

STANISLAUS COUNTY PLANNING COMMISSION

February 3, 2022

STAFF REPORT

USE PERMIT APPLICATION NO. PLN2021-0068 WOOD COLONY CHRISTIAN SCHOOL

REQUEST: TO EXPAND AN EXISTING PRIVATE SCHOOL FACILITY FROM 5± ACRES TO 7± ACRES BY INCORPORATING A 2± ACRE AREA, FROM THE ADJOINING 3.17± ACRE PARCEL TO THE NORTH, FOR USE AS A TRACK AND FIELD IN THE GENERAL AGRICULTURE (A-2-40) ZONING DISTRICT.

APPLICATION INFORMATION

Applicant:	Wood Colony Christian School Corporation
Property owner:	APN 005-030-035: Wood Colony Christian School Corporation (Robert Lee Roesel, Dorothy Lee Roesel, Claudia S. Bowser, Carla D. Hoblit, Amy M. Bauman, and Beth A. Bowling) APN 005-030-020: Dwight D. Hunnicutt Trust
Agent:	N/A
Location:	2524, 2530, and 2572 Finney Road, between North Avenue and Beckwith Road, in the Modesto area
Section, Township, Range:	15-3-8
Supervisorial District:	Three (Supervisor Withrow)
Assessor's Parcel:	005-030-035 and 005-030-020
Referrals:	See Exhibit G Environmental Review Referrals
Area of Project Site:	APN 005-030-035: 5± acres APN 005-030-020: 3.17± acres
Water Supply:	APN 005-030-035: Public well and Private septic APN 005-030-020: Private well and Septic
Sewage Disposal:	Agriculture
General Plan Designation:	N/A
Community Plan Designation:	General Agriculture (A-2-40)
Existing Zoning:	N/A
Sphere of Influence:	N/A
Williamson Act Contract No.:	N/A
Environmental Review:	Negative Declaration
Present Land Use:	APN 005-030-035: School facility, two residences, a tool shed, barn, parking lots, and basketball court and baseball field APN 005-030-020: Single-family dwelling, residential accessory structure, agricultural accessory structure, and track and field

Surrounding Land Use: Single-family dwellings and orchards in all directions; two ranchettes and the Hetch Hetchy aqueduct to the south; and the City of Modesto to the east.

RECOMMENDATION

Staff recommends the Planning Commission recommend that the Board of Supervisors 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 recommend approval of this project, Exhibit A provides an overview of all the findings required for project approval.

PROJECT DESCRIPTION

The project is a request to expand an existing private school facility from 5± acres to 7± acres by incorporating a 2± acre area, from the adjoining 3.17± acre parcel to the north, for use as a track and field. The existing 5± acre school facility is located on APN 005-030-035 and has been expanded with the addition of a 1.3± acre track and field area, which are both located on an adjoining parcel to the north of the existing school (APN 005-030-020). Maps and a site plan of the project site are provided in Exhibit B of this report. The existing track and field was developed by the former President of Wood Colony Christian School, Robert Roesel, in agreement with the adjoining landowner, Bruce Hunnicutt, in 1997. The track and field has been leased by the school for use as an outdoor exercise area for students since December of 1997. The applicant has stated the requested expansion is due to a recent opportunity to purchase the area improved with the track and field. If approved, the applicant proposes to complete a lot line adjustment to adjust the parcel boundaries to incorporate the existing school and the track and field within one parcel. The parcels will be adjusting from the 5± and 3.17± acre parcels to 7± and 1.17± acres in size. No further construction or site development is proposed under this request.

The existing track and field did not receive appropriate land use entitlements prior to establishment. The existing school was permitted under Use Permit 79-25 – Brethren Heritage School, for temporary instruction of 150 students. Subsequently, the permit was amended in 1982 to allow for 250 students and a permanent school facility. In February 1995, Use Permit Application No. 94.26 – Brethren Community Fellowship was approved to allow a 4,160 square-foot fellowship hall including a 2,100 square-foot sanctuary to be constructed at the site of the private school. In April 1997, Use Permit No. 94-26 was modified to allow the approved church building to be enlarged to 5,580 square feet and to be used as a multi-purpose room for the Wood Colony Christian School. At that time, it was expected that the school was going to be relocating within the next year. The school, however, never relocated and the church was not developed.

The current hours of operation for the school are year-round Monday through Friday from 8:00 a.m. to 3:00 p.m. The track and field will only be used in conjunction with the school during normal hours of operation; no public use is proposed. Groups of 10-15 students at a time will use the track and field throughout the day from 8:00 a.m. to 3:00 p.m., Monday-Friday. The school currently enrolls 60-85 students from Kindergarten to eighth grade and has a total of 27 employees. The students are brought to school by 6-7 school buses with 10-12 students per bus and on average approximately 10 students are brought to school by individual passenger vehicles per day. No increase in the number of students, employees, buses or vehicle trips are proposed as part of this request. The existing school site is served by a well, currently permitted as the Wood Colony Christian School Public Water System, and private septic system. The single-family

dwelling located on the adjoining parcel to the north is served by a private well and septic system. Both parcels have access to County-maintained Finney Road.

SITE DESCRIPTION

The site is located at 2524, 2530, and 2572 Finney Road, between North Avenue and Beckwith Road, in the Modesto area (see Exhibit B – *Maps and Site Plan*). The 5± acre parcel is currently developed with the existing school facility (APN 005-030-035) which is comprised of approximately 26,000± square feet of building space for instructional use; two residences; a tool shed; a 3,575± square-foot barn; three parking areas consisting of 59 standard spaces and 2 accessible spaces; and a 1± acre area consisting of a basketball court and baseball field. The two residences located on the school site are occupied by caretakers of the school facility. The 3.17± parcel adjoining the school to the north (APN 005-030-020) is currently developed with a track and field, a single-family dwelling, a residential accessory structure, and an agricultural accessory structure. If the project is approved, the applicant proposes to complete a lot line adjustment to incorporate the track and field onto the school parcel.

The school parcel is landscaped with mature deciduous and evergreen trees along the road frontage and adjacent to the instructional buildings and residences. On-site lighting for the existing school facility consists of 55 exterior wall fixtures on the existing school buildings, and five pole-lighting fixtures approximately 18-20 feet in height located within the current grounds of the school facility. The track and field does not include any lighting. No additional signage, landscaping, or lighting is proposed as part of this request. If approved, conditions of approval for the prior use permits will remain and conditions of approval have been added to the project to address landscaping maintenance, which is not addressed to in the prior approvals, and lighting should any be added in the future.

Surrounding land uses include single-family dwellings, and walnut and almond orchards in all directions, and ranchettes to the south. The Hetch Hetchy aqueduct is located south of the project site across North Avenue, and the City of Modesto is located to the east.

ISSUES

The following issues have been identified as part of the review of the project:

The project was presented to the Wood Colony Municipal Advisory Council (MAC) on October 13, 2021 as part of the Early Consultation referral. The MAC voiced concerns over parents parking along the side of Finney Road and North Avenue when picking up students, or for school events. The MAC requested to hear the proposal again following the circulation of the Initial Study. An Initial Study was circulated for the project from December 8, 2021 to January 10, 2022. On January 12, 2022, the project was presented to the MAC at their regularly scheduled meeting. The Wood Colony MAC recommended approval of the project as proposed with the condition that a “Good Neighbor Policy” be made a condition of approval for the project to address on-street parking concerns. A condition of approval has been added to the project requiring a “Good Neighbor Policy;” establish a plan to provide neighbors with contact information for the school and steps the operation will take to work diligently with the neighbors to address any on-street parking issues. While, all conditions of approval from the previous Use Permit No. 94-26 – Brethren Community Fellowship will remain applicable, they are silent to activities on North Avenue (see Exhibit D - *Use Permit No. 94-26 – Brethren Community Fellowship, Conditions of Approval*). As such, a condition of approval has been added to this request to require the installation of “no parking” signs, if necessary, at the road frontage along Finney Road and North Avenue.

The condition of approval requiring that a “Good Neighbor Policy” be submitted to the Planning Department for review and approval reflects that the expansion has already occurred and, as such, is required to be finalized within six months of approval, rather than the typical 18-months allowed by a Use Permit.

If the project is approved, the applicant proposes to complete a Lot Line Adjustment to amend the boundaries of the school facility to include the track and field onto one parcel. The parcel configurations resulting from any lot line adjustment must meet all applicable County Local Agency Management Program (LAMP) standards and required setbacks for wells and septic systems, also referred to as onsite wastewater treatment systems (OWTS). While the applicant is proposing to complete a lot line adjustment, the lot line adjustment is not a requirement of project approval.

No other issues have been identified as a part of this request.

GENERAL PLAN CONSISTENCY

Both parcels included in this project request are 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. The General Agricultural (A-2) zoning district is consistent with the Agricultural designation and encourages vertical integration of agriculture by organizing uses requiring use permits into three tiers based on the type of uses and their relationship to agriculture. Tier Three includes uses that are not directly related to agriculture but may be necessary to serve the A-2 district or difficult to locate in urban areas; Tier Three uses include schools offering general academic instruction equivalent to the standards prescribed by the State Board of Education.

The proposed expansion for the existing school facility is considered a Tier Three use. Since Tier Three uses can be people-intensive and thus can adversely impact agriculture, they are generally directed to lands within a Local Agency Formation Commission (LAFCO) adopted Spheres of Influence (SOI). In this case, while the project site is not located within a LAFCO SOI, the existing school facility was found to be consistent with the Agricultural designation as part of the prior land use entitlement approvals. The Tier Three Findings required for approval of this expansion are discussed in the Zoning Ordinance Consistency Section below.

The Noise Element of the General Plan identifies noise levels up to 65 dB Ldn (or CNEL) as the normally acceptable level of noise for school uses; however, the residential noise standard has been applied to the project as the nearest sensitive receptor is a residence. The County’s most restrictive exterior noise level standard for residential uses is 50 dBA Leq during daytime hours and 45 dBA Leq during nighttime hours, for more than 30 minutes in any hour as measured at the nearest adjacent residence. Supervised groups of 10-15 students at a time will use the track and field throughout the day from 8:00 a.m. to 3:00 p.m., Monday- Friday; no public use of the track is proposed. The track has been existence since 1997 and the County is unaware of any noise complaints. The nearest residential sensitive receptor to the track is the neighbor upon whose land the track is located. To address any issues that may arise in the future, a condition of approval has been placed on the project to ensure compliance with the General Plan’s Noise Element by requiring a noise study be prepared if noise complaints are received.

To minimize conflicts between agricultural and non-agricultural operations, Buffer and Setback Guidelines (Appendix A of the Agricultural Element) have been adopted. The purpose of these

guidelines is to protect the long-term health of local agriculture by minimizing conflicts such as spray drift and trespassing resulting from the interface of agricultural and non-agricultural uses. Appendix A states: "All projects shall incorporate a minimum 150-foot-wide buffer setback. Projects which propose people intensive outdoor activities, such as athletic fields, shall incorporate a minimum 300-foot-wide buffer setback." For expanding existing uses, Appendix A specifies that the expansion may be permitted only if it does not intensify on-site activities or an alternative buffer and setback design standard is approved for the expansion. Alternatives may be approved provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. The project proposes to permit an existing athletic field which is considered to be people intensive and requires a 300-foot setback from the use to adjacent agriculturally zoned property.

Almond orchards are located approximately 253± feet to the west across Finney Road, and 496± feet to the south across North Avenue from the existing track and field. Two additional almond orchards are located adjacent to the project site to the north and east of the track and field. The existing track and field does not meet the 300-foot buffer setback on the west, north, or east. The existing school facility was permitted prior to the Agricultural Buffer policy and the majority of the existing school facility does not meet a 300-foot buffer area from adjacent agriculturally zoned properties in all directions. The applicant has proposed a 0-foot buffer and a 6-foot-tall slatted chain link fence along the north and east property lines, abutting the existing track and field, as an alternative from the County's Agricultural Buffer requirement. Use of the track and field area will be limited, as described in the project description, and no improvements to the area, such as bleachers, are proposed. The track and field has co-existed with the agricultural uses in the area since 1997 and its existence has been factored into the issuance of permits for pesticide uses enforced by the Agricultural Commissioner's Office. The project was referred to the Stanislaus County Agriculture Commissioner's office which has responded with no concerns regarding the proposed alternative buffer.

While this project was not required by General Plan policy to be referred to a Municipal Advisory Council (MAC), the project was referred to the Wood Colony MAC through the Early Consultation and Initial Study referral process. The Wood Colony MAC considered the project at its regular meeting held on October 13, 2021 and again on January 12, 2022. As discussed in the Issues Section of this report, the MAC recommended approval of the proposed project, with the recommendation that the "Good Neighbor Policy" be made as a condition of approval of the project. The recommendation of the MAC is advisory in nature and it is ultimately up to the Planning Commission to decide the appropriate conditions of approval for the project.

Staff believes this project can be found to be consistent with the General Plan given the history of the Wood Colony schools development.

ZONING ORDINANCE CONSISTENCY

The site is zoned General Agriculture (A-2), 40 acres minimum. Schools offering general academic instruction equivalent to the standards prescribed by the State Board of Education are permitted in the A-2 zoning district upon approval of a Use Permit as a Tier Three use. Tier Three uses are defined as uses not directly related to agriculture but may be necessary to serve the A-2 district or may be difficult to locate in an urban area. Some Tier Three uses can be people-intensive and, as a result, have the potential to adversely impact agriculture. Tier Three uses may be allowed when the Planning Commission finds that:

- The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
- The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas," as that term is used in the Agricultural element of the General Plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future.

Additionally, the following finding is required for approval of any use permit:

- The establishment, maintenance and operation of the proposed use or building applied for is consistent with the general plan and will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.

This request is an expansion of an existing use determined to be compatible with the Agricultural General Plan designation and A-2 zoning district when it was approved in 1979 and through the approval of subsequent land use entitlements. The County is unaware of any conflicts the use of the existing track and field has had with agricultural uses in the vicinity. Given the history of the school's development and the track and field areas existence since 1997, staff does not consider the project site to be a most productive agricultural area. While the track and field area could be returned to agricultural use, it is part of a ranchette parcel. As discussed in the Issues and General Plan Consistency sections of this report, a "Good Neighbor Policy" will address concerns related to on-street parking on Finney Road and North Avenue. All conditions of approval for Use Permit No. 94-26 – Brethren Community Fellowship will remain applicable, including a condition for "no parking" signs to be installed, if necessary, at the road frontage along Finney Road and North Avenue.

Further expansion or intensification of the school facility will be subject to additional land use entitlements. Staff believes the expansion, as proposed, will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity. There is no indication that this project, as proposed and conditioned, will be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the County. Staff believes the required findings can be met.

ENVIRONMENTAL REVIEW

An environmental assessment for the project has been prepared in accordance with the California Environmental Quality Act (CEQA). The assessment included preparation of an Initial Study (see Exhibit E – *Initial Study*). Pursuant to CEQA, the proposed project was circulated to interested parties and responsible agencies for review and comment and no significant issues were raised (see Exhibit G - *Environmental Review Referrals*).

A Negative Declaration has been prepared for approval prior to action on the project itself as the project will not have a significant effect on the environment (see Exhibit F – *Negative Declaration*). Conditions of approval reflecting referral responses have been placed on the project (see Exhibit C – *Conditions of Approval*).

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay \$2,605.00 for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Contact Person: Emily Basnight, Assistant Planner, (209) 525-6330

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps and Site Plan
- Exhibit C - Conditions of Approval
- Exhibit D - Use Permit No. 94-26 – Brethren Community Fellowship, Conditions of Approval
- Exhibit E - Initial Study
- Exhibit F - Negative Declaration
- Exhibit G - Environmental Review Referral

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Findings and Actions Required for Project Approval

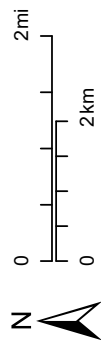
1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find That:
 - a. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
 - b. The establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity;
 - c. The project site is not located in one of the County's "most productive agricultural areas," as that term is used in the Agricultural Element of the General Plan; and the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future.
 - d. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring improvements.
 - e. Find that the existence of the track and field since 1997 supports the alternative to the Agricultural Buffer Standards applied to this project and, as such, are found to provide equal protection to the surrounding agricultural uses.
4. Approve Use Permit Application No. PLN2021-0068 – Wood Colony Christian School, subject to the attached Conditions of Approval.

WOOD COLONY CHRISTIAN SCHOOL UP PLN2021-0068

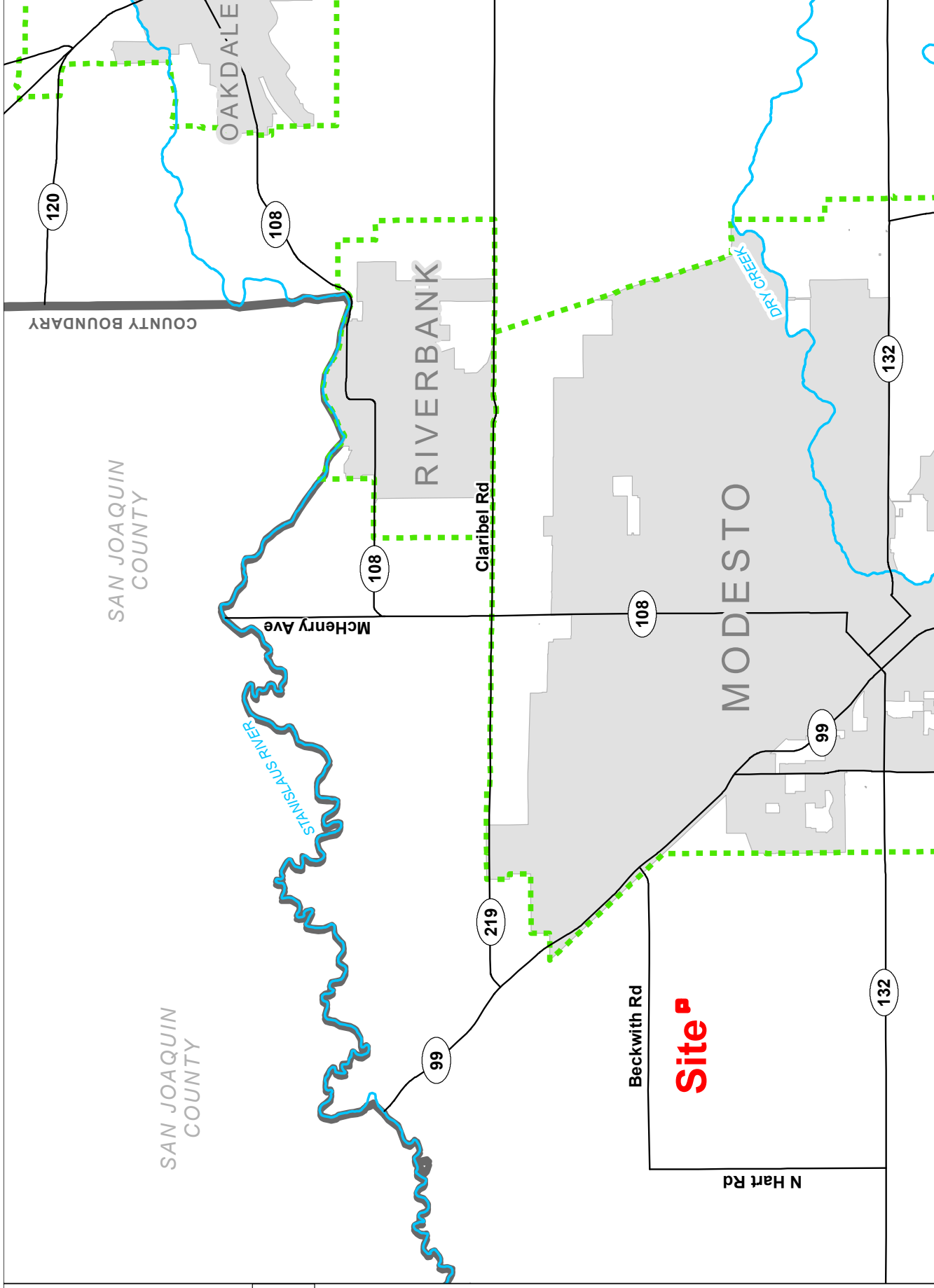
AREA MAP

LEGEND

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








Source: Planning Department GIS Date: 8/2/2021

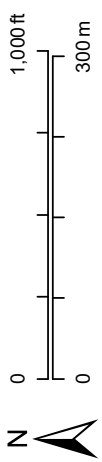


**WOOD COLONY
CHRISTIAN SCHOOL
UP
PLN2021-0068**

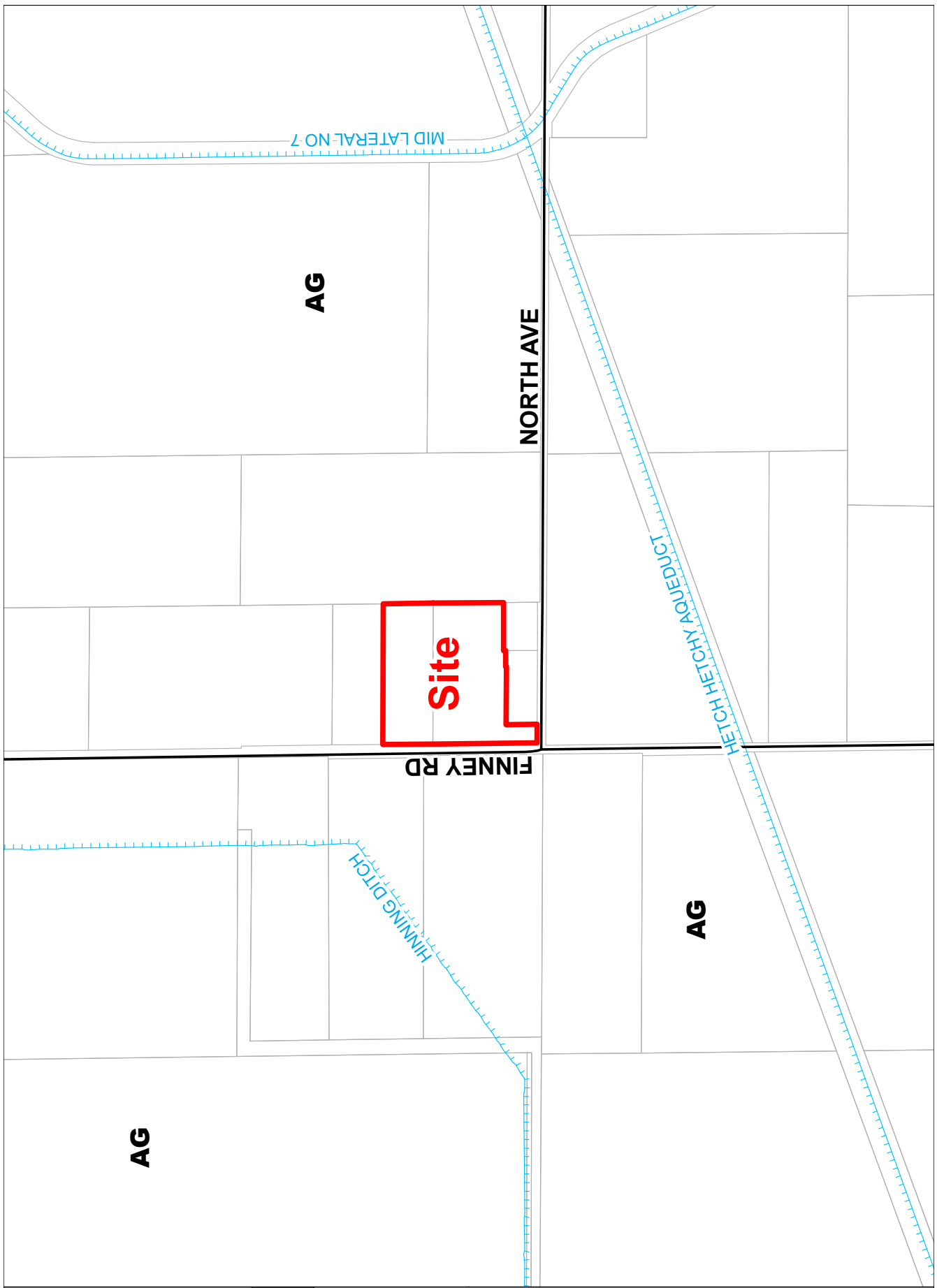
GENERAL PLAN MAP

LEGEND

-  Project Site
-  Parcel
-  Road
-  Canal
-  Agriculture



Source: Planning Department GIS Date: 8/2/2021



WOOD COLONY CHRISTIAN SCHOOL


UP

PLN2021-0068

ZONING MAP

LEGEND

 Project Site

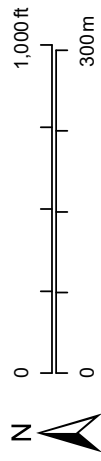
 Parcel

 Road

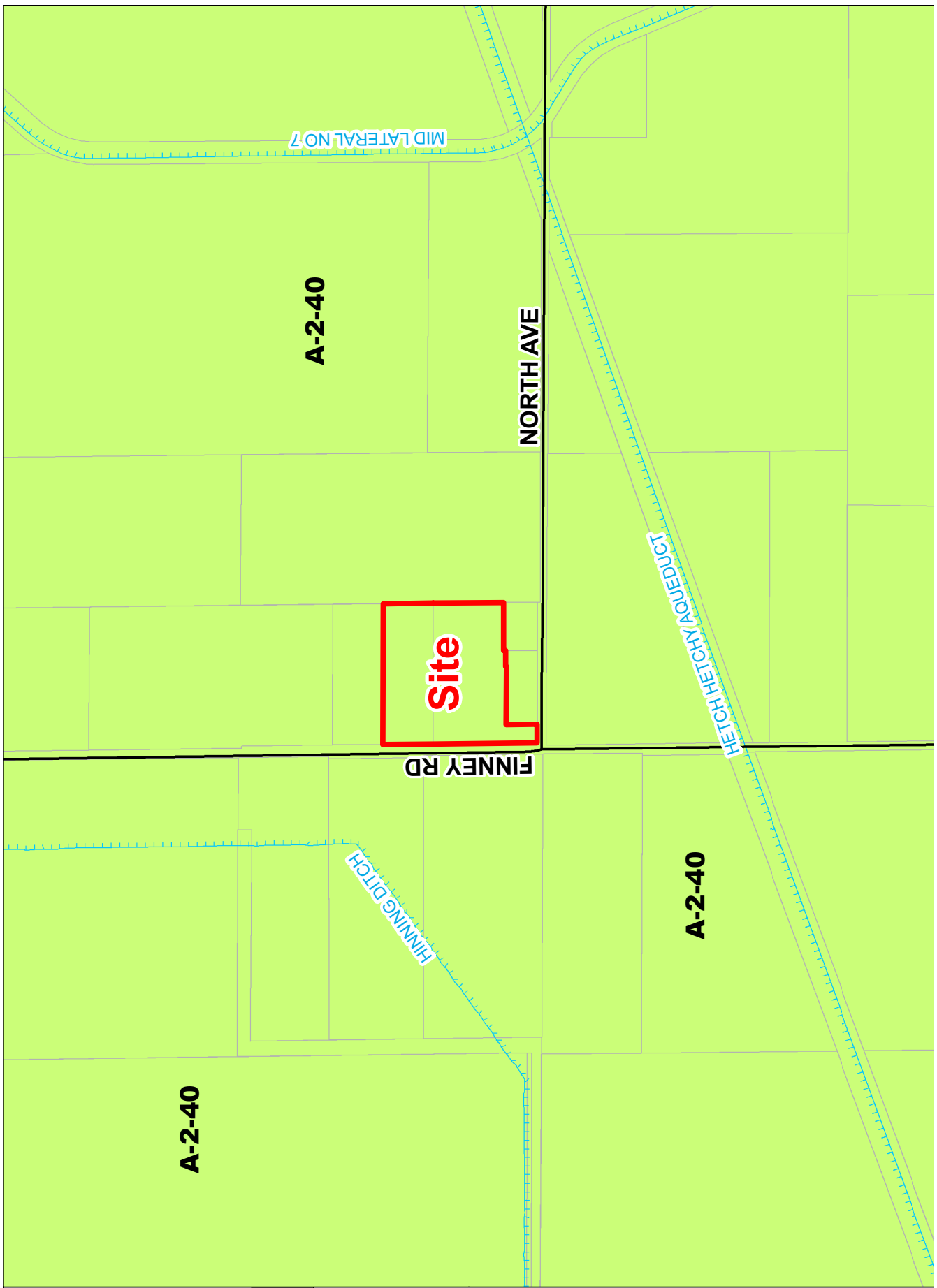
 Canal

Zoning Designation

 General Agriculture 40 Acre







Source: Planning Department GIS Date: 8/2/2021

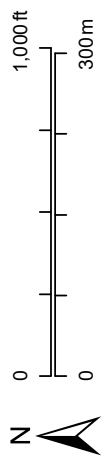


WOOD COLONY CHRISTIAN SCHOOL UP PLN2021-0068

ACREAGE MAP

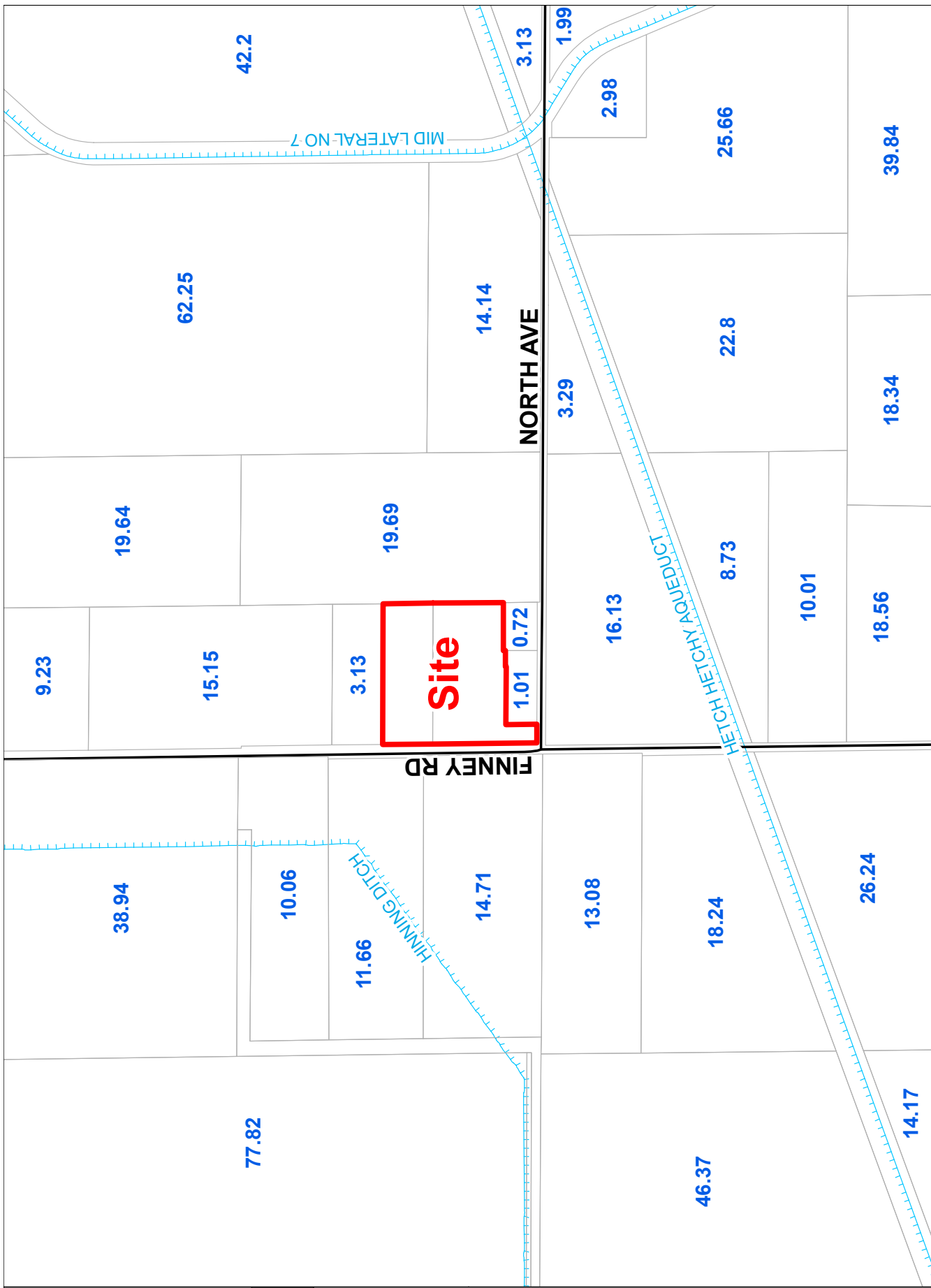
LEGEND

-  Project Site
-  # Parcel/Acres
-  Road
-  Canal



Date: 8/2/2021




Source: Planning Department GIS

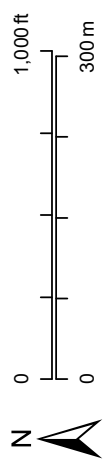


**WOOD COLONY
CHRISTIAN SCHOOL
UP
PLN2021-0068**

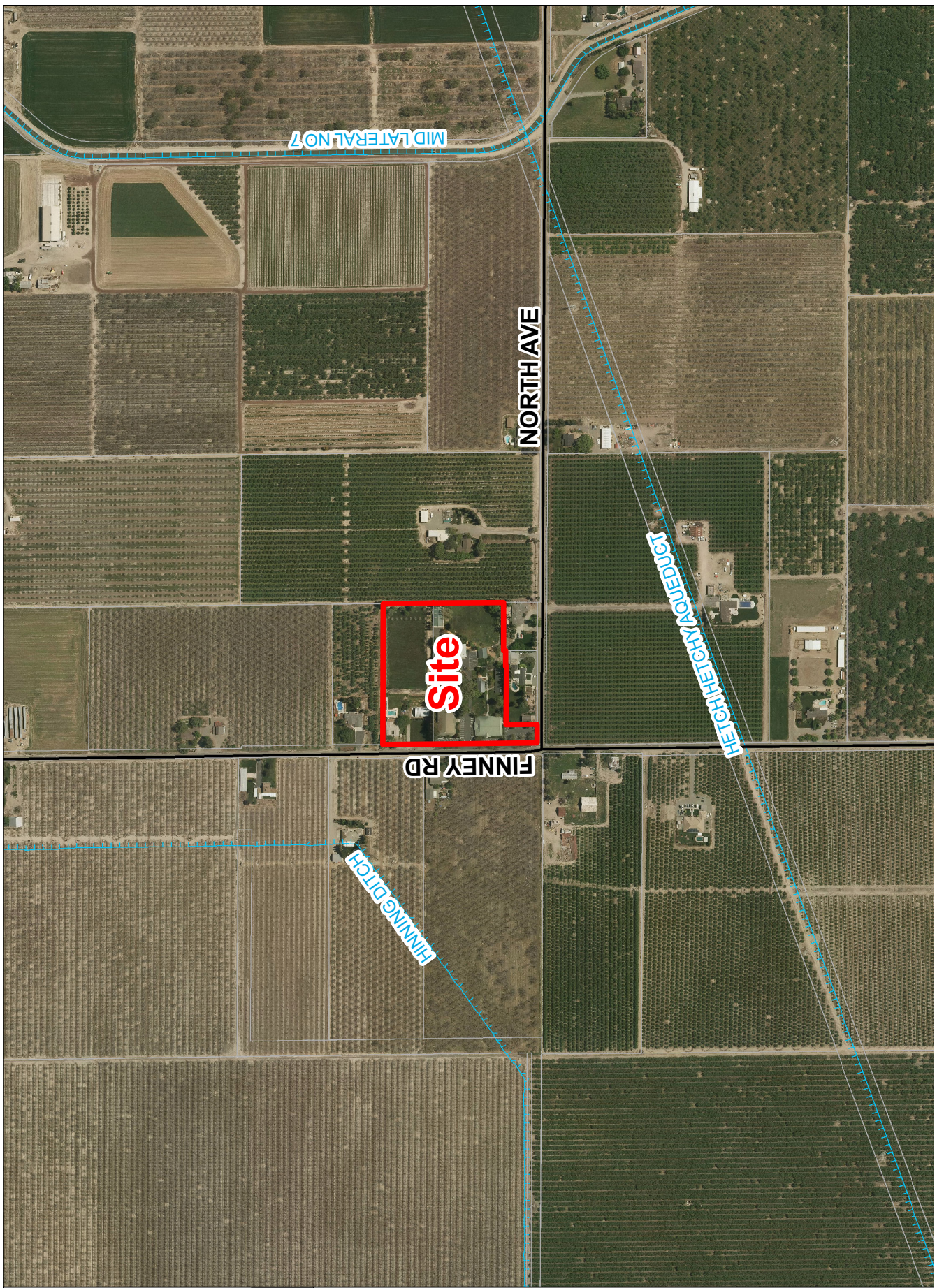
2017 AERIAL AREA MAP

LEGEND

-  Project Site
-  Road
-  Canal






Source: Planning Department GIS Date: 8/2/2021

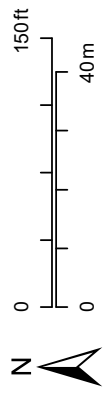


**WOOD COLONY
CHRISTIAN SCHOOL
UP
PLN2021-0068**

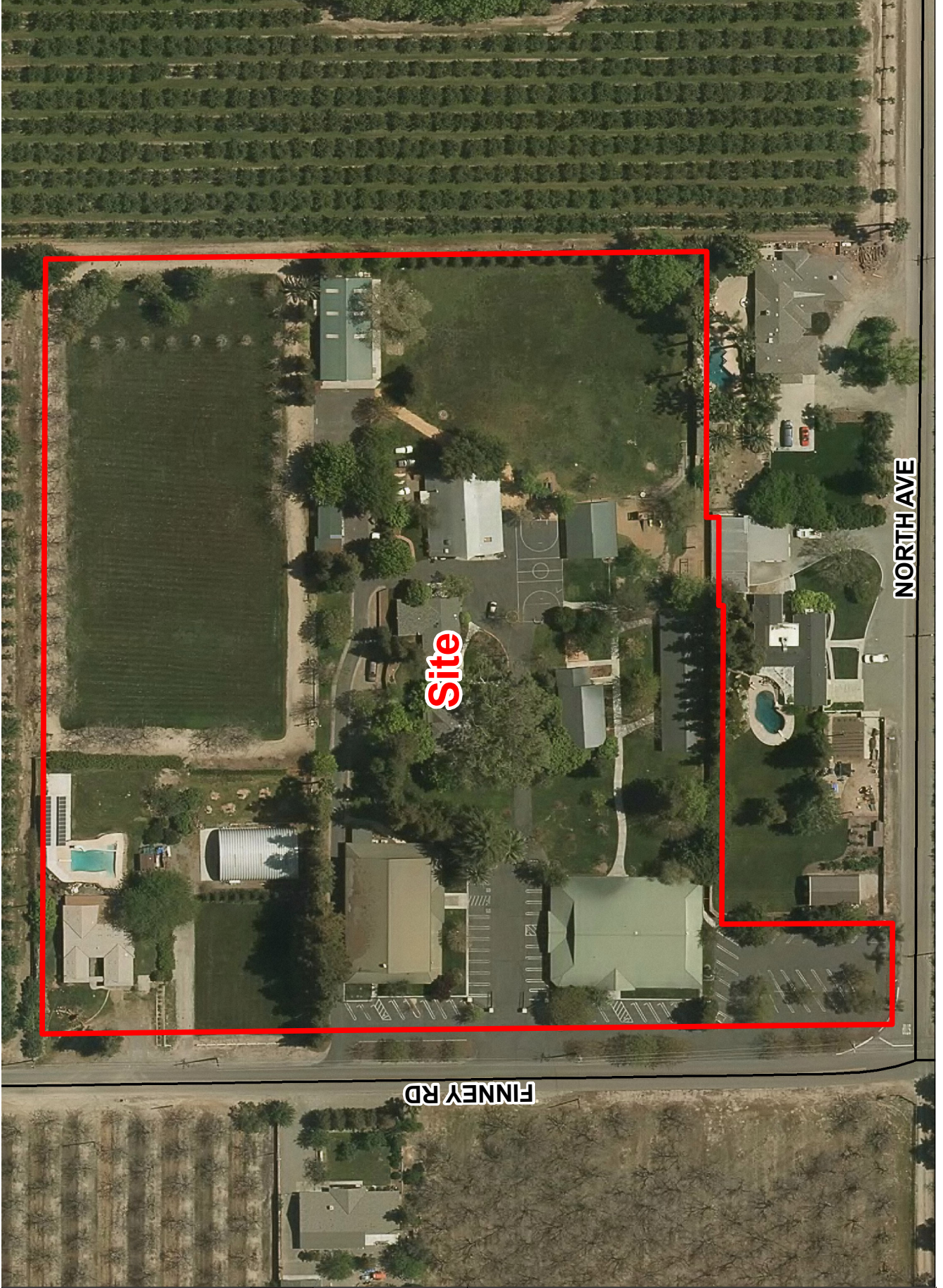
2017 AERIAL SITE MAP

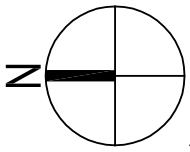
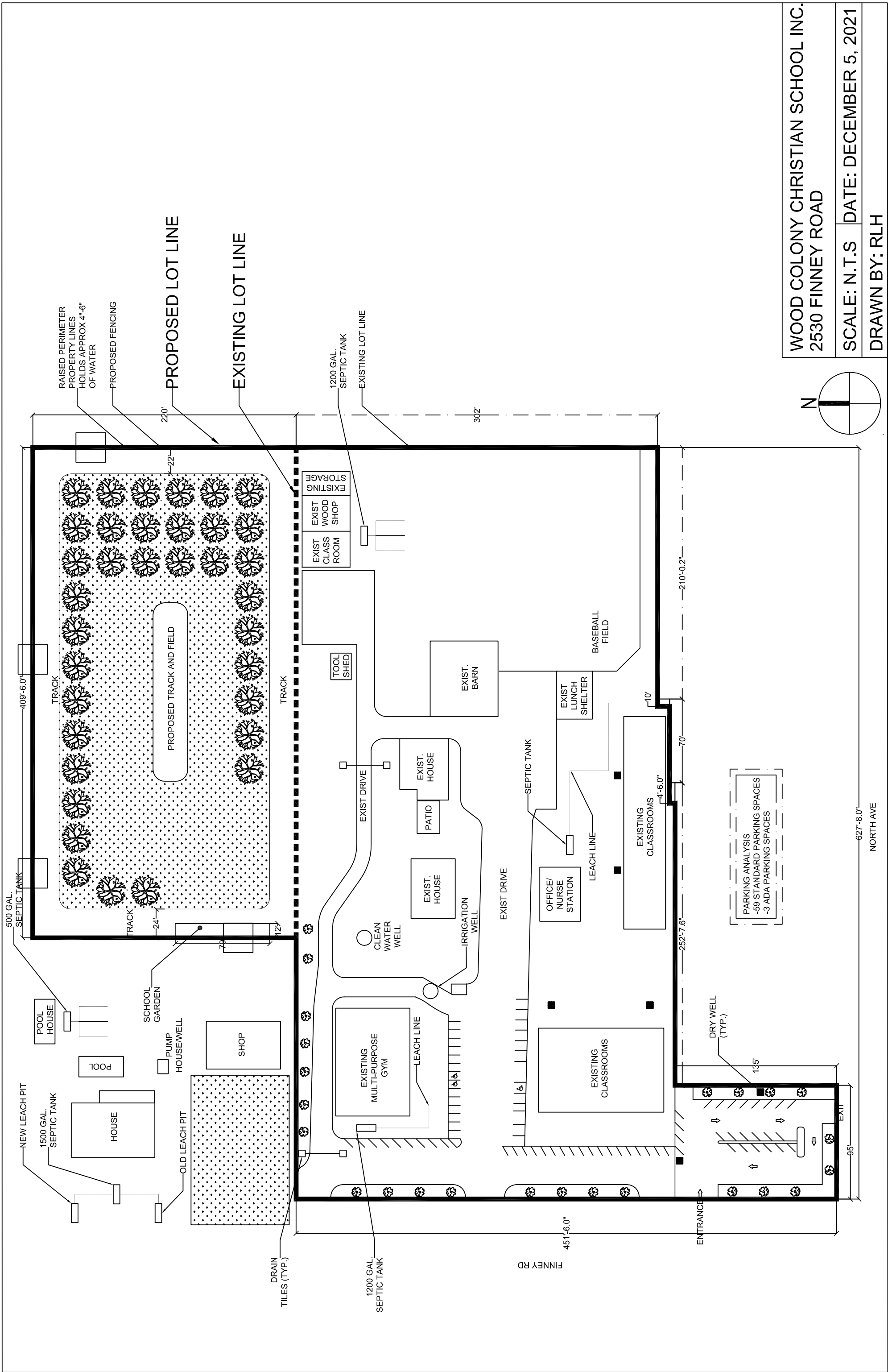
LEGEND

-  Project Site
-  Road
-  Canal



Source: Planning Department GIS Date: 8/2/2021





WOOD COLONY CHRISTIAN SCHOOL INC.
2530 FINNEY ROAD

SCALE: N.T.S DATE: DECEMBER 5, 2021

DRAWN BY: RLH

NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 18 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of the following actions must occur: (a) a valid building permit must be obtained to construct the necessary structures and appurtenances; or, (b) the property must be used for the purpose for which the permit is granted. (Stanislaus County Ordinance 21.104.030)

CONDITIONS OF APPROVAL

USE PERMIT APPLICATION NO. PLN2021-0068 WOOD COLONY CHRISTIAN SCHOOL

Department of Planning and Community Development

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances. All conditions of approval of Use Permit No. 94-26 - Brethren Community Fellowship, as modified on April 17, 1997, shall remain in effect.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2020), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,605.00**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk Recorder filing fees.

Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
4. 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.
5. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval; any adopted Mitigation Measures; and a project area map.

6. 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.
7. Noise levels associated with all on-site activities shall not exceed the maximum allowable noise levels as set forth in the Stanislaus County Code or the Stanislaus County General Plan. In the event of a verified noise complaint, being received by Stanislaus County, the property owner/operator shall be responsible for hiring a certified noise consultant, approved by the Stanislaus County Planning Director, to evaluate noise impacts and to identify appropriate mitigation for any identified noise impacts. The property owner/operator may arrange to pay for the County's actual costs of hiring a certified noise consultant. The property owner/operator shall implement any resulting mitigation measures required to reduce noise to allowable levels within the time frame specific by the County. The certified noise consultant's evaluation shall be completed and submitted to Stanislaus County Planning Department within 60-days of written notice being delivered to the property owner/operator. If determined necessary by the Planning Department, the property owner/operator shall pay for the County's costs to hire a third party to review the noise assessment.
8. Prior to issuance of a building permit for any new on-site lighting, a photometric lighting plan shall be submitted for review and approval by the Stanislaus County Planning Department. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties). The height of the lighting fixtures should not exceed 20 feet above grade.
9. All landscaped areas, fences, and walls shall be maintained in an attractive condition and in compliance with the approved final landscape and irrigation plan. The premises shall be kept free of weeds, trash, and other debris. Dead or dying plants shall be replaced with materials of equal size and similar variety within 30-days, at the property owner's expense.
10. Within six months of project approval, the Wood Colony Christian School shall submit a written "Good Neighbor Policy" to be reviewed and approved by the Planning Department. The Policy shall establish a plan to provide neighbors with contact information for the school facility and steps the facility will take to work diligently with the neighbors to address any on-street parking issues occurring on Finney Road or North Avenue as a result of the school's activities. The Good Neighbor Policy shall be posted on the school's website and hard copies shall be provided to all neighboring residents within a 1,320-foot radius of the school's property boundaries.

Department of Public Works

11. The developer will be required to install or pay for the installation of any signs and/or markings along Finney Road and North Avenue, if the Department of Public Works determines signage is warranted.
12. No parking, loading, or unloading of vehicles will be permitted within the County right-of-way.
13. At the intersection of Finney Road at North Avenue please refer to Stanislaus County Public Works Standards and Specifications Detail 3C-1 for appropriate right-of-way Chord. The remaining Chord shall be dedicated as an Irrevocable Offer of Dedication.
14. A grading, drainage, and erosion/sediment control plan for the project site shall be submitted for any building permit that will create a larger or smaller building footprint. The grading and drainage plan shall include the following information:
 - a. The plan shall contain drainage calculations and enough information to verify that runoff from project will not flow onto adjacent properties and Stanislaus County road right-of-way. Public Works will review and approve the drainage calculations.
 - b. For projects greater than one acre in size, the grading drainage and erosion/sediment control plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharge Identification Number (WDID) and a copy of the Notice of Intent (NOI) and the project's Storm Water Pollution Prevention Plan (SWPPP) shall be provided prior to the approval of any grading, if applicable.
 - c. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for review of the grading plan.
 - d. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.

Modesto Irrigation District

15. Prior to development, the Applicant/landowner must contact Irrigation Field Services to update their irrigation billing account to reflect any changes to the parcel.
16. Should the project impact or otherwise alter existing private infrastructure, the pipeline must be upgraded, replaced and/or relocated as required by the pipeline owner.
17. High voltage is present within and adjacent to the project area. This includes 69,000 volts overhead primary, 12,000 volts overhead and underground primary, overhead and underground secondary facilities. Use extreme caution when operating heavy equipment, using a crane, ladders, scaffolding, handheld tools or any other type of equipment near the existing MID electric lines and cables.
18. Any trenching shall maintain a 1:1 horizontal distance from any existing pole, determined

by the depth of the trench. If trenching encroaches on this requirement, the Contractor shall contact the MID Electric Engineering Department to brace any effected poles during the trenching process. The cost of any required pole bracing will be assumed by the requesting party. For any future construction, the contractor shall verify actual depth and location of all underground utilities prior to start of construction.

19. Existing MID easements for the protection of underground electrical facilities are to remain. Underground secondary cable shall be protected by a minimum 5-foot-wide easement centered on the underground cable. Underground primary cable shall be protected by a minimum 10-foot-wide easement centered on the underground cable.
20. In conjunction with related site improvement requirements, existing overhead and underground electric facilities within or adjacent to the proposed project shall be protected, relocated or removed as required by the District's Electric Engineering Department. Any relocation or installations shall conform to the District's Electric Service Rules. Customer will be responsible for all MID's cost associated with the development.

*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~~.*

NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 18 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of the following actions must occur: (a) a valid building permit must be obtained to construct the necessary structures and appurtenances; or, (b) the property must be used for the purpose for which the permit is granted. (Stanislaus County Ordinance 21.104.030)

CONDITIONS OF APPROVAL

USE PERMIT APPLICATION NO. 94-26 BRETHREN COMMUNITY FELLOWSHIP

Department of Planning and Community Development

1. This use be conducted as described in the application and supporting information (including the plot plan) as approved and in accordance with other laws and ordinances.
2. Applicant must obtain building permits for all proposed structures, equipment, and utilities. Plans shall be prepared by a California licensed engineer working within the scope of his/her license.
3. Project proponent, when applicable, shall obtain both a permit to construct and a permit to operate from the San Joaquin Valley Air Pollution Control District prior to building occupancy. Applicant shall comply with the terms and conditions of said entitlements.
4. Prior to the occupancy of any building, or operation of the approved use, the applicant shall meet all the requirements of the Department of Fire Safety for on-site water storage.
5. That a Certificate of Occupancy shall be obtained from the Building Inspection Division prior to occupancy.
6. That sufficient paved and marked parking spaces be provided as required by Chapter 21.76 of the Stanislaus County Code. Forty-seven parking spaces shall be required.
7. Exterior lighting of the parking areas shall be designed (aimed down and towards the site) to provide adequate illumination without a glaring effect.
8. The paved driveway approaches shall be installed at locations and widths approved by the Department of Public Works, between the edge of the existing pavement of Finney Road and the property line.

9. A plan for any proposed signs indicating the location, height, area of the sign, and message must be approved by the Planning Director.
10. Trash bins shall be kept in trash enclosures constructed of materials compatible with the architecture of the development. Trash enclosures shall be placed in locations as approved by the refuse collecting agency and the Planning Director.
11. Provide drainage easements in such locations as may be indicated on the approved improvement plans.
12. Hours of exterior construction on the project site shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday. Exterior construction shall be prohibited on Sunday and County holidays.
13. Applicant shall be responsible for dust abatement during construction and development operations. A water truck or other watering device shall be on the project site on all working days when natural precipitation does not provide adequate moisture for complete dust control. Said watering device shall be used to spray water on the site at the end of each day and at all other intervals, as need dictates, to control dust.
14. If subsurface cultural resources are discovered on the project site during the construction process, all work shall stop until a qualified archaeologist, approved by the Planning Department, evaluates said resources and establishes boundaries around archaeologically sensitive areas. If the site is determined to be significant, appropriate mitigation measures shall be formulated and implemented in accordance with Appendix K of CEQA.
15. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
16. Within two weeks of approval by the Planning Commission, a \$50.00 fee made payable to the "**Stanislaus County Clerk/Recorder**" shall be received by the Department of Planning and Community Development for the purpose of recording the Notice of Exemption.
17. The applicant is required to defend, indemnify, or hold harmless the County, its officers and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.

Department of Public Works

18. There shall be no parking, loading, or unloading of vehicles associated with the approved use within the Finney Road right-of-way. If no parking signs become necessary, the applicant shall pay to have them installed.
19. No signs associated with the approved use shall be placed within the Finney Road right-of-way.

Department of Environmental Resources

20. The water supply must meet DER requirements and be under permit from this agency if the on-site water system is to be used for public food preparation/washing utensils; has five or more service connections; and/or can be used for domestic purposes by 25 or more employees, residents, or the general public.
21. The sewage disposal system shall be an approved aerobic treatment system so as to comply with the Primary and Secondary Sewage Treatment Initiative.

Zoning Use Permit No. 79-25 Consistency

22. The above conditions shall apply to Zoning Use Permit No. 79-25, Brethren Heritage School, upon issuance of a Certificate of Occupancy.

RT:cvl39



CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, January 1, 2020

1. **Project title:** Use Permit Application No. PLN2021-0068 – Wood Colony Christian School
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Emily Basnight, Assistant Planner
209-525-6330
4. **Project location:** 2524, 2530, and 2572 Finney Road, between North Avenue and Beckwith Road, in the Modesto area (APN:005-030-020 and 005-030-035).
5. **Project sponsor's name and address:** Carla Hoblit, Wood Colony Christian School, Inc.
2572 Finney Road, Modesto, CA 95358
6. **General Plan designation:** Agriculture
7. **Zoning:** General Agriculture (A-2-40)
8. **Description of project:**

Request to expand the area of an existing private school facility from 5± acres to 7± acres by incorporating a 2± acre area for a track and soccer field in the A-2-40 zoning district. The existing track and field did not receive appropriate land use entitlements prior to establishment. As such, a use permit is required to amend the boundaries for the school located on Assessor Parcel Number (APN) 005-030-035 and permit the existing track and field currently located on the eastern portion of APN 005-030-020, to the north of the school facility. If approved, a Lot Line Adjustment (LLA) application will be processed following the expansion request, to maintain the use on one parcel. No construction or site development is proposed under this request. The existing track is currently 24-foot wide, composed of hard packed dirt and encircles a 1.3± acre field, which will be used as a soccer field. The existing field currently receives irrigation water from Modesto Irrigation District. The applicant has requested an alternative from the County's Agricultural Buffer requirements on the east and north portion of the project site consisting of a 0-foot buffer and a proposed 6-foot tall slatted chain link fence along the north and east property lines of APN 005-030-020. The existing school was permitted under Use Permit 79-85 – Brethren Heritage School, for temporary instruction of 150 students. Subsequently, the permit was amended under a time extension in 1982 to allow for 250 students and a permanent school facility. The project site is currently developed with the following: approximately 26,000± square-feet of building space for instructional use; two residences; a tool shed; a 3,575± square-foot barn; three parking areas consisting of 59 standard spaces and 2 accessible spaces; and 1± acre area consisting of a basketball court and baseball field. The two residences onsite are occupied by caretakers of the school facility. The project site is landscaped with mature deciduous and evergreen trees along the road frontage and adjacent to the instructional buildings and residences. On-site lighting for the existing school facility consists of fifty-five exterior wall fixtures on the existing buildings, and five pole-lighting fixtures approximately 18-20 feet in height. The school operates Monday through Friday from 8:00 a.m. to 3:00 p.m. No changes to the hours of operation are proposed as part of this request. The track and field will only be used in conjunction with the school during normal hours of operation; no public use is proposed. The school currently enrolls 60-85 students from Kindergarten to eighth grade and a total of 27 employees. The students are brought to school by 6-7 school buses with 10-12 students per bus and no more than 10 students are brought to school by individual passenger vehicles per day. No increase in the number of students or employees is anticipated under this request. The site is served by the

Wood Colony Christian School Public Water System and private septic system, and has access to County-maintained Finney Road.

- 9. **Surrounding land uses and setting:** Single-family dwellings, ranchettes and walnut and almond orchards in all directions; Hetch Hetchy right-of-way to the south and Modesto Irrigation District Lateral No. 7 to the west.

- 10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** CalTrans
Stanislaus County Department of Public Works
Department of Environmental Resources

- 11. **Attachments:** None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology / Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)
 On the basis of this initial evaluation:

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

Signature on file
 Prepared by _____

December 8, 2021
 Date _____

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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

ISSUES

I. AESTHETICS – Except as provided in Public Resources Code Section 21099, could the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) 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 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. The project site is considered topographically flat. The surrounding area is composed of single-family dwellings, ranchettes and walnut and almond orchards in all directions. The Hetch Hetchy right-of-way is to the south of the project site and Modesto Irrigation District Lateral No. 7 is to the west.

This project proposes to expand the area of an existing private school facility from 5± acres to 7± acres by incorporating a 2± acre area for a dirt track and soccer field. This use permit will amend the boundaries for the school located on Assessor Parcel Number (APN) 005-030-035 and permit the existing dirt track and grassy field currently located on the eastern portion of APN 005-030-020, to the north of the school facility. The project will not degrade the existing visual character or quality of the site or its surroundings as the dirt track and grassy field area are an extension of the current school facility which is improved with approximately 26,000± square-feet of building space for instructional use; two residences; a tool shed; a 3,575± square-foot barn; three parking areas; and 1± acre area consisting of a basketball court and baseball field. The project site is currently landscaped with mature deciduous and evergreen trees along the road frontage and adjacent to the instructional buildings and residences. On-site lighting for the existing school facility consists of fifty-five exterior wall fixtures on the existing buildings, and five pole-lighting fixtures approximately 18-20 feet in height. No additional landscaping or outdoor lighting is proposed for the track and field. No construction is proposed under this request.

The applicant proposes to install a 6-foot tall slatted chain link fence on the north and east property lines of APN 005-030-020.

No adverse impacts to the existing visual character of the site or its surroundings are anticipated.

Mitigation: None.

References: Application information; Stanislaus County Zoning Ordinance; the 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:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

Discussion: The 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 90 and 93 as excellent. The project site developed with the school facility is classified as “Urban and Built-up Land” by the California Department of Conservation’s Farmland Mapping and Monitoring Program, and the baseball field and track and field areas are classified as “Prime Farmland” by the California Department of Conservation’s 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 Dinuba fine sandy loam (DmA), 0 to 1 percent slopes, with a Storie Index rating of 90 and grade 1; and Hanford sandy loam (HdA), 0 to 3% percent slopes, with a Storie Index rating of 93 and grade 1; these comprise approximately all acres of the project site and are considered to be prime farmland.

The project site has general plan designation of Agriculture and Zoning Destination of General Agriculture (A-2-40). Within the A-2 zoning district, the County has determined that certain uses that are not directly related to agriculture but may be necessary to serve the A-2 district or may be difficult to locate in an urban area can be permitted under a Tier Three Use Permit. Schools are permitted in the A-2 zoning district upon approval of a Use Permit as a Tier Three use. Some Tier Three uses can be people-intensive and, as a result, have the potential to adversely impact agriculture. Tier Three uses may be allowed when the Planning Commission finds that:

1. The establishment, maintenance and operation of the proposed use or building applied for is consistent with the general plan and will not, under the circumstances of the particular case, be detrimental to the health, safety and

general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.

2. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; and
3. The parcel on which such use is requested is not located in one of the county's "most productive agricultural areas," as that term is used in the agricultural element of the general plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future.

The project site is not located in one of the most productive agricultural areas of the County. In determining most productive agricultural areas, factors to be considered include but are not limited to soil types and potential for agricultural production; the availability of irrigation water; and the existence of Williamson Act contracts. The project site is comprised of grade 1 soils with Storie index ratings of 93 and 90 which are considered to be prime farmland. However, according to Goal Two, Policy 2.5, Implementation Measure 1, of the General Plan's Agricultural Element, when defining the County's most productive agricultural areas, it is important to recognize that soil types alone should not be the determining factor. Although soil types should be considered, the designation of "most productive agricultural areas" also should be based on existing uses and their contributions to the agricultural sector of our economy. The 7± acre project site is currently developed with a school facility and residential uses on APN 005-030-035, and the dirt track and grassy field on APN 005-030-020. The existing baseball field and track and field areas of the project site are classified as "Prime Farmland" by the California Department of Conservation's Farmland Mapping and Monitoring Program; however, the project site developed with the school facility is classified as "Urban and Built-up Land." The 7± acre project site is not enrolled under the Williamson Act, and is not currently being used for agricultural production. Based on this information the project site will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use and will not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use as the existing project site is already developed with non-agricultural uses and the track and field can easily be returned to farmland.

The existing school facility has been improved with approximately 26,000± square-feet of building space for instructional use, as well as two residences, a tool shed and a 3,575± square-foot barn. No construction is proposed as part of this project. The request is not expected to perpetuate any significant conversion of farmland to non-agricultural use as the track and field are existing. The surrounding area is composed of single-family dwellings, ranchettes and walnut and almond orchards in all directions. Hetch Hetchy right-of-way is to the south of the project site and Modesto Irrigation District Lateral No. 7 is to the west. No impacts to agriculture are anticipated to occur as a result of this project as the project site is currently developed with the school facility and the existing track consists of hard-packed dirt and a grassy field, and is considered topographically flat.

In December of 2007, Stanislaus County adopted an updated Agricultural Element which incorporated guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 Zoning District. Appendix A states: "All projects shall incorporate a minimum 150-foot-wide buffer setback. Projects which propose people intensive outdoor activities, such as athletic fields, shall incorporate a minimum 300-foot-wide buffer setback. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts such as spray-drift and trespassing resulting from the interaction of agricultural and non-agricultural uses. Alternatives may be approved provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. The project proposes an athletic field which is considered to be people intensive and requires a 300-foot setback from the proposed use to adjacent agriculturally zoned property. The nearest parcels in agricultural production are adjacent to the north and east, with the adjacent parcel to the north being enrolled in a Williamson Act contract. The adjacent parcels to the south are not in agricultural production. Parcels to the west and south of the project site are actively farmed and enrolled in Williamson Act contracts; however, the parcels are separated from the project site by Finney Road to the west, and North Avenue to the south. The existing track and field will be within the 300-foot agricultural buffer from the properties adjacent to the north and east. The existing school facility was permitted prior to the Agricultural Buffer policy and the majority of the existing school facility is located within the 300-foot buffer area from adjacent agriculturally zoned properties in all directions. The applicant has proposed a 0-foot buffer and a 6-foot tall slatted chain link fence along the north and east property lines of APN 005-030-020, as an alternative from the County's Agricultural Buffer requirement. The track and field will only be used in conjunction with the school during normal hours of operation; no public use is proposed. Groups of 10-15 students at a time will use the track and field throughout the day from 8:00 a.m. to 3:00 p.m., Monday-Friday. No new construction of buildings, or bleachers within the 300-foot buffer area are being proposed.

The project was referred to the Agricultural Commissioner’s office who replied with no concerns for the proposed project.

The project site is located within the Modesto Irrigation District (MID) boundaries. The project was referred to MID who responded with comments concerning a thirty-six-inch private concrete pipeline that lies along the east property lines of APNs 005-030-035 (existing school) and 005-030-020 (parcel to the north). If the project will impact or alter existing private irrigation infrastructure, the pipeline must be upgraded, replaced and/or relocated as required by the pipeline owner, and the applicant should consult with affected landowners to discuss potential improvement plans for review and approval. Additionally, the applicant/property owner must contact Irrigation Field Services to update their irrigation billing account to reflect the parcel changes associated with this request. Conditions of approval reflecting MID’s comments will be applied to the project.

No forest lands exist in Stanislaus County. Therefore, this project will have no impact to forest land or timberland. There is no indication that this project will result in the removal of adjacent contracted land from agricultural use. Impacts to agriculture and forest resources are considered to be less than significant.

Mitigation: None.

References: Application information; United States Department of Agriculture NRCS Web Soil Survey; California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2018; Email received from the Stanislaus County Office of the Agricultural Commissioner and Sealer of Weights and Measures, dated December 3, 2021; Modesto Irrigation District referral response, dated October 20, 2021; Stanislaus County Zoning Ordinance (Title 21); 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:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) 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 project is a request to expand the area of an existing private school facility from 5± acres to 7± acres by incorporating a 2± acre area for a track and soccer field. No construction or site development is proposed under this request. The existing track is currently 24-foot wide, composed of hard packed dirt and encircles a 1.3± acre field, which will be used as a soccer field. The track and field will only be used in conjunction with the school during normal hours of operation; no public use is proposed.

The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding

cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin. The project will not substantially increase traffic in the area and, thereby, impact air quality

As part of SJVAPCD's formulation and implementation of air pollution control strategies, the Small Project Analysis Level (SPAL) guidance identifies thresholds of significance for criteria pollutant emissions, which are based on the District's New Source Review (NSR) off-set requirements for stationary sources. The District has pre-qualified emissions and determined a size below which is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants. The provided sizes by the District are deemed to have a less than significant impact on air quality due to criteria pollutant emissions. The District's threshold of significance for school related projects for Junior High Schools with 1,440 students or less, and Elementary schools with 1,880 students or less, is 1,000 one-way vehicle trips for all fleet types per day, or less than 15 one-way heavy-duty truck trips per day. The school operates Monday through Friday from 8:00 a.m. to 3:00 p.m. and currently enrolls 60-85 students from Kindergarten to eighth grade and a total of 27 employees. The students are brought to school by 6-7 school buses with 10-12 students per bus, and no more than 10 students are brought to school by individual passenger vehicles per day. No increase in the number of students or employees is anticipated under this request. No additional vehicle or truck trips are anticipated under this request. Total vehicle trips to the school and back are 74 vehicle trips (number of student and teacher vehicle trips to and from the school Monday – Friday), and 14 heavy duty truck trips (buses going to and from the school Monday – Friday). As this is below the District's threshold of significance for vehicle and heavy truck trips, no significant impacts to air quality are anticipated.

Construction activities associated with new development can temporarily increase localized PM10, PM2.5, volatile organic compound (VOC), nitrogen oxides (NOX), sulfur oxides (SOX), and carbon monoxide (CO) concentrations a project's vicinity. The primary source of construction-related CO, SOX, VOC, and NOX emission is gasoline and diesel-powered, heavy-duty mobile construction equipment. Primary sources of PM10 and PM2.5 emissions are generally clearing and demolition activities, grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed surfaces. No construction is proposed as part of this project. Furthermore, any future construction activities would occur in compliance with all SJVAPCD regulations; therefore, construction emissions would be less than significant without mitigation.

The project was referred to the Air District; however, no response has been received to date.

Potential impacts on local and regional air quality are anticipated to be less than significant, falling below SJVAPCD thresholds, as a result of the nature of the proposed project and project's operation after approval. Implementation of the proposed project would fall below the SJVAPCD significance thresholds for both short-term construction and long-term operational emissions. Because no construction is proposed, and operation of the project would not exceed the SJVAPCD significance thresholds, the proposed project would not increase the frequency or severity of existing air quality standards or the interim emission reductions specified in the air plans.

It appears the project would not be a significant impact to any sensitive receptors.

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

Mitigation: None.

References: Application information; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM 10 Synopsis; www.valleyair.org; San Joaquin Valley Air Pollution Control District's Small Project Analysis Level (SPAL) guidance, November 13, 2020; and the Stanislaus County General Plan and Support Documentation¹.

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on 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 project is located within the Salida Quad of the California Natural Diversity Database. There are four animals and one insect which are state or federally listed, threatened, or identified as species of special concern or a candidate of special concern within the Salida California Natural Diversity Database Quad. These species include the California tiger salamander – central California DPS, Swainson’s hawk, tricolored blackbird, steelhead – Central Valley DPS, and valley elderberry longhorn beetle. There are no reported siting’s of any of the aforementioned species on the project site; however, a Swainson’s hawk nesting site was observed on June 24, 2002, 2± miles west of the project site according to the California Natural Diversity Database. There is a very low likelihood that these species are present on the project site as it has already been developed with the existing school facility and track and field area.

No construction or grading is proposed under this request. No trees will be removed as part of this request.

An early consultation was referred to the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and no response was received. 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.

Mitigation: None.

References: Application information; California Department of Fish and Wildlife’s Natural Diversity Database Quad Species List; California Natural Diversity Database, Planning and Community Development GIS, accessed December 2, 2021; Stanislaus County General Plan and Support Documentation¹.

V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource 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: It does not appear this project will result in significant impacts to any archaeological or cultural resources. The project site is improved with an existing dirt track and field area, approximately 26,000± square-feet of building space for instructional use, as well as two residences, a tool shed and a 3,575± square-foot barn. No new construction is proposed under this request. However, conditions of approval will be placed on the project, requiring that future construction activities shall be halted if any resources are found, until appropriate agencies are contacted and an archaeological survey is completed.

Mitigation: None.

References: Application information; Stanislaus County General Plan and Support Documentation¹.

VI. ENERGY. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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 CEQA Guidelines Appendix F states that energy consuming equipment and processes, which will be used during construction or operation 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, total estimated daily vehicle trips to be generated by the project, and the additional energy consumed per trip by mode, shall be taken into consideration when evaluating energy impacts. Additionally, the project's compliance with applicable state or local energy legislation, policies, and standards must be considered.

No construction is proposed as part of this request; however, all future construction activities shall be in compliance with all SJVAPCD regulations and with Title 24, Green Building Code, which includes energy efficiency requirements. No lighting is proposed as part of this project. No additional vehicle trips are proposed to be generated as a result of this request.

The project was referred to the Air District; however, the District responded with no comments for the proposed project.

The Modesto Irrigation District provided a referral response and no issues regarding electrical service were identified.

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 less than significant.

Mitigation: None.

References: Application information; CEQA Guidelines; Title 16 of County Code; CA Building Code; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Governor's Office of Planning and Research Technical Advisory, December 2018; Stanislaus County General Plan and Support Documentation¹.

VII. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial 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: As mentioned earlier, the USDA Natural Resources Conservation Service’s Eastern Stanislaus County Soil Survey indicates that the property is made up of Dinuba fine sandy loam (DmA) and Hanford sandy loam (HdA). 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 are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. No structures are proposed under this request; however, any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. An early consultation referral response received from the Department of Public Works indicated that a grading, drainage, and erosion/sediment control plan for the project will be required for any building permit that will create a larger or smaller building footprint, subject to Public Works review and Standards and Specifications. Likewise, any addition or expansion of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements. No new septic system, or well is proposed under this project. The track and field located on APN 005-030-020 are existing; no grading or leveling are proposed for the project.

The project was referred to the Stanislaus County Department of Environmental Resources who replied with no comments.

The project site is not located near an active fault or within a high earthquake zone. Landslides are not likely due to the flat terrain of the area.

DER, Public Works, and the Building Permits Division review and approve any building or grading permit to ensure their standards are met. Conditions of approval regarding these standards will be applied to the project and will be triggered should a building or grading permit be requested in the future.

Mitigation: None.

References: Application information; USDA – NRCS Web Soil Survey; California Building Code; Referral response from Stanislaus County Department of Public Works, dated September 16, 2021; Referral response from Stanislaus County Department of Environmental Resources, dated September 30, 2021; Stanislaus County General Plan and Support Documentation¹.

VIII. GREENHOUSE GAS EMISSIONS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

Discussion: The principal Greenhouse Gasses (GHGs) are carbon dioxide (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. Two additional bills, SB 350 and SB32, were passed in 2015 further amending the states Renewables Portfolio Standard (RPS) for electrical generation and amending the reduction targets to 40% of 1990 levels by 2030.

This project proposes to expand the area of an existing private school facility from 5± acres to 7± acres by incorporating a 2± acre area for a track and soccer field. The school operates Monday through Friday from 8:00 a.m. to 3:00 p.m. and currently enrolls 60-85 students from Kindergarten to eighth grade and a total of 27 employees. Direct emissions of GHGs from the operation of the proposed project are primarily due to passenger vehicle trips and heavy truck trips (buses). Therefore, the project would not result in an increase in direct annual emissions of GHGs during operation as the school facility, dirt track and grassy field are existing and no additional vehicle or heavy truck trips are proposed.

As required by CEQA Guidelines Section 15064.3, potential impacts regarding Green House Gas Emissions should be evaluated using Vehicle Miles Traveled (VMT). Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by case basis for evaluation under CEQA. However, the State of California Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. The CEQA Guidelines identify vehicle miles traveled (VMT), which is the amount and distance of automobile travel attributable to a project, as the most appropriate measure of transportation impacts. According to the same technical advisory from OPR, projects that generate or attract fewer than 110 trips per-day generally may be assumed to cause a less-than significant transportation impact. The students are brought to school by 6-7 school buses with 10-12 students per bus and no more than 10 students are brought to school by individual passenger vehicles per day. No increase in the number of students or employees is anticipated under this request. No additional vehicle or truck trips are anticipated under this request. Total vehicle trips to the school and back are 74 vehicle trips (number of student and teacher vehicle trips to and from the school), and 14 heavy duty truck trips (6-7 buses going to and from the school) Monday – Friday. The VMT increase associated with the proposed project is less-than significant as the number of vehicle trips will not exceed 110 per-day. As this is below the District's threshold of significance, no significant impacts to air quality related to VMT are anticipated.

No construction is proposed as part of this project. Should future construction occur on the project site, the short-term emissions of GHGs during construction, primarily composed of CO₂, CH₄, and N₂O, would be the result of fuel combustion

by construction equipment and motor vehicles. The other primary GHGs (HFCs, PFCs, and SF6) are typically associated with specific industrial sources and are not expected to be emitted by future construction at this project site. As described above in Section III - Air Quality, the use of heavy-duty construction equipment would be very limited; therefore, the emissions of CO2 from future construction would be less-than significant. Additionally, the construction of any future proposed buildings is 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). Any future construction activities associated with this project are considered to be less-than significant as they are temporary in nature and are subject to meeting SJVAPCD standards for air quality control.

The analysis of mobile source pollution based on SPAL within Section III – Air Quality of this report would apply in regard to Greenhouse Gas Emissions as well. The District’s Small Project Analysis Level (SPAL) guidance identifies thresholds of significance for criteria pollutant emissions, which are based on the District’s New Source Review (NSR) offset requirements for stationary sources. The District’s threshold of significance for school related projects for Junior High Schools with 1,440 students or less, and Elementary schools with 1,880 students or less, is 1,000 one-way vehicle trips for all fleet types per day, or less than 15 one-way heavy-duty truck trips per day. As mentioned above in this section, the proposed project has a total of 14 heavy truck trips (6-7 buses going to and from school) and 74 vehicle trips (number of student and teacher vehicle trips to and from the school) Monday – Friday which is below the District’s threshold of significance for vehicle and heavy truck trips for Junior High and Elementary schools.

This project was referred to the San Joaquin Valley Air Pollution Control District; however, no response has been received to date. Staff will include a condition of approval requiring the applicant to comply with all appropriate District rules and regulations should future construction occur on the project site. Consequently, GHG emissions associated with this project are considered to be less-than significant.

Mitigation: None.

References: Application information; San Joaquin Valley Air Pollution Control District’s Small Project Analysis Level (SPAL) guidance, California Air Pollution Control Officers Association Quantifying Greenhouse Gas Mitigation Measures (August 2010); Stanislaus County General Plan and Support Documentation¹.

IX. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard 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 County Department of Environmental Resources (DER) is responsible for overseeing hazardous materials. This project was referred to the Department of Environmental Resources – Hazardous Materials Division who responded with no comments for the project. The proposed use is not recognized as a generator and/or consumer of hazardous materials, therefore no significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project.

Pesticide exposure is a risk in areas located in the vicinity of agriculture. Sources of exposure include contaminated groundwater from drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. The parcels surrounding the project site that are actively being farmed have obtained permits from the Agricultural Commissioner and are subject to the applicable best management practices required by the Agricultural Commissioner. Additionally, agricultural buffers are intended to reduce the risk of spray exposure to surrounding people. General Plan Amendment No. 2011-01 - *Revised Agricultural Buffers* was approved by the Board of Supervisors on December 20, 2011, to modify County requirements for buffers on agricultural projects. Appendix A states: “All projects shall incorporate a minimum 150-foot-wide buffer setback. Projects which propose people intensive outdoor activities, such as athletic fields, shall incorporate a minimum 300-foot-wide buffer setback. Alternatives may be approved provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. The project proposes an athletic field which is considered to be people intensive and require a 300-foot setback from the proposed use to adjacent agriculturally zoned property. The project site is surrounded by single-family dwellings, ranchettes and walnut and almond orchards in all directions. The nearest parcels in agricultural production are adjacent to the north and east, with the adjacent parcel to the north being enrolled in a Williamson Act contract. The adjacent parcels to the south are not in agricultural production. Parcels to the west and south of the project site are actively farmed and enrolled in Williamson Act contracts; however, the parcels are separated from the project site by Finney Road to the west, and North Avenue to the south. The existing track and field are within the 300-foot agricultural buffer from the properties adjacent to the north and east. The existing school facility was permitted prior to the Agricultural Buffer policy and the majority of the existing school facility is located within the 300-foot buffer area from adjacent agriculturally zoned properties in all directions. The applicant has proposed a 0-foot buffer and a 6-foot tall slatted chain link fence along the north and east property lines of APN 005-030-020, as an alternative from the County’s Agricultural Buffer requirement. The track and field will only be used in conjunction with the school during normal hours of operation; no public use is proposed. Groups of 10-15 students at a time will use the track and field throughout the day from 8:00 a.m. to 3:00 p.m., Monday-Friday. No new construction of buildings, or bleachers within the 300-foot buffer area are being proposed.

The project was referred to the Stanislaus County Agricultural Commissioner who replied with no concerns for the proposed project.

The project site is not listed on the EnviroStor database managed by the CA Department of Toxic Substances Control or within the vicinity of any airport. The groundwater is not known to be contaminated in this area. The project does not interfere with the Stanislaus County Local Hazard Mitigation Plan, which identifies risks posed by disasters and identifies ways to minimize damage from those disasters. The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Salida Fire Protection District. The project was referred to the District, and no comments have been received to date. The project was referred to the Environmental Review Committee (ERC), who responded with no comments.

The project site is not within the vicinity of any airstrip or wildlands.

No significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project.

Mitigation: None.

References: Referral response received from Stanislaus County Department of Environmental Resources – Hazardous Materials Division, dated September 22, 2021; Application information; Referral response received from Stanislaus County Environmental Resources Committee, dated September 27, 2021; Email received from the Stanislaus County Office of the Agricultural Commissioner and Sealer of Weights and Measures, dated December 3, 2021; Stanislaus County General Plan and Support Documentation¹.

X. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements 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 existing school is served by private septic system and well, and receives irrigation water from Modesto Irrigation District. This is a request to expand the area of an existing private school facility from 5± acres to 7± acres by incorporating a 2± acre area for a track and soccer field. No construction or increase in the number of students or employees is proposed. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project site is located in FEMA Flood Zone X, which includes areas determined to be outside the 0.2% annual chance floodplains. All flood zone requirements will be addressed by the Building Permits Division during the building permit process.

The project proposes to utilize an existing well and to maintain stormwater runoff on-site through overland drainage. The project is not expected to significantly impact water quality, groundwater supplies, or groundwater recharge. The existing dirt track and field are located on APN 005-030-020; the land is topographically flat. No grading or leveling are proposed under the current request. The current absorption patterns of water upon this property are not expected to be altered; however, current standards require that all of a project’s storm water be maintained on-site and, as such, a Grading and Drainage Plan, as requested by the Department of Public Works, shall be submitted with any building permit for the project site that will create a larger or smaller building footprint. This request will be included as a condition of approval for the project should construction occur onsite in the future. Additionally, any future construction will be reviewed under the Building Permit process and must be reviewed and approved by DER and adhere to current Local Agency Management Program (LAMP) standards. LAMP standards include minimum setback from wells to prevent negative impacts to groundwater quality. No expansion to the existing septic systems, new septic systems or additional wells are proposed as

a part of this project. However, any future proposals for new wells will be subject to review under the County's Well Permitting Program, which will determine whether a new well will require environmental review.

The Sustainable Groundwater Management Act (SGMA) was passed in 2014 with the goal of ensuring the long-term sustainable management of California's groundwater resources. SGMA requires agencies throughout California to meet certain requirements including forming Groundwater Sustainability Agencies (GSA), developing Groundwater Sustainability Plans (GSP), and achieving balanced groundwater levels within 20 years. Public and private water agencies and user groups within each of the four groundwater subbasins underlying the County work together as GSAs to implement SGMA. DER is a participating member in five GSAs. The site is located in the Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA) GSA which is a part of the Modesto Sub-basin. The Stanislaus and Tuolumne Rivers Groundwater Basin (STRGBA) GSA is composed of seven agencies within the Modesto Sub-basin who are collaboratively developing one GSP under the Stanislaus and Tuolumne Rivers Groundwater Basin Association GSA. SGMA requires the Modesto Sub-basin to adopt and begin implementation of a GSP by January 31, 2022.

Groundwater management in Stanislaus County is also regulated under the County Groundwater Ordinance, adopted in 2014. The Groundwater Ordinance is aligned with SGMA in its objective to prevent "undesirable results". To this end, the Groundwater Ordinance requires that applications for new wells that are not exempt from the Ordinance are accompanied by substantial evidence that operation of the new well will not result in unsustainable groundwater extraction. Further, for unincorporated areas covered in an adopted GSP pursuant to SGMA, the County can require holders of permits for wells it reasonably concludes are withdrawing groundwater unsustainably to provide substantial evidence that continued operation of such wells does not constitute unsustainable extraction and has the authority to regulate future groundwater extraction.

In addition to GSPs and the Groundwater Ordinance, the County General Plan includes goals, policies, and implementation measures focused on protecting groundwater resources. Projects with a potential to affect groundwater recharge or that involve the construction of new wells are referred to the DER for review. The DER evaluates these projects for compliance with the County Groundwater Ordinance and refers projects to the applicable GSAs for determination whether or not they are compliance with an approved GSP.

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. If in the future the facility results in the formation of a new Public Water System, then the project site will be subject to all applicable rules, regulations and standards as discussed below.

The California Safe Drinking Water Act (CA Health and Safety Code Section 116275(h)) defines a Public Water System (PWS) as a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system includes the following:

- (1) Any collection, treatment, storage, and distribution facilities under control of the operator of the system that are used primarily in connection with the system.
- (2) Any collection or pretreatment storage facilities not under the control of the operator that are used primarily in connection with the system.
- (3) Any water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption.

The current school facility is considered to be a Public Water System (PWS) and is classified as a Non-Transient Non-Community Water System (NTNCWS) which is a PWS that regularly supplies water to at least 25 of the same people at least six months per year. The PWS for the school is listed under the system name of Wood Colony Christian School and is currently active. A referral response was received from the Department of Environmental Resources who responded with no comment.

A referral response was received from the Environmental Review Committee regarding the proposed project and no comments or concerns were identified regarding groundwater resources. The project was also referred to the Regional Water Quality Control Board (RWQCB) and no response has been received to date.

The project was referred to the Modesto Irrigation District (MID); no comments regarding domestic water related to the project were received from the District.

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.

Mitigation: None.

References: Application information; Referral response from Stanislaus County Public Works Department, dated September 16, 2021; Referral response from Stanislaus County Environmental Review Committee, dated September 27, 2021; Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA) GSA; Referral response from Stanislaus County Department of Environmental Resources, dated September 30, 2021; Environmental Protection Agency, Information about Public Water Systems, <https://www.epa.gov/dwreginfo/information-about-public-water-systems>, accessed on December 8, 2021; Referral response from Modesto Irrigation District, dated October 20, 2021; Stanislaus County General Plan and Support Documentation¹.

XI. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?			X	
b) 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 project site is designated Agriculture by the Stanislaus County General Plan land use diagrams and zoned General Agriculture (A-2-40). This is a request to expand the area of an existing private school facility from 5± acres to 7± acres by incorporating a 2± acre area for a track and soccer field in the A-2-40 zoning district. The existing track and field did not receive appropriate land use entitlements prior to establishment. As such, a use permit is required to amend the boundaries for the school located on Assessor Parcel Number (APN) 005-030-035 and permit the existing track and field currently located on the eastern portion of APN 005-030-020, to the north of the school facility. The existing school was permitted under Use Permit 79-85 – Brethren Heritage School for temporary instruction of 150 students. Subsequently, the permit was amended under a time extension in 1982, to allow for 250 students and a permanent school facility. The project site is currently developed with approximately 26,000± square-feet of building space for instructional use; two residences; a tool shed; a 3,575± square-foot barn; three parking areas consisting of 59 standard spaces and 2 accessible space; and 1± acre area consisting of a basketball court and baseball field. The project site is landscaped with mature deciduous and evergreen trees along the road frontage, and adjacent to the instructional buildings and residences. On-site lighting for the existing school facility consists of fifty-five exterior wall fixtures on the existing buildings, and five pole-lighting fixtures approximately 18-20 feet in height. The 2± acre area for the existing track is currently developed with a 24-foot wide track composed of hard packed dirt and encircles a 1.3± acre field. The incorporation of the track and field for the existing school is not expected to perpetuate any significant conversion of farmland to non-agricultural as the track and field are existing, and can be easily returned to agricultural production. If approved, a Lot Line Adjustment (LLA) application will be made a condition of approval for the proposed project and processed following the expansion request, to maintain the use on one parcel. No construction or additional lighting or landscaping is proposed under this request.

The proposed expansion of the school is considered a Tier Three use, which are those uses that may not directly be related to agriculture but may be necessary to serve the A-2 district or may be difficult to locate in an urban area.

Tier three uses may be allowed when the planning commission finds that:

1. The establishment, maintenance and operation of the proposed use or building applied for is consistent with the general plan and will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.

2. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; and
3. The parcel on which such use is requested is not located in one of the county's "most productive agricultural areas," as that term is used in the agricultural element of the general plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future.

The project site is not located in one of the most productive agricultural areas of the County. In determining most productive agricultural areas, factors to be considered include but are not limited to soil types and potential for agricultural production; the availability of irrigation water; and the existence of Williamson Act contracts. The project site is comprised of grade 1 soils with Storie index ratings of 93 and 90 which are considered to be prime farmland. However, according to Goal Two, Policy 2.5, Implementation Measure 1, of the General Plan's Agricultural Element, when defining the County's most productive agricultural areas, it is important to recognize that soil types alone should not be the determining factor. Although soil types should be considered, the designation of "most productive agricultural areas" also should be based on existing uses and their contributions to the agricultural sector of our economy. The 7± acre project site is currently developed with a school facility and residential uses on APN 005-030-035, and the dirt track and grassy field on APN 005-030-020. The existing baseball field and track and field areas of the project site are classified as "Prime Farmland" by the California Department of Conservation's Farmland Mapping and Monitoring Program; however, the project site developed with the school facility is classified as "Urban and Built-up Land." The 7± acre project site is not enrolled under the Williamson Act, and is not currently being used for agricultural production. Based on this information the project site will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use and will not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use as the existing project site is already developed with non-agricultural uses and the track and field can easily be returned to farmland.

In December of 2007, Stanislaus County adopted an updated Agricultural Element which incorporated guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 Zoning District. Appendix A states: "All projects shall incorporate a minimum 150-foot-wide buffer setback. Projects which propose people intensive outdoor activities, such as athletic fields, shall incorporate a minimum 300-foot-wide buffer setback. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts such as spray-drift and trespassing resulting from the interaction of agricultural and non-agricultural uses. Alternatives may be approved provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. The project proposes an athletic field which is considered to be people intensive and require a 300-foot setback from the proposed use to adjacent agriculturally zoned property. The nearest parcels in agricultural production are adjacent to the north and east, with the adjacent parcel to the north being enrolled in a Williamson Act contract. The adjacent parcels to the south are not in agricultural production. Parcels to the west and south of the project site are actively farmed and enrolled in Williamson Act contracts; however, the parcels are separated from the project site by Finney Road to the west, and North Avenue to the south. The existing track and field are within the 300-foot agricultural buffer from the properties adjacent to the north and east. The existing school facility was permitted prior to the Agricultural Buffer policy and the majority of the existing school facility is located within the 300-foot buffer area from adjacent agriculturally zoned properties in all directions. The applicant has proposed a 0-foot buffer and a 6-foot tall slatted chain link fence along the north and east property lines of APN 005-030-020, as an alternative from the County's Agricultural Buffer requirement. The track and field will only be used in conjunction with the school during normal hours of operation; no public use is proposed. Groups of 10-15 students at a time will use the track and field throughout the day from 8:00 a.m. to 3:00 p.m., Monday-Friday. No new construction of buildings, or bleachers within the 300-foot buffer area are being proposed.

The project was presented to the Wood Colony Municipal Advisory Council (MAC) on October 13, 2021 as an Early Consultation referral. At the meeting, the Wood Colony MAC expressed concerns over parents parking along the side of Finney Road and North Avenue when picking up students, or for school events. To address the neighborhood concerns, the Planning Department will place a condition of approval on the project requiring the property owner to submit a written "Good Neighbor Policy" to be reviewed and approved by the Planning Department prior to operation of the track and field. The policy will establish a plan to provide neighbors with contact information for the school and steps the operation will take to work diligently with the neighbors to address any on-street parking issues.

The project was referred to the Stanislaus County Agricultural Commissioner who replied with no concerns for the proposed project.

The current school facility is considered to be a Public Water System (PWS) and is classified as a Non-Transient Non-Community Water System (NTNCWS) which is a PWS that regularly supplies water to at least 25 of the same people at least six months per year. The PWS for the school is listed under the system name of Wood Colony Christian School and is currently active. A referral response was received from the Department of Environmental Resources who responded with no comment.

The project will not physically divide an established community nor conflict with any habitat conservation plans.

With the application of conditions of approval, there is no indication that, under the circumstances of this particular case, the proposed operation will be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use or that it will be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

Mitigation: None.

References: Application information; United States Department of Agriculture NRCS Web Soil Survey; California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2018; Email received from the Stanislaus County Office of the Agricultural Commissioner and Sealer of Weights and Measures, dated December 3, 2021; Referral response from Stanislaus County Department of Environmental Resources, dated September 30, 2021; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan and Support Documentation¹.

XII. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X	

Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site, nor is the project site located in a geological area known to produce resources.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

XIII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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 Stanislaus County General Plan identifies noise levels up to 65 dB Ldn (or CNEL) as the normally acceptable level of noise for school uses. Operating hours are limited to Monday through Friday from 8:00 a.m. to 3:00 p.m. The track and field will only be used in conjunction with the school during normal hours of operation; no public use is proposed. No construction is proposed as part of this project. Should future construction occur, on-site grading and constructing resulting from future projects may result in a temporary increase in the area’s ambient noise levels; however, noise impacts associated with on-site activities and traffic are not anticipated to exceed the normally acceptable level of noise. Conditions of approval will be placed on the project to ensure compliance with the General Plan’s Noise Element and Chapter 10.46 of the County Code – Noise Control.

The site is not located within an airport land use plan. Noise impacts associated with the proposed project are considered to be less-than significant.

Mitigation: None.

References: Application information; Stanislaus County Noise Control Ordinance (Title 10); Stanislaus County General Plan, Chapter IV – Noise Element, and Support Documentation¹.

XIV. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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 site is not included in the vacant sites inventory for the 2016 Stanislaus County Housing Element, which covers the 5th cycle Regional Housing Needs Allocation (RHNA) for the county 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.

Mitigation: None.

References: Application information; Stanislaus County General Plan and Support Documentation¹.

XV. PUBLIC SERVICES --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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:			X	
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	

Discussion: The County has adopted Public Facilities Fees, as well as Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. No construction is proposed as part of this project. However, 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.

The project site is located within Modesto Irrigation District (MID) boundaries. The project was referred to MID who responded with comments regarding the protection and relocation of existing electrical lines, cables and easements, and safety measures requiring the contractor verify actual depth and location of all underground utilities prior to start of construction and notify the appropriate agencies prior to any earth moving activities for any applicable rules or regulations. MID also commented on an existing 36-inch private concrete pipeline that lies along the east property line of APN 005 030-020 and 005-030-035. Prior to development, the applicant/property owner must contact Irrigation Field Services to update their irrigation billing account to reflect the changes to the parcel currently developed with the school (APN 005 030-035). The applicant/property owner should consult with affected landowners to discuss potential improvement plans if the pipeline/existing private infrastructure will be affected by the proposed project. If the pipeline is impacted or altered, the pipeline must be upgraded, replaced or relocated as required by the pipeline owner. No construction or grading is proposed as part of this project; however, MID’s comments regarding electricity and irrigation for the project site will be placed on the project as conditions of approval.

The project was referred to the appropriate public service agencies, as well as the Stanislaus County Environmental Review Committee (ERC), who responded with no comments.

The Hetch-Hetchy Right-of-Way is located .15± miles to the south of the project site. The project was referred to the San Francisco Public Utilities Commission – Hetch-Hetchy Water and Power; however, no response has been received to date.

This project was circulated to all applicable school, fire, police, and public works departments and districts during the early consultation referral period and no concerns were identified with regard to public services.

The project is not anticipated to have any significant adverse impact on County services.

Mitigation: None.

References: Application information; Referral response from Modesto Irrigation District, dated October 20, 2021; Referral response from Stanislaus County Environmental Review Committee, dated September 27, 2021; Stanislaus County General Plan and Support Documentation¹.

XVI. RECREATION --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

Discussion: This project will not increase demands for recreational facilities, as such impacts typically are associated with residential development.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

XVII. TRANSPORTATION-- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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: The project proposes to expand the area of an existing private school facility from 5± acres to 7± acres by incorporating a 2± acre area for a track and soccer field. The school operates Monday through Friday from 8:00 a.m. to 3:00 p.m. and currently enrolls 60-85 students from Kindergarten to eighth grade and a total of 27 employees.

As required by CEQA Guidelines Section 15064.3, potential impacts to transportation should be evaluated using Vehicle Miles Traveled (VMT). Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by case basis for evaluation under CEQA. However, the State of California - Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. The CEQA Guidelines identify vehicle miles traveled (VMT), which is the amount and distance of automobile travel attributable to a project, as the most appropriate measure of transportation impacts. According to the same technical advisory from OPR, projects that generate or attract fewer than 110 trips per-day generally may be assumed to cause a less-than significant transportation impact. The students are brought to school by 6-7 school buses with 10-12 students per bus, and no more than 10 students are brought to school by individual passenger vehicles per day. No increase in the number of students or employees is anticipated under this request. No additional vehicle or truck trips are anticipated under this request. Total vehicle trips to the school and back are 74 vehicle trips (number of student and teacher vehicle trips to and from the school), and 14 heavy duty truck trips (6-7 buses going to and from the school) Monday – Friday. The VMT increase associated with the proposed project is less-than significant as the number of vehicle trips will not exceed 110 per-day. As this is below the District’s threshold of significance, no significant impacts to air quality are anticipated.

The project was presented to the Wood Colony Municipal Advisory Council (MAC) on October 13, 2021 as an Early Consultation referral. At the meeting, the Wood Colony MAC expressed concerns over parents parking along the side of Finney Road and North Avenue, when picking up students and for school events. To address the neighborhood concerns, the Planning Department will place a condition of approval on the project requiring the property owner to submit a written “Good Neighbor Policy” to be reviewed and approved by the Planning Department prior to operation of the track and field. The policy will establish a plan to provide neighbors with contact information for the school and steps the operation will take to work diligently with the neighbors to address any on-street parking issues.

The project will receive access via Finney Road, a County-maintained road identified as a 60-foot wide Local Road. It is not anticipated that the project would substantially affect the level of service on Finney Road. The project was referred to Public Works, which did not respond with any traffic related comments. Public Works did request the remaining right-of-way Chord for the intersection at Finney Road and North Avenue be dedicated as an irrevocable offer of dedication (IOD). Public Works’ comment will be added to the project as a condition of approval. No construction is proposed; however, future onsite development may be required to pay applicable County PFF fees, which will be utilized for maintenance and traffic congestion improvements to all County roadways.

The proposed project is not anticipated to conflict with any transportation program, plan, ordinance or policy.

Mitigation: None.

References: Application information; Governor’s Office of Planning and Research Technical Advisory, December 2018; Referral response from Stanislaus County Department of Public Works, dated September 16, 2021; Stanislaus County General Plan and Support Documentation¹.

XVIII. TRIBAL CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a 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: It does not appear that this project will result in significant impacts to any archaeological or cultural resources. The project site consists of approximately 26,000± square-feet of building space for instructional use; two residences; a tool shed; a 3,575± square-foot barn; three parking areas; and 1± acre area consisting of a basketball court and baseball field. 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. No construction is proposed; however, a condition of approval regarding the discovery of cultural resources during any future construction process will be added to the project.

Mitigation: None.

References: Application information; Stanislaus County General Plan and Support Documentation¹.

XIX. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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: Limitations on providing services have not been identified. The project proposes to utilize the existing Wood Colony Christian School Public Water System and on-site stormwater drainage and capture, and existing septic facilities. No construction is proposed for this project; however, any intensity of these utilities will be subject to regulatory requirements during the building permitting phase should future construction occur. A referral response received from the Department of Public Works indicated that a grading, drainage, and erosion/sediment control plan for the project will be required for any building permit that will create a larger or smaller building footprint, subject to Public Works review and Standards and Specifications. The track and field located on APN 005-030-020 are existing; no grading or leveling are proposed under this request.

The current school facility is considered to be a Public Water System (PWS) and is classified as a Non-Transient Non-Community Water System (NTNCWS) which is a PWS that regularly supplies water to at least 25 of the same people at least six months per year. The PWS for the school is listed under the system name of Wood Colony Christian School and is currently active. A referral response was received from the Department of Environmental Resources who responded with no comment. There are no additional wells or septic systems are proposed as part of this request. If in the future the facility results in the formation of a new Public Water System, then the project site will be subject to all applicable rules, regulations and standards as discussed above in the Hydrology and Water Quality Section of this document.

The project was referred to the Stanislaus County Department of Environmental Resources who replied with no comment for the project.

The project site receives irrigation water from the Modesto Irrigation District (MID). As stated previously in the “Public Services” section, MID provided a response requiring the protection and relocation of existing electrical lines, cables and easements, and safety measures requiring the contractor verify actual depth and location of all underground utilities prior to start of construction and notify the appropriate agencies prior to any earth moving activities for any applicable rules or regulations. MID also commented on an existing 36-inch private concrete pipeline that lies along the east property line of APN 005-030-020 and 005-030-035. Prior to development, the applicant/property owner must contact Irrigation Field Services to update their irrigation billing account to reflect the changes to the parcel currently developed with the school (APN 005 030-035). The applicant/property owner should consult with affected landowners to discuss potential improvement plans if the pipeline/existing private infrastructure will be affected by the proposed project. If the pipeline is impacted or altered, the pipeline must be upgraded, replaced or relocated as required by the pipeline owner. No construction or grading is proposed as part of this project; however, MID’s comments regarding electricity and irrigation for the project site will be placed on the project as conditions of approval should future construction occur.

The Hetch-Hetchy Right-of-Way is located .15± miles to the south of the project site. The project was referred to the San Francisco Public Utilities Commission – Hetch-Hetchy Water and Power; however, no response has been received to date.

The project is not anticipated to have a significant impact to utilities and service systems.

Mitigation: None.

References: Application information; Referral response received from Stanislaus County Department of Public Works, dated September 16, 2021; Referral response received from Stanislaus County Department of Environmental Resources, dated September 30, 2021; Referral response received from Modesto Irrigation District, dated October 20, 2021; 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:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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	

Discussion: The Stanislaus County Local Hazard Mitigation Plan identifies risks posed by disasters and identifies ways to minimize damage from those disasters. The terrain of the site is relatively flat, and the site has access to a County maintained road. The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Salida Protection District. The project was referred to the District, and no comments have been received to date. California Building and Fire Code establishes minimum standards for the protection of life and property by increasing the ability of a building to resist intrusion of flame and burning embers. No construction is proposed as part of this project. Should future construction occur, building permits are reviewed by the County’s Building Permits Division and Fire Prevention Bureau to ensure all State of California Building and Fire Code requirements are met prior to construction. Wildfire risk and risks associated with postfire land changes are considered to be less-than significant.

Mitigation: None.

References: Application information; California Fire Code Title 24, Part 9; California Building Code Title 24, Part 2, Chapter 7; Stanislaus County Local Hazard Mitigation Plan; Stanislaus County General Plan and Support Documentation¹.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to 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	
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Discussion: The 7± acre project site is designated Agriculture by the Stanislaus County General Plan land use diagrams and zoned A-2-40 (General Agriculture). The property is primary comprised of grade 1 soils with Storie index ratings of 93 and 90 which are considered to be prime farmland. The existing baseball field and track and field areas of the project site are classified as “Prime Farmland” by the California Department of Conservation’s Farmland Mapping and Monitoring Program; however, the project site developed with the school facility is classified as “Urban and Built-up Land.” The 7± acre project site is not enrolled under the Williamson Act, and is not currently being used for agricultural production. Based on this information the project site will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use and will not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use as the existing project site is already developed with non-agricultural uses and the track and field can easily be returned to farmland.

The surrounding area consists of single-family dwellings, ranchettes and walnut and almond orchards in all directions. Hetch-Hetchy right-of-way is to the south of the project site and Modesto Irrigation District Lateral No. 7 is to the west. The proposed project site expansion to include the existing dirt track and grassy field will be accessory to the permitted use of the school and will not be used for the general public. The expanded project site consisting of the track and grassy field, may reasonably be returned to agricultural use in the future.

Any development of the surrounding parcels would be subject to the permitted uses included in the A-2 Zoning Ordinance or would require additional land use entitlements and environmental review. Rezoning parcels to another designation that would create islands or disregard infilling are not consistent with the General Plan and would likely not be approved. Accordingly, development of the subject parcel would not set a precedent for further development of the surrounding area. Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area.

Mitigation: None.

References: Initial Study; 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.



NEGATIVE DECLARATION

NAME OF PROJECT: Use Permit Application No. PLN2021-0068 – Wood Colony Christian School

LOCATION OF PROJECT: 2524, 2530 and 2572 Finney Road, between North Avenue and Beckwith Road, in the Modesto area. APN: 005-030-035 and 005-030-020.

PROJECT DEVELOPERS: Wood Colony Christian School Corporation, 2524 and 2530 Finney Road, Modesto, CA 95358.

DESCRIPTION OF PROJECT: Request to expand an existing private school facility from 5± acres to 7± acres by incorporating a 2± acre area, from the adjoining 3.17± acre parcel to the north, for use as a track and field, in the general agriculture (A-2-40) zoning district. The site is located at 2524, 2530 and 2572 Finney Road, between North Avenue and Beckwith Road, in the Modesto area. APN: 005-030-035 and 005-030-020.

Based upon the Initial Study, dated **December 8, 2021**, the Environmental Coordinator finds as follows:

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

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

Initial Study prepared by: Emily Basnight, Assistant Planner

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

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: USE PERMIT APPLICATION NO. PLN2021-0068 - Wood Colony Christian School

REFERRED TO:	RESPONDED			RESPONSE			MITIGATION MEASURES		CONDITIONS			
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA OPR STATE CLEARING HOUSE	X	X	X		X							
STATE OF CA SWRBC - DIV OF DRINKING WATER DIST: 10	X	X	X		X							
CA RWQCB CENTRAL VALLEY REGION	X	X	X		X							
COOPERATIVE EXTENSION	X	X	X		X							
DER GROUNDWATER RESOURCES DIVISION	X	X	X		X							
FIRE PROTECTION DIST: SALIDA	X	X	X		X							
GSA: STANISLAUS AND TUOLUMNE RIVERS	X	X	X		X							
IRRIGATION DISTRICT: MODESTO	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL					X							
MUNICIPAL ADVISORY COUNCIL: WOOD COLONY	X	X	X	X				X		X	X	
PACIFIC GAS & ELECTRIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X		X							
SCHOOL DISTRICT 1: HART-RANSOM UNION	X	X	X		X							
SCHOOL DISTRICT 2: MODESTO UNION	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X	X				X		X		X
STAN CO ANIMAL SERVICES	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X	X		X							
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X	X				X		X		X
STAN CO ERC	X	X	X	X				X		X		X
STAN CO FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X	X	X				X		X		X
STAN CO PUBLIC WORKS	X	X	X	X				X		X	X	
STAN CO SHERIFF	X	X	X		X							
STAN CO SUPERVISOR DIST 3: WITHROW	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X		X							
TELEPHONE COMPANY: AT&T	X	X	X		X							
SFPUC: HETCH HETCHY	X	X	X		X							
SURROUNDING LAND OWNERS		X	X		X							