

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development *AK*

BOARD AGENDA # 9:10 a.m.

Urgent Routine

AGENDA DATE January 29, 2013

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Consider an Appeal of Stanislaus County Planning Commission Approval of Vesting Tentative Parcel Map Application 2006-44, Willms Ranch, LLC.

PLANNING COMMISSION AND STAFF RECOMMENDATIONS:

The Stanislaus County Planning Commission, after conducting and receiving testimony at a public hearing during its regular meeting of December 6, 2012, on a 9-0 vote, followed staff's recommendation and approved the subject parcel map application. Staff recommends the Board follow both the staff recommendation and Planning Commission decision for the parcel map by denying this appeal and approving the parcel map request as follows:

(Continued on page 2)

FISCAL IMPACT:

The fiscal impact associated with the Board's consideration of this project appeal is related to the staff time spent reviewing, evaluating, and preparing the Board Report. Time spent by staff was covered by a portion of the \$622.00 Planning Commission appeal fee paid by the appellant. Any cost above and beyond the fee received for this appeal will be absorbed by the Planning and Community Development administrative budget approved by the Board for the current fiscal year.

BOARD ACTION AS FOLLOWS:

No. 2013-49

On motion of Supervisor De Martini, Seconded by Supervisor Chiesa
and approved by the following vote,

Ayes: Supervisors: De Martini and Chairman Chiesa

Noes: Supervisors: O'Brien

Excused or Absent: Supervisors: Monteith

Abstaining: Supervisor: Withrow

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION: After conducting the public hearing, a motion to sustain the appeal and to reverse the decision of the Planning Commission failed to receive an affirmative vote of a majority of all the members and, therefore, the following decision of the Planning Commission remains in effect: approval of Vesting Tentative Parcel Map Application 2006-44, Willms Ranch, LLC

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

PLANNING COMMISSION AND STAFF RECOMMENDATION: (Continued)

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Find that the attached Mitigation Monitoring Plan, which has removed Mitigation Measure No. 19, is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment, pursuant to CEQA Guidelines Section 15074.1.
3. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
4. Find that:
 - (a) The proposed map is consistent with applicable general and community plans as specified in Section 65451;
 - (b) The design or improvement of the proposed subdivision 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 design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
 - (f) The design of the subdivision or type of improvements are not likely to cause serious public health problems; and
 - (g) The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these will be substantially equivalent to ones previously acquired by the public.
5. Approve Vesting Tentative Parcel Map Application No. 2006-44 – Willms Ranch, LLC, subject to the attached mitigation measures and conditions of approval.

DISCUSSION:

This project is a request to create 42 parcels, ranging in size from 40.0 to 69.9 acres, with a 277.7± acre remainder, from two (2) existing parcels totaling 2,383.83± acres in size. The project site has a General Plan designation of Agriculture and is located within the A-2-40 (General Agriculture) zoning district. The project site is located in the Sierra Nevada Foothills, on the west side of Willms Road, east of the City of Oakdale.

Historic Knight's Ferry, the Stanislaus River, and State Highway 108/120 are located north of the project site (APN: 011-013-001 & 006, 009, 011).

At its regularly scheduled meeting of December 6, 2012, after a public hearing, the Planning Commission voted 9-0 to approve the subject project (see Attachment 2 - Planning Commission Minutes - December 6, 2012). Staff found the project to meet all of the necessary findings for approval and recommended the Planning Commission approve the project as proposed.

At the public hearing, three people spoke in opposition of the project (Salvatore Salerno, President of the Stanislaus Audubon Society, David Froba, Treasurer of the Stanislaus Audubon, and Brad Barker, Chairman of the Yokuts Group of the Sierra Club). Opponents expressed concerns that if the grasslands are lost or fragmented that there will be a significant loss of bird species (specifically the Loggerhead Shrike, Swainson's Hawk, Short-eared Owl, Burrowing Owl, and Tricolored Blackbird), and that construction of new residences in the project area would have a negative impact on traffic and public services. The opponents also stated that they believed the request was really a request to subdivide property for residential purposes, and that due to the large size of the parcel and significant cultural, archeological, and biological resources that exist on the site that a Mitigated Negative Declaration is not sufficient and an Environmental Impact Report should be completed. Following the opposition the applicant's representative, Barbara Savery spoke in favor of the project.

An appeal of the Planning Commission's approval was submitted by the Stanislaus Audubon Society, Inc. on December 17, 2012 (see Attachment 1 - Appeal Letter - December 17, 2012). The appeal letter indicates that the Stanislaus Audubon Society takes "exception to negative and mitigated declarations" identified within the environmental document prepared for the project related to Agriculture and Forest Resources, Air Quality, Biological Resources, Cultural Resources, Hydrology and Water Quality, Population and Housing, Public Services, and Transportation and Traffic. Staff has provided a summary of each of the issues included in the appeal letter and a description of how they were addressed within the environmental document below:

Agriculture and Forest Resources

The appeal letter raises concerns with 40 acre parcels not being adequate in size to support commercial agriculture and states that the applicant's claim that this request has been made to allow for agricultural financing, "is not based on any evidence, only a vague claim by the attorney."

As stated within the Initial Study prepared for this application, dated February 10, 2011, Planning staff received a response to the initial early consultation from the Department of Conservation (DOC), dated December 6, 2007. The DOC referral response stated that 40 acres may not be a large enough parcel size to sustain commercial cattle grazing operations and that the proposed division of land appeared to be for residential purposes. Williamson Act regulations (CA Government Code Section 51222) state that

“agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land”. In addition, the Land Use and Agricultural Elements of the General Plan recognize agricultural parcels located within the A-2 zoning district with a minimum parcel size of 3, 5, 10, or 20 acres in size as “ranchettes.” Agricultural property with a minimum parcel size of 40 or 160 acres are presumed to be of a large enough size to support commercial agricultural operations. The Department of Conservation was re-referred the project, again, in August of 2010 and provided the County with a revised response letter (dated September 27, 2010) which no longer included language regarding concerns with the proposed parcel sizes or with the potential for residential development.

Stanislaus County adopted an update to the Agricultural Element of the General Plan on December 18, 2007 which included a new policy which requires that when agricultural land consisting of unirrigated farmland, unirrigated grazing land, or land enrolled under the Williamson Act, is subdivided into parcels of less than 160-acres in size a “no build” restriction be applied. The “no build” policy restricts the construction of any residential development on newly created parcel(s) until 90% or more of the parcel is in production agriculture use with its own on-site irrigation infrastructure and water rights to independently irrigate or the parcel includes a confined animal facility (such as a commercial dairy, cattle feedlot, or poultry operation) or a commercial aquaculture operation (which is the production of fish or algae for commercial purposes). In this case, however, the subject parcel map is vested in accordance with the Subdivision Map Act and, as such, is not subject to the “no build” policy and is only required to conform with policies and standards that were in effect at the time it was deemed complete, which is December 1, 2006.

To assess any potential impacts that could occur as a result of approval of this project, the mitigation monitoring plan and environmental review prepared for this project were completed under an assumption of the maximum density of 2 homes per 40+ acre parcel. The applicant’s reason for filing the map, whether it is to sell the parcels or to allow for additional agricultural financing, was not taken into consideration in the environmental review completed for this project.

Air Quality & Greenhouse Gases

The appeal letter raises concerns that greenhouse gas emissions will increase as a result of low density housing that may occur if the project is approved.

As stated within the Initial Study prepared for this application, dated February 10, 2011, the primary source of air pollutants generated by this project would be classified as being generated from “mobile” sources which are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and

policies to prevent cumulative deterioration of air quality within the Basin. This project was referred to the district on multiple occasions and a “no comment” response was received. The proposed project does not conflict with any plan, policy, or regulations adopted for the purpose of reducing the emissions of greenhouse gases. Two of the largest sources of greenhouse gas emissions are transportation and building energy. A traffic study completed for this project by KD Anderson & Associates, Inc. on September 4, 2007, suggests that the maximum density of two homes per 40+ acre parcel would represent only 4% of the projected 2030 traffic numbers in the area. Additionally, any residential development resulting from this project, must comply with the State's recently adopted Green Building Standards.

Biological Resources

The appeal letter states that the biological report conducted by Live Oak Associates in June of 2007 is “only of limited use as to the actual Willms Ranch” due to it relying on one day of field observation and on previously published accounts. Additionally, the appeal letter takes issue with the report's indication that the Bald Eagle was “absent” from the project site and states that mitigation was not provided for the 15 special status bird species identified as having the potential to exist on the site. Lastly, the appeal letter states that mitigation for the Burrowing Owl and Swainson's Hawk does not include mitigation for potential loss of breeding habitat.

Planning staff relied on the expertise of Live Oak Associates, Inc., the U.S. Department of Fish & Wildlife and the California Department of Fish & Wildlife (formerly California Department of Fish & Game) to adequately mitigate potential impacts to all special status species potentially existing on the site to a less than significant level.

In response to the first 30-day Initial Study circulated in 2010, the U.S. Department of Fish & Wildlife and the California Department of Fish & Wildlife requested some amendments be made to the mitigation measures regarding biological resources. Mitigation measures 1-13 were amended based on approved California and Federal Departments of Fish and Wildlife protocol. Both agencies requested that due to the special nature of grasslands that mitigation be applied not just prior to construction, but also prior to grading or any changes to a more intensive agricultural use. The amended mitigation applied to the project requires that surveys be conducted to determine if any special status plants, vernal pool animal or plant species, including Burrowing Owls, tree-nesting raptors, western pond turtles, California Tiger Salamanders, badgers, or oak trees exist on the project site prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel. In addition, mitigation has been applied which requires that vernal pools, seasonal wetlands, blue elderberry shrubs, and Swainson's Hawk nests be surveyed prior to recording of the final map and be shown on the recorded final map. Supplemental Swainson Hawk surveys are required to be conducted prior to sale of the first newly created parcel.

Live Oak Associates, Inc. has reviewed both the appeal letter and the mitigation measures applied to the project and found based on their review, that no further mitigation is warranted.

Cultural Resources

The appeal letter references concerns with page 11 of the Class I Archeological Survey, conducted by Jensen & Associates, on September 24, 2007, which states, "it is probable that significant prehistoric and/or historic-period sites remain undiscovered and thus undocumented within the Willms Ranch study area."

Mitigation measures were applied based on the recommendations set forth on page 11 of the Archeological Survey. Prior to any development, construction, or ground disturbance on the Section, Township, Range containing prehistoric site CA-STA-284 or on land existing on above ground portions of the OID easement, a Class III Archeological Study must be completed. California State Landmark #415 (the 1892 Historic Willms Ranch House) was surveyed and will be filed with the map ensuring that the, "structures and features should not be divided in such a way as to separate structures and features that are part of this historic complex" (Page 11 of the Archeological Survey). As requested by the Tuolumne Band of Me-Wuk (upon consultation with Planning staff which took place on April 25, 2008), mitigation has been placed on the project that requires that prior to any development, construction or ground disturbance on any newly created parcel, a pre-construction survey shall be conducted by a qualified biologist to determine if any native plants of importance to the Tuolumne Band of Me-Wuk are present.

To prevent any negative impacts to undocumented prehistoric or historic-period sites, mitigation has been applied that requires that if any subsurface cultural resources, including either prehistoric or historic resources, are encountered during construction on a newly created parcel, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance.

Hydrology & Water Quality

The appeal letter states that, "the staff report does not say how water could be provided to the many small parcels."

As described in the staff report, each parcel would be served by private septic and well, if development occurs. Prior to issuance of a building permit the Department of Environmental Resources must review and approve any new septic or well services. In response to the appeal, the Department of Environmental Resources (DER) reviewed the project's potential for negative impacts, at maximum density, to the hydrology of the area, made up of the geologic formation known as the Mehrten Formation. DER determined that, "a limited number of residences (for example at a density of 1

residence per 20 acres) can be supplied by individual wells screened in the sands of the Mehrten Formation.”

Population & Housing

The appeal letter suggests that, “This project ‘induces substantial population growth in an area either directly...or indirectly (for example, through extension of roads or other infrastructure)’”, because the tentative parcel map proposes a network of easements between all proposed parcels.

County standards require any proposed parcel map to include easements to ensure ingress and egress for emergency vehicles and to prevent the creation of a parcel without approved access.

Public Services

The appeal letter raises concerns that the net cost to the county to provide public sector services will increase when a parcel is developed.

Public services for new development are funded through the collection of school, fire, and Public Facility Fees, which are collected prior to issuance of a building permit. Fees vary based on which district the project site is located within and based on the type and square footage of the proposed structure. These are in addition to the property taxes collected annually per California State Law.

Transportation & Traffic

The appeal letter states that making a left turn from the State Highway 120 onto Willms Road is dangerous and that new intersections should be constructed in a manner that provides minimum sight distance.

A traffic study was completed for this project by KD Anderson & Associates, Inc. on September 4, 2007. The study suggests that although the project alone would not result in the need for capacity improvements to the SR 120/Willms Road intersection, the project should pay its fair share to the cost of regional roadway improvements by paying adopted Stanislaus County traffic impact fees. The traffic study also identified 4% as the project’s fair share for any left turn lane or traffic signal constructed at the intersection of Willms and SR 120. Project referral responses received from Caltrans did not identify the need to install left turn lanes or a traffic signal and were unable to establish a 4% project cost. When contacted by staff to identify a 4% contribution amount, Caltrans referred to the referral response received on December 29, 2008, which did not identify a potentially significant impact associated with the project and only made mention of the payment of traffic impact fees. The traffic study identified the payment of county adopted fees as a mitigation measure; however, payment of these fees is a standard condition of development. The requirement to pay County adopted

traffic impact fees is therefore being applied to the project, not as a mitigation measure, but as a condition of approval.

After reviewing the letter of appeal, the Department of Public Works staff indicated that they did not have any safety concerns with this parcel map and that each proposed new driveway location will be inspected before issuance of an encroachment permit to ensure that sight distance will be adequate for each location. They also confirmed that a 4% share could not be applied as mitigation, as there is no project identified for the 108/120 and Willms intersection at this time. If a project is identified for that intersection in the future, and incorporated into the Regional Transportation Impact Fee program, then applicable fees would be collected prior to issuance of a building permit as part of the Public Facility Fee process.

Environmental Review

The appeal letter included a request for additional environmental review through completion of an Environmental Impact Report (EIR). However, Planning staff believes based on the Initial Study prepared on February 10, 2011, and on the information provided within this report, that all potential impacts that may result from this project have been mitigated to a less than significant level. A Mitigation Monitoring Plan (MMP) has been developed for this project to ensure identified mitigation measures are properly implemented over the life of the project. Pursuant to Section 15070 of the CEQA Guidelines, when mitigation measures have been devised which either avoid potential effects or mitigate potential effects to a point where clearly no significant effects would occur, and there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment, a Mitigated Negative Declaration is the appropriate environmental document to utilize.

After reviewing the issues brought forth within the appeal letter, Planning staff believes that all potential environmental impacts identified within the Initial Study have been mitigated to a less than significant level through the application of a Mitigation Monitoring Plan and find that no additional environmental studies are necessary. The mitigation measures applied to this project, in particular to Biological Resources, are considerably restrictive as they include triggers at multiple stages; prior to any intensification of agricultural practices, prior to ground disturbance, prior to recording of the map, prior to sale of the first parcel, and prior to and during construction.

POLICY ISSUES:

Planning staff believes this project is consistent with the goals and policies laid out within the Agricultural Element of the General Plan. The Board should determine whether the project, as proposed, furthers the goals and objectives of ensuring A Strong Agricultural Economy and Heritage.

STAFFING IMPACT:

There are no staffing impacts associated with item.

ATTACHMENTS:

- 1: Stanislaus Audubon Society, Inc. appeal letter dated December 17, 2012
- 2: Planning Commission Minutes, December 6, 2012
- 3: Planning Commission Staff Report, December 6, 2012
4. Correspondence Received

Attachment 1

Stanislaus Audubon

Society Appeal

Letter dated

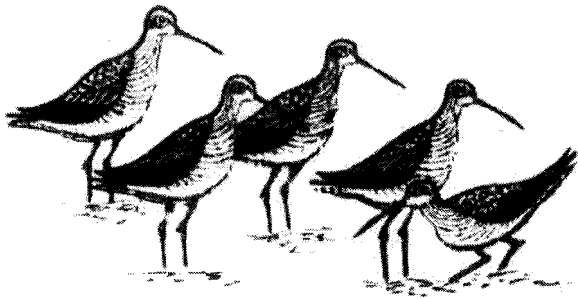
December 17, 2012

and

Amended Appeal

Letter dated

January 24, 2013

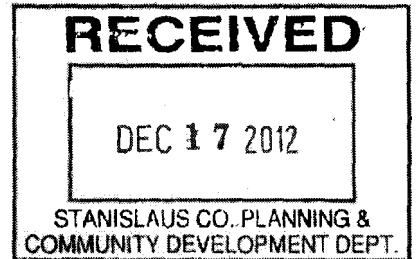


Stanislaus Audubon Society, Inc.

P. O. Box 4012 • Modesto, CA 95352 • (209) 521-0108

December 17, 2012

Stanislaus County Board of Supervisors
1010 10th Street, Suite 6700
Modesto, CA 95354



Re: Appeal from Planning decision on Willms Ranch, LLC, Application No. 2006-44

To the Honorable Board of Supervisors:

APPEAL. Stanislaus Audubon Society (SAS) appeals to the Stanislaus County Board of Supervisors from the decision of the Planning Commission dated December 6, 2012 granting Willms Ranch's, LLC (Willms) request for a Mitigated Negative Declaration herein.

APPELLANT. SAS is a non profit corporation in Modesto, California whose mission includes the conservation of wild birds and wildlife, and the protection of wildlife habitat. SAS has 523 members in Stanislaus and Merced counties.

NOTICE. SAS requests notice of any hearings or any action in this matter to be addressed as follows (and not to the post office box on this letterhead):

David Froba
4428 Bluff Creek Drive
Modesto, CA 95355

GROUND FOR APPEAL. Using the staff report's Roman numeral categorization, SAS takes exception to negative and mitigated declarations as follows:

II. AGRICULTURE AND FOREST RESOURCES. The Department of Conservation letter of December 6, 2007, mentioned in the staff report on page 31, states that a forty acre parcel is not large enough to sustain a cattle grazing operation and that such a parcel split would most likely create "hobby farms". This letter alone creates a "fair argument" that the project may have a significant environmental impact, particularly from a public agency speaking in its area of expertise and concern. This precludes a negative declaration, mitigated or not.

The Planning staff and Commission apparently relied on a letter from Willms' attorney dated November 17, 2008 that no hobby farms or residential uses were contemplated but that the parcel split would be for the purpose of "agricultural finance."

First, the law precludes a negative declaration and requires an EIR when a fair argument is made, regardless of other contrary evidence, in this case, "agricultural finance."

Second, the claim by Willms' attorney of "agricultural finance" is not based on any evidence, only a vague claim by the attorney.

This Board may feel justified in taking administrative notice that splitting parcels increases value. But that is only because a larger parcel, particularly when split into hobby farm sizes, increases in value because of development potential. Subdivision increases value because it is often the most difficult link of the causative chain to convert from agriculture to residential. It is not for nothing that "subdivision" and "development" are used interchangeably in common American parlance.

Even if the parcel split facilitated the Willms getting financing, it creates the risk of some small parcels going out of production because leveraged parcels could revert to the bank or the trustee in bankruptcy if the novel agricultural projects that Ms. Savery speaks of in her letter of November 12, 2008, namely grapes, olives, chickens, turkeys, winter wheat, etc. were not successful. Indeed, Ms. Savery's desire to get some financing for on-going grazing ranch upkeep, fencing, etc. indicates an operation that is not paying its own way.

The Willms' claim that they have no intention of developing the property is essentially irrelevant, since the land, if split, for whatever reason, moves much closer to being developed. Nevertheless, it must be noted that the maps attached to the staff report (B-7,8, and 9) show proposed roads going to every new parcel, looking for all the world like a hobby farm complex. Such roads would not be necessary for "agricultural finance."

In summation, there is considerable evidence that the parcel split, particularly in small hobby farm sizes, would result in the conversion of agricultural land to residential and the negative declaration is not supported.

III. AIR QUALITY and VII. GREENHOUSE GASES. The state of California has determined that greenhouse gases are deleterious to the environment. The law requires that impacts be viewed cumulatively. Viewed cumulatively with the potential that a parcel split would foster hobby farms and increase greenhouse gases by producing low density houses in a remote area, a negative declaration is not substantiated.

IV. BIOLOGICAL RESOURCES. The staff report relies on the Live Oak Associates (LOA) report of June 2007. It was based on one day of field observation by two ecologists on March 28, 2007 (page 3). The rest of the data of the LOA report was based on "published accounts" (page 15-16) and "reasonable inferences" (page 1). Thus, the report is only of limited use as to the actual Willms ranch.

The LOA report says that the Bald Eagle was "absent" and that "suitable habitat for this species is absent from this site" (page 21). LOA notes that the Bald Eagle was federally threatened but state endangered. (However, this information is no longer correct since the Bald Eagle was removed from the federal list the same month of the LOA report, but the Bald Eagle remains endangered in California.) SAS members will testify at the public hearing that the Bald Eagle is very much present on the Willms ranch. The Bald Eagle may not have been seen in March when LOA did its quick trip, since it is not common on the Willms ranch and starts migrating north in around March. Also, while its habitat is generally close to water, in Stanislaus County, the Bald Eagle is seen as commonly on grazing land, like the Willms ranch, where it eats mostly carrion, as near water which is more common nation-wide. Also, the ranch is only about a mile from the Stanislaus River. Locally it is often seen in trees, but also often hunts from the ground on hills and bluffs, such as are common on the Willms. No mitigation for the Bald Eagle is in the staff report, since its very existence was overlooked.

On page 42 the LOA report lists eighteen special status animals, fifteen of them birds. Regarding these eighteen the report states as follows:

Project buildout would have no effect on the breeding success of these species and would, at most, result in a relatively small reduction of foraging and/or roosting habitat that is abundantly available regionally. Therefore, the loss of habitat for these species would be considered less than significant.

While providing for some limited mitigation for other species of birds, the staff report says nothing about these fifteen birds and simply lumps them together in one negative declaration. What constitutes a "significant impact" is nowhere spelled out. SAS maintains and strongly urges that the loss of habitat for these fifteen species rises to the level of "significant". The LOA report has a map on page 2 which gives a good picture of the Willms ranch relative to its surroundings. It compromises about 3% of the grasslands habitat in Stanislaus County. Many of the fifteen species are grasslands specialists. SAS submits that a 3% loss of habitat is "significant". Looked at in another way, issue number XVIII, MANDATORY FINDINGS OF SIGNIFICANCE comes into play when a project "restricts the range of an endangered plant or animal". Some of the fifteen species are rare. Yet no mitigation at all was provided for them in the staff report, since the LOA report essentially said that these species should just go

elsewhere. Further, while the staff report does provide for mitigation for the Burrowing Owl and the Swainson's Hawk, the mitigation was only for breeding habitat, not the inevitable loss of range which would result from development.

For all the above reasons, a mitigated negative declaration is not substantiated for biological resources.

V. CULTURAL RESOURCES. As mentioned in the staff report, a Class I Archeological Survey with a " cursory level field survey" of the Willms ranch was done by Jensen and Associates. The report of the survey states on page 11 "It is probable that significant prehistoric and/or historic-period sites remain undiscovered and thus undocumented within the Willms ranch study area" (page 11). While the staff report gives mitigation for subsurface, human remains, and native plants, the rest of the "undocumented sites," most specifically impacts to cultural resources that are on the surface, are not provided for in the mitigation. The staff report would allow for the bulldozing to the likes of another Mesa Verde or Stonehenge. A mitigated negative declaration for cultural resources is not supported.


IX. HYDROLOGY AND WATER QUALITY. The staff report does not say how water could be provided to the many small parcels. A negative declaration is not supported.

XIII. POPULATION AND HOUSING. This project "induces substantial population growth in an area either directly...or indirectly (for example, through extension of roads or other infrastructure)". Knights Ferry is a small community and a development of this size would be substantial. An extension of roads is contemplated in the project (staff report exhibit B-7,8, and 9). Thus a negative mitigated declaration is not supported.

XIV. PUBLIC SERVICES. Regarding Central Valley ranchettes, a report of the Farmland Trust stated: "It was found that on the average, the net cost to counties to provide public sector services to an undeveloped parcel increases \$331, from \$23 to \$354 (\$208 county; \$146 school district) once it has been developed." (www.farmlandinfo.org/...RANCHETTES) A negative declaration is not supported.

XVI. TRANSPORTATION/TRAFFIC. The staff report relies upon the report of K.D. Anderson and Associates. The three photos attached hereto are from Google Earth Street View and show Highway 120 as seen from Willms Road looking east, straight ahead, and west. It can be seen that there is a sharp turn just east of Willms Road, making a left turn from that location very dangerous. This fact was alluded to in the Anderson report but not the fact that the curve was on a substantial downhill slope or that Willms contemplates more extensive agriculture and farm machinery. The report does, however, recognize the anticipated increase in left turns. The report on page 2 dismisses the curve on Highway 120 because it "meets minimum Caltrans standards for 55 mph". Obviously, the downhill traffic at that point on Highway 120 often exceeds 55 mph. There is a fair argument from the facts that a left turn lane on Highway 120 or some other form of mitigation would be required. Second, while the staff report does include one mitigation, it does not consider the recommendation of the Anderson report itself on page 22, under "Mitigations", "However, to meet Stanislaus County minimum standards for a parcel map access, new intersections should be constructed in a manner that provides minimum sight distance." A parcel map has been prepared, (staff report, ex B-7,8,and 9) but no mitigation for intersections was provided. The mitigated negative declaration is not supported.

Respectfully submitted,


David Froba, Treasurer, Stanislaus Audubon Society
(209) 521-7265



Sent from my iPad.

Attached photo, #1: Willms Road at SR 120, looking east.



Attached photo, #2: Willms Road at SR 120, looking west.

Sent from my iPad.



Attached photo, #3: Willms Road at SR 120, looking straight ahead, north.



Stanislaus County Planning and Community Development
 1010 10th Street, Suite 3400 Modesto, CA 95354
 (209) 525-6330 Fax: (209) 525-5911
 E-mail Planning@mail.co.stanislaus.ca.us

December 17, 2012

Stanislaus Audubon Society

Appeal of Planning Commission Decision

CDR					

QTY.		UNIT PRICE	TOTAL
	Appeal of Planning Commission Decision		\$622.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
SUBTOTAL			
SALES TAX RATE %			
SALES TAX			
SHIPPING & HANDLING			
Total Paid			\$622.00

Thank You

Please Make Check Payable to:

Stanislaus County

Additional Information:

Payment:

Check No. 2071 - Thank You

**DAVID J. FROBA
4428 BLUFF CREEK DRIVE
MODESTO, CA 95355**

2013 JAN 24 P 12
BOARD OF SUPERVISORS

January 24, 2013

Stanislaus County Board of Supervisors
1010 10th Street, Suite 6700
Modesto, CA 95354

Re: Appeal by Stanislaus Audubon from Planning Commission decision
on Willms Ranch, LLC, Application # 2006-44

To the Honorable Board of Supervisors:

The appeal herein is on the Board's calendar for January 29, 2013 at 9:10 a.m.

Appellant herein, Stanislaus Audubon Society, amends its appeal filed January 17,
2012, as follows:

For the reasons stated on the appeal, appellant specifically objects to:

- 1) The approval of the project.
- 2) The findings.
- 3) The violation of the Williamson Act by the project.
- 4) The segmentation of the project to avoid CEQA review.

respectfully submitted,

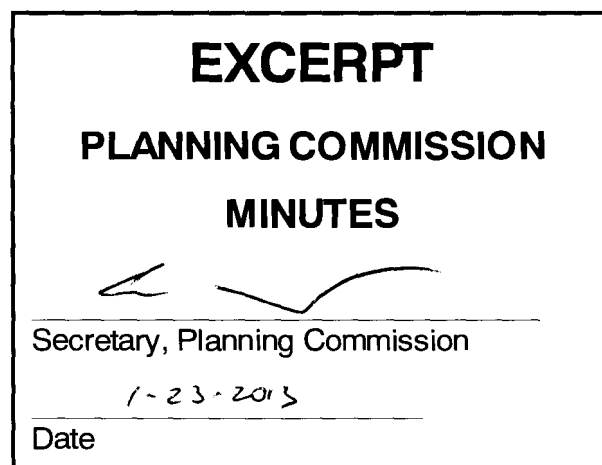
David Froba, Stanislaus Audubon


cc. Willms Ranch, LLC
Aspen Survey Company

Attachment 2

Planning Commission Minutes December 6, 2012

- A. **VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2006-44 – WILLMS RANCH, LLC** - Request to divide two (2) existing parcels totaling 2,383.83± acres, currently enrolled in Williamson Act Contract No. 71-0438, to create 42 parcels ranging in size from 40.0 to 69.9 acres, with a 277.7± acre remainder, in the A-2-40 (General Agriculture) zoning district. The property is located on the west side of Willms Road, south of Highway 108/120, in the Knight's Ferry area. The Planning Commission will consider a CEQA Mitigated Negative Declaration on this project.
APN: 011-013-001; 006; 009; & 011
Staff Report: Kristin Doud Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: Salvatore Salerno, President of the Stanislaus Audubon Society, 1824 Fallon Lane, Modesto; David Froba, Treasurer of the Stanislaus Audubon Society, 4428 Bluff Creek Drive, Modesto; Brad Barker, Chairman of the Yokuts Group of the Sierra Club, Modesto; Salvatore Salerno, President of the Stanislaus Audubon Society, 1824 Fallon Lane, Modesto; David Froba, Treasurer of the Stanislaus Audubon Society, 4428 Bluff Creek Drive, Modesto
FAVOR: Barbara Savery, 1130 12th Street, Modesto
Public hearing closed.
Ramos/Peterson, 9-0 (Unanimous), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT**



Attachment 3

Planning Commission Staff Report December 6, 2012

STANISLAUS COUNTY PLANNING COMMISSION

December 6, 2012

STAFF REPORT

VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2006-44 WILLMS RANCH, LLC

REQUEST: TO CREATE 42 PARCELS RANGING IN SIZE FROM 40.0 TO 69.9 ACRES, WITH A 277.7± ACRE REMAINDER, FROM TWO (2) PARCELS TOTALING 2383.83± ACRES IN SIZE.

APPLICATION INFORMATION

Applicant/Owner:	Willms Ranch, LLC
Agent:	Barbara Savery; Petrulakis Law and Advocacy, APC
Location:	West side of Willms Road, south of Highway 108/120, in the Knight's Ferry area
Section, Township, Range:	2, 3, 4, 9, 10, 11-2-12 & 33 & 34-1-12
Supervisory District:	One (Supervisor O'Brien)
Assessor's Parcel:	011-013-001, 006, 009, 011
Referrals:	See Exhibit J Environmental Review Referrals
Area of Parcel(s):	42 parcels ranging in size from 40.0 to 69.9 acres with a 277.7± acre remainder
Water Supply:	Well
Sewage Disposal:	Septic System
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	Agriculture
Sphere of Influence:	Not Applicable
Community Plan Designation:	Not Applicable
Williamson Act Contract No.:	71-0438
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	Irrigated pasture, grazing land, one single-family dwelling, and accessory farm structures
Surrounding Land Use:	Sierra Nevada Foothills; large parcel pasture and grazing land with a few scattered homes; and historic Knight's Ferry to the northwest.

RECOMMENDATION

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

PROJECT DESCRIPTION

This project is a request to create 42 parcels, ranging in size from 40.0 to 69.9 acres, with a 277.7± acre remainder, from two (2) existing parcels totaling 2,383.83± acres in size. The project site has a General Plan designation of Agriculture and is located within the A-2-40 (General Agriculture) zoning district. Because the application is a vesting tentative parcel map, in accordance with State Law (CA Government Code Section 66474.2) any development occurring as a part of the map is required to be in compliance with the ordinances, policies, and standards in effect at the time the application for the vesting tentative parcel map was deemed complete, which was December 1, 2006.

SITE DESCRIPTION

The project site is located in the Sierra Nevada Foothills, on the west side of Willms Road, east of the City of Oakdale. Historic Knight's Ferry, the Stanislaus River, and State Highway 108/120 are located north of the project site. The parcels surrounding the project site are varied in size between 20± acres to 1,200± acres (with the majority of the surrounding parcels in the 150 – 650 acre range) and are utilized mostly for unirrigated grazing and accessory single-family dwellings. A few gravel pits are located near the site along the Stanislaus River and State Highway 108/120.

Thirty-two (32) acres of the proposed remainder, fifteen (15) acres of proposed Parcel "3", and twenty-one (21) acres of proposed Parcel "19" are currently receiving irrigation water through the Oakdale Irrigation District (OID) and are being utilized as irrigated pasture. The remainder of the 2,383.83± acre project site is currently un-irrigated and is being utilized as grazing land. Proposed Parcel "3" contains the Historic Willms Ranch House (California Historic Landmark Number 415) and accessory farm structures, built in 1892. OID's South Main Canal and Hetch Hetchy's Pipeline run through the property. Access easements, meeting Public Works and Fire standards, are included on the vesting tentative parcel map with two points of access coming off of Willms Road.

ISSUES

This project was submitted to the County on October 11, 2006, and has undergone numerous delays as a result of environmental (traffic, biological, and archaeological) and access issues raised during the early consultation and initial study stages of the project. In total, the project has undergone four early consultations (resulting from amendments made to the proposed map) and two 30-day Initial Study referral periods (resulting from amended mitigation measures). Some of the processing delay has been at the request of the applicant to allow them to address issues with OID involving a recorded 1911 indenture between OID and the Willms Family.

Oakdale Irrigation District (OID):

The Willms Family has a recorded indenture from 1911 that requires OID to provide six crossings over its South Main Canal, at points designated by the Willms family, and to fence the canal right-of-way, if requested by the Willms family, in exchange for the original grant of the canal right-of-way to OID. Only the western portion of the proposed project area falls within the OID sphere of influence. A referral response from OID, in December 2008, requested conditions of approval regarding the availability of irrigation water, drainage, encroachment agreements, easements, fencing along both sides of the canal at the developer's expense, and improvement design standards. The project was referred to OID again in August 2010 with a 30-day Initial Study review. A referral response from OID dated September 24, 2010, reflected the same conditions of approval from their previous letter and added comments on the potential impacts to the open-ditch South Main Canal siphon and OID bridges from proposed access points crossing over OID infrastructure. The revised response also

removed the requirement for the easements to be fenced at the developer's expense and for changes to irrigation rights. County standards required that the access easements proposed to cross over OID infrastructure be irrevocable and recorded. In addition, mitigation was added (Mitigation Measure No. 19) to ensure proposed crossings over OID infrastructure would be improved and reinforced to County standards.

After OID provided a draft easement agreement to the applicant, the applicant decided to forgo creating any new parcels that would require access over the OID South Main Canal. The project was then modified to consolidate the six (6) proposed parcels located northwest of the OID Main Canal into a 277.7± acre remainder. Revised maps were circulated to commenting agencies with a two-week referral. As a result of this modification to the map, recorded irrevocable access easements and improvements to the OID bridges/syphon were no longer required and Mitigation Measure 19 is being proposed for removal, in accordance with CEQA Guidelines Section 15074.1.

A discussion of the environmental issues is included in the Environmental Review section of this report. Staff believes that all environmental impacts have been mitigated to a level of less than significant.

GENERAL PLAN CONSISTENCY

The site is currently designated "Agriculture" in the Stanislaus County General Plan and this designation is consistent with an A-2 (General Agriculture) zoning district. 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 project site's A-2-40 zoning requires a minimum parcel size of 40 acres for the creation of new parcels.

ZONING & SUBDIVISION ORDINANCE CONSISTENCY

All of the proposed parcels meet the minimum parcel size requirement of the A-2-40 zoning district and will have legal and physical access to County-maintained Willms Road by way of 30-foot access easements. The current zoning will allow for up to two single-family dwelling units on each of the proposed parcels.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment. (See Exhibit J - Environmental Review Referrals for a list of the agencies who were sent the most recent Early Consultation and Initial Study.) The most recent Initial Study referral includes mitigation measures to offset potential impacts to biological resources, cultural resources, and hydrology and water quality. All potential environmental impacts identified within the Initial Study have been mitigated to a less than significant level through the application of a Mitigation Monitoring Plan. The Mitigation Monitoring Plan and Mitigated Negative Declaration being proposed for adoption have been slightly modified since the most recent circulation to reflect minor changes resulting from comments received. The project description included in the Mitigated Negative Declaration has been adjusted to clarify that the four (4) Assessor Parcel Numbers included in the request, are actually made up of two (2) existing legal parcels (not four (4) as originally circulated) and to reflect the total acreage as shown on current Assessor Parcel Maps. The project description included in the Mitigated Negative Declaration has also been modified to reflect the map adjustment from six (6) parcels, proposed north of OID's South Main Canal, into a 277± acre remainder. (See Exhibit H – Mitigated Negative

Declaration.) As a result of this adjustment to the map, irrevocable access easements across the South Main Canal are no longer being proposed, and both the Mitigated Negative Declaration and Mitigation Monitoring Plan have had Mitigation Measure No. 19 removed. As permitted by CEQA Guidelines Section 15074.1, the revisions to the Mitigated Negative Declaration and the Mitigation Monitoring Plan may be approved by the Planning Commission without a new period of environmental review if the Planning Commission can find that the revisions are equivalent or more effective in mitigating or avoiding potential significant effects and that they will not cause any potentially significant effect on the environment. (See Exhibit A - Findings and Actions Required for Project Approval, Finding Number 2.)

Based on the Mitigated Negative Declaration prepared, the project will not have a significant effect on the environment. (See Exhibit H – Mitigated Negative Declaration.) Mitigation measures and conditions of approval reflecting referral responses have been placed on the project. (See Exhibit C - Conditions of Approval/Mitigation Measures.)

The following is an overview of the environmental issues discussed in the Initial Study:

Biological Resources:

Early consultation referral responses from the California Department of Fish and Game (CDFG) and the US Fish & Wildlife Service (USFWS) indicated that special status species may exist on the project site. A Biotic Evaluation was conducted in June of 2007 by Live Oak Associates, Inc., an ecological consulting firm. The majority of the site is made up of grassland utilized for cattle grazing. Vernal pools, other seasonal wetlands, and ephemeral drainages are also scattered throughout the site. Wildcat Creek (and two of its main tributaries), OID's South Main Canal, and Hetch Hetchy's Aqueduct #3, run through the site. Riparian habitat is associated with Wildcat Creek and, to a lesser extent, its tributaries and the OID canal.

In response to the first 30-day Initial Study circulated in 2010, CDFG and USFWS requested some amendments be made to the mitigation measures regarding biological resources. The mitigation measures were amended based on these comments to address Swainson Hawk, the California Tiger Salamander, and to allow the mitigation measures to be implemented prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel. Additionally, a survey for vernal pools or seasonal wetlands is required prior to recording the parcel map. Any areas identified to contain vernal pools or seasonal wetlands must be shown on the recorded parcel map. A survey for any existing Swainson Hawk nesting areas is required to be conducted prior to recording of the parcel map and prior to sale of the first newly created parcel. (See Exhibit D – Initial Study & Exhibit F – Biotic Study.)

Cultural Resources:

A Class I Archaeological Survey Report, written by Sean Michael Jensen, was conducted on September 24, 2007, for the Willms Ranch property. During the general-level inspection, evidence of pre-historic presence was observed at recorded site CA-STA-284 and at additional locations in the form of single-occurrence flakes and cores of basalt. Additional prehistoric mortar sites may be present along Wildcat Creek. A letter was received from the Tuolumne Band of Me-wuk, dated January 3, 2008, (in response to a project referral sent by Stanislaus County Planning staff at the request of the Native American Heritage Commission) requesting a formal consultation regarding the Willms Ranch proposed parcel map. Stanislaus County Planning staff and members of the Tuolumne Band of Me-wuk had a formal consultation on April 25, 2008, where the tribe requested

mitigation measures be provided to require a Class III Archaeological study be conducted prior to any ground disturbance on historic and prehistoric sites on the property. Upon request by the Tuolumne Band of Me-Wuk, mitigation has been included that requires a study be conducted prior to any ground disturbance to establish if any native plant species of special importance to the tribe are present on the site.

State Landmark #415 (the 1892 Historic Willms Ranch House), the OID South Main Canal, and Hetch Hetchy Aqueduct #3 pipeline are also historic features identified within the Archaeological Survey. No negative impacts to the Hetch Hetchy Aqueduct #3 pipeline are anticipated, as any potential development would occur on the ground surface and would not impact the underground Hetch Hetchy pipeline. In addition, no work may be done on the Hetch Hetchy pipeline without the permission of the San Francisco Public Utilities Commission.

Portions of the OID South Main Canal are above ground. To mitigate potential impacts to this pipeline to a less than significant level, mitigation has been applied requiring that a Class III Archaeological Study be completed prior to any ground disturbance or construction occurring within above ground portions of an OID easement.

A surveyed site plan has been provided by the applicant to ensure proposed Parcel "3", which contains the Historic Willms Ranch House, is configured to avoid impacts to the historic structures and to avoid separation of structures and features that are a part of the historic complex. Consultation with the State Office of Historic Preservation's (OHP) Historic Preservation Officer, Ron Parsons, verified that OHP does not consult except in the context of CEQA review. If work or a project does not cause a substantial adverse change to the significance of a historic building or site, then a CEQA level review is not required. Building permits are considered to be ministerial, not requiring a CEQA level review. In addition, no construction is proposed as a part of this project and, therefore, no potential impact to the historic structures themselves as a result of this project is anticipated. (See Exhibit D – Initial Study & Exhibit E – Archaeological Study.)

Hydrology and Water Quality:

A project referral response from the Stanislaus County Department of Public Works indicated that the project topography and existing watersheds present a potential for erosion and contamination of storm runoff if not properly addressed during grading or building activities. Public Works commented that potential impacts to water quality and hydrology could be avoided if mitigation is applied to the project that requires, in conjunction with a building permit, a grading and drainage plan be submitted for each new parcel created within the proposed parcel map. Such grading and drainage plans must comply with Public Works Standards and Specifications which consider the potential for erosion and run-off prior to permit approval. Mitigation Measure No. 18 has therefore been applied to the project to prevent potential impacts to hydrology and water quality. The Stanislaus County Department of Environmental Resources did not provide any comments regarding hydrology or water quality.

Traffic Study:

In response to a request from CalTrans in a referral response letter dated January 30, 2007, a Traffic Study was completed for this project by KD Anderson & Associates, Inc. on September 4, 2007. Although the traffic study is five (5) years old, no new developments have occurred in the area since the traffic study was conducted and no updated study was requested. The study suggests that although the project alone would not result in the need for capacity improvements to the SR 120/Willms Road intersection, the project should pay its fair share to the cost of regional

roadway improvements by paying adopted Stanislaus County traffic impact fees. The traffic study also identified 4% as the project's fair share for any left turn lane or traffic signal constructed at the intersection of Willms and SR 120. Project referral responses received from CalTrans did not identify the need to install left turn lanes or a traffic signal and were unable to establish a 4% project cost. When contacted by staff to identify a 4% contribution amount, CalTrans referred to their December 29, 2008, referral response which did not identify a potentially significant impact associated with the project and only made mention of the payment of traffic impact fees. The traffic study identified the payment of County adopted fees as a mitigation measure; however, payment of these fees is a standard condition of development. The requirement to pay County adopted traffic impact fees is therefore being applied to the project, not as a mitigation measure, but as a condition of approval. (See Exhibit G – Traffic Study.)

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay \$2,158.50 for the Department of Fish and Game and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Contact Person: Kristin Doud, Assistant Planner, (209) 525-6330

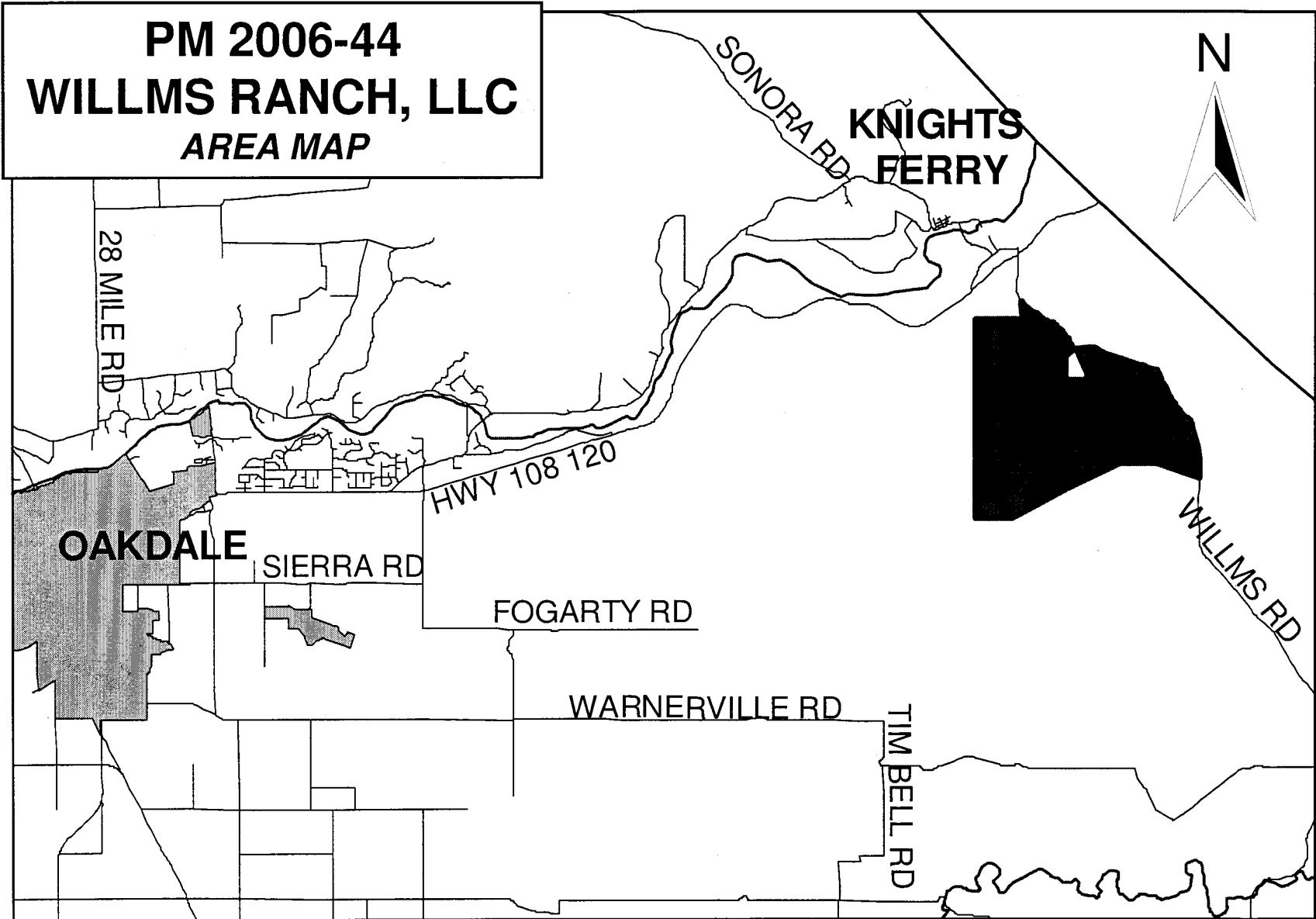
Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval/Mitigation Measures
- Exhibit D - Initial Study – March 23, 2011 – April 25, 2011 (Second Initial Study)
- Exhibit E - Archaeological Study
- Exhibit F - Biotic Study
- Exhibit G - Traffic Study
- Exhibit H - Mitigated Negative Declaration (with proposed amendments reflected in bold and stricken text)
- Exhibit I - Mitigation Monitoring Plan (with proposed amendments reflected in bold and stricken text)
- Exhibit J - Environmental Review Referral

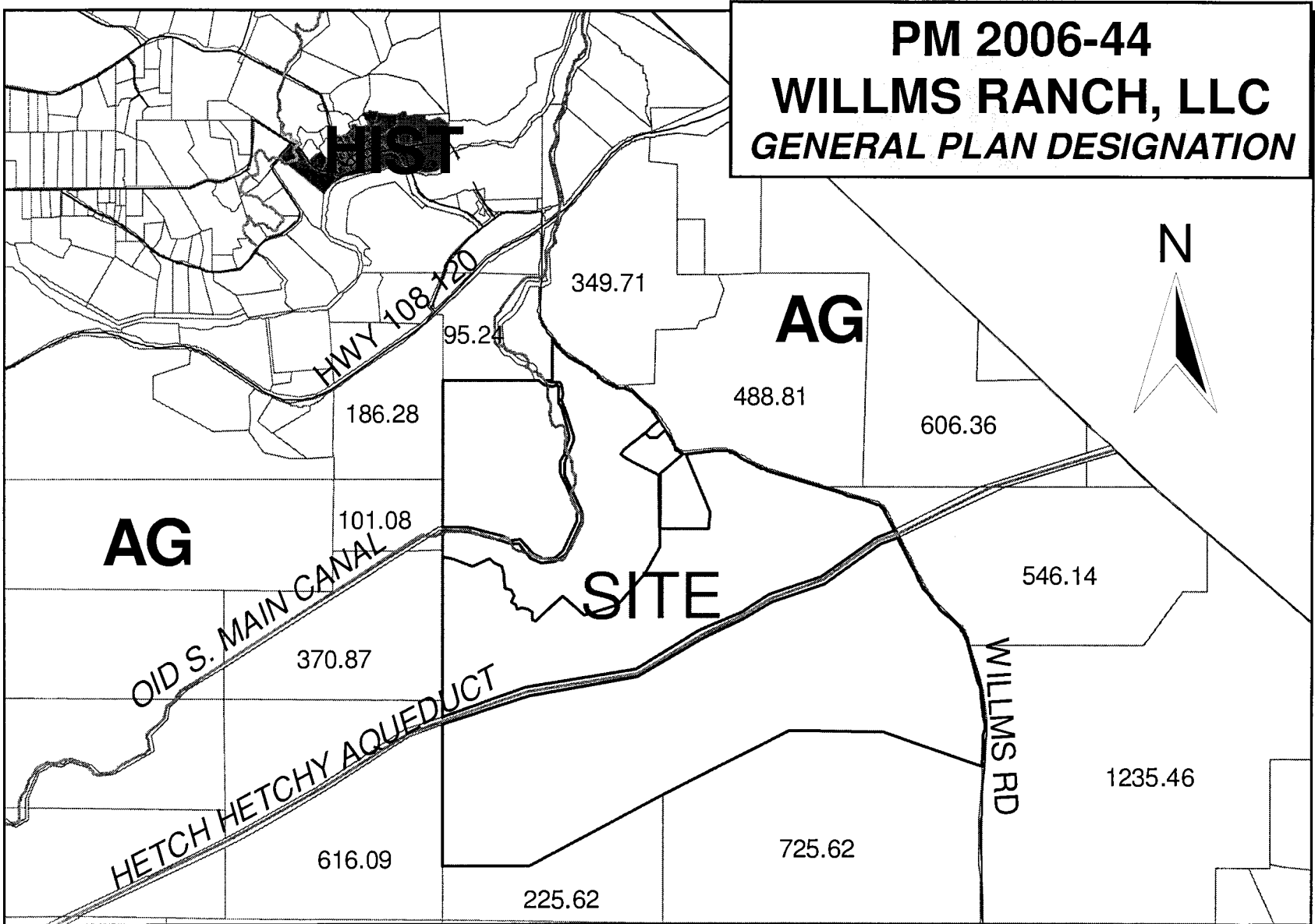
Exhibit A
Findings and Actions Required for Project Approval

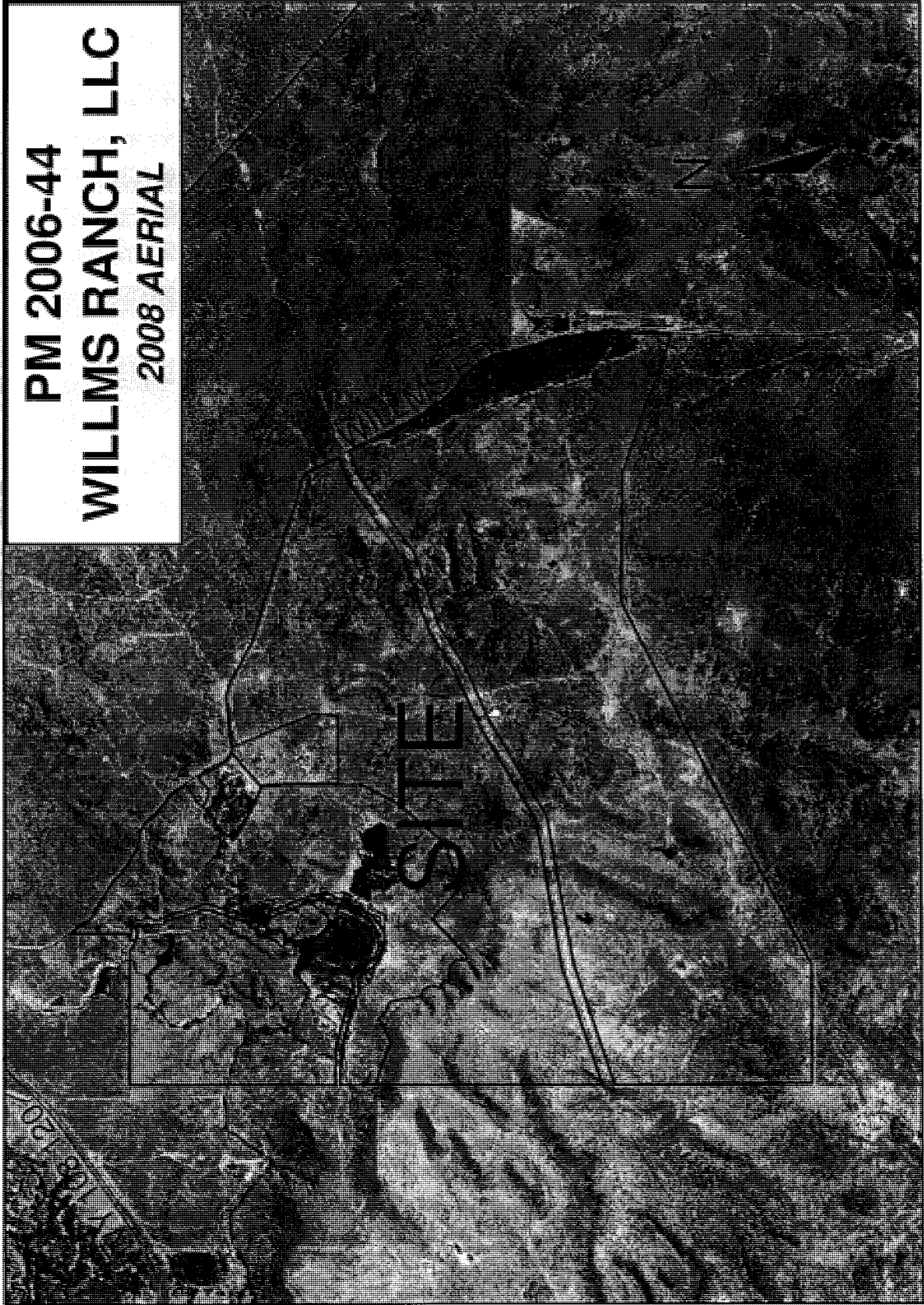
1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring Plan pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration and Mitigation Monitoring Plan reflects Stanislaus County's independent judgment and analysis.
2. Find that the attached Mitigation Monitoring Plan, which has removed Mitigation Measure No. 19, is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment, pursuant to CEQA Guidelines Section 15074.1.
3. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
4. Find that:
 - (a) The proposed map is consistent with applicable general and community plans as specified in Section 65451;
 - (b) The design or improvement of the proposed subdivision 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 design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
 - (f) The design of the subdivision or type of improvements are not likely to cause serious public health problems; and
 - (g) The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these will be substantially equivalent to ones previously acquired by the public.
5. Approve Vesting Tentative Parcel Map Application No. 2006-44 – Willms Ranch, LLC, subject to the attached mitigation measures and conditions of approval.

**PM 2006-44
WILLMS RANCH, LLC
AREA MAP**



**PM 2006-44
WILLMS RANCH, LLC
GENERAL PLAN DESIGNATION**



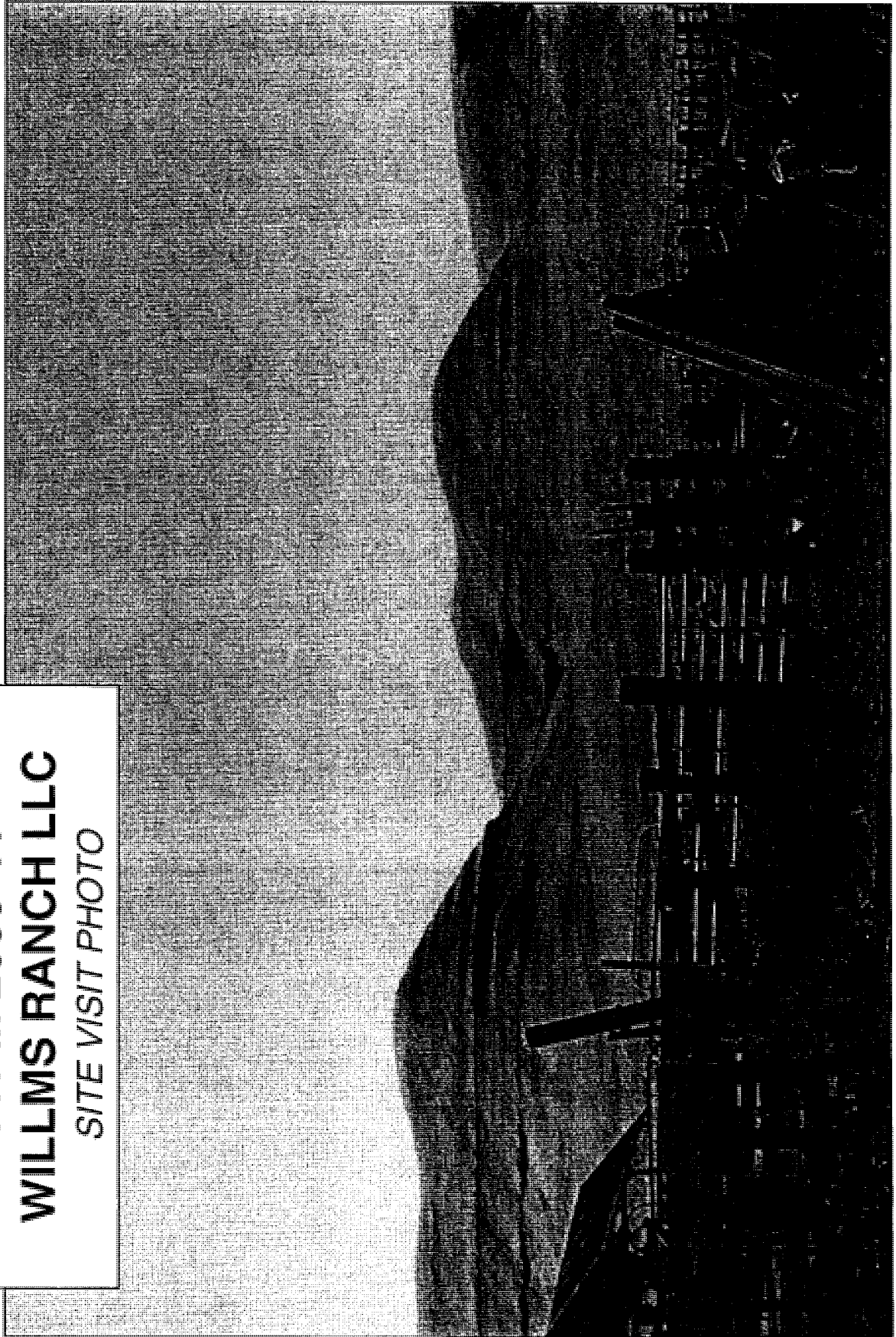


PM 2006-44
WILLMS RANCH, LLC
2008 AERIAL

VTPM 2006-44
WILLMS RANCH LLC
HISTORIC WILLMS RANCH HOUSE
STATE HISTORICAL LNDMRK # 415



VTPM 2006-44
WILLMS RANCH LLC
SITE VISIT PHOTO



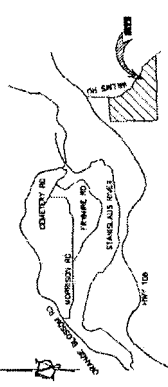
REVISIONS BY

SECTION 13 AND 34 IN TOWNSHIP 13 SOUTH, RANGE 12 EAST, AND A PORTION OF SECTION 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

OVERALL

SPEN SURVEY
 17100 KAMBLE RD. SUITE 100
 WESTON, MO 64088
 PHONE: (816) 526-9724
 FAX: (816) 526-4972

JULY, 2012
 SHEET 1 OF 800
 PROJECT 21H
 06-67



OWNER:
 WILMS RANCH LLC
 17100 KAMBLE RD.
 WESTON, MO 64088
 PH: (816) 526-9724

SUBJECT:
 ASPEN SURVEY COMPANY
 17100 KAMBLE RD.
 WESTON, MO 64088
 PH: (816) 526-9724

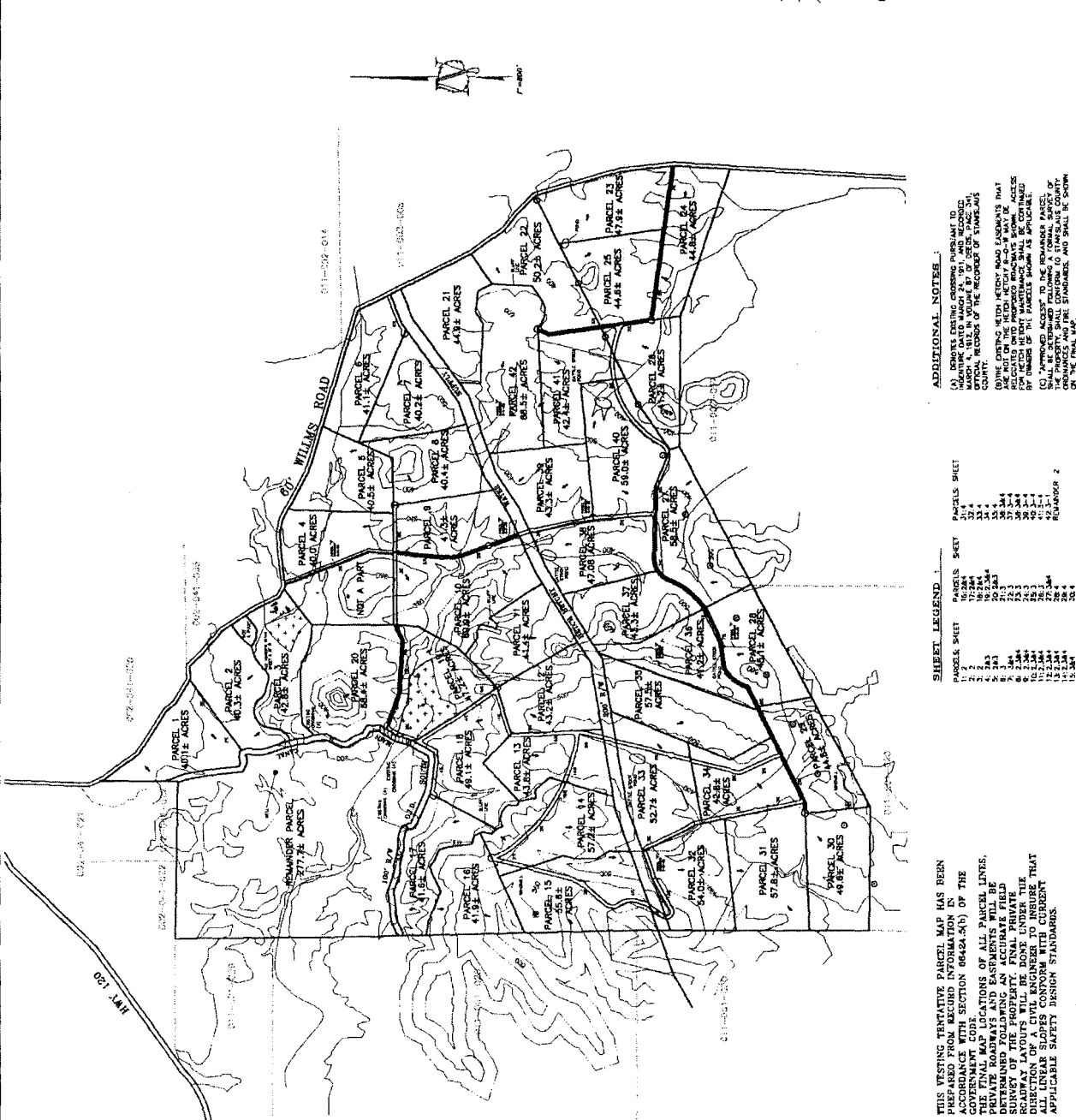
PROJECT DESCRIPTION:
 TO MAKE PARCELS NO LESS THAN 40 ACRES FOR AGRICULTURAL FRAMING PURPOSES.

UTILITIES AND FACILITIES:
 ELEGANT SLD 230,000 ACRES
 WATER - PRIVATE WELL
 SEWER - PRIVATE
 STORM DRAINAGE - ON SITE (NEUTRAL IN ENGINEERING SURVEY)
 ELECTRICITY - POLE AND WIRE
 TELEPHONE - POLE AND WIRE
 GAS - POLE AND WIRE
 PROJECT IS NOT IN A FLOOD PLAIN
 ASSOCIATED FEDERAL EASEMENTS: 1700 HWY 70, DARDALE CA, ELMHART MO
 SUBJECT JURISDICTION: A-7-10
 SLOPE/GRADE: PETERS-PRINZ COMPLEX WITH 0-30% SLOPES
 MAXIMUM DEPTH UNDER 100 FEET

NOTES:
 1. ALL PARCELS HAVE ACCESS TO A COUNTY MAINTAINED ROAD (WILMS ROAD) AND EXISTING AND PROPOSED PRIVATE ROADS.
 2. ALL PARCELS HAVE ACCESS TO A COUNTY MAINTAINED ROAD (WILMS ROAD) AND EXISTING AND PROPOSED PRIVATE ROADS.
 3. ALL PARCELS HAVE ACCESS TO A COUNTY MAINTAINED ROAD (WILMS ROAD) AND EXISTING AND PROPOSED PRIVATE ROADS.
 4. ALL PARCELS HAVE ACCESS TO A COUNTY MAINTAINED ROAD (WILMS ROAD) AND EXISTING AND PROPOSED PRIVATE ROADS.
 5. ALL PARCELS HAVE ACCESS TO A COUNTY MAINTAINED ROAD (WILMS ROAD) AND EXISTING AND PROPOSED PRIVATE ROADS.
 6. ALL PARCELS HAVE ACCESS TO A COUNTY MAINTAINED ROAD (WILMS ROAD) AND EXISTING AND PROPOSED PRIVATE ROADS.
 7. ALL PARCELS HAVE ACCESS TO A COUNTY MAINTAINED ROAD (WILMS ROAD) AND EXISTING AND PROPOSED PRIVATE ROADS.
 8. ALL PARCELS HAVE ACCESS TO A COUNTY MAINTAINED ROAD (WILMS ROAD) AND EXISTING AND PROPOSED PRIVATE ROADS.
 9. ALL PARCELS HAVE ACCESS TO A COUNTY MAINTAINED ROAD (WILMS ROAD) AND EXISTING AND PROPOSED PRIVATE ROADS.
 10. ALL PARCELS HAVE ACCESS TO A COUNTY MAINTAINED ROAD (WILMS ROAD) AND EXISTING AND PROPOSED PRIVATE ROADS.

LEGEND:
 --- PROJECT BOUNDARY
 --- CREEK
 --- PLATTED FROM QUAD MAP "WILMS RANCH"
 --- EXISTING BUILDINGS (SEE PARCEL DETAIL SHEET 2 OF 5)
 --- PROPOSED PRIVATE SAND/GRADY/CELL MILL/CELLS/CELLS/CELLS
 --- POWER POLE
 --- POLE POWER TOWER
 --- BRICKED PASTURE
 --- AREA OF 80 CHAIN SURVEY (200 IN. MAN CHAIN)
 --- 3X SLOPE OF PROPOSED ROAD (SEE SHEET 2 OF 5)
 --- SECTION OF PROPOSED ROAD

PRIVATE ROAD DETAIL:
 15' P.U.E.
 30' ACCESS EASEMENT
 15' P.U.E.
 60' PRIVATE ROADWAY CROSS SECTION OF ACCESS EASEMENT SUBJECT TO MOVE WITHIN 10' TO SCALE

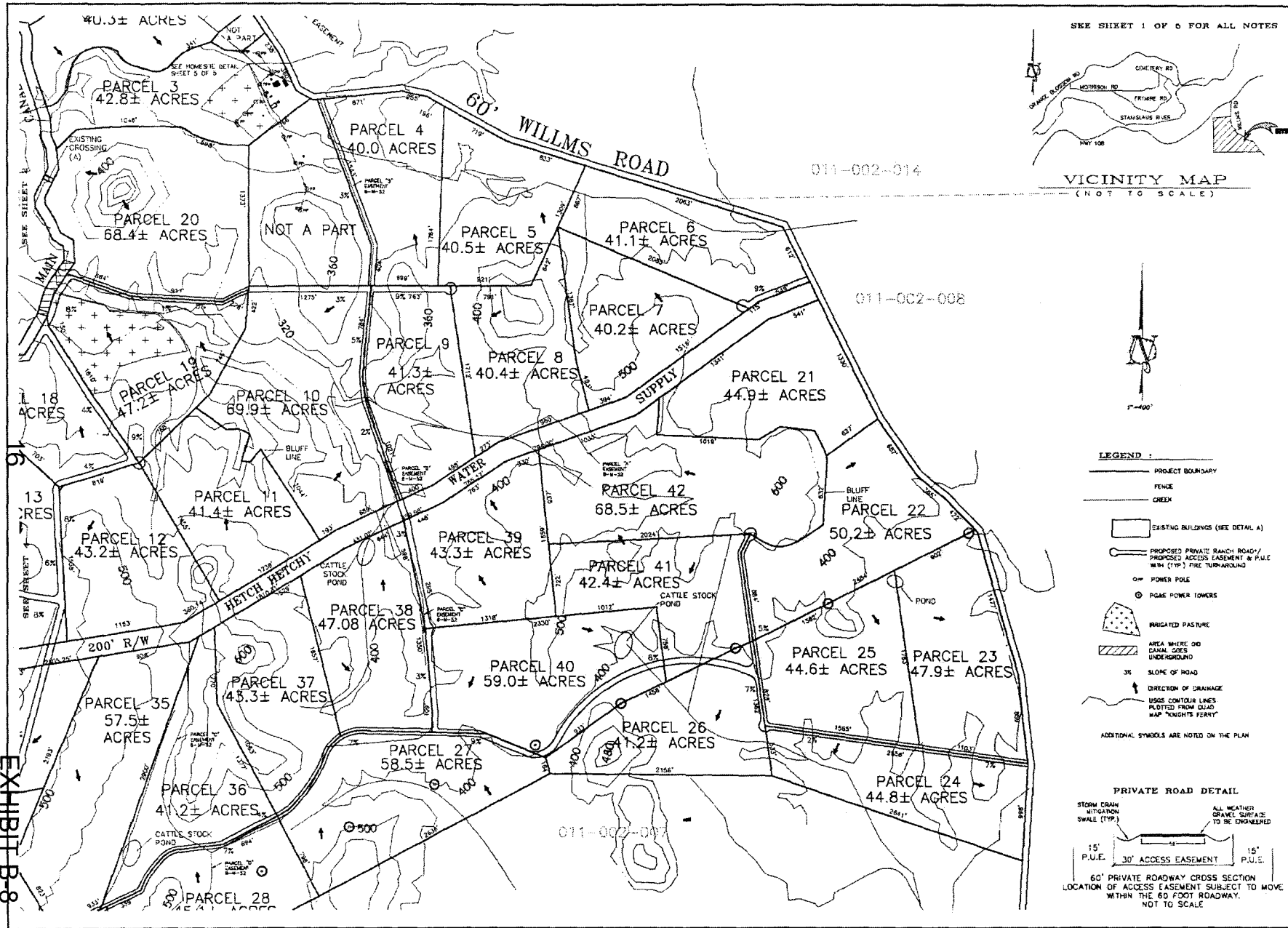


ADDITIONAL NOTES:
 (A) PROPERTY BEING ENGINEERED PERMANENT TO WILMS RANCH LLC, WESTON, MO, 64088, AND RECORDED IN PUBLIC RECORDS OF THE COUNTY OF STANISLAUS COUNTY, CALIFORNIA.
 (B) ENGINEERING FORTH KETCH ROAD EASEMENT THAT RELATES TO THE PROPOSED ROADWAY CROSS SECTION BY NUMBER OF THE PARCELS SHOWN AS APPLICABLE.
 (C) APPROVED ACCESS TO THE REMAINDER PARCEL OF THE PROPERTY SHALL CONFORM TO STANISLAUS COUNTY ENGINEERING DESIGN STANDARDS AND SHALL BE SHOWN ON THE FINAL MAP.

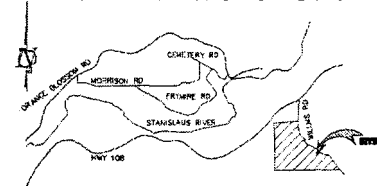
SHEET LEGEND:

PARCELS SHEET	PARCELS	SHEET
1	1-284	1
2	285-568	2
3	569-852	3
4	853-1136	4
5	1137-1420	5
6	1421-1704	6
7	1705-1988	7
8	1989-2272	8
9	2273-2556	9
10	2557-2840	10
11	2841-3124	11
12	3125-3408	12
13	3409-3692	13
14	3693-3976	14
15	3977-4260	15
16	4261-4544	16
17	4545-4828	17
18	4829-5112	18
19	5113-5396	19
20	5397-5680	20
21	5681-5964	21
22	5965-6248	22
23	6249-6532	23
24	6533-6816	24
25	6817-7100	25
26	7101-7384	26
27	7385-7668	27
28	7669-7952	28
29	7953-8236	29
30	8237-8520	30
31	8521-8804	31

**THIS WESTING INSTRUMENT PARCEL MAP HAS BEEN PREPARED FROM ACCURATE INFORMATION IN ACCORDANCE WITH SECTION 06424.5(b) OF THE GOVERNMENT CODE.
 THE FINAL MAP LOCATIONS OF ALL PARCEL LINES, SURVEY OF THE PROPERTY, FINAL PRIVATE ROADWAY CROSS SECTION, AND ALL EASEMENTS, SHALL BE DETERMINED BY THE CIVIL ENGINEER TO INSURE THAT ALL LINEAR SLIDES CONFORM WITH CURRENT APPLICABLE SAFETY DESIGN STANDARDS.**



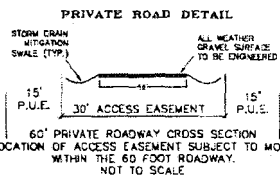
SEE SHEET 1 OF 6 FOR ALL NOTES



VICINITY MAP
(NOT TO SCALE)



- LEGEND :**
- PROJECT BOUNDARY
 - FENCE
 - CREEK
 - EXISTING BUILDINGS (SEE DETAIL A)
 - PROPOSED PRIVATE RANCH ROAD/
PROPOSED ACCESS EASEMENT & P.U.E.
WITH (TYP.) FIVE TURNAROUND
 - POWER POLE
 - ⊙ POLE POWER TOWERS
 - ▨ PRICATED PASTURE
 - ▨ AREA WHERE OLD CANAL COSES UNDERGROUND
 - 3% SLOPE OF ROAD
 - ↑ DIRECTION OF DRAINAGE
 - USGS CONTOUR LINES PLOTTED FROM QUAD MAP "NIGHTS FERRY"
- ADDITIONAL SYMBOLS ARE NOTED ON THE PLAN



REVISIONS 3Y

EXISTING RANCH PARCEL MAP
FOR
WILLMS RANCH LLC
A PORTION OF SECTION 23A, 18, 9 AND 11, TOWNSHIP 2 SOUTH, RANGE 12 EAST, AND
SECTIONS 13 AND 14, TOWNSHIP 1 NORTH, RANGE 12 EAST, MOUNT DIABLO BASIN, AND
MOUNTAIN VIEW, CALIFORNIA

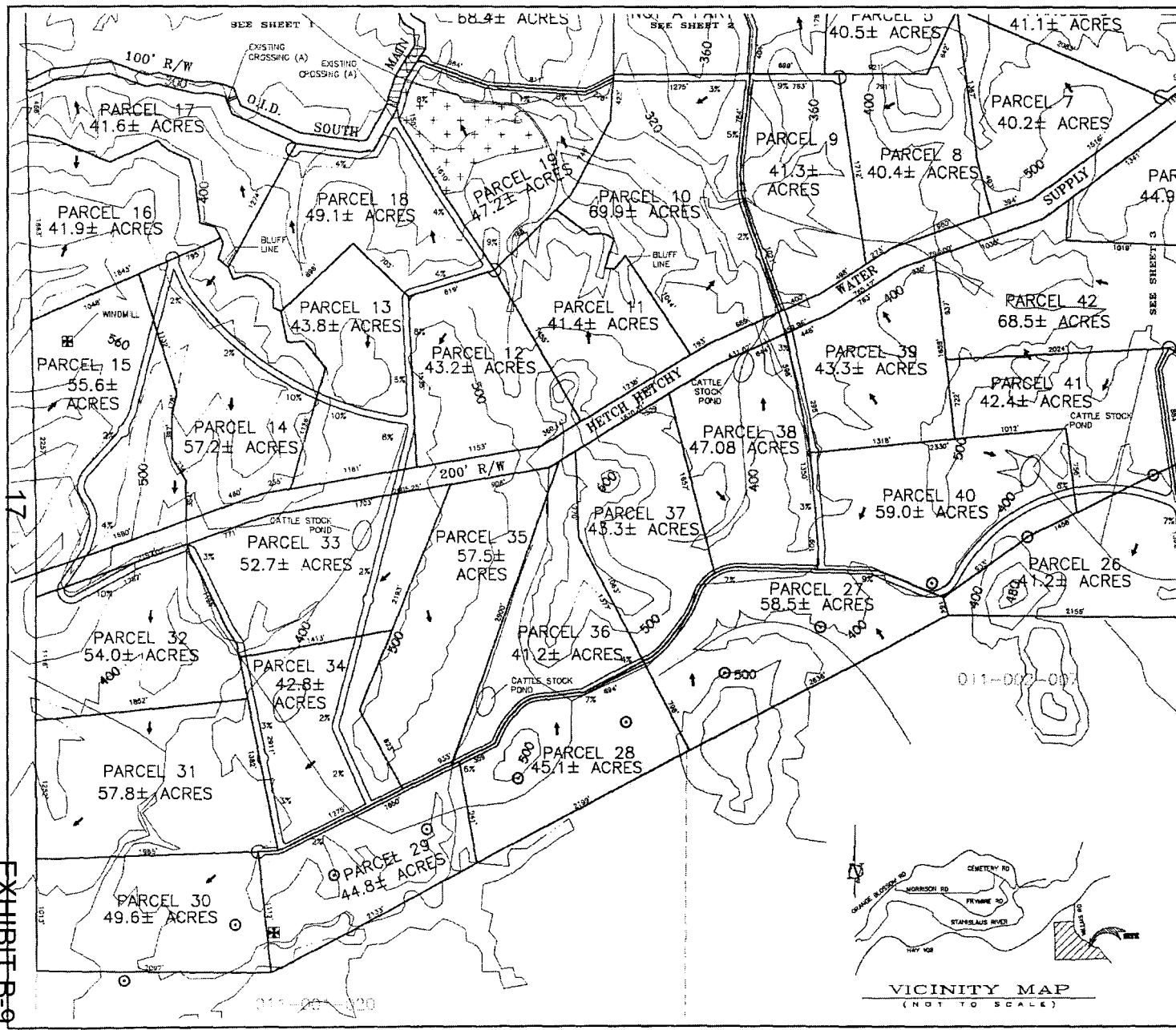
DETAIL 2

ASPEN SURVEY
1125 QUAIL CREEK, SUITE 4, MODOCO, CA 95958
PH: (530) 732-8724

JULY, 2012
SCALE 1" = 400'
DRAWN DLH
DATE 06-27
SHEET 3

EXHIBIT B-9

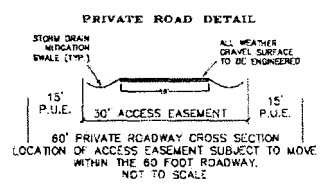
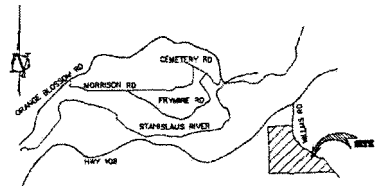
EXHIBIT B-9



SEE SHEET 1 OF 5 FOR ALL NOTES



- LEGEND :**
- PROJECT BOUNDARY
 - FENCE
 - CREEK
 - ▭ EXISTING BUILDINGS (SEE DETAIL A)
 - PROPOSED PRIVATE ROAD: ROADWAY / PROPOSED ACCESS EASEMENT & ELEV WITH (TYP.) FIRE TURNAROUND
 - POWER POLE
 - ⊙ POLE POWER TOWERS
 - ▨ IRRIGATED PASTURE
 - ▨ AREA WHERE G.O. CANAL DOES UNDERGROUND
 - 3% SLOPE OF ROAD
 - ↑ DIRECTION OF DRAINAGE
 - ↑ LOSS CONTOUR LINES PLOTTED FROM QUAD MAP "MICHIGIS FERRY"
- ADDITIONAL SYMBOLS ARE NOTED ON THE PLAN



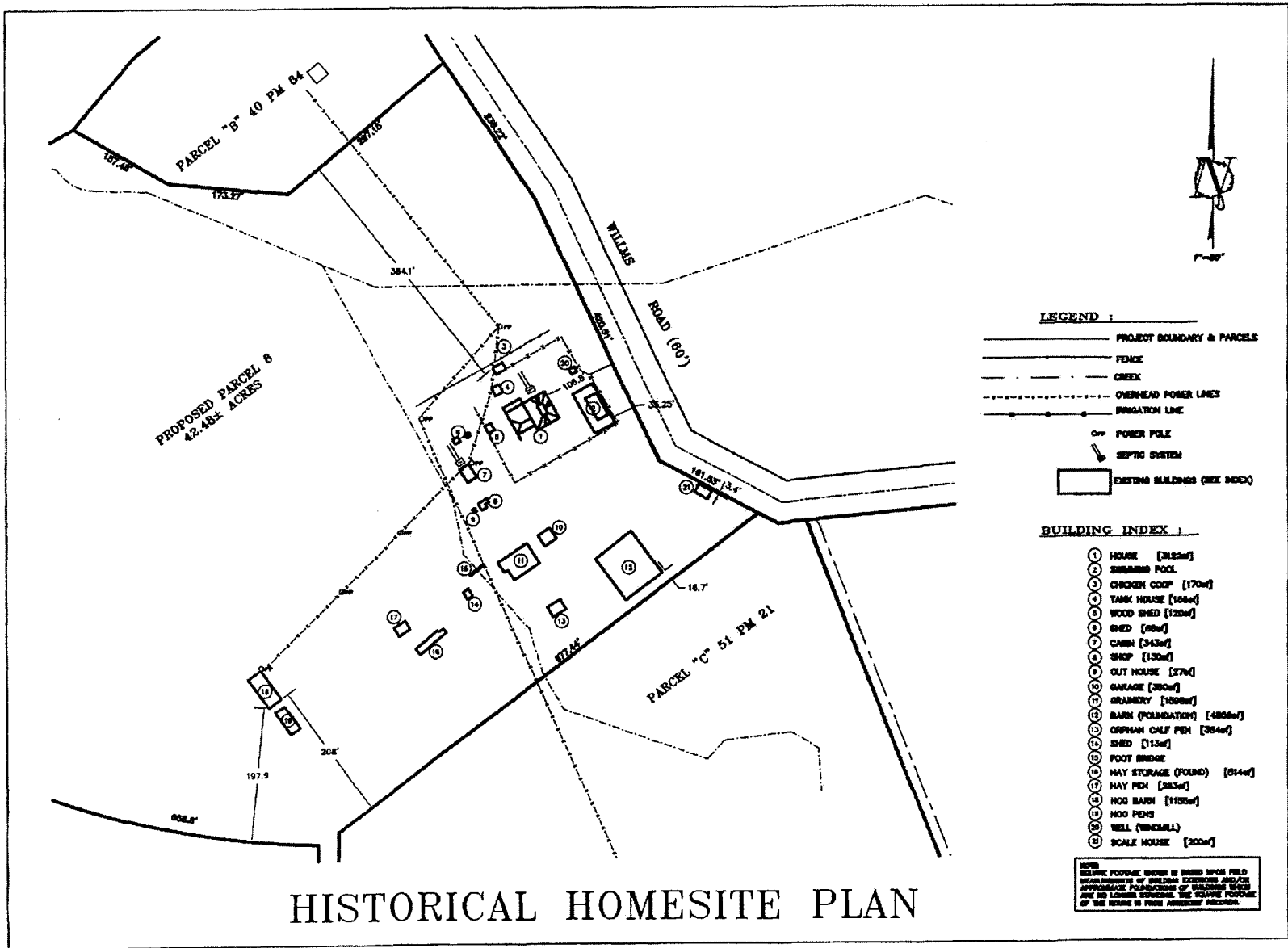
NO.	REVISIONS	BY

VESTING TO: WILLMS BANCHE, LLC
 A PORTION OF SECTION 23, 34, 35 AND 36, TOWNSHIP 2 SOUTH, RANGE 12 EAST, AND SECTIONS 33 AND 34, TOWNSHIP 1 SOUTH, RANGE 12 EAST MOUNT DIABLO STATE AND COUNTY

DETAIL 3

ASPEN SURVEY
 COMPANY, INC.
 11700 20th St., Suite 6, Elk, CO 80020
 (303) 594-8070

JULY, 2012
 SCALE 1"=400'
 D.L.H.
 06-67
 4
 5 SHEETS



- LEGEND :**
- PROJECT BOUNDARY & PARCELS
 - FENCE
 - - - CREEK
 - - - OVERHEAD POWER LINES
 - - - IRRIGATION LINE
 - POWER PILE
 - ↘ SEPTIC SYSTEM
 - EXISTING BUILDINGS (SEE INDEX)

- BUILDING INDEX :**
- ① HOUSE [1123sq']
 - ② SWIMMING POOL
 - ③ CHICKEN COOP [170sq']
 - ④ TANK HOUSE [108sq']
 - ⑤ WOOD SHED [120sq']
 - ⑥ SHED [88sq']
 - ⑦ CABIN [343sq']
 - ⑧ SHOP [130sq']
 - ⑨ OUT HOUSE [57sq']
 - ⑩ GARAGE [280sq']
 - ⑪ GRANARY [1808sq']
 - ⑫ BARN (FOUNDATION) [488sq']
 - ⑬ CRIPPER CALF PEN [264sq']
 - ⑭ SHED [113sq']
 - ⑮ FOOT BRIDGE
 - ⑯ HAY STORAGE (POND) [814sq']
 - ⑰ HAY PEN [283sq']
 - ⑱ HOG BARN [1150sq']
 - ⑲ HOG PENS
 - ⑳ WELL (WINDMILL)
 - ㉑ SCALE HOUSE [200sq']

NOTES
 SQUARE FOOTAGE GIVEN IS BASED UPON FIELD MEASUREMENTS OF BUILDING EXTERIORS AND FOR APPROXIMATE FOUNDATIONS OF BUILDINGS WHICH ARE IN LARGER STRUCTURES. THE SQUARE FOOTAGE OF THE HOME IS FROM ARCHIVE RECORDS.



EXISTING TENTATIVE PARCEL MAP
 FOR
WILMS RANCH LLC
 A PORTION OF SECTION 2, 3, 4, 5 AND 11 IN TOWNSHIP 2 SOUTH, RANGE 12 EAST, AND SECTIONS 33 AND 34 IN TOWNSHIP 1 SOUTH, RANGE 12 EAST MOUNT GARDNER BASIN AND NEIGHBORING

ASPEN SURVEY
 COMPANY
 P.O. BOX 8724 P.O. BOX 8724
 FT. COCKS, CO. 80504 FT. COCKS, CO. 80504

DATE: Mar. 2011
 SCALE: 1"=80'
 DRAWN: dlh
 JOB: 06-67
 SHEET: **14A**
 OF 14 SHEETS

CONDITIONS OF APPROVAL

**VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2006-44
WILLMS RANCH, LLC**

Department of Planning and Community Development

1. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2012), the applicant is required to pay a Department of Fish and Game filing fee at the time of recording a "Notice of Determination". Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,158.50**, made payable to **Stanislaus County**, for the payment of Fish and Game and Clerk Recorder filing fees.

Pursuant to Section 711.4 (e)(3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.

2. 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.
3. 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.
4. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary.
5. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
6. Pursuant to Sections 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate stream-bed alteration agreements, permits, or authorizations, if necessary.

7. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
8. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
9. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.
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 archaeological 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. All new buildings/structures shall comply with all applicable codes, ordinances, standards, and regulations at the time of construction.

Stanislaus County Building Permits Division

13. Any development on the newly created parcels, shall comply with California Code of Regulations, Title 24.

Stanislaus County Department of Public Works

14. The recorded parcel map shall be prepared by a licensed land surveyor or a registered civil engineer licensed to practice land surveying.
15. All structures not shown on the tentative parcel map shall be removed prior to the parcel map being recorded.

16. All new parcels shall be surveyed and fully monumented prior to the recording of the parcel map.
17. All existing non-public facilities and/or utilities that do not have lawful authority to occupy the road right-of-way shall be relocated onto private property.
18. Prior to the final parcel map being recorded, a Road Maintenance Agreement or a homeowner's association shall be formed, and the necessary documents recorded. The documents shall specify maintenance of all private access roads will be the sole responsibility of the property owners and non-Stanislaus County maintained. A copy of the recorded Road Maintenance Agreement or homeowner's association shall be provided to the Department of Public Works and the Department of Planning and Community Development for review and approval prior to recordation of the parcel map.
19. A statement on the final parcel map shall say that all access easements are private, non-County maintained.
20. Prior to development of any private access roads and/or the final inspection of a building permit/occupancy of any structure on the project site, the private access road shall be constructed per the grading and drainage permit. This shall include all improvements from Willms Road to the lot in question.
21. Stanislaus County Department of Public Works shall approve the location and design of the intersection of each private access easement being utilized by this project or any driveway taking direct access off of Willms Road. Please refer to the Traffic Impact Analysis by KD Anderson, dated September 4, 2007, page 13.
22. A paved driveway approach shall be installed per Stanislaus County Public Works Standards and Specifications where any private road/access easement intersects with Willms Road.
23. All existing and/or proposed irrigation easements, private access easements, and public utility easements shown on the vesting tentative parcel map shall be shown on the final map to be recorded.
24. An Encroachment Permit shall be taken out prior to any work done in the County road right-of-way.
25. The Stanislaus County Department of Public Works shall approve any cross sections of the private road/access easements.

Stanislaus County Department of Environmental Resources

26. Each parcel shall have an approved independent water supply (if not provided public water service). Prior to the issuance of a building permit, each parcel shall have its own well. A drilling permit shall be obtained from the Department of Environmental Resources. (Stanislaus County Policy and State Model Well Standards Ordinance.)
27. Each parcel shall have a conventional septic system for on-site sewage disposal.

28. All existing septic systems are required to be contained within the proposed parcel boundaries as per required Department setback standards.
29. The applicant shall determine, to the satisfaction of the Department of Environmental Resources (DER), that a site containing (or formerly containing) residences or farm buildings, or structures, has been fully investigated (via Phase I study, and Phase II study if necessary) prior to the issuance of a grading permit. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of DER.

Stanislaus County Environmental Review Committee

30. Prior to issuance of a building permit, each lot shall be served by a public road, private access easement, or an Emergency Vehicle Access Roadway (EVA). All EVAs shall run with the land and can only be altered or removed by the Fire Suppression Authority Having Jurisdiction (AHJ). Emergency Access roadways shall conform to the standards in place at the time this application was deemed complete (December 1, 2006).
31. All access easements (EVAs) shall be shown on the map and approved by fire prior to recording of the final map.
32. The proposed project is in the State Responsible Land and a Fire Hazard Severity Zone; therefore, prior to any structures being built, a Vegetation Management Plan must be submitted and approved by the Fire District.
33. Prior to issuance of a building permit, a Fire Defensible Space Plan must be submitted and approved by the Fire District.
34. If traffic signals are installed and/or retrofitted for the proposed project, signal preemption devices shall be paid for and installed by the developer and shall conform to the Fire District's standards and requirements.

Oakdale Irrigation District

35. All existing private irrigation pipelines, canals, ditches, structures, turnouts, and drains on the proposed parcels shall be shown on the final parcel map.
36. Those parcels within the proposed parcel map that are entitled to irrigate shall have water made available under one of these options:

Option 1: An independent delivery system to each parcel. Each parcel is to be served by a single pipeline with its beginning at a cluster well or sump provided at the historical point of delivery. The District has standard plans available for this purpose.

Option 2: A single pipeline that serves multiple properties with its beginning at the historical point of delivery. The District has standard plans available for this purpose. This option is only available for developments operating under an Improvement District (Water Code §23600) arrangement with the OID.

37. All drainage from lands that discharge to a District facility shall be under an approved District drainage agreement and compliant with existing District policy. OID shall not accept any additional drainage resulting from development into its system.
38. The following statement shall appear on the final parcel map:

“Oakdale Irrigation District is not responsible for channeling, diverting, nor conveying any storm drainage that takes place in the parcels created by this map”
39. The District requires that a signature block, as specified in the letter from OID dated September 24, 2010, be shown on the recorded parcel map. The required signature block will be signed after OID has reviewed and approved the parcel map.

Cal-Fire

40. Prior to issuance of a building permit, turn out shall be provided every 800 feet, in accordance with California Public Resources Code.
41. Prior to final of any building permit, all buildings not served by two roads (access points) more than 800 feet dead ended including driveway shall be equipped with an automatic fire sprinkler system.

MITIGATION MEASURES

(Pursuant to California Public Resources Code 15074.1: Prior to deleting and substituting for a mitigation measure, the lead agency shall do both of the following:

- 1) Hold a public hearing to consider the project; and***
- 2) Adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.)***

1. Prior to any construction or grading on any newly created parcel, all suggested mitigation measures contained within the biotic evaluation prepared by Live Oak Associates, Inc. on June 11, 2007, on behalf of the Willms Ranch Parcel Map, shall be met. This includes but is not limited to, mitigation measures No. 2-10 of this document. This mitigation measure shall be construed generally and is not intended to limit the more specific requirements of Mitigation Measures 2-19 below.
2. Prior to any construction or grading on any newly created parcel, pre-construction survey(s) shall be conducted to determine if any special status plants, vernal pool animal or plant species, burrowing owls, tree-nesting raptors, or badgers exist on the project site. This mitigation measure shall be construed generally and is not intended to limit the more specific requirements of Mitigation Measures 2-19 below.
3. Prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel, conduct focused, repeated surveys multiple times during the appropriate floristic period(s) within the footprint of the proposed grading or construction in order to adequately assess the potential impacts of such grading or construction on special status plant species. If such surveys determine that any special status plant species, including Henderson’s bent grass, Hoover’s calycadenia,

succulent owl's clover, Hoover's spurge, beaked clarkia, Hoover's cryptantha, dwarf downingia, Tuolumne button-celery, spiny-sepaled button-celery, knotted rush, Merced monardelia, San Joaquin Valley orcutt grass, hairy orcutt grass, Hartweg's golden sunburst, or Greene's tuctoria, are present on the project site, then applicant shall consult with the California Department of Fish and Game to discuss the potential for "take" under the California Endangered Species Act, and the grading and construction shall be planned to avoid impacts to the special status plant species, if possible. If impacts to special status plant species cannot be avoided by redesigning the grading and construction, then applicant shall obtain from the California Department of Fish and Game an incidental "take" permit under California Fish & Game Code Sec. 2080.1 or 2081, and a mitigation plan, including location or restoration areas, propagation and planting techniques to be employed for the restoration effort, timetable for implementation, performance criteria, adaptive management techniques, and a site maintenance plan shall be prepared by a qualified biologist and submitted to the U.S. Fish & Wildlife Service and/or California Department of Fish and Game and Stanislaus County Planning Department for review and approval. Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map. Such restrictive covenant shall require Applicant to notify the Department of Fish and Game in writing prior to any construction or grading, whether or not such construction or grading requires a County permit, or prior to any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel.

4. Pursuant to Section 404 of the Clean Water Act, prior to recording the final map, contact the United States Army Corps of Engineers ("ACOE") to determine if any "wetlands", "water of the United States" or other areas under the jurisdiction of the Corps of Engineers are present on the project site.

Prior to recording the final map, vernal pools and seasonal wetlands shall be surveyed and shown on the recorded final map. A 250-foot development-free buffer, measured from the edge of vernal pools or seasonal wetlands (including wetlands created by leaks, dams or other structures or failures in man-made water systems), shall be established. In addition, a 100-foot development-free buffer, measured from the high water mark of surface water channels, including but not limited to Wildcat Creek and its tributaries, shall be established. If full avoidance is not possible, consultation with the U.S. Fish & Wildlife Service shall be undertaken to further assess the potential impacts to vernal pool or seasonal wetlands species and determine any needed mitigation. Mitigation usually involves purchase of vernal pool credits or payment of fees to an approved mitigation bank or in-lieu species fund, along with establishing a mechanism for managing these lands in perpetuity.

As to any parcels affected by a development-free buffer, as shown on the parcel map, Applicant shall, prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel, obtain from the ACOE appropriate permits or authorizations, including all necessary water quality certifications, if necessary. Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map.

5. Prior to recording the final map, all blue elderberry shrubs with a stem diameter of one inch or greater at ground level shall be surveyed. The locations of each blue elderberry shrub of this size shall be shown on the recorded final map. If possible, a 100-foot development-free buffer shall be established around each blue elderberry shrub identified on the map. Prior to any construction or ground disturbing activity, any mapped blue elderberry shrubs existing within the lot to be developed shall be fenced during construction. If full avoidance is not possible, consultation with USFWS shall be undertaken to further assess the potential impacts to valley elderberry longhorn population and determine any needed mitigation. Mitigation usually involves planting replacement shrubs at an approved mitigation site or payment of fees to an approved mitigation bank or in-lieu species fund.
6. Prior to any construction or ground disturbing activity within a lot to be developed in or along Wildcat Creek, its tributaries, the OID canal, or the stock ponds and large seasonal wetlands on the site, pre-construction survey(s) shall be conducted to determine if any western pond turtles exist within such a lot.

If pre-construction surveys determine that western pond turtles are present in the construction zone, the turtles shall be relocated by a qualified biologist to a suitable habitat just outside the construction zone. If western pond turtle relocation is undertaken, silt fencing shall be erected and maintained around construction zones to prevent western pond turtles from moving back into these areas.

7. Prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel, do one of the following: (i) either conduct surveys for the California Tiger Salamander ("CTS") using the Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander issued by the California Department of Fish and Game in 2003; or (ii) assume the presence of CTS in the area on which construction or grading is to occur or in which the change in farming practices is to be implemented. If surveys are conducted and CTS are found, or if the presence of CTS is assumed, then an Incidental Take Permit shall be obtained from the California Department of Fish and Game. Such Incidental Take Permit shall include measures required to avoid and/or minimize direct "take" of CTS on the area on which construction or grading is to occur or in which the change in farming practices is to be implemented, as well as measures to fully mitigate the impact of the "take". Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map. Such restrictive covenant shall require Applicant to notify the Department of Fish and Game in writing prior to any construction or grading, whether or not such construction or grading requires a County permit, or prior to any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel.
8. Prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel, conduct surveys in accordance with the California Department of Fish and Game's Burrowing Owl Survey Protocol and Mitigation Guidelines, dated April 1993, and establish a 250 foot no-construction/grading/agricultural conversion buffer around each burrow identified in such surveys. Such buffer need not be established if, but only if, a qualified biologist approved by

the California Department of Fish and Game verifies through non-invasive methods that either: (i) the birds have not begun egg laying and incubation; or (ii) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. The buffer areas shall be enclosed with temporary fencing, and no workers or construction or other equipment shall enter the enclosed setback areas. Such buffers shall remain in place for the duration of the breeding season (February 1 through August 31). Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map. Such restrictive covenant shall require Applicant to notify the Department of Fish and Game in writing prior to any construction or grading, whether or not such construction or grading requires a County permit, or prior to any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel.

9. To prevent disturbance of raptor habitat, all large mature trees planned for removal in connection with any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops, shall be removed only during the non-breeding season (September 1 through January 31). However, if it is not possible to conduct such removals during the non-breeding season, then prior to any construction or grading or any change in the farming practices described above on a newly created parcel, a qualified biologist shall conduct a survey for tree-nesting raptors in all trees on the portion of the parcel to be affected by the construction, grading or agricultural conversion. Such surveys shall be conducted not less than ten days prior to the start of construction, grading or agricultural conversion. If nesting raptors are detected on or adjacent to the portion of the parcel which will be disturbed, then a construction/grading/conversion-free buffer shall be established around all active nests. The precise dimension of such buffer shall be not less than 250 feet and shall be determined in accordance with the nest location and the species of raptor occupying the nest; provided that if the nest is occupied by Swainson's Hawks, the buffer shall be not less than one-half mile. The buffer areas shall be enclosed with temporary fencing, and no workers or construction or other equipment shall enter the enclosed setback areas. Such buffers shall remain in place for the duration of the breeding season (February 1 through August 31). Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map. Such restrictive covenant shall require Applicant to notify the Department of Fish and Game in writing prior to any construction or grading, whether or not such construction or grading requires a County permit, or prior to any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel.
10. Prior to recordation of the parcel map, conduct a survey of the entire project area to determine whether any active Swainson's Hawk nests exist in the project area ("Project Survey"). Such Project Survey shall be conducted by a qualified biologist during the normal bird breeding season (February 1 through September 15) and shall include all newly created parcels. A copy of such Project Survey shall be provided to the Stanislaus County Planning Department and to the California Department of Fish and Game. Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map.

Thereafter, prior to the sale of the first newly created parcel in the Project, conduct an additional survey of the entire Project area to determine whether any active Swainson's Hawk nests other than those identified in the Project Survey exist in the project area ("Second Project Survey"). Such Second Project Survey shall also be conducted by a qualified biologist during the normal bird breeding season (February 1 through September 15) and shall include all newly created parcels. A copy of such Second Project Survey shall be provided to the Stanislaus County Planning Department and to the California Department of Fish and Game. Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map.

Prior to commencement of any construction or grading or change in farming practices from dryland or irrigated pasture to orchards on any newly created parcel during the breeding season (February 1 through September 15), a ½ mile no-disturbance buffer shall be delineated around active nests shown on the Project Survey and/or Second Project Survey and any other known nests which may be outside the project boundary. Such buffers shall remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the next or parental care for survival.

In addition, prior to the commencement of construction or grading or change in farming practices to orchards on any newly created parcel, mitigation for habitat loss shall be provided as follows:

- Projects within one mile of an active nest tree (or a known nest tree which is outside the boundary of the newly created parcel or outside the boundary of the entire project) shall provide a minimum of one acre of habitat management (HM) land for each acre of urban development authorized.
- Projects within five miles of an active nest tree (or a known nest tree which is outside the boundary of the newly created parcel or outside the boundary of the entire project) but greater than 1 mile from such nest tree should provide a minimum of 0.75 acres of HM land for each acre of urban development authorized.
- Projects within ten miles of an active nest tree (or a known nest tree which is outside the boundary of the newly created parcel or outside the boundary of the entire project) but greater than five miles from such nest tree should provide a minimum of 0.5 acres of HM land for each acre of urban development authorized.

Performance of these requirements shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map. Such restrictive covenant shall require Applicant to notify the Department of Fish and Game in writing prior to any construction or grading, whether or not such construction or grading requires a County permit, or prior to any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel.

11. If pre-construction surveys determine the presence of badgers on individual project sites or immediately adjacent to the construction envelope, a construction-free buffer of up to 300 feet (or distance specified by the CDFG) shall be established around the den. Because badgers are known to use multiple burrows in a breeding burrow complex, a biological

monitor shall be present onsite during construction activities to ensure the buffer is adequate to avoid direct impact to individuals or nest abandonment. The monitor shall remain onsite until it is determined that young are of an independent age and construction activities would not harm individual badgers. Once it has been determined that badgers have vacated the site, the burrows can be collapsed or excavated, and ground disturbance can proceed.

12. Prior to any construction or ground disturbing activity that will require removal of a healthy oak tree, an oak tree protection and replacement plan shall be provided by the lot owner to the Department of Planning and Community Development and to the California Department of Fish & Game (CDFG) for review and approval.
13. To reduce impacts to seasonal drainages and wetlands occurring within the sites, projects shall be designed in such a way as to avoid the placement of fill within potential jurisdictional waters and seasonal drainages.

If the impacts to Wildcat Creek, its tributaries, the seasonal drainages, stock ponds, and seasonal wetlands cannot be avoided, then an onsite or nearby off-site mitigation plan, approved by the Stanislaus County Department of Planning and Community Development and other responsible agencies, shall be prepared prior to development. Mitigation measures may include 3:1 replacement-to-loss ratio (3 acres conserved for each acre developed), reseeded of vegetation in temporarily disturbed area and development of a restoration plan.

14. If any subsurface cultural resources, including either prehistoric or historic resources, are encountered during construction of the project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. The Stanislaus County Department of Planning and Community Development shall be notified, and the owners, developers and/or successors-in-interest shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines. The developer/operator shall be responsible for halting construction, obtaining a qualified archaeologist and notifying the Stanislaus County Department of Planning and Community Development if any subsurface cultural resources are encountered during construction of this project.
15. If human remains are encountered at any time during the development of the project, all work in the vicinity of the find shall halt and the County Coroner and the Stanislaus County Department of Planning and Community Development shall be notified immediately. If it is determined that the remains are those of a Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. At the same time, a qualified archaeologist must be contacted to evaluate the archaeological implications of the finds. The CEQA Guidelines detail steps to be taken when human remains are found to be of Native American origin.
16. A Class III Archaeological Survey shall be completed prior to any development, construction, or ground disturbance on any newly created parcel falling within Section 11 Township 2S Range 12E, or on above ground portions of OID easements.
17. Prior to any development, construction or ground disturbance on any newly created parcel, a pre-construction survey shall be conducted by a qualified biologist to determine if any native plants of importance to the Tuolumne Band of Me-wuk, as listed on Attachment A, exist on the project site. If pre-construction surveys determine that any of these plants are present

on the project site, measures shall be taken to avoid impacts to the plants. If impacts cannot be avoided, a mitigation plan including location of restoration areas, propagation and planting techniques to be employed for the restoration effort, timetable for implementation, monitoring plan and performance criteria, adaptive management techniques, and a site maintenance plan shall be submitted to the Stanislaus County Planning Department for review and circulated to the Tuolumne Band of Me-Wuk for approval.

18. A grading and drainage plan shall be submitted with every new building permit that is taken out for each new parcel created within this parcel map. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:
 - i. Drainage calculations shall be prepared as per the Stanislaus County Standards and Specifications that are current at the time the permit is taken out.
 - ii. The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and into the Stanislaus County road right-of-way. All grading and drainage work for the site's access roads shall keep the runoff within the historic (natural) drainage shed for that area.
 - iii. The grading and drainage plan shall comply with the current Stanislaus County National Pollutant Discharge Elimination System (NPDES) General Permit.
 - iv. The plan shall include the grading and drainage for the access road that leads to the site of the structure being built or the area to be graded. This information shall be part of the submitted Engineer's Estimate.
 - v. An Engineer's Estimate shall be submitted for the drainage and grading work.
 - vi. Any associated building permit shall not be granted a final inspection or occupancy until the grading and drainage permit has been accepted by Stanislaus County Public Works.
 - vii. The applicant shall enter into an Inspection Deposit Agreement with the Department of Public Works prior to the issuance of the grading and drainage permit.

The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the building and/or grading permit. A deposit based off of the Engineer's Estimate shall be made prior to any plan check (3% for projects \$0 to \$100,000 and 2% for projects \$100,001 and above). The applicant will be responsible for any charges beyond the deposit that are incurred over the plan check deposit. The plans shall not be released until such time that all plan check fees have been paid. Any fees left over from the deposit shall be returned to the applicant at the completion and acceptance of the plans by Stanislaus County Public Works. The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. This shall include a deposit of 10% of the Engineer's Estimate for the grading and drainage work. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site. Stanislaus County will not accept any work finished until the inspection fees have been paid in full.

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



Stanislaus County

Planning and Community Development

1010 10th Street, Suite 3400
Modesto, California 95354

Phone: (209) 525-6330
Fax: (209) 525-5911

CEQA INITIAL STUDY

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

1. **Project title:** Vesting Tentative Parcel Map Application No. 2006-44 - Willms Ranch, LLC
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Kristin Doud, Assistant Planner
(209) 525-6330
4. **Project location:** West side of Willms Road, south of Highway 108/120, in the Knight's Ferry area. (APN: 011-013-001; 006; 009; & 011)
5. **Project sponsor's name and address:** Gil Bostwick / Barbara Savery
Petrolakis, Jensen, & Friedrich, LLP
1130 12th Street, Suite B
Modesto, CA 95354
6. **General Plan designation:** Agriculture
7. **Zoning:** A-2-40 (General Agriculture)

8. **Description of project:**

This is a request to divide 4 parcels totaling 2,312.05± acres, currently enrolled in Williamson Act Contract No. 71-0438, to create a total of 48 parcels ranging in size from 40.0 to 69.9 acres. The project underwent an early consultation referral in January 2007 after which traffic, biological, and archaeological studies were requested from various agencies. In light of the new information presented within the studies (which are attached for review), the project underwent a second early consultation in conjunction with revised project maps. The project then underwent an Initial Study 30-day referral in August of 2010. The Initial Study and Mitigation Measures have been amended based on comments received during the August 2010 referral and the project is being re-circulated for referral. This application is vested and was deemed complete on December 1, 2006. In compliance with the Stanislaus County Subdivision Ordinance, Chapter 20.13, and with California Government Code Section 66474.2, any development occurring within two years of the recording of the parcel map shall be in substantial compliance with the ordinances, policies, and standards in effect at the time the application for the parcel map was deemed complete. All mitigation measures and conditions of approval applied to this project shall be held to the vested standard during the vested period unless otherwise specified.

9. **Surrounding land uses and setting:** Sierra Nevada Foothills; large parcel pasture and grazing land with a few scattered homes; historic Knight's Ferry to the northwest.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Department of Public Works
California Department of Transportation
California Department of Fish & Game
Oakdale Irrigation District
Oakdale Rural Fire Protection District
Stanislaus Fire Prevention Bureau
San Francisco Public Utilities Commission

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

Kristin Doud, Assistant Planner
 Prepared By _____

February 10, 2011
 Date _____

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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

ISSUES

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X
<p>Discussion: The site itself is not considered to be a scenic resource or a unique scenic vista. The project site consists of undeveloped grasslands in the Sierra Nevada foothills and is located approximately one mile away from historic Knights Ferry. Community standards generally do not dictate the need or desire for architectural review of agricultural or residential subdivisions outside of Historic Districts. Any development resulting from this project will be consistent with existing area developments.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X

d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

Discussion: The entire project site is currently enrolled in Williamson Act Contract No. 71-0438. The majority of the project site is identified by the California Farmland Mapping and Monitoring Program as grazing land with a few sections of irrigated pasture (approximately 55 acres) qualifying as Farmland of Local Importance, Farmland of Statewide Importance, and Prime Farmland. The Natural Resources Conservation Service identifies the area as having soils ranging in quality from grade 6 Lava and Sandstone rockland (Storie Index Rating - less than 5) to grade 2 Anderson gravelly fine sandy loam with slopes between 0-3 percent (Storie Index Rating - 63). Approximately 40% of the project site is made up of grade 5 and 6 Pentz gravelly loam with slopes ranging between 8-75 percent (Storie Index Rating between 4-15). The project site is considered "non-prime" due to its soils and current use as grazing land.

The Department of Conservation (DOC) provided a response to the early consultation referral, dated December 6, 2007, indicating that 40 acres may not be a large enough parcel size to sustain a commercial cattle grazing operation. In addition, the DOC's letter claims that this division of land appears to be for residential purposes. A response to the DOC's concerns was provided by the applicant, dated November 17, 2008. This letter re-iterated that the purpose of this land division is for agricultural financing. Although no additional structures are proposed at this time, any uses of contracted property must be compatible with the Williamson Act and with the County's General Agriculture (A-2) zoning district which allows two dwellings on parcels of 20 acres or greater, given that they are incidental and accessory to the agricultural uses of the property. Additionally, the Williamson Act itself establishes the guideline of a 40 acre minimum for non-prime agricultural land to remain within the act. The Department of Conservation was re-referred the project in August of 2010 and provided the County with a referral response dated September 27, 2010. In this response, the DOC stated that it is advisable that if ownership changes, for any newly created parcel(s) under contract, they should rescind and re-enter into a new Williamson Act contract. The County, however, has not historically required rescision and re-entries into the Williamson Act unless a lot line adjustment is conducted on a parcel with two different property owners.

The proposed division of this property into 48 parcels ranging from 40.0 - 69.9 acres is seen to be consistent with surrounding land uses and is not considered to have the potential to conflict with any bonafide agricultural activities in the area and/or lands enrolled under the Williamson Act.

This application is vesting and bound by the standards in place as of December 1, 2006, when it was deemed complete. The project request is therefore exempt from the no build restriction for newly-created, unirrigated parcels under 160 acres in size put in place by the 2007 Agricultural Element Update.

Mitigation: None.

References: 2006 California Farmland Mapping and Monitoring Program Data; Natural Resources Conservation Service Web Soils Survey (<http://websoilsurvey.nrcs.usda.gov>); California Government Code; referral responses from the Department of Conservation, dated December 6, 2007, and September 27, 2010; applicant response to DOC letter dated November 17, 2008; and the Stanislaus County General Plan and Support Documentation¹.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X

c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

Discussion: The project site is within the San Joaquin Valley Air Basin, which has been classified as "severe non-attainment" for ozone and respirable particulate matter (PM-10) as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. As such, the District maintains permit authority over stationary sources of pollutants. The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin. This project was referred to the district, and a "no comment" response was received.

Mitigation: None.

References: Referral response from the San Joaquin Valley Air Pollution Control District dated September 27, 2010; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; and the Stanislaus County General Plan and Support Documentation¹.

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?		X		
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (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: Early consultation referral responses from the California Department of Fish and Game (CDFG) and the US Fish & Wildlife Service (USFWS) indicated that special status species may exist on the project site. A Biotic Evaluation was conducted in June of 2007 by Live Oak Associates, Inc., an ecological consulting firm. The study drew on information from the California Natural Diversity Database, The Inventory of Rare and Endangered Vascular Plants of California, and other various materials. A reconnaissance-level field survey of the project site was conducted on March 28, 2007. The complete report is provided as an attachment to this Initial Study.

The majority of the site is made up of grassland utilized for cattle grazing. Vernal pools, other seasonal wetlands, and ephemeral drainages are also scattered throughout the site. Wildcat Creek and two of its main tributaries, Oakdale Irrigation District's (OID) south main canal and Hetch Hetchy's Aqueduct #3, run through the site. Riparian habitat is associated with Wildcat Creek and, to a lesser extent, its tributaries and the OID canal. Volcanic rock outcrops are present on the site in the form of hillside cliffs and lava rockpiles. The historic Willms Ranch House was mentioned within the biotic evaluation as potential habitat for nesting birds and ruderal vegetation. Due to the fact that the historic Willms Ranch House has since been renovated, no mitigation measures involving the house and biological resources have been applied to the project.

Fifteen rare plants have the potential to occur in vernal pools, drainages, and grasslands of the site. A number of special status animal species may regularly pass through or over the site during migration, may be resident to the site, or may infrequently forage, nest, or roost on the site. Impacts to vernal pool animal species, including vernal pool fairy shrimp, vernal pool tadpole shrimp, California tiger salamander, and western spadefoot toad may occur as a result of fill of vernal pools, seasonal wetlands, or stock ponds occurring on the site. Development on grasslands of the site could also result in the loss of aestivation habitat for the California tiger salamander and western spadefoot toad. The burrowing owl and American badger could occur anywhere on the site where suitable burrows exist. Impacts to the valley elderberry longhorn beetle, western pond turtle, tree-nesting raptors, bats, and swallows may occur as a result of future ground disturbance activities on the site. As building permits required for ground disturbance are not discretionary permits, mitigation measures activated prior to ground disturbance or a change in farming practices, including a requirement for pre-construction surveys, have been added to the project to reduce potential impacts to these species to a less-than-significant level.

This project went through an Initial Study 30-day review period beginning August 25, 2010. A referral response was received from the California Department of Fish and Game which requested some amendments be made to the mitigation measures regarding biological resources. The mitigation measures were amended based on these comments to address Swainson Hawk, the California Tiger Salamander, and to allow the mitigation measures to be implemented prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel. Additionally, a survey for vernal pools or seasonal wetland is required prior to recording the parcel map. Any areas identified to contain vernal pools or seasonal wetlands must be shown on the recorded parcel map. A survey for any existing Swainson Hawk nesting areas is required to be conducted prior to recording of the parcel map and prior to sale of the first newly created parcel.

- Mitigation:**
1. *Prior to any construction or grading on any newly created parcel, all suggested mitigation measures contained within the biotic evaluation prepared by Live Oak Associates, Inc. on June 11, 2007, on behalf of the Willms Ranch Parcel Map, shall be met. This includes but is not limited to, mitigation measures No. 2-10 of this document. This mitigation measure shall be construed generally and is not intended to limit the more specific requirements of Mitigation Measures 2-19 below.*
 2. *Prior to any construction or grading on any newly created parcel, pre-construction survey(s) shall be conducted to determine if any special status plants, vernal pool animal or plant species, burrowing owls, tree-nesting raptors, or badgers exist on the project site. This mitigation measure shall be construed generally and is not intended to limit the more specific requirements of Mitigation Measures 2-19 below.*

3. *Prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel, conduct focused, repeated surveys multiple times during the appropriate floristic period(s) within the footprint of the proposed grading or construction in order to adequately assess the potential impacts of such grading or construction on special status plant species. If such surveys determine that any special status plant species, including Henderson's bent grass, Hoover's calycadenia, succulent owl's clover, Hoover's spurge, beaked clarkia, Hoover's cryptantha, dwarf downingia, Tuolumne button-celery, spiny-sepaled button-celery, knotted rush, Merced monardelia, San Joaquin Valley orcutt grass, hairy orcutt grass, Hartweg's golden sunburst, or Greene's tuctoria, are present on the project site, then applicant shall consult with the California Department of Fish and Game to discuss the potential for "take" under the California Endangered Species Act, and the grading and construction shall be planned to avoid impacts to the special status plant species, if possible. If impacts to special status plant species cannot be avoided by redesigning the grading and construction, then applicant shall obtain from the California Department of Fish and Game an incidental "take" permit under California Fish & Game Code Sec. 2080.1 or 2081, and a mitigation plan, including location or restoration areas, propagation and planting techniques to be employed for the restoration effort, timetable for implementation, performance criteria, adaptive management techniques, and a site maintenance plan shall be prepared by a qualified biologist and submitted to the U.S. Fish & Wildlife Service and/or California Department of Fish and Game and Stanislaus County Planning Department for review and approval. Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map. Such restrictive covenant shall require Applicant to notify the Department of Fish and Game in writing prior to any construction or grading, whether or not such construction or grading requires a County permit, or prior to any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel.*
4. *Pursuant to Section 404 of the Clean Water Act, prior to recording the final map, contact the United States Army Corps of Engineers ("ACOE") to determine if any "wetlands", "water of the United States" or other areas under the jurisdiction of the Corps of Engineers are present on the project site.*

Prior to recording the final map, vernal pools and seasonal wetlands shall be surveyed and shown on the recorded final map. A 250-foot development-free buffer, measured from the edge of vernal pools or seasonal wetlands (including wetlands created by leaks, dams or other structures or failures in man-made water systems), shall be established. In addition, a 100-foot development-free buffer, measured from the high water mark of surface water channels, including but not limited to Wildcat Creek and its tributaries, shall be established. If full avoidance is not possible, consultation with the U.S. Fish & Wildlife Service shall be undertaken to further assess the potential impacts to vernal pool or seasonal wetlands species and determine any needed mitigation. Mitigation usually involves purchase of vernal pool credits or payment of fees to an approved mitigation bank or in-lieu species fund, along with establishing a mechanism for managing these lands in perpetuity.

As to any parcels affected by a development-free buffer, as shown on the parcel map, Applicant shall, prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel, obtain from the ACOE appropriate permits or authorizations, including all necessary water quality certifications, if necessary. Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map.
5. *Prior to recording the final map, all blue elderberry shrubs with a stem diameter of one inch or greater at ground level shall be surveyed. The locations of each blue elderberry shrub of this size shall be shown on the recorded final map. If possible, a 100-foot development-free buffer shall be established around each blue elderberry shrub identified on the map. Prior to any construction or ground disturbing activity, any mapped blue elderberry shrubs existing within the lot to be developed shall be fenced during construction. If full avoidance is not possible, consultation with USFWS shall be undertaken to further assess the potential impacts to valley elderberry longhorn population and determine any needed mitigation. Mitigation usually involves planting replacement shrubs at an approved mitigation site or payment of fees to an approved mitigation bank or in-lieu species fund.*
6. *Prior to any construction or ground disturbing activity within a lot to be developed in or along Wildcat Creek, its tributaries, the OID canal, or the stock ponds and large seasonal wetlands on the site, pre-construction survey(s) shall be conducted to determine if any western pond turtles exist within such a lot.*

If pre-construction surveys determine that western pond turtles are present in the construction zone, the turtles shall be relocated by a qualified biologist to a suitable habitat just outside the construction zone. If western pond turtle relocation is undertaken, silt fencing shall be erected and maintained around construction zones to prevent western pond turtles from moving back into these areas.

7. Prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel, do one of the following: (i) either conduct surveys for the California Tiger Salamander ("CTS") using the Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander issued by the California Department of Fish and Game in 2003; or (ii) assume the presence of CTS in the area on which construction or grading is to occur or in which the change in farming practices is to be implemented. If surveys are conducted and CTS are found, or if the presence of CTS is assumed, then an Incidental Take Permit shall be obtained from the California Department of Fish and Game. Such Incidental Take Permit shall include measures required to avoid and/or minimize direct "take" of CTS on the area on which construction or grading is to occur or in which the change in farming practices is to be implemented, as well as measures to fully mitigate the impact of the "take". Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map. Such restrictive covenant shall require Applicant to notify the Department of Fish and Game in writing prior to any construction or grading, whether or not such construction or grading requires a County permit, or prior to any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel.
8. Prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel, conduct surveys in accordance with the California Department of Fish and Game's Burrowing Owl Survey Protocol and Mitigation Guidelines, dated April 1993, and establish a 250 foot no-construction/grading/agricultural conversion buffer around each burrow identified in such surveys. Such buffer need not be established if, but only if, a qualified biologist approved by the California Department of Fish and Game verifies through non-invasive methods that either: (i) the birds have not begun egg laying and incubation; or (ii) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. The buffer areas shall be enclosed with temporary fencing, and no workers or construction or other equipment shall enter the enclosed setback areas. Such buffers shall remain in place for the duration of the breeding season (February 1 through August 31). Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map. Such restrictive covenant shall require Applicant to notify the Department of Fish and Game in writing prior to any construction or grading, whether or not such construction or grading requires a County permit, or prior to any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel.
9. To prevent disturbance of raptor habitat, all large mature trees planned for removal in connection with any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops, shall be removed only during the non-breeding season (September 1 through January 31). However, if it is not possible to conduct such removals during the non-breeding season, then prior to any construction or grading or any change in the farming practices described above on a newly created parcel, a qualified biologist shall conduct a survey for tree-nesting raptors in all trees on the portion of the parcel to be affected by the construction, grading or agricultural conversion. Such surveys shall be conducted not less than ten days prior to the start of construction, grading or agricultural conversion. If nesting raptors are detected on or adjacent to the portion of the parcel which will be disturbed, then a construction/grading/conversion-free buffer shall be established around all active nests. The precise dimension of such buffer shall be not less than 250 feet and shall be determined in accordance with the nest location and the species of raptor occupying the nest; provided that if the nest is occupied by Swainson's Hawks, the buffer shall be not less than one-half mile. The buffer areas shall be enclosed with temporary fencing, and no workers or construction or other equipment shall enter the enclosed setback areas. Such buffers shall remain in place for the duration of the breeding season (February 1 through August 31). Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map. Such restrictive covenant shall require Applicant to notify the Department of Fish and Game in writing prior to any construction or grading, whether or not such construction or grading requires a County permit, or prior to any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel.

10. *Prior to recordation of the parcel map, conduct a survey of the entire project area to determine whether any active Swainson's Hawk nests exist in the project area ("Project Survey"). Such Project Survey shall be conducted by a qualified biologist during the normal bird breeding season (February 1 through September 15) and shall include all newly created parcels. A copy of such Project Survey shall be provided to the Stanislaus County Planning Department and to the California Department of Fish and Game. Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map.*

Thereafter, prior to the sale of the first newly created parcel in the Project, conduct an additional survey of the entire Project area to determine whether any active Swainson's Hawk nests other than those identified in the Project Survey exist in the project area ("Second Project Survey"). Such Second Project Survey shall also be conducted by a qualified biologist during the normal bird breeding season (February 1 through September 15) and shall include all newly created parcels. A copy of such Second Project Survey shall be provided to the Stanislaus County Planning Department and to the California Department of Fish and Game. Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map.

Prior to commencement of any construction or grading or change in farming practices from dryland or irrigated pasture to orchards on any newly created parcel during the breeding season (February 1 through September 15), a ½ mile no-disturbance buffer shall be delineated around active nests shown on the Project Survey and/or Second Project Survey and any other known nests which may be outside the project boundary. Such buffers shall remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the next or parental care for survival.

In addition, prior to the commencement of construction or grading or change in farming practices to orchards on any newly created parcel, mitigation for habitat loss shall be provided as follows:

- *Projects within one mile of an active nest tree (or a known nest tree which is outside the boundary of the newly created parcel or outside the boundary of the entire project) shall provide a minimum of one acre of habitat management (HM) land for each acre of urban development authorized.*
- *Projects within five miles of an active nest tree (or a known nest tree which is outside the boundary of the newly created parcel or outside the boundary of the entire project) but greater than 1 mile from such nest tree should provide a minimum of 0.75 acres of HM land for each acre of urban development authorized.*
- *Projects within ten miles of an active nest tree (or a known nest tree which is outside the boundary of the newly created parcel or outside the boundary of the entire project) but greater than five miles from such nest tree should provide a minimum of 0.5 acres of HM land for each acre of urban development authorized.*

Performance of these requirements shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map. Such restrictive covenant shall require Applicant to notify the Department of Fish and Game in writing prior to any construction or grading, whether or not such construction or grading requires a County permit, or prior to any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel.

11. *If pre-construction surveys determine the presence of badgers on individual project sites or immediately adjacent to the construction envelope, a construction-free buffer of up to 300 feet (or distance specified by the CDFG) shall be established around the den. Because badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor shall be present onsite during construction activities to ensure the buffer is adequate to avoid direct impact to individuals or nest abandonment. The monitor shall remain onsite until it is determined that young are of an independent age and construction activities would not harm individual badgers. Once it has been determined that badgers have vacated the site, the burrows can be collapsed or excavated, and ground disturbance can proceed.*

- 12. Prior to any construction or ground disturbing activity that will require removal of a healthy oak tree, an oak tree protection and replacement plan shall be provided by the lot owner to the Department of Planning and Community Development and to the California Department of Fish & Game (CDFG) for review and approval.
- 13. To reduce impacts to seasonal drainages and wetlands occurring within the sites, projects shall be designed in such a way as to avoid the placement of fill within potential jurisdictional waters and seasonal drainages.

If the impacts to Wildcat Creek, its tributaries, the seasonal drainages, stock ponds, and seasonal wetlands cannot be avoided, then an onsite or nearby off-site mitigation plan, approved by the Stanislaus County Department of Planning and Community Development and other responsible agencies, shall be prepared prior to development. Mitigation measures may include 3:1 replacement-to-loss ratio (3 acres conserved for each acre developed), reseeding of vegetation in temporarily disturbed area and development of a restoration plan.

References: Biotic Evaluation conducted by Live Oak Associates, Inc., dated June 11, 2007; referral responses from the California Department of Fish and Game dated January 29, 2007, and September 23, 2010; referral response from the US Department of Fish & Wildlife dated January 21, 2009; Stanislaus County General Plan and Support Documentation¹; and the California Department of Fish and Game California Natural Diversity Database.

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

Discussion: A Class I Archaeological Survey Report, written by Sean Michael Jensen, was conducted on September 24, 2007, for the Willms Ranch property. Multiple studies previously conducted in conjunction with a cursory-level field study were utilized to produce this study. The entire Class I Archaeological Study is provided as an attachment to this document.

During the general-level inspection, evidence of pre-historic presence was observed at recorded site CA-STA-284 and at additional locations in the form of single-occurrence flakes and cores of basalt. Additional prehistoric mortar sites may be present along Wildcat Creek. A letter was received from the Tuolumne Band of Me-wuk, dated January 3, 2008, (in response to a project referral sent by Stanislaus County Planning staff at the request of the Native American Heritage Commission) requesting a formal consultation regarding the Willms Ranch proposed parcel map. Stanislaus County Planning staff and members of the Tuolumne Band of Me-wuk had a formal consultation on April 25, 2008, where the tribe requested mitigation measures be provided to require a Class III Archaeological study be conducted prior to any ground disturbance on historic and prehistoric sites on the property. The tribe also requested that mitigation be included that require a study be conducted prior to any ground disturbance to establish if any native plant species of special importance to the tribe are present on the site. As building permits required for ground disturbance are not discretionary permits, mitigation measures activated prior to ground disturbance requiring a Class III Archaeological Study be conducted around the historic and prehistoric sites discussed above have been added to the project to reduce potential impacts to these species to a less-than-significant level.

State Landmark #415 (the 1892 Historic Willms Ranch House), the OID South Main Canal, and Hetch Hetchy Aqueduct #3 pipeline are also historic features identified within the Archaeological Survey.

No negative impacts to the Hetch Hetchy Aqueduct #3 pipeline are anticipated, as any potential development would occur on the ground surface and would not impact the underground Hetch Hetchy pipeline. In addition, no work may be done on the Hetch Hetchy pipeline without the permission of the San Francisco Public Utilities Commission.

Portions of the OID South Main Canal are above ground. To mitigate potential impacts to this pipeline to a less than significant level, mitigation has been applied requiring that a Class III Archaeological Study be completed prior to any ground disturbance or construction occurring within above ground portions of an OID easement.

A surveyed site plan has been provided by the applicant to ensure proposed parcel number 8, which contains the Historic Willms Ranch House, is configured to avoid impacts to the historic structures and to avoid separation of structures and features that are a part of the historic complex. Consultation with the State Office of Historic Preservation's (OHP) Historic Preservation Officer, Ron Parsons, verified that OHP does not consult except in the context of CEQA review. If work or a project does not cause a substantial adverse change to the significance of a historic building or site, then a CEQA level review is not required. Building permits are considered to be ministerial, not requiring a CEQA level review. In addition, no construction is proposed as a part of this project, and therefore, no potential impact to the historic structures themselves as a result of this project are anticipated.

Mitigation:

14. *If any subsurface cultural resources, including either prehistoric or historic resources, are encountered during construction of the project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. The Stanislaus County Department of Planning and Community Development shall be notified, and the owners, developers and/or successors-in-interest shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines. The developer/operator shall be responsible for halting construction, obtaining a qualified archaeologist and notifying the Stanislaus County Department of Planning and Community Development if any subsurface cultural resources are encountered during construction of this project.*
15. *If human remains are encountered at any time during the development of the project, all work in the vicinity of the find shall halt and the County Coroner and the Stanislaus County Department of Planning and Community Development shall be notified immediately. If it is determined that the remains are those of a Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. At the same time, a qualified archaeologist must be contacted to evaluate the archaeological implications of the finds. The CEQA Guidelines detail steps to be taken when human remains are found to be of Native American origin.*
16. *A Class III Archeological Survey shall be completed prior to any development, construction, or ground disturbance on any newly created parcel falling within Section 11 Township 2S Range 12E, or on above ground portions of OID easements.*
17. *Prior to any development, construction or ground disturbance on any newly created parcel, a pre-construction survey shall be conducted by a qualified biologist to determine if any native plants of importance to the Tuolumne Band of Me-wuk, as listed on Attachment A, exist on the project site. If pre-construction surveys determine that any of these plants are present on the project site, measures shall be taken to avoid impacts to the plants. If impacts cannot be avoided, a mitigation plan including location of restoration areas, propagation and planting techniques to be employed for the restoration effort, timetable for implementation, monitoring plan and performance criteria, adaptive management techniques, and a site maintenance plan shall be submitted to the Stanislaus County Planning Department for review and circulated to the Tuolumne Band of Me-Wuk for approval.*

References: Class I Archaeological Study, conducted by Sean Michael Jensen on September 24, 2007; referral response from the Tuolumne Band of Me-wuk dated January 3, 2008; Tuolumne Band of Me-wuk list of Native Plants of Importance to the Tribe received on June 2, 2008; consultation with Ron Parsons, the State Office of Historic Preservation's (OHP) Historic Preservation Officer, on January 24, 2011; and the Stanislaus County General Plan and Support Documentation¹.

VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to 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 1804.2 of the California Building Code (2007), creating substantial 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	
<p>Discussion: 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 2007 California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Mitigation Measure No. 18, under Section IX. Hydrology and Water Quality of this Initial Study, requires that in conjunction with a building permit, a grading and drainage plan be submitted for each new parcel created within this parcel map. Grading and drainage plans must comply with Public Works Standards and Specifications which consider the potential for erosion and run-off prior to permit approval. Likewise, any addition of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources through the building permit process, which also takes soil type into consideration within the specific design requirements.</p>				
<p>Mitigation: None.</p>				
<p>References: California Building Code (2007); and the Stanislaus County General Plan and Support Documentation - Safety Element¹.</p>				

VII. GREENHOUSE GAS EMISSIONS – Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	
<p>Discussion: The proposed project should not generate additional greenhouse gas emissions or conflict with any plan, policy, or regulations adopted for the purpose of reducing the emissions of greenhouse gases, as no development is being proposed. The project was referred to the San Joaquin Valley Air Pollution Control District but no response was received.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X

h) 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?				X
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Discussion: No known hazardous materials are on site. 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 permits. The County Department of Environmental Resources (DER) is responsible for overseeing hazardous materials in this area.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.



IX. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be 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 which would not support existing land uses or planned uses for which permits have been granted)?			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, in a manner which would result in substantial erosion or siltation on- or off-site?		X		
d) 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 which would result in flooding on- or off-site?			X	
e) 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?			X	
f) Otherwise substantially degrade water quality?			X	
g) 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?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) 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?			X	

j) Inundation by seiche, tsunami, or mudflow?				X
<p>Discussion: Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act. The project site itself is not located within a recognized flood zone and, as such, flooding is not an issue with respect to this project.</p> <p>A project referral response from the Stanislaus County Department of Public Works indicated that the project topography and existing watersheds present a potential for erosion and contamination of storm runoff if not properly addressed during grading or building activities. Public Works commented that potential impacts to water quality and hydrology could be avoided if mitigation is applied to the project that requires, in conjunction with a building permit, a grading and drainage plan be submitted for each new parcel created within the proposed parcel map. Such grading and drainage plans must comply with Public Works Standards and Specifications which consider the potential for erosion and run-off prior to permit approval. Mitigation Measure No. 18 has therefore been applied to the project to prevent potential impacts to hydrology and water quality.</p>				
<p>Mitigation:</p> <p>18. <i>A grading and drainage plan shall be submitted with every new building permit that is taken out for each new parcel created within this parcel map. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:</i></p> <ul style="list-style-type: none"> i. <i>Drainage calculations shall be prepared as per the Stanislaus County Standards and Specifications that are current at the time the permit is taken out.</i> ii. <i>The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and into the Stanislaus County road right-of-way. All grading and drainage work for the site's access roads shall keep the runoff within the historic (natural) drainage shed for that area.</i> iii. <i>The grading and drainage plan shall comply with the current Stanislaus County National Pollutant Discharge Elimination System (NPDES) General Permit.</i> iv. <i>The plan shall include the grading and drainage for the access road that leads to the site of the structure being built or the area to be graded. This information shall be part of the submitted Engineer's Estimate.</i> v. <i>An Engineer's Estimate shall be submitted for the drainage and grading work.</i> vi. <i>Any associated building permit shall not be granted a final inspection or occupancy until the grading and drainage permit has been accepted by Stanislaus County Public Works.</i> vii. <i>The applicant shall enter into an Inspection Deposit Agreement with the Department of Public Works prior to the issuance of the grading and drainage permit.</i> <p><i>The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the building and/or grading permit. A deposit based off of the Engineer's Estimate shall be made prior to any plan check (3% for projects \$0 to \$100,000 and 2% for projects \$100,001 and above). The applicant will be responsible for any charges beyond the deposit that are incurred over the plan check deposit. The plans shall not be released until such time that all plan check fees have been paid. Any fees left over from the deposit shall be returned to the applicant at the completion and acceptance of the plans by Stanislaus County Public Works. The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. This shall include a deposit of 10% of the Engineer's Estimate for the grading and drainage work. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site. Stanislaus County will not accept any work finished until the inspection fees have been paid in full.</i></p>				
<p>References: Referral response from the Stanislaus County Department of Public Works dated September 7, 2010; and the Stanislaus County General Plan and Support Documentation.</p>				

X. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
<p>Discussion: This project is consistent with the A-2-40 (General Agriculture) zoning designation of the site which requires a minimum parcel size of 40 acres. Parcels over 20 acres in size may develop up to two single-family dwellings per parcel. As discussed above within Section II. Agriculture and Forest Resources, any use of the property must be compatible with the County's General Agriculture (A-2) zoning district and the Williamson Act which limits the property to agricultural uses and uses incidental and accessory to the on-site agricultural use of the property. No established community will be physically divided nor will any existing habitat conservation plan or natural community conservation plan be impacted.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
XI. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
<p>Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site. Parcels north of the project site, closer to the Tuolumne River, have been mined in the past.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
XII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				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 expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Discussion: The proposed project will not result in any significant noise impacts. The agricultural use of the site will remain the same. No construction is proposed, but any construction as a result of this project is not expected to increase the area's ambient noise level. Any noise impacts associated with increased on-site activities and traffic is not anticipated to exceed the area's existing level of noise.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

XIII. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial 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 housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Discussion: As previously discussed, the proposed parcels will be restricted by the General Agriculture (A-2) zoning district and the Williamson Act which allows the construction of two homes per parcel over 20 acres in size provided it is incidental and accessory to the agricultural use of the property. Any on-site residential development must be incidental and accessory to the agricultural use of the land.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

XIV. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:			X	
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	
<p>Discussion: This project was referred to Oakdale Rural Fire Protection District, Stanislaus Fire Prevention Bureau, the Sheriff's Office, the Oakdale Joint Unified and Knights Ferry School Districts, and the Department of Parks and Recreation. No responses were received from the school districts. "No Comment" responses were received from the Department of Parks and Recreation and the Sheriff's Office.</p> <p>Some portions of the project fall under the Oakdale Rural Fire Protection District and other portions are State Responsibility Lands. The Stanislaus Fire Prevention Bureau commented on behalf of both districts and is requesting that Emergency Vehicle Access (EVA) Roadways be recorded on the map and that the EVAs be surfaced with an all-weather material prior to issuance of a building permit. Portions of the project area fall within the State Responsibility Lands and are considered to be Fire Hazard Severity Zones. These areas will require Vegetation Management Plans and Fire Defensible Space Plans prior to issuance of any building permit.</p> <p>Any construction resulting from approval of this project will be required to pay fees to public service providers such as the Sheriff's Office, the school district, and the fire district.</p>				
<p>Mitigation: None.</p>				
<p>References: Referral responses from the Stanislaus County Environmental Review Committee on behalf of the Stanislaus Fire Prevention Bureau dated October 31, 2007, and September 16, 2010; and the Stanislaus County General Plan and Support Documentation¹.</p>				
XV. RECREATION --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
<p>Discussion: No increase in the use of existing recreational facilities as a result of this project is anticipated. This project was referred to the Stanislaus County Department of Parks and Recreation and they responded with no comments regarding possible impacts to such facilities.</p>				

Mitigation: None.				
References: Referral response from the Department of Parks and Recreation dated December 12, 2008; and the Stanislaus County General Plan and Support Documentation ¹ .				
XVI. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X
<p>Discussion: A traffic study was completed for this project by KD Anderson & Associates, Inc. on September 4, 2007. The study suggests that although the project alone would not result in the need for capacity improvements to the SR 120/Willms Road intersection, the project should pay its fair share to the cost of regional roadway improvements by paying adopted Stanislaus County traffic impact fees. The traffic study also identified 4% as the project's fair share for any left turn lane or traffic signal constructed at the intersection of Willms and SR 120. Project referral responses received from CalTrans did not identify the need to install left turn lanes or a traffic signal and were unable to establish a 4% project cost. When contacted by staff to identify a 4% contribution amount, CalTrans referred to the referral response received on December 29, 2008, which did not identify a potentially significant impact associated with the project and only made mention of the payment of traffic impact fees. The traffic study identified the payment of county adopted fees as a mitigation measure; however, payment of these fees is a standard condition of development. The requirement to pay County adopted traffic impact fees is therefore being applied to the project, not as a mitigation measure, but as a condition of approval.</p> <p>In their referral response, dated May 14, 2010, the Stanislaus County Department of Public Works has requested a Road Maintenance Agreement or homeowner's association be formed and approved by their department prior to recording of the parcel map. The applicant must also show on the recorded map that all access ways are privately held easements and non-County maintained. Private access roads shall be built to Fire's and Public Works' standards prior to occupancy of a building permit. These requirements will be applied as conditions of approval to the project.</p>				

Mitigation: None.				
References: Traffic Impact Analysis prepared by KD Anderson & Associates, Inc. on September 4, 2007; referral response from the Stanislaus County Department of Public Works dated May 14, 2010; CalTrans referral response dated December 29, 2008; Planning Division Staff letter to CalTrans dated February 26, 2009; CalTrans referral response dated September 20, 2010; and the Stanislaus County General Plan and Support Documentation ¹ .				
XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) 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?		X		
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) 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
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X
<p>Discussion: This project was referred to DER, AT&T, PG&E, the San Francisco Public Utilities Commission (SF PUC), and Oakdale Irrigation District (OID). No limitations on public utilities and service systems were identified by AT&T, PG&E, or SF PUC. Prior to building permit issuance, each newly created parcel shall have water supply and septic systems which meet DER requirements. This shall be reflected within the conditions of approval for the project.</p> <p>A response from OID in December 2008 requested conditions of approval regarding availability of irrigation water, drainage, encroachments, easements, and improvement design standards. Only the western portion of the proposed project area falls within the OID sphere of influence. OID's 2008 response also requested encroachment agreements and easements as well as fencing along both sides of those easements at the developer's expense. Slight amendments to the conditions referring to fencing and irrigation were requested by the applicant in a letter dated January 16, 2009. The Willms Family has a recorded indenture from 1911 that requires OID to provide six crossings over its South Main Canal, at points designated by the Willms family, and to fence the canal right of way, if requested by the Willms family, in exchange for the original grant of the canal right of way to OID. The project was referred to OID again in August of 2010 with a 30-day Initial Study review. A referral response letter from OID dated September 24, 2010, reflected the same conditions of approval from their previous letter; however, the requirement for the easements to be fenced at the developer's expense was no longer included as a condition of approval.</p>				

Potential for impacts to the open-ditch South Main Canal siphon and OID bridges from proposed access points crossing over OID infrastructure were also included within OID's September 2010 response. Access roads shall be constructed prior to issuance of a building permit. Any OID bridge or siphon to be crossed by such an access road shall be improved and reinforced to County standards. These requirements have been applied to the project as mitigation measures to reduce potential impacts to OID's infrastructure to a less than significant level. Encroachment permits must also be obtained from OID prior to work within any OID easement.

The SF PUC has a pipe expansion and renovation planned for their San Joaquin Pipeline No. 3 of the Hetch Hetchy Aqueduct. The Oakdale Portal portion of their proposed project, which is in the draft EIR stage, traverses the Willms Ranch. The applicant has provided a copy of a recorded indenture between the SF PUC and the Willms Land and Cattle Company from November 13, 1931, which allows the SF PUC to access the Hetch Hetchy pipeline but maintains land ownership by the Willms Family. The SF PUC did not respond to the early consultation referral for this project.

Mitigation:

- 19. *Prior to construction of new access roads that cross the OID South Main Canal or the open-ditch South Main Canal siphon, the property owner requesting the building permit shall enter into an Encroachment Agreement with OID, and reinforce all affected OID canal crossings to County design standards. This shall include, but not be limited to, replacement of the open-ditch South Main Canal siphon, if affected by new access roads of the owner requesting the building permit.*

References: Referral responses from the Oakdale Irrigation District dated December 23, 2008 and September 24, 2010; applicant response to OID dated January 16, 2009; referral response from the Stanislaus County Department of Environmental Resources received September 9, 2010; Draft Environmental Impact Report for the San Joaquin Pipeline System Project released December 10, 2008; and the Stanislaus County General Plan and Support Documentation¹.



XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to 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, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		X		
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

Discussion: Review of this project without mitigation in place has indicated impacts to sensitive species or habitats, cultural, historic, or archeological features, hydrology and water quality, and utilities in or surrounding the site as potentially significant. These issues, however, have been mitigated to a less than significant level as described within Section IV. Biological Resources; Section V. Cultural Resources; Section IX. Hydrology and Water Quality; and Section XVII. Utilities and Service Systems of this Initial Study.

¹Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and updated elements of the General Plan and Support Documentation: **Agricultural Element** adopted on April 23, 1992; **Housing Element** adopted on April 20, 2010 and pending certification by the California Department of Housing and Community Development; **Circulation Element** and **Noise Element** adopted on April 18, 2006.

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Exhibit E -
Archaeological Study
available for review
on our website at:

<http://www.stancounty.com/planning/pl/act-proj/30-day/PM2006-44/2-Archaeological%20Study.pdf>

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Exhibit F - Biotic
Study available for
review on our website
at:

<http://www.stancounty.com/planning/pl/act-proj/30-day/PM2006-44/3-Biotic%20Evaluation.pdf>

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Exhibit G - Traffic
Study available for
review on our website
at:

<http://www.stancounty.com/planning/pl/act-proj/30-day/PM2006-44/4-Traffic%20Study.pdf>

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MITIGATED NEGATIVE DECLARATION

NAME OF PROJECT: Vesting Tentative Parcel Map Application No. 2006-44 - Willms Ranch, LLC

LOCATION OF PROJECT: West side of Willms Road, south of Highway 108/120, in the Knight's Ferry area. (APN: 011-013-001, 006, 009, 011)

PROJECT DEVELOPER: Gil Bostwick / Barbara Savery
Petrolakis, Jensen, & Friedrich, LLP
1130 12th Street, Suite B
Modesto, CA 95354

DESCRIPTION OF PROJECT: This is a request to divide ~~4 2~~ parcels totaling ~~2,312.83±~~ ~~2,312.05~~ acres, currently enrolled in Williamson Act Contract No. 71-0438, to create a total of ~~42~~ ~~48~~ parcels ranging in size from 40.0 to 69.9 acres. The project underwent an early consultation referral in January 2007 after which traffic, biological, and archaeological studies were requested from various agencies. In light of the new information presented within the studies (which are attached for review), the project underwent a second, **third and fourth** early consultation in conjunction with revised project maps. The project then underwent an Initial Study 30-day referral in August of 2010. The Initial Study and Mitigation Measures have been amended based on comments received during the August 2010 referral and the project is being re-circulated for referral. This application is vested and was deemed complete on December 1, 2006. In compliance with the Stanislaus County Subdivision Ordinance, Chapter 20.13, and with California Government Code Section 66474.2, any development occurring within two years of the recording of the parcel map shall be in substantial compliance with the ordinances, policies, and standards in effect at the time the application for the parcel map was deemed complete. All mitigation measures and conditions of approval applied to this project shall be held to the vested standard during the vested period unless otherwise specified.

Based upon the Initial Study, dated **February 10, 2011**, the Environmental Coordinator finds as follows:

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

The aforementioned findings are contingent upon the following mitigation measures (if indicated) which shall be incorporated into this project:

1. *Prior to any construction or grading on any newly created parcel, all suggested mitigation measures contained within the biotic evaluation prepared by Live Oak Associates, Inc. on June 11, 2007, on behalf of the Willms Ranch Parcel Map, shall be met. This includes but*

is not limited to, mitigation measures No. 2-10 of this document. This mitigation measure shall be construed generally and is not intended to limit the more specific requirements of Mitigation Measures 2-19 below.

2. *Prior to any construction or grading on any newly created parcel, pre-construction survey(s) shall be conducted to determine if any special status plants, vernal pool animal or plant species, burrowing owls, tree-nesting raptors, or badgers exist on the project site. This mitigation measure shall be construed generally and is not intended to limit the more specific requirements of Mitigation Measures 2-19 below.*

3. *Prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel, conduct focused, repeated surveys multiple times during the appropriate floristic period(s) within the footprint of the proposed grading or construction in order to adequately assess the potential impacts of such grading or construction on special status plant species. If such surveys determine that any special status plant species, including Henderson's bent grass, Hoover's calycadenia, succulent owl's clover, Hoover's spurge, beaked clarkia, Hoover's cryptantha, dwarf downingia, Tuolumne button-celery, spiny-sepaled button-celery, knotted rush, Merced monardelia, San Joaquin Valley orcutt grass, hairy orcutt grass, Hartweg's golden sunburst, or Greene's tuctoria, are present on the project site, then applicant shall consult with the California Department of Fish and Game to discuss the potential for "take" under the California Endangered Species Act, and the grading and construction shall be planned to avoid impacts to the special status plant species, if possible. If impacts to special status plant species cannot be avoided by redesigning the grading and construction, then applicant shall obtain from the California Department of Fish and Game an incidental "take" permit under California Fish & Game Code Sec. 2080.1 or 2081, and a mitigation plan, including location or restoration areas, propagation and planting techniques to be employed for the restoration effort, timetable for implementation, performance criteria, adaptive management techniques, and a site maintenance plan shall be prepared by a qualified biologist and submitted to the U.S. Fish & Wildlife Service and/or California Department of Fish and Game and Stanislaus County Planning Department for review and approval. Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map. Such restrictive covenant shall require Applicant to notify the Department of Fish and Game in writing prior to any construction or grading, whether or not such construction or grading requires a County permit, or prior to any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel.*

4. *Pursuant to Section 404 of the Clean Water Act, prior to recording the final map, contact the United States Army Corps of Engineers ("ACOE") to determine if any "wetlands", "water of the United States" or other areas under the jurisdiction of the Corps of Engineers are present on the project site.*

Prior to recording the final map, vernal pools and seasonal wetlands shall be surveyed and shown on the recorded final map. A 250-foot development-free buffer, measured from the edge of vernal pools or seasonal wetlands (including wetlands created by leaks, dams or other structures or failures in man-made water systems), shall be established. In addition,

a 100-foot development-free buffer, measured from the high water mark of surface water channels, including but not limited to Wildcat Creek and its tributaries, shall be established. If full avoidance is not possible, consultation with the U.S. Fish & Wildlife Service shall be undertaken to further assess the potential impacts to vernal pool or seasonal wetlands species and determine any needed mitigation. Mitigation usually involves purchase of vernal pool credits or payment of fees to an approved mitigation bank or in-lieu species fund, along with establishing a mechanism for managing these lands in perpetuity.

As to any parcels affected by a development-free buffer, as shown on the parcel map, Applicant shall, prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel, obtain from the ACOE appropriate permits or authorizations, including all necessary water quality certifications, if necessary. Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map.

5. *Prior to recording the final map, all blue elderberry shrubs with a stem diameter of one inch or greater at ground level shall be surveyed. The locations of each blue elderberry shrub of this size shall be shown on the recorded final map. If possible, a 100-foot development-free buffer shall be established around each blue elderberry shrub identified on the map. Prior to any construction or ground disturbing activity, any mapped blue elderberry shrubs existing within the lot to be developed shall be fenced during construction. If full avoidance is not possible, consultation with USFWS shall be undertaken to further assess the potential impacts to valley elderberry longhorn population and determine any needed mitigation. Mitigation usually involves planting replacement shrubs at an approved mitigation site or payment of fees to an approved mitigation bank or in-lieu species fund.*
6. *Prior to any construction or ground disturbing activity within a lot to be developed in or along Wildcat Creek, its tributaries, the OID canal, or the stock ponds and large seasonal wetlands on the site, pre-construction survey(s) shall be conducted to determine if any western pond turtles exist within such a lot.*

If pre-construction surveys determine that western pond turtles are present in the construction zone, the turtles shall be relocated by a qualified biologist to a suitable habitat just outside the construction zone. If western pond turtle relocation is undertaken, silt fencing shall be erected and maintained around construction zones to prevent western pond turtles from moving back into these areas.

7. *Prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel, do one of the following: (i) either conduct surveys for the California Tiger Salamander ("CTS") using the Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander issued by the California Department of Fish and Game in 2003; or (ii) assume the presence of CTS in the area on which construction or grading is to occur or in which the change in farming practices is to be implemented. If surveys are conducted and CTS are found, or if the presence of CTS is assumed, then an Incidental Take Permit shall be obtained from the California Department of Fish and Game.*

Such Incidental Take Permit shall include measures required to avoid and/or minimize direct "take" of CTS on the area on which construction or grading is to occur or in which the change in farming practices is to be implemented, as well as measures to fully mitigate the impact of the "take". Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map. Such restrictive covenant shall require Applicant to notify the Department of Fish and Game in writing prior to any construction or grading, whether or not such construction or grading requires a County permit, or prior to any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel.

8. *Prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel, conduct surveys in accordance with the California Department of Fish and Game's Burrowing Owl Survey Protocol and Mitigation Guidelines, dated April 1993, and establish a 250 foot no-construction/grading/agricultural conversion buffer around each burrow identified in such surveys. Such buffer need not be established if, but only if, a qualified biologist approved by the California Department of Fish and Game verifies through non-invasive methods that either: (i) the birds have not begun egg laying and incubation; or (ii) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. The buffer areas shall be enclosed with temporary fencing, and no workers or construction or other equipment shall enter the enclosed setback areas. Such buffers shall remain in place for the duration of the breeding season (February 1 through August 31). Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map. Such restrictive covenant shall require Applicant to notify the Department of Fish and Game in writing prior to any construction or grading, whether or not such construction or grading requires a County permit, or prior to any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel.*

9. *To prevent disturbance of raptor habitat, all large mature trees planned for removal in connection with any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops, shall be removed only during the non-breeding season (September 1 through January 31). However, if it is not possible to conduct such removals during the non-breeding season, then prior to any construction or grading or any change in the farming practices described above on a newly created parcel, a qualified biologist shall conduct a survey for tree-nesting raptors in all trees on the portion of the parcel to be affected by the construction, grading or agricultural conversion. Such surveys shall be conducted not less than ten days prior to the start of construction, grading or agricultural conversion. If nesting raptors are detected on or adjacent to the portion of the parcel which will be disturbed, then a construction/grading/conversion-free buffer shall be established around all active nests. The precise dimension of such buffer shall be not less than 250 feet and shall be determined in accordance with the nest location and the species of raptor occupying the nest; provided that if the nest is occupied by Swainson's Hawks, the buffer shall be not less than one-half mile. The buffer areas shall be enclosed with temporary*

fencing, and no workers or construction or other equipment shall enter the enclosed setback areas. Such buffers shall remain in place for the duration of the breeding season (February 1 through August 31). Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map. Such restrictive covenant shall require Applicant to notify the Department of Fish and Game in writing prior to any construction or grading, whether or not such construction or grading requires a County permit, or prior to any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel.

10. *Prior to recordation of the parcel map, conduct a survey of the entire project area to determine whether any active Swainson's Hawk nests exist in the project area ("Project Survey"). Such Project Survey shall be conducted by a qualified biologist during the normal bird breeding season (February 1 through September 15) and shall include all newly created parcels. A copy of such Project Survey shall be provided to the Stanislaus County Planning Department and to the California Department of Fish and Game. Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map.*

Thereafter, prior to the sale of the first newly created parcel in the Project, conduct an additional survey of the entire Project area to determine whether any active Swainson's Hawk nests other than those identified in the Project Survey exist in the project area ("Second Project Survey"). Such Second Project Survey shall also be conducted by a qualified biologist during the normal bird breeding season (February 1 through September 15) and shall include all newly created parcels. A copy of such Second Project Survey shall be provided to the Stanislaus County Planning Department and to the California Department of Fish and Game. Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map.

Prior to commencement of any construction or grading or change in farming practices from dryland or irrigated pasture to orchards on any newly created parcel during the breeding season (February 1 through September 15), a ½ mile no-disturbance buffer shall be delineated around active nests shown on the Project Survey and/or Second Project Survey and any other known nests which may be outside the project boundary. Such buffers shall remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the next or parental care for survival.

In addition, prior to the commencement of construction or grading or change in farming practices to orchards on any newly created parcel, mitigation for habitat loss shall be provided as follows:

- *Projects within one mile of an active nest tree (or a known nest tree which is outside the boundary of the newly created parcel or outside the boundary of the entire project) shall provide a minimum of one acre of habitat management (HM) land for each acre of urban development authorized.*

- *Projects within five miles of an active nest tree (or a known nest tree which is outside the boundary of the newly created parcel or outside the boundary of the entire project) but greater than 1 mile from such nest tree should provide a minimum of 0.75 acres of HM land for each acre of urban development authorized.*
- *Projects within ten miles of an active nest tree (or a known nest tree which is outside the boundary of the newly created parcel or outside the boundary of the entire project) but greater than five miles from such nest tree should provide a minimum of 0.5 acres of HM land for each acre of urban development authorized.*

Performance of these requirements shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map. Such restrictive covenant shall require Applicant to notify the Department of Fish and Game in writing prior to any construction or grading, whether or not such construction or grading requires a County permit, or prior to any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel.

11. *If pre-construction surveys determine the presence of badgers on individual project sites or immediately adjacent to the construction envelope, a construction-free buffer of up to 300 feet (or distance specified by the CDFG) shall be established around the den. Because badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor shall be present onsite during construction activities to ensure the buffer is adequate to avoid direct impact to individuals or nest abandonment. The monitor shall remain onsite until it is determined that young are of an independent age and construction activities would not harm individual badgers. Once it has been determined that badgers have vacated the site, the burrows can be collapsed or excavated, and ground disturbance can proceed.*
12. *Prior to any construction or ground disturbing activity that will require removal of a healthy oak tree, an oak tree protection and replacement plan shall be provided by the lot owner to the Department of Planning and Community Development and to the California Department of Fish & Game (CDFG) for review and approval.*
13. *To reduce impacts to seasonal drainages and wetlands occurring within the sites, projects shall be designed in such a way as to avoid the placement of fill within potential jurisdictional waters and seasonal drainages.*

If the impacts to Wildcat Creek, its tributaries, the seasonal drainages, stock ponds, and seasonal wetlands cannot be avoided, then an onsite or nearby off-site mitigation plan, approved by the Stanislaus County Department of Planning and Community Development and other responsible agencies, shall be prepared prior to development. Mitigation measures may include 3:1 replacement-to-loss ratio (3 acres conserved for each acre developed), reseeding of vegetation in temporarily disturbed area and development of a restoration plan.

14. *If any subsurface cultural resources, including either prehistoric or historic resources, are encountered during construction of the project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. The Stanislaus County Department of Planning and Community Development shall be notified, and the owners, developers and/or successors-in-interest shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines. The developer/operator shall be responsible for halting construction, obtaining a qualified archaeologist and notifying the Stanislaus County Department of Planning and Community Development if any subsurface cultural resources are encountered during construction of this project.*
15. *If human remains are encountered at any time during the development of the project, all work in the vicinity of the find shall halt and the County Coroner and the Stanislaus County Department of Planning and Community Development shall be notified immediately. If it is determined that the remains are those of a Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. At the same time, a qualified archaeologist must be contacted to evaluate the archaeological implications of the finds. The CEQA Guidelines detail steps to be taken when human remains are found to be of Native American origin.*
16. *A Class III Archeological Survey shall be completed prior to any development, construction, or ground disturbance on any newly created parcel falling within Section 11 Township 2S Range 12E, or on above ground portions of OID easements.*
17. *Prior to any development, construction or ground disturbance on any newly created parcel, a pre-construction survey shall be conducted by a qualified biologist to determine if any native plants of importance to the Tuolumne Band of Me-wuk, as listed on Attachment A, exist on the project site. If pre-construction surveys determine that any of these plants are present on the project site, measures shall be taken to avoid impacts to the plants. If impacts cannot be avoided, a mitigation plan including location of restoration areas, propagation and planting techniques to be employed for the restoration effort, timetable for implementation, monitoring plan and performance criteria, adaptive management techniques, and a site maintenance plan shall be submitted to the Stanislaus County Planning Department for review and circulated to the Tuolumne Band of Me-Wuk for approval.*
18. *A grading and drainage plan shall be submitted with every new building permit that is taken out for each new parcel created within this parcel map. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:*
 - i. *Drainage calculations shall be prepared as per the Stanislaus County Standards and Specifications that are current at the time the permit is taken out.*
 - ii. *The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and into the Stanislaus County road right-of-way. All grading and drainage work for the site's access roads shall keep the runoff within the historic (natural) drainage shed for that area.*

- iii. *The grading and drainage plan shall comply with the current Stanislaus County National Pollutant Discharge Elimination System (NPDES) General Permit.*
- iv. *The plan shall include the grading and drainage for the access road that leads to the site of the structure being built or the area to be graded. This information shall be part of the submitted Engineer's Estimate.*
- v. *An Engineer's Estimate shall be submitted for the drainage and grading work.*
- vi. *Any associated building permit shall not be granted a final inspection or occupancy until the grading and drainage permit has been accepted by Stanislaus County Public Works.*
- vii. *The applicant shall enter into an Inspection Deposit Agreement with the Department of Public Works prior to the issuance of the grading and drainage permit.*

The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the building and/or grading permit. A deposit based off of the Engineer's Estimate shall be made prior to any plan check (3% for projects \$0 to \$100,000 and 2% for projects \$100,001 and above). The applicant will be responsible for any charges beyond the deposit that are incurred over the plan check deposit. The plans shall not be released until such time that all plan check fees have been paid. Any fees left over from the deposit shall be returned to the applicant at the completion and acceptance of the plans by Stanislaus County Public Works. The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. This shall include a deposit of 10% of the Engineer's Estimate for the grading and drainage work. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site. Stanislaus County will not accept any work finished until the inspection fees have been paid in full.

~~19. Prior to construction of new access roads that cross the Old South Main Canal or the open-ditch South Main Canal siphon, the property owner requesting the building permit shall enter into an Encroachment Agreement with Old, and reinforce all affected Old canal crossings to County design standards. This shall include, but not be limited to, replacement of the open-ditch South Main Canal siphon, if affected by new access roads of the owner requesting the building permit.~~

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

Initial Study prepared by: Kristin Doud, Assistant Planner

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

Stanislaus County

Planning and Community Development

1010 10th Street, Suite 3400
Modesto, CA 95354

Phone: (209) 525-6330
Fax: (209) 525-5911

Mitigation Monitoring Plan

Adapted from CEQA Guidelines sec. 15097 Final Text, October 26, 1998

February 10, 2011

1. Project title and location: Vesting Tentative Parcel Map Application No. 2006-44 - Willms Ranch, LLC

West side of Willms Road, south of Highway 108/120, in the Knight's Ferry area. (APN: 011-013-001, 006, 009, 011)
2. Project Applicant name and address: Gil Bostwick / Barbara Savery
Petrulakis, Jensen, & Friedrich, LLP
1130 12th Street, Suite B
Modesto, CA 95354
3. Person Responsible for Implementing Mitigation Program (Applicant Representative): Shirley McPhee, Barbara Barbagelata, Carolyn Lopez, John Willms and Gary Willms, Member Managers Willms Ranch, LLC, a California limited liability company
4. Contact person at County: Kristin Doud, Assistant Planner, (209) 525-6330

MITIGATION MEASURES AND MONITORING PROGRAM:

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

IV. BIOLOGICAL RESOURCES

- No. 1 Mitigation Measure: Prior to any construction or grading on any newly created parcel, all suggested mitigation measures contained within the biotic evaluation prepared by Live Oak Associates, Inc. on June 11, 2007, on behalf of the Willms Ranch Parcel Map, shall be met. This includes but is not limited to, mitigation measures No. 2-10 of this document. This mitigation measure shall be construed generally and is not intended to limit the more specific requirements of Mitigation Measures 2-19 below.

- | | |
|---|--|
| Who Implements the Measure: | Applicant/Developer |
| When should the measure be implemented: | Prior to construction or grading |
| When should it be completed: | Prior to construction or grading |
| Who verifies compliance: | Stanislaus County Department of Planning and Community Development |
| Other Responsible Agencies: | U.S. Fish and Wildlife Service, California Department of Fish and Game, other applicable federal, state, and local regulatory agencies |

No. 2 Mitigation Measure: Prior to any construction or grading on any newly created parcel, pre-construction survey(s) shall be conducted to determine if any special status plants, vernal pool animal or plant species, burrowing owls, tree-nesting raptors, or badgers exist on the project site. This mitigation measure shall be construed generally and is not intended to limit the more specific requirements of Mitigation Measures 2-19 below.

Who Implements the Measure: Applicant/Developer

When should the measure be implemented: Prior to construction

When should it be completed: Prior to construction

Who verifies compliance: Stanislaus County Department of Planning and Community Development

Other Responsible Agencies: U.S. Fish and Wildlife Service, California Department of Fish and Game, other applicable federal, state, and local regulatory agencies

No. 3 Mitigation Measure: Prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel, conduct focused, repeated surveys multiple times during the appropriate floristic period(s) within the footprint of the proposed grading or construction in order to adequately assess the potential impacts of such grading or construction on special status plant species. If such surveys determine that any special status plant species, including Henderson's bent grass, Hoover's calycadenia, succulent owl's clover, Hoover's spurge, beaked clarkia, Hoover's cryptantha, dwarf downingia, Tuolumne button-celery, spiny-sepaled button-celery, knotted rush, Merced monardelia, San Joaquin Valley orcutt grass, hairy orcutt grass, Hartweg's golden sunburst, or Greene's tuctoria, are present on the project site, then applicant shall consult with the California Department of Fish and Game to discuss the potential for "take" under the California Endangered Species Act, and the grading and construction shall be planned to avoid impacts to the special status plant species, if possible. If impacts to special status plant species cannot be avoided by redesigning the grading and construction, then applicant shall obtain from the California Department of Fish and Game an incidental "take" permit under California Fish & Game Code Sec. 2080.1 or 2081, and a mitigation plan, including location or restoration areas, propagation and planting techniques to be employed for the restoration effort, timetable for implementation, performance criteria, adaptive management techniques, and a site maintenance plan shall be prepared by a qualified biologist and submitted to the U.S. Fish & Wildlife Service and/or California Department of Fish and Game and Stanislaus County Planning Department for review and approval. Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map. Such restrictive covenant shall require Applicant to notify the Department of Fish and Game in writing prior to any construction or grading, whether or not such construction or grading requires a County permit, or prior to any change in farming practices from

dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel.

Who implements the Measure:	Applicant/Developer
When should the measure be implemented:	Prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel
When should it be completed:	Same as above
Who verifies compliance:	Stanislaus County Department of Planning and Community Development, as to recordation of a restrictive covenant and as to construction or grading requiring a County permit U.S. Fish and Wildlife Service and the California Department of Fish and Game, as to any construction or grading, whether or not a County permit is required, or prior to a change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel

No. 4 Mitigation Measure: Pursuant to Section 404 of the Clean Water Act, prior to recording the final map, contact the United States Army Corps of Engineers, ("ACOE") to determine if any "wetlands", "water of the United States" or other areas under the jurisdiction of the Corps of Engineers are present on the project site.

Prior to recording the final map, vernal pools and seasonal wetlands shall be surveyed and shown on the recorded final map. A 250-foot development-free buffer, measured from the edge of vernal pools or seasonal wetlands (including wetlands created by leaks, dams or other structures or failures in man-made water systems), shall be established. In addition, a 100-foot development-free buffer, measured from the high water mark of surface water channels, including but not limited to Wildcat Creek and its tributaries, shall be established. If full avoidance is not possible, consultation with the U.S. Fish & Wildlife Service shall be undertaken to further assess the potential impacts to vernal pool or seasonal wetlands species and determine any needed mitigation. Mitigation usually involves purchase of vernal pool credits or payment of fees to an approved mitigation bank or in-lieu species fund, along with establishing a mechanism for managing these lands in perpetuity.

As to any parcels affected by a development-free buffer, as shown on the parcel map, Applicant shall, prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland

farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel, obtain from the ACOE appropriate permits or authorizations, including all necessary water quality certifications, if necessary. Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map.

Who implements the Measure:	Applicant/Developer
When should the measure be implemented:	As to the wetland delineation, prior to recordation of the parcel map As to obtaining ACOE permits: prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel
When should it be completed:	Same as above
Who verifies compliance:	Stanislaus County Department of Planning and Community Development, as to the conduct of the wetlands delineation prior to recordation of the parcel map, as to recordation of the restrictive covenant prior to recordation of the parcel map, and as to verifying that Applicant has obtained appropriate ACOE permits or authorizations prior to any construction or grading requiring a County permit U.S. Army Corps of Engineers, as to obtaining appropriate ACOE permits or authorizations on parcels containing development-free buffers prior to any construction or grading, whether or not a County permit is required, and prior to any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel

No. 5 Mitigation Measure: Prior to recording the final map, all blue elderberry shrubs with a stem diameter of one inch or greater at ground level shall be surveyed. The locations of each blue elderberry shrub of this size shall be shown on the recorded final map. If possible, a 100-foot development-free buffer shall be established around each blue elderberry shrub identified on the map. Prior to any construction or ground disturbing activity, any mapped blue elderberry shrubs existing within the lot to be developed shall be fenced during construction. If full avoidance is not possible, consultation with USFWS shall be undertaken to further assess the potential impacts to valley elderberry longhorn population and determine any needed mitigation. Mitigation usually involves planting replacement shrubs at an

approved mitigation site or payment of fees to an approved mitigation bank or in-lieu species fund.

Who Implements the Measure: Applicant/Developer

When should the measure be implemented: Prior to and during construction

When should it be completed: Prior to and during construction

Who verifies compliance: Stanislaus County Department of Planning and Community Development and Department of Public Works

Other Responsible Agencies: U.S. Fish and Wildlife Service, California Department of Fish and Game

No. 6 Mitigation Measure: Prior to any construction or ground disturbing activity within a lot to be developed in or along Wildcat Creek, its tributaries, the OID canal, or the stock ponds and large seasonal wetlands on the site, pre-construction survey(s) shall be conducted to determine if any western pond turtles exist within such a lot.

If pre-construction surveys determine that western pond turtles are present in the construction zone, the turtles shall be relocated by a qualified biologist to a suitable habitat just outside the construction zone. If western pond turtle relocation is undertaken, silt fencing shall be erected and maintained around construction zones to prevent western pond turtles from moving back into these areas.

Who Implements the Measure: Applicant/Developer

When should the measure be implemented: Prior to and during construction

When should it be completed: Prior to and during construction

Who verifies compliance: Stanislaus County Department of Planning and Community Development

Other Responsible Agencies: U.S. Fish and Wildlife Service, California Department of Fish and Game, other applicable federal, state, and local regulatory agencies

No. 7 Mitigation Measure: Prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel, do one of the following: (i) either conduct surveys for the California Tiger Salamander ("CTS") using the Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander issued by the California Department of Fish and Game in 2003; or (ii) assume the presence of CTS in the area on which construction or grading is to occur or in which the change in farming practices is to be implemented. If surveys are conducted and CTS are found, or if the presence of CTS is assumed, then an Incidental Take Permit shall be obtained from the California Department of Fish and Game. Such Incidental Take Permit shall include measures required to avoid and/or minimize direct "take" of CTS on the area on which construction or grading is to occur or in which

the change in farming practices is to be implemented, as well as measures to fully mitigate the impact of the “take”. Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map. Such restrictive covenant shall require Applicant to notify the Department of Fish and Game in writing prior to any construction or grading, whether or not such construction or grading requires a County permit, or prior to any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel.

Who implements the Measure:	Applicant/Developer
When should the measure be implemented:	Prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel
When should it be completed:	Same as above
Who verifies compliance:	Stanislaus County Department of Planning and Community Development, as to recordation of a restrictive covenant and as to construction or grading requiring a County permit U.S. Fish and Wildlife Service and the California Department of Fish and Game, as to any construction or grading, whether or not a County permit is required, or prior to a change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel

No. 8 Mitigation Measure: Prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel, conduct surveys in accordance with the California Department of Fish and Game’s Burrowing Owl Survey Protocol and Mitigation Guidelines, dated April 1993, and establish a 250 foot no-construction/grading/agricultural conversion buffer around each burrow identified in such surveys. Such buffer need not be established if, but only if, a qualified biologist approved by the California Department of Fish and Game verifies through non-invasive methods that either: (i) the birds have not begun egg laying and incubation; or (ii) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. The buffer areas shall be enclosed with temporary fencing, and no workers or construction or other equipment shall enter the enclosed setback areas. Such buffers shall remain in place for the duration of the breeding season (February 1 through August 31).

Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map. Such restrictive covenant shall require Applicant to notify the Department of Fish and Game in writing prior to any construction or grading, whether or not such construction or grading requires a County permit, or prior to any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel.

Who implements the Measure:	Applicant/Developer
When should the measure be implemented:	Prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel
When should it be completed:	Same as above
Who verifies compliance:	Stanislaus County Department of Planning and Community Development, as to recordation of a restrictive covenant and as to construction or grading requiring a County permit U.S. Fish and Wildlife Service and the California Department of Fish and Game, as to any construction or grading, whether or not a County permit is required, or prior to a change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel

No. 9 Mitigation Measure: To prevent disturbance of raptor habitat, all large mature trees planned for removal in connection with any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops, shall be removed only during the non-breeding season (September 1 through January 31). However, if it is not possible to conduct such removals during the non-breeding season, then prior to any construction or grading or any change in the farming practices described above on a newly created parcel, a qualified biologist shall conduct a survey for tree-nesting raptors in all trees on the portion of the parcel to be affected by the construction, grading or agricultural conversion. Such surveys shall be conducted not less than ten days prior to the start of construction, grading or agricultural conversion. If nesting raptors are detected on or adjacent to the portion of the parcel which will be disturbed, then a construction/grading/conversion-free buffer shall be established around all active nests. The precise dimension of such buffer shall be not less than 250 feet and shall be determined in accordance with the nest location and the species of raptor occupying the

nest; provided that if the nest is occupied by Swainson's Hawks, the buffer shall be not less than one-half mile. The buffer areas shall be enclosed with temporary fencing, and no workers or construction or other equipment shall enter the enclosed setback areas. Such buffers shall remain in place for the duration of the breeding season (February 1 through August 31). Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map. Such restrictive covenant shall require Applicant to notify the Department of Fish and Game in writing prior to any construction or grading, whether or not such construction or grading requires a County permit, or prior to any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel.

Who implements the Measure: Applicant/Developer

When should the measure be implemented: Prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel

When should it be completed: Same as above

Who verifies compliance: Stanislaus County Department of Planning and Community Development, as to recordation of a restrictive covenant and as to construction or grading requiring a County permit

U.S. Fish and Wildlife Service and the California Department of Fish and Game, as to any construction or grading, whether or not a County permit is required, or prior to a change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel

No. 10 Mitigation Measure: Prior to recordation of the parcel map, conduct a survey of the entire project area to determine whether any active Swainson's Hawk nests exist in the project area ("Project Survey"). Such Project Survey shall be conducted by a qualified biologist during the normal bird breeding season (February 1 through September 15) and shall include all newly created parcels. A copy of such Project Survey shall be provided to the Stanislaus County Planning Department and to the California Department of Fish and Game. Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire

Property and each proposed newly created parcel prior to recordation of the parcel map.

Thereafter, prior to the sale of the first newly created parcel in the Project, conduct an additional survey of the entire Project area to determine whether any active Swainson's Hawk nests other than those identified in the Project Survey exist in the project area ("Second Project Survey"). Such Second Project Survey shall also be conducted by a qualified biologist during the normal bird breeding season (February 1 through September 15) and shall include all newly created parcels. A copy of such Second Project Survey shall be provided to the Stanislaus County Planning Department and to the California Department of Fish and Game. Performance of this requirement shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map.

Prior to commencement of any construction or grading or change in farming practices from dryland or irrigated pasture to orchards on any newly created parcel during the breeding season (February 1 through September 15), a ½ mile no-disturbance buffer shall be delineated around active nests shown on the Project Survey and/or Second Project Survey and any other known nests which may be outside the project boundary. Such buffers shall remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

In addition, prior to the commencement of construction or grading or change in farming practices to orchards on any newly created parcel, mitigation for habitat loss shall be provided as follows:

- Projects within one mile of an active nest tree (or a known nest tree which is outside the boundary of the newly created parcel or outside the boundary of the entire project) shall provide a minimum of one acre of habitat management (HM) land for each acre of urban development authorized.
- Projects within five miles of an active nest tree (or a known nest tree which is outside the boundary of the newly created parcel or outside the boundary of the entire project) but greater than 1 mile from such nest tree should provide a minimum of 0.75 acres of HM land for each acre of urban development authorized.
- Projects within ten miles of an active nest tree (or a known nest tree which is outside the boundary of the newly created parcel or outside the boundary of the entire project) but greater than five miles from such nest tree should provide a minimum of 0.5 acres of HM land for each acre of urban development authorized.

Performance of these requirements shall be secured by recordation of a restrictive covenant to be recorded against the entire Property and each proposed newly created parcel prior to recordation of the parcel map. Such restrictive covenant shall require Applicant to notify the Department of Fish and Game in writing prior to any construction or grading, whether or not such construction or grading requires a County permit, or prior to

any change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel.

Who implements the Measure:	Applicant/Developer
When should the measure be implemented:	As to the Project Survey, prior to recording the parcel map As to the Second Project Survey, prior to the sale of the first newly created parcel As to the creation of buffers and mitigation for habitat loss, prior to any construction or grading or any change in farming practices from dry land or irrigated pasture or dryland farming to orchards on any newly created parcel
When should it be completed:	Same as above
Who verifies compliance:	Stanislaus County Department of Planning and Community Development, as to recordation of a restrictive covenant, as to the Project Survey, and as to buffers to be created and mitigation for habitat loss prior to construction or grading requiring a County permit U.S. Fish and Wildlife Service and the California Department of Fish and Game, as to the Second Project Survey and as to buffers to be created and mitigation for habitat loss prior to any construction or grading, whether or not a County permit is required, or prior to a change in farming practices from dry land or irrigated pasture or dryland farming to more intensive agricultural operations such as orchards or irrigated row crops on any newly created parcel

No. 11 Mitigation Measure: If pre-construction surveys determine the presence of badgers on individual project sites or immediately adjacent to the construction envelope, a construction-free buffer of up to 300 feet (or distance specified by the CDFG) shall be established around the den. Because badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor shall be present onsite during construction activities to ensure the buffer is adequate to avoid direct impact to individuals or nest abandonment. The monitor shall remain onsite until it is determined that young are of an independent age and construction activities would not harm individual badgers. Once it has been determined that badgers have vacated the site, the burrows can be collapsed or excavated, and ground disturbance can proceed.

Who Implements the Measure:	Applicant/Developer
-----------------------------	---------------------

When should the measure be implemented: Prior to construction

When should it be completed: Prior to construction

Who verifies compliance: Stanislaus County Department of Planning and Community Development

Other Responsible Agencies: U.S. Fish and Wildlife Service, California Department of Fish and Game

No. 12 Mitigation Measure: Prior to any construction or ground disturbing activity that will require removal of a healthy oak tree, an oak tree protection and replacement plan shall be provided by the lot owner to the Department of Planning and Community Development and to the California Department of Fish & Game (CDFG) for review and approval.

Who Implements the Measure: Applicant/Developer

When should the measure be implemented: Prior to construction

When should it be completed: Prior to construction

Who verifies compliance: Stanislaus County Department of Planning and Community Development

Other Responsible Agencies: California Department of Fish and Game

No. 13 Mitigation Measure: To reduce impacts to seasonal drainages and wetlands occurring within the sites, projects shall be designed in such a way as to avoid the placement of fill within potential jurisdictional waters and seasonal drainages.

If the impacts to Wildcat Creek, its tributaries, the seasonal drainages, stock ponds, and seasonal wetlands cannot be avoided, then an onsite or nearby off-site mitigation plan, approved by the Stanislaus County Department of Planning and Community Development and other responsible agencies, shall be prepared prior to development. Mitigation measures may include 3:1 replacement-to-loss ratio (3 acres conserved for each acre developed), reseeding of vegetation in temporarily disturbed area and development of a restoration plan.

Who Implements the Measure: Applicant/Developer

When should the measure be implemented: Prior to construction

When should it be completed: Prior to construction

Who verifies compliance: Stanislaus County Department of Planning and Community Development and Department of Public Works

Other Responsible Agencies: U.S. Fish and Wildlife Service, California Department of Fish and Game, National Marine Fisheries Service, California Regional Water Quality Control Board, U.S. Army Corps of Engineers

V. CULTURAL RESOURCES

No. 14 Mitigation Measure: If any subsurface cultural resources, including either prehistoric or historic resources, are encountered during construction of the project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. The Stanislaus County Department of Planning and Community Development shall be notified, and the owners, developers and/or successors-in-interest shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines. The developer/operator shall be responsible for halting construction, obtaining a qualified archaeologist and notifying the Stanislaus County Department of Planning and Community Development if any subsurface cultural resources are encountered during construction of this project.

Who Implements the Measure:	Applicant
When should the measure be implemented:	Any time during construction
When should it be completed:	Prior to construction and/or grading
Who verifies compliance:	Stanislaus County Department of Planning and Community Development
Other Responsible Agencies:	Central California Information Center, Native American Heritage Commission

No. 15 Mitigation Measure: If human remains are encountered at any time during the development of the project, all work in the vicinity of the find shall halt and the County Coroner and the Stanislaus County Department of Planning and Community Development shall be notified immediately. If it is determined that the remains are those of a Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. At the same time, a qualified archaeologist must be contacted to evaluate the archaeological implications of the finds. The CEQA Guidelines detail steps to be taken when human remains are found to be of Native American origin.

Who Implements the Measure:	Applicant
When should the measure be implemented:	Any time during construction
When should it be completed:	Prior to construction and/or grading
Who verifies compliance:	Stanislaus County Department of Planning and Community Development
Other Responsible Agencies:	Central California Information Center, Native American Heritage Commission

No. 16 Mitigation Measure: A Class III Archeological Survey shall be completed prior to any development, construction, or ground disturbance on any newly created parcel falling within Section 11 Township 2S Range 12E, or on above ground portions of OID easements.

Who Implements the Measure:	Applicant
When should the measure be implemented:	Any time during construction
When should it be completed:	Prior to any ground disturbance
Who verifies compliance:	Stanislaus County Department of Planning and Community Development
Other Responsible Agencies:	Central California Information Center, Native American Heritage Commission, Tuolumne Band of Me-wuk, Oakdale Irrigation District

No. 17 Mitigation Measure: Prior to any development, construction or ground disturbance on any newly created parcel, a pre-construction survey shall be conducted by a qualified biologist to determine if any native plants of importance to the Tuolumne Band of Me-wuk, as listed on Attachment A, exist on the project site. If pre-construction surveys determine that any of these plants are present on the project site, measures shall be taken to avoid impacts to the plants. If impacts cannot be avoided, a mitigation plan including location of restoration areas, propagation and planting techniques to be employed for the restoration effort, timetable for implementation, monitoring plan and performance criteria, adaptive management techniques, and a site maintenance plan shall be submitted to the Stanislaus County Planning Department for review and circulated to the Tuolumne Band of Me-Wuk for approval.

Who Implements the Measure:	Applicant
When should the measure be implemented:	Prior to any ground disturbance
When should it be completed:	Prior to construction and/or grading
Who verifies compliance:	Stanislaus County Department of Planning and Community Development
Other Responsible Agencies:	Tuolumne Band of Me-wuk

IX. HYDROLOGY AND WATER QUALITY

No. 18 Mitigation Measure: A grading and drainage plan shall be submitted with every new building permit that is taken out for each new parcel created within this parcel map. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:

- i. Drainage calculations shall be prepared as per the Stanislaus County Standards and Specifications that are current at the time the permit is taken out.
- ii. The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and into the Stanislaus County road right-of-way. All grading and drainage work for the site's access roads shall keep the runoff within the historic (natural) drainage

shed for that area.

- iii. The grading and drainage plan shall comply with the current Stanislaus County National Pollutant Discharge Elimination System (NPDES) General Permit.
- iv. The plan shall include the grading and drainage for the access road that leads to the site of the structure being built or the area to be graded. This information shall be part of the submitted Engineer's Estimate.
- v. An Engineer's Estimate shall be submitted for the drainage and grading work.
- vi. Any associated building permit shall not be granted a final inspection or occupancy until the grading and drainage permit has been accepted by Stanislaus County Public Works.
- vii. The applicant shall enter into an Inspection Deposit Agreement with the Department of Public Works prior to the issuance of the grading and drainage permit.

The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the building and/or grading permit. A deposit based off of the Engineer's Estimate shall be made prior to any plan check (3% for projects \$0 to \$100,000 and 2% for projects \$100,001 and above). The applicant will be responsible for any charges beyond the deposit that are incurred over the plan check deposit. The plans shall not be released until such time that all plan check fees have been paid. Any fees left over from the deposit shall be returned to the applicant at the completion and acceptance of the plans by Stanislaus County Public Works. The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. This shall include a deposit of 10% of the Engineer's Estimate for the grading and drainage work. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site. Stanislaus County will not accept any work finished until the inspection fees have been paid in full.

Who Implements the Measure:	Applicant/Developer
When should the measure be implemented:	Prior to issuance of a building permit
When should it be completed:	Prior to issuance of a building permit
Who verifies compliance:	Stanislaus County Department of Public Works
Other Responsible Agencies:	Stanislaus County Department of Planning and Community Development

XVII. UTILITIES AND SERVICE SYSTEMS

No. ~~19~~ Mitigation Measure: ~~Prior to construction of new access roads that cross the OID South Main Canal or the open ditch South Main Canal siphon, the property owner requesting the building permit shall enter into an Encroachment Agreement with OID, and reinforce all affected OID canal crossings to County design standards. This shall include, but not be limited to, replacement of the open ditch South Main Canal siphon, if affected by new access roads of the owner requesting the building permit.~~

~~Who Implements the Measure: Applicant/Developer~~

~~When should the measure be implemented: Prior to construction of new access roads which will cross the OID canal~~

~~When should it be completed: Prior to issuance of any building or grading permit that involves the crossing of the OID canal~~

~~Who verifies compliance: Oakdale Irrigation District~~

~~Other Responsible Agencies: Stanislaus County Department of Planning and Community Development~~

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

Signatures of File _____ Date March 18, 2011
Person Responsible for Implementing _____
Mitigation Program _____

(I:\Planning\Staff Reports\PM\2006\PM 2006-44 - Willms Ranch\StaffReport\Mit Mon Plan for ISFINAL11262012.wpd)

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2006-44 - WILLMS RANCH, LLC

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
AGRICULTURE COMMISSIONER	X	X		X				X		X		X
AIRPORT LAND USE COMMISSION	X	X			X			X		X		X
BUILDING PERMITS DIVISION	X	X		X		X				X	X	
CALTRANS DISTRICT 10	X	X		X		X				X		X
CHIEF EXECUTIVE OFFICE	X	X			X			X		X		X
COOPERATIVE EXTENSION	X	X			X			X		X		X
CORPS OF ENGINEERS	X	X			X		X		X		X	
COUNTY COUNSEL	X	X			X			X		X		X
DEPT OF CONSERVATION: Land Resources	X	X		X				X		X		X
DEPT OF FORESTRY TUOLUMNE	X	X			X			X		X		X
ENVIRONMENTAL RESOURCES	X	X		X		X				X	X	
FIRE PROTECTION DIST: CAL FIRE, OAKDA	X	X		X		X				X	X	
FISH & GAME, DEPT OF	X	X		X			X		X		X	
FLOOD CONTROL DISTRICT:	X	X			X			X		X		X
HAZARDOUS MATERIALS	X	X		X		X				X		X
HOSPITAL DISTRICT: OAK VALLEY	X	X			X			X		X		X
IRRIGATION DISTRICT: OID	X	X		X			X			X	X	
LAFCO	X	X			X			X		X		X
MODESTO REGIONAL FIRE AUTHORITY	X	X		X		X				X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X			X			X		X		X
MT VALLEY EMERGENCY MEDICAL	X	X			X			X		X		X
NATIVE AM HERITAGE COMMISSION	X	X		X				X		X		X
PACIFIC GAS & ELECTRIC	X	X			X			X		X		X
PARKS & FACILITIES	X	X		X		X				X		X
PUBLIC UTILITIES COMMISSION	X	X		X		X				X		X
PUBLIC WORKS	X	X		X			X		X		X	
PUBLIC WORKS - TRANSIT	X	X			X			X		X		X
REGIONAL WATER QUALITY CONTROL	X	X		X			X		X		X	
SAN JOAQUIN VALLEY APCD	X	X		X		X				X	X	
SCHOOL DISTRICT 1: KNIGHTS FERRY	X	X			X			X		X		X
SCHOOL DISTRICT 2: OAKDALE	X	X			X			X		X		X
SHERIFF	X	X		X		X				X		X
StanCOG	X	X			X			X		X		X
STANISLAUS COUNTY FARM BUREAU	X	X			X			X		X		X
STANISLAUS ERC	X	X		X		X				X	X	
STATE CLEARINGHOUSE	X	X		X		X				X		X
SUPERVISORIAL DISTRICT: 1 O'BRIEN	X	X			X			X		X		X
SURROUNDING LAND OWNERS			X									
TELEPHONE COMPANY: AT&T	X	X			X			X		X		X
TRIBAL CONTACTS (TUOLUMNE BAND OF ME-WUK)	X	X		X			X		X			X
TUOLUMNE COUNTY PLANNING	X	X		X		X				X		X
US FISH & WILDLIFE	X	X		X			X		X		X	

Attachment 4

Correspondence Received

Willms Ranch Appeal scheduled for 1/29/2013 Bd. Meeting -- please add to official comments

From: Bradley Barker <braddebarker@gmail.com>
To: <ObrienW@StanCounty.com>, <vito.chiesa@stancounty.com>, <withrowt@StanCounty.com>, <MonteithD@StanCounty.com>, <DemartiniJ@StanCounty.com>, <planning@stancounty.com>, Angela Freitas <ANGELA@stancounty.com>
Date: 1/24/2013 4:13 PM
Subject: Willms Ranch Appeal scheduled for 1/29/2013 Bd. Meeting -- please add to official comments

January 24, 2013

Stanislaus County Board of Supervisors

1010 10th Street

Modesto, CA 95354

2013 JAN 25 A 9:19
BOARD OF SUPERVISORS

Re: The appeal of the Willms Ranch parcel map approval (application no.2006-44)

Dear Members of the Board,

On behalf of the management committee of the Yokuts Group of the Sierra Club, I am writing to express our concerns with the Willms Ranch parcel map approved by the Stanislaus County Planning Commission on December 6, 2012. Please consider these comments in the official appeal scheduled for the January 29th board meeting.

It is our view that the mitigated negative declaration prepared for this project does not adequately address all potential environmental impacts, and that a full Environmental Impact Report is required. And despite contrary claims, we find that this project is not consistent with the Stanislaus County General Plan.

This parcel split allows the construction of some 84 residences, plus barns and other outbuildings, plus a network of new roads, driveways and fences on agricultural land. And, as such, this split does not match the expressed goals and policies in the General Plan.

“To reduce development pressures on agricultural lands, higher density development and in-filling shall be encouraged.” [Policy 2.4 Ag Element] Eighty or so new residences scattered over 2400 acres is not the kind of density our General Plan prescribes.

“Any residential development on agriculturally zoned land shall be incidental and accessory to the agricultural use of the land.” [Policy 2.8 Ag Element] Eighty potential new residences connected with a new roadway system do not reasonably appear to be accessories to agricultural use.

“Areas of sensitive wildlife habitat...shall be protected from development.” [Policy 3 Conservation/Open Space Element] The open space grasslands of Willms Ranch are a significant habitat for wildlife in the county, and the fragmentation of this property would be harmful to sensitive species.

One of the most prominent goals of the General Plan is to **“Provide for the long-term conservation and use of agricultural lands,”** and these patterns of continuing farmland parcelization directly conflict with that goal. Clearly, the General Plan does not automatically assume that every parcel split, even one that falls within zoning guidelines, would be automatically approved. This is a discretionary decision, and other factors must be considered.

We agree with Stanislaus Audubon on their specific concerns with the mitigated negative declaration. Some environmental impacts of this project are potentially more significant than presented in the report, and these impacts warrant the full study of an EIR. And we'll add another consideration: an analysis of the **cumulative impacts** of this project, viewed in connection with the effects of other projects is required by CEQA, and is crucial to a fair decision.

Even if this parcel split had less than significant impacts as an individual project (and we don't believe that's true), the incremental effects are clearly considerable when viewed with past parcel splits and probable future parcel splits. The impacts of this project must be considered in connection with the overall county pattern of splitting or "parcelizing" agricultural lands. The combined effects have potentially severe impacts in nearly every category on the CEQA checklist of environmental factors. **"Cumulative impacts can result from individually minor but collectively significant projects taking place over time."** [CEQA 15355 (b)]

Under item XVIII. Mandatory Findings of Significance on page 52 of the staff report, cumulative impacts are marked as Less Than Significant With Mitigation, but no analysis of cumulative impacts is provided, and no other past projects, current projects, or probable future projects are mentioned or considered. This is unacceptable to us and unacceptable under CEQA guidelines.

We can argue about the definition of "ranchette," and what might be the minimum size for a viable farm or ranch, but these arguments go to the point: More study needs to be done to determine the impacts of dividing and subdividing agricultural lands. We need more information to make a good decision, and therefore an Environmental Impact Report is necessary.

This particular project creates 42 parcels upon which 84 residences could be built. If the project were built out, there would be an average of one residence for every 28 acres or so. In the most recent report from the American Farmland Trust on the San Joaquin Valley, **"Saving Farmland, Growing Cities,"** ranchettes are residences built on large lots up to 40 acres. [pg. 18]. An earlier AFT report, "Ranchettes in the San Joaquin Valley" stated: **"A recent flurry of ranchette subdivision proposals in the Valley – e.g., dividing 2,800 acres into 70 forty-acre ranchettes – suggests that we may be on the verge of the institutionalization of ranchettes on an unprecedented scale."**

Ranchettes or gentlemen's hobby farms, whatever they're called, they're a horrible use of land. They are wasteful in per capita land consumption. They often struggle to remain agriculturally viable. They fragment wildlife habitat. They make the delivery of public services much more expensive. Being located away from jobs and businesses, they increase the numbers of Vehicle Miles Traveled (VMTs) which adds more traffic and greenhouse gas emissions and other air pollution. They contribute to the inflation of farmland prices which makes it tougher on commercial farming. And, there is little or no disagreement about these points.

Here's the choice. Either we continue with this make-it-up-as-you-go planning, which is not really planning, or we follow the rules of the California Environmental Quality Act and push for complete information for the residents of Stanislaus County and for our decision-makers. This parcel split has the potential for significant environmental impacts. The mitigated negative declaration doesn't come close to providing the information we need. An Environmental Impact Report with a full review of cumulative impacts is necessary.

Thank you for considering our comments.

Brad Barker, Conservation Chair, Yokuts Group of the Sierra Club
1305 Edgebrook Drive, Modesto, CA 95354, (209) 526-5281

January 25, 2013

Dear Board of Supervisors,

We are aware that Willms Ranch, LLC has applied for a parcel map to split the large parcels on their ranch for agricultural financing purposes. We have known members of the Willms family, who are owners of the Willms Ranch, for over 50 years. The Ranch has been in the Willms family for over 160 years which makes it obvious that they are good stewards of their ranch.

Ranching today dictates business decisions to be made for the continued ownership of large pieces of property. Diversifying the agricultural uses on the ranch and improving the infrastructure need to be accomplished. This process can be seen in many areas surrounding the ranch. In this manner owners continue to peruse their agricultural stewardship and continue the family ownership for the next generation. This commitment to family land ownership is declining in our society today. The financial constraints and economic impact experienced in today's environment necessitate a diversified agronomic base to maintain a profitable ranching operation. We support this parcel map because we believe it will give Willms Ranch the ability to continue to improve the agricultural uses on the ranch.

Sincerely,

Terry & Fay Prichard

**BOARD OF SUPERVISORS
2013 JAN 25 A 11:57**

Vito Chiesa - Video of Bald Eagle feeding at Willms Ranch

From: davidfroba <froba@comcast.net>
To: <ObrienW@stancounty.com>, <vito.chiesa@stancounty.com>, <withrowt@stanco...>
Date: 1/25/2013 2:38 PM
Subject: Video of Bald Eagle feeding at Willms Ranch

RE: VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2006-44 WILLMS RANCH, LLC

Board of Supervisors Hearing: January 29, 2013

In anticipation of the hearing on this matter, please find attached for the record a link to a website showing a video of a Bald Eagle soaring and foraging over the Willms Ranch. This was taken by one of our members, Jim Gain, last Sunday. The Willms documents say the Bald Eagle is not at the Ranch and that the Ranch does not have Bald Eagle habitat.

Respectfully, David Froba, Stanislaus Audubon

<https://sites.google.com/site/stanislausaudubonsociety/>

BOARD OF SUPERVISORS
2013 JAN 25 P 3:54

Law Office of Rose M. Zoia

50 Old Courthouse Square, Suite 401
Santa Rosa, California 95404
707.526.5894 . fax 267.381.6097
rzoia@sbcglobal.net

January 28, 2013

via email

The Honorable Vito Chiesa, Chair, and Supervisors
Stanislaus County Board of Supervisors
1010 10th Street, Suite 6500
Modesto, CA 95354

RE: VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2006-44
WILLMS RANCH, LLC
Board of Supervisors Hearing: January 29, 2013

Dear Chairman Chiesa and Supervisors:

On behalf of Appellant Stanislaus Audubon Society (SAS), please consider these comments on the above-referenced project and Mitigated Negative Declaration. SAS opposes the project approval and adoption of the MND and requests the preparation of an Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA).

The Purpose of CEQA and EIRs

CEQA is a comprehensive scheme designed to provide long-term protection to the environment. [Cit.] In enacting CEQA, the Legislature declared its intention that all public agencies responsible for regulating activities affecting the environment give prime consideration to preventing environmental damage when carrying out their duties. [Cits] CEQA is to be interpreted "to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." [Cit.]

(*Mountain Lion Foundation v. Fish and Game Com.* (1997) 16 Cal.4th 105, 112.)

The EIR, with all its specificity and complexity, is the mechanism prescribed by CEQA to force informed decision making and to expose the decision making process to public scrutiny. (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 86.) The Supreme Court has established that

2013 JAN 28 P 1:50
BOARD OF SUPERVISORS



The EIR is the primary means of achieving the Legislature's considered declaration that it is the policy of this state to "take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state." (Cite.) The EIR is therefore "the heart of CEQA." (Cites.) An EIR is an "environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." (Cites.) The EIR is also intended "to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." (Cites.) Because the EIR must be certified or rejected by public officials, it is a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees. (Cites.) The EIR process protects not only the environment but also informed self-government.

(Laurel Heights Improvement Assn. v. Regents of University of California (Laurel Heights I) (1988) 47 Cal.3d 376, 392.) This project is a candidate for an EIR. An EIR is "a detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects" (CEQA Guidelines (14 Cal. Code Regs.), § 15362; see Pub. Resources Code §§ 21061, 21100) as well as alternatives to the project or project design. An EIR is required if there is substantial evidence to support a fair argument that a project may create environmental impacts. *(Sierra Club v. California Dept. of Forestry and Fire Protection (2007) 150 Cal.App.4th 370, 381.)* "This is a low threshold for the preparation of an EIR, reflecting a preference to resolve doubts in favor of full-blown environmental review." *(Ibid. (Cite omitted.))*

On the other hand, a mitigated negative declaration is appropriate only if the modifications to the project *eliminate* all significant impacts or reduce them to a point where *clearly* no significant effect on the environment would occur. (Pub. Resources Code § 21064.5; Guidelines, § 15369.5.) In this case, there are too many unanswered questions to conclude that the project clearly will have no significant environmental impacts.

The Whole of the Project Must Be Evaluated Under CEQA: The Project May Not Be Segmented for Environmental Review

In the staff report, the "project" is simply described as splitting two (2) current parcels totalling 2383.83± acres into 42 parcels ranging in size from 40 acres to 69.9 acres with a 277.7± acre remainder.

CEQA defines a project as the "whole of the action" that may result in a direct or indirect physical change in the environment. (Guidelines, § 15378, subd. (a).) By fully analyzing the whole project in a single environmental review document it is ensured "that environmental considerations not become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have disastrous consequences." (*Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal.App.3d 577, 592.) Likewise, CEQA requires project descriptions and related impacts assessments to account for reasonably foreseeable future phases of projects. The analysis must embrace future development that will foreseeably occur if the agency approves the project. (*City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325, 1333-1386; *Orinda Ass'n. v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1171.)

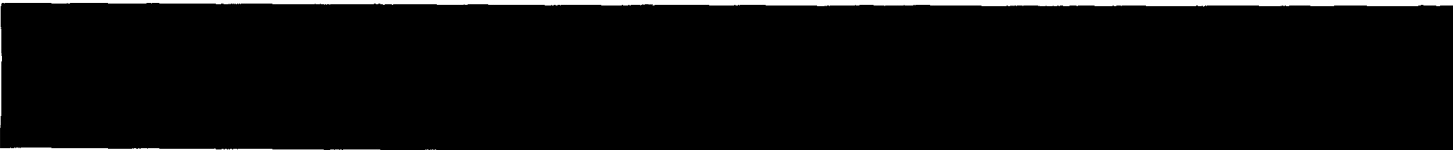
The parcels are not being created just to place lines on a map. The parcels will certainly be developed in some manner. Reasonably foreseeable development includes crops, e.g., olives, grapes, trees, hobby farms including residential construction on the new parcels, or any number of development possibilities. The environmental document must analyze the worst case scenario.

The MND Does Not Address All CEQA Impact Areas

The property is under Williamson Act contracts. The MND does not analyze the impacts of the project on the Williamson Act lands, as required by CEQA. (See CEQA Appendix G, § II.b.)

The stated reason for the lot splits is for "agricultural finance." However, the record contains no evidence that the splits are necessary for such purpose. In addition, the question remains what sort of agriculture is anticipated for the new parcels such that the splits are necessary for financing. The impacts of that new use must be analyzed.

The MND incorrectly concludes that the Bald Eagle is not present on site. However, there is evidence that this conclusion is incorrect and the impacts of the




whole project on the Bald Eagle as well as the 15 species of birds identified in SAS's appeal, and any other species protected under CEQA, must be analyzed.

The environmental analysis must evaluate the potential population growth that would ensue from the whole project.

Based on the above and other evidence in the record, SAS requests that the Board deny this project, reject the MND, and require an EIR prior to any further consideration of the project.

Thank you for your attention to this matter.

Very truly yours,



Rose M. Zoia

cc: SAS

9:10 AM



January 28, 2013

Chairman Vito Chiesa and Stanislaus
County Supervisors
1010 Tenth Street, Suite 6500
Modesto, CA 95354

BOARD OF SUPERVISORS
2013 JAN 28 P 4:15

Re: Support of Willms Ranch Parcel Map/Opposition to Appeal of Audubon Society

Dear Chairman Chiesa and Supervisors:

The Stanislaus Property Rights Institute ("SPRI") encourages you to reject the appeal of the Audubon Society and to support the unanimous decision of your Planning Commission approving the Parcel Map for the Willms Ranch.

SPRI believes in a traditional definition of property as secured in the Declaration of Independence and the United States Constitution. SPRI believes that the individual and a family's right to private property secures liberty for all people; provides prosperity, opportunity, and the chance for a decent life for the greatest number of people; promotes justice and peaceful relations among peoples; and encourages wise stewardship of the Earth.

The Stanislaus Audubon Society apparently believes in a different definition of property.

According to their treasurer and past president:

"Before the Willms Ranch was built it was owned by God, and God didn't give all of the property to the Willms Ranch. He gave them the stewardship of a certain part of it. I assume, like most of us, they don't have all the legal rights. They have the mineral rights probably. They have the right to be there and use it as defined by law. So they don't have all the rights and they can't determine **The only way that somebody can have an interest in the property is not just the person who has the fee title to it. The rest of us have an interest too. . . .**"

Chairman Chiesa & Supervisors
January 28, 2013
Page 2

*David Froba, Treasurer and Past President, Stanislaus Audubon Society,
testifying at Planning Commission Hearing, December 6, 2012, on the
Willms Ranch Parcel Map*

We categorically reject that the “rest of us,” “society” or whatever else you want to call the “collective”, has the right to dictate to a private property owner, like the Willms Family, the use of their land. This is especially true when it is legal under the county’s laws and ordinances as this parcel map clearly is.

SPRI has found this definition so destructive of the civil rights of property owners, that we will make this issue an example of the state of property rights in Stanislaus County.

We encourage each of you to vote to uphold the unanimous Planning Commission approval of the Willms parcel map and to reject the Audubon appeal. Please stand with property owners and against those who seek to destroy the property rights of individuals and families.

Respectfully,

A handwritten signature in black ink that reads "Rob Ellett". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Rob Ellett
Director
Stanislaus Property Rights Institute

9:10Am



Stanislaus County Farm Bureau

Ron Peterson
President

Wayne Zipser
Executive Manager

1201 L Street
Modesto, CA 95354
Phone: (209) 522-7278
Fax: (209) 521-9938
Info@stanfarmbureau.org

*Serving
Agriculture
Since
1914*

January 28, 2013

The Honorable Vito Chiesa, Chairman
Stanislaus County Board of Supervisors
1010 Tenth Street, Suite 6500
Modesto, CA 95354

RE: Willms Ranch LLC – Application No. 2006-44

Dear Chairman Chiesa,

The Stanislaus County Farm Bureau is a grassroots, non-profit organization representing farmers and ranchers in Stanislaus County.

In the appeal hearing of the Stanislaus County Planning Commission decision for 'Vesting Tentative Parcel Map Application No. 2006-44 - Willms Ranch', as requested by the Stanislaus Audubon Society, Inc., we believe the Willms family is well within their rights at the time of their original application.

The Ag Element of the Stanislaus County General Plan has changed since the filing of their original application. The current Ag Element, updated in 2007, addresses some of the objections stated in the appeal. In, "*Goal Two – Conserve our agricultural lands for agricultural uses*", Policy 2.8 may provide a vehicle in which some common ground can be attained. Policy 2.8 calls for a 'no build' restriction on parcels less than 160 acres in size also enrolled in the Williamson Act. These restrictions may be lifted if the parcels achieve agricultural viability – essentially self-sufficient, irrigated agriculture.

Our Board of Directors encourages the Board of Supervisors to thoroughly exhaust their options in this decision. We always look to the Board of Supervisors to protect our agricultural resources and maintain the viability of our industry within Stanislaus County.

Sincerely,

Wayne Zipser
Executive Manager

Attachment: Stanislaus County Ag Element – Policy 2.8

BOARD OF SUPERVISORS
2013 JAN 28 P 4:31

Stanislaus County General Plan

Ag Element

Policy 2.8

In order to further the conservation of agricultural land, the subdivision of agricultural lands shall not result in the creation of parcels for 'residential purposes'. Any residential development on agriculturally zoned land shall be incidental and accessory to the agricultural use of the land.

Implementation Measure

1. 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:
 - 90% 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 land which is 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.

9:10 AM

PETRULAKIS LAW & ADVOCACY, APC

ATTORNEYS AND COUNSELORS AT LAW

1130 12TH STREET, SUITE B

MODESTO, CALIFORNIA 95354

TELEPHONE 209 522-0500

FACSIMILE 209 522-0700

GEORGE A. PETRULAKIS
BARBARA J. SAVERY, OF COUNSEL

PLANNING & POLICY
ANALYSTS
GILBERT D. BOSTWICK
CHRIS A. ESTHER

MAILING ADDRESS
POST OFFICE BOX 92
MODESTO, CA 95353-0092

January 28, 2013

VIA E-MAIL

Stanislaus County Board of Supervisors
1010 10th Street, Suite 6500
Modesto, Ca. 95354

Attn: Christine Ferraro Tallman, Clerk of the Board

Re: Appeal, Willms Ranch Vesting Tentative Parcel Map,
Application No. 2006-44

Gentlemen:

We represent Willms Ranch, LLC, the applicant and respondent to this appeal. Attached are copies of correspondence relevant to our client's response to this appeal and in support of the approval of this map. The correspondence includes:

1. Letter from John S. Barbagelata, who is married to Barbara Barbagelata, one of the current owners of the Willms Ranch. Mr. Barbagelata owns 100 acres of orchard in Linden and has affirmatively evaluated the suitability of portions of the Willms Ranch for olive, cherry and walnut orchards.

2. Letter from Joe Pescio, Project Manager, Contri Construction. Contri Construction has been completing Hetch Hetchy improvement work on the City and County of San Francisco's infrastructure on the ranch. Mr. Contri addresses the fact that, although there have been numerous supply deliveries and 125 employees and subcontracts have been involved in the work on a daily basis, there have been no accidents or adverse traffic impacts.

3. Letter Rick Hopkins, PhD, of Live Oak Associates, Inc., which prepared the original biological survey of the ranch. Mr. Hopkins has reviewed all of the appeal materials and his specific responses to each are included. As set forth in the staff report and in this letter, Mr. Hopkins "it is our professional opinion that all potential impacts

2013 JAN 28 P 4:49
BOARD OF SUPERVISORS


Stanislaus County Board of Supervisors
January 28, 2013
Page Two

were suitably identified in the IS/MND, and therefore, no further mitigation is warranted”, as set forth in Mr. Hopkins’ e-mail to Kristin Doud dated January 22, 2013, a copy of which is attached.

We appreciate your consideration of the foregoing.

Very truly yours,

PETRULAKIS LAW & ADVOCACY, APC

By 
Barbara J. Savery

Attach.

Barbagelata Orchards

John S. Barbagelata, 18365 East Baker Road, Linden, California 95236

January 28, 2013

To Whom It May Concern,

I have been married to Barbara ^{Willms}Barbagelata for over 40 years and we reside in Linden on my walnut orchard. I have been in farming in Linden since my parents came from Italy in the 1900's and purchase 20 acres of cherries. I currently own 100 acres of farmland in Linden. I was the executor of the Arthur Raymond Willms Estate and at times the financial supporter.

During this 40 year period my wife has been officer and active member of People's Organization of Land Preservation and a member of Citizens Against the Super Collider, which went to Texas. Her roots go deep and she has a relentless desire for preserving the historic ranch. She is a perfect example of a "good steward of the land."

My involvement with the family has been on occasion helping them monetarily when finances were tight. I always felt that I was never in danger as the ranch's history has proven itself. The fact that they have been in business for over 160 years, speaks for itself. I am proud to have been a help to the family in restoring the state historic landmark house, repairing the 1900 scale house, grainery, and other ranch restorations to preserve a part of California's rich history.

At present, I am considering an olive, cherry, and walnut orchard in and around the historic house. Many of the Willms' longtime neighbors are already developing orchard grounds.

Please consider their history of being a "good steward of the land." In reminder, only three residences and one caretaker residence have occupied the 10,000 acres, in over 160 years. It is evident that the Willms Family is preserving their heritage.

Thank you,



John S. Barbagelata

Contri Construction Company

P.O. Box 97739 • Las Vegas, NV 89193
Tel: (702) 458-6004 • Fax: (702) 458-7746

January 26, 2013

To: Stanislaus County Board of Supervisors

Sub: Willms Ranch

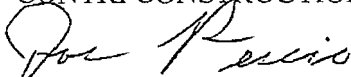
Contri Construction Company has been contracted by the San Francisco Public Service Commission (SFPUC) to construct approximately seven miles of 78" inside diameter pipe and associated structures. This project passes through the Willms Ranch. We have also setup the construction office and supply storage yard on the Willms ranch for this project. The construction work began in September 2011 and will be complete in approximately September 2013.

During the construction of this project there have been approximately 125 employees and subcontracts working on the Willms Ranch. There have been several thousand deliveries of construction materials delivered to the Willms Ranch via Willms Road for this project. The traffic on Willms Road associated with this project includes the following:

- Approximately one hundred twenty five personal vehicles driving to and from the Willms Ranch five to seven days per week. The work shift varied but generally started at 7:00am and ended at 5:00pm
- Over seven hundred large diameter pipe deliveries.
- Over four hundred concrete related deliveries for the concrete structures.
- Over four hundred cement slurry related deliveries for the pipe backfill.
- Hundreds of other miscellaneous deliveries.

There have not been any accidents or adverse conditions associated with the traffic required for the construction of this project.

Sincerely,
CONTRI CONSTRUCTION COMPANY



Joe Pescio
Project Manager



LIVE OAK ASSOCIATES, INC.

an Ecological Consulting Firm

January 28, 2013

Ms. Barbara Savery
Petrolakis Law & Advocacy
1130 12th Street, Suite B
Modesto, CA 95354

Subject: Response to an appeal by the Stanislaus Audubon Society regarding the Willms Ranch in Stanislaus County, California (PN 1019-02)

Dear Ms. Savery:

Live Oak Associates, Inc. (LOA), has prepared this response to an appeal submitted by the Stanislaus Audubon Society (SAS), dated December 17, 2012, to the Stanislaus County Board of Supervisors regarding the Mitigated Negative Declaration granted for the subdivision of Willms Ranch located southwest of Willms Road near Knights Ferry in eastern Stanislaus County. In addition to these materials, we have also reviewed an email dated January 24, 2013 from a Mr. Brad Barker, Conservation Chair of the Yokuts Group of the Sierra Club; a letter dated January 24, 2013 from a Mr. David J. Froba; and an email from January 25, 2013 that references a video on the Stanislaus Audubon website of a bald eagle soaring and foraging over the Willms Ranch on January 20.

Response to SAS Comments

Comment 1: The biological evaluation report (2007) prepared by LOA for the project concluded that the bald eagle was absent from the project site. The bald eagle is present on Willms Ranch. No mitigation measures have been provided since its existence on the site was overlooked.

Response to Comment 1: The SAS notes, that the bald eagle was removed from the federal threatened list in 2007. They also go on to note the bald eagle is not a common occurrence on the Willms Ranch. In general, breeding territories have been increasing in California and throughout the bald eagle range over the last several decades, which is the primary reason the species was federally delisted. No suitable nests are known on or in the vicinity of the Willms Ranch. The Willms Ranch and other grassland habitats in the San Joaquin Valley provide foraging habitat for wintering bald eagles, which are relatively uncommon in Stanislaus County. The majority of foraging by wintering bald eagles is associated near large water bodies, but they can and do feed on carrion on occasion. There are 319,211 acres of grassland habitat in

Stanislaus County, with an additional 666,572 acres of grasslands occurring in adjacent counties (San Joaquin and Merced Counties) (2007. Jantz, P.A., B.F.L. Preusser, J.K. Fujikawa, J.A. Kuhn, C.J. Bersbach, J.L. Gelbard, and F.W. Davis. Regulatory Protection and Conservation. **In** California Grasslands: Ecology and Management. University of California Press. Berkeley). The Willms Ranch represents 0.75% of the grassland communities in Stanislaus County and when taken in context of the surrounding counties represents less than a quarter of a percent. The project being contemplated by Stanislaus County is to divide the 2,302.34 acre Willms Ranch into 42 parcels ranging in size from 40-69.9 acres with a remainder parcel of 277.7 acre. This action will have no impact on the nesting success of bald eagles, as none are known to nest on the Willms Ranch or nearby, nor should this action significantly diminish wintering bald eagles from foraging within grassland habitats within the San Joaquin Valley or more specifically within Stanislaus County. As the project will result in a less than significant impact on the loss of foraging habitat for wintering bald eagles (or even foraging from eagles that may nest at large reservoirs in or adjacent to Stanislaus County) no mitigation is warranted.

Comment 2: The loss of habitat for special status birds rises to the level of significant because Willms Ranch represents about 3% of the grasslands habitat in Stanislaus County.

Response to Comment 2: As noted above, there are 319,211 acres of grasslands in Stanislaus County and the Willms Ranch, therefore, represents not 3% as noted by SAS, but less than 0.75% of the grasslands in the County. When taken into account of the adjacent San Joaquin and Merced Counties, the proportional representation of the Willms ranch drops below 0.25%. Changes that may occur on the Willms Ranch (e.g., intensification of agricultural use on some parcels) may result in a conversion of small amount of grassland habitats for these 15 species of birds. For an impact to rise to a level of significance, it would require it to be a “substantial” impact, meaning it would need to greatly affect the regional success of these species of birds. Taken as a whole, the Willms Ranch represents 0.75% of the grasslands of the County. It does not seem reasonable to assume that the project being considered by the County would result in the conversion of all grassland habitat on the 2,302.34 acre ranch, so the impact to foraging habitat for these occasional foragers is even less. The loss of a small amount of grassland habitat anticipated by this project will diminish the foraging habitat for a number of special status bird species noted in the LOA report somewhat. However, given the abundance of this habitat within the foothills of the Sierra and within the County as a whole, this impact remains a less than significant effect.

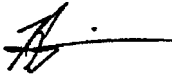
Comment 3: While the staff report provides mitigation measures for the burrowing owl and Swainson’s hawk, the mitigation was only for the loss of breeding habitat, not for the loss of range.

Response to Comment 3: The mitigations proposed for this project require the applicant to conduct a series of extensive surveys for both the burrowing owl and Swainson’s hawk prior to any changes or grading (e.g., construction and/or grading or intensification of agricultural uses – such as orchard or vineyard conversion). As noted, by SAS, the applicant will compensate for the loss of any foraging habitat within 10 miles of a Swainson’s hawk nest, which will ensure nesting success for Swainson’s hawk. The applicant will also protect nesting burrowing owl habitat (see Mitigations 8 to 10). This approach will not result in appreciably diminishing the

range for two species, as it will provide for long-term protection of habitat being used by them. Therefore, by compensating for impacts to foraging habitat for nesting Swainson's hawk (within 10 miles) and protecting active burrowing owl nests, the applicant has adequately mitigated for any impacts that may occur to these species, including impacts on the species range or distribution.

If you have any questions regarding our responses to the SAS's comments, please contact me at (408) 281-5885 or rhopkins@loainc.com at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to be 'RH', followed by a horizontal line extending to the right.

Rick Hopkins, Ph.D.
Principal
Senior Conservation Biologist

Barbara Savery

From: Hopkins Rick [rhopkins@loainc.com]
Sent: Tuesday, January 22, 2013 12:05 PM
To: Doudk@stancounty.com
Cc: Barbara Savery; Hopkins Rick
Subject: LOA Review of Willms Ranch, LLC Vesting Tentative map Application (No. 2006-44)

Kirstin:

Barbara Savery of Petrulakis Law & Advocacy, APC, requested that I provide you with our general impressions on the Willms Ranch, LLC Application (No. 2006-44) that is before the County for their review. As you are aware, we prepared the Biological Resources report (dated June 11, 2007) that served as the basis for the IS/MND that was prepared by the County. I have reviewed the IS/MND, the correspondence between the applicants representative (Ms. Barbara Savery) and the California Department of Fish and Wildlife (formerly CDFG) and U.S. Fish and Wildlife Service, the comment letter from Stanislaus Audubon Society and I watched the archived December 6, 2012 Planning Commission hearing. Based on our knowledge of the site, and the proposed project, it is our professional opinion that all potential impacts were suitably identified in the IS/MND, and therefore, no further mitigation is warranted.

If you have any additional questions, please contact me at your earliest convenience.

Take care,

Rick Hopkins, Ph.D.
Principal and Senior Conservation Biologist
Live Oak Associates, Inc.
6840 Via del Oro, Suite 220
San Jose CA 95119
Office Phone: 408.281.5885
Mobile Phone: 408.391.9433
rhopkins@loainc.com

9:10 AM

John O'Hearn
BookKeeping and Tax Service
11707 Blue Oak Dr Oakdale, CA 95361
209/847-3977 Fax 209/848-3977
johnohearn@gmail.com

BOARD OF SUPERVISORS

2013 JAN 29 A 8:32

Stanislaus County Board of Supervisors
1010 10th Street, Suite 6500
Modesto, CA 95354

Re: Willms Ranch Parcel Map

I have been the bookkeeper for the Willms Ranch for 22 years. I have attended many family meetings, and I am well informed regarding the operations of the ranch. I am also an employee of Oakdale Feed and Seed and am generally familiar with agricultural practices in the Oakdale/Knights Ferry area.


Willms Ranch infrastructure, including fences and corrals, are in need of repair and replacement. The ranch borders Willms Road near Highway 120 and fences on that frontage in particular must be repaired to assure that cattle do not get out on the highway. In addition, the ranch currently has two cattle leases, and cross-fencing is necessary to keep the cattle separated.

Family members would like to make the ranch more productive so that they can keep the ranch in top notch condition and assure that it stays in the family for years to come. I am personally aware that the family has been in discussions with investors who are interested in developing almond orchards on the ranch. I am also aware that winter wheat and other feed crops have been grown on the ranch in the past. Trinitas has developed almond orchards on land directly adjacent to the ranch, and I believe that almond orchards would also be feasible on parts of the Willms Ranch.

Smaller parcels that will allow for flexibility in financing are critical to the ranch's future and to the family's continued ownership of the ranch they have held for more than 160 years. It makes no sense to encumber a 1,000 acre parcel just to put 40 acres of almonds on the ranch. That puts too much of the ranch at risk.

The family's parcel map makes good business sense, and I request that you approve it.

Very truly yours,


John O'Hearn

Patricia Gonzalez - Fwd: RE: Willms Ranch: Please send to all Board Members

From: Christine Ferraro
To: Gonzalez, Patricia
Date: 1/29/2013 8:29 AM
Subject: Fwd: RE: Willms Ranch: Please send to all Board Members

Here is another letter

*Christine Ferraro Tallman
Clerk of the Board
209 525-4494
1010 10th St. Suite 6700
Modesto, CA 95354*

2013 JAN 29 A 8:32
BOARD OF SUPERVISORS

Please take a moment and complete the Customer Satisfaction Survey by clicking on the following link:

<http://www.stancounty.com/customercenter/index.shtml>

>>> On 1/28/13 at 5:39 PM, in message <CAErdzozeJdwkcnFewuk=cwnkgEsK3wxmuDxa=0oT-6TvU8h9aw@mail.gmail.com>, Jared Willms <willmsjared@gmail.com> wrote:

January 28, 2013

To the Board of Supervisors:

I, Jared Willms, am the son of John Willms, who is one of the Willms Ranch owners. I am writing this letter in response to the Audubon Society appeal claiming the proposed parcels will become "hobby 40's".

I am currently employed as an orchard manager for an almond and walnut grower. I have been in this line of work for 3 years, and I currently manage 400 acres of trees. It is both my father and my intention to pursue all potential agricultural possibilities on the ranch in the coming years. Having evaluated the ranch for many years, I believe that some portions of the ranch will be very suitable for orchard development, while others will best remain in cattle grazing or other non-irrigated uses. In the current marketplace, orchards are performing extremely well.

There has been investor interest in the Willms property in recent years for the pursuit of establishing orchards where feasible. In order to achieve this goal, financing will be necessary. Achieving smaller separate parcels will allow the family the maximum flexibility in establishing the greatest variety of crop and orchard types and in getting financing for those varied agricultural uses.

Thank you for your consideration.

Sincerely,

Jared Willms

9:10 AM

Patricia Gonzalez - Fwd: Re: Willms Ranch Tentative Parcel Map - Hearing date: January 29, 2013

From: Christine Ferraro
To: Gonzalez, Patricia
Date: 1/29/2013 8:44 AM
Subject: Fwd: Re: Willms Ranch Tentative Parcel Map - Hearing date: January 29, 2013

Please date and print like the other ones. Thanks

*Christine Ferraro Tallman
Clerk of the Board
209 525-4494
1010 10th St. Suite 6700
Modesto, CA 95354*

2013 JAN 29 A 8:45
BOARD OF SUPERVISORS

Please take a moment and complete the Customer Satisfaction Survey by clicking on the following link:

<http://www.stancounty.com/customercenter/index.shtm>

>>> On 1/29/13 at 6:30 AM, in message <B3120AC7-B925-4159-BE07-302563A611A7@comcast.net>, David Froba <froba@comcast.net> wrote:

January 28, 2013
Harold Reeve
1309 River Valley Circle
Modesto, CA 95351
Board of Supervisors, Stanislaus County

Dear Sirs:

I am writing concerning the possible subdivision of the Willms Ranch. I am unable to attend the January 29 meeting because I will be teaching a class at that time. I have taught biology courses at the high school and college levels for over 30 years, and have taught high school biology in Modesto and Ceres for the past 30 years, currently at Central Valley Christian Academy. In addition to teaching science, I am an avid birder and field ornithologist, having done census work and various bird surveys for U.S. Fish and Wildlife Service, Point Reyes Bird Observatory, U.S. Geological Survey, and other organizations. I have collected and maintained bird records for Stanislaus County for over 30 years.

For the last six years I have completed a monthly roadside raptor survey during the winter months of December, January, and February along a 32 mile route through the grasslands of eastern Stanislaus County. This route includes the entire length of Willms Rd., including approximately 3.2 miles adjacent to the Willms Ranch. The survey protocol includes recording data on location, behavior, and habitat for all raptor species seen

within 500 meters of the road. On 17 surveys completed, 297 individual raptors of 13 species, including seven Bald Eagles and two Golden Eagles, have been recorded from the Willms Ranch portion of the route.

This survey route is one of 20 Winter Raptor Survey routes that were surveyed in favorable grassland locations within the Central Valley from Dec. 2007 to Feb. 2010. The average density of raptors for all routes is slightly over two birds per 100 hectares. The Stanislaus Co. route which I continue to survey has the second highest raptor density of all routes, and the density for the Willms Ranch portion of the survey route is 3.4 raptors per 100 hectares. This translates to approximately nine raptors per square mile for the Willms Ranch portion.

That raptors, including eagles, are attracted to large, unbroken areas of grazing land is supported by comparison of the Willms Ranch area with a region of similar grazing land only two miles northwest of the Willms Ranch and extending an additional two miles westward along Sonora Rd. This area has an average density of 2.0 raptors per 100 hectares and I have seen only one Bald Eagle and no Golden Eagles there during the six-year survey period. The major apparent difference between the two locations is that the land along the north side of this portion of Sonora Rd. has recently been developed into ranchettes averaging approximately 60 acres in size. The population density of the next two miles of Sonora Rd. to the west beyond the more developed area has shown a population density of over four raptors per 100 hectares during the six-year study, but with fewer eagles than were found along Willms Rd.

Beyond this survey, anecdotal evidence from the collective birding experience of Stanislaus County birders is that Willms Rd. is among the best places in the county to see raptors, including Bald Eagles and many species of hawks. It is possible that large areas of undivided grazing lands are frequented by birders because these same areas are favored by raptors and other bird species.

Sincerely,

Harold Reeve

Attached: Winter Raptor Survey Data Summary

Winter Raptor Survey Data
Willms Road, Stanislaus County
Route Miles 10.8-14.0 (Willms Ranch)

	2007-2008			2008-2009		
	Dec. 31	Jan. 21	Feb. 3	Dec. 22	Jan. 11	Feb. 15
Bald Eagle	1			2		
Golden Eagle						
Red-tailed Hawk	10	8	11	15	7	11
Ferruginous Hawk		1		1	1	1
Rough-legged Hawk		2		1		
Northern Harrier		1		1		1
Cooper's Hawk	1					
American Kestrel	2	2	1	1		3
Prairie Falcon			1			
Turkey Vulture		3	5	8	3	4
Loggerhead Shrike			1	1	1	1
	2009-2010			2010-2011		

	Dec. 6	Jan. 17	Feb. 15	Dec. 6	Jan. 16	Feb. 20
Bald Eagle						
Golden Eagle					1	
Red-tailed Hawk	4	5	4	5	12	12
Ferruginous Hawk		2				
Northern Harrier						1
American Kestrel	6	3	3	4	1	3
Merlin					1	
Prairie Falcon						1
Turkey Vulture	3	1		4	7	4
Great Horned Owl		1				
Loggerhead Shrike	1	2	2	3		1
	2011-2012			2012-2013		
	Dec. 18	Jan. 15	Feb. 19	Dec. 16	Jan. 20	
Bald Eagle		1		1	2	
Golden Eagle				1		
Red-tailed Hawk	3	8	1	5	15	
Ferruginous Hawk	1		1			
Northern Harrier	1				2	
American Kestrel	2	4	3	3	4	
Turkey Vulture	1	9	3	4	5	
Loggerhead Shrike	1	2	2	2		

Patricia Gonzalez - clarifying memo from your staff

9:10 AM

From: George Petrulakis <george@petrulakis.com>
To: Jim DeMartini <gojim@cv-access.com>, Supervisor Jim DeMartini
<DeMartini@stancounty.com>
Date: 1/28/2013 10:04 PM
Subject: clarifying memo from your staff
Attachments: Sscanner13012822580.pdf

Jim, I found the memo to the Planning Commission where your staff corrected the incorrect information that had been included in the original staff report to the commission.

This should clarify the issue that the time extension is not a reconsideration of the project.

Thanks, George

BOARD OF SUPERVISORS
2013 JAN 29 A 8:45



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 J Street, Suite 3400, Modesto, CA 95354
Phone: 209.525.6330 Fax: 209.525.5911

December 6, 2012

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

SUBJECT: TIME EXTENSION FOR REZONE APPLICATION NO. 2007-01 - SANTA FE
CROSSING

The December 6, 2012, Staff Report for the subject time extension raises a question regarding the applicability of a time extension with the County's General Plan Sphere of Influence (SOI) Policy regarding discretionary development proposals located within a LAFCO adopted SOI or area subject to an agreement. Staff has conducted further analysis regarding the applicability and has concluded that, while approval of a time extension is a discretionary act, a time extension is not a development proposal subject to the SOI Policy.

The Santa Fe Crossing project was determined to be consistent with the General Plan at the time of approval in 2008 and this determination included consideration of the City of Hughson's comments. Consideration of a time extension is not a reconsideration of the development proposal, but rather an assessment of "good cause" focused on the project's development schedule. No changes to the project design or development standards are being proposed (or required). The County's Zoning Ordinance sets no standard beyond "good cause" for approval of a time extension. As discussed in the staff report, the applicant's representative has provided information to show "good cause" for approval of the time extension.

Based on the further assessment discussed above, staff is recommending the Planning Commission approve the applicant's time extension request.

1/29/13 9:10
given at BOS
meeting

LETTERS TO THE EDITOR / COLUMNISTS

Opinions

ONLINE:

STRONG VIEWS ON A LOCAL ISSUE?
op-ed submissions — modbee.com/op

Tuesday, January 29, 2013 | The Modesto Bee | modbee.com

OUR VIEWS

County should OK Wilms Ranch plan

More than six years after submitting their proposal, the owners of Wilms Ranch hope to get a decision from Stanislaus County supervisors today about whether they can divide their property into 42 parcels of 40 to 70 acres. We think the answer should be yes, for several reasons:

- While 40 acres probably is not enough to provide a livable wage for the one or two households that might live on that size of parcel, this project fits within the ag zoning regulations that were in place when this map was considered complete in December 2006. The general plan was changed the next year to discourage home building on parcels of less than 160 acres, but that cannot be retroactively applied.

- Opponents are calling for a full environmental impact report on the project, but there isn't strong evidence that this level of review would produce different results from the environmental studies that were complete and that showed there would not be a big negative impact.

- Even if the board OKs the parcel division, before homes can

be built or farming practices changed on the property, surveys would have to be made to identify vernal pools, seasonal wetlands, hawk and other bird habitat and blue elderberry shrubs and then to mitigate any disruption to them. Protections are in place.

- Forty-two rural parcels is not going to generate a lot of new traffic for Highway 120 or that would significantly increase air pollution.

We respect the Stanislaus Audubon Society's concern about bird habitat and environmental degradation, but this is not a proposal to pave over the foothills the way we've seen so much prime farmland paved over around Modesto. And this isn't a plan to create the kind of ranchettes that proliferated in the Riverbank-Oakdale area in the 1960s and '70s. The Wilms Ranch, in smaller parcels, will remain in agriculture use.

County planning staff and the Planning Commission agree that this proposal should proceed. Supervisors should follow their recommendation.

A public hearing is scheduled at 9:10 a.m. today on this planning issue. County supervisors meet in the basement of Tenth Street Place.



Every

As a longtime newspaperer, I'm pretty sad that the article stating that to a still-numbing three-month period (Page B-1). "Only 51

That's 171 a month Christmas as well. These are families. These are our lives. newspaper be?

This is still a devastating. Maybe The Bee's just sensitive if they had the Christmas season

OTHER VIEWS

Mahony's sorry record as bishop got worse as cardinal

Excerpted from Sunday's Record of Stockton.

possibility of many other victims, but these are the victims.

Keep an open

love living in Sa today's meeting

9:10 am
rec'd 1/22/13 8:55am

5052 Tully Road
Modesto, Ca. 95356

To: The Stanislaus Board of Supervisors
From: Vance Kennedy
Subject: The Revision of the Willms Ranch near Knights Ferry

I would like to point out the possibility that, after revision of the land use, there is nothing to stop the owners from selling parcels to unwise buyers who are led to believe that a wide range of agriculture is possible, in an area where only groundwater is available.

Most people do not know that rocks in such an area have groundwater filling only 10 -15 percent of their volume because of extensive compaction. That means that, for every foot of water pumped out, the water table will drop 7 to 10 feet. Since almond trees, for example, require on the order of two feet or more of water per year to grow, and rainfall may not contribute much over one half foot of water net to ground water per year, that means that water tables could drop over 10 feet per year repeatedly if almond trees or similar crops were planted. Any such drop in the water table will take groundwater from neighbors to the site. An investigation of groundwater recharge in the area seems needed, as part of any decision.

What this means is that, based on available knowledge, the only reasonable use for these parcels is for grazing animals. I really don't know whether there is a market for 45 to 50 such ranchettes. Furthermore, I don't know whether such information is a reasonable basis for consideration of such a revision of land use.. I do know that the possibility of major scams is there. Is there anything the County can do to require information of the type I have listed, or is it always "Let the buyer beware", where there is an obvious possibility of a problem? There may be other potential difficulties, beyond the one I have mentioned.

If there are two houses per parcel and each has a well, there are potentially 100 wells to be installed . Depending on how much water each well withdraws, it seems very reasonable to assume that the water table could drop significantly, with sizeable costs to the owners, unforeseen at the time of land purchase.



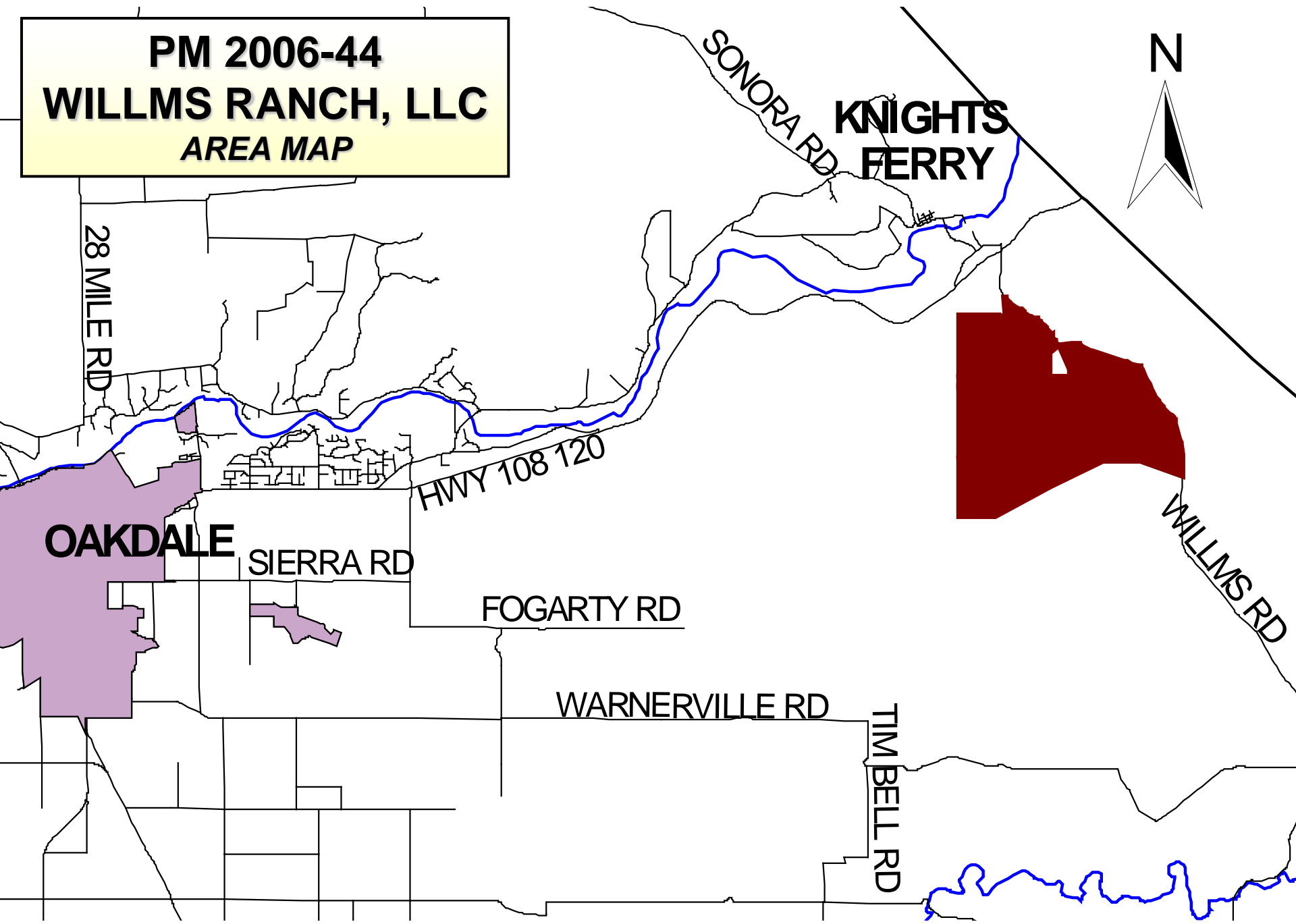
Vance C. Kennedy, Ph.D.

**APPEAL OF
VESTING TENTATIVE
PARCEL MAP APPLICATION
NO. 2006-44
WILLMS RANCH, LLC.**

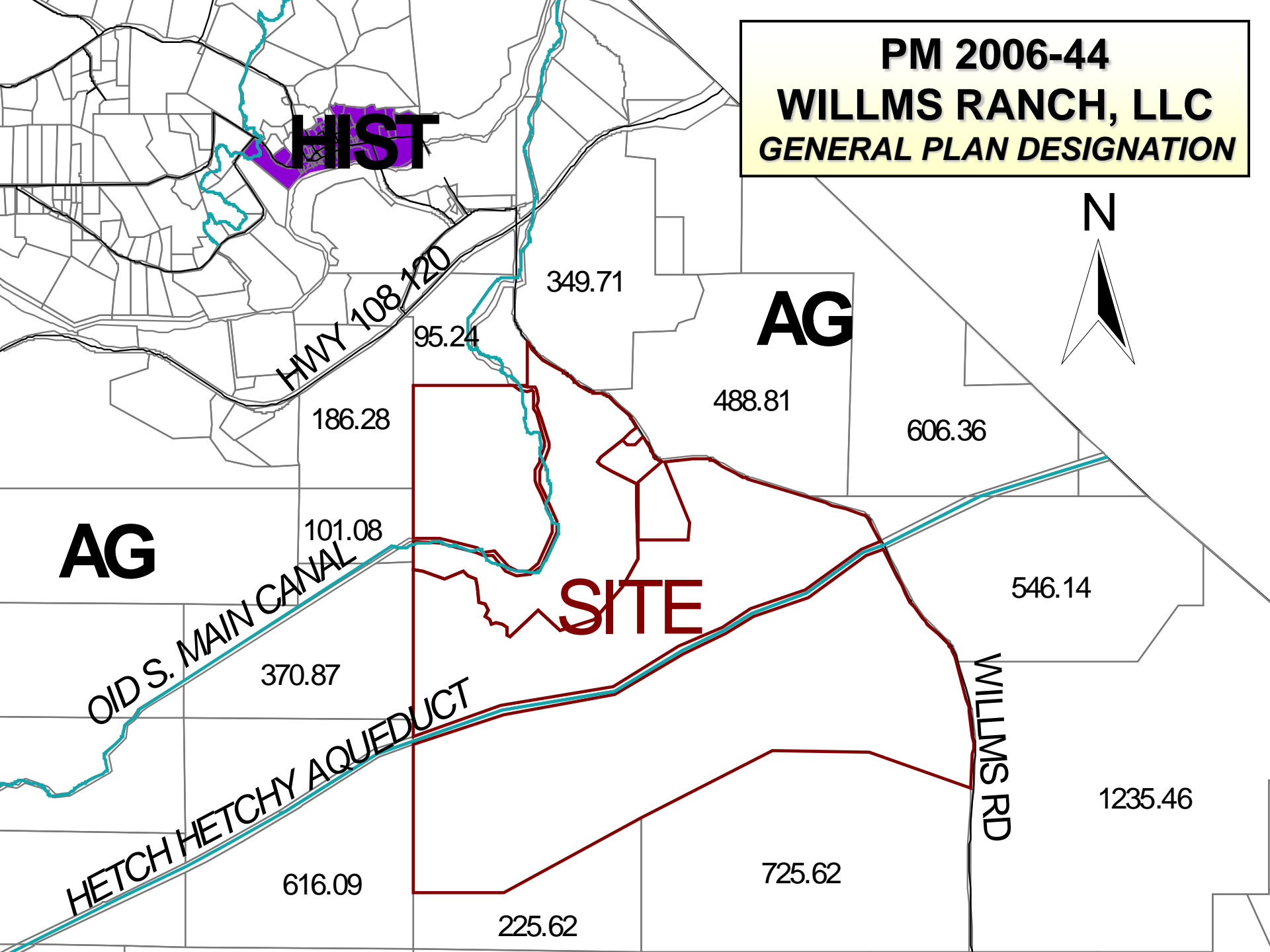


Planning & Community Development

**PM 2006-44
WILLMS RANCH, LLC
AREA MAP**



PM 2006-44
WILLMS RANCH, LLC
GENERAL PLAN DESIGNATION



HIST

AG

AG

SITE

HWY 108/120

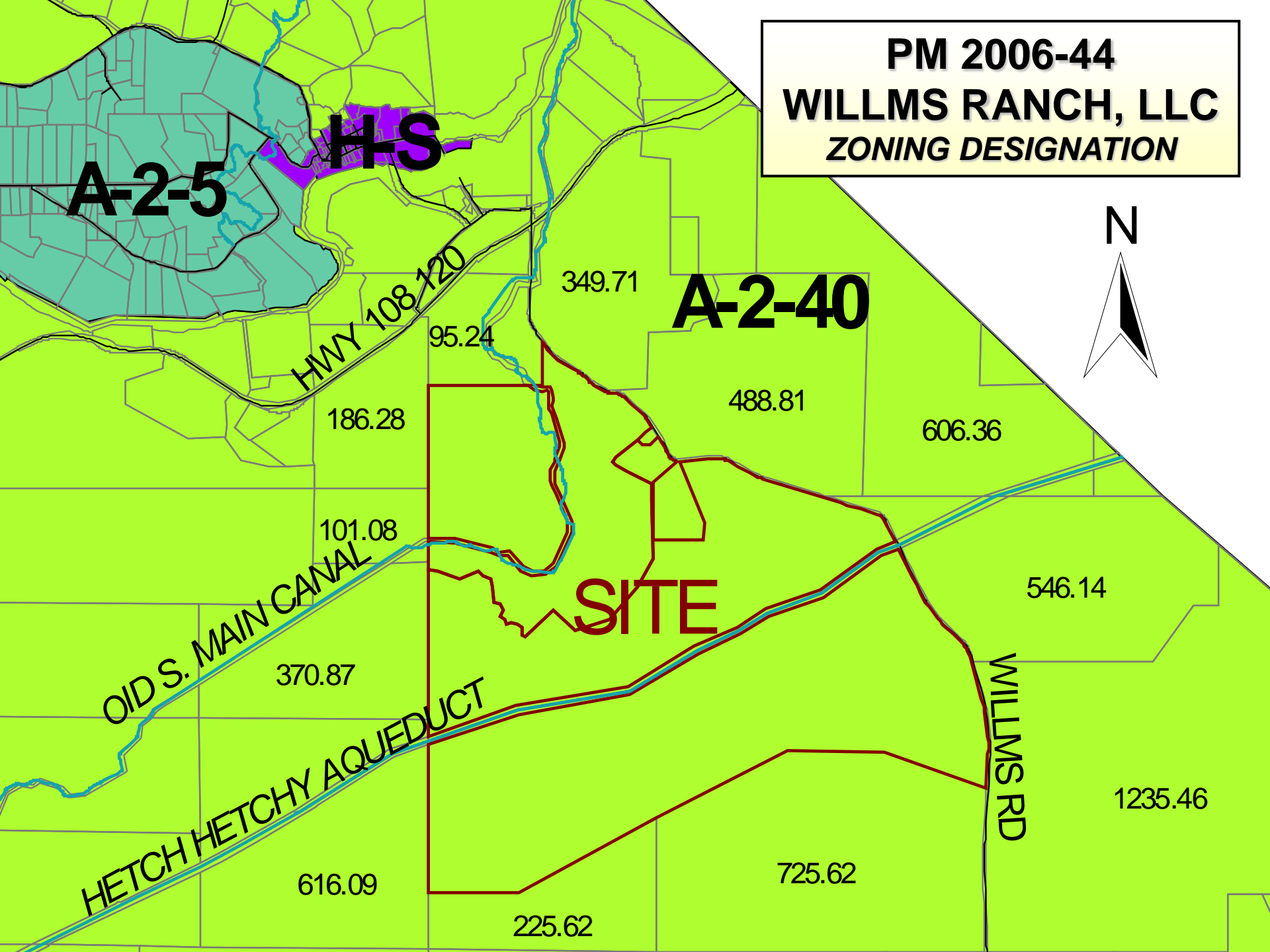
OID S. MAIN CANAL

HETCH HETCHY AQUEDUCT

WILLMS RD



PM 2006-44
WILLMS RANCH, LLC
ZONING DESIGNATION



A-2-5

HS

A-2-40

349.71

95.24

186.28

488.81

606.36

101.08

546.14

370.87

OID S. MAIN CANAL

SITE

WILLMS RD

HETCH HETCHY AQUEDUCT

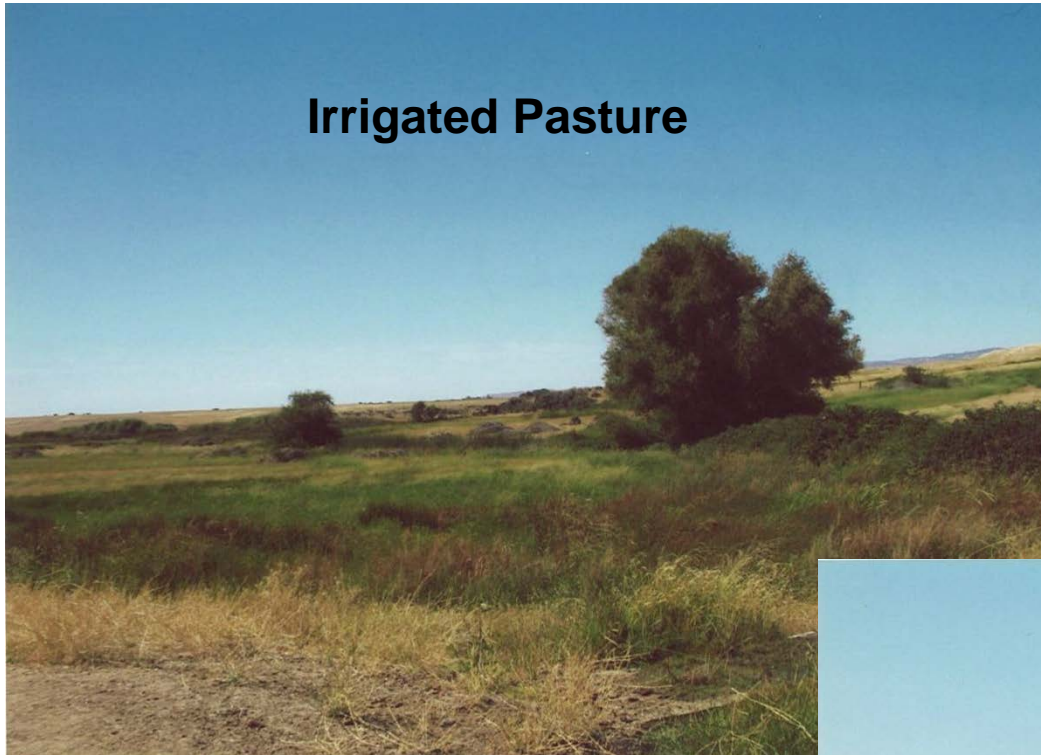
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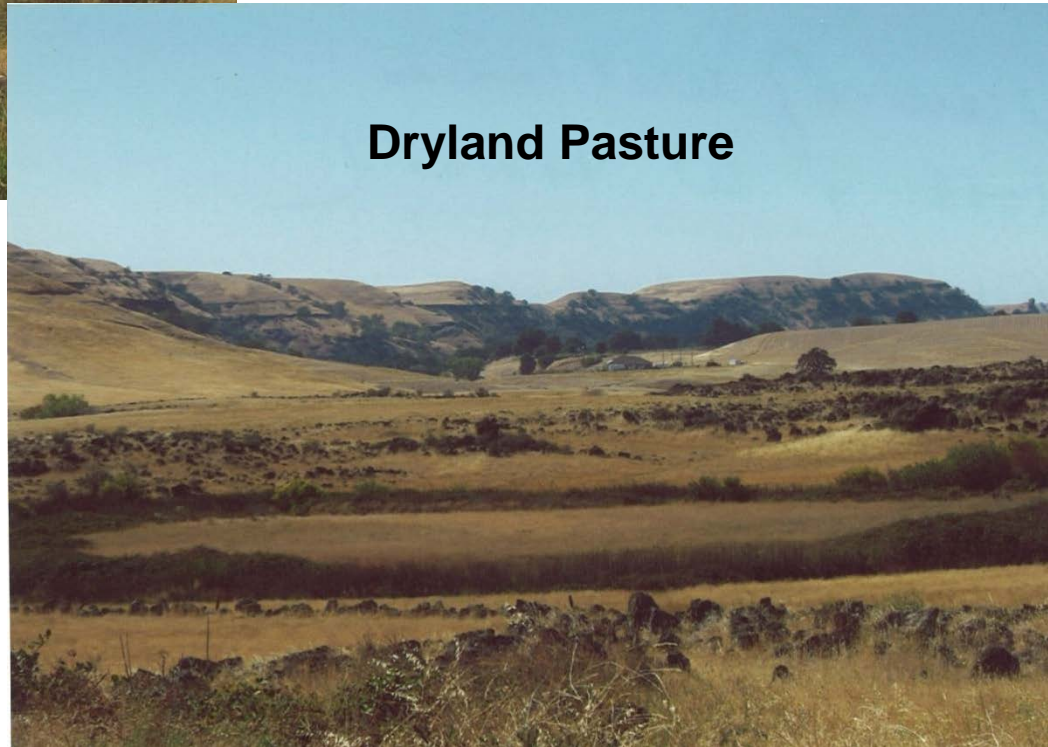
225.62

Irrigated Pasture



PM 2006-44
WILLMS RANCH, LLC
Site Photos

Dryland Pasture



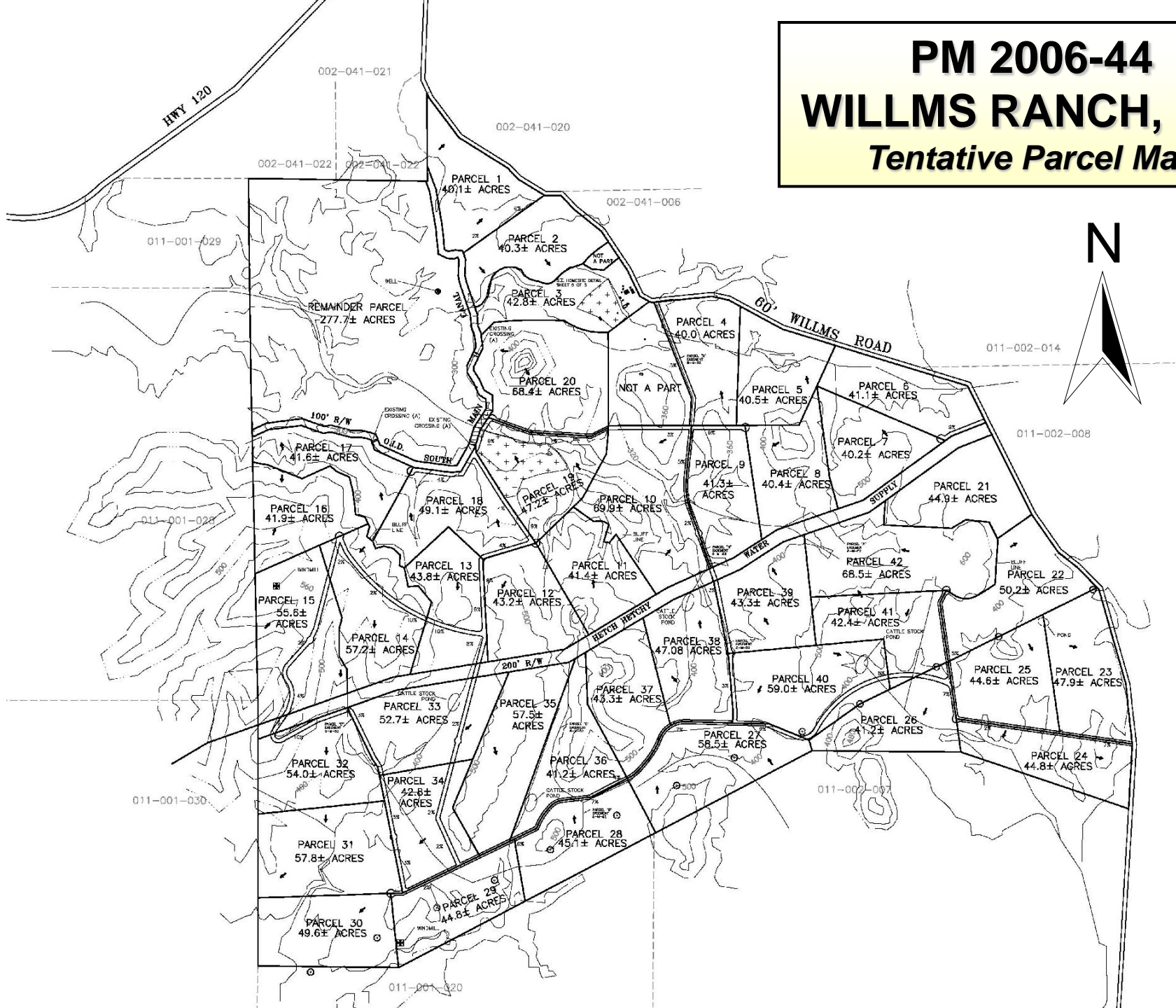
HWY 108 120

PM 2006-44
WILLMS RANCH, LLC
2008 AERIAL



WILLMS RD

PM 2006-44 WILLMS RANCH, LLC *Tentative Parcel Map*



PLANNING COMMISSION

At its regularly scheduled meeting of December 6, 2012, after a public hearing, the Planning Commission voted 9-0 to approve the subject project.



APPEAL LETTER

An appeal of the Planning Commission's approval was submitted by the Stanislaus Audubon Society, Inc. on December 17, 2012.

The appellant stated opposition to approval of the project based on the Environmental Review.



APPEAL LETTER

- Agriculture and Forest Resources



APPEAL LETTER

- Agriculture and Forest Resources
- Air Quality and Greenhouse Gases



APPEAL LETTER

- Agriculture and Forest Resources
- Air Quality and Greenhouse Gases
- Biological Resources



APPEAL LETTER

- Agriculture and Forest Resources
- Air Quality and Greenhouse Gases
- Biological Resources
- Cultural Resources



APPEAL LETTER

- Agriculture and Forest Resources
- Air Quality and Greenhouse Gases
- Biological Resources
- Cultural Resources
- Hydrology and Water Quality



APPEAL LETTER

- Agriculture and Forest Resources
- Air Quality and Greenhouse Gases
- Biological Resources
- Cultural Resources
- Hydrology and Water Quality
- Population and Housing



APPEAL LETTER

- Agriculture and Forest Resources
- Air Quality and Greenhouse Gases
- Biological Resources
- Cultural Resources
- Hydrology and Water Quality
- Population and Housing
- Public Services



APPEAL LETTER

- Agriculture and Forest Resources
- Air Quality and Greenhouse Gases
- Biological Resources
- Cultural Resources
- Hydrology and Water Quality
- Population and Housing
- Public Services
- Transportation and Traffic



APPEAL LETTER

- Agriculture and Forest Resources
- Air Quality and Greenhouse Gases
- Biological Resources
- Cultural Resources
- Hydrology and Water Quality
- Population and Housing
- Public Services
- Transportation and Traffic
- Environmental Impact Report



STAFF RECOMMENDATION

After reviewing the issues brought forth within the appeal letter, Planning staff believes that all potential environmental impacts have been mitigated to a less than significant level and finds the project to meet all of the necessary findings for approval.

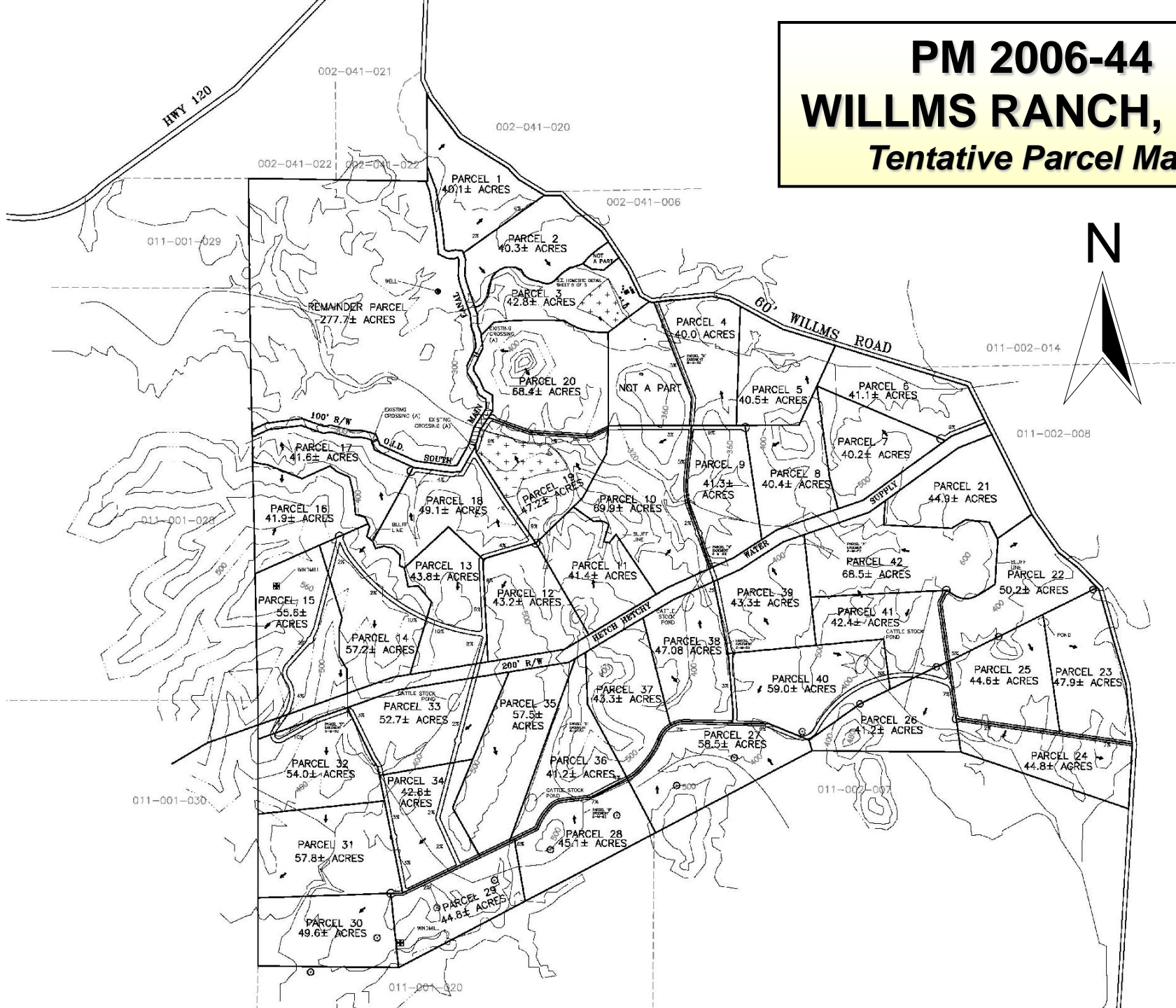


BOARD ACTION

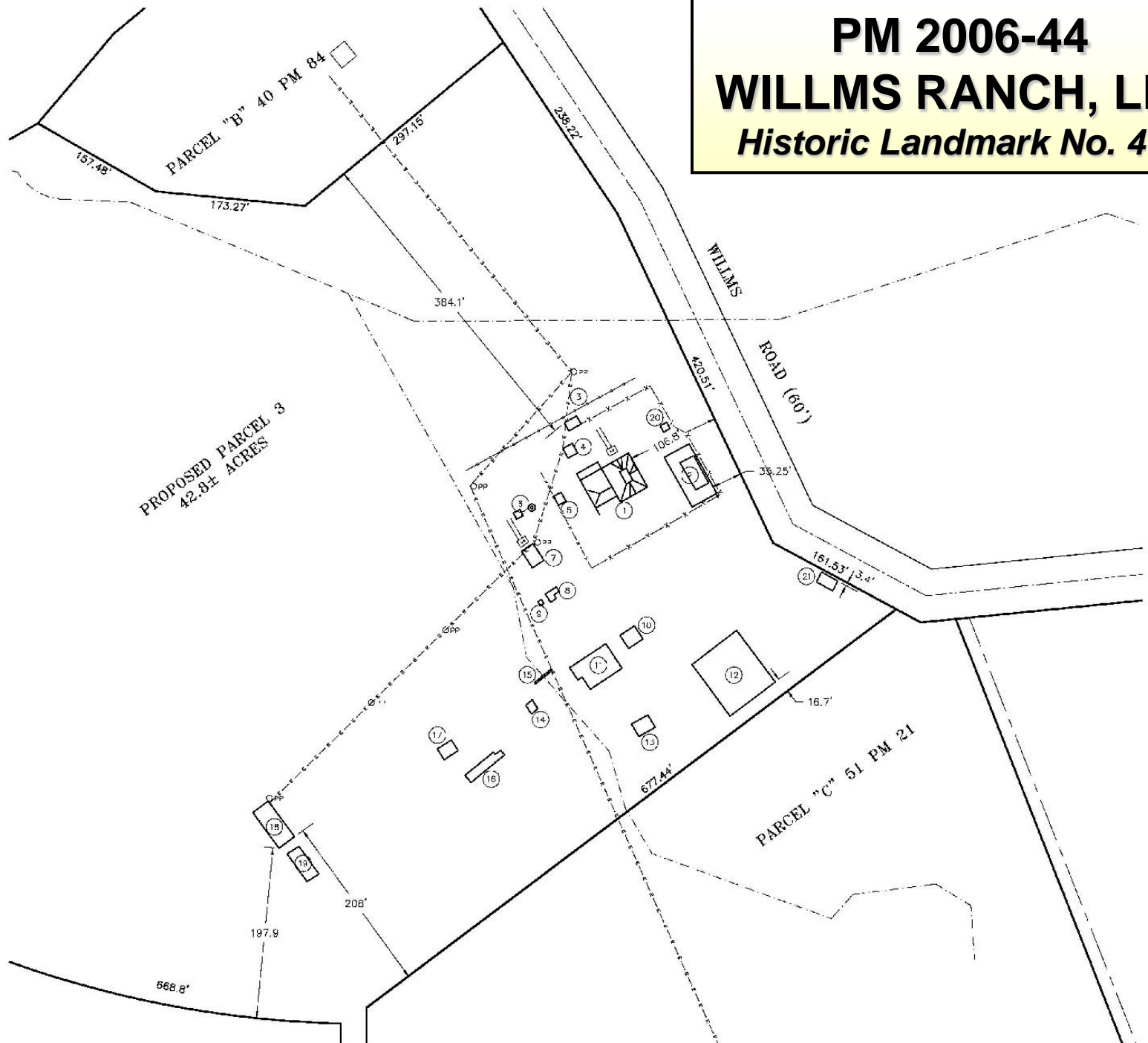
Based on this assessment Staff recommends that the Board follow both the staff recommendation and Planning Commission decision for this parcel map **by denying this appeal and approving the parcel map request**, subject to the conditions of approval and mitigation measures.



PM 2006-44 WILLMS RANCH, LLC *Tentative Parcel Map*

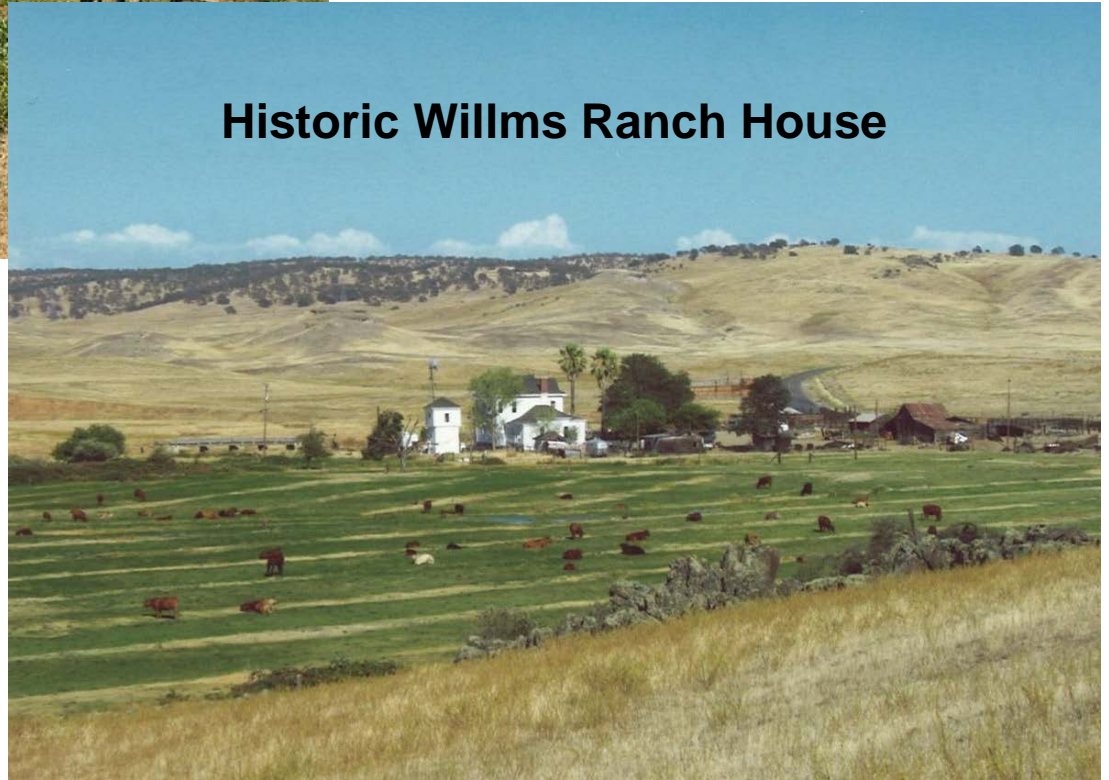


PM 2006-44
WILLMS RANCH, LLC
Historic Landmark No. 415





PM 2006-44
WILLMS RANCH, LLC
Site Photos



Historic Willms Ranch House