

STANISLAUS COUNTY PLANNING COMMISSION

January 19, 2023

STAFF REPORT

PARCEL MAP, EXCEPTION, AND VARIANCE APPLICATION NO. PLN2020-0080 PHILLIPS – LANCASTER ROAD

REQUEST: TO SUBDIVIDE A 15.26± ACRE PARCEL INTO TWO 5± ACRE PARCELS AND ONE 5.26± ACRE PARCEL IN THE GENERAL AGRICULTURE (A-2-40) ZONING DISTRICT. A VARIANCE TO THE ZONING ORDINANCE IS INCLUDED TO CREATE THREE PARCELS BELOW THE 40-ACRE MINIMUM. AN EXCEPTION TO THE SUBDIVISION ORDINANCE IS INCLUDED TO ALLOW THE THREE PROPOSED PARCELS TO TAKE ACCESS FROM LANCASTER ROAD BY WAY OF 30-FOOT-WIDE ACCESS EASEMENTS.

APPLICATION INFORMATION

Applicant:	Thomas R. and Linda S. Phillips
Property owner:	Phillips Family 2006 Trust (Thomas R. and Linda S. Phillips, Trustees)
Agent:	David Harris, Aspen Survey Company, Inc.
Location:	Highway 108/120, east of Lancaster Road, south of the Stanislaus River, in the Oakdale area
Section, Township, Range:	2-2-11
Supervisorial District:	One (Supervisor B. Condit)
Assessor's Parcel:	010-031-022
Referrals:	See Exhibit H Environmental Review Referrals
Area of Parcel(s):	15.26± acres Proposed Parcel 1: 5± acres Proposed Parcel 2: 5± acres Proposed Parcel 3: 5.26± acres
Water Supply:	Private Well
Sewage Disposal:	Private Septic System
General Plan Designation:	Agriculture
Community Plan Designation:	N/A
Existing Zoning:	General Agriculture (A-2-40)
Sphere of Influence:	N/A
Williamson Act Contract No.:	N/A
Environmental Review:	Negative Declaration
Present Land Use:	Two loafing sheds and vacant land
Surrounding Land Use:	The Stanislaus River is located to the north; orchards are located to the east and south across Highway 108/120; and ranchettes with single-family dwellings are located to the west and north across the Stanislaus River.

RECOMMENDATION

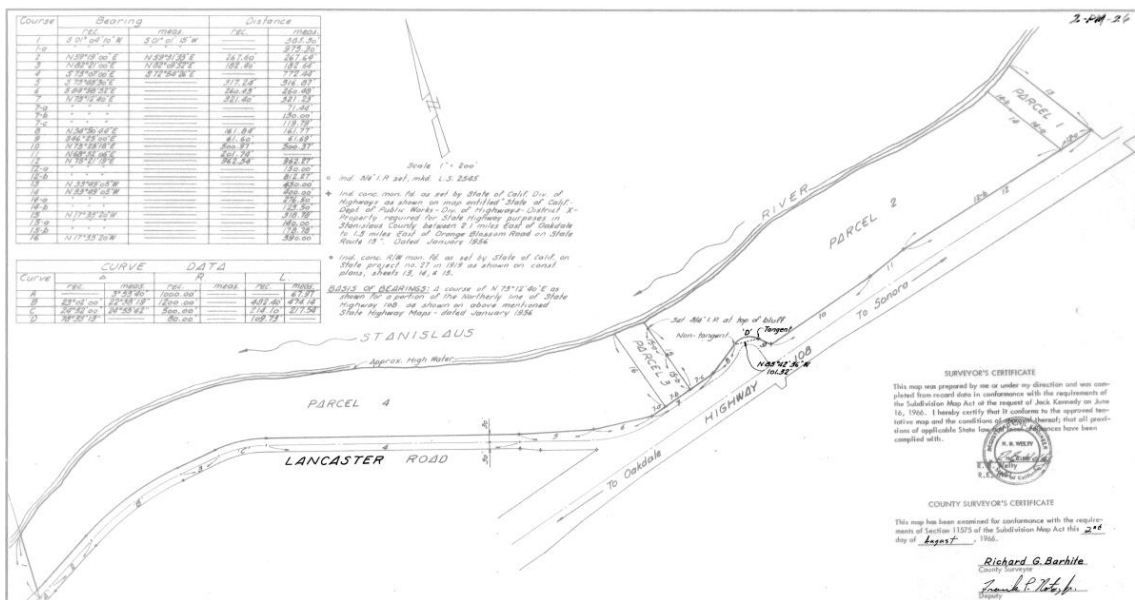
Staff recommends the Planning Commission deny this request based on the discussion below and on the whole of the record provided to the County. If the Planning Commission decides to approve the project, Exhibit A provides an overview of all the findings required for project approval, which include parcel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

BACKGROUND

The 15.26± project site was originally zoned in 1951 with a designation of Agricultural District (A-1) which did not provide for a minimum parcel size. The project site was rezoned to General Agriculture with a 10-acre minimum (A-2-10), effective October 11, 1973. The project site was subsequently rezoned to its current designation of General Agricultural with a 40-acre minimum (A-2-40), effective on May 11, 1983.

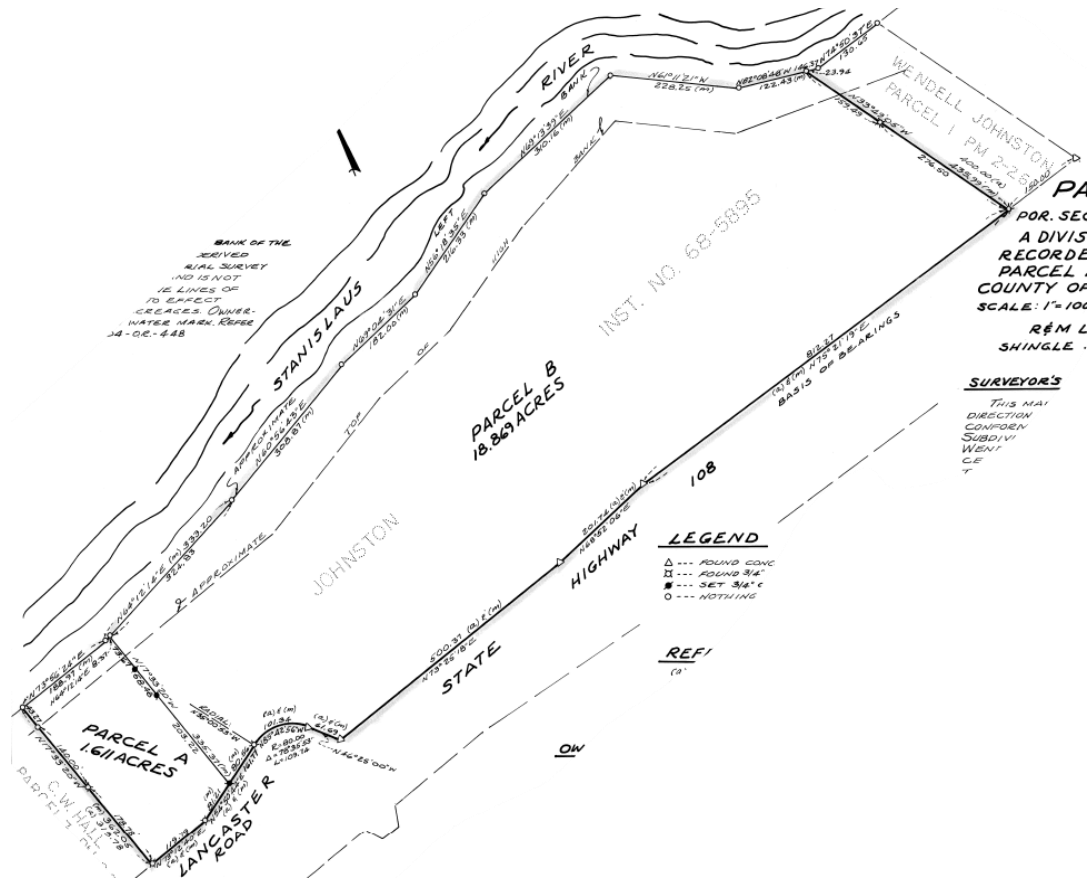
As shown in Figure 1, in 1966 Parcel Map 2-PM-26 divided one 42± acre parcel into four parcels of 1.1± (Parcel 1), 20.48± (Parcel 2), 1.39± (Parcel 3), and 19.25± (Parcel 4) acres. As reflected in Figure 1, the project site would consist of Parcel 1 and the eastern portion of Parcel 2.

Figure 1: Parcel Map 2-PM-26



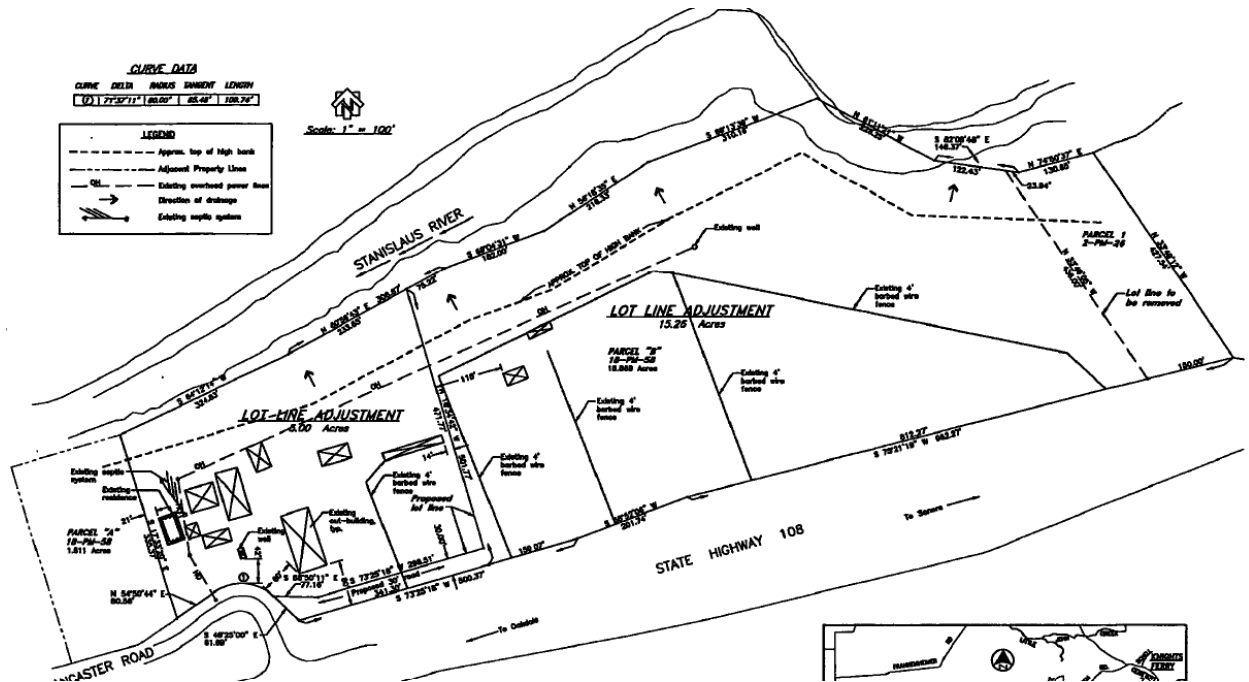
As shown in Figure 2, in 1974 Parcel Map 18-PM-58 divided the 20.48± acre parcel (Parcel 2 of 2-PM-26) into two parcels of 1.611± (Parcel A) and 18.869± (Parcel B) acres. At the time of the division, the County’s Zoning Ordinance included a “homesite” provision allowing for the creation of a parcel one to three acres in size despite the 10-acre minimum parcel size requirement. As reflected in Figure 2, the project site would consist of a portion of Parcel B and Parcel 1 of Parcel Map 2-PM-26.

Figure 2: Parcel Map 18-PM-58



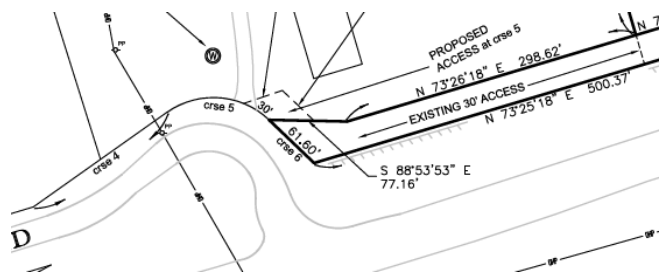
The 15.26± acre project site was created in 2005 by Lot Line Adjustment Application No. 2003-39 – Tom Phillips, which adjusted the lines between a 1.391± acre parcel (Parcel 1 of Figure 1) and 18.869-acre parcel (Parcel B of Figure 2) to create a 15.26± and 5± acre parcel. The parcel configurations after the lot line adjustment are reflected in Figure 3. Prior to the adjustment, the 1.391-acre parcel was landlocked, with no access to a public road. While the parcel had frontage along State Highway 108/120, access was restricted by the State Department of Transportation (Caltrans). At the time of the lot line adjustment, both parcels had a zoning designation of A-2-40; however, the 40-acre minimum was not applicable since both parcels were already nonconforming in size. The adjustment resulted in both parcels having access to Lancaster Road, a County-maintained road. The configuration of the 15.26± acre project site is that of a “flag lot” with a 30-foot-wide “pole”, running along the south side of the 5± acre parcel, providing access to the project site onto Lancaster Road.

Figure 3: Lot Line Adjustment No. 2003-39 After Parcels



During the processing of this application, it was discovered that access onto a portion of Lancaster Road created by the 2005 lot line adjustment is restricted by Caltrans. A Grant Deed recorded in 1956 transferred an area of land to the State of California and restricted access to Highway 108/120. Access to the frontage road (Lancaster Road) is limited to specific lengths of the Road (identified as Courses 1 through 5 of the Grant Deed) with Courses 6 through 16 being restricted. The project site's existing 30-foot-wide access to Lancaster Road is within Course 6, noted as "crse" in Figure 4.

Figure 4: Course (crse) Access



While the 2005 Lot Line Adjustment request was reviewed by both County Planning and County Public Works, the restriction on access to the project site was not identified. The two parcels

involved in the 2005 Lot Line Adjustment request were owned by and continue to be owned by Thomas R. and Linda S. Philips. Access to the three proposed parcels are dependent on establishment of a secondary 30-foot-wide access easement being provided at “crse 5” of the 5± acre parcel to the project site. The access easement area is identified as “proposed access at crse 5” in Figure 4 above.

PROJECT DESCRIPTION

This project is a request to subdivide a 15.26± acre parcel into two 5± acre parcels and one 5.26± acre parcel, in the General Agriculture (A-2-40) zoning district (See Exhibit B-6 of Exhibit B – *Maps*). A variance to the Zoning Ordinance is included in this request to create three parcels below the 40-acre minimum. An exception to the Subdivision Ordinance is also included to allow the proposed parcels to take access from Lancaster Road by way of 30-foot-wide access easements. As described in the Background section of this report, the existing 15.26± acre parcel is configured as a “flag lot” with a 30-foot-wide “pole” running along the south side of the adjoining 5± acre parcel. Proposed Parcel 3 will retain the “flag lot” configuration with proposed parcels 1 and 2 accessing the “pole” by way of easement for access. As further discussed in the Background section, access onto Lancaster Road for the three proposed parcels is dependent on establishment of a secondary 30-foot-wide access easement being provided on the adjoining 5± acre parcel. If any residential development occurs in the future, each parcel will be served by individual private well and septic systems.

SITE DESCRIPTION

The 15.26± acre project site is located on Highway 108/120, east of Lancaster Road, south of the Stanislaus River, in the Oakdale area. Proposed Parcel 1 is improved with two loafing sheds, proposed Parcel 2 is improved with a well, and proposed Parcel 3 is vacant and unimproved.

The Stanislaus River is located to the north; orchards are located to the east and south across Highway 108/120; and ranchettes with single-family dwellings are located to the west and north across the Stanislaus River.

ISSUES

The primary issue with this request is the need to make the findings necessary for approval of a variance to the 40-acre minimum parcel size required by the property’s General Agriculture (A-2-40) zoning designation, and an exception to allow access to the three proposed parcels by way of 30-foot-wide access easements. A discussion on the findings required for approval of the variance and exception requests can be found in the Zoning and Subdivision Ordinance Consistency section of this Staff Report. A staff level exception is also required to allow for the 30-foot-wide width of proposed Parcel 2. A discussion of the criteria needed for approval of the staff level exception can also be found in the Zoning and Subdivision Ordinance Consistency section of this Staff Report. While staff is recommending the Planning Commission deny this request due to the inability to make the necessary variance findings, conditions of approval have been developed for the Planning Commission’s consideration if the project is to be approved.

During the review of this project, it was discovered that there is an unpermitted equipment rental business being conducted on the adjoining 5± acre parcel to the west which is under the same ownership as the project site and providing access to the project site. The applicant was not aware the use was not permitted and has agreed to bring the parcel into compliance. A condition

of approval has been added to the project requiring the adjoining 5± acre parcel be brought into compliance prior to the recording of the parcel map. If this project is not approved, the County will work with the applicant to bring the property into compliance through code enforcement.

In response to comments received by the California Department of Fish and Wildlife (CDFW), a biological survey of the project site has been conducted and a mitigation measure has been incorporated into the project requiring a pre-construction survey for Swainson's hawk be completed should any future construction work take place during the nesting season. A complete discussion of the referral response, biological survey, and mitigation measure is provided below in the Environmental Review section of this report.

No other issues have been identified as a part of this request. Standard conditions of approval for a parcel map have been added to the project (see Exhibit C - *Conditions of Approval*).

GENERAL PLAN CONSISTENCY

The site is currently designated "Agriculture" in the Stanislaus County General Plan. The Agricultural designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas, and as such, should generally be zoned with 40- to 160-acre minimum parcel sizes. Exceptions to the 40- to 160-acre minimum parcel sizes are recognized for land in a ranchette area so identified because of significant existing parcelization of property, poor soils, location, and other factors which limit the agricultural productivity of the area. Areas recognized as ranchette areas are allowed minimum parcels sizes of three (3), five (5), 10, and 20 acres. The proposed project site is not located within one of the County's recognized ranchette areas and has been zoned General Agricultural with a 40-acre minimum (A-2-40) since 1983.

Agricultural Element Objective 2.2 of the County's General Plan discourages urbanization and the conversion of agricultural land in unincorporated areas of the County. Conversion of agricultural land occurs when non-agricultural uses are introduced into agricultural areas and when agricultural land is parceled or adjusted into sizes too small to sustain an agriculturally viable independent farming operation.

Many of the County's ranchette areas are the result of antiquated subdivision parcels which have been developed. Antiquated subdivisions are subdivisions created in the early part of the 1900's and exist on paper, but in most cases, have not been developed or sold as individual parcels. To address the impact of undeveloped antiquated subdivisions, Objective 2.5 of the Agricultural Element provides for a policy allowing for the construction of a dwelling on an antiquated subdivision parcel only when such development does not create a concentration of residential uses or conflict with agricultural uses of other properties in the vicinity. The policy is implemented through zoning ordinance provisions that apply to any parcel less than 20 acres in size in the A-2-40 or 160 zoning districts. In order for these parcels to develop, a staff level discretionary permit review (Staff Approval Permit Application) must be conducted. In this case, while proposed Parcels 1-3 would be subject to the antiquated subdivision permitting, the findings required for allowing the development, will have been made through the approval of the proposed parcel map. Thus, in considering this request, the Planning Commission must consider the impact the development of the proposed parcels will have on agricultural uses in the vicinity and the potential to create a concentration of residential uses.

While the project site is not located within a recognized ranchette area within the A-2 zoning

district, it is in proximity to a Rural Residential (R-A) zoning district, with an Estate Residential General Plan designation, located .7 miles to the west (see Exhibit B – Maps). The R-A zoning district to the west was established in 1974 and the current minimum parcel size required for R-A zoned parcels with the Estate Residential General Plan designation is three acres. While staff has been unable to locate any staff reports explaining why the R-A zoning did not extend to the project site, it is staff's belief that the R-A zoning may have only been extended to the area comprised of smaller parcel at the time it was rezoned. The 1974 rezone was effective on June 27, 1974. At that time, the project site was part of a 20.48± acre parcel that was subdivided on February 7, 1974 under a "homesite" provision in the A-2 zoning district. The "homesite" split created parcels of 1.611± and 18.869± acre in size, as reflected in Figure 2, with the presumption that the 18.869± acre parcel was large enough in size to sustain an agricultural use.

In lieu of a variance request, a rezoning of the project site and the 5± acre adjoining parcel to the west, to an A-2-3 zoning designation, or a General Plan redesignation to Estate Residential with a rezone to an R-A zoning designation, would be preferred due to the findings required for approval of a variance. However, redesignation or rezoning of the project site to accommodate the proposed parcel map would be subject the 2008 voter passed Thirty (30) Year Land Use Restriction Initiative (Measure E). Measure E is implemented as Goal Seven, Policy 32 of the County's General Plan Land Use Element, which triggers a majority vote of the County voters at a general or special local election for redesignation or rezoning of land, in the unincorporated area, from agricultural or open space use to a residential use. Measure E defines residential use as any land use designation, zoning district or other legislative entitlement authorizing, allowing, or consistent with residential development at a density greater than one (1) dwelling unit per ten (10) gross acres.

Staff does not believe that the proposed parcel map, specifically the size of the proposed parcels, is in conformance with the County's General Plan designation of Agriculture in light of the adopted A-2-40 zoning.

ZONING & SUBDIVISION ORDINANCE CONSISTENCY

The site is currently zoned General Agriculture (A-2-40) requiring a 40-gross acre minimum parcel size for the creation of new parcels. Accordingly, the applicant has applied for a variance from the minimum parcel requirement. For a variance to be granted, the following findings must be made:

1. That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of this Chapter will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;
2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated; and
3. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of this

particular case, be materially detrimental to the public welfare or injurious to the property or improvements in said neighborhood.

An Exception to the Subdivision Ordinance is also needed to allow the three proposed parcels to take access from Lancaster Road by way of 30-foot-wide access easements. The County's Subdivision Ordinance, Section 21.52.170 Lots – Access, requires that all parcels front with accesses on a public road if less than 20 gross acres in size. For an exception to be granted, the following findings must be made:

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

The applicants submitted a findings statement (see Exhibit D – *Applicant's Findings Statement*) regarding the circumstances of their property and why they believe the variance and exception are appropriate. The applicants assert that farming is not sustainable due to the project site being located on a gently sloping plateau, and irrigation water from Oakdale Irrigation District (OID) is unavailable for the majority of the project site as there are no District facilities on site and only a portion of the parcel is located within the District's service boundaries. The applicant references the existing nonconforming size of the parcel and that the proposed parcel sizes are consistent with other parcels to the west along Lancaster Road. The property to the east consists of gullies and scattered oaks, and is currently occupied by range cattle, which would make the project site the last "non-ranchette" sized parcel remaining at the top of the plateau. With regards to access, the 30-foot-wide access easements are necessary for access, considering access to Highway 108/120 is restricted.

While there are ranchette sized parcels to the west, they are located within the Rural Residential (R-A) zoning district and have a General Plan designation of Estate Residential, which allows parcels to be subdivided into parcel sizes of three acres or more. Staff does not believe that the site's proximity to smaller parcels under a different zoning designation is a justifiable reason for approval of this variance request. As stated in the General Plan Consistency section, staff believes that the project site was not included in the R-A zoned district established to the west due to the existing parcel size at the time of the rezoning. While approval of the map will create additional parcels that are limited in their agricultural potential, the proposed parcels would be consistent in "ranchette" size to the 1.611± and 5-acre parcels, also zoned A-2-40, separating the project site from the R-A zoning district to the west. The 1.611± acre parcel also has a General Plan designation of Estate Residential, however, that designation is inconsistent with its A-2-40 zoning designation. Staff has confirmed that the A-2-40 zoning is the correct designation adopted by the Board of Supervisors and it is unclear how the inconsistency originated. It may have occurred when the general plan designations were transitioned into the County Geographical Information System (GIS) and subsequently adopted as part of the 2015 General Plan update. The adjoining agricultural parcel to the east is distinguished from the project site by its topography

as the project site is at the top of a plateau and the topography starts to slope down towards the adjoining parcel to the east. The A-2-40 zoned parcels to the south are physically separated from the project site by Highway 108/120. Accordingly, should the Planning Commission choose to approve this request, the topographical features found along the project sites eastern boundary and the physical separation by Highway 108/120 to the south may be the factors that give this request special circumstances.

The County's Agricultural element defines a "ranchette" as an individual parcel of land in an agricultural zone valued for its residential potential which cannot be supported by the agricultural income potential of the land. What is classified as a ranchette size will vary based on soil type, terrain, irrigation water availability, and other such factors. The Board of Supervisors has recognized that ranchettes can lead to the conversion of agricultural land and, as such, has established minimum parcel size requirements suitable for production agriculture along with processes for limiting the development of existing antiquated subdivision lots as discussed earlier in the General Plan Consistency section of this report. A consideration with these types of variance requests is the setting of a precedent for other owners in the area to request variances to the minimum parcel size due to proximity to undersized parcels.

The most recent variance application to the minimum parcel size requirement in the A-2 zoning district was approved for a project site located on Adams Gravel Plant Road, north of Highway 108, west of the City of Oakdale (Parcel Map and Variance Application No. PLN2018-0091 - Friedrich & Tourlotte). The project was a request to subdivide a 5.5-acre parcel into four parcels, 1.7, 1.3, 1.3, and 1.2 acres in size, in the General Agriculture (A-2-40) zoning district. The applicants asserted that farming was not sustainable due to the terrain and proximity to surrounding neighbors. The applicant also pointed to multiple surrounding parcels which are of similar size to their request, some of which were approved with variances to the minimum parcel size requirement, as a reason to grant their variance request. Staff did not believe that the site's proximity to smaller parcels, including those created by earlier variances, was a reason for approval of this variance request and that the further creation of smaller parcels would further limit the agriculture potential of the site and potentially increase the impact of residential development onto neighboring agricultural parcels. On August 1, 2019, the Planning Commission approved the request. The August 1, 2019 Planning Commission Staff Report and video of the meeting are available on-line:

<https://www.stancounty.com/planning/agenda/agenda-min-2019.shtm>

A Design Standard Exception to Section 20.52.160 of the County's Subdivision Ordinance is also required due to the non-compliance with width to depth ratio, which requires the depth of lots not to exceed the road frontage by more than three times where the total frontage is less than three hundred feet. The width to depth ratio on rectangular or non-rectangular parcels may be greater than required, provided it is demonstrated to the satisfaction of the Planning Department that the resulting parcels:

1. Can be used for its intended purpose;
2. Will not be detrimental to the continued agricultural use of said parcel(s) when designated as agricultural on the land use element of the general plan;
3. Is/are consistent with the potential subdivision of the total property as well as any approved city zoning and development plans; and

4. Will not be detrimental to the public welfare nor injurious to other property in the neighborhood of the proposed subdivision. Where parcels exceed the width to depth ratio and any parcel being created is of sufficient area to be further subdivided, the subdivider may be required to provide such reservations or dedications for future roads of not less than fifty feet in width running to the benefit of the general public, and such other requirements as may be considered reasonable and appropriate to safeguard the orderly development of the property.

The Planning Department has determined that in this case, the criteria for exceeding the depth of the lot by more than three times the total frontage of proposed parcels can be met by the project design.

Although no residential development is being proposed at this time, zoning regulations will allow up to one single-family dwelling, one accessory dwelling unit, and one junior accessory dwelling unit on each of the proposed parcels. Should residential development occur in the future, each parcel will be served by an individual private well and septic system. As discussed in the General Plan Consistency section, a Staff Approval Permit will be required prior to residential development occurring and approval of this request will be used by staff as the basis for issuance of the permit.

ENVIRONMENTAL REVIEW

An environmental assessment for the project has been prepared in accordance with the California Environmental Quality Act (CEQA). The assessment included preparation of an Initial Study (see Exhibit E – *Initial Study, dated November 17, 2022, with Attachments*). Pursuant to CEQA, the proposed project was circulated to interested parties and responsible agencies for review and comment and no significant issues were raised (see Exhibit H - *Environmental Review Referrals*).

A response discussing the potential impacts to Swainson’s hawk, burrowing owl, and nesting birds was received by the California Department of Fish and Wildlife (CDFW) in response to the original CEQA Referral Initial Study and Notice of Intent to Adopt a Negative Declaration circulated for this project from January 24, 2022 through February 28, 2022. In response to the comment, a Swainson’s Hawk and Burrowing Owl Survey was completed for the project site by FISHBIO, dated August 30, 2022, and circulated with the updated Initial Study from November 22, 2022 through December 27, 2022. Although the survey found it unlikely for the aforementioned species to be present on the project site, a mitigation measure has been incorporated into the project to mitigate potential impacts to biological resources (see Exhibit G – *Mitigated Negative Declaration*). The Mitigation Measure included in the recirculated Initial Study and Mitigation Monitoring and Reporting Plan requires pre-construction surveys for nesting Swainson’s hawks (SWHA), if ground disturbing activity or construction commences between March 1 and September 15.

A Mitigated Negative Declaration has been prepared for approval prior to action on the project (see Exhibit G – *Mitigated Negative Declaration*). Conditions of approval reflecting referral responses have also been placed on the project (see Exhibit C – *Conditions of Approval and Mitigation Measures*).

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 **\$2,821.00** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Contact Person: Teresa McDonald, Associate Planner, (209) 525-6330

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval and Mitigation Measures
- Exhibit D - Applicant's Findings Statement
- Exhibit E - Initial Study, dated November 17, 2022, with attachments
- Exhibit F - Mitigation Monitoring and Reporting Program
- Exhibit G - Mitigated Negative Declaration
- Exhibit H - Environmental Review Referrals

Findings and Actions Required for Project Approval






1. Adopt the Mitigated 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 Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
 - a. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this Chapter will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;
 - b. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated;
 - c. The granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of this particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.
 - d. That there are special circumstances or conditions applying to the property being divided.
 - e. That the exception is necessary for the preservation and enjoyment of a substantial property right of the owner.
 - f. That the granting of the exception will not be detrimental to the public welfare, injurious to other property in the neighborhood of the subdivision, and that it will not constitute a special privilege not enjoyed by others under similar circumstances.
 - g. The granting of the exception will not be in conflict with the purposes and objectives of the general plan or any element thereof or any specific plan.
 - h. The proposed parcel map is consistent with applicable general and specific plans as specified in Section 65451 of California Code, Government Code;
 - i. The design or improvement of the proposed parcel map is consistent with applicable general and specific plans;
 - j. The site is physically suitable for the type of development;

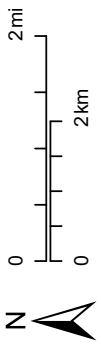
- k. The site is physically suitable for the proposed density of development;
 - l. The designs of the parcel map or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat;
 - m. The design of the parcel map or type of improvements is not likely to cause serious public health problems;
 - n. The design of the parcel map or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
5. Approve Parcel Map, Exception, and Variance Application No. PLN2020-0080 – Phillips – Lancaster Road, subject to the attached Conditions of Approval and Mitigation Measures.

**PHILLIPS
LANCASTER ROAD
PM, VAR, EXC
PLN2020-0080**

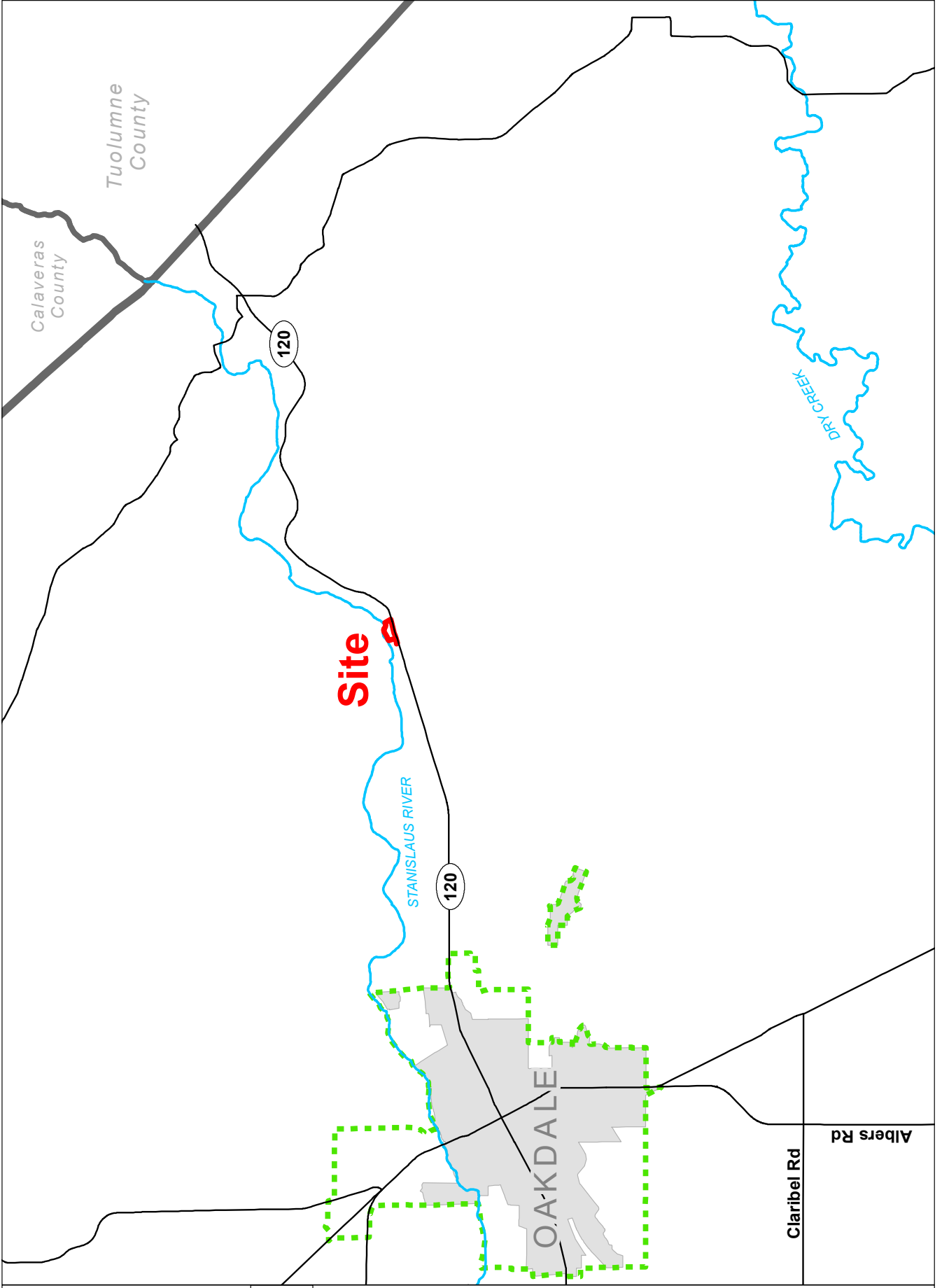
AREA MAP

LEGEND

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



Source: Planning Department GIS Date: 1/7/2022

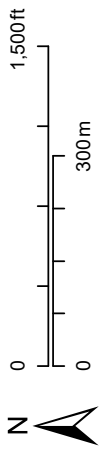


PHILLIPS LANCASTER ROAD PM, VAR, EXC PLN2020-0080

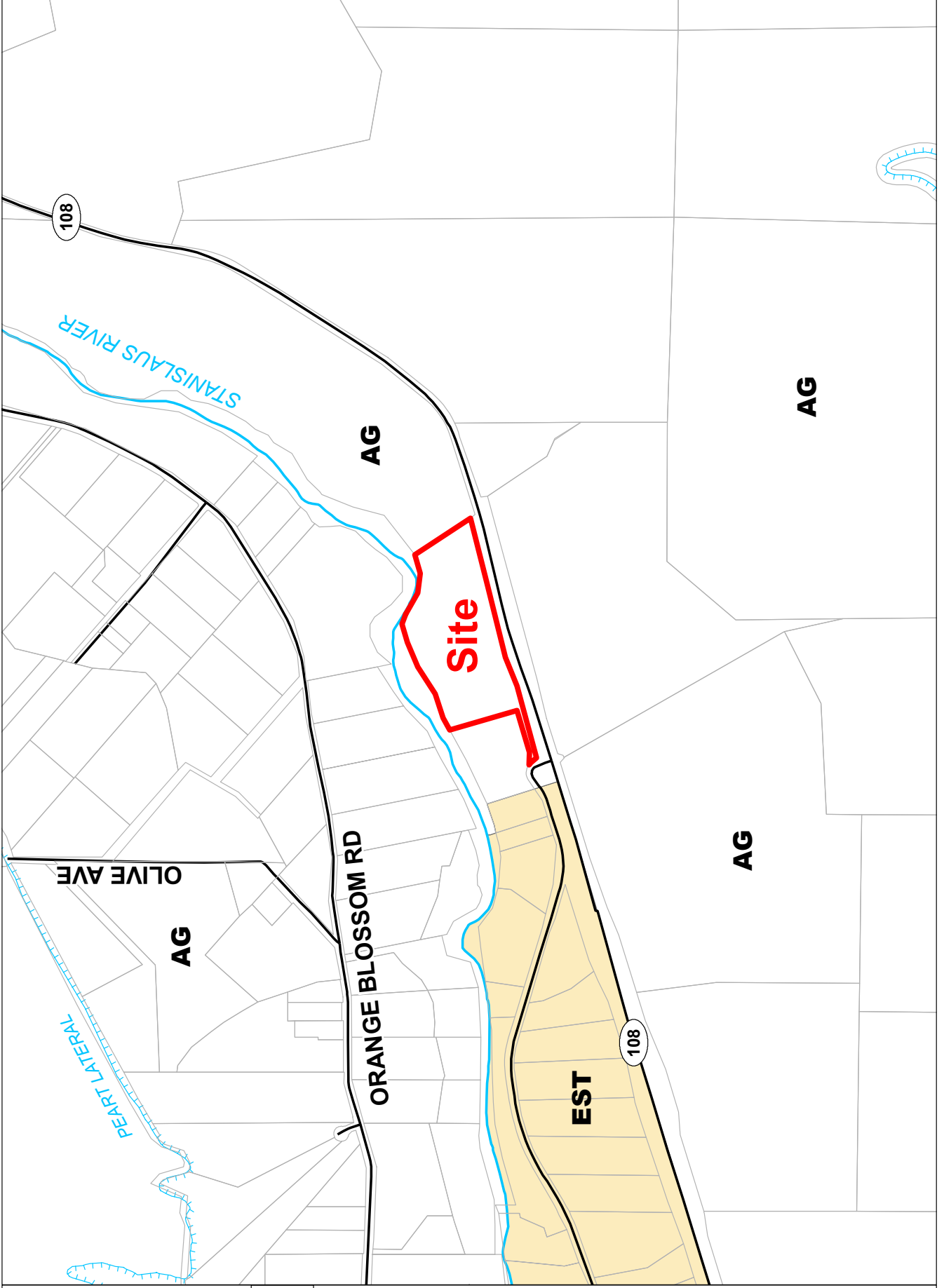
GENERAL PLAN MAP

LEGEND

- Project Site
- Parcel
- Road
- River
- Canal
- General Plan**
- Agriculture
- Estate Residential








Source: Planning Department GIS Date: 1/7/2022

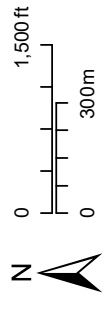


**PHILLIPS
LANCASTER ROAD
PM, VAR, EXC
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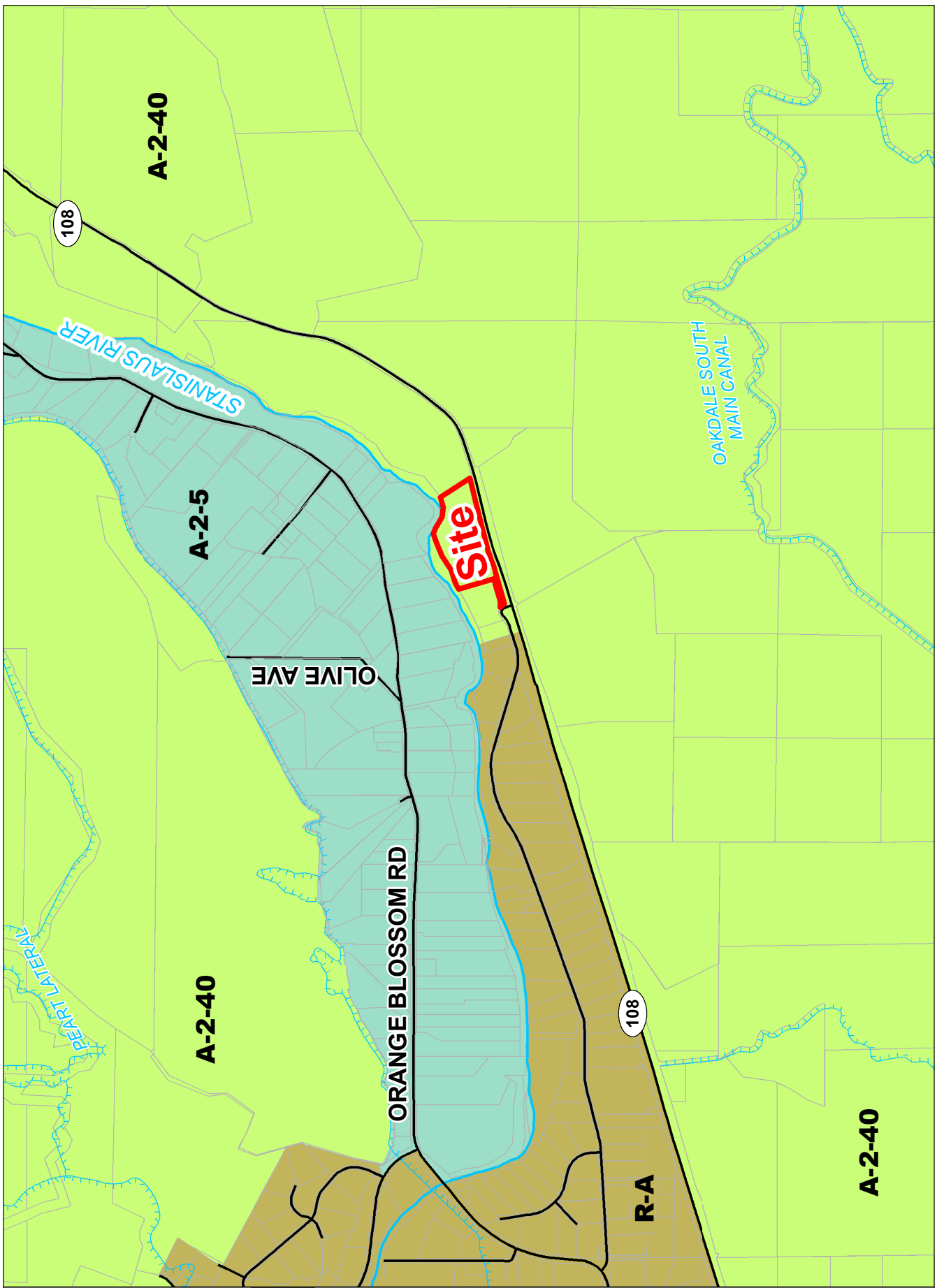
ZONING MAP

LEGEND

-  Project Site
-  Parcel
- River
- Road
- Canal
- Zoning Designation**
-  General AG 5 Acre
-  General Agriculture 40 Acre
-  Rural Residential







Source: Planning Department GIS Date: 1/11/2023

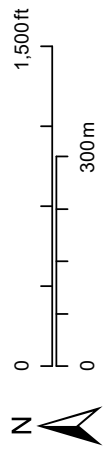


**PHILLIPS
LANCASTER ROAD
PM, VAR, EXC
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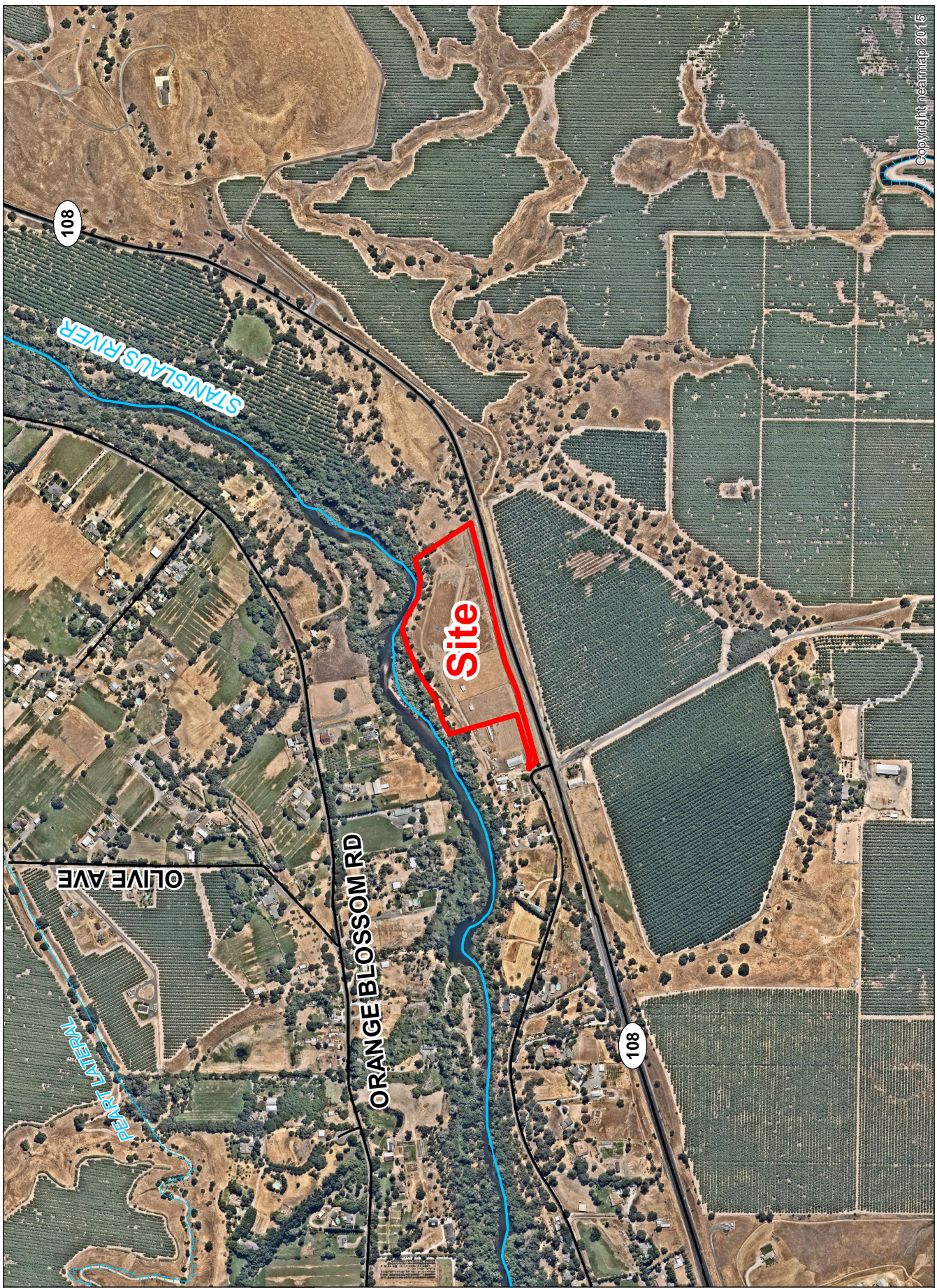
2021 AERIAL AREA MAP

LEGEND

-  Project Site
-  Road
-  River
-  Canal



Source: Planning Department GIS Date: 1/7/2022




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**PHILLIPS
LANCASTER ROAD
PM, VAR, EXC
PLN2020-0080**

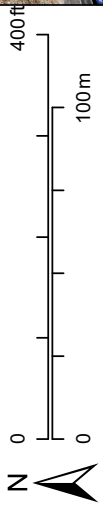
2021 AERIAL SITE MAP

LEGEND

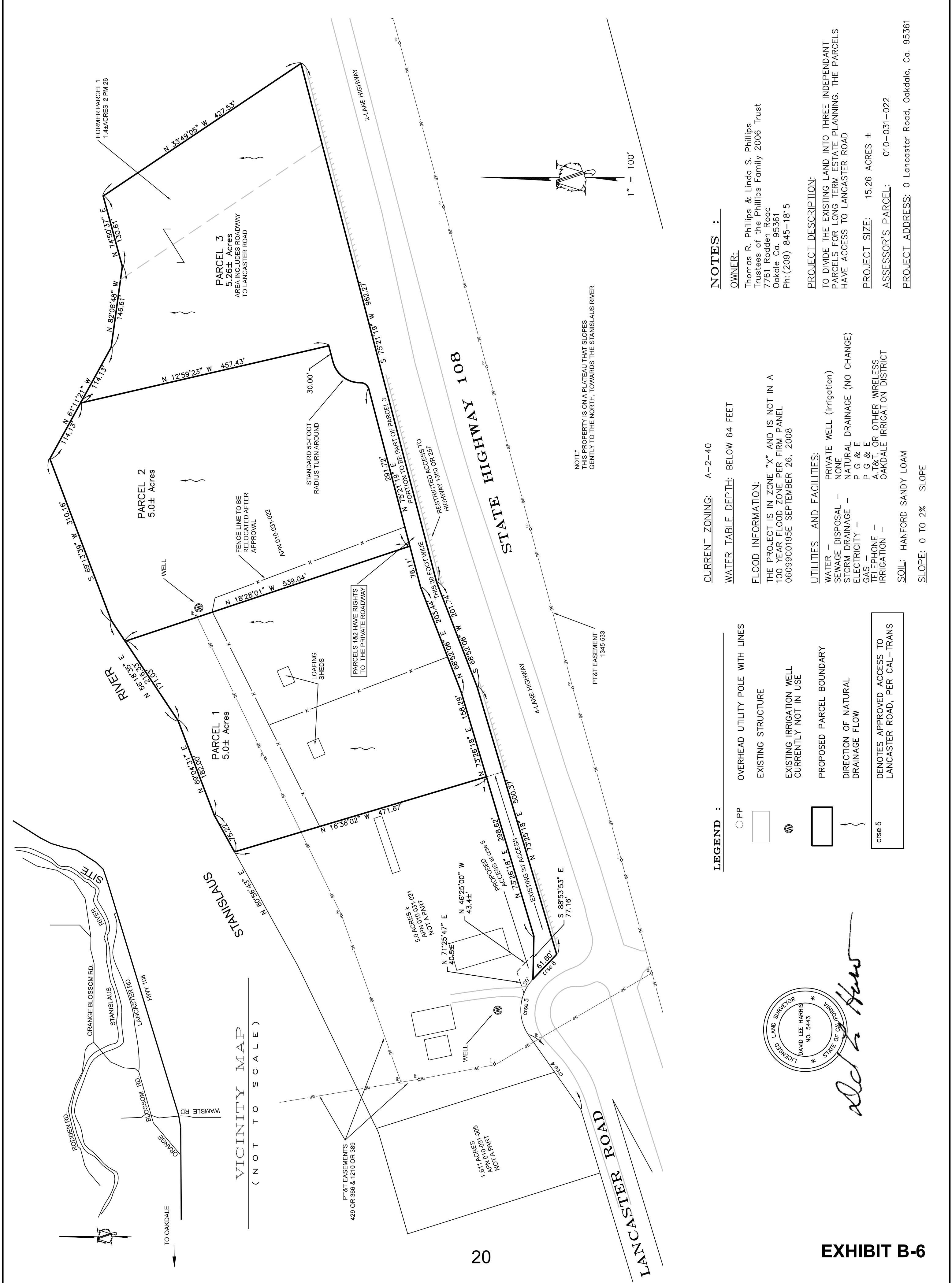
 Project Site

 Road

 River



Source: Planning Department GIS Date: 1/7/2022



NOTES :

OWNER:
Thomas R. Phillips & Linda S. Phillips
Trustees of the Phillips Family 2006 Trust
7761 Rodden Road
Oakdale Ca. 95361
Ph: (209) 845-1815

PROJECT DESCRIPTION:
TO DIVIDE THE EXISTING LAND INTO THREE INDEPENDANT
PARCELS FOR LONG TERM ESTATE PLANNING. THE PARCELS
HAVE ACCESS TO LANCASTER ROAD

PROJECT SIZE: 15.26 ACRES ±

ASSESSOR'S PARCEL: 010-031-022

PROJECT ADDRESS: 0 Lancaster Road, Oakdale, Ca. 95361

CURRENT ZONING: A-2-40

WATER TABLE DEPTH: BELOW 64 FEET

FLOOD INFORMATION:
THE PROJECT IS IN ZONE "X" AND IS NOT IN A
100 YEAR FLOOD ZONE PER FIRM PANEL
060900195E SEPTEMBER 26, 2008

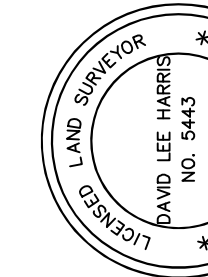
UTILITIES AND FACILITIES:
WATER - PRIVATE WELL (irrigation)
SEWAGE DISPOSAL - NONE
STORM DRAINAGE - NATURAL DRAINAGE (NO CHANGE)
ELECTRICITY - P G & E
GAS - P G & E
TELEPHONE - A.T.&T. OR OTHER WIRELESS
IRRIGATION - OAKDALE IRRIGATION DISTRICT

SOIL: HANFORD SANDY LOAM

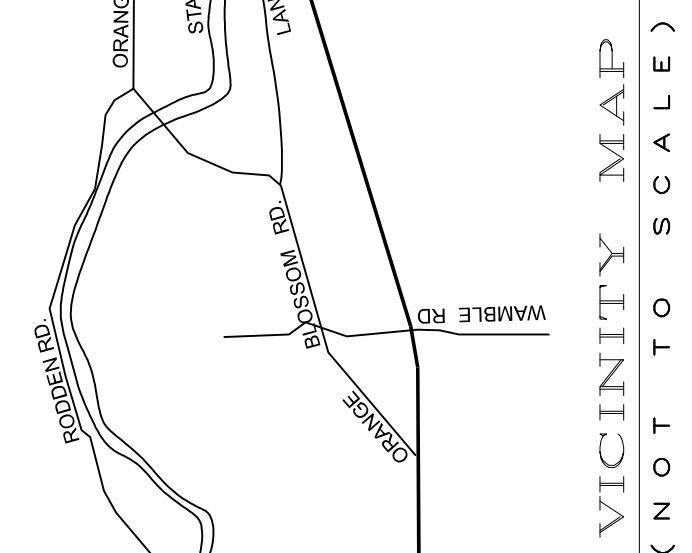
SLOPE: 0 TO 2% SLOPE

LEGEND :

- PP OVERHEAD UTILITY POLE WITH LINES
- EXISTING STRUCTURE
- ⊙ EXISTING IRRIGATION WELL CURRENTLY NOT IN USE
- PROPOSED PARCEL BOUNDARY
- ↗ DIRECTION OF NATURAL DRAINAGE FLOW
- crse 5 DENOTES APPROVED ACCESS TO LANCASTER ROAD, PER CAL-TRANS



David Lee Harris



CONDITIONS OF APPROVAL

**PARCEL MAP, EXCEPTION, AND VARIANCE APPLICATION NO. PLN2020-0080
PHILLIPS – LANCASTER ROAD**

Department of Public Works

1. The recorded parcel map shall be prepared by a licensed land surveyor or registered civil engineer licensed to practice land surveying in California.
2. All structures not shown on the parcel map shall be removed prior to the parcel map being recorded.
3. Prior to the recording of the parcel map, the new parcels shall be surveyed and fully monumented.
4. A 30-foot-wide non-exclusive easement over Parcel 3 shall be dedicated on the Parcel Map for the benefit of Parcels 1 and 2 for access, ingress and egress and said easement shall be dedicated upon the sale of each of Parcel 1 and/or Parcel 2 and shall run with the land. If parcel 3 is the first to sell, said easement shall be reserved for the benefit of Parcels 1 and 2.
5. Concurrent with the recordation of the Parcel Map, a Declaration of Intent to Grant an Easement, or some such similar document, that will grant a 30-foot-wide non-exclusive access easement for the benefit of Parcels 1, 2 and 3 upon the sale of each of Parcel 1, Parcel 2, and/or Parcel 3 shall be recorded over and upon 010-031-021. Said Declaration shall be reviewed and approved by the Department of Public Works prior to final approval of the Parcel Map.
6. Prior to the final parcel map being recorded, a Notice of a Road Maintenance Agreement shall be executed and recorded, or a Homeowner's Association shall be formed. This agreement shall cover the access easement adjoining the parcels being formed by this map. The necessary documents shall be recorded and specify that maintenance of all private access easements and/or roads will be the sole responsibility of the property owners. A copy of the recorded Notice of a Road Maintenance Agreement or Homeowner's Association shall be provided to the Department of Public Works and the Department of Planning and Community Development for review and approval prior to recordation of the map.

Department of Planning and Community Development

7. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2023), 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 **\$2,821.00**, 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.

8. 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.
9. Prior to the issuance of building permits for a dwelling, the owner/developer shall pay a fee of \$339.00 per dwelling to the County Sheriff's Department.
10. 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.
11. 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.
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. 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.
14. If human remains are discovered, California Health and Safety Code Section 7050.5 requires you to protect the discovery and notify the County coroner, who will determine if the find is Native American. If the remains are recognized as Native American, the coroner shall then notify the Native American Heritage Commission (NAHC). California Public Resources Code Section 50.97.98 authorizes the NAHC to appoint a Most Likely Descendant who will make recommendation for the treatment of the discovery.
15. All proposed/existing emergency access, irrigation, and utility easements, as shown on the tentative parcel map shall be shown on the recorded parcel map. Easements may be

recorded by separate instrument and shown on the recorded map.

16. Prior to the recording of the parcel map, the unpermitted activities located on APN: 010-031-021 shall cease, the unpermitted signage shall be removed, and the parcel shall be in compliance with the regulations of the A-2-40 zoning district.

Building Permits Division

17. Building permits are required for any future construction and the project must conform with the California Code of Regulations, Title 24.

Department of Environmental Resources

18. When developed, Parcels 1, 2 and 3 shall be subject to Measure X requirements. The onsite wastewater treatment system (OWTS) for any proposed new building, shall be by individual Primary and Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X.
19. All Local Agency Management Program (LAMP) standards shall be met.
20. Each parcel shall have an approved independent water supply (if not provided public water service). Prior to the issuance of building permit, each parcel shall have its own well. A drilling permit shall be obtained from Department of Environmental Resources (Stanislaus County Policy and State Model Well Standards Ordinance).

Oakdale Irrigation District

21. The newly created parcels will not be able to receive irrigation water until an OID New Parcel Connection Application for each parcel is approved. Only the portion of the project site within the District boundary is eligible to receive irrigation water.

San Joaquin Valley Air Pollution Control District

22. Prior to ground disturbance or issuance of a grading or building permit, the developer shall contact the District to determine if the project is subject to District Rule 9510 - Indirect Source Review (ISR), District Rule 4601 (Architectural Coatings), District Regulation VIII (Fugitive PM10 Prohibitions), District Rule 4901 - Wood Burning Fireplaces and Heaters, or if any other District rules or permits are required.
23. 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

24. 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, Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit (Water Quality Certification), Waste

Discharge Requirements, National Pollutant Discharge Elimination System (NPDES) Permit, and any other applicable Regional Water Quality Control Board permit.

Mitigation Measures

25. If ground disturbing activity or construction commences between March 1 and September 15, pre-construction surveys for nesting Swainson's hawks (SWHA) shall be conducted by a qualified biologist. SWHA surveys shall be conducted a maximum of 10 days prior to the onset of grading or construction activities, within 0.5 miles of the project site area, in accordance with survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000). If active SWHA nests are found, a qualified biologist, in consultation with CDFW, shall determine the need (if any) for temporal restrictions on construction, including but not limited to a minimum no-disturbance buffer of 0.5 miles to be maintained around active nests prior to and during any ground-disturbing activities until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If take cannot be avoided, take authorization through the issuance of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

*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~~.*

Phillips Family 2006 Trust Parcel Map
Findings Statement, Variance and Exception Justification

This project is located east of 14001 Lancaster Road, at Assessment Parcel No. 010- 031-022. The property is vested to Thomas R. Phillips and Linda S. Phillips, as Trustees of the PHILLIPS FAMILY 2006 TRUST by Grant Deed, Document Number 2006- 0057129. The proposed site of 15.26 acres, is for a 3-parcel Parcel Map, two parcels of

5.0 acres and one parcel of 5.26 acres respectively. The land is situated in the A-2-40 zone of Stanislaus County.

A Variance to the Zoning Ordinance is included in this request to create three parcels below the 40-acre minimum. An Exception to the Subdivision Ordinance is also included to allow proposed Parcels 1 through 3 to take access from Lancaster Road by two 30-foot-wide access easements.

Variance Findings:

1. **That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of this Chapter will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;** There are special circumstances applicable to the subject property. The subject property is the last piece suitable for ranchette style parcels
2. **That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated;** Due to its size and lack of irrigation water, this parcel is not suitable for profitable agricultural use. The proposed parcels would enjoy the same privileges as parcels to the west of the site.
3. **That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of this particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.** The proposed application and parcels would not affect neighboring properties or the enjoyment and use by their owners thereon. Future improvements of the proposed parcels are more apt to provide additional safety and security by eliminating unoccupied open ground that may be subject to mayhem by trespassers.

Exception Findings:

1. **That there are special circumstances or conditions applying to the property being divided:** The subject land is situated on a gently sloping plateau. Land to the east consists of rugged terrain and land to the west consists of several small parcels most of which are less than 5 acres. The current subject parcel, prior to the proposed division, is 15.26 acres, and is already non-conforming to the zone. The proposed parcel sizes are consistent with other parcels to the west along Lancaster Road. Restricted access to the highway is also a contributing factor.
2. **That the exception is necessary for the preservation and enjoyment of a substantial property right of the owner.** The exception is needed to permit the property owner to preserve a substantial property right. Properties adjacent and to the west, have subdivided many properties into sizes less than 5 acres. The Owners wish to divide this property as part of estate planning for the future.
3. **That the granting of the exception will not be detrimental to the public welfare, injurious to other property in the neighborhood of the division, and that it will not constitute a special privilege not enjoyed by others under similar circumstances.** The site would not support the traditional 40-acre farm. The property is in the Oakdale Irrigation district; however, no district water can be delivered for irrigation due to the construction of Highway 108 in 1957. The property is best suited for uses similar to those parcels west along Lancaster Road. Due to the fact that property to the east is not suitable for use as proposed on this division, this property is the last available for such use and would therefore not constitute a special privilege that others are not currently enjoying.
4. **The granting of the exception will not be in conflict with the purposes and objectives of the general plan or any element or any element thereof or any specific plan.** The parcel division is consistent with the intent of the general plan insofar that the ultimate use will be rural in nature, ultra-low density in habitation, and will continue to provide open space and natural scenery. As has been common for many years, minor improvements to parcels such as these, bring about positive changes to both the scenery and environment. The proposed division echo's the goal of the general plan for consistent land use.

Parcel Map Findings:

1. **The proposed parcel map is consistent with applicable general and specific plans as specified in Section 65451 of California Code, Government Code;** The proposed map is not consistent, however, with this application we are requesting a variance to allow 5-acre parcels.
2. **The design or improvement of the proposed parcel map is consistent with applicable general and specific plans;** The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans, however, may conform with surrounding use. Therefore, the request for variance.
3. **The site is physically suitable for the type of development;** The site is physically suitable for the proposed density of the development, as it is situated on a flat plateau.
4. **The site is physically suitable for the proposed density of development;** The site is physically suitable for the type of development. There is no development proposed at this time.
5. **The designs of the parcel map or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat;** 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.
6. **The design of the parcel map or type of improvements is not likely to cause serious public health problems;** The design of the subdivision, or type of improvements is not likely to cause serious public health problems. There is no proposal that would cause health concerns.
7. **The design of the parcel map or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.** The design of the subdivision, or the type or 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. Access from the proposed parcels to the county-maintained road will be had via a 30-foot wide easement which utilizes an existing approved access opening as stated on the 1956 Grant deed to State of California. Access beyond said easement, to said parcels, will be along the road previously approved by Stanislaus County on October 7, 2003, County File LLA 2003-39.



CEQA INITIAL STUDY

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

- 1. **Project title:** Parcel Map, Exception, and Variance Application No. PLN2020-0080 – Phillips-Lancaster Road
- 2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
- 3. **Contact person and phone number:** Teresa McDonald, Associate Planner
(209) 525-6330
- 4. **Project location:** Highway 108/120, east of Lancaster Road, south of the Stanislaus River, in the Oakdale area (APN: 010-031-022).
- 5. **Project sponsor’s name and address:** David Harris, Aspen Survey Company, Inc.
1121 Oakdale Road, Suite 6
Modesto, CA 95355
- 6. **General Plan designation:** Agriculture
- 7. **Zoning:** General Agriculture (A-2-40)
- 8. **Description of project:**

This is a request to subdivide a 15.26± acre parcel into two 5± acre parcels and one 5.26± acre parcel in the General Agriculture (A-2-40) zoning district. A Variance to the zoning ordinance is included in this request to create two parcels below the 40-acre minimum. An Exception to the Subdivision Ordinance is also included to allow Proposed Parcels 1 through 3 to take access from Lancaster Road by a 30-foot-wide access easement. Proposed Parcel 3 is designed as a “flag lot” shaped parcel with a 30-foot-wide driveway running adjacent to the southern property lines of Proposed Parcels 1, 2, and APN 010-031-021. While Proposed Parcel 3 will front on Lancaster Road, access onto that portion of Lancaster Road has been restricted by Caltrans. Accordingly, all the proposed parcels will take access onto Lancaster Road by an access easement located on APN 010-031-021. Proposed Parcel 1 is improved with two sheds, Proposed Parcel 2 is improved with a well, and Proposed Parcel 3 is vacant and unimproved. If approved, each parcel is permitted to construct one single-family dwelling (with a Staff Approval Permit), one accessory dwelling unit, and one junior accessory dwelling unit. If developed in the future, each parcel would be served by individual private well and septic systems.

- 9. **Surrounding land uses and setting:** Stanislaus River directly to the north; orchards to the east and south across Highway 108/120; Highway 108/120 is directly to the north; ranchettes with single-family dwellings ranging in size from 1-15± acres are located to the west and north across the Stanislaus River; and the City of Oakdale is located to the west.
- 10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** CalTrans
Stanislaus County Department of Public Works
Department of Environmental Resources

11. **Attachments:**

- I. Swainson's Hawk and Burrowing Owl Survey by FISHBIO, dated August 30, 2022

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 checked="" 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.

Teresa McDonald, Associate Planner

November 17, 2022

Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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

ISSUES

I. AESTHETICS – Except as provided in Public Resources Code Section 21099, could the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Discussion: The site itself is not considered to be a scenic resource or a unique vista. Community standards generally do not dictate the need or desire for architectural review of agriculture or residential subdivisions. Proposed Parcel 1 is improved with two sheds, Proposed Parcel 2 is improved with a well, and Proposed Parcel 3 is vacant and unimproved. No construction is proposed at this time; however, if approved, each parcel is permitted to construct one single-family dwelling (with a Staff Approval Permit), one accessory dwelling unit, and one junior accessory dwelling unit. The site is surrounded by the Stanislaus River to the north; orchards are located to the east and south across Highway 108/120; and ranchettes with single-family dwellings are located to the west and north across the Stanislaus River. No adverse impacts to the existing visual character of the site or its surroundings are anticipated.

Mitigation: None.

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

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	

<p>c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</p>			<p>X</p>	
<p>d) Result in the loss of forest land or conversion of forest land to non-forest use?</p>			<p>X</p>	
<p>e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</p>			<p>X</p>	

Discussion: The project site is comprised of one 15.26-acre parcel in the General Agriculture (A-2-40) zoning district. As stated previously, the applicant is proposing to subdivide the existing parcel into two 5± acre parcels and one 5.26± acre parcel. A Variance to the zoning ordinance is included in this request to create two parcels below the 40-acre minimum. All three parcels, if developed in the future, will be served by individual private well and septic systems. If approved, each parcel is permitted to construct one single-family dwelling (with a Staff Approval Permit), one, accessory dwelling unit, and one junior accessory dwelling unit. The Stanislaus River is located directly to the north and ranchettes with single-family dwellings are located to the west and north across the Stanislaus River. The nearest actively farmed parcels are located directly to the east and to the south across Highway 108/120, both of which are enrolled in a Williamson Act contract. The project site is not currently enrolled in a Williamson Act contract and is not in agricultural production. According to Appendix VII of the Stanislaus County General Plan – Buffer and Setback Guidelines, all projects shall incorporate a 150-foot-wide buffer setback. The closest actively farmed parcel to Proposed Parcels 1 and 2 is over 150 feet away to the south across Highway 108/120. While the closest actively farmed parcel to Proposed Parcel 3 is the adjacent parcel to the east, the first 150 feet of the parcel closest to Proposed Parcel 3 are not in agricultural production.

The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that the majority of the property is made up of Snelling sandy loam, 0 to 3 percent slopes, and a Storie Index rating of 93, and the remainder of the property is comprised of Greenfield sandy loam, 0 to 3 percent slopes, with a Storie Index rating of 98, and Terrace escarpments, Storie Index rating unavailable. The project site is comprised of grade 1 soils with Storie Index ratings of 93 and 98 which are considered to be prime farmland; however, the California Department of Conservation’s Farmland Mapping and Monitoring program lists the project site as comprised of Grazing Land and not Prime Farmland. In determining most productive agricultural areas, factors to be considered include but are not limited to soil types and potential for agricultural production; the availability of irrigation water; and the existence of Williamson Act contracts. However, according to Goal Two, Policy 2.5, Implementation Measure One, of the General Plan’s Agricultural Element, when defining the County’s most productive agricultural areas, it is important to recognize that soil types alone should not be the determining factor. Although soil types should be considered, the designation of "most productive agricultural areas" also should be based on existing uses and their contributions to the agricultural sector of our economy. The 15.26-acre project site is not enrolled under the Williamson Act, is not currently being used for agricultural production, and does not currently receive irrigation water. Based on this information the proposed project will not convert Unique Farmland, Farmland of Statewide Importance, or Prime Farmland.

The project site is fallow and the existing well on Proposed Parcel 2 is not currently in use. As mentioned previously, the site does not currently receive irrigation water. A referral response from the Oakdale Irrigation District (OID) stated that a portion of the project site is outside of the District boundary and only the portion of the project site inside of the District boundary is eligible to receive irrigation water and the resulting parcels will need to complete OID’s new connection process in order to utilize OID water to irrigate.

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

Mitigation: None.

References: Referral response from the Oakdale Irrigation District, dated May 28, 2021; Natural Resources Conservation Service Soil Survey; application information; Stanislaus Soil Survey (1957); California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2018; Stanislaus County General Plan and Support Documentation¹.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those odors adversely affecting a substantial number of people?			X	

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

No construction is proposed as a part of this request; however, if approved, each parcel is permitted to construct one single-family dwelling, one accessory dwelling unit, and one junior accessory dwelling unit per parcel in compliance with the Zoning Ordinance.

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 Environmental Protection Agency (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 has the potential to increase traffic in the area and, thereby, impacting air quality. According to the Federal Highway Administration, the average daily vehicle trip per household is 9.6. While vehicle trips for accessory dwelling units and junior accessory dwelling units would be lower, if you used the higher average of 9.6 daily trips, the project has the potential to generate up to 86.4 additional trips per day as a result of project approval (3 proposed parcels, 3 potential single-family dwellings, 3 potential accessory dwelling units, and 3 potential junior accessory dwelling units x 9.6 = 86.4). The SJVAPCD’s Small Project Analysis Level (SPAL) guidance identifies thresholds of significance for criteria pollutant emissions, which are based on the District’s New Source Review (NSR) offset requirements for stationary sources. The District has pre-qualified emissions and determined a size below which is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants. The provided sizes by the District are deemed to have a less than significant impact on air quality due to criteria pollutant emissions. The District’s threshold of significance for residential projects is identified as 152 units or 1,453 additional trips per day.

As required by California Environmental Quality Act (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 VMT, which is the amount and distance of automobile travel attributable to a project, as the most appropriate measure of transportation impacts. According to the same technical advisory from OPR, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less than significant transportation impact. As stated previously, the project has the potential to generate an additional 86.4 trips per day. As this is 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 in a project’s vicinity. The primary sources of construction-related CO, SOX, VOC, and NOX emissions are gasoline and diesel-powered,

heavy-duty mobile construction equipment. Primary sources of PM10 and PM2.5 emissions are generally clearing and demolition activities, grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed surfaces.

No construction is proposed as a part of this request; however, if approved each parcel may be developed with up to three residential units which may require use of heavy-duty construction equipment and grading. However, all construction activities would occur in compliance with all SJVAPCD regulations; therefore, construction emissions would be less than significant without mitigation. The project was referred to SJVAPCD, and no response has been received to date.

Potential impacts on local and regional air quality are anticipated to be less than significant, falling below SJVAPCD thresholds, as any future construction associated with 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 proposed project is considered to be consistent with applicable air quality plans, as the project will be required to obtain all applicable permits through the Air District. Also, the proposed project would not conflict with applicable regional plans or policies adopted by agencies with jurisdiction over the project. Impacts to air quality are considered to be less than significant.

Mitigation: None.

References: Governor’s Office of Planning and Research Technical Advisory, December 2018; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; www.valleyair.org; and the Stanislaus County General Plan and Support Documentation¹.

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

Discussion: The project is located within the Knights Ferry Quad of the California Natural Diversity Database (CNDDDB). There are 22 species of plants or animals which are state or federally listed, threatened, or identified as species of special concern within the Knights Ferry CNDDDB. These species include the California tiger salamander - central California DPS, western spadefoot, golden eagle, ferruginous hawk, bald eagle, grasshopper sparrow, burrowing owl, vernal pool fairy shrimp, vernal pool tadpole shrimp, green sturgeon - southern DPS, Sacramento hitch, hardhead, steelhead - Central Valley DPS, chinook salmon - Central Valley fall / late fall-run ESU, valley elderberry longhorn beetle, western, mastiff bat, pallid bat, Townsend's big-eared bat, western red bat, western pond turtle, Hartweg's golden sunburst, and Colusa grass. According to the CNDDDB database, the only reported siting of any of the aforementioned species on the project site is the steelhead - Central Valley DPS; however, that is the case with any project site adjacent to the Stanislaus River. Additionally, the California Department of Fish and Wildlife is required to be notified prior to any activity that may divert or obstruct the natural flow of any river, stream, or lake; change the bed, channel, or bank of any river, stream, or lake; use material from any river, stream, or lake; or deposit or dispose of material into any river, stream, or lake. This requirement will be applied as a condition of approval. The Hartweg's golden sunburst has been sited approximately .06 miles east of the project site and valley elderberry longhorn beetle has been sited approximately .42 miles northwest of the project site.

A referral response discussing the potential impacts to Swainson's hawk, burrowing owl, and nesting birds was received by the California Department of Fish and Wildlife (CDFW) for this project. The response stated Swainson's hawk, burrowing owl, and nesting birds have the potential to be present on the project site and recommended pre-activity surveys and limiting activities to the non-nesting season to prevent impact to the subject species.

In response to the CDFW response, a Swainson's Hawk and Burrowing Owl survey was completed by FISHBIO, a fisheries and environmental consulting company. The project site and surrounding area were surveyed for Swainson's hawks and no nests were discovered. As Swainson's hawks are not normally nesting in August, any chicks hatched this year would have already fledged their nests. The biologist frequents the area along the Stanislaus River and has observed that Swainson's hawks are not common in the vicinity. The survey determined the chances of Swainson's hawk nesting or foraging on or near the property is low and recommended that any future construction work should be conducted outside of nesting season (February-August) as a precaution. If construction work cannot be conducted outside of Swainson's hawk nesting season, then it is recommended that a protocol level survey be conducted prior to breaking ground. The project site was also surveyed for burrowing owls and suitable nesting habitat. A reconnaissance level survey following Burrowing Owl Survey Protocol and Mitigation Guidelines (CDFW 2012) Phase I Habitat Assessment was conducted. Burrowing owl habitat was not found on the property or adjacent property. As the pasture is regularly disked to prevent fire it is also likely that California ground squirrels have consequentially been excluded from becoming established on the property. The Biological Survey conducted for the project found that it is unlikely burrowing owls are present on the property and no further surveys or actions should be necessary.

The CDFW reviewed the results of the survey and responded with no comment. As recommended by the CDFW and the FISHBIO survey, a mitigation measure has been incorporated into the project requiring a pre-construction survey for Swainson's hawk be completed should the work take place during the nesting season. With this condition in place, impacts to biological resources are expected to be less than significant with mitigation.

Mitigation:

1. If ground disturbing activity or construction commences between March 1 and September 15, pre-construction surveys for nesting Swainson's hawks (SWHA) shall be conducted by a qualified biologist. SWHA surveys shall be conducted a maximum of 10 days prior to the onset of grading or construction activities, within 0.5 miles of the project site area, in accordance with survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000).

If active SWHA nests are found, a qualified biologist, in consultation with CDFW, shall determine the need (if any) for temporal restrictions on construction, including but not limited to a minimum no-disturbance buffer of 0.5 miles to be maintained around active nests prior to and during any ground-disturbing activities until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If take cannot be avoided, take authorization through the issuance of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

References: Referral response from the California Department of Fish and Wildlife, dated February 25, 2022; Swainson's Hawk and Burrowing Owl Survey by FISHBIO, dated August 30, 2022; Email from the California Department of Fish and

Wildlife, dated November 1, 2022; California Department of Fish and Wildlife’s Natural Diversity Database Quad Species List; Stanislaus County General Plan and Support Documentation¹.

V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			X	
c) Disturb any human remains, including those interred outside of formal cemeteries?			X	

Discussion: No construction or demolition is proposed as a part of this request. However, if approved one single-family dwelling, one accessory dwelling unit, and one junior accessory dwelling unit is permitted per legal parcel. A records search on this parcel, prepared by the Central California Information Center (CCIC), indicated that no historic resources or resources known to have value to local cultural groups were formally reported to the CCIC. However, based on its proximity to the river, the project area has the potential for the possible discovery of prehistoric Native American and historic-era archaeological resources.

It does not appear that this project will result in significant impacts to any archaeological or cultural resources. A condition of approval will be incorporated into the project requiring that should any resources be found during future construction, construction activities would halt until a qualified survey takes place and the appropriate authorities are notified.

Mitigation: None.

References: Central California Information Center Report for the project site, dated August 25, 2020; Stanislaus County General Plan and Support Documentation¹.

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

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

No construction is proposed as part of this request; however, if approved one single-family dwelling, one accessory dwelling unit, and one junior accessory dwelling unit is permitted per legal parcel, which has the potential to generate an additional 86.4 daily vehicle trips. Any future construction activities are required to be in compliance with all San Joaquin Valley Air Pollution Control District (SJVAPCD) regulations and with Title 24, Green Building Code, which includes energy efficiency requirements.

The project was referred to the SJVAPCD and to Pacific Gas and Electric and no response has been received to date.

It does not appear that this project will result in significant impacts to the wasteful, inefficient, or unnecessary consumption of energy resources. Accordingly, the potential impacts to Energy are considered to be less than significant.

Mitigation: None.

References: CEQA Guidelines; Title 16 of County Code; CA Building Code; referral response from the Oakdale Irrigation District, dated May 28, 2021; Governor’s Office of Planning and Research Technical Advisory, December 2018; Stanislaus County General Plan and Support Documentation¹.

VII. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

Discussion: The USDA Natural Resources Conservation Service’s Eastern Stanislaus County Soil Survey indicates that the majority of the property is made up of Snelling sandy loam, 0 to 3 percent slopes, and a Storie Index rating of 93, and the remainder of the property is comprised of Greenfield sandy loam, 0 to 3 percent slopes, with a Storie Index rating of 98, and Terrace escarpments, Storie Index rating unavailable. As contained in Chapter Five of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency.

No construction is proposed as a part of this project; however, if approved one single-family dwelling, one accessory dwelling unit, and one junior accessory dwelling unit is permitted per legal parcel, which if constructed would be served by well and septic services. Any future construction is required to be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Public Works Standards and Specifications, which consider the potential for erosion and run-off prior to permit approval. Likewise, any addition or expansion of a septic tank or alternative wastewater disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements. DER responded with comments regarding the on-site wastewater disposal system, which

will be added as conditions of approval. DER, Public Works, and the Building Permits Division review and approve any building or grading permit to ensure their standards are met.

The project site is not located near an active fault or within a high earthquake zone. Impacts associated with geology and soils are considered to be less than significant.

Mitigation: None.

References: Referral response from the Department of Environmental Resources (DER), dated May 28, 2021; referral response from the Department of Public Works, dated May 18, 2021; Stanislaus County General Plan and Support Documentation¹.

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

Discussion: The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H₂O). CO₂ is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO₂ equivalents (CO₂e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020. Two additional bills, SB 350 and SB32, were passed in 2015 further amending the states Renewables Portfolio Standard (RPS) for electrical generation and amending the reduction targets to 40% of 1990 levels by 2030.

No construction is proposed as part of this project; however, if approved one single-family dwelling, one accessory dwelling unit, and one junior accessory dwelling unit is permitted per legal parcel. Should future construction occur on the project site, the short-term emissions of GHGs during construction, primarily composed of CO₂, CH₄, and N₂O, would be the result of fuel combustion by construction equipment and motor vehicles. The other primary GHGs (HFCs, PFCs, and SF₆) are typically associated with specific industrial sources and are not expected to be emitted by future construction at this project site. Additionally, the construction of any future proposed buildings is subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11). Any future construction activities associated with this project are considered to be less than significant as they are temporary in nature and are subject to meeting the San Joaquin Valley Air Pollution Control District (SJVAPCD) standards for air quality control.

Direct emissions of GHGs from the operation of the proposed subdivision are primarily due to truck trips associated with potential future construction and passenger vehicle trips associated with residential development. Therefore, the project has the potential to result in direct annual emissions of GHGs during operation. As required by CEQA Guidelines section 15064.3, potential impacts regarding Green House Gas Emissions should be evaluated using vehicle miles traveled (VMT). The calculation of VMT is the number of cars/trucks multiplied by the distance traveled by each car/truck. Total vehicle trips as a result of this project will not exceed 110 trips per day. The proposed project has the potential to generate a total of 86.4 vehicle trips per day associated with residential development.

The project was referred to the SJVAPCD, and no comments have been received to date. Staff will include a condition of approval requiring the applicant to comply with all appropriate District rules and regulations should future construction occur on the project site. Consequently, GHG emissions associated with this project are considered to be less than significant.

Mitigation: None.

References: California Air Resources Board 2019 Edition, California Greenhouse Gas Emission Inventory: 2000 – 2017; Governor’s Office of Planning and Research Technical Advisory, December 2018; CA Building Code; Stanislaus County General Plan and Support Documentation¹.

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

Discussion: The project was referred to the Hazardous Materials Division of the Stanislaus County Department of Environmental Resources (DER), and no comments have been received to date. The project was also referred to the Environmental Review Committee (ERC) who responded with no comments. The proposed use is not recognized as a generator and/or consumer of hazardous materials, therefore no significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project.

Pesticide exposure is a risk in areas located in the vicinity of agriculture. Sources of exposure include contaminated groundwater, which is consumed, and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. 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 airstrip. The groundwater is not known to be contaminated in this area. The Stanislaus River is adjacent to the northern property line. The site is located in a State Responsibility Area (SRA) for fire protection and is served by the Oakdale Rural Fire Protection District. The project was referred to the District, and no comments have been received to date.

Impacts associated with hazards and hazardous materials are considered to be less than significant.

Mitigation: None.

References: Referral response from the Stanislaus County Environmental Review Committee, dated May 27, 2021; Department of Toxic Substances Control's data management system (EnviroStar); Stanislaus County General Plan and Support Documentation¹.

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

Discussion: The project site is improved with two sheds and is otherwise unimproved. No construction is proposed as part of this project; however, if approved, one single-family dwelling, one accessory dwelling unit, and one junior accessory dwelling unit is permitted per legal parcel, which would be served by on-site well and septic systems.

The site currently has a well that is not in use and does not receive irrigation water from Oakdale Irrigation District (OID). A referral response was received from OID stating that only a portion of the project site is within the District boundary and the newly created parcels would need to complete OID's new connection process prior to the receipt of any irrigation water.

Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The majority of the project site is located in FEMA Flood Zone X, which includes areas determined to be outside the 0.2% annual chance floodplains. A small northeastern portion of the parcel adjacent to the Stanislaus River is in the floodway. Should any structures be built in the future, flood zone requirements will be addressed by the Building Permits Services Division during the building permit process.

Any future construction would require that all of a project's storm water be maintained on-site and, as such, a Grading and Drainage Plan, reviewed by Public Works, shall be submitted with any building permit for the project site that will create a larger or smaller building footprint. Additionally, any future construction will be reviewed under the Building Permit process and must be reviewed and approved by the Department of Environmental Resources (DER) and adhere to current Local Agency Management Program (LAMP) standards. LAMP standards include minimum setback from wells to prevent negative impacts to groundwater quality. No expansion to the existing septic systems, new septic systems, or additional wells are proposed as a part of this project. However, any future proposals for new wells will be subject to review under the County's Well Permitting program, which will determine whether a new well will require environmental review.

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

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

In addition to GSPs and the Groundwater Ordinance, the County General Plan includes goals, policies, and implementation measures focused on protecting groundwater resources. Projects with a potential to affect groundwater recharge or that involve the construction of new wells are referred to the DER for review. The DER evaluates these projects for compliance with the County Groundwater Ordinance and refers projects to the applicable GSAs for determination whether or not they are compliance with an approved GSP. If a new well is required in the future, the drilling of a new well would be regulated by the County’s Groundwater Ordinance and thus require California Environmental Quality Act (CEQA) compliance.

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

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: Referral response from the Oakdale Irrigation District, dated May 28, 2021; referral response from the Department of Environmental Resources, dated May 28, 2021; referral response from the Environmental Review Committee, dated May 27, 2021; referral response from the Department of Public Works, dated May 18, 2021; Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA) GSA; Stanislaus County General Plan and Support Documentation¹.

XI. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?			X	
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

Discussion: This project is a request to subdivide a 15.26± acre parcel into two 5± acre parcels and one 5.26± acre parcel in the General Agriculture (A-2-40) zoning district. The proposed project will not physically divide a community or conflict any land use plan, policy, or regulation. Although no construction is proposed at this time, each parcel may be developed with one single-family dwelling, with a Staff Approval Permit, and subsequently one accessory dwelling unit and one junior accessory dwelling unit.

A Variance to the zoning ordinance is included to allow the size of the parcels to go below the 40-acre minimum. In order to approve the applicant’s request for a variance to the 40-acre minimum parcel size of the A-2-40 zoning district, Section 21.20.060(E), is necessary. In order for a variance to be granted, the following findings must be made:

1. That because of special circumstances applicable to the subject property including size, shape, topography, location, or surroundings, the strict application of this Chapter will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; and
2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated; and
3. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of this particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

The project will require an Exception to §20.52.170 of the Subdivision Ordinance to allow Proposed Parcels 1 through 3 to take access from Lancaster Road by a 30-foot-wide access easement. Section 20.52.160 of the Subdivision Ordinance requires the depths of lots not to exceed the road frontage by more than three times where the total frontage is less than three hundred feet, nor more than four times where the total frontage is three hundred feet or more. On non-rectangular lots, the director shall determine the depth of the lot for compliance with the width to depth ratio. As Proposed Parcel 3 is non-rectangular, the director can determine if the lot is in compliance. In order for an exception to be granted the following findings must be made:

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

Impacts to land use and planning are considered to be less than significant.

Mitigation: None.

References: Stanislaus County Zoning and Subdivision Ordinance; Stanislaus County General Plan and Support Documentation¹.

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

Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. The project is located within the Knights Ferry Quad of the California Natural Diversity Database and there are no known significant resources on the site. The site directly north of Aggregate Resource Area (ARA) 34, which is just south of Highway 108/120. This 79-acre area is categorized as significant only if it is included with ARA-30. Available data indicate that sand and gravel resources within this area most likely range in thickness between 6-12 feet.

Mitigation: None.

References: California Department of Conservation Special Report 173; Stanislaus County General Plan and Support Documentation¹.

XIII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	

Discussion: The Stanislaus County General Plan identifies noise levels up to 55 dB Ldn (or CNEL) as the normally acceptable level of noise for residential uses. While no construction is proposed, future 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 Highway 108/120. The General Plan predicts Highway 108/120 to have Ldn of 70-74 by 2035, measured 75 feet from the roadway centerline. Any future construction of structures permitted in compliance with the A-2 Zoning Ordinance should not result in a permanent increase the area’s ambient noise level.

The site is not located within an airport land use plan.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

XIV. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?			X	

Discussion: The site is not included in the vacant sites inventory for the 2016 Stanislaus County Housing Element, which covers the 5th cycle Regional Housing Needs Allocation (RHNA) for the county and will therefore not impact the County’s ability to meet their RHNA. This project will not substantially induce population growth, nor will it displace existing housing or people. No construction is proposed as a part of this project; however, approval of this request will allow for the construction of one single-family dwelling per parcel with a Staff Approval permit, and subsequently one accessory dwelling unit and one junior accessory dwelling unit on each proposed parcel, for a total of six additional residences and three junior accessory dwelling units. The approval of this project may set a precedence for similar undersized parcels to request further division. These projects would have to be reviewed individually to determine if the appropriate findings can be made.

Mitigation: None.

References: Stanislaus County Zoning Ordinance; Stanislaus County General Plan and Support Documentation¹.

XV. PUBLIC SERVICES --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in the substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:			X	
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	

Discussion: The County has adopted Public Facilities Fees as well as Fire Facility Fees, on behalf of the appropriate fire district, to address impacts to public services. In addition, first year costs of the Sheriff’s Department have been standardized based on studies conducted by the Sheriff’s Department. The project site is improved with two sheds and is otherwise unimproved. No construction is proposed as part of this project; however, if approved one single-family dwelling, one accessory dwelling unit, and one junior accessory dwelling unit is permitted per legal parcel, which would be served by on-site well and septic systems. Should any construction occur on the property in the future, all adopted public facility fees will be required to be paid at the time of building permit issuance.

The project site does not currently receive irrigation water from Oakdale Irrigation District (OID). A referral response was received from OID stating that only a portion of the project site is within the District boundary and the newly created parcels would need to complete OID’s new connection process prior to the receipt of water. The project site is improved with a well and two sheds and is otherwise unimproved. The project was referred to the Environmental Review Committee who responded with no comments. The project was also referred to the Oakdale Union School District and the Oakdale Rural Fire Protection District, both of which serve the project site, and no responses have been received to date.

Mitigation: None.

References: Referral response from the Oakdale Irrigation District, dated May 28, 2021; referral response from the Stanislaus County Environmental Review Committee, dated May 27, 2021; Stanislaus County General Plan and Support Documentation¹.

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

Discussion: Approval of this request will allow for the construction of one single-family dwelling per parcel with a Staff Approval permit, and subsequently one accessory dwelling unit and one junior accessory dwelling unit on each parcel, for a total of six additional residences and three junior accessory dwelling units. However, demands for recreational facilities are anticipated to be less than significant. In-lieu park fees are not required for parcel maps in the Agricultural zoning district.

Mitigation: None.

References: Stanislaus County Zoning Ordinance; Stanislaus County General Plan and Support Documentation¹.

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

Discussion: Approval of this request will allow for the construction of one single-family dwelling per parcel with a Staff Approval permit, and subsequently one accessory dwelling unit and one junior accessory dwelling unit on each parcel, for a total of six additional residences and three junior accessory dwelling units. According to the Federal Highway Administration, the average daily vehicle trip per household is 9.6. While vehicle trips for accessory dwelling units and junior accessory dwelling units would be lower, if you used the higher average of 9.6 daily trips, the project has the potential to generate up to 86.4 additional trips per day as a result of project approval (3 proposed parcels, 3 potential single-family dwellings, 3 potential accessory dwelling units, and 3 potential junior accessory dwelling units x 9.6 = 86.4). As required by California Environmental Quality Act (CEQA) Guidelines Section 15064.3, potential impacts to transportation should be evaluated using vehicle miles traveled (VMT). Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by-case basis for evaluation under CEQA. However, the State of California - Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. The CEQA Guidelines identify vehicle miles traveled (VMT), which is the amount and distance of automobile travel attributable to a project, as the most appropriate measure of transportation impacts. According to the same technical advisory from OPR, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less than significant transportation impact. As stated previously, the project has the potential to generate an additional 86.4 trips per day.

The project was referred to Stanislaus County’s Department of Public Works, who responded with conditions of approval requiring a 30-foot-wide non-exclusive access easement recorded on Proposed Parcel 3 for the benefit of Proposed Parcels 1 and 2, and a road maintenance agreement be recorded, or a Homeowner’s Association be formed.

This project was referred to the California Department of Transportation (Caltrans) and while no referral response was received, it was discovered that the 30-foot-wide access easement located on Proposed Parcel 3 is restricted by Caltrans since the project site is adjacent to Highway 108/120. Proposed Parcel 3 is designed as a “flag lot” shaped parcel with a 30-foot-wide driveway running adjacent to the southern property lines of Proposed Parcels 1, 2, and APN 010-031-021. While Proposed Parcel 3 will front on Lancaster Road, access onto that portion of Lancaster Road has been restricted by Caltrans. Accordingly, all the proposed parcels will take access onto Lancaster Road by an access easement located on APN 010-031-021.

Impacts associated with transportation are considered to be less than significant.

Mitigation: None.

References: Referral response from the Department of Public Works, dated May 18, 2021; Governor’s Office of Planning and Research Technical Advisory, December 2018; Stanislaus County General Plan and Support Documentation¹.

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

Discussion: It does not appear that this project will result in significant impacts to any archaeological or cultural resources. The project site is already improved with multiple buildings. In accordance with SB 18 and AB 52, this project was not referred to the tribes listed with the Native American Heritage Commission (NAHC) as the project is not a General Plan Amendment and no tribes have requested consultation or project referral noticing. No construction is proposed as part of this project; however, if approved one single-family dwelling, one accessory dwelling unit, and one junior accessory dwelling unit is permitted per legal parcel. A condition of approval will be incorporated into the project which requires should any resources be found during future construction, construction activities would halt until a qualified survey takes place and the appropriate authorities are notified.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

XIX. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

Discussion: Limitations on providing services have not been identified. While no construction is proposed, future residential development would require individual domestic wells and septic systems, which would be subject to any regulatory requirements during the building permitting phase. Comments from the Department of Environmental Resources (DER) were received stating that when developed, Proposed Parcels 1, 2 and 3 shall be subject to Measure X requirements. The on-site wastewater treatment system (OWTS) for any proposed new building, shall be by individual Primary and Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X. All Local Agency Management Program (LAMP) standards shall be met. These comments will be applied as a condition of approval. If a new well is required in the future, the drilling of a new well would be regulated by the County’s Groundwater Ordinance and thus require California Environmental Quality Act (CEQA) compliance.

The project site does not currently receive irrigation water from Oakdale Irrigation District (OID). A referral response was received from OID stating that only a portion of the project site is within the District boundary and the newly created parcels would need to complete OID’s new connection process prior to the receipt of water.

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

Mitigation: None.

References: Referral response from the Department of Environmental Resources (DER), dated May 28, 2021; referral response from the Oakdale Irrigation District, dated May 28, 2021; Stanislaus County General Plan and Support Documentation¹.

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

Discussion. The Stanislaus County Local Hazard Mitigation Plan identifies risks posed by disasters and identifies ways to minimize damage from those disasters. The terrain of the site is relatively flat. Proposed Parcels 1 through 3 will have access to a County-maintained road via a 30-foot-wide access easement, for which a road maintenance agreement will be recorded or a Homeowner’s Association formed, which will be applied as a condition of approval required by Public Works. The site is located in a State Responsibility Area (SRA) for fire protection and is served by the Oakdale Rural Fire Protection District. The project was referred to the District, and no comments have been received to date. California Building and Fire Code establishes minimum standards for the protection of life and property by increasing the ability of a building to resist intrusion of flame and burning embers. Any future construction will be reviewed by the County’s Building Permits Services Division and Fire Prevention Bureau to ensure all State of California Building and Fire Code requirements are met prior to construction. Wildfire risk and risks associated with postfire land changes are considered to be less than significant.

Mitigation: None.

References: Referral response from the Department of Public Works, dated May 18, 2021; California Fire Code Title 24, Part Nine; California Building Code Title 24, Part Two, Chapter Seven; Stanislaus County Local Hazard Mitigation Plan; Stanislaus County General Plan and Support Documentation¹.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

Discussion: The 15.26± acre project site is designated Agriculture by the Stanislaus County General Plan land use diagrams and zoned General Agriculture (A-2-40). The project site is bordered by the Stanislaus River to the north and Highway 108/120 to the south. Ranchettes with single-family dwellings are located directly to the west and to the north across the Stanislaus River. The adjacent parcel to the east and the parcel to the south across Highway 108/120 are planted in orchards. The parcels to the north across the Stanislaus River have a zoning designation of A-2-5, which would allow for the creation of new parcels of five acres or more in size. The parcels directly to the west already have a residential zoning designation of Rural Residential (R-A). Any development of the surrounding area to the east and south would be subject to the permitted uses of the A-2 Zoning District or would require additional land use entitlements and environmental review; a General Plan Amendment and/or Rezone is required for any non-agricultural related development; the creation of parcels under 40 acres would require a Variance; residential proposals would be subject to Measure E, which requires that residential development be approved by a majority of the voting public. Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area.

Mitigation: None.

References: Initial Study; Stanislaus County General Plan and Support Documentation¹.

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



TO: Thomas and Linda Phillips
FROM: Jim Inman, FISHBIO
DATE: August 30, 2022
RE: Swainson's Hawk and Burrowing Owl Survey

Mr. Phillips:

At your request, I have surveyed the 15.26-acre property at Lancaster Road and highway 108/120 for nesting Swainson's hawk and burrowing owls. The property of concern is mostly upland habitat utilized for agriculture grazing pasture. It borders Highway 108/120 to the south, with nut tree orchards extending further to the south. To the west of the property are multiple ranchettes with houses and outbuildings. To the north of the property is the Stanislaus River followed by multiple ranchettes and nut tree orchards. West of the property is some oak woodland and grassland habitat and nut tree orchards. The pasture area of the property has been regularly grazed by goats and regularly disked for fire prevention. There is a riparian corridor along the Stanislaus River on the north end of the property with oak, cottonwood, willow, Oregon ash, white alder, tree of heaven, and boxelder trees.

Swainson's hawks are known to nest in tall trees near rivers but are also found nesting in lone trees or small groupings of trees adjacent to open grassland, and agricultural fields where they forage. The property and surrounding area were surveyed for Swainson's hawks and nests, however none were discovered. Swainson's hawks are not normally nesting in August. Any chicks hatched this year would have already fledged their nests. Swainson's hawks usually begin their migration south in the late summer. This biologist (Jim Inman) frequents the area along the Stanislaus River and has observed that Swainson's hawks are not common in the vicinity. A search of the California Natural Diversity Database (CNDDDB) indicates one record from 2011 of a Swainson's hawk 2.9 miles south of the project area and the record notes that it was possibly extirpated. The chances of Swainson's hawks nesting or foraging on or near the property is low. As a precaution, it is recommended that any future construction work should be conducted outside nesting season (February-August). If construction work cannot be conducted outside of Swainson's hawk nesting season, then it is recommended that a protocol level survey (SWHA TAC 2000) be conducted prior to breaking ground.

The property was also surveyed for burrowing owls and suitable nesting habitat. Burrowing owls need rodent burrows like those from ground squirrels to colonize an area. A reconnaissance level survey following Burrowing Owl Survey Protocol and Mitigation Guidelines (CDFW 2012) Phase I habitat assessment was conducted. Burrowing owl habitat was not found on the property or adjacent property. As previously noted, the pasture is regularly disked to prevent fire which also likely prevents California ground squirrels from becoming established on the property. A search of the CNDDDB found the closest record of



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burrowing owls was in 1991 and located 6.5 miles west of the property. It is unlikely burrowing owls are present on the property and no further surveys or actions should be necessary.

Please let me know if you have any questions, jiminman@fishbio.com (209) 988-2314

Jim Inman
Wildlife Biologist

FISHBIO

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DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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Building Phone: (209) 525-6557 Fax: (209) 525-7759

Stanislaus County
Planning and Community Development

Mitigation Monitoring and Reporting Program

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

November 17, 2022

1. Project title and location: Parcel Map, Exception, and Variance Application
No. PLN2020-0080 – Phillips-Lancaster Road

Highway 108/120, east of Lancaster Road, south
of the Stanislaus River, in the Oakdale area.
APN: 010-031-022.
2. Project Applicant name and address: Thomas and Linda Phillips
7761 Rodden Road
Oakdale, CA 95361
3. Person Responsible for Implementing
Mitigation Program (Applicant Representative): Thomas and Linda Phillips
4. Contact person at County: Teresa McDonald, Associate Planner, (209) 525-
6330

MITIGATION MEASURES AND MONITORING PROGRAM:

List all Mitigation Measures by topic as identified in the Mitigated Negative Declaration and complete the form for each measure.

IV. BIOLOGICAL RESOURCES

- No.1 Mitigation Measure: If ground disturbing activity or construction commences between March 1 and September 15, pre-construction surveys for nesting Swainson's hawks (SWHA) shall be conducted by a qualified biologist. SWHA surveys shall be conducted a maximum of 10 days prior to the onset of grading or construction activities, within 0.5 miles of the project site area, in accordance with survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000).

If active SWHA nests are found, a qualified biologist, in consultation with CDFW, shall determine the need (if any) for temporal restrictions on construction, including but not limited to a minimum no-disturbance buffer of 0.5 miles to be maintained around active nests prior to and during any ground-disturbing activities until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If take cannot be avoided, take authorization through the issuance of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Who Implements the Measure:	Applicant/Developer
When should the measure be implemented:	Prior to and during any ground-disturbing activity
When should it be completed:	After construction is completed or as otherwise recommended by a qualified biologist and/or CDFW
Who verifies compliance:	Stanislaus County Planning and Community Development Department
Other Responsible Agencies:	U.S. Fish and Wildlife Service, California Department of Fish and Wildlife.

I, the undersigned, do hereby certify that I understand and agree to be responsible for implementing the Mitigation Program for the above listed project.

Signature on file.
Person Responsible for Implementing
Mitigation Program

November 19, 2022
Date



MITIGATED NEGATIVE DECLARATION

- NAME OF PROJECT:** Parcel Map, Exception, and Variance Application No. PLN2020-0080 – Phillips – Lancaster Road
- LOCATION OF PROJECT:** Highway 108/120, east of Lancaster Road, south of the Stanislaus River, in the Oakdale area. (APN: 010-031-022).
- PROJECT DEVELOPERS:** Thomas R. and Linda S. Phillips
7761 Rodden Road
Oakdale, CA 95361
- DESCRIPTION OF PROJECT:** Request to subdivide a 15.26± acre parcel into two 5± acre parcels and one 5.26± acre parcel in the General Agriculture (A-2-40) zoning district. A variance to the zoning ordinance is included to create three parcels below the 40-acre minimum. An exception to the Subdivision Ordinance is included to allow the three proposed parcels to take access from Lancaster Road by way of 30-foot-wide access easements.

Based upon the Initial Study, dated **November 17, 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 aforementioned findings are contingent upon the following mitigation measures (if indicated) which shall be incorporated into this project:

1. If ground disturbing activity or construction commences between March 1 and September 15, pre-construction surveys for nesting Swainson's hawks (SWHA) shall be conducted by a qualified biologist. SWHA surveys shall be conducted a maximum of 10 days prior to the onset of grading or construction activities, within 0.5 miles of the project site area, in accordance with survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000). If active SWHA nests are found, a qualified biologist, in consultation with CDFW, shall determine the need (if any) for temporal restrictions on construction, including but not limited to a minimum no-disturbance buffer of 0.5 miles to be maintained around active nests prior to and during any ground-disturbing activities until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If take



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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cannot be avoided, take authorization through the issuance of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

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: Teresa McDonald, Associate Planner

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

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: PARCEL MAP, EXCEPTION, AND VARIANCE APPLICATION NO. PLN2020-0080 – PHILLIPS-LANCASTER ROAD

REFERRED TO:	RESPONDED			RESPONSE			MITIGATION MEASURES		CONDITIONS			
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X	X	X	X			X		X			X
CA DEPT OF CONSERVATION	X	X	X		X							
CA DEPT OF FORESTRY	X	X	X		X							
CA DEPT OF TRANSPORTATION DIST 10	X	X	X		X							
CA OPR STATE CLEARINGHOUSE		X	X		X							
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X				X		X	X	
COOPERATIVE EXTENSION	X	X	X		X							
CENTRAL VALLEY FLOOD PROTECTION	X	X	X		X							
FIRE PROTECTION DIST: OAKDALE RURAL	X	X	X		X							
GSA: STANISLAUS & TUOLUMNE RIVER	X	X	X		X							
IRRIGATION DISTRICT: OAKDALE	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
STAN COUNTY EMS	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X	X				X		X	X	
SCHOOL DISTRICT 1: OAKDALE JOINT UNIFI	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							
STAN CO PARKS & RECREATION	X	X	X		X							
STAN CO PUBLIC WORKS	X	X	X	X				X		X	X	
STAN CO SHERIFF	X	X	X		X							
STAN CO SUPERVISOR DIST 1: B. CONDIT	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS		X	X		X							
TELEPHONE COMPANY: AT&T	X	X	X		X							
USDA NRCS	X	X	X		X							
US ARMY CORPS OF ENGINEERS	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							