

STANISLAUS COUNTY PLANNING COMMISSION

February 3, 2022

STAFF REPORT

PARCEL MAP APPLICATION NO. 2021-0091
KLINE

REQUEST: TO SUBDIVIDE AN 80.02± ACRE PARCEL INTO TWO PARCELS OF 40± ACRES EACH IN SIZE IN THE GENERAL AGRICULTURE (A-2-40) ZONING DISTRICT.

APPLICATION INFORMATION

Applicant:	Kevin Cole, Giuliani & Kull, Inc.
Property owner:	William S Kline
Agent:	Kevin Cole, Giuliani & Kull, Inc.
Location:	14204 Tim Bell Road, between Tim Bell and Hazeldean Roads, in the Waterford area.
Section, Township, Range:	23-3-11
Supervisorial District:	One (Supervisor B. Condit)
Assessor's Parcel:	015-015-092
Referrals:	See Exhibit E Environmental Review Referrals
Area of Parcel(s):	80.02± gross acres Proposed Parcel A: 40+ gross acres Proposed Parcel B: 40+ gross acres
Water Supply:	Private well
Sewage Disposal:	Private septic system
General Plan Designation:	Agriculture
Community Plan Designation:	N/A
Existing Zoning:	General Agriculture (A-2-40)
Sphere of Influence:	N/A
Williamson Act Contract No.:	1971-0219
Environmental Review:	CEQA Guidelines Section 15183 (Consistency with a General Plan or Zoning Ordinance for which an EIR was certified) and CEQA Guidelines Section 15061 (Common Sense Exemption).
Present Land Use:	Almond orchard, mobile home, and detached agricultural storage buildings.
Surrounding Land Use:	Orchards and row crops, with scattered single-family dwellings surround the site in all directions; Dry Creek to the north; a chicken ranch and the City of Waterford to the southwest; Tuolumne River to the south; and the Modesto Reservoir to the east.

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 an existing 80.02± acre parcel into two parcels of 40± acres each in size in the General Agriculture (A-2-40) zoning district.

The parcels propose to utilize an existing 30-foot-wide irrevocable access easement to access Tim Bell Road, a County-maintained road, located north of the project site. The access easement connects to Tim Bell Road through the adjoining parcel to the north, which is also owned by the applicant, and runs along the western boundary of both proposed parcels. The existing access easement also serves as access from Tim Bell Road for the two parcels south of the project site.

The entire project site is enrolled in a Williamson Act Contract and is planted in almonds. If approved, the parcels will remain under contract and in agricultural production. Irrigation water is supplied by a private well located on proposed Parcel B. An irrigation easement will be required to be shown on the recorded parcel map to ensure irrigation rights are maintained for proposed Parcel A. The existing 30-foot-wide irrevocable access easement and Modesto Irrigation District (MID) electrical easement, which run along the boundary of proposed Parcel B, will also be required to be shown on the recorded parcel map. These easement requirements have been incorporated into the conditions of approval applied to the project (see Exhibit C – *Conditions of Approval*).

SITE DESCRIPTION

The 80.02± acre project site is located at 14204 Tim Bell Road, between Tim Bell Road and Hazelden Road, in the Waterford area. Access from Tim Bell Road will be provided via an existing 30-foot-wide irrevocable access easement.

The site is surrounded by orchards and row crops, with scattered single-family dwellings in all directions; Dry Creek to the north; a chicken ranch and the City of Waterford to the southwest; Tuolumne River to the south; and the Modesto Reservoir to the east.

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

The site is currently designated “Agriculture” in the Stanislaus County General Plan. The Agricultural designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas, and as such, should generally be zoned with 40- to 160- acre minimum parcel sizes. This application proposes to create two parcels of 40.01± gross acres each in size, which are consistent with the site’s A-2-40 (General

Agriculture, 40-acre minimum), which requires a 40-gross acre minimum parcel size for the creation of new parcels. Both parcels will have legal and physical access to a County-maintained road via a 30-foot-wide irrevocable access easement.

The project site is enrolled under a Williamson Act with Contract No. 1971-0219. In accordance with both local and state Williamson Act provisions, lands are presumed to be too small to sustain their agricultural use if the lands are less than 40 acres in size in the case of non-prime agricultural land; 10 acres in the size in the case of prime agricultural land; or the subdivision will result in residential development not incidental to the commercial agricultural use of the land. In this case all proposed parcels are 40 acres or more in size.

The project site is currently in agricultural production and is comprised of almond orchards irrigated by an on-site well. Stanislaus County General Plan Agricultural Element Policy 2.8 specifies that the subdivision of agricultural land consisting of unirrigated farmland, unirrigated grazing land, or land enrolled under a Williamson Act contract, into parcels of less than 160-acres in size shall be allowed provided a “no-build” restriction on the construction of any residential development on newly created parcel(s) is observed until one or both of the following criteria is met:

- Ninety percent or more of the parcel shall be in production agriculture use with its own on-site irrigation infrastructure and water rights to independently irrigate. For land which are not irrigated by surface water, on-site irrigation infrastructure may include a self-contained drip or sprinkler irrigation system. Shared off-site infrastructure for drip or sprinkler irrigation systems, such as well pumps and filters, may be allowed provided recorded long-term maintenance agreements and irrevocable access easements to the infrastructure are in place.
- Use of the parcel includes a confined animal facility (such as a commercial dairy, cattle feedlot, or poultry operation) or a commercial aquaculture operation.

Production agriculture is defined as agriculture for the purpose of producing any and all plant and animal commodities for commercial purposes. The project site is in production agriculture and utilizes an on-site well for irrigation. The existing irrigation well is located on proposed Parcel B and, as such, the parcel meets the criteria allowing for construction of residential development. Any residential development to occur on proposed Parcel A will be subject to a “no-build” restriction until compliance with the criteria for a self-contained drip or sprinkler irrigation system can be verified or a shared system is established through recorded maintenance agreements and irrevocable access easements to the infrastructure are in place. The “no-build” restriction has been incorporated into the project’s Conditions of Approval (see Exhibit C – *Conditions of Approval*). Information on the number of dwellings permitted on each of the proposed parcels is provided in the Zoning Ordinance Consistency section below.

This project was referred to the State Department of Conservation, which has oversight of the Williamson Act, and no response was received. Any further development resulting from this project will be consistent with permitted uses in the General Agriculture (A-2) zoning district.

ZONING & SUBDIVISION ORDINANCE CONSISTENCY

The site is currently zoned General Agriculture (A-2-40, 40-acre minimum) requiring a 40-gross acre minimum parcel size for the creation of new parcels. The proposed parcels will comply with

the intent of the district regulations by supporting and enhancing agriculture as the predominant land use in the unincorporated areas of the County. Both proposed Parcels will have legal and physical access to County-maintained, Tim Bell Road via 30-foot-wide irrevocable access easement. Under the zoning ordinance for the A-2 zoning district, up to two dwelling units and a junior accessory dwelling unit (JADU) could be developed on each parcel.

In accordance with the Williamson Act, the proposed parcels will be restricted by zoning to on-site residential development which is incidental to the agricultural use of the land and will not diminish the agricultural production. The Planning Department has instituted a process by which all building permit applications submitted for any new structures (including new single-family dwellings) on Williamson Act properties must be accompanied by a signed Landowner Statement that verifies compatibility with the Williamson Act Contract. The Landowner Statement further acknowledges that, pursuant to AB 1492, severe penalties may arise should the County or the Department of Conservation (DOC) determine in the future that the structure(s) is in material breach of the contract.

The proposed parcels meet the Subdivision Ordinance's access and design criteria required for the creation of new parcels and, as such, all the required findings, as outlined in Exhibit A, can be made.

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.

Staff has reviewed the proposed action and has identified that no further analysis is required pursuant to CEQA Guidelines Section 15183 (Consistency with a General Plan, Community Plan, Zoning Ordinance for which an EIR was certified). State CEQA Guidelines Section 15183 (Public Resources Code Section 21083.3) provides that projects that are consistent with the development density and intensity established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) has been certified "shall not require additional environmental review, except as might be necessary to examine whether there are project specific significant effects which are peculiar to the project or its site."

A project specific CEQA Guidelines Section 15183 Consistency Checklist has been prepared for this parcel map request to determine if the project, and any resulting development, is consistent with Stanislaus County's 2016 General Plan Update (GPU) EIR (see Exhibit D – *CEQA Guidelines Section 15183 Consistency Checklist*). The GPU incorporated all feasible mitigation measures identified in the EIR in the form of goals, objectives, policies, action items and programs. All applicable policies and implementation measures identified in the GPU EIR have been applied to this request as conditions of approval or will be applied to any resulting development as part of standard development processes. As reflected in the Consistency Checklist any resulting development associated with the proposed parcel split will be consistent with the density and intensity established by the A-2 zoning district. Therefore, because any development resulting from the proposed parcel split is subject to the uses allowed in the A-2 zoning district, there are no effects peculiar to the project or project site or substantial new information that would result in new or more severe adverse impacts than discussed in the EIR certified on August 23, 2016 for the GPU. Therefore, no further analysis is required. Fish and Wildlife Fees for the EIR were paid

on August 29, 2016 and no further fees are required.

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 15061 (Common Sense 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: Avleen K. Aujla, Assistant Planner, (209) 525-6330

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval
- Exhibit D - CEQA Guidelines Section 15183 Consistency Checklist
- Exhibit E - Environmental Review Referrals

Findings and Actions Required for Project Approval

1. Find that:
 - a. No further analysis under California Environmental Quality Act (CEQA) is required pursuant to CEQA Guidelines Section 15183 (Consistency with a General Plan, Community Plan or Zoning Ordinance for which an Environmental Impact Report (EIR) was prepared), on the basis of the whole record, including any comments received in response to the environmental review referral.
 - b. The project is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified.
 - c. There are no project specific effects which are peculiar to the project or its site, and which the 2016 Stanislaus County General Plan Update (GPU) EIR failed to analyze as significant effects.
 - d. There are no potentially significant off-site and/or cumulative impacts which the GPU EIR failed to evaluate.
 - e. There is no substantial new information which results in more severe impacts than anticipated by the GPU EIR.
 - f. The project will undertake feasible mitigation measures specified in the GPU EIR.
 - g. The project is exempt from CEQA as per CEQA Guidelines Section 15061, Common Sense Exemption.
2. Order the filing of a Notice of Exemption with the Stanislaus County Clerk-Recorder pursuant to CEQA Guidelines Section 15061.
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.
 - h. The proposed parcel map is consistent with the restrictions and conditions of the existing Williamson Act contract.
 - i. The proposed parcels are of a size suitable to sustain agricultural uses.
 - j. The proposed parcel map will not result in residential development not incidental to the commercial agricultural use of the land.
4. Approve Parcel Map Application No. PLN2021-0091 – Kline, subject to the attached Conditions of Approval.


KLINE


PM

PLN2021-0091

AREA MAP

LEGEND

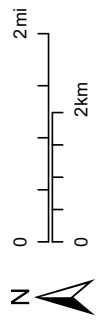
 Project Site

 Sphere of Influence

 City

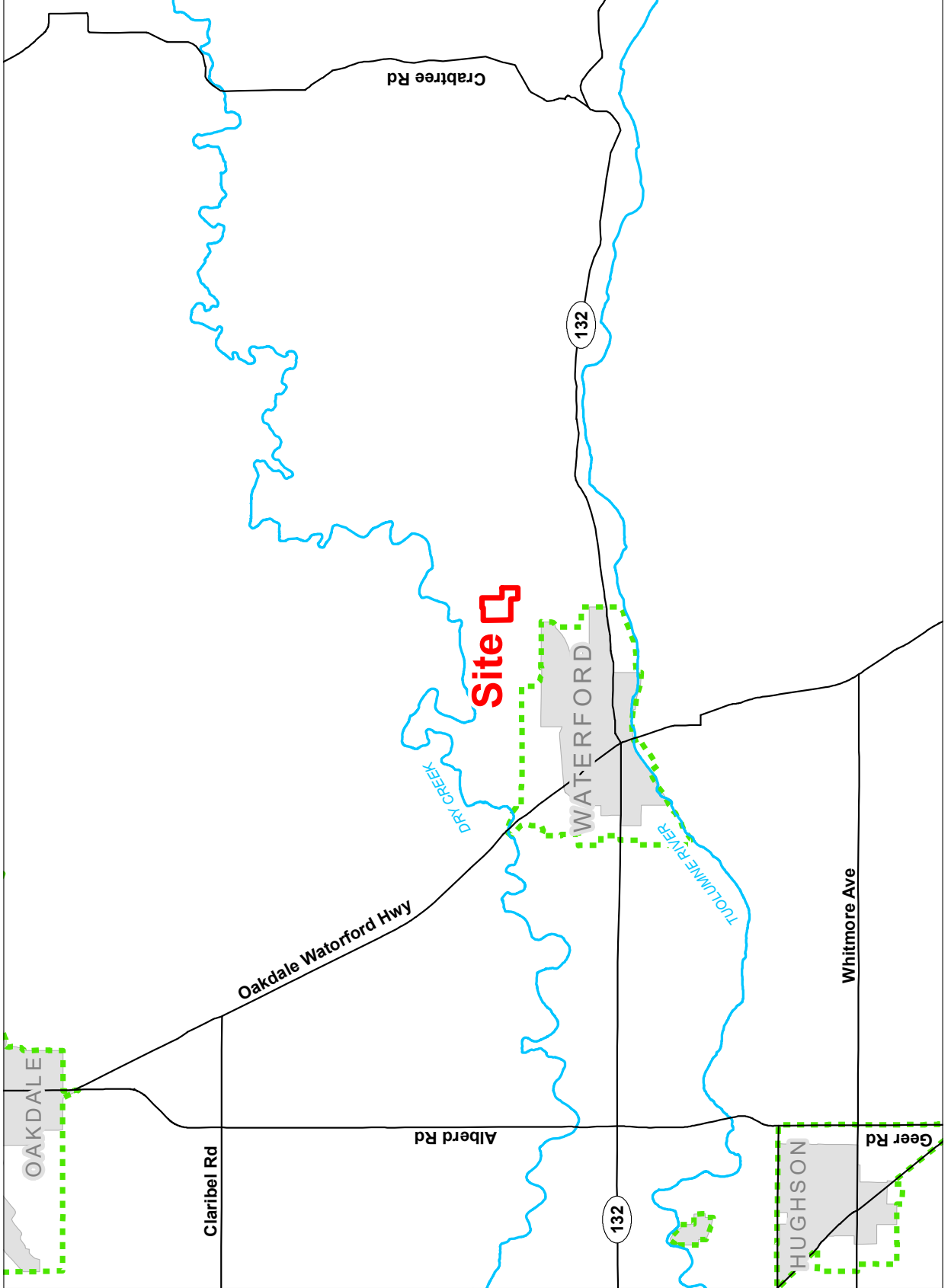
 Road

 River



Source: Planning Department GIS

Date: 10/15/2021











KLINE

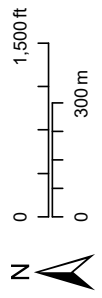
PM

PLN2021-0091

ZONING MAP

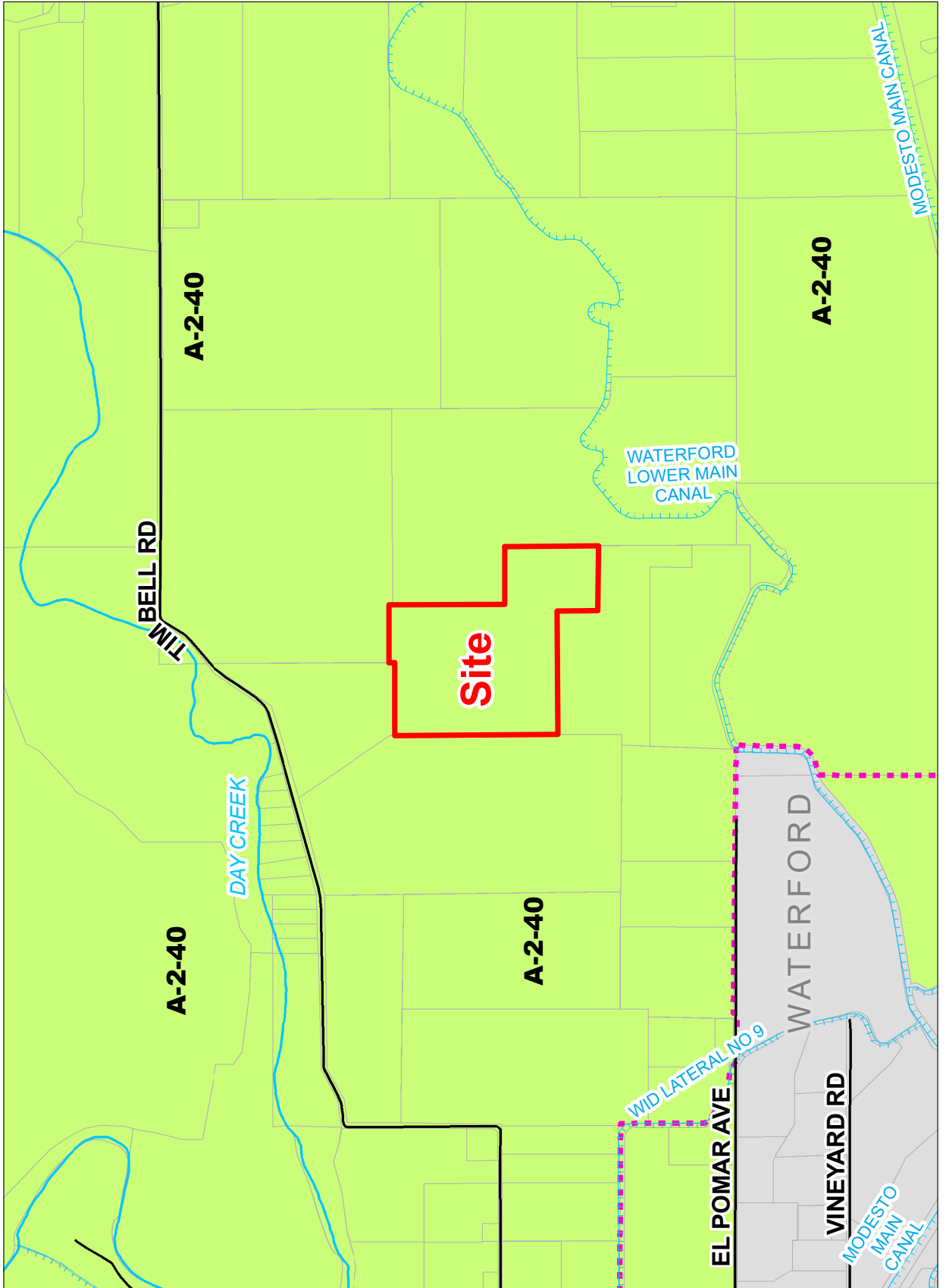
LEGEND

-  Project Site
 -  Sphere of Influence
 -  City of
 -  Parcel
 -  River
 -  Road
 -  Canal
- Zoning Designation**
-  General Agriculture 40 Acre



Source: Planning Department GIS








Date: 10/15/2021

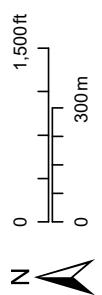


**KLINE
PM
PLN2021-0091**

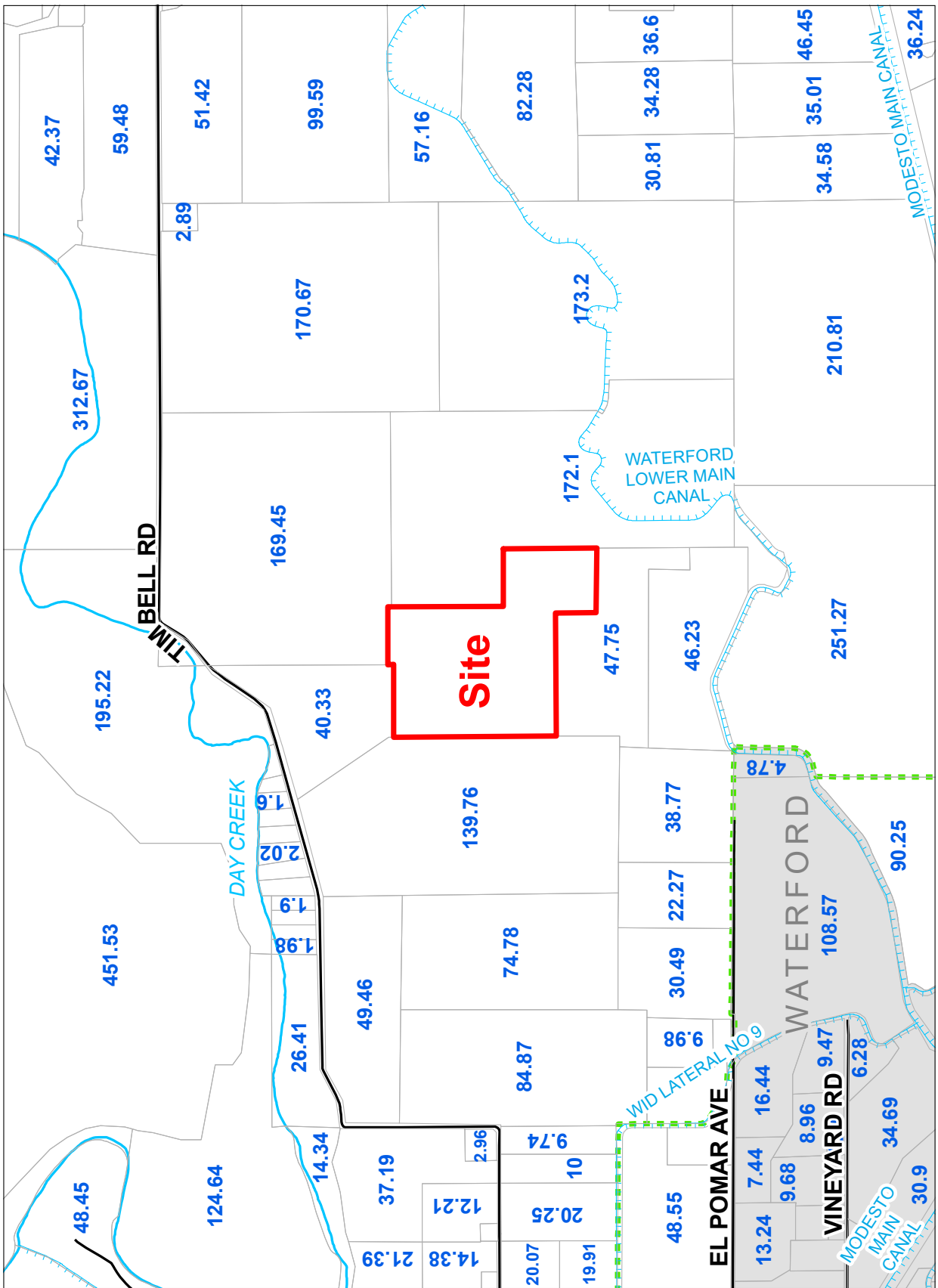
ACREAGE MAP

LEGEND

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



Source: Planning Department GIS Date: 10/15/2021




KLINE

PM

PLN2021-0091

2021 AERIAL AREA MAP

LEGEND

 Project Site

 Sphere of Influence

 Road

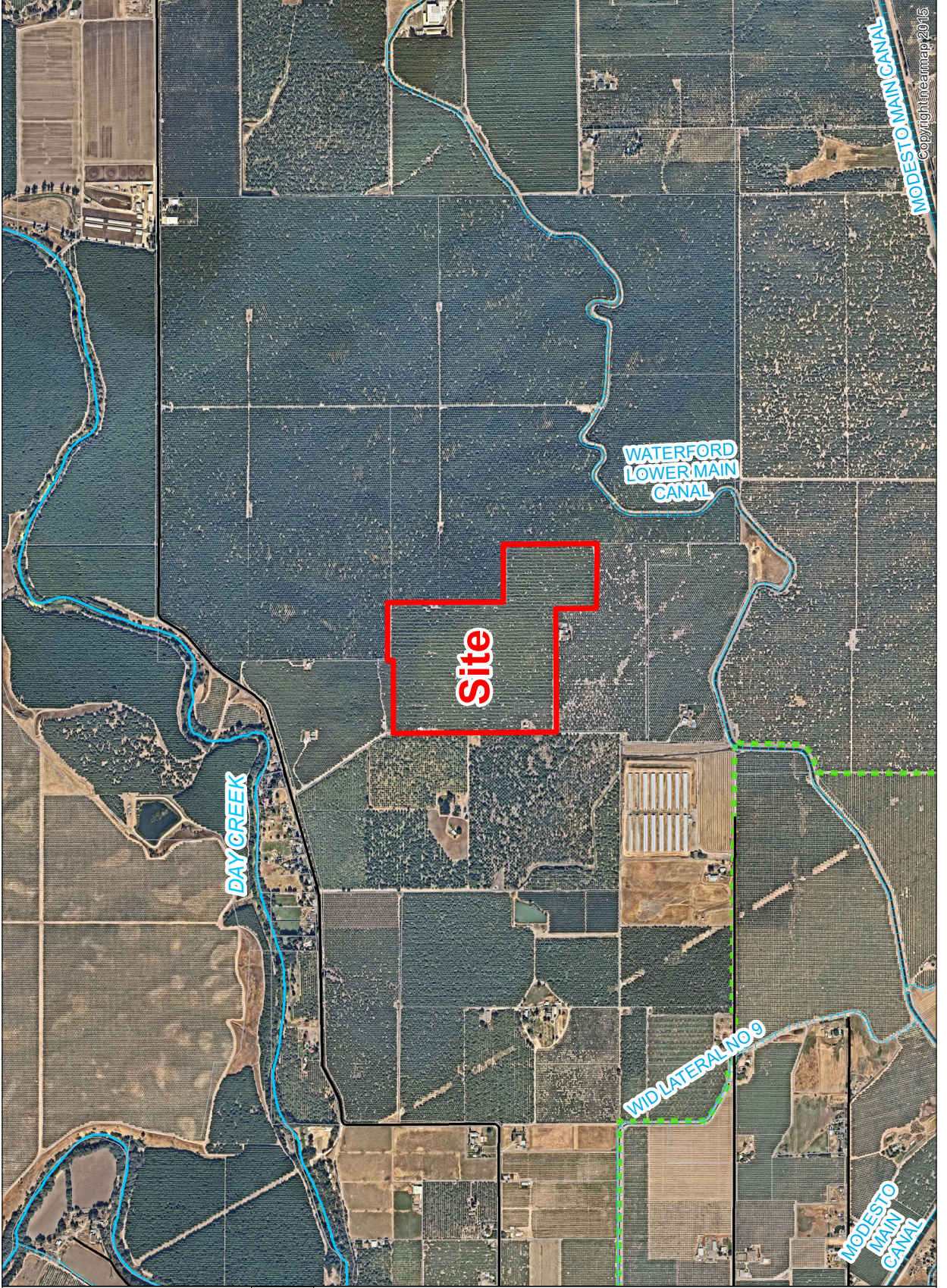
 River

 Canal



Source: Planning Department GIS

Date: 10/15/2021



KLINE

PM

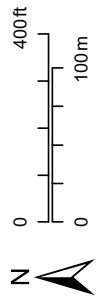
PLN2021-0091

2021 AERIAL SITE MAP

LEGEND

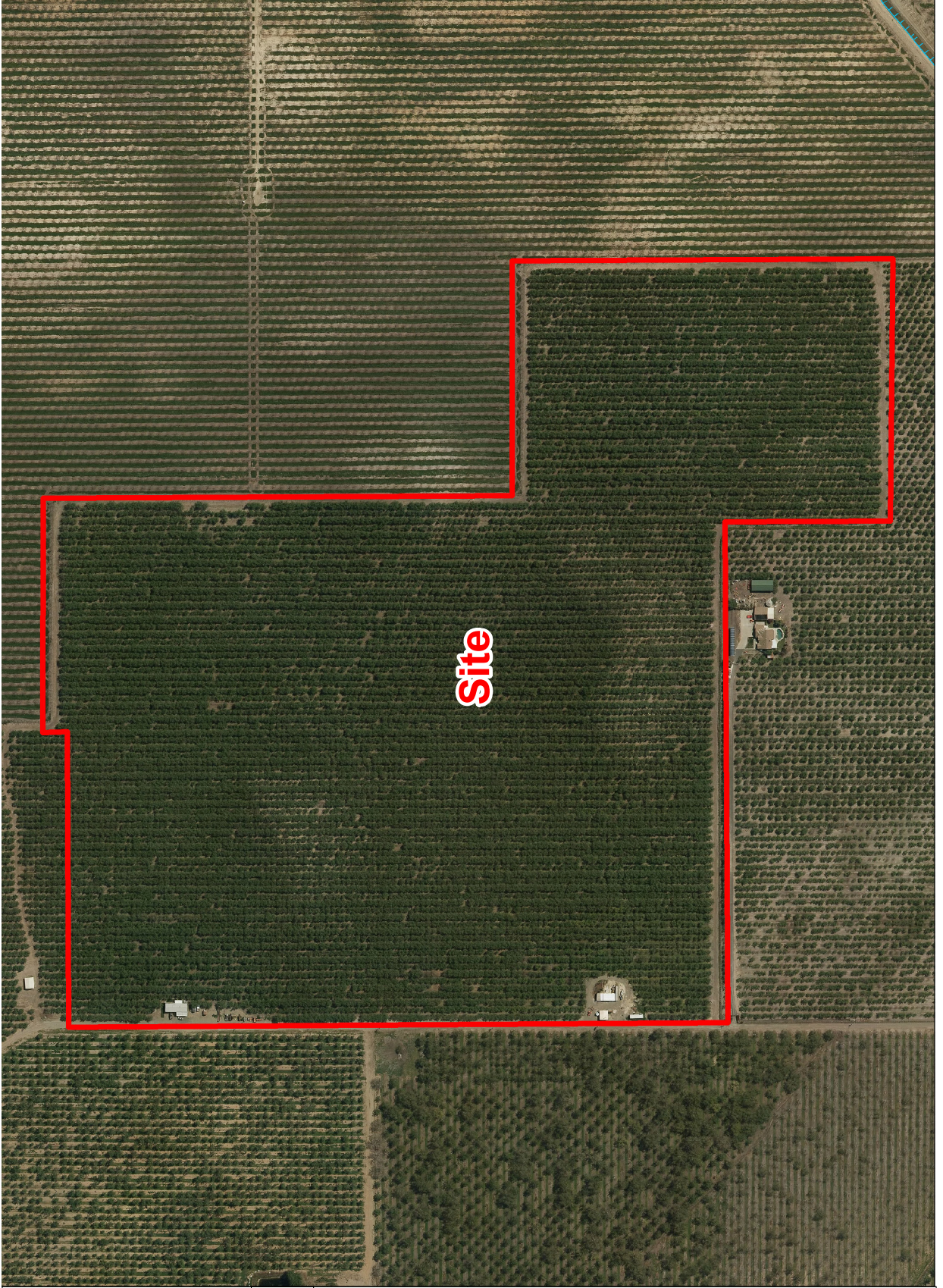
 Project Site

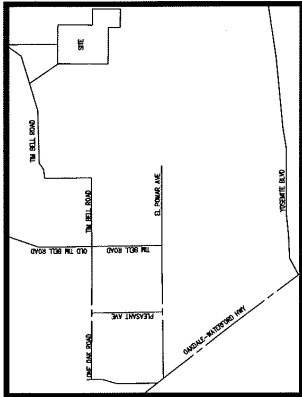
 Canal



Source: Planning Department GIS

Date: 10/15/2021





VICINITY MAP

OWNER/APPLICANT: SHELDON KLINE
 14204 TIM BELL RD.
 WATERFORD, CA 95366

PREPARED BY: GIULIANI & KULL, INC.
 440 S. YOSEMITE AVENUE SUITE A
 OAKDALE, CA 95361

TOTAL AREA: 80.02 AC.

NO. OF PARCELS: 2 (PROPOSED)

A.P.N.: 015-015-082

ZONING: A2-40

WATER: PRIVATE WELL

SANITARY SEWER: PRIVATE SEPTIC

STORM DRAIN: OVERLAND

SLOPE OF LAND: FLAT-1%

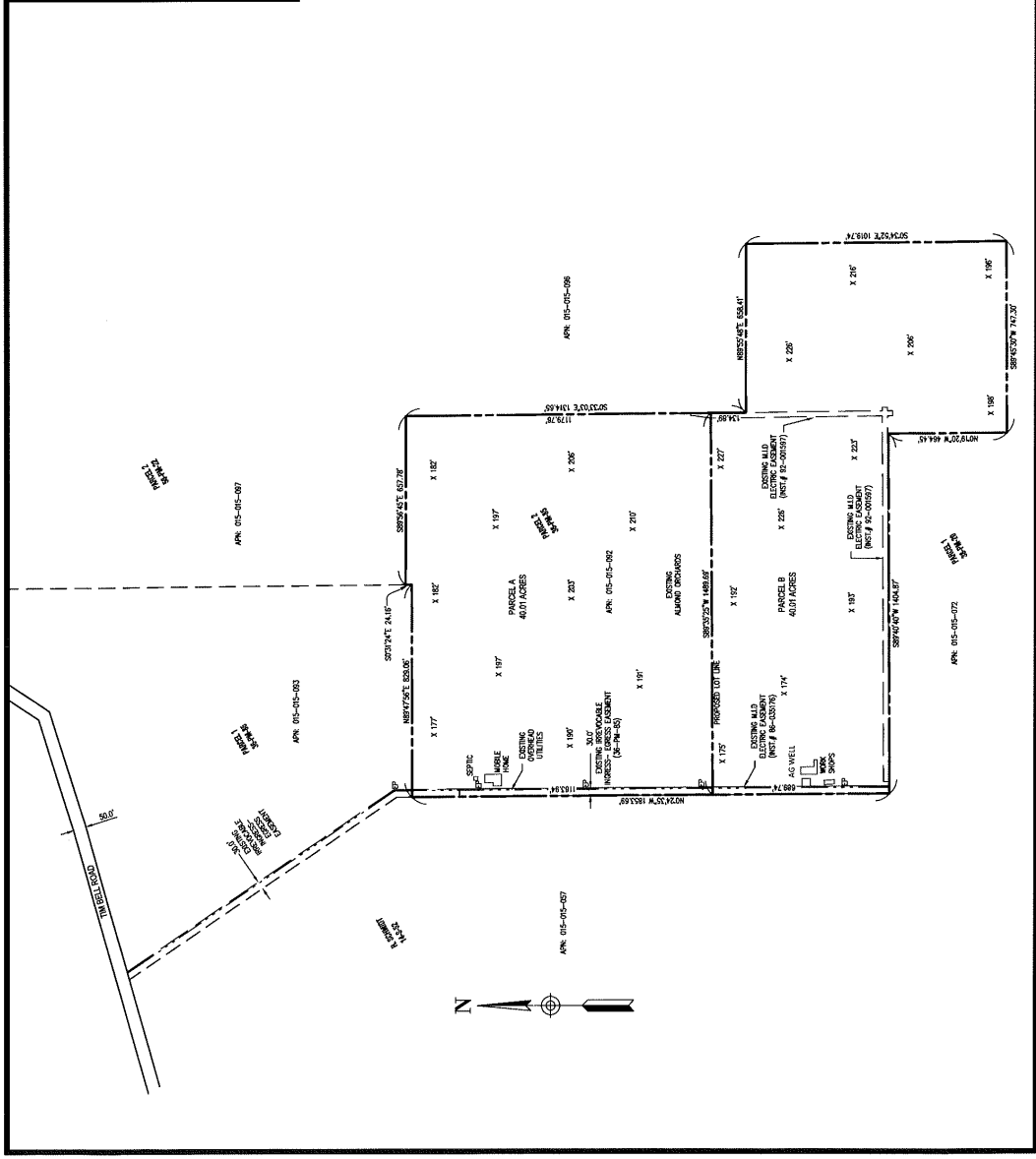
TENTATIVE PARCEL MAP

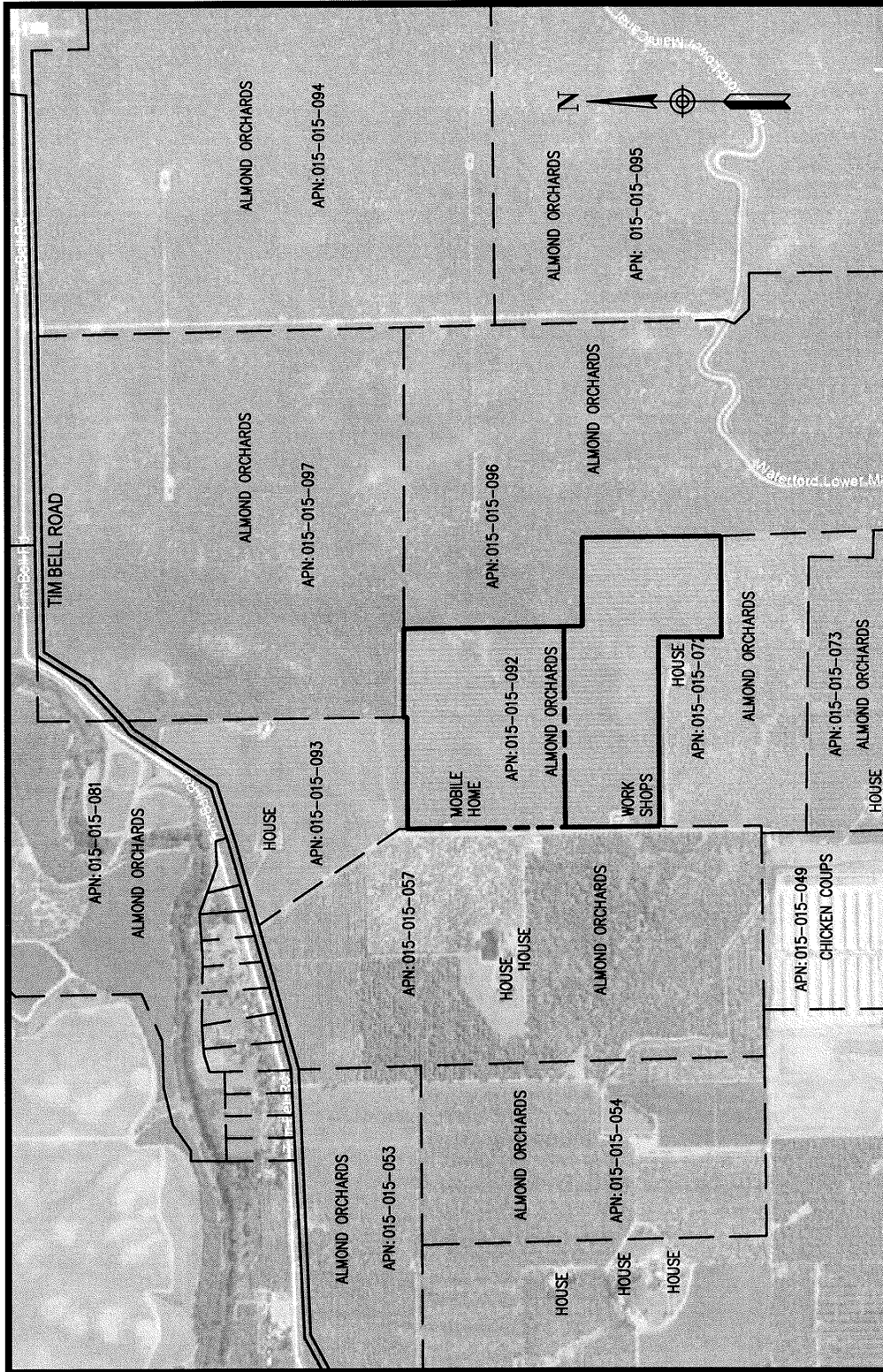
BEING A DIVISION OF PARCEL 'A' AS SHOWN IN BOOK 34 OF PARCEL MAPS AT PAGE 62, AND LYING WITHIN SECTION 23, TOWNSHIP 3 SOUTH, RANGE 11 EAST, MOUNT DIABLO MERIDIAN, STANISLAUS COUNTY, CALIFORNIA

SCALE 1" = 250'

AUGUST 2021

GK Giuliani & Kull, Inc.
 ENGINEERS & PLANNERS & SURVEYORS
 440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361
 (209) 847-8726 Fax (209) 847-7323
 Auburn • Oakdale • San Jose





GK **Giuliani & Kull, Inc.**
 Engineers • Planners • Surveyors
 440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361
 (209) 847-8726 Fax (209) 847-7323
 Auburn • Oakdale • San Jose

SCALE: 1" = 1000'
 DRAWN: AF
 CHECKED: KC
 JOB NO.: 21148
 SHEET: 1 OF 1

AREA EXHIBIT
 WATERFORD, CALIFORNIA

CONDITIONS OF APPROVAL

**PARCEL MAP APPLICATION NO. PLN2021-0091
KLINE**

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. All structures shown on the parcel map that are on lot lines shall be removed prior to the parcel map being recorded.
4. Prior to the recording of the parcel map the new parcels shall be surveyed and fully monumented.
5. Prior to the recording of the parcel map, an Encroachment Permit shall be obtained for the unpaved driveway approach that access the sites from Tim Bell Road. All driveway approaches shall be installed to Public Works Standards and Specifications Plate No. 3-F5.

Department of Planning and Community Development

6. The Department of Planning and Community Development shall record a Notice of Determination, Notice of Exemption, and a Notice of Administrative Conditions and Restrictions (NOAC&R) with the County 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 \$114.00, made payable to Stanislaus County, for the payment of Clerk Recorder filing fees.
7. 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.
8. The recorded parcel map shall contain the following statement:

"All persons purchasing lots within the boundaries of this approved map should be prepared to accept the inconveniences associated with the agricultural operations, such as noise, odors, flies, dust, or fumes. Stanislaus County has determined that

such inconveniences shall not be considered to be a nuisance if agricultural operations are consistent with accepted customs and standards.”

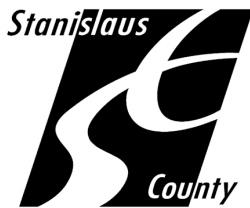
9. The existing 30-foot-wide irrevocable access easement, located along the western boundary of proposed Parcels A and B, shall be shown on the recorded parcel map. The irrevocable access easement shall continue to provide access to the two parcels to the south.
10. The existing Modesto Irrigation District electric easement, located on proposed Parcel B, shall be shown on the recorded parcel map.
11. A “No-Build” restriction on the construction of any residential development on proposed Parcel A shall be observed until parcels are no longer enrolled under a Williamson Act Contract or one of the following criteria are met:
 - A. Ninety percent or more of the parcel shall be in production agriculture use with its own on-site irrigation infrastructure and water rights to independently irrigate. For lands which are not irrigated by surface water, on-site irrigation infrastructure may include a self-contained drip or sprinkler irrigation system. Shared off-site infrastructure for drip or sprinkler irrigation systems, such as well pumps and filters, may be allowed provided recorded long-term maintenance agreements and irrevocable access easements to the infrastructure are in place.
 - B. Use of the parcel includes a confined animal facility (such as a commercial dairy, cattle feedlot, or poultry operation) or a commercial aquaculture operation.
12. 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.
13. If human remains are discovered, California Health and Safety Code Section 7050.5 requires you to protect the discovery and notify the county coroner, who will determine if the find is Native American. If the remains are recognized as Native American, the coroner shall then notify the Native American Heritage Commission (NAHC). California Public Resources Code Section 50.97.98 authorizes the NAHC to appoint a Most Likely Descendant who will make recommendation for the treatment of the discovery.

Department of Environmental Resources

14. Any new building requiring an onsite wastewater treatment system (OWTS) shall meet all Local Agency Management Program (LAMP) standards and be designed according to type and/or maximum occupancy of the proposed structure to the estimated waste/sewage design flow rate.

15. The existing onsite wastewater treatment system (OWTS) is to be contained within the parcel boundaries of parcel "A", as required by the County Local Agency Management Program (LAMP).
16. The applicant shall secure all necessary permits for the destruction/relocation of any onsite water wells and water distribution lines, and/or the onsite wastewater treatment system (OWTS) at the project site under the direction of the Stanislaus County Department of Environmental Resources (DER).
17. All applicable County Local Agency Management Program (LAMP) standards and required setbacks are to be met.

*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 is in **bold**, and deleted wording will have a ~~line through it~~.*



CEQA Guidelines §15183 Consistency Checklist

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

- 1. **Project title:** Parcel Map Application No. PLN2021-0091 – Kline.
- 2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
- 3. **Contact person and phone number:** Avleen K. Aujla, Assistant Planner
(209) 525-6330
- 4. **Project location:** 14204 Tim Bell Road, between Tim Bell and Hazeldean Roads in the Waterford area.
APN: 015-015-092
- 5. **Project sponsor’s name and address:** William Sheldon Kline, PO Box 179, Waterford, CA 95386
- 6. **General Plan designation:** Agriculture
- 7. **Zoning:** General Agriculture (A-2-40)
- 8. **Description of project:**

Request to subdivide an existing 80.02± acre parcel into two parcels of 40± acres each in size in the General Agriculture (A-2-40) zoning district. The parcels propose to utilize an existing 30-foot-wide irrevocable access easement to access Tim Bell Road, a County-maintained road, which runs along the western boundary of both proposed parcels. Proposed Parcel A is currently improved with a mobile home served by private well and septic system, and Proposed Parcel B is currently improved with detached agricultural storage buildings. If approved, the parcel will remain in agricultural production and will remain enrolled in the Williamson Act. Irrigation water is supplied by a private agricultural well located on Proposed Parcel B.

- 9. **Surrounding land uses and setting:** Orchards and row crops, with scattered single-family dwellings surround the site in all directions; Dry Creek to the north; a chicken ranch and the City of Waterford to the southwest; Tuolumne River to the south; and the Modesto Reservoir to the east.
- 10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Department of Public Works; Stanislaus County Department of Environmental Resources.
- 11. **Attachments:** Appendix A – 2016 General Plan Update EIR Summary of Impacts and Mitigation Measures

CEQA Guidelines §15183 Consistency Checklist

Findings

In accordance with CEQA Guidelines §15183, no additional CEQA review is required for the Project as the project has been determined to be consistent with the Environmental Impact Report (EIR) certified on August 23, 2016 for the Stanislaus County 2016 General Plan Update (GPU) as the following findings can be made:

1. The Project is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified.
2. There are no Project specific effects which are peculiar to the Project or its site, and which the GPU EIR Failed to analyze as significant effects.
3. There are no potentially significant off-site and/or cumulative impacts which the GPU EIR failed to evaluate.
4. There is no substantial new information which results in more severe impacts than anticipated by the GPU EIR.
5. The Project will undertake feasible mitigation measures specified in the GPU EIR.

Overview

This checklist provides an analysis of potential environmental impacts resulting from the Project. Following the format of CEQA Guidelines Appendix G, environmental effects are evaluated to determine if the Project would result in a potentially significant impact triggering additional review under Guidelines section 15183.

- Items checked “Significant Project Impact” indicates that the Project could result in a significant effect which either requires mitigation to be reduced to a less than significant level or which has a significant, unmitigated impact.
- Items checked “Impact not identified by the GPU EIR” indicates the Project would result in a Project specific significant impact (peculiar off-site or cumulative that was not identified in the GPU EIR).
- Items checked “Substantial New Information” indicates that there is new information which leads to a determination that a Project impact is more severe than what had been anticipated by the GPU EIR.
- Items checked “Consistent with GPU EIR” indicates that the Project meets findings 1-5 listed above, as included in CEQA Guidelines §15183.

In approving a project meeting the requirements under CEQA Guidelines §15183, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis: (1) Are peculiar to the project or the parcel on which the project would be located; (2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent; (3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action; or (4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by, then an additional environmental review need not be prepared for the project solely on the basis of that impact.

A summary of Staff’s analysis of each potential environmental effect is provided below the checklist for each subject area. The GPU EIR, including a list of applicable General Plan policies, references, significance guidelines, and technical studies used to support the analysis can be found at <http://www.stancounty.com/planning/pl/general-plan.shtm>. All feasible mitigation measures have been incorporated into the Updated Stanislaus County General Plan in the form of goals, objectives, policies, action items and programs to reduce the anticipated environmental impacts.

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 & Forestry Resources Air Quality
- Biological Resources Cultural Resources Energy
- Geology / Soils Greenhouse Gas Emissions Hazards & Hazardous Materials
- Hydrology / Water Quality Land Use / Planning Mineral Resources
- Noise Population / Housing Public Services
- Recreation Transportation Tribal Cultural Resources
- Utilities / Service Systems Wildfire 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 would result in a project specific significant impact (peculiar off-site or cumulative) that was not identified in the GPU EIR.
- I find that the proposed project could result in a significant effect which either requires mitigation to be reduced to a less than significant level or which has a significant unmitigated impact.
- I find that the proposed project includes new information which leads to a determination that a project impact is more severe than what had been anticipated by the GPU EIR.
- I find that all potentially significant effects have been analyzed adequately in the GPU EIR and that with the application of uniformly applied development policies and/or standards, no further environmental review is required.

Signature on file.
Prepared by Avleen K. Aujla, Assistant Planner

January 31, 2022
Date

ISSUES

I. AESTHETICS – Except as provided in Public Resources Code Section 21099, could the project:	Significant Project Impact	Impact Not Identified by GPU EIR	Substantial New Information	Consistent with GPU EIR
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

Discussion: The GPU EIR determined that overall, development that would result from implementation of the General Plan would change the existing visual character of the County, but not to a significant extent. The only scenic designation in the County is along I-5, which is not near the project site. The site itself is not considered to be a scenic resource or a unique vista. Community standards generally do not dictate the need or desire for architectural review of agricultural or residential subdivisions.

The GPU EIR found potential impacts associated with light and glare to be significant and unavoidable. However, the inclusion of Land Use Element Goal 2, Policy 16, Implementation Measures 1 and 2 requires that outdoor lighting be efficient and designed to provide minimum impact to the surrounding environment through the use of shielded fixtures which direct light only towards the objects requiring illumination reduces this impact. Any construction that may occur in the future would be required to meet this General Plan policy.

No construction is proposed at this time. The project site is currently planted in an almond orchard. Proposed Parcel A is currently improved with a mobile home and Proposed Parcel B is currently improved with detached agricultural storage buildings and an agricultural well. If approved, the parcels will remain in agricultural production and will remain enrolled in the Williamson Act. However, if approved, zoning regulations would allow up to two dwelling units and a junior accessory dwelling unit (JADU) to be developed on each Parcel.

Consistent with the findings of the GPU EIR, the potential impacts associated with aesthetics are considered to be less than significant. If approved, both parcels will maintain consistency with the density and intensity allowed with the “Agricultural” designation of the General Plan as well as the uses permitted in the A-2 (General Agricultural) zoning district. Accordingly, the potential impacts to aesthetics are considered to be consistent with those considered in the GPU EIR.

Mitigation: None.

References: Application Materials; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation¹.

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Significant Project Impact	Impact Not Identified by GPU EIR	Substantial New Information	Consistent with GPU EIR
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

Discussion: The GPU EIR determined that impacts to Agriculture and Forest Resources resulting from implementation of the General Plan are less than significant

The project site is classified as “Unique Farmland” by the California Department of Conservation’s Farmland Mapping and Monitoring Program. The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that property is primarily comprised of Grade 3 Raynor clay, 3 to 8 percent slopes (California Revised Storie Index Rating: 45) on 44.4 acres, Grade 3 Raynor clay, 0 to 3 percent slopes (California Revised Storie Index Rating: 48) on 17.5 acres, Grade 5 Peters clay, 8 to 15 percent slopes (California Revised Storie Index Rating: 17) on 18.1 acres, and Grade 4 Pentz loam, 15 to 30 percent slopes (California Revised Storie Index Rating: 35) on 0.2 acres of the existing parcel. The California Revised Storie Index is a rating system based on soil properties that dictate the potential for soils to be used for irrigated agricultural production in California. This rating system grades soils with an index rating of 35 as poor soil, 17 as very poor, 48 and 45 as fair to be used for irrigated agriculture. Grade 3,4 and 5 soils are considered to be of lesser quality for production of the state’s leading agricultural crops. Farmland in this area is typically irrigated but may also be non-irrigated, as in some climate zones in California. Hence, it is classified as a unique farmland by the Department of Conservation.

The project site is currently enrolled in California Land Conservation Act (“Williamson Act”) Contract No. 1971-0219. During project review, this application was referred to the Department of Conservation (DOC) for review and input; no response has been received to date. The site currently consists of almond orchards irrigated with water from an onsite private agricultural well located on proposed Parcel B.

No construction is proposed at this time. However, under the Zoning Ordinance for the A-2 zoning district, each parcel may have a maximum of two dwelling units and one junior accessory dwelling unit (JADU). The second dwelling unit may be either a single-family dwelling or an accessory dwelling unit (ADU). The current parcel is enrolled under a Williamson Act contract. Any further development resulting from this project will be consistent with existing uses in the surrounding area permitted in the A-2 (General Agriculture) zoning district.

If approved, both parcels will maintain consistency with the density and intensity allowed with the “Agricultural” designation of the General Plan as well as the uses permitted in the A-2 (General Agricultural) zoning district. No forest lands exist in Stanislaus County. Accordingly, the potential impacts associated with this project to agriculture and forest resources are considered to be consistent with those considered in the GPU EIR.

Mitigation: None.

References: Natural Resources Conservation Service Soil Survey; Northern Stanislaus Soil Survey; California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2018; Application Materials; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation¹.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. -- Would the project:	Significant Project Impact	Impact Not Identified by GPU EIR	Substantial New Information	Consistent with GPU EIR
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?				X
c) Expose sensitive receptors to substantial pollutant concentrations?				X
d) Result in other emissions (such as those odors adversely affecting a substantial number of people?				X

Discussion: The proposed project is located within the San Joaquin Valley Air Basin (SJVAB) and, therefore, falls under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In conjunction with the Stanislaus Council of Governments (StanCOG), the SJVAPCD is responsible for formulating and implementing air pollution control strategies. The SJVAPCD’s most recent air quality plans are the 2007 PM10 (respirable particulate matter) Maintenance Plan, the 2008 PM2.5 (fine particulate matter) Plan, and the 2007 Ozone Plan. These plans establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SJVAB, which has been classified as “extreme non-attainment” for ozone, “attainment” for respirable particulate matter (PM-10), and “non-attainment” for PM 2.5, as defined by the Federal Clean Air Act.

The GPU EIR determined that most impacts to Air Quality resulting from implementation of the General Plan are less than significant. However, it also determined that construction-related emissions in excess of the SJVAB’s thresholds of significance were unquantifiable and thus considered to be significant and unavoidable. Construction-related emissions would vary substantially depending on the level of activity, length of the construction period, specific construction operations, types of equipment, number of personnel, wind and precipitation conditions, and soil moisture content. Should construction

activities exceed the SJVAPCD’s thresholds for ROG and NOX of 10 tons per year or PM10 or PM2.5 of 15 tons per year, a significant construction-related impact would occur.

No significant change, or impact not identified by the GPU EIR regarding air quality is expected as a result of this project. Both proposed parcels will continue to be planted in almond trees, and no construction is proposed as part of this parcel map request. However, under the Zoning Ordinance for the A-2 zoning district, each parcel may have a maximum of two dwelling units and one junior accessory dwelling unit (JADU). The second dwelling unit may be either a single-family dwelling or an accessory dwelling unit (ADU). Accordingly, proposed Parcel A could build up to one additional dwelling unit, and a junior accessory dwelling unit (JADU); and proposed Parcel B could build a maximum of two dwelling units and one junior accessory dwelling unit (JADU) if the project is approved. The second dwelling unit may be either a single-family dwelling or an accessory dwelling unit (ADU).

The project was referred to the Air District and no response has been received to date. Any future construction activities on either proposed parcel would occur in compliance with the A-2 zoning district, and all SJVAPCD regulations.

If approved, both parcels will maintain consistency with the density and intensity allowed with the “Agricultural” designation of the General Plan as well as the uses permitted in the A-2 (General Agricultural) zoning district. Accordingly, the potential impacts to Air Quality are considered to be consistent with those considered in the GPU EIR.

Mitigation: None.

References: San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; www.valleyair.org; Application Materials; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation¹.

IV. BIOLOGICAL RESOURCES -- Would the project:	Significant Project Impact	Impact Not Identified by GPU EIR	Substantial New Information	Consistent with GPU EIR
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Discussion: The GPU EIR determined that most impacts to Biological Resources resulting from implementation of the General Plan has no impact or a less than significant impact. However, it also determined that there was a significant and unavoidable impact to the movement of any native resident or migratory fish or wildlife species or established native resident or migratory wildlife corridors, or the use of native wildlife nursery sites, due to potential impacts to riparian habitat.

The project is located within the Paulsell Quad based on the U.S. Geographical Survey’s topographic quadrangle map series. According to aerial imagery and application materials, there is irrigated agriculture on the project site and on adjacent parcels in all directions. The Tuolumne River is approximately 1.42± miles to the south, the Dry Creek River is approximately 0.42± miles to the north, and the Modesto Reservoir approximately 2.45± miles to the east. Based on results from the California Natural Diversity Database (CNDDDB), there are eight animals and four plant species which are state or federally listed, threatened, or identified as species of special concern or a candidate of special concern within the Paulsell California Natural Diversity Database Quad. Animal species include the western spadefoot, Tricolored blackbird, burrowing owl, Vernal pool tadpole shrimp, riffle sculpin, hardhead, Steelhead- Central valley DPS and chinook salmon - Central Valley fall / late fall-run ESU. Plant species include Colusa grass, San Joaquin Valley Orcutt grass, Hairy Orcutt grass, and Greene’s tuctoria. There are no reported siting of any of the aforementioned species on the project site; however, Colusa grass and Greene’s tuctoria has been sited approximately 0.64 miles north-east and Colusa grass approximately 0.6 miles south-west of the project site. The entire project site is already disturbed and is planted in almond trees. No construction is proposed as part of the project; however, if construction were to occur on any of the resulting parcels it shall have no effect on Biological Resources.

The project was referred to the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and no response has been received to date.

The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans. Impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors are considered to be less than significant. It does not appear that this project will result in significant impacts to biological resources. Accordingly, the potential impacts to biological resources are less significant than those considered in the GPU EIR. Less than significant impacts are considered to be consistent with the GPU EIR.

Mitigation: None.

References: California Department of Fish and Wildlife’s Natural Diversity Database Quad Species List; California Natural Diversity Database, Planning and Community Development GIS, accessed January 31, 2021; U.S. Geographical Survey Topographic Quadrangle Map Series; Application Materials; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation¹.

V. CULTURAL RESOURCES -- Would the project:	Significant Project Impact	Impact Not Identified by GPU EIR	Substantial New Information	Consistent with GPU EIR
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?				X
c) Disturb any human remains, including those interred outside of formal cemeteries?				X

Discussion: The GPU EIR determined that impacts to Cultural Resources resulting from implementation of the General Plan were significant and unavoidable. The GPU EIR states that development that occurs pursuant to the General Plan, as amended by the project will result in changes to existing cultural resources. At the individual project level, there may be future projects that are consistent with the General Plan, comply with all state and local laws that are protective of significant historical resources, and still result in a significant adverse impact on a historical resource. Typically, this would be a project that demolishes or otherwise destroys a significant historical resource. Demolition or destruction cannot be mitigated under

CEQA. The GPU EIR assumed that there would be development projects with this impact in the future. Therefore, when examined in conjunction with development under the General Plan, the GPU EIR determined that there would be a significant and unavoidable impact to Cultural Resources.

A record search dated September 14, 2021 conducted by the Central California Information Center (CCIC) indicated that no prehistoric, historic, or archaeological resources known to have value to local cultural groups were formally reported to the CCIC. The project site is already disturbed, and no construction or demolition is proposed as part of this parcel map request. However, under the Zoning Ordinance for the A-2 zoning district, up to two single-family dwellings and one junior accessory dwelling unit (JADU) could be constructed on both Proposed Parcels A and B. A condition of approval will be placed on the project requiring that should any archaeological or cultural resources be found during future construction, activities shall halt until an on-site archaeological mitigation program has been approved by a qualified archaeologist.

As mentioned above, there is no proposed construction or demolition proposed for this project, and any future activities will be held to the conditions of approval above based on the recommendation of the CCIC report.

It does not appear that this project will result in significant impacts to any archaeological or cultural resources. Accordingly, the potential impacts to Cultural Resources are less significant than those considered in the GPU EIR. Less than significant impacts are considered to be consistent with the GPU EIR.

Mitigation: None.

References: Records search from the Central California Information Center (CCIC), dated September 14, 2021; Application Materials; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation¹.

VI. ENERGY. -- Would the project:	Significant Project Impact	Impact Not Identified by GPU EIR	Substantial New Information	Consistent with GPU EIR
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?				X
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				X

Discussion: The GPU EIR determined that impacts to Energy resulting from implementation of the General Plan are less than significant. The CEQA Guidelines Appendix F states that energy consuming equipment and processes, which will be used during construction or operation, shall be taken into consideration when evaluating energy impacts, such as: energy requirements of the project by fuel type and end use; energy conservation equipment and design features; energy supplies that would serve the project; and total estimated daily vehicle trips to be generated by the project and the additional energy consumed per trip by mode. Additionally, the project’s compliance with applicable state or local energy legislation, policies, and standards must be considered.

The County has updated its General Plan to require that all construction in the County comply with the California Building Code. No construction is proposed. However, should future construction occur, it shall comply with all applicable provisions of the California Building Code.

Modesto Irrigation District (MID) provides power to the site through existing power lines. Utility easements run along the western boundary of Proposed Parcel B

The project was referred to the Modesto Irrigation Department and no response has been received to date.

It does not appear that this project will result in significant impacts to the wasteful, inefficient, or unnecessary consumption of energy resources. Accordingly, the potential impacts to Energy are considered to be consistent with those evaluated in the GPU EIR.

Mitigation: None.

References: Application Materials; CEQA Guidelines; Title 16 of County Code; CA Building Code; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation¹.

VII. GEOLOGY AND SOILS -- Would the project:	Significant Project Impact	Impact Not Identified by GPU EIR	Substantial New Information	Consistent with GPU EIR
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect 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
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X

Discussion: The GPU EIR determined that impacts to Geology and Soils resulting from implementation of the General Plan are less than significant. Existing Goal One, Policy Three, Implementation Measure 1 of the General Plan Safety Element requires enforcement of the Alquist-Priolo Earthquake Fault Zoning Act, which prohibits most construction intended for human occupancy across an active fault trace and strictly regulates construction near an active fault. As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils or soils susceptible to liquefaction are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. The County has updated its General Plan to require that all construction in the County comply with the California Building Code. In addition, the General Plan has added private roads to the types of roads that should be designed to minimize landslide risks. If structures were built in areas susceptible to liquefaction, the foundations could fail and cause damage or collapse of the structure. Compliance with the federal and local erosion-related regulations applicable to the

United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that property is primarily comprised of Grade 3 Raynor clay on 44.4 acres, Grade 3 Raynor clay on 17.5 acres, Grade 5 Peters clay on 18.1 acres, and Grade 4 Pentz loam, on 0.2 acres of the existing parcel. General Plan buildout, i.e., the Storm Water Pollution Prevention Program (SWPPP) that is developed for the site and the requirements of the County’s municipal code, would ensure that the construction activities do not result in significant erosion.

Grading permits which require SWPPP compliance are required through the Department of Public Works for any earth moving. Compliance with the Alquist-Priolo Earthquake Fault Zoning Act, the California Building Code, and SWPPP would reduce the risk of loss, injury, or death due to earthquake or soil erosion. Accordingly, the GPU EIR considers this impact to be less than significant, with no mitigation required.

No construction is proposed as part of this request. If future construction should occur, all construction will be designed and built according to the California Building Code and the SWPPP. Any addition or expansion of a septic tank or alternative wastewater disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements. Additionally, a condition of approval will be applied to this project to address any discovery of paleontological resources during any future construction.

It does not appear that this project will result in significant impacts to Geology and Soils. Accordingly, the potential impacts to Geology and Soils are considered to be consistent with those evaluated in the GPU EIR.

Mitigation: None.

References: California Building Code; NRCS Soil Survey 2014 Regional Transportation Plan/Sustainable Communities Strategy; SB 375; AB 32; Application Materials; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation¹.

VIII. GREENHOUSE GAS EMISSIONS -- Would the project:	Significant Project Impact	Impact Not Identified by GPU EIR	Substantial New Information	Consistent with GPU EIR
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X

Discussion: The GPU EIR determined that impacts to Greenhouse Gas (GHG) Emissions resulting from implementation of the General Plan are less than significant.

The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H₂O). CO₂ is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO₂ equivalents (CO₂e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020. Additionally, SB 375 mandated a reduction target of 5% by 2020 and 10% by 2035 for emissions from land use, automobiles, and light trucks.

The GPU EIR evaluates long-term GHG emissions under full build-out (2035) conditions. Although no operational emissions associated with implementation of the GPU would occur, StanCOG’s 2014 Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) (“SB 375” condition) would result in less Vehicle Miles Traveled (VMT) and GHG emissions than without the implementation of 2014 RTP/SCS (“conformity” condition). The RTP/SCS incorporated the land uses reflected in the Stanislaus County General Plan into its projections and the Circulation Element in the GPU were designed to be consistent with the RTP/SCS. Accordingly, a net reduction in mobile source GHG emissions within the unincorporated

County is anticipated upon full build out of the GPU. This is consistent with adopted goals to reduce GHG emissions identified in AB 32, as well as the trajectory of statewide GHG legislation. Consequently, the GPU EIR determined that GHG impacts were less than significant.

No construction is proposed. However, Under the zoning ordinance for the A-2 zoning district, up to two dwelling units and a junior accessory dwelling unit (JADU) could be developed on each parcel. Any possible future construction will be subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CalGreen) Code (California Code of Regulations, Title 24, Part 11).

No significant impacts from greenhouse gas emissions occurring as a result of this project are anticipated. Accordingly, the potential impacts to Greenhouse Gas Emissions are considered to be consistent with those evaluated in the GPU EIR.

Mitigation: None.

References: California Building Code; 2014 Regional Transportation Plan/Sustainable Communities Strategy; SB 375; AB 32; Application Materials; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation¹.

IX. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Significant Project Impact	Impact Not Identified by GPU EIR	Substantial New Information	Consistent with GPU EIR
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				X

Discussion: The GPU EIR determined that the potential for Hazards and Hazardous Materials impacts resulting from implementation of the General Plan are less than significant. Existing Goal Two, Policy Thirteen of the General Plan Safety Element prescribes the preparation of a Hazardous Waste Management Plan. Stanislaus County has prepared this plan, which serves as the guideline for managing hazardous wastes in the County. This plan governs the maintenance of a hazardous materials response team to assist law enforcement and fire agencies during transportation and industrial

accidents involving chemical spills. State laws were passed in 1985 that require users of hazardous materials to disclose the type and location of such materials so that emergency response teams can be prepared for potential disasters. Existing Policy One of Goal One of the General Plan Safety Element prescribes that the County follow the policies included in the adopted County of Stanislaus Multi-Jurisdictional Hazard Mitigation Plan. The County routinely consults with the affected school district prior to discretionary approval of new businesses and industry that use hazardous materials near existing school sites as part of the project review process. Additionally, school siting regulations implemented by the Department of Education prohibit locating proposed schools near existing contamination. There are a number of sites in Stanislaus County identified as hazardous materials or contaminated sites pursuant to Government Code Section 65962.5. Many of these sites are undergoing assessment or remediation overseen by the Stanislaus County Division of Environmental Health, CalRecycle (formerly the Integrated Waste Management Board), or the Regional Water Quality Control Board. Pesticide exposure is a risk in agricultural areas. 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 the applicable permits. A referral response was received from the Hazardous Materials Division of the Department of Environmental Resources and the Stanislaus County Environmental Review Committee (ERC) indicating that they had no comments on the project. The GPU EIR considered hazards and hazardous materials impacts to be a less-than-significant impact due to General Plan policies, and existing State and County regulatory programs which reduce potential hazards.

The existing on-site uses are not recognized as generators and/or consumers of hazardous materials. The site is not identified as a hazardous materials or contaminated site. No significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed subdivision. The project site is not within the vicinity of any airstrip or wildlands. The site is in a Local Responsibility Area (LRA) for fire protection and is served by the Stanislaus Consolidated Fire District. To date, no comment has been received from the Stanislaus Consolidated Fire District in regard to hazardous materials. No significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project. Accordingly, the potential Hazards and Hazardous Materials impacts are considered to be consistent with those evaluated in the GPU EIR.

Mitigation: None.

References: Referral response received, November 17, 2021 from the Hazardous Materials Division of the Department of Environmental Resources; Referral response from the Stanislaus County Environmental Review Committee (ERC), dated November 17, 2021; Application Materials; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation¹.

X. HYDROLOGY AND WATER QUALITY -- Would the project:	Significant Project Impact	Impact Not Identified by GPU EIR	Substantial New Information	Consistent with GPU EIR
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?				X
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				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 or through the addition of impervious surfaces, in a manner which would:				X
(i) result in substantial erosion or siltation on – or off-site;				X
(ii) substantially increase the rate of amount of surface runoff in a manner which would result in flooding on- or off-site;				X

(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or				X
(iv) impede or redirect flood flows?				X
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				X
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				X

Discussion: The GPU EIR determined that most potential impacts to Hydrology and Water Quality resulting from implementation of the General Plan are less than significant. The General Plan Update integrated multiple goals, policies, and implementation measures into the General Plan which address management efforts that aim to protect natural vegetation, riparian habitat, and water quantity and quality; minimizing the potential for the release of pollutants and violation of water quality standards, or the altering of drainage patterns or the course of a stream or river. Furthermore, additional regional, state, and federal regulations would also reduce the potential for violation of water quality standards. Water quality protection measures are enforced by the Central Valley Regional Water Quality Control Board (RWQCB) under various National Pollutant Discharge Elimination System (NPDES) programs for municipal separate storm sewer systems, construction sites greater than 1 acre, and industrial operations. Stanislaus County has implemented their Storm Water Management Program under the NPDES Phase II MS4 General Permit that includes programs to eliminate illicit discharges, control construction site stormwater runoff, and meet postconstruction stormwater runoff goals to improve water quality protection. Adherence with the stormwater management plan and the various municipal, industrial, and construction NPDES program requirements would ensure that pollutants are not released to nearby surface water bodies or groundwater during short-term construction efforts, or long-term operation of industrial or agricultural facilities.

Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). Under the Goal One, Policy Two of the Safety Element of the General Plan, development is not allowed in areas that are within the designated floodway. For projects located within a flood zone, requirements are addressed by the Building Permits Division during the building permit process. No construction is permitted within the floodway. The project site of 80± acres is situated in FEMA Zone X, with 0.2 percent chance of annual flood hazard (500-year).

The GPU EIR determined that future development under the General Plan Update could result in an increase in the number of persons and property potentially at risk from flooding due to a catastrophic levee or dam failure. However, compliance with the requirements of existing emergency management plans and the Central Valley Flood Protection Board, coupled with implementation of the General Plan Update Safety Element policies associated with Goal One (“Prevent loss of life and reduce property damage as a result of natural disasters”), would reduce this potential effect to less than significant. The GPU EIR stated that the County is not at risk due to inundation from a tsunami because of its distance from the ocean. However, there is a risk of seiche from major bodies of water such as the Woodward, Turlock, and Modesto reservoirs. However, given the relatively small size of these reservoirs, potential impacts would remain localized to recreational users on these reservoirs. The County also possesses a geologic and climate setting not particularly prone to mud flows.

The Sustainable Groundwater Management Act (SGMA), passed in 2014 requires the formation of local Groundwater Sustainability Agencies (GSAs) to oversee the development and implementation of Groundwater Sustainability Plans (GSPs), with the ultimate goal of achieving sustainable management of the State’s groundwater basins. The GPU added goals, policies, and implementation measures into the General Plan which addressed management efforts that aim to protect water quantity. However, because the groundwater sustainability management plans (GSP) for each groundwater basin in the County had not yet been completed, impacts to groundwater supplies and groundwater recharge were determined to be a significant and unavoidable impact. The GPU EIR also stated that once these plans take effect and are implemented, the impact would be less than significant. Since adoption of the GPU EIR the Stanislaus County Department of Environmental Resources (DER) has completed the formation of the necessary GSAs. Stanislaus County is a participating member in five GSAs across four groundwater subbasins. Public and private water agencies and user groups within each of the four groundwater subbasins work together as GSAs to implement SGMA. The Eastern San Joaquin Groundwater Subbasin, which covers a portion of Stanislaus County occurring north of the Stanislaus River; commonly referred to as the “northern triangle”, and the Modesto Groundwater Subbasin, which covers an area of land located between the Stanislaus and Tuolumne rivers, occurring west of the Sierra Nevada foothills and east of the San Joaquin River, both

have developed and are working towards implementing GSPs. The Turlock Groundwater Subbasin (East), which covers an area of land located between the Tuolumne and Merced rivers, occurring west of the Sierra Nevada Foothills, and the Turlock Groundwater Subbasin (West), which covers an area of land located between the Tuolumne and Merced rivers, occurring east of the San Joaquin River, are required to be covered by a Department of Water Resources (DWR) approved GSP by January 31, 2022. The Delta-Mendota Groundwater Subbasin which covers an area of land within Stanislaus County located west of the San Joaquin River and east of the basement rock of the Coast Range, are required to be covered by a Department of Water Resources (DWR) approved GSP by January 31, 2020.

The project site is located in the Stanislaus and Tuolumne Rivers Groundwater Basin. No construction is proposed as part of this request; therefore, the current absorption patterns of water upon this property will not be altered. Under the zoning ordinance for the A-2 zoning district, up to two dwelling units and a junior accessory dwelling unit (JADU) could be developed on each parcel. Should any construction occur in the future, current standards require that all of a project’s stormwater be maintained on-site. Consequently, runoff associated with any future construction on either proposed parcel will be reviewed as part of the overall building permit review process. No septic systems or additional wells are being proposed as a part of this project. All new wells are subject to review under the County’s Well Permitting Program, which will determine whether a new well will require environmental review. As a result of the development standards required for this project, impacts associated with drainage, water quality, and runoff are expected to have a less than significant impact.

The located within the Modesto Irrigation District, but it is not irrigated by it. Currently, the site is irrigated by an on-site agricultural well, and future wells are not planned.

No significant impacts associated with hydrology and water quality are anticipated to occur as a result of the proposed project. Accordingly, the potential Hydrology and Water Quality impacts are considered to be less than significant than those evaluated in the GPU EIR. Less than significant impacts are considered to be consistent with the GPU EIR.

Mitigation: None.

References: Public Works Standards and Specification; Application Materials; Referral response from the Stanislaus County Department of Public Works dated November 17, 2021; Referral response from the Stanislaus County Department of Environmental Resources dated November 17, 2021; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation¹.

XI. LAND USE AND PLANNING -- Would the project:	Significant Project Impact	Impact Not Identified by GPU EIR	Substantial New Information	Consistent with GPU EIR
a) Physically divide an established community?				X
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				X

Discussion: The GPU EIR determined that the potential for Land Use and Planning impacts resulting from implementation of the General Plan were less than significant. The GPU did not propose any changes to the County’s land use map or the existing boundaries of the land use designations but did incorporate changes to legislation, regulatory codes, and local standards as well as some minor revisions to General Plan language and some policy improvements. This project is being processed under the same land use regulations and designations that were in place at the time of adoption of the GPU EIR.

The project is a request to subdivide an existing 80.02± acre parcel into two 40.01± acre parcels in the General Agriculture (A-2-40) zoning district. The parcels propose to utilize an existing 30-foot-wide access easement to access Tim Bell Road, a County-maintained road, which runs along the western boundary of both proposed parcels. Proposed Parcel A is currently improved with a mobile home and Proposed Parcel B is currently improved with detached agricultural storage buildings. Based on site specific conditions related to the site’s topography, size, and proximity to existing public river access, river access is not required as part of this project in conformance with California Government Code Section 66478.8.

The project site is enrolled under a Williamson Act with Contract No. 1971-0219 and shall remain enrolled under it with agricultural production continued. Based on the specific features and design of this project, it does not appear this project will impact the long-term productive agricultural capability of surrounding contracted lands in the A-2 zoning district. No changes to the current land use are proposed, other than the creation of two parcels; therefore, no removal of adjacent lands from agricultural use is anticipated. The project site utilizes an on-site well for irrigation located on proposed Parcel B and, as such, an irrigation easement for the benefit of Proposed Parcel A will be applied as a condition of approval.

The project site is currently in agricultural production and is comprised of almond orchards. Stanislaus County General Plan Agricultural Element Policy 2.8 specifies that the subdivision of agricultural land consisting of unirrigated farmland, unirrigated grazing land, or land enrolled under a Williamson Act contract, into parcels of less than 160-acres in size shall be allowed provided a “no-build” restriction on the construction of any residential development on newly created parcel(s) is observed until one or both of the following criteria is met:

- Ninety percent or more of the parcel shall be in production agriculture use with its own on-site irrigation infrastructure and water rights to independently irrigate. For lands which are not irrigated by surface water, on-site irrigation infrastructure may include a self-contained drip or sprinkler irrigation system. Shared off-site infrastructure for drip or sprinkler irrigation systems, such as well pumps and filters, may be allowed provided recorded long-term maintenance agreements and irrevocable access easements to the infrastructure are in place.
- Use of the parcel includes a confined animal facility (such as a commercial dairy, cattle feedlot, or poultry operation) or a commercial aquaculture operation.

Production agriculture is defined as agriculture for the purpose of producing any and all plant and animal commodities for commercial purposes. Both proposed parcels are considered irrigated farmland and ninety percent or more of the proposed parcels are in production agriculture use. Proposed Parcel A has one existing single-family dwelling. Proposed Parcel B is not improved with any dwellings. Under the Zoning Ordinance for the A-2 zoning district, each parcel may have a maximum of two dwelling units and one junior accessory dwelling unit (JADU). The second dwelling unit may be either a single-family dwelling or an accessory dwelling unit (ADU). A “no-build” restriction on the construction of any additional residential development on the proposed parcels has been added as a condition of approval. Any development on the proposed parcels will need to meet the criteria under the “no-build” restriction prior to issuance of a building permit. Any further development resulting from this project will be consistent with existing uses in the surrounding area permitted in the A-2 (General Agriculture) zoning district.

The proposed use will not physically divide an established community and/or conflict with any habitat conservation plan or natural community conservation plan. This project is not known to conflict with any adopted land use plan, policy, or regulation of any agency with jurisdiction over the project. No significant impacts associated with land use and planning are anticipated to occur as a result of the proposed project. Accordingly, the potential land use and planning impacts are considered to be consistent with those evaluated in the GPU EIR.

Mitigation: None.

References: State of California Government Code; Application Materials; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation¹.

XII. MINERAL RESOURCES -- Would the project:	Significant Project Impact	Impact Not Identified by GPU EIR	Substantial New Information	Consistent with GPU EIR
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Discussion: The GPU EIR determined that the potential impacts to Mineral Resources resulting from implementation of the General Plan were beneficial, and accordingly considered to be less than significant. The GPU incorporated an amendment to the Conservation and Open Space Element’s Goal Nine, Policy 26, Implementation measures 2 and 3 which address the management of mineral resources. Additionally, the location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173 and is incorporated into the General Plan’s Conservation and Open Space Element. The project site is located in the Pausell quad according to the U.S Geological Survey and there are no known significant resources on the site. The site directly north of ARA (Aggregate Resource Area) 34, which is just south of Highway 108/120. This 79-acre area is categorized as significant only if it is included with ARA-30. Available data indicate that sand and gravel resources within this area most likely range in thickness between 6-12 feet. Accordingly, the potential impacts to mineral resources are considered to be consistent with those evaluated in the GPU EIR.

Mitigation: None.

References: Application Materials; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation¹.

XIII. NOISE -- Would the project result in:	Significant Project Impact	Impact Not Identified by GPU EIR	Substantial New Information	Consistent with GPU EIR
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Generation of excessive groundborne vibration or groundborne noise levels?				X
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

Discussion: The GPU EIR determined that most potential noise impacts resulting from implementation of the General Plan are less than significant. However, the GPU EIR did identify potential temporary or permanent ambient noise levels which exceed existing standards as significant and unavoidable due projected traffic noise levels in year 2035 which would result in noise levels of 60 Ldn or greater on several roadway segments within the County.

The Stanislaus County General Plan identifies noise levels up to 75 dB Ldn (or CNEL) as the normally acceptable level of noise for agricultural uses. Existing noise generated from Tim Bell Road and neighboring agricultural operations currently exists on the project site. The area’s ambient noise level is not expected to increase. Any future construction or on-site activities are required to meet the noise standards included in the General Plan and the Noise Ordinance.

The site is not located within an airport land use plan. No noise impacts associated with the parcellation of the project site have been identified. Accordingly, the potential noise impacts are considered to be consistent with those evaluated in the GPU EIR.

Mitigation: None.

References: Title 10.46 – Noise Control Ordinance; Application Materials; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation¹.

XIV. POPULATION AND HOUSING -- Would the project:	Significant Project Impact	Impact Not Identified by GPU EIR	Substantial New Information	Consistent with GPU EIR
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

Discussion: The GPU EIR determined that the potential for Population and Housing impacts resulting from implementation of the General Plan were less than significant. Although the Housing Element was updated through a separate process, the GPU EIR integrated population projections adopted by Stan COG that extend the planning horizon to 2035 to ensure consistency between the GPU and the RTP/SCS. StanCOG’s regional growth forecast predicts a population for the unincorporated County jurisdiction of 133,753 in 2035, which represents an increase of approximately 23,517 people, or approximately 21%, from its 2010 population (Stanislaus Council of Governments 2013). This is a yearly increase of approximately 0.8%. The majority of this growth is anticipated to occur within existing community plan areas and in unincorporated pockets of existing cities which are designated in the Land Use Element as Residential. Agricultural areas, not designated as Residential in the Land Use Element of the General Plan, would be required to be rezoned and approved by a majority vote of the County through the Measure E process in order to be residentially developed. Unincorporated Disadvantaged Communities were inventoried and needed upgrades to public services were also identified with the GPU. The ALUCP update was identified in the GPU EIR as less than significant because it does not displace any existing housing. However, it does affect the potential for future development. Although no direct impacts occurring as a result of implementation of the General Plan were identified in the GPU EIR, the EIR did identify indirect impacts that could occur through individual developments that are consistent with the General Plan and the extension of roads and other infrastructure as the County becomes more built out as 2035 approaches. The Stanislaus County General Plan Update revised certain General Plan policies but did not substantially change where future development would occur.

The Housing Element was updated after adoption of the GPU EIR, in 2016, to address the 5th cycle Regional Housing Needs Allocation (RHNA) for the County. The project site is not included in the vacant sites inventory for the 2016 Stanislaus County Housing Element and will therefore not impact the County’s ability to meet their RHNA. No population growth will be induced nor will any existing housing be displaced as a result of this project. If approved, under the Zoning Ordinance for the A-2 zoning district, each parcel may have a maximum of two dwelling units and one junior accessory dwelling unit (JADU). The second dwelling unit may be either a single-family dwelling or an accessory dwelling unit (ADU). The potential population and housing impacts are considered to be consistent with those evaluated in the GPU EIR.

Mitigation: None.

References: Application Materials; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation¹.

XV. PUBLIC SERVICES --	Significant Project Impact	Impact Not Identified by GPU EIR	Substantial New Information	Consistent with GPU EIR
a) Would the project result in the substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?				X
Police protection?				X
Schools?				X
Parks?				X
Other public facilities?				X

Discussion: The GPU EIR determined that the potential for impacts to public services resulting from implementation of the General Plan were less than significant. The County has adopted Public Facilities Fees (Title 23 of the County Code), as well as Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. School Districts also have their own adopted fees, which are required to be paid at the time of Building Permit issuance. In addition, first year costs of the Sheriff’s Department have been standardized based on studies conducted by the Sheriff’s Department. No buildings are proposed as part of this project. If approved, each parcel will be able to maintain up to two single-family dwellings and one junior accessory dwelling unit (JADU) in accordance with the A-2 zoning district. Should any construction occur on the property in the future, all adopted public facility fees will be required to be paid at the time of building permit issuance and will be included as conditions of approval.

Modesto Irrigation District (MID) provides power to the site through existing power lines. Utility easements run along the boundary of Proposed Parcel B. The project was referred to the District and no response has been received to date.

The project was referred to the Waterford United School District and the Stanislaus Consolidated Fire Protection District and no comments have been received to date. The project was also referred to Stanislaus County Fire Prevention and a response was received stating that the existing 30-foot access easement for Parcel Map PLN2021-0091- Kline meets the required width for fire access.

Mitigation: None.

References: Referral response from the Stanislaus County Environmental Review Committee, dated November 17, 2021; ERC Response; Email response from Stanislaus County Fire Prevention, dated December 9, 2021; Application Materials; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation¹.

XVI. RECREATION --	Significant Project Impact	Impact Not Identified by GPU EIR	Substantial New Information	Consistent with GPU EIR
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
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Discussion: The GPU EIR determined that the potential for impacts to recreational facilities or development which would require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment resulting from implementation of the General Plan to be less than significant. However, impacts to neighborhood and regional parks or other recreational facilities were considered to be significant and unavoidable due to the population and housing increase projected under the GPU which would increase the demands on Stanislaus County parks and recreational facilities. If approved, each parcel will be able to maintain up to two single-family dwellings and one junior accessory dwelling unit (JADU) in accordance with the A-2 zoning district. However, this project is not anticipated to increase demands for recreational facilities. Accordingly, the potential impacts to recreation are considered to be consistent with those evaluated in the GPU EIR.

Mitigation: None.

References: Application Materials; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation¹.

XVII. TRANSPORTATION-- Would the project:	Significant Project Impact	Impact Not Identified by GPU EIR	Substantial New Information	Consistent with GPU EIR
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?				X
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?				X
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
d) Result in inadequate emergency access?				X

Discussion: As required by CEQA Guidelines section 15064.3, potential impacts to the transportation system should evaluate Vehicle Miles Traveled (VMT). The GPU EIR identified that there were no significant impacts to existing program plans, ordinances, or policies addressing circulation to Vehicle Miles Traveled (VMT) or to increased hazards of the transportation system, or to emergency access. Although the calculation of VMT is simply the number of cars multiplied by the distance traveled by each car, VMT performance measures can be reported differently. For this project, VMT was reported based on the sum of all vehicle trips originating and terminating within unincorporated Stanislaus County boundaries and half of the VMT associated with trips with an origin or destination outside of unincorporated Stanislaus County. Trips that have neither an origin nor destination within the County are not included in the VMT total, as County General Plan policies cannot appreciably affect the amount of through traffic in the area within its jurisdiction. The total VMT is then divided by the unincorporated County's total service population, defined as the residential population plus the number of jobs. The General Plan Update includes new population and employment growth that would generate additional VMT, which would result in increased air pollutant and GHG emissions as well as additional energy consumption from vehicle travel. However, the expected location of the employment and household growth results in a slight decline in VMT generated per household and service population. Additionally, policies were incorporated into the General Plan to mitigate potential hazards due to transportation design features and increase safety, and to ensure adequate emergency access.

The GPU EIR did find that due to the population projections and the planned road infrastructure incorporated into the General Plan, implementation of the GPU would have a significant and unavoidable impact resulting in traffic operations below the minimum acceptable thresholds on roadways outside Stanislaus County's jurisdiction, in transportation network

changes that would prevent the efficient movement of goods within the County (cumulative impact only identified), and additional vehicle, bicycle, or pedestrian travel on roadways or other facilities that do not meet current County design standards.

The proposed parcel split will result in both parcels having their primary access from Tim Bell Road via 30-foot wide existing irrevocable access easement. No construction is proposed as a part of this project. However, if approved, each parcel will be able to maintain up to two single-family dwellings and one junior accessory dwelling unit (JADU) in accordance with the A-2 zoning district.

This project was referred to the Department of Public Works who requested standard conditions of approval related to recording of the map, including recording of parcel map prepared by a licensed land surveyor or a registered civil engineer licensed to practice land surveying in California, all structures not shown on the parcel map to be removed prior to the parcel map being recorded, all structures shown on the parcel map that are on lot lines to be removed prior to the parcel map being recorded, prior to the recording of the parcel map the new parcels shall be surveyed and fully monumented and lastly prior to the recording of the parcel map, an Encroachment Permit shall be obtained for the unpaved driveway approach that access the sites from Tim Bell Road. All driveway approaches shall be installed to Public Works Standards and Specifications Plate No. 3-F5. The potential impacts to transportation are considered to be consistent with those evaluated in the GPU EIR.

Mitigation: None.

References: CEQA Guidelines Section 15064.3; Referral response from Department of Public Works dated August 23, 2021; Application Materials; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation¹.

XVIII. TRIBAL RESOURCES-- Would the project:	Significant Project Impact	Impact Not Identified by GPU EIR	Substantial New Information	Consistent with GPU EIR
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California native American tribe, and that is:				X
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				X
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set for the in subdivision (c) of Public Resource Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				X

Discussion: The GPU EIR determined that impacts to cultural resources resulting from implementation of the General Plan were significant and unavoidable. The GPU EIR states that development that occurs pursuant to the General Plan, as amended by the project will result in changes to existing cultural resources. At the individual project level, there may be future projects that are consistent with the General Plan, comply with all state and local laws that are protective of significant historical resources, and still result in a significant adverse impact on a historical resource. Typically, this would be a project that demolishes or otherwise destroys a significant historical resource. Demolition or destruction cannot be mitigated under

CEQA. The GPU EIR assumed that there would be development projects with this impact in the future. Therefore, when examined in conjunction with development under the General Plan, the GPU EIR determined that there would be a significant and unavoidable impact to cultural resources.

A record search dated September 14, 2021 conducted by the Central California Information Center (CCIC) indicated that no prehistoric, historic, or archaeological resources known to have value to local cultural groups were formally reported to the CCIC. The project site is already disturbed, and no construction or demolition is proposed as part of this parcel map request. Under the Zoning Ordinance for the A-2 zoning district, each parcel may have a maximum of two dwelling units and one junior accessory dwelling unit (JADU). The second dwelling unit may be either a single-family dwelling or an accessory dwelling unit (ADU). The current project does not include ground disturbance, because of this, further study for archaeological or historical resources is not recommended within the CCIC report at this time. Additionally, a condition of approval will be placed on the project requiring that should any archaeological or cultural resources be found during construction, activities shall halt until an on-site archaeological mitigation program has been approved by a qualified archaeologist.

As mentioned above, there is no proposed construction or demolition proposed for this project, and any future activities will be held to the conditions of approval above based on the recommendation of the CCIC report.

In accordance with SB 18 and AB 52, this project was not referred to the tribes listed with the Native American Heritage Commission (NAHC) as the project is not a General Plan Amendment and no tribes have requested consultation or project referral noticing. As mentioned above in the Cultural Resources section, conditions of approval will be placed on the project requiring that should any archaeological or cultural resources be found during construction, activities shall halt until an on-site archaeological mitigation program has been approved by a qualified archaeologist; and should any human remains be found on the property, the applicant/owner shall contact the County coroner pursuant to California Health and Safety Code Section 7050.3, who will determine if the find is Native American.

It does not appear that this project will result in significant impacts to any Tribal Cultural Resources. Accordingly, the potential impacts to tribal resources are less significant than those considered in the GPU EIR. Less than significant impacts are considered to be consistent with the GPU EIR.

Mitigation: None.

References: Application materials; Central California Information Center (CCIC) Report for the project site, dated June 24, 2021; Stanislaus County General Plan and Support Documentation¹.

XIX. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Significant Project Impact	Impact Not Identified by GPU EIR	Substantial New Information	Consistent with GPU EIR
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				X
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?				X
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				X
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				X

Discussion: The GPU EIR determined that most of the potential for impacts to utilities and service systems resulting from implementation of the General Plan were less than significant. However, the GPU EIR analysis of the population projections covering the 2035 planning horizon of the General Plan did identify significant and unavoidable impacts in terms of wastewater and water treatment facility capacity to serve this projected future development. Further, some existing water and wastewater systems, specifically those identified in the Disadvantaged Communities Report, were determined to be at capacity or in need of improvements. The Central Valley Regional Water Quality Control Board (CVRWQCB) will set the specific waste discharge requirements for any new or expanded wastewater treatment facility as part of its permit for that facility. Future water and wastewater treatment facilities will be required by law to operate in compliance with any and all requirements of the CVRWQCB permits. Additionally, any expansion of these facilities would require additional CEQA review.

Modesto Irrigation District (MID) provides power to the site through existing power lines. Utility easements run along the boundary of Proposed Parcel B.

No construction is proposed as part of this project. However, if approved, each parcel will be able to maintain a maximum of two single-family dwellings and one junior accessory dwelling unit (JADU) in accordance with the A-2 zoning district. If future construction were to occur, additional well and septic facilities would need to be installed. On-site septic and well infrastructure are reviewed for adequacy by the Stanislaus County Department of Environmental Resources (DER) through the building permit process. A referral response was received from DER regarding Local Agency Management Program (LAMP) standards and securing the necessary permits for the destruction/ relocation of any onsite water wells and water distribution lines, and/or the onsite wastewater treatment system (OWTS). These comments will be applied as a condition of approval. If a new well were required in the future, the drilling of a new well would be regulated by the County’s Groundwater Ordinance and thus require CEQA compliance demands for water and wastewater treatment facilities. Accordingly, the potential impacts to utilities and service systems are considered to be consistent with those evaluated in the GPU EIR.

Mitigation: None.

References: Application Materials; Referral response from Referral response from the Stanislaus County Department of Environmental Resources dated November 19, 2021; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation¹.

XX. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Significant Project Impact	Impact Not Identified by GPU EIR	Substantial New Information	Consistent with GPU EIR
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				X
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				X
c) Require the installation of maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				X

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				X
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Discussion: The GPU EIR determined that the potential for exposing people to risk involving wildland fires, as discussed in the Hazards and Hazardous Materials Section of GPU EIR, was less than significant. The Safety Element of the General Plan includes maps which show the County’s Fire Hazard Severity Zones and State Responsibility Areas, and also includes Goals, Policies, and Implementation Measures, including the incorporation of the County’s Local Hazard Mitigation Plan by reference, which address reducing the risk of wildland fires.

The project site is in a non-urbanized area with no wildlands located in the vicinity of the project site. In addition, the project site is not located within a designated high or very high fire hazard severity zone, near state responsibility areas, or lands classified as very high fire hazard severity zones. The project site is located in a Local Responsibility Area (LRA) and is served by the Stanislaus Consolidated Fire District. The project was referred to the District, and no response was received. The project terrain is relatively flat. Access will be provided from the County-maintained Tim Bell Road through 30-foot wide access easement. If approved, each parcel will be able to maintain up to two single-family dwellings and one junior accessory dwelling unit (JADU) in accordance with the A-2 zoning district. If future construction were to occur, the Stanislaus Consolidated Fire Protection District will review the project site for adequate emergency vehicle access as part of the building permit process for future development of each parcel.

No construction or grading is proposed as part of this request. All future structures will be required to be constructed in accordance with Chapter 7A of the most current adopted version of the California Building Code and California Residential Code. No significant impacts to the project site’s or surrounding environment’s wildfire risk is anticipated as a result of this project. Accordingly, the potential impacts to wildfire is considered to be consistent with those evaluated in the GPU EIR.

Mitigation: None.

References: Application Materials; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation¹.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE --	Significant Project Impact	Impact Not Identified by GPU EIR	Substantial New Information	Consistent with GPU EIR
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				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: The GPU EIR identified the following impacts as cumulative significant and unavoidable impacts:

- Air Quality - Construction-related emissions in excess of the SJVAB's thresholds of significance
- Biological Resources - Movement of any native resident or migratory fish or wildlife species or established native resident or migratory wildlife corridors, or the use of native wildlife nursery sites
- Hydrology and Water Quality - Impacts to groundwater supplies and groundwater recharge
- Noise - Potential temporary or permanent ambient noise levels which exceed existing standards
- Transportation - Result in transportation network changes that would prevent the efficient movement of goods within the County (less than significant individual; significant and unavoidable cumulative)

These cumulative impacts were based on development that could occur as a result of the planning horizon of the General Plan, which is 2035. The GPU EIR also acknowledged that groundwater impacts would become less than significant when the GSPs for the County were implemented. If approved, both parcels will maintain consistency with the density and intensity allowed with the "Agricultural" designation of the General Plan as well as the uses permitted in the A-2 (General Agricultural) zoning district. Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area. Accordingly, the potential impacts to mandatory findings of significance are considered to be consistent with those evaluated in the GPU EIR.

Mitigation: None.

References: Application Materials; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation¹.

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

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: PM APP. NO. PLN2021-0091 – KLINE

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 CONSERVATION Land Resources	X		X		X							
CA DEPT OF FISH & WILDLIFE	X		X		X							
CA DEPT OF TRANSPORTATION DIST 10	X											
CA OPR STATE CLEARINGHOUSE	X		X		X							
CA RWQCB CENTRAL VALLEY REGION	X		X		X							
COOPERATIVE EXTENSION	X		X		X							
FIRE PROTECTION DIST: STANISLAUS CONSOLIDATED FIRE	X		X	X				X		X		X
HOSPITAL DIST: OAK VALLEY	X		X		X							
IRRIGATION DIST: MODESTO IRRIGATION DISTRICT	X		X		X							
MOSQUITO DIST: EASTSIDE	X		X		X							
PACIFIC GAS & ELECTRIC	X		X		X							
SAN JOAQUIN VALLEY APCD	X		X		X							
SCHOOL DIST 1: WATERFORD UNIFIED	X		X		X							
SCHOOL DIST 2: WATERFORD UNIFIED	X		X		X							
STAN CO AG COMMISSIONER	X		X		X							
TUOLUMNE RIVER TRUST	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 FARM BUREAU	X		X		X							
STAN CO HAZARDOUS MATERIALS	X		X	X				X		X		X
STAN CO PARKS & RECREATION	X											
STAN CO PUBLIC WORKS	X		X	X				X		X	X	
STAN CO SHERIFF	X		X		X							
STAN CO SUPERVISOR DIST 1:B. CONDIT	X		X		X							
StanCOG												
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							