

STANISLAUS COUNTY PLANNING COMMISSION

March 17, 2022

STAFF REPORT

PARCEL MAP AND EXCEPTION APPLICATION NO. PLN2021-0066 O'ROARK

REQUEST: REQUEST TO SUBDIVIDE A 30.17± ACRE PARCEL INTO THREE 10± ACRE PARCELS IN THE GENERAL AGRICULTURE (A-2-10) ZONING DISTRICT. THE REQUEST INCLUDES AN EXCEPTION TO THE SUBDIVISION ORDINANCE TO ALLOW PROPOSED PARCEL 3 TO TAKE ACCESS FROM RIVER ROAD BY A 30-FOOT-WIDE ACCESS EASEMENT.

APPLICATION INFORMATION

Applicant:	Richard O'Roark
Property owner:	R & E O'Roark 2010 Trust (Richard O'Roark and Erin M. O'Roark)
Agent:	Kevin Cole, Giuliani & Kull
Location:	5535 River Road, between Sawyer and Cleveland Avenues, in the Oakdale area
Section, Township, Range:	8-2-10
Supervisorial District:	One (Supervisor B. Condit)
Assessor's Parcel:	006-009-053
Referrals:	See Exhibit G Environmental Review Referrals
Area of Parcel(s):	30.17± acres Proposed Parcel 1: 10.0± acres Proposed Parcel 2: 10.1± acres Proposed Parcel 3: 10.0± acres
Water Supply:	Private well
Sewage Disposal:	Private septic system
General Plan Designation:	Agriculture
Existing Zoning:	General Agriculture (A-2-10)
Williamson Act Contract No.:	1972-1172
Environmental Review:	Negative Declaration
Present Land Use:	Single-family dwelling, shop, detached garage, and almond orchard.
Surrounding Land Use:	Scattered single-family dwellings, orchards and irrigated agriculture in all directions; a dairy to the east; and the Stanislaus River to the south.

RECOMMENDATION

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

PROJECT DESCRIPTION

The project is a request to subdivide a 30.17± gross acre parcel into three 10± acre parcels in the General Agriculture (A-2-10) zoning district. The request includes an Exception to Section 20.52.170 of the Stanislaus County Subdivision Ordinance to allow proposed Parcel 3 to take access off a County-maintained road via an access easement.

Proposed Parcels 1 and 2 will have road frontage on River Road, whereas Proposed Parcel 3 will not have frontage on a County-maintained road. The proposed 30-foot-wide access easement will include a hammerhead-style fire turnaround as part of this request, located along the eastern property line of the project site. As stipulated by the Stanislaus County Fire Prevention Bureau, a condition of approval has been added to the project requiring a 20-foot-wide all-weather access road to be installed prior to development of proposed Parcel 3.

If approved, each parcel would be served by its own private well and septic system. An existing single-family dwelling and outbuildings are located within the boundaries of proposed Parcel 1, which will remain. The balance of the project site, including the proposed parcels, will continue to be planted in orchard. A 20-foot-wide irrigation easement is proposed for the benefit of proposed Parcel 3, the centerline of which will be located on the proposed property line between proposed Parcels 1 and 2. If approved, all three parcels will be able to independently irrigate, and drainage patterns will remain undisturbed.

SITE DESCRIPTION

The 30.17± acre project site is located at 5535 River Road, between Sawyer and Cleveland Avenues, in the Oakdale area. The existing parcel currently fronts and takes access from River Road. The project site is improved with a single-family dwelling, shop, detached garage, and almond orchard, which is drip-irrigated with water from Oakdale Irrigation District (OID). There are several OID irrigation pipelines contained within the boundaries of 30- to 40-foot irrigation easements, which run along the southern and western boundary of the project site, crossing proposed Parcels 1 and 2. The project site is enrolled in a Williamson Act Contract No. 1972-1172.

The site is surrounded by scattered single-family dwellings, orchards and irrigated agriculture in all directions, a dairy to the east, and the Stanislaus River to the south.

ISSUES

No issues have been identified as a part of this request. Standard conditions of approval, along with those discussed in the “Environmental Review” section of this report, have been added to the project.

GENERAL PLAN CONSISTENCY

The site is currently designated “Agriculture” in the Stanislaus County General Plan. The agricultural designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas. This designation establishes agriculture as the primary use in land so designated, but allows dwelling units, limited agriculturally related commercial services, agriculturally related light industrial uses, and other uses which by their unique nature are not compatible with urban uses, provided they do not conflict with the primary use. The Agriculture designation is appropriate in areas where the agricultural land is productive or potentially productive and allows for 3, 5, 10, 20, 40, and 160 minimum-acre parcels; however, parcels with the 3, 5, and 10-acre minimums are also suitable for open space, recreational uses or ranchette uses such as the Valley Home, Orange Blossom, South Ceres, South Turlock, and Oakdale/Riverbank areas. The proposed parcel map is consistent with the Agricultural designation which recognizes the appropriateness of ranchette uses in the area through the adoption of the 10-acre minimum parcel size.

The project site is currently enrolled in Williamson Act Contract No. 1972-1172. In accordance with both local and state Williamson Act provisions, lands are presumed to be too small to sustain their agricultural use if the lands are less than 40 acres in size in the case of non-prime agricultural land, and 10 acres in size in the case of prime agricultural land; or the subdivision will result in residential development not incidental to the commercial agricultural use of the land. In this case, all proposed parcels are 10 acres in size with the ability to independently irrigate and are proposed to remain in agricultural production.

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

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

Production agriculture is defined as agriculture for the purpose of producing any and all plant and animal commodities for commercial purposes. Based on the current agricultural usage of the property, the existing property would meet the criteria of the “no-build” restriction and would not be subject to this “no-build” restriction. The project was referred to the California Department of Conservation and a response has not been provided to date.

Based on the evaluation above, staff believes that the project’s design is consistent with the County’s General Plan.

ZONING & SUBDIVISION ORDINANCE CONSISTENCY

The site is currently designated “Agriculture” in the Stanislaus County General Plan. This application proposes to create three 10± acre parcels, which are consistent with the site’s General Agriculture (A-2-10) zoning, which requires a 10-gross acre minimum parcel size for the creation of new parcels. Although no construction or residential development is being proposed at this time, zoning regulations will allow up to one single-family dwelling, one accessory dwelling unit, and one junior accessory dwelling unit on each proposed parcel for a total of nine dwelling units across the three proposed parcels. Each proposed parcel will be required to be served by an individual private well and septic system, should residential development occur in the future.

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

The Subdivision Ordinance, specifically Section 20.52.170 – *Lots – Access*, requires newly created parcels less than 20 acres in gross area to front on a County-maintained road, city street, or state highway. An exception to the ordinance is being requested to allow proposed Parcel 3 access to County-maintained River Road via a proposed 30-foot-wide access easement.

The required findings for approval of this parcel map can be found in Exhibit A of this Staff Report. In order to grant an exception, the Planning Commission must find:

1. There are special circumstances or conditions applying to the property being divided;
2. The exception is necessary for the preservation and enjoyment of a substantial property right of the owner;
3. The granting of the exception will not be detrimental to the public welfare, injurious to other property in the neighborhood of the subdivision, and that it will not constitute a special privilege not enjoyed by others under similar circumstances, and;
4. The granting of the exception will not be in conflict with the purposes and objectives of the general plan, or any element thereof, or any specific plan.

As proposed, proposed Parcels 1 and 2 would have direct frontage and access to County-maintained River Road and proposed Parcel 3 would take access off River Road via a 30-foot-wide non-exclusive access easement. Conditions of approval have been applied to the project to ensure the proposed access road and easement will meet County standards. Additionally, the proposed configuration has been requested by the applicant in order to subdivide the property in a manner best suited for existing farming operations, crop patterns, and irrigation infrastructure. If the requested exception is not granted, the Parcel Map cannot be approved without the applicant redesigning the map so each parcel fronts River Road. This redesign would likely require that one or more of the parcels be a flag lot configuration. Staff questions whether it is more desirable to have proposed Parcel 3 configured as a flag lot with a 900-foot-length driveway

requiring a width-to-depth ratio exception for the lot shape than the current proposal utilizing a non-exclusive access easement for access. Further, the project site is abutted by a 202.5± acre, non-rectangular parcel to the north which has the potential to subdivide into a maximum of 20 parcels under the current A-2-10 zoning; however, the neighboring parcel has direct road frontage on two County roads, Sawyer and River Roads, which provides alternative options for access than the proposed non-exclusive access easement associated with the current project request.. Consequently, it is unlikely that installation of a County road serving a single parcel is preferable to a privately-maintained non-exclusive access easement.

Staff has also conducted research within the A-2-10 zoning designation in the surrounding area to determine if there are additional parcels without frontage on a County road, under 20 acres, dependent on surrounding parcels for access. A total of six similar parcels utilizing access easements to take access off a public roadway have been identified within a one-mile distance of the project site. Granting of the requested exception will allow the applicant to subdivide the parcel consistent with other parcels in the area and in conformance with the site and surrounding area's General Plan and Zoning designations and will not be detrimental to public welfare or injurious to other property in the neighborhood of the subdivision.

The following is an overview of similar Exception requests that were identified in the Oakdale area:

1. **Parcel Map Application No. 2005-15 and Exception No. 2005-05 – Green –** Request to subdivide a 40-acre parcel into four 10-acre parcels in the A-2-10 zoning district, located east of Pioneer Road in the Valley Home area. An exception was requested to allow the four parcels to take access off a County-maintained road via a 30-foot-wide access easement. The project was approved by the Planning Commission on April 17, 2008.
2. **Parcel Map and Exception Application No. PLN2017-0025 – Joseph Guichard –** Request to subdivide two adjoining parcels totaling 16.94 acres in the Rural Residential (R-A) zoning district to create four parcels and a remainder ranging in size from 3.03 to 3.91 acres. An exception was requested due to two of the parcels not fronting on a County-maintained road. Instead, the two landlocked parcels proposed to utilize a 30-foot-wide access easement. The project was approved by the Planning Commission on November 16, 2017.
3. **Parcel Map and Exception Application No. PLN2018-0072 – Odom – Morrison Road –** Request to subdivide a 15-acre parcel into two parcels of 9 and 6 acres in size in the A-2-5 zoning district. Two exceptions were requested: one to allow one of the parcels to have a flag lot configuration and another to allow a second parcel access to a County-maintained road via a 40-foot-wide access easement located on the flag lot parcel. The project was approved by the Planning Commission on February 7, 2019.

Based on the previous project approvals mentioned above, staff has determined that a precedent has already been set for approval for a parcel not fronting on a County-maintained road; therefore, approving the exception will not constitute a “special privilege.” In addition to the exception findings, staff believes all required parcel map findings can also be made for approval of this request.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (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 E - *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: Kristen Anaya, Assistant Planner, (209) 525-6330

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval
- Exhibit D - Initial Study
- Exhibit E - Negative Declaration
- Exhibit F - Applicant's Findings
- Exhibit G - Environmental Review Referrals

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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 the 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. That there are special circumstances or conditions applying to the property being divided;
 - b. That the exception is necessary for the preservation and enjoyment of a substantial property right of the owner;
 - c. That the granting of the exception will not be detrimental to the public welfare, injurious to other property in the neighborhood of the subdivision, and that it will not constitute a special privilege not enjoyed by others under similar circumstances; and
 - d. The granting of the exception will not be in conflict with the purposes and objectives of the general plan, or any element thereof, or any specific plan.
 - e. The proposed parcel map is consistent with applicable general and specific plans as specified in Section 65451 of California Code, Government Code.
 - f. The design or improvement of the proposed parcel map is consistent with applicable general and specific plans.
 - g. The site is physically suitable for the type of development.
 - h. The site is physically suitable for the proposed density of development.
 - i. The designs of the parcel map or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat.
 - j. The design of the parcel map or type of improvements is not likely to cause serious public health problems.
 - k. The design of the parcel map or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

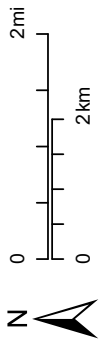
- i. The proposed parcel map is consistent with the restrictions and conditions of the existing Williamson Act contract.
 - m. The proposed parcels are of a size suitable to sustain agricultural uses.
 - n. The proposed parcel map will not result in residential development not incidental to the commercial agricultural use of the land.
 - o. That the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
- 4. Approve Parcel Map and Exception Application No. PLN2021-0066 – O’Roark.

**O' ROARK
PM & EXC
PLN2021-0066**

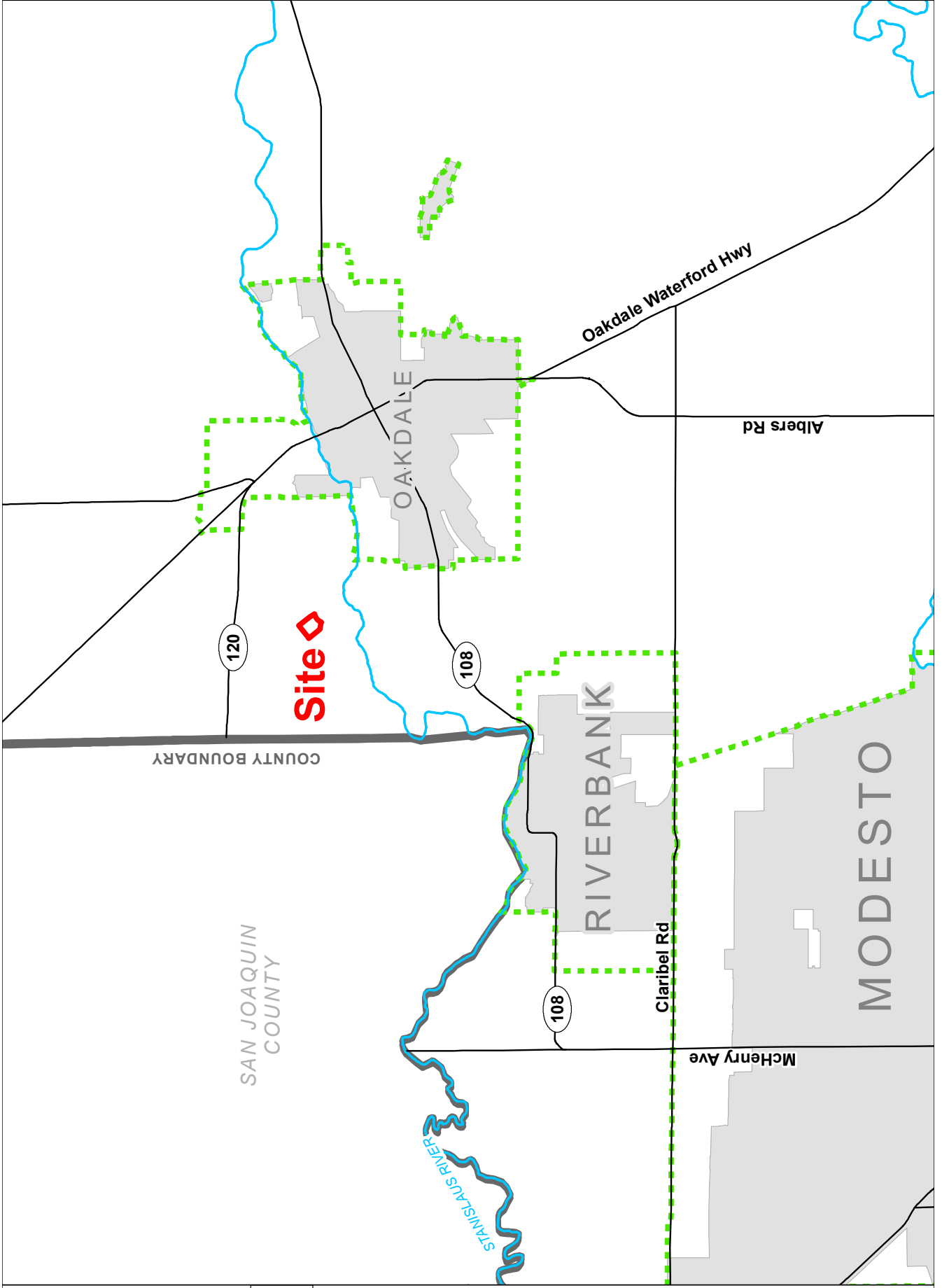
AREA MAP

LEGEND

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



Source: Planning Department GIS Date: 8/11/2021



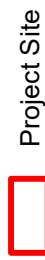
O' ROARK

PM & EXC

PLN2021-0066

GENERAL PLAN MAP

LEGEND



Project Site



Sphere of Influence



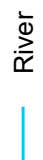
Parcel



Road



Canal

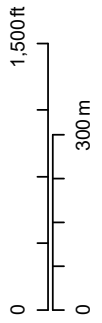


River

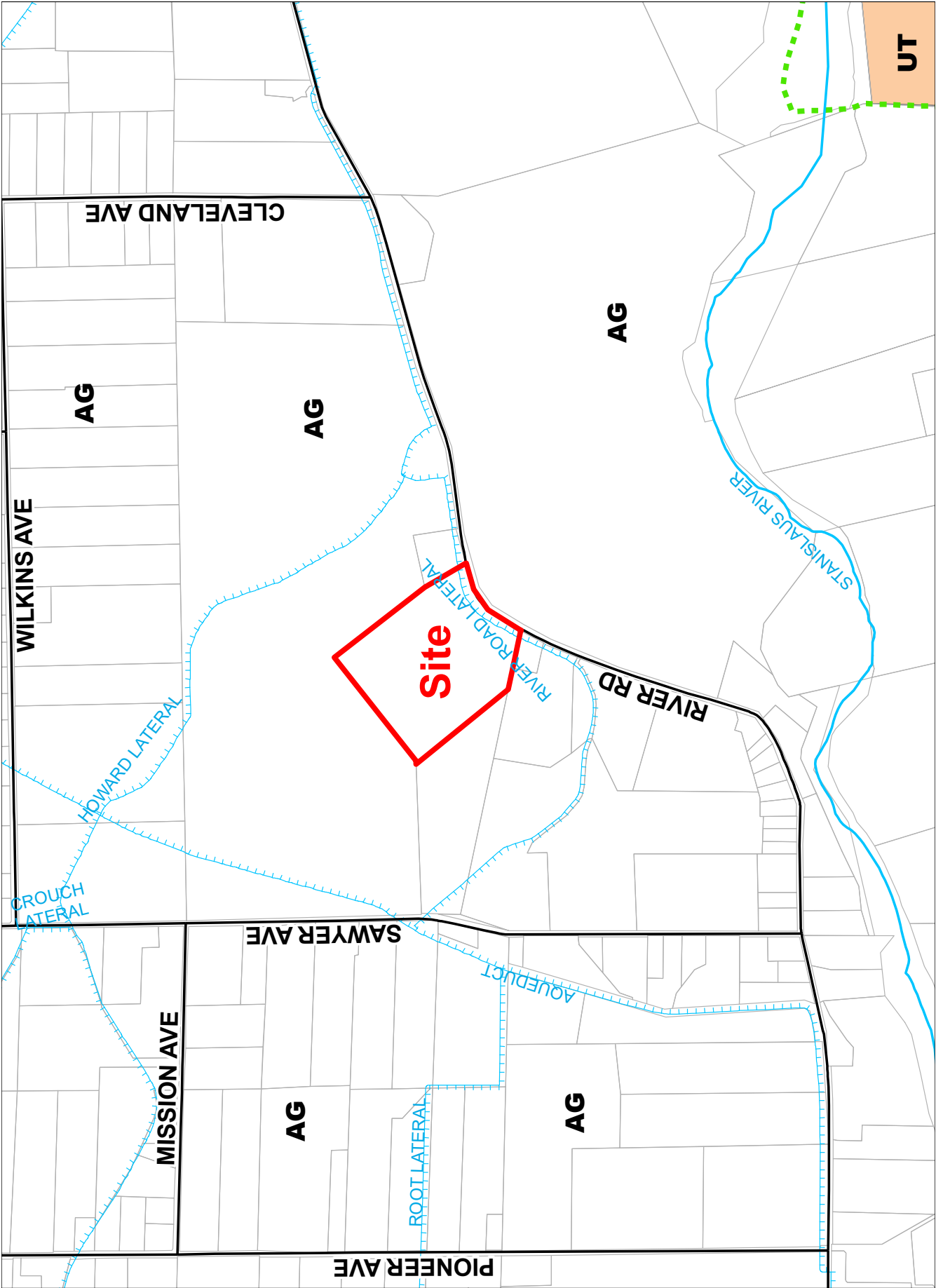
General Plan

Agriculture

Urban Transition



Source: Planning Department GIS Date: 8/11/2021

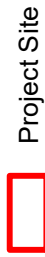


O' ROARK

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ZONING MAP

LEGEND



Project Site



Sphere of Influence



Parcel



Road

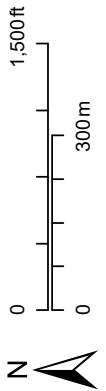
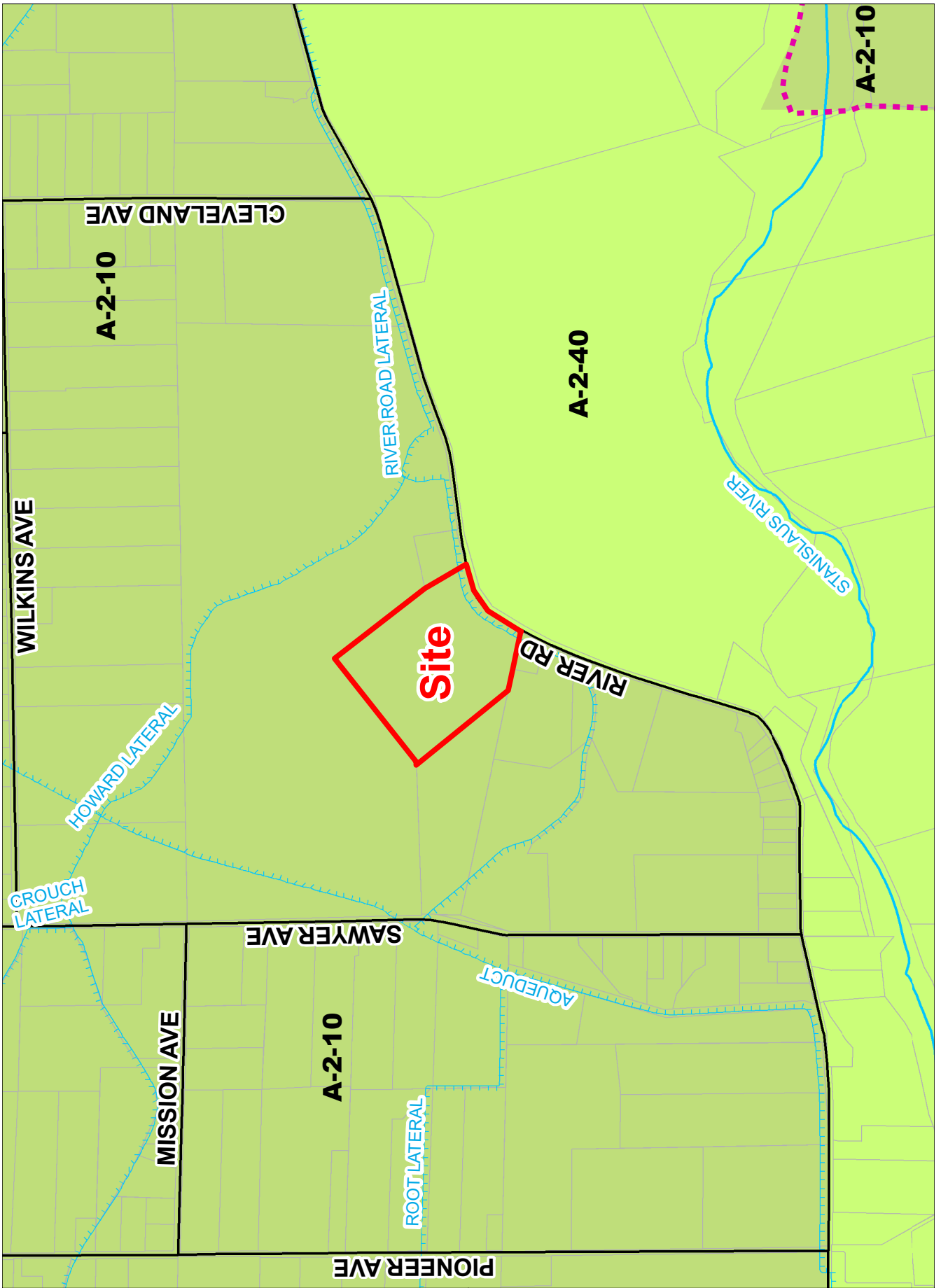


Canal

Zoning Designation

General Agriculture 10 Acre

General Agriculture 40 Acre




O' ROARK


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PLN2021-0066

ACREAGE MAP

LEGEND

 Project Site

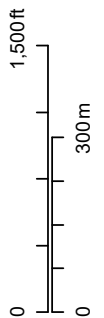
 # Parcel/Acres

 Sphere of Influence

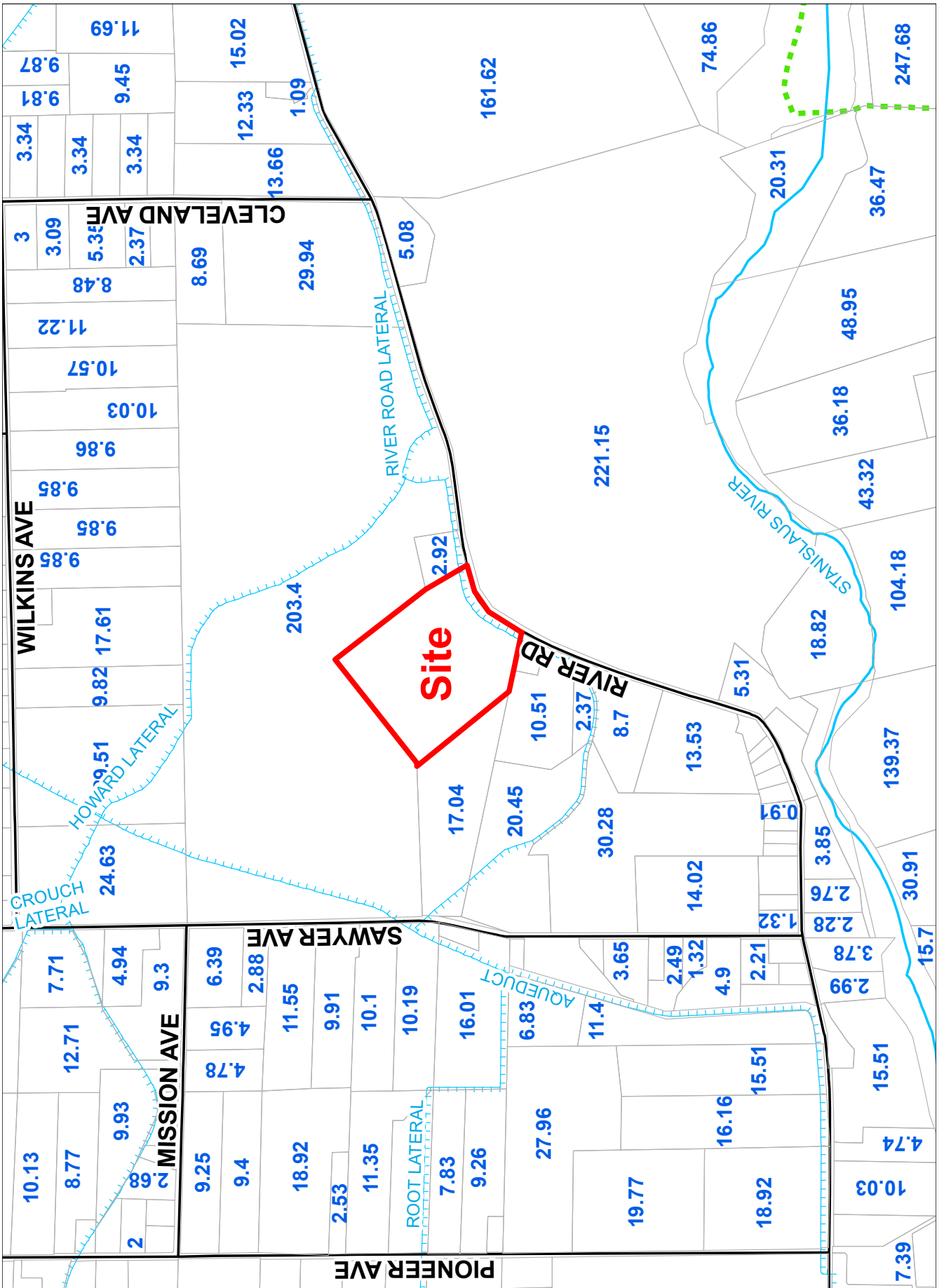
 Road

 River

 Canal



Source: Planning Department GIS Date: 8/11/2021




O' ROARK


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PLN2021-0066

2017 AERIAL AREA MAP

LEGEND

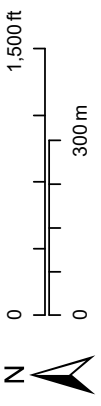
 Project Site

 Sphere of Influence

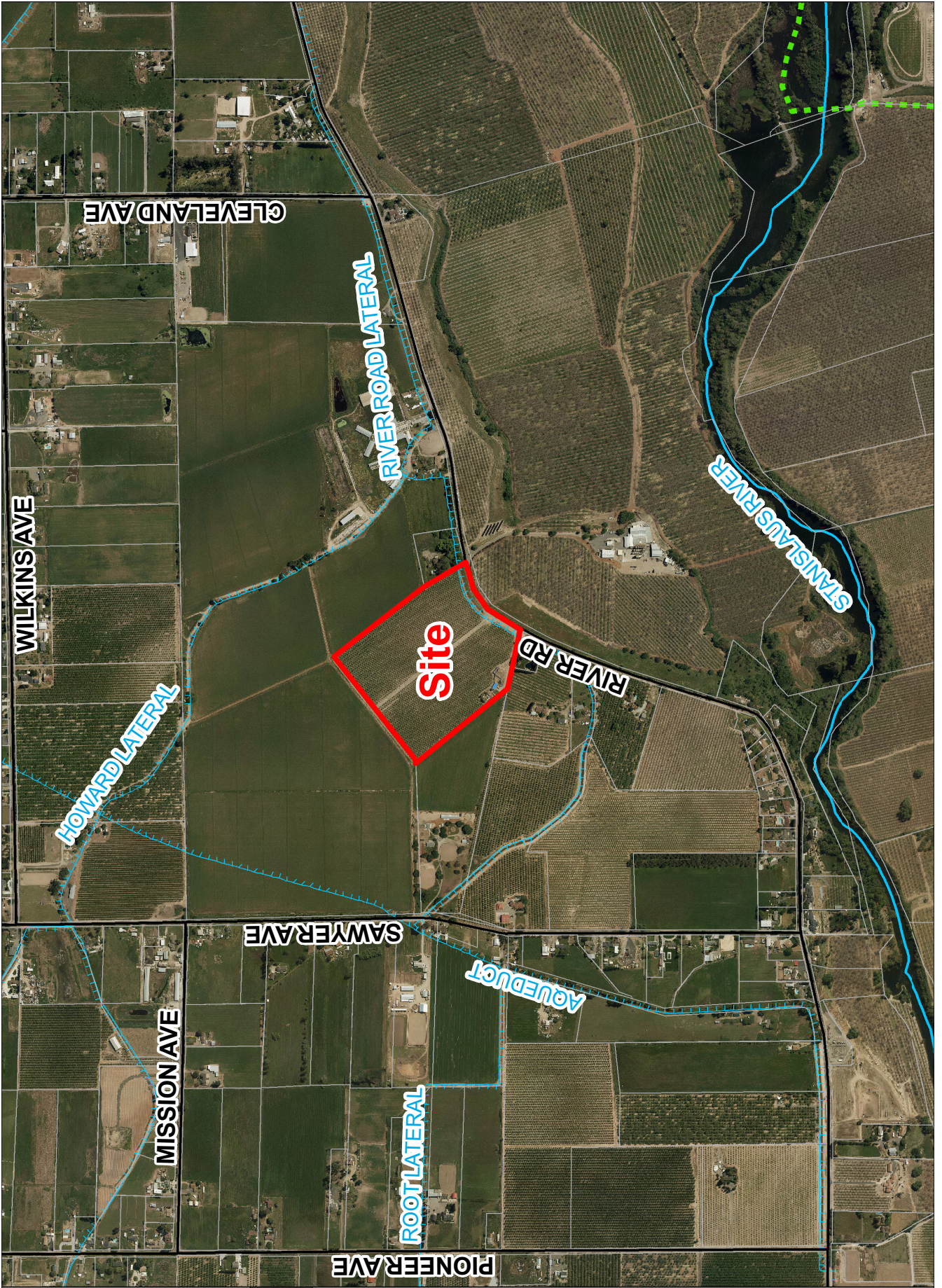
 Road

 River

 Canal



Source: Planning Department GIS Date: 8/11/2021



O' ROARK

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PLN2021-0066

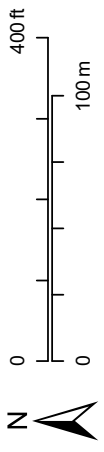
2017 AERIAL SITE MAP

LEGEND

 Project Site

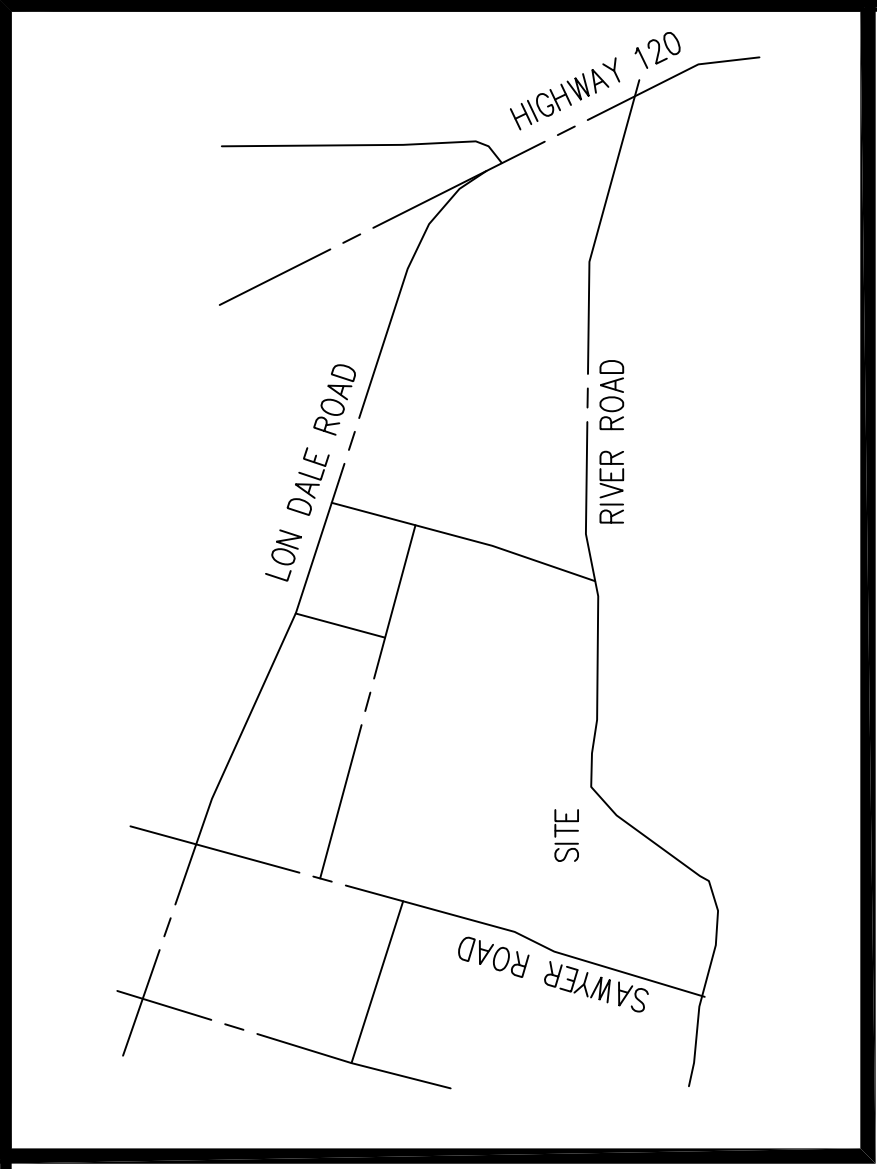
 Road

 Canal



Source: Planning Department GIS Date: 8/11/2021





VICINITY MAP

OWNER/APPLICANT: RICHARD O'ROARK
5535 RIVER ROAD
OAKDALE, CA 95361

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

TOTAL AREA: 30.17 AC.

NO. OF PARCELS: 3

A.P.N.: 006-009-053

ZONING: GENERAL AG

WATER: PRIVATE WELL

SANITARY SEWER: PRIVATE SEPTIC

STORM DRAIN: OVERLAND

SLOPE OF LAND: FLAT-1%

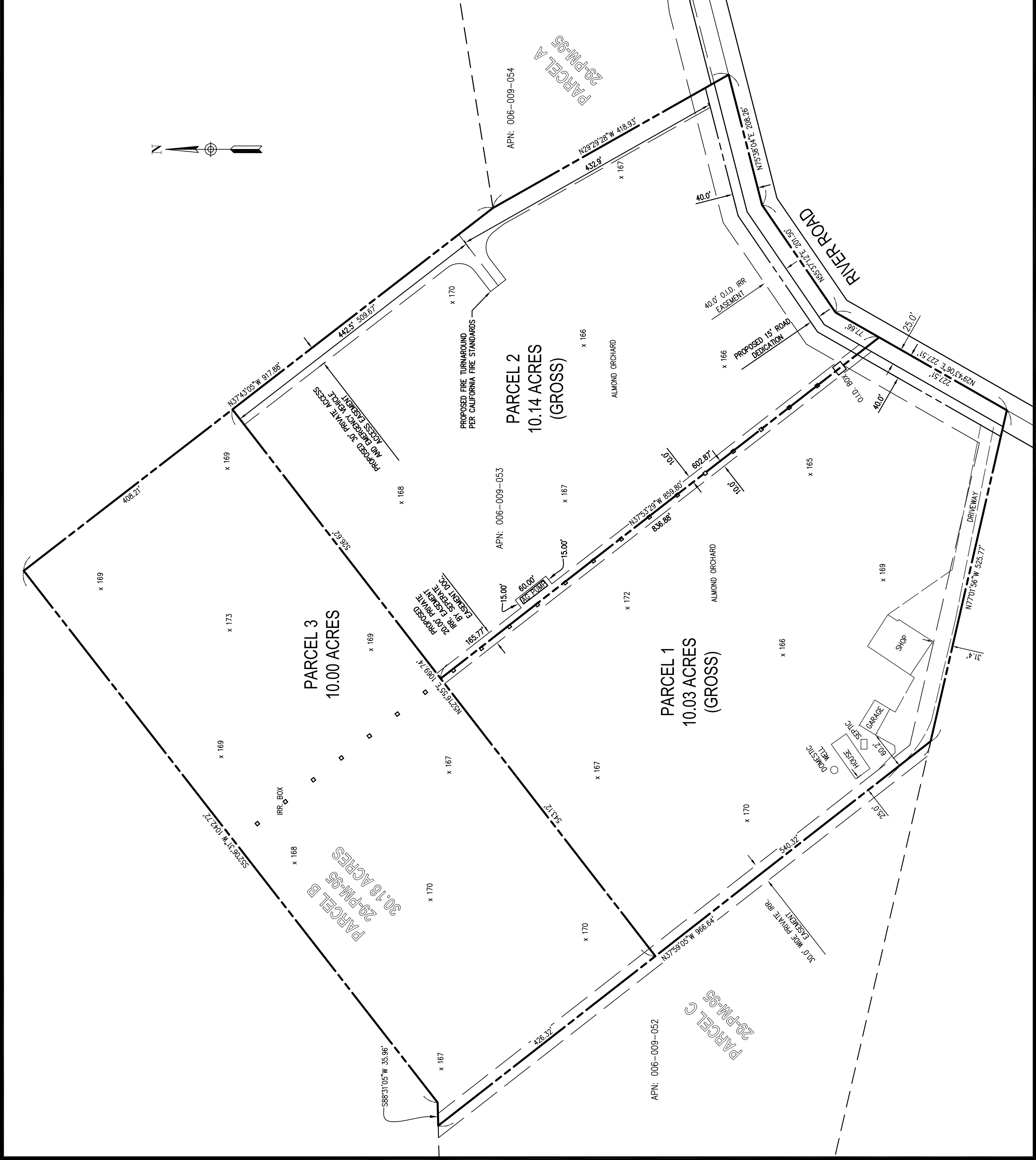
TENTATIVE PARCEL MAP

BEING A DIVISION OF PARCEL "B" AS SHOWN IN BOOK 29 OF PARCEL MAPS AT PAGE 95 SITUATE IN THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 10 EAST, MOUNT DIABLO MERIDIAN STANISLAUS COUNTY, CALIFORNIA
SCALE 1" = 100' JANUARY 2022



Engineers • Planners • Surveyors
440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361
(209) 847-8726 Fax (209) 847-7323

Auburn • Oakdale • San Jose



CONDITIONS OF APPROVAL

**PARCEL MAP AND EXCEPTION APPLICATION NO. PLN2021-0066
O'ROARK**

Department of Public Works

1. The recorded parcel map shall be prepared by a licensed land surveyor or a registered civil engineer licensed to practice land surveying in California.
2. All structures not shown on the parcel map shall be removed prior to the parcel map being recorded.
3. All structures shown on the parcel map that are on lot lines shall be removed prior to the parcel map being recorded.
4. Prior to the recording of the parcel map the new parcels shall be surveyed and fully monumented.
5. Prior to recording of the parcel map, unless shown on the map, a 30-foot-wide non-exclusive access easement shall be recorded on Parcel 2, for the benefit of Parcel 3.
6. Prior to recording of the parcel map or shown on the map, River Road is classified as an 80-foot Major Collector Arterial road. The required ½ width of River Road is 40 feet north of the centerline of the roadway. The existing right-of-way is 25 feet north of the centerline. The remaining 15 feet north of the centerline shall be dedicated by an Irrevocable Offer of Dedication.
7. Prior to the recording of the parcel map, an Encroachment Permit shall be obtained for the unpaved driveways that access the sites from River Road. All driveways shall be installed to Public Works Standards and Specifications Plate No. 3-F5.

Department of Planning and Community Development

8. 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.

9. 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.
10. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
11. 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.
12. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
13. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the finding until it can be evaluated by a qualified archaeologist. If the finding 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 finding is deemed historically or culturally significant.
14. Prior to the issuance of building permits for a dwelling, the owner/developer shall pay a fee of \$339.00 per dwelling for the County's Sheriff's Department.
15. Prior to issuance of a demolition permit for the removal of any of the existing structures 45 years or older the applicant shall contact Central California Information Center to determine if a historical resources evaluation shall be conducted.
16. The recorded parcel map shall contain the following statement:

"All persons purchasing lots within the boundaries of this approved map should be prepared to accept the inconveniences associated with the agricultural operations, such as noise, odors, flies, dust, or fumes. Stanislaus County has determined that such inconveniences shall not be considered to be a nuisance if agricultural operations are consistent with accepted customs and standards."

Stanislaus County Fire Prevention Bureau

17. Within the 30-foot-wide non-exclusive access easement, an unobstructed 20-foot-wide all-weather access road shall be installed prior to the final inspection of any building permit associated for Parcel 3.

18. The 20-foot-wide access road shall have a turn around that meets California Fire Code Appendix D, including a passable width for two emergency vehicles to pass by each other. The access road shall have the 20-foot-width maintained free of obstructions such as trees, etc.

Department of Environmental Resources

19. When developed, Parcels 2 and 3 shall be subject to Measure X requirements. The on-site wastewater treatment system (OWTS) for any proposed new building, shall be by individual Primary and Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X. All Local Agency Management Program (LAMP) standards shall be met.
20. The applicant shall secure all necessary permits for the destruction/relocation of any on-site water wells and water distribution lines, and/or the on-site wastewater treatment system (OWTS) at the project site under the direction of the Stanislaus County Department of Environmental Resources (DER).
21. The existing on-site wastewater treatment system (OWTS) is to be contained within the parcel boundaries of Parcel 1, as required by the Local Agency Management Program (LAMP).
22. Each parcel shall have an approved independent water supply (if not provided public water service). Prior to the issuance of building permit, each parcel shall have its own water well. A drilling permit shall be obtained from Department of Environmental Resources. (Stanislaus County Policy and State Model Well Standards Ordinance).

Oakdale Irrigation District

23. All trees and permanent improvements shall remain outside the limits of the on-site OID easements. Any improvements proposed within easements require approval by the OID Board of Directors.
24. The new parcel connection process shall be completed before water is released to the newly created parcels. Independent irrigation and drainage in accordance with OID's Subdivision Parcel Map Policy shall be met prior to the connection of new parcels.
25. Proposed easements shall be shown on the recorded parcel map for any OID facilities lying outside the existing 40-foot dedicated easement.

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



CEQA INITIAL STUDY

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

- 1. **Project title:** Tentative Parcel Map and Exception Application No. PLN2021-0066 – O’Roark
- 2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
- 3. **Contact person and phone number:** Kristen Anaya, Assistant Planner
- 4. **Project location:** 5535 River Road, between Sawyer and Cleveland Avenues, in the Oakdale area (APN: 006-009-053).
- 5. **Project sponsor’s name and address:** Richard O’Roark
PO Box 797
Waterford, CA 95386
- 6. **General Plan designation:** Agriculture
- 7. **Zoning:** A-2-10 (General Agriculture)
- 8. **Description of project:**

Request to subdivide a 30.17± gross acre parcel into three 10± acre parcels in the A-2-10 (General Agriculture,) zoning district. The request includes an Exception to the Subdivision Ordinance to allow Proposed Parcel 3 to take access from River Road by a 30-foot-wide access easement. An Exception to Section 20.52.170 of the Subdivision Ordinance to allow proposed Parcel 3 to take access off a County-maintained road via an access easement.

There are several irrigation easements which run along the southern and western boundary of the project site, crossing proposed Parcel 1 and 2. Parcels 1 and 2 will have road frontage on River Road. A proposed 30-foot-wide dual access and irrigation easement is proposed as part of this request. The access easement will be bisected by the property lines of proposed Parcels 1 and 2, and run north for the benefit of Proposed Parcel 3, which would not have direct access to the County-maintained River Road. The attached tentative parcel map shows this access easement as 20-foot-wide and private; however, a condition of approval applied by the Department of Public Works requires this easement to be 30-foot-wide and non-exclusive at the time of recording. If approved, each parcel would be served by its own well and on-site wastewater treatment system. The existing residence and outbuilding located within the boundaries of proposed Parcel 1 will remain and the balance of the project site will continue to be developed in orchard.

- 9. **Surrounding land uses and setting:** Scattered single-family dwellings, orchards and irrigated agriculture in all directions; confined animal agriculture to the east; the Stanislaus River to the south.
- 10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Department of Public Works
Department of Environmental Resources
Oakdale Irrigation District
- 11. **Attachments:** Early Consultation Referral Responses
Central California Information Center

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 Kristen Anaya, Assistant Planner

January 24, 2022
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 site itself is not considered to be a scenic resource or a unique vista. Community standards generally do not dictate the need or desire for architectural review of agriculture or residential subdivisions. The project site has already been improved with one single-family dwelling and various accessory structures located within the boundaries of proposed Parcel 1; however, no development is being proposed at this time. Any future development resulting from this project will be consistent with existing area developments. A condition of approval will be added to minimize potential impacts from on-site lighting, requiring all exterior lighting to be designed to provide adequate illumination without a glare effect, and that a photometric lighting plan may be required.

Mitigation: None.

References: Application information; Stanislaus County Zoning Ordinance; the Stanislaus County General Plan; and Support Documentation.¹

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	

<p>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))?</p>				<p>X</p>
<p>d) Result in the loss of forest land or conversion of forest land to non-forest use?</p>				<p>X</p>
<p>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?</p>			<p>X</p>	

Discussion: The project site is comprised of one parcel of 30.2± acres in size, in the A-2-10 (General Agriculture) zoning district. The parcel is enrolled in Williamson Act Contract No. 1972-1172. The project site currently planted in orchards, and has been developed with a single-family dwelling, shop, and detached garage which will remain on proposed Parcel 1, if approved. The existing on-site orchards are drip irrigated with water received from Oakdale Irrigation District (OID) facilities.

The California Department of Conservation’s Farmland Mapping and Monitoring program lists the project size as comprised of Prime Farmland and Rural Residential Land. According to the United States Department of Agricultural Soil Survey, the project site consists of approximately 10.5% Exeter sandy clay loam, 0 to 2 percent slopes (Storie Index rating: 34) and 89.5% Honcut sandy loam, 0 to 2 percent slopes (Storie Index rating: 81). The Storie Index is a widely known and accepted method of rating soils for land use and agricultural productivity in California. Soils that receive an index grade of 100 to 80 are considered excellent soils to be used for irrigated farmland, and 40 to 21 poor. As mentioned, the site is irrigated with water from OID pipelines. Thus, the project site would be considered prime farmland, with all three proposed parcels retaining that designation if the division of land is approved.

The applicant is requesting to subdivide the one parcel into three 10± acres in size. The project will not conflict with any agricultural activities in the area and/or lands enrolled in the Williamson Act, as the resulting parcels will meet the minimum parcel size requirements of the A-2-10 zoning district and maintain existing agricultural activities on the subsequent parcels. Additionally, the resultant parcels will remain under the same contract with no reduction in contract size or change in boundaries. No construction is proposed as part of this project; however, each resultant parcel can be improved with one single-family dwelling, an accessory dwelling unit, and junior accessory dwelling unit in accordance with Zoning Ordinance §21.20.020 – *General Agriculture* and 21.74 – *Accessory Dwelling Units*, once the final map has been recorded. A condition of approval for a “no build” restriction on the construction of any residential development on the proposed parcels will be added to the project, requiring at least 90 percent of the parcel to be in agricultural production before a building permit for a new home can be issued. The project’s Early Consultation was referred to the Department of Conservation and no response has been received to date.

If approved, all three parcels will maintain consistency with the density and intensity allowed with the “Agricultural” designation of the General Plan, as well as the uses permitted in the A-2 (General Agricultural) zoning district. No forest lands existing in Stanislaus County. Accordingly, the project is considered to have no impact to forest resources and a less than significant impact to agriculture. Based on the specific features and design of this project, it does not appear this project will impact the long-term productive agricultural capability of the subject contracted parcel or other contracted lands in the A-2 zoning district. There is no indication this project will result in the removal of adjacent contracted land from agricultural use.

Mitigation: None.

References: Natural Resources Conservation Service Soil Survey; application information; Stanislaus Soil Survey (1978); California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2018; Stanislaus County General Plan and Support Documentation.¹

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 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 proposed project will increase traffic in the area and, thereby, impacting air quality. However, the Air District has a three-tiered approach to assessing projects for significant impacts via their Small Project Analysis Level (SPAL), Cursory Analysis Level (CAL) and Full Analysis Level (FAL) screening tools. Using the project type, size, and number of vehicle trips, the District has pre-quantified emissions and determined values below which it is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants. Projects which fall at the SPAL are deemed to have a less than significant impact on air quality and as such are excluded from quantifying criteria pollutant emissions for CEQA purposes. If approved, the project site can be developed in accordance with permitted uses outlined in Stanislaus County Code Chapter 21.20.020 – *General Agriculture*. These uses primarily include crop farming and residential development, with up to one single-family dwelling, one accessory dwelling unit, and one junior accessory dwelling unit able to be developed on each parcel if approved. The District categorizes single-family dwelling land use types that include the development of less than 150 dwelling units and generate less than 800 non-heavy-duty truck (HHDT) trips or fewer per day and 15 one-way HHDT trips or fewer per day within the SPAL. The proposed project will fall below these thresholds and consequently falls within the SPAL screening level. Consequently, the proposed project is below the District’s thresholds.

No construction activities are proposed as part of this project; however, one single-family dwelling could be constructed on proposed Parcels 2 and 3 in accordance with Zoning Ordinance §21.20.020 (*General Agriculture – Permitted Uses*), if the project is approved and the final map recorded. All three proposed parcels would be able to maintain an accessory dwelling unit and junior accessory dwelling unit, in accordance with Zoning Ordinance §21.74 (*Accessory Dwelling Units*). These activities would not require any substantial use of heavy-duty construction equipment and would require little or no demolition or grading as the project site is considered to be topographically flat.

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 subdivision project and any potential construction of residential or agricultural structures after any future construction. Implementation of the proposed project and resulting construction would fall below the SJVAPCD significance thresholds for both short-term construction and long-term operational emissions, as discussed below. Because construction 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.

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.

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 construction. Implementation of the proposed project would fall below the SJVAPCD significance thresholds for both short-term construction and long-term operational emissions, as discussed below. Because construction 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. Consequently, emissions would be minimal. Furthermore, all construction or demolition activities would occur in compliance with all SJVAPCD regulations; therefore, construction emissions would be less than significant without mitigation.

The Air District was referred the project's Early Consultation referral and have not commented on the project to date.

For these reasons, the proposed project would be consistent with the 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: San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; www.valleyair.org; and the Stanislaus County General Plan and Support Documentation.¹

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	
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Discussion: It does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. There is no known sensitive or protected species or natural community located on the project site. According to aerial imagery and application materials, there is irrigated agriculture on the project site and on adjacent parcels in all directions. The Stanislaus River is located approximately .4 miles to the south. The project site is located within the Escalon Quad based on the U.S. Geographical Survey’s 7.5-minute topographic quadrangle map series. Records maintained by the California Natural Diversity Database (CNDDB) identify special-status species Greene’s tuctoria, valley elderberry longhorn beetle, steelhead salmon, Swainson’s hawk, California tiger salamander as potentially occurring within this Quad. The CNDDB does not identify any of these species as occurring on the project site.

The project site is developed with almond orchard, one single-family dwelling, a shop, and garage. The parcel is routinely disturbed in conjunction with production agricultural practices in association with the on-site orchard. There are no know Waters of the United States on-site. It does not appear that 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.

An Early Consultation was referred to the California Department of Fish and Wildlife and no comments have been provided to date.

Mitigation: None.

References: California Department of Fish and Wildlife’s Natural Diversity Database Quad Species List; Stanislaus County General Plan and Support Documentation.¹

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: According to aerial imagery and application materials, there is irrigated agriculture on the project site and on adjacent parcels in all directions. The Stanislaus River is located approximately .4 miles to the south. A record search dated May 3, 2021 conducted by the Central California Information Center (CCIC) indicated that no prehistoric, historic, or archaeological resources known to have value to local cultural groups were formally reported to the CCIC. The project site is already disturbed in conjunction with routine agricultural practices, and no construction or demolition is proposed as part of this parcel map request. The current project does not include ground disturbance, because of this, further study for archaeological or historical resources is not recommended within the CCIC report at this time. Additionally, conditions of approval will be placed on the project requiring that should any archaeological or cultural resources be found during construction, activities shall halt until an on-site archaeological mitigation program has been approved by a qualified archaeologist; and should any human remains be found on the property, the applicant/owner shall contact the County coroner pursuant to California Health and Safety Code Section 7050.3, who will determine if the find is Native American. With conditions of approval in place, project impacts to cultural resources are anticipated to be less than significant.

Mitigation: None.

References: Central California Information Center Report for the project site, dated May 3, 2021; Stanislaus County General Plan and Support Documentation.¹

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, and total estimated daily vehicle trips to be generated by the project, and the additional energy consumed per trip by mode, which 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.

The project is a request to subdivide a 30± gross acre parcel into three 10± acre parcels. No construction is proposed as part of this request; however, any future construction will have to demonstrate compliance with Title 24, Green Building Code, which includes energy efficiency requirements, at the time of applying for building permits. It does not appear this project will result in significant impacts to the wasteful, inefficient, or unnecessary consumption of energy resources.

The project was referred to PG&E and the San Joaquin Valley Air Pollution Control District, and no comments have been received to date.

Mitigation: None.

References: Application material; 2016 California Green Building Standards Code Title 24, Part 11(Cal Green); 2016 California Energy Code Title 24, Part 6.

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:				
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 wastewater disposal systems where sewers are not available for the disposal of wastewater?			X	
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

Discussion: The USDA Natural Resources Conservation Service’s Eastern Stanislaus County Soil Survey indicates that the property is made up of 10.5% Exeter sandy clay loam, 0 to 2 percent slopes and 89.5% Honcut sandy loam, 0 to 2 percent slopes. 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 for any future development. 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. 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. Any addition or expansion of a septic tank or alternative wastewater disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements.

No construction is proposed as part of this request. Grading permits which require Stormwater Pollution Prevention Plan (SWPP) compliance are required through the Department of Public Works for any future earth moving. If future construction should occur, all construction will be designed and built according to the California Building Code and the SWPP. Any addition or expansion of a septic tank or alternative wastewater disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements. Compliance with the Alquist-Priolo Earthquake Fault Zoning Act, the California Building Code, and SWPP would reduce the risk of loss, injury, or death due to earthquake or soil erosion. The project was referred to DER who responded with no comments. However, should future construction occur, DER, Public Works, and the Building Permits Services 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 when a building permit is requested. Additionally, a condition of approval will be applied to this project to address any discovery of paleontological resources during any future construction.

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.

Mitigation: None.

References: Referral response from the Stanislaus County Department of Public Works, dated September 8, 2021; referral response from the Department of Environmental Resources, dated September 14, 2021; Stanislaus County General Plan and Support Documentation.¹

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 Gases (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.

Although not originally intended to reduce GHGs, California Code of Regulations (CCR) Title 24, Part 6: California’s Energy Efficiency Standards for Residential and Nonresidential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California’s energy consumption. Since then, Title 24 has been amended with recognition that energy efficient buildings require less electricity and reduce fuel consumption, which in turn decreases GHG emissions. The current Title 24 standards were adopted to respond to the requirements of AB 32. Specifically, new development projects within California after January 1, 2011, are subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11).

No construction is proposed as part of this request. If approved, each parcel can be improved with one single-family dwelling, an accessory dwelling unit, a junior accessory dwelling unit, and residential or agricultural accessory structures. The proposed project may indirectly result in short-term emissions of GHGs during construction related to future development; however, none associated with the parcel split request. These emissions, primarily CO2, CH4, and N2O, are 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 the proposed project. As described above in Section III - Air Quality, the use of heavy-duty construction equipment would be very limited; therefore, the emissions of GHGs would be less than significant.

This project was circulated to SJVAPCD during the Early Consultation Referral period and no comments were received.

No construction is proposed. However, any possible future construction will be subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CalGreen) Code (California Code of Regulations, Title 24, Part 11), as well as any San Joaquin Valley Air Pollution District standards relevant to future construction on the property. Staff will include a condition of approval on the project requiring that any future construction shall be in compliance with the District’s rules and regulations.

No significant impacts from greenhouse gas emissions occurring as a result of this project are anticipated.

Mitigation: None.

References: SB 375; AB 32; application materials; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan and Support Documentation.¹

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 project is a request to subdivide a 30± acre parcel into three 10± acre parcels in the A-2-10 (General Agriculture) zoning district. No construction is proposed. The parcel is currently improved with one single family dwelling, shop, garage, and irrigated orchard. The County Department of Environmental Resources is responsible for overseeing hazardous materials and has not indicated any particular concerns in this area. Although the project does not involve the installation of monitoring wells and/or drilling of soil borings, the applicant must submit a current permit application for any future groundwater monitoring wells and exploratory borings to the Department. The project was also referred to the Environmental Review Committee (ERC), which responded with no comments. The existing 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. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining the applicable permits.

No significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed subdivision. The project site is not within the vicinity of any airstrip or wildlands. The site is in a Local Responsibility Area (LRA) for fire protection and is served by the Oakdale Rural Fire Protection District. To date, no comment has been received from Oakdale Rural Protection District in regard to hazardous materials. No significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project.

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.

Mitigation: None.

References: Application materials; referral response from the Stanislaus County Department of Environmental Resources, dated September 13, 2021; referral response from the Stanislaus County Environmental Review Committee, dated September 14, 2021; Stanislaus County General Plan and Support Documentation.¹

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:				

(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 site is served by a domestic well and on-site wastewater treatment system and receives irrigation water via Oakdale Irrigation District (OID). The project site contains one single-family dwelling, residential accessory structures, and a drip-irrigated orchard. The project was referred to DER and a condition was requested to be placed on the project that once divided, each proposed parcel will have independent utilities. Any new domestic wells are not anticipated to have a significant effect on groundwater supplies. The project was referred to OID who require that the parcels re-apply to receive surface water irrigation, if approved. This requirement will be added as a condition of approval.

The Stanislaus River is located approximately .4 miles to the south. Stormwater run-off is not considered an issue because of several factors which limit the potential impact. These factors include the relatively flat terrain of the subject site, and relatively low rainfall intensities in the Central Valley. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act. The project site itself is located in Zone X (outside the 0.2% floodplain) and, as such, exposure to people or structures to a significant risk of loss/injury/death involving flooding due levee/dam failure and/or alteration of a watercourse, at this location is not an issue with respect to this project.

No construction or grading is proposed as part of the project; consequently, the current absorption patterns of water upon this property are not anticipated to be altered. Impacts associated with drainage, water quality, and runoff are expected to have a less than significant impact. The construction must be reviewed and approved by DER and must adhere to current Local Agency Management Program (LAMP) standards. LAMP standards include minimum setbacks from wells to prevent negative impacts to groundwater quality. The project was referred to Public Works. Conditions provided as a result of this referral, including the surveying and monumenting of new parcels, removal of structures not shown on the map, recordation of an access easement, installation of an all-weather access road, an encroachment permit, and requirement of an irrevocable offer of dedication, will be added to the project’s Conditions of Approval.

Mitigation: None.

References: Referral response from the Stanislaus County Department of Public Works, dated September 8, 2021; referral response from the Stanislaus County Department of Environmental Resources, dated September 13, 2021; referral response from the Stanislaus County Oakdale Irrigation District, dated September 15, 2021; Stanislaus County General Plan and Support Documentation.¹

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 is proposed to subdivide one parcel of 30.17± acres in size into three parcels of 10± acres each in size. The existing parcels are zoned General Agriculture (A-2-10), which sets the minimum parcel size at 10 acres. As discussed above within Section II – Agriculture and Forest Resources, any use of the property must be compatible with the

County's A-2 zoning district, which limits the property to agricultural uses and uses incidental and accessory to the on-site agricultural use of the property. The proposed project will not physically divide a community or conflict with any land use plan; however, the request includes an Exception to the Stanislaus County Subdivision Ordinance to allow Proposed Parcel 3 to take access from River Road by a 30-foot-wide access easement. An Exception to Section 20.52.170 of the Subdivision Ordinance to allow proposed Parcel 3 to take access off a County-maintained road via an access easement. Instead, Parcel 3 will utilize a 20-foot all-weather road within a 30-foot access easement located on both proposed Parcels 1 and 2 to access County-maintained River Road. Proposed Parcel 1 will require a design standard exception to §20.52.160 for the parcel's width-to-depth ratio. County Code requires the depth of lots not exceed the road frontage by more than three times where the total frontage is less than 300 feet. The proposed design of Parcel 1 of the parcel map includes 227± foot width frontage and 863± foot depth. The design standard exception can be approved by Planning Department staff with the following findings being met:

1. Can be used for its intended purpose;
2. Will not be detrimental to the continued agricultural use of said parcel(s) when designated as agricultural on the land use element of the general plan;
3. Is/are consistent with the potential subdivision of the total property as well as any approved city zoning and development plans;
4. Will not be detrimental to the public welfare nor injurious to other property in the neighborhood of the proposed subdivision. Where parcels exceed the width to depth ratio and any parcel being created is of sufficient area to be further subdivided the subdivider may be required to provide such reservations or dedication for future roads of not less than fifty feet in width running to the benefit of the general public, and such requirements as may be considered reasonable and appropriate to safeguard the orderly development of the property. If the department determines that the map is not satisfactory and the applicant wished to pursue the submitted map, the applicant shall apply for an exception as set forth in [Stanislaus County Code] Chapter 20.64.

The project site is currently enrolled in Williamson Act Contract No. 1971-1172. In accordance with both local and state Williamson Act provisions, lands are presumed to be too small to sustain their agricultural use if the lands are less than 40 acres in size in the case of non-prime agricultural land, and 10 acres in size in the case of prime agricultural land; or the subdivision will result in residential development not incidental to the commercial agricultural use of the land. In this case, all proposed parcels are 10 acres in size and designated prime farmland. Based on the specific features and design of this project, it does not appear this project will impact the long-term productive agricultural capability of the subject contracted parcel or other contracted lands in the A-2 zoning district. No changes to the current land use are proposed, other than the creation of three 10± parcels; therefore, no removal of adjacent lands from agricultural use is anticipated. If approved, the parcels will remain enrolled in the current Williamson Act Contract. The project was referred to the California Department of Conservation and no response has been received to date.

Under the Zoning Ordinance for the A-2 zoning district, one single-family dwelling, an accessory dwelling unit, and junior accessory dwelling unit could be maintained on each parcel. An existing single-family dwelling, garage, shop, septic system, and domestic well will be located within the boundaries of proposed Parcel 1. Proposed Parcel 2 will contain an ag pump but will be otherwise vacant, as will proposed Parcel 3. Accordingly, although no construction is proposed, a cumulative total of two single-family dwellings, three accessory dwelling units, and three junior accessory dwelling units can be developed across all three proposed parcels, if the project is approved. Stanislaus County General Plan Agricultural Element Policy 2.8 and Zoning Ordinance §21.20.050 specifies that the subdivision of agricultural land consisting of land enrolled under a Williamson Act contract, into parcels of less than 160 acres in size shall be allowed provided a "no-build" restriction on the construction of any residential development on newly-created parcels is observed until ninety percent or more of the parcel is in production agriculture with irrigation infrastructure or a confined animal facility.

In accordance with the provisions of the Williamson Act, proposed parcels will be restricted by zoning to on-site residential development which is incidental to the agricultural use of the land and will not diminish the agricultural production. The Stanislaus County Planning Department has instituted a process by which all building permit applications submitted for any new structures (including new single-family dwellings) on Williamson Act properties must be accompanied by a signed Landowner Statement that verifies compatibility with the Williamson Act contract.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation.¹

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 and is incorporated into the General Plan’s Conservation and Open Space Element. There are no known significant resources on the site, nor is the project site located in a geological area known to produce resources. Accordingly, the project’s impacts to mineral resources are considered to be less than significant.

Mitigation: None.

References: Stanislaus County General Plan Conservation and Open Space Element and Support Documentation.¹

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

The site is not located within an airport land use plan. No noise impacts associated with the parcellation of the project site have been identified. Accordingly, the potential noise impacts are considered to be less than significant.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation.¹

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. This project will not substantially induce population growth, nor will it displace existing housing or people. If approved, all three proposed parcels can each be developed with one single-family dwelling, an accessory dwelling unit, and junior accessory dwelling unit in accordance with the A-2 Ordinance.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation.¹

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:				
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 one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance. No construction is proposed as part of this project. If approved, all three proposed parcels can each be developed with one single-family dwelling, an accessory dwelling unit, and junior accessory dwelling unit in accordance with the A-2 Ordinance. Conditions of approval will be added to this project to ensure the any future development complies with all applicable fire department standards with respect to access and water for fire protection. Building permit review by the Office of Emergency Services will address adequate turn-around for a fire apparatus and on-site water supply for fire suppression.

All parcels except Proposed Parcel 3 will have direct access to County-maintained River Road. Proposed Parcel 3 will be served by an irrevocable ingress/egress 30-foot-wide access easement across Parcels 1 and 2 to River Road. A condition of approval will be added to the project that an unobstructed 20-foot all-weather emergency vehicle access road shall be installed within this ingress/egress easement. The project was referred to Public Works for review and they have requested conditions of approval related to the recording of the final map.

Mitigation: None.

References: Referral response from the Stanislaus County Department of Public Works, dated September 8, 2021; E-mail correspondence from Stanislaus County Office of Emergency Services, dated September 7, 2021; Stanislaus County General Plan and Support Documentation.¹

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 is not anticipated to significantly increase demands for recreational facilities, as such, impacts typically, are associated with residential development. No construction is proposed; however, all parcels are large enough to provide recreational opportunities should the applicant or a future property owner intend to utilize the proposed parcels as such.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation.¹

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 site is located on County-maintained River Road. Proposed Parcels 1 and 2 will have direct frontage on a County-maintained road. A condition of approval will be added to the project that prior to recording of the final map or shown on the map, a 30-foot non-exclusive access easement be granted on Parcels 1 and 2 for the benefit of Parcel 3. Prior to development of proposed Parcel 3, the installation of a 20-foot-wide unobstructed all-weather access road within this easement is required. Additionally, prior to any Certificate of Occupancy being issued for structures on Proposed Parcel 3, an emergency vehicle access road which permits fire apparatus access to the parcels shall be installed. Upon any future development of either parcel the applicant will be subject to public facility fees during the building permit stage; however, as proposed the project will not have any significant impacts on the traffic environment. The Department of Public Works requested standard conditions of approval in their referral response related to recording of the map, including surveying and monumenting of the new parcels, removal of any structures not shown on the proposed parcel map, and requiring the recorded map to be prepared by a licensed engineer or surveyor. Conditions of approval addressing their comments will be added to the project.

Mitigation: None.

References: Referral response from Public Works, dated September 8, 2021; Stanislaus County General Plan and Support Documentation.¹

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:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X	
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set for the in subdivision (c) of Public Resource Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X	

Discussion: The project proposes to subdivide a 30± acre parcel into three 10± acre parcels in the General Agriculture (A-2-10). The site is presently improved with one single-family dwelling, residential accessory structures, and irrigated orchard. 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. A record search dated May 3, 2021 conducted by the Central California Information Center (CCIC) indicated that no prehistoric, historic, or archaeological resources known to have value to local cultural groups were formally reported to the CCIC. The project site is already disturbed in conjunction with routine agricultural practices, and no construction or demolition is proposed as part of this parcel map request. The current project does not include ground disturbance, because of this, further study for archaeological or historical resources is not recommended within the CCIC report at this time. Additionally, conditions of approval will be placed on the project requiring that should any archaeological or cultural resources be found during construction, activities shall halt until an on-site archaeological mitigation program has been approved by a qualified archaeologist; and should any human remains be found on the property, the applicant/owner shall contact the County coroner pursuant to California Health and Safety Code Section 7050.3, who will determine if the find is Native American.

Mitigation: None.

References: Central California Information Center Report for the project site, dated May 3, 2021; Stanislaus County General Plan and Support Documentation.¹

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: The proposed project is a request to subdivide a 30± acre parcel into three 10± acre parcels in the General Agriculture (A-2-10). The project site is improved with one single-family dwelling, garage, shop, and irrigated orchard. The existing single-family dwelling utilizes an individual domestic well and septic system for utility services. OID supplies the site with irrigation water for the on-site orchard. A referral response received from OID indicated that the proposed parcel map is approved, the resulting parcels will be required to apply to continue irrigation services to the site at the time of creation of each new APN. Any irrigation facility on-site will retain their respective easements. Conditions of approval will be added to the project to reflect these comments.

No construction is being proposed as a part of this project and, as such, no limitations on providing services have been identified. Should construction occur after obtaining the necessary discretionary and ministerial permits, the site will be served by private well, septic system, and on-site drainage. These requirements will be addressed as a part of the building permit process. A referral comment from DER stated that each parcel shall be served by its own independent on-site wastewater disposal system and water supply. A condition of approval will be added to the project requiring each parcel to have their own approved independent water supply subject to a drilling permit, prior to issuance of a building permit.

Mitigation: None.

References: Referral response from the Stanislaus County Department of Environmental Resources, date September 14, 2021; referral response from the Oakdale Irrigation District, dated September 15, 2021; Stanislaus County General Plan and Support Documentation.¹

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 project site is in a non-urbanized area with no wildlands located in the vicinity of the project site. In addition, the project site is not located within a designated high or very high fire hazard severity zone, near state responsibility areas, or lands classified as very high fire hazard severity zones. The project terrain is relatively flat. The applicant intends for the proposed parcels to have access to River Road, a County-maintained road. A referral response was received from Public Works who commented that prior to the recording of the final map, the applicant shall ensure all parcels created by this land division have permanent legal access to a County-maintained road as well as install an all-

weather emergency vehicle access road to serve proposed Parcel 3; as noted above under the transportation section, Public Work’s comment will be added to the project as a condition of approval.

No construction or grading is proposed as part of this request. If approved, each proposed parcel will be able to maintain one single-family dwelling, an accessory dwelling unit, and junior accessory dwelling unit in accordance with the A-2 zoning district. If future construction were to occur, the applicable fire district will review the project site for adequate emergency vehicle access as part of the building permit process for future development of each parcel. Building permit review by the Office of Emergency Services will address adequate turn-around for a fire apparatus and on-site water supply for fire suppression. All future structures will be required to be constructed in accordance with Chapter 7A of the most current adopted version of the California Building Code and California Residential Code. The site is located in a Local Responsibility Area (LRA). The project site is served by Oakdale Rural Fire Protection District, and no increase in risks were mentioned in their response. No significant impacts to the project site’s or surrounding environment’s wildfire risk is anticipated as a result of this project

Mitigation: None.

References: Referral response from the Stanislaus County Department of Public Works, dated September 8, 2021; E-mail correspondence from Stanislaus County Office of Emergency Services, dated September 7, 2021; Stanislaus County General Plan and Support Documentation.¹

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	

Discussion: Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area. The site is immediately surrounded by production agricultural to the northwest, west, and south of the site which are zoned agriculture and limited to development consistent with the General Agriculture (A-2) zoning district. While not proposed as part of the requested project, new and expanding commercial development of parcels located in the A-2 zoning district in the vicinity of the project site would require discretionary land use permits that are subject to CEQA review and compliance in each instance. 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. The project would not result in significant cumulative impacts which have not already been analyzed in the Stanislaus County General Plan EIR.

Mitigation: None.

References: Initial Study; Stanislaus County General Plan and Support Documentation.¹

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: Parcel Map and Exception Application No. PLN2021-0066
– O’Roark

LOCATION OF PROJECT: 5535 River Road, between Sawyer and Cleveland Avenues,
in the Oakdale area. APN: 006-009-053.

PROJECT DEVELOPERS: Giuliani and Kull, Inc.
440 S. Yosemite Avenue
Oakdale, CA 95361

DESCRIPTION OF PROJECT: Request to subdivide a 30.17± acre parcel into three 10± acre parcels in the General Agriculture (A-2-10) zoning district. The request includes an Exception to the Subdivision Ordinance to allow proposed Parcel 3 to take access from River Road by a 30-foot-wide access easement.

Based upon the Initial Study, dated **January 24, 2022**, 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, CA, 95354.

Initial Study prepared by: Kristen Anaya, Assistant Planner

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

Exception Statement

PLN 2021-066 – O’Roark Trust

1. Special circumstances exist pertaining to the subdividing of APN 006-009-053. The majority of the parent parcels is currently planted in almonds. The proposed parcel configuration is necessary in order to maintain feasible supply of irrigation water to all proposed parcels. The result of this configuration makes it necessary for proposed Parcel 3 to have access through private access easement across Parcels 1 and 2 which front River Road.
2. The exception is necessary to subdivide the property in a manner best suited for farming operations and make the best use of existing irrigation infrastructure.
3. That the granting of the exception will not be detrimental to the public welfare, injurious to other property in the neighborhood of the subdivision and will not constitute a special privilege not enjoyed by others under similar circumstances. Similar properties along River Road are accessed by private easement. Parcel Map 35-PM-57 allowed the Remainder parcel access to River Road through a private access easement over Parcel 1. Parcel Map 50-PM-53 was also approved whereas Parcel 2 is provided access to River Road by private access easement over Parcel 1.
4. Granting of the exception is not in conflict with the objectives of the general plan. Proposed parcels comply with minimum lot sizes and are adequately sized for ag related operations consistent with A2-10 zoning.

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: PM & EXC APPLICATION NO. PLN2021-0066 - O'ROARK

REFERRED TO:	RESPONDED			RESPONSE			MITIGATION MEASURES		CONDITIONS			
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF CONSERVATION: Land Resources	X	X			X					X		X
CA DEPT OF FISH & WILDLIFE	X	X	X		X					X		X
CA DEPT OF TRANSPORTATION DIST 10	X	X	X	X				X		X		X
CA OPR STATE CLEARINGHOUSE		X	X									
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X				X		X		X
COOPERATIVE EXTENSION	X	X	X							X		X
FIRE PROTECTION DIST: OAKDALE RURAL	X	X	X		X					X		X
HOSPITAL DISTRICT: OAK ALLEY	X	X	X		X							
IRRIGATION DISTRICT: OAKDALE	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL		X	X		X							
MUNICIPAL ADVISORY COUNCIL: VALLY HO	X	X	X	X						X		X
PACIFIC GAS & ELECTRIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X		X							
SCHOOL DISTRICT 1: OAKDALE UNION	X	X	X		X							
SCHOOL DISTRICT 2: OAKDALE UNIFIED	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X					X		X
STAN CO BUILDING PERMITS DIVISION	X	X	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					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 1: B. CONDIT	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X			X		X		X
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS		X	X		X							
TELEPHONE COMPANY: AT&T	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							
USDA NRCS	X	X	X		X							