

# STANISLAUS COUNTY PLANNING COMMISSION

September 15, 2022

## STAFF REPORT

### REZONE AND TENTATIVE MAP APPLICATION NO. PLN2022-0026 ELMWOOD ESTATES

**REQUEST: TO REZONE A 4.82± ACRE PARCEL FROM RURAL RESIDENTIAL (R-A) TO PLANNED DEVELOPMENT (P-D) TO INCREASE THE MAXIMUM BUILDING SITE COVERAGE FROM 40 TO 50 PERCENT; AND TO CREATE 17 SINGLE-FAMILY RESIDENTIAL LOTS RANGING IN SIZE FROM 8,000 TO 10,594 SQUARE FEET AND A 13,098 SQUARE-FOOT STORMWATER BASIN.**

#### APPLICATION INFORMATION

Applicant:	Torre Reich, Malet Development
Property owner:	Harris Family Trust (James K. Harris and Nora M. Harris, Trustees)
Agent:	Pamela Hurban, Northstar Engineering Group, Inc.
Location:	3700 Story Road, between East Zeering Road and Walton Street, in the Community of Denair.
Section, Township, Range:	5-5-11
Supervisory District:	Two (Supervisor Chiesa)
Assessor's Parcel:	024-055-060
Referrals:	See Exhibit J Environmental Review Referrals
Area of Parcel(s):	4.82± acres
Water Supply:	Denair Community Service District
Sewage Disposal:	Denair Community Service District
General Plan Designation:	Low-Density Residential (LDR)
Community Plan Designation:	Low-Density Residential (LDR)
Existing Zoning:	Rural Residential (R-A)
Sphere of Influence:	N/A
Williamson Act Contract No.:	N/A
Environmental Review:	Negative Declaration
Present Land Use:	Single-family dwelling, attached two-car garage, and vacant land.
Surrounding Land Use:	Single-family residential developments to the north and south; the Denair Community Services District facility to the west; and a ranchette parcel to the east.

## **RECOMMENDATION**

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

## **PROJECT DESCRIPTION**

This is a request to rezone a 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent; and to create 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet and a 13,098± square-foot stormwater basin.

The proposed P-D zoning district will include all uses and development standards permitted in the R-A zoning district (Chapter 21.24 of County Code) except for the 40% building coverage maximum. In order to achieve a greater flexibility in siting of the housing product to be offered, the applicant has proposed a 50% building coverage maximum allowance (see Exhibit B – *Maps, Plans, and Elevations*). All other development standards applicable to the R-A zoning district will remain applicable, unless otherwise specified by the Development Standards applied to the project.

The proposed lots will be served by the Denair Community Service District (CSD) for public water and sewer services. As part of this request, Romie Way will be extended (north/south) through the site which will connect to a proposed cul-de-sac (Harris Court). Proposed Lots 6-8 and proposed Lot B will have access and road frontage onto Story Road. Proposed Lot B is improved with an existing single-family dwelling and attached two-car garage which will remain. Proposed Lot A and proposed Lots 13-16 will have frontage onto Romie Way. Harris Court will serve proposed Lots 1-5 and 9-12 with access and will extend east of the Romie Way intersection to provide connectivity for future residential development east of the project site.

Stormwater is proposed to be managed for the development through a 13,098± square-foot expansion (Lot A) of an existing stormwater basin which currently serves the residential development to the south. The existing basin is located on Assessor's Parcel Number (APN) 024-055-043. A 6-foot-tall chain-link fence is proposed to be installed along the east property line of the existing basin and proposed expansion (APN: 024-055-043 and Lot A). A 7-foot-tall masonry block wall is proposed along the south property line of the existing basin (APN: 024-055-043). The 17 proposed residential lots and Lot A will include curb, gutter and sidewalk along all roadway frontages. The applicant proposes to install landscaping for the existing stormwater basin and proposed expansion consisting of California native low-water use plants. The west and north sides of the expanded basin will not be fenced (existing chain-link fence with slats around the existing basin will be removed). The applicant proposes to plant trees along the frontage of each lot for a total of 29 trees (see Exhibit B – *Maps, Plans, and Elevations*). The development will also include street lighting to be placed in various points throughout the development in accordance with County standards.

## **SITE DESCRIPTION**

The 4.82± acre project site is located at 3700 Story Road, between East Zeering Road and Walton Street, in the Community of Denair. The project site is currently improved with one single-family

dwelling and an attached two-car garage; both of which will remain on proposed Lot B. The remainder of the site is vacant and unimproved.

The site is surrounded by single-family residential developments to the north and south, the Denair Community Services District facility and district yard to the west, and a ranchette parcel to the east.

There is an existing Turlock Irrigation District (TID) pipeline which runs from north to south along the east side of the project site and a valve box on the pipeline near the northeast corner of proposed Lot 15 that delivers water to a ditch that runs east of the project site. The irrigation pipeline and valve box are currently being utilized to maintain 5± acres of irrigated pasture on the adjoining parcel to the east (APN: 024-023-014). In response to the project, TID has indicated that the pipeline south of the valve box/ditch can be removed; however, the remaining irrigation facilities at the northeast corner of Lot 15 shall be replaced by the developer to current District standards and an irrigation easement, dedicated to TID for the area surrounding the valve box, shall be provided. The applicant has amended their tentative map to show the proposed TID easement at the northeast corner of proposed Lot 15. TID requested the applicant/developer submit plans for proposed site improvements and irrigation improvements, to apply for abandonment of the parcel from the TID improvement district, and to enter into an Irrigation Improvements Agreement for the required irrigation facility modifications. Additionally, TID will require grading specifications to prevent irrigated water from flowing over the developed project site. TID's comments have been placed on the project as development standards (see Exhibit C – *Development Standards*).

## **ISSUES**

Numerous concerns have been raised by community members in response to project referrals (California Environmental Quality Act Early Consultation and Initial Study) and notice of the Planning Commission public hearing. The Early Consultation referral was circulated from April 5, 2022 to April 20, 2022 and the Initial Study referral was circulated from July 22, 2022 to August 22, 2022. Both referrals were sent to various local and state agencies and to the Denair Municipal Advisory Council (MAC).

The Early Consultation referral for the project was sent to the Denair MAC, but the referral was not placed on the MAC's regular meeting agenda; however, in response to the referral, one of the MAC members sent staff a comment letter on the project requesting duplexes to be incorporated into the design of the subdivision. The project site is designated as Low-Density Residential (LDR) in the Land Use Element and Denair Community Plan, the intent of which is for single-family dwellings (SFDs). Accordingly, duplexes would require an amendment to the General Plan and Community Plan designations to allow for multi-family dwellings (duplexes) which is not included in this project request. However, because accessory dwelling units (ADUs) are permitted uses in residential zoning districts, the developer has addressed the MAC member's comment by providing illustrative floor plans and elevations for a SFD with an attached ADU to be located on proposed Lots 6-8 with frontage onto Story Road.

In response to the Initial Study, the project was presented at the August 9, 2022 Denair MAC meeting. During the Denair MAC meeting County staff presented an overview of the project and responded to questions from the community. The applicant was also in attendance and answered questions from the community. The MAC members and community members asked questions and expressed concerns about the project. The main concern among the community members in attendance was regarding the proposed extension of Romie Way. Community members

questioned if the extension of Romie Way was wide enough to accommodate delivery trucks and emergency vehicles, raised concerns that extending Romie Way would worsen traffic in the area, and requested that the proposed subdivision take access from Story Road and that speed humps and a stop sign be installed at the Walton Street and Romie Way intersection. Additionally, community members in attendance raised concerns regarding water availability and quality, as well as concerns with flooding at the corner of Story Road and Kersey Road and Walton Street and Romie Way and questioned whether the project would worsen existing flooding problems. Community members also stated that there is insufficient maintenance of existing parks in the community and of the existing storm drainage basin and voiced concerns that the proposed storm drainage basin will also not be properly maintained. Community members in attendance questioned the project's proposed parkland dedication and suggested that the proposed stormwater basin should be required to be a dual use basin. Concerns were also raised about the possibility of two-story houses backing up to their backyards and requested that privacy fencing be installed at the developer's expense. MAC members stated that the project should incorporate duplexes to contribute to affordable housing development, asked to review the project's landscape plans, and inquired whether pervious pavement and a grey water system could be incorporated into the project. Ultimately the MAC voted 5-0 to recommend project approval, including a request that a development standard be placed on the project to require MAC consultation with the developer on the final landscape plan for the expanded drainage basin. A development standard has been added to the project requiring that the final landscape plan include MAC consultation prior to consideration by the County's Planning Department for approval.

Following the August 9, 2022 Denair MAC meeting, staff received various emails, calls, and letters from surrounding residents raising concerns related to traffic and safety, with the proposed development standards and density of the project, on state laws allowing for additional residential development, with the notification to surrounding residents of the project, and on potential impacts from the project on public services, biological resources, and to surrounding agricultural uses. A summary of the concerns being raised is provided below. Forty pieces of written correspondence were received from five surrounding residents. The correspondence is included as Exhibit F of this report and a map of the correspondence received (based on address of person submitting the correspondence) in relation to the project site can be viewed in Exhibit G of this report.

### Traffic and Safety

The primary concern expressed by the surrounding residents about the project is with the proposal to connect the existing stub-outs of Romie Way, on the north and south sides of the project site, to allow access to the proposed subdivision. The residents have requested access for the proposed development be taken from Story Road rather than Romie Way, and have voiced concerns regarding the adequacy of Romie Way, a 50-foot right-of-way, to allow for two-way traffic; specifically, when emergency vehicles, delivery trucks, or construction vehicles are trying to access the proposed development. Additionally, residents have voiced concerns over cars speeding on Romie Way once the road is continued through the project site and inquired about whether a stop sign (south of the project site at the Romie Way and Walton Street intersection) and/or speed humps could be installed. Streets proposed as part of this project will consist of 50-foot right-of-ways, consistent with the residential streets in the area. The County's Department of Public Works has reviewed the project and has not identified a need for stop signs or road humps as a result of the project. When not related to a specific project, installation of stop signage and road humps are evaluated on a case-by-case basis.

Safety concerns include alleged illegal activities on the north side of Romie Way, slow Sheriff

response times, insufficient vehicle clearance when exiting a driveway, construction vehicle access for the site, and whether a traffic impact analysis (TIA) was performed and how vehicle miles traveled (VMT) were analyzed for the project were also raised.

The applicant has designed Romie Way and Harris Court in accordance with current Public Works Standards and Specifications for Local roadways, which includes a 50-foot-wide right-of-way, including the sidewalk, gutter, and the asphalt drive aisle. The connection of Romie Way, which currently provides access to seven homes to the south and six homes to the north, was anticipated with the design of the subdivisions to the north and south through the provision of roadways stubbed out to the boundaries of the project site. Policies within the Circulation Element of the County's General Plan and the Denair Community Plan support the continuation of Romie Way including: requirements for development to provide open street patterns and with multiple points of ingress and egress to facilitate emergency vehicle access. A list of the Goals, Policies and Implementation Measures of the General Plan the project supports are provided in the *General Plan Consistency* Section of this report.

Community members also raised concerns with traffic and dust caused during construction. Access during construction will be taken off County-maintained Story Road and Romie Way. Construction related activity and vehicles are subject to rules and regulations required by the San Joaquin Valley Air Pollution Control District (Air District) which requires development to utilize best practices, including dust control measures. Development Standards have been added to the project regarding dust control and compliance with all applicable Air District requirements.

In review of the project, the Department of Public Works determined that the addition of 16 rural-residential lots did not trigger the need for a TIA to be completed. VMT was considered under the environmental referral (Initial Study) completed for the project and no significant impacts attributable to VMT were identified as a result of the proposed project (see Exhibit D – *Initial Study*).

#### Development Standards

Comments received about the proposed development standards for the project include a request to restrict two-story homes from being developed on lots adjacent to existing single-family developed lots, a request for installation of good neighbor privacy fencing at the developer's expense, inclusion of pedestrian modes of transportation between the proposed Harris Court and Story Road, and concerns with the ultimate density of the project. The proposed Planned Development (P-D) zoning district will include all uses and development standards permitted in the R-A zoning district with the exception of lot coverage. The R-A development standards allow for development of two-story dwellings, which would allow the developer or subsequent property owner to do so; however, it is the developer's intent, as reflected in submitted elevations and floor plans, to construct mostly single-story dwellings adjacent to the subdivisions to the north and south. In response to similar concerns regarding two-story dwellings with a similar rezone request considered by the Planning Commission on July 21, 2022 (General Plan Amendment, Rezone, and Vesting Tentative Map Application No. 2021-0040 – Lazares Companies), the Planning Commission applied a development standard restricting the development of two-story dwellings in the area adjoining the neighbors raising the concern. As a P-D, the Planning Commission has discretion to recommend approval with a limitation that the development of Lots No. 1-5, 8-12, 14-15, and Lot B shall be restricted to only single-story dwellings.

The development under this request proposes to construct a 6-foot-tall wood fence, good neighbor fence along the northern and southern property lines and along the eastern property line

of lots 15 and 16, to be constructed and paid for by the developer. A similar concern was also raised with the Lazares Companies project and the development standards applied to the project required the installation of a 7-foot-tall wood fence and specified that the fencing requirement would apply to any subsequent property owners. While the developer has requested the good neighbor fence be a maximum of 6 feet tall, staff has applied a development standard requiring a 7-foot-tall good neighbor fence consistent with the development standard applied to the Lazares Companies project. Staff believes the requirement for a 7-foot-tall fence addresses the community's request for privacy fencing and remains consistent with previous project approvals. While the proposed development includes curb, gutter and sidewalks to be installed along the frontage of Story Road and throughout the proposed development, there is no proposal at this time to provide direct pedestrian access from proposed Harris Court to Story Road.

In accordance with the R-A zoning district (Chapter 21.24) the proposed development could develop up to 16 single-family dwellings, and each lot could also be developed with an accessory dwelling unit (ADU) and a junior accessory unit (JADU). The proposed development would be consistent with the General Plan and Denair Community Plan designation of Low-Density Residential (LDR), as the intent of the subdivision is to create residential lots for the construction of single-family dwellings and equates to a gross density of four dwelling units per acre. A more detailed discussion regarding density and the General Plan and Community Plan designations can be found in the *General Plan and Community Plan Consistency* section of this report.

Commenters have inquired if the proposed development would be subject to Senate Bill (SB) 9 (Atkins) which allows for parcel splits and for the development of two dwelling units per parcel as a permitted use in low-density residential zoning districts. To qualify for SB 9, a parcel must be developed with an existing dwelling, or be in the process of developing an existing dwelling, which must be occupied by the current property owner for a minimum of three years, and be located within a low-density zoning district, and an urban area or cluster as designated by the U.S. Census Bureau. Accordingly, the resulting residential lots from this project would be eligible to conduct projects under SB 9. The same would apply to the existing residential lots to the north and south of the project site.

#### Landowner Notification

Comments received raised concerns that the surrounding residents were not notified in accordance with County policy. Both the Initial Study referral, which included a Notice of Intent to Adopt a Negative Declaration, and a separate Notice of Public Hearing were sent to surrounding landowners. Notices were sent to surrounding landowners within a ¼ mile (1,320-foot) radius or two parcels of the project, whichever was greatest, of the project site (see Exhibit H – *Landowner Notification Map* and Exhibit J – *Environmental Review Referrals*). The noticing area exceeded the state standard for noticing only within 300 feet of the property and was based on Stanislaus County's Landowner Notification Policy requiring projects located in a rural area (defined as having a General Plan designation of Rural Residential, Agriculture, or Urban Transition) to notice all landowners within a ¼ mile (1,320 feet) and at least two parcels out from the project site. While the project site itself does not have a designation that is considered rural, it does border property that has a designation of Urban Transition.

The project was originally scheduled to be considered by the Planning Commission on September 1, 2022 but was continued to the September 15, 2022 meeting to allow staff additional time to address input received from surrounding residents. Since the continuation was date specific, additional public hearing notices were not provided.

### Public Services

Public input received has raised concerns regarding water availability and water quality, with existing and potential for the worsening of flooding in the area, with the ability to maintain parks and storm drainage basins, and with the project's contribution to parks in the area. The project site will be served by Denair Rural Fire District, the Stanislaus County Sheriff Department for police protection, the Denair Community Services District (CSD) for public water and sewer, and Stanislaus County Parks and Recreation Department for parks facilities. The project was referred to the appropriate public service providers and no concerns regarding the ability to serve the development, water quality issues, or emergency vehicle accessibility were identified. County adopted Public Facilities Fees (PFF), which cover public services such as roads, libraries, parks, sheriff and other emergency services, etc., as well as fire and school fees, are required to be paid prior to issuance of a building permit for any new dwelling. The design of the roadways and improvements for the site currently meets and will continue to be required to comply with Public Works' Standards and Specifications.

The proposed development is located within the Denair CSD's current service area boundary and the CSD has provided a will-serve for the proposed development which confirms the CSD's ability to serve the project. The 2020 Local Agency Formation Commission (LAFCO) adopted Municipal Service Review of the Denair CSD also indicates that the CSD has the capacity to serve the existing and potential development within all areas of the existing district boundary (see Exhibit I – *LAFCO Adopted Denair Community Service District Boundary Map*). Additionally, as a member of the West Turlock Subbasin Groundwater Sustainability Agency (GSA), which regulates groundwater for the West Turlock Groundwater Subbasin, the CSD is required to meet all applicable requirements of the GSA's Groundwater Sustainability Plan. Based on this information, water availability to serve the project does not appear to be a development constraint for the proposed project. Additionally, the Denair CSD's 2021 water quality report shows that the CSD's water is in compliance with state and federal water quality standards. Water quality, in terms of the amount of pollutants that can be discharged into the ground or a water body, in Stanislaus County is regulated by the Regional Water Quality Control Board, Central Valley Region, (Regional Water) under a Water Quality Control Plan (Basin Plan) for the Sacramento and San Joaquin River Basins. A development standard has been added to the project requiring the applicant to contact and coordinate with Regional Water to determine if any permits or Water Board requirements must be obtained/met prior to issuance of a building permit. A grading drainage and erosion/sediment control plan is required to be obtained, which must show compliance with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit, which must meet Regional Water standards

In response to complaints about existing issues with flooding in the project area during the Denair MAC meeting, Public Works scheduled a crew to clear a clogged drywell on the corner of Romie Way and Walton Street to prevent further flooding at the intersection. The project proposes to connect to and expand an existing storm drainage basin located south of the project site and will be required to submit a grading and drainage plan to the Department of Public Works for review and approval to ensure that all stormwater from the subdivision will be managed and will not contribute to any neighborhood flooding issues. Further, the project site is required to annex into Community Service Area (CSA) #21 – Riopel to fund the ongoing maintenance and operations of the stormwater basin, storm drainage facilities including curb and gutter, and landscaped areas.

The project is proposing to contribute its fair share towards parks, as required by County policy and by the Open Space and Conservation Element of the General Plan, through the payment of in lieu parks fees and through the payment of PFF fees. The Denair Community Plan requires

new development provide the residents of Denair with adequate parkland facilities to meet the County standard of three acres per 1,000 residents. Goals and policies within the Conservation and Open Space Element of the General Plan have been established to provide open space and meet recreational needs for the residents of the County. Goal Four, Policy 23 of the General Plan Land Use Element specifies that the provision of three net acres of developed neighborhood parks, or the maximum number of acres allowed by law, to be provided for every 1,000 residents, may be enforced through land dedication and development, payment of in-lieu-of fees, public facility fees, or other methods acceptable to the Parks Department. The Department of Parks and Recreation's In-Lieu of Fees Policy states that projects consisting of 52 parcels and below will be required to pay in-lieu fees. Based on the number of lots being proposed (17 residential lots), the developer is subject to paying park-in-lieu fees calculated by the Parks and Recreation Department, rather than providing a dual use stormwater basin/park, prior to the issuance of any building permit for a dwelling. This requirement has been added as a development standard for the project.

### Biological Resources

A comment was received from the adjacent property owner at 3611 Kerry Court (located south of the project site) claiming the presence of a vernal pool on the project site. A vernal pool is a seasonal pool that has no permanent inlet or outlet and is filled each spring by rain and snow melt, and may dry up during the summer. Natural features, species of concern and impacts to Biological Resources were considered under the environmental referral (Initial Study) and no significant impacts were identified as a result of the proposed development (see Exhibit D – *Initial Study*). The project was referred to the California Department of Fish and Wildlife (CDFW) who did not provide a project response. The project site has historically been utilized for irrigated pasture which has been periodically disked. Staff have visited the site and reviewed two decades of aerial photos, taken at various times of the year, and have not identified the presence of vernal pool on the project site.

### Agriculture Buffer

The property owner of 5207 and 5313 Walton Street, which are the two adjoining ranchette parcels to the east of the project site, have voiced concerns regarding the no-buffer alternative requested by the developer. While not opposed to the development, the property owner Mr. Silva, has requested a masonry block wall be installed along the east property line of the proposed stormwater basin rather than chain-link fencing and that solid screening be installed along the remainder of the eastern property line of the development to prevent trespassing and to keep his cattle safe.

The County's Agricultural Commissioner was referred the project and no concern with the alternative buffer proposal has been expressed. At the request of Public Works, only chain-link fencing is being required along the eastern side of the drainage basin as chain-link is easier to remove in the future should the basin be needed to provide stormwater retention for development to the east. Planning staff is in support of the temporary fencing as it would be logical to expand the basin to the east when development on the adjoining parcel occurs. While the basin is proposed to be landscaped and will not have fencing along the northern and western sides, the basin will not serve as a dual use basin. The basin itself will provide a physical buffer and some visual screening between the project site and the adjoining ranchette. The existing basin is screened on three sides by chain-link fencing with slats that provide a greater visual barrier than just the chain-link fence and landscaping. Consistent with the development standards applied to the Lazares Companies project, staff is recommending the chain-link fencing along the eastern



side of the drainage basin include privacy slats. The west and north sides of the expanded basin will not be fenced (existing chain-link with slats around the existing basin will be removed). The Planning Commission has discretion to recommend approval with or without privacy slats. Wood fencing is proposed along the eastern property lines of proposed Lots 15 and 16, which are also adjoining the ranchette parcel. Public Works requires a barricade per Public Works' Standards and Specifications to be installed along the street stub to the east to prevent trespass onto the adjacent ranchette parcel. As with Romie Way, both on the north and south side of the project site, no solid fencing is being proposed at the street stub; however, a development standard has been added to require installation of a chain-link fence with privacy slats to fully secure the adjoining property from trespassers along the project site's eastern boundary.

### **GENERAL PLAN AND COMMUNITY PLAN CONSISTENCY**

Consistency with the goals, objectives, and policies of the various elements of the General Plan must be evaluated when processing all discretionary project requests. The project site is designated as Low-Density Residential (LDR) in the Land Use Element of the General Plan and in the Denair Community Plan. The intent of the LDR designation is to provide appropriate locations and adequate areas for single-family detached homes in either conventional or clustered configurations. Under the LDR designation, residential building intensity, when served by a community services district or sanitary sewer district and public water district, is zero to eight units per acre.

If approved, the project site could be developed with up to 34 dwelling units, with each lot able to be developed with a single-family dwelling, an accessory dwelling unit (ADU), and a junior accessory unit (JADU). Full build-out would be a gross density of eight dwelling units per acre; however, in accordance with State regulations, Section 21.74.040(D) of the County's Zoning Ordinance does not consider ADU's, developed in accordance with County regulations, to count towards the allowed overall density of a parcel. Without the ADU's and JADU's, the proposed development has a gross density of four dwelling units per acre.

Goal Two, Policy 11 of the Land Use Element aims to ensure compatibility between land uses by requiring development of residential areas be adjacent to existing compatible unincorporated urban development or, in the case of remote development, included as part of a specific plan. The project site is located within an area that is designated for low-density residential development and is surrounded by property developed with single-family dwellings to the north, south, and west.

Goal Four of the Land Use Element of the General Plan requires that development ensure that an effective level of public service be maintained in unincorporated areas, including parks, sewer, water, public safety, solid waste management, road systems, schools, health care facilities, etc. The project site is located within the Denair Community Service District (CSD). The Denair CSD has provided a "Will-Serve" letter, indicating the ability to provide both public water and sewer services.

As recommended for approval, the project is required to annex into Community Service Area (CSA) #21 – Riopel to ensure funding for the maintenance of the stormwater basin and storm drainage facilities including curb and gutter, and landscaped areas. Lighting is also required, in accordance with Public Works Standards and Specifications; the project site is located within the existing Denair Lighting Assessment District. Improvements are required to be constructed prior to recording of the final map or the developer must enter into a Subdivision Improvement Agreement with the County Public Works Department.

The project as proposed also supports Goal One, Policy Two, Implementation Measure 12 of the Circulation Element of the General Plan which requires development to be designed to provide open street patterns, with multiple points of ingress and egress, to facilitate emergency response, to minimize traffic congestion, and to facilitate use by diverse modes of transportation.

The Agricultural Buffer Guidelines of the Agricultural Element of the General Plan states that new or expanding uses approved by a discretionary permit in the General Agriculture (A-2) zoning district, or on a parcel adjoining the A-2 zoning district, should incorporate a minimum 150-foot-wide agricultural buffer setback, or 300-foot-wide buffer setback for people-intensive uses, to physically avoid conflicts between agricultural and non-agricultural uses. Public roadways, utilities, drainage facilities, rivers and adjacent riparian areas, landscaping, parking lots, and similar low people-intensive uses are permitted uses within the buffer setback area. A residential subdivision would be considered a people-intensive use subject to the 300-foot setback. The project site's eastern boundary is adjoining the A-2 zoning district and, as such is subject to the 300-foot setback. In addition to the setback, the Agricultural Buffer Guidelines require a six-foot-tall fence of uniform construction installed along the perimeter of the developed area of the use to prevent trespassing onto adjacent agricultural lands. Due to the adjoining properties General Plan designation of Urban Transition and Denair Community Plan designation of Low-Density Residential, both recognizing the eventual transition to non-agricultural use, the applicant is proposing an agricultural buffer alternative with zero setback and is not proposing to install a fence along the stubbed road frontage leading to the adjoining parcel. Based on the discussion above, staff is recommending development standards that will provide for screening along the entire eastern property line. Lots backing up to the eastern property line will be developed with a 7-foot-tall wood fence and the remainder of the eastern property line will be developed with chain-link fence with privacy slats.

As mentioned in the *Issues* section, the property owner of the adjoining 5± acre ranchette parcel has requested a masonry block wall to be installed along the east boundary of the proposed development, specifically along the stormwater basin; however, Public Works is requesting only chain-link fencing in order to more easily provide for future expansion of the basin to the east. In accordance with the Agricultural Buffer Guidelines, any alternative buffer and setback design standards proposed by a project application shall be referred to the Stanislaus County Agricultural Commissioner as part of the planning review process prior to consideration by the Planning Commission. The Planning Commission shall consider the Agricultural Commissioner's referral response in making a determination on the proposed alternative. In this case, the Planning Commission's determination will be part of the recommendation to the Board of Supervisors. In no case shall the required standards be reduced, unless the proposed alternative is found to provide equal or greater protection to surrounding agricultural uses. As mentioned in the *Issues* section of this report, the proposed agricultural alternative was referred to the Agriculture Commissioner's office and no concern with the alternative buffer proposal has been expressed. A similar situation was encountered with the Lazares Companies project referenced earlier in this report. The Lazares Companies project was adjacent to two parcels 19 and 8.8 acres in size, zoned General Agriculture (A-2), along the northern property line, and the applicant proposed a reduced buffer/no buffer alternative, using a dual-use basin with a 6-foot-tall chain-link fence on the northern property line of the dual use basin as the reduced buffer between the agricultural parcels and proposed residential lots and masonry block wall for one proposed residential parcel along the northern property line. While the Agricultural Commissioner's office did not have any objections to the alternative buffer requested, they asked the proposed chain-link fence at the northern boundary include slats as well.

The project site is considered in-fill development and the ability for the adjoining 5-acre ranchette parcel to spray pesticides has already been impacted by the existing residential development in the area. Per the Agricultural Commissioner's office, permits for spraying pesticides have not been issued within 600 feet of the project site. The project site and the adjoining parcel to the east are currently separated by a chain-link fence and as recommended, the development standards will require a mix of wood fencing and chain-link fencing with privacy slats along the entire eastern property line.

Goal Four of the County's Conservation and Open Space Element and Goal Four of the Land Use Element of the General Plan as well as Goal Four, Policy One, of the Denair Community Plan requires new development provide the residents of Denair with adequate parkland facilities to meet the County standard of three acres per 1,000 residents. The County has established a standardized parkland dedication and fee structure to contribute to the fulfillment of this goal by new residential development. As discussed in the *Issues* section, based on the number of lots being proposed, the developer will be subject to paying park-in-lieu fees calculated by the Parks and Recreation Department prior to the issuance of any building permit for a dwelling, as reflected in the development standards for the project.

As required by the Stanislaus County General Plan's Land Use Element Sphere of Influence Policy, all discretionary projects within the sphere of influence (SOI) of a sanitary sewer district, domestic water district, or community services district, shall be forwarded to the district board for comment regarding the ability of the district to provide services. If the district serves an unincorporated community with a Municipal Advisory Council (MAC), the proposal shall also be referred to the MAC for comment. The project site is located within the Denair Community Services District (CSD). The applicant has provided a will serve letter issued by the CSD, stating their ability to serve the proposed lots with sewer and water services. The CSD has been sent all project referrals and an email was received from the CSD clarifying that the development will be required to pay a fair share fee through the building permit process for a future deep well; however, the development is not required to wait for the new well to be drilled to connect to the District's existing infrastructure.

The proposed development is located within the Denair MAC boundaries and, accordingly, has been referred to the Denair MAC. The project was presented to the Denair MAC on August 9, 2022. At the meeting, the Denair MAC and community members had questions and concerns as discussed in detail in the *Issues* section of this report. Ultimately, the Denair MAC recommended approval of the project. A development standard has been added to the project requiring that the final landscape plan, for the expanded drainage basin and tree planting plan, include MAC consultation prior to consideration by the County's Planning Department for approval.

Staff believes the proposed development is consistent with the Goals and Policies of the County's General Plan, including the Denair Community Plan, as it provides compatibility between land uses and will not expand the boundaries of unincorporated communities. The project will provide in-fill development, bridging residential development between existing residential uses to the north and south within an area suitable for such development as envisioned by the County's General Plan; including the Denair Community Plan.

### **ZONING & SUBDIVISION ORDINANCE CONSISTENCY**

The Planned Development (P-D) zoning designation is generally intended to allow modification of requirements established by other districts for specific land uses and diversification in the relationship of different uses, buildings, structures, parcel sizes and open spaces, while ensuring

compliance with, and implementation of, the General Plan. Unless otherwise specified by the Development Standards applied to the project, the P-D zoning proposes to include all uses and development standards permitted in the Rural Residential (R-A) zoning district. The applicant is proposing to increase the building coverage from 40 to 50 percent of parcel area, which has been incorporated into the development standards applied to the project. The applicant has requested this to achieve a greater flexibility in siting of the housing product to be offered. Each proposed residential parcel complies with the R-A zoning district's minimum parcel width (65 feet for interior and corner lots), minimum parcel depth (80-foot depth for all lot types), and the minimum 8,000 square feet in parcel size.

If the project is approved, the zoning designation of P-D will be consistent with the proposed General Plan and Community Plan designations of Low-Density Residential (LDR). Subsequently, the resulting parcels will conform to the design standards of the County's Zoning and Subdivision Ordinances.

### **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA), the proposed development was circulated to interested parties and responsible agencies for review and comment and no significant issues were raised (see Exhibit D – *Initial Study*). 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*). Development standards reflecting referral responses have been placed on the project (see Exhibit C – *Development Standards*).

\*\*\*\*\*

**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 Development Standards ensure that this will occur.

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

#### Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps, Plans, and Elevations
- Exhibit C - Development Standards
- Exhibit D - Initial Study
- Exhibit E - Negative Declaration
- Exhibit F - Community Responses Received
- Exhibit G - Map of Community Responses Received
- Exhibit H - Landowner Notification Map
- Exhibit I - LAFCO Adopted Denair Community Service District Boundary
- Exhibit J - Environmental Review Referrals






## Findings and Actions Required for Project Approval

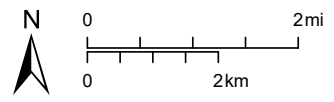
1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
  - a. The project is consistent with the overall goals and policies of the Stanislaus County General Plan.
  - b. The proposed Planned Development zoning is consistent with the Low-Density Residential General Plan designation.
  - c. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
  - d. The site is physically suitable for the type of development.
  - e. The site is physically suitable for the proposed density of development.
  - f. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
  - g. The design of the subdivision or type of improvements are not likely to cause serious public health problems.
  - h. The design of the subdivision 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 alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the existing buffer standards.
  - j. 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 Rezone and Tentative Map Application No. PLN2022-0026 – Elmwood Estates, subject to the attached Development Standards.
5. Introduce, waive the reading, and adopt an ordinance for the approved Rezone and Tentative Map Application No. PLN2022-0026 – Elmwood Estates.

**ELMWOOD  
ESTATES  
TM REZ  
PLN2022-0026**

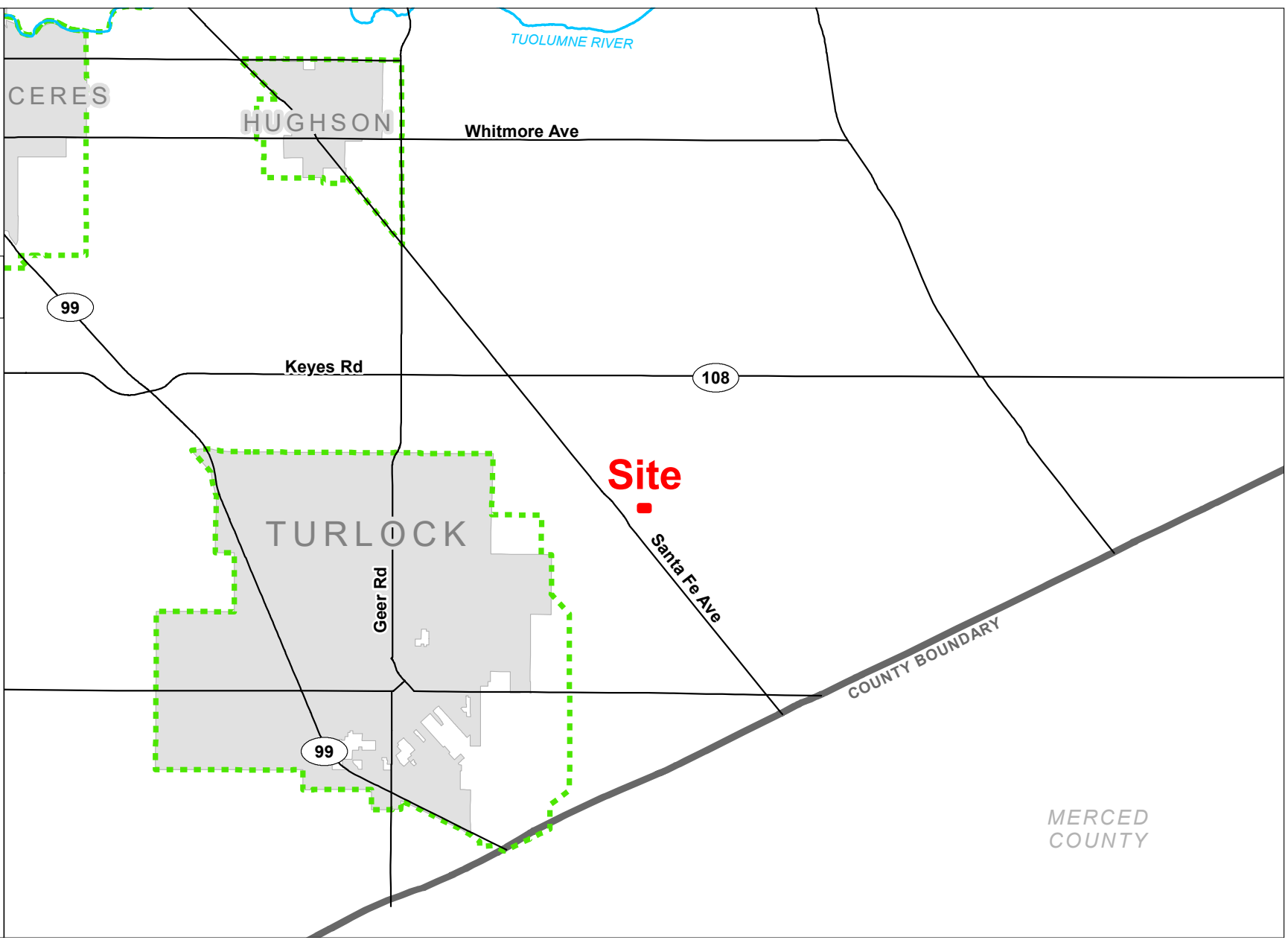
*AREA MAP*

LEGEND

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



Source: Planning Department GIS Date: 3/31/2022

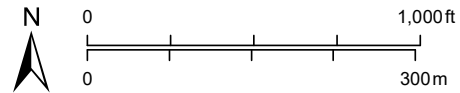


**ELMWOOD  
ESTATES  
TM REZ  
PLN2022-0026**

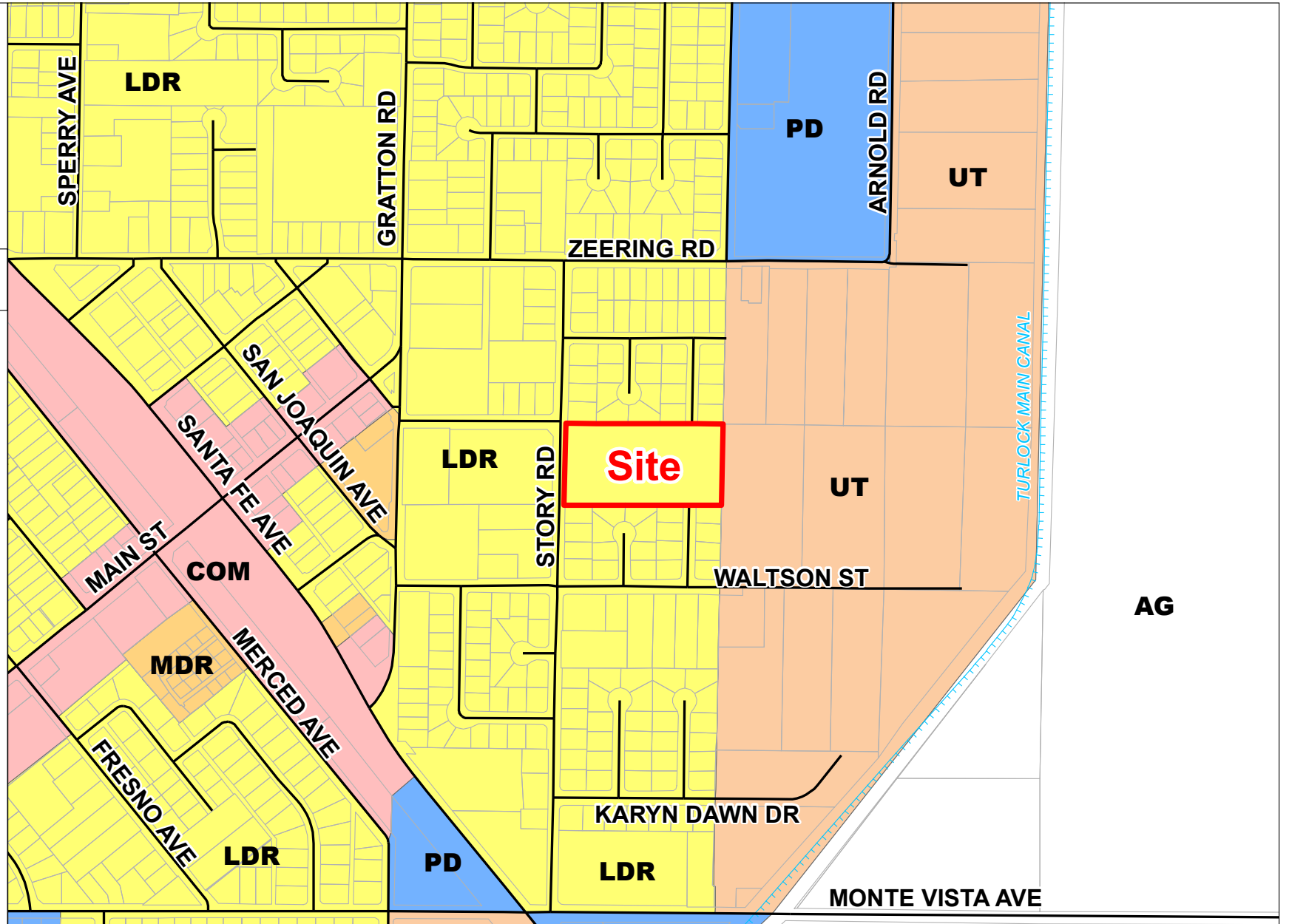
*GENERAL PLAN MAP*

LEGEND

- Project Site
  - Parcel
  - Road
  - Canal
- General Plan**
- Agriculture
  - Urban Transition
  - Planned Development
  - Medium Density Residential
  - Low Density Residential
  - Commercial



Source: Planning Department GIS Date: 3/31/2022

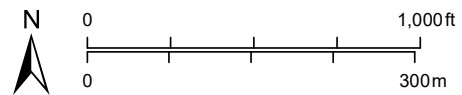


# ELMWOOD ESTATES TM REZ PLN2022-0026

## COMMUNITY PLAN MAP

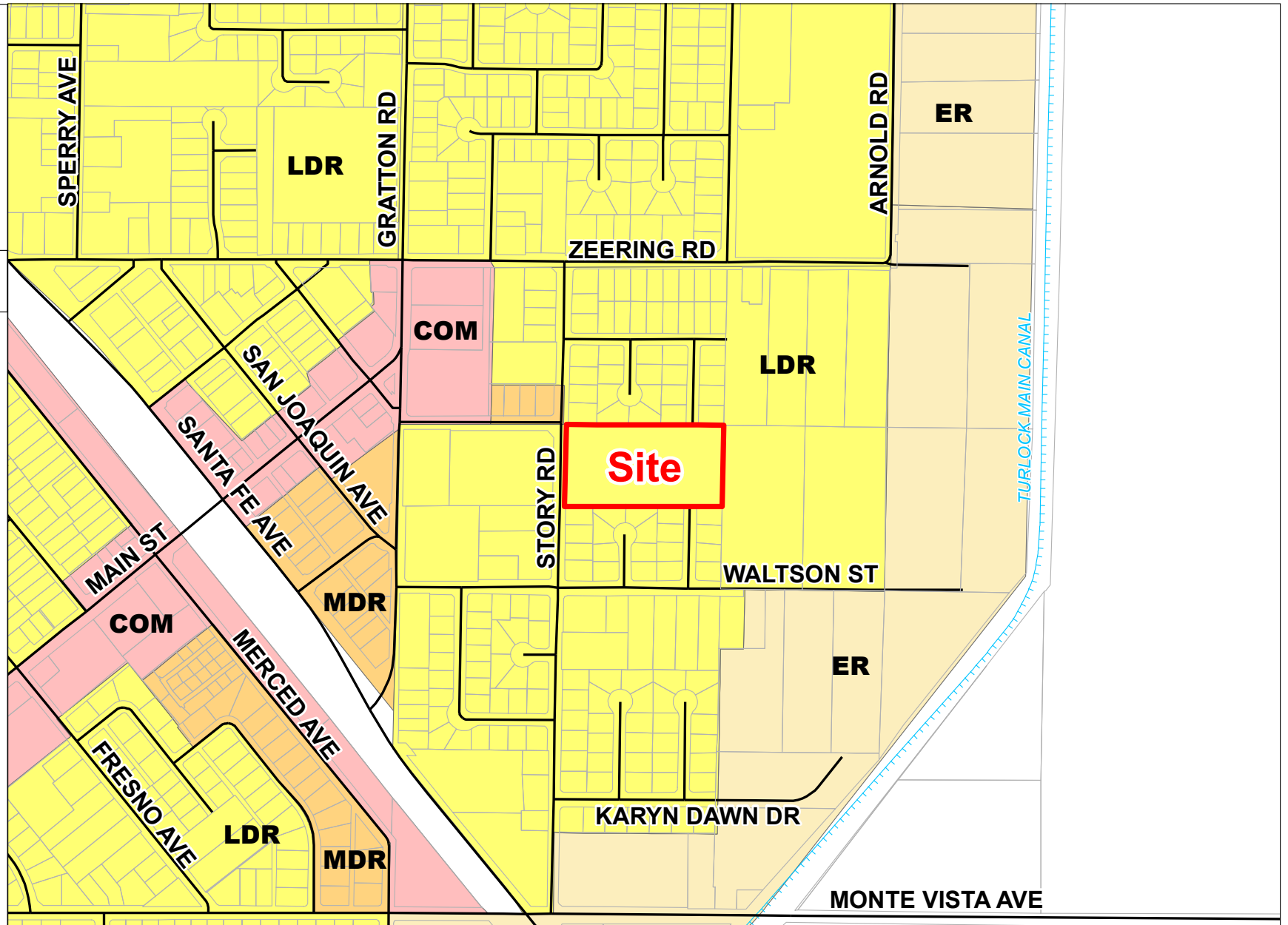
### LEGEND

-  Project Site
-  Parcel
-  Road
  
- Community Plan**
-  Commercial
-  Estate Residential
-  Residential - Medium
-  Residential - Low



Source: Planning Department GIS

Date: 4/4/2022





# ELMWOOD ESTATES

## TM REZ

### PLN2022-0026

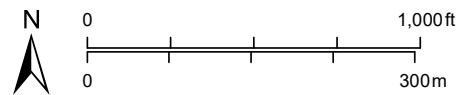
#### ZONING MAP

#### LEGEND

- Project Site
- Parcel
- Road
- Canal

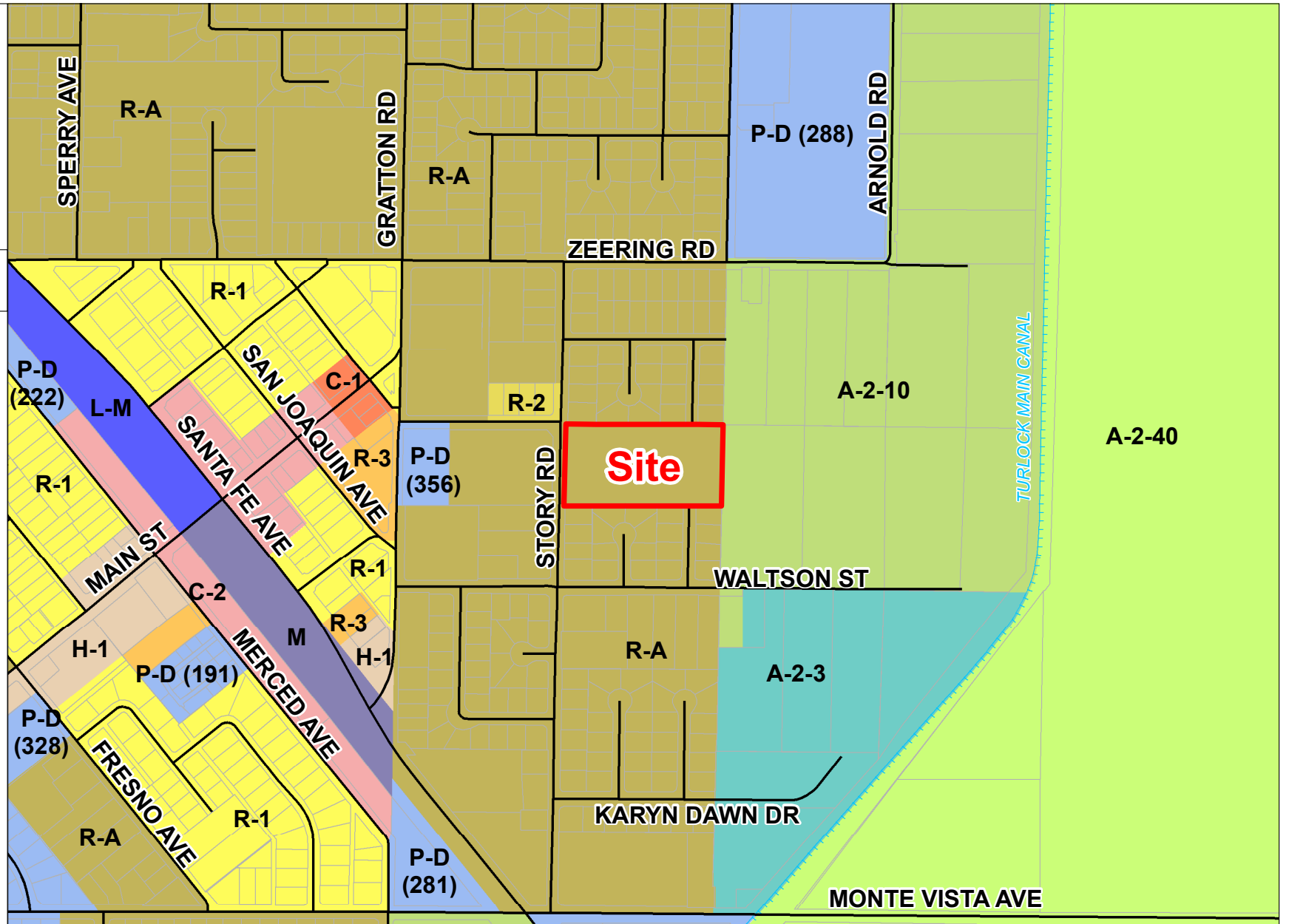
#### Zoning Designation

- General Agriculture 10 Acre
- General Agriculture 40 Acre
- General Agriculture 3 Acre
- Rural Residential
- Multiple Family
- Single Family Residential
- Planned Development
- Medium Density Residential



Source: Planning Department GIS




Date: 3/31/2022

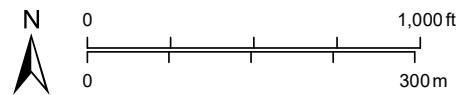


**ELMWOOD  
ESTATES  
TM REZ  
PLN2022-0026**

2021 AERIAL AREA MAP

LEGEND

-  Project Site
-  Road
-  Canal



Source: Planning Department GIS

Date: 3/31/2022






Copyright nearmap 2015

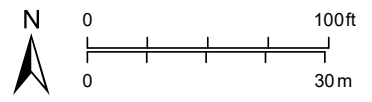
**ELMWOOD  
ESTATES  
TM REZ  
PLN2022-0026**

*2021 AERIAL SITE MAP*

LEGEND

-  Project Site
-  Road
-  Canal

**STORY RD**







Source: Planning Department GIS      Date: 3/31/2022

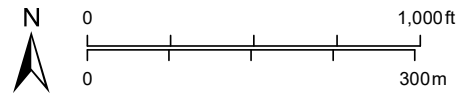
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# ELMWOOD ESTATES TM REZ PLN2022-0026

## ACREAGE MAP

### LEGEND

-  Project Site
-  Parcel/Acres
-  Road
-  Canal



Source: Planning Department GIS

Date: 3/31/2022

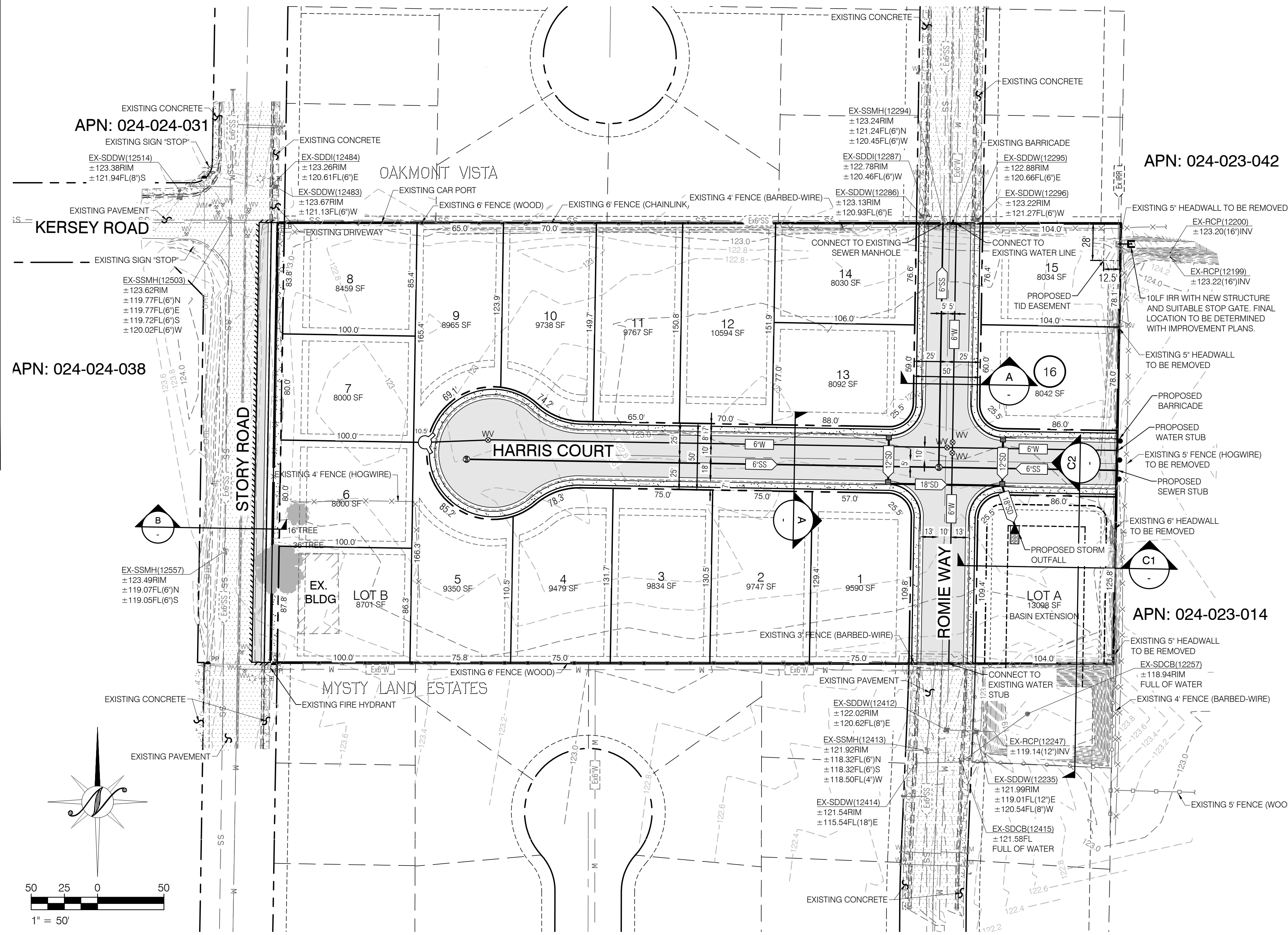


# TENTATIVE SUBDIVISION MAP

## ELMWOOD ESTATES SUBDIVISION

### STANISLAUS COUNTY, CALIFORNIA

LEGEND	EXISTING	PROPOSED
BOUNDARY LINE	N/A	---
CENTERLINE	---	---
RIGHT-OF-WAY	---	---
PARCEL LINE	---	---
CURB, GUTTER, AND SIDEWALK	---	---
EDGE OF PAVEMENT	---	---
DIRT ROAD	N/A	---
OVER HEAD ELECTRICAL	---	N/A
GAS LINE	---	N/A
CONTOURS	---	N/A
WALL (SEE LABEL FOR TYPE)	---	---
FENCE (CHAINLINK OR VINYL)	---	---
FENCE (WIRE OR HOGWIRE)	---	---
FENCE (WOOD OR WROUGHT IRON)	---	---
BARRICADE	---	---
TREE OR SHRUB/TO BE REMOVED	---	N/A
SIGN	---	N/A
SERVICE POLE	---	N/A
BUILDING SETBACK	N/A	---
STORM DRAIN (MAIN)	---	---
STORM DRAIN MAINTENANCE HOLE	---	---
CURB INLET	---	---
STORM DRAIN OUTFALL	N/A	---
WATER (MAIN)	---	---
WATER VALVE	---	---
FIRE HYDRANT	---	---
SEWER MAINTENANCE HOLE	---	---
SEWER (MAIN)	---	---



#### PROJECT INFORMATION

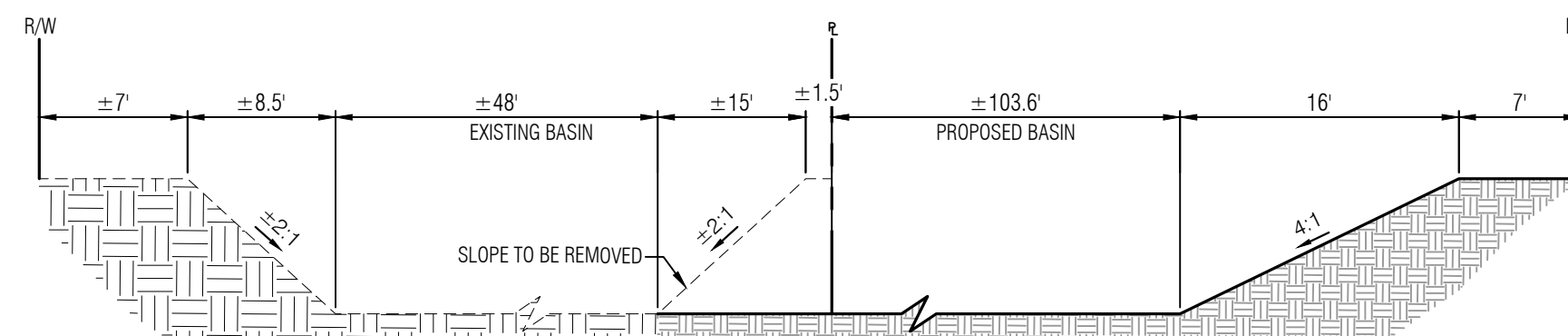
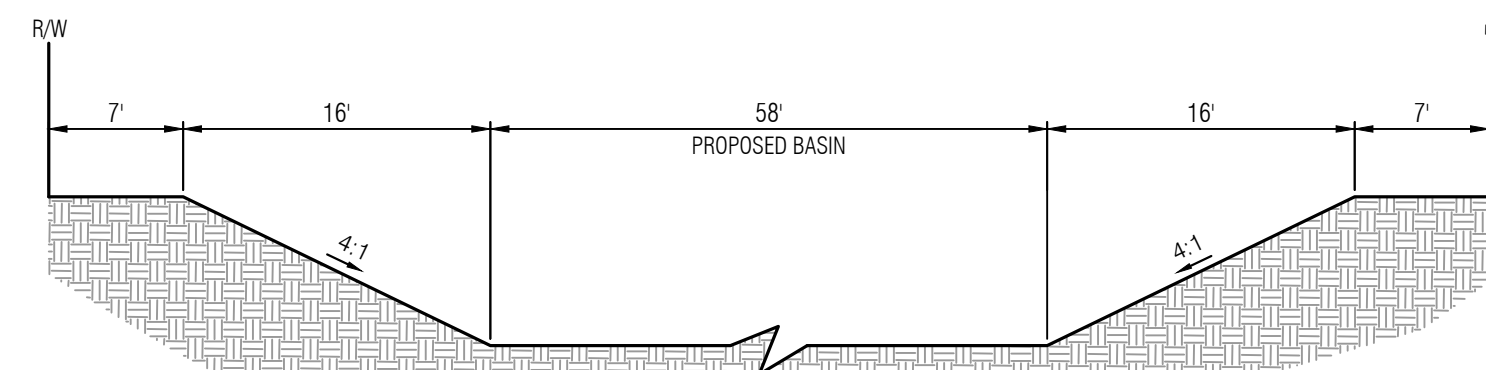
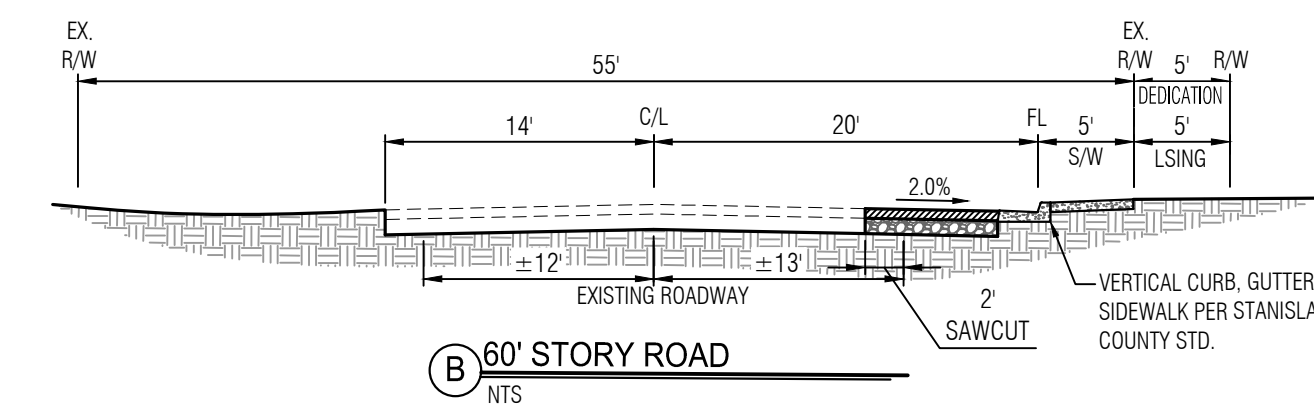
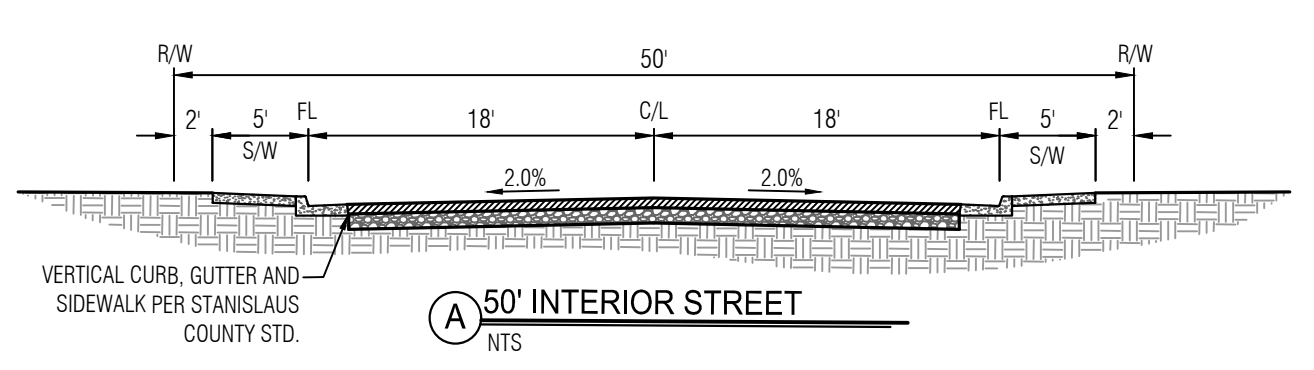
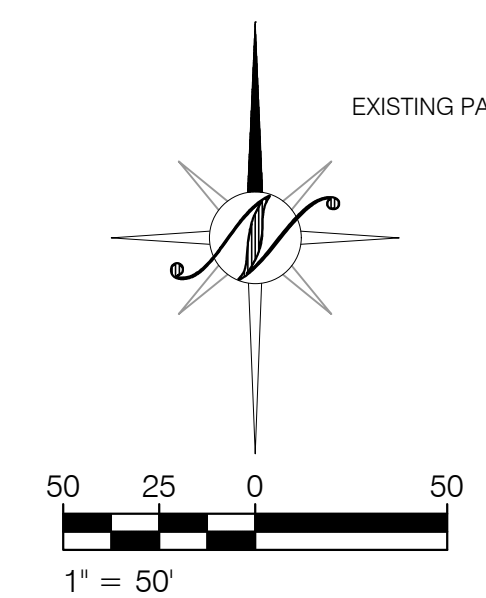
A. REGULATORY AGENCY:	STANISLAUS COUNTY 1010 10TH STREET, SUITE 3400 MODESTO, CA 95354 T. (209) 525-6557 CONTACT: JEREMY BALLARD
B. APPLICANT:	MALET DEVELOPMENT 219 N. BROADWAY TURLOCK, CA. 95380 T. (209) 668-8721 CONTACT: TORRE REICH
C. ENGINEER:	NORTHSTAR ENGINEERING GROUP, INC. 620 12th STREET MODESTO CA, 95354 T. (209) 524-3525 CONTACT: PAMELA HURBAN
D. ASSESSORS PARCEL NUMBER:	024-055-060
E. EXISTING LAND USE:	SINGLE-FAMILY HOME AND OPEN FIELD FOR LIVESTOCK
F. PROPOSED LAND USE:	SINGLE FAMILY HOMES
G. EXISTING ZONING/GP:	LOW-DENSITY RESIDENTIAL (COUNTY GP) RESIDENTIAL-LOW (DENAIR CP) R-4
H. PROPOSED ZONING/GP:	PLANNED DEVELOPMENT/ R-1
I. TOTAL PROJECT SIZE:	4.8 ± ACRES
J. NET ACREAGE:	4.7 ± ACRES
K. TOTAL NUMBER OF R-1 LOTS:	16
L. NET DENSITY:	3.4 DU/AC
M. TYPICAL LOT SIZE:	8,000 S.F. MINIMUM
N. MAXIMUM FOOTPRINT COVERAGE:	50%
O. PARKING:	MINIMUM TWO CAR GARAGE, AND TWO DRIVEWAY SPACES PER LOT
P. CONTOURS:	1.0-FOOT INTERVALS
Q. UTILITIES:	WATER SYSTEM - DENAIR COMMUNITY SERVICE DISTRICT SANITARY SEWER - DENAIR COMMUNITY SERVICE DISTRICT STORM DRAINAGE - STANISLAUS COUNTY GAS - PG&E ELECTRIC - TID TELEPHONE - AT&T SCHOOL DISTRICT - DENAIR UNIFIED SCHOOL DISTRICT

#### GENERAL NOTES

- ALL IMPROVEMENTS SHALL BE CONSTRUCTED AS PER THE STANISLAUS COUNTY STANDARD PLANS AND SPECIFICATIONS EXCEPT AS NOTED.
- STORM DRAINAGE TO BE CONVEYED TO AN ONSITE STORM DRAIN RETENTION BASIN. ALL IMPROVEMENTS TO BE CONSTRUCTED TO THE STANISLAUS COUNTY STANDARDS.
- ALL STORM DRAINAGE IMPROVEMENTS AS PART OF FUTURE IMPROVEMENTS PLANS AND STUDIES SHALL CONFORM TO THE REQUIREMENTS SET FORTH IN NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT 2013-0001-DWO AND THE MULTI-AGENCY POST-CONSTRUCTION STORMWATER STANDARDS MANUAL APPROVED OR ADOPTED PRIOR TO THE TIME OF THIS TENTATIVE MAP APPLICATION BEING DEEMED COMPLETE.
- SANITARY SEWER TO BE CONSTRUCTED TO THE DENAIR COMMUNITY SERVICE DISTRICT STANDARDS AND SPECIFICATIONS.
- WATER SYSTEM TO BE CONSTRUCTED TO THE DENAIR COMMUNITY SERVICE DISTRICT STANDARDS AND SPECIFICATIONS.
- STREET LIGHTING SHALL BE INSTALLED PER STANISLAUS COUNTY STANDARD SPECIFICATIONS.
- PUBLIC UTILITIES ARE TO BE INSTALLED UNDER GROUND IN EASEMENTS.
- THE SUBDIVIDER HEREBY RESERVES THE RIGHT TO FILE "MULTIPLE SUBDIVISION MAPS" AS SET FORTH BY THE SUBDIVISION MAP ACT, ARTICLE 4, SECTION 66456.1, AND FILE PARCEL MAPS FOR REASON OF SALE. ALL PARCEL LINES SHALL CONFORM TO THIS TENTATIVE MAP.
- PUBLIC UTILITY EASEMENTS WILL BE PROVIDED ALONG ALL STREET IN-TRACT FRONTAGES.
- ALL EXISTING STRUCTURES AND TREES ARE TO BE REMOVED UNLESS OTHERWISE NOTED. ALL EXISTING POWER POLES AND OVERHEAD POWERLINES TO BE REMOVED/ UNDERGROUND.
- ALL LOT SETBACK REQUIREMENTS AND LOT SIZES ARE TO BE IN ACCORDANCE WITH THE DENAIR COMMUNITY PLAN.

#### LEGAL DESCRIPTION

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF STANISLAUS UNINCORPORATED AREA AND DESCRIBED AS FOLLOWS: LOT A OF BLOCK 12 OF SUBDIVISION OF THE LOTS 9 TO 16 OF THE ELMWOOD COLONY ACCORDING TO THE MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF STANISLAUS COUNTY, CALIFORNIA, ON JANUARY 14, 1907 IN VOLUME 2 OF MAPS AT PAGE 41.



21

EXHIBIT B-7



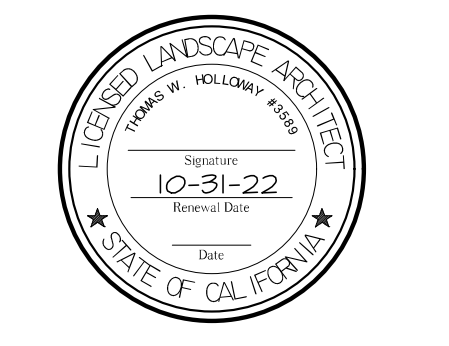
NO.	DATE	APPROVED	REVISIONS	DESCRIPTIONS

**TENTATIVE SUBDIVISION MAP**  
**ELMWOOD ESTATES SUBDIVISION**  
**STANISLAUS COUNTY, CALIFORNIA**



JOB #:	21-2883
DATE:	08/09/2022
SCALE:	AS SHOWN
DRAWN:	EP
DESIGN:	CV/PMH
CHKD:	TPD

SHEET NUMBER  
**TM1.1**



**Revisions**

Date	By	Modification

These plans are the property of KLA, Inc.; their use shall be restricted to the site for which they were prepared. Publication or other reuse of these plans in whole or in part is not permitted without the express consent of KLA, Inc. Visual content within these plans implies acceptance of the above restrictions.

© 2021

**Story Road Subdivision**  
 Denair, CA

**Torre Reich Construction**  
 219 N Broadway,  
 Turlock, CA 95380  
 (209)620-5956

The original size of this drawing is 24" x 36". If the plan is a different size than 24x36 do not scale off of the drawing.

**Subdivision Street Tree Plan**

**Scale:**  
 1" = 30'-0"

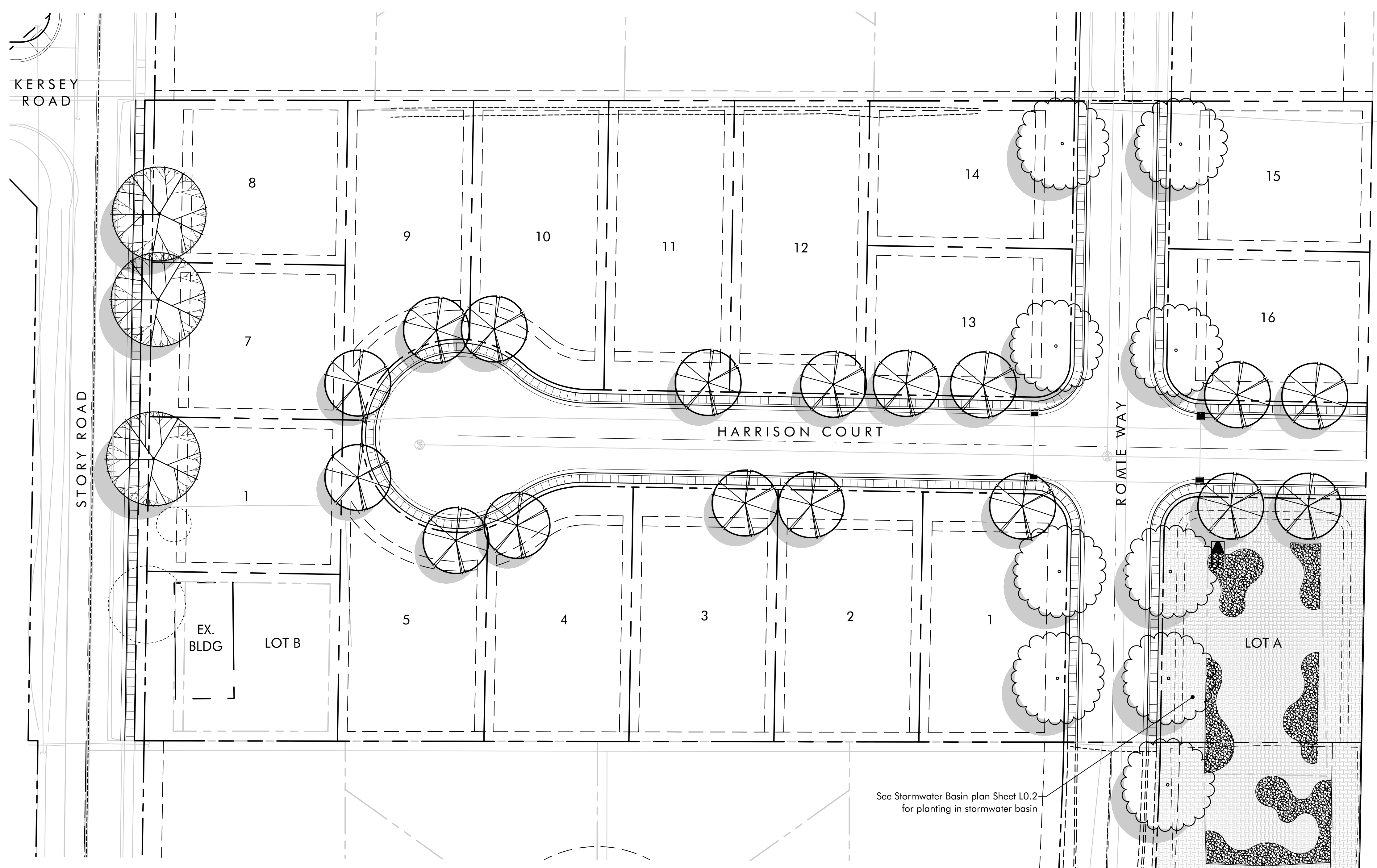
**Date:**  
 March 2, 2022

**Drawn/Checked:**  
 AL / JMA

**Project No.:**  
 22-2413

**Sheet Number:**

**L0.1**



**STREET TREE PLANTING SCHEDULE**

Residential street trees associated with each home are to be planted at the time the home is built and ready for occupancy. The County will require the street tree from this plan to be installed at the time of the installation of the front yard landscape and prior to issuance of the Certificate of Occupancy.

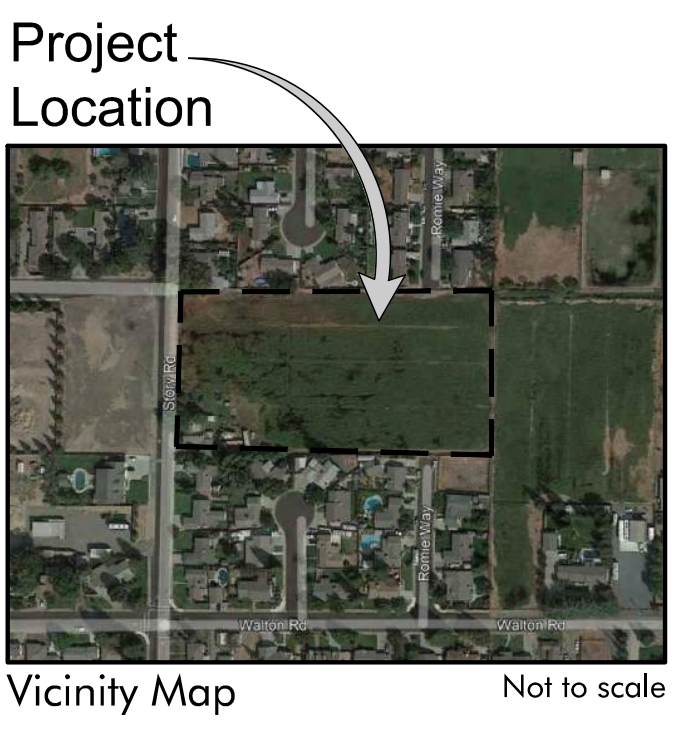
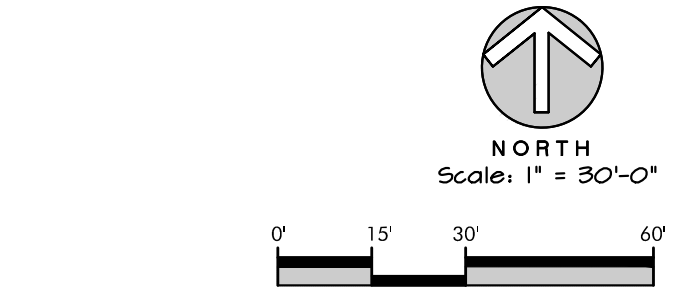
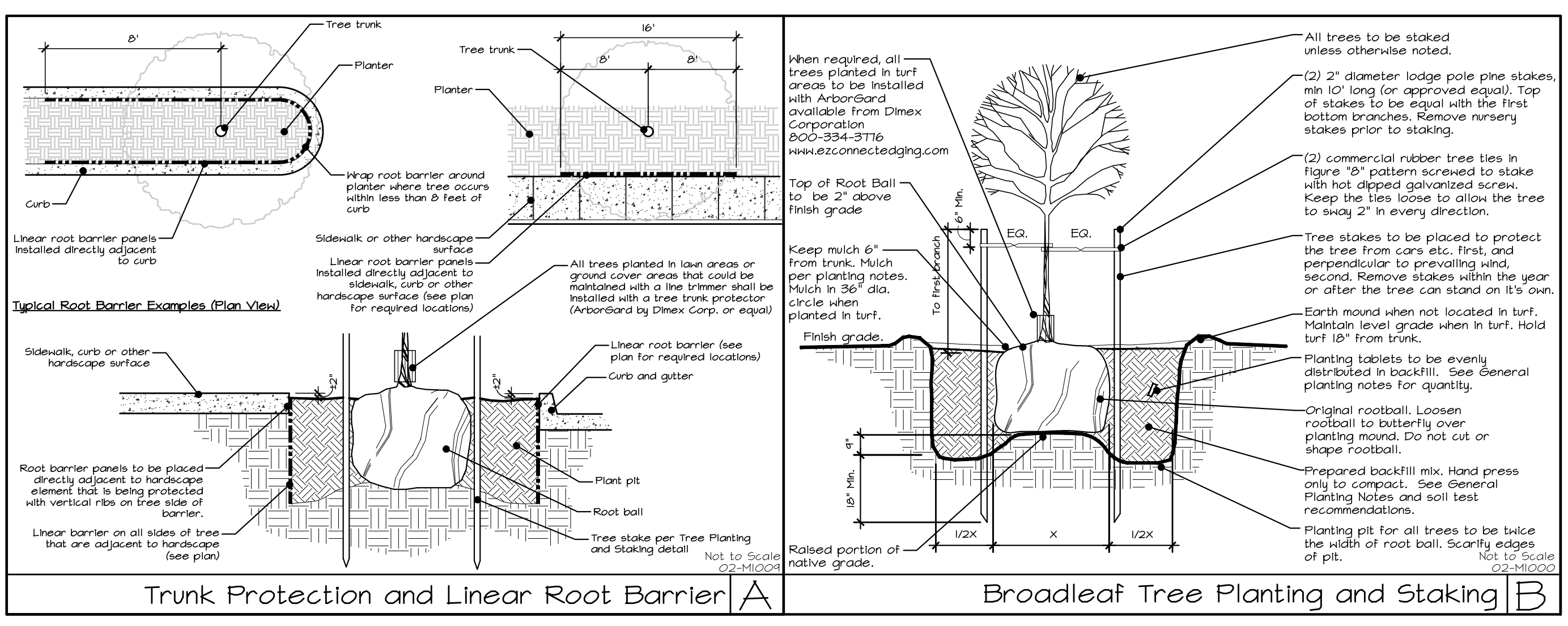
- The location of trees as shown on this plan is referential. The contractor shall review the site and plant trees clear of conflicts:
- Curb Returns - Trees to be planted 35' from beginning
  - Street Lights - Trees to be planted 20' clear
  - Driveways - Trees to be planted 10' clear
  - Sidewalks - Trees to be planted 3' clear
  - Wet Utilities - Trees to be planted 15' clear
  - Drain Lines - Trees to be planted 12' clear

Where conflicts occur that preclude a tree from being planted, coordinate with the County Planning Dept. for alternate tree planting location or approval to omit the tree.

The following trees are to be planted at 15-gallon size with staking and root barriers per the tree planting and root barrier details on this sheet. The following tree species are associated with each street:

22

- Harrison Court - 15-gal. Pistacia chinensis 'Keith Davey' Keith Davey Chinese Pistache
- Romie Way - 15-gal. Quercus virginiana Southern Live Oak
- Story Road - 15-gal. Ulmus parvifolia 'True Green' Tru Green Elm



See Stormwater Basin plan Sheet L0.2 for planting in stormwater basin

EXHIBIT B-8



Revisions	Date	By
△	Modification	

These plans are the property of KLA, Inc. Their use shall be restricted to the site for which they were prepared. Publication or other use of these plans in whole or in part is not permitted without the express consent of KLA, Inc. Visual content within these plans implies acceptance of the above restrictions.

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**Story Road  
Subdivision**  
Denair, CA

**Stormwater Basin**

**Torre Reich Construction**  
219 N Broadway,  
Turlock, CA 95380  
(209)620-5956

The original size of this drawing is 24" x 36". If the plan is a different size than 24x36 do not scale off the drawing.

**Preliminary  
Landscape  
Plan**

Scale:  
1" = 10'-0"

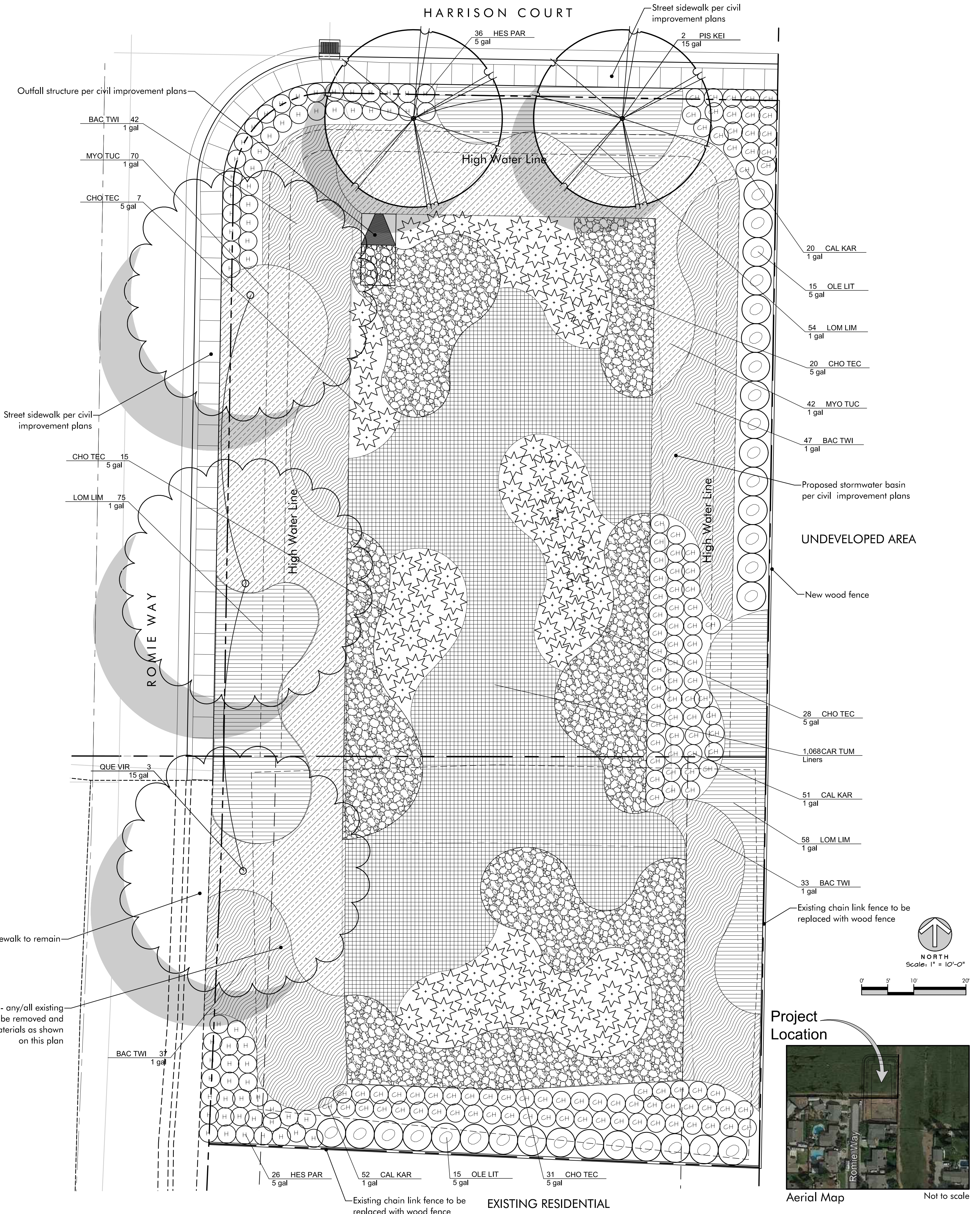
Date:  
March 2, 2022

Drawn/Checked:  
AL / JWA

Project No.:  
22-2413

Sheet Number:  
**L0.2**

**L0.2**



**Landscape Design Concept**

The proposed landscape for the Story Road stormwater basin is comprised of a combination of drought tolerant ornamental shrubs, grasses and groundcovers that can withstand temporary periods of inundation, while also being an aesthetically pleasing addition to the community. In addition to the plantings, sweeps of decorative cobblestone has been used to accentuate the design and provide additional visual interest. The landscape has been designed to be compliant with Stanislaus County's Water Efficient Landscape Ordinance (WELo).

**Landscape Irrigation**

The site will be irrigated using a fully automatic system designed to meet Stanislaus County's Water Efficient Landscape Ordinance (WELo). The system will be on a dedicated irrigation water service and meter with a backflow prevention device to meet local building codes. The irrigation system will be comprised of pop-up spray heads with rotary nozzles. A "Smart" controller will operate the system in tandem with a weather sensor that will automatically adjust the irrigation scheduling based on current weather conditions and will suspend watering during rain events.

A complete irrigation design showing all irrigation equipment, model numbers, placement and installation details will be provided with the construction documents.

**PLANT SCHEDULE**

TREES	BOTANICAL NAME	COMMON NAME	CONT	QTY	Water Use	
PIS KEI	Pistacia chinensis 'Keith Davey'	Keith Davey Chinese Pistache	15 gal	2	Low	
QUE VIR	Quercus virginiana	Southern Live Oak	15 gal	3	Medium	
SHRUBS	BOTANICAL NAME	COMMON NAME	SIZE	QTY	Water Use	
CAL KAR	Calamagrostis x acutiflora 'Karl Foerster'	Karl Foerster Feather Reed Grass	1 gal	123	Low	
CHO TEC	Chondropetalum tectorum	Small Cape Rush	5 gal	101	Low	
HES PAR	Hesperaloe parviflora	Red Yucca	5 gal	66	Low	
OLE LIT	Olea europaea 'Little Ollie'	Little Ollie Olive	5 gal	30	Low	
GROUND COVERS	BOTANICAL NAME	COMMON NAME	CONT	SPACING	QTY	Water Use
BAC TWI	Baccharis pilularis 'Twin Peaks #2'	Twin Peaks #2 Coyote Brush	1 gal	54" o.c.	157	Low
CAR TUM	Carex tumulicola	Foothill Sedge	Liners	24" o.c.	1,068	Low
LOM LIM	Lomandra longifolia 'Lomlon'	Lime Tuff Dwarf Mat Rush	1 gal	40" o.c.	187	Low
MYO TUC	Myoporum parvifolium 'Tuscon'	Trailing Myoporum	1 gal	66" o.c.	112	Low

**Organic and Mineral Materials**

Shrub and groundcover areas at the bottom of the basin and on slopes up to the high water mark shall be top-dressed with a 3" layer of 3/4" diameter tan decorative aggregate mulch; all remaining shrub and groundcover areas shall be top-dressed with a 3" layer of organic mulch derived from recycled wood chips or arbor chips from tree trimming. Organic Mulch shall be 2" minus in length and not greater than 3/8" in thickness, and shall be dark brown in color. Contractor shall provide sample for approval prior to installation. Shredded redwood or cedar bark ("Gorilla-Hair") is not acceptable.

6" layer of 2"-4" diameter Nolia cobblestone over commercial-grade weed barrier fabric  
Cobble edging to be Dura-Edge 3/16" x 4" brown steel edging by JD Russell Co., with stakes per manufacturer.

**WELo Water Use Calculations**

The following calculations represent the intended hydrozones and water usage as designed with this Preliminary Landscape Plan. As we move through the design process we anticipate minor adjustments/revisions of these calculations. However, compliance with WELo code requirements will always remain.

ETO for Denair 50.2

Hydrozone	Type of Plants	Irrigation	Water Use	Plant Factor	Hydrozone Area	%	Type of Irrigation	Irrigation Efficiency	ETOL
1	Low Groundcover/Shrubs	Low	0.3	18,238	84.4%	Rotator	.75	227,056	
2	Cobble	None	0	3,380	15.6%	None	1	0	
<b>TOTAL</b>				21,618 sf				227,056 Gallons	

Maximum Applied Water Allowance (MAWA) 302,777 gallon/year  
Estimated Total Water Usage (ETWU) 227,056 gallon/year  
Average Irrigation Efficiency .75  
ETWU is less than MAWA, therefore water usage as designed exceeds code requirements

**Water Efficient Landscape Ordinance (WELo)**

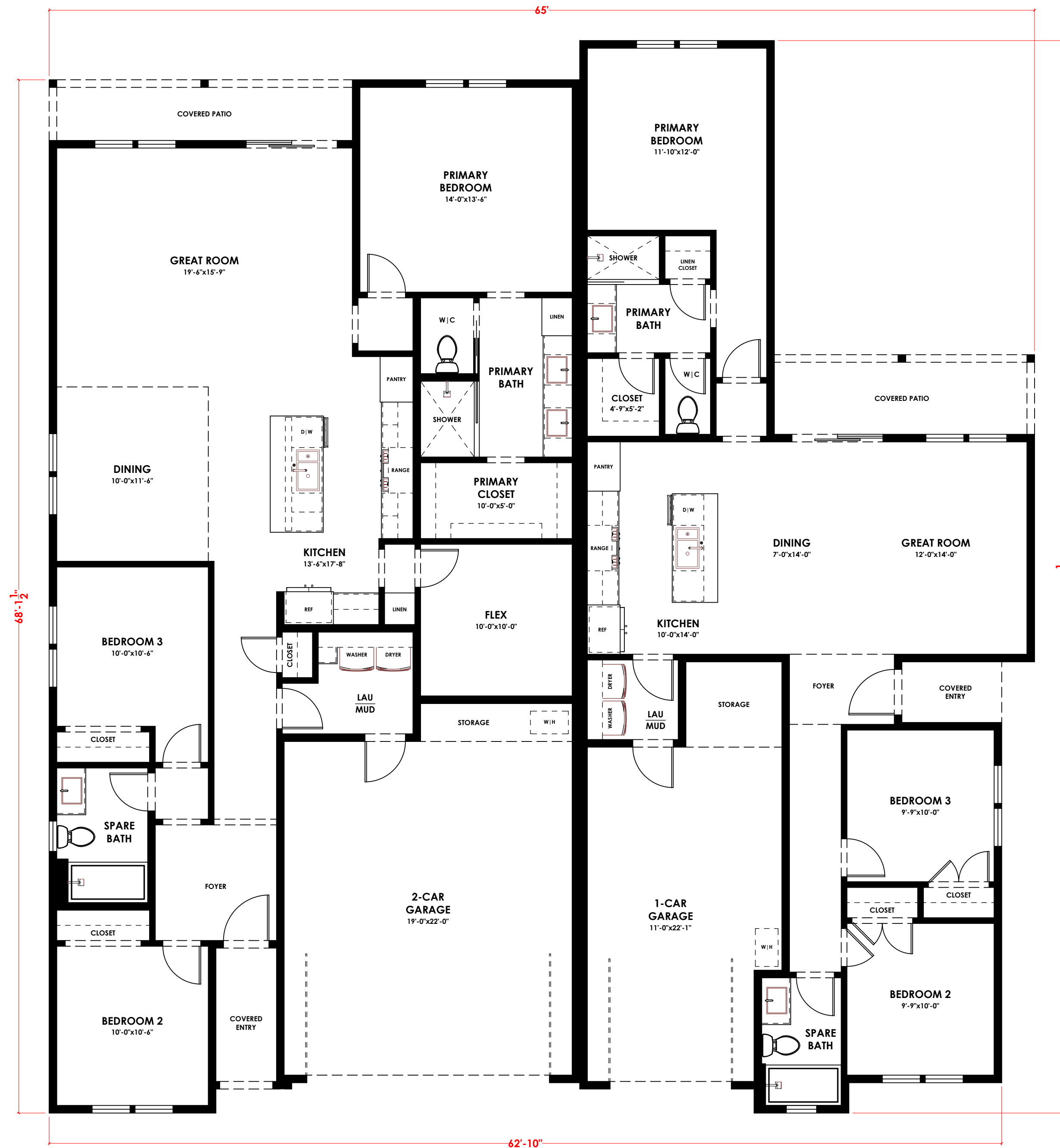
Planting and irrigation have been designed to be compliant with the Water Efficient Landscape Ordinance (WELo). The contractor shall not make substitutions of irrigation product or placement of product or plant species and cultivars without the written consent of the Landscape Architect. The contractor shall be responsible for making all modifications to ensure the requirements of WELo are met if any changes are made in the field. Water use calculations as described on these plans must be met. The signature on this plan concurs that "I have complied with the criteria of the water conservation in Landscaping Ordinance and applied them accordingly for the efficient use of water in the irrigation and planting design plan."

**PLAN DETAILS:**

- > PLAN 1750 (SFD)
- LIVING: 1,750 SF
- 3 BEDROOMS
- 2 BATHROOMS
- FLEX ROOM
- 2 CAR GARAGE

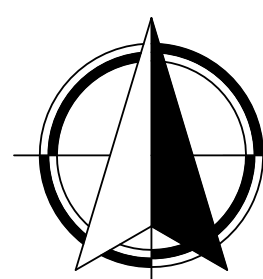
**PLAN DETAILS:**

- > PLAN 1200 (ADU)
- LIVING: 1,200 SF
- 3 BEDROOMS
- 2 BATHROOMS
- 1 CAR GARAGE



**PROPOSED FLOOR PLAN (SFD + ADU)**

Scale: 3/16" = 1'-0"



ELEVATION A | OPTION: WHITE



ELEVATION B | OPTION: WHITE



ELEVATION A | OPTION: CHARCOAL



ELEVATION B | OPTION: CHARCOAL



ELEVATION A | OPTION: GRAY



ELEVATION B | OPTION: GRAY



ELEVATION "A"



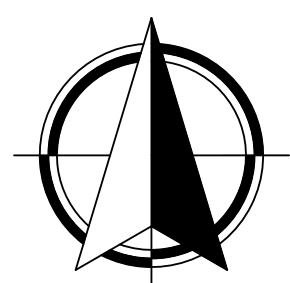
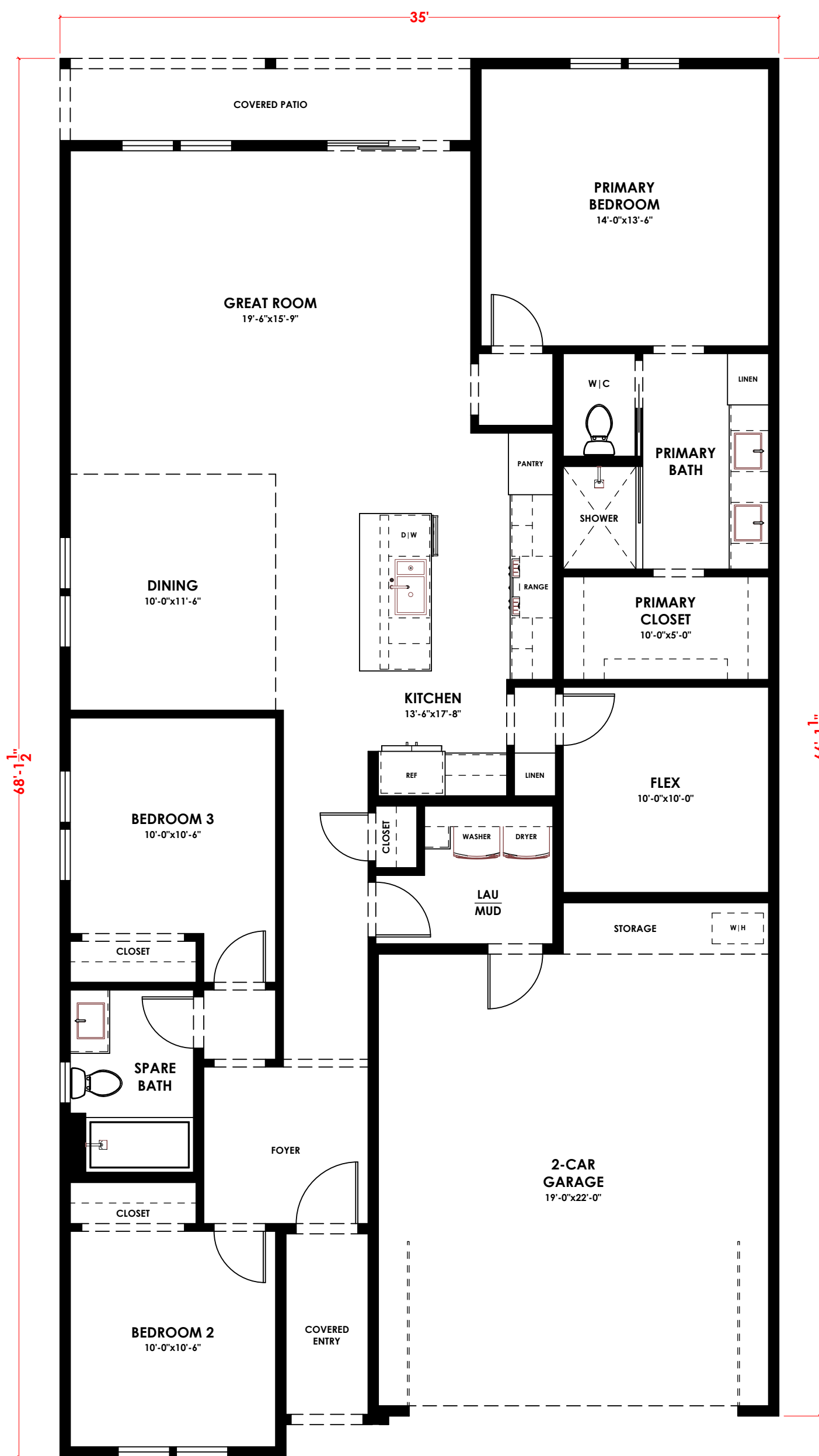
ELEVATION "B"





**AREA SUMMARY:**

- > PLAN 1750 (SFD)
- LIVING: 1,750 SF +/-
- COVERED ENTRY: 37 SF +/-
- COVERED PATIO: 80 SF +/-
- GARAGE: 469 SF +/-
- TOTAL COVERAGE: 2,336 SF +/-



**PLAN 1750 - SINGLE FAMILY DWELLING**

Scale: 3/16" = 1'-0"



**ELEVATION A | OPTION: WHITE**



**ELEVATION B | OPTION: WHITE**



**ELEVATION A | OPTION: CHARCOAL**



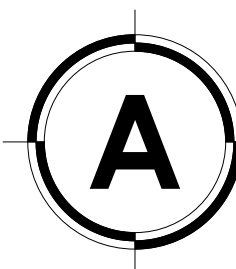
**ELEVATION B | OPTION: CHARCOAL**



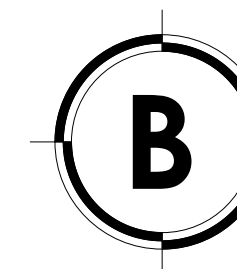
**ELEVATION A | OPTION: GRAY**



**ELEVATION B | OPTION: GRAY**



**ELEVATION "A"**



**ELEVATION "B"**

**TORRE REICH CONSTRUCTION, INC.**  
 219 N. BROADWAY AVE.  
 TURLOCK, CA 95380  
 CSL # 625297  
 PHONE: (209) 668-8721  
 WWW.TORREREICHCONSTRUCTION.COM



Project: **ELMWOOD ESTATES**  
 PLAN 1750 (SFD)  
 STORY RD.  
 DENAIR, CA 95316

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Date: **09.06.2022**

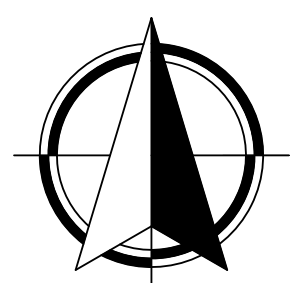
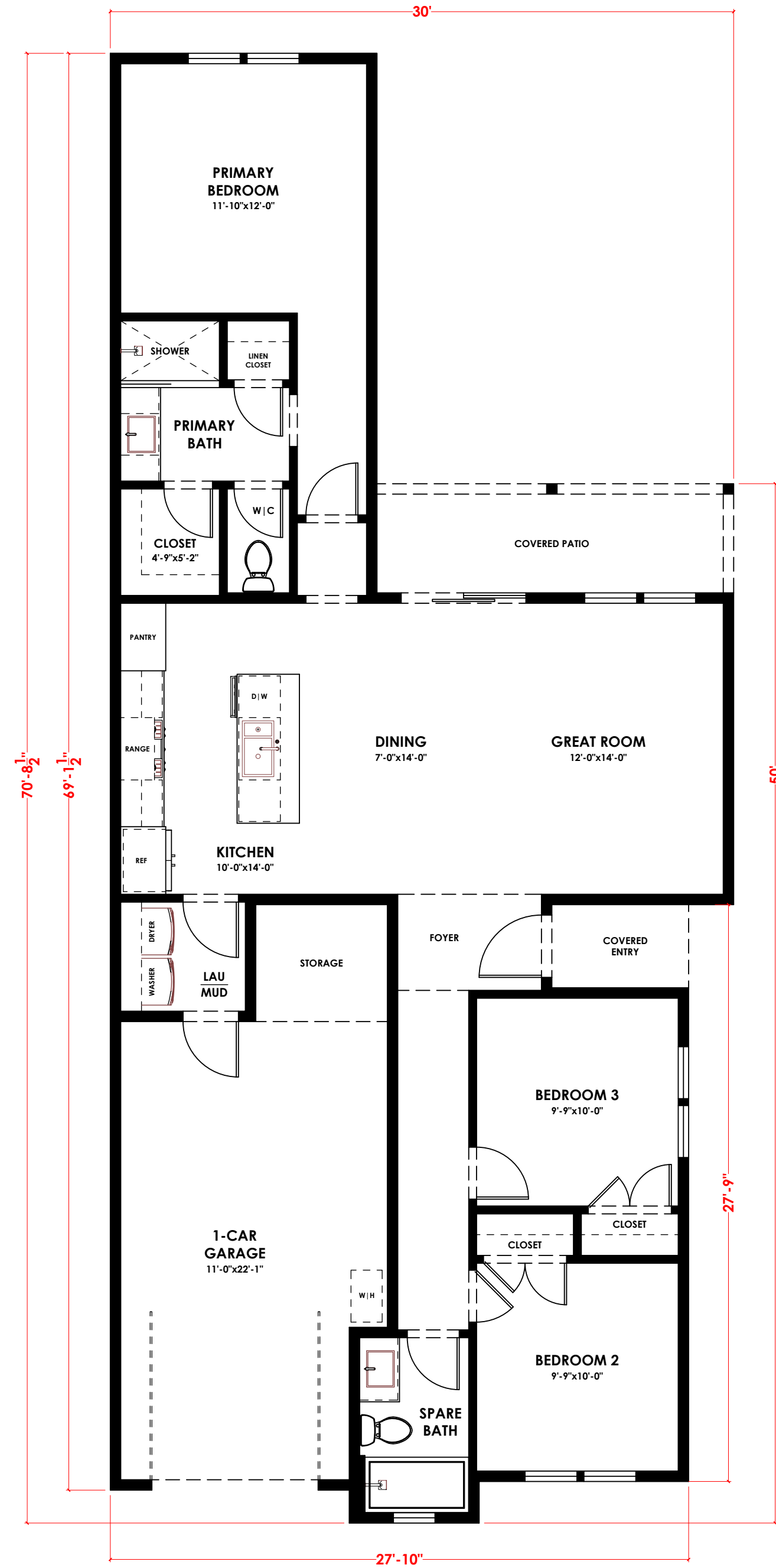
Drawn By: **TCS**

Sheet Title: **PLAN 1750 (SFD)**

Sheet No.: **A1.1**

**AREA SUMMARY:**

- > PLAN 1200 (ADU)
- LIVING: 1,200 SF +/-
- COVERED ENTRY: 26 SF +/-
- COVERED PATIO: 90 SF +/-
- GARAGE: 348 SF +/-
- TOTAL COVERAGE: 1,664 SF +/-



**PLAN 1200 - ACCESSORY DWELLING UNIT**

Scale: 3/16" = 1'-0"



**ELEVATION A | OPTION: WHITE**



**ELEVATION B | OPTION: WHITE**



**ELEVATION A | OPTION: CHARCOAL**



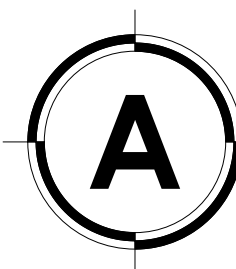
**ELEVATION B | OPTION: CHARCOAL**



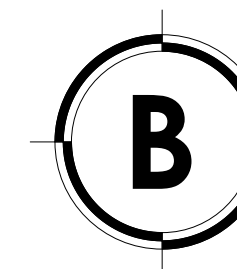
**ELEVATION A | OPTION: GRAY**



**ELEVATION B | OPTION: GRAY**



**ELEVATION "A"**



**ELEVATION "B"**

**TORRE REICH CONSTRUCTION, INC.**  
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Project: **ELMWOOD ESTATES**  
**PLAN 1200 (ADU)**  
 STORY RD.  
 DENAIR, CA 95316

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Date: **09.06.2022**

Drawn By: **TCS**

Sheet Title: **PLAN 1200 (ADU)**

Sheet No.: **A1.2**

**DEVELOPMENT STANDARDS**

**REZONE AND TENTATIVE MAP APPLICATION NO. PLN2022-0026  
ELMWOOD ESTATES**

**Department of Planning and Community Development**

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances. Permitted uses shall be those uses permitted in the Rural Residential (R-A) zoning district, subject to district development standards, unless otherwise specified by the project's Development Standards.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2014), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,605.00**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk-Recorder filing fees.  
  
Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
4. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
5. During the construction phases of the project, if any human remains, significant or potentially unique, are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist.
6. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality

certifications, if necessary.

7. 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.
8. Pursuant to Sections 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate stream-bed alteration agreements, permits, or authorizations, if necessary.
9. 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.
10. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
11. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.
12. 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."
13. A final landscaping and tree planting plan, indicating plant type, initial plant size (15-gallon minimum for trees), location, and method of irrigation, shall be approved by the Director of Planning and Community Development or his/her designee prior to the issuance of any grading or improvement plans. The Denair Municipal Advisory Council shall be consulted to determine appropriate plant species, prior to the submittal of the final landscape plan. The final landscaping plan shall meet all requirements of State or Local Ordinance and all requirements of California Code of Regulations Title 23 Division Two, Chapter 2.7 Model Water Efficient Landscape Ordinance. Landscaping of the storm drainage basin and the trees associated with the tree planting plan shall be installed and inspected prior to the issuance of any certificate of occupancy for a dwelling.
14. All landscaped areas, fences, and walls shall be maintained in an attractive condition and in compliance with the approved final landscape and irrigation plan. The premises shall

be kept free of weeds, trash, and other debris. Dead or dying plants shall be replaced with materials of equal size and similar variety within 30 days.

15. A wood fence, a minimum of 7 feet in height, shall be constructed along the northern and southern property lines of the subdivision and along the eastern property line of lots 15 and 16 prior to issuance of any certificate of occupancy for any dwelling resulting from the subdivision. All fencing required by this condition shall be the responsibility of individual parcel owners to maintain, repair, and replace, as necessary, in accordance with the project's development standards and all applicable County Codes.
16. A 7-foot-tall chain-link fence with privacy slats shall be installed, by the developer, along the entire eastern property line south of Lot 16, including the area east of the street stub-out and along the eastern side of the drainage basin. Fencing shall be installed prior to issuance of any building permit for any of the newly created lots.
17. Lot coverage of aggregate buildings shall not cover more than 50 percent of the lot area.

#### **Department of Public Works**

18. The final map shall be prepared by a licensed land surveyor or a registered civil engineer licensed to practice land surveying in California.
19. Prior to the map being recorded, all existing structures not shown on the tentative map shall be removed.
20. Prior to the recording of the final map, the new parcels shall be surveyed and fully monumented.
21. Prior to recording of the final map, road right-of-way shall be dedicated to Stanislaus County to provide for 30 feet of right-of-way east of the centerline of Story Road. The existing right-of-way currently is 25 feet east of the centerline of Story Road. This means that 5 feet of right-of-way shall be dedicated.
22. Prior to the recording, or on the final map, road right-of-way shall be dedicated to Stanislaus County for chords at all corners of Harris Court and Romie Way please see Stanislaus County Public Works Standards and Specifications Detail 3-C1.
23. All facilities in the public right-of-way shall meet current Americans with Disabilities Act (ADA) Standards.
24. Prior to the recording of the final map, a complete set of improvement plans that are consistent with the Stanislaus County Standards and Specifications and the tentative map shall be submitted and approved by Stanislaus County Public Works. The improvement plans shall include, but not be limited to streetlights, curb, gutter, and sidewalk, positive storm drainage (storage, percolation, and treatment), pavement, pavement markings, road signs, and handicap ramps. A positive storm drainage system, conforming to County standards, shall be installed. Prior to, or in tandem with submission of the improvement plans, the subdivider shall furnish the Department of Public Works three copies of a soils report for the area being subdivided. The report shall also include: (a) sufficient R-value test to establish appropriate road sections, (b) should include slope stability, (c) backfill recommendations, (d) retaining wall recommendations, (e) cut/fill transitions, and (f)

- sufficient test boring to log the soil strata, determine the static water level, and the percolation rate of the infiltration gallery. The boring shall be made at the location of the proposed storm drain infiltration gallery. The report shall be signed by a California registered civil engineer or registered geotechnical engineer.
25. An Engineer's Estimate shall be provided for the subdivision improvements so the amount of the bond/financial security can be determined if a Subdivision Improvement Agreement is required. The Engineer's Estimate shall be stamped and signed by a licensed civil engineer.
  26. Prior to the final map being recorded, the subdivider shall either:
    - A. Sign a 'Subdivision Improvement Agreement' and post the required certificates of insurance and subdivision bonds with the Department of Public Works; or
    - B. Construct all subdivision improvements and have the improvements accepted by the Stanislaus County Board of Supervisors.
  27. Street improvements on Story Road, Romie Way, and Harris Court, shall be consistent with the vesting tentative map and the accepted improvement plans.
  28. The stub-out of Harris Court shall be barricaded in compliance with Public Works standards.
  29. Prior to any plan review or inspections associated with the development, the subdivider shall sign a "Subdivision Processing/Inspection Agreement" and post a \$10,000 deposit with Public Works.
  30. A grading, drainage, and erosion/sediment control plan for the project site shall be submitted for any building permit that will create a larger or smaller building footprint. The grading and drainage plan shall include the following information:
    - A. The plan shall contain drainage calculations and enough information to verify that runoff from project will not flow onto adjacent properties and Stanislaus County road right-of-way. Public Works will review and approve the drainage calculations.
    - B. For projects greater than one acre in size, the grading drainage and erosion/sediment control plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharge Identification Number (WDID) and a copy of the Notice of Intent (NOI) and the project's Storm Water Pollution Prevention Plan (SWPPP) shall be provided prior to the approval of any grading, if applicable.
    - C. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for review of the grading plan.
    - D. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.

31. Prior to the acceptance of the subdivision improvements, the lot grades shall conform to the approved grading plan. Written certification by a civil engineer or geotechnical engineer is required by the Department of Public Works.
32. All new utilities shall be underground and located in public utility easements. A 10-foot-wide public utility easement (P.U.E.) shall be located adjacent to all public right-of-way. The P.U.E. shall be shown on the final map.
33. An Encroachment Permit shall be obtained for any work done in Stanislaus County road right-of way.
34. All public roads shall have a fog seal applied prior to the end of the one-year maintenance period and final acceptance by Stanislaus County.
35. All existing irrigation lines within the area to be subdivided shall be removed or relocated into easements along lot lines. The irrigation lines shall be reinforced at road crossings and driveways. All irrigation lines or structures which are to be abandoned shall be removed. All work shall be done in accordance with the requirement of the Department of Public Works and the Turlock Irrigation District. If a private irrigation line crosses public road right-of-way, a Road Maintenance Agreement shall be taken out with the Department of Public Works.
36. Prior to recording of the final map, the property shall annex into the Community Service Area (CSA) #21 – Riopel, to provide funds to ensure future maintenance and eventual replacement of the storm drainage system and facilities, block wall, and any landscaped areas. The developer shall provide all necessary documents and pay all fees associated with the formation of the CSA. As part of the formation, a formula or method for the calculation of the annual assessment shall be approved. The formation process takes approximately six to eight months and requires Local Agency Formation Commission (LAFCO) approval. Please contact Stanislaus County Public Works at (209) 525-4130 for additional information regarding CSA formation requirements.
37. All streetlights shall be installed on steel poles per County Standards and Specifications.
38. Prior to the recording of the final map, the subdivider shall deposit the first year's operating and maintenance cost of the streetlights with the Department of Public Works. Since the project already falls into the Denair Highway Lighting District, the funds shall be deposited into that account.
39. Prior to acceptance of the subdivision improvements, as specified in the County standards, a set of Record Drawings (mylars), and electronically scanned files for each sheet in a PDF format shall be provided to and approved by the Department of Public Works. The Record Drawings shall be on 3 mil Mylar with each sheet signed and stamped by the design engineer and marked "Record Drawing" or "As-Built."
40. Prior to acceptance of the subdivision improvements, one bench mark (brass cap) shall be established within the subdivision on a brass cap and the elevation shall be shown on the Record Drawing. A completed Bench Mark card shall be furnished to the Department of Public Works. North American Vertical Datum shall be used. If available, 1988 data shall be used.

41. Prior to acceptance of the improvements, street monuments and covers shall be installed to County standards.
42. The required subdivision improvements shall be accepted by the Board of Supervisors. No final inspection and/or occupancy permit will be issued unless the required subdivision improvements have been accepted by the Board of Supervisors.
43. The southern wall of the retention drainage basin shall be a masonry block wall. A chain-link fence shall be installed at the eastern edge of the retention basin. Please see Stanislaus County Public Works Standards and Specifications for Retention Drainage Basins - Detail 4-C1.

#### **Department of Environmental Resources**

44. Prior to recording of the final map, a fully executed Will-Serve letter is required to be provided from the Denair Community Services District for providing potable water and sewer services to the parcel.
45. If needed, the applicant shall secure all necessary permits for the destruction/relocation of the on-site wastewater treatment system (OWTS) at the project site under the direction of the Stanislaus County Department of Environmental Resources (DER).
46. Prior to issuance of a grading permit, a Phase 1 study, and Phase 2 study, if determined to be necessary, shall be completed to the satisfaction of Department of Environmental Resources – Hazmat Division.

#### **Building Permits Division**

47. Building permits are required and the project must conform with the California Code of Regulations, Title 24.

#### **Denair Community Services District**

48. The owner/developer shall enter into an Agreement to construct and pay for necessary infrastructure to enable the District to provide water and sewer services to the project. The Agreement will require the infrastructure be constructed to District specifications, and that security be given to the District to guarantee performance and payment for the infrastructure, and that all current connection fees be paid in full prior to issuance of a formal Will-Serve letter.

#### **Turlock Irrigation District (TID)**

49. All relocation, improvement, or abandonment of TID facilities shall be completed in accordance with District requirements. The District shall review and approve all grading and improvement plans prior to issuance.
50. Easements, in accordance with District requirements, shall be dedicated to the District prior to the recording of the final map.



51. The Developer shall provide irrigation improvement plans and enter into an Irrigation Improvements Agreement for the required irrigation facility modifications prior to the District approving the final map.
52. Developed property adjoining irrigated ground must be graded so that finished grading elevations are at least 6 inches higher than irrigated ground. A protective berm must be installed to prevent irrigation water from reaching non-irrigated properties. Stub-end streets adjoining irrigated ground must have a berm installed at least 12 inches above the finished grade of irrigated parcel(s).
53. A minimum 10-foot public utility easement shall be dedicated along all street frontages.
54. Building setbacks shall be a minimum of 15 feet from the property line and back of sidewalk, unless a lesser standard is authorized by TID.
55. The applicant must consult with the District Electrical Engineering Division to make an application for service and to begin design work for electrical service to the project site.
56. The applicant must apply for a facility change for any pole or electrical facility relocation. Facility changes are performed at the developer's expense.

**San Joaquin Valley Air Pollution Control District**

57. Wood burning stoves and fireplaces are prohibited from use.
58. 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.

**Central Valley Regional Water Quality Control Board**

59. Prior to ground disturbance or issuance of a grading or building permit, the Central Valley Regional Quality Control Board shall be consulted to obtain any necessary permits and to implement any necessary measures, including but not limited to Construction Storm Water General Permit, Phase I and II Municipal Separate Storm Sewer System (MS4) Permits, Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit (Water Quality Certification), Waste Discharge Requirements, Low or Limited Threat General NPDES Permit, and any other applicable Regional Water Quality Control Board permit.

\*\*\*\*\*

*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:** Rezone and Tentative Map Application No. PLN2022-0026 – Elmwood Estates
- 2. **Lead agency name and address:** Stanislaus County  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354
- 3. **Contact person and phone number:** Emily Basnight, Assistant Planner  
(209) 525-6330
- 4. **Project location:** 3700 Story Road, between East Zeering Road and Walton Street, in the community of Denair (APN: 024-055-060).
- 5. **Project sponsor’s name and address:** Torre Reich, Malet Development  
219 North Broadway, Turlock, CA 95380
- 6. **General Plan designation:** Low-Density Residential
- 7. **Community Plan designation:** Low-Density Residential
- 8. **Zoning:** Rural Residential (R-A)
- 9. **Description of project:**

This is a request to rezone a 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent, and to subdivide the parcel into 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet. Romie Way will be extended through the site which will connect to a cul-de-sac (proposed to serve lots 1-5, 9-16, and Lot A) that will include a stub-out to serve future development east of the project site. The remaining lots (lots 6-8 and proposed Lot B) will have access and road frontage onto Story Road. If approved, each residential lot could be developed with one single-family dwelling, an accessory dwelling unit, and a junior accessory dwelling unit. The setback requirements will be consistent with those of the County’s R-A zoning district. A “can serve” letter for water and sewer services to serve the residential development has been issued from the Denair Community Services District for the project. Stormwater is proposed to be managed for the development through a 13,098 square-foot expansion (Lot A) of an existing stormwater basin located on APN 024-055-043, which currently serves an existing residential development to the south. A 6-foot-tall chain-link fence is proposed to be installed along the easterly boundary of the proposed and existing basins (Lot A and 024-055-043), and a 7-foot-tall masonry block wall is proposed along the southern border of the existing basin, located south of the proposed storm drainage basin addition on APN 024-055-043. The project site is currently improved with one single-family dwelling and an attached two-car garage; the single-family dwelling and garage will remain on proposed Lot B of the proposed subdivision map. The applicant proposes to install landscaping for the stormwater basin, trees along the frontage of each lot, and has proposed to install curb, gutter, sidewalk and street lighting for the entire subdivision. The applicant will annex the development into Community Service Area (CSA) #21 – Riopel and the Denair Highway Lighting District to ensure funds are provided for the maintenance of the improvements. The project is surrounded by single-family lots to the north and south and the Denair Community Services District facility to the west. An agriculturally zoned ranchette parcel is to the east of the project site. The applicant has proposed a no buffer alternative to the agriculture buffer requirement. A barricade per Public Works’ Standards and Specifications is proposed along the street stub to the east to prevent trespass onto the adjacent agriculturally zoned parcel.

- 
10. **Surrounding land uses and setting:** Single-family lots to the north and south and the Denair Community Services District facility to the west; and a ranchette parcel to the east.
11. **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  
Denair Community Services District
12. **Attachments:** None

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

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

Signature on File  
Prepared by Emily Basnight

July 19, 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 unique scenic vista. Community standards generally do not dictate the need or desire for architectural review of agricultural or residential subdivisions. The proposed rezone and tentative map will rezone a 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent, and create 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet, and a 13,098 square-foot stormwater basin. The project site is currently improved with one single-family dwelling and an attached two-car garage; the single-family dwelling and garage will remain on proposed Lot B of the tentative map.

The project is surrounded by single-family lots to the north and south and the Denair Community Services District facility to the west. An agriculturally zoned ranchette parcel is to the east of the project site.

The applicant proposes to install street lighting, curb, gutter, and sidewalk for the entire subdivision. As part of this project, Romie Way will be extended through the site which will connect to a cul-de-sac (proposed to serve lots 1-5, 9-16, and Lot A) that will include a stub-out to serve future development east of the project site. A barricade per Public Works’ Standards and Specifications is proposed along the street stub to the east to prevent trespass onto the adjacent agriculturally zoned parcel. Stormwater is proposed to be managed for the development through a 13,098 square-foot expansion (Lot A) of an existing stormwater basin located on APN 024-055-043, which currently serves an existing residential development to the south. A 7-foot-tall masonry block wall is proposed to replace the existing chain-link fencing along the southern property line of APN 024-055-043, and a 6-foot-tall chain-link fence will be installed along the eastern border of the entire storm water basin (both APN 024-055-043 and Lot A). Landscaping and hardscape around the proposed storm water basin will include trees, bushes, grass and cobblestone.

A referral response was received from the County’s Public Works Department requiring annexation of the project to the existing Community Service Area (CSA) #21 - Riopel and the Denair Highway Lighting and Landscaping District to ensure future maintenance and eventual replacement of the storm drainage system and facilities, block wall, and any landscaped areas. Curb, gutter and sidewalk along Story Road, Romie Way and the proposed Harris Court will be County-maintained through the Stanislaus County Public Works Department. Development standards have been added to the project addressing Public Works’ requirements.

As part of the overall development plan, the proposed project includes a landscaping and tree planting plan. Two existing trees will remain on Lot 6 and Lot B of the tentative map. The applicant proposes to plant one tree along the frontage of Lots 1-12 and Lots 14-15; three trees along the frontage of corner Lots 1, 13 and 16; and five trees along the road frontage of Lot A, the storm water basin, for an overall total of 29 trees as part of this request. These project features will enhance the site’s overall visual character as well as blending with the existing surrounding development.

The project is not expected to degrade any existing visual character of the site or surrounding area. Any lighting installed with the subdivision shall be designed to reduce any potential impacts of glare per the County’s Public Works adopted Standards and Specifications.

**Mitigation:** None.

**References:** Application information; Referral response received from Stanislaus County Department of Public Works, dated May 2, 2022, as revised on July 14, 2022, and further revised on July 15, 2022; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County Department of Public Works Standards and Specifications, 2014; the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>II. AGRICULTURE AND FOREST RESOURCES:</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			X	
d) Result in the loss of forest land or conversion of forest land to non-forest use?			X	
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

**Discussion:** The project site is 4.82± acres in size and is improved with one single-family dwelling and an attached two-car garage. The project site has soils classified by The California Department of Conservation Farmland Mapping and Monitoring Program as a mixture of “Farmland of Local Importance,” “Urban and Built-Up Land,” and “Prime Farmland.” The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that the soil primarily consists of Grade 4 Madera sandy loam, 0 to 2 percent slopes, Storie Index rating 30 (4.42± acres); and Grade 1 Dinuba sandy loam, 0 to 1 percent slopes, Storie Index rating 86 (.4± acres). Grade 1 soils are considered to be prime farmland; however, this site is zoned Rural Residential with a General Plan and Community Plan designation of Low-Density Residential. The project site is not currently in agricultural production and is improved with a single-family

dwelling and garage. Because the site has already been developed and has been planned for residential uses, the proposed project will not convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.

The project was referred to the Turlock Irrigation District (TID) which responded with a comment letter indicating an irrigation pipeline belonging to Improvement District (ID) 573A, runs from north to south along the east side of the subject project, and a valve box on the pipeline near the northeast corner of proposed Lot 15 that delivers water in a ditch that continues east. TID responded that the pipeline south of this valve/ditch can be removed; however, the remaining irrigation facilities at the northeast corner of Lot 15 shall be replaced by the developer to current District standards and an irrigation easement dedicated. The applicant has amended their tentative map to show the proposed TID easement. A development standard will be placed on the project that all easements be shown on the final map prior to recording. Plans detailing the existing irrigation facilities relative to the proposed site improvements will be required to be submitted to the District in order to determine specific impacts and requirements. The applicant will also be required to apply for abandonment of the parcel from the TID improvement district, and provide irrigation improvement plans and enter into an Irrigation Improvements Agreement for the required irrigation facility modifications. Additionally, TID will require grading specifications to prevent irrigated water from flowing over the developed project site. TID's comments will be placed on the project as development standards.

The project site is designated Low-Density Residential (LDR) in the County's General Plan and Denair Community Plan and is zoned Rural Residential (R-A), which permits residential uses. Surrounding uses include single-family lots to the north and south and the Denair Community Services District facility to the west. A five-acre agriculturally zoned (A-2-10) ranchette parcel abuts the project site to the east. In December of 2007, Stanislaus County adopted an updated Agricultural Element which incorporated guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 Zoning District. Appendix A states: "All projects shall incorporate a minimum 150-foot-wide buffer setback. Projects which propose people intensive activities shall incorporate a minimum 300-foot-wide buffer setback. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts such as spray drift and trespassing resulting from the interaction of agricultural and non-agricultural uses. Alternatives may be approved, provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. A residential subdivision would be considered a people intensive use. The ranchette parcel to the east is not in agricultural production, and is designated as Low-Density Residential in the Denair Community Plan and improved with a single-family dwelling and accessory structures. Additionally, ranchettes are considered to be residential in nature as categorized under Goal Two of the Agriculture Element of the General Plan. The nearest parcels in agricultural production are a 4.9± acre ranchette currently used for pasture land located .13± miles to the east of the project site and a 326.36± acre parcel located .25± miles to the east used for row crops and a chicken farm and currently enrolled under a Williamson Act contract. The 4.9± acre ranchette is included within the Denair Community Plan as Estate Residential. The 326.36± acre parcel currently enrolled in the Williamson Act is not located within the Denair Community Plan and is separated from the site by two parcels and the TID Main Canal. Residential development is limited to the current boundaries of the Denair Community Plan; therefore, if approved, the proposed project will not convert farmland to non-agriculture uses; nor will it conflict with existing zoning or a Williamson Act Contract. Additionally, permits for spraying pesticides have not been issued within 600-feet of the project site. The applicant has proposed a no buffer alternative to the agriculture buffer requirement. The County's Agricultural Commissioner was referred the project; however, no response was received.

The project site is considered an in-fill development and will not contribute to the loss of farmland or forest land.

**Mitigation:** None.

**References:** Application information; United States Department of Agriculture NRCS Web Soil Survey; California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2016; Referral response from Turlock Irrigation District, dated April 19, 2022; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan, Chapter VII - Agriculture and Support Documentation<sup>1</sup>.



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 project will increase traffic in the area and, thereby, impacting air quality.

The District’s Small Project Analysis Level (SPAL) guidance identifies thresholds of significance for criteria pollutant emissions, which are based on the District’s New Source Review (NSR) offset requirements for stationary sources. Using project type and size, the District has pre-qualified emissions and determined a size below which it is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants. In the interest of streamlining CEQA requirements, projects that fit the descriptions and are less than the project sizes provided by the District are deemed to have a less-than-significant impact on air quality due to criteria pollutant emissions and as such are excluded from quantifying criteria pollutant emissions for CEQA purposes. The District’s threshold of significance for residential projects is identified as 155 units, and less than 800 additional trips per-day. The project proposes 17 residential lots, including one lot (Lot B) that is already developed with a single-family dwelling. The proposed project has the potential to develop a maximum of 33 new dwelling units, with each new lot able to be developed with one single-family dwelling, and one accessory dwelling unit (ADU), and Lot B will be able to develop an ADU in addition to the existing dwelling unit. One junior accessory dwelling unit (JADU) per lot is also permitted under the Rural Residential (R-A) zoning district; however, the JADU would not count as a separate dwelling unit, as the JADU consists of converted living space within the primary home. According to the Federal Highway Administration the average daily vehicle trips per household is 5.11, which would equal approximately 169 additional trips per-day as a result of project approval (33 new units x 5.11 = 168.63). As this is well below the District’s threshold of significance, no significant impacts to air quality are anticipated.

Construction activities associated with new development can temporarily increase localized PM10, PM2.5, volatile organic compound (VOC), nitrogen oxides (NOX), sulfur oxides (SOX), and carbon monoxide (CO) concentrations within 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. Construction activities associated with the proposed project would consist primarily of constructing the dwelling units and installing road and sidewalk improvements. These activities would not require any substantial use of heavy-duty construction equipment and would require little or no demolition or grading as the site is presently unimproved and considered to be topographically flat. Consequently, emissions would be minimal. Furthermore, all construction activities

would occur in compliance with all SJVAPCD regulations; therefore, construction emissions would be less-than-significant without mitigation. 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 potential construction of up to 33 new residential units 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 above. 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.

The project was referred to the Air District which responded with no comments.

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:** Application information; San Joaquin Valley Air Pollution Control District's Small Project Analysis Level (SPAL) guidance, November 13, 2020; Federal Highway Administration, Summary of Travel Trends: 2017 National Household Travel Survey; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; [www.valleyair.org](http://www.valleyair.org); Referral response from San Joaquin Valley Air Pollution Control District, dated May 3, 2022; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

**Discussion:** The project is located within the Denair Quad of the California Natural Diversity Database based on the U.S. Geographical quadrangle map series. According to aerial imagery and application materials, the surrounding area is almost entirely built up with urban uses.

Based on results from the California Natural Diversity Database (CNDDDB), there are two animals, one insect and one plant species which are state or federally listed, threatened, or identified as species of special concern or a candidate of special concern within the Denair California Natural Diversity Database Quad. These species include the Swainson’s hawk, steelhead – Central Valley DPS, valley elderberry longhorn beetle and San Joaquin Valley Orcutt grass. There are no reported siting’s of any of the aforementioned species on the project site; however, a Swainson’s hawk nesting site was observed on June 7, 1994, 1.1± miles northeast of the project site according to the California Natural Diversity Database. There is a very low likelihood that these species are present on the project site as the area is currently improved with a single-family dwelling and adjacent to urban development to the west, north and south.

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 (formerly the Department of Fish and Game) and no response was received.

**Mitigation:** None.

**References:** Application information; California Department of Fish and Wildlife’s Natural Diversity Database Quad Species List; California Natural Diversity Database, Planning and Community Development GIS, accessed June 28, 2022 Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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:** A records search conducted by the Central California Information Center (CCIC) for the project site indicated that there are no historical, cultural, or archeological resources recorded on-site and that the site has a low sensitivity for the discovery of such resources. The report from the CCIC indicated that historic buildings and structure have been recorded within Denair and the surrounding vicinity. Since the project area has not been subject to previous investigations, there may be unidentified features involved in the project area that are 45 years or older and considered as historical resources requiring further study. The CCIC recommend further review for the possibility of identifying prehistoric or historic-era archaeological resources if ground disturbance is considered a part of the current project. If archaeological resources are encountered during project-related activities, work should be halted in the vicinity of the discovered materials until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. If Native American remains are found, the County Coroner and the Native American Heritage Commission are to be notified immediately for recommended procedures. If human remains are uncovered, all work within 100 feet of the find should halt in compliance with Section 15064.5(e) (1) of the CEQA Guidelines and Public Resources Code Section 7060.5. Conditions of approval will be added to the project to ensure these requirements are met.

The County does not use age as an indication of historic resources. The existing buildings on the project site are not federally or state registered as historic structures and are not located within a historic zoning district. Accordingly, any demolition or impact on the existing buildings is not considered a significant impact to cultural resources.

**Mitigation:** None.

**References:** Central California Information Center Report for the project site, dated February 10, 2022; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

VI. ENERGY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

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

The project proposes to rezone a 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent, and create 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet, and a 13,098 square-foot stormwater basin. All subsequent building permits for single-family dwellings would need to be in compliance with Title 24, Green Building Code, which includes energy efficiency requirements.

Any street lighting will be required to meet Public Works’ standards and specifications as part of the improvement plans prior to acceptance of the improvement plans.

The Turlock Irrigation District provided a referral response to the project indicating that electric service can be provided to the proposed lots. TID requested the developer consult with District Electrical Engineering to make an application for service and to begin design work. TID also requested public utility easements to be dedicated along all street frontages. TID comments will be added to the Development Standards for the project.

It does not appear this project will result in significant impacts to the wasteful, inefficient, or unnecessary consumption of energy resources. A condition of approval will be added to this project to address compliance with Title 24, Green Building Code, for projects that require energy efficiency.

**Mitigation:** None.

**References:** Application Information; CEQA Guidelines; Title 16 of County Code; CA Building Code; Stanislaus County Zoning Ordinance (Title 21); Referral response from Turlock Irrigation District, dated April 19, 2022; Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

VII. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

**Discussion:** The United States Department of Agriculture (USDA) Natural Resources Conservation Service’s (NRCS) Eastern Stanislaus County Soil Survey, shows that the dominant soils present are Madera sandy loam, 0 to 2 percent slopes and Dinuba sandy loam, 0 to 1 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. DER, Public Works, and the Building Permits Division review and approve any building permit to ensure their standards are met. Any earth moving must be approved by Public Works as complying with adopted Standards and Specifications, which consider the potential for erosion and run-off prior to permit approval. The project was referred to Public Works who responded that prior to the recording of the final map, a complete set of improvement plans that are consistent with the Stanislaus County Standards and Specifications and the tentative map shall be submitted and approved by Stanislaus County Public Works; additionally, a current soils report for the area to be subdivided and a grading, drainage, and erosion/sediment control plan shall be submitted prior to acceptance of the improvement plans. Public Works’ requirements will be placed on the project as Development Standards.

The Building Division may utilize the results from the soils test, or require additional soils tests, to determine if unstable or expansive soils are present. If such soils are present, special engineering of any structures will be required to compensate for the soil deficiency. Any structures resulting from this project will be required to be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Likewise, any addition or expansion of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements.

The project proposes 17 lots for single-family dwelling units, one of which is already developed with a single-family dwelling (Lot B). The applicant proposes frontage improvements for the development consisting of curb, gutter and sidewalk for each lot. The site will be served public water and sewer by the Denair Community Services District (CSD). The Denair CSD provided a letter indicating their ability to serve the project site with public water and sewer. The letter indicated that

the CSD will require the owner/developer to enter into an Agreement with the Denair CSD to construct and pay for necessary infrastructure to enable the District to provide water and sewer services to the project. The Agreement will require the infrastructure be constructed to District specifications, and that security be given to the District to guarantee performance and payment for the infrastructure, and that all current connection fees be paid in full prior to issuance of a formal Will-Serve letter to the property owner/developer. Additionally, the applicant may be required to pay a fair share fee for future facilities for District services. The formal Will-Serve letter must be presented to the Stanislaus County Building Permits Division prior to issuance of a building permit for any residential structure. The CSD's comments will be applied to the project as development standards. No septic tanks are proposed as part of the project request. A referral response was received from the Department of Environmental Resources requiring the development obtain a formal Will-Serve letter from the Denair Community Services District for sewer and water. If an existing on-site wastewater treatment system (OWTS) is encountered, the applicant shall contact the DER for guidance and submit for and secure any required permits for the destruction of any existing OWTS on the subject properties.

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. Compliance with the Storm Water Pollution Prevention Program (SWPPP), with the Alquist-Priolo Earthquake Fault Zoning Act, and the California Building Code are all required through the building and grading permit review process which would reduce the risk of loss, injury, or death due to earthquake or soil erosion to less than significant.

**Mitigation:** None.

**References:** Application information; USDA – NRCS Web Soil Survey; Referral response received from Stanislaus County Department of Public Works, dated May 2, 2022, as revised on July 14, 2022, and further revised on July 15, 2022; Letter received from Denair Community Services District, dated February 10, 2022; Referral response from the Stanislaus County Department of Environmental Resources, dated April 20, 2022; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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

**Discussion:** The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H<sub>2</sub>O). CO<sub>2</sub> 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 CO<sub>2</sub> equivalents (CO<sub>2</sub>e). 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. GHGs emissions resulting from residential projects include emissions from temporary construction activities, energy consumption, and additional vehicle trips.

This is a request to rezone a 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent, and create 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet, and a 13,098 square-foot stormwater basin. A single-family dwelling and attached garage currently exist on the project site and will remain on proposed Lot B of the tentative map. Frontage improvements proposed for the development include curb, gutter and sidewalk for each lot. A 7-foot-tall masonry block wall is proposed to be constructed along the southern boundaries of the existing storm water basin on APN 024-055-043, and a 6-foot-tall chain-link fence will be installed along the eastern border of the storm water basin (both APN 024-055-043 and Lot A).

As required by CEQA Guidelines Section 15064.3, potential impacts regarding Green House Gas Emissions should be evaluated using Vehicle Miles Traveled (VMT). Stanislaus County has currently not adopted any significance thresholds

for VMT, and projects are treated on a case-by-case basis for evaluation under CEQA. However, the State of California – Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. The CEQA Guidelines identify vehicle miles traveled (VMT), which is the amount and distance of automobile travel attributable to a project, as the most appropriate measure of transportation impacts.

According to the same technical advisory from OPR, projects that generate or attract fewer than 110 trips per-day generally or achieves a 15% reduction of VMT may be assumed to cause a less-than significant transportation impact. The project proposes 17 residential lots, one of which is already developed with a single-family dwelling, and has the potential to develop a maximum of 33 new dwelling units, with each new lot able to be developed with up to two separate dwelling units each, consisting of one single-family dwelling, and one accessory dwelling unit (ADU), and the existing lot able to be developed with an ADU. One junior accessory dwelling unit (JADU) per lot is also permitted under the Rural Residential (R-A) zoning district; however, the JADU would not count as a separate dwelling unit as the JADU consists of converted living space within the primary home. According to the Federal Highway Administration the average daily vehicle trips per household is 5.11, which would equal approximately 169 additional trips per-day as a result of project approval (33 new units x 5.11 = 168.63). The VMT increase associated with the proposed project is significant as the number of vehicle trips will exceed 110 per-day. Although the project does not meet OPR's technical guideline, which identifies either 110 vehicle trips or a 15% reduction in VMT, the project is considered an infill residential project, as the project site was already identified in the Denair Community Plan for residential uses, which was accounted for under previous environmental analysis. Additionally, projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less-than-significant transportation impact. A major transit stop is defined as a site containing an existing rail transit station. The Turlock-Denair Amtrak station is located .32± miles to the west of the project site. Accordingly, VMT impacts are considered to be less than significant.

The proposed project will result in short-term emissions of GHGs during construction. These emissions, primarily CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O, are the result of fuel combustion by construction equipment and motor vehicles. The other primary GHGs (HFCs, PFCs, and SF<sub>6</sub>) 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 of this report, the use of heavy-duty construction equipment would be very limited; therefore, the emissions of CO<sub>2</sub> from construction would be less than significant. Additionally, the construction of the proposed buildings is subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11). All proposed construction activities associated with this project are considered to be less-than-significant as they are temporary in nature and are subject to meeting SJVAPCD standards for air quality control.

The project was referred to SJVAPCD which responded with no comment on the project. The analysis of mobile source pollution based on SPAL within Section III – Air Quality of this report would apply in regard to Greenhouse Gas Emissions as well. The District's Small Project Analysis Level (SPAL) guidance identifies thresholds of significance for criteria pollutant emissions, which are based on the District's New Source Review (NSR) offset requirements for stationary sources. Using project type and size, the District has pre-qualified emissions and determined a size below which it is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants. In the interest of streamlining CEQA requirements, projects that fit the descriptions and are less than the project sizes provided by the District are deemed to have a less-than-significant impact on air quality due to criteria pollutant emissions and as such are excluded from quantifying criteria pollutant emissions for CEQA purposes. The analysis of mobile source pollution based on SPAL within Section III – Air Quality of this report would apply in regard to Greenhouse Gas Emissions as well. The District's threshold of significance for residential projects is identified as 155 units, and less than 800 additional trips per-day. As mentioned above in this section, this request has the potential to result in the development of up to 33 new dwelling units as a result of the proposed project. According to the Federal Highway Administration the average daily vehicle trips per household is 5.11, which would equal approximately 169 additional trips per-day as a result of project approval (33 new units x 5.11 = 168.63). As this is well below the District's threshold of significance, no significant impacts to GHG emissions are anticipated.

**Mitigation:** None.

**References:** Application information; Governor's Office of Planning and Research Technical Advisory, December 2018; Federal Highway Administration, Summary of Travel Trends: 2017 National Household Travel Survey; San Joaquin Valley Air Pollution Control District referral response, dated May 3, 2022; San Joaquin Valley Air Pollution Control District's Small Project Analysis Level (SPAL) guidance, California Air Pollution Control Officers Association Quantifying Greenhouse Gas Mitigation Measures (August 2010); Stanislaus County General Plan and Support Documentation<sup>1</sup>.

IX. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?			X	
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

**Discussion:** The County Department of Environmental Resources is responsible for overseeing hazardous materials and has not indicated any particular concerns on the project site. The project was referred to the Department of Environmental Resources (DER) Hazardous Materials Division, which is responsible for overseeing hazardous materials. A response was received indicating that the developer shall conduct a Phase I or Phase II study prior to the issuance of a grading permit. If an existing onsite wastewater treatment system (OWTS) is encountered, the applicant shall contact the DER for guidance and submit for and secure any required permits for the destruction of any existing OWTS on the subject properties. Additionally, the Hazardous Materials Division requested that they be contacted should any underground storage tanks, buried chemicals, buried refuse, or contaminated soil be discovered during grading or construction. These comments will be reflected through the application of a development standard.

Pesticide exposure is a risk in areas located in the vicinity of agricultural uses. Sources of exposure include contaminated groundwater, which is consumed and drift from spray applications. Application of sprays are strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. Additionally, agricultural buffers are intended to reduce the risk of spray exposure to surrounding people. General Plan Amendment No. 2011-01 - *Revised Agricultural Buffers* was approved by the Board of Supervisors on December 20, 2011, to modify County requirements for buffers on agricultural projects. Appendix A states: "All projects shall incorporate a minimum 150-foot-wide buffer setback. Projects which propose people intensive outdoor activities shall incorporate a minimum 300-foot-wide buffer setback. Alternatives may be approved, provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. The project proposes to create 17 residential lots which is considered to be people intensive and require a 300-foot buffer setback from the proposed use to adjacent agriculturally zoned property. The property is adjacent to urban development to the west, north and south, and an agricultural zoned parcel to the east; however, the adjacent agriculturally zoned parcel is not actively farmed. The nearest parcels in agricultural production are a 4.9± acre parcel currently used for pasture land located .13± miles to the east of the project site and a 326.36± acre parcel located .25± miles to the east used for row crops and a chicken farm and currently enrolled under a Williamson Act contract.



Pesticide spray permits have not been issued within 600-feet of the project site. The applicant has proposed a no buffer alternative to the agriculture buffer requirement. The project was referred to the Stanislaus County Agricultural Commissioner and no comments have been received to date.

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 Hazardous Materials Division notified the Stanislaus County Planning Department of the presence of an open Central Valley Regional Water Quality Control Board (CVRWQCB) case (T0609997924) for a Leaking Underground Storage Tank (LUST) located 769± feet to the west of the project site at 4740 Main Street; however, groundwater is not known to be contaminated within the project site area. The project will be served by the Denair Community Services District for their domestic water and sewer services. The Hazardous Material Division indicated that the project will not have a significant effect on the environment. Additionally, the project was referred to the Stanislaus County Environmental Review Committee (ERC), which responded with no comments. Therefore, no significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project.

The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Denair Fire Protection District. The project was referred to the District; however, no response has been received to date. Each subsequent building permit for the residential development will be required to meet any relevant State of California Fire Code requirement prior to issuance.

The project site is not within the vicinity of any airstrip or wildlands. No significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project.

**Mitigation:** None.

**References:** Application information; Referral response received from Stanislaus County Department of Environmental Resources Hazardous Materials Division, dated April 18, 2022; Referral response from Stanislaus County Department of Environmental Resources, dated April 20, 2022; Referral response from Stanislaus County Environmental Review Committee (ERC), dated April 20, 2022; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

X. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			X	
i) result in substantial erosion or siltation on- or off-site;			X	
ii) substantially increase the rate of amount of surface runoff in a manner which would result in flooding on- or off-site.			X	
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X	
iv) impede or redirect flood flows?			X	

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

**Discussion:** Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project site is located in FEMA Flood Zone X, which includes areas determined to be outside the 0.2% annual chance floodplains. All flood zone requirements are addressed by the Building Permits Division during the building permit process.

The project site will be served water and sewer services by the Denair Community Services District (CSD). The Denair CSD provided a letter indicating their ability to serve water and sewer to the project site. As a condition of service, the CSD will require the owner/developer to enter into an Agreement to construct and pay for necessary infrastructure to enable the District to provide water and sewer services to the project. The Agreement will require the infrastructure be constructed to District specifications, and that security be given to the District to guarantee performance and payment for the infrastructure, and that all current connection fees be paid in full. Additionally, the applicant may be required to pay a fair share fee for future facilities for District services. Development standards will be added to the project to ensure the CSD’s requirements are met. Additionally, a referral response was received from the Department of Environmental Resources who will require the project site obtain a Will-Serve letter for water and sewer services to serve the development issued from the Denair CSD. These requirements will be reflected in the conditions of approval for this project.

Water quality in Stanislaus County is regulated by the Regional Water Quality Control Board, Central Valley Region, (RWQCB) under a Water Quality Control Plan (Basin Plan) for the Sacramento and San Joaquin River Basins. Under the Basin Plan, the RWQCB issues Waste Discharge Requirements (WDRs) to regulate discharges with the potential to degrade surface water and/or groundwater quality. In addition, the RWQCB issues orders to cease and desist, conduct water quality investigations, or implement corrective actions. The Stanislaus County Department of Environmental Resources (DER) manages compliance with WDRs for some projects under a Memorandum of Understanding with the RWQCB. A response was received from the Hazardous Materials Division as previously mentioned in Section IX - Hazards and Hazardous Materials which indicated the presence of an open Central Valley Regional Water Quality Control Board (CVRWQCB) case (T0609997924) for a Leaking Underground Storage Tank (LUST) located 769± feet to the west of the project site at 4740 Main Street; however, groundwater is not known to be contaminated within the project site area. The project was referred to RWQCB; however, no response has been received to date. A condition of approval will be added to the project requiring the applicant contact and coordinate with RWQCB to determine if any permits or Water Board requirements be obtained/met prior to issuance of a building permit.

By virtue of the proposed paving for the roadway, building pads, driveways, and sidewalk improvements, the current absorption patterns of water upon this property will be altered, and as such, a Grading and Drainage Plan shall be approved prior to issuance of any building permit as required by Public Works. Stormwater is proposed to be managed for the development through a 13,098 square-foot expansion (Lot A) of an existing stormwater basin located on APN 024-055-043, which currently serves an existing residential development to the south. A referral response was received from the County’s Public Works Department requiring annexation of the project to the existing Community Service Area (CSA) #21 - Riopel and the Denair Highway Lighting and Landscaping District to ensure future maintenance and eventual replacement of the storm drainage system and facilities, block wall, and any landscaped areas. Development standards have been added to the project addressing Public Works’ requirements. Public Works’ request will be added to the project as Development Standards. Prior to the recording of the final map, a complete set of improvement plans that are consistent with the Stanislaus County Standards and Specifications and the tentative map shall be submitted and approved by Stanislaus County Public Works; additionally, a current soils report for the area to be subdivided and grading, drainage, and erosion/sediment control plan shall be submitted prior to acceptance of the improvement plans. Public Works’ requirements will be placed on the project as Development Standards.

Groundwater management in California is regulated under the 2014 California Sustainable Groundwater Management Act (SGMA), which requires the formation of local Groundwater Sustainability Agencies (GSAs) to oversee the development and implementation of Groundwater Sustainability Plans (GSPs). SGMA defines sustainable groundwater management as the prevention of “undesirable results,” including significant and unreasonable chronic groundwater levels, reduction of groundwater storage, degraded water quality, land subsidence, and/or depletions of interconnected surface water. GSPs define minimum thresholds and measurable objectives for sustainable groundwater management, designate monitoring

networks to assess compliance with these management criteria and prescribe management actions and projects to achieve sustainability objectives within 20 years of their adoption.

Public and private water agencies and user groups within each of the four groundwater subbasins underlying the County work together as GSAs to implement SGMA. DER is a participating member in five GSAs. GSPs were adopted in January 2020 for the portions of the County underlain by the Eastern San Joaquin and Delta-Mendota Groundwater Subbasins and will be adopted for the Turlock and Modesto Subbasins by January 31, 2022. The subject project is located within the West Turlock Groundwater Subbasin and the jurisdiction of the Turlock GSA; the Denair CSD is subject to meeting any applicable requirements of the Turlock GSP.

Groundwater management in Stanislaus County is also regulated under the County Groundwater Ordinance, adopted in 2014. The Groundwater Ordinance is aligned with SGMA in its objective to prevent “undesirable results”. To this end, the Groundwater Ordinance requires that applications for new wells that are not exempt from the Ordinance are accompanied by substantial evidence that operation of the new well will not result in unsustainable groundwater extraction. Further, the owner of any well from which the County reasonably concludes groundwater may be unsustainably withdrawn, is required to provide substantial evidence of sustainable extraction. No new wells are anticipated to be installed as a result of this project. However, if a new well were required in the future by the CSD, the drilling of a new well would be regulated by DER and the Turlock GSP, which would include an environmental analysis consistent with CEQA.

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

No new septic systems are proposed under this request.

The project was referred to the Turlock Irrigation District (TID) which responded with a comment letter indicating an irrigation pipeline belonging to Improvement District (ID) 573A, runs from north to south along the east side of the subject project, and a valve box on the pipeline near the northeast corner of proposed Lot 15 that delivers water in a ditch that continues east. TID responded that the pipeline south of this valve/ditch can be removed; however, the remaining irrigation facilities at the northeast corner of Lot 15 shall be replaced by the developer to current District standards and an irrigation easement dedicated. The applicant has amended their tentative map to show the proposed TID easement. A development standard will be placed on the project that all easements be shown on the final map prior to recording. Plans detailing the existing irrigation facilities relative to the proposed site improvements will be required to be submitted to the District in order to determine specific impacts and requirements. The applicant will also be required to apply for abandonment of the parcel from the TID improvement district, and provide irrigation improvement plans and enter into an Irrigation Improvements Agreement for the required irrigation facility modifications. Additionally, TID will require grading specifications to prevent irrigated water from flowing over the developed project site. TID’s comments will be placed on the project as development standards.

As a result of the development standards required for this project, impacts associated with drainage, water quality, and runoff are expected to have a less-than-significant impact.

**Mitigation:** None.

**References:** Letter received from Denair Community Services District, dated February 10, 2022; Referral response from the Stanislaus County Department of Environmental Resources, dated April 20, 2022; Referral response received from Stanislaus County Department of Environmental Resources Hazardous Materials Division, dated April 18, 2022; Referral response received from Stanislaus County Department of Public Works, dated May 2, 2022, as revised on July 14, 2022, and further revised on July 15, 2022; Referral response from Turlock Irrigation District, dated April 19, 2022; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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	

<p><b>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?</b></p>			<p>X</p>	
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**Discussion:** The project site has a zoning designation of Rural Residential (R-A), which allows for a minimum parcel size of 8,000 square feet when serviced by public water and sewer. Existing land use designations for the project site include a General Plan designation of Low-Density Residential (LDR) and a Denair Community Plan Designation of LDR, which allows for zero to eight units per net acre. The project as proposed could develop 33 new dwellings units, with each new lot able to be developed with a single-family dwelling, an accessory dwelling unit, and a junior accessory unit; however, maximum density restrictions are not considered when developing accessory dwelling units in accordance with Senate Bill (SB) 13. The project proposes to create 17 lots of at least 8,000 square feet each on 4.82± acres, near the eastern border of the community of Denair, which equates to a density of 3.5± units per acre. The proposed Planned Development zoning district will include all uses and development standards permitted in the R-A zoning district with the exception of lot coverage. The applicant has proposed the resulting parcels to be permitted to develop building space of up to 50% of the total lot size, an increase of 10% from the current R-A zoning district. The applicant has requested this to achieve a greater flexibility in siting the housing product offered. The proposed lots will be served by the Denair Community Service District (CSD) for public water and sewer services. The proposed lot configuration is consistent with the General Plan, Community Plan, zoning designations of LDR and R-A zoning district, and the Subdivision Map Act.

As required by the Stanislaus County General Plan’s Land Use Element Sphere of Influence (SOI) Policy No. 27, projects within the sphere of influence of a sanitary sewer district, domestic water district, or community services district, shall be forwarded to the district board for comment regarding the ability of the district to provide services. As previously mentioned, the project site is located within the Denair CSD. The applicant has provided a will serve letter issued by the CSD, stating their ability to serve the proposed lots with sewer and water services. Development standards will be added to the project to reflect the CSD’s conditions for services including any requirement to pay a fair share fee for future facilities for District services. The project was referred to the CSD and no additional responses have been received.

The SOI Policy also requires that projects located within a SOI of a city of special district and within the boundaries of a Municipal Advisory Council (MAC) shall be referred to the MAC and the decision-making body give consideration to any comments received from the MAC. The proposed project is located within the Denair MAC boundaries and, accordingly, has been referred to the Denair MAC. In response to the Early Consultation circulated from April 5, 2022 to April 20, 2022, a Denair MAC member provided a comment on the project requesting Lots 6-8 be developed with a higher density number of dwelling units. The applicant provided example elevations and floor plans for single-family dwellings with attached accessory dwelling units for Lots 6-8 in response to the MAC member’s comment. The Denair MAC will hear the project proposal and make a recommendation regarding the project at their regularly scheduled monthly meeting on August 9, 2022.

Appendix A of the Agricultural Element states: “All projects shall incorporate a minimum 150-foot-wide buffer setback. Projects which propose people intensive activities shall incorporate a minimum 300-foot-wide buffer setback. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts such as spray drift and trespassing resulting from the interaction of agricultural and non-agricultural uses. Alternatives may be approved, provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. A residential subdivision would be considered a people intensive use. The ranchette parcel to the east is not in agricultural production, and is designated as Low-Density Residential in the Denair Community Plan and improved with a single-family dwelling and accessory structures. Additionally, ranchettes are considered to be residential in nature as categorized under Goal Two of the Agriculture Element of the General Plan. The nearest parcels in agricultural production are a 4.9± acre ranchette currently used for pasture land located .13± miles to the east of the project site and a 326.36± acre parcel located .25± miles to the east used for row crops and a chicken farm and currently enrolled under a Williamson Act contract. The 4.9± acre ranchette is included within the Denair Community Plan as Estate Residential. The 326.36± acre parcel currently enrolled in the Williamson Act is not located within the Denair Community Plan and is separated from the site by two parcels and the TID Main Canal. Residential development is limited to the current boundaries of the Denair Community Plan; therefore, if approved, the proposed project will not convert farmland to non-agriculture uses; nor will it conflict with existing zoning or a Williamson Act Contract. Additionally, permits for spraying pesticides have not been issued within 600-feet of the project site. The applicant has proposed a no buffer alternative to the agriculture buffer requirement. The County’s Agricultural Commissioner was referred the project; however, no response was received.

The General Plan and the Denair Community Plan requires at least three net acres of developed neighborhood parks, or the maximum number allowed by law, to be provided for every 1,000 residents. Consequently, the Stanislaus County Department of Parks and Recreation has calculated in-lieu fees per single-family dwelling unit to be paid by the developer to accommodate increased recreation needs occurring as a result of the residential development. Based on the number of lots being created, conditions of approval will be added to the project to require in-lieu park fees. These fees will be required at the issuance of a building permit for each dwelling unit at a rate of \$2,050.00 per single-family dwelling unit.

The proposed project will not conflict with any applicable habitat conservation plan or natural community conservation plan.

**Mitigation:** None.

**References:** Application information; Letter from Denair Community Services District, dated February 10, 2022; Referral response received from Stanislaus County Department of Environmental Resources, dated April 20, 2021; Referral response received from Stanislaus County Department of Public Works, dated May 2, 2022, as revised on July 14, 2022, further revised on July 15, 2022; County Zoning Ordinance; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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

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

**Mitigation:** None.

**References:** Application information; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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 55 dB Ldn (or CNEL) as the normally acceptable level of noise for Residential uses during daytime hours from 7 A.M. to 10 P.M. and 45 dB Ldn during nighttime

hours between 10 P.M. and 7 A.M. The most sensitive noise receptors adjacent to the project site are the single-family dwellings abutting the project site to the north and south. The proposed project is required to comply with the noise standards included in the General Plan and Noise Control Ordinance. On-site grading and construction resulting from this project may result in a temporary increase in the area’s ambient noise levels; however, noise impacts associated with on-site activities and traffic are not anticipated to exceed the normally acceptable level of noise. The site itself is impacted by the noise generated from Story Road to the west and Romie Way to the north and south.

Conditions of approval will be placed on the project to ensure compliance with the General Plan’s Noise Element and Chapter 10.46 of the County Code – Noise Control.

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

**Mitigation:** None.

**References:** Application information; Stanislaus County Noise Control Ordinance (Title 10); Stanislaus County General Plan, Chapter IV – Noise Element, and Support Documentation<sup>1</sup>.

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 vacant sites inventory for the 2016 Stanislaus County Housing Element, which covers the 5th cycle Regional Housing Needs Allocation (RHNA) for the County, identified Denair as having a realistic capacity for producing an additional 35 housing units, made up of 17 above moderate units and 18 moderate and below moderate units. Although the project site is not included in the vacant sites inventory, the project would produce 17 new single-family above moderate units which will assist the County in producing a portion of the above moderate units identified as being needed within Stanislaus County. The project site has been improved with a single-family dwelling since 1950. The existing dwelling will remain on Lot B of the proposed subdivision map.

The proposed project will not create significant service extensions or new infrastructure which could be considered as growth inducing, as services are available to neighboring properties. Additionally, in accordance with the implementation measures listed under Goal Two, Policy Two of the Denair Community Plan, the sizing of sewer and water lines should be reduced as they approach the northerly, westerly and easterly periphery of the Denair Community Plan area to limit growth influences beyond the Plan area. The maximum number of residential units the proposed project could develop is 33 units, with each new lot capable of being developed with one single-family dwelling and one accessory dwelling unit (ADU) each, and proposed Lot B will be able to be developed with an ADU in addition to the existing single-family dwelling; as mentioned in Section XI -Land Use and Planning, maximum density restrictions are not considered when developing accessory dwelling units in accordance with Senate Bill (SB) 13. The extension of Denair CSD water and sewer services will not induce any further growth as the development is an infill project. The site is located adjacent to urban development to the west, north and south, and an agriculturally zoned parcel to the east; however, the parcel to the east is currently designated Urban Transition under the Stanislaus County Land Use Element.

**Mitigation:** None.

**References:** Application information; Stanislaus County Zoning Ordinance (Title 21); and the Stanislaus County General Plan, Chapter VI – Housing Element and Support Documentation<sup>1</sup>.

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

**Discussion:** The project site is served by Denair Rural Fire District, the Denair Unified and Turlock Unified School District, Stanislaus County Sheriff Department for police protections, the Denair Community Services District for public water and sewer, Stanislaus County Parks and Recreation Department for parks facilities, and the Turlock Irrigation District (TID) for power. County adopted Public Facilities Fees, as well as fire and school fees are required to be paid based on the development type prior to issuance of a building permit. Payment of the applicable district fees will be required prior to issuance of a building permit. All new dwellings will be required to pay the applicable Public Facility Fees through the building permit process. The Sheriff’s Department also uses a standardized fee for new dwellings that will be incorporated into the Development Standards. As discussed in Section XI – Land Use and Planning, the General Plan and the Denair Community Plan requires at least three net acres of developed neighborhood parks, or the maximum number allowed by law, to be provided for every 1,000 residents. The Stanislaus County Department of Parks and Recreation has calculated an in-lieu fee of \$2,050 per single-family dwelling unit which will be paid by the developer to accommodate increased recreation needs occurring as a result of the residential development.

A referral response was received from the County’s Public Works Department requiring annexation of the project to the existing Community Service Area (CSA) #21 - Riopel and the Denair Highway Lighting and Landscaping District to ensure future maintenance and eventual replacement of the storm drainage system and facilities, block wall, and any landscaped areas and requirements regarding connection to the Denair CSD prior to the final map being recorded. Curb, gutter and sidewalk along Story Road, Romie Way and the proposed Harris Court will be County-maintained through the Stanislaus County Public Works Department. Development standards have been added to the project addressing Public Works’ requirements.

The Turlock Irrigation District provided a referral response to the project indicating that electric service can be provided to the proposed lots. TID requested the developer consult with District Electrical Engineering to make an application for service and to begin design work. TID also requested public utility easements to be dedicated along all street frontages. Development standards reflecting TID’s requests will be placed on the project.

The Denair Community Services District (CSD) provided a letter indicating the capacity of the CSD to serve water and sewer to the project site. The letter indicated that the CSD will require the owner/developer to enter into an Agreement with the Denair CSD to construct and pay for necessary infrastructure to enable the District to provide water and sewer services to the project. The Agreement will require the infrastructure be constructed to District specifications, and that security be given to the District to guarantee performance and payment for the infrastructure, and that all current connection fees be paid in full. Additionally, the applicant may be required to pay a fair share fee for future facilities for District services. Once all fees are paid in full, a formal Will-Serve letter will be given to the property owner/developer by the CSD to submit to the Stanislaus County Building Permits Division prior to issuance of a building permit. The District’s requirements will be added as development standards to the project.

**Mitigation:** None.

**References:** Application information; Referral response received from Stanislaus County Department of Public Works, dated May 2, 2022, as revised on July 14, 2022, further revised on July 15, 2022; Referral response received from Turlock Irrigation District, dated April 19, 2022; Letter from Denair Community Services District, dated February 10, 2022; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>XVI. RECREATION --</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) <b>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?</b>			X	
b) <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?</b>			X	

**Discussion:** The General Plan and the Denair Community Plan requires at least three net acres of developed neighborhood parks, or the maximum number allowed by law, to be provided for every 1,000 residents. Based on the number of lots being created, development standards will be added to the project to require in-lieu park fees. These fees will be required at the issuance of a building permit for each dwelling unit at a rate of \$2,050.00 per single-family dwelling unit.

**Mitigation:** None.

**References:** Application information; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>XVII. TRANSPORTATION -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) <b>Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?</b>			X	
b) <b>Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?</b>			X	
c) <b>Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</b>			X	
d) <b>Result in inadequate emergency access?</b>			X	

**Discussion:** The project proposes to rezone a 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent, and create 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet, and a 13,098 square-foot stormwater basin. As part of this project, Romie Way will be extended through the site which will connect to a cul-de-sac (proposed to serve lots 1-5, 9-16, and Lot A) that will include a stub-out to serve future development east of the project site. The remaining lots (lots 6-8 and proposed Lot B) will have access and road frontage onto Story Road.

As required by CEQA Guidelines Section 15064.3, potential impacts to transportation should be evaluated using Vehicle Miles Traveled (VMT). Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by case basis for evaluation under CEQA. However, the State of California - Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. The CEQA Guidelines identify vehicle miles traveled (VMT), which is the amount and distance of automobile travel attributable to a project, as the most appropriate measure of transportation impacts. According to the same technical advisory from OPR, projects that generate or attract



fewer than 110 trips per-day generally or achieves a 15% reduction of VMT may be assumed to cause a less-than significant transportation impact. The project proposes 17 residential lots, one of which is already developed with a single-family dwelling, and has the potential to develop a maximum of 33 new dwelling units, with each new lot able to be developed with up to two separate dwelling units each, consisting of one single-family dwelling, and one accessory dwelling unit (ADU), and the existing lot able to be developed with an ADU. One junior accessory dwelling unit (JADU) per lot is also permitted under the Rural Residential (R-A) zoning district; however, the JADU would not count as a separate dwelling unit as the JADU consists of converted living space within the primary home. According to the Federal Highway Administration the average daily vehicle trips per household is 5.11, which would equal approximately 169 additional trips per-day as a result of project approval (33 new units x 5.11 = 168.63). The VMT increase associated with the proposed project is significant as the number of vehicle trips will exceed 110 per-day. Although the project does not meet OPR's technical guideline, which identifies either 110 vehicle trips or a 15% reduction in VMT, the project is considered an infill residential project, as the project site was already identified in the Denair Community Plan for residential uses, which was accounted for under previous environmental analysis. Additionally, projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less-than-significant transportation impact. A major transit stop is defined as a site containing an existing rail transit station. The Turlock-Denair Amtrak station is located .32± miles to west of the project site. Accordingly, VMT impacts are considered to be less than significant

Level of service (LOS) is a standard measure of traffic service along a roadway or at an intersection for vehicles. It ranges from A to F, with LOS A being best and LOS F being worst. As a matter of policy, Stanislaus County strives to maintain LOS D or better for motorized vehicles on all roadway segments and a LOS of C or better for motorized vehicles at all roadway intersections. When measuring levels of service, Stanislaus County uses the criteria established in the Highway Capacity Manual published and updated by the Transportation Research Board. Story Road along the west of the project site is classified as a 60-foot-wide local road and Romie Way, which is proposed to be continued through the project site under this proposal, is a 50-foot-wide local road. The LOS threshold for a Local Road to operate at a LOS C is 1,700 vehicles per-lane, per-day, respectively.

Frontage improvements proposed for the development include curb, gutter, and sidewalk for the entire subdivision. As part of this project, Romie Way will be extended through the site which will connect to a cul-de-sac (proposed to serve lots 1-5, 9-16, and Lot A) that will include a stub-out to serve future development east of the project site. A barricade per Public Works' Standards and Specifications is proposed along the street stub to the east to prevent trespass onto the adjacent agriculturally zoned parcel.

A referral response was received from the County's Public Works Department, which included requirements for site development standards that would account for the County's Standards and Specifications for subdivisions. Development standards were also included for: right of way dedication for Story Road, the continuation of Romie Way, and the proposed Harris Court; requirements for final map recordation; requirements for submission of improvement plans; grading and drainage plan requirements, including removal or relocation of existing irrigation facilities; inclusion of a 10' Public Utilities Easement along the frontage of each parcel; annexation of the project to the existing Community Service District and Lighting and Landscaping District for funding of improvement maintenance; and requirements regarding connection to the Denair CSD prior to the final map being recorded. These requirements will be added to the project as development standards.

All development onsite will be required to pay applicable County PFF fees, which will be utilized for maintenance and traffic congestion improvements to all County roadways.

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

**Mitigation:** None.

**References:** Application information; Referral response received from Stanislaus County Department of Public Works, dated May 2, 2022, as revised on July 14, 2022, further revised on July 15, 2022; Federal Highway Administration, Summary of Travel Trends: 2017 National Household Travel Survey; Governor's Office of Planning and Research Technical Advisory, December 2018; Stanislaus County Zoning Ordinance (Title 21); and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XVIII. TRIBAL CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California native American tribe, and that is:			X	
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X	
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set for the in subdivision (c) of Public Resource Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X	

**Discussion:** It does not appear this project will result in significant impacts to any tribal cultural resource. The site is currently developed with a single-family dwelling and attached garage on proposed Lot B; the rest of the project site is vacant. However, the surrounding area has been developed with single-family dwellings and urban uses. As discussed in Section V – Cultural Resources of this report, the records search indicated there may be unidentified features involved in the project area that are 45 years or older and considered as historical resources requiring further study. The CCIC recommend further review for the possibility of identifying prehistoric or historic-era archaeological resources if ground disturbance is considered a part of the current project. The CCIC recommendations as mentioned in the “Cultural Resources” section of this report will be applied to the project.

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.

It does not appear that this project will result in significant impacts to any tribal cultural resources.

**Mitigation:** None.

**References:** Application information; Central California Information Center Report for the project site, dated February 10, 2022; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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	

<p><b>b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?</b></p>			<p>X</p>	
<p><b>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?</b></p>			<p>X</p>	
<p><b>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?</b></p>			<p>X</p>	
<p><b>e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?</b></p>			<p>X</p>	

**Discussion:** Limitations on providing services have not been identified. The proposed project will rezone a 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent, and create 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet, and a 13,098 square-foot stormwater basin. If approved, each residential lot could be developed with one single-family dwelling, an accessory dwelling unit, and a junior accessory dwelling unit. As part of this project, Romie Way will be extended through the site which will connect to a cul-de-sac (proposed to serve lots 1-5, 9-16, and Lot A) that will include a stub-out to serve future development east of the project site. The remaining lots (lots 6-8 and proposed Lot B) will have access and road frontage onto Story Road. The applicant proposes to install curb, gutter, sidewalk and street lighting pursuant to Stanislaus County standards along the frontage of each proposed lot. Two existing trees will remain on Lot 6 and Lot B of the tentative map. The applicant proposes to plant one tree along the frontage of Lots 1-12 and Lots 14-15; three trees along the frontage of corner Lots 1, 13 and 16; and five trees along the road frontage of Lot A, the storm water basin, for an overall total of 29 trees as part of this request. Stormwater is proposed to be managed for the development through a 13,098 square-foot expansion (Lot A) of an existing stormwater basin located on APN 024-055-043, which currently serves an existing residential development to the south. A referral response was received from the County's Public Works Department requiring annexation of the project to the existing Community Service Area (CSA) #21 - Riopel and the Denair Highway Lighting and Landscaping District to ensure future maintenance and eventual replacement of the storm drainage system and facilities, block wall, and any landscaped areas. Curb, gutter and sidewalk along Story Road, Romie Way and the proposed Harris Court will be County-maintained through the Stanislaus County Public Works Department. Public Works also provided requirements regarding connection to the Denair CSD prior to the final map being recorded. All of Public Works' requirements will be added to the project as development standards.

The Turlock Irrigation District provided a referral response to the project indicating that electric service can be provided to the proposed lots. TID requested the developer consult with District Electrical Engineering to make an application for service and to begin design work. TID also requested public utility easements to be dedicated along all street frontages. TID comments will be added to the Development Standards for the project.

The Denair Community Services District (CSD) provided a letter indicating the capacity of the CSD to serve water and sewer to the project site. The letter indicated that the CSD will require the owner/developer to enter into an Agreement with the Denair CSD to construct and pay for necessary infrastructure to enable the District to provide water and sewer services to the project. The Agreement will require the infrastructure be constructed to District specifications, and that security be given to the District to guarantee performance and payment for the infrastructure, and that all current connection fees be paid in full. Additionally, the applicant may be required to pay a fair share fee for future facilities for District services. Once all fees are paid in full, a formal Will-Serve letter will be given to the property owner/developer by the CSD to submit to the Stanislaus County Building Permits Division prior to issuance of a building permit. The District's requirements will be added as development standards to the project.

A referral response was received from the Department of Environmental Resources which will require the project site to obtain a formal Will-Serve letter (as discussed in the paragraph above) for water and sewer services to serve the development, issued from the Denair Community Services District, and that the applicant receive the appropriate permits for demolition of the existing septic facilities on-site. These requirements will be reflected in the development standards for

this project. The Department of Public Works will review and approve grading and drainage plans prior to construction. Development standards will be added to the project to reflect these requirements.

**Mitigation:** None.

**References:** Application information; Referral response from Turlock Irrigation District, dated April 19, 2022; Letter from Denair Community Services District, dated February 10, 2022; Referral response from Stanislaus County Department of Environmental Resources, dated April 20, 2022; Referral response from Stanislaus County Department of Public Works, dated May 2, 2022, as revised on July 14, 2022, further revised on July 15, 2022; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XX. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
c) Require the installation of maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

**Discussion:** The Stanislaus County Local Hazard Mitigation Plan from the Department of Emergency Services, identifies risks posed by disasters and identifies ways to minimize damage from those disasters. With the Wildfire Hazard Mitigation Activities of this plan in place, impacts to an adopted emergency response plan or emergency evacuation plan are anticipated to be less-than significant. The terrain of the site is relatively flat, and the site has access to a County-maintained road. The site is located in a Local Responsibility Area (LRA) for fire protection and is served by the Denair Fire Protection District. The project was referred to the District, but no comments have been received to date. All improvements will be reviewed by the Stanislaus County Fire Prevention Bureau and will be required to meet all State and Local fire code requirements.

Wildfire risk and risks associated with postfire land changes are considered to be less-than significant.

**Mitigation:** None.

**References:** Application information; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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 project is adjacent to single-family lots to the north and south, the Denair Community Services District facility to the west and a ranchette parcel to the east of the project site. The closest agricultural zoned property is the ranchette parcel located to the east of the project site; however, the adjacent agriculturally zoned parcel is not actively farmed and is designated as Urban Transition under the Land Use Element and Low-Density Residential under the Denair Community Plan. The nearest parcels in agricultural production include a 4.9± acre parcel currently used for pasture land located .13± miles to the east of the project site, and a 326.36± acre parcel located .25± miles to the east used for row crops and a chicken farm and currently enrolled under a Williamson Act contract. Any development of the surrounding area would be subject to the permitted uses of the applicable zoning district the property is located within or would require additional land use entitlements and environmental review. Pesticide spray permits have not been issued within 600-feet of the project site. The applicant has proposed a no buffer alternative to the agriculture buffer requirement. The County’s Agricultural Commissioner was referred the project and has not stated any issues with the proposed agricultural buffer.

The proposed project will rezone 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent, and create 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet, and a 13,098 square-foot stormwater basin. The project site is designated Low-Density Residential (LDR) in the County’s General Plan and Denair Community Plan, and is currently zoned Rural Residential (R-A), which permits residential uses. If approved, the proposed project will not convert farmland to non-agriculture uses as the project site and surrounding area permits is built-out with residential uses; nor will it conflict with existing zoning or a Williamson Act Contract.

No cumulative impacts are anticipated as a result of this project. The proposed project will not create significant service extensions or new infrastructure which could be considered as growth inducing, as services are available to neighboring properties. Additionally, in accordance with the implementation measures listed under Goal Two, Policy Two of the Denair Community Plan, the sizing of sewer and water lines should be reduced as they approach the northerly, westerly and easterly periphery of the Denair Community Plan area to limit growth influences beyond the Plan area.

**Mitigation:** None.

**References:** Initial Study; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<sup>1</sup>Stanislaus 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:** Rezone and Tentative Map Application No. PLN2022-0026  
– Elmwood Estates

**LOCATION OF PROJECT:** 3700 Story Road, between East Zeering Road and Walton Street, in the Community of Denair.  
APN: 024-055-060

**PROJECT DEVELOPERS:** Torre Reich, Malet Development  
219 North Broadway  
Turlock, CA 95380

**DESCRIPTION OF PROJECT:** Request to rezone a 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent, and to create 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet, and a 13,098 square-foot stormwater basin.

Based upon the Initial Study, dated **July 19, 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, California.

Initial Study prepared by: Emily Basnight, Assistant Planner

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

## Emily Basnight

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**From:** Don Rajewich [REDACTED]  
**Sent:** Friday, July 29, 2022 12:04 PM  
**To:** Emily Basnight  
**Subject:** Elwood Plan PLN2022-0026 Clarification

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

\*\*\* WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe \*\*\*

This morning you told me that the lots 6,7,8 on Story would be duplexes.

So I went online and revisited the plan posted online, and as I mentioned to you in our phone conversation, the proposal shows single family homes on Story Road lots 6,7,8.

Here a screen shot of the online plot plan . (Am I correct to assume that lot one on story road is really lot 6? )



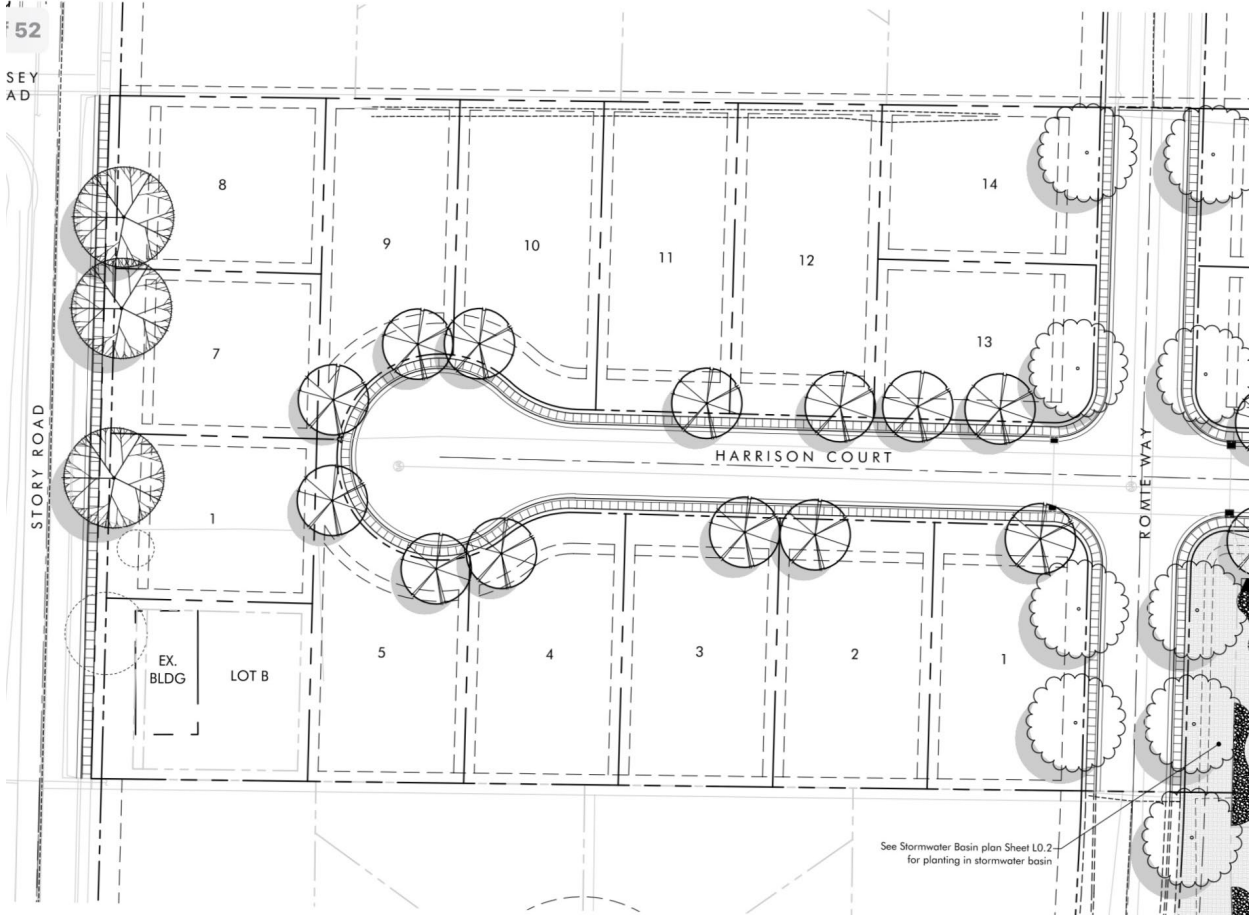
From: Don Roberts  
To: Emily Simpson  
Subject: Elmwood Plan #102022-0036 Clarification  
Date: Friday, July 29, 2022 12:03:43 PM

\*\*\* WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe \*\*\*

This morning you told me that the lots 6,7,8 on Story would be duplexes.

So I went online and revisited the plan posted online, and as I mentioned to you in our phone conversation, the proposal shows single family homes on Story Road lots 6,7,8.

Here a screen shot of the online plot plan. (Am I correct to assume that lot one on story road is really lot 6?)



And below are screenshots for lots 6,7,8.  
These are obviously not duplexes.

**ELMWOOD DEV | LOT 08**  
ELEVATION B | HIP



**ELMWOOD DEV | LOT 07**  
ELEVATION B | HIP

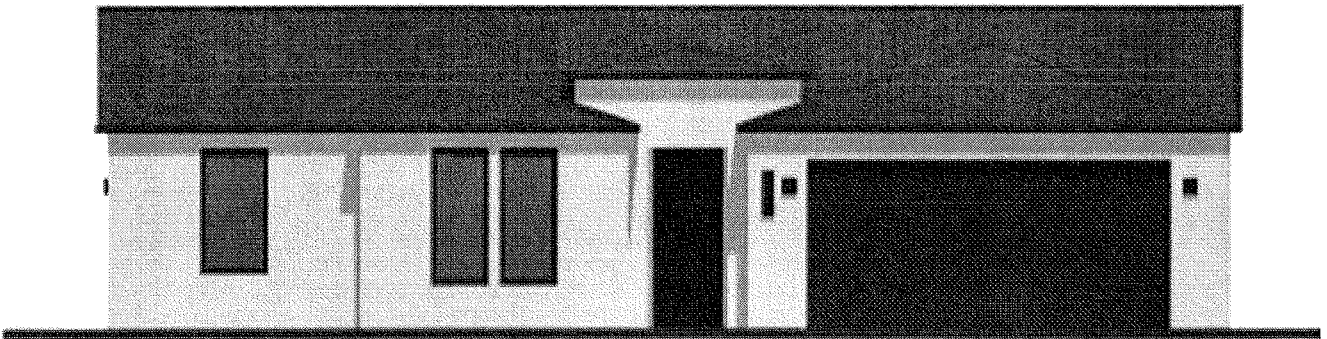


And below are screenshots for lots 6,7,8.  
These are obviously not duplexes.

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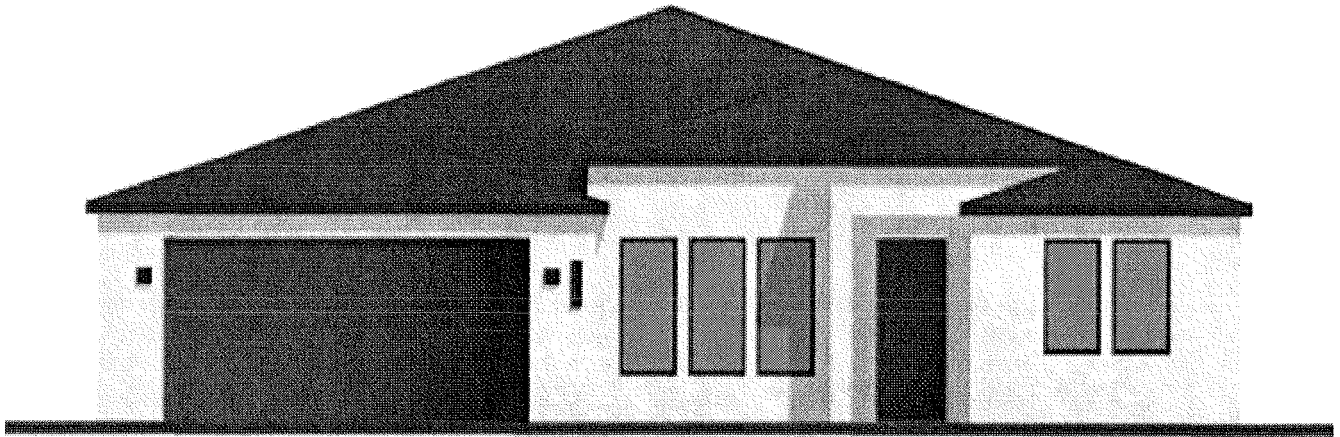
# ELMWOOD DEV | LOT 08

## ELEVATION B | HIP



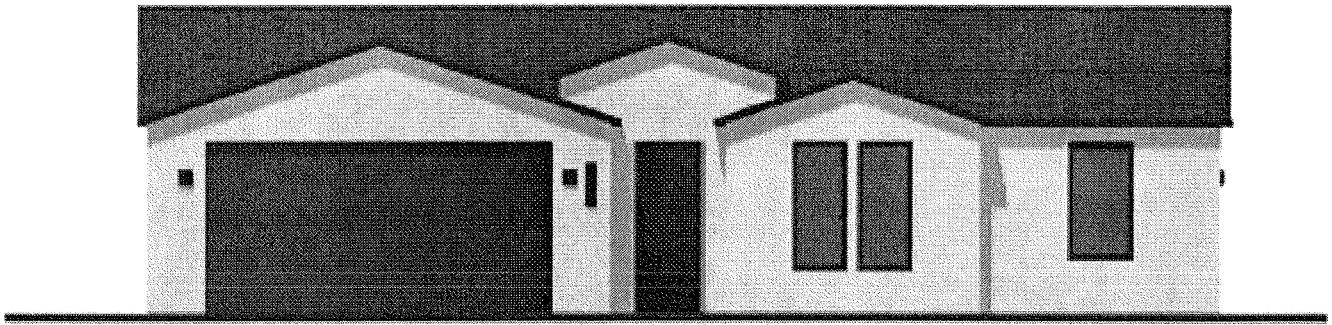
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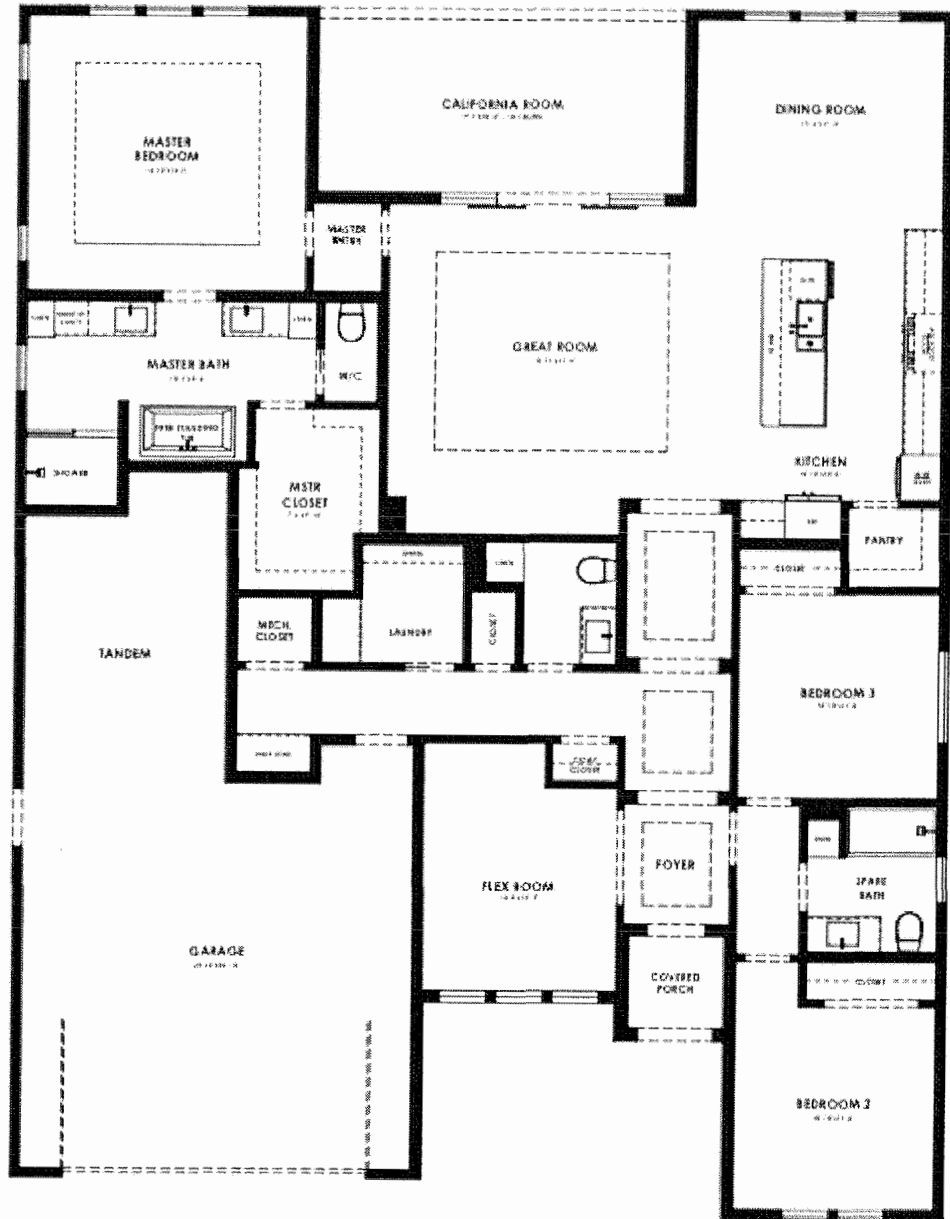
**ELMWOOD DEV | LOT 07**  
ELEVATION B | HIP



# ELMWOOD DEV | LOT 06

ELEVATION A | GABLE





# ELMWOOD DEV | LOT 07

FLOOR PLAN | PLAN 2122

Are these actually supposed to be the “typical plot plans” for the lots on Harrison, as called for by the Stan County PD regs?

That same paragraph in the Stan County PD regs say that a PD proposal should include the following : ... (a) “ site plan shall show the approximate location of all proposed buildings, indicating maximum and minimum distances between buildings, and between building use property or building site lines...” I believe that if such a site plan had been included in the proposal, my current misunderstanding of the proposal could have been averted and I would have answers to some of my following questions:

What does a 40 to 50 percent building site coverage look like on paper?

What is going to be built on Story Road? duplexes? single family homes? what will they look like?

What is going to be built behind my house, and how close to my house ( back fence) is it being built?

**From:** [Kathy Clinkenbeard](#)  
**To:** [Emily Basnight](#)  
**Subject:** Re: Information - Elmwood Estates  
**Date:** Monday, August 1, 2022 4:58:27 PM

---

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The question asked the most was why do you have to extend Romie Way and have this be the only access for the new houses via Walton Rd and Romie Way. Why can't the culdesac and houses be off of Story Rd. Story Rd is already a busy access. Why destroy our peace and quiet for this new neighborhood or why can't the Romie Way on the other side have the extension. Noticed this has been left alone. Why, because it is not the best neighborhood to have your new owners have to drive thru this neighborhood instead of our nice neighborhood. May affect the sell of the new homes?

You will be hearing from a lot of my neighbors and they will also be going to the MAC meeting on Thursday.

Thank you for letting me vent.

Katherine Clinkenbeard

-----Original Message-----

From: Emily Basnight <basnighte@stancounty.com>  
To: [REDACTED]  
Sent: Mon, Aug 1, 2022 2:37 pm  
Subject: Information - Elmwood Estates

Good afternoon Katherine,

Thank you for your comments regarding the Elmwood Estates Rezone and Subdivision Map. I've attached the proposed subdivision map to this email. The map shows the orientation of the proposed lots, the proposed size of the lots, and the roadways. There will be four lots that face Story Road (Lot B, and Lots 6-8), and the remainder of the lots will have access from proposed Harris Court and Romie Way (Lots 1, 13-16, and Lot A (the expansion of the storm drainage basin)).

I've also attached the agenda for the upcoming Denair Municipal Advisory Council (MAC) meeting to be held on Tuesday, August 9 at 7:00 PM in the Leadership Board Room at Denair Charter Academy school located at 3460 Lester Road in Denair. A presentation for the Elmwood Estates project will be presented at the MAC meeting and County staff will be there to take down comments/concerns and to answer any questions.

The full environmental review for the project can be found on our website at the following location:  
[https://www.stancounty.com/planning/pl/act-proj/PLN2022-0026\\_30\\_Day.pdf](https://www.stancounty.com/planning/pl/act-proj/PLN2022-0026_30_Day.pdf)

From our conversation this morning, I've noted the following concerns:

- Traffic along Romie Way and concerns regarding safety for the existing neighborhoods and residents on Romie Way. Additionally, there are concerns with the general circulation proposed for the site and the adequacy of Romie Way for two-way traffic.

Preference would be to not continue Romie Way/deny access to Romie Way from the project site.

- Issues regarding safety and the law off Romie Way (mentioned a property on the Hillsdale side of Romie Way that has a reputation) and Main Street (and Denair area in general), including slow response times, and the lack of sheriff personal patrolling the area/enforcing the law.
- Construction concerns regarding construction vehicles/equipment accessing the site.
- Water quality and availability concerns.

Please don't hesitate to email me if you would like to provide a written response further detailing your concerns. If any of your neighbors would like to provide comments on the project they can reach me on my direct line at (209) 525-5984 or by email at [basnighte@stancounty.com](mailto:basnighte@stancounty.com).

If you have any additional questions or concerns, please don't hesitate to email or call.

Thank you,

Emily Basnight  
Assistant Planner  
Planning and Community Development  
Stanislaus County  
Ph: 209-525-5984

*Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <http://www.stancounty.com/planning/phone-mail-options.shtm>*



**From:** [Don Rajewich](#)  
**To:** [Emily Basnight](#)  
**Subject:** Follow up questions regarding Elmwood Project  
**Date:** Tuesday, August 2, 2022 9:49:57 AM

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Thank you for your thorough, timely, and detailed response last Friday.

I have a couple of follow up questions:

1. Has a development schedule been provided? If so, why is it not included in the CEQA Referral? Is it available to the public?
2. What was the reason for not connecting Harris (Court) to Story ?
3. Should Walton and Hillsdale been included in the VMT section of the document?
4. Should the VMT section have included calculations of the impact of future development extending Harris eastward? ( I have heard there have been recent negotiations between the land owners and the developer of the Elmwood Estates.)
4. Why does the location of the Amtrak Station ( .32 miles from Elmwood ) negate daily VMT impacts? (I am not aware of any of my neighbors using Amtrak to commute to work or pick up their kids at school or deliver pizza. )

**From:** [Steve Silva](#)  
**To:** [Emily Basnight](#)  
**Subject:** Re: Denair Municipal Advisory Council Meeting  
**Date:** Tuesday, August 9, 2022 1:01:11 PM

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Thank you for the information.

On Tue, Aug 9, 2022 at 12:07 PM Emily Basnight <[basnighte@stancounty.com](mailto:basnighte@stancounty.com)> wrote:

Good afternoon Steve,

The Turlock Irrigation District (TID) is requiring the irrigation box and existing facilities to be replaced by the developer to current District standards and an irrigation easement will be dedicated for your parcel to continue irrigating from the gate. No impact to the existing irrigation should occur as a result of this project. TID has provided a comment letter (see attached) with conditions that will be placed on the project. The irrigation easement will be required to be shown on the final subdivision map.

Please don't hesitate to email or call if you have any questions.

Thank you,

Emily Basnight

Assistant Planner

Planning and Community Development

Stanislaus County

Ph: 209-525-5984

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**From:** Steve Silva [REDACTED]

**Sent:** Tuesday, August 9, 2022 10:39 AM  
**To:** Emily Basnight <[basnighte@stancounty.com](mailto:basnighte@stancounty.com)>  
**Subject:** Re: Denair Municipal Advisory Council Meeting

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Hi Emily, another concern I have is if the current irrigation pipeline/corner common junction box boarding my adjacent property will affect my TID pasture irrigation out of Gate 2-1 from the Elmwood Estates development ?

Thanks for the invite, I will be there this evening

Steve Silva [REDACTED]

On Mon, Aug 8, 2022 at 4:34 PM Emily Basnight <[basnighte@stancounty.com](mailto:basnighte@stancounty.com)> wrote:

Good afternoon Steve,

I've attached the Denair Municipal Advisory Council (MAC) meeting agenda to this email. The meeting will be held tomorrow evening at 7:00PM at [3460 Lester Road](#) in Denair.

To summarize our conversation over the phone today regarding the Elmwood Estates project, because there are grazing cattle at 5207 Walton Street:

- You would prefer the agricultural buffer to be maintained along the east side of the development, adjacent to your property at 5207 Walton Street
- You would prefer the masonry wall to be developed along the eastern side of the development, adjacent to your property at 5207 Walton Street

If you have any comments, concerns or questions regarding the Elmwood Estates project, please don't hesitate to email ([basnighte@stancounty.com](mailto:basnighte@stancounty.com)) or call at (209) 525-5984.

Have a good evening,

Emily Basnight

Assistant Planner

Planning and Community Development

Stanislaus County

Ph: 209-525-5984

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**From:** [Nancy Dee](#)  
**To:** [Planning](#)  
**Subject:** Elmwood Estates No Traffic Impact Report  
**Date:** Tuesday, August 9, 2022 4:23:08 PM

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As you can see, there is a development planned that will open traffic to Romie Way, forcing traffic onto Walton Road. There is no traffic analysis impact report attached to the application: REZONE AND TENTATIVE MAP APPLICATION NO. PLN2022-0026 – ELMWOOD ESTATES.

As you can see, Romie Way is a very small cul-de-sac that can not possibly handle more than the traffic of the homeowners who have spent their hard earned money to purchase their homes. It is clear that the traffic should go onto Story Road. A traffic impact analysis must be provided before this plan is approved. You should question why their map is incomplete and does not clearly show Romie Way, or how it turns onto Walton Road. This is the second time the Planning Commission has tried to push through project without notifying those of us who are directly affected, i.e. the Gonzales Cement Plant on Story and Santa Fe: GPA & REZ PLN2020-0014

cc: Representative Josh Harder  
Senator Alex Padilla



Nancy Dee



## Emily Basnight

---

**From:** Nancy Dee [REDACTED]  
**Sent:** Tuesday, August 9, 2022 5:29 PM  
**To:** Emily Basnight  
**Subject:** Re: Elmwood Estates No Traffic Impact Report  
**Attachments:** Denair MAC Agenda 8-9-22.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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Romie is a very narrow street. Most homeowners have multiple cars, so this foolish plan will prevent the homeowners parking in front of their own houses and complicate the trash pick up. This street can not handle additional traffic. I will file a complaint against the developer for not providing a proper map.

Nancy Dee

On Aug 9, 2022, at 4:55 PM, Emily Basnight <basnighte@stancounty.com> wrote:

Good afternoon,

Thank you for your comments on the Elmwood Estates project. The project has not yet been approved. An environmental document is circulating for the project pursuant to the California Environmental Quality Act (CEQA), which can be found online at the following web address:  
[https://www.stancounty.com/planning/pl/act-proj/PLN2022-0026\\_30\\_Day.pdf](https://www.stancounty.com/planning/pl/act-proj/PLN2022-0026_30_Day.pdf)

The Planning Department will present the Elmwood Estates project to the Denair Municipal Advisory Council (MAC) this evening at 7:00PM at 3460 Lester Road (agenda attached with additional details) to gather comments and answer any questions the MAC or community may have regarding the project; this meeting is open to the general public. Two additional public meetings are required to be held for the project as well: the Planning Commission meeting to hear the project and provide a recommendation to the Board of Supervisors will be held on September 1, 2022. The Board of Supervisors meeting to approve or deny the project has not been scheduled as of yet.

Please find answers to your questions below:

A traffic impact analysis was not required by the County Department of Public Works for this project; the project proposes 17 residential lots total.

- The project's layout was designed by the developer to continue the pattern of the existing lots in the surrounding area. There are existing homes facing Story Road to both the north, and south of the project site, including the home that exists on the project site. Also, existing Kersey Road connection to Story Road would be in very close proximity to the new intersection, which could cause traffic and safety issues.

- The connection of Romie Way through the site completes the road as is was originally planned for, and continues the lotting pattern to the north and south. The cul-de-sac is in line with the stub street to the west creating a single intersection within the subdivision. Stop bars can be added within the cul-de-sac and stub street, or a 4-way stop could be installed.

If you have any questions or concerns, please don't hesitate to email or call.

Thank you,

Emily Basnight  
Assistant Planner  
Planning and Community Development  
Stanislaus County  
Ph: 209-525-5984

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**From:** Nancy Dee [REDACTED]  
**Sent:** Tuesday, August 9, 2022 4:23 PM  
**To:** Planning <planning@stancounty.com>  
**Subject:** Elmwood Estates No Traffic Impact Report

**\*\*\* WARNING:** This message originated from outside of Stanislaus County. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe **\*\*\***

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cc: Representative Josh Harder  
Senator Alex Padilla

From: Nancy Dee  
To: Emily Basnight  
Subject: Re: Elmwood Estates No Traffic Impact Report  
Date: Tuesday, August 9, 2022 5:26:51 PM  
Attachments: Denair MAC Agenda 8/9/22.pdf

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Romie is a very narrow street. Most homeowners have multiple cars, so this foolish plan will prevent the homeowners parking in front of their own houses and complicate the trash pick up. This street can not handle additional traffic. I will file a complaint against the developer for not providing a proper map.  
Nancy Dee

On Aug 9, 2022, at 4:55 PM, Emily Basnight <basnight@stancounty.com> wrote:

Good afternoon,

Thank you for your comments on the Elmwood Estates project. The project has not yet been approved. An environmental document is circulating for the project pursuant to the California Environmental Quality Act (CEQA), which can be found online at the following web address:  
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Please find answers to your questions below:

A traffic impact analysis was not required by the County Department of Public Works for this project; the project proposes 17 residential lots total.

- The project's layout was designed by the developer to continue the pattern of the existing lots in the surrounding area. There are existing homes facing Story Road to both the north, and south of the project site, including the home that exists on the project site. Also, existing Kersey Road connection to Story Road would be in very close proximity to the new intersection, which could cause traffic and safety issues.
- The connection of Romie Way through the site completes the road as it was originally planned for, and continues the lotting pattern to the north and south. The cul-de-sac is in line with the stub street to the west creating a single intersection within the subdivision. Stop bars can be added within the cul-de-sac and stub street, or a 4-way stop could be installed.

If you have any questions or concerns, please don't hesitate to email or call.

Thank you,

Emily Basnight  
Assistant Planner  
Planning and Community Development  
Stanislaus County  
Ph: 209-525-5984

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From: Nancy Dee  
Sent: Tuesday, August 9, 2022 4:23 PM  
To: Planning <planning@stancounty.com>  
Subject: Elmwood Estates No Traffic Impact Report

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cc: Representative Josh Harder  
Senator Alex Padilla







## Emily Basnight

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**From:** Nancy Dee [REDACTED]  
**Sent:** Tuesday, August 9, 2022 8:56 PM  
**To:** Emily Basnight  
**Subject:** Re: Elmwood Estates No Traffic Impact Report  
**Attachments:** Denair MAC Agenda 8-9-22.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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I was not impressed by the lack of planning that has gone into this project. Clearly the existing homeowners can be hung out to dry because some greedy developer wants to stuff his pockets. I would point out that his cramped development in the triangle is dangerous because cars and trucks are parked on Monte Vista and you can't see the homeowners speeding out from their street. I had that exact issue this morning. Between the safety issues, the flooding issues and the drought, this plan needs to be scrapped. Here's a picture of Romie where it meets Walton and you can see the discrepancy in the roads size and the turn onto Walton. I don't understand why the planning committee has a target on this sleepy neighborhood. It's shameful!



Nancy Dee

On Aug 9, 2022, at 4:55 PM, Emily Basnight <basnighte@stancounty.com> wrote:

Good afternoon,

Thank you for your comments on the Elmwood Estates project. The project has not yet been approved. An environmental document is circulating for the project pursuant to the California Environmental Quality Act (CEQA), which can be found online at the following web address:  
[https://www.stancounty.com/planning/pl/act-proj/PLN2022-0026\\_30\\_Day.pdf](https://www.stancounty.com/planning/pl/act-proj/PLN2022-0026_30_Day.pdf)

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If you have any questions or concerns, please don't hesitate to email or call.

Thank you,

Emily Basnight  
Assistant Planner  
Planning and Community Development  
Stanislaus County  
Ph: 209-525-5984

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**From:** Nancy Dee [REDACTED]  
**Sent:** Tuesday, August 9, 2022 4:23 PM  
**To:** Planning <planning@stancounty.com>  
**Subject:** Elmwood Estates No Traffic Impact Report

**\*\*\* WARNING:** This message originated from outside of Stanislaus County. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe **\*\*\***

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cc: Representative Josh Harder  
Senator Alex Padilla

**From:** [Don Rajewich](#)  
**To:** [Emily Basnight](#)  
**Subject:** Follow up questions from last night MAC meeting  
**Date:** Wednesday, August 10, 2022 9:54:54 AM

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\*\*\* WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe \*\*\*

I got the impression at last night's meeting that the flooding on Elmwood Estates access streets is not the responsibility of the Elwood developer or the Planning Department, or Denair MAC. So who do I contact regarding this problem?

I noticed on the handout last night at the meeting that the new Romie Basin will be rock lined and inaccessible. Many of the other collection basins in Denair have grass and trees, and as I drive by I see residents walking their dogs and having picnics. Why is the Romie Basin not being constructed more parklike with grass and trees, as are Lester, Chica, Riopel, and Palm Estates basins?

Following up on a question I asked last night about the 3.01 people per household assumption, do ACUs (duplexes) count more toward the 1000 people per 3 acres of park requirements? Will park land be set aside for the new Elwood estates, and would a parklike rain basin count toward that requirement?

Being that numerous other basins have been built to accommodate recent Denair growth, does the County have adequate tanker resources and drivers to pump the Romie Basin (and all the other new basins) if a significant rain event occurs?

Last night Mr. Reich assured us that single story homes will be built in Elmwood Estates. However, I know in other subdivisions fortunes have changed, and developed lots have been sold to other builders. If the Elwood Estates lots were sold, would the subsequent builder be required to build single story houses?

Regarding the vernal pool located at 3700 Story Road that we spoke about on the phone last week, is it legal in California to fill and build houses over a vernal pool?

## Emily Basnight

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**From:** Nancy Dee [REDACTED]  
**Sent:** Wednesday, August 10, 2022 10:46 AM  
**To:** Emily Basnight  
**Subject:** Re: Elmwood Estates No Traffic Impact Report

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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I have just emailed Vito Chiesa with my concerns: The Planning Department approved a Cement Plant without the majority of the homeowners knowing. This clearly affects our home values! The department was advised there is a cement facility 4 minutes up the road and they pushed it through with only 5 homeowner responses during a pandemic.

If this plan is approved I will research my legal options as the Department has been derelict again in not properly informing the homeowners. It appears from what was said last night, no one has bothered to visit the site so I'm attaching a map. These houses range from almost \$500,000 to One million. I'm a 74 year old great grandma and I bought my home on a quiet street for a reason! For some reason the Planning Department is intent on ruining that.

On Aug 10, 2022, at 9:54 AM, Emily Basnight <basnighte@stancounty.com> wrote:

Good morning Nancy,

Thank you for attending the Denair MAC meeting last night. As mentioned during the meeting, the Planning Department will work with Public Works to verify all code requirements are met for the roads, and on-site improvements for the project.

The next public hearing for the project will be on September 1, 2022 in the Basement Chambers at 1010 10<sup>th</sup> Street, Modesto, CA 95354. The project will be presented to the Planning Commission for their recommendation to the Board of Supervisors (BOS). The BOS meeting, which will be the final public hearing for the project (the Board will take action on approving or denying the project), has not yet been scheduled.

If you have any questions or concerns, please don't hesitate to email or call.

Thank you,

Emily Basnight  
Assistant Planner  
Planning and Community Development  
Stanislaus County  
Ph: 209-525-5984

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**From:** Nancy Dee [REDACTED]  
**Sent:** Tuesday, August 9, 2022 5:29 PM  
**To:** Emily Basnight <basnighte@stancounty.com>  
**Subject:** Re: Elmwood Estates No Traffic Impact Report

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Nancy Dee

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Good afternoon,

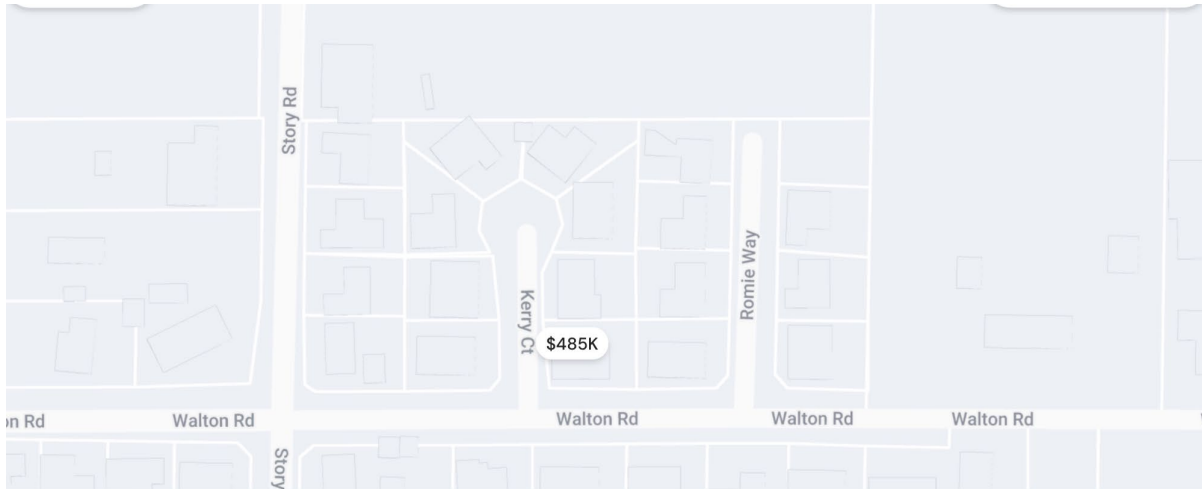


From: Nancy Dee  
To: Emily Bassight  
Subject: Re: Elmwood Estates No Traffic Impact Report  
Date: Wednesday, August 10, 2022 10:46:08 AM

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Nancy Dee

On Aug 10, 2022, at 9:54 AM, Emily Bassight <bassight@stancounty.com> wrote:

Good morning Nancy,

Thank you for attending the Denair MAC meeting last night. As mentioned during the meeting, the Planning Department will work with Public Works to verify all code requirements are met for the roads, and on-site improvements for the project.

The next public hearing for the project will be on September 1, 2022 in the Basement Chambers at 1010 10<sup>th</sup> Street, Modesto, CA 95354. The project will be presented to the Planning Commission for their recommendation to the Board of Supervisors (BOS). The BOS meeting, which will be the final public hearing for the project (the Board will take action on approving or denying the project), has not yet been scheduled.

If you have any questions or concerns, please don't hesitate to email or call.

Thank you,

Emily Bassight  
Assistant Planner  
Planning and Community Development  
Stanislaus County  
Ph: 209-525-5984

Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <http://www.stancounty.com/planning/phone-mail-options.shtml>

From: Nancy Dee  
Sent: Tuesday, August 9, 2022 5:29 PM  
To: Emily Bassight <bassight@stancounty.com>  
Subject: Re: Elmwood Estates No Traffic Impact Report

\*\*\* WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.\*\*\*

Romie is a very narrow street. Most homeowners have multiple cars, so this foolish plan will prevent the homeowners parking in front of their own houses and complicate the trash pick up. This street can not handle additional traffic. I will file a complaint against the developer for not providing a proper map.

Nancy Dee

On Aug 9, 2022, at 4:55 PM, Emily Bassight <bassight@stancounty.com> wrote:

Good afternoon,

Thank you for your comments on the Elmwood Estates project. The project has not yet been approved. An environmental document is circulating for the project pursuant to the California Environmental Quality Act (CEQA), which can be found online at the following web address:

[https://www.stancounty.com/planning/act-noi/21N2022-0026\\_30\\_Day.pdf](https://www.stancounty.com/planning/act-noi/21N2022-0026_30_Day.pdf)

The Planning Department will present the Elmwood Estates project to the Denair Municipal Advisory Council (MAC) this evening at 7:00PM at 3460 Lester Road (agenda attached with additional details) to gather comments and answer any questions the MAC or community may have regarding the project; this meeting is open to the general public. Two additional public meetings are required to be held for the project as well: the Planning Commission meeting to hear the project and provide a recommendation to the Board of Supervisors will be held on September 1, 2022. The Board of Supervisors meeting to approve or deny the project has not been scheduled as of yet.

Please find answers to your questions below:

A traffic impact analysis was not required by the County Department of Public Works for this project; the project proposes 17 residential lots total.

- The project's layout was designed by the developer to continue the pattern of the existing lots in the surrounding area. There are existing homes facing Story Road to both the north, and south of the project site, including the home that exists on the project site. Also, existing Kersey Road connection to Story Road would be in very close proximity to the new intersection, which could cause traffic and safety issues.
- The connection of Romie Way through the site completes the road as it was originally planned for, and continues the lotting pattern to the north and south. The cul-de-sac is in line with the stub street to the west creating a single intersection within the subdivision. Stop bars can be added within the cul-de-sac and stub street, or a 4-way stop could be installed.

If you have any questions or concerns, please don't hesitate to email or call.

Thank you,

Emily Bassight  
Assistant Planner  
Planning and Community Development  
Stanislaus County  
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From: Nancy Dee  
Sent: Tuesday, August 9, 2022 4:23 PM  
To: Planning <planning@stancounty.com>  
Subject: Elmwood Estates No Traffic Impact Report

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As you can see, there is a development planned that will open traffic to Romie Way, forcing traffic onto Walton Road. There is no traffic analysis impact report attached to the application: REZONE AND TENTATIVE MAP APPLICATION NO. PLN2022-0026 – ELMWOOD ESTATES.

As you can see, Romie Way is a very small cul-de-sac that can not possibly handle more than the traffic of the homeowners who have spent their hard earned money to purchase their homes. It is clear that the traffic should go onto Story Road. A traffic impact analysis must be provided before this plan is approved. You should question why their map is incomplete and does not clearly show Romie Way, or how it turns onto Walton Road. This is the second time the Planning Commission has tried to push through project without notifying those of us who are directly affected, i.e. the Gonzales Cement Plant on Story and Santa Fe: GPA & REZ PLN2020-0014

cc: Representative Josh Harder  
Senator Alex Padilla

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Please find answers to your questions below:

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1. The project's layout was designed by the developer to continue the pattern of the existing lots in the surrounding area. There are existing homes facing Story Road to both the north, and south of the project site, including the home that exists on the project site. Also, existing Kersey Road connection to Story Road would be in very close proximity to the new intersection, which could cause traffic and safety issues.
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If you have any questions or concerns, please don't hesitate to email or call.

Thank you,

Emily Basnight  
Assistant Planner  
Planning and Community Development  
Stanislaus County  
Ph: 209-525-5984

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**From:** Nancy Dee [REDACTED]  
**Sent:** Tuesday, August 9, 2022 4:23 PM  
**To:** Planning <[planning@stancounty.com](mailto:planning@stancounty.com)>  
**Subject:** Elmwood Estates No Traffic Impact Report

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cc: Representative Josh Harder  
Senator Alex Padilla

**From:** [Emily Basnight](#)  
**To:** [Kathy Clinkenbeard](#)  
**Subject:** RE: Information - Elmwood Estates  
**Date:** Thursday, August 11, 2022 12:02:00 PM  
**Attachments:** [Elevations and Floor Plans Elmwood Estates.pdf](#)

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Good afternoon Katherine,

I've attached the proposed floor plans and elevations for the single-family dwelling with an attached accessory dwelling unit (ADU) as well as the floor plans and elevations for only a single-family dwelling (no ADU) for Elmwood Estates.

I will reach out to Torre Reich and ask for contact information for the community to reach him with any questions they may have regarding the project.

If you have any additional questions or concerns, please don't hesitate to email or call.

Thank you,

Emily Basnight  
Assistant Planner  
Planning and Community Development  
Stanislaus County  
Ph: 209-525-5984

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**From:** Kathy Clinkenbeard [REDACTED]  
**Sent:** Thursday, August 11, 2022 9:36 AM  
**To:** Emily Basnight <basnighte@stancounty.com>  
**Subject:** Re: Information - Elmwood Estates

**\*\*\* WARNING:** This message originated from outside of **Stanislaus County. DO NOT** click links or open attachments unless you recognize the sender and know the content is safe **\*\*\***

Hello Emily,

I would like to get a copy of the elevations and floor plans of the proposed homes and duplexes for Elmwood Estates. Also, I think that Torre Reich said in the meeting that we could have his business card if we have questions for him. Im not sure if any of my neighbors got this from him. My neighbors and I plan on attending the meeting in Modesto on Sept 1st. You can send the plans and elevations to my email please.

Thank you

Katherine

-----Original Message-----

From: Emily Basnight <[basnighte@stancounty.com](mailto:basnighte@stancounty.com)>

To: [REDACTED]

Sent: Thu, Aug 4, 2022 1:22 pm

Subject: RE: Information - Elmwood Estates

Hello Katherine,

I'm following up on our phone conversation from this afternoon. I've attached the landscaping plan for the drainage basin.

The full environmental report and maps can also be found online:

[https://www.stancounty.com/planning/pl/act-proj/PLN2022-0026\\_30\\_Day.pdf](https://www.stancounty.com/planning/pl/act-proj/PLN2022-0026_30_Day.pdf)

If you have any additional questions or concerns, please don't hesitate to email or call.

Thank you,

Emily Basnight  
Assistant Planner  
Planning and Community Development  
Stanislaus County  
Ph: 209-525-5984

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---

**From:** Emily Basnight

**Sent:** Monday, August 1, 2022 2:37 PM

**To:** [REDACTED]

**Subject:** Information - Elmwood Estates

Good afternoon Katherine,

Thank you for your comments regarding the Elmwood Estates Rezone and Subdivision Map. I've attached the proposed subdivision map to this email. The map shows the orientation of the proposed lots, the proposed size of the lots, and the roadways. There will be four lots that face Story Road (Lot B, and Lots 6-8), and the remainder of the lots will have access from proposed Harris Court and Romie Way (Lots 1, 13-16, and Lot A (the expansion of the storm drainage basin)).

I've also attached the agenda for the upcoming Denair Municipal Advisory Council (MAC) meeting to be held on Tuesday, August 9 at 7:00 PM in the Leadership Board Room at Denair Charter Academy school located at 3460 Lester Road in Denair. A presentation for the Elmwood Estates project will be presented at the MAC meeting and County staff will be there to take down comments/concerns and to answer any questions.

The full environmental review for the project can be found on our website at the following location:

[https://www.stancounty.com/planning/pl/act-proj/PLN2022-0026\\_30\\_Day.pdf](https://www.stancounty.com/planning/pl/act-proj/PLN2022-0026_30_Day.pdf)

From our conversation this morning, I've noted the following concerns:

- Traffic along Romie Way and concerns regarding safety for the existing neighborhoods and residents on Romie Way. Additionally, there are concerns with the general circulation proposed for the site and the adequacy of Romie Way for two-way traffic.

- Preference would be to not continue Romie Way/deny access to Romie Way from the project site.
- Issues regarding safety and the law off Romie Way (mentioned a property on the Hillsdale side of Romie Way that has a reputation) and Main Street (and Denair area in general), including slow response times, and the lack of sheriff personal patrolling the area/enforcing the law.
- Construction concerns regarding construction vehicles/equipment accessing the site.
- Water quality and availability concerns.

Please don't hesitate to email me if you would like to provide a written response further detailing your concerns. If any of your neighbors would like to provide comments on the project they can reach me on my direct line at (209) 525-5984 or by email at [basnighte@stancounty.com](mailto:basnighte@stancounty.com).

If you have any additional questions or concerns, please don't hesitate to email or call.

Thank you,

Emily Basnight  
Assistant Planner  
Planning and Community Development  
Stanislaus County  
Ph: 209-525-5984

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From: Emily Basnight  
 To: Nancy Dee  
 Subject: RE: Elmwood Estates No Traffic Impact Report  
 Date: Thursday, August 11, 2022 4:48:00 PM  
 Attachments: [image001.png](#)

Hello Nancy,

To emphasize Danny's comment made at the MAC meeting: road right-of-way includes the gutters, sidewalks and asphalt to achieve a 50-foot right-of-way, not only the drive aisle is accounted for in the right-of-way (ROW). Your concerns over a cramped street are understood, the streets near the Junior College here in Modesto are also very narrow and can seem clustered as well (very vivid picture of narrow streets with many many residential units). Please know that Danny from Public Works is aware of the 36-foot width of the drive aisle that you and another neighbor have specified to our Departments.

Thank you,

Emily Basnight  
 Assistant Planner  
 Planning and Community Development  
 Stanislaus County  
 Ph: 209-525-5984

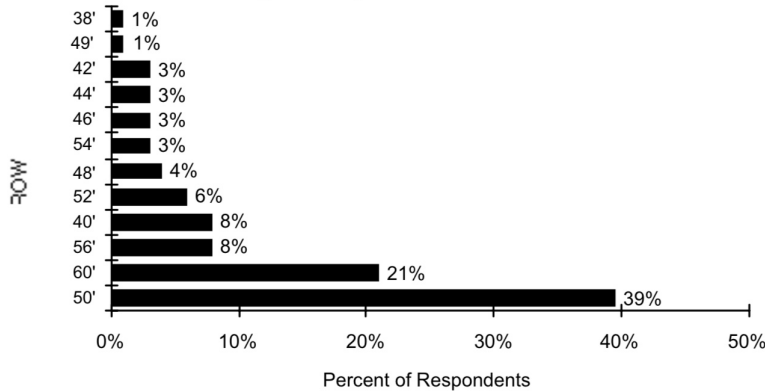
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From: Nancy Dee  
 Sent: Thursday, August 11, 2022 4:22 PM  
 To: Emily Basnight <[ebasnight@stancounty.com](mailto:ebasnight@stancounty.com)>  
 Subject: Re: Elmwood Estates No Traffic Impact Report

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Our street is 36 feet. I measured it myself. I filed a complaint with Code Management: Our goal is to maintain and improve property values and the quality of life for residents, visitors and business owners. Many neighbors did not get a letter and the same thing happened with the Gonzalez Cement Plant.

**Figure 2. Minimum Standards for Residential Streets' Right-Of-Way**



Nancy Dee

On Aug 11, 2022, at 4:15 PM, Emily Basnight <[ebasnight@stancounty.com](mailto:ebasnight@stancounty.com)> wrote:

Hello Nancy,

The letters were sent out accordingly, however it is troubling if you and other neighbors did not receive the letters as our Department has not had the letters returned to us as undeliverable. The frustration over the map was a point of concern at the MAC meeting that was noted by staff. The Elmwood Estates Tentative Map was drafted pursuant to our application standards which require the roads immediately adjacent to the project site to be depicted on the map, which in this case are Story Road, Romie Way and the proposed Harris Court. As specified during the meeting, the road width for Emergency vehicle access was determined to be sufficient in the pre-development meeting prior to the project being applied for; however, we did go back to the Fire Prevention Unit yesterday morning to determine if they had additional comments on the project and they did not. The subdivision meets and will be required to comply with all current and applicable safety/emergency vehicle access requirements.

Public Works went back and determined Romie Way is designated as a 50-foot right-of-way (sidewalks + road width) Local street. As stated in the meeting, the Planning Department relies on a variety of agencies and departments with expertise in their fields to determine if studies or analyses are required for the project; no traffic analysis was determined to be necessary by the Department of Public Works.

Danny Mauricio from Public Works submitted a request for the Public Works Roads Division to look into the flooding issues mentioned by the community off Story Road, Romie Way and Walton Street and examine the streets to determine what can be done to prevent further issues with flooding in the future. Please note that a representative from Public Works will be present at the next MAC meeting on September 6<sup>th</sup> to address traffic concerns in general in the Community of Denair. More information on the upcoming MAC meetings can be found at the following web address: <https://stancounty.ca.gov/>

The Elmwood Estates project will go before the Planning Commission during a public hearing on September 1, 2022, at 6:00PM in the Basement Chambers of the 10<sup>th</sup> Street Place Building in downtown Modesto. The Planning Commission agenda for the meeting will be posted as we draw closer to the meeting date on this website: <https://www.stancounty.com/planning/Agenda/Agenda-min-2022.shtml>

If you have any questions or concerns, please don't hesitate to email or call.

Thank you,

Emily Basnight  
 Assistant Planner  
 Planning and Community Development  
 Stanislaus County  
 Ph: 209-525-5984

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From: Nancy Dee  
 Sent: Wednesday, August 10, 2022 5:48 PM  
 To: Emily Basnight <[ebasnight@stancounty.com](mailto:ebasnight@stancounty.com)>  
 Subject: Re: Elmwood Estates No Traffic Impact Report

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I did not receive notification of the Elmwood project nor did many of my neighbors on Walton, so your own policies were not being followed, as per your attachment. I did receive the one about cement plant and my concerns were not addressed. There were only 5 responses to the department and department was advised there was a cement plant 4 minutes up Santa Fe, yet they approved it at the opening to our community. I have asked Supervisor Chisea for an audit of the decisions made by this board.

The Elmwood map, is worthless because it says nothing about traffic running on Romie Way. I have no issues with the homes being built, just the access on my little country road. You admitted you didn't know the issues about traffic, safety and emergency vehicles and are just now researching it. Supervisor Chisea advised me today that they are looking into painting the curbs red on this developers last nightmare because it is unsafe. I'm guessing no traffic analysis was done either. That won't be a solution on Romie Way! I can't imagine how this plan got to this point without a traffic study.

You seem like a lovely young lady and I'm sorry you have to deal with this, but I'm not giving up because this affects the quality of life for me and my neighbors.

Nancy Dee

On Aug 10, 2022, at 4:49 PM, Emily Basnight <[ebasnight@stancounty.com](mailto:ebasnight@stancounty.com)> wrote:

Good afternoon Nancy,

Thank you for emailing your concerns. I wanted to follow up on the notification for the project referral for Elmwood Estates and address a few other concerns you mention in your previous email:

5107 Walton Street in Denair was included on the landowner notification (LON) list for the Elmwood Estates project referral (see attached LON map of all parcels that received the notification for the project referral; subject parcel is circled in yellow). We have received back a few landowner notices that were unable to be delivered and returned to sender; however, the referral sent to 5107 Walton Road was not among those returned to our Department.

The landowner notification distance for the Elmwood Estates project was ¼ of a mile (1,320-feet) in all directions pursuant to Board Resolution No. 84-481 (attached) which requires properties in a rural area (defined as having a General Plan (GP) designation of Rural Residential, Agriculture, or Urban Transition) to notice all land owners within a ¼ mile from the project site.

1. The project site itself does not have a GP designation that is considered rural; however, it does border property that has a GP designation of Urban Transition. The notice was sent out to all landowners within a ¼ mile area due to the adjacent property's General Plan designation.

The cement supply business was approved under General Plan Amendment and Rezone No. PLN2020-0014 – Gonzalez Ready-Mix and Landscaping Supply. The LON area for the project was also ¼ mile from the project site. The property at 5107 Walton Street was outside the ¼ mile area from the Gonzalez Ready-Mix project site and therefore did not receive that referral (see LON map attached; 5107 Walton Street is located at the corner of Walton and Romie Way, outside the LON area).

The homes proposed by the developer are similar to the homes located within the Wenstrand Ranch Subdivision located south of Main Street and north of E. Monte Vista Ave. One of the smaller units recently sold for \$500,000+ (see image below):

## Emily Basnight

---

**From:** Emily Basnight  
**Sent:** Thursday, August 11, 2022 4:49 PM  
**To:** Nancy Dee  
**Subject:** RE: Elmwood Estates No Traffic Impact Report

Hello Nancy,

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Thank you,

Emily Basnight  
Assistant Planner  
Planning and Community Development  
Stanislaus County  
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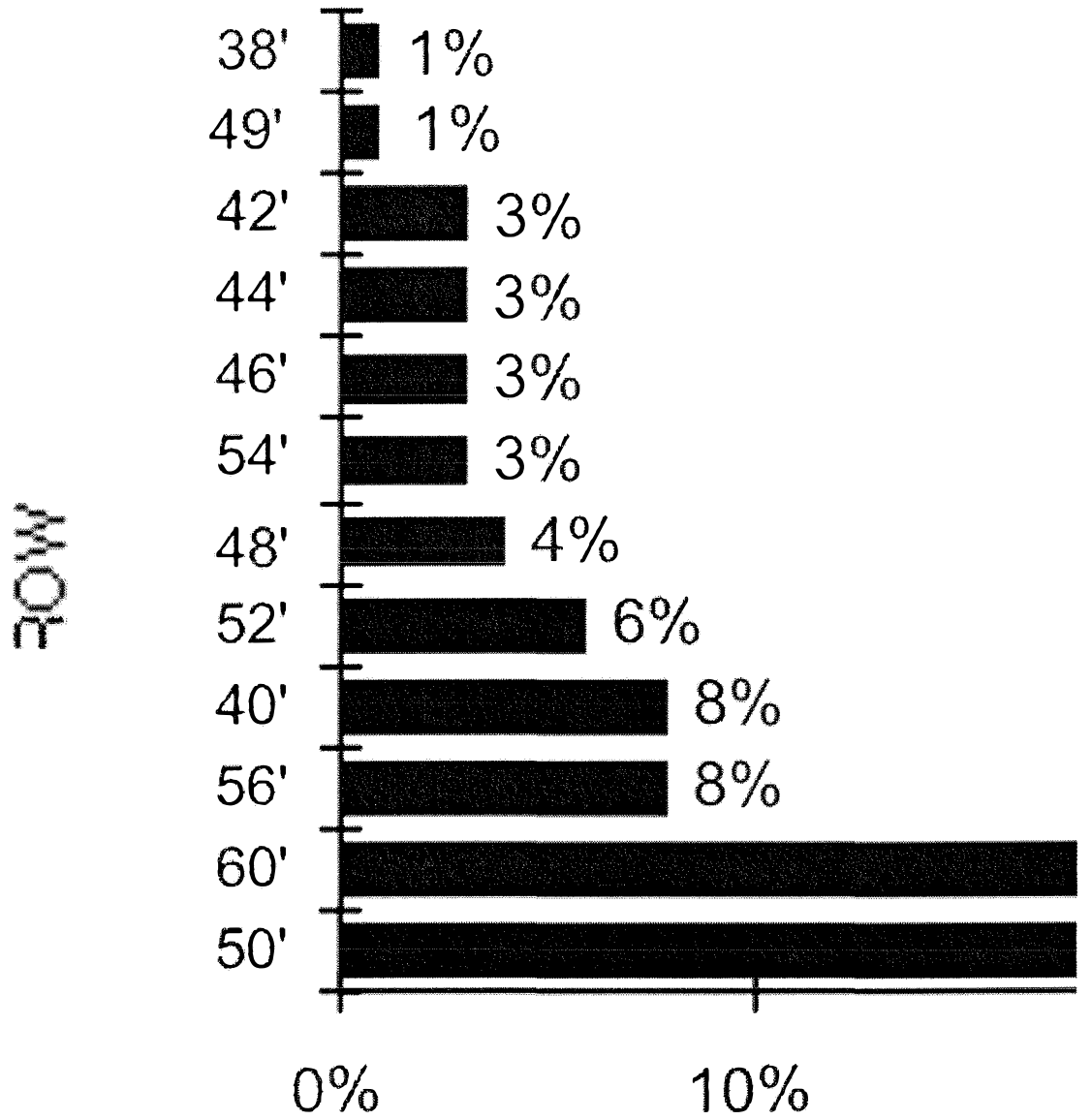
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**Subject:** Re: Elmwood Estates No Traffic Impact Report

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Our street is 36 feet. I measured it myself. I filed a complaint with Code Management: Our goal is to maintain and improve property values and the quality of life for residents, visitors and business owners. Many neighbors did not get a letter and the same thing happened with the Gonzalez Cement Plant.



**Figure 2. Minimum Standards for Right-Of-Way**



Pt

Nancy Dee

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Emily Basnight  
Assistant Planner  
Planning and Community Development  
Stanislaus County  
Ph: 209-525-5984

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**From:** Nancy Dee [REDACTED]  
**Sent:** Wednesday, August 10, 2022 5:48 PM  
**To:** Emily Basnight <[basnigte@stancounty.com](mailto:basnigte@stancounty.com)>  
**Subject:** Re: Elmwood Estates No Traffic Impact Report

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The landowner notification distance for the Elmwood Estates project was  $\frac{1}{4}$  of a mile (1,320-feet) in all directions pursuant to Board Resolution No. 84-481 (attached) which requires properties in a rural area (defined as having a General Plan (GP) designation of Rural Residential, Agriculture, or Urban Transition) to notice all land owners within a  $\frac{1}{4}$  mile from the project site.

1. The project site itself does not have a GP designation that is considered rural; however, it does border property that has a GP designation of Urban Transition. The notice was sent out to all landowners within a  $\frac{1}{4}$  mile area due to the adjacent property's General Plan designation.

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outside the ¼ mile area from the Gonzalez Ready-Mix project site and therefore did not receive that referral (see LON map attached; 5107 Walton Street is located at the corner of Walton and Romie Way, outside the LON area).

The homes proposed by the developer are similar to the homes located within the Wenstrand Ranch Subdivision located south of Main Street and north of E. Monte Vista Ave. One of the smaller units recently sold for \$500,000+ (see image below):



**Zillow** Save Share More

3 bd -- ba 1,648 sqft  
4673 Valkommen Dr, Denair, CA 95316

▲ Sold: **\$520,000** Sold on 01/25/22 Zestimate<sup>®</sup>: None ▼

Est. refi payment: \$2814/mo Refinance your loan

Home value Owner tools Home details Neighborhood details

The developer is intent on working with the Community and providing floor plans/elevations that keep in character with the existing single-story developments to the north and south of the project site off Hillsdale Drive, Romie Way, and Walton Street.

If you have any additional questions or concerns, please don't hesitate to email or call.

Thank you,

Emily Basnight  
Assistant Planner  
Planning and Community Development  
Stanislaus County  
Ph: 209-525-5984

*Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <http://www.stancounty.com/planning/phone-mail-options.shtm>*

**From:** Nancy Dee [REDACTED]  
**Sent:** Wednesday, August 10, 2022 10:46 AM  
**To:** Emily Basnight <[basnighte@stancounty.com](mailto:basnighte@stancounty.com)>  
**Subject:** Re: Elmwood Estates No Traffic Impact Report

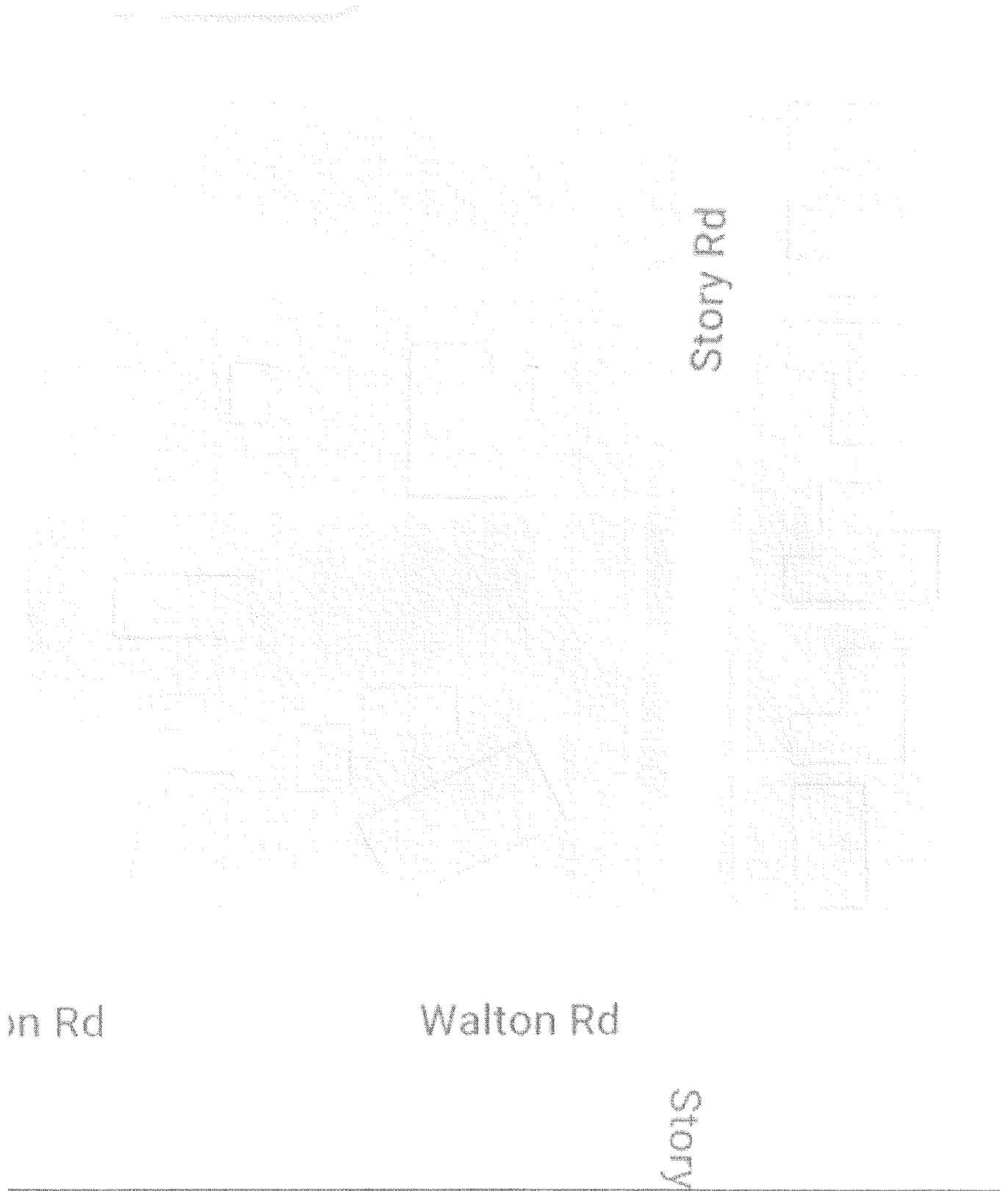
**\*\*\* WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe **\*\*\***

I have just emailed Vito Chiesa with my concerns: The Planning Department approved a Cement Plant without the majority of the homeowners knowing. This clearly affects our home values!

The department was advised there is a cement facility 4 minutes up the road and they pushed it through with only 5 homeowner responses during a pandemic.

If this plan is approved I will research my legal options as the Department has been derelict again in not property informing the homeowners. It appears from what was said

last night, no one has bothered to visit the site so I'm attaching a map. These houses range from almost \$500,000 to One million. I'm a 74 year old great grandma and I bought my home on a quite street for a reason! For some reason the Planning Department is intent on ruining that.



Nancy Dee



On Aug 10, 2022, at 9:54 AM, Emily Basnight  
<[basnighthe@stancounty.com](mailto:basnighthe@stancounty.com)> wrote:

Good morning Nancy,

Thank you for attending the Denair MAC meeting last night. As mentioned during the meeting, the Planning Department will work with Public Works to verify all code requirements are met for the roads, and on-site improvements for the project.

The next public hearing for the project will be on September 1, 2022 in the Basement Chambers at 1010 10<sup>th</sup> Street, Modesto, CA 95354. The project will be presented to the Planning Commission for their recommendation to the Board of Supervisors (BOS). The BOS meeting, which will be the final public hearing for the project (the Board will take action on approving or denying the project), has not yet been scheduled.

If you have any questions or concerns, please don't hesitate to email or call.

Thank you,

Emily Basnight  
Assistant Planner  
Planning and Community Development  
Stanislaus County  
Ph: 209-525-5984

*Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <http://www.stancounty.com/planning/phone-mail-options.shtm>*

**From:** Nancy Dee [REDACTED]  
**Sent:** Tuesday, August 9, 2022 5:29 PM  
**To:** Emily Basnight <[basnighthe@stancounty.com](mailto:basnighthe@stancounty.com)>  
**Subject:** Re: Elmwood Estates No Traffic Impact Report

**\*\*\* WARNING:** This message originated from outside of Stanislaus County. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe **\*\*\***

Romie is a very narrow street. Most homeowners have multiple cars, so this foolish plan will prevent the homeowners parking in front of their

own houses and complicate the trash pick up. This street can not handle additional traffic. I will file a complaint against the developer for not providing a proper map.

Nancy Dee

On Aug 9, 2022, at 4:55 PM, Emily Basnight  
<[basnighte@stancounty.com](mailto:basnighte@stancounty.com)> wrote:

Good afternoon,

Thank you for your comments on the Elmwood Estates project. The project has not yet been approved. An environmental document is circulating for the project pursuant to the California Environmental Quality Act (CEQA), which can be found online at the following web address: [https://www.stancounty.com/planning/pl/act-proj/PLN2022-0026\\_30\\_Day.pdf](https://www.stancounty.com/planning/pl/act-proj/PLN2022-0026_30_Day.pdf)

The Planning Department will present the Elmwood Estates project to the Denair Municipal Advisory Council (MAC) this evening at 7:00PM at 3460 Lester Road (agenda attached with additional details) to gather comments and answer any questions the MAC or community may have regarding the project; this meeting is open to the general public. Two additional public meetings are required to be held for the project as well: the Planning Commission meeting to hear the project and provide a recommendation to the Board of Supervisors will be held on September 1, 2022. The Board of Supervisors meeting to approve or deny the project has not been scheduled as of yet.

Please find answers to your questions below:

A traffic impact analysis was not required by the County Department of Public Works for this project; the project proposes 17 residential lots total.

1. The project's layout was designed by the developer to continue the pattern of the existing lots in the surrounding area. There are existing homes facing Story Road to both the north, and south of the project site, including the home that exists on the project site. Also, existing Kersey Road connection to Story Road would be in very close proximity to the new intersection, which could cause traffic and safety issues.

1. The connection of Romie Way through the site completes the road as is was originally planned for, and continues the lotting pattern to the north and south. The cul-de-sac is in line with the stub street to the west creating a single intersection within the subdivision. Stop bars can be added within the cul-de-sac and stub street, or a 4-way stop could be installed.

If you have any questions or concerns, please don't hesitate to email or call.

Thank you,

Emily Basnight  
Assistant Planner  
Planning and Community Development  
Stanislaus County  
Ph: 209-525-5984

*Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <http://www.stancounty.com/planning/phone-mail-options.shtm>*

**From:** Nancy Dee [REDACTED]  
**Sent:** Tuesday, August 9, 2022 4:23 PM  
**To:** Planning <[planning@stancounty.com](mailto:planning@stancounty.com)>  
**Subject:** Elmwood Estates No Traffic Impact Report

**\*\*\* WARNING:** This message originated from outside of Stanislaus County. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe  
**\*\*\***

As you can see, there is a development planned that will open traffic to Romie Way, forcing traffic onto Walton Road. There is no traffic analysis impact report attached to the application: REZONE AND TENTATIVE MAP APPLICATION NO. PLN2022-0026 – ELMWOOD ESTATES.

As you can see, Romie Way is a very small cul-de-sac that can not possibly handle more than the traffic of the homeowners who have spent their hard earned money to purchase their homes. It is clear that the traffic should go onto Story Road. A traffic impact analysis must be provided before this plan is approved. You should question why their map is incomplete and does not clearly show Romie Way, or how it turns onto



Walton Road. This is the second time the Planning Commission has tried to push through project without notifying those of us who are directly affected, i.e. the Gonzales Cement Plant on Story and Santa Fe: GPA & REZ PLN2020-0014

cc: Representative Josh Harder  
Senator Alex Padilla

**From:** [Don Rajewich](#)  
**To:** [Emily Basnight](#)  
**Subject:** Re: PLN2022-0026 hearing dates  
**Date:** Friday, August 12, 2022 6:59:29 PM

---

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When is the deadline for submitting written comments for to be included in the Sept 1 hearing papers?

> On Aug 12, 2022, at 12:08 PM, Emily Basnight <[basnighte@stancounty.com](mailto:basnighte@stancounty.com)> wrote:

>

> Good afternoon Don,

>

> The final landscaping plan is required to be submitted prior to recording of the final map (the final map must be recorded within two-years of project approval, or a time extension must be submitted by the developer if they are unable to record the map within two-years' time). Therefore, at this time, there is no set date for the MAC to review the final landscaping plan as the project has not yet been approved. Please contact the MAC for further inquiries into their process of reviewing final landscape plans/meeting times; questions can be sent to them via email at [DenairMAC@gmail.com](mailto:DenairMAC@gmail.com).

>

> The MAC may provide comments on the preliminary landscape plan prior to project approval; however, again, it's up to the MAC to determine if they will hold a public meeting to generate preliminary comments for the landscape plan.

>

> The Planning Commission public hearing is scheduled for Thursday, September 1, 2022 and will be held at 6:00PM in the Basement Chambers at 1010 10th Street, Suite 3400, Modesto, CA 95354.

>

> Thank you,

>

> Emily Basnight

> Assistant Planner

> Planning and Community Development

> Stanislaus County

> Ph: 209-525-5984

>

> Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <http://www.stancounty.com/planning/phone-mail-options.shtm>

>

> -----Original Message-----

> From: Don Rajewich [REDACTED]

> Sent: Friday, August 12, 2022 11:52 AM

> To: Emily Basnight <[basnighte@stancounty.com](mailto:basnighte@stancounty.com)>

> Subject: PLN2022-0026 hearing dates

>

> \*\*\* WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe \*\*\*

>

>

> What date is the MAC meeting to review/approve the Basin landscape?

>

> What date is the Planning Commission hearing?

>

**From:** [Don Rajewich](#)  
**To:** [Emily Basnight](#)  
**Subject:** Re: Flooding at Walton Street & Romie Way  
**Date:** Friday, August 12, 2022 7:04:07 PM

---

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Excellent news. The people living in the homes at Romie and Walton will be shocked the next time it rains.

On Aug 12, 2022, at 2:11 PM, Emily Basnight <[basnighte@stancounty.com](mailto:basnighte@stancounty.com)> wrote:

Good afternoon,

Danny Mauricio has provided me an update on his request for the Roads Division to look into the flooding at Walton Street and Romie Way:

The Roads Division of Public Works has identified a drywell that needs to be fixed, when it rains it gets filled up and doesn't drain at Romie Way and Walton Street; their Division will do a deep cleaning to prevent flooding at Walton Street and Romie Way.

Thank you for alerting the County to the issue at the subject intersection.

Emily Basnight  
Assistant Planner  
Planning and Community Development  
Stanislaus County  
Ph: 209-525-5984

*Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <http://www.stancounty.com/planning/phone-mail-options.shtm>*

## Emily Basnight

---

**From:** Nancy Dee [REDACTED]  
**Sent:** Friday, August 12, 2022 8:40 PM  
**To:** Megan Wells; Emily Basnight  
**Subject:** Headlights from Romie Way

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

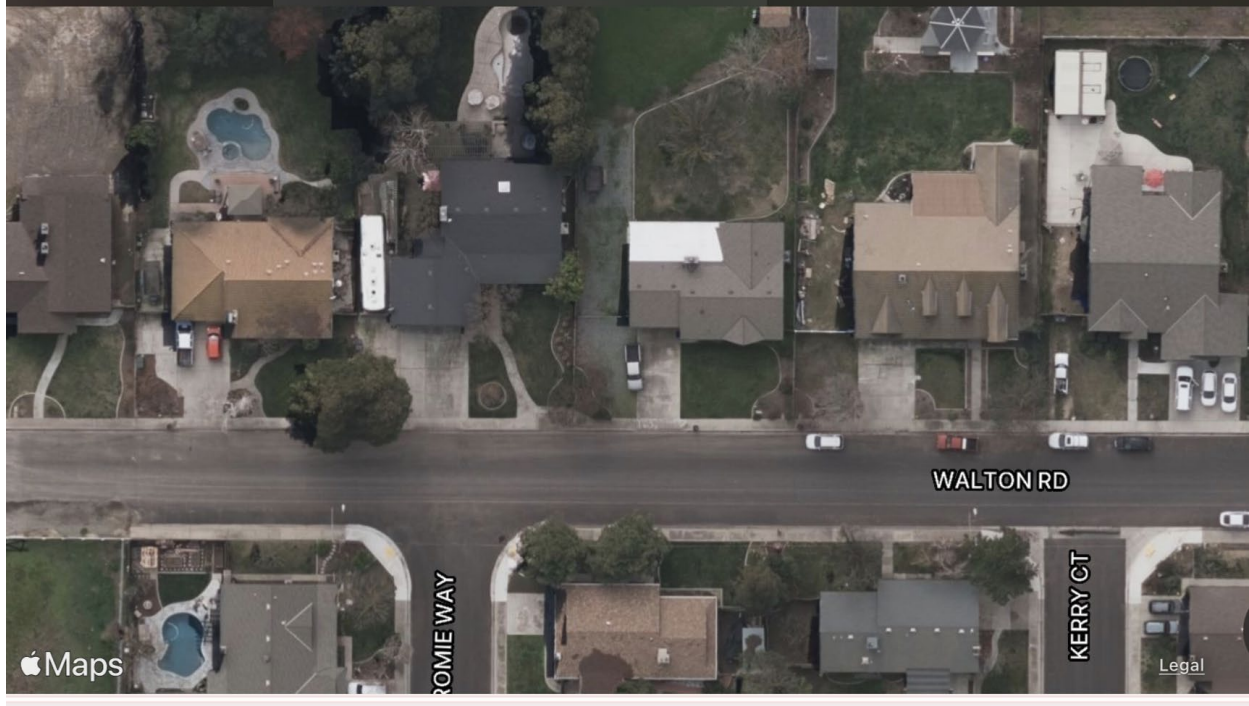
\*\*\* WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe \*\*\*

Imagine you bought one of these homes. Now imagine the headlights shining into your home at night. This plan is threatening our neighborhoods health, safety and tranquility.

From: [Nancy Dee](#)  
To: [Nancy Dee](#), [Emily Barnough](#)  
Subject: Headlights from Romie Way  
Date: Friday, August 12, 2022 8:40:35 PM

\*\*\* WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe \*\*\*

Imagine you bought one of these homes. Now imagine the headlights shining into your home at night. This plan is threatening our neighborhoods health, safety and tranquility.



Nancy Dee

**From:** [Nancy Dee](#)  
**To:** [Vito Chiesa](#); [Megan Wells](#); [Emily Basnight](#)  
**Subject:** Community & Environmental Defense Services  
**Date:** Saturday, August 13, 2022 8:41:32 AM

---

\*\*\* WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe \*\*\*

We are in contact with CEDS. They have provided us with the following information regarding reasons opening our cul-de-sac to thru traffic affects our quality of life, our home values and our safety.

As traffic volume increases on a neighborhood street so does vehicle speed, accident frequency, noise, and even crime. All of these impacts then decrease property value.

Those who live on cul-de-sacs (dead-end streets) paid a premium of 20% to as much as 29% to enjoy the enhanced quality of life motivating their choice.

Converting cul-de-sacs to through streets interferes with the close neighbor relations that adds so much to quality of life. For example, one sociologist found that: "people who live in cul-de-sacs have the highest levels of attitudinal and behavioral cohesion (covering both how they feel about their neighbors and how much they actually interact with them). People who live on your average residential through-street have the lowest levels..."

Converting cul-de-sacs to through-streets robs both children and their parents of a sense of safety and freedom many cherish.

Discontinuous street systems have lower burglary rates than easily traveled street layouts; criminals will avoid street patterns where they might get trapped.

The lifestyle and curb appeal of a quiet street appeal to buyers and results in higher sales prices. Corner lots are particularly desirable.

Consideration should be given to gating the access so it can only be opened by fire, ambulance, police and other emergency services personnel.

Nancy Dee

**From:** [Nancy Dee](#)  
**To:** [Vito Chiesa](#); [Emily Basnight](#); [Megan Wells](#)  
**Subject:** Romie Way Master Plan  
**Date:** Sunday, August 14, 2022 7:09:07 AM

---

\*\*\* WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe \*\*\*

We have been advised to obtain a copy of the Master Plan for connecting Romie Way from the 1960's.

Nancy Dee

**From:** [Stanislaus County Customer Center](#)  
**To:** [Planning](#)  
**Subject:** SCCRM: Message About Request #: 6435591  
**Date:** Tuesday, August 16, 2022 9:15:26 AM

---

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**The requestor added the following information to Request # 6435591**

---

**Message:** Please include this map in the Staff Report. Homeowners were told at the MAC meeting that this map is what they used to show traffic from the development planned in the 1970s had Romie Way connected.

Thank you very much for understanding the importance of protecting homeowners from having their neighborhoods unnecessarily upended.

Nancy Dee

> On Aug 15, 2022, at 3:50 PM, Stanislaus County Customer Center  
<[stanislaus@user.govoutreach.com](mailto:stanislaus@user.govoutreach.com)> wrote:  
>  
> i»¿  
> ---

**Request Information**

**Request type:** Problem

**Request area:** Development Standards

**Citizen name:** Nancy Dee

**Description:** Opening Romie Way in Denair to thru traffic:

We are in contact with CEDS. They have provided us with the following information regarding reasons opening our cul-de-sac to thru traffic affects our quality of life, our home values and our safety.

As traffic volume increases on a neighborhood street so does vehicle speed, accident frequency, noise, and even crime. All of these impacts then decrease property value.

Those who live on cul-de-sacs (dead-end streets) paid a premium of 20% to as much as 29% to enjoy the enhanced quality of life motivating their choice.

Converting cul-de-sacs to through streets interferes with the close neighbor relations that adds so much to quality of life. For example, one sociologist found that: "people who live in cul-de-sacs have



the highest levels of attitudinal and behavioral cohesion (covering both how they feel about their neighbors and how much they actually interact with them). People who live on your average residential through-street have the lowest levelsâ€â€

Converting cul-de-sacs to through-streets robs both children and their parents of a sense of safety and freedom many cherish.

Discontinuous street systems have lower burglary rates than easily traveled street layouts; criminals will avoid street patterns where they might get trapped.

The lifestyle and curb appeal of a quiet street appeal to buyers and results in higher sales prices. Corner lots are particularly desirable.

Consideration should be given to gating the access so it can only be opened by fire, ambulance, police and other emergency services personnel.

**Expected Close Date:** August 23, 2022

[Click here to access the request](#)

Note: This message is for notification purposes only. Please do not reply to this email. Email replies are not monitored and will be ignored.

**From:** [Don Rajewich](#)  
**To:** [Emily Basnight](#)  
**Subject:** PLN 2022-026 vernal pool  
**Date:** Thursday, August 18, 2022 8:05:06 AM

---

\*\*\* WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe \*\*\*

A per your recent instructions, I contacted two CA State agencies and provided them what data I had, including video/audio and photos and location coordinates. One of the agencies— the one responsible for maintaining the online vernal pool map- said they would review the data and contact me when they had made a determination as to how to proceed. The other agency asked me if I could take samples, and I told her that the land was private property and that I am also aware — from conferences I attended at UC Merced — that special credentials are necessary to be collecting data from a site that may contain endangered species.

Late yesterday, I received a belated return phone call from a development consultant that I had left a message with early-on after receiving your 30 day ( July 22) notification letter, and I explained the vernal pool situation to him. He asked me about what exactly was on the site, whether is was developed tilled agriculture like grapes or almonds. I told him it was relatively untouched irrigated pasture land, and he said that such a site might contain endangered species.

I asked him if I should take present my information to the Planning Commission meeting. He said no, this matter should be looked into before it goes before the Planning Commission.

I asked him if I should notify the developer and he said no, this situation should be brought to the attention of you, the Planner.

He also told me I should not be contacting and providing data to various state agencies.

He said he deals with vernal pool issues frequently, and that once a Planner learns that a site has a vernal pool and may contain endangered species, it becomes the Planners responsibility to enlist the services of a biologist.

I am willing to provide to you — and or your biologist — the same data I provided to the state agencies, and I await your response.

## Emily Basnight

---

**From:** Nancy Dee [REDACTED]  
**Sent:** Thursday, August 18, 2022 10:39 AM  
**To:** Emily Basnight  
**Subject:** Re: Romie Way Master Plan  
**Attachments:** Mysty Land Estates.pdf; Oakmont Vista.pdf

\*\*\* WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe \*\*\*

Denair Community Plan, Adopted by the Stanislaus County Board of Supervisors DECEMBER 15, 1998 - Romie does not connect...

Nancy Dee

> On Aug 15, 2022, at 5:42 PM, Nancy Dee [REDACTED] wrote:

>

> Thank you very much.

>

> Nancy Dee

>

>> On Aug 15, 2022, at 5:21 PM, Emily Basnight <basnighte@stancounty.com> wrote:

>>

>> Hello Nancy,

>>

>> I have the subdivision maps for the neighborhoods along Romie Way attached to this email.

>>

>> Mysty Land Estates subdivided the area on the south side of Romie Way and Oakmont Vista subdivided the area on the north side of Romie Way.

>>

>> For records beyond the subdivision maps, you will need to submit a Public Records Request to our Department by emailing [planning@stancounty.com](mailto:planning@stancounty.com).

>>

>> Thank you,

>>

>> Emily Basnight

>> Assistant Planner

>> Planning and Community Development

>> Stanislaus County

>> Ph: 209-525-5984

>>

>> Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <http://www.stancounty.com/planning/phone-mail-options.shtm>

>> -----Original Message-----

>> From: Nancy Dee [REDACTED]

>> Sent: Sunday, August 14, 2022 7:09 AM

>> To: Vito Chiesa <CHIESAV@stancounty.com>; Emily Basnight <basnighte@stancounty.com>; Megan Wells <wellsm@stancounty.com>

>> Subject: Romie Way Master Plan

>>

>> \*\*\* WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe \*\*\*

>>

>>

>> We have been advised to obtain a copy of the Master Plan for connecting Romie Way from the 1960's.

>>

>> Nancy Dee

## Emily Basnight

---

**From:** Nancy Dee [REDACTED]  
**Sent:** Thursday, August 18, 2022 11:04 AM  
**To:** Emily Basnight  
**Subject:** Re: Romie Way Master Plan

**\*\*\* WARNING:** This message originated from outside of Stanislaus County. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe **\*\*\***

I filed a complaint with Customer Service and they assure me my concerns and maps will be included in the Staff Report. I did not know the Staff Report would be online. I found the one for the cement plant and only my first letter was included. My second letter with maps of the prices of homes that range from \$450,000 to one million and my map of the cement plant 4 minutes up the road we're mysteriously missing. I have filed a complaint to have that decision audited.

Nancy Dee

On Aug 18, 2022, at 10:51 AM, Emily Basnight <basnighte@stancounty.com> wrote:

Hello Nancy,

The roadway as it was at the time, and as it is today, is depicted on the map for Romie Way. The dead end stubs of Romie Way do not depict the court style (bulb shapes) as the surrounding courts to the west which are official courts. Romie Way was not intended to be a court as it ends in a stub out and not the traditional required "bulb" shape of a court.

The Denair Community Plan map (as shown below) is included in the Staff Report.

Thank you,

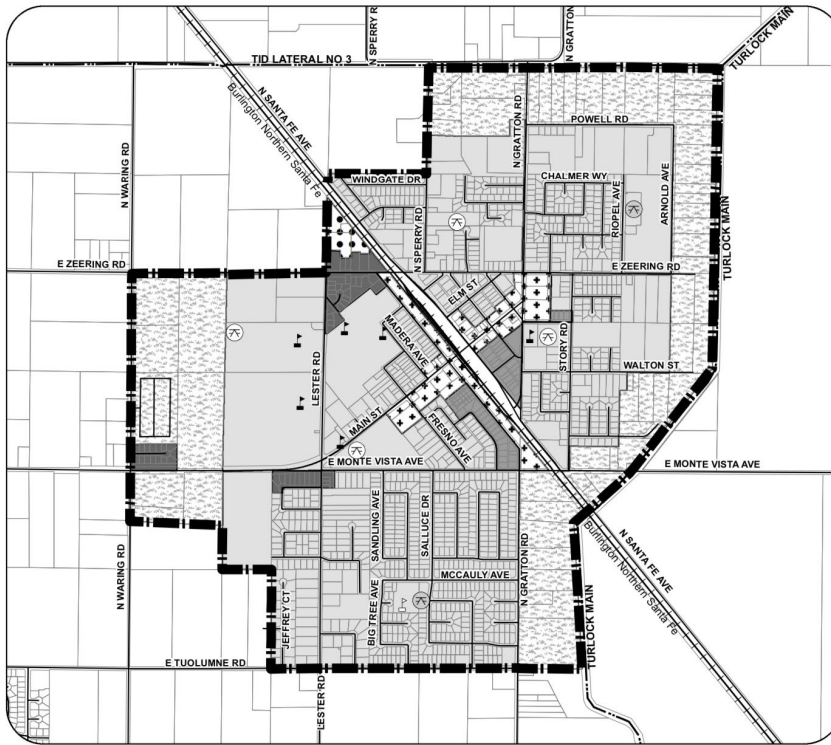
Emily Basnight  
Assistant Planner  
Planning and Community Development  
Stanislaus County  
Ph: 209-525-5984

*Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <http://www.stancounty.com/planning/phone-mail-options.shtm>*

**From:** Nancy Dee [REDACTED]  
**Sent:** Thursday, August 18, 2022 10:39 AM  
**To:** Emily Basnight <basnighte@stancounty.com>  
**Subject:** Re: Romie Way Master Plan

**\*\*\* WARNING:** This message originated from outside of Stanislaus County. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe **\*\*\***

Denair Community Plan, Adopted by the Stanislaus County Board of Supervisors DECEMBER 15, 1998 -  
Romie does not connect...



# Denair COMMUNITY PLAN

## Land Use Designations:

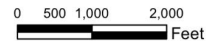
- Commercial
- Industrial
- Residential - Estate
- Residential - Low
- Residential - Medium
- Residential - Medium-High

## Parks and Schools:

- Existing Park
- Proposed Park
- Existing School
- Proposed School

## Relevant Boundaries:

- Community Plan Boundary



I-104

Nancy Dee

> On Aug 15, 2022, at 5:42 PM, Nancy Dee <[REDACTED]> wrote:

> Thank you very much.

> Nancy Dee

>> On Aug 15, 2022, at 5:21 PM, Emily Basnight <basnight@stancounty.com> wrote:

>> Hello Nancy,

>> I have the subdivision maps for the neighborhoods along Romie Way attached to this email.

>> Mysty Land Estates subdivided the area on the south side of Romie Way and Oakmont Vista subdivided the area on the north side of Romie Way.

>> For records beyond the subdivision maps, you will need to submit a Public Records Request to our Department by emailing [planning@stancounty.com](mailto:planning@stancounty.com).

>> Thank you,

>> Emily Basnight

>> Assistant Planner

>> Planning and Community Development

>> Stanislaus County

>> Ph: 209-525-5984

>> Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <http://www.stancounty.com/planning/phone-mail-options.htm>

>> -----Original Message-----

>> From: Nancy Dee <[REDACTED]>

>> Sent: Sunday, August 14, 2022 7:07 AM

>> To: Vito Chiesa <CHESAV@stancounty.com>; Emily Basnight <basnight@stancounty.com>; Megan Wells <mwells@stancounty.com>

>> Subject: Romie Way Master Plan

>> \*\*\* WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe \*\*\*

>>

>> We have been advised to obtain a copy of the Master Plan for connecting Romie Way from the 1960's.

>> Nancy Dee

Nancy Dee

> On Aug 15, 2022, at 5:42 PM, Nancy Dee [REDACTED] wrote:

>

> Thank you very much.

>

> Nancy Dee

>

>> On Aug 15, 2022, at 5:21 PM, Emily Basnight <[basnighte@stancounty.com](mailto:basnighte@stancounty.com)> wrote:

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>>

>> Thank you,

>>

>> Emily Basnight

>> Assistant Planner

>> Planning and Community Development

>> Stanislaus County

>> Ph: 209-525-5984

>>

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<http://www.stancounty.com/planning/phone-mail-options.shtm>

>> -----Original Message-----

>> From: Nancy Dee [REDACTED]

>> Sent: Sunday, August 14, 2022 7:09 AM

>> To: Vito Chiesa <[CHIESAV@stancounty.com](mailto:CHIESAV@stancounty.com)>; Emily Basnight <[basnighte@stancounty.com](mailto:basnighte@stancounty.com)>; Megan Wells <[wellsm@stancounty.com](mailto:wellsm@stancounty.com)>

>> Subject: Romie Way Master Plan

>>

>> \*\*\* WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe \*\*\*

>>

>>

>> We have been advised to obtain a copy of the Master Plan for connecting Romie Way from the 1960's.

>>

>> Nancy Dee



## Emily Basnight

---

**From:** Nancy Dee [REDACTED]  
**Sent:** Thursday, August 18, 2022 11:55 AM  
**To:** Emily Basnight  
**Subject:** Re: Romie Way Master Plan

**\*\*\* WARNING:** This message originated from outside of Stanislaus County. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe **\*\*\***

Can you explain why this document states there are 34 units?

From: Nancy Dee  
To: Emily Basnight  
Subject: Re: Romie Way Master Plan  
Date: Thursday, August 18, 2022 11:54:50 AM  
Attachments: [redacted]

\*\*\* WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.\*\*\*

Can you explain why this document states there are 34 units?

11:21 AM Thu Aug 18

files.ceqanet.opr.ca.gov

Assessor's Parcel Number: 024-000-000 Section: 3 Twp: 3 Range: 11 Base: MODGM

Within 2 Miles: State Hwy #: N/A Waterways: Turlock Irrigation District (TID) Main Canal

Airports: N/A Railways: Burlington Northern Santa Fe Schools: Denair Unified

**Local Public Review Period:** (to be filled in by lead agency)  
Starting Date: April 5, 2022 Ending Date: April 20, 2022

**Document Type:**  
CEQA:  NOP  Draft EIR NEPA:  NOI OTHER:  Joint Document  
 Early Cons  Supplement/Subsequent EIR  EA  Final Document  
 Neg Dec (Prior SCH No.)  Draft EIS  Other: \_\_\_\_\_  
 Mit Neg Dec  Other: \_\_\_\_\_

**Local Action Type:**  
 General Plan Update  Specific Plan  Rezone  Annexation  
 General Plan Amendment  Master Plan  Prezone  Redevelopment  
 General Plan Element  Planned Unit Development  Use Permit  Coastal Permit  
 Community Plan  Site Plan  Land Division (Subdivision, etc.)  Other

**Development Type:**  
 Residential Units: 34 Acres: 4.82  Water Facilities Type: \_\_\_\_\_ MGD \_\_\_\_\_  
 Office Sq. ft.: \_\_\_\_\_ Acres: \_\_\_\_\_ Employees: \_\_\_\_\_  Transportation Type: \_\_\_\_\_  
 Commercial Sq. ft.: \_\_\_\_\_ Acres: \_\_\_\_\_ Employees: \_\_\_\_\_  Mining Mineral: \_\_\_\_\_  
 Industrial Sq. ft.: \_\_\_\_\_ Acres: \_\_\_\_\_ Employees: \_\_\_\_\_  Power Type: \_\_\_\_\_ MW \_\_\_\_\_  
 Educational \_\_\_\_\_  Waste Facilities Type: \_\_\_\_\_ MGD \_\_\_\_\_  
 Recreational \_\_\_\_\_  Hazardous Waste Type: \_\_\_\_\_  
 OCS Related \_\_\_\_\_  Other \_\_\_\_\_

**Project Issues Discussed in Document:**  
 Aesthetic/Visual  Fiscal  Recreation/Parks  Vegetation  
 Agricultural Land  Flood Plain/Flooding  Schools/Universities  Water Quality  
 Air Quality  Forest Land/Fire Hazard  Septic Systems  Water Supply/Groundwater  
 Archeological/Historical  Geological/Seismic  Sewer Capacity  Wetland/Riparian  
 Biological Resources  Minerals  Soil Erosion/Compaction/Grading  Growth Inducement  
 Coastal Zone  Noise  Solid Waste  Land Use  
 Drainage/Absorption  Population/Housing Balance  Toxic/Hazardous  Cumulative Effects  
 Economic/Jobs  Public Services/Facilities  Traffic/Circulation  Other: None have been identified as of yet.

**Present Land Use/Zoning/General Plan Designation:**  
Single-family dwelling and attached two-car garage, and open field / Rural Residential (R-A) / Low Density Residential (LDR)

Nancy Dee

On Aug 18, 2022, at 11:15 AM, Emily Basnight <basnight@stancounty.com> wrote:

Yes, your comments will be reflected in the Staff Report.

Thank you,

Emily Basnight  
Assistant Planner  
Planning and Community Development  
Stanislaus County  
Ph: 209-525-5984

Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <http://www.stancounty.com/planning/phone-mail-options.htm>

From: Nancy Dee  
Sent: Thursday, August 18, 2022 11:04 AM  
To: Emily Basnight <basnight@stancounty.com>  
Subject: Re: Romie Way Master Plan

\*\*\* WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.\*\*\*

I filed a complaint with Customer Service and they assure me my concerns and maps will be included in the Staff Report. I did not know the Staff Report would be online. I found the one for the cement plant and only my first letter was included. My second letter with maps of the prices of homes that range from \$450,000 to one million and my map of the cement plant 4 minutes up the road we're mysteriously missing. I have filed a complaint to have that decision audited.

Nancy Dee

On Aug 18, 2022, at 10:51 AM, Emily Basnight <basnight@stancounty.com> wrote:

Hello Nancy,

The roadway as it was at the time, and as it is today, is depicted on the map for Romie Way. The dead end stubs of Romie Way do not depict the court style (bulb shapes) as the surrounding courts to the west which are official courts. Romie Way was not intended to be a court as it ends in a stub-out and not the traditional required "bulb" shape of a court.

The Denair Community Plan map (as shown below) is included in the Staff Report.

Thank you,

Emily Basnight  
Assistant Planner  
Planning and Community Development  
Stanislaus County  
Ph: 209-525-5984

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From: Nancy Dee  
Sent: Thursday, August 18, 2022 10:39 AM  
To: Emily Basnight <basnight@stancounty.com>  
Subject: Re: Romie Way Master Plan

\*\*\* WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.\*\*\*

Denair Community Plan, Adopted by the Stanislaus County Board of Supervisors DECEMBER 15, 1998 - Romie does not connect..

Nancy Dee

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Emily Basnight  
Assistant Planner  
Planning and Community Development  
Stanislaus County  
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**From:** Nancy Dee [REDACTED]  
**Sent:** Thursday, August 18, 2022 11:04 AM  
**To:** Emily Basnight <basnighte@stancounty.com>  
**Subject:** Re: Romie Way Master Plan

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Assistant Planner  
Planning and Community Development  
Stanislaus County  
Ph: 209-525-5984

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**From:** Nancy Dee [REDACTED]  
**Sent:** Thursday, August 18, 2022 10:39 AM  
**To:** Emily Basnight <[basnighte@stancounty.com](mailto:basnighte@stancounty.com)>  
**Subject:** Re: Romie Way Master Plan

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Denair Community Plan, Adopted by the Stanislaus County Board of Supervisors  
DECEMBER 15, 1998 - Romie does not connect...

Nancy Dee

> On Aug 15, 2022, at 5:42 PM, Nancy Dee [REDACTED] wrote:

>

> Thank you very much.

>

> Nancy Dee

>

>> On Aug 15, 2022, at 5:21 PM, Emily Basnight <[basnighte@stancounty.com](mailto:basnighte@stancounty.com)> wrote:

>>

>> Hello Nancy,

>>

>> I have the subdivision maps for the neighborhoods along Romie Way attached to this email.

>>

>> Mysty Land Estates subdivided the area on the south side of Romie Way and Oakmont Vista subdivided the area on the north side of Romie Way.

>>

>> For records beyond the subdivision maps, you will need to submit a Public Records Request to our Department by emailing [planning@stancounty.com](mailto:planning@stancounty.com).

>>

>> Thank you,

>>

>> Emily Basnight

>> Assistant Planner

>> Planning and Community Development

>> Stanislaus County

>> Ph: 209-525-5984

>>

>> Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <http://www.stancounty.com/planning/phone-mail-options.shtml>

>> -----Original Message-----

>> From: Nancy Dee [REDACTED]

>> Sent: Sunday, August 14, 2022 7:09 AM

>> To: Vito Chiesa <[CHIESAV@stancounty.com](mailto:CHIESAV@stancounty.com)>; Emily Basnight

>> <[basnighte@stancounty.com](mailto:basnighte@stancounty.com)>; Megan Wells <[wellsm@stancounty.com](mailto:wellsm@stancounty.com)>

>> Subject: Romie Way Master Plan

>>

>> \*\*\* WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe \*\*\*

>>

>>

>> We have been advised to obtain a copy of the Master Plan for connecting Romie Way from the 1960's.

>>

>> Nancy Dee

**From:** [Nancy Dee](#)  
**To:** [Emily Basnight](#)  
**Subject:** Clear Answers  
**Date:** Thursday, August 18, 2022 1:53:05 PM

---

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I've filed a complaint with Senator Feinstein, an old family friend and Governor Newsom. Maybe they can figure out what is really going on here.

Nancy Dee

**From:** [Nancy Dee](#)  
**To:** [Vito Chiesa](#); [Emily Basnight](#); [Planning](#)  
**Subject:** The Law  
**Date:** Tuesday, August 23, 2022 3:24:25 PM

---

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SB 9:

The location criteria that must be met to be eligible for an SB 9 development includes:

- The site cannot be located on farmland

A housing development is a project that results in no more than two units on a single parcel. This can include the construction of up to two new units, the legalization of up to two existing units, or the construction of one new unit to one existing unit. Once a **duplex** is established, there are opportunities for the construction of additional Accessory Dwelling Units, as permitted with multi-family properties.

Nancy Dee

## Emily Basnight

---

**From:** Nancy Dee [REDACTED]  
**Sent:** Tuesday, August 23, 2022 6:28 PM  
**To:** Emily Basnight; Planning  
**Subject:** The Law Response

\*\*\* WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe \*\*\*

SB9

Property does not contain or is located within areas designated as prime farmland. It is within areas designated as farmland.

Parking of no more than one space per unit is allowed. Will we have their cars parked on our street?

All property owners and tenants within 500 feet of the subject property will be notified of the application. This clearly was not done as most of the homeowners had no clue until a neighbor rang doorbells the afternoon of the MAC meeting.

The law is designed to create additional housing while preserving low income affordable units. Where will the low income units be placed?

You say no duplexes and the developer says he's planned for 2 or 3 along Story Road. You say there can be as many as 34 units on the property.

It would be nice to have been properly notified and been given reliable information.



From: [Nancy Dee](#)  
To: [Emily Basnight; Planning](#)  
Subject: The Law Response  
Date: Tuesday, August 23, 2022 6:27:45 PM

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SB9

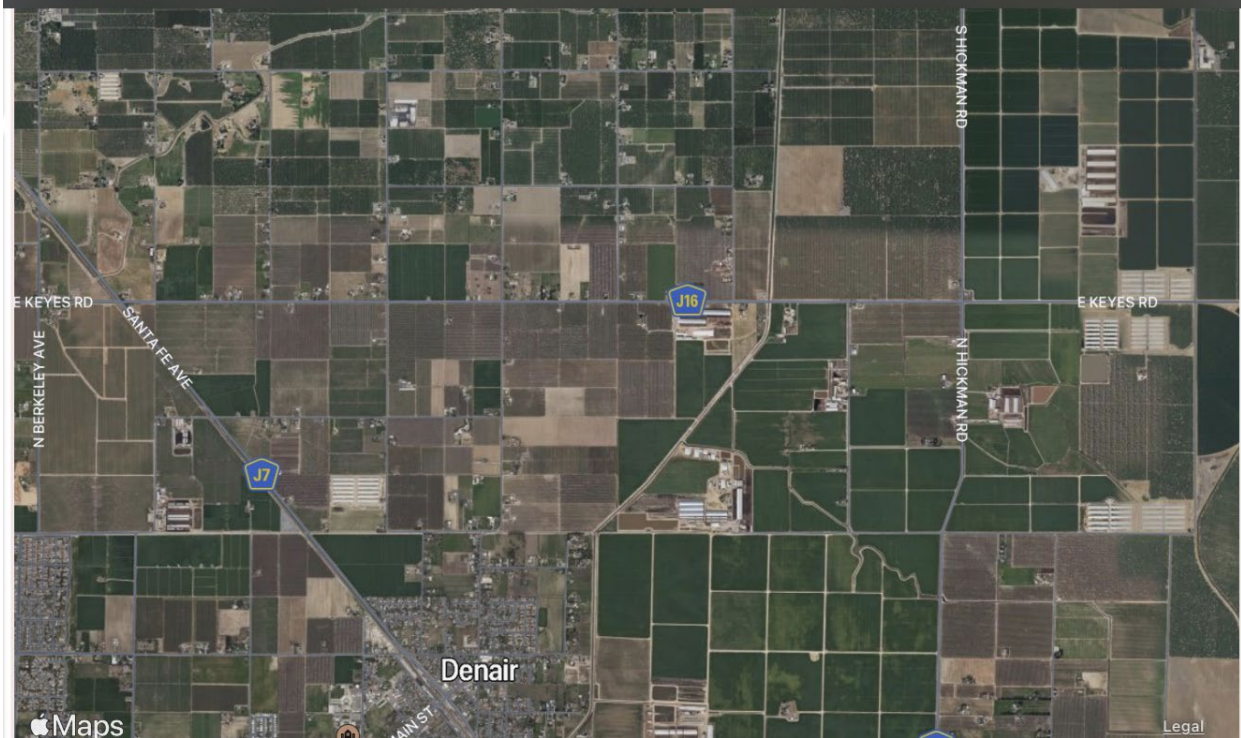
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Nancy Dee

## Emily Basnight

---

**From:** Nancy Dee [REDACTED]  
**Sent:** Wednesday, August 24, 2022 9:12 AM  
**To:** Emily Basnight  
**Subject:** Re: The Law Response  
**Attachments:** 2022\_0330\_Story\_Road\_Subdivision\_LON\_Map.pdf

\*\*\* WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe \*\*\*

And yesterday you said: "SB 9 applies to the project site at 3700 Story Road, as it does over every parcel that is designated for Low Density Residential development and zoned for single-family residential uses.'

Nancy Dee

On Aug 24, 2022, at 9:00 AM, Emily Basnight <basnighte@stancounty.com> wrote:

Good morning Nancy,

I believe I need to provide some clarification regarding Elmwood Estates and SB 9: the Elmwood Estates development is a Subdivision Map and Rezone request not a project under SB 9. Elmwood Estates is proposing to subdivide the one existing parcel at 3700 Story Road into 17 residential lots, this is not a project covered under SB 9, this is a Rezone and Subdivision Map request that is subject to our General Plan, Community Plan, and County Code.

SB 9 is a state law that allows a single-family zoned parcel to undergo ministerial review (no public hearings and no environmental review) to have a second unit and/or split the *one* existing parcel into a *maximum of two* parcels. The Elmwood Estates project is not an SB 9 project. Elmwood Estates is a discretionary project that requires public hearings and environmental review for a Rezone and Subdivision Map.

SB 9 as a State law could be used in the future by individual property owners who purchase a lot in the Elmwood Estates subdivision, just as you or your neighbors could have an SB 9 project currently; however, the Rezone and Subdivision request under Elmwood Estates is not an SB 9 project.

Answers to your statements and questions are in blue below.

Thank you,

Emily Basnight  
Assistant Planner  
Planning and Community Development  
Stanislaus County  
Ph: 209-525-5984

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**From:** Nancy Dee [REDACTED]  
**Sent:** Tuesday, August 23, 2022 6:28 PM  
**To:** Emily Basnight <basnighte@stancounty.com>; Planning <planning@stancounty.com>  
**Subject:** The Law Response

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SB9

Property does not contain or is located within areas designated as prime farmland. It is within areas designated as farmland. The property at 3700 Story Road is not designated as farmland; the property has a General Plan and Community Plan designation of Low Density Residential and has been zoned Rural Residential (R-A) since 1962.

Parking of no more than one space per unit is allowed. Will we have their cars parked on our street? The one space per unit is a restriction on local agencies under SB 9 which limits our ability to request more parking if the project is an SB 9 project. As discussed above, the Elmwood Estates project is not an SB 9 project. The Elmwood Estates lots will be subject to the Off-Street Parking standards per Section 21.76.040 of the County Code which requires at least two off-street spaces per single-family dwelling.

All property owners and tenants within 500 feet of the subject property will be notified of the application. This clearly was not done as most of the homeowners had no clue until a neighbor rang doorbells the afternoon of the MAC meeting. As previously discussed, the County used a notification area of a quarter-mile (1,320-feet) of the project site (see Landowner Notification map attached).

The law is designed to create additional housing while preserving low income affordable units. Where will the low income units be placed? As discussed above, the Elmwood Estates Rezone and Subdivision is not a SB 9 project; it's a Rezone and Subdivision Map request.

You say no duplexes and the developer says he's planned for 2 or 3 along Story Road. You say there can be as many as 34 units on the property. The developer labeled his floor plans of the single-family dwelling and accessory dwelling unit incorrectly as "duplexes" as discussed at the MAC meeting and previous emails, a single-family dwelling with an attached accessory dwelling unit are not considered to be a duplex. As discussed previously, the total number of units possible for the project was listed on the Notice of Completion document; this accounts for all single-family dwellings and accessory dwelling units possible for the proposed subdivision.

It would be nice to have been properly notified and been given reliable information.

**From:** [Nancy Dee](#)  
**To:** [Vito Chiesa](#); [Planning](#)  
**Subject:** Elmwood Estates Misinformation  
**Date:** Wednesday, August 24, 2022 9:19:09 AM

---

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Emily emails:

Today: Elmwood Estates development is a Subdivision Map and Rezone request not a project under SB 9.

Yesterday: SB 9 applies to the project site at 3700 Story Road, as it does over every parcel that is designated for Low Density Residential development and zoned for single-family residential uses.

The developer and the planning department are not on the same page. Developer tells my neighbor he is constructing 2-3 duplexes which his business will oversee. Emily says no duplexes. Are the inmates running the asylum?

Nancy Dee

## Emily Basnight

---

**From:** Nancy Dee [REDACTED]  
**Sent:** Wednesday, August 24, 2022 9:33 AM  
**To:** Emily Basnight  
**Subject:** Re: The Law Response

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I'm sure an attorney would have a field day with all the ammunition I have!

Nancy Dee

On Aug 24, 2022, at 9:28 AM, Emily Basnight <basnighte@stancounty.com> wrote:

SB 9 applies to the project site, meaning, the parcel can take advantage of SB 9 and the future individual lots within the subdivision can also take advantage of it as well. It is eligible for SB 9; but the current project is not an SB 9 project, it's a Rezone and Subdivision Map which is why I provided the clarification below.

Emily Basnight  
Assistant Planner  
Planning and Community Development  
Stanislaus County  
Ph: 209-525-5984

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**From:** Nancy Dee [REDACTED]  
**Sent:** Wednesday, August 24, 2022 9:12 AM  
**To:** Emily Basnight <basnighte@stancounty.com>  
**Subject:** Re: The Law Response

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Nancy Dee

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**To:** Emily Basnight <[basnighte@stancounty.com](mailto:basnighte@stancounty.com)>; Planning <[planning@stancounty.com](mailto:planning@stancounty.com)>  
**Subject:** The Law Response

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You say no duplexes and the developer says he's planned for 2 or 3 along Story Road. You say there can be as many as 34 units on the property. The developer labeled his floor plans of the single-family dwelling and accessory dwelling unit incorrectly as "duplexes" as discussed at the MAC meeting and previous emails, a single-family dwelling with an attached accessory dwelling unit are not considered to be a duplex. As discussed previously, the total number of units possible for the project was listed on the Notice of Completion document; this accounts for all single-family dwellings and accessory dwelling units possible for the proposed subdivision.

It would be nice to have been properly notified and been given reliable information.

## Emily Basnight

---

**From:** Nancy Dee [REDACTED]  
**Sent:** Wednesday, August 31, 2022 10:20 AM  
**To:** Kristin Doud; Vito Chiesa; Emily Basnight  
**Subject:** BOARD AGENDA:7.1 AGENDA DATE: August 17, 2021

**\*\*\* WARNING:** This message originated from outside of Stanislaus County. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe **\*\*\***

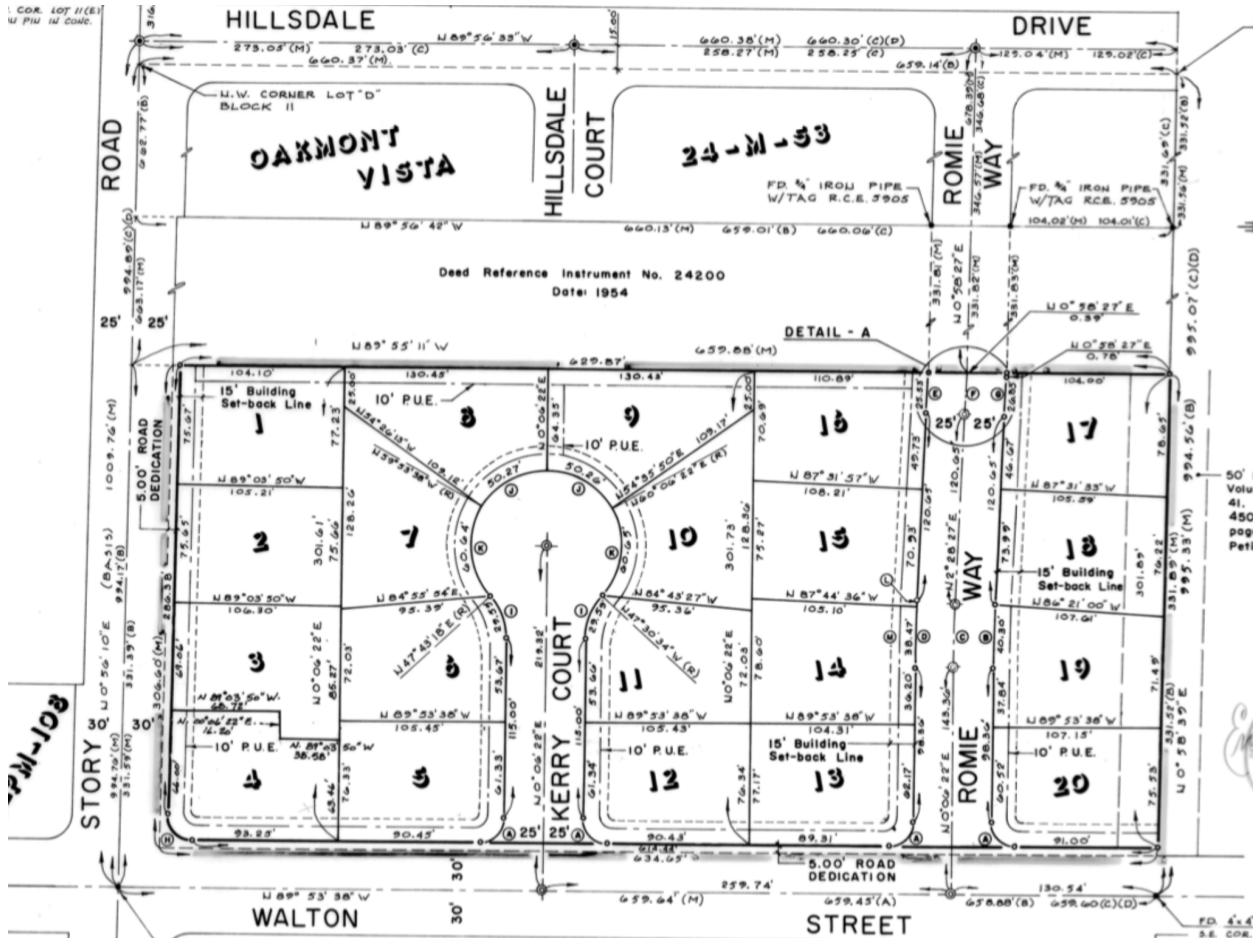
The General Plan Amendment will maintain a logical land use pattern **without detriment to existing and planned land uses.**

The Denair Community Plan **outlines the future growth patterns** of Denair and is used in conjunction with the General Plan to **indicate the desired land use 'vision' for the town.**



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Emly provided this map as proof the Community Plan from the 1970's showed Romie Way was to be connected:



This map from 1998 does not show it connected.

## Appendix I-A3

# DENAIR COMMUNITY PLAN

Adopted by the Stanislaus County Board of Supervisors  
 DECEMBER 15, 1998\*

Why was the older map used?  
 Nancy Doe

This subdivision map Emily provided does not show Romie Way connected.

<https://www.stancounty.com/bos/agenda/2021/20210817/PH01.pdf>

Nancy Dee

On Aug 30, 2022, at 10:41 AM, Kristin Doud <Doudk@stancounty.com> wrote:

The Community Plan map provides a general view of what type of land uses the community should be developed with. Subdivision Maps are the official maps recorded for a specific subdivision which provide details of how the roads and improvements and lot sizes are to be developed.

**From:** Nancy Dee [REDACTED]  
**Sent:** Tuesday, August 30, 2022 10:09 AM  
**To:** Kristin Doud <Doudk@stancounty.com>  
**Subject:** Re: Elmwood Estates Misinformation

**\*\*\* WARNING:** This message originated from outside of Stanislaus County. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe **\*\*\***

That map is included in the 1998 Community Plan, yet Planning Department is using a map from the 1970's saying that's what gives them the right to connect Romney Way.

Nancy Dee

On Aug 30, 2022, at 9:26 AM, Kristin Doud <Doudk@stancounty.com> wrote:

Nancy – One of the images below looks like a screenshot of a subdivision map and the other looks like a screenshot of the cover page of the Denair Community Plan. What exactly is your question?

**From:** Nancy Dee [REDACTED]  
**Sent:** Monday, August 29, 2022 5:06 PM  
**To:** Kristin Doud <Doudk@stancounty.com>; Vito Chiesa <CHIESAV@stancounty.com>; Emily Basnight <basnighte@stancounty.com>  
**Subject:** Re: Elmwood Estates Misinformation

**\*\*\* WARNING:** This message originated from outside of Stanislaus County. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe **\*\*\***



Why was the older map used?

Nancy Dee

On Aug 24, 2022, at 11:38 AM, Kristin Doud <[Doudk@stancounty.com](mailto:Doudk@stancounty.com)> wrote:

Thank you Nancy we have received your comment.

-----Original Message-----

From: Nancy Dee [REDACTED]  
Sent: Wednesday, August 24, 2022 9:19 AM  
To: Vito Chiesa <[CHIESAV@stancounty.com](mailto:CHIESAV@stancounty.com)>; Planning <[planning@stancounty.com](mailto:planning@stancounty.com)>  
Subject: Elmwood Estates Misinformation

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Nancy Dee

**From:** [Don Rajewich](#)  
**To:** [Emily Basnight](#)  
**Subject:** PLN2022-0026 Attachment A and Biological Assessment  
**Date:** Tuesday, August 30, 2022 8:04:46 AM  
**Attachments:** [AttachmentA.pdf](#)

---

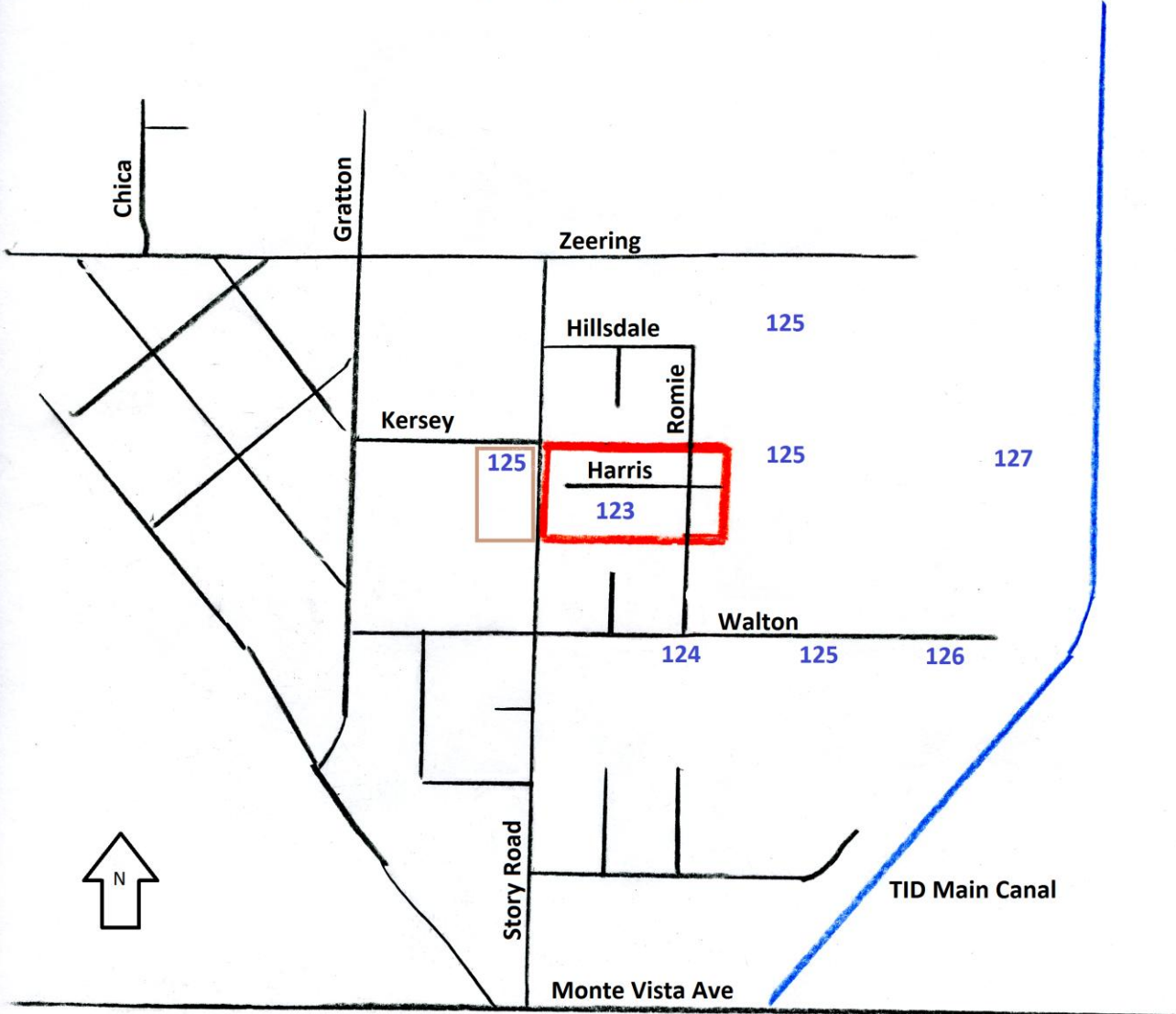
**\*\*\* WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe **\*\*\***

I have attached Attachment A for inclusion with my previous submission made 8/26/2022.




Also:

In light of recent new information, will there be a Biological Assessment similar in scope as was done for PLN2019-0079? ( SALIDA COMMUNITY PLAN DEVELOPMENT PLAN APPLICATION NO. PLN2019-0079 – CAL SIERRA FINANCIAL, INC.)

# Attachment A



## Legend

-  PLN2022-0026 Site
-  Denair Service District field
-  Elevation

Created by Donald Rajewich, and free to share. Elevation data from Google Earth Pro.

## Emily Basnight

---

**From:** Nancy Dee [REDACTED]  
**Sent:** Wednesday, August 31, 2022 10:20 AM  
**To:** Kristin Doud; Vito Chiesa; Emily Basnight  
**Subject:** BOARD AGENDA:7.1 AGENDA DATE: August 17, 2021

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The General Plan Amendment will maintain a logical land use pattern **without detriment to existing and planned land uses.**

The Denair Community Plan **outlines the future growth patterns** of Denair and is used in conjunction with the General Plan to **indicate the desired land use 'vision' for the town.**

This subdivision map Emily provided does not show Romie Way connected.

<https://www.stancounty.com/bos/agenda/2021/20210817/PH01.pdf>

Nancy Dee

On Aug 30, 2022, at 10:41 AM, Kristin Doud <Doudk@stancounty.com> wrote:

The Community Plan map provides a general view of what type of land uses the community should be developed with. Subdivision Maps are the official maps recorded for a specific subdivision which provide details of how the roads and improvements and lot sizes are to be developed.

**From:** Nancy Dee [REDACTED]  
**Sent:** Tuesday, August 30, 2022 10:09 AM  
**To:** Kristin Doud <Doudk@stancounty.com>  
**Subject:** Re: Elmwood Estates Misinformation

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That map is included in the 1998 Community Plan, yet Planning Department is using a map from the 1970's saying that's what gives them the right to connect Romney Way.

Nancy Dee

On Aug 30, 2022, at 9:26 AM, Kristin Doud <Doudk@stancounty.com> wrote:

Nancy – One of the images below looks like a screenshot of a subdivision map and the other looks like a screenshot of the cover page of the Denair Community Plan. What exactly is your question?

**From:** Nancy Dee [REDACTED]  
**Sent:** Monday, August 29, 2022 5:06 PM  
**To:** Kristin Doud <Doudk@stancounty.com>; Vito Chiesa <CHIESAV@stancounty.com>; Emily Basnight <basnighte@stancounty.com>  
**Subject:** Re: Elmwood Estates Misinformation

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Why was the older map used?

Nancy Dee

On Aug 24, 2022, at 11:38 AM, Kristin Doud <[Doudk@stancounty.com](mailto:Doudk@stancounty.com)> wrote:

Thank you Nancy we have received your comment.

-----Original Message-----

From: Nancy Dee [REDACTED]  
Sent: Wednesday, August 24, 2022 9:19 AM  
To: Vito Chiesa <[CHIESAV@stancounty.com](mailto:CHIESAV@stancounty.com)>; Planning <[planning@stancounty.com](mailto:planning@stancounty.com)>  
Subject: Elmwood Estates Misinformation

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Emily emails:

Today: Elmwood Estates development is a Subdivision Map and Rezone request not a project under SB 9.

Yesterday: SB 9 applies to the project site at 3700 Story Road, as it does over every parcel that is designated for Low Density Residential development and zoned for single-family residential uses.

The developer and the planning department are not on the same page. Developer tells my neighbor he is constructing 2-3 duplexes which his business will oversee. Emily says no duplexes. Are the inmates running the asylum?

Nancy Dee



**From:** [Don Rajewich](#)  
**To:** [Emily Basnight](#)  
**Subject:** PLN 2022-0026 infill  
**Date:** Wednesday, August 31, 2022 1:04:08 PM

---

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How many cubic yards of infill dirt will be needed for this project?  
Any idea how many truck loads will that be?

**From:** [Danny Mauricio](#)  
**To:** [Emily Besnault](#)  
**Cc:** [Isael Ojeda](#)  
**Subject:** FW: Complaint  
**Date:** Tuesday, September 6, 2022 8:33:52 AM  
**Attachments:** [IMG\\_0724.PNG](#)

Good Morning Emily,

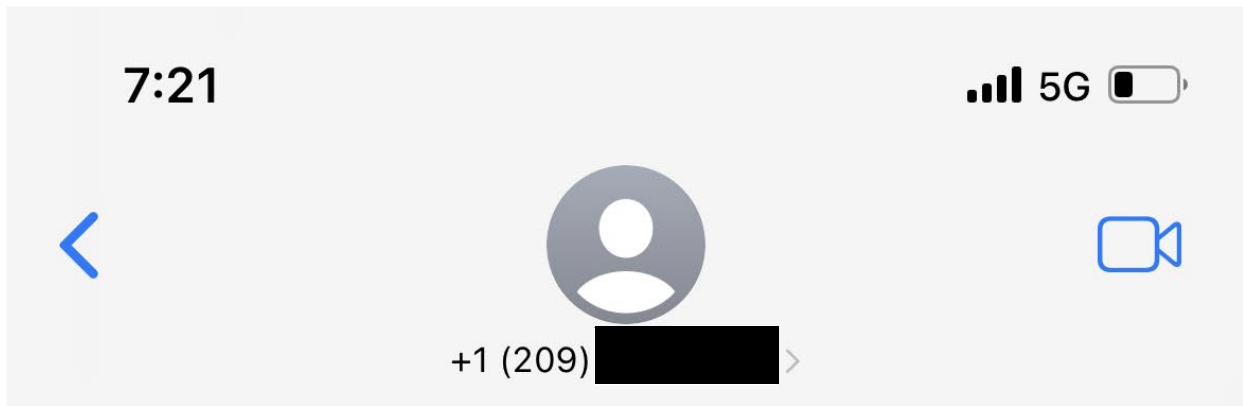
See Screenshots below. This is from Nancy Dee. Part 2 to follow.

Thank you,  
Danny Mauricio

---

**From:** Benjamin Kozlow <KOZLOWB@stancounty.com>  
**Sent:** Tuesday, September 6, 2022 7:24 AM  
**To:** Danny Mauricio <MAURICIOD@stancounty.com>  
**Subject:** Complaint

Hello Danny  
This complaint was texted to me. Phone nut is on screen shot.  
Ben



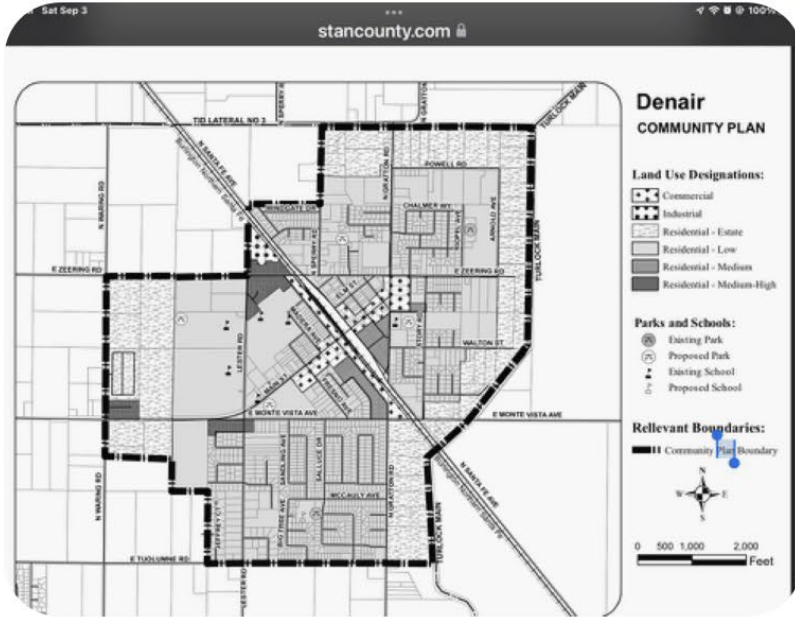
iMessage  
Saturday 11:54 AM

Elmwood Estates, Denair Rezone requiring Romie Way to be connected would be a policy violation.

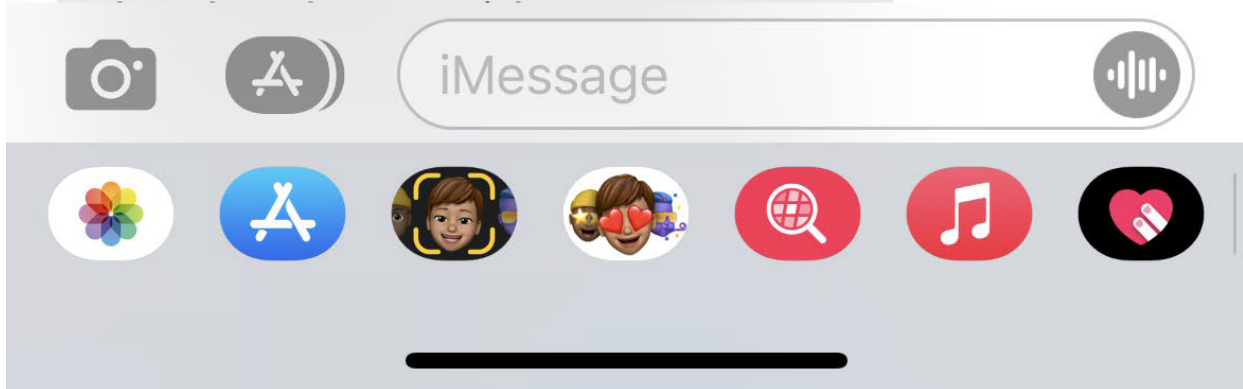
THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
BOARD ACTION SUMMARY  
DEPT: Planning and Community Development BOARD AGENDA:7.1  
AGENDA DATE: August 17, 2021  
  
pg5) POLICY ISSUE:  
In order to consider an amendment to the General Plan, rezone and parcel map request, the Board of Supervisors must hold a public hearing. In order to approve an amendment to the General Plan, the decision-making body must find that the amendment will maintain a logical land use pattern **without detriment to existing and planned land uses**



The Denair Community Plan Map 'outlines future growth' and Romie Way is not connected.



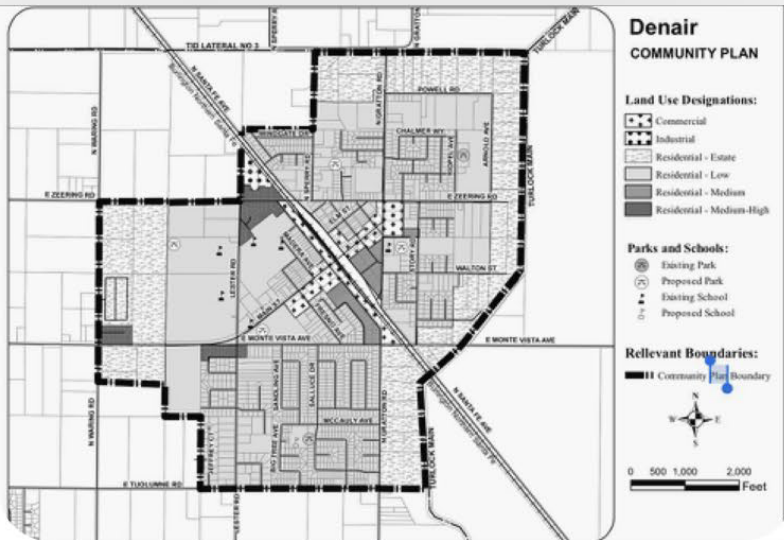
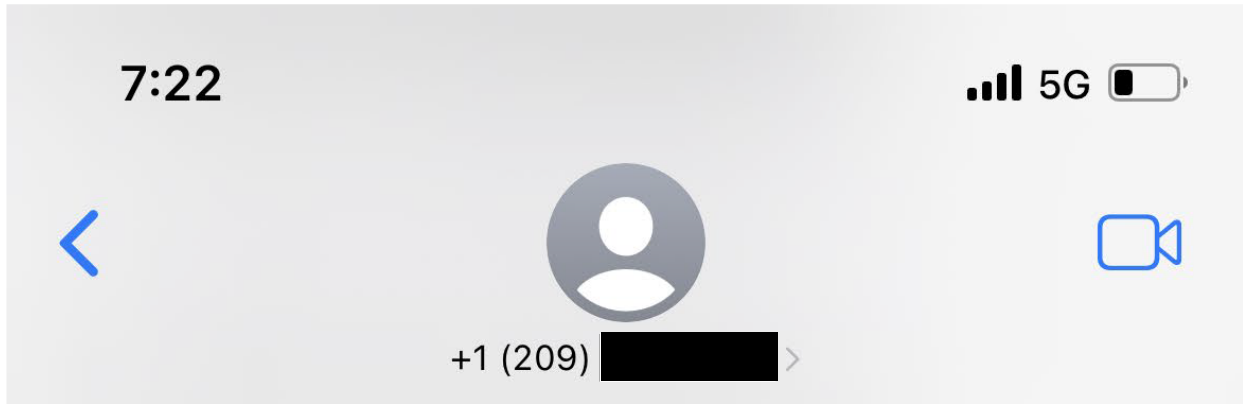
I have a complaint filed against



Sent from my iPhone

From: [Danny Mauricio](#)  
To: [Emily Besnight](#)  
Cc: [Isabel Ojeda](#)  
Subject: FW: Complaint part 2  
Date: Tuesday, September 6, 2022 8:35:46 AM  
Attachments: [IMG\\_0725.PNG](#)

From: Benjamin Kozlow <K0ZLOWB@stancounty.com>  
Sent: Tuesday, September 6, 2022 7:25 AM  
To: Danny Mauricio <MAURICIOD@stancounty.com>  
Subject: Complaint part 2



I have a complaint filed against the developer with State Attorney General as he didn't bother to look at the other side of Romie Way before he submitted his plan.



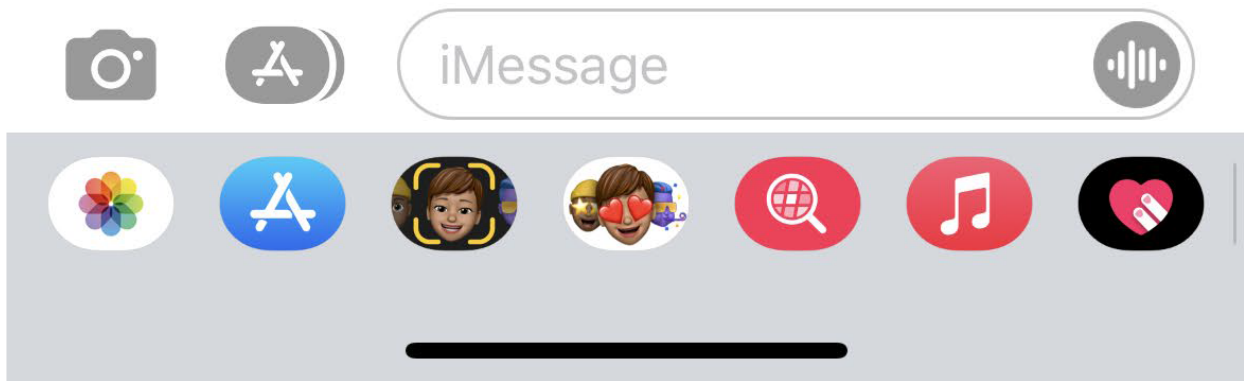


Nancy Dee



The sender is not in your contact list.

[Report Junk](#)



Sent from my iPhone

**From:** [Don Rajewich](#)  
**To:** [Emily Basnight](#)  
**Subject:** Re: PLN 2022-0026  
**Date:** Friday, September 2, 2022 12:56:01 PM

---

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Is there a link to that staff report ?

> On Sep 2, 2022, at 9:58 AM, Emily Basnight <basnighte@stancounty.com> wrote:

>

> Good morning Don,

>

> Your questions have been received and will be addressed in the Staff Report for the project.

>

> Thank you,

>

> Emily Basnight

> Assistant Planner

> Planning and Community Development

> Stanislaus County

> Ph: 209-525-5984

>

> Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <http://www.stancounty.com/planning/phone-mail-options.shtm>

>

> -----Original Message-----

> From: Don Rajewich [REDACTED]

> Sent: Sunday, August 28, 2022 8:49 PM

> To: Emily Basnight <basnighte@stancounty.com>

> Subject: PLN 2022-0026

>

> \*\*\* WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe \*\*\*

>

>

> Couple questions regarding the basin...

>

> Who made the decision that the basin would not be dual use?

> When was that decision made?

> More specifically, Was the the choice between fees and dual use made by the developer?

> What — if any — basin size modifications were necessary to accommodate the bump up of coverage from 40 to 50?

> Did that change ( e.g. depth) render the basin unusable as dual use?

**From:** [Kristin Doud](#)  
**To:** [Don Rajewich](#)  
**Cc:** [Emily Basnight](#); [Planning](#)  
**Subject:** RE: PLN2022-0026 Sept 1 oral presentation  
**Date:** Tuesday, August 30, 2022 1:21:46 PM

---

Don – I just wanted to let you know that this project has been continued to the Sept. 15<sup>th</sup> Planning Commission meeting. So no public hearing on this project will occur this Thursday (9/1).

---

**From:** Don Rajewich [REDACTED]  
**Sent:** Tuesday, August 30, 2022 12:28 PM  
**To:** Planning <planning@stancounty.com>  
**Subject:** PLN2022-0026 Sept 1 oral presentation

**\*\*\* WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe **\*\*\***

Attached you will find a rough copy of the comments I intend to make Sept 1.  
I reserve the right to modify these comments if circumstances change.

**From:** [Don Rajewich](#)  
**To:** [Planning](#)  
**Subject:** PLN2022-0026 Comment  
**Date:** Friday, August 26, 2022 9:33:10 AM  
**Attachments:** [PLN2022-0026comment.pdf](#)

---

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You have my OK to include my comments in the presentation to the Planning Commission.



August 26, 2022

From : Donald Rajewich

[REDACTED]  
[REDACTED]

To: Dept of Planning and Community Development  
1010 10<sup>th</sup> Street Suite 3400  
Modesto CA 95354

RE: CEQA Referral Initial Study and Notice of Intent to Adopt Negative Declaration, Rezone and Tentative Map Application PLN2022-0026 ( Elmwood Estates/Harris Court ), which this document henceforth shall refer to as PLN0026.

Project Location: 3700 Story Road, APN 024-055-060, 4.82 acres of irrigated pasture

**My property borders the south property line of parcel 024-055-060.**

What follows is a list of my concerns and questions.

### **1. Property Value Decline and Loss of Privacy**

My primary objection to this project is the potential loss of my back yard privacy if two story homes are constructed on the proposed lots behind my home.

I contacted the Stanislaus Planning Department, and was informed that Elmwood Estates homes will be “custom homes” and placement and height and whether or not a duplex is constructed will depend on the wishes of the home buyer. Homes could be a 35 maximum feet tall and minimum five feet from the fence, and they could be duplexes, depending on buyer preference. I subsequently spoke to a realtor, and he said two story homes behind my house would decrease the resale value of my house. That realtor also warned me that a no-two-story handshake agreement with the developer would not endure should Elmwood lots be sold to another builder.

One possible remedy is mentioned in Turlock Journal article dated Nov 12, 2021:

*“The Balisha Ranch developer made adjustments to the plan following feedback at the Planning Commission meeting on Sept. 2, making sure that there would be no two-story homes along the fence line next to neighboring, existing homes.”*

Another possible remedy is the Planning Commission has discretion to recommend approval with a limitation on building height for Planned Developments. An example can be found in the most recently approved PLN 2021-0040 Monte Vista Connections.

## 2. Good Neighbor Fencing makes good neighbors, and who will pay for it?

Typically, normal fences will have the presentable side with boards facing outwards toward the street, with the not-so-lovely posts and stringers facing in towards the yard. Between houses might be a “good neighbor fence” that looks identical on both sides.

An example of good neighbor fencing is the recently constructed wooden fences within the Wenstrand Ranch subdivision in Denair located near the corner of Lester and Main. An example of not-so-good neighbor fencing is the fencing between Wenstrand Ranch and the older properties to the east. This photo was taken at Salluce and Monte Vista.



I have looked through some other recent PLNs for Denair (e.g. PLN2021-0040 Monte Vista Connections and PLN2021-009) and both of these specify how fencing will be constructed along bordering neighbors and who will pay for it. 0040 specifically mentions “good neighbor fencing” the developer negotiated with his neighbors. No such information is provided in PLN0026.

### 3. Increased Flooding Risk

A few years ago, the corner of Kersey and Story Road became an unintended case study of what can happen when open land is rendered impervious. Denair Community Center replaced its parking lot, and the old asphalt was dumped and leveled and packed on top of the vacant third-of-an acre dirt lot at that corner. Consequently, that corner floods every time it rains, and water flows across Story Road onto the field at 3700 Story Road, the proposed site for Elmwood Estates. The two pictures below were taken at the corner of Kelsey and Story.



Couple wheelbarrows of rock flood control happening here.



3700 Story is at a lower elevation relative to the easterly pastures that slope downward from the TID Main Canal, as well as the subdivisions surrounding it. It currently serves as a natural water-retaining basin during the rainy season, and provides overflow relief when Romie Way floods. During the rainy season, if enough water accumulates, a vernal pool frog serenade provides nightly entertainment.



At the December 20, 2018 Stanislaus County Planning Commission meeting, on the agenda that day was a Wenstrand Ranch request to increase lot coverage from 40 to 50%.

**Kim Stokes, Denair citizen, was at the microphone:**

*“Do we have any county recommendations or guidance related to grass cover or porous landscape?”*

*How are we going to deal with water recharge?*

*The more the land is covered with structure or concrete the less water recharge there is.*

*Is there anything on the books about that?”*

**Answer by Planner Angie Halverson:**

*“When we go and review a set of plans for a subdivision on the improvements, we take into account pretty much the coverage of the zone and we calculate how much runoff coefficient is going into whatever drainage system.*

*Now most of Denair actually ends up not sticking around because that ground won't take it.*

*So what basins you do have out there basically hold the water until it can be pumped out of Denair.*

*Literally.*

*So this (sic) -- it's going to be a small basin there (in Wenstrand Ranch) so we are going to get a little bit of perk. But not much.*

*We have a perched ground water.*

*We have perched hard pan out there that doesn't really allow the water to go anywhere.*

*So that's why the basins are small and a lot of this water will get pumped out of there.*

*So that's taken into account.*

*We are recharging as much as the ground will allow.”*

What was not mentioned at that meeting is how the storm water is pumped and hauled away by bobtail tanker trucks.

Does Stanislaus County have enough tanker trucks and drivers to service Denair's recently constructed and planned rain basins?

I asked the Planning Department how many tank trucks and drivers would be available in the event of a major storm. As I write this, I am still waiting for an answer, so I checked satellite imagery. Looks like three tankers in the yard.



Possible Remedies:

- Train and equip a local Volunteer Pumper Tanker Sandbag Brigade.
- Pump the water into the TID Main Canal using stationary pumps.
- Build houses that harvest rainwater.
- Figure out a way to take advantage of Mother Nature’s storm water basin sitting right under your nose, no landscaping necessary.

#### **4. How long will the construction dust and traffic last?**

The Stanislaus County Planned Development rules read as follows:

**21.40.090 DEVELOPMENT SCHEDULE A. An application for P-D district zoning shall be accompanied by a development schedule indicating to the best of the applicant's knowledge the approximate date when construction of the project can be expected to begin, the anticipated rate of development, and the completion date. The development schedule, if approved by the commission, shall become part of the development plan and shall be adhered to by the owner of the property and successors in interest.**

How long will we be enduring the extra construction traffic rumbling through our neighborhood? This question was raised at the MAC meeting, and the answer was PLN0026 will be up for “renewal in two years.”

A development schedule could answer the “how long” question, and provide a benchmark at renewal time.

## 5. It's a half mile to the Amtrak Station, so no traffic study is required.

PLN 0026 states that "... the vehicle motor traffic increase associated with the proposed project is significant....." and that because Elmwood Estates is half a mile from the Amtrak Station as the crow flies, the "significant" traffic impact gets a free pass. No traffic study or mitigation is required.

I do not know of any of my neighbors who use the Amtrak to commute to work, pick up kids at school, or to deliver vegetarian pizza.

Remedy: Will Elmwood Estates be Fiber/GIG ready?

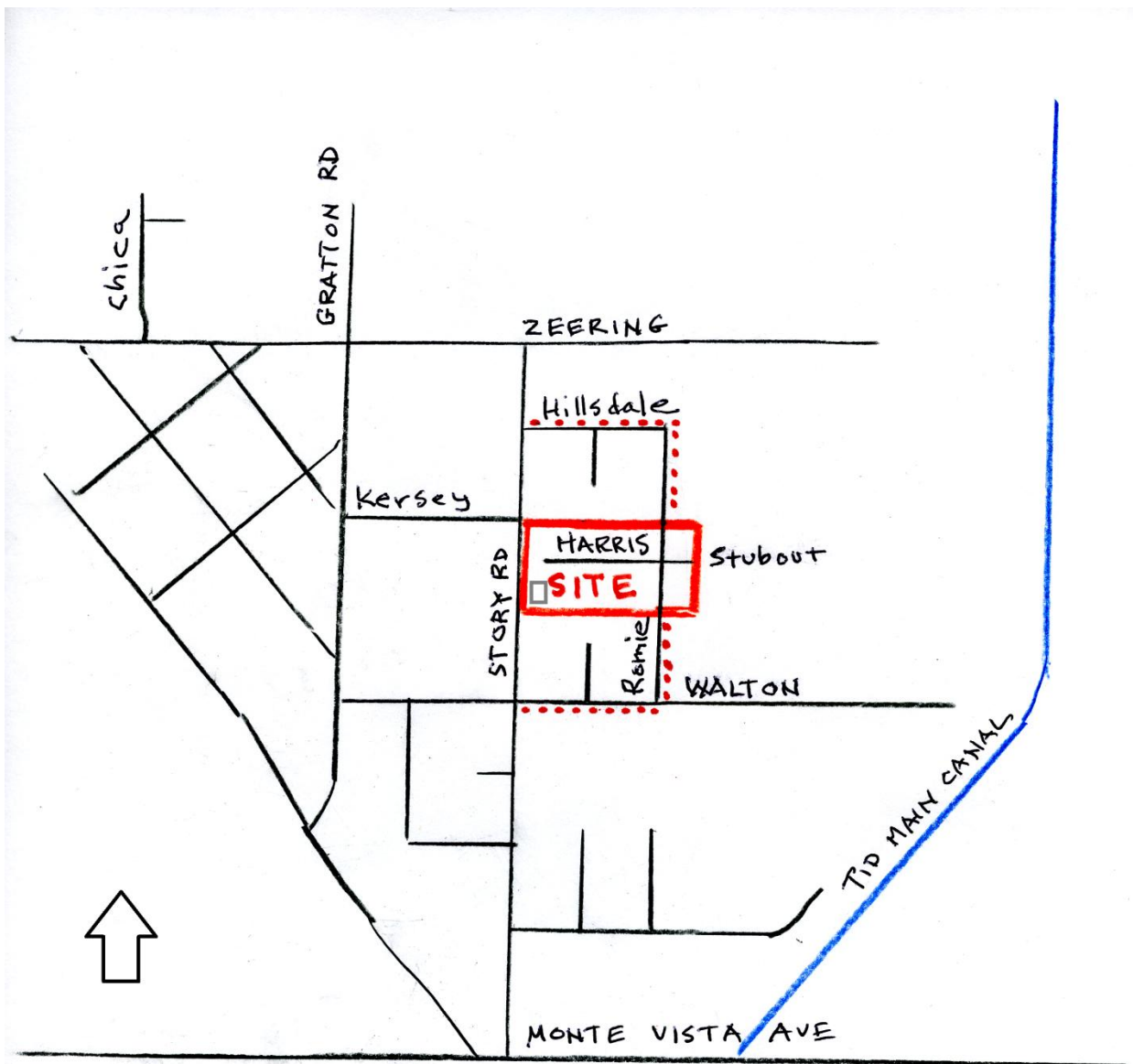
## 6. Why is Harris not directly connected to Story Road? (See the map on next page.)

Ironically, the proposed hierarchal street layout -- with Harris as a cul-de-sac -- increases the walking distance from Harris to the Amtrak Station to something over half a mile; Elmwood Estates is walking distance to town, and yet the proposed street design makes that more difficult. **Why is there not even a pedestrian walkway between Story and Harris?**

Existing residents showed up en masse to ask the Aug 9<sup>th</sup> MAC to consider a direct connection from Harris to Story. **Why unnecessarily increase traffic through our neighborhoods in perpetuity?** At the MAC meeting we were told that the proximity of Kelsey to Harris would create a traffic hazard.

Over the past four months or so, there has been an extreme home makeover at the old ranch house at 3700 Story, and that remodel has been completed and that house now handsomely displays the signature Malet Development white stucco. That major renovation was a preview of coming attractions, because there was -- in Planner parlance - - "significant" traffic entering and exiting the 3700 construction site from Story Road. If there had been any car crashes or traffic issues of any kind during those four months, I can assure you that this nosey neighbor would be expounding upon it in this document.

Imagine that as a stipulation for that remodel project, the Planning Department mandated that all construction traffic going in and out of 3700 must loop around to the jobsite from the Romie side. (See the red dots on the map next page.) Such a mandate would have resulted in more air pollution, longer travel time, increased construction costs, -- and more importantly -- it would have resulted in a larger turnout at the August 9<sup>th</sup> MAC meeting.



..... Access Route

□ 3700 Story Road Existing House



**7. PLN0026 is missing a key detail in the “Aesthetics” table; on a clear day, you can see Yosemite’s Half Dome.**



Because of that, Romie Basin has the potential to be a more scenic location for a dual use basin than all the Denair dual use basins that have come before or ever will be, especially if the current ghastly chain-link-fence with slats is nixed and the Planning Department acts on this aesthetic information when issuing future building permits.



**8. Why are in-lieu fees being collected in-lieu of building a dual use basin in a prime scenic location?**

The Denair Community Plan requires AT LEAST “three net acres of developed neighborhood parks, or the maximum number allowed by law, to be provided for every 1,000 residents” which works out to 130.68 square feet of park per person.

33 possible Elmwood dwellings X 3.08 people per dwelling X 130.68 = 13, 282 square feet.

That is one hundred and eighty four feet more than the 13,098 square foot rock lined basin being proposed.

The following neighborhoods/streets have -- or have planned-- dual use basins: Chica, Riopel, Palm Estates, Lester & Zeering, Monte Vista Connections. How about parity for the east side of Denair?

Someday in the future, long after those in-lieu fees have vanished like rice hulls through fingers, and gas cars and diesel trucks are museum pieces, that view of Half Dome could still be there -- better than it was in our lifetimes.



## **Addendum**

I decided to watch online the most recent Stanislaus County Supervisor meeting because I wanted to see how they handled Monte Vista Connections PLN2021-0040.

The first two hours of the meeting was citizen after citizen getting up to complain about the flooding in their neighborhood, and how their kids had to take off their shoes and wade through a “knee deep” river to get to school. They were pleading that federal government windfall money allocated to Stanislaus County be spent to provide their neighborhood with sidewalks and flood control. After the sea of complainants had been exhausted, the Supervisors announced that it would cost \$650M to fix the infrastructure problems in Stanislaus County, and they only had a \$50M windfall.

As I watched, I wondered: Where was leadership and foresight when those subdivisions were approved? How much of that infrastructure problem is a lack-of-leadership wound papered over with a long history of PLNs that read like a list of justifications to do as little mitigation as possible?

The hour was late as citizens packed up their signs, and it was time for the Supervisors to approve Monte Vista Connections subdivision PLN2021-0040 in Denair. The only speaker was a rep for the developer, and he must have been thinking what I was thinking, because he said spoke directly to what he had just witnessed.

He said there was a stretch of land between their new Monte Vista Connections development and the Denair School’s complex. He said no government entity was requiring them to put in sidewalks along that stretch of Monte Vista, but he convinced his boss to do it anyway “**because it was the right thing to do.**”

Without any objections, 0040 was approved.

My hope is that you all holding the levers of power find the courage to do the right thing for Denair.

Because the last thing we need is a bunch more angry wet citizens at the County Supervisors meeting.

**From:** [Don Rajewich](#)  
**To:** [Emily Basnight](#)  
**Subject:** Submissions for pln 2022-0026  
**Date:** Monday, August 22, 2022 8:28:03 AM

---

\*\*\* WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe \*\*\*

Received your notification letter Friday regarding submissions.  
Had a couple questions.

Is it ok to submit a pdf with color photos embedded?

Or must photos/slides etc be separate?

Is it possible to submit video?

What is the deadline to submit in order to be included in the planning commission papers?

**From:** [Don Rajewich](#)  
**To:** [Emily Basnight](#)  
**Subject:** PLN 2022-0026 submissions  
**Date:** Monday, August 22, 2022 11:02:42 AM

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\*\*\* WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe \*\*\*

Do you accept video submissions?

**From:** [Don Rajewich](#)  
**To:** [Emily Basnight](#)  
**Subject:** dual use storm basin PLN2022-026  
**Date:** Tuesday, August 16, 2022 4:44:51 PM

---

\*\*\* WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe \*\*\*

I took a few minutes today to review PLN2021-0040 Lazarus Company (0040) and I watched the Planning Commission hearing. 0040 proposed a dual use storm basin. Why was a dual use basin not proposed for Romie Basin?

I noticed that neighbors adjacent to that project had privacy concerns — similar to mine— with the possibility of two story homes overlooking their yards. How was that issue eventually resolved? Was wording added that restricted two story homes?

Regarding the fencing issue with adjacent neighbors to the east and west, 0040 proposed a 7 foot “good neighbor” wood fence. Does a “good neighbor” fence mean the neighbors paid half the cost? Word on the street here is one neighbor been told he will be asked to pay half the materials cost.

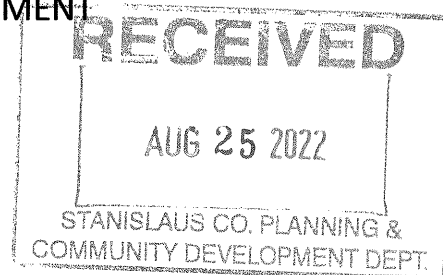
Were you able to find any info on the tanker truck situation?

August 19, 2022

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10<sup>TH</sup> STREET, SUITE 3400

MODESTO, CA 95354



RE: Rezone and Tentative Map Application and Planning No. PLN2022-0026 –  
ELMOOD ESTATES

TO WHOM IT MAY CONCERN:

After reviewing your letter of July 22, 2022 regarding the proposed development of above mentioned ELMWOOD ESTATES, Application #PLN2022-0026 I have to express our disapproval of this development for the reasons listed below:

- 1) We (residents of Denair) are currently on water restrictions. Building additional Housing that would use more water makes no sense. We currently experience fluctuating water pressure already, which tells us Denair Services does not have the water infrastructure needed to support more water demand.
- 2) As proposed, Romie Way cannot sustain additional traffic. It is not wide enough for two-way traffic nor are there any controls in place for speed control.

If this development were to go through, we would suggest entry from Story Road. There are not any homes directly across from the proposed development site and this is better suited for the additional traffic. It is not connected to Romie Way.

- 3) There is very limited, if any law enforcement presence in Denair, but the county continues to allow growth and more housing without addressing the law enforcement presence or lack of in our town.
- 4) Construction equipment/vehicles will likely enter site from Romie Way as well as noise, and dirt/dust control cannot happen.

- 5) Where do all the small animals from this proposed land development go when this is being changed, dug up and reconstructed? Our properties, that's where!! Then we will have another problem to contest with.
- 6) We also have concerns regarding the neighborhood on the north side of Romie Way. They have a bad reputation that is quite a concern for us. They being connected to a through street to our south side of Romie Way gives us serious reasons for alarm. Please drive around the north side of Romie Way and you will then see the difference between the south side of Romie Way. This also pertains to our #3 reason listed above.

Overall, I see this development as damaging to the current way of life for the current residents surrounding this site. We have lived here for 41 years, chose to raise our family here because of the surrounding location and community. Many have lived here 30 plus years. This development will definitely impact negatively to our current residents way of life.

Please consider NOT APPROVING this proposed plan.

Sincerely,



Larry and Susan Fillman





## Addendum 3

Submitted September 7, 2022

The next pages are comments and questions directed toward specific roman numeral sections within PLN2022-0026.

**III. AIR QUALITY: Would the project result in other emissions affecting a substantial number of people? Yes.**

“Construction activities associated with the proposed project would consist primarily of constructing the dwelling units and installing road and sidewalk improvements. These activities would not require any substantial use of heavy-duty construction equipment and would require little or no demolition or grading as the site is presently unimproved and considered to be topographically flat. Consequently, emissions would be minimal.” (page 8, PLN2022-0026-30day)

Recalling the red infill dirt that we witnessed with the grading of Wenstrand Ranch, how many cubic yards of infill dirt will be needed for this project?

Goggle Earth is showing a site elevation of 123, and Romie Way 124 elevation.

How many truckloads of infill are we going to need to go up one foot to get the water to drain to the basin?

Let's take a guess. . .

One acre = 4840 square yards.

The site is approximately 5 acres.

5 acres X 4840 square yards per acre = 24200 square yards.

A depth of 1 foot is 1/3 cu yard and hence you need:

$24200 \times 1/3 = 8067$  cu yards.

A dual axel dump truck can haul 10-14 yards, a set of doubles 20 yards. .

That is 576 dump truck loads of dirt (8067 / 14). (Better to use doubles.)

Some infill dirt will obviously be provided by the basin excavation, and that part of the project will not be accomplished with garden tools.

Hopefully, Planning Department has access to better data that can prove “minimal.”

**IV. Biological Resources: Would the project have a substantial effect on a natural community...? Yes.**

If it looks like a vernal pool, and sounds like a vernal pool, it must be a vernal pool. The Planning Department has been provided enough photos and video and topology data that should justify a wet season Biological Assessment survey to determine if any special-status plants or animals occur on or within a quarter mile of the project site.

Why a quarter mile radius? I pulled this satellite view from Google Maps, and outlined the current proposed project in red. Those dark spots in the fields are pools of water, and looks like there are more to the east of the site. The proposed project added an eastern stub-out to its most recent 30- day iteration.



**Why a physical assessment, rather than rely on Fish & Game maps? See highlighted metadata attachment next page.**

## Vernal Pools - ACE [ds2732]

### SDE Feature Class

[Open this dataset in BIOS](#)  
[Download this dataset](#)

#### Tags

terrestrial, biodiversity, native, richness, rare, rarity, endemic, sensitive habitat, ACE, riparian, wetland, rare natural community, game, bird, reptile, amphibian, mammal, plant

#### Summary

Vernal Pools, Areas of Conservation Emphasis (ACE), version 3.0. The Terrestrial Significant Habitats dataset is one of the four key components of the California Department of Fish and Wildlife's Areas of Conservation Emphasis (ACE) suite of terrestrial conservation information, along with Terrestrial Biodiversity, Connectivity, and Climate Change Resilience. This data set was developed to support conservation planning efforts by allowing users to spatially evaluate the distribution of terrestrial significant habitats across the landscape. Terrestrial Significant Habitats may include habitats or vegetation types that are the focus of state, national, or locally legislated conservation laws, as well as key habitat areas that are essential to the survival and reproduction of focal wildlife species. The Terrestrial Significant Habitats data set is expected to be used along with other ACE datasets to provide a robust assessment of the presence and relative importance of elements important for biodiversity conservation. The Terrestrial Significant Habitats dataset provides a variety of information on terrestrial habitats synthesized from vegetation and land cover maps. This includes Rare Vegetation Types [ds2722], Oak Woodland Habitat [ds2723], Riparian Habitat [ds2724], Saline Wetlands Habitat [ds2726], and several types of Freshwater Wetlands Habitats [ds2725]. The number of significant habitats in each hexagon is summarized in the Significant Terrestrial Habitat Summary, and a reference to the original vegetation or landcover datasets that map the significant habitat elements is provided for each hexagon.

#### Description

For more information, see the Terrestrial Significant Habitats Factsheet at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=150834>.

The California Department of Fish and Wildlife's (CDFW) Areas of Conservation Emphasis (ACE) is a compilation and analysis of the best-available statewide spatial information in California on biodiversity, rarity and endemism, harvested species, significant habitats, connectivity and wildlife movement, climate vulnerability, climate refugia, and other relevant data (e.g., other conservation priorities such as those identified in the State Wildlife Action Plan (SWAP), stressors, land ownership). ACE addresses both terrestrial and aquatic data. The ACE model combines and analyzes terrestrial information in a 2.5 square mile hexagon grid and aquatic information at the HUC12 watershed level across the state to produce a series of maps for use in non-regulatory evaluation of conservation priorities in California. The model addresses as many of CDFW's statewide conservation and recreational mandates as feasible using high quality data sources. High value areas statewide and in each USDA Ecoregion were identified. The ACE maps and data can be viewed in the ACE online map viewer, or downloaded for use in ArcGIS. For more detailed information see <https://www.wildlife.ca.gov/Data/Analysis/ACE> and <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=24326>.

#### Credits

ACE 3 Working Group and ACE 3 Development Team, California Department of Fish and Wildlife. Scripting and GIS data product development: Ryan Hill, Sandra Hill, and Melanie Gogol-Prokurat. ACE 3 conceptual model and source data development: Melanie Gogol-Prokurat, Sandra Hill, Diane Mastalir, Kristi Cripe, Dan Applebee, Janet Brewster, Kristina White, Patrick McIntyre, Todd Keeler-Wolf, Lisa Ohara, Steve Goldman, Peter Ode, Whitney Albright, Ryan Hill, and Karen Miner. Multiple datasets were compiled and analyzed in the development of ACE, including but not limited to California Wildlife Habitat Relationship (CWHR) species ranges and distribution models, California Natural Diversity Database (CNDDDB) and other Biogeographic Information and Observation System (BIOS) rare species occurrence data, and Vegetation Classification and Mapping Program (VegCAMP) vegetation maps/landcover data. A full list of the datasets included in the ACE analysis is included in the technical report: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=24326>.

#### Use limitations

The ACE data is subject to certain assumptions and limitations that must be considered in any use or application of the data. All ACE data layers are limited by the accuracy and scale of the input data. ACE is a compilation of the best available scientific information; however, many of these datasets are not comprehensive across the landscape, may change over time, and should be revised and improved as new data become available.

The user accepts sole responsibility for the correct interpretation and use of these data, and agrees not to misrepresent these data. CDFW makes no warranty of any kind regarding these data, express or implied. By downloading these datasets, the user understands that these data are in draft condition and subject to change at any time as new information becomes available. The user will not seek to hold the State or the Department liable under any circumstances for any damages with respect to any claim by the user or any third party on account of or arising from the use of data or maps. CDFW reserves the right to modify or replace these datasets without notification.

The ACE maps display biological and recreational values based on available data and constrained by the limitations of the data. The values may be influenced by level of survey effort in a given area. The ACE data represent broad-scale patterns across the landscape, and the value of any single hexagon should be interpreted with caution. ACE is a decision-support tool to be used in conjunction with species-specific information and local-scale conservation prioritization analyses.

The ACE maps do not replace the need for site-specific evaluation of biological resources and should not be used as the sole measure of conservation priority during planning. No statement or dataset shall by itself be considered an official response from a state agency regarding impacts to wildlife resulting from a management action subject to the California Environmental Quality Act (CEQA).

**License:** This work is licensed under Creative Commons Attribution 4.0 International License (<https://creativecommons.org/licenses/by/4.0/>). Using the citation standards recommended for BIOS datasets (<https://www.wildlife.ca.gov/Data/BIOS/Citing-BIOS>) satisfies the attribution requirements of this license.

**X. Hydrology and Water Quality: Would the project impede or redirect flood flows?**

**Yes.**

(Refer to the map Attachment B)

In past significant storms we have witnessed sandbagged garage doors on Romie Way, a parade of tanker trucks, and water pooled almost to the corner of Walton and Story Road. What follows is full disclosure for the future renters and buyers in Elmwood Estates.

- Story Road duplex renters: If rain is in the forecast, do not park your car across the street, because in the morning, you will have to change your car title to salvage.
- Romie Way homebuyers: Romie is the lowest elevation between Story Road and the TID Main Canal, and its rainwater basin is undersized (as per the Dec 2018 Planning Commission meeting). If the basin starts to overflow, you will need to sandbag your garage door, and hope the county tankers arrive in time to save your home. While you wait, the wakes of passing cars will wash away the landscape bark in your front yard.
- Harris Court buyers: When the southern corner of Romie and Walton floods, you will need to drive in the left lane as you drive east on Walton and slowly attempt your left turn onto Romie to avoid colliding head on with vehicles attempting to turn right from Romie onto Walton. And on those rare occasions when Romie floods all the way back to Story Road, you will need a boat.
- For all new buyers, the blue ovals on the map are intersections that flood after minor rain and are to be avoided if you want your car brakes to work.
- Buy your dream home in the dry season, and after the next significant storm, take a number at the Board of Supervisors meeting.

After flooding complaints were aired at the Aug 9<sup>th</sup> 2022 MAC meeting, the Planning Department has promised me they have set in motion a plan to de-silt the dry well at Walton and Romie Way. This is excellent news.

**XiX. “Stormwater is proposed to be managed for the development through a 13,098 square-foot expansion (Lot A) of an existing stormwater basin located on APN 024-055-043, which currently serves an existing residential development to the south.” (page 26)**

The reality is the existing stormwater basin also serves the residential neighborhoods to the west, and the country estates on eastern Walton.



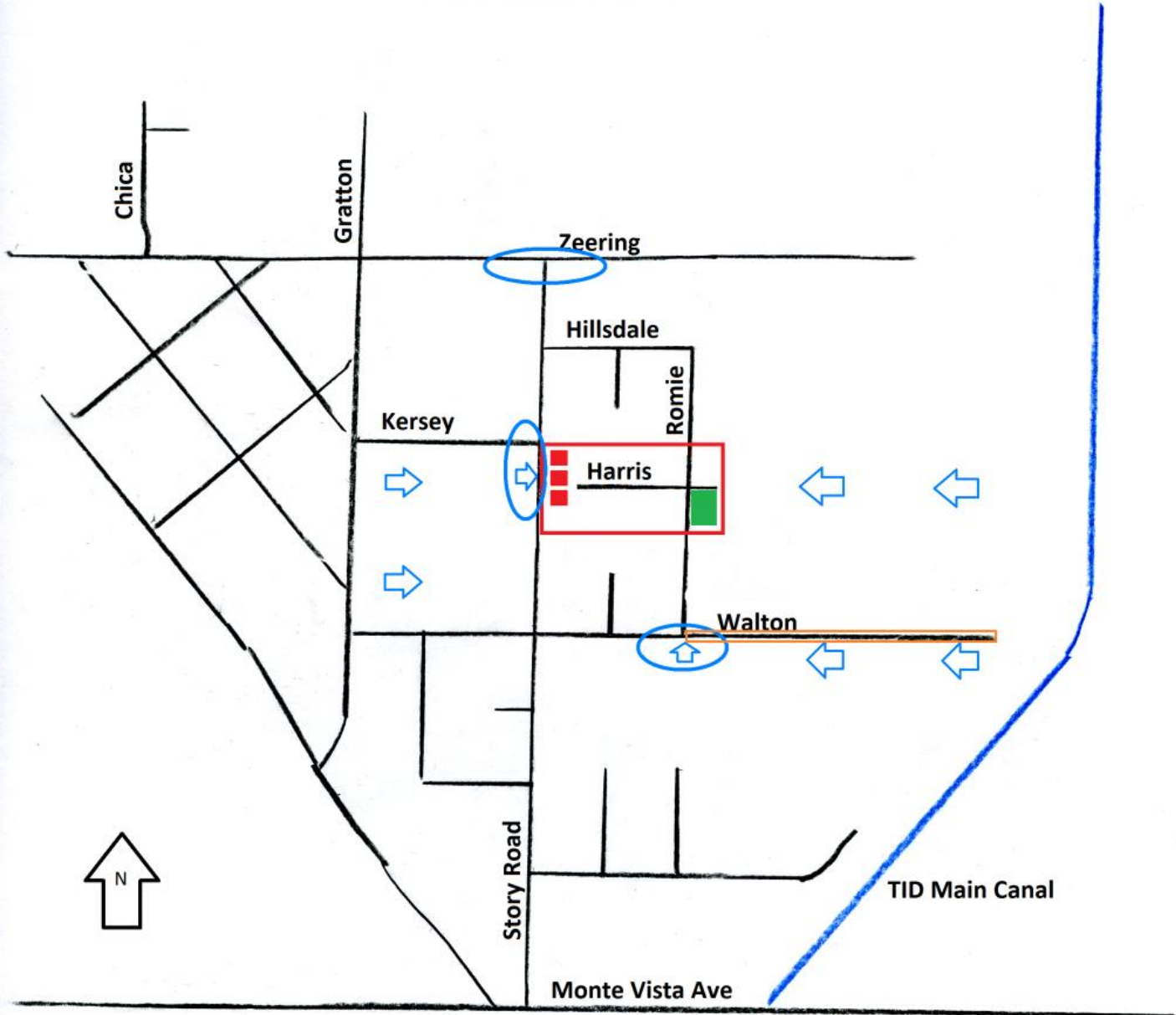
This photo is looking east on Walton, where the county maintained road ends. Note that this stretch of Walton is without sidewalks, and notice the silt and debris on the roadway. Given the condition of eastern Walton Road, this would explain the drywell silt problems.

Is the Romie Basin going to be sized to handle a perpetually silted drywell at the corner of Romie and Walton?

The second major flooding redirection concern is at the corner of Kelsey and Walton. Currently, after a storm, water flows from the corner of Kelsey and Walton onto the proposed site. When the duplexes are constructed on Story, where will the water go?

The third flooding redirection concern is where will the water go that currently flows eastward across the fields from the TID Main Canal onto the proposed site?

# Attachment B



## Legend

Created by Donald Rajewich

Free to share

- PLN2022-0026 Site
- Romie Basin
- Streets that flood after minor rain
- Not a county maintained road
- Proposed Duplexes
- ➔ Water flow

**XI. LAND USE AND PLANNING -- Would the project conflict with any land use plan, policy, or regulation...? Yes.**

“The General Plan and the Denair Community Plan requires at least three net acres of developed neighborhood parks, or the maximum number allowed by law, to be provided for every 1,000 residents.” (page 20 PLN2022-0026-30day)

Why is Romie Basin not proposed to be a dual use basin, as recent other neighborhood basins were constructed?



**Chica Avenue**



**St Simon Way**



**XI. LAND USE AND PLANNING -- This section contains the only discussion in the document about the 40 to 50 percent increase in lot coverage.**

How is the Planning Commission to decide whether to approve a 40-50 zoning change without any information other than:

**“The applicant has requested this to achieve a greater flexibility in siting the housing product offered.”**

What does that mean?

It means that anyone who has toured model homes in recent years knows that new homes come with open concept, higher ceilings, and smaller yards. It’s just the way it is.

PLN2022-0026 should have a section devoted to discussing the pros and cons of this zoning change. Here are some questions it could answer:

- What will be the impact on storm water runoff?
- Will a bigger basin be needed?
- Will the county need to purchase tanker trucks and hire more drivers?
- Is there more likelihood of flooding in smaller back yards?
- Is rainwater harvesting a mitigation possibility?
- What is the impact on housing affordability, especially as it relates to the size of lots?
- Will this result in garages being over 50% of street facades?
- Will this result in more RV’s parked on the street?
- Should front porches be exempt?
- Will homeowner future shed additions and RV access additions be restricted if they exceed the 50%?
- How will daylight /shading issues be mitigated?
- Should two story setbacks be increased to 10 feet, and second story footprints shrunken?
- In the past, when this has been done, what have been the intended/ unintended consequences?

**XIX. UTILITIES AND SERVICE SYSTEMS -- Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? (page 25)**

PLN 2022-0026 does not provide an answer to this question, only that Denair Service District provided a “can serve” letter.

**“...Additionally, the applicant may be required to pay a fair share fee for future facilities for District services.”**

This would imply that the costs of new wells to service this planned development – as well as the others that have been approved but not yet built—will be a cost shared by long time rate payers. How much will that raise our rates?




Of more concern, no mention of cumulative groundwater impacts of this project and recent others that have been approved.

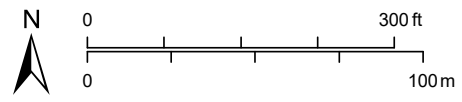
**At projected usage rates, how many more years of aquifer water supply remain?**

# STORY ROAD SUBDIVISION TSM REZ PLN2022-0026

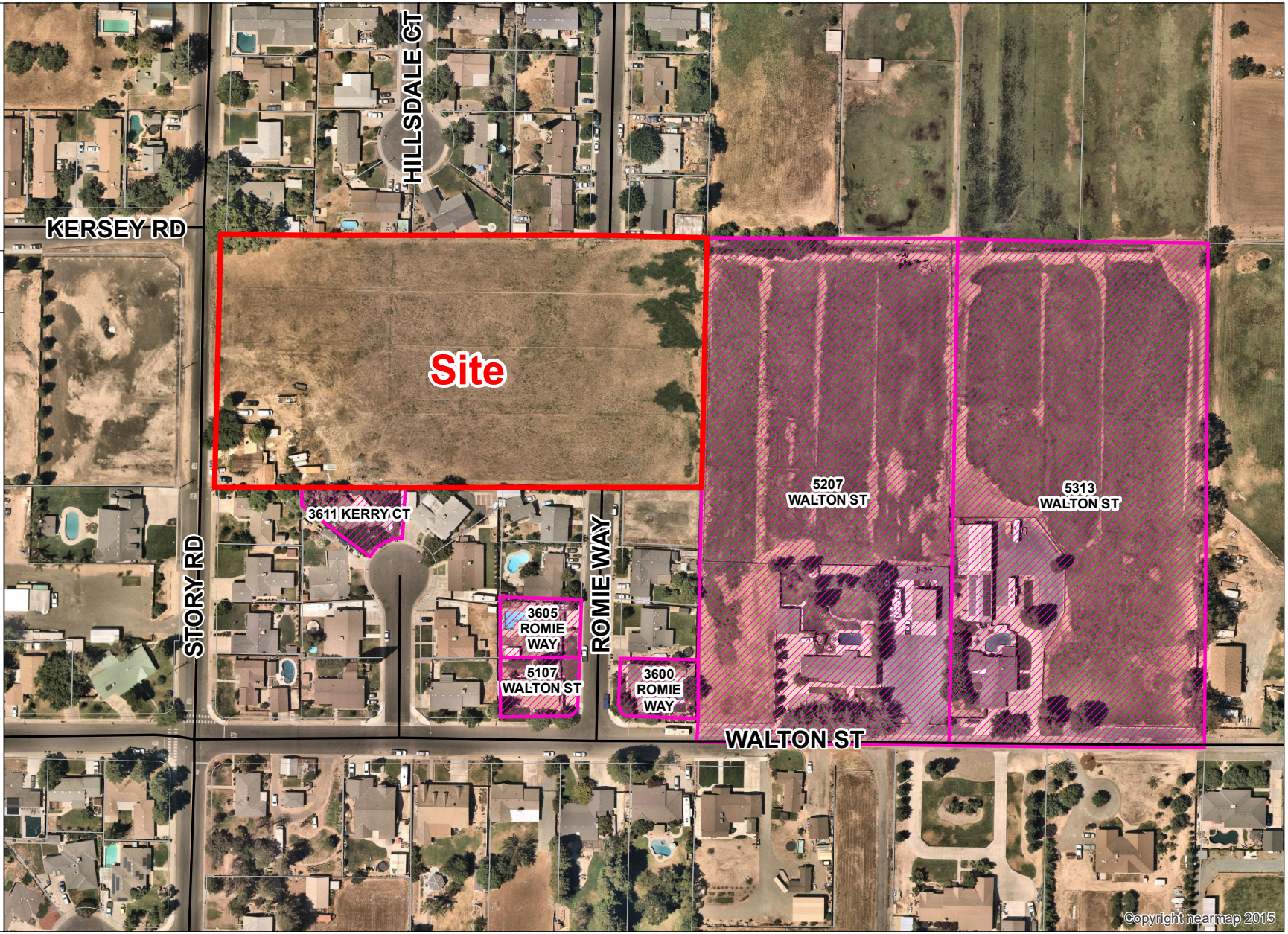
## Community Response Map

### LEGEND

-  Project Site
-  Responder locations
-  Road

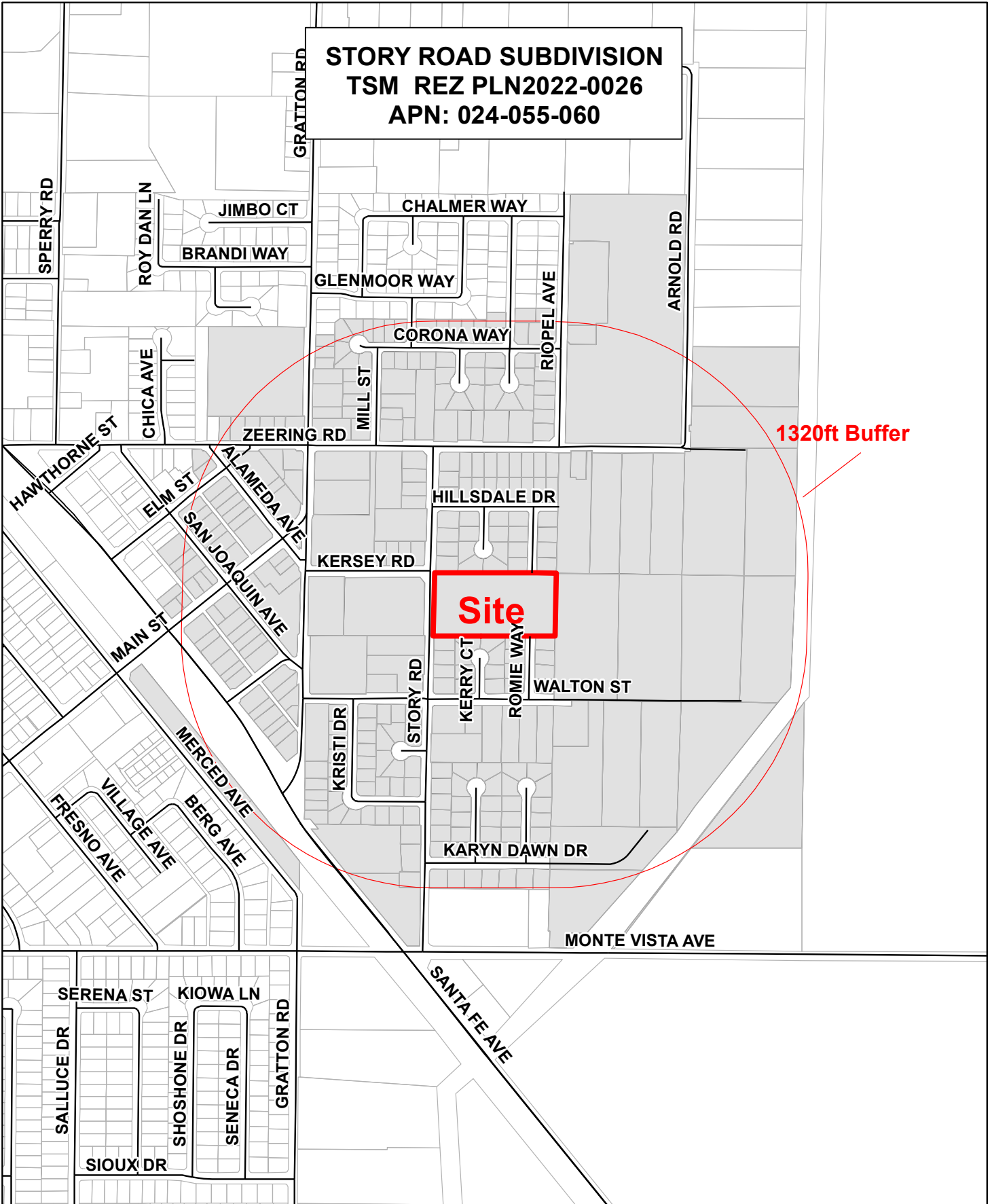


Source: Planning Department GIS Date: 9/7/2022



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**STORY ROAD SUBDIVISION  
TSM REZ PLN2022-0026  
APN: 024-055-060**

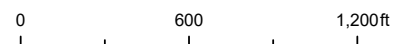


1320ft Buffer

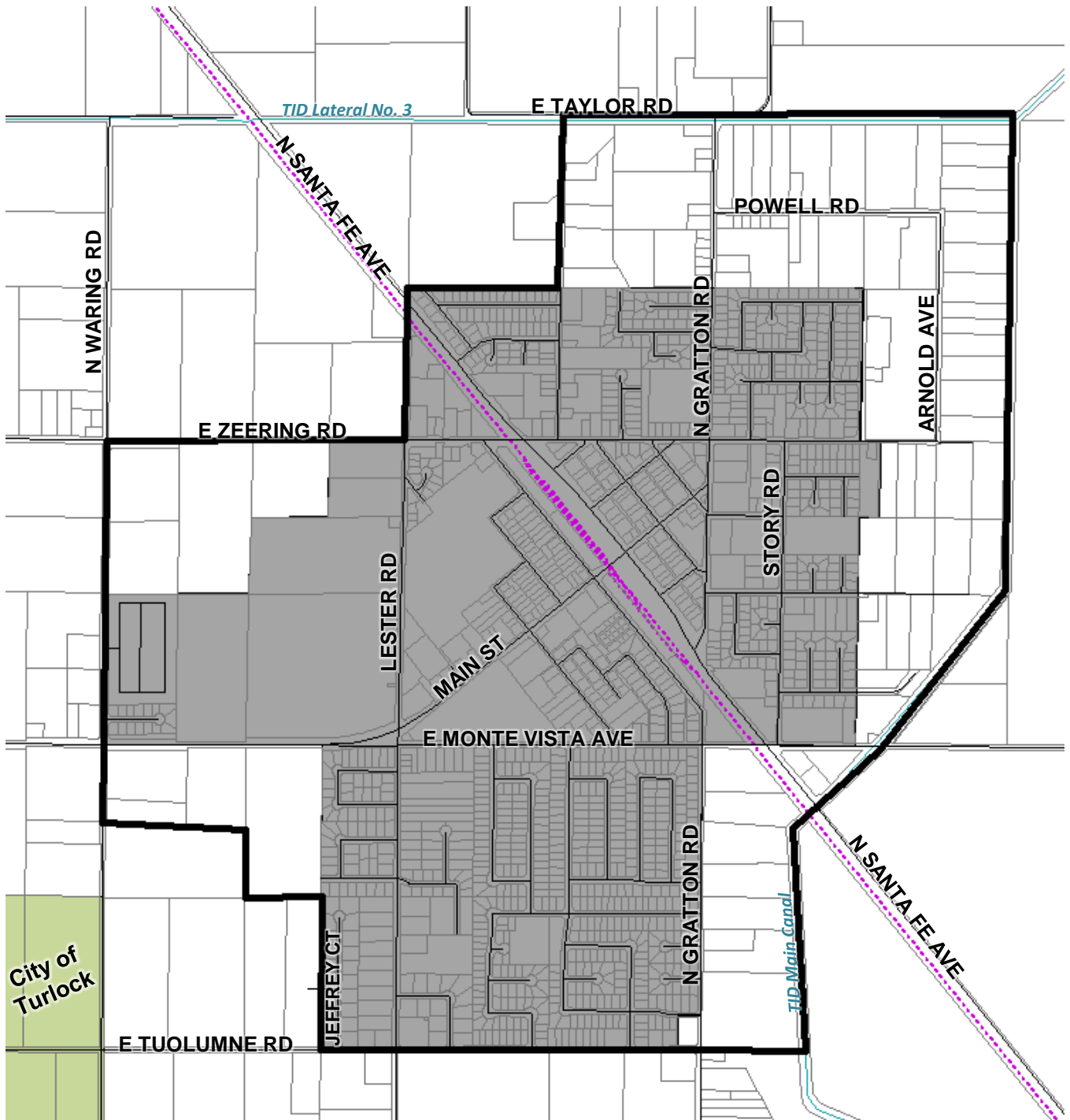
Site





**LAND OWNER NOTIFICATION AREA**  
MARCH 30, 2020 Total Parcels - 327



# Denair Community Services District Boundary & Sphere of Influence



	<b>District Boundary</b> (674 +/- acres)
	<b>District Sphere of Influence</b> (1,056 +/- acres)

Source: LAFCO Files, July 2014



**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**

**PROJECT: REZ & TM APPLICATION NO. PLN2022-0026 - ELMWOOD ESTATES**

REFERRED TO:	PUBLIC HEARING NOTICE			RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY		YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF TRANSPORTATION DIST 10	X	X	X		X							
CA OPR STATE CLEARINGHOUSE	X	X	X		X			X		X		X
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X				X		X		X
CENTRAL VALLEY FLOOD PROTECTION	X	X	X		X							
COMMUNITY SERVICE DIST: DENAIR	X	X	X		X							
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: DENAIR	X	X	X		X							
GSA: WEST TURLOCK SUBBASIN	X	X	X		X							
IRRIGATION DISTRICT: TURLOCK	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: TURLOCK	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
MUNICIPAL ADVISORY COUNCIL: DENAIR	X	X	X	X				X		X	X	
PACIFIC GAS & ELECTRIC	X	X	X		X							
POSTMASTER: DENAIR	X	X	X		X							
RAILROAD: BURLINGTON NORTHERN/SANTA FE	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X	X				X		X	X	
SCHOOL DISTRICT 1: DENAIR UNIFIED	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X	X		X							
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X	X		X				X	X	
STAN CO ERC	X	X	X	X				X		X		X
STAN CO HAZARDOUS MATERIALS	X	X	X	X				X		X	X	
STAN CO PARKS & RECREATION	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 2: CHIESA	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS		X	X	X				X		X		X
TELEPHONE COMPANY: ATT	X	X	X		X							
TRIBAL CONTACTS												
(CA Government Code §65352.3)	X	X	X		X							