

STANISLAUS COUNTY PLANNING COMMISSION

March 7, 2024

STAFF REPORT

PARCEL MAP APPLICATION NO. PLN2023-0130 NORTHPOINTE MODESTO

REQUEST: TO SUBDIVIDE A 335± GROSS ACRE PARCEL INTO THREE PARCELS, 57.7±, 129.2±, AND 148.1± ACRES IN SIZE, IN THE GENERAL AGRICULTURE (A-2-40) ZONING DISTRICT.

APPLICATION INFORMATION

Applicant:	Jim Freitas, Associated Engineering, LLC
Property owner:	Northpointe Modesto 1, LLC (Costa Limited Partners, L.P. [Dan J. Costa], and John J. Johannson)
Agent:	Jim Freitas, Associated Engineering
Location:	774 McEwen Road and 10072 Pellerin Road, between Yosemite Boulevard and the Tuolumne River, in the Waterford area.
Section, Township, Range:	31-3-11 and 6-4-11
Supervisorial District:	One (Supervisor B. Condit)
Assessor's Parcel:	080-005-004, 019-001-001 and 019-002-001
Referrals:	See Exhibit F Environmental Review Referrals
Area of Parcel(s):	335± gross acres Proposed Parcel 1: 129.2± acres Proposed Parcel 2: 57.7± acres Proposed Parcel 3: 148.1± acres
Water Supply:	Private wells
Sewage Disposal:	Private septic systems
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.:	1996-4330
Environmental Review:	CEQA Guidelines Section 15183 (Consistency with a General Plan or Zoning Ordinance for which an EIR was certified) and CEQA Guidelines Section 15061 (Common Sense Exemption)
Present Land Use:	Almond orchard, irrigation pond, two dwellings, detached garage, calf breeding facility, wastewater pond, and vacant land.
Surrounding Land Use:	Orchards, row crops, and scattered single-family dwellings in all directions; Tuolumne River to the south; State Route 132 to the north; a nut sheller and storage facility to the northeast; and the City of Waterford to the east.

RECOMMENDATION

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

PROJECT DESCRIPTION

The project is a request to subdivide a 335± gross (331.2± net) acre parcel into three parcels, 57.7±, 129.2±, and 148.1± acres in size, in the General Agriculture (A-2-40) zoning district. Proposed Parcels 1 and 2 (129.2± and 57.7± acres) are enrolled in Williamson Act Contract No. 1996-4330 and will remain under contract after the parcel map is recorded. Proposed Parcel 3 (148.1± acres) is not enrolled in a Williamson Act Contract. All three proposed parcels will have access from County-maintained Mc Ewen and Pellerin Roads.

SITE DESCRIPTION

The project site is located at 774 McEwen Road and 10072 Pellerin Road, between Yosemite Boulevard and the Tuolumne River, in the Waterford area.

The project site is made up of three Assessor Parcel Numbers (APNs), (see Exhibit B-6 – APN Map). APN: 080-005-004 is 162 net acres in size and is improved with an almond orchard, irrigation pond, two dwellings, detached garage, calf breeding facility, and wastewater pond. APN: 019-001-001 is 22.3 net acres in size and is improved with an almond orchard. APNs: 080-005-004 and 019-001-001 are located on the north side of Pellerin Road. Approximately 15 acres located on the southwest corner of APN: 080-005-004 and the 10 western acres of APN: 019-001-001 are vacant and per the property owner, could be planted in almonds in the future. APN: 019-002-001, located on the south side of Pellerin Road, is 146.8 net acres in size and is improved with an almond orchard with approximately 5.1 acres of the southern portion of the site made up of riparian habitat abutting the Tuolumne River (see Exhibit B – *Maps*).

A 50-foot wide Modesto Irrigation District (MID) Lateral Waterford-12 (W-12) is located within proposed Parcel 1 with an MID irrigation pipeline, extending from the western edge of the Lateral W-12, running south through proposed Parcels 2 and 3 (see Exhibit B-8). Proposed Parcel 1 has an irrigation pond which is filled with water from the Lateral W-12. There are existing private irrigation pipelines, of varying sizes, that come off the existing Lateral W-12 facilities located throughout the project site and are used to serve neighboring lands. The existing orchard is irrigated with a micro sprinkler system which receives irrigation water from MID and the Tuolumne River. All three proposed parcels will continue to have independent rights to irrigate with MID water. Additionally, proposed Parcel 3 would continue to utilize water from the Tuolumne River for irrigation purposes. Proposed Parcel 2 is improved with a private on-site domestic and two agricultural wells.

The project site is surrounded by orchards, row crops, and scattered single-family dwellings in all directions. The Tuolumne River is located on the southern boundary of the site. State Route 132 is located to the north; a nut sheller and storage facility to the northeast; and the City of Waterford to the east.

ISSUES

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

California Government Code (CA GC) Section 66478.4 requires that no local agency shall approve a tentative map of any proposed subdivision to be fronted upon a public waterway, river, or stream which does not provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the river or stream bordering or lying within the proposed subdivision. Furthermore, CA GC Section 66478.5 requires that the local agency require reasonable public access along that portion of the bank of the river or stream bordering or lying within the proposed subdivision. Reasonable public access shall be determined by the local agency in which the proposed subdivision is to be located. In making the determination of what shall be reasonable access, the local agency shall consider all of the following: 1) That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel; 2) The size of the subdivision; 3) The type of riverbank and the various appropriate recreational, educational, and scientific uses, including, but not limited to, swimming, diving, boating, fishing, water skiing, scientific collection, and teaching; and 4) The likelihood of trespass on private property and reasonable means of avoiding these trespasses.

However, CA GC Section 66478.8, does not allow a local agency to disapprove a tentative map solely on the basis that the reasonable public access required is not provided through or across the subdivision itself, if the local agency makes a finding that the reasonable public access is otherwise available within a reasonable distance from the subdivision and identifies the location of the reasonable public access.

The applicant has indicated that public access would be unreasonable due to the site's topography and proximity to existing public access. Approximately 5.1 acres of the southern portion of proposed Parcel 3 is made up of riparian habitat abutting the Tuolumne River; however, this area includes a steep bluff which makes the river impassable to the public. The nearest public river access point is Fox Grove Recreation and Fishing Access, operated by the Stanislaus County Parks and Recreation Department, which is located at 1220 Geer Road, 1.7 miles west of the project site.

Based on site specific conditions related to the site's topography, size, and proximity to existing public access, staff believes that public river access would not be appropriate in this case. To meet the requirements of CA GC Section 66478.8, a finding has been added to Exhibit A – Findings and Actions Required for Approval, and a condition of approval, as required by CA CG Section 66478.8, has been added to require the finding to be added to the face of the map prior to recordation.

The only other issue identified with this project is the potential for the creation of setback encroachment associated with the proposed property line between Parcels 1 and 2. Section 21.20.020(K) of the General Agriculture (A-2) Zoning Ordinance requires that lagoons or ponds be located a minimum of 50 feet from any property line and 300 feet from any dwelling on an adjacent property. There are no dwellings on the neighboring property. However, a condition of approval has been incorporated into the project requiring that compliance with the 50 foot setback requirement for the wastewater pond located on Proposed Parcel 2 be verified prior to the recording of the parcel map.

No other issues were identified as part of the review of the project and standard conditions of approval have been applied.

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. The proposed parcels are consistent with the site’s General Agriculture (A-2-40) zoning designation, which requires a 40-acre minimum parcel size for the creation of new parcels.

Proposed Parcels 1 and 2 are currently enrolled in Williamson Act Contract No. 1996-4330. In accordance with both local and state Williamson Act provisions, lands are presumed to be too small to sustain their agricultural use if the lands are less than 40 acres in size in the case of non-prime agricultural land, 10 acres in the size in the case of prime agricultural land; or the subdivision will result in residential development not incidental to the commercial agricultural use of the land. In this case all proposed parcels are above 40 acres in size.

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

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

Production agriculture is defined as agriculture for the purpose of producing any and all plant and animal commodities for commercial purposes. In this case, all proposed parcels would meet the 90% production agricultural use and will continue to have independent access to surface irrigation water from Modesto Irrigation District. Therefore, the “no-build” restriction on the construction of any additional residential development would not be applicable. Proposed Parcel 2 is already improved with two single family dwellings and proposed Parcels 1 and 3 are not improved with any dwellings. Under the Zoning Ordinance for the A-2 zoning district, each proposed parcel may have a maximum of two dwelling units and one junior accessory dwelling unit (JADU). The second dwelling unit may be either a single-family dwelling or an accessory dwelling unit (ADU). The project was referred to the Department of Conservation for review regarding the Williamson Act; however, no response was received.

Staff's evaluation of the proposed project found the design of the parcel map to be in conformance with the Stanislaus County General Plan.

ZONING AND SUBDIVISION ORDINANCE CONSISTENCY

The site is currently zoned General Agriculture (A-2-40), 40-acre minimum, which requires a minimum lot size of 40 gross acres for the creation of new parcels pursuant to Section 21.20.060 of the Stanislaus County Zoning Ordinance. Each proposed parcel will meet the minimum size requirement for the A-2-40 zoning district. As mentioned in the *General Plan Consistency* section of this report, zoning regulations will allow up to two dwelling units and one junior accessory dwelling unit (JADU) on each of the proposed parcels. The second dwelling unit may be either a single-family dwelling or an accessory dwelling unit (ADU). All residential development shall be served by an individual private well and septic system.

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

The proposed parcels meet the Subdivision Ordinance's access and design criteria required for the creation of new parcels. Staff also finds the proposed parcel map to be in conformance with the Stanislaus County Zoning Ordinance.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (Section 21000, et seq. of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary "projects." A project under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The proposed project is a project under CEQA.

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

A project specific CEQA Guidelines Section 15183 Consistency Checklist has been prepared for this parcel map request to determine if the project, and any resulting development, is consistent with Stanislaus County's 2016 General Plan Update (GPU) EIR (see Exhibit D – *CEQA Guidelines Section 15183 Consistency Checklist*). The GPU incorporated all feasible mitigation measures identified in the EIR in the form of goals, objectives, policies, action items and programs. All

applicable policies and implementation measures identified in the GPU EIR have been applied to this request as conditions of approval or will be applied to any resulting development as part of standard development processes. As reflected in the Consistency Checklist, any resulting development associated with the proposed parcel split will be consistent with the density and intensity established by the A-2 zoning district. Therefore, because any development resulting from the proposed parcel split is subject to the uses allowed in the A-2 zoning district, there are no effects peculiar to the project or project site or substantial new information that would result in new or more severe adverse impacts than discussed in the EIR certified on August 23, 2016 for the Stanislaus County 2016 General Plan Update. Therefore, no further analysis is required.

Fish and Wildlife Fees for the EIR were paid on August 29, 2016 and no further fees are required. A Notice of Exemption has also been prepared for the project, which declares that the project is exempt from CEQA based on CEQA Guidelines Section 15061 (Common Sense Exemption).

As part of the environmental review process, the proposed project was circulated to interested parties and responsible agencies for review and comment and no significant issues were raised (see Exhibit F – *Environmental Review Referrals*). Conditions of approval reflecting referral responses have been placed on the project (see Exhibit C - *Conditions of Approval*).

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

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval
- Exhibit D - CEQA Guidelines Section 15183 Consistency Checklist
- Exhibit E - Notice of Exemption
- Exhibit F - Environmental Review Referrals
- Exhibit G - Campaign Contribution (Levine Act) Disclosure Form(s)

Findings and Actions Required for Project Approval

1. Find that:
 - a. No further analysis under California Environmental Quality Act (CEQA) is required pursuant to CEQA Guidelines Section 15183 (Consistency with a General Plan, Community Plan or Zoning Ordinance for which an Environmental Impact Report (EIR) was prepared), on the basis of the whole record, including any comments received in response to the environmental review referral.
 - b. The project is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified.
 - c. There are no project-specific effects which are peculiar to the project or its site, and which the 2016 Stanislaus County General Plan Update (GPU) EIR failed to analyze as significant effects.
 - d. There are no potentially significant off-site and/or cumulative impacts which the GPU EIR failed to evaluate.
 - e. There is no substantial new information which results in more severe impacts than anticipated by the GPU EIR.
 - f. The project will undertake feasible mitigation measures specified in the GPU EIR.
 - g. The project is exempt as per CEQA Guidelines Section 15061, Common Sense Exemption.
2. Order the filing of a Notice of Exemption with the Stanislaus County Clerk-Recorder's Office pursuant to CEQA Guidelines Section 15061.
3. Find that:
 - a. The proposed parcel map is consistent with applicable general and specific plans as specified in Section 65451 of California Code, Government Code.
 - b. The design or improvement of the proposed parcel map is consistent with applicable general and specific plans.
 - c. The site is physically suitable for the type of development.
 - d. The site is physically suitable for the proposed density of development.
 - e. The designs of the parcel map or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat.








- f. The design of the parcel map or type of improvements is not likely to cause serious public health problems.
 - g. The design of the parcel map or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
 - h. The proposed parcel map is consistent with the restrictions and conditions of the existing Williamson Act contract.
 - i. The proposed parcels are of a size suitable to sustain agricultural uses.
 - j. The proposed parcel map will not result in residential development not incidental to the commercial agriculture use of the land.
 - k. That the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
 - l. In accordance with the California Government Code Sections 66478.4, 66478.5 and 66478.8, reasonable public access across the project site to and along the banks of the Stanislaus River is not feasible due to the size and topography of the project site and reasonable public access to the river is otherwise available near the project site boundaries.
4. Approve Parcel Map Application No. PLN2023-0130 – Northpointe Modesto.

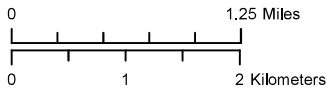
NORTHPOINTE MODESTO

PM PLN2023-0130

AREA MAP

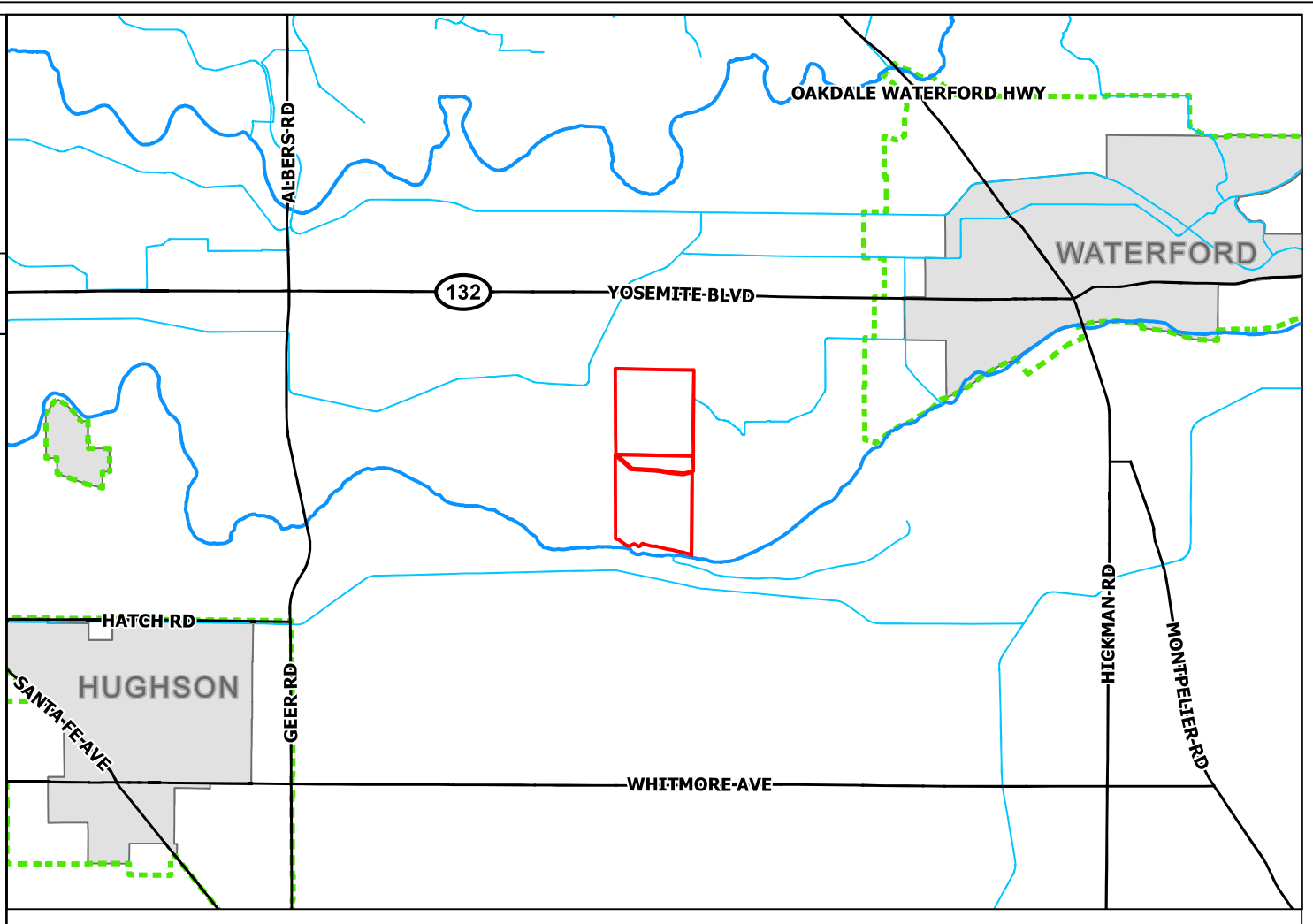
LEGEND

-  Project Site
-  County Boundary
-  Sphere of Influence
-  City
-  Road
-  Canal
-  Rivers



Source: Planning Department GIS

Date Exported: 11/1/2023



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EXHIBIT B

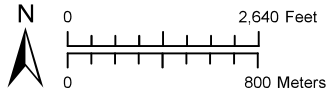
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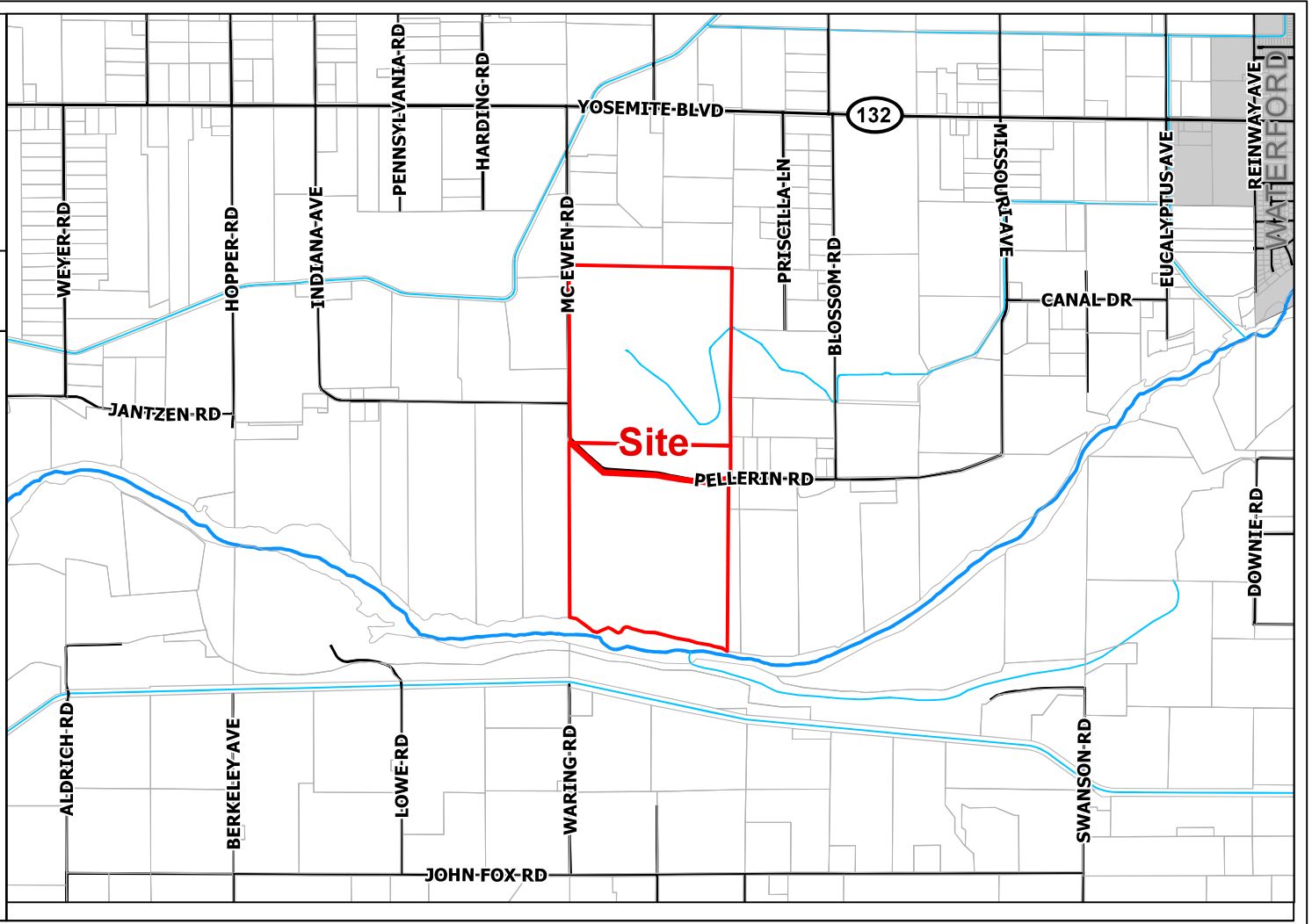
GENERAL PLAN MAP

LEGEND

- Parcel
- Road
- Canal
- Rivers
- General Plan**
 - Agriculture
 - City
 - Project Site**



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









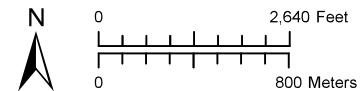
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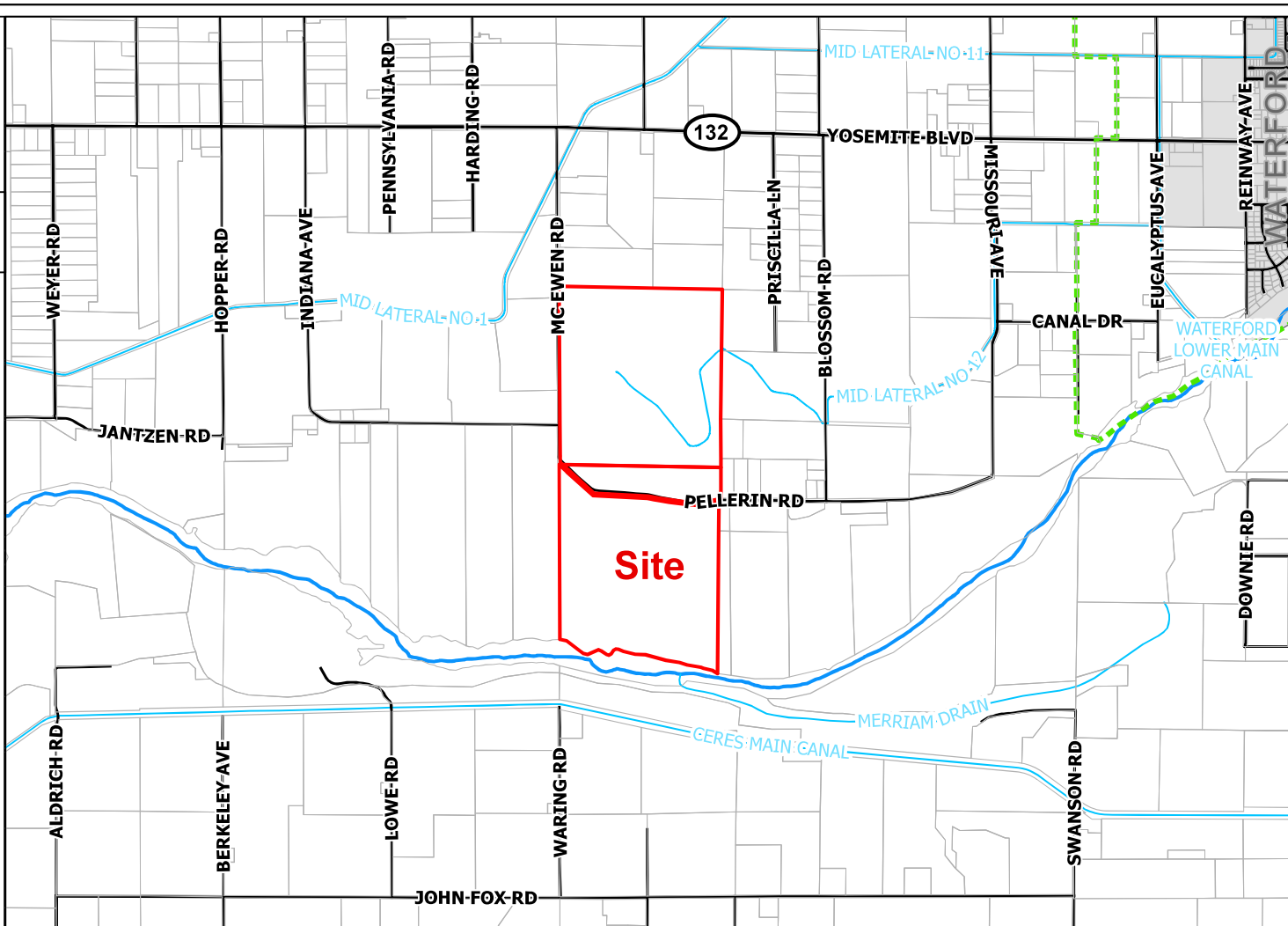
COMMUNITY PLAN MAP

LEGEND

-  Project Site
-  Parcel
-  Sphere of Influence
-  Road
-  Canal
-  Rivers



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












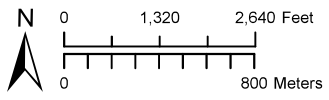
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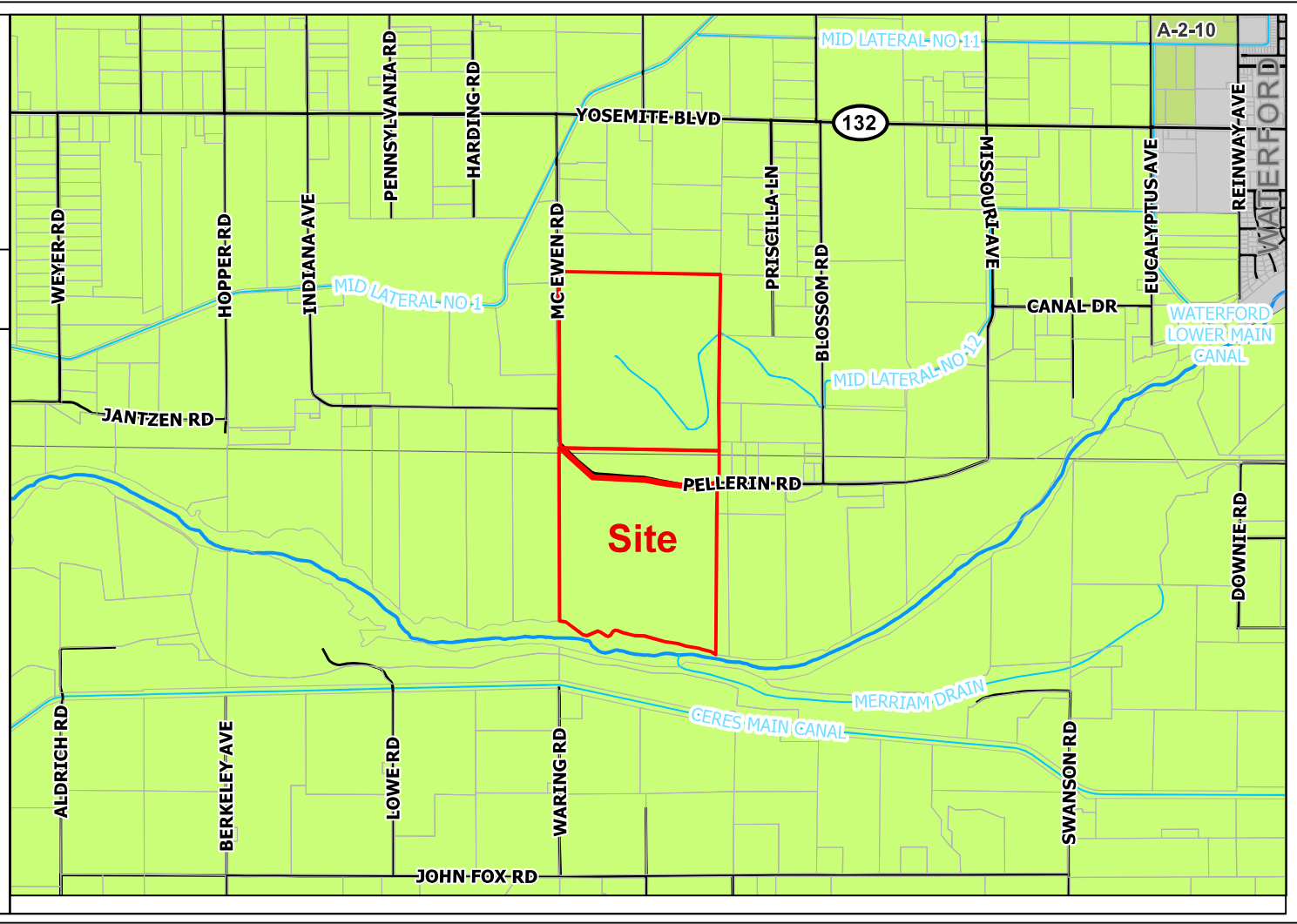
ZONING MAP

LEGEND

-  County Boundary
-  Project Site
-  Parcel
-  Road
-  Canal
-  Rivers
- Zoning Designation**
-  City
-  General AG 10 Acre
-  General AG 40 Acre



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









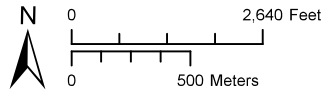
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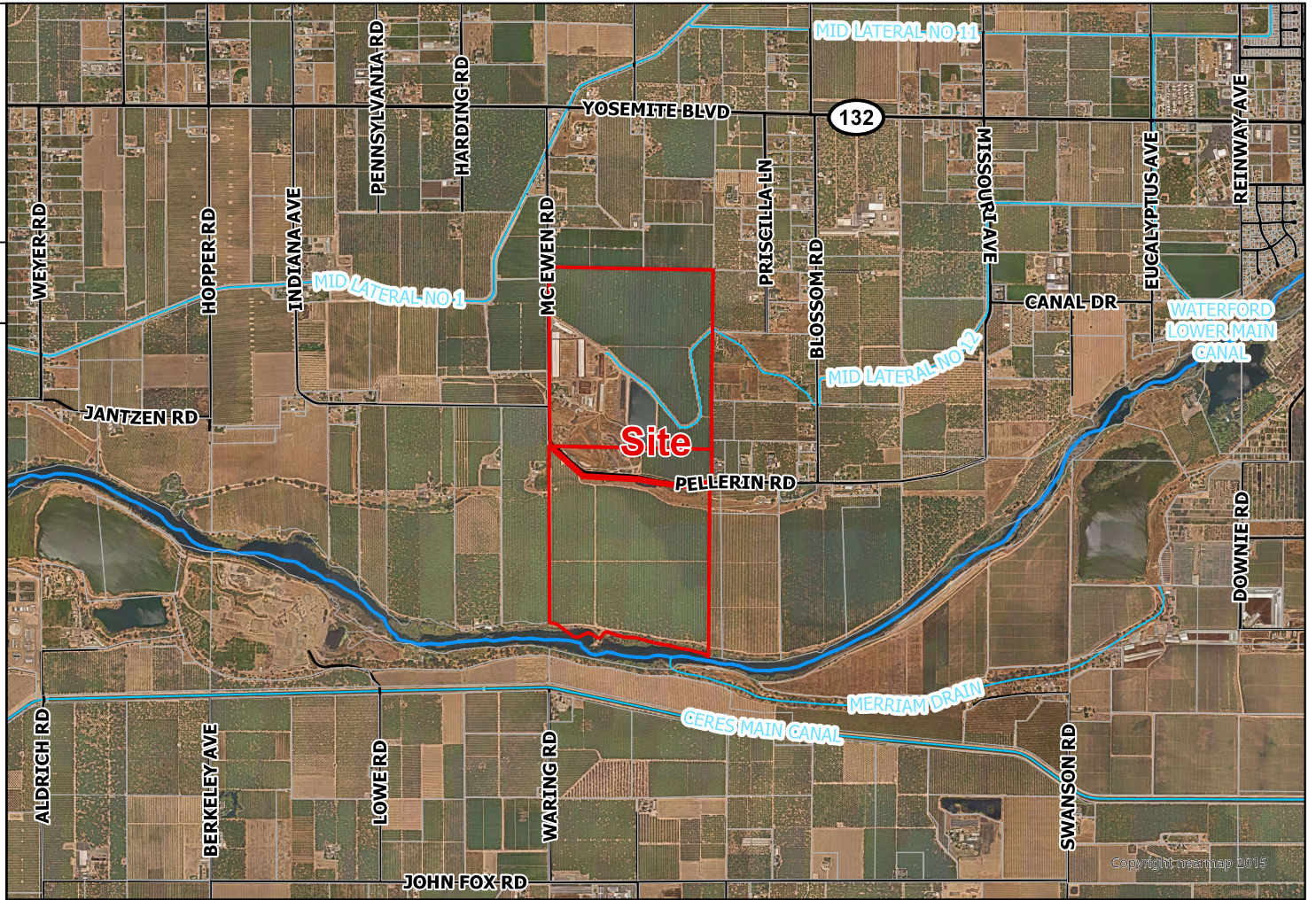
AERIAL AREA MAP

LEGEND

-  County Boundary
-  Project Site
-  Parcel
-  Road
-  Canal
-  Rivers



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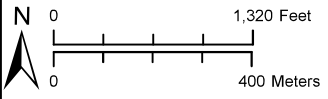
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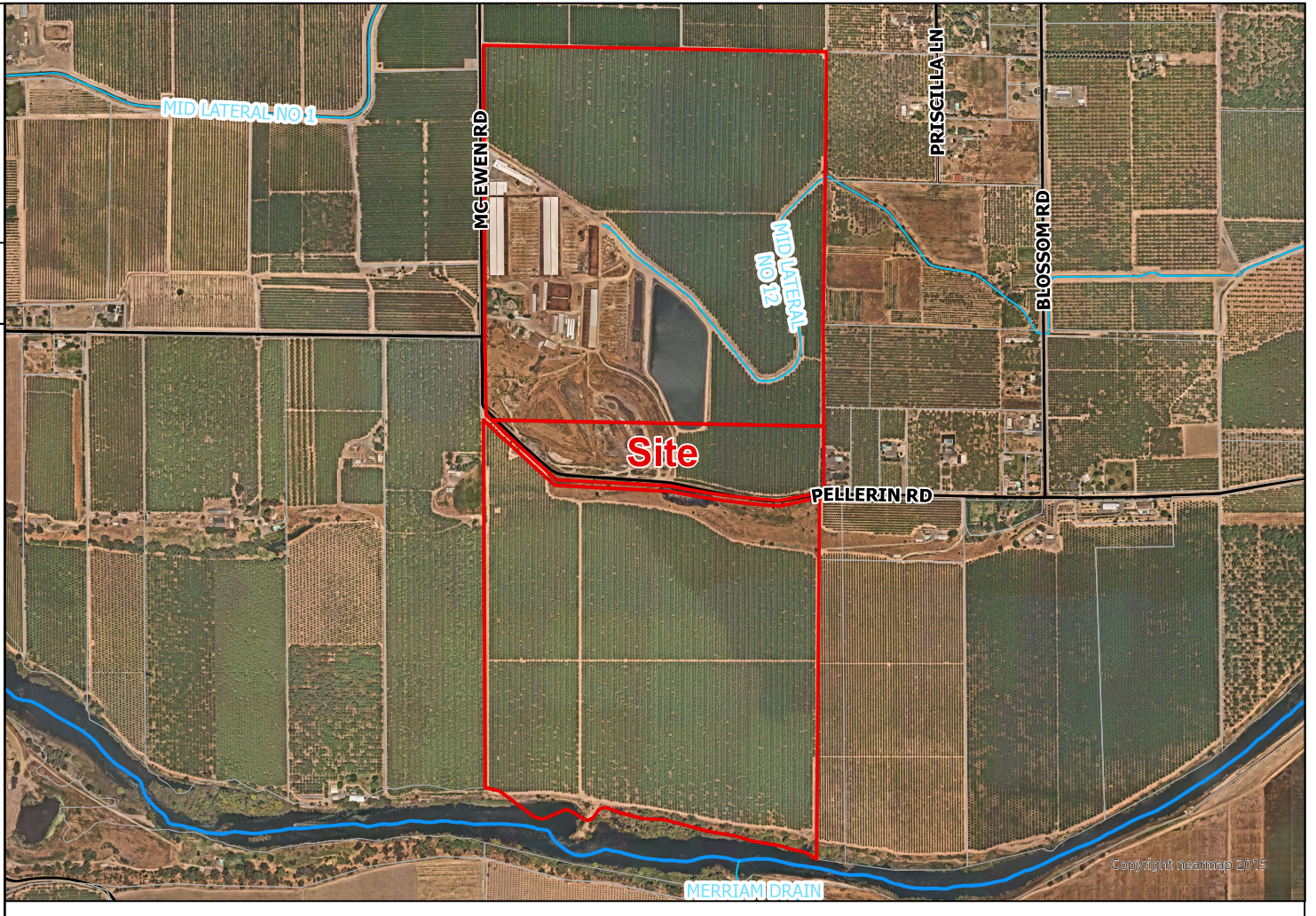
AERIAL SITE MAP

LEGEND

-  County Boundary
-  Project Site
-  Parcel
-  Road
-  Canal
-  Rivers



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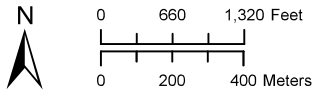
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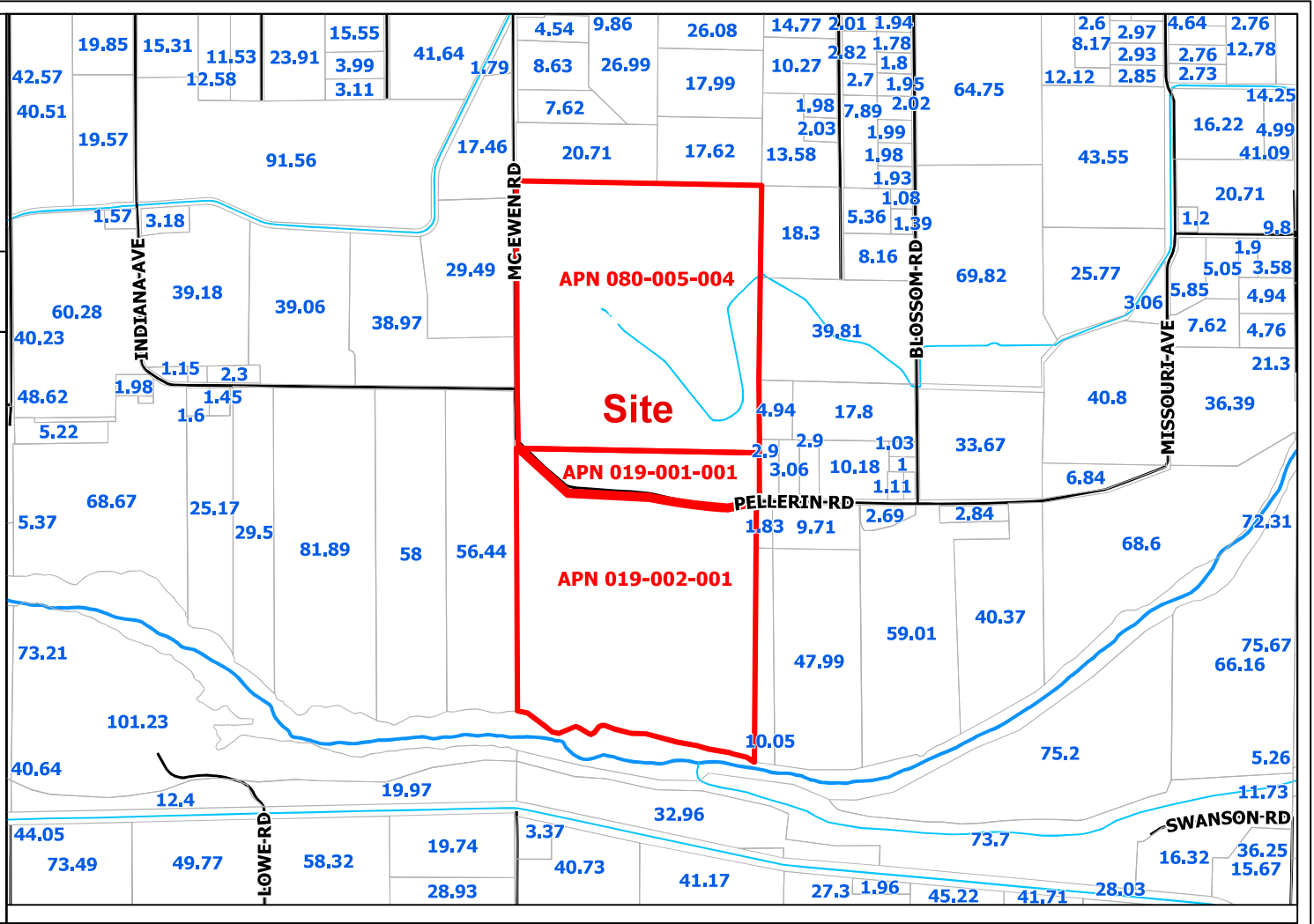
APN MAP

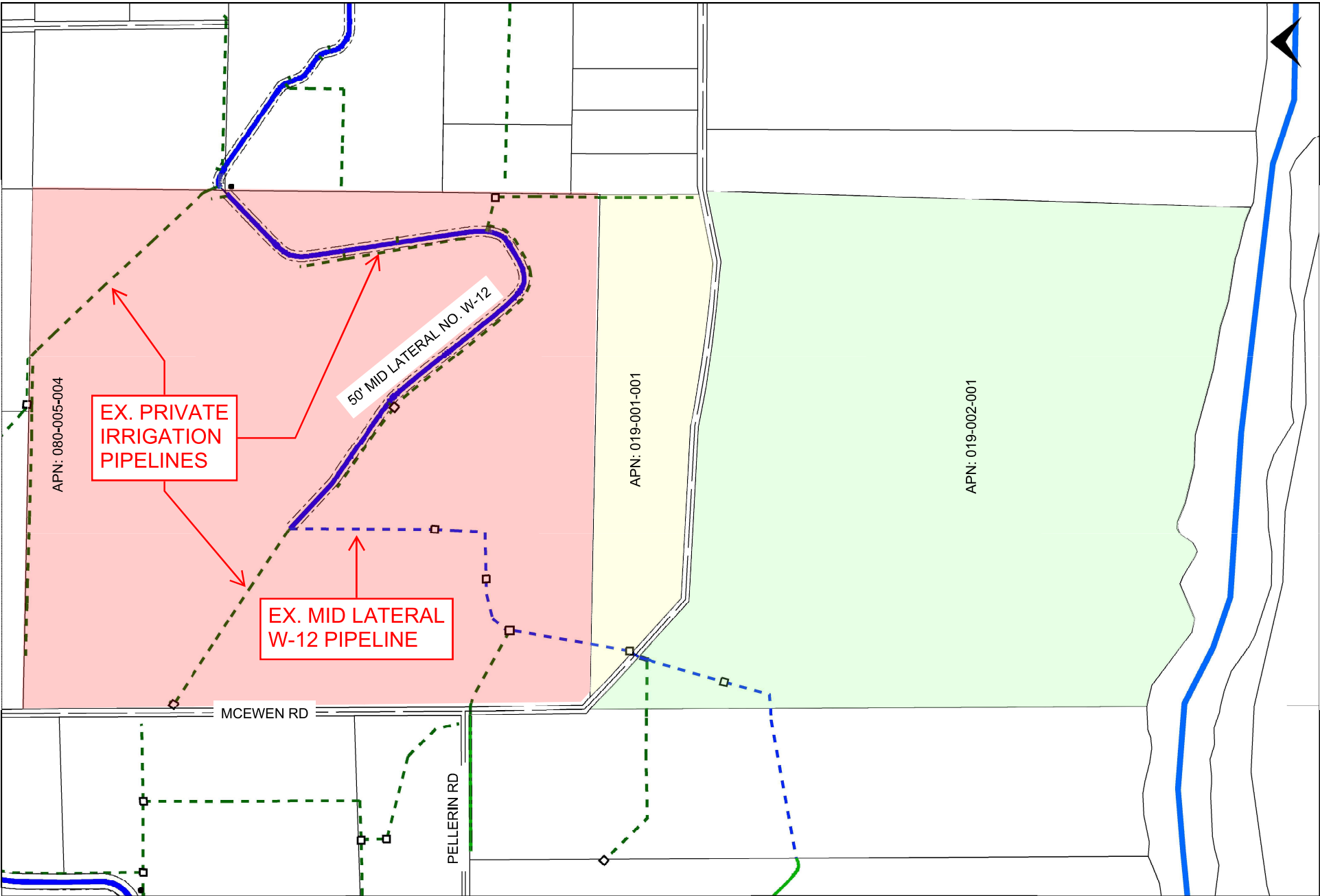
Legend

-  County Boundary
-  Project Site
-  # Parcel/Acres
-  Road
-  Rivers
-  Canal

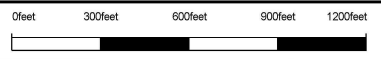


Source: Planning Department GIS Date Exported: 11/1/2023





LEGEND	
	MID LATERAL
	MID PIPELINE
	PRIVATE PIPELINE
	PROJECT AREA



Irrigation Operations
Project Site Map

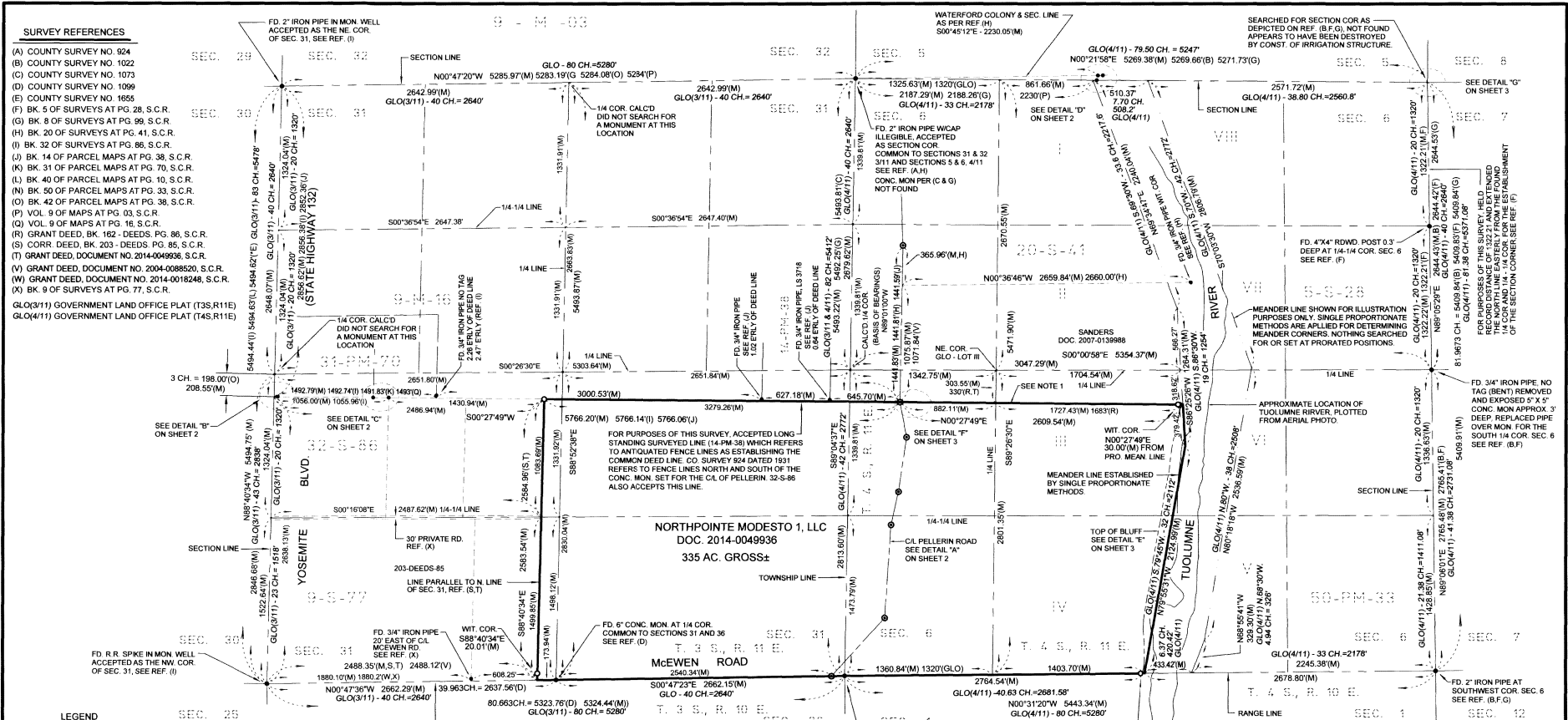
This GIS map was created by the Modesto Irrigation District's Geographic Information System and is not intended to replace a site survey. An independent verification of all data contained hereon should be obtained. The GIS data or cartographic digital files contained herein are not a legal representation of any of the features that they depict. The Modesto Irrigation District does not warrant the accuracy or completeness of its GIS map products and therefore disclaims all liability for their fitness of use. No decision involving a risk of economic loss or physical injury should be made in reliance thereon.

DATE: 12/18/2023	DWG BY: gerardo723
W.O. NO:	APP. BY:
PROJECT:	APP. BY:
TAG NO:	PAGE: 1 OF 1

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EXHIBIT B-9



SURVEY REFERENCES

- (A) COUNTY SURVEY NO. 924
- (B) COUNTY SURVEY NO. 1022
- (C) COUNTY SURVEY NO. 1073
- (D) COUNTY SURVEY NO. 1099
- (E) COUNTY SURVEY NO. 1655
- (F) BK. 5 OF SURVEYS AT PG. 28, S.C.R.
- (G) BK. 8 OF SURVEYS AT PG. 29, S.C.R.
- (H) BK. 20 OF SURVEYS AT PG. 41, S.C.R.
- (I) BK. 32 OF SURVEYS AT PG. 86, S.C.R.
- (J) BK. 14 OF PARCEL MAPS AT PG. 38, S.C.R.
- (K) BK. 31 OF PARCEL MAPS AT PG. 70, S.C.R.
- (L) BK. 40 OF PARCEL MAPS AT PG. 10, S.C.R.
- (M) BK. 50 OF PARCEL MAPS AT PG. 33, S.C.R.
- (N) BK. 42 OF PARCEL MAPS AT PG. 38, S.C.R.
- (O) VOL. 9 OF MAPS AT PG. 03, S.C.R.
- (P) VOL. 9 OF MAPS AT PG. 16, S.C.R.
- (Q) GRANT DEED, BK. 162 - DEEDS, PG. 86, S.C.R.
- (R) CORR. DEED, BK. 203 - DEEDS, PG. 85, S.C.R.
- (S) GRANT DEED, DOCUMENT NO. 2014-0049936, S.C.R.
- (T) GRANT DEED, DOCUMENT NO. 2004-0088520, S.C.R.
- (U) GRANT DEED, DOCUMENT NO. 2014-0018248, S.C.R.
- (V) BK. 9 OF SURVEYS AT PG. 77, S.C.R.

GLO(3/11) GOVERNMENT LAND OFFICE PLAT (T3S,R11E)
 GLO(4/11) GOVERNMENT LAND OFFICE PLAT (T4S,R11E)

LEGEND

- INDICATES FOUND MONUMENT AS NOTED
- INDICATES FOUND 6" CONC. MONUMENT AS PER REF. (A)
- INDICATES SET 3/4" IRON PIPE W/TAG L.S. 7126 UNLESS OTHERWISE NOTED
- (M) INDICATES MEASURED GROUND DISTANCE ON THIS SURVEY
- (*) INDICATES CALCULATED DISTANCE FROM INDICATED REFERENCES
- GLO INDICATES GOVERNMENT LAND OFFICE
- REF. INDICATES SURVEY REFERENCE
- S.C.R. INDICATES STANISLAUS COUNTY RECORDS
- S.F.N. INDICATES SEARCHED, FOUND NOTHING

STATEMENT OF PURPOSE

THE PURPOSE OF THIS SURVEY IS TO ESTABLISH AND/OR MARK THE DEED LINE THAT CERTAIN PARCEL OF LAND CONVEYED TO NORTHPOINTE MODESTO 1, LLC BY GRANT DEED FILED AS DOC. NO. 2014-0049936.

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT AT THE REQUEST OF BRAD ARDIS IN JANUARY, 2015.

DATED THIS 12th DAY OF MAY, 2015.

Dave Skidmore
 DAVE SKIDMORE, L.S. 7126



BASIS OF BEARINGS

THE BEARING OF NORTH 89°01'00" WEST FOR THE CENTER LINE OF PELLERIN ROAD AS SHOWN IN BOOK 14 OF PARCEL MAPS AT PAGE 38, S.C.R. WAS USED AS THE BASIS FOR ALL BEARINGS SHOWN HEREON.

RECORDER'S STATEMENT

FILED THIS 22nd DAY OF MAY, 2015 AT 2:04:33 P.M.
 IN BOOK 34 OF SURVEYS AT PAGE 56, STANISLAUS COUNTY RECORDS,
 AT THE REQUEST OF ASSOCIATED ENGINEERING GROUP, INC.
 FEE PAID \$18-
 INSTRUMENT NO. 2015-39041
 LEE LUNDRIGAN, CLERK RECORDER
 BY: *Debra Schum* DEPUTY
Jennie Schum
 PRINT NAME

RECORD OF SURVEY

BEING A PORTION OF SECTION 31, T.3 S., R. 11 E.
 AND SECTION 6, T. 4 S., R. 11 E., M.D.M.
 COUNTY OF STANISLAUS, STATE OF CALIFORNIA



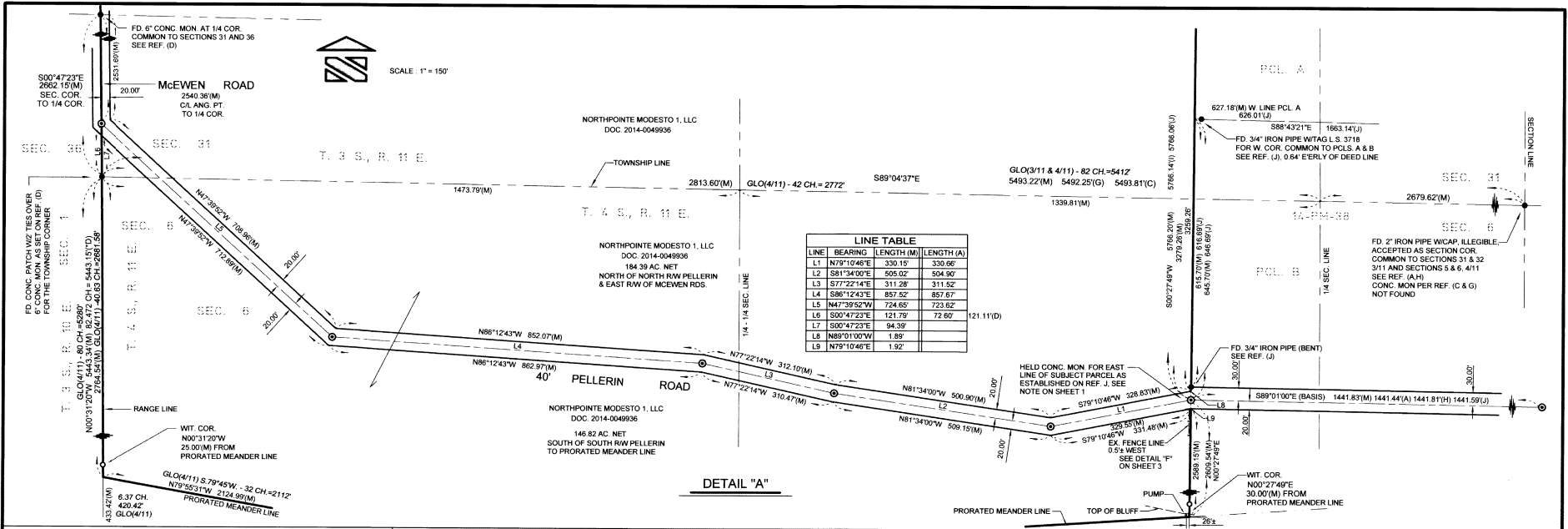
4205 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
 PHONE: (209) 545-1390 FAX: (209) 545-3875 www.aesgroup.com

ASSOCIATED ENGINEERING GROUP, INC. JOB NO. 1008-14

SHEET 1 OF 3

34 S 56

34 S 56

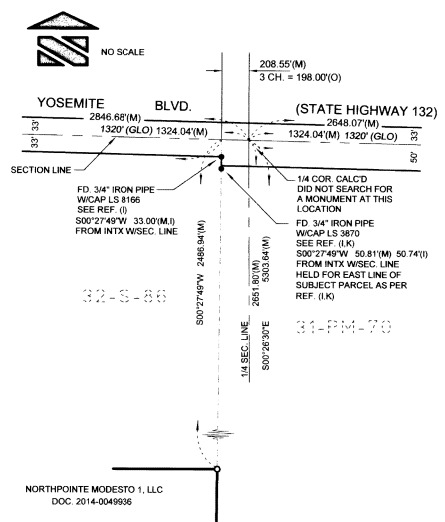


LINE TABLE

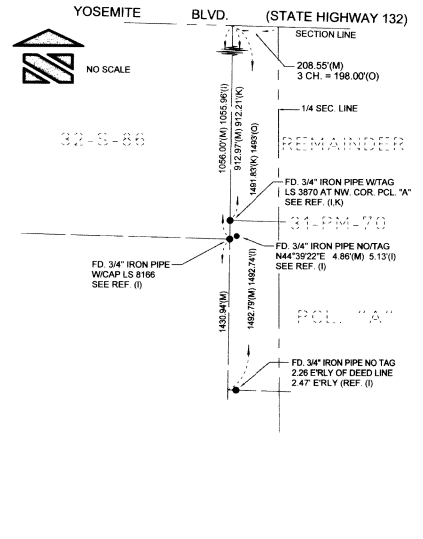
LINE	BEARING	LENGTH (M)	LENGTH (A)
L1	N79°10'46"E	330.15'	330.66'
L2	S81°34'00"E	505.02'	504.90'
L3	S77°22'14"E	311.28'	311.52'
L4	S85°12'43"E	857.52'	857.67'
L5	N47°39'52"W	724.65'	723.92'
L6	S00°47'23"E	121.79'	72.60'
L7	S00°47'23"E	94.39'	
L8	N89°01'00"W	1.89'	
L9	N79°10'46"E	1.92'	

DETAIL "A"

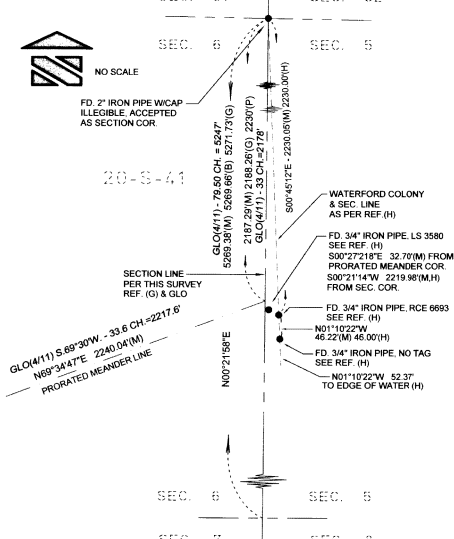
DETAIL "B"



DETAIL "C"



DETAIL "D"



RECORD OF SURVEY

BEING A PORTION OF SECTION 31, T.3 S., R. 11 E. AND SECTION 6, T. 4 S., R.11 E., M.D.M. COUNTY OF STANISLAUS, STATE OF CALIFORNIA



ASSOCIATED ENGINEERING GROUP

4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95336
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ASSOCIATED ENGINEERING GROUP, INC. JOB NO. 1008-14

SHEET 2 OF 3

34 S 56

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EXHIBIT B-10

CONDITIONS OF APPROVAL

PARCEL MAP APPLICATION NO. PLN2023-0130 NORTHPOINTE MODESTO

Department of Public Works

1. The recorded parcel map shall be prepared by a licensed land surveyor, or a registered civil engineer, licensed to practice land surveying in California.
2. All structures not shown on the tentative parcel map shall be removed prior to the parcel map being recorded.
3. All structures not shown on the parcel map that are on lot lines shall be removed prior to the parcel map being recorded.
4. Prior to the recording of the parcel map, the new parcels shall be surveyed and fully monumented.
5. An encroachment permit is required to be issued prior to the issuance of any building permit. The encroachment permit will be for driveway approaches at all points of ingress and egress on the project site and any other work done within the County right of way. Driveway Approaches shall be installed per Stanislaus County Public Works Standards and Specifications Plate 3-F5, Rural Driveway Approach.
6. McEwen Road is classified as a 60-foot Local Rural road, the required ½ width of McEwen Road is 30 feet east of the centerline of the roadway. The existing right-of-way is 20 feet east of the centerline. The remaining 10 feet east of the centerline shall be dedicated as an Irrevocable Offer of Dedication. Stanislaus County Public Works reserves the right to accept the offer at a later date.
7. Pellerin Road is classified as a 60-foot Local Rural road. The existing right-of-way is 40 feet. The remaining 10 feet north of the centerline and 10 feet south of the centerline shall be dedicated as an Irrevocable Offer of Dedication. Stanislaus County Public Works reserves the right to accept the offer at a later date.

Department of Planning and Community Development

8. The Department of Planning and Community Development shall file a Notice of Exemption and record a Notice of Administrative Conditions and Restrictions (NOAC&R) with the County Clerk-Recorder's Office within 30 days of project approval. The NOAC&R includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map. Prior to filing, within five days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$57.00**, made payable to **Stanislaus County**, for the payment of Clerk-Recorder filing fee.
9. 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.

10. 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.”

11. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.
12. 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.
13. All proposed/existing access, irrigation, and utility easements shall be shown on the recorded parcel map. In addition to be being shown on the map, easements may also be recorded by separate instrument.
14. Prior to recording of the parcel map, compliance with the 50-foot setback requirement for the wastewater pond located on Proposed Parcel 2 shall be verified.
15. 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.
16. 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.
17. The Planning Commission finding made in accordance with Government Code Section 66478.8 regarding access to the banks of the Stanislaus River, shall be set forth on the face of the recorded parcel map.

Department of Environmental Resources

18. The existing on-site wastewater treatment system (OWTS), serving the single-family dwelling, shall be contained within the boundaries of proposed Parcel 2.
19. The applicant shall secure all necessary permits for any future destruction/relocation of any on-site water wells and water distribution lines, and/or the on-site wastewater treatment system (OWTS) at the project site under the direction of the Stanislaus County Department of Environmental Resources (DER).
20. Any new building requiring an on-site wastewater treatment system (OWTS) shall be designed according to type and/or maximum occupancy of the proposed structure to the estimated waste/sewage design flow rate.
21. All applicable County Local Agency Management Program (LAMP) standards and required setbacks shall be met prior to issuance of a permit for any future development.

Modesto Irrigation District (MID)

22. Prior to approval and acceptance of the final parcel map by Stanislaus County, a 50-foot right-of-way for Lateral W-12 located within the proposed Parcel 1 shall be dedicated to MID and shown on the final map.
23. Prior to approval and acceptance of the final parcel map by Stanislaus County, an easement a minimum of 30 feet in width, centered on the W-12 pipeline that runs south through proposed Parcels 2 and 3, shall be dedicated to MID and shown on the final map.
24. Irrigation to the neighboring landowners via the private irrigation facilities within the subject parcels must be maintained. If it is determined that the existing privately-owned infrastructure will be affected by the proposed project, MID recommends consulting with downstream landowners to ensure their rights to water are maintained and discuss potential improvement plans for review and approval.
25. Prior to approval and acceptance of the final parcel map by Stanislaus County, all privately-owned irrigation pipelines and facilities shall be protected by an irrigation easement dedicated by separate instrument to the downstream landowner(s) that are served by the existing private infrastructure.
26. The size and location of the existing irrigation facilities must be located and verified in the field and shown on the proposed map.

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 will be in bold font and deleted wording will be in strikethrough text.



CEQA Guidelines §15183 Consistency Checklist

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

- 1. **Project title:** Parcel Map Application No. PLN2023-0130 – NorthPointe Modesto
- 2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
- 3. **Contact person and phone number:** Emily DeAnda, Associate Planner, (209) 525-6330
- 4. **Project location:** 744 McEwen Road and 10072 Pellerin Road, between Yosemite Boulevard and the Tuolumne River, in the Waterford area (APNs: 080-005-004, 019-001-001, and 019-002-001).
- 5. **Project sponsor’s name and address:** NorthPointe Modesto 1, LLC. 1 Sunfish Lane, Sunfish Lake, MN 55118
- 6. **Williamson Act Contract:** 1996-4330
- 6. **General Plan designation:** Agriculture
- 7. **Zoning:** General Agriculture (A-2-40)
- 8. **Description of project:**

The project is a request to subdivide a 335± gross (331.2± net) acre parcel into three parcels, 57.7±, 129.2±, and 148.1± acres in size, in the General Agriculture (A-2-40) zoning district. Proposed Parcels 1 and 2 (129.2± and 57.7± acres) are enrolled in Williamson Act Contract No. 1996-4330 and will remain under contract after the parcel map is recorded. Proposed Parcel 3 (148.1± acres) is not enrolled in a Williamson Act Contract. All three proposed parcels will have access from County-maintained Mc Ewen and Pellerin Roads.

The project site is made up of three Assessor Parcel Numbers (APNs). APN: 080-005-004 is 162 net acres in size and is improved with an almond orchard, irrigation pond, two dwellings, detached garage, calf breeding facility, and wastewater pond. APN: 019-001-001 is 22.3 net acres in size and is improved with an almond orchard. APNs: 080-005-004 and 019-001-001 are located on the north side of Pellerin Road. Approximately 15 acres located on the southwest corner of APN: 080-005-004 and the 10 western acres of APN: 019-001-001 are vacant and per the property owner, could be planted in almonds in the future. APN: 019-002-001, located on the south side of Pellerin Road, is 146.8 net acres in size and is improved with an almond orchard with approximately 5.1 acres of the southern portion of the site made up of riparian habitat abutting the Tuolumne River.

A 50-foot wide Modesto Irrigation District (MID) Lateral Waterford-12 (W-12) is located within proposed Parcel 1 with an MID irrigation pipeline, extending from the western edge of the Lateral W-12, running south through proposed Parcels 2 and 3. Proposed Parcel 1 has an irrigation pond which is filled with water from the Lateral W-12. There are existing private irrigation pipelines, of varying sizes, that come off the existing Lateral W-12 facilities located throughout the project site and are used to serve neighboring lands. The existing orchard is irrigated with a micro sprinkler system which receives irrigation water from MID and the Tuolumne River. All three proposed parcels will continue to have independent rights to irrigate with MID water. Additionally, proposed Parcel 3 would continue to utilize water from the Tuolumne River for irrigation purposes. Proposed Parcel 2 is improved with a private on-site domestic and two agricultural wells.

-
- 9. **Surrounding land uses and setting:** Orchards, row crops, and scattered single-family dwellings in all directions; Tuolumne River to the south; and State Route 132 to the north.
 - 10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Department of Public Works
Stanislaus County Department of Environmental Resources
 - 11. **Attachments:** Appendix A – 2016 General Plan Update EIR
Summary of Impacts and Mitigation Measures

[Space below intentionally left blank.]

CEQA Guidelines §15183 Consistency Checklist

Findings

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

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

Overview

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

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

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

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

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project would result in a project specific significant impact (peculiar off-site or cumulative) that was not identified in the GPU EIR.
- I find that the proposed project could result in a significant effect which either requires mitigation to be reduced to a less than significant level or which has a significant unmitigated impact.
- I find that the proposed project includes new information which leads to a determination that a project impact is more severe than what had been anticipated by the GPU EIR.
- I find that all potentially significant effects have been analyzed adequately in the GPU EIR and that with the application of uniformly applied development policies and/or standards, no further environmental review is required.

Emily DeAnda
Prepared by _____

February 16, 2024
Date _____

ISSUES

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

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

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

No construction is proposed at this time. However, under the Zoning Ordinance for the A-2 zoning district, each proposed parcel may have a maximum of two dwelling units and one junior accessory dwelling unit (JADU). The second dwelling unit may be either a single-family dwelling or an accessory dwelling unit (ADU). Any further development resulting from this project will be consistent with existing uses in the surrounding area permitted in the A-2 (General Agriculture) zoning district. Accordingly, no adverse impacts to the existing visual character of the site or its surroundings are anticipated. Consistent with the findings of the GPU EIR, the potential impacts associated with Aesthetics are considered to be less than significant. If approved, all proposed parcels will maintain consistency with the density and intensity allowed with the “Agricultural” designation of the General Plan as well as the uses permitted in the A-2 (General Agricultural) zoning district. Accordingly, the potential impacts to Aesthetics are considered to be consistent with those considered in the GPU EIR.

Mitigation: None.

References: Application Materials; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation.¹

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

Discussion: The GPU EIR determined that impacts to Agriculture and Forest Resources resulting from implementation of the General Plan are less than significant. All proposed parcels will be planted in almond trees.

The majority of the project site is classified as “Prime Farmland” (proposed Parcels 1 and 3) by the California Department of Conservation’s Farmland Mapping and Monitoring Program and has portions of the parcel that are classified as “Confined Animal Agriculture” (proposed Parcel 2 with the calf breeding facility), “Unique Farmland”, and “Grazing Land” (proposed Parcel 3). The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that property is primarily comprised of Grade 1 Hanford sandy loam, 0 to 3 percent slopes (HdA) (California Revised Storie Index Rating: 93); and Grade 4 Grangeville very fine sandy loam, 0 to 1 percent slopes (GmA) (California Revised Storie Index Rating: 30). The project site also contains the following soils: Grade 2 Tujunga loamy sand, 0 to 3 percent slopes (TuA) (California Revised Storie Index Rating: 67); Grade 1 Hanford fine sandy loam, 0 to 3 percent slopes (HdA) (California Revised Storie Index Rating: 98); Grade 3 Greenfield sandy loam, deep over hardpan, 0 to 3 percent slopes (GvA) (California Revised Storie Index Rating: 47); Grade 1 Dinuba sandy loam, 0 to 1 percent slopes (DrA) (California Revised Storie Index Rating: 86); Grade 1 Hanford fine sandy loam, moderately deep over silt, 0 to 1 percent slopes (HbpA) (California Revised Storie Index Rating: 81); and Grade 1 Hanford sandy loam, deep over silt, 0 to 1 percent slopes (HdsA) (California Revised Storie Index Rating: 95). The California Revised Storie Index is a rating system based on soil properties that dictate the potential for soils to be used for irrigated agricultural production in California. This rating system grades soils with an index rating of 21-40 as poor soil to be used for irrigated agriculture, an index rating of 41 to 60

as fair, an index rating of 61 to 80 as good soil, and an index rating of 81 to 100 as excellent. Grade 1 soils are deemed prime farmland by Stanislaus County's Uniform Rules; these soils comprise approximately 180.3± acres of the project site (covering the majority of proposed Parcels 1 and 2, and the southern and northern most portions of proposed Parcel 3). Grade 2-4 soils are deemed non-prime farmland by Stanislaus County Uniform Rules; these comprise approximately 154.7± acres of the project site (covering the majority of proposed Parcel 3 and the northeast portion of proposed Parcel 1).

Land that is planted in fruit or nut bearing trees is also considered prime farmland by Stanislaus County's Uniform Rules. Stanislaus County recognizes a minimum parcel size of (10) ten gross acres for prime agricultural land and (40) forty gross acres of non-prime agricultural land as suitable for enrollment of land into a Williamson Act Contract. Proposed Parcels 1 and 2 are currently enrolled under Williamson Act Contract No. 96-4330 and if approved, would remain under contract. All of the proposed parcels will be 40 gross acres in size and proposed Parcel 1 will continue to meet the criteria as Prime Farmland if the division of land is approved as the proposed parcels are planted in nut bearing trees and with a calf breeding facility. During project review, this application was referred to the Department of Conservation (DOC) for review and input; no response has been received to date.

A 50-foot wide Modesto Irrigation District (MID) Lateral Waterford-12 (W-12) is located within proposed Parcel 1 with an MID irrigation pipeline, extending from the western edge of the Lateral W-12, running south through proposed Parcels 2 and 3. Proposed Parcel 1 has an irrigation pond which is filled with water from the Lateral W-12. There are existing private irrigation pipelines, of varying sizes, that come off the existing Lateral W-12 facilities located throughout the project site and are used to serve neighboring lands. The existing orchard is irrigated with a micro sprinkler system which receives irrigation water from MID and the Tuolumne River. All three proposed parcels will continue to have independent rights to irrigate with MID water. Additionally, proposed Parcel 3 would continue to utilize water from the Tuolumne River for irrigation purposes. Proposed Parcel 2 is improved with a private on-site domestic and two agricultural wells.

No construction is proposed at this time; however, under the Zoning Ordinance for the A-2 zoning district, each parcel may have a maximum of two dwelling units and one junior accessory dwelling unit (JADU). The second dwelling unit may be either a single-family dwelling or an accessory dwelling unit (ADU). All three proposed parcels are considered to have 90% or more of the proposed parcels in production agriculture use. Therefore the County's "no-build" restriction on the construction of any additional residential development would not be applicable to the proposed parcels. Proposed Parcel 2 is already improved with a single-family dwelling and a manufactured dwelling and may build a maximum of one junior accessory dwelling unit (JADU) if the project is approved; Parcels 1 and 3 are not improved with any dwelling units and may build two dwelling units and one junior accessory dwelling unit (JADU) if the project is approved. Any further development resulting from this project will be consistent with existing uses in the surrounding area permitted in the A-2 (General Agriculture) zoning district.

The current parcel receives irrigation water from the MID Lateral No. 12 canal and utilizes micro sprinklers to irrigate; proposed Parcels 1 and 3 would continue to be irrigated by the MID Lateral No. 12 canal, and proposed Parcel 2 would remain unirrigated and encompass four private wells. Accordingly, the project was referred to MID which responded with requirements for the size and location of all existing irrigation facilities to be shown on the parcel map. MID requested that a 50-foot right-of-way for the canal and a 30-foot minimum easement centered on the pipeline be dedicated to MID and shown on the final map. Additionally, MID requested the project applicant submit the parcel map showing the dedication of existing MID right-of-way to the Lateral No. 12 canal and pipeline to the MID engineering department for review and approval. MID also requested that the applicant show easements for all privately-owned irrigation facilities that serve downstream landowners on the parcel map. MID's comments will be placed on the project as conditions of approval that will be required prior to recording the final map.

If approved, all proposed parcels will maintain consistency with the density and intensity allowed with the "Agricultural" designation of the General Plan as well as the uses permitted in the A-2 (General Agricultural) zoning district. No forest lands existing in Stanislaus County. Accordingly, the potential impacts associated with this project to Agriculture and Forest Resources are considered to be consistent with those considered in the GPU EIR.

Mitigation: None.

References: Application Materials; Natural Resources Conservation Service Soil Survey; Stanislaus Soil Survey (1957); California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2022; California Government Code Section 66474.4(c)(1); Referral response from Modesto Irrigation District, dated December 19, 2023; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation.¹

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

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

The GPU EIR determined that most impacts to Air Quality resulting from implementation of the General Plan are less than significant. However, it also determined that construction-related emissions in excess of the SJVAB’s thresholds of significance were unquantifiable and thus considered to be significant and unavoidable. Construction-related emissions would vary substantially depending on the level of activity, length of the construction period, specific construction operations, types of equipment, number of personnel, wind and precipitation conditions, and soil moisture content. Should construction activities exceed the SJVAPCD’s thresholds for ROG and NOX of 10 tons per year or PM10 or PM2.5 of 15 tons per year, a significant construction-related impact would occur.

No significant change, or impact not identified by the GPU EIR regarding air quality is expected as a result of this project. No removal of almond trees or construction is proposed as part of this parcel map request. However, under the Zoning Ordinance for the A-2 zoning district, each parcel may have a maximum of two dwelling units and one junior accessory dwelling unit (JADU). The second dwelling unit may be either a single-family dwelling or an accessory dwelling unit (ADU). Proposed Parcel 2 is already improved with a single-family dwelling and manufactured home. Proposed Parcels 1 and 3 are not improved with any dwelling units and may build two dwelling units and one junior accessory dwelling unit (JADU) if the project is approved.

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

The proposed project would not conflict with applicable regional plans or policies adopted by agencies with jurisdiction over the project. The potential impacts to Air Quality are considered to be consistent with those considered in the GPU EIR.

Mitigation: None.

References: Application Materials; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; www.valleyair.org; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation.¹

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

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

The project is located within the Waterford Quad and the Denair Quad based on the U.S. Geographical Survey's topographic quadrangle map series. According to aerial imagery and application materials, there is irrigated agriculture on the project site and on adjacent parcels in all directions. The Modesto Irrigation District Lateral No. 12 canal runs through the current project site and will remain on proposed Parcel 1. Proposed Parcel 3 abuts the Tuolumne River to the south. Based on results from the California Natural Diversity Database (CNDDB), there are 16 species which are state or federally listed, threatened, or identified as species of special concern or a candidate of special concern within the Waterford California Natural Diversity Database Quad; and there are 17 species which are state or federally listed, threatened, or identified as species of special concern or a candidate of special concern within the Denair California Natural Diversity Database Quad. The species federally listed, threatened, or identified as species of special concern or a candidate of special concern within both the Waterford and Denair Quads include Swainson's hawk, burrowing owl, riffle sculpin, Sacramento hitch, hardhead, Pacific lamprey, steelhead - Central Valley DPS, chinook salmon - Central Valley spring-run ESU, chinook salmon - Central Valley fall / late fall-run ESU, San Joaquin Valley Orcutt grass, and stinkbells. The following species are not listed within the Denair Quad, but are state or federally listed, threatened, or identified as species of special concern or a candidate of special concern within the Waterford Quad: tricolored blackbird, beaked clarkia, Colusa grass, and Greene's tuctoria. Species that are state or federally listed, threatened, or identified as species of special concern or a candidate of special concern within the Denair Quad, but not the Waterford Quad include the great blue heron, Crotch bumble bee, American badger, Northern California legless lizard, heartscale, and subtle orache.

The presence of the valley elderberry longhorn beetles’ habitat and exit holes on dead wood were observed within 2± mile miles of the project site, to the east of the project site along the Tuolumne River. However, the CNDDDB records do not indicate any of the aforementioned species as being on the project site. The entire project site is already disturbed and has been ripped and planted in almond trees and developed with the calf breeding facility and residential uses. Additionally, the presence of hardhead and steelhead – Central Valley DPS have been observed within the Tuolumne River. The project was referred to the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and no response has been received to date. However, any future construction of residences on the site would be required to obtain any applicable permit through the Department of Fish and Wildlife.

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

Mitigation: None.

References: Application Materials; California Department of Fish and Wildlife’s Natural Diversity Database Quad Species List; California Natural Diversity Database, Planning and Community Development GIS, accessed February 16, 2024; U.S. Geographical Survey Topographic Quadrangle Map Series; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation¹.

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

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

A records search dated October 6, 2023, conducted by the Central California Information Center (CCIC) for the project site area indicated that no prehistoric, historic, or archaeological resources known to have value to local cultural groups were formally reported to the CCIC. The CCIC report for the project site specified that both prehistoric and historic archaeological resources, including historic buildings and structures have been found elsewhere in association with the environs of the Denair and Waterford quadrangles. The project site is already disturbed and has been ripped and planted in almond and trees and a calf breeding facility. No construction or demolition is proposed as part of this parcel map request. The current project does not include ground disturbance, because of this, further study for archaeological or historical resources is not recommended within the CCIC report at this time. Additionally, conditions of approval will be placed on the project requiring that should any archaeological or cultural resources be found during construction, activities shall halt until an on-site archaeological mitigation program has been approved by a qualified archaeologist; and should any human remains be found

on the property, the applicant/owner shall contact the County coroner pursuant to California Health and Safety Code Section 7050.3, who will determine if the find is Native American. As mentioned above, there is no proposed construction or demolition proposed for this project, and any future activities will be held to the conditions of approval above based on the recommendation of the CCIC report.

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

Mitigation: None.

References: Application Materials; Central California Information Center Report for the project site, dated October 6, 2023; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation.¹

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

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

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

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

Mitigation: None.

References: Application Materials; CEQA Guidelines; Title 16 of County Code; CA Building Code; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation.¹

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

Discussion: The USDA Natural Resources Conservation Service’s Web Soil Survey indicates that property is primarily comprised of Hanford sandy loam and Grangeville very fine sandy loam; however, the project site also contains Tujunga loamy sand, Hanford fine sandy loam, Greenfield sandy loam, Dinuba sandy loam. The GPU EIR determined that impacts to Geology and Soils resulting from implementation of the General Plan are less than significant. Existing Goal One, Policy Three, Implementation Measure 1 of the General Plan Safety Element requires enforcement of the Alquist-Priolo Earthquake Fault Zoning Act, which prohibits most construction intended for human occupancy across an active fault trace and strictly regulates construction near an active fault. As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils or soils susceptible to liquefaction are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. The County has updated its General Plan to require that all construction in the County comply with the California Building Code. In addition, the General Plan has added private roads to the types of roads that should be designed to minimize landslide risks. If structures were built in areas susceptible to liquefaction, the foundations could fail and cause damage or collapse of the structure. Compliance with the federal and local erosion-related regulations applicable to the General Plan buildout, i.e., the Storm Water Pollution Prevention Program (SWPPP) that is developed for the site and the requirements of the County’s municipal code, would ensure that the construction activities do not result in significant erosion. The project site is not located near an active fault or within a high earthquake zone. Landslides are not likely due to the flat terrain of the area.

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

No construction is proposed as part of this request. If future construction should occur, all construction will be designed and built according to the California Building Code and the SWPPP. Any addition or expansion of a septic tank or alternative wastewater disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements. The project was referred to DER which responded with no comments regarding the proposed project. Should future construction occur, DER, Public Works, and the Building Permits Division review and approve any building or grading permit to ensure their standards are met. Additionally, a condition of approval will be applied to this project to address any discovery of paleontological resources during any future construction.

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

Mitigation: None.

References: Application Materials; Natural Resources Conservation Service Soil Survey; Referral response from the Department of Environmental Resources, received December 7, 2023; Title 16 of County Code; Public Works Standards and Specifications; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation.¹

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

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

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

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

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

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

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

Mitigation: None.

References: Application Materials; California Building Code; NRCS Soil Survey; 2014 Regional Transportation Plan/Sustainable Communities Strategy; SB 375; AB 32; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation.¹

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

Discussion: The GPU EIR determined that the potential for Hazards and Hazardous Materials impacts resulting from implementation of the General Plan are less than significant. Existing Goal Two, Policy Thirteen of the General Plan Safety Element prescribes the preparation of a Hazardous Waste Management Plan. Stanislaus County has prepared this plan,

which serves as the guideline for managing hazardous wastes in the County. This plan governs the maintenance of a hazardous materials response team to assist law enforcement and fire agencies during transportation and industrial accidents involving chemical spills. State laws were passed in 1985 that require users of hazardous materials to disclose the type and location of such materials so that emergency response teams can be prepared for potential disasters. Existing Policy One of Goal One of the General Plan Safety Element prescribes that the County follow the policies included in the adopted County of Stanislaus Multi-Jurisdictional Hazard Mitigation Plan. The County routinely consults with the affected school district prior to discretionary approval of new businesses and industry that use hazardous materials near existing school sites as part of the project review process. Additionally, school siting regulations implemented by the Department of Education prohibit locating proposed schools near existing contamination. There are a number of sites in Stanislaus County identified as hazardous materials or contaminated sites pursuant to Government Code Section 65962.5. Many of these sites are undergoing assessment or remediation overseen by the Stanislaus County Division of Environmental Health, CalRecycle (formerly the Integrated Waste Management Board), or the Regional Water Quality Control Board. Pesticide exposure is a risk in agricultural areas. Sources of exposure include contaminated groundwater, which is consumed, and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining the applicable permits. The County Department of Environmental Resources is responsible for overseeing hazardous materials. Accordingly, the project was referred to the Department of Environmental Resources Hazardous Materials Division; however, no response has been received to date. The GPU EIR considered hazards and hazardous materials impacts to be a less-than-significant impact due to General Plan policies, and existing State and County regulatory programs which reduce potential hazards.

The existing on-site uses are not recognized as generators and/or consumers of hazardous materials. The site is not identified as a hazardous materials or contaminated site. No significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed subdivision. The site is in a Local Responsibility Area (LRA) for fire protection and is served by the Stanislaus Consolidated Fire Protection District. To date, no comment has been received from the Stanislaus Consolidated Fire Protection District in regard to hazardous materials.

No significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project. Accordingly, the potential Hazards and Hazardous Materials impacts are considered to be consistent with those evaluated in the GPU EIR.

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

Mitigation: None.

References: Application Materials; Stanislaus County General Plan and Support Documentation.¹

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

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

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

The Central Valley Regional Water Quality Control Board (CVRWQCB) provided an Early Consultation Referral response requesting that the applicant coordinate with their agency to determine if any permits or Water Board requirements be obtained/met prior to operation. No construction or grading is proposed as part of this request; therefore, the CVRWQCB's comments will not be applied to the proposed parcel map. However, any future development is required to meet all applicable CVRWQCB requirements.

Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). Under the Goal One, Policy Two of the Safety Element of the General Plan, development is not allowed in areas that are within the designated floodway. For projects located within a flood zone, requirements are addressed by the Building Permits Division during the building permit process. No construction is permitted within the floodway. Proposed Parcels 1 and 2 are located in FEMA Flood Zone X, which includes areas determined to be outside the 0.2% annual chance floodplains, and proposed Parcel 3 is partially located within the 1% annual chance floodplains along the southern and western portions of the parcel, and FEMA Flood Zone X in the northern and eastern portions of the parcel. None of the proposed parcels are located within a floodway.

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

The Sustainable Groundwater Management Act (SGMA), passed in 2014 requires the formation of local Groundwater Sustainability Agencies (GSAs) to oversee the development and implementation of Groundwater Sustainability Plans (GSPs), with the ultimate goal of achieving sustainable management of the State of California's groundwater basins. The GPU added goals, policies, and implementation measures into the General Plan which addressed management efforts that

aim to protect water quantity. However, because the groundwater sustainability management plans (GSP) for each groundwater basin in the County had not yet been completed, impacts to groundwater supplies and groundwater recharge were determined to be a significant and unavoidable impact. The GPU EIR also stated that once these plans take effect and are implemented, the impact would be less than significant. Since adoption of the GPU EIR the Stanislaus County Department of Environmental Resources (DER) has completed the formation of the necessary GSAs. Stanislaus County is a participating member in five GSAs across four groundwater subbasins. Public and private water agencies and user groups within each of the groundwater subbasins work together as GSAs to implement SGMA. The sub-basins in Stanislaus County include: the Eastern San Joaquin Groundwater Subbasin, which covers a portion of Stanislaus County occurring north of the Stanislaus River; commonly referred to as the "northern triangle"; the Modesto Groundwater Subbasin, which covers an area of land located between the Stanislaus and Tuolumne rivers, occurring west of the Sierra Nevada foothills and east of the San Joaquin River; The Turlock Groundwater Subbasin (East), which covers an area of land located between the Tuolumne and Merced rivers, occurring west of the Sierra Nevada Foothills; the Turlock Groundwater Subbasin (West), which covers an area of land located between the Tuolumne and Merced rivers, occurring east of the San Joaquin River; and the Delta-Mendota Groundwater Subbasin which covers an area of land within Stanislaus County located west of the San Joaquin River and east of the basement rock of the Coast Range. The project site is located in the Stanislaus and Tuolumne Rivers GSA.

A 50-foot wide Modesto Irrigation District (MID) Lateral Waterford-12 (W-12) is located within proposed Parcel 1 with an MID irrigation pipeline, extending from the western edge of the Lateral W-12, running south through proposed Parcels 2 and 3. Proposed Parcel 1 has an irrigation pond which is filled with water from the Lateral W-12. There are existing private irrigation pipelines, of varying sizes, that come off the existing Lateral W-12 facilities located throughout the project site and are used to serve neighboring lands. The existing orchard is irrigated with a micro sprinkler system which receives irrigation water from MID and the Tuolumne River. All three proposed parcels will continue to have independent rights to irrigate with MID water. Additionally, proposed Parcel 3 would continue to utilize water from the Tuolumne River for irrigation purposes. Proposed Parcel 2 is improved with a private on-site domestic and two agricultural wells.

No construction is proposed as part of this request; therefore, the current absorption patterns of water upon this property will not be altered. Current standards require that all of a project's stormwater be maintained on-site. Consequently, runoff associated with any future construction on either proposed parcel will be reviewed as part of the overall building permit review process. No septic systems or additional wells are being proposed as a part of this project. The project was referred to DER which responded with no comments. All new wells are subject to review under the County's Well Permitting Program, which will determine whether a new well will require environmental review. As part of the building permit review process, any residential development will be reviewed by DER and subject to their standards. Impacts associated with drainage, water quality, and runoff are expected to have a less than significant impact.

California Government Code (CA GC) Section 66478.4, requires that no local agency shall approve a tentative map of any proposed subdivision to be fronted upon a public waterway, river, or stream which does not provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the river or stream bordering or lying within the proposed subdivision. Furthermore, CA GC Section 66478.5 requires that the local agency require reasonable public access along that portion of the bank of the river or stream bordering or lying within the proposed subdivision. Reasonable public access shall be determined by the local agency in which the proposed subdivision is to be located. In making the determination of what shall be reasonable access, the local agency shall consider all of the following: 1) That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel; 2) The size of the subdivision; 3) The type of riverbank and the various appropriate recreational, educational, and scientific uses, including, but not limited to, swimming, diving, boating, fishing, water skiing, scientific collection, and teaching; and 4) The likelihood of trespass on private property and reasonable means of avoiding these trespasses. However, CA GC Section 66478.8, does not allow a local agency to disapprove a tentative map solely on the basis that the reasonable public access required is not provided through or across the subdivision itself, if the local agency makes a finding that the reasonable public access is otherwise available within a reasonable distance from the subdivision and identifies the location of the reasonable public access. The applicant has indicated that public access would be unreasonable due to the site's topography and proximity to existing public access. Approximately 5.1 acres of the southern portion of proposed Parcel 3 is made up of riparian habitat abutting the Tuolumne River; however, this area includes a steep bluff which makes the river impassable to the

public. The nearest public river access point is Fox Grove Recreation and Fishing Access, operated by the Stanislaus County Parks and Recreation Department, which is located at 1220 Geer Road, 1.7 miles west of the project site. Based on site specific conditions related to the site’s topography, size, and proximity to existing public access, staff believes that public river access would not be appropriate in this case.

Section 21.20.020(K) of the General Agriculture (A-2) Zoning Ordinance requires that lagoons or ponds be located a minimum of fifty feet from any property line and three hundred feet from any dwelling on an adjacent property. A condition of approval has been incorporated into the project requiring that compliance with this setback requirement for the wastewater pond located on Proposed Parcel 2 be verified prior to the recording of the parcel map.

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

Mitigation: None.

References: Application Materials; Public Works Standards and Specification; Stanislaus County Zoning Ordinance (Title 21); Referral response from the Central Valley Regional Water Quality Control Board, dated December 13, 2023; Referral response from the Stanislaus County Department of Environmental Resources, dated December 7, 2023; Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation.¹

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

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

The project is a request to subdivide a 335± acre parcel into three parcels, 129.2± acres, 57.7± acres, and 148.1± acres in size. The site is currently zoned A-2-40 (General Agriculture, 40-acre minimum) which requires a minimum lot size of 40-gross acres for new parcels pursuant to section 21.20.060 of the Stanislaus County Zoning Ordinance. All proposed parcels will meet the minimum size requirement for the A-2-40 zoning district.

Proposed Parcel 1 and 2 are enrolled under a Williamson Act Contract (Contract No. 96-4330) and would remain under contract if approved. Based on the specific features and design of this project, it does not appear this project will impact the long-term productive agricultural capability of surrounding contracted lands in the A-2 zoning district. No changes to the current land use are proposed, other than the creation of three parcels each over 40± acres in size; therefore, no removal of adjacent lands from agricultural use is anticipated. The project was referred to the California Department of Conservation and no response has been received to date.

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

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

Production agriculture is defined as agriculture for the purpose of producing any and all plant and animal commodities for commercial purposes. Proposed Parcel 1 is considered irrigated farmland and 90% or more of the proposed parcels are in production agriculture use (almond trees). Proposed Parcel 2 will encompass the calf breeding facility and is also considered to have 90% or more of the proposed parcel in production agriculture use. Therefore, the “no-build” restriction will not be applied to the request as proposed Parcels 1 and 2 meet the required criteria. Proposed Parcel 2 is improved with an existing single-family dwelling and manufactured home and could only construct one additional JADU; proposed Parcels 1 and 3 may have a maximum of two dwelling units and one junior accessory dwelling unit (JADU). The second dwelling unit may be either a single-family dwelling or an accessory dwelling unit (ADU). Any further development resulting from this project will be consistent with existing uses in the surrounding area permitted in the A-2 (General Agriculture) zoning district.

The project was referred to the Modesto Irrigation District (MID) which responded with requirements for the size and location of all existing irrigation facilities to be shown on the parcel map. MID requested that a 50-foot right-of-way for the canal and a 30-foot minimum easement centered on the pipeline be dedicated to MID and shown on the final map. Additionally, MID requested the project applicant submit the parcel map showing the dedication of existing MID right-of-way to the Lateral No. 12 canal and pipeline to the MID engineering department for review and approval. MID also requested that the applicant show easements for all privately-owned irrigation facilities that serve downstream landowners on the parcel map. MID’s comments will be placed on the project as conditions of approval that will be required prior to recording the final map. No changes to existing irrigation are proposed as part of this request.

All three proposed parcels will have access to County-maintained McEwen and Pellerin Roads.

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

Mitigation: None.

References: Application Materials; State of California Government Code; Referral response from the Modesto Irrigation District, dated December 19, 2023; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County Subdivision Ordinance (Title 20); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation.¹

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

Discussion: The GPU EIR determined that the potential impacts to Mineral Resources resulting from implementation of the General Plan were beneficial, and accordingly considered to be less than significant. The GPU incorporated an amendment to the Conservation and Open Space Element’s Goal Nine, Policy 26, Implementation measures 2 and 3 which address the management of mineral resources. Additionally, the location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173 and is incorporated into the General Plan’s Conservation and Open Space Element. There are no known significant resources on the site, nor is the project site located in a geological area known to produce resources. Accordingly, the potential impacts to mineral resources are considered to be consistent with those evaluated in the GPU EIR.

Mitigation: None.

References: Application Materials; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation.¹

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

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

The Stanislaus County General Plan identifies noise levels up to 75 dB Ldn (or CNEL) as the normally acceptable level of noise for agricultural uses. Additionally, agricultural activity is exempt from the Stanislaus County Noise Control Ordinance (Ord. CS 1070 §2, 2010). Existing noise generated from Pellerin and McEwen Roads and neighboring agricultural operations currently exists on the project site. The area’s ambient noise level is not expected to increase. Any future construction activities are required to meet the noise standards included in the General Plan and the Noise Ordinance.

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

Mitigation: None.

References: Application Materials; Title 10.46 – Noise Control Ordinance; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation.¹

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

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

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

The potential population and housing impacts are considered to be consistent with those evaluated in the GPU EIR.

Mitigation: None.

References: Application Materials; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation.¹

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

Discussion: The GPU EIR determined that the potential for impacts to public services resulting from implementation of the General Plan were less than significant. The County has adopted Public Facilities Fees (Title 23 of the County Code), as well as Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. School Districts also have their own adopted fees, which are required to be paid at the time of Building Permit issuance. No buildings are proposed as part of this project. If approved, each parcel will be able to maintain up to two single-family dwellings (on of which can be an ADU) and one Junior Accessory Dwelling Unit in accordance with the A-2 zoning district. Should any construction occur on the property in the future, all adopted public facility fees will be required to be paid at the time of building permit issuance and will be included as conditions of approval.

This project was circulated to the Empire Union and Modesto Union School Districts, Stanislaus Consolidated Fire Protection District, Stanislaus County Sheriff’s Office, and the Stanislaus County Public Works Department during the Early Consultation referral period and no concerns were identified with regard to public services. The project site is located within the Modesto Irrigation District (MID) which responded with requirements for the size and location of all existing irrigation facilities to be shown on the parcel map. MID requested that a 50-foot right-of-way for the canal and a 30-foot minimum easement centered on the pipeline be dedicated to MID and shown on the final map. Additionally, MID requested the project applicant submit the parcel map showing the dedication of existing MID right-of-way to the Lateral No. 12 canal and pipeline to the MID engineering department for review and approval. MID also requested that the applicant show easements for all privately-owned irrigation facilities that serve downstream landowners on the parcel map. MID’s comments will be placed on the project as conditions of approval that will be required prior to recording the final map.

All three proposed parcels will have access to County-maintained McEwen and Pellerin Roads. Pellerin Road, a County-maintained road, is classified as a 60-foot Local Rural road. The existing right-of-way is 40 feet. McEwen Road, a County-maintained Road, is classified as a 60-foot Local Rural road. The required half-width of McEwen Road is 30 feet east of the centerline of the roadway. The existing right-of-way is 20 feet west of the centerline. The Stanislaus County Public Works Department commented that prior to the recording of the final map, the remaining 10 feet east of the centerline of the ultimate half-width of McEwen Road shall be dedicated as an Irrevocable Offer of Dedication (IOD); and that the remaining 10 feet south of the centerline and 10 feet north of the centerline of the ultimate half-width of Pellerin Road be dedicated as an IOD. Additionally, Public Works requested an encroachment permit to be issued prior to issuance of any building permit for driveway approaches at all point of ingress and egress on the proposed parcels, and for any other work done within the County right-of-way. The comments received from Public Works will be added to the project as conditions of approval.

The Department of Public Works also requested standard conditions approval in their referral response related to recording of the map, including surveying and monumenting of the new parcels, removal of any structures not shown on the proposed parcel map, and requiring the recorded map to be prepared by a licensed engineer or surveyor. Conditions of approval

addressing their comments will be added to the project. The potential impacts to transportation are considered to be consistent with those evaluated in the GPU EIR.

The potential impacts to public services are considered to be consistent with those evaluated in the GPU EIR.

Mitigation: None.

References: Application Materials; Title 23 of Stanislaus County Code; Referral response from Modesto Irrigation District, dated December 19, 2023; Referral response from the Stanislaus County Public Works Department, dated February 12, 2024; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation¹.

XVI. RECREATION --	Significant Project Impact	Impact Not Identified by GPU EIR	Substantial New Information	Consistent with GPU EIR
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Discussion: The GPU EIR determined that the potential for impacts to recreational facilities or development which would require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment resulting from implementation of the General Plan to be less than significant. However, impacts to neighborhoods and regional parks or other recreational facilities were considered to be significant and unavoidable due to the population and housing increase projected under the GPU which would increase the demands on Stanislaus County parks and recreational facilities.

If approved, each parcel will be able to maintain up to two single-family dwellings and one Accessory Dwelling Unit in accordance with the A-2 zoning district. However, this project is not anticipated to increase demands for recreational facilities.

California Government Code (CA GC) Section 66478.4, requires that no local agency shall approve a tentative map of any proposed subdivision to be fronted upon a public waterway, river, or stream which does not provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the river or stream bordering or lying within the proposed subdivision. Furthermore, CA GC Section 66478.5 requires that the local agency require reasonable public access along that portion of the bank of the river or stream bordering or lying within the proposed subdivision. Reasonable public access shall be determined by the local agency in which the proposed subdivision is to be located. In making the determination of what shall be reasonable access, the local agency shall consider all of the following: 1) That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel; 2) The size of the subdivision; 3) The type of riverbank and the various appropriate recreational, educational, and scientific uses, including, but not limited to, swimming, diving, boating, fishing, water skiing, scientific collection, and teaching; and 4) The likelihood of trespass on private property and reasonable means of avoiding these trespasses. However, CA GC Section 66478.8, does not allow a local agency to disapprove a tentative map solely on the basis that the reasonable public access required is not provided through or across the subdivision itself, if the local agency makes a finding that the reasonable public access is otherwise available within a reasonable distance from the subdivision and identifies the location of the reasonable public access. The applicant has indicated that public access would be unreasonable due to the site's topography and proximity to existing public access. Approximately 5.1 acres of the southern portion of proposed Parcel 3 is made up of riparian habitat abutting

the Tuolumne River; however, this area includes a steep bluff which makes the river impassable to the public. The nearest public river access point is Fox Grove Recreation and Fishing Access, operated by the Stanislaus County Parks and Recreation Department, which is located at 1220 Geer Road, 1.7 miles west of the project site. Based on site specific conditions related to the site’s topography, size, and proximity to existing public access, staff believes that public river access would not be appropriate in this case.

Potential impacts to recreation are considered to be consistent with those evaluated in the GPU EIR.

Mitigation: None.

References: Application Materials; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation.¹

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

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

The GPU EIR did find that due to the population projections and the planned road infrastructure incorporated into the General Plan, implementation of the GPU would have a significant and unavoidable impact resulting in traffic operations below the minimum acceptable thresholds on roadways outside Stanislaus County’s jurisdiction, in transportation network changes that would prevent the efficient movement of goods within the County (cumulative impact only identified), and additional vehicle, bicycle, or pedestrian travel on roadways or other facilities that do not meet current County design standards.

No construction is proposed as a part of this project. No development is being proposed as part of this project. However, if approved, each parcel will be able to maintain up to two single-family dwellings and one junior accessory dwelling unit in accordance with the A-2 zoning district.

All three proposed parcels will have access to County-maintained McEwen and Pellerin Roads. Pellerin Road, a County-maintained road, is classified as a 60-foot Local Rural road. The existing right-of-way is 40 feet. McEwen Road, a County-maintained road, is classified as a 60-foot Local Rural road. The required half-width of McEwen Road is 30 feet east of the centerline of the roadway. The existing right-of-way is 20 feet west of the centerline. The Stanislaus County Public Works Department commented that prior to the recording of the final map, the remaining 10 feet east of the centerline of the ultimate half-width of McEwen Road shall be dedicated as an Irrevocable Offer of Dedication (IOD); and that the remaining 10 feet south of the centerline and 10 feet north of the centerline of the ultimate half-width of Pellerin Road be dedicated as an IOD. Additionally, Public Works requested an encroachment permit to be issued prior to issuance of any building permit for driveway approaches at all point of ingress and egress on the proposed parcels, and for any other work done within the County right-of-way. The comments received from Public Works will be added to the project as conditions of approval.

The Department of Public Works also requested standard conditions approval in their referral response related to recording of the map, including surveying and monumenting of the new parcels, removal of any structures not shown on the proposed parcel map, and requiring the recorded map to be prepared by a licensed engineer or surveyor. Conditions of approval addressing their comments will be added to the project. The potential impacts to transportation are considered to be consistent with those evaluated in the GPU EIR.

Mitigation: None.

References: Application materials; CEQA Guidelines Section 15064.3; Referral response from Stanislaus County Public Works Department, dated February 12, 2024; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation.¹

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

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

It does not appear that this project will result in significant impacts to any archaeological or cultural resources. A records search dated October 6, 2023, conducted by the Central California Information Center (CCIC) for the project site area indicated that no prehistoric, historic, or archaeological resources known to have value to local cultural groups were formally reported to the CCIC. The CCIC report for the project site specified that both prehistoric and historic archaeological resources, including historical buildings and structures, have been found in subsurface context in association with the environs of the Denair and Waterford quadrangles. The project site is already disturbed and has been ripped and planted in almond trees and developed with a calf breeding facility. No construction or demolition is proposed as part of this parcel map request. The current project does not include ground disturbance, because of this, further study for archaeological or historical resources is not recommended within the CCIC report at this time.

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

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

Mitigation: None.

References: Application Materials; Central California Information Center Report for the project site, dated October 6, 2023; Stanislaus County General Plan and Support Documentation.¹

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

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

The Central Valley Regional Water Quality Control Board (CVRWQCB) provided an Early Consultation referral response requesting that the applicant coordinate with their agency to determine if any permits or Water Board requirements be obtained/met prior to operation. No construction or grading is proposed as part of this request; therefore, the CVRWQCB's comments will not be placed as conditions of approval on the project. However, any future construction is required to meet all applicable CVRWQCB requirements.

If approved, each parcel may have a maximum of two dwelling units and one junior accessory dwelling unit (JADU) in accordance with the A-2 zoning district. The second dwelling unit may be either a single-family dwelling or an accessory dwelling unit (ADU). If future construction were to occur, additional well and septic facilities would need to be installed; on-site septic and well infrastructure are reviewed for adequacy by DER through the building permit process. No new construction or wells are proposed as part of this project. A referral was sent to DER regarding the proposed subdivision which responded with no comments regarding the proposed parcel map.

Proposed Parcel 2 is already improved with a single-family dwelling and a manufactured home and may build a maximum of one junior accessory dwelling unit (JADU) if the project is approved; proposed Parcels 1 and 3 may build two dwelling units and one junior accessory dwelling unit (JADU) if the project is approved.

All three proposed parcels will have access from County-maintained Mc Ewen and Pellerin Roads.

The current parcel is planted in almond trees and is irrigated via a micro sprinkler system with irrigated water from the MID Lateral No. 12 canal via existing irrigation easements. No changes to existing irrigation are proposed as part of this request. All necessary easements to maintain existing irrigation facilities and patterns will be reflected on the parcel map prior to recording the final map.

This project will not increase demands for water and wastewater treatment facilities. Accordingly, the potential impacts to utilities and service systems are considered to be consistent with those evaluated in the GPU EIR.

Mitigation: None.

References: Application Materials; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Referral response from the Department of Environmental Resources, dated April 14, 2022; Referral response from Oakdale Irrigation District, dated April 15, 2022; Stanislaus County General Plan and Support Documentation.¹

XX. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Significant Project Impact	Impact Not Identified by GPU EIR	Substantial New Information	Consistent with GPU EIR
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				X
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				X

c) Require the installation of maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				X
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				X

Discussion: The GPU EIR determined that the potential for exposing people to risk involving wildland fires, as discussed in the Hazards and Hazardous Materials Section of GPU EIR, was less than significant. The Safety Element of the General Plan includes maps which show the County’s Fire Hazard Severity Zones and State Responsibility Areas, and also includes Goals, Policies, and Implementation Measures, including the incorporation of the County’s Local Hazard Mitigation Plan by reference, which address reducing the risk of wildland fires.

No construction or grading is proposed as part of this request. The project site is in a non-urbanized area with no wildlands located in the vicinity of the project site. In addition, the project site is not located within a designated high or very high fire hazard severity zone, near state responsibility areas, or lands classified as very high fire hazard severity zones. The project terrain is relatively flat.

All three proposed parcels will have access to County-maintained McEwen and Pellerin Roads. Pellerin Road, a County-maintained road, is classified as a 60-foot Local Rural road. The existing right-of-way is 40 feet. McEwen Road, a County-maintained road, is classified as a 60-foot Local Rural road. The required half-width of McEwen Road is 30 feet east of the centerline of the roadway. The existing right-of-way is 20 feet west of the centerline. The Stanislaus County Public Works Department commented that prior to the recording of the final map, the remaining 10 feet east of the centerline of the ultimate half-width of McEwen Road shall be dedicated as an Irrevocable Offer of Dedication (IOD); and that the remaining 10 feet south of the centerline and 10 feet north of the centerline of the ultimate half-width of Pellerin Road be dedicated as an IOD. Additionally, Public Works requested an encroachment permit to be issued prior to issuance of any building permit for driveway approaches at all point of ingress and egress on the proposed parcels, and for any other work done within the County right-of-way. As noted above under the transportation section, Public Work’s comment will be added to the project as a condition of approval.

If approved, each parcel may have a maximum of two dwelling units and one junior accessory dwelling unit (JADU) in accordance with the A-2 zoning district. The second dwelling unit may be either a single-family dwelling or an accessory dwelling unit (ADU). Proposed Parcel 2 is already improved with a single-family dwelling and a manufactured home and may build a maximum of one junior accessory dwelling unit (JADU) if the project is approved; proposed Parcels 1 and 3 may build two dwelling units and one junior accessory dwelling unit (JADU) if the project is approved. If future construction were to occur, the applicable fire district will review the project site for adequate emergency vehicle access as part of the building permit process for future development of each parcel.

All future structures will be required to be constructed in accordance with Chapter 7A of the most current adopted version of the California Building Code and California Residential Code. The project site is served by Stanislaus Consolidated Fire Protection District. The site is located in a Local Responsibility Area (LRA). The project was referred to Stanislaus Consolidated Fire Protection District, and no response has been received to date. No significant impacts to the project site or surrounding environment’s wildfire risk are anticipated as a result of this project. Accordingly, the potential impact to wildfire is considered to be consistent with those evaluated in the GPU EIR.

Mitigation: None.

References: Application Materials; Referral response from Stanislaus County Public Works Department, dated February 12, 2024; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation.¹

XXI. MANDATORY FINDINGS OF SIGNIFICANCE --	Significant Project Impact	Impact Not Identified by GPU EIR	Substantial New Information	Consistent with GPU EIR
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

Discussion: The GPU EIR identified the following impacts as cumulative significant and unavoidable impacts:

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

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

Mitigation: None.

References: Application Materials; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Stanislaus County General Plan and Support Documentation.¹

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

Table ES-2. Summary of Impacts and Mitigation Measures

Impact	Level of Significance before Mitigation	Mitigation Measure	Level of Significance after Mitigation
3.1 Aesthetics			
Impact AES-1: Substantially degrade the existing visual character or quality of the county and its surroundings, including scenic vista	Less than significant	–	–
Impact AES-2: Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway	Less than significant	–	–
Impact AES-3: Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area	Significant	No mitigation available	Significant and unavoidable
3.2 Agricultural Resources			
Impact AGR-1: Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the FMMP of the California Resources Agency, to non-agricultural use	Less than significant	–	–
Impact AGR-2: Conflict with existing zoning for agricultural use or a Williamson Act contract	Less than significant	–	–
Impact AGR-3: Conflict with existing zoning for, or cause rezoning of, forestland (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])	Less than significant	–	–
Impact AGR-4: Result in the loss of forestland or conversion of forestland to non-forest use	Less than significant	–	–
Impact AGR-5: Involve other changes in the existing environment that, because of their location or nature, could result in the conversion of farmland to non-agricultural use or the conversion of forestland to non-forest use	Less than significant	–	–

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Impact	Level of Significance before Mitigation	Mitigation Measure	Level of Significance after Mitigation
3.3 Air Quality			
Impact AQ-1: Generate construction-related emissions in excess of SJVAPCD thresholds	Significant (individual and cumulative)	No mitigation available	Significant and unavoidable
Impact AQ-2: Generate on-road mobile source criteria pollutant emissions in excess of SJVAPCD thresholds	Less than significant	-	-
Impact AQ-3: Expose sensitive receptors to substantial concentrations of carbon monoxide	Less than significant	-	-
Impact AQ-4: Expose sensitive receptors to substantial pollutant concentrations	Less than significant	-	-
Impact AQ-5: Expose sensitive receptors to substantial odors	Less than significant	-	-
3.4 Biological Resources			
Impact BIO-1: 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 Wildlife or U.S. Fish and Wildlife Service	Less than significant	-	-
Impact BIO-2: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service	Less than significant	-	-
Impact BIO-3: Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) or waters of the State through direct removal, filling, hydrological interruption, or other means	Less than significant	-	-
Impact BIO-4: 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	Significant (individual and cumulative)	No mitigation available	Significant and unavoidable

Impact	Level of Significance before Mitigation	Mitigation Measure	Level of Significance after Mitigation
Impact BIO-5: Conflict with any local policies or ordinances protecting biological resources	No Impact	–	–
Impact BIO-6: Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan	No impact	–	–
Impact BIO-6: Introduce or spread invasive species	Less than significant	–	–

3.5 Cultural Resources

Impact CUL-1: Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5	Significant	No mitigation available	Significant and unavoidable
Impact CUL-2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5	Significant	No mitigation available	Significant and unavoidable
Impact CUL-3: Disturb any human remains, including those interred outside of formal cemeteries	Less than significant	–	–

3.6 Geology, Soils, and Paleontological Resources

Impact GEO-1: Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving fault rupture	Less than significant	–	–
Impact GEO-2: Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides	Less than significant	–	–
Impact GEO-3: Result in substantial soil erosion or the loss of topsoil	Less than significant	–	–
Impact GEO-4: Location on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in an onsite or offsite landslide	Less than significant	–	–
Impact GEO-5: Location on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property	Less than significant	–	–

Impact	Level of Significance before Mitigation	Mitigation Measure	Level of Significance after Mitigation
Impact GEO-6: Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater	Less than significant	–	–
Impact GEO-7: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature	Less than significant	–	–
3.7 Greenhouse Gas Emissions and Energy			
Impact EGY-1: Result in inefficient, wasteful, and unnecessary consumption of energy, including transportation energy use	Less than significant	–	–
Impact GHG-1: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment	Less than significant	–	–
Impact GHG-2: conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases	Less than significant	–	–
3.8 Hazards and Hazardous Materials			
Impact HAZ-1: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials	Less than significant	–	–
Impact HAZ-2: 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	Less than significant	–	–
Impact HAZ-3: Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school	Less than significant	–	–
Impact HAZ-4: Be located on a site that 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	Less than significant	–	–
Impact HAZ-5: Be located within an airport land use plan area or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard for people residing or working in the project area	Less than significant	–	–
Impact HAZ-6: Be located within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area	Less than significant	–	–

Impact	Level of Significance before Mitigation	Mitigation Measure	Level of Significance after Mitigation
Impact HAZ-7: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan	Less than significant	–	–
Impact HAZ-8: Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands	Less than significant	–	–
3.9 Hydrology and Water Quality			
Impact HYD-1: Violate any water quality standards or waste discharge requirements	Less than significant	–	–
Impact HYD-2: Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)	Significant (individual and cumulative)	No mitigation available	Significant and unavoidable
Impact HYD-3: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite	Less than significant	–	–
Impact HYD-4: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite	Less than significant	–	–
Impact HYD-5: Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff	Less than significant	–	–
Impact HYD-6: Otherwise substantially degrade water quality	Less than significant	–	–
Impact HYD-7: Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map	Less than significant	–	–
Impact HYD-8: Place within a 100-year flood hazard area structures that would impede or redirect flood flows	Less than significant	–	–

Impact	Level of Significance before Mitigation	Mitigation Measure	Level of Significance after Mitigation
Impact HYD-9: Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam	Less than significant	–	–
Impact HYD-10: Contribute to inundation by seiche, tsunami, or mudflow	Less than significant	–	–
3.10 Land Use and Planning			
Impact LAN-1: Physically divide an established community	Less than significant	–	–
Impact LAN-2: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect	Less than significant	–	–
Impact LAN-3: Conflict with any applicable habitat conservation plan or natural community conservation plan	No impact	–	–
3.11 Mineral Resources			
Impact MIN-1: 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	Beneficial impact	–	–
Impact MIN-2: 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	Beneficial impact	–	–
3.12 Noise			
Impact NOI-1: Expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies	Significant (individual and cumulative)	No mitigation available	Significant and unavoidable
Impact NOI-2: Expose persons to or generate excessive groundborne vibration or groundborne noise levels	Less than significant	–	–
Impact NOI-3: Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project	Less than significant	–	–

Impact	Level of Significance before Mitigation	Mitigation Measure	Level of Significance after Mitigation
Impact NOI-4: Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project	Less than significant	–	–
Impact NOI-5: Be located within an airport land use plan area, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels	Less than significant	–	–
Impact NOI-6: Be located in the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels	Less than significant	–	–

3.13 Population and Housing

Impact POP-1: Induce substantial population growth, either directly, by proposing new homes and businesses, or indirectly, through the extension of roads and other infrastructure	Less than significant	–	–
Impact POP-2: Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere	Less than significant	–	–
Impact POP-3: Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere	Less than significant	–	–

3.14 Public Services

Impact SER-1: Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other performance objectives: Fire protection	Less than significant	–	–
Impact SER-2: Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other performance objectives: Police protection	Less than significant	–	–

Impact	Level of Significance before Mitigation	Mitigation Measure	Level of Significance after Mitigation
Impact SER-3: Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other performance objectives: Schools	Less than significant	–	–
Impact SER-4: Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other performance objectives: Parks	No impact	–	–
Impact SER-5: Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other performance objectives: Other public facilities	Less than significant	–	–

3.15 Recreation

Impact REC-1: Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated	Significant	No mitigation available	Significant and unavoidable
Impact REC-2: Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment	Less than significant	–	–

3.16 Transportation and Traffic

Impact TRA-1: Result in increased VMT on a per capita basis	Less than significant	–	–
Impact TRA-2: Result in traffic operations below LOS C for Stanislaus County roadways, which is the minimum acceptable threshold according to the General Plan	Less than significant	–	–

Impact	Level of Significance before Mitigation	Mitigation Measure	Level of Significance after Mitigation
Impact TRA-3: Result in traffic operations below the minimum acceptable thresholds on roadways outside Stanislaus County's jurisdiction (i.e., Caltrans facilities)	Significant	No mitigation available	Significant and unavoidable
Impact TRA-4: Create demand for public transit unable to be met by planned services and facilities or disrupt existing, or interfere with planned, transit services or facilities	Less than significant	–	–
Impact TRA-5: Disrupt existing, or interfere with planned, bicycle or pedestrian facilities	Less than significant	–	–
Impact TRA-6: Result in transportation network changes that would prevent the efficient movement of goods within the county	Less than significant (individual)	–	–
	Significant (cumulative)	No mitigation available	Significant and unavoidable
Impact TRA-7: Result in a change in air traffic patterns, including an increase in traffic levels or a change in location that results in substantial safety risks	Less than significant	–	–
Impact TRA-8: Create additional vehicle, bicycle, or pedestrian travel on roadways or other facilities that do not meet current county design standards	Significant	No mitigation available	Significant and unavoidable
Impact TRA-9: Substantially conflict with applicable plans, policies, and regulations of other agencies and jurisdictions where such conflict would result in an adverse physical change in the environment	Less than significant	–	–

Impact	Level of Significance before Mitigation	Mitigation Measure	Level of Significance after Mitigation
3.17 Utilities and Service Systems			
Impact UTL-1: Exceed wastewater treatment requirements of the Central Valley Regional Water Quality Control Board	Less than significant	–	–
Impact UTL-2: Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects	Significant	No mitigation available	Significant and unavoidable
Impact UTL-3: Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects	Less than significant	–	–
Impact UTL-4: Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed?	Less than significant	–	–
Impact UTL -5: Result in a determination by the wastewater treatment provider that 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	Significant	No feasible mitigation available	Significant and unavoidable
Impact UTL-6: Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs	Less than significant	–	–
Impact UTL-7: Comply with federal, state, and local statutes and regulations related to solid waste	Less than significant	–	–

STANISLAUS COUNTY
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT
1010 10th Street, Suite 3400
Modesto, California 95354

NOTICE OF EXEMPTION

Project Title: Parcel Map Application No. PLN2023-0130 – Northpointe Modesto

Applicant Information: Northpointe Modesto 1 LLC, John J. Johannson 1 Sunfish Lane, Sunfish Lake, MN 55118 (612) 817-2302

Project Location: 774 McEwen Road and 10072 Pellerin Road, between Yosemite Boulevard and the Tuolumne River, in the Waterford area. Stanislaus County APN: 080-005-004, 019-001-001 and 019-002-001.

Description of Project: Request to subdivide a 335± gross (331.2± net) acre parcel into three parcels, 57.7±, 129.2±, and 148.1± acres in size, in the General Agriculture (A-2-40) zoning district.

Name of Agency Approving Project: Stanislaus County Planning Commission

Lead Agency Contact Person: Emily Basnight, Assistant Planner

Telephone: (209) 525-6330

Exempt Status: (check one)

- Ministerial (Section 21080(b)(1); 15268);
- Declared Emergency (Section 21080(b)(3); 15269(a));
- Emergency Project (Section 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: _____
- Statutory Exemptions. State code number: _____
- Common Sense Exemption. (Section 15061) (b)(3)

Reasons why project is exempt: The project is considered to be a minor land division of farmland used for almond orchard and a calf breeding facility. No construction is proposed as part of this request. The use of the property for agricultural production will remain unchanged. There is also no evidence in the record that this action will have a direct or significant physical impact on the environment.

Date

Emily Basnight
Assistant Planner

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: PM APP. NO. PLN2023-0130 – NORTHPOINTE MODESTO

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF CONSERVATION LAND RESOURCES	X	X	X		X							
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF TRANSPORTATION DIST 10	X	X	X		X							
CA OPR STATE CLEARINGHOUSE	X	X	X		X							
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X				X		X		X
CA STATE LANDS COMMISSION ENVIRONMENTAL PLANNING AND MANAGEMENT DIVISION	X	X	X		X							
CENTRAL VALLEY FLOOD PROTECTION	X	X	X		X							
COOPERATIVE EXTENSION	X	X	X		X							
DER - GROUNDWATER RESOURCES DIVISION	X	X	X	X				X		X		X
FIRE PROTECTION DIST: STANISLAUS CONSOLIDATED	X	X	X		X							
GSA: STAN & TUOLUMNE	X	X	X		X							
IRRIGATION DIST: MODESTO	X	X	X		X							
STANISLAUS COUNTY EMERGENCY MEDICAL SERVICES	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X		X							
SCHOOL DIST 1: EMPIRE UNION	X	X	X		X							
SCHOOL DIST 1: MODESTO UNION	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
TUOLOMNE RIVER TRUST	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 FARM BUREAU												
STAN CO HAZARDOUS MATERIALS	X	X	X		X							
STAN COUNTY PARKS & REC	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 ONE: 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							
TELEPHONE COMPANY: AT&T	X	X	X		X							
US ARMY CORP OF ENGINEERS	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							

**COUNTY OF STANISLAUS CAMPAIGN CONTRIBUTION DISCLOSURE FORM
PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT**

Application Number: PLN2023-0123-NORTHPOINTE
Application Title: OWNER
Application Address: 744 Mcewen RD, Waterford, CA 95386
Application APN: 080-005-004

Was a campaign contribution, regardless of the dollar amount, made to any member of a decision-making body involved in making a determination regarding the above application (i.e. Stanislaus County Board of Supervisors, Planning Commission, Airport Land Use Commission, or Building Code Appeals Board), hereinafter referred to as Member, during the 12-month period preceding the filing of the application, by the applicant, property owner, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist?

Yes No

If no, please sign and date below.

If yes, please provide the following information:

Applicant's Name: _____

Contributor or Contributor Firm's Name: _____

Contributor or Contributor Firm's Address: _____

Is the Contributor:

The Applicant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
The Property Owner	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
The Subcontractor	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
The Applicant's Agent/ Lobbyist	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

Note: Under California law as implemented by the Fair Political Practices Commission, campaign contributions made by the Applicant and the Applicant's agent/lobbyist who is representing the Applicant in this application or solicitation must be aggregated together to determine the total campaign contribution made by the Applicant.

Identify the Member(s) to whom you, the property owner, your subcontractors, and/or agent/lobbyist made campaign contributions during the 12-month period preceding the filing of the application, the name of the contributor, the dates of contribution(s) and dollar amount of the contribution. Each date must include the exact month, day, and year of the contribution.

Name of Member: _____

Name of Contributor: _____

Date(s) of Contribution(s): _____

Amount(s): _____

(Please add an additional sheet(s) to identify additional Member(s) to whom you, the property owner, your subconsultants, and/or agent/lobbyist made campaign contributions)

By signing below, I certify that the statements made herein are true and correct. I also agree to disclose to the County any future contributions made to Member(s) by the applicant, property owner, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist after the date of signing this disclosure form, and within 12 months following the approval, renewal, or extension of the requested license, permit, or entitlement to use.

2-29-2024
Date



Signature of Applicant

Print Firm Name if applicable

John Johansson
Print Name of Applicant