

STANISLAUS COUNTY PLANNING COMMISSION

May 18, 2023

STAFF REPORT

PARCEL MAP APPLICATION NO. PLN2022-0125
JOE RUDDY CORP

REQUEST: TO SUBDIVIDE A 3.31± ACRE PARCEL IN THE INDUSTRIAL (M) ZONING DISTRICT INTO TWO PARCELS OF 2.14± AND 1.17± ACRES IN SIZE.

APPLICATION INFORMATION

Applicant:	Joe Ruddy Corporation
Property owner:	Friedrich Family Limited Partnership [Red River, LLC. (membership the same as Friedrich Family Limited Partnership), Paul E. Friedrich, Ann E. Truxton, Matthew I. Friedrich, Frank J. Friedrich, Mary K. Friedrich]
Agent:	Rod Hawkins, Hawkins & Associates Engineering, Inc.
Location:	448 Mitchell Road and 2101, 2203, and 2205 Tenaya Drive, between Hoover Avenue and Tenaya Drive, in the Modesto area.
Section, Township, Range:	35-3-9
Supervisorial District:	Five (Supervisor C. Condit)
Assessor's Parcel:	036-001-086
Referrals:	See Exhibit E
Area of Parcel(s):	Environmental Review Referrals Proposed Parcel 1: 2.14± acres Proposed Parcel 2: 1.17± acres
Water Supply:	City of Modesto
Sewage Disposal:	City of Modesto
General Plan Designation:	Industrial
Community Plan Designation:	N/A
Existing Zoning:	Industrial (M)
Sphere of Influence:	City of Modesto
Williamson Act Contract No.:	N/A
Environmental Review:	CEQA Guidelines Section 15315 (Minor Land Divisions)
Present Land Use:	Industrial and commercial uses
Surrounding Land Use:	Industrial uses surround the site on all sides; and the Modesto City-County Airport is located southwest of the site.

RECOMMENDATION

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

PROJECT DESCRIPTION

The project is a request to subdivide a 3.31± acre parcel in the Industrial (M) zoning district into two parcels of 2.14± and 1.17± acres in size (see Exhibit B – *Maps*). The site is fully developed and if approved, Proposed Parcel 1 will consist of a 45,000 square-foot building and Proposed Parcel 2 will consist of a 15,000 square-foot building. No changes to the existing uses or development are proposed as part of this request and the proposed parcels will maintain consistency with the development standards of the Industrial (M) zoning district. If approved, Proposed Parcel 1 will have access to County-maintained Mitchell Road and Tenaya Drive via an existing driveway, and proposed Parcel 2 will have access to County-maintained Tenaya Drive via an existing driveway.

SITE DESCRIPTION

The site is located at 448 Mitchell Road and 2101, 2203, and 2205 Tenaya Drive, between Hoover Avenue and Tenaya Drive, in the Modesto area. The site is developed with two buildings (45,000 and 15,000 square-feet in size) currently occupied by: Golden Valley Health Center, Motion Industries, Krazan Geotechnical, Rob Jones Cabinetry, the property owner's personal storage, and Airco Gas and Welding Supply. The site is also improved with two pole signs (20 and 18 feet in height), signage affixed to the buildings, and a paved parking lot with a total of 83 paved parking spots. The project site receives public sewer and water services from the City of Modesto.

Industrial uses surround the site on all sides and the Modesto City-County Airport is located directly to the southwest. The site is located within the City of Modesto's Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI).

ISSUES

No issues have been identified as a part of this request. Standard conditions of approval have been added to the project.

GENERAL PLAN CONSISTENCY

Consistency with the goals, objectives, and policies of the various elements of the Stanislaus County General Plan must be evaluated when processing all discretionary project requests. The project site's General Plan designation of Industrial is intended to indicate areas for various forms of light or heavy industrial uses, including, but not limited to, manufacturing and warehousing. Generally, the Industrial designation shall be used in areas where public sewer and water are available or where the restrictions of the Planned Industrial designation are inappropriate. The existing Industrial (M) zoning district is consistent with the General Plan designation of Industrial.

The Stanislaus County General Plan Sphere of Influence (SOI) policy states that development, other than agricultural uses and churches, which requires discretionary approval from incorporated cities, shall be referred to the 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 development standards are necessary to ensure that development will comply with city development standards. Approval from a city does not preclude the County's decision-making bodies from exercising discretion, and it may either approve or deny the project. The project site lies within the Local Agency Formation Commission (LAFCO) adopted SOI for the City of Modesto. The project was referred to the City of Modesto, who responded with a request that the map include reciprocal access between the Proposed Parcels 1 and 2 for vehicles access and utilities. This request has been added to the project as a condition of approval.

As required under Goal Two, Policy 12 of the Safety Element, development within areas protected by the Airport Land Use Commission Plan (ALUCP) shall only be approved if the proposed project is consistent with the adopted Plan. The project was referred to the Airport Land Use Commission (ALUC), who responded stating that the proposed use is compatible with the ALUCP provided that any construction consisting of a certain height, or which involves potentially reflective materials shall be evaluated by the FAA through the FAR Part 77 process. As no changes to the existing development are proposed, the requirement is not applicable to this project.

Staff's evaluation of the proposed project found the design of the parcel map to be in conformance with the Stanislaus County General Plan.

ZONING AND SUBDIVISION ORDINANCE CONSISTENCY

The site is currently zoned Industrial (M), which does not have a minimum lot size requirement for the creation of new parcels, provided the site meets all applicable zoning standards. The project proposes to create two parcels 2.14± and 1.17± acres in size, which will each encompass one of the existing buildings. Each proposed parcel will meet the development standards of the Industrial zoning district, such as lot coverage, building setbacks, and off-street parking. The proposed parcels are of a large enough size to accommodate the existing development in terms of parking and access. Additionally, the project will be required to include a reciprocal easement for sharing of the connected drive aisles as requested by the City of Modesto. Any future new users will be required to demonstrate off-street parking compliance prior to issuance of a business license subject to City of Modesto standards. The proposed parcels meet the Subdivision Ordinance's access and design criteria required for the creation of new parcels. Staff also finds the proposed parcel map to be in conformance with the Stanislaus County Zoning Ordinance.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (Section 21000, et seq. of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary "projects." A project under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The proposed project is a project under CEQA. A Notice of Exemption has also been prepared for the project, which declares that the project is exempt from CEQA on the basis of CEQA Guideline Section 15315 (Minor Land Divisions). As stipulated by the exemption, the proposed project is consistent with the exemption as it is located within a commercial or industrial zoning district, will result in four or fewer parcels, is in conformance with the County's General Plan and zoning, does not require a variance to the Zoning Ordinance or exception to the Subdivision Ordinance, meets local standards for all services and access, has not been previously subdivided within the past two years, and the parcel does not have an average slope greater than 20 percent. There is also no evidence in the record

that this action will have a direct or significant physical impact on the environment (see Exhibit D – *Notice of Exemption*).

As part of the environmental review process, the proposed project was circulated to interested parties and responsible agencies for review and comment and no significant issues were raised (see Exhibit E – *Environmental Review Referrals*). Conditions of approval reflecting referral responses have been placed on the project (see Exhibit C – *Conditions of Approval*).

Contact Person: Teresa McDonald, Associate Planner, (209) 525-6330

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval
- Exhibit D - Notice of Exemption
- Exhibit E - Environmental Review Referrals






Findings and Actions Required for Project Approval

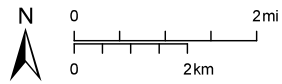
1. Find that the project is exempt pursuant to CEQA Guidelines Section 15315 (Minor Land Divisions).
2. Order the filing of a Notice of Exemption with the Stanislaus County Clerk-Recorder's Office pursuant to CEQA Guidelines Section 15061 and 15062.
3. Find that:
 - a. The proposed parcel map is consistent with applicable general and specific plans as specified in Section 65451 of California Code, Government Code.
 - b. The design or improvement of the proposed parcel map is consistent with applicable general and specific plans.
 - c. The site is physically suitable for the type of development.
 - d. The site is physically suitable for the proposed density of development.
 - e. The designs of the parcel map or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat.
 - f. The design of the parcel map or type of improvements is not likely to cause serious public health problems.
 - g. The design of the parcel map or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
4. Approve Parcel Map Application No. PLN2022-0125 – Joe Ruddy Corp, subject to the attached Conditions of Approval.

JOE RUDDY CORP
PM
PLN2022-0125

AREA MAP

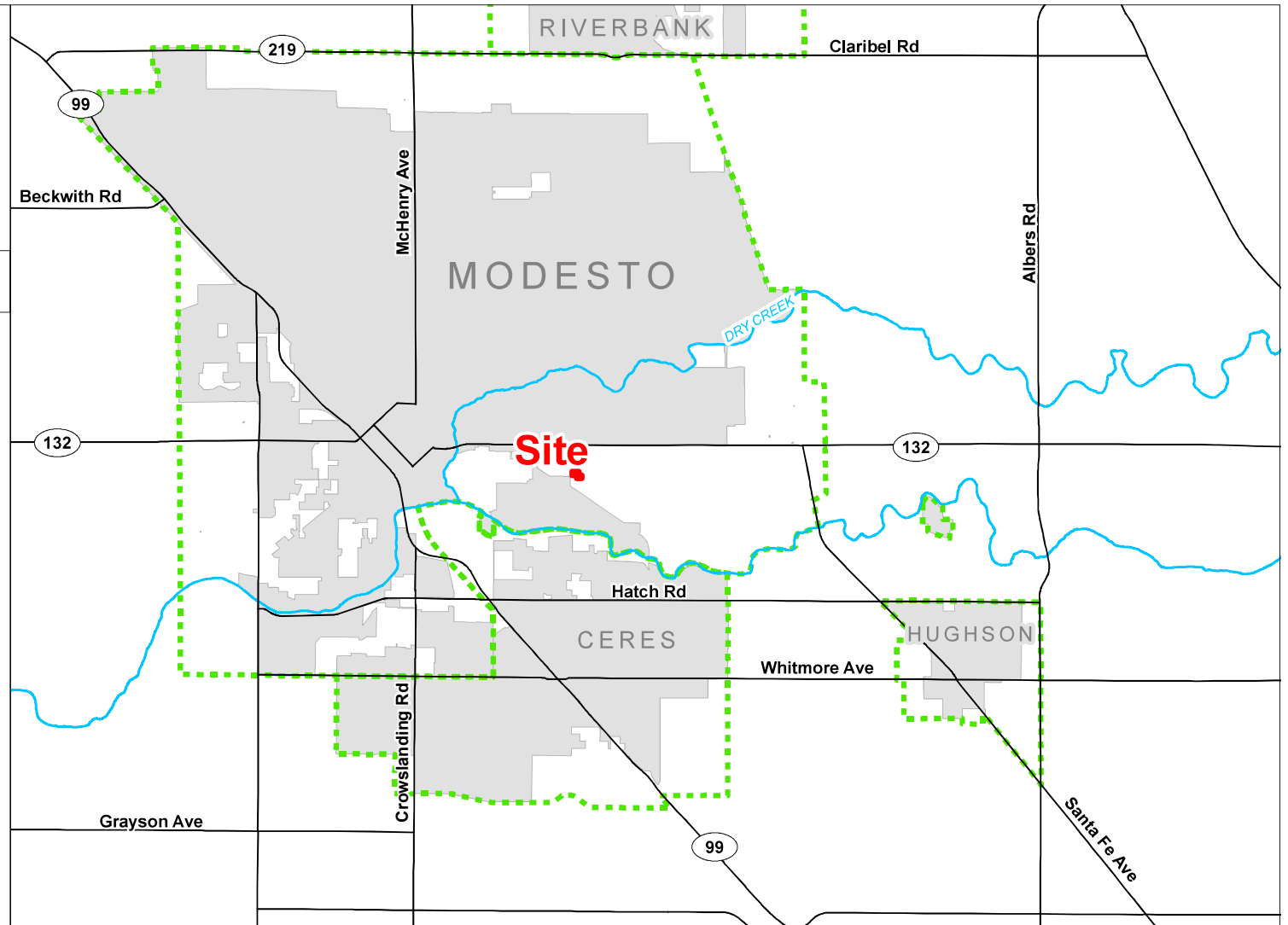
LEGEND

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



Source: Planning Department GIS

Date: 1/17/2023



9

EXHIBIT B

JOE RUDDY CORP


**PM
PLN2022-0125**

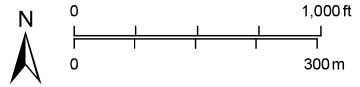
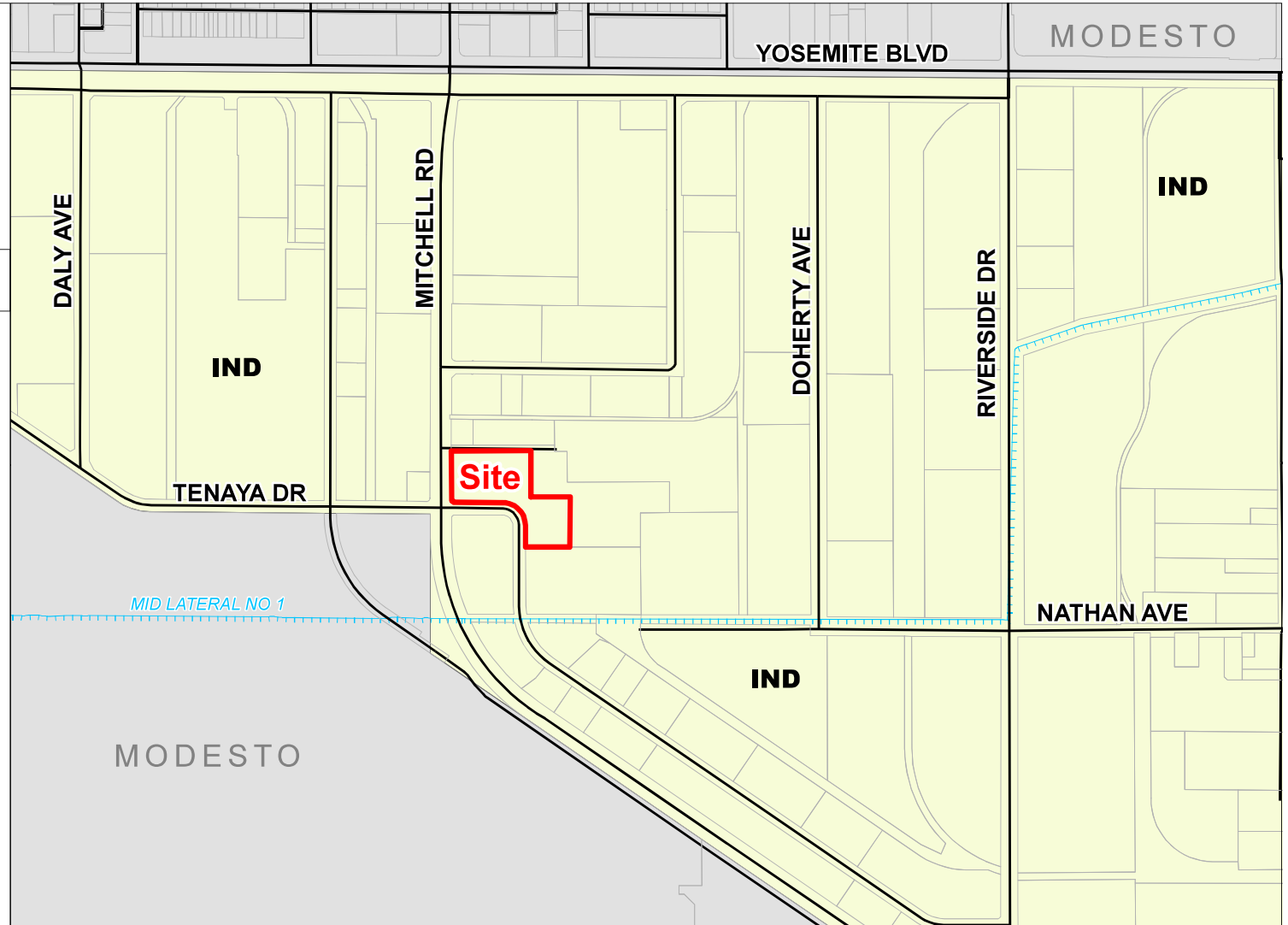
GENERAL PLAN MAP

LEGEND

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

General Plan

-  Industrial










Source: Planning Department GIS Date: 1/17/2023

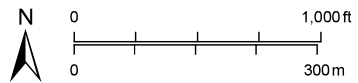
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ZONING MAP

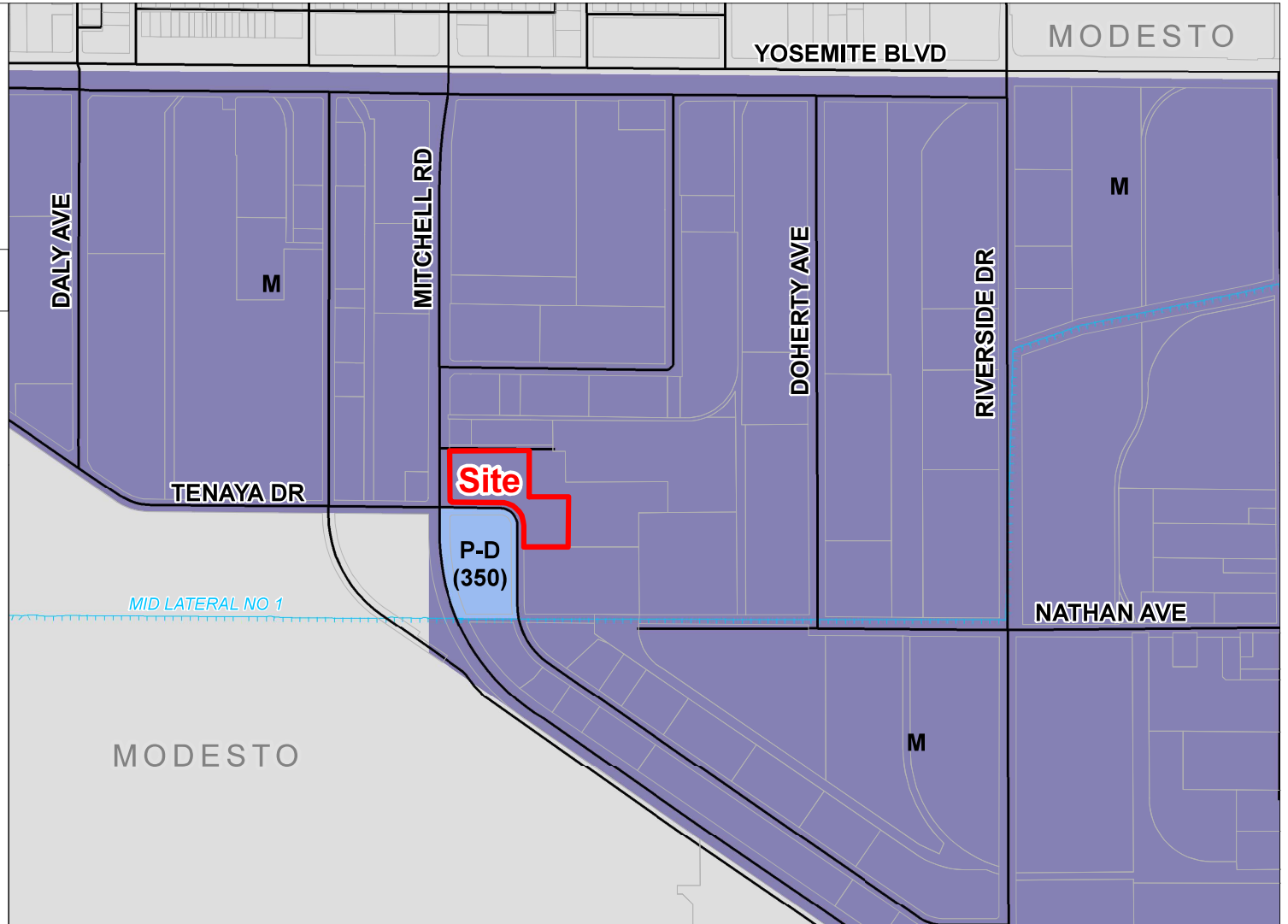
LEGEND

-  Project Site
-  City of
-  Parcel
-  Road
-  Canal
- Zoning Designation**
-  Industrial
-  Planned Development



Source: Planning Department GIS

Date: 1/17/2023






JOE RUDDY CORP

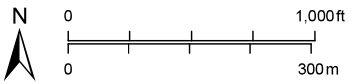
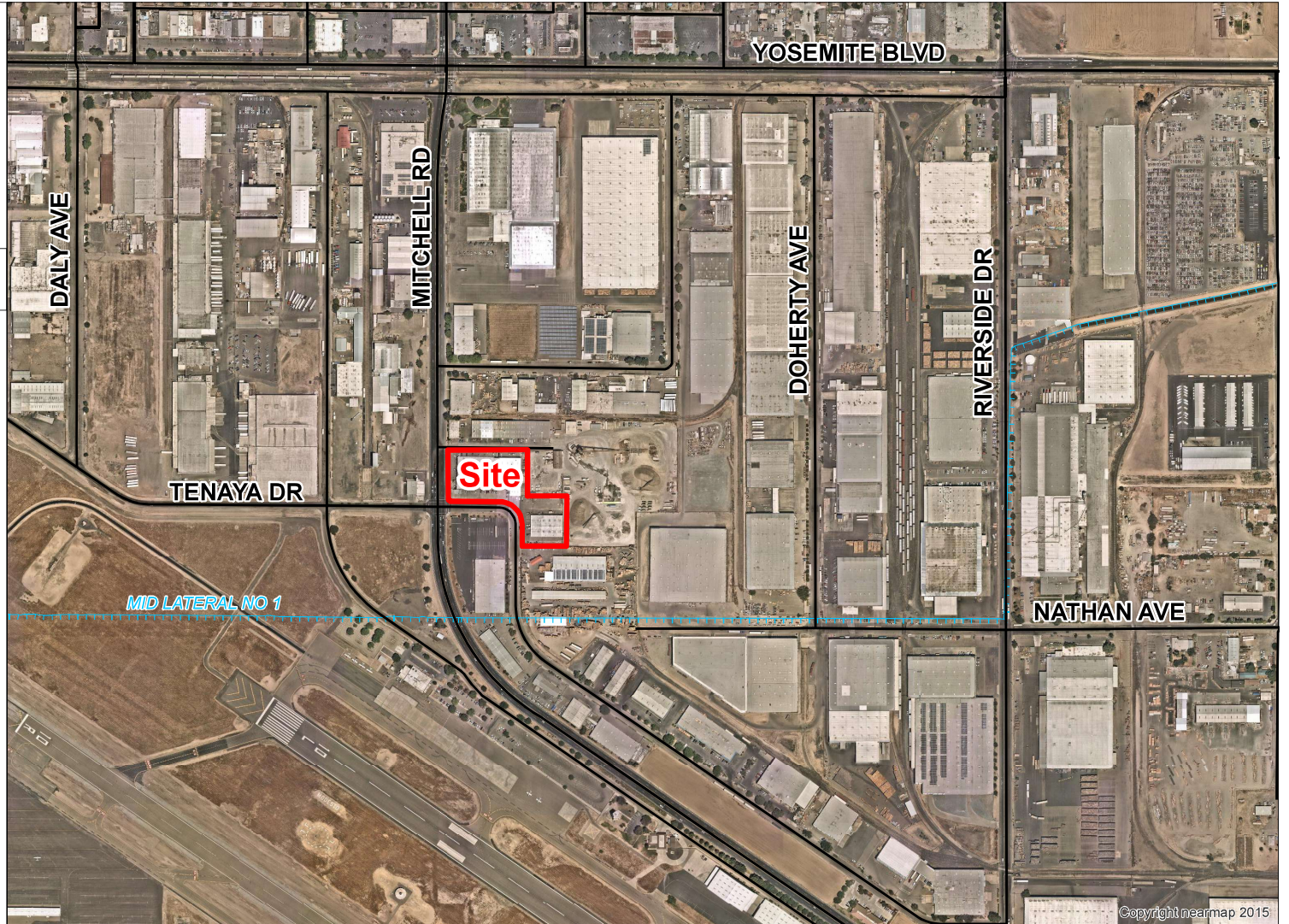
**PM
PLN2022-0125**

2022 AERIAL AREA MAP

LEGEND

-  Project Site
-  Road
-  Canal

6



Source: Planning Department GIS

Date: 1/17/2023

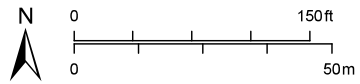
Copyright nearmap 2015

JOE RUDDY CORP
PM
PLN2022-0125

2022 AERIAL SITE MAP

LEGEND

-  Project Site
-  Road



Source: Planning Department GIS

Date: 1/17/2023



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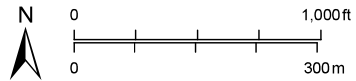
JOE RUDDY CORP

**PM
PLN2022-0125**

ACREAGE MAP

LEGEND

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



Source: Planning Department GIS

Date: 1/17/2023



FLOOD ZONE CLASSIFICATION

THE SUBJECT PROPERTY FOR THE LOT LINE ADJUSTMENT FOR JOE RUDDY CORPORATION, SHOWN HEREON, LIES WHOLLY WITHIN FLOOD ZONE X - AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN ACCORDING TO THE FLOOD INSURANCE RATE MAP OF STANISLAUS COUNTY, CALIFORNIA AND INCORPORATED AREAS, COMMUNITY #060394, PANEL 0340 E, EFFECTIVE SEPTEMBER 26, 2008 (MAP #06099C0340E).

OWNERS

JOE RUDDY CORPORATION
ATTN: MARTIN RUDDY
1115 13TH STREET SUITE C
MODESTO, CA 95354
(209) 529-9993

NOTES:

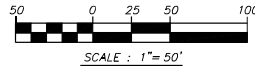
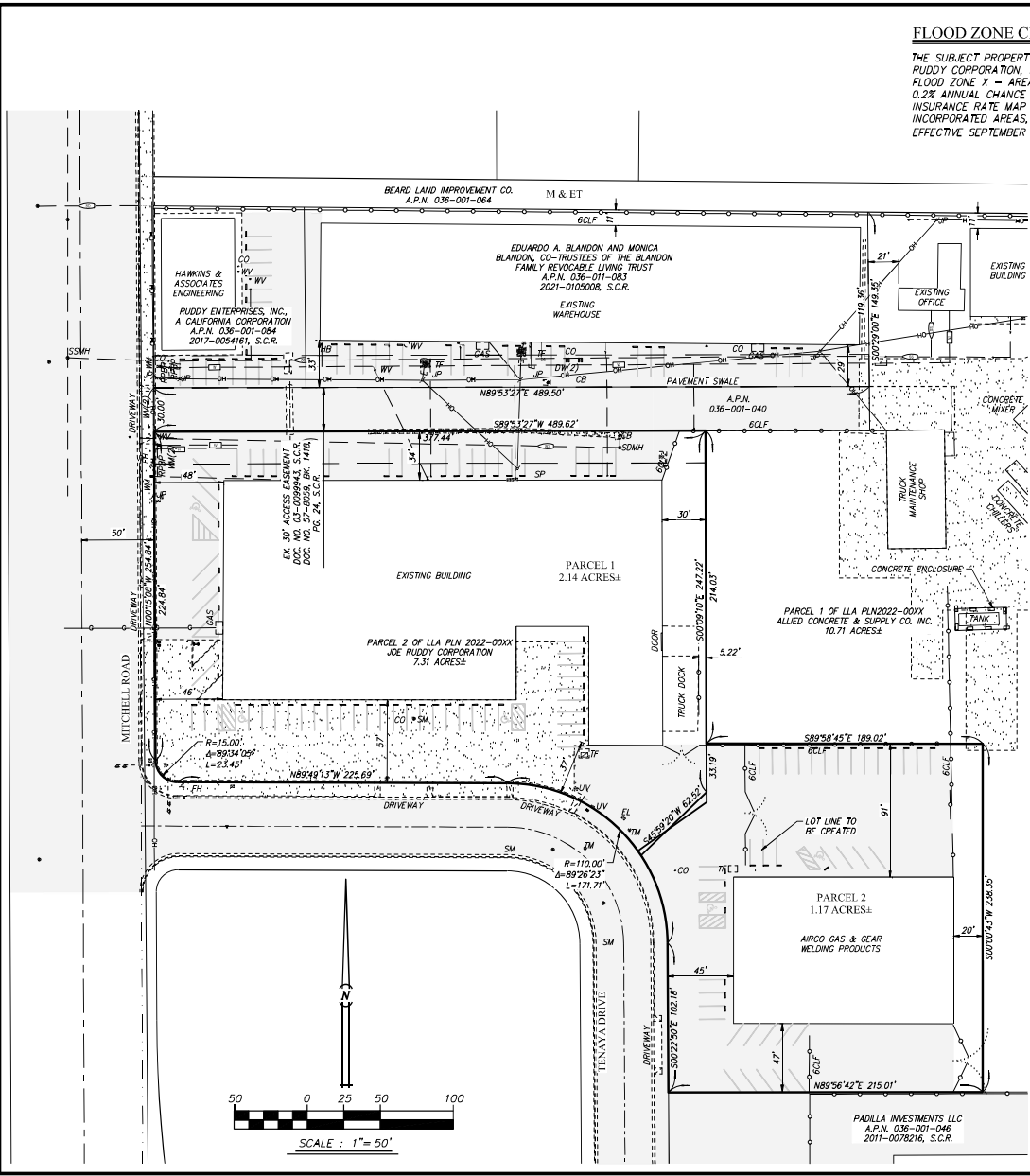
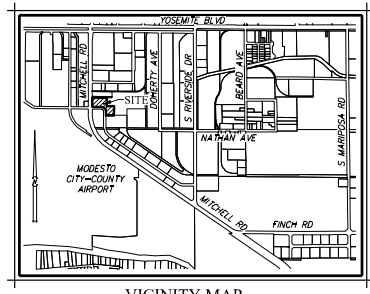
1. ASSESSOR'S PARCEL NUMBERS 036-001-081(PORTRON) & 036-001-082(PORTRON)
2. CURRENT ZONING : INDUSTRIAL
3. HANFORD SANDY LOAM, 0 TO 1% SLOPES.
4. WATER TABLE : APPROXIMATELY 45 FEET
5. WATER SUPPLY : CITY OF MODESTO
6. SANITARY SEWER : CITY OF MODESTO
7. STORM DRAINAGE: ONSITE CATCH BASIN & DRY WELL

BASIS OF BEARINGS

THE BEARING OF NORTH 89°29'53" WEST FOR THE SOUTH LINE OF THE M & ET RIGHT-OF-WAY LINE AS SHOWN ON THAT CERTAIN MAP RECORDED JUNE 7, 2015 IN BOOK 33 OF SURVEYS, AT PAGE 66, STANISLAUS COUNTY RECORDS IS THE BASIS OF ALL BEARINGS.

LEGEND:

=====	EXISTING CURB & GUTTER	⊙ SDMH	EXISTING STORM DRAIN MANHOLE
- - - - -	EXISTING CURB, GUTTER & SIDEWALK	⊙ CB	EXISTING CATCH BASIN
- - - - -	EXISTING VALLEY GUTTER	⊙ DW	EXISTING DRY WELL
- - - - -	EXISTING AREA OF AC PAVING	--- SD ---	EXISTING STORM DRAIN LINE
- - - - -	EXISTING AREA OF CONCRETE	⊙ JP	EXISTING JOINT POLE
⊙ WV	EXISTING WATER VALVE	⊙ SP	EXISTING SERVICE POLE
⊙ WM	EXISTING WATER METER	⊙ GP	EXISTING JOINT POLE W/ GUY WIRE
⊙ HB	EXISTING HOSE BIB	⊙ G	EXISTING GAS METER
⊙ RPBP	EXISTING REDUCED PRESSURE BACKFLOW PREVENTER	⊙ TF	EXISTING TRANSFORMER
- - - - - W - - - - -	EXISTING SANITARY SEWER LINE	⊙ EL	EXISTING ELECTRICAL BOX
⊙ CO	EXISTING SANITARY SEWER CLEANOUT	⊙ O-U	EXISTING OVERHEAD UTILITY LINE
⊙ SSMH	EXISTING SANITARY SEWER CLEANOUT	---	EXISTING STRIPING
- - - - - SS - - - - -	EXISTING SANITARY SEWER LINE	⊙ TM	EXISTING TELEPHONE MANHOLE



RODRICK H. HAWKINS-R.C.E. 50188
L.S. 8660

RCS _____
RHH _____
CHK: 10/05/2022
DATE: _____
SYM: _____
DATE: 1"=50'
SCALE: 2412.00
JOB #: _____

TENTATIVE PARCEL MAP EXHIBIT
ALLIED CONCRETE/JOE RUDDY CORP.
448 & 420 MITCHELL ROAD, MODESTO
STANISLAUS COUNTY, CALIFORNIA

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

SHEET 1 OF 1

CONDITIONS OF APPROVAL

PARCEL MAP APPLICATION NO. PLN2022-0125 JOE RUDDY CORP

Department of Public Works

1. The recorded parcel map shall be prepared by a licensed land surveyor, or a registered civil engineer, licensed to practice land surveying in California.
2. All structures not shown on the parcel map shall be removed prior to the parcel map being recorded.
3. Prior to the recording of the parcel map, the new parcels shall be surveyed and fully monumented.
4. All proposed access and utility easements shall be shown on the recorded parcel map or be recorded by separate instrument with a reference to the recorded instrument reflected on the recorded parcel map.

Department of Planning and Community Development

5. The Department of Planning and Community Development shall record a Notice of Exemption, and a Notice of Administrative Conditions and Restrictions (NOAC&R) with the County Clerk-Recorder's Office within 30 days of project approval. The NOAC&R includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map. Prior to filing, within five days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$57.00**, made payable to **Stanislaus County**, for the payment of Clerk-Recorder filing fees.
6. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
7. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.
8. 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.

City of Modesto

9. Reciprocal access and utility easements shall be dedicated for Proposed Parcels 1 and 2 prior to the recording of the parcel map.

California Regional Water Quality Control Board (RWQCB)

10. The applicant shall contact and coordinate with the Regional Water Quality Control Board to determine if any permits or Water Board requirements shall be obtained.

Please note: If Conditions of Approval/Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Conditions of Approval/Development Standards; new wording will be in bold font and deleted wording will be in strikethrough text.

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

NOTICE OF EXEMPTION

Project Title: Parcel Map Application No. PLN2022-0125 – Joe Ruddy Corp

Applicant Information: Joe Ruddy Corp., 1115 13th Street, Suite C, Modesto, CA 95354, (209) 529-9993

Project Location: 448 Mitchell Road and 2101, 2203, and 2205 Tenaya Drive, between Hoover Avenue and Tenaya Drive, in the Modesto area. Stanislaus County APN: 036-001-086.

Description of Project: Request to subdivide a 3.31± acre parcel in the Industrial (M) zoning district into two parcels of 2.14± and 1.17± acres in size.

Name of Agency Approving Project: Stanislaus County Planning Commission

Lead Agency Contact Person: Teresa McDonald, Associate Planner

Telephone: (209) 525-6330

Exempt Status: (check one)

- Ministerial (Section 21080(b)(1); 15268);
- Declared Emergency (Section 21080(b)(3); 15269(a));
- Emergency Project (Section 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: Section 15315 (Minor Land Division)
- Statutory Exemptions. State code number: _____
- Common Sense Exemption. (Section 15061) (b)(3)

Reasons why project is exempt: The project is considered to be a minor land division of developed property. No construction is proposed as part of this request. The property is zoned industrial and the project proposes a land division of less than four parcels, which is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent. There is also no evidence in the record that this action will have a direct or significant physical impact on the environment.

Date

Teresa McDonald
Associate Planner

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: PM APP. NO. PLN2022-0125 – JOE RUDDY CORP

REFERRED TO:	RESPONDED			RESPONSE			MITIGATION MEASURES		CONDITIONS			
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X		X		X							
CA DEPT OF TRANSPORTATION DIST 10	X		X		X							
CA OPR STATE CLEARINGHOUSE	X		X		X							
CA RWQCB CENTRAL VALLEY REGION	X		X	X				X		X	X	
COOPERATIVE EXTENSION	X		X		X							
CITY OF: MODESTO	X		X	X				X		X	X	
FIRE PROTECTION DIST: STANISLAUS CONSOLIDATED	X		X		X							
IRRIGATION DIST: MID	X		X	X				X		X		X
MOSQUITO DISTRICT: EASTSIDE	X		X		X							
STANISLAUS COUNTY EMERGENCY MEDICAL SERVICES	X		X		X							
PACIFIC GAS & ELECTRIC	X		X		X							
RAILROAD: MODESTO & EMPIRE TRACTION CO	X		X		X							
SAN JOAQUIN VALLEY APCD	X		X		X							
SCHOOL DIST 1: MODESTO UNION	X		X		X							
STAN CO BUILDING PERMITS DIVISION	X		X		X							
STAN CO CEO	X		X		X							
STAN CO DER	X		X	X				X		X		X
STAN CO ERC	X		X	X				X		X		X
STAN CO ALUC	X		X	X				X		X		X
STAN CO HAZARDOUS MATERIALS	X		X		X							
STAN CO PARKS & RECREATION	X		X		X							
STAN CO PUBLIC WORKS	X		X	X				X		X	X	
STAN CO SHERIFF	X		X		X							
STAN CO SUPERVISOR DIST FIVE: C. CONDIT	X		X		X							
STAN COUNTY COUNSEL	X		X		X							
STANISLAUS FIRE PREVENTION BUREAU	X		X		X							
STANISLAUS LAFCO	X		X		X							
TELEPHONE COMPANY: AT&T	X		X		X							
TUOLUMNE RIVER TRUST	X		X		X							