

PLANNING COMMISSION
RESOLUTION NO. 2009-24

A RESOLUTION APPROVING THE VESTING TENTATIVE PARCEL MAP OF
PROPERTY LOCATED AT WOODLAND AVENUE AND GRAPHICS DRIVE
(MODESTO IRRIGATION DISTRICT)

WHEREAS, the Modesto Irrigation District has filed an application for a Vesting Tentative Parcel Map to divide 11.5 acres located at the intersection of Woodland Avenue and Graphics Drive south of Woodland Avenue into two parcels and to realign the northern 300 feet of Graphics Drive; and

WHEREAS, said Vesting Tentative Parcel Map was received in the office of the Secretary of the Planning Commission on June 1, 2009, and was accepted for filing and deemed complete on June 26, 2009, in accordance with the provisions of Section 4-4.502 of the Modesto Municipal Code; and

WHEREAS, copies of said Vesting Tentative Parcel Map have been sent to the Modesto City School District, the local utility companies, and the City Engineering and Transportation Department; and

WHEREAS, City services, including sewer and water facilities, are available; and

WHEREAS, a public hearing was held by the Planning Commission on August 17, 2009, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the potential environmental effects of the proposed realignment of Graphics Drive have been adequately addressed within the context of the Final Initial Study/Mitigated Negative Declaration for the 49.6 MW Reciprocating Engine Generation Project (Woodland 3 Project), adopted by the MID Board of Directors on May 5, 2009 (SCH No. 2009032045) and that pursuant to Section 15162 of the CEQA Guidelines, no new environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The proposed parcel map, together with the provisions for its design and improvements, is consistent with the General Plan of the City of Modesto and the Subdivision Map Act of the State of California.
2. The discharge of waste as a result of the proposed parcel map into the existing sewer system will not result in a violation of existing requirements by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.
3. The realignment of Graphics Drive and installation of sewer and water lines within the right of way of Graphics Drive is necessary prior to Parcel Map recordation for the public health and safety.

4. The potential environmental effects of the proposed realignment of Graphics Drive have been adequately addressed within the context of the Final Initial Study/Mitigated Negative Declaration for the 49.6 MW Reciprocating Engine Generation Project (Woodland 3 Project), adopted by the MID Board of Directors on May 5, 2009 (SCH No. 2009032045) and that pursuant to Section 15162 of the CEQA Guidelines, no new environmental review is required.

BE IT FURTHER RESOLVED by the Planning Commission that the Vesting Tentative Parcel Map of property located at Woodland Avenue and Graphics Drive accepted for filing in the office of the Secretary of the Planning Commission on June 26, 2009, be and it is hereby approved as submitted and as shown in red on the face of the map and subject to the following conditions:

1. The new alignment of Graphics Drive and all utility connections and site improvements to the realignment shall be constructed to City Standards and accepted by the City prior to Parcel Map recordation. Improvement plans shall demonstrate the following:
 - a. The existing 8" City water main in Graphics Drive shall be removed. The Graphics Drive realignment shall include a new 12" water main, per City Standards.
 - b. The existing segment of 36" sewer trunk impacted by the realignment of Graphics Drive shall be relocated to new alignment per City of Modesto Standard Specifications 2006. Any other existing sewer mains in Graphics Drive shall be relocated according to City standards.
 - c. Landscaping along the Woodland Avenue/Graphics Drive intersection and the Graphics Drive frontages.
2. In conjunction with the realignment of Graphics Drive and any related site improvement requirements, existing utilities within or adjacent to the proposed parcels shall be protected or relocated as required by the utility companies and as determined by the City Engineer or designee, with appropriate easements for utility facilities and any irrigation lines to remain to be dedicated as necessary.
3. Public utility easements shall be dedicated as required by the City Engineer and the utility companies prior to or concurrently with Parcel Map recordation.
4. All improvement plans be prepared, stamped and signed by a California licensed civil engineer, and be submitted to the City for review and approval prior to any construction work.

5. Prior to the issuance of a Grading or Building Permit, the Developer shall :
 - a. Obtain coverage for the construction project under the General Construction Activity Permit (General Permit) issued by the State Water Resources Control Board (SWRCB).
 - b. To obtain coverage under the General Permit, a Notice of Intent (NOI) must be filed with the SWRCB. Submit one copy of NOI to Land Development Engineering, Stormwater. Upon receipt of NOI, the SWRCB will issue a Waste Discharge Identification Number (WDID Number) to the construction project. Submit one copy of the WDID Number to Land Development Engineering, Stormwater.
 - c. The General Construction Permit requires the Developer to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) for the construction project. Submit one copy of the SWPPP to Land Development Engineering, Stormwater for review.
6. Prior to the issuance of a Grading or Building Permit, Developer shall submit a plan to provide permanent, post-construction treatment to remove pollutants from the first ½" of stormwater run-off from new roadway. This can be accomplished by installing Turlock Rockwell Assembly for Type 1 Catch Basin (Standard Detail # 404) along new roadway to capture runoff sediment.
7. All rockwells in the existing Graphics Drive shall be removed when Graphics Drive is abandoned, and new rockwells shall be constructed in the new alignment of Graphics Drive according to City Standards. Surrounding properties must keep all water on site per storm drain City standard. Submit improvement plans signed and stamped by a registered Civil Engineer for review and approval by the City prior to any construction work.
8. The developer shall provide the City with an irrevocable offer of street right of way dedication along the entire project frontage on Woodland Avenue for the eventual widening of Woodland Avenue to its seventy-foot width, per the Final Environmental Impact Report for the Woodland Generation Station Project (Woodland Unit No. 2) (SCH 1991072016). The irrevocable offer of dedication shall be by separate instrument, provided prior to recordation of the Parcel Map.
9. Traffic signal poles and equipment shall be located at their ultimate location according to the City of Modesto General Plan and Standard Specifications.

10. The developer shall take all actions reasonably necessary to secure and establish a financing mechanism to ensure the ongoing maintenance of all landscaping along the Graphics Drive frontages to the satisfaction of the Director of Community and Economic Development or designee, prior to Parcel Map recordation.
11. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

In addition, the following recommended conditions of approval are mitigation measures from the Final Initial Study/Mitigated Negative Declaration for the 49.6 MW Reciprocating Engine Generation Project (Woodland 3 Project) that should be applied to the project:

12. Off-road construction equipment shall achieve fleet average emissions equal to or less than the US EPA Tier I emissions standard of 6.9 NO_x g/hp-hr.
13. Implement all applicable dust control measures required or recommended by the City of Modesto or the San Joaquin Valley Air Pollution Control District (SJVAPCD) for construction projects.
14. No later than three days prior to any Woodland 3-generated ground disturbance activities within the 3-acre plant site, a qualified biologist will perform a survey for nesting burrowing owls. If an active nest is observed within or adjacent to any Woodland 3 impact area, an appropriately sized no-work buffer will be installed to protect the nest. In many cases, the California Department of Fish and Game (CDFG) will establish these no-work buffers on a case-by-case basis depending on the site conditions. Burrowing owl surveys will continue as needed, until all vegetated areas (if any) have been disturbed.
15. If any cultural resources, paleontological resources, Native American archaeological, ethnographic or spiritual resources, or human remains or bone of unknown origin are encountered during any Woodland 3 development activities, Mitigation Measures outlined in Page 6-61 of the Final Initial Study/Mitigated Negative Declaration for the 49.6 MW Reciprocating Engine Generation Project (Woodland 3 Project) shall be implemented.

16. Conduct all construction activities in accordance with California's General Industrial Storm Water Permit for Construction Sites, including the erosion control measures in the SWPPP and BMPs.
17. Handling of hazardous materials and any generated waste during construction phase shall be in accordance to the Mitigation Measures outlined in Pages 6-89 and 6-90 of the Final Initial Study/Mitigated Negative Declaration for the 49.6 MW Reciprocating Engine Generation Project (Woodland 3 Project).
18. Prohibit noisy construction activities between the hours of 9:00 PM and 7:00 AM weekdays and 9:00 PM to 9:00 AM weekends.
19. Prepare a traffic control plan and construction management plan that addresses the timing of heavy equipment and building material deliveries, signing, lighting, traffic control device placement, and establish work hours outside of peak traffic periods.
20. Coordinate with the City of Modesto Traffic Engineer to prepare a construction schedule and mitigation plan to address access and detours for Woodland 3 construction routes.

BE IT FURTHER RESOLVED that the City Clerk or designee of the legislative body approving the map is authorized pursuant to Section 66445 (j) of the Government Code, to certify on the Parcel Map the abandonment of that portion of Graphics Drive in compliance with the approved Vesting Tentative Parcel Map.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on August 17, 2009, by Chris Tyler, who moved its adoption, which motion was seconded by Ted Brandvold, and carried by the following vote:

Ayes:	Berglund, Bernal, Brandvold, Carter, Gillum, Sanders, Tyler
Noes:	None
Absent:	None

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Original, signed copy on file in CEDD

Steve Mitchell, Acting Secretary