

STANISLAUS COUNTY PLANNING COMMISSION

September 3, 2015

STAFF REPORT

TENTATIVE PARCEL MAP AND EXCEPTION APPLICATION NO. PLN2015-0011 HARAK-MCINTYRE, BIGLIERI-POFF & GROHL

REQUEST: REQUEST TO CREATE TWO PARCELS OF .50 AND .60 ACRES FROM A 1.10 ACRE SITE IN THE R-A (RURAL RESIDENTIAL) ZONING DISTRICT. AN EXCEPTION TO THE SUBDIVISION ORDINANCE IS BEING REQUESTED TO ALLOW FOR USE OF A 30-FOOT WIDE ACCESS EASEMENT FOR PARCEL "2" FROM RIO SOMBRA COURT, AS THE PROPOSED PARCEL WILL NOT FRONT ON A COUNTY-MAINTAINED ROAD.

APPLICATION INFORMATION

Applicant/Owner:	Debora Harak-McIntyre, Beverly Biglieri - Poff, Robin L. Grohl
Agent:	Kevin Cole, Guilliani & Kull, Inc.
Location:	10330 Rio Sombra Court, east of the City of Oakdale
Section, Township, Range:	7-2-11
Supervisory District:	One (Supervisor O'Brien)
Assessor's Parcel:	010-046-032
Referrals:	See Exhibit G Environmental Review Referrals
Area of Parcel(s):	Proposed Parcel 1: .50± acres Proposed Parcel 2: .60± acres
Water Supply:	Oakdale Irrigation District
Sewage Disposal:	Septic/leach system
Existing Zoning:	Low Density Residential
General Plan Designation:	R-A (Rural Residential)
Sphere of Influence:	Not Applicable
Community Plan Designation:	Not Applicable
Williamson Act Contract No.:	Not Applicable
Environmental Review:	Negative Declaration
Present Land Use:	Single- family dwelling, garage, and barn
Surrounding Land Use:	Single- family residential dwellings are located to the north, east, and west of the project site. State Highway 108/120 and an orchard are located to the south.

RECOMMENDATION

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

PROJECT DESCRIPTION

The project is a request to divide a 1.10 acre parcel into two parcels of .50 and .60 acres in the R-A (Rural Residential) zoning district. The applicant is requesting an Exception to the Stanislaus County Subdivision Ordinance, as proposed Parcel "2" will not front on a County-maintained road and proposed Parcel "1" is not able to meet current lot width minimum standards due to the existing parcel configuration.

Proposed Parcel "2" is located south of Proposed Parcel "1" and will not have direct access to Rio Sombra Court. The proposed 30 foot wide private access easement is being proposed on the western portion of the property. The easement allows Parcel "2" access through Parcel "1" to Rio Sombra Court, as the parcel is not accessible to the south from Highway 108/120.

The applicant has submitted a "Will Serve Letter" from the Oakdale Irrigation District (OID), which will provide water to proposed Parcel "1", in addition to already serving Parcel "2". With the public water service provided, and no public sewer available, both proposed parcels will meet the minimum lot size requirements in the R-A (Rural Residential) zoning district of twenty thousand square feet (.45± acres).

SITE DESCRIPTION

The project site is located at 10330 Rio Sombra Court, west of Dillwood Road, north of Highway 108/120, and east of the City of Oakdale. Rio Sombra Court is designated a 50 foot Local Road. The project site is located .5± miles east from the City of Oakdale's Sphere of Influence.

The 1.10± acre project site was part of the Oakmore Estates Subdivision, Phase 1, which was recorded in 1999. This map subdivided six lots, south of Rio Sombra Court, with the project parcel identified as lot No.6.

Currently, the site is developed with a 1,426 square foot single-family dwelling, a 560 square foot garage, and a 2,700± square foot barn. All existing structures and septic system are located within Parcel "2". Parcel "1" is currently undeveloped land, which fronts on Rio Sombra Court. Parcel "1" will need an independent septic/leach system, upon the construction of a single-family dwelling. There is a wall along the southern property line with a gate that opens to Highway 108/120, although no access is allowed from the project site.

Currently, the Oakdale Irrigation District (OID) has several easements which run through the project site. OID has a 20 foot wide dedicated irrigation easement which runs east to west, and south along the western property line. OID has commented that they no longer need nor utilize this easement, and are willing to abandon and quitclaim the easement with the current landowner. In addition, there are two other OID easements located along the northern property line and along the south property line, which are planned to remain intact.

ISSUES

No issues have been identified during the review of this application. Standard conditions of approval have been added to this project to address less than significant impacts associated with the proposed use. (*See Exhibit D - Conditions of Approval.*)

GENERAL PLAN CONSISTENCY

The site is currently designated Low Density Residential in the Stanislaus County General Plan. The intent of this designation is to provide appropriate locations and adequate areas for single-family detached homes, in either conventional or clustered configurations. Single-family detached dwellings are the predominant housing type in areas so designated, and would remain so under this designation. The R-A (Rural Residential) zoning designation is appropriate with this designation. All parcels located to the north, east, and west of the project site have a General Plan designation as Low Density Residential, while south of the project site has a General Plan designation as Agriculture.

ZONING & SUBDIVISION ORDINANCE CONSISTENCY

Zoning Ordinance

Both proposed parcels will meet the minimum parcel size with public water service and a private septic/leach system of 20,000 square feet, or .45± acres. In the R-A (Rural Residential) zoning district, maximum building site coverage is forty percent. The minimum lot width requirement is sixty-five feet and the minimum lot depth is eighty feet. While both proposed parcels generally meet the minimum lot width to depth requirements, the existing lot only provides a 25 foot of frontage onto Rio Sombra Court. At the time that the existing lot was created, no issues regarding the 25 foot frontage were identified and conditions restricting access to Highway 108/120 along with construction of a wall were required.

Subdivision Ordinance

Subdivision Ordinance Section 21.52.130 (A) – Lots – Width and Depth establishes a minimum lot frontage requirement for an interior residential lot of fifty-five feet, to be measured at the building setback line on a cul-de-sac lot. ***Section 20.52.170 – Lots*** – Access requires all residential parcels being created front with access on a county road, city street, or state highway, if less than twenty acres. Since the existing parcel was allowed to be created with a lot frontage width of only 25 feet onto Rio Sombra Court, and there is little or no remedy to this existing situation, the review for the Exception request was focused on access. As proposed, Parcel “2” will not have direct frontage onto a county-maintained roadway and is further restricted access onto Highway 108/120. As such, an Exception to the Lots – Access standards is needed.

In order for the Planning Commission to grant any exception, it shall be necessary to find all the following facts with respect to the particular case:

- A. That there are special circumstances or conditions applying to the property being divided;
- B. That the exception is necessary for the preservation and enjoyment of a substantial property right of the owner;
- C. That the granting of the exception will not be detrimental to the public welfare, injurious to other property in the neighborhood of the subdivision, and that it will not constitute a special privilege not enjoyed by others under similar circumstances;

D. The granting of the exception will not be in conflict with the purposes and objectives of the general plan or any element thereof or any specific plan. (Ord. CS 179 § 1, 1986; Ord. NS 1061 § 2, 1981; prior code § 9-45(c)).

The applicant has identified several reasons for the need of an Exception to the Subdivision Ordinance. One of the reasons for the Exception is that Parcel "1" needs the 30 foot wide easement area to meet the minimum lot size requirement in the R-A (Rural Residential) zoning district. A second reason identified for an Exception, is that the parcel is not allowed access to the south on to Highway 108/120. The applicant proposes no physical change to the property, the current parcel configuration contains an interior roadway which has been used for the past 15 years, and would continue to be used by Parcel "2" after the creation of Parcel "1". Therefore, the Exception will not be detrimental to the public welfare, or neighboring properties. (See Exhibit B – *Applicant Findings Statement*)

Lot No. 6 in the Oakmore Estates Subdivision was formally created with only 25 feet of road frontage onto Rio Sombra Court. This access design does not provide for the required width for two parcels to front onto Rio Sombra Court. The existing house on proposed Parcel "2" is located to the south of the property, and cannot take direct access to State Highway 108/120. Staff believes that before the approval of the Oakmore Estates Subdivision the project parcel was taking access to Highway 108/120. When the subdivision was approved, it had a Condition of Approval that would not allow any further access to Highway 108/120. The location of the existing 20 foot OID easement would have limited any development that would have occurred in the northern portion of the parcel. With OID abandoning the easement, it allows the parcel to be developed to county standards.

The Stanislaus County Planning Commission has approved similar projects in previous years. Below are two recent similar Parcel Map Exception Applications.

- In July 2009, the Planning Commission approved Parcel Map 2008-12 & Exception 2008-03, Mark Layton. This project was a request to divide a 7.9 acre parcel into a 1.5 acre parcel with a 6.4 acre remainder, in the R-A (Rural Residential) zoning district. This project is located in East Oakdale. The 1.5 acre parcel did not front to a county- maintained road, and requested a 30 foot access easement to Old Atlas Road. The project parcel had two existing single-family homes, and with the Parcel Map and Exception, it would move one home per parcel.
- In April 2010, the Planning Commission approved Parcel Map 2009-11 & Exception 2009-03, Terkildsen. This project was a request to divide a 14 acre parcel into a 5 acre, and a 9 acre parcel in the A-2-5 (General Agriculture) zoning district, in the Knights Ferry area. The 14 acre parcel did not front to a county- maintained road, and requested a 30 foot access easement to Morrison Road. One of the two proposed parcels had an existing single- family dwelling, while the second would be a new buildable parcel.

Notwithstanding, the previously approved subdivision design for the subject lot, staff believes that the project is consistent with the County's General Plan and Zoning Ordinance. The current application requests an Exception to design standards in the Subdivision Ordinance as described above. Proposed Parcel "2" would be provided vehicular access by an existing interior roadway and an access easement to a county-maintained road. Consequently, with the existing road frontage width along Rio Sombra Court, the minimum acreage required for parcels in the R-A (Rural Residential) zoning district, the lack of access to State Highway 108/120, the abandonment of the OID easement, and the precedent that previous Planning Commissions have established with similar applications, staff believes that the required findings for an Exception can be met.

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 and no significant issues were raised. (See Exhibit G - *Environmental Review Referrals*.) A Negative Declaration has been prepared for approval prior to action on the map itself as the project will not have a significant effect on the environment. (See Exhibit F - *Negative Declaration*.) Conditions of Approval reflecting referral responses have been placed on the project. (See Exhibit D - *Conditions of Approval*.)

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay **\$2,267.00** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Contact Person: Timothy Vertino, Assistant Planner, (209) 525-6330

Attachments:

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

Exhibit A
Findings and Actions Required for Project Approval

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
 - (a) The 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;
 - (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;
 - (h) That there are special circumstances or conditions applying to the property being divided;
 - (i) That the exception is necessary for the preservation and enjoyment of a substantial property right of the owner;
 - (j) That the granting of the exception will not be detrimental to the public welfare, injurious to other property in the neighborhood of the subdivision, and that it will not constitute a special privilege not enjoyed by others under similar circumstances;
 - (k) The granting of the exception will not be in conflict with the purposes and objectives of the general plan or any element thereof or any specific plan. (Ord. CS 179 § 1, 1986; Ord. NS 1061 § 2, 1981; prior code § 9-45(c)).
4. Approve Tentative Parcel Map and Exception Application No. PLN2015-0011 – Harak-McIntyre, Biglieri-Poff, & Grohl subject to the attached Conditions of Approval

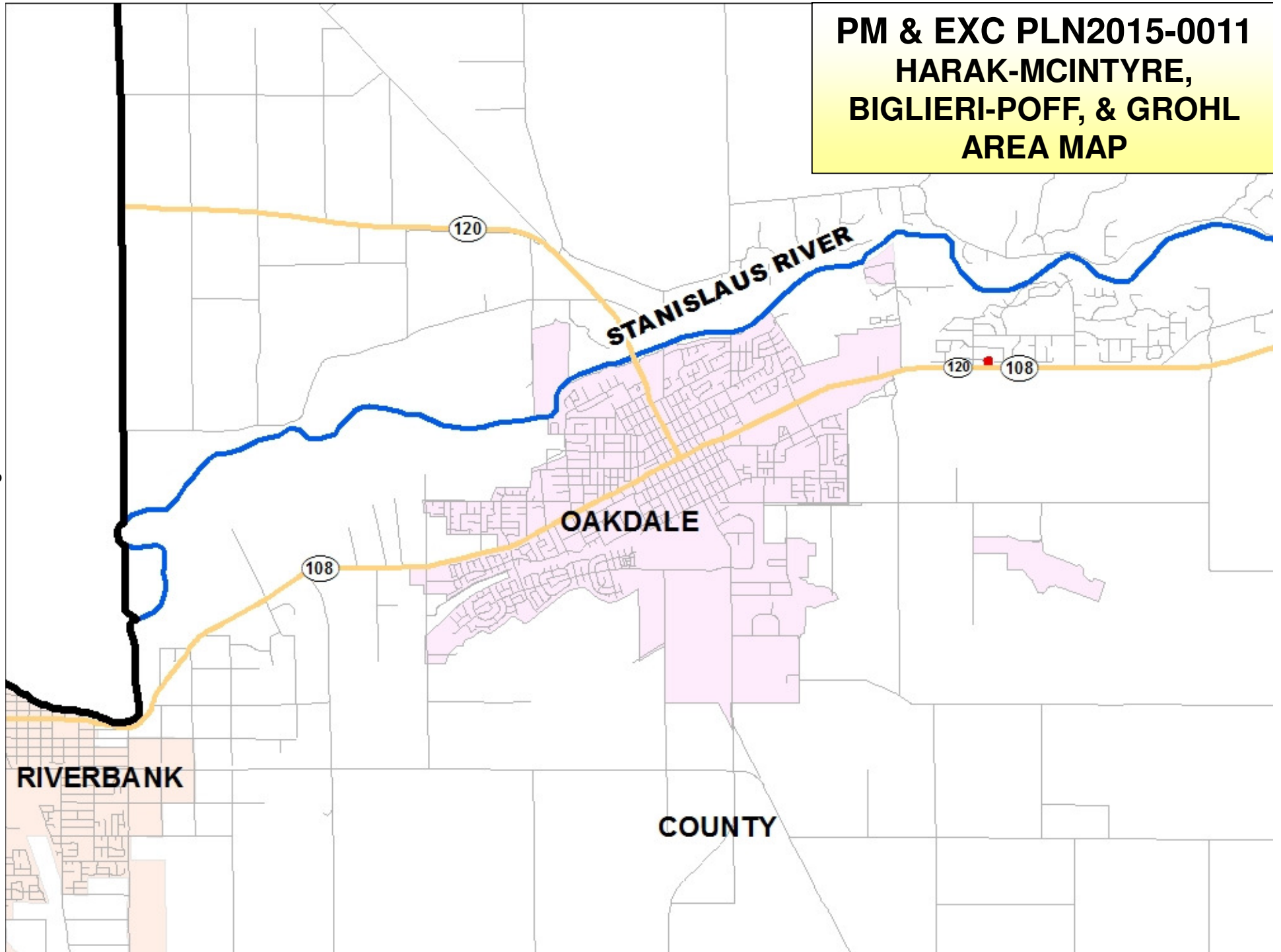
Tentative Parcel Map Application PLN2015-0011

Exception Findings

The following findings are made for exception concerning the subdivision of APN 010-046-032.

1. Special circumstances exist so that each proposed parcel shall have access to a public right-of-way. Proposed Parcel 2 (southerly parcel) must be provided access across proposed Parcel 1 (northerly parcel) in order to gain access to Rio Sombra Court. No access is allowed to State Highway 108/120. A 30' access easement along the westerly boundary of Parcel 1 is proposed in order to accommodate Parcel 2.
2. The exception is necessary for the preservation and enjoyment of a substantial property right of the owner. The residence located on proposed Parcel 2 has utilized a driveway along the westerly side of the property for a period of at least 15 years and the proposed access easement is necessary in order to continue to do so.
3. The granting of the exception will not be detrimental to the public welfare, injurious to other property in the neighborhood of the subdivision and it will not constitute a special privilege not enjoyed by others under special circumstances. No physical changes are being proposed to the property.
4. The granting of the exception will not be in conflict with the purposes of the general plan, or any element thereof, or any specific plan. The proposed project complies with property size and utility requirements identified by the general plan.

**PM & EXC PLN2015-0011
HARAK-MCINTYRE,
BIGLIERI-POFF, & GROHL
AREA MAP**



8

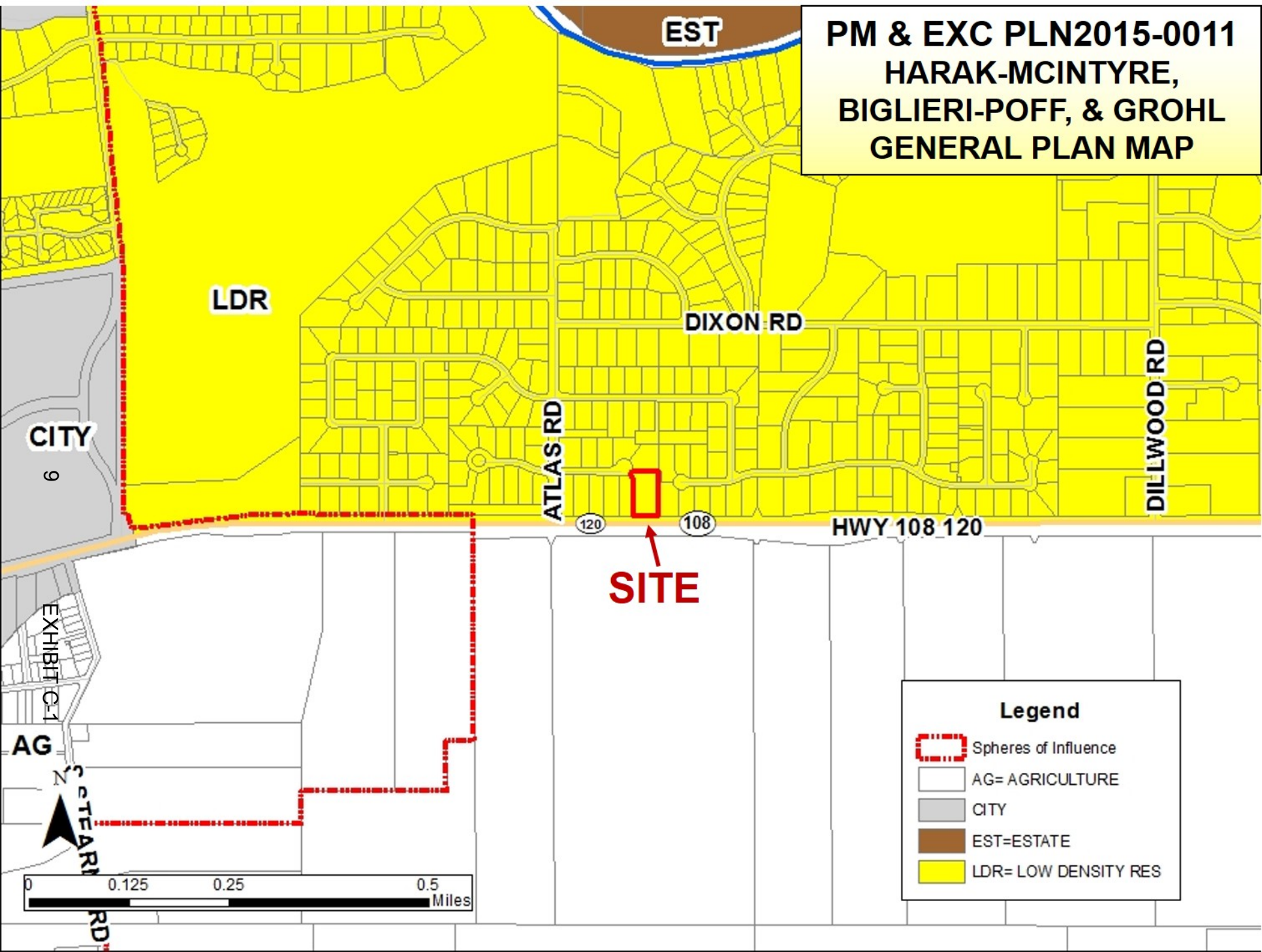
EXHIBIT C

RIVERBANK

OAKDALE

COUNTY

**PM & EXC PLN2015-0011
HARAK-MCINTYRE,
BIGLIERI-POFF, & GROHL
GENERAL PLAN MAP**



LDR

EST

CITY

6

DIXON RD

ATLAS RD

DILLWOOD RD






120

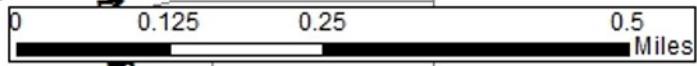
108

HWY 108 120

SITE

Legend

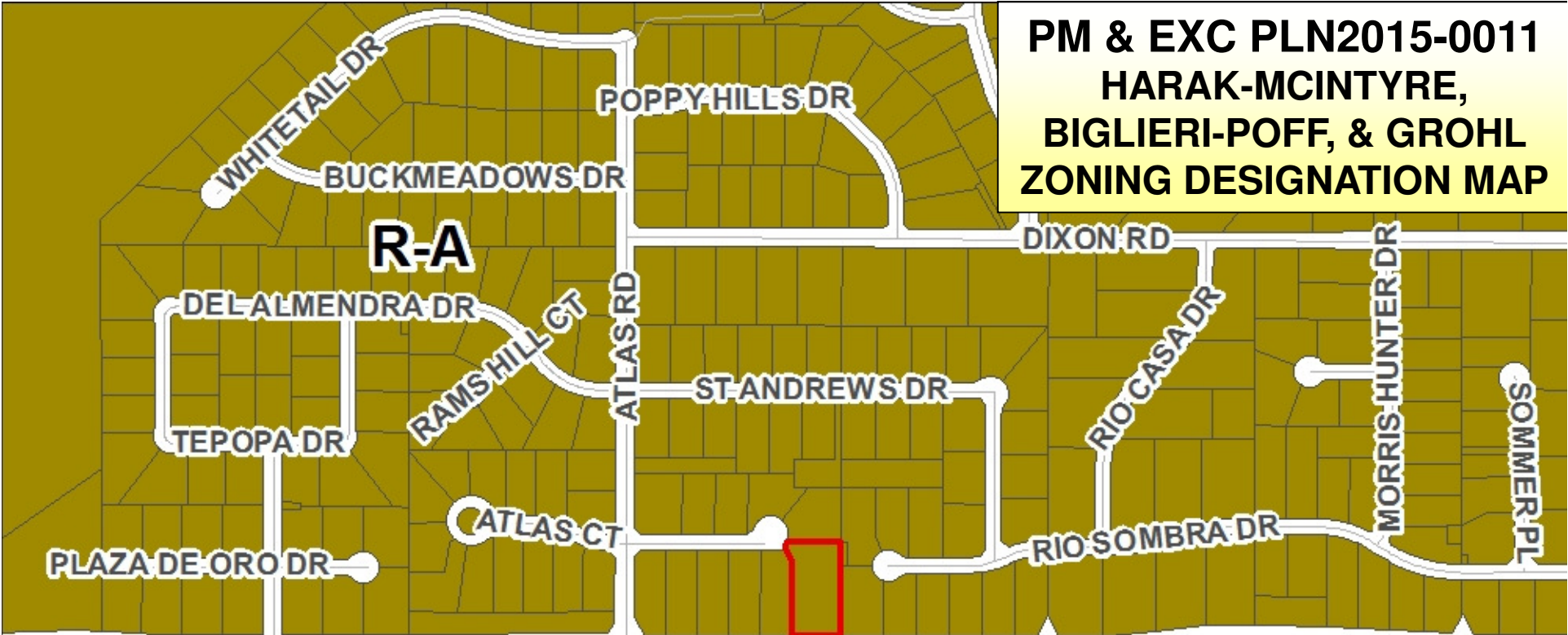
-  Spheres of Influence
-  AG= AGRICULTURE
-  CITY
-  EST=ESTATE
-  LDR= LOW DENSITY RES



AG
N
STEARNS RD

EXHIBIT C-1

**PM & EXC PLN2015-0011
HARAK-MCINTYRE,
BIGLIERI-POFF, & GROHL
ZONING DESIGNATION MAP**



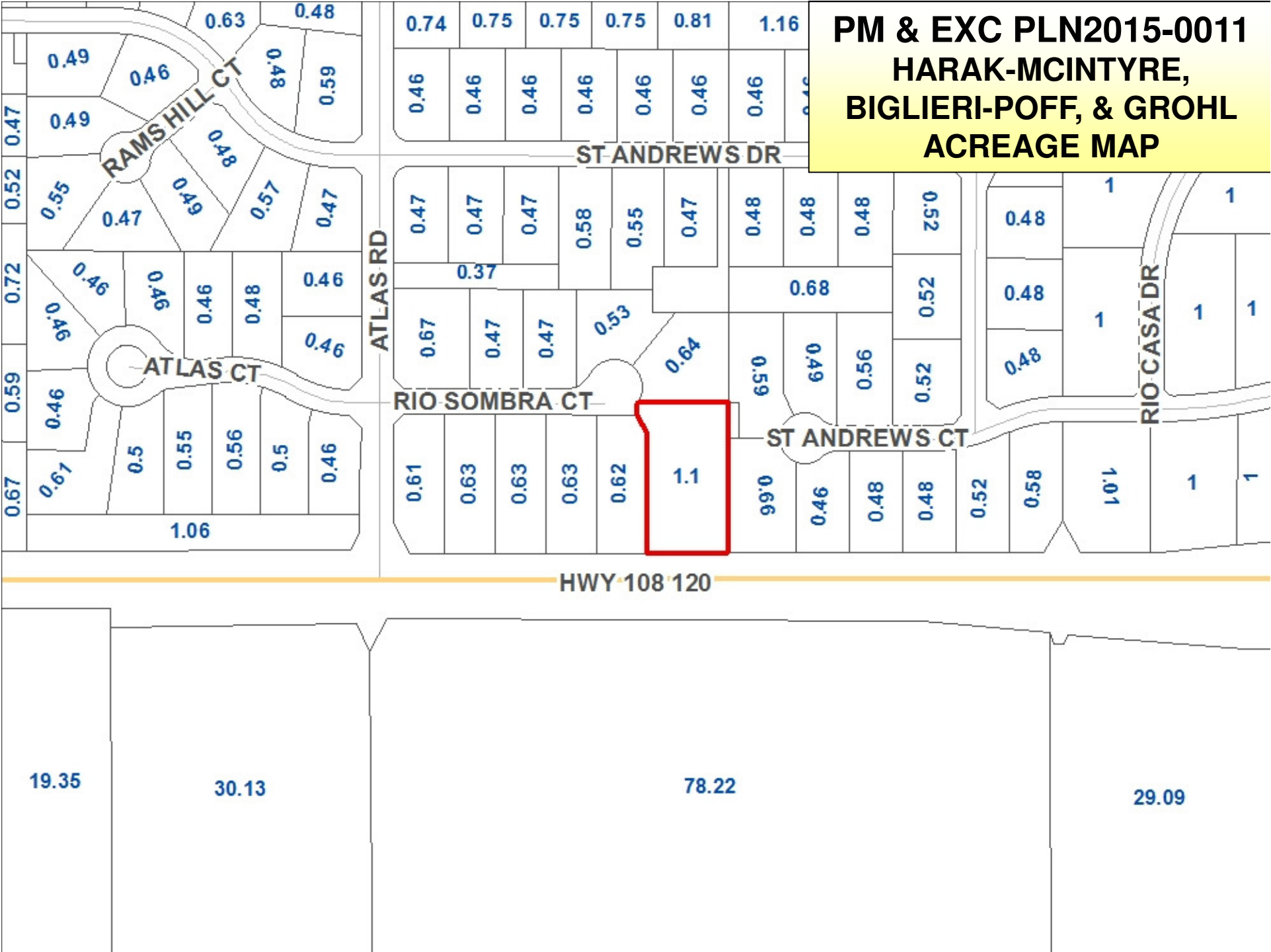
HWY 108 120

A-2-40

10

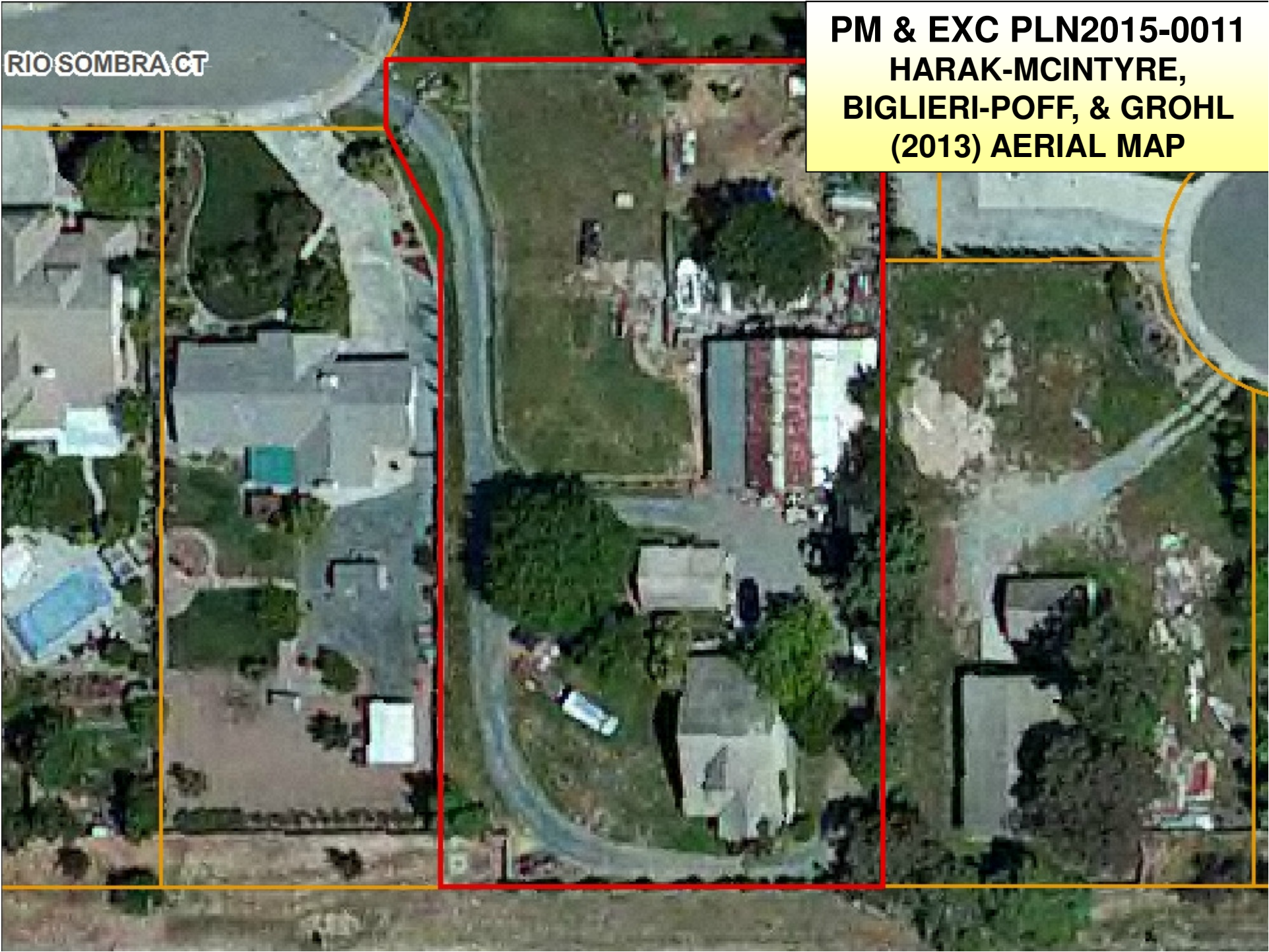
EXHIBIT C-2

**PM & EXC PLN2015-0011
HARAK-MCINTYRE,
BIGLIERI-POFF, & GROHL
ACREAGE MAP**



RIO SOMBRA CT

**PM & EXC PLN2015-0011
HARAK-MCINTYRE,
BIGLIERI-POFF, & GROHL
(2013) AERIAL MAP**



PM & EXC PLN2015-0011 HARAK-MCINTYRE, BIGLIERI-POFF, & GROHL PARCEL MAP

LOT 6
28-14-25
HAHN
APN 010-064-024

PARCEL 6
28-14-22
VIERA FAMILY TRUST
APN 010-046-022

STATE HIGHWAY 108/120

VICINITY MAP

OWNER/APPLICANT: ROBIN L. GROHL, DEBORA HARAK-MCINTYRE,
BEVERLY BIGLIERI-POFF
10330 RIO SOMBRA COURT
OAKDALE, CA 95361

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

TOTAL AREA: 1.10 AC.

NO. OF PARCELS: 2

A.P.N.: 010-046-032

ZONING: RURAL RESIDENTIAL (R-A)

WATER: OAKDALE IRRIGATION DISTRICT

SANITARY SEWER: PRIVATE SEPTIC

STORM DRAIN: OVERLAND

SLOPE OF LAND: FLAT-1%

SOIL TYPES:

SNELLING SANDY LOAM
SOURCE: [HTTP://WEBSOLSURVEY.SC.EDOV.USDA.GOV/APP/WEBSOLSURVEY.ASPX](http://websolsurvey.sc.edov.usda.gov/app/websolsurvey.aspx)

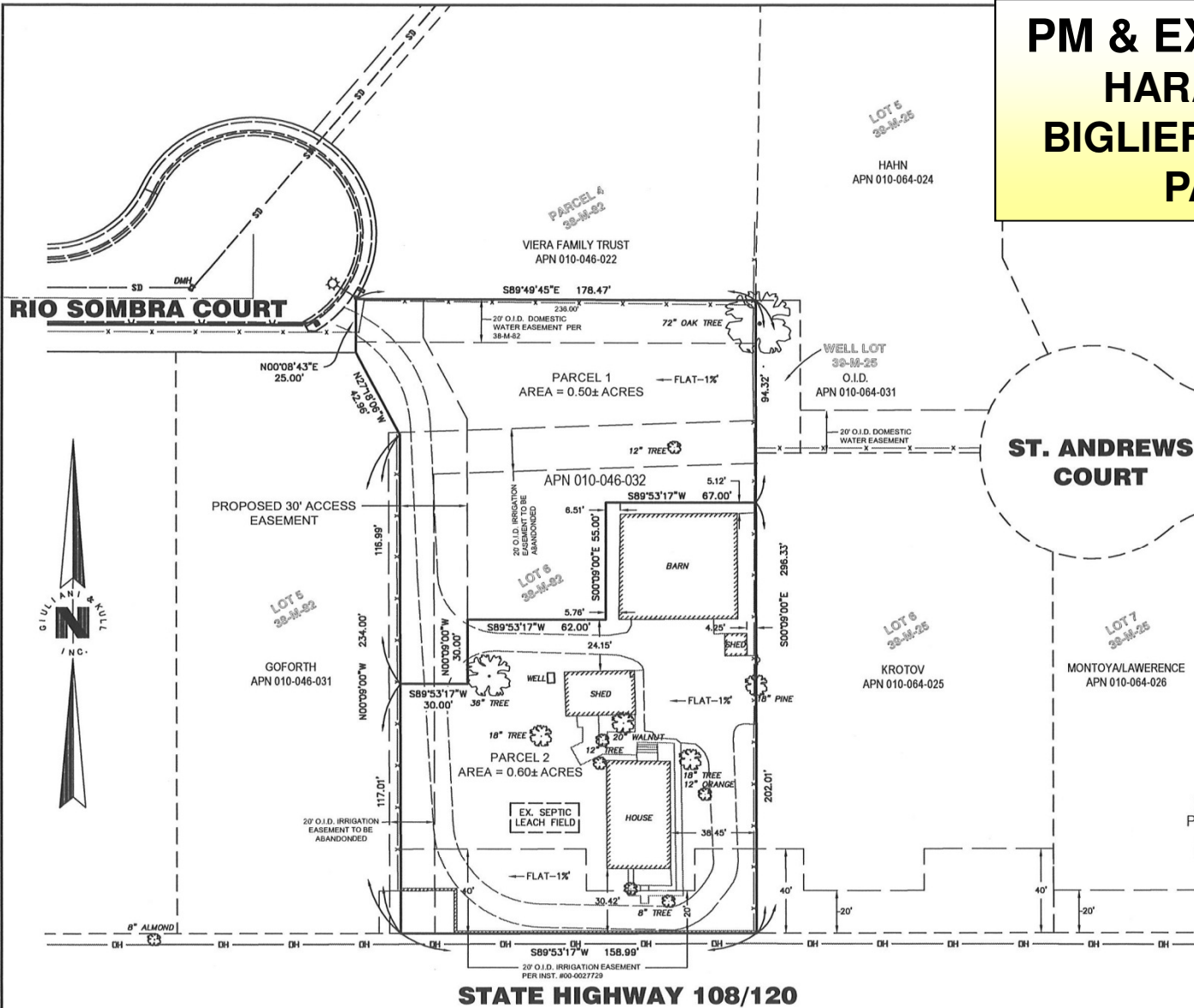
WATER TABLE ELEVATION:

86.42' PER MONITORING STATION 37763N1207852W001 OBSERVED ON 02/28/14
SOURCE: [HTTP://WWW.WATER.CA.GOV/WATERDATA/LIBRARY/](http://www.water.ca.gov/waterdata/library/)
GROUND SURFACE ELEVATION AT SITE = 235.0'

TENTATIVE PARCEL MAP

BEING A DIVISION OF LOT 6 AS SHOWN ON THAT
MAP FILED FOR RECORD IN BOOK 38 OF MAPS AT
PAGE 82 STANISLAUS COUNTY RECORDS, SITUATE IN
NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 2
SOUTH, RANGE 11 EAST, MOUNT DIABLO MERIDIAN,
STANISLAUS COUNTY, CALIFORNIA
SCALE 1" = 30' DECEMBER 2014

GK Giuliani & Kull, Inc.
Engineers • Planners • Surveyors
440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361
(209) 847-8726 Fax (209) 847-7323
Auburn • Oakdale • San Jose



STATE HIGHWAY 108/120

14230 TPN JANUARY 17, 2014

SHEET 01 OF 01

CONDITIONS OF APPROVAL

**TENTATIVE PARCEL MAP AND EXCEPTION APPLICATION NO. PLN2015-0011
HARAK-MCINTYRE, BIGLIERI-POFF & GROHL**

Department of Planning and Community Development

1. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2015), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,267.00**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk Recorder filing fees.

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

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. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).
5. During the construction phases of the project, if any human remains, significant or potentially unique, are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist.
6. 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.
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. 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.”

9. Prior to the issuance of building permits for a dwelling, the owner/developer shall pay a fee of \$339.00 per dwelling to the County Sheriff’s Department.

Department of Public Works

10. A recorded parcel map shall be prepared by a licensed land surveyor or a registered civil engineer licensed to practice land surveying.
11. All structures not shown on the tentative parcel map shall be removed prior to the parcel map being recorded.
12. All new parcels shall be surveyed and fully monumented prior to the recording of the final map.
13. All access easements shall be a minimum of 30 feet in width and labeled “Private, Non-County Maintained”.
14. Prior to the final map being recorded, a Road Maintenance Agreement shall be executed and recorded or a Homeowner’s Association shall be formed. The necessary documents shall be recorded and specify that maintenance of all private access easements and/or roads will be the sole responsibility of the property owners. A copy of the recorded Road Maintenance Agreement or Homeowner’s Association shall be provided to the Department of Public Works and the Department of Planning and Community Development for review and approval prior to recordation of the map.
15. The Parcel map shall not be recorded without active water service from Oakdale Irrigation District.

Department of Environmental Resources

16. Existing septic system(s) are to be located within the proposed Parcel “2” boundaries as per required department setback standards.
17. On-site wastewater disposal for Parcel 1 shall be by individual Primary and Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X. Statement shall be placed on the final map to be recorded, statement shall read:

“As per Stanislaus County Code 16.10.020 and 16.10.040, all persons purchasing lots within the boundaries of this approved map should be prepared to accept the responsibilities and costs associated with the operation and maintenance of the required primary and secondary on-site wastewater treatment system. All persons are required to provide adequate maintenance and operate the on-site wastewater treatment system as prescribed by the manufacturer, so as to prevent groundwater degradation.”

18. Existing private water wells at the proposed parcels shall be destroyed under permit of the Stanislaus County Department of Environmental Resources, prior to the issuance of a building permit.
19. No new private water well shall be constructed in the proposed parcels.

Building Permits Division

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

Oakdale Irrigation District (OID)

21. The developer must submit a copy of the Parcel Map for review and approval by OID, prior to recordation of the map.
22. Prior to the recording of the Parcel Map, the developer must submit a hydraulic analysis performed by a registered engineer to OID, State of California, and Stanislaus County on the subject water system for review and approval. The hydraulic analysis shall accompany the tentative map and include such items as, but not limited to proposed water line pipe size, flow and pressure calculations, and topography survey.
23. Developer to submit improvement plans for review and approval by OID prior to construction of subject water system.
24. Developer must obtain an OID Developer Agreement and all necessary construction permits, bonds, easements and rights-of-way, etc. for required for the construction and future maintenance of the subject domestic water system.
25. Developer shall construct, complete and dedicate the subject domestic water system in accordance with OID, the Stanislaus County Department of Environmental Resources and the State of California Department of Public Health conditions, requirements and specifications.
26. The developer shall pay OID, upon dedication of the completed system, a "buy-in" fee of \$15,391.00 per lot, for a total buy in fee of \$15,391.00. These funds are to be placed into OID's Designated Domestic Water Project Fund.
27. A Resolution of Acceptance is required by the Board of Directors for ownership, maintenance and operation of the subject water system to become part of OID's Rural Water System No.1.
28. The "Will Serve Letter" will be valid for two (2) years from date of issuance. The developer may petition the District's Board of Directors for an extension 30 days prior to the expiration date if the subject water system will not be completed as agreed in these conditions.

*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:** Tentative Parcel Map Application and Exception Application No. PLN2015-0011 - Harak-McIntyre, Biglieri-Poff & Grohl
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Carole Maben, Associate Planner
(209) 525-6330
4. **Project location:** 10330 Rio Sombra Court, east of Atlas Road and north of Highway 108/120, in the Oakdale area (APN: 010-046-032).
5. **Project sponsor's name and address:** Kevin Cole
Giuliani & Kull, Inc.
440 South Yosemite Avenue
Oakdale, CA 95361
6. **General Plan designation:** LDR (Low-Density Residential)
7. **Zoning:** R-A (Rural Residential)
8. **Description of project:**

Request to create two parcels consisting of .50 and .60 acres from a 1.10 acre site in the R-A (Rural Residential) zoning district. The application includes an Exception to Subdivision Ordinance §20.52.170 as the .60 acre parcel does not have direct access to a County-maintained street or highway. The parcel map is requesting a 30-foot access easement for the benefit of proposed Parcel "2" from Rio Sombra Court as the parcel is not accessible from Highway 108/120.
9. **Surrounding land uses and setting:** North, east and west are single-family dwellings, south is Highway 108/120, agricultural uses, a dairy, single-family dwellings, and Bloomingcamp Ranch (apple bake shop and produce stand), dairy, and the City of Oakdale to the west.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Department of Environmental Resources
Oakdale Irrigation District
Stanislaus County Public Works Department

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- Aesthetics
- Agriculture & Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology /Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology / Water Quality
- Land Use / Planning
- Mineral Resources
- Noise
- Population / Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities / Service Systems
- 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.

Carole Maben, Associate Planner
Prepared By

May 19, 20125
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. Community standards generally do not dictate the need or desire for architectural review of agricultural or residential subdivisions. Any development resulting from this project will be consistent with existing area developments.</p>				
<p>Mitigation: None.</p>				
<p>References: Application, tentative parcel map, and the 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 zoning for this site is R-A (Rural Residential) and this parcel split could be considered an in-fill project since most of the surrounding area is developed with single-family dwellings. The area is not used for any agricultural production, except south of the project site across Highway 108/120. The soils on site are 100 percent SnA, Snelling sandy loam with 0 to 3 percent slopes. This proposed project will not conflict with any agricultural uses or lands enrolled in a Williamson Act Contract nor result in the loss of forest land. According to the California Department of Conservation Farmland Mapping and Monitoring Program, the project site is designated as Urban and Built Up Land.

Mitigation: None.

References: California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2012, United States Department of Agriculture Resource Conservation Service - Soil Survey - Eastern Stanislaus County, 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. The proposed project would allow one additional single-family dwelling on Proposed Parcel "1." This project has been referred to the District, but no comments have been received.

Mitigation: None.

References: 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: It does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. The project site has been partially developed with a single-family dwelling and out buildings. The surrounding area has been developed with single-family dwellings. The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans. This application was referred to the State and Federal Departments of Fish and Wildlife and no comments have been received to date.

Mitigation: None.

References: California Department of Fish and Wildlife (formerly the Department of Fish and Game) California Natural Diversity Database, and the Stanislaus County General Plan and Support Documentation¹

V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource 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: The Central California Information Center (CCIC) notes in their research letter dated November 20, 2014, that based on existing data this project area has a moderate to high sensitive for possible discovery of historical resources, including both prehistoric and historic resources. Staff normally would have concern with their response, however, this area and site are all developed with single-family homes and out buildings. Due to their concern and that proposed Parcel "1" can add a new single-family dwelling, a condition of approval will be placed on the project which halts all activity if any cultural resources are found on site and a qualified archeologist will be hired to evaluate the site.

Mitigation: None.

References: Central California Information Center letter dated November 10, 2014, 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 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	
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Discussion: As contained in Chapter Five of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required as part of the building permit process. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Public Works Standards and Specifications which consider the potential for erosion and run-off prior to permit approval. Likewise, any addition of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements.

Mitigation: None.

References: California Building Code, Stanislaus County General Plan and Support Documentation - Safety Element¹.

VII. GREENHOUSE GAS EMISSIONS -- Would the project:

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	

Discussion: The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs) and water vapor (H₂O). CO₂ is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO₂ equivalents (CO₂e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020. As a requirement of AB 32, the ARB was assigned the task of developing a Climate Change Scoping Plan that outlines the state's strategy to achieve the 2020 GHG emissions limits. This Scoping Plan includes a comprehensive set of actions designed to reduce overall GHG emissions in California, improve the environment, reduce the state's dependence on oil, diversify the state's energy sources, save energy, create new jobs and enhance public health. The Climate Change Scoping Plan was approved by the ARB on December 22, 2008. According to the September 23, 2010, AB 32 Climate Change Scoping Plan Progress Report, 40 percent of the reductions identified in the Scoping Plan have been secured through ARB actions and California is on track to its 2020 goal.

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

The project does not propose any significant type of growth inducing features; therefore, adverse affects created by population growth should not occur. The site currently features one single-family dwelling on Parcel "2" and proposed Parcel "1" will be permitted to construct a single-family dwelling, if the proposed parcel map is approved. The parcel map application, at this time, does not propose any new development.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

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	

Discussion: No known hazardous materials are on-site. Although the site is zoned R-A (Rural Residential), the project site is located north of property zoned A-2-40 (General Agriculture). 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 is responsible for overseeing hazardous materials in this area and there has been no response with any concerns regarding this project site.

Mitigation: None.

References: Referral response dated March 10, 2015, from the Stanislaus County Department of Environmental Resources, and the 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	

Discussion: Run-off is not considered an issue because of several factors which limit the potential impact. These factors include a relative flat terrain of the subject site, and relatively low rainfall intensities. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act. This project is located in flood zone X (Outside of the 2% annual chance floodplain - Flood Map #06099C0195E), as such, it is in an area of minimal flooding. All measures required to be taken in regard to the Floodzone designation will be addressed by the Building Permits Division during the building permit process.

Mitigation: None.

References: Stanislaus County GIS (Geographical Information System), FEMA Flood Map Service Center, and the Stanislaus County General Plan and Support Documentation¹.

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: The project is proposing to subdivide a 1.10 acre parcel into two parcels of .50 and .60 acres. The existing parcel is zoned R-A (Rural Residential) and each parcel will be served by an on-site well and water from the Oakdale Irrigation District. The applicants have requested an exception to the Stanislaus County Subdivision Ordinance due to the .60 acre parcel does not have direct access to a County-maintained street or highway. Proposed Parcel "2" is requesting to have a 30-foot access from Rio Sombra Court. The exception requested will be discussed in more detail in the staff report to the Planning Commission.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County Subdivision Ordinance, and the 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.</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: No construction is being proposed at the site, however, Proposed Parcel "1" does have the ability to build one single-family dwelling in the future. This site is already developed with a single-family dwelling and barn along the southern area of the parcel. A sound wall has been constructed along the Highway 108/120 street frontage to mitigate existing noise levels. Any construction as a result of this project should not increase the area's ambient noise level. The project is not located in the vicinity of any airport or airstrip.

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: The project does not propose any significant type of growth inducing features; therefore, adverse affects created by population growth should not occur. The site currently features one single-family dwellings, but proposed Parcel "1" will be able to add a single-family dwelling on site. The parcel map application does not propose any new development.

Mitigation: None.

References: Application information, and the 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
<p>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:</p>				
<p>Fire protection?</p>			X	
<p>Police protection?</p>			X	
<p>Schools?</p>			X	
<p>Parks?</p>			X	
<p>Other public facilities?</p>			X	
<p>Discussion: The County has adopted a standardized mitigation measure requiring payment of all applicable Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. In addition, first year costs of the Sheriff’s Department have been standardized based on studies conducted by the Sheriff’s Department. No development is being proposed as a part of the project, however, Proposed Parcel “1” will be able to place a single-family dwelling on site and these fees will be required upon issuance of any building permit. Conditions of approval will be placed on the project to reflect this requirement.</p>				
<p>A referral response from Oakdale Irrigation District (OID) noted the existence of the Dixon Pipelines located along the southern property line of the parcel and OID maintains a 20-foot and 40-foot easement for the Dixon Pipeline above that property line. In addition, OID maintains a 20-foot water line easement along the northern property line and a 20-foot OID irrigation easement for its rural water system that crosses near the middle of current site and along the west property line. The project does propose to request an abandonment of the 20-foot OID easement near the middle of the property and OID noted in their response they no longer need nor utilize this 20-foot dedicated easement. OID is willing to pursue the abandonment and quitclaim after they receive a written request by the property owners. OID requires that all permanent structures and trees remain outside the limits of the easement unless otherwise approved by the OID Board of Directors. Conditions of approval will be added to the project to reflect this request.</p>				
<p>Mitigation: None.</p>				
<p>References: Referral response dated March 12, 2015, from the Oakdale Irrigation District, 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
<p>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?</p>			X	

<p>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?</p>				<p>X</p>
<p>Discussion: The proposed project will not increase the use of existing parks or recreational facilities nor will it substantially deteriorate them. The use of existing parks and other recreational facilities will not be increased. Implementation of the proposed project would not result in impacts to recreation.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
<p>XVI. TRANSPORTATION/TRAFFIC -- Would the project:</p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant With Mitigation Included</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
<p>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?</p>			<p>X</p>	
<p>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?</p>			<p>X</p>	
<p>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?</p>				<p>X</p>
<p>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</p>				<p>X</p>
<p>e) Result in inadequate emergency access?</p>				<p>X</p>
<p>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?</p>				<p>X</p>
<p>Discussion: The proposed project will allow one additional single-family dwelling on proposed Parcel "1" which will not cause any significant traffic issues to the area. The Stanislaus County Department of Public Works responded to the project but noted no concerns. As of this date, Caltrans has not responded.</p>				
<p>Mitigation: None.</p>				
<p>References: Referral response dated March 18 2015, from Angie Halverson, Senior Land Development Coordinator, Stanislaus County Public Works Department, and the Stanislaus County General Plan and Support Documentation¹.</p>				

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?				
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: The existing single-family dwelling is currently being served water by the OID and a has a septic system. The project does have a "Will Serve" letter from the OID for proposed Parcel "1" for water. If proposed Parcel "1" builds a single-family dwelling, it will require a septic system and be subject to DER approval and must comply with all relevant health and safety regulations.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
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	

<p>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)?</p>				<p>X</p>
<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>				<p>X</p>
<p>Discussion: Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area.</p>				

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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 December 18, 2007; **Housing Element** adopted on August 28, 2012; **Circulation Element** and **Noise Element** adopted on April 18, 2006.

NEGATIVE DECLARATION

NAME OF PROJECT: Tentative Parcel Map Application and Exception Application No. PLN2015-0011 - Harak-McIntyre, Biglieri-Poff & Grohl

LOCATION OF PROJECT: 10330 Rio Sombra Court, east of Atlas Road and north of Highway 108/120, in the Oakdale area (APN: 010-046-032)

PROJECT DEVELOPERS: Kevin Cole
Giuliani & Kull, Inc.
440 South Yosemite Avenue
Oakdale, CA 95361

DESCRIPTION OF PROJECT: Request to create two parcels consisting of .50 and .60 acres from a 1.10 acre site in the R-A (Rural Residential) zoning district. The application includes an Exception to Subdivision Ordinance §20.52.170 as the .60 acre parcel does not have direct access to a County-maintained street or highway. The parcel map is requesting a 30-foot access easement for the benefit of proposed Parcel "2" from Rio Sombra Court as the parcel is not accessible from Highway 108/120.

Based upon the Initial Study, dated **May 19, 2015**, the Environmental Coordinator finds as follows:

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

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

Initial Study prepared by: Carole Maben, Associate Planner

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

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: PARCEL MAP AND EXCEPTION APPLICATION NO. PLN2015-0011 - RIO SOMBRA

REFERRED TO:	RESPONDED			RESPONSE			MITIGATION MEASURES		CONDITIONS			
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF TRANSPORTATION DIST 10	X	X	X		X							
CA OPR STATE CLEARINGHOUSE	X	X	X		X							
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X				X		X	X	
CITY OF: OAKDALE	X	X	X		X							
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: OAKDALE RURAL	X	X	X		X							
HOSPITAL DISTRICT: OAK VALLEY	X	X	X		X							
IRRIGATION DISTRICT: OAKDALE	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X		X							
SCHOOL DISTRICT 1: OAKDALE	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X	X		X							
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X	X				X		X	X	
STAN CO ERC	X	X	X	X				X		X	X	
STAN CO HAZARDOUS MATERIALS	X	X	X		X							
STAN CO PUBLIC WORKS	X	X	X	X				X		X	X	
STAN CO SHERIFF	X	X	X		X							
STAN CO SUPERVISOR DIST #: 1: O'BRIEN	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
StanCOG	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS			X		X							
TELEPHONE COMPANY:AT&T	X	X	X		X							