, but no comments have been received.

Mitigation: None.

References: Referral response dated March 8, 2007 from the Department of Public Works, Stanislaus County General Plan and Support Documentation¹.

IX. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
<p>Discussion: The project site is zoned P-D 185 (Planned Development) and the General Plan is Planned Development. The proposed project will not conflict with any applicable habitat conservation plan or natural community conservation plan and will not physically divide an established community.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
X. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
<p>Discussion: The location of all commercially viable mineral resources in Stanislaus County have been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources in or around the project area.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹, State Division of Mines and Geology Special Report 173.</p>				
XI. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Discussion: The Stanislaus County General Plan¹ identifies noise levels up to 75 dB L_{dn} (or CNEL) as the normally acceptable level of noise for industrial, manufacturing, utility, and agricultural 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 agricultural uses and other nearby commercial type uses. The site is not located within an airport land use plan.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹, staff experience.



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

Discussion: The proposed use of the site will not induce a substantial growth in the area by proposing new business that would create significant service extensions or new infrastructures. No housing or persons will be displaced by the project.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.



XIII. PUBLIC SERVICES:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?				X
Parks?				X
Other public facilities?			X	
<p>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 insure the proposed development complies with all applicable fire department standards with respect to access and water for fire protection. The types of Conditions of Approval will be for adequate turning around for a fire apparatus and on-site water supply for fire suppression may also be needed. The applicant is also proposing to "fire sprinkler" the proposed building in accordance with the current adopted building and fire codes.</p>				
<p>Mitigation: None.</p>				
<p>References: Application Information, Stanislaus County General Plan and Support Documentation¹.</p>				
XIV. RECREATION:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
<p>Discussion: The proposed project is not anticipated to significantly increase demand on recreational facilities.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				

XV. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
<p>Discussion: This project was referred to the Stanislaus County Public Works Department and the City of Hughson as part of an early consultation review. The County Public Works department in their response did not identify any significant traffic impact. This project is within the Sphere of Influence for the City of Hughson and as such, the City is able to collect mitigation fees from this project due to the impact or potential future impact to some of their streets. Current Public Facility Fees (PFF) will be imposed when the project applies for building permits.</p>				
<p>Mitigation: None.</p>				
<p>References: Referral response dated March 8, 2007 from the Department of Public Works, referral responses dated February 6, 2007 and May 24, 2007 from the City of Hughson, Stanislaus County General Plan and Support Documentation¹.</p>				
XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

Discussion: Limitations on providing services have not been identified. Conditions of Approval will be added to the project to address necessary permits from the County Department of Environmental Resources. Although the site is not currently served by municipal services (sewer & water), the applicant is proposing to have the site "stubbed" until which time as these services become available and the connections can be made.

Mitigation: None.

References: Application Information, referral response dated February 9, 2007 from the Department of Environmental Resources, Stanislaus County General Plan and Support Documentation¹.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE:

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

¹Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and revised elements of the General Plan and Support Documentation: **Agricultural Element** adopted on April 23, 1992. **Housing Element** adopted on December 12, 2003, and certified by the California Department of Housing and Community Development Department on March 26, 2004. **Circulation Element** and **Noise Element** adopted on April 18, 2006.

NEGATIVE DECLARATION

NAME OF PROJECT: Rezone Application No. 2007-01 - Santa Fe Crossing

LOCATION OF PROJECT: 4306 Santa Fe Avenue, at the northwest corner of Geer Road and Santa Fe Avenue, southeast of the City of Hughson. (APN: 045-007-031)

PROJECT DEVELOPER: Ruddy Enterprises, Inc.

DESCRIPTION OF PROJECT: This is a request to rezone a 14.25 acre site from PD (Planned Development) to a new PD zone to allow a commercial project to be developed in three phases. Phase 1 consists of 435 mini storage units, 50 storage container units, and storage for up to 52 RVs. Phase 2 consists of a gas station and a 5,065 square foot mini market with a drive through coffee shop. Phase 3 consists of a 19,250 square foot commercial building. Also included in this request is a "sign program" that proposes a 20-foot pole sign and three "monument" signs (see attached). The development schedule notes this project will be completed within 1 to 7 years from the start of site improvements.

Based upon the Initial Study, dated September 5, 2007 the County Planning Department finds as follows:

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

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

Initial Study prepared by: Joshua Mann, Associate Planner

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

**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS
REZONE APPLICATION NO. 2007-01 - SANTA FE CROSSING**

PROJECT:

REFERRED TO:	PUBLIC HEARING NOTICE		RESPONDED		RESPONSE			MITIGATION MEASURES		Conditions	
	DATE:		YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	No
DATE: November 19 th , 2007											
AGRICULTURE COMMISSIONER	X	X		X							
AIRPORT LAND USE COMMISSION											
BUILDING PERMITS DIVISION	X	X	X				X		X	X	
CA DEPT OF FORESTRY											
CALTRANS DISTRICT 10	X	X		X							
CENTRAL CALIF. INFO. CENTER - CSUS											
CITY OF HUGHSON	X	X	X		X				X		X
COMMUNITY SERVICES/SANITARY:											
CORPS OF ENGINEERS											
COUNTY COUNSEL	X	X		X							
DENAIR POSTMASTER											
DEPARTMENT OF CONSERVATION	X	X		X							
ENVIRONMENTAL RESOURCES	X	X	X		X				X	X	
FIRE PROTECTION DIST: HUGHSON	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X				X	X	
FISH & GAME	X	X		X							
HOSPITAL DISTRICT: NONE											
IRRIGATION DISTRICT: TURLOCK (T.I.D.)	X	X	X		X				X	X	
LAFCO	X	X	X		X				X	X	
MOSQUITO DISTRICT: TURLOCK	X	X		X							
MOUNTAIN VALLEY EMERGENCY MEDICAL	X	X	X				X		X		X
MUNICIPAL ADVISORY COUNCIL:											
PARKS & FACILITIES	X	X	X				X		X		X
P.G. & E.	X	X		X							
PUBLIC WORKS	X	X	X		X				X	X	
PUBLIC WORKS - TRANSIT	X	X	X		X				X	X	
REDEVELOPMENT											
REGIONAL WATER QUALITY	X	X		X							
StanCOG	X	X		X							
SCHOOL DISTRICT 1: HUGHSON UNIFIED	X	X		X							
SCHOOL DISTRICT 2:											
SHERIFF	X	X		X							
STANISLAUS COUNTY FARM BUREAU	X	X		X							
STANISLAUS ERC	X	X	X		X				X	X	
STATE CLEARINGHOUSE											
STATE LANDS BOARD											
SUPERVISORIAL DISTRICT 2: MAYFIELD	X	X		X							
TELEPHONE COMPANY: AT&T	X	X		X							
TUOLUMNE RIVER PRESERVATION TRUST											
US FISH & WILDLIFE	X	X		X							
US MILITARY 4 AGENCIES (SB 1462)	X	X		X							
VALLEY AIR DISTRICT	X	X	X		X				X	X	
WATER DISTRICT											
DEPT. OF WATER RESOURCES											

- B. REZONE APPLICATION NO. 2007-01 - SANTA FE CROSSING** - This is a request to change the zoning designation of 14.25 acres from PD (Planned Development) to a new Planned Development to allow a commercial project to be developed in three phases and adopt a development schedule. Phase 1 consists of 435 mini storage units, 50 storage container units, and storage for up to 52 RVs. Phase 2 consists of a gas station and a 5,065 square foot mini market with a drive through coffee shop. Phase 3 consists of a 19,250 square foot commercial building/car wash. The project is located at 4306 Santa Fe Avenue, at the northwest corner of Geer Road and Santa Fe Avenue, southeast of the City of Hughson. A CEQA Negative Declaration will be considered on this project.

APN: 045-007-031

Staff Report: Joshua Mann Recommends **APPROVAL TO THE BOARD OF SUPERVISORS, ALONG WITH AMENDED CONDITIONS OF APPROVAL NO. 17, 18, 19, 20, AND MODIFIED CONDITIONS OF APPROVAL NO. 25, 26, AND 27.** Public hearing opened.

OPPOSITION: Kathleen Hamilton, 4130 Geer Road, Hughson.

FAVOR: Rod Hawkins - 436 Mitchell Road, Modesto.

Public hearing closed.

Souza/Mataka, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT AND RECOMMENDS APPROVAL TO THE BOARD OF SUPERVISORS, ALONG WITH:**

- **DEVELOPMENT SCHEDULE WILL BE LIMITED TO FIVE (5) YEARS FOR ALL PHASES, WITH THE ABILITY TO COME BACK BEFORE THE PLANNING COMMISSION TO MODIFY THE DEVELOPMENT SCHEDULE.**
- **MODIFIED CONDITIONS OF APPROVAL NO. 17, 18, 19, 20, TO ADD THE PHRASE: "if permits from this agency are necessary, copies of said permits shall be submitted to the Planning Department prior to the issuance of any building permit."**
- **MODIFIED CONDITIONS OF APPROVAL NO. 25, 26, AND 27:**

25. Street improvements per County standards shall be installed along the property's frontage on Geer Road and Santa Fe Avenue. The improvements shall include, but not be limited to, curb, gutter, sidewalk, street pavement, drainage facilities, signs, pavement markings, and left turn pockets at all driveway locations. The installation of these improvements may be phased in conjunction with the phasing of the development.

Phase 1: The installation of all required street improvements including a left turn pocket along the Geer Road frontage adjacent to the mini-storage complex. The installation of a left turn pocket on Santa Fe Avenue at the most southerly driveway that provides access to the Phase 1 development and the existing container storage area.

Phase 2: The installation of all required street improvements along the Geer Road and Santa Fe Avenue frontages adjacent to the Phase 2 development.

Phase 3: The installation of all required street improvements along the Santa Fe Avenue frontage adjacent to the Phase 3 development. These improvements shall include a left turn pocket at the most northerly driveway. If the existing storage, sales, and repair use changes to a different use with the development of either Phase 1 or 2, the left turn pocket at the most northerly driveway on Santa Fe Avenue shall be installed as a requirement of that particular phase.

The required road improvements shall be installed prior to final and/or occupancy of any building that is associated with the phase that triggers the improvements **or the developer may enter into a deferred street improvement agreement with Stanislaus County. The improvements may be deferred until Phase 3 or until such time that the Director of Public Works requires the improvements to be installed (County Code 13.08.030).**

26. Off-site improvement plans (including left turn pockets) for the entire road frontages of Geer Road and Santa Fe Avenue for all phases of development shall be approved by the Department of Public Works prior to the issuance of the first building permit for ~~Phase 1~~ development. **An Engineer's estimate shall be submitted for the entire project with the off-site plans.**
27. A financial guarantee in a form acceptable to the Department of Public Works to ensure the construction of the street improvements required for each phase shall be deposited with the Department prior to the issuance of the first building permit for the particular phase. **If the deferred street improvement agreement is filed with this Department, the financial guarantee requirement will be waived for this phase of work.**

<p style="text-align: center;">EXCERPT</p> <p style="text-align: center;">PLANNING COMMISSION</p> <p style="text-align: center;">MINUTES</p> <p style="text-align: center;"></p> <p>Secretary, Planning Commission</p> <p style="text-align: center;">12/19/07</p> <p>Date</p>

ORDINANCE NO. C.S. 1022

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.983 FOR THE PURPOSE OF REZONING 14.25 ACRES FROM PD (PLANNED DEVELOPMENT) TO A NEW PLANNED DEVELOPMENT TO ALLOW A COMMERCIAL PROJECT TO BE DEVELOPED IN THREE PHASES (PHASE 1 CONSISTS OF 435 MINI STORAGE UNITS, 50 STORAGE CONTAINER UNITS, AND STORAGE FOR UP TO 52 RVS. PHASE 2 CONSISTS OF A GAS STATION AND A 5,065 SQUARE FOOT MINI MARKET WITH A DRIVE THROUGH COFFEE SHOP. PHASE 3 CONSISTS OF A 19,250 SQUARE FOOT COMMERCIAL BUILDING/CAR WASH.) LOCATED AT 4306 SANTA FE AVENUE, AT THE NORTHWEST CORNER OF GEER ROAD AND SANTA FE AVENUE, SOUTHEAST OF THE CITY OF HUGHSON, APN: 045-007-031.

The Board of Supervisors of the County of Stanislaus, State of California, ordains as follows:

Section 1. Sectional District Map No. 9-110.983 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:

(Insert Map Here)

Section 2. This ordinance shall take effect and be in full force thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against same, in the Hughson Chronicle, a newspaper of general circulation published in Stanislaus County, State of California.

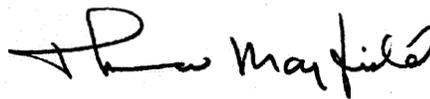
Upon motion of Supervisor Grover, seconded by Supervisor O'Brien, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 8th day of January, 2008, by the following called vote:

AYES: Supervisors: O'Brien, Grover, Monteith, DeMartini and Chairman Mayfield

NOES: Supervisors: None

ABSENT: Supervisors: None

ABSTAINING: Supervisors: None

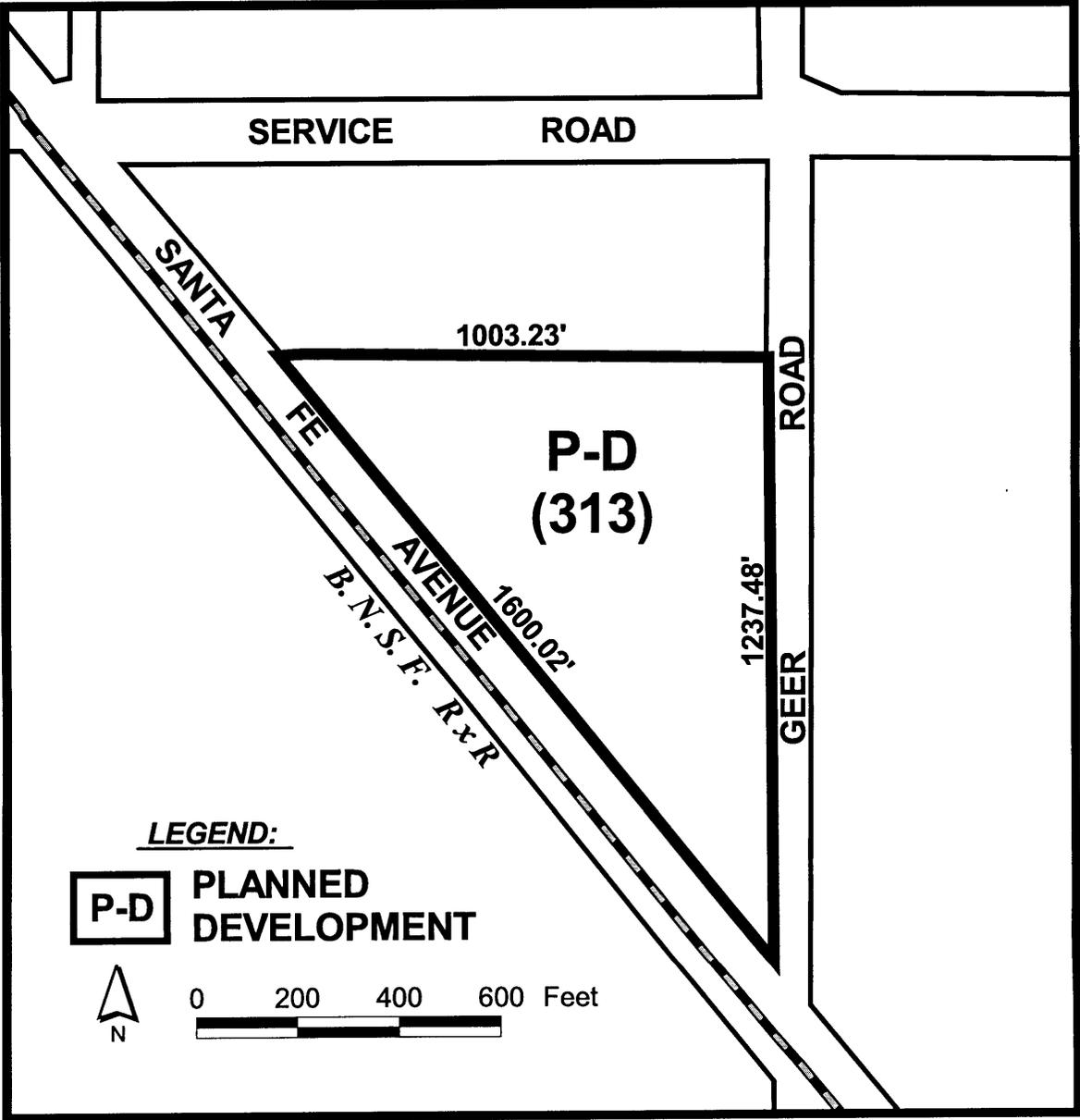


CHAIRMAN OF THE BOARD OF SUPERVISORS
of the County of Stanislaus,
State of California

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors of
the County of Stanislaus,
State of California

BY: 
Elizabeth A. King, Assistant Clerk

SECTIONAL DISTRICT MAP NO. 9-110.983



Affidavit of Publication

STATE OF CALIFORNIA }
 County of Stanislaus } ss

RUTH REYES

Here-un-to being first duly sworn, deposes and says that all time hereinafter mentioned he/she was a citizen of the United States over the age of twenty-one (21) years, and doing business in said county, not interested in the matter of the attached publication, and is competent to testify in said matter, that he/she was at and during all said time the principal clerk to the printer and publisher of the

HUGHSONCHRONICLE

a legal newspaper of general circulation published weekly in Hughson in said County of Stanislaus, State of California: that said

HUGHSONCHRONICLE

is and was at all times herein mentioned, a newspaper of general circulation as that term is defined by Section 6000 of the Government Code, and as provided by said section and so adjudicated by Decree No. 41926 by the Superior Court of Stanislaus County, State of California, is published for the dissemination of local and telegraphic news and intelligence of a general character, have a bonafide subscription list of paying subscribers, and is not devoted to the interest, or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination: or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations: that at all times said newspaper has been established, in Hughson, in said County and State, at regular intervals for more than one year preceding the first publication of the notice herein mentioned, that said notice was set in type not smaller than nonpareil and was preceded with words printed in blackface type not smaller than nonpareil, describing and expressing in general terms, the purport and character of the notice intended to be given

Ordinance No. C.S. 1022

of which named annexed is a printed copy, was published and printed in said

HUGHSON CHRONICLE

at least 1 time, commencing on the 15th day of January 2008 and ending on the the 15th day of January 2008 the day inclusive, and as often during said time as said newspaper was regularly issued, to wit:

January 15, 2008

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated this 15th day of January 2008.

Ruth Reyes

 PRINCIPAL CLERK OF THE PRINTER

Hughson Chronicle

LEGAL# 9459

ORDINANCE NO. C.S. 1022

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.983 FOR THE PURPOSE OF rezoning 14.25 acres from PD (Planned Development) to a new Planned Development to allow a commercial project to be developed in three phases (Phase 1 consists of 435 mini storage units, 50 storage container units, and storage for up to 52 RVs. Phase 2 consists of a gas station and a 5,065 square foot mini market with a drive through coffee shop. Phase 3 consists of a 19,250 square foot commercial building/car wash.) located at 4306 Santa Fe Avenue, at the northwest corner of Geer Road and Santa Fe Avenue, southeast of the City of Hughson, APN: 045-007-031.

The Board of Supervisors of the County of Stanislaus, State of California, ordains as follows:
 Section 1. Sectional District Map No. 9-110.983 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:
 Section 2. This ordinance shall take effect and be in full force thirty (30) days from and after the date of its passage and before

the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against same, in the Hughson Chronicle, a newspaper of general circulation published in Stanislaus County, State of California.

Upon motion of Supervisor Grover, seconded by Supervisor O'Brien, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 8th day of January, 2008, by the following called vote:

AYES: Supervisors: O'Brien, Grover, Monteith DeMartini and Chairman Mayfield

NOES: Supervisors: None
 ABSENT: Supervisors: None

ABSTAINING: Supervisors: None
 Thomas W. Mayfield

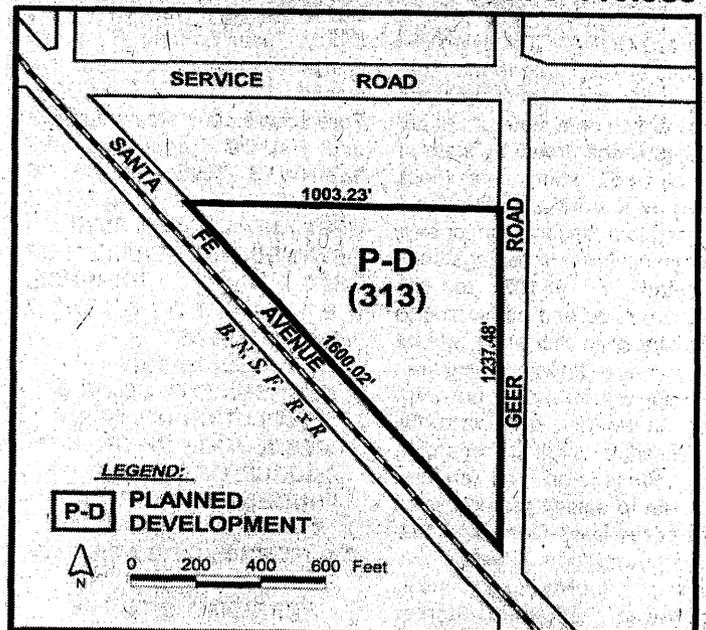
CHAIRMAN OF THE BOARD OF SUPERVISORS of the County of Stanislaus, State of California

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of the Board of Supervisors of the County of Stanislaus, State of California

BY: Elizabeth A. King, Assistant Clerk of the Board

Published Date: 1/15/08

SECTIONAL DISTRICT MAP NO. 9-110.983



SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: TIME EXTENSION FOR REZONE APPLICATION NO. 2007-01 - SANTA FE CROSSING

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
AGRICULTURE COMMISSIONER	X		X		X							
BUILDING PERMITS DIVISION	X		X	X				X				
CALTRANS DISTRICT 10	X		X		X							
CHIEF EXECUTIVE OFFICE	X		X		X							
CITY OF: HUGHSON	X		X	X		X				X		X
COOPERATIVE EXTENSION	X		X		X							
COUNTY COUNSEL	X		X		X							
ENVIRONMENTAL RESOURCES	X		X		X							
FIRE PROTECTION DIST: HUGHSON	X		X		X							
FISH & GAME, DEPT OF	X		X		X							
HAZARDOUS MATERIALS	X		X		X							
IRRIGATION DISTRICT: TURLOCK	X		X		X							
LAFCO	X		X	X				X				
MODESTO REGIONAL FIRE AUTHORITY	X		X		X							
MOSQUITO DISTRICT: TURLOCK	X		X		X							
MT VALLEY EMERGENCY MEDICAL	X		X		X							
PACIFIC GAS & ELECTRIC	X		X		X							
PUBLIC WORKS	X		X		X							
PUBLIC WORKS - TRANSIT	X		X		X							
REGIONAL WATER QUALITY CONTROL	X		X		X							
SAN JOAQUIN VALLEY APCD	X		X		X							
SCHOOL DISTRICT 1: HUGHSON	X		X		X							
SHERIFF	X		X		X							
StanCOG	X		X		X							
STANISLAUS COUNTY FARM BUREAU	X		X		X							
STANISLAUS ERC	X		X		X							
STATE CLEARINGHOUSE	X		X		X							
SUPERVISORIAL DISTRICT 2: CHIESA	X		X		X							
SURROUNDING LAND OWNERS			X									
TELEPHONE COMPANY: AT&T	X		X		X							
UNITED STATES MILITARY AGENCIES (SB 1462) (5 agencies)	X		X		X							
US FISH & WILDLIFE	X		X		X							



April 24, 2012

Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354
Attn: Joshua Mann

RE: Santa Fe Crossing Application for Time Extension

Dear Mr. Mann,

The above noted project was approved by the Stanislaus County Planning Commission on December 6, 2007 and the Board of Supervisors on January 8, 2008. It is located in the Sphere of Influence of the City of Hughson. The City of Hughson recently received an Early Consultation Referral dated April 12, 2012, regarding an application for a time extension for the project. This letter is in response to your request for comments and will articulate the City of Hughson's opposition to the time extension.

With this letter, also please find the CEQA Referral Response Form memorializing the City of Hughson's concerns regarding environmental impacts, including green house gas emissions pursuant to AB 32, water quality, and traffic.

Stanislaus County Zoning Ordinance Section 21.40.090, Development Schedule states that:

A. An application for P-D district zoning shall be accompanied by a development schedule indicating to the best of the applicant's knowledge the approximate date when construction of the project can be expected to begin, the anticipated rate of development, and the completion date. The development schedule, if approved by the commission, shall become part of the development plan and shall be adhered to by the owner of the property and successors in interest. Cash shall be posted or a savings and loan certificate or letter of credit or a performance bond issued by a corporate surety company, in an amount to be determined by the director of public works, to cover the cost of public improvements adjacent to the proposed development prior to the issuance of the building permit for first phase construction. The planning commission shall have authority to compare, from time to time, the actual development accomplished in the various P-D zone districts with the approved development schedules.

B. Upon request by the property owner and for good cause shown, the planning commission may extend the time limits of the development schedule; provided, that any request for an extension of time limits shall be on file in the office of the director of planning prior to the

expiration of any time limit required by the development schedule.

Subsection A above requires the applicant to provide the County with a development schedule indicating when the project will begin, the anticipated rate of development, and the completion date. It also states that the development schedule *shall be adhered to by the owner of the property*. Although a development schedule was approved for the project, it was not adhered to by the owner of the property. In fact, the only efforts made toward development of the property were dedication of rights-of-way (which the applicant was compensated for by the County) and payment of Fish and Game fees, despite the mandatory language to adhere to the development schedule. No physical work has been done on the property and no permits for on-site or off-site work have been applied for.

The approval of the project and subsequent development schedule was done during the height of the current recession. The applicant's assertion that a time extension is now needed because the economy has been in a major recession for the last five years overlooks the fact that the economy was in a major recession when the current development schedule was approved. The state of the economy is not a new development that occurred after the applicant's development schedule was prepared and the applicant should have known the state of the economy then. Despite this knowledge, the applicant proceeded with the approval of the project and subsequently did little to adhere to the development schedule. The applicant is now asking for an extension of another five years in similar economic times as the original approval. The applicant has not submitted any evidence that shows why they did not comply with the original development schedule, so logically, there is no reason to believe that they will adhere to any subsequent development schedule, if approved.

Subsection B above states that the Planning Commission may extend the time limits of the development schedule for good cause shown. Good cause is a factual showing. The applicant has not submitted any facts to the Planning Commission so that they could make the evidentiary finding of good cause. The City of Hughson contends that there is not good cause to extend the development schedule for the following reasons.

1. The Project does not conform to the Development Standards approved for the project since no construction has been started on the project site as required in the Development Schedule.
2. Very little effort and little capital investment have been put forth by the applicant with the exception of payment of Fish and Game fees and rights-of-way dedication.
3. The Project does not conform to current law (Assembly Bill 32) in regard to reduction of green house gas emissions.
4. The City of Hughson believes there are environmental impacts of the project that are not satisfactorily addressed by the applicant including: green house gas emissions pursuant to AB 32, water quality issues, and traffic issues; and as such believe the project is not in compliance with CEQA.
5. The applicant failed to pay in a timely manner California Fish and Game fees, as required by Item 15 of the Development Standards, within five days of approval of *either* the Planning

6. Commission or Board of Supervisors. Fees were paid on January 14, 2008, six days after approval by the Board of Supervisors and 39 days after approval by the Planning Commission.
7. Standard 7 requires building permits to be applied for. No applications have been made.
8. Standard 8 requires that landscape plans be submitted for approval. No plans have been submitted.
9. Standard 17 requires proof of contact with the Army Corps of Engineers prior to issuance of building permits. No proof of contact has been submitted.
10. Standard 18 requires proof of contact with California Fish and Game prior to issuance of building permits. No proof of contact has been submitted.
11. Standard 19 requires proof of contact with the State Water Resources Control Board prior to issuance of building permits. No proof of contact has been submitted.
12. Standard 20 requires proof of contact with the US Fish and Wildlife Service and the California Department of Fish and Game prior to issuance of building permits. No proof of contact has been submitted.
13. Standard 22 requires submittal of Landscape and Irrigation Plans to the City of Hughson for approval. No plans have been submitted.
14. Standard 24 requires dedication of a 10-foot wide public utility easement along the frontages of Geer and Santa Fe prior to the issuance of building permits. No dedication has been made.
15. Standard 26 requires all off-site improvement plans to be approved prior to the issuance of building permits. No improvement plans have been submitted.
16. Standard 27 requires a financial guarantee for street improvements be deposited with Public Works prior to the issuance of building permits. No financial guarantee has been submitted.
17. Standard 29 requires encroachment permits be obtained prior to any work within the rights-of-way. No encroachment permit application has been submitted.
18. Standard 32 requires a Master Grading and Drainage Plan be approved prior to issuance of building permits. No Master Grading and Drainage Plan has been submitted.
19. Standard 34 requires payment of Public Facilities Fees prior to or at the time of building permit issuance. No Public Facility Fees have been paid.
20. Standard 35 requires a Grading Permit be obtained prior to the movement of any soil on the project. No Grading Permit application has been submitted.
21. Standard 36 requires both a Notice of Intention (NOI) be filed with the California Regional Water Quality Control Board as well as a Waste Discharge Identification Number obtained and submitted to Public Works. No NOI has been filed or a Waste Identification Number submitted to Public Works.
22. Standard 41 requires Public Facilities Impact Fees and Fire Facility Fees be paid at the time of issuance of building permits. These fees have not been paid.
23. Standard 52 requires an approved Air Quality Impact Assessment from the San Joaquin Valley Air Pollution Control District (SJVAPCD). No Assessment has been submitted.
24. Standard 53 requires various permits to be obtained from the SJVAPCD. No permit applications have been submitted.
25. Standard 54 requires a 13-foot Public Utility Easement be dedicated along all street frontages. No easements have been dedicated.
26. Standard 57 requires annexation to the City of Hughson if a public water system is required. Although a public water system is required, no annexation efforts have been made.

While the City of Hughson understands that this application is not for approval of the project, only the time extension of the Development Schedule, we would like to point out other issues we have with the project itself. In 2006, the County and City of Hughson signed an Agreement (enclosed) which memorialized several

items of mutual concern in and around the City of Hughson's Sphere of Influence. The document states in part that the City and County desire to work cooperatively to ensure that growth occurs in a logical and orderly manner and further goes on to say that the County and City agree to respect and protect each other's interests on both sides of Geer Road. There is also an acknowledgement that Geer Road will be a 6-lane Class B Expressway with limited access allowed only at intersecting streets.

27. The project shows a drive-cut on Geer Road that is clearly at odds with our mutual agreement.

We also believe the project is not in conformance with the County's General Plan Land Use Element, specifically Goals 3,4,and 5; Policies 17, 20, 22, 23,and 24; Implementation Measures 2 and 5 of Policy 22, Implementation Measures 1,2, and 3 of Policy 24; as well as the Policy regarding Spheres of Influence. Of particular note are Goal 3 and Policies 17 and 20. These say that a goal of the General Plan is to foster stable economic growth through appropriate land use policies, promote diversification and growth of the local economy, and facilitate retention and expansion of existing businesses. There are currently vacant storefronts and financially struggling businesses in the City of Hughson that would be adversely impacted by the construction of nearly 20,000 square feet of commercial space just outside the city limits.

28. The project will adversely affect economic growth in the Hughson community and hinder retention of existing businesses.

In summary:

This is not a good project from a planning standpoint, economic standpoint, or environmental standpoint. This is leap-frog development that will have adverse affects on local businesses and our public water and street systems.

This project will create a County island inside the General Plan Sphere of Influence of the City of Hughson. There is no scenario we can imagine that would motivate the City of Hughson to annex this land once the project is built.

This project will leave in perpetuity another public water system less than a mile from our public water system. The septic will further pollute groundwater causing adverse affects on our water system.

A drive-cut has been designed on a planned 6-lane Expressway that is larger than Highway 99. Not only will this cause an unsafe traffic condition, it is expressly prohibited by our mutual Agreement from 2006.

The applicant has not expended significant expense on the project. We in fact have no proof that any funds have been expended toward this development in the last four years and four months, other than \$1,857 in Fish and Game fees.

The applicant has complied with two of the 57 Development Standards required of the project. They have not complied with the other 55 Development Standards.

The applicant has not complied with the Development Schedule in any way or by any means.

The applicant has not shown good cause to warrant a time extension.

This is an opportunity for Stanislaus County to do the right thing; to deny the time extension; to make right the Geer Road Agreement; and to respect the City of Hughson's interests.

For these reasons, the City of Hughson respectfully requests denial of the time extension for this project.

The Hughson City Council has adopted a resolution in opposition to the time extension, which is enclosed with this letter.

Sincerely,



Bryan Whitemyer,
City Manager

AGREEMENT

This agreement is made and entered on the 12th day of June 2006, by and between the CITY of HUGHSON, (hereinafter "CITY") and the COUNTY OF STANISLAUS, a political subdivision of the State of California, (hereinafter "COUNTY").

This agreement is made with reference to the following recitals:

WHEREAS, the General Plan approved by the CITY on December 12, 2005 requests a Sphere of Influence boundary line extending east of Geer Road; and

WHEREAS, COUNTY acknowledges that CITY may want to someday expand east of Geer Road as is evidenced by the CITY'S General Plan; and

WHEREAS, COUNTY has expressed concerns over this expansion east of Geer Road at this time; and

WHEREAS, the CITY General Plan and COUNTY Circulation Element contain inconsistencies between the two documents in roadway designations; and

WHEREAS, both the CITY and COUNTY acknowledge that the regional movement of goods, services and people on roadways such as Geer Road, Hatch Road, Santa Fe Road and Tully Road is essential to their economic well being and vitality; and

WHEREAS, both the CITY and COUNTY desire to work cooperatively to ensure that growth occurs in a logical and orderly manner with a consistent set of development standards;

NOW, THEREFORE, CITY and COUNTY agree to the following understandings:

- A. COUNTY and CITY agree to respect and protect each other's interests on both sides of Geer Road, and
- B. COUNTY agrees to require that any new development in the Urban Reserve, east of Euclid and West of Geer Road, will be consistent with the City's land use designations. The CITY will delineate these land use designations in a future Specific Plan(s); and
- C. COUNTY agrees to seek input from the CITY on development east of Geer Road and within the CITY'S Adopted General Plan area; and
- D. CITY will not request a proposed Sphere of Influence boundary line of the City east of Geer Road at this time; and
- E. CITY agrees to collect County Public Facilities Fees (PFF) commencing 30 days from the date of this Agreement; CITY will remit collections to the COUNTY

Auditor-Controller on a quarterly basis; COUNTY agrees to allow CITY to retain a 1% administrative fee for collection of the PFF; in the event any person, corporation or entity disputes or refuses to pay COUNTY'S PFF, COUNTY shall be solely responsible for compliance with protest provisions as set forth in Section 66000 et seq. of the Government Code, as the same now exists or hereafter may be amended; COUNTY will have the right to perform periodic audits on PFF collections; and

- F. COUNTY and CITY agree that Geer Road is to be designated 6-lane, Class B Expressway, Hatch Road a 4-lane, Class C Expressway, Santa Fe Avenue a 4-lane, Class C Expressway outside the CITY limits and Major within CITY limits, Service Road a 4-lane, Class C Expressway, Tully Road a Collector, and Whitmore Avenue a Major (see Exhibit A for roadway definitions); and
- G. CITY and COUNTY agree to cooperatively develop plan lines for the above-designated roadways; and
- H. CITY and COUNTY agree that in as much as the areas between Euclid and Geer have been designated as Urban Reserve, the development of specific access controls and roadway geometrics will be established through the use of Specific Plans; and
- I. CITY and COUNTY agree that, subject to LAFCO approval of "out of boundary" service, CITY may provide municipal services as available (e.g. sewer and water) to areas within the Sphere of Influence and COUNTY will require connection to those services when available for new development in said area.
- J. CITY agrees to indemnify and hold harmless COUNTY and its officers, agents and employees from any and all liabilities, claims, demands, actions, losses, damages or costs including attorneys fees, caused by, arising out of, or in any way connected, directly or indirectly, to any and all action undertaken by CITY pursuant to this Agreement.
- K. COUNTY agrees to indemnify and hold harmless CITY and its officers, agents and employees from any and all liabilities, claims, demands, actions, losses, damages or costs including attorneys fees, caused by, arising out of, or in any way connected, directly or indirectly, to any and all action undertaken by COUNTY pursuant to this Agreement.
- L. Implementation of this Agreement shall commence upon the later of the dates of approval by the CITY and COUNTY of this Agreement and shall continue indefinitely. However, either party may terminate this Agreement or any extensions thereto, at any time, as long as 90 days prior written notice is given to the other party in this Agreement.

M. Any notices or communication required or permitted hereunder shall be in writing and sufficiently given if delivered in person or sent by certified or registered mail, return receipt requested, postage prepaid, as follows:

If to COUNTY:

Chief Executive Officer,
Stanislaus County
1010 Tenth Street, Suite 6800
Modesto, California 95354

If to CITY:

City Manager,
City of Hughson
7018 Pine Street
Hughson, California

- N. The waiver by either party of a breach of any provision of this Agreement by the other party shall not operate or be construed to operate as a waiver of any subsequent breach.
- O. The provision of the Agreement shall constitute the entire agreement between the parties and may be modified only by written agreement duly executed by the parties hereto.
- P. COUNTY and CITY further covenant to cooperate with one another in all respects necessary to insure the successful consummation of the actions contemplated by this Agreement, and each will take action within its authority to insure cooperation of its officials, officers, agents, and employees

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first written above.

CITY OF HUGHSON,
A Municipal Corporation

By: _____

Thomas E. Crowder, Mayor

APPROVED AS TO FORM:

By: _____

COUNTY OF STANISLAUS,
A Body Corporate and Public

By: _____

Ray Simon, Chairman
Board of Supervisors

APPROVED AS TO FORM:

By: _____



EXHIBIT A

Road Classification Glossary

Expressway. The function of an Expressway is to move high volumes of people and goods between urban areas within the county at higher speeds depending upon the level of access control. Direct access to abutting property is specified within the standard for each expressway class. Expressways serve a similar function to that of Freeways - the fast and safe movement of people and goods within the county - and provide access to the interregional freeway system. On-street parking is not permitted on Expressways except under very special and rare circumstances where the Department of Public Works has determined that traffic flow and safety conditions allow on-street parking. The design features of Expressways are determined by the level of access control and the number of lanes designated for each expressway route segment (see Figure 2-3):

- (1) A "Class A" Expressway is a fully access-controlled road with grade separated interchanges at intervals of approximately one mile at other Expressway, Major, or Local roads. The typical right-of-way is 110 or 135 feet (4 or 6 lanes, respectively).
- (2) A "Class B" Expressway is a partially access-controlled road with traffic-controlled intersections at Major roads and other Expressways. Collectors and Locals are permitted right-in, right-out access only at 1/4- to 1/2-mile intervals. The typical right-of-way is 110 or 135 feet (4 or 6 lanes, respectively). On limited rights-of-way, Class B Expressways may be 100 feet for four lanes and 124 for six lanes.
- (3) A "Class C" Expressway is a limited access-controlled road with traffic-controlled intersections at Majors and other Expressways. Intersections at Collectors and Locals may or may not be controlled by a traffic signal. The typical right-of-way is 110 or 135 feet (4 or 6 lanes, respectively). On limited rights-of-way, Class C Expressways may be 100 feet for four lanes and 124 for six lanes.

Major. The function of a Major road is to carry moderate- to high-volume traffic to and from collectors to other Majors, Expressways, and Freeways with a secondary function of land access. Majors located within areas zoned for heavy or light industrial or that are expected to carry large or heavy trucks shall be constructed to Industrial Major standards. Limited direct access is provided to abutting property. On-street parking will be permitted only where the Department of Public Works has determined that traffic flow and safety conditions allow on-street parking. The typical right-of-way is 110 feet (up to 6 lanes, ultimately). On limited rights-of-way, Majors may be 100 feet.

Collector. Collectors serve a dual function by providing both access to abutting property and movement of moderate volumes of people and goods for medium length trips. Collectors serve as transition facilities, carrying traffic from lower to higher level roads. Most Collectors are two-lane roads with a typical right-of-way of 60 feet. On-street parking will be permitted only where the Department of Public Works has determined that traffic flow and safety conditions allow on-street parking. In urban residential subdivisions, roads not shown on the General Plan Circulation Diagram or as an Official Plan Line that will serve more than 50 dwelling units, when the maximum density and full extent of the development is considered, shall be deemed Collectors. In some instances, the Department of Public Works may determine that project design features dictate that a road serving as few as 20 urban dwelling units be deemed a Collector. Under certain circumstances, 80 feet of right-of-way may be required to provide additional capacity to provide two additional through lanes to accommodate projected traffic demand, to facilitate the movement of large trucks, or to improve safety due to limited visibility or other safety hazards. Those collectors that require 80 feet of right-of-way are specifically identified in the County General Plan.

**CITY COUNCIL
CITY OF HUGHSON
RESOLUTION NO. 2012-19**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON
OPPOSING THE TIME EXTENSION FOR RE-ZONE APPLICATION NO.
2007-1 - SANTA FE CROSSING – P-D (313) AND REQUESTING DENIAL
FROM THE STANISLAUS COUNTY PLANNING COMMISSION AND
BOARD OF SUPERVISORS**

WHEREAS, the development project know as Santa Fe Crossing (“Project”), at the corner of Geer Road and Santa Fe Avenue was approved by the Stanislaus County Planning Commission on December 6, 2007 and the Board of Supervisors on January 8, 2008; and

WHEREAS, the Project proponents have requested a five-year time extension for the project, which is a discretionary approval; and

WHEREAS, the Project is situated in the sphere of influence of the City of Hughson; and

WHEREAS, Development Standards were adopted as a condition of approval for the Project, including a five year, 3-phase build-out schedule culminating on January 8, 2013; and

WHEREAS, the Project does not conform with the Development Standards approved for the project since no construction has been started on the project site as required in the Development Schedule; and

WHEREAS, very little effort and little capital investment has been put forth by the Project proponent with the exception of drawings and rights-of-way dedication; and

WHEREAS, the Project does not conform with current law (Assembly Bill 32) in regard to reduction of green house gas emissions; and

WHEREAS, the City of Hughson believes there are environmental impacts of the Project that are not satisfactorily addressed by the Project proponent including: green house gas emissions pursuant to AB 32, water quality issues, and traffic issues; and as such believe the Project is not in compliance with CEQA; and

WHEREAS, the Project proponents failed to timely pay the California Fish and Game fees for the Project within five days of approval of either the Planning Commission or the Board of Supervisors as required by Item 15 of the Development Standards; and

WHEREAS, the Project does not conform with the Land Use Element of the Stanislaus County General Plan, specifically Goals 3,4,and 5; Policies 17, 20, 22, 23,and 24; Implementation Measures 2 and 5 of Policy 22, Implementation Measures 1,2, and 3 of Policy 24; as well as the Policy regarding Spheres of Influence; and

WHEREAS, the Project does not conform with the mutual agreement between the County of Stanislaus and the City of Hughson dated June 12, 2006 since a driveway cut has been approved on the Class B Expressway (Geer Road) defined in Exhibit A; and

WHEREAS, Section A of the agreement says County and City agree to respect each other's interest on both sides of Geer Road; and

WHEREAS, the Agreement also states that both City of Hughson and County of Stanislaus desire to work cooperatively to ensure that growth occurs in a logical and orderly manner; and

WHEREAS, another County General Plan Goal is to foster stable economic growth with policies that strive to promote growth of the local economy as well as to facilitate retention of existing business; and

WHEREAS, there are currently vacant storefronts and financially struggling businesses in the City of Hughson that would be adversely impacted by the construction of nearly 20,000 square feet of commercial space just outside the city limits; and

WHEREAS, the Project will adversely affect economic growth in the Hughson community and hinder retention of existing businesses; and

WHEREAS, the County's General Plan has a goal of complementing city general plans and an implementation policy of denying discretionary projects if within a city sphere of influence and opposed by that city; and

WHEREAS, the City of Hughson opposes the Project and the current request for a time extension; and

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hughson does hereby oppose the time extension application for Rezone Application No. 2007-01 – Santa Fe Crossing – P-D (313) and requests denial of the extension by the Stanislaus County Planning Commission and the Board of Supervisors.

PASSED AND ADOPTED by the Hughson City Council at a regular meeting thereof held on April 23, 2012, by the following vote: (5-0-0-0)

AYES: Mayor Bawanan, Beekman, Silva, Carr, and Young.

NOES: None.

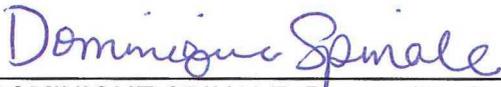
ABSTENTIONS: None.

ABSENT: None.



RAMON BAWANAN, Mayor

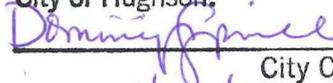
ATTEST:



DOMINIQUE SPINALE, Deputy City Clerk

CERTIFICATION

I hereby certify the foregoing is a true and correct copy of the original document on file in the office of the City Clerk of the City of Hughson.



City Clerk

Dated: 4/26/12

**STANISLAUS COUNTY
CEQA REFERRAL RESPONSE FORM**

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

FROM: _____

SUBJECT: TIME EXTENSION FOR REZONE APPLICATION NO. 2007-01 - SANTA FE CROSSING

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

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) - (attach additional sheet if necessary)

1. Green house gas emissions/air quality
2. Water quality
3. Traffic impacts
- 4.

Listed below are possible mitigation measures for the above-listed impacts: PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):

1. Comply with AB 32
2. Prohibit nitrates from septic tanks leaching to ground water.
3. Provide traffic study prior to building permit & close drive cut on Geer Road.

In addition, our agency has the following comments (attach additional sheets if necessary).

see attached

Response prepared by:

City of Hughson.

Thom Clark Community Development Director 4/24/12

Name	Title	Date
------	-------	------



November 19, 2012

Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354
Attn: Joshua Mann

RE: Santa Fe Crossing Application for Time Extension

Dear Mr. Mann:

This is a follow up letter to my letter of April 24, 2012 regarding the above proposal. Prior to writing the April 24th letter, City staff had contact County Building, Planning, and Public Works Departments inquiring on the issuance for any permits for the project. All three departments indicated that no permits had been issued. The project proponent's engineer however, did show me that Improvement Plans had been approved by the Public Works Department. Improvement Plans are for underground and grading work. No building, landscaping, or other plans were approved. Dedication of the rights-of-way has also taken place. It should be noted that while these plans have been approved, the work has not actually been done.

I am hereby amending my April 24 letter to remove items 14, 15, 16, and 25. There remains 51 out of 57 Development Standards that have not been complied with.

The City of Hughson continues to contend that this project should not receive a time extension for all of the reasons in my April 24th letter.

Sincerely,


Bryan Whitemyer
City Manager
City of Hughson

KIRK ✓
ANGELA ✓

Ron Freitas



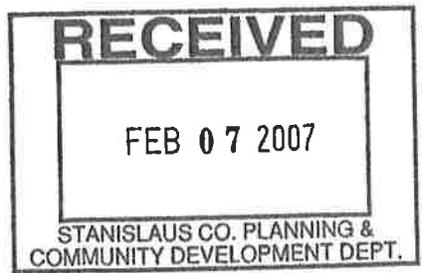
TRANSMITTAL

DELIVERY REGULAR MAIL OVERNIGHT MAIL FAX CLIENT PICK-UP CITY PICK-UP

TO: RON FREITAS	FROM: Barry Siebe Director of Planning & Building
COMPANY: Stanislaus County Planning & Community Development	DATE: 02/06/07
ADDRESS: 1010 10th Street, Suite 3400	PHONE: (209) 883-0811
Modesto, CA 95354	FAX: (209) 883-9725

REGARDING:

**RESPONSE TO EARLY CONSULTATION REFERRAL FOR RE-ZONE APPLICATION
NO. 2007-01 SANTA FE CROSSING.**





7018 Pine Street/P.O. Box 9 * Hughson, California 95326 * (209) 883-4054 * Fax (209) 883-2638
www.Hughson.org

To: Stanislaus County Department of Planning and Community Development

Subject: Response to Early Consultation Referral for Re-zone Application No. 2007-01 Santa Fe Crossing

The City of Hughson has received a Referral for Early Consultation on the above mentioned application located within the City of Hughson General Plan Sphere of Influence. Upon preliminary review, the City of Hughson has multiple concerns/questions relating to the proposed project.

The project identified in the application appears to be in conflict with, or requires further discussion to address several of the Goals, Policies and Actions identified in the City of Hughson 2005 General Plan, and does not appear to conform to some of the Items of Understanding contained within the Memorandum of Understanding adopted by and between the City of Hughson and the County of Stanislaus in conjunction with the City of Hughson 2005 General Plan.

The City of Hughson Adopted its General Plan in December of 2005 and in 2006 entered into a mutually acceptable agreement with the County of Stanislaus, adopted by the County in June of 2006, which states in part:

- A COUNTY and CITY agree to respect and protect each other's interests on both sides of Geer Road, and
- F COUNTY and CITY agree that Geer Road is to be designated 6-lane, Class B Expressway, Hatch Road a 4-lane, Class C Expressway, Santa Fe Avenue a 4-lane, Class C Expressway outside the CITY limits and Major within CITY limits, Service Road a 4-lane, Class C Expressway, Tully Road a Collector, and Whitmore Avenue a Major (see Exhibit A for roadway definitions); and
- G CITY and COUNTY agree to cooperatively develop plan lines for the above-designated roadways; and

The project site is located in the City of Hughson General Plan Sphere of Influence, adopted in December 2005 and approved by the Local Area Formation Commission (LAFCO) in 2006. The site is within that area designated as the Secondary Sphere.

CITY COUNCIL

Kenneth A. Moore
Mayor

Stephen Qualls
Mayor Pro Tem

Greg Adams
Council Member

Gerald "Jerry" Ledermann
Council Member

Ramon Bawanani
Council Member

Joseph E. Donabed
City Manager

Mary Jane Cantrell
CMC, Director of
Administrative
Services/City Clerk

David M. Chase, P.E.
Director of Public
Works/City Engineer

Deborah L. Barone
Director of Finance/
City Treasurer

Barry Siebe
Director of Planning
& Building

Thomas Clark
Parks & Recreation
Manager

Janet Rasmussen
Chief of
Police Services

John W. Stovall
City Attorney

City of Hughson General Plan Policies, Goals, and Actions relating to this issue

LU-1.1 states in part: The City will phase development by focusing growth from 2005 through 2015 into the Primary SOI, as shown in Figure LU-6, to ensure an appropriate rate of growth.

- a. The project site is outside the Primary Sphere of Influence and would not have been considered for development within the 2005-2015 anticipated build-out time frame for the Primary Sphere

Policy LU-2.4 The City will only approve development proposals adequately funded through the developer, City or other funding mechanism that ensures an on-going level of public service and facilities that meet the City's established service levels. The initial cost of improving facilities and services, as well as the on-going operation and maintenance of these facilities and services, will be taken into consideration.

- b. The project does not identify methods for funding future infrastructure needed to provide levels of service upon annexation and incorporation into the City and the consequential need for services

Policy LU-3.5 New development should be designed to connect to the existing community through the orientation and design of buildings and vehicular, pedestrian and bicycle connections.

- c. The project does not discuss or identify mitigation of issues relating connectivity to the City

Action LU-3.2 Require new development to comply with the City's Design Expectations

- d. The project does not address issues relating to Design Review of the Project in accordance with City of Hughson Standards

Action LU-4.5 Require a brief economic impact assessment be prepared for all proposed outlying commercial developments in order to determine the potential impacts of the development on the Downtown and the community as a whole.

- e. No Economic Impact Assessment has been performed

Action PSF-1.2 Review major land use development proposals for site design criteria and other law enforcement concerns

- f. The City of Hughson is under contract with the Stanislaus County Sheriff's Department to provide Police Services within the jurisdictional boundaries of the City, with built-in increases of coverage based on a per-capita formulation within the City Limit. While the project is not located within the City Limits, criminal activity and emergency response will fall to the County Sheriff's Department for coverage. While this is the normal course of operations, increased commercial activity along the boundaries of the City of Hughson (not being calculated into the per capita coverage of the City of Hughson under the contract and thus increasing the number of officers assigned) could potentially increase the need for coverage which may require an increased need for emergency response from officers assigned to the patrol of the City of Hughson, and could potentially have the effect of diminishing coverage within the City

Action PSF-2.1 Work with the Hughson Fire Protection District to ensure adequate response time (three to five minute maximum) as well as ensure the necessary staff and equipment to maintain adequate service to new and existing development.

- g. Recent concerns relating to Fire Protection Services have been expressed by the County Board of Supervisors and members of the Local Agency Formation Commission. The City of Hughson has placed restrictions for development within its jurisdiction and on properties wishing to annex into the City, requiring further analysis relating to Fire Services and the Districts ability to serve further development. The project does not discuss mitigation of the Hughson Fire District's level of service

Memorandum of Understanding Item "A" COUNTY and CITY agree to respect and protect each other's interests on both sides of Geer Road.

Policy LU-2.1 The City will encourage a land use mixture that provides a balance or surplus between the generation of public revenues and the cost of providing public services and facilities.

- h. This project does not demonstrate conformance with these policies, nor does it address issues relating to the level of collaboration for protection of interests as outlined in the "Understandings" of the above mentioned agreement.
- i. This project, located outside the City limits does not identify benefits to the City of Hughson relating to this policy
- j. The Project does not discuss issues relating to Property Tax Sharing between City and County, Revenue Generated and the sharing of such at time of annexation into the City in the future, nor payment of City of Hughson Development Impact Fees, despite

the project description for Phase One (1) which identifies "...stub lines ..." to "...be provided for future connection to municipal facilities..."

The City of Hughson is currently undertaking the revision and development of Master Plans as part of the implementation of the 2005 General Plan. These include Water, Storm Water, Wastewater, and Streets Master Plans. As these Master Plans are not completed and have not undergone formal adoption, facility needs for areas within the sphere have not been adequately studied or identified thus the City has concerns relating to provision of public facilities in accordance with the following General Plan Policies, Goals, and Actions

Action C-1.5 As part of the Street Master Plan, undertake a Santa Fe Avenue corridor study. The study will provide detailed analysis how to improve the Santa Fe Avenue corridor, focusing on the following issues:

- ◆ **Mid-term Intersection Expansion.** Create detailed design and cost estimates of improving major Santa Fe Avenue intersections of Hatch Road, Geer Road, Tully Road, Mountain View Road, Whitmore Avenue, 7th Street, Euclid Avenue and Service Road.

Understandings "F" and "G" COUNTY and CITY agree that Geer Road is to be designated 6-lane, Class B Expressway, Hatch Road a 4-lane, Class C Expressway, Santa Fe Avenue a 4-lane, Class C Expressway outside the CITY limits and Major within CITY limits, Service Road a 4-lane, Class C Expressway, Tully Road a Collector, and Whitmore Avenue a Major (see Exhibit A for roadway definitions); and CITY and COUNTY agree to cooperatively develop plan lines for the above-designated roadways.

- a. Development of the Streets Master Plan and as identified in understanding "G" of the above mentioned agreement, development of Plan Lines, has not been completed. Thus the criteria for evaluating adequate required Right-of-way dedication has not been established

Policy C-2.1 New applicants for development with the potential to generate 100 peak hour trips per day of traffic may be required to have a qualified traffic engineer prepare a traffic study to identify potential traffic impacts and specify improvement measures needed to ensure an acceptable LOS on affected streets. City staff will determine the extent of the traffic study based on existing conditions and key issues associated with site plans.

- b. A detailed traffic analysis is not identified in the project application

Policy COS-7.8 The City will encourage compact development patterns to minimize trip distance and resultant automobile emissions.

- c. The project, located outside the city limits has the potential of increasing trip generation and should be studied accordingly

Policy COS-6.3 The City will enforce project design and construction regulations that limit amounts of impervious surfaces and control erosion to minimize associated runoff and ground water pollution.

Policy PSF-8.1 The City will require local storm drainage improvements be built to carry appropriate design-year flows resulting from build-out of the General Plan.

- d. The project proposes an increase from 17,083 sq. ft. of development to 117,755 sq. ft. This will increase the non-pervious surface area by more than 689 percent. The project does not adequately demonstrate how the collection and containment of Storm Water will be designed for incorporation into the future Storm Water Collection System for the City?

Policy COS-7.10 Land use and transportation development and planning shall be coordinated with each other as a means to mitigate impacts on air quality.

- e. . The project does not discuss potential Air Quality Issues relating to traffic generation

Policy PSF-6.1 The City will continue to expand its water treatment and distribution facilities to provide good quality drinking water to current and future residents and businesses. Expansion may include the construction of additional storage facilities and/or additional wells.

Policy PSF-6.6 The approval of development shall be conditioned on the availability of sufficient water supply, storage and pressure requirements for the City

- f. The project identifies a water well for supply, however it does not discuss if the well provided be developed in accordance with City of Hughson specifications for future incorporation into the City of Hughson Municipal Water Facilities

Policy PSF-7.2 The approval of new development shall be conditioned on the availability of adequate long-term capacity for wastewater conveyance, treatment and disposal sufficient to service the proposed development

Policy PSF-7.3 All new development shall demonstrate to the City that the downstream sanitary sewer system is adequately sized and has sufficient capacity to

accommodate anticipated sewage flows. If downstream lines are found to be inadequate, the developer shall provide facilities to convey the additional sewage expected to be generated by the development

- g. The City of Hughson is currently undertaking a design and funding study for expansion of Waste Water Treatment Facilities, and revision of the Waste Water Allocation Policy, this project has not been identified in this study and or been given consideration in the allocation policy. The project does not discuss incorporation into and mitigation of costs associated with such incorporation at time of connection to city services

The City of Hughson appreciates the opportunity to comment on the above referenced project. Due to the duration of the comment period, and the scheduling of the City of Hughson Planning Commission, this item will be placed on the agenda for the regularly scheduled meeting on February 20, 2007. Should you have any questions regarding these comments please contact the City of Hughson Planning Department.

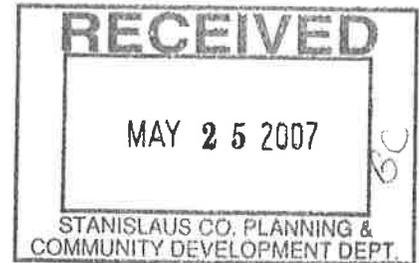
Barry C. Siebe
Director of Planning & Building
Ph: (209) 883-0811
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E-mail bsiebe@hughson.org



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May 24, 2007

Stanislaus County Planning Department
1010 10th St., Suite 3400
Modesto, CA 95354
Attn: Bill Carlson, Senior Planner



RE: Santa Fe Crossing Project Comments

Dear Mr. Carlson:

The City of Hughson and the project proponents have met and resolved the issues the City originally had with the project. Specifically, the proponents will omit the retail portion of the project, leaving a mini-storage facility with RV parking and the conversion of an existing building to an RV repair facility.

The City of Hughson withdraws our earlier concerns with the project in light of the above.

Sincerely,

Thom Clark
Interim Planning and Building Director

CITY COUNCIL

Kenneth A. Moore
Mayor

Stephen Qualls
Mayor Pro Tem

Greg Adams
Council Member

**Gerald "Jerry"
Ledermann**
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Parks & Recreation
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Chief of
Police Services

John W. Stovall
City Attorney



CITY OF HUGHSON

Memo

To: Joshua Mann, Stanislaus County Department of Planning and Community Development

From: Thom Clark, City of Hughson Planning and Building Director

Date: October 29, 2007

Re: Santa Fe Crossing: Rezone Application 2007-01

In response to your request for the City of Hughson to respond to this proposal in writing as it pertains to the City's General Plan, I offer the following:

- Attached, please find Figure LU-2 and LU-4 from the City's General Plan. LU-2 shows that the project is one of the City's Gateways and LU-4 shows the General Plan land use designation as Service Commercial.
- Next (attached) is sheet LU-5 which provides for Gateway projects that are aesthetically attractive.
- Next (attached) is sheet LU-20 (Table LU-2) showing the acreage in the project as inside the City's Sphere of Influence (SOI).
- Next is sheet LU-26 defining the Service Commercial land uses.
- Next is sheet LU-34, showing Goal LU-3 which specifies that new development preserves and enhances Hughson's unique small town character. This policy is further strengthened by Policy LU-3.1 which specifies that new development should be compatible with physical site characteristics, surrounding land uses and available public infrastructure, as well as Policy LU-3.2 which specifies that new development will be visually interesting through variations of site and building design and building placement and orientation, and Policy LU-3.5 which states that new development will be designed to connect to the existing community, through the orientation and design of buildings and vehicular, pedestrian and bicycle connections.

- There are also two policies addressing sound walls. Policy LU-3.7 which states that sound walls should be avoided whenever possible, and Policy LU-3.9 which states that when sound walls are allowed, they should provide for visual relief through the use of a mixture of materials, landscaping and walkways and greenbelts.
- Sheet LU36, Policy LU-3.11: Use landscaping to differentiate between gateways, major intersection, and primary...arterials...etc.

Findings:

1. The proposed use of the proposed Santa Fe Crossing project is consistent with the City of Hughson's General Plan land use designation of Service Commercial.
2. The project is located at an identified Gateway to the City and therefore needs to be developed with quality aesthetical standards (sheet LU-5) that meet the various General Plan policies as noted above. IF the project meets these various standards, it could be found to be in compliance with the General Plan. The level of detail of the project does not provide for clear understanding of the materials, landscaping, transportation corridors, building and wall articulation etc, which would allow me to state that this particular concern is in conformance with the General Plan at this time.

From: "Thomas Clark" <tclark@hughson.org>
To: "Joshua Mann" <Mannj@co.stanislaus.ca.us>
Date: 10/29/07 6:55:59 PM
Subject: RE: Santa Fe Crossing

Josh,

This is the best I could do.

Thom Clark
Director of Planning and Building
City of Hughson
(209) 883-0811 ext. 33

-----Original Message-----

From: Joshua Mann [mailto:Mannj@co.stanislaus.ca.us]
Sent: Thursday, October 25, 2007 2:17 PM
To: Thomas Clark
Subject: Santa Fe Crossing

The Initial Study package can be found here (as a PDF):

<http://www.co.stanislaus.ca.us/planning/Projects/CEQA-rez2007-01.pdf>

Thanks,

Joshua Mann, Associate Planner
Stanislaus County
Department of Planning and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354
(209)525-5925
www.stanco-planning.org
mannj@mail.co.stanislaus.ca.us

-- -- -- Let Us Know How We Are Doing -- -- --

Please take a moment and complete the Customer Satisfaction Survey by clicking on the following link:

<http://www.co.stanislaus.ca.us/SurveyChoice.htm>

GOAL FIVE

Complement the general plans of cities within the County.

POLICY TWENTY-FOUR

Development, other than agricultural uses and churches, which requires discretionary approval and is within the sphere of influence of cities or in areas of specific designation created by agreement (e.g., Sperry Avenue and East Las Palmas Corridors), shall not be approved unless first approved by the city within whose sphere of influence it lies or by the city for which areas of specific designation were agreed. Development requests within the spheres of influence or areas of specific designation of any incorporated city shall not be approved unless the development is consistent with agreements with the cities which are in effect at the time of project consideration. Such development must meet the applicable development standards of the affected city as well as any public facilities fee collection agreement in effect at the time of project consideration. (Comment: This policy refers to those development standards that are transferable, such as street improvement standards, landscaping, or setbacks. It does not always apply to standards that require connection to a sanitary sewer system, for example, as that is not always feasible.)

IMPLEMENTATION MEASURES

1. All discretionary development proposals within the sphere of influence or areas of specific designation of a city shall be referred to that city to determine whether or not the proposal shall be approved and whether it meets their development standards. If development standards of the city and County conflict, the city's standards shall govern.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors
2. The policies described in the section on **SPHERES OF INFLUENCE** for projects within a city's sphere of influence or areas of specific designation shall be followed.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors
3. The County shall limit its approval of discretionary projects in spheres of influence to agricultural uses, churches and projects recommended for approval by the city unless such projects are exempt from this implementation measure as a result of individual city/county agreements (e.g., upper McHenry Avenue, Beard Tract areas).
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors
4. Discretionary projects in areas zoned other than A-2 (General Agriculture) prior to the applicable agreement with the city within whose sphere of influence the project lies shall not be allowed to develop consistent with the current zone classification unless they first obtain approval for the project from the city.
Responsible Departments: Planning Department, Planning Commission, Board of Supervisors
5. Non-discretionary projects in spheres of influence shall be allowed to develop with existing entitlements.
Responsible Departments: Planning Department, Building Inspection Division, Public Works Department

SPHERES OF INFLUENCE

BACKGROUND

In 1973, Stanislaus County adopted a new General Plan concept called Urban Transition. This designation was placed on property outside the city limits but within the city's general plan boundary. One of the reasons for development of this designation was ongoing conflicts between the County and the cities. The County routinely approved development of land within a city's general plan boundary without regard to consistency with the city's plans. This caused a variety of problems for a city. First, although rare, development sometimes occurred which was not acceptable to the city, therefore, no attempt was made to annex the property resulting in islands of unincorporated area within a city. Second, if the County permitted urban development within the County, there was no incentive for the property owner to annex. This often prevented annexation. Third, even if the city wanted to annex the property and the property owner agreed, the development seldom met city standards with respect to street improvements, landscaping, signage, etc. At this point, there was no recourse for the city to upgrade the requirements.

With the adoption of the Urban Transition designation, development in most instances was required to annex before approval. Development which was allowed by ordinance without annexation was referred to the appropriate city for comment. The intent of the referral was to gain city input on whether or not a proposal was consistent with the city's plans and, if so, did the proposed development standards equal what the city would require if development were to occur in the city.

Originally, referrals were only made if the general plan designation was Urban Transition although the Urban Transition area is only a portion of the area within a city's general plan boundary. Gradually, referrals were made of all applications within a city's general plan boundary regardless of whether or not the property was designated Urban Transition.

In late 1984, the Local Agency Formation Commission (LAFCO) adopted spheres of influence for each city as required by state law. These spheres are "a plan for the probable ultimate physical boundaries and service area of a local agency." (Section 56425 of the California Government Code.) Since a sphere of influence is usually the general plan boundary of a city, the term more accurately describes the area in which referrals have been made.

POLICY

Whenever an application is to be considered which includes property within the sphere of influence of a city or special district (e.g., sewer, water, community services) or areas of specific designation created by agreement between County and City, the following procedures should be followed:

1. Development, other than agricultural uses and churches, which requires discretionary approval from incorporated cities shall be referred to that city for preliminary approval. The project shall not be approved by the County unless written communication is received from the city memorializing their approval. If approved by the city, the city should specify what conditions are necessary to ensure that development will comply with city development standards. Requested conditions for such things as sewer service in an area where none is available shall not be imposed. Approval from a city does not preclude the County decision-making body from exercising discretion, and it may either approve or deny the project.

2. Agricultural uses and churches which require discretionary approval should be referred to that city for comment. The County Planning Commission and Board of Supervisors shall consider the responses of the cities in the permit process. If the County finds that a project is inconsistent with the city's general plan designation, it shall not be approved. Agricultural use and churches shall not be considered inconsistent if the only inconsistency is with a statement that a development within the urban transition area or sphere of influence shall be discouraged (or similar sweeping statement). The city shall be asked to respond to the following questions:
 - (a) Is the proposed project inconsistent¹ with the land use designation on the city's general plan? If so, please include a copy of the map (or that portion which includes the subject property) and the text describing uses permitted for the general plan designation. All findings of inconsistency must include supporting documentation.
 - (b) If the project is approved, specifically what type of conditions would be necessary to ensure the development will comply with city development standards such as street improvements, setbacks and landscaping?

In the case of a proposed project within the sphere of influence of a sanitary sewer district, domestic water district or community services district, the proposal shall be forwarded to the district board for comment regarding the ability of the district to provide services. If the district serves an unincorporated town with a Municipal Advisory Council (MAC), the proposal shall also be referred to the MAC for comment.

¹The question is specifically phrased to ask if a proposed project is inconsistent with the General Plan designation. This is intended to (a) encourage a city to specifically designate all land within its Sphere of Influence if it wants to oppose development proposals within the Sphere, and (b) to assure that tangible proof is submitted if denial is requested. This will eliminate the County's dilemma of trying to prove something is consistent with an inadequate General Plan.