

STANISLAUS COUNTY PLANNING COMMISSION

October 1, 2015

STAFF REPORT

**VESTING TENTATIVE PARCEL MAP APPLICATION NO. PLN2015-0001
JAMES & BETTY LEMOS**

**REQUEST: TO CREATE A 44± AND A 60± ACRE PARCEL AND A 40± ACRE REMAINDER
PARCEL FROM A 144± ACRE SITE.**

APPLICATION INFORMATION

Applicant/Property Owner:	Lemos Family Trust, James & Betty Lemos, Trustees
Agent:	Robert Braden Consulting
Location:	15343 Tim Bell Road, east of Dry Creek, at the northwest corner of Tim Bell and Hazeldean Roads, in the Waterford area.
Section, Township, Range:	13-3-11
Supervisorial District:	One (Supervisor O'Brien)
Assessor's Parcel:	015-015-085
Referrals:	See Exhibit G Environmental Review Referrals
Area of Parcel(s):	Parcel 1: 60± acres Parcel 2: 44± acres Remainder: 40± acres
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.:	72-0629
Environmental Review:	Negative Declaration
Present Land Use:	Walnut orchard, field crops, and a dairy operation
Surrounding Land Use:	Orchards and dwellings in all directions, Dry Creek directly west, intermittent Dry Creek tributary and riparian habitat directly north, field crops, and grazing land 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 chooses to approve the project, Exhibit A provides an overview of all of the findings required for project approval which include parcel map and Williamson Act findings.

PROJECT DESCRIPTION

This project is a request to create a 44± and a 60± acre parcel and a 40± acre remainder parcel in the A-2-40 (General Agriculture) zoning district. Parcels 1 and 2 front on County-maintained Tim Bell Road; however, the existing residences on Parcel 1 and 2 will most likely utilize the proposed 30-foot access easement, running north-south and across Parcels 1 and 2, providing access to the remainder parcel. (See Exhibit B – *Maps*). Subdivision of the site will not affect the current walnut orchard, field crops, dairy operation, and irrigation system.

This project was continued from the September 17th to the October 1st Planning Commission meeting because the applicant submitted a last minute revision to the proposed vesting tentative parcel map (VTPM) layout. The changes are minor: The remainder parcel is still 40 acres, but now has only one dwelling instead of two; Parcel 2 was reduced from 64± acres to 44± acres; Parcel 1 increased from 40± acres to 60± acres and gained a dwelling and the dairy that had been included in Parcel 2 of the original VTPM. (See Exhibit B – *Maps*). This project was subject to the California Environmental Quality Act (CEQA) and, as such, an Initial Study and Negative Declaration were prepared for this project. The Initial Study weighed the impacts of the project over the 144± acre project site as a whole. The proposed revisions are minor and will not result in additional impacts. Consequently, the CEQA Initial Study remains valid and additional environmental review is not required.

SITE DESCRIPTION

The site is bounded by Tim Bell Road to the south and east, northwest of the Hazeldean and Tim Bell Road intersection in the Waterford area. The western boundary of the project site is bounded by Dry Creek, which runs adjacent to the western boundary of proposed Parcel 2 and the remainder parcel, whereas the neighboring orchard abuts the western boundary of proposed Parcel 1. A tributary of Dry Creek and associated riparian habitat creates the project site's northern boundary. (See Exhibit B – *Maps*).

The 144± acre project site is relatively flat, except for the riparian areas along Dry Creek and its tributary, and improved with a walnut orchard, field crops, dairy operation, and irrigation system. The remainder parcel is improved with a single-family dwelling, associated septic tank, and a domestic well. Parcel 2 is improved with two single-family dwellings, associated septic tanks, a residential garage, and a domestic well shared by the two on-site dwellings. Parcel 1 is improved with a single-family dwelling, associated septic tank and well, a detached garage, a confined animal facility dairy operation, and a corral housing heifers waiting for transfer. The owner is proposing a 10-foot water line easement connecting all of the on-site wells. Parcels 1 and 2 and the remainder parcel will share a driveway, via a 30-foot proposed access easement off of the portion of Tim Bell Road that runs west to east. Irrigation water is provided to the site by the Modesto Irrigation District. A 10-foot wide irrigation easement, to serve Parcels 1 and 2, is being proposed along the centerline of the existing irrigation pipeline. Both pipeline and easement runs north-south, just west and parallel to the existing corral area before angling west along the proposed northern property line of Parcel 1. (See Exhibit B – *Maps*).

Surrounding land uses include orchards and dwellings in all directions, Dry Creek and associated riparian habitat directly west, an intermittent tributary of Dry Creek and associated riparian habitat in a ravine directly north of the project site, and field crops and grazing land lie south of the project site.

ISSUES

No issues have been identified as a part of this request. Standard conditions of approval, along with those discussed in the “Environmental Review” section of this report, have been added to the project.

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.

The project site is currently enrolled in Williamson Act Contract No. 72-0629. According to Policy 2.8 of the Agricultural Element of the General Plan, 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.

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.

Production agriculture is defined as agriculture for the purpose of producing any and all plant and animal commodities for commercial purposes. In this case, 90% of each of the proposed parcels is being used as an orchard for agriculture production.

The 30-day Referral/Initial Study was sent to the Department of Conservation (DOC) for review regarding the Williamson Act. To date, staff has not received any written correspondence from DOC regarding this proposed parcel map.

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 Tim Bell Road. 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 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 C - *Conditions of Approval*.)

The Central California Information Center (CCIC) records search submitted with the project application indicated that the project area has a moderate to high sensitivity for the possible discovery of prehistoric resources, including but not limited to “kitchen midden,” soils and hearths or pits, milling sites, lithic scatters and scattered artifacts, and even human burials. The moderate to high sensitivity determination was made due to the presence of three water sources, suggesting the possibility of prehistoric use and occupation on or near the property: Dry Creek to the west, an unnamed tributary to the north and east, and an unnamed intermittent stream or creek approaching from the south. The CCIC determined that there was no record of historic resources on the project site; however, due to the possibility of prehistoric use and occupation, the CCIC recommended an archaeological field survey prior to implementation of the project or issuance of any discretionary permits. Consequently, the applicant hired an archaeologist who conducted a pedestrian survey and records inventory and determined that no significant historical resources/unique archaeological resources are present within the project area and no historical resources/unique archaeological resources will be affected by the project as presently proposed. (See Exhibit D – *Archaeological Inventory Survey dated May 3, 2015*). Despite the negative findings, the survey recommended consultation in the event of an inadvertent discovery of cultural material or human remains. A Condition of Approval has been added to the project addressing the survey recommendation. (See Exhibit C – *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: Rachel Wyse, Associate Planner, (209) 525-6330

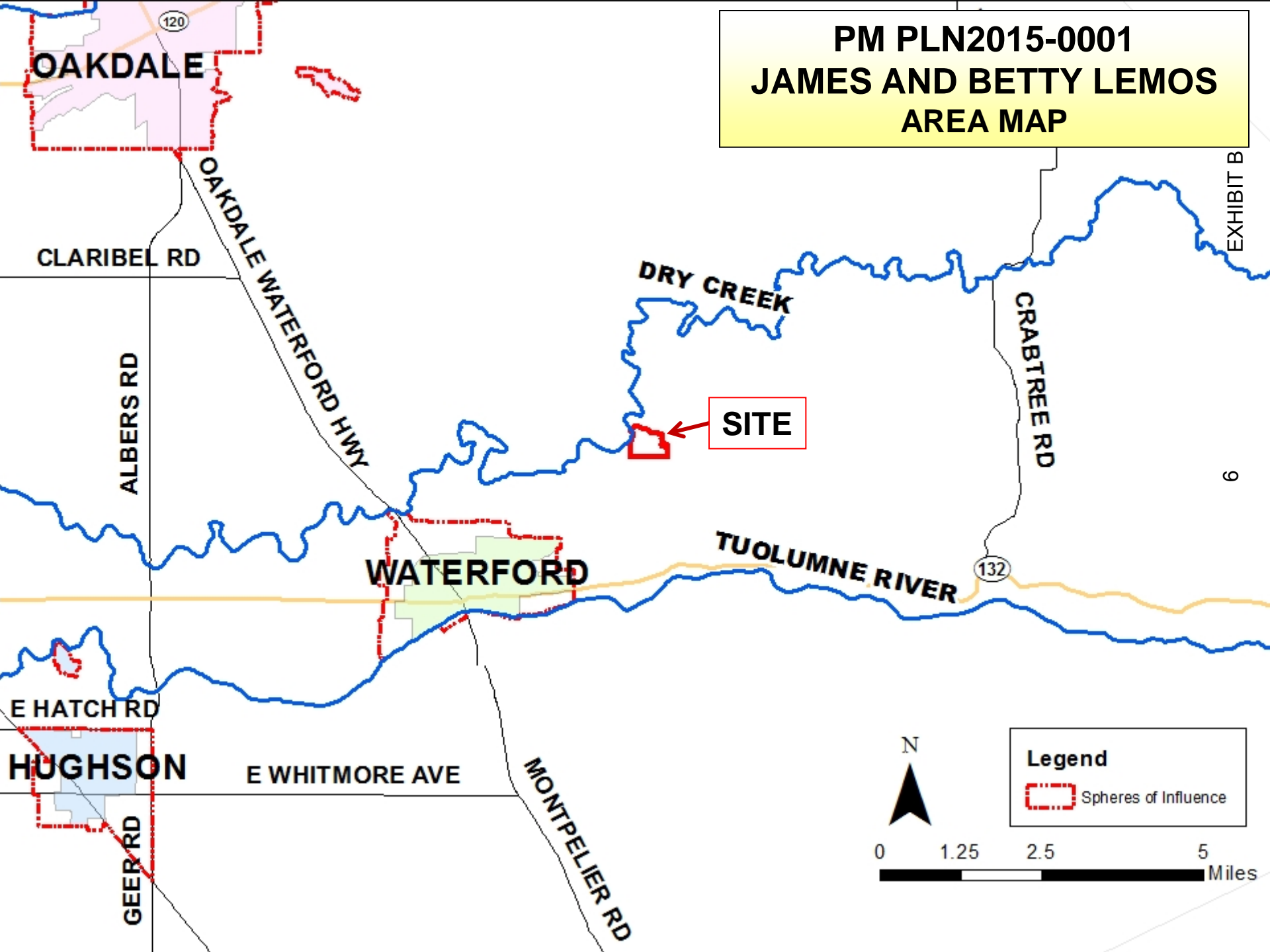
Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval
- Exhibit D - Archaeological Inventory Survey dated May 3, 2015
- Exhibit E - Initial Study
- Exhibit F - Negative Declaration
- Exhibit G - Environmental Review Referral

Exhibit A
Findings and Actions Required for Project Approval

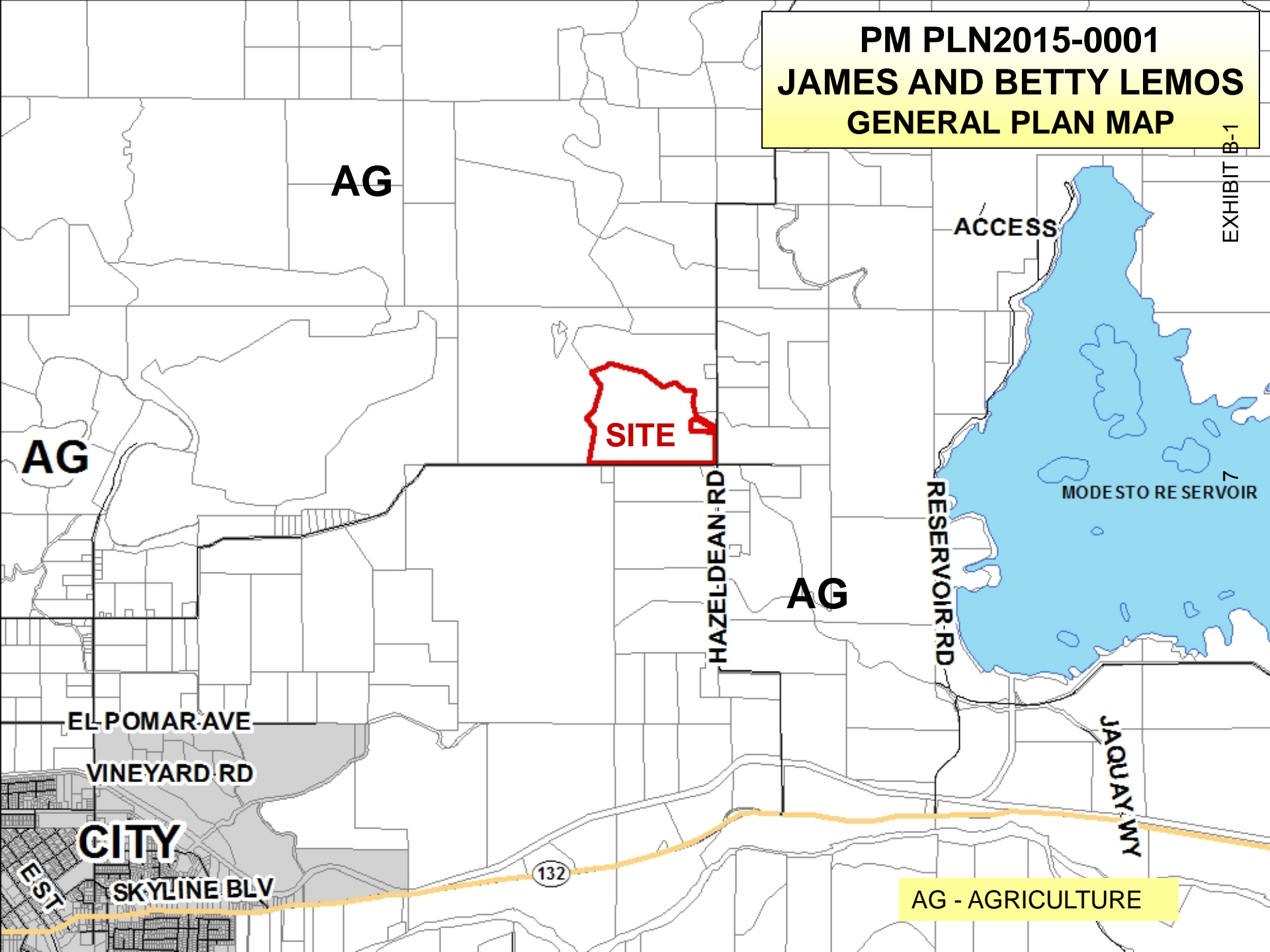
1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, there is no substantial evidence the project will have a significant effect on the environment and that the Negative 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) The proposed parcel map is consistent with the restrictions and conditions of the existing Williamson Act contract(s);
 - (i) The proposed parcels are of a size suitable to sustain agricultural uses;
 - (j) The proposed parcel map will not result in residential development not incidental to the commercial agricultural use of the land; and
 - (k) The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
4. Approve Vesting Tentative Parcel Map Application No. PLN2015-0001 – James & Betty Lemos, subject to the attached conditions of approval.

**PM PLN2015-0001
JAMES AND BETTY LEMOS
AREA MAP**



**PM PLN2015-0001
JAMES AND BETTY LEMOS
GENERAL PLAN MAP**

EXHIBIT B-1



AG

AG

SITE

HAZELDEAN RD

AG

ACCESS

RESERVOIR RD

MODESTO RE SERVOIR

JACUAYM

EL POMAR AVE

VINEYARD RD

CITY

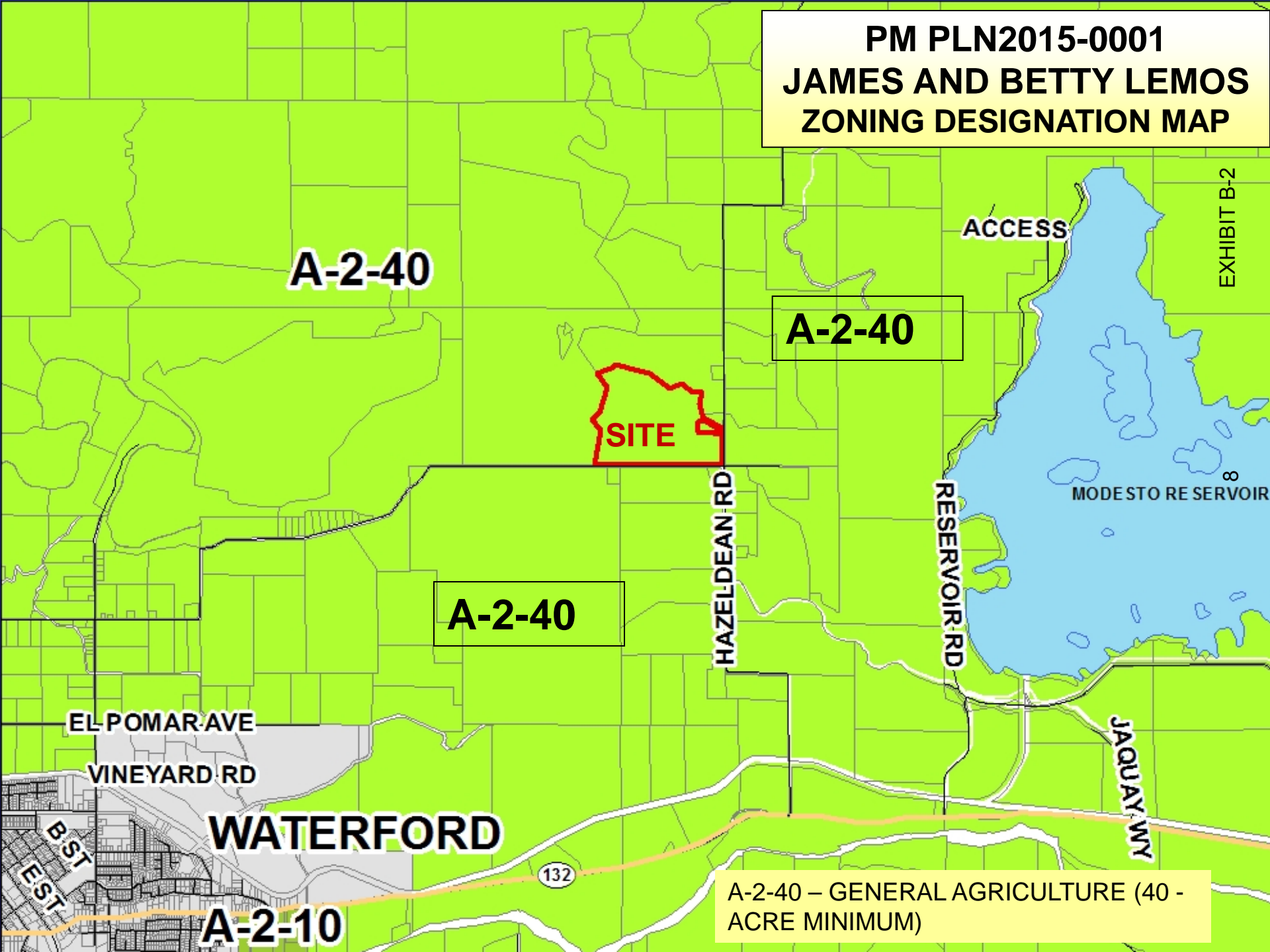
SKYLINE BLV

EST

132

AG - AGRICULTURE

**PM PLN2015-0001
JAMES AND BETTY LEMOS
ZONING DESIGNATION MAP**



A-2-40

A-2-40

SITE

A-2-40

HAZELDEAN RD

RESERVOIR RD

MODESTO RESERVOIR

JACQUAY WY

EL POMAR AVE

VINEYARD RD

WATERFORD

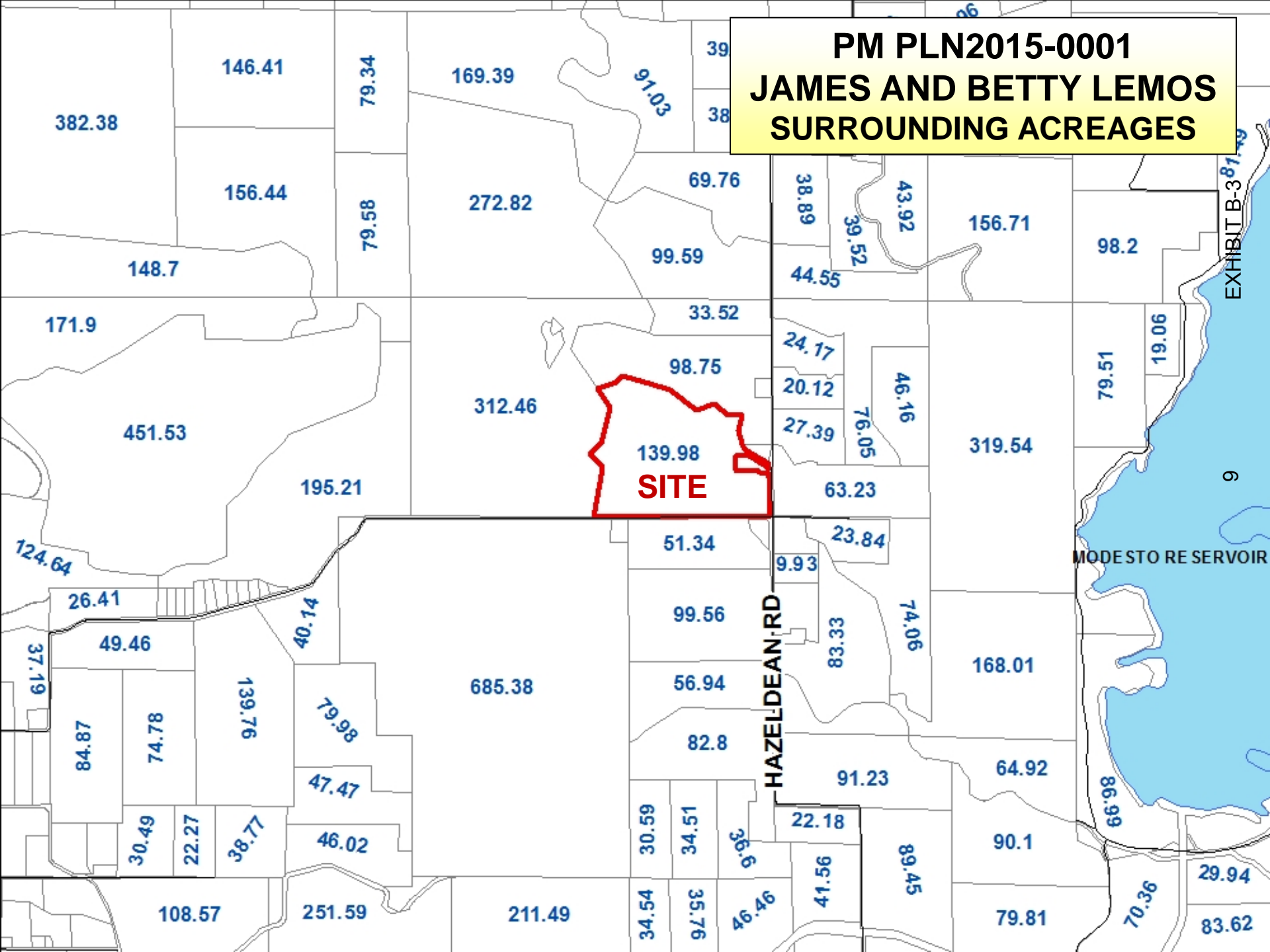
A-2-10

132

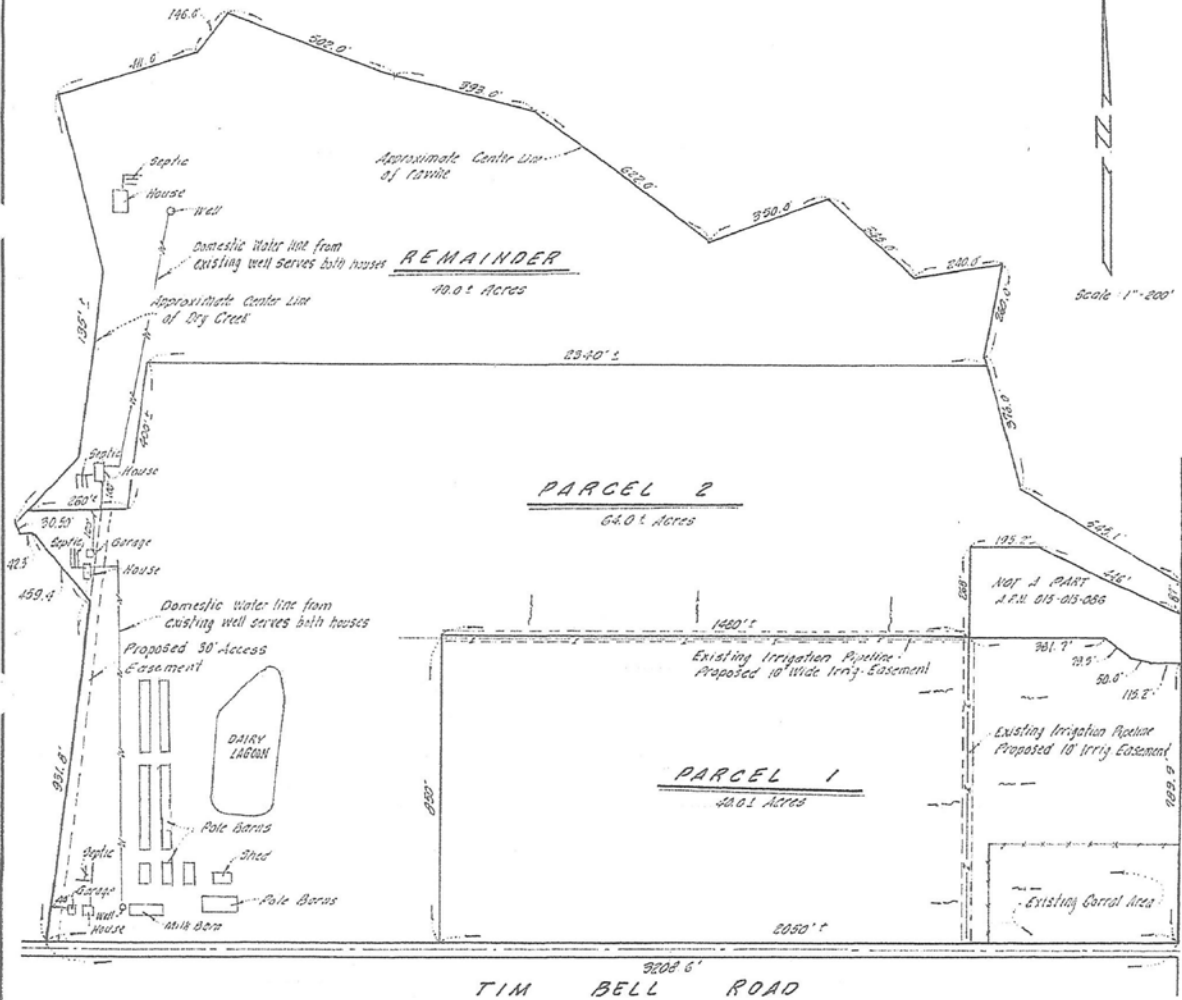
**A-2-40 – GENERAL AGRICULTURE (40 -
ACRE MINIMUM)**

EXHIBIT B-2

**PM PLN2015-0001
JAMES AND BETTY LEMOS
SURROUNDING ACREAGES**



PM PLN2015-0001 JAMES AND BETTY LEMOS ORIGINAL PARCEL MAP



VICINITY MAP No Scale VESTING TENTATIVE PARCEL MAP

BEING THE "REMAINDER" AS PER BK. 48 P.M. PG. 65
STAN. CO. REC'S, LYING IN SEC. 13, T. 35., R. 11 E., M. D.B. (M.)
COUNTY OF STANISLAUS, STATE OF CALIFORNIA
DECEMBER, 2014 SCALE: 1"=200'

OWNER:
JAMES and BETTY LEMOS, Trustees for the LEMOS FAMILY TRUST
15343 TIM BELL ROAD
Waterford, California 95386

- NOTES:**
1. Assessor's Parcel No. 015-015-086
 2. Current Zoning A-2-40
 3. Williamson Act Contract No. 72-0029
 4. Irrigation from existing irrigation pipelines.
 5. Domestic water supply from private wells
 6. Sewage disposed by septic tanks and leach lines
 7. All structures on the property are to remain
 8. The terrain is relatively flat
 9. All parcels will irrigate from existing pipelines. Direction
 10. Water Table: 05'±
 11. Soil Type: Hard Sandy Loam

ROBERT BRADEN CONSULTING	Drawn By: EIB	REVISIONS	SHEET
LAND USE PLANNING AND ZONING	Scale: 1"=200'		1
P.M.B. # 185 2300 STANFORD AVE. - SUITE 10-B MODESTO, CALIFORNIA 95350 (209) 529-2393 (21704) 531-6959 (C)	Date: Dec 2014		OF
	Job No		1

**PM PLN2015-0001
JAMES AND BETTY LEMOS
REVISED PARCEL MAP**



VICINITY MAP
No Scale
VESTING

TENTATIVE PARCEL MAP

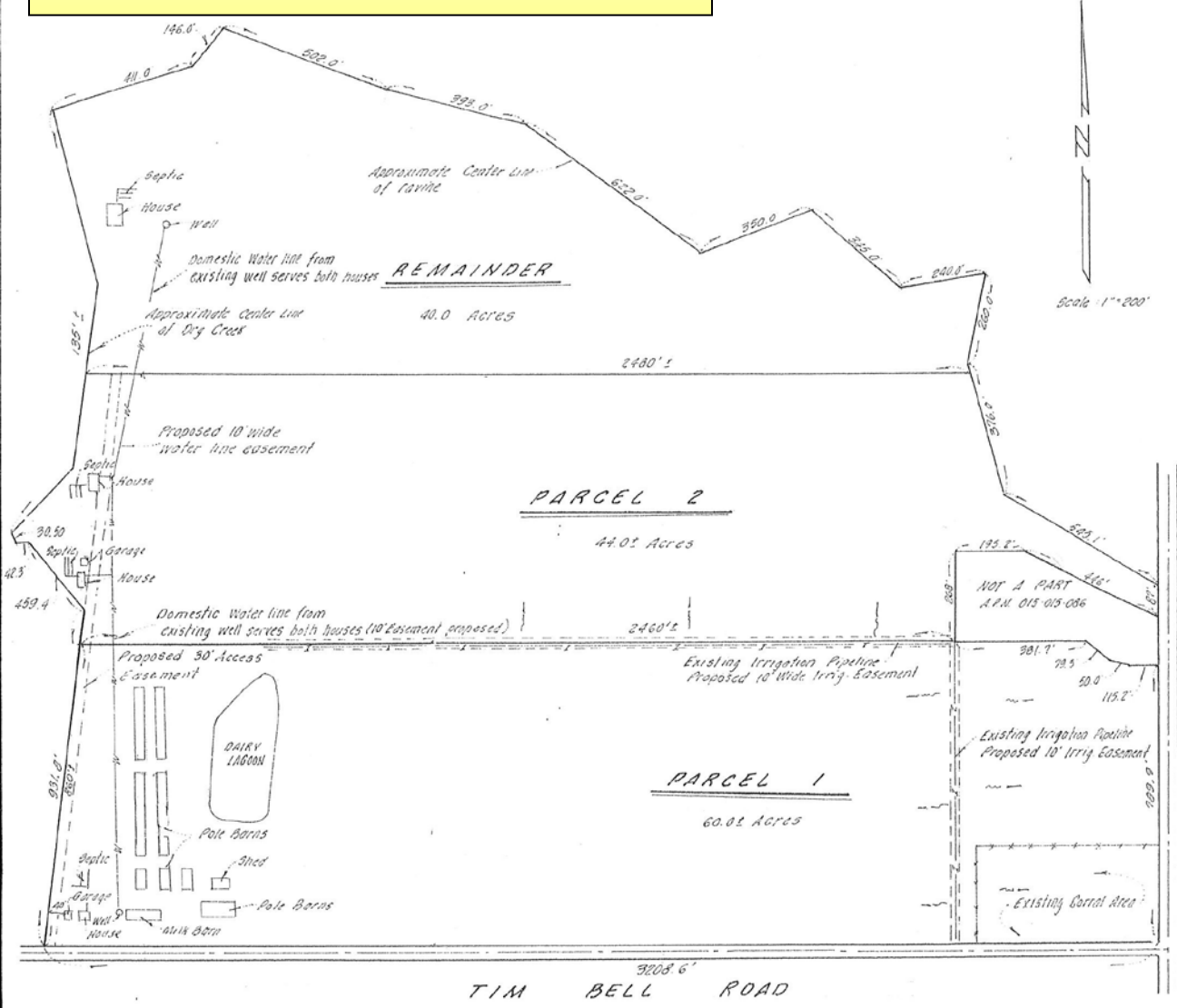
BEING THE "REMAINDER" AS PER BK. 48 P.M. PG. 65
STAN. CO. REC'S, LYING IN SEC. 13, T. 3S., R. 1E., M.D.B. & M.
COUNTY OF STANISLAUS, STATE OF CALIFORNIA
DECEMBER, 2014 SCALE: 1"=200'

OWNER:

JAMES and BETTY LEMOS, Trustees for the LEMOS FAMILY TRUST
15343 Tim Bell Road
Waterford, California 95386

NOTES:

1. Assessor's Parcel No. : 015-015-005
2. Current Zoning : A-E-40
3. Williamson Act Contract No. 72-0629
4. Irrigation from existing irrigation pipelines.
5. Domestic water supply from private wells
6. Sewage disposal by septic tank and leach lines
7. All structures on the property are to remain
8. The terrain is relatively flat
9. All parcels will irrigate from existing pipelines. Direction
10. Water Table : 05'±
11. Soil Type : Hanford Sandy Loam



TIM BELL ROAD

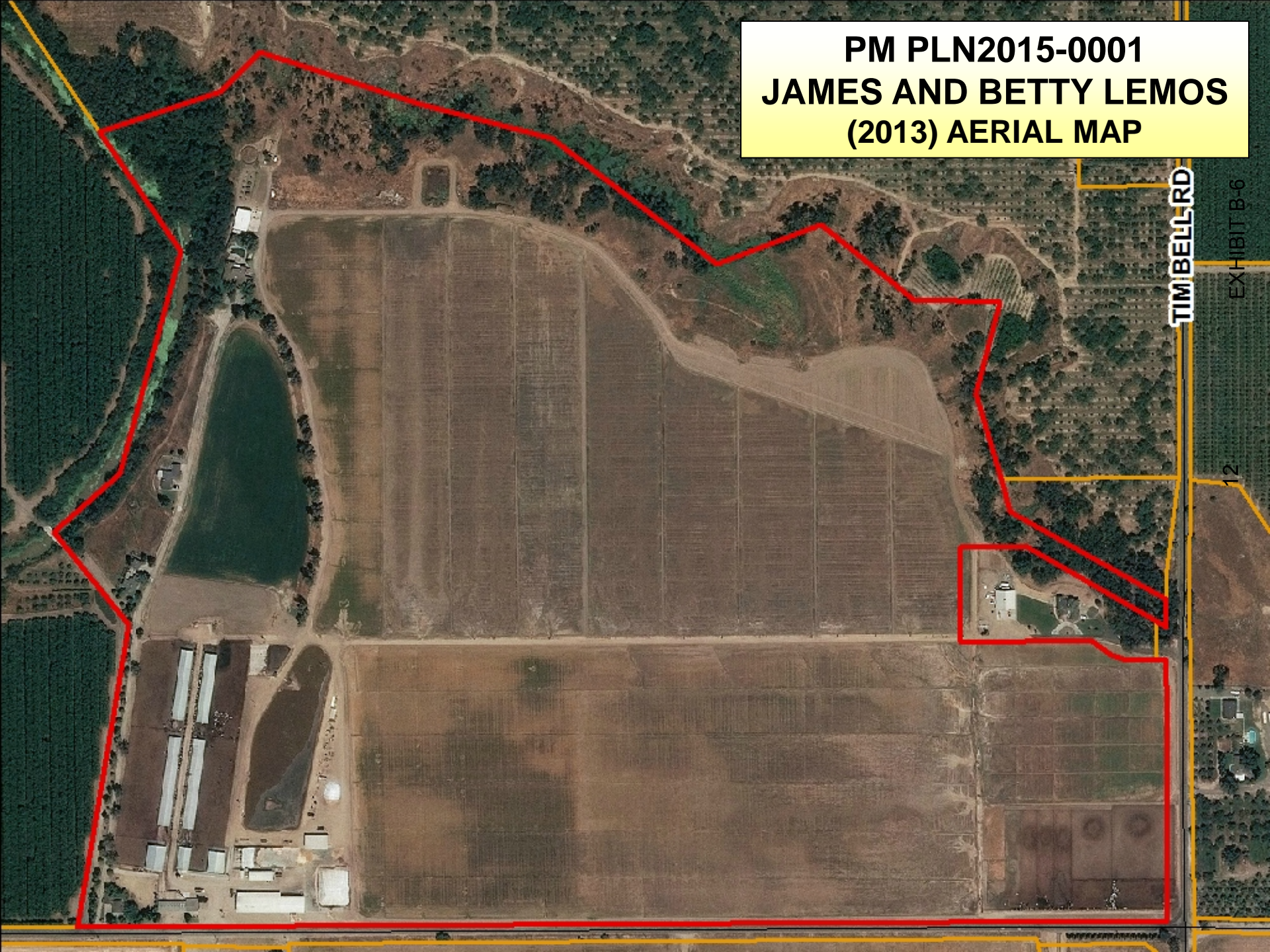
TIM BELL ROAD

ROBERT BRADEN CONSULTING	Drawn By: RBG	REVISIONS	SHEET
LAND USE PLANNING AND ZONING	Scale: 1"=200'		1
P.M.D. # 185	Date: Dec 2014		OF
2000 STANDFORD AVE. - SUITE 10-B	Job No.		11
MODESTO, CALIFORNIA 95350			
(209) 529-4598 (0) (209) 531-6959 (C)			

EXHIBIT B-5

11

**PM PLN2015-0001
JAMES AND BETTY LEMOS
(2013) AERIAL MAP**



TIM BELL RD

EXHIBIT B-6

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CONDITIONS OF APPROVAL

VESTING TENTATIVE PARCEL MAP APPLICATION NO. PLN2015-0001 JAMES & BETTY LEMOS

Department of Public Works / Caltrans

1. The recorded parcel map shall be prepared by a licensed land surveyor or a registered civil engineer licensed to practice land surveying.
2. All structures not shown on the tentative parcel map shall be removed prior to the parcel map being recorded.
3. All new parcels shall be surveyed and fully monumented prior to the recording of the final parcel map.
4. Tim Bell Road is classified as an 80-foot Collector Road. The required ½ width is 40 feet north of the Tim Bell Road centerline and 40 feet west of the Tim Bell Road centerline, as Tim Bell Road changes direction at the southeast corner of the project site. If 40 feet of road right-of-way west of the Tim Bell Road centerline does not exist, the remainder of the 40 feet not previously dedicated, shall be dedicated with an Irrevocable Offer of Dedication with the recording of the final map.
5. All access easements shall be labeled as private and a minimum of 30 feet wide.
6. Prior to the final parcel map being recorded, a Notice of a Road Maintenance Agreement shall be executed and recorded or a Homeowner's Association shall be formed. This agreement shall cover the access easement adjoining the parcels being formed by this map. The necessary documents shall be recorded and specify that maintenance of all private access easements and/or roads will be the sole responsibility of the property owners. A copy of the recorded Notice of a Road Maintenance Agreement or Homeowner's Association shall be provided to the Department of Public Works and the Department of Planning and Community Development for review and approval prior to recordation of the map.

Department of Planning and Community Development

7. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 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.

8. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
9. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
10. 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 sky-glow (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).
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. Prior to the issuance of building permits for a dwelling, the owner/developer shall pay a fee of \$339.00 per dwelling to the County Sheriff's Department.
17. The 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.”

18. Should any archeological, cultural material or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by the Stanislaus County Coroner and 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.
19. A "No Build" restriction on the construction of any residential development shall be observed until parcels are no longer enrolled under a Williamson Act Contract or one (1) of the following criteria are met:
 - A. Ninety percent or more of the parcel shall be in production agriculture use with its own on-site irrigation infrastructure and water rights to independently irrigate. For 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; or
 - B. Use of the parcel includes a confined animal facility (such as a commercial dairy, cattle feedlot, or poultry operation) or a commercial aquaculture operation.

Department of Environmental Resources (DER)

20. 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.)
21. The existing septic systems are to be contained within proposed Parcel 2 and the remainder parcel boundaries as per DER setback standards.

Regional Water Quality Control Board (RWQCB)

22. Prior to ground disturbance or issuance of a building permit, the Regional Water Quality Control Board shall be consulted to obtain any necessary permits and to implement any necessary measures, including but not limited to Construction Storm Water General Permit, Phase I and II Municipal Separate Storm Sewer System (MS4) Permits, Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit (Water Quality Certification), Waste Discharge Requirements, Low or Limited Threat General NPDES Permit, and any other applicable Regional Water Quality Control Board permit.
23. Regulatory Compliance for Commercially Irrigated Agriculture: As the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory

coverage under the Irrigated Regulatory Program, either by 1) obtaining coverage under a coalition group, or 2) obtaining coverage under the General Waste Discharge Requirements for individual growers, General Order R5-2013-0100.

Modesto Irrigation District (MID)

24. There are existing private pipelines within the Applicant's proposed parcels. The existing private pipelines provide irrigation water to proposed Parcel 1 and proposed Parcel 2; however, the proposed remainder parcel doesn't appear to have access to irrigation water. MID's Irrigation Operations staff suggests that a private irrigation pipeline easement from the existing private facilities at the historic point of delivery, the remainder parcel be dedicated by separate instrument and shown on the final map. No new delivery points from MID facilities to the proposed parcels will be allowed absent MID Board approval.
25. In conjunction with related site requirements, existing overhead and underground electric facilities shall be protected or relocated as required by the District's Electric Engineering Department. Appropriate easements for electric facilities shall be granted as required.
26. Costs for relocation and/or undergrounding the Districts facilities at the request of others will be borne by the requesting party. Estimates for relocating or undergrounding existing facilities will be supplied upon request.
27. A 30-foot wide PUE is required centered on the existing 12kv overhead lines on proposed Parcel 2. The PUE is required in order to serve the remainder parcel.
28. The customer should contact the District's Electric Engineering Department if additional electric service is required. Additional easements may be required with the development of the properties.

*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~~.*

ARCHAEOLOGICAL INVENTORY SURVEY

**Lemos Parcel Split Project,
circa 144 acres, Stanislaus County, California.**

Prepared for

Robert Braden Consulting
2900 Standiford Avenue, Suite 16-B
Modesto, CA 95350

Author

Sean Michael Jensen, M.A.

Keywords *for Information Center Use:*

Archaeological Inventory Survey, circa 144-acres, Stanislaus County, CEQA, USGS Paulsell, Ca. 7.5' Quad., No Significant Historical Resources, No Unique Archaeological Resources.

May 3, 2015

GENESIS SOCIETY - PARADISE, CALIFORNIA

ARCHAEOLOGICAL - HISTORICAL - CULTURAL RESOURCE MANAGEMENT SERVICES

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ATTACHMENTS

Project Location and Archaeological Survey Area Map.
Copy of Records Search from CCIC, 9185N, dated December 16, 2014.
Correspondence to the Native American Heritage Commission (NAHC).

1. INTRODUCTION

Project Background

This report details the results of an archaeological inventory of the proposed Lemos Parcel Split Project which involves approximately 144-acres, bound by Tim Bell Road on the east and south, and Dry Creek along the north-northwest, approximately 4 miles northeast of the City of Waterford, in Stanislaus County, California. The proposed project involves the creation of new parcels, each of which could, in turn, be subject to residential development, including construction of new residences, outbuildings, access roads, placement of utilities, etc.

Since the project could involve physical disturbance to ground surface and sub-surface components in conjunction with potential future residential development, it has the potential to impact cultural resources that may be located within the APE. In this case, the APE consists of the circa 144-acre property. Evaluation of the project's potential to impact cultural resources must be undertaken in conformity with Stanislaus County rules and regulations, and in compliance with requirements of the California Environmental Quality Act of 1970, Public Resources Code, Section 21000, et seq. (CEQA), and The California CEQA Environmental Quality Act Guidelines, California Administrative Code, Section 15000 et seq. (Guidelines as amended).

Scope of Work

At the most general level, compliance with CEQA requires completion of projects in conformity with the standards contained in Section 15064.5 of the CEQA Guidelines, as amended. Based on this and other relevant Sections of the Guidelines, the following specific tasks were considered an adequate and appropriate Scope of Work for the present project:

- Conduct a records search at the Central California Information Center of the California Historical Resources Information System at CSU-Stanislaus, and review state data bases and other relevant background information. The goals of the records search and data base review are to determine (a) the extent and distribution of previous archaeological surveys, (b) the locations of known archaeological sites and any previously recorded archaeological districts, and (c) the relationships between known sites and environmental variables. This step is designed to ensure that, during subsequent field survey work, all archaeological and historical sites considered significant per CEQA are discovered, correctly identified, fully documented, and properly interpreted.
- Conduct a pedestrian field survey of the project area. Based on map review, a complete coverage intensive survey was considered appropriate, given the presence of potentially high archaeological sensitivity throughout the project area. The purpose of the pedestrian survey is to ensure that any previously recorded sites identified during the records search are re-located and existing evaluations updated based on current site and field conditions. For previously undocumented sites identified which might qualify as "cultural resources" per CEQA, the field survey would involve formally recording these on DPR-523 Forms.

- Upon completion of the records search and pedestrian survey, prepare an archaeological inventory survey report that identifies project effects and recommends appropriate mitigation measures for any prehistoric or historic sites recommended significant under CEQA and which might be affected by the project.

The remainder of the present document constitutes the Final Report for this project, detailing the results of the records search and field survey and containing recommendations for treatment of significant sites that could be impacted by the project. All field survey procedures followed guidelines provided by the State Historic Preservation Office (Sacramento) and conform to accepted professional standards.

Location

The Lemos Parcel Split Project area involves approximately 144-acres, bound by Tim Bell Road on the east and south, and Dry Creek along the north-northwest, approximately 4 miles northeast of the City of Waterford, in Stanislaus County, California. Lands affected are located within a portion of Section 13 of T3S, R11E, as shown on the USGS Paulsell, California, 7.5' quadrangle (see attached *Project Location Map*).

The most important natural surface water source within the project area is the Tuolumne River which flows roughly east-west approximately 4 miles south of the project area. Dry Creek forms a portion of the northwestern property boundary, and an unnamed tributary of Dry Creek forms a substantial portion of the northern property boundary.

Based on a review of topographic and other maps, and notwithstanding prior impacts to surface and subsurface soil components resulting from intensive dairy and agricultural development, the study area appeared to contain lands ranging from moderate to high in sensitivity for both prehistoric and historic-era resources.

2. RECORDS SEARCH and SOURCES CONSULTED

Several sources of information were considered relevant to evaluating the types of archaeological sites and site distribution that might be encountered within the project area. The information evaluated prior to conducting pedestrian field survey includes soil types and geomorphological features, data maintained by the Central California Information Center at CSU-Stanislaus, and review of available published and unpublished documents relevant to regional prehistory, ethnography, and early historic developments.

Records at Central California Information Center

Prior to conducting the intensive-level field survey, a search of archaeological records maintained by the Central California Information Center at CSU-Stanislaus was conducted (CCIC File # 9185N, dated December 16, 2014). This search included the APE, and lands immediately adjacent to the APE, the findings of which included:

- *Previous Archaeological Survey:* According to the information center, a very small portion of the present APE has been subjected to formal archaeological survey.

Truman (2010a) conducted a survey for a concrete pad, which resulted in negative findings (CCAIC Report # ST-7850). Truman (2010b) also conducted a cultural resources survey on adjacent lands for a micro-irrigation system (CCAIC Report # ST-7851). This survey, too, failed to identify historical resources within the APE.

- ***Recorded Cultural Resources:*** According to the Information Center, no prehistoric or historic archaeological resources have been recorded within, or immediately adjacent to, the APE.

Other Sources Consulted

In addition to the archaeological records of Stanislaus County as maintained by the Central California Information Center, the following sources were also consulted:

- The National Register of Historic Places (1986, Supplements to 2014).
- The California Register of Historical Resources (2014).
- The California Inventory of Historic Resources (1976).
- California State Historical Landmarks (1996).
- California Points of Historical Interest (1992).
- OHP Historic Property Data File (3/20/14).
- OHP Archaeological Determination of Eligibility (4/5/12).
- 1968 (Photorevised 1976) USGS Paulsell, CA 7.5' quadrangle.
- Published and unpublished documents relevant to environment, ethnography, prehistory and early historic developments in the vicinity, providing context for assessing site types and distribution patterns for the project area (summarized below under ***Environmental and Cultural Context***).

Native American Consultation

In addition to examining the records of Stanislaus County at the CCIC and reviewing published and other sources of information, consultation was undertaken with the Native American Heritage Commission (NAHC) re. sacred land listings for the property. An information request letter was delivered to the NAHC on April 28, 2015. To date, the NAHC has yet to respond.

3. Environmental and Cultural Context

Environmental Context

Situated within the central San Joaquin Valley, the APE occupies relatively flat to gently rolling terrain which was likely subjected to agricultural development during the latter portion of the 19th century and throughout the 20th century, and which has been subjected to intensive dairy operations and orchard development over the past four decades. Elevation within the APE ranges from approximately 150-180 feet above mean sea level. Dry Creek, and one of its tributaries form portions of the northwestern and northern property boundaries,

and the Tuolumne River is located approximately 4 miles south of the subject APE. These stream courses represent the only suitable sources of surface water within the region.

Generally, environmental conditions within the Central Valley have remained stable throughout the past 8-10,000 years, although minor fluctuations in overall precipitation and temperature regime have been documented, and these undoubtedly influenced prehistoric patterns of land use and settlement.

Cultural Context

Prehistory: The earliest residents of the study area are represented by the Fluted Point and Western Pluvial Lakes Traditions, which date from about 11,500 to 7,500 years ago (Moratto 2004). Within portions of the Central Valley, fluted projectile points have been found at Tracy Lake (Heizer 1938) and around the margins of Buena Vista Lake in Kern County. Similar materials have been found to the north, at Samwel Cave near Shasta Lake and near McCloud and Big Springs in Siskiyou County. These early peoples are thought to have subsisted using a combination of generalized hunting and lacustrine exploitation (Moratto 2004).

These early cultural assemblages were followed by an increase in Native population density after about 7,500 years ago. One of the most securely dated of these assemblages in north-central California is from the Squaw Creek Site located north of Redding. Here, a charcoal-based C-14 date suggests extensive Native American presence around 6,500 years ago, or 4,500 B.C. Most of the artifactual material dating to this time period has counterparts further south, around Borax (Clear) Lake and the Farmington Area a short distance east of Sacramento. Important artifact types from this time period include large wide-stemmed projectile points and manos and metates.

In the Central Valley of California in the general vicinity of the project area, aboriginal populations continued to expand between 6,500 and 4,500 years ago. Penutian-speaking Native American peoples are thought to have arrived in the area during this period, eventually displacing the earlier Hokan-speaking populations in both upland and valley zones. Presumably introduced by these later Penutian-speaking arrivals were more extensive use of bulbs and other plant foods, animal and fishing products more intensively processed with mortars and pestles, and perhaps the bow and arrow and associated small stemmed- and corner-notched projectile points. The Penutian-speaking peoples occupying the project area at the time of initial contact with European American populations were the Yokuts.

Ethnography: As noted above, the project area is located within land claimed by the Penutian-speaking Yokuts at the time of initial contact with European American populations circa. A.D. 1850 (Kroeber 1925:474-573; Wallace 1978: Figure 1). The Yokuts occupied an area extending from the crest of the Coast "Diablo" Range easterly into the foothills of the Sierra Nevada, north to the American River, and south to the upper San Joaquin River.

The basic social unit for the Yokuts was the family, although the village may also be considered a social, as well as a political and economic, unit. Villages were often located on flats adjoining streams, and were inhabited mainly in the winter as it was necessary to go out into the hills and higher elevation zones to establish temporary camps during food gathering

seasons (i.e., spring, summer and fall). Villages typically consisted of a scattering of small structures, numbering from four or five to several dozen in larger villages, each house containing a single family of from three to seven people. Larger villages, with from twelve to fifteen or more houses, might also contain an earth lodge.

As with most California Indian groups, economic life for the Yokuts revolved around hunting, fishing and the collecting of plant foods, with deer, acorns, avian, and aquatic resources representing primary staples. The collection and processing of these various food resources was accomplished with the use of a wide variety of wooden, bone and stone artifacts. The Yokuts were very sophisticated in terms of their knowledge of the uses of local animals and plants, and of the availability of raw material sources which could be used in manufacturing an immense array of primary and secondary tools and implements. However, only fragmentary evidence of their material culture remains, due in part to perishability, and in part to the impacts to archaeological sites resulting from later (historic) land uses.

Historic Context: Interior California was initially visited by Anglo-American fur trappers, Russian scientists, and Spanish-Mexican expeditions during the early part of the 19th Century. These early explorations were followed by a rapid escalation of European-American activities, which culminated in the massive influx fostered by the discovery of gold at Coloma in 1848.

Early Spanish expeditions arrived from Bay Area missions as early as 1804, penetrating the northwestern San Joaquin Valley (Cook 1976). By the mid-1820s, hundreds of fur trappers were annually traversing the Valley on behalf of the Hudson's Bay Company (Maloney 1945). By the late 1830s and early 1840s, several small permanent European-American settlements had emerged in the Central Valley and adjacent foothill lands, including Ranchos in the interior Coast Range, and of course the settlement at New Helvetia (Sutter's Fort) at the confluence of the Sacramento and American Rivers (Sacramento).

With the discovery of gold in the Sierra Nevada, large numbers of European-Americans, Hispanics, and Chinese arrived in and traveled through the Valley. The Valley's east-side mining communities' demands for hard commodities led quickly to the expansion of ranching and agriculture throughout the Great Central Valley and the interior valleys of the Coast Range. Stable, larger populations arose and permanent communities slowly emerged in the Central Valley, particularly along major transportation corridors. Of particular importance in this regard was the transformation brought about by the railroads.

The Southern Pacific and Central Pacific Railroads and a host of smaller interurban lines to the north and east around the cities of Sacramento, Stockton and Modesto began intensive projects in the late 1860s. By the turn of the century, nearly 3,000 miles of lines connected the cities of Modesto and Stockton with points south and north. Many of the valley's cities, including many in Stanislaus and adjacent Counties, were laid out as isolated railroad towns in the 1870s and 1880s by the Southern and Central Pacific, which not only built and settled, but continued to nurture the infant cities until settlement could be independently sustained.

One community that originated in this era was Waterford, which began as Bakersville, named for pioneer William W. Baker who purportedly established a ferry crossing the Tuolumne River before 1866. The settlement of Bakersville was laid out in 1866 and named

in Baker's honor. The first ferry franchise recorded was in 1866 for the Waterford Ferry owned by Charles Dallas. The Waterford Ferry Company operated from 1866 until 1889 when it was replaced by the first bridge crossing the Tuolumne River in this area.

The name Bakersville was changed to Waterford in 1870 when the Post Office officially opened (Gudde 1969). In 1892, the city was moved westerly and northerly to be adjacent to the Stockton & Tulare Railroad. The railroad began in 1869 as the Stockton and Visalia Railroad, reaching Oakdale in 1871, and extending south to Merced in 1892. The Southern Pacific Railroad purchased the line in June 1897.

In order to accommodate the expanding agricultural land use in the area, water conveyance became a critical issue for the region. The Turlock Irrigation District (TID) was formed in 1887, with construction of the La Grange Dam on the Tuolumne River in 1893 reflecting a substantial effort to this end.

Agricultural development intensified through the end of the 19th and into the 20th Centuries, spurred initially and then supported by the railroads that provided the means for bulk product to be transported to a much larger market. By the end of the 19th Century, a very substantial portion of the Valley was being intensively cultivated, with increasing mechanization occurring throughout all of the 20th Century and substantial expansion of cultivated acreage occurring with the arrival of water from the Central Valley Project.

4. ARCHAEOLOGICAL SURVEY and CULTURAL INVENTORY

Survey Coverage

All of the circa 144-acre APE was subjected to intensive pedestrian survey by means of walking systematic transects, spaced at 20 meter intervals.

In searching for cultural resources, the surveyor took into account the results of background research and was alert for any unusual contours, soil changes, distinctive vegetation patterns, exotic materials, artifacts, feature or feature remnants and other possible markers of cultural sites.

Field work was undertaken on April 26, 2015 by Sean Michael Jensen. Mr. Jensen is a professional archaeologist, with 28 years experience in archaeology and history, who meets the Secretary of Interior's Standards for Professional Qualification, as demonstrated in his listing on the California Historical Resources Information System list of qualified archaeologists and historians. No special problems were encountered and all survey objectives were satisfactorily achieved.

General Observations

The entire APE has been subjected to various degrees of disturbance. Most likely, the property was subjected to minor farming/ranching disturbance during the latter half of the

19th century, and subsequently subjected to more substantial disturbance during the 20th century.

The APE property was purchased by the present owners in 1973, and the 1976 photorevised USGS quadrangle depicts an orchard within the northern portion of the present APE. This map does not depict any structures within the property as of 1976. According to the property owners, all of the residences (five), and the dairy were all constructed after 1973.

Additional disturbances have accompanied hay field farming and orchard development, road grading, construction of irrigation systems, and placement of both buried and overhead utilities.

Prehistoric Resources

No prehistoric resources were identified during the present pedestrian survey. The absence of such resources may best be explained by the absence of a permanent source of surface water within, or nearby the project area.

Historic-Era Resources

No evidence of historic-era resources was observed within the APE during the present pedestrian survey. The absence of such resources may possibly be explained by the region's historic agricultural use.

5. PROJECT EFFECTS

A project may have a significant impact or adverse effect on significant historical resources/unique archaeological resources/historic properties if the project will or could result in the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance or values of the historic resource would be materially impaired. Actions that would materially impair a cultural resource or historic property are actions that would alter or diminish those attributes of a site that qualify the site for inclusion in State site registers or the National Register of Historic Places.

Based on the specific findings detailed above under *Pedestrian Survey and Inventory*, no significant historical resources/unique archaeological resources are present within the project area and no historical resources/unique archaeological resources will be affected by the undertaking, as presently proposed.

6. PROJECT SUMMARY

This report details the results of an archaeological inventory of the proposed Lemos Parcel Split Project which involves approximately 144-acres, bound by Tim Bell Road on the east and south, and Dry Creek along the north-northwest, approximately 4 miles northeast of the City of Waterford, in Stanislaus County, California. The proposed project involves the creation of new parcels, each of which could, in turn, be subject to residential development,

including construction of new residences, outbuildings, access roads, placement of utilities, etc.

A search of State data bases, including all records and documents available at the Central California Information Center, and intensive pedestrian survey, failed to identify significant historical resources/unique archaeological resources within the 144-acre APE.

Based on the findings of the present archaeological inventory, no significant historical resources and no unique archaeological resources will be affected within the 144-acre APE. Despite these negative findings, the following general provisions are considered appropriate:

- 1) ***Consultation in the event of inadvertent discovery of human remains:*** Evidence of human burial or scattered human remains related to prehistoric occupation of the area could be inadvertently encountered anywhere within the project area during future construction activity or other actions involving disturbance to the ground surface and subsurface components. In the event of such an inadvertent discovery, the County Coroner would have to be informed and consulted, per State law. Ultimately, the goal of consultation is to establish an agreement between the most likely lineal descendant designated by the Native American Heritage Commission and the project proponent(s) with regard to a plan for treatment and disposition of any human remains and artifacts which might be found in association. Such treatment and disposition may require reburial of any identified human remains/burials within a “preserve” or other designated portion of the development property not subject to ground disturbing impacts.
- 2) ***Consultation in the event of inadvertent discovery of cultural material:*** The present evaluation and recommendations are based on the findings of an inventory-level surface survey only. There is always the possibility that significant unidentified cultural materials could be encountered on or below the surface during the course of future development or construction activities. This caveat is particularly relevant considering the constraints generally to archaeological field survey, and particularly where past ground disturbance has occurred, as in the present case. In the event of an inadvertent discovery of previously unidentified cultural material, archaeological consultation should be sought immediately.

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Work, John

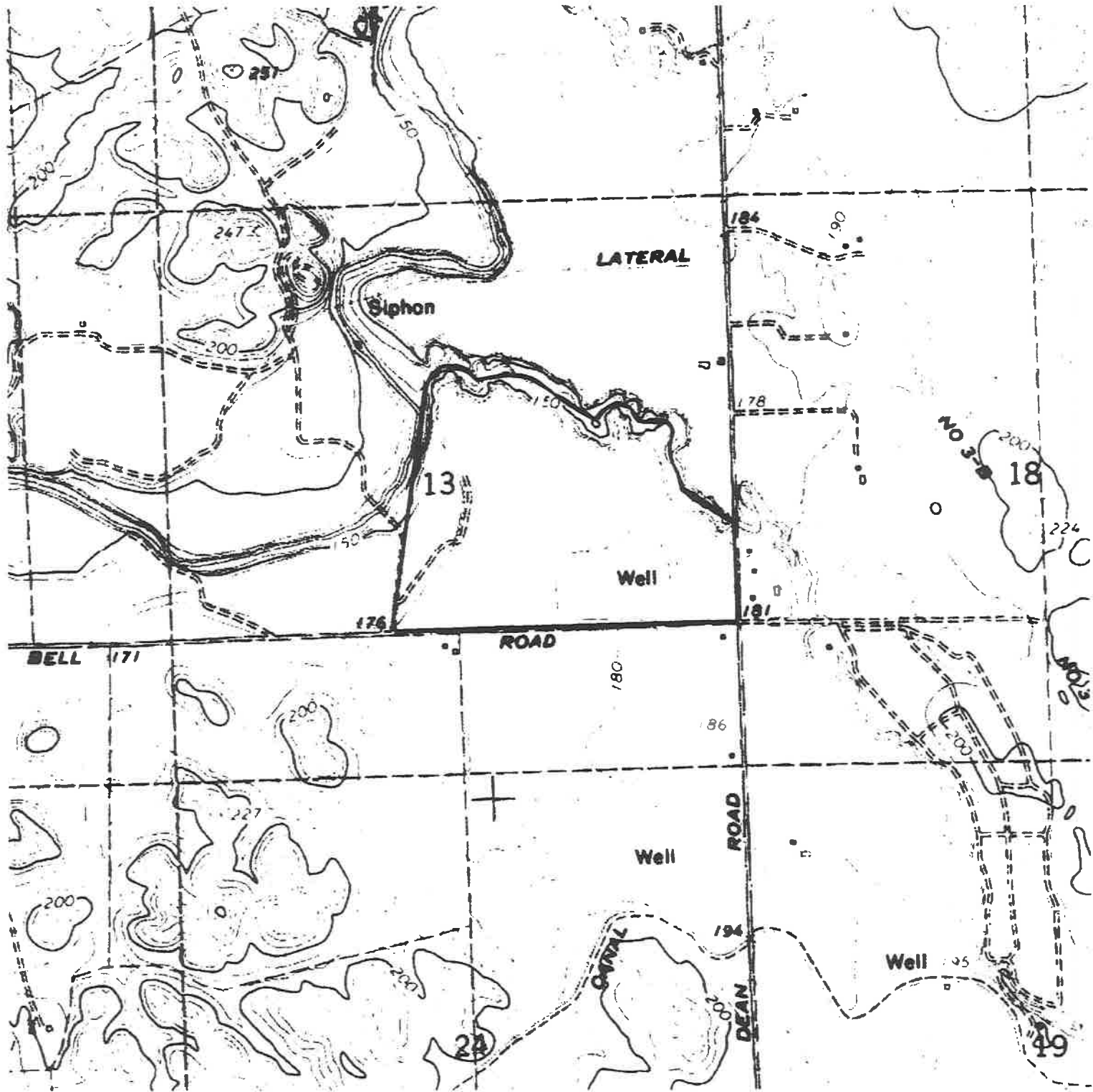
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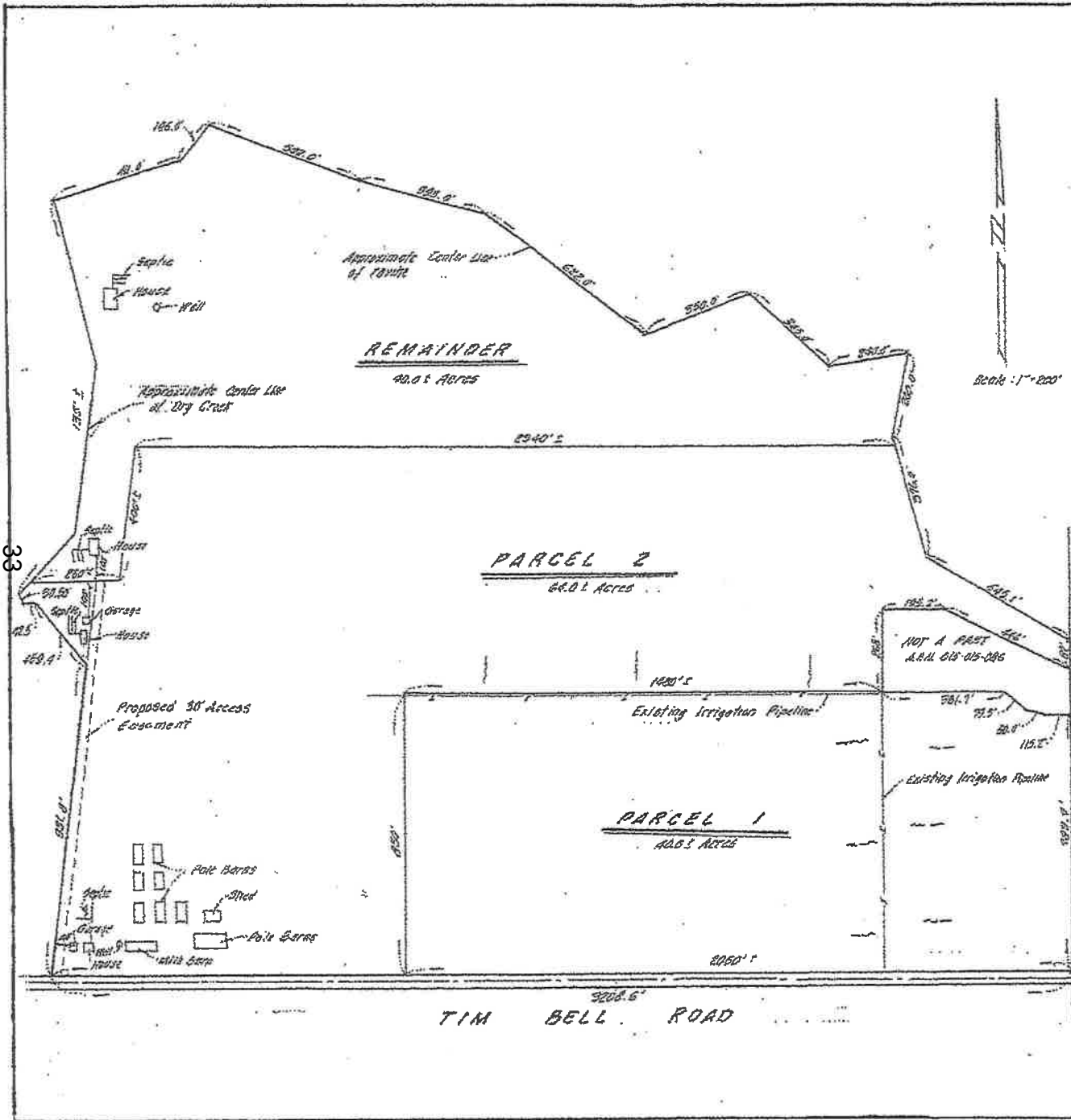
ARCHAEOLOGICAL INVENTORY SURVEY

**Lemos Parcel Split Project,
circa 144 acres, Stanislaus County, California.**

ATTACHMENTS

- Project Location and Archaeological Survey Area Map
- Records Search, Central California Information Center (CCIC)
- Correspondence sent to the Native American Heritage Commission (NAHC)





VICINITY MAP

No Scale
ZONING

TENTATIVE PARCEL MAP

BEING THE "REMAINDER" AS PER B.N. 40 P.M. PG. 65
STAR CO. REC'S, LYING IN SEC. 13, T. 35, R. 1E, M.S.B. 74A,
COUNTY OF STANISLAUS, STATE OF CALIFORNIA
DECEMBER, 2014 SCALE: 1"=200'

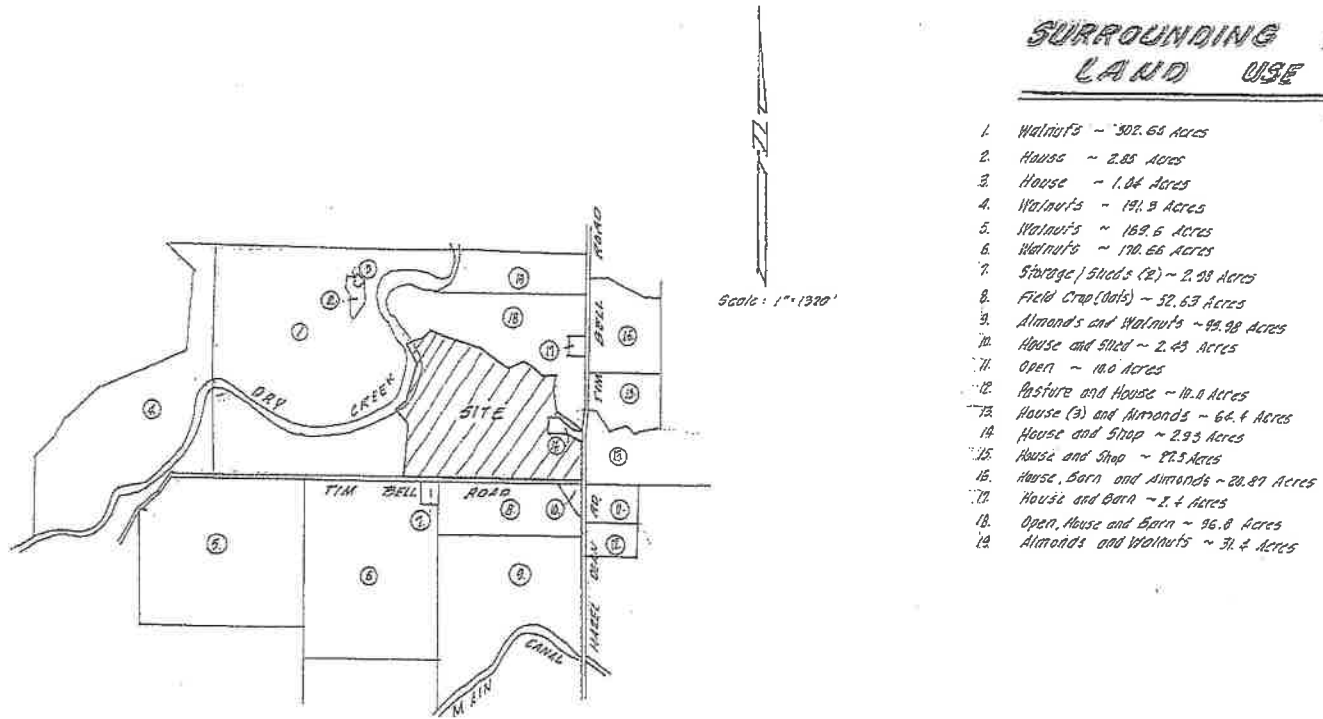
OWNER:

JAMES and BETTY LEADS, Trustees for the LEADS FAMILY TRUST
15345 Tim Bell Road
Waterford, California 95386

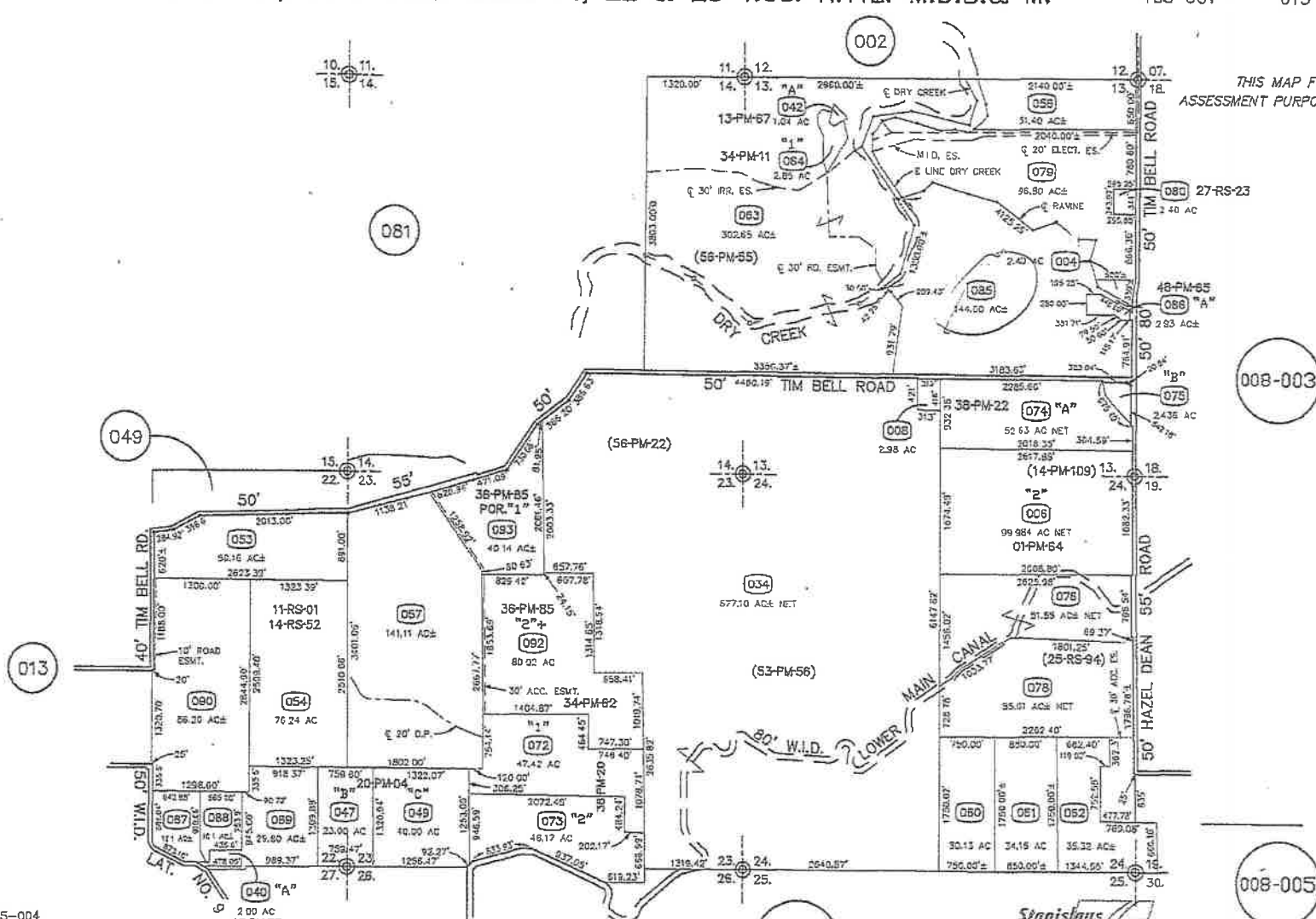
NOTES:

1. Assessor's Parcel No.: 015-015-025
2. Current Zoning: A-2-40
3. Williamson Act Contract No. 72-0622
4. Irrigation from existing irrigation pipelines.
5. Domestic water supply from private wells
6. Sewage disposal by septic tank and leach lines.....
7. All structures on the property are to remain
8. The terrain is relatively flat
9. All ditches will irrigate from existing pipelines. Direction
10. Water Table: 65's
11. Soil Type: Hardpan Sandy Loam

ROBERT BRADEN CONSULTING LAND USE PLANNING AND ZONING P.O. Box # 185 2500 STANISLAUS AVE. - SUITE 16-B MERCED, CALIFORNIA 95320 (209) 522-6228 (209) 531-6229 (C)	Drawn By: RBG	REVISIONS	SHEET 1 OF 1
	Scale: 1"=200'	Date: Dec 2014	
	Job No.		



THIS MAP FOR ASSESSMENT PURPOSES ONLY



FROM: G-58, 015-004
DRAWN: C-1C-66
REVISED: 5-23-85, 2-2-88, 11-7-00 DH, 12-12-02 DH, 12-20-02 MF, 5-6-05 MB
8-24-05 MF, 5-19-06 DH, 7-10-08(V) MF, 3-25-09 MF, 06-23-09 MB, 03-04-11 MB, 12-15-11 MB, 03-15-13 MB

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67,01,03,06,07,09,12,14

35



CENTRAL CALIFORNIA INFORMATION CENTER

California Historical Resources Information System

Department of Anthropology – California State University, Stanislaus

One University Circle, Turlock, California 95382

(209) 667-3307 - FAX (209) 667-3324

Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus & Tuolumne Counties

Date: 12/16/14

CCIC File #: 9185N

Project: Tentative Parcel Map application for APN 015-015-085, Tim Bell Road, Waterford (Lockwood Dairy; Lemos Property)

Robert Braden
Robert Braden Consulting
Land Use Planning and Zoning, PMB 185
2900 Standiford Ave., Suite 16-B
Modesto, CA 95350

Dear Mr. Braden,

We have conducted a records search as per your request for the above-referenced project area located on the Paulsell USGS 7.5-minute quadrangle map in Stanislaus County.

Search of our files includes review of our maps for the specific project area and the immediate vicinity of the project area, and review of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), *California Inventory of Historic Resources* (DPR 1976), the *California Historical Landmarks* (1990), and the California Points of Historical Interest listing (May 1992 and updates), the Directory of Properties in the Historic Property Data File ("HPDF") and the Archaeological Determinations of Eligibility ("ADOE") (Office of Historic Preservation current electronic files dated 03-20-2014 and 04-05-2012, respectively), the *Survey of Surveys* (1989), GLO Plats and other historic maps on file for the area, and other pertinent historic data available at the CCIC for each specific county.

The following details the results of the records search:

Prehistoric or historic resources within the project area:

No prehistoric or historic archaeological resources or historic properties or evaluated properties have been reported to the Information Center.

Prehistoric or historic resources within the immediate vicinity of the project area:

No prehistoric or historic archaeological resources or historic properties or evaluated properties have been reported to the Information Center.

Resources that are known to have value to local cultural groups:

None have been formally reported to the Information Center.

Previous investigations within the project area:

One has been reported to the CCaIC, a survey by NRCS for a *very* small portion of the project area. Report information was minimal and provided no background or sensitivity assessment for the property:

CCaIC report #ST-7850 E. Truman (2010)
NRCS Field Office Report of Cultural Resources Ground Survey Findings, Negative Findings, 7991040964G, Concrete Pad.

Previous investigations within the immediate vicinity of the project area:

One has been reported; also a survey by NRCS. Report information was minimal and provided no background or sensitivity assessment for the property:

CCaIC report #ST-7851 E. Truman (2010)
NRCS Field Office Report of Cultural Resources Ground Survey Findings, Negative Findings, 749104105LD, Micro Irrigation System.

Recommendations/Comments:

Based on existing data in our files the project area has a moderate to high sensitivity for the possible discovery of prehistoric resources, including but not limited to “kitchen midden” soils and hearths or pits, milling sites, lithic scatters and scattered artifacts, and even human burials. Remnants of sites are likely to be more fragmented on the surface and in plowed areas, but more intact under the surface and under the plow zone. The presence of Dry Creek to the west, an unnamed tributary to the north and east, and an unnamed intermittent stream or creek approaching from the south (seen on the 1915 USGS Paulsell 7.5’ map), suggest the possibility of prehistoric use and occupation. As to historic-era structures, it is noted that, according to the map sent by the client to the CCaIC, all structures on the property are to remain. We recommend archaeological field survey by a qualified historical resources consultant prior to implementation of the project or issuance of any discretionary permit, especially prior to any excavation or trenching, or further development of the property.

The Statewide Referral List for Historical Resources Consultants is posted for your use on the internet at <http://chrisinfo.org>

Please be advised that a historical resource is defined as a building, structure, object, prehistoric or historic archaeological site, or district possessing physical evidence of human activities over 45 years old. There may be unidentified features involved in your project that are 45 years or older and considered as historical resources requiring further study and evaluation by a qualified professional of the appropriate discipline.

We advise you that in accordance with State law, if any historical resources are discovered during project-related activities, all work is to stop and the lead agency and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find. If Native American remains are found the County Coroner and the Native American Heritage Commission, Sacramento (916-373-3710) are to be notified immediately for recommended procedures.

We further advise you that if you retain the services of a historical resources consultant, the firm or individual you retain is responsible for submitting any report of findings prepared for you to the Central California Information Center, including one copy of the narrative report and two copies of any records that document historical resources found as a result of field work. If the consultant wishes to obtain copies of materials not included with this records search reply, additional copy or records search fees may apply.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

We thank you for using the California Historical Resources Information System (CHRIS). Please let us know when we can be of further service. Please sign and return the attached Access Agreement Short Form.

Note: Billing will be transmitted separately via email by our Financial Services office* (\$150.00), payable within 60 days of receipt of the invoice.

Sincerely,



R. L. Hards, Assistant Research Technician
Central California Information Center
California Historical Resources Information System

*Invoice to: Roubina Yadegarian, Financial Services (ryadegarianbadalbo@csustan.edu or MSR270@csustan.edu)



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. PLN2015-0001 – James & Betty Lemos
- 2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
- 3. **Contact person and phone number:** Rachel Wyse, Associate Planner
(209) 525-6330
- 4. **Project location:** 15343 Tim Bell Road, east of Dry Creek, at the northwest corner of Tim Bell and Hazeldean Roads, in the Waterford area. (APN: 015-015-085).
- 5. **Project sponsor’s name and address:** Lemos Family Trust, James & Betty Lemos, Trustees
15343 Tim Bell Road
Waterford, CA 95386
- 6. **General Plan designation:** Agriculture
- 7. **Zoning:** A-2-40 (General Agriculture)
- 8. **Description of project:**

Request to create a 40± and a 64± acre parcel, and a 40± acre remainder parcel from a 144± acre site enrolled in Williamson Act Contract 72-0629. The project site is planted in walnut orchard and field crops and improved with a confined animal facility dairy operation. Dry Creek flanks the property along the northern half of the western property line, while an intermittent Dry Creek tributary forms the northern property line of the project site. Riparian habitat exists along Dry Creek and its associated tributary. Tim Bell Road runs west to east along the project site’s southern property line, and then north with Hazeldean lying south of the Tim Bell Hazeldean intersection. The proposed Remainder parcel is improved with two single family dwellings and associated residential garages, septic tanks, and a shared well. Proposed Parcel 2 is improved with two single family dwellings and associated residential garages, septic tanks, a shared well, and the dairy operation with associated structures and a lagoon. Proposed Parcel 1 contains an irrigation pipeline, which runs north to south before veering into an east to west irrigation line. The east to west irrigation pipeline runs along the proposed shared property line between proposed Parcels 1 and 2. Proposed Parcel 1 is improved with a heifer corral utilized by the dairy. There are no other structures on Proposed Parcel 1.

- 9. **Surrounding land uses and setting:** Surrounding land uses include orchards and dwellings in all directions, Dry Creek directly west, intermittent Dry Creek tributary and riparian habitat directly north, field crops, and grazing land to the south.

-
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Department of Public Works
Department of Environmental Resources
Modesto Irrigation District
Stanislaus Consolidated Fire District
CA Department of Fish and Wildlife
US Department of Fish and Wildlife
US Army Corp of Engineers
11. **Attachments:** Maps
Archaeological Inventory Survey
Negative Declaration

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.

Rachel Wyse
Prepared by

July 16, 2015
Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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

ISSUES

I. AESTHETICS -- 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	

Discussion: The 144± acre site is currently planted in walnuts and field crops, and contains a dairy. The proposed remainder parcel is improved with two single family dwellings and flanked by Dry Creek to the west and an intermittent stream/tributary of Dry Creek to the north. Proposed Parcel 2 is improved with two single family dwellings and appurtenant residential garages, and a dairy consisting of a lagoon, eight various sized pole barns, a shed, and a milk barn. Proposed Parcel 1 is improved with a heifer corral, but no additional residential or agricultural structures. Both proposed Parcels 1 and 2 have direct access to Tim Bell Road to the south and to the east. The site itself may be considered a scenic resource but community standards generally do not dictate the need or desire for architectural review of any eventual residential or agricultural structures. No construction is being proposed as a part of this application; however, provided the property owner meets Williamson Act, building code, and A-2 zoning requirements, a maximum of two residences - as well as appurtenant agricultural and residential structures could be constructed on proposed Parcel 1. The Remainder and proposed Parcel 2 are currently improved with the maximum number of homes permitted on an agriculturally zoned parcel 20 acres or greater in size. Any development resulting from this project will be consistent with existing area developments. No new source of light or glare will be created as no residential or agricultural structures are being proposed in conjunction with the subject parcel map. This site is not designated as a scenic vista, nor will the project, as proposed, result in substantial damage to scenic resources or degradation of the existing visual character of the site and its surroundings. A standard condition of approval will be added to the project requiring that any light fixtures be shielded and pointed downward to minimize glare and light spillage onto neighboring parcels.

Mitigation: None

References: Application information; Stanislaus County Zoning Ordinance Chapter 21.20 – General Agriculture zoning district; Stanislaus County General Plan and Support Documentation¹.

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

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

Discussion: The project site is comprised of 144± acres currently enrolled under Williamson Act Contract, No. 72-0629, and is currently planted in a walnut orchard, field crops, and improved with a confined animal facility dairy operation with soils identified as Prime Farmland, Non-agricultural/Natural Vegetation, and Confined Animal Agriculture according to the California State Department of Conservation Farmland Mapping and Monitoring Program. 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 residential or agricultural structures are being proposed in conjunction with the subject parcel map; however, the A-2 zoning permits two single-family dwellings on each 20+ acre parcel as well as appurtenant residential and agricultural structures. Any construction must be accompanied by a Williamson Act Landowner’s Statement verifying that the landowner understands the rules of the Contract and that any proposed structure is being constructed as accessory to the agricultural use. This project will have no impact to forest land or timberland. Riparian habitat is located along Dry Creek and its tributary. The CA Department of Fish and Wildlife (CDFW) did not respond to the Early Consultation; however, since the CDFW consistently requires a 200-foot non-construction buffer on discretionary projects, a condition of approval will be added to this project requiring said buffer. Consequently, no construction will be permitted in the riparian buffer area.

This project will not conflict with any agricultural activities in the area and/or lands enrolled in the Williamson Act. Surrounding agricultural uses include: Orchards and associated single-family dwellings to the east, south, west, and north; Dry Creek to the west with a tributary to the north, and Tim Bell Road to the east and south. Under the Williamson Act, lands are presumed to be too small to sustain their agricultural use if the lands are less than 40 acres in size, in the case of non-prime agricultural land; 10 acres in size, in the case of prime agricultural land, or the subdivision will result in residential development not incidental to the commercial agricultural use of the land. In this case, the proposed remainder and parcels will be 40 acres or greater in size and in irrigated agricultural production and/or confined animal agriculture. The County has a Right-to-Farm Ordinance in place to protect agricultural operations from unjust nuisance complaints.

Mitigation: None

References: Stanislaus County Agricultural Element¹; Stanislaus County Zoning Ordinance; the California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2012; Applicant-provided Parcel Map; 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 project site is currently planted in walnut orchard and field crops and improved with a confined animal facility dairy operation. No new uses or structures are being proposed which would result in additional traffic and/or changes in farming practices that could result in the creation of objectionable odors or exposure of sensitive receptors to substantial pollutant concentrations. Moreover, there are no schools or hospitals within the immediate area. However, due to the presence of homes, riparian habitat, and a dairy, existing impacts to sensitive receptors are present and the potential for two additional dwellings could result in an increase in air pollutants via mobile sources. Consequently, the proposed project may have a less than significant effect on sensitive receptors. This project has been referred to the District, but no comments have been received to date. A standard condition of approval will be placed on the project requiring compliance with applicable SJVAPCD rules.

Mitigation: None

References: 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 U.S. 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: The proposed project area is planted in walnut orchard, field crops, and improved with a confined animal facility dairy operation. Southwest of this project site, across Tim Bell Road, is a hilly cattle grazing property with several potential vernal pools in an area designated under the U.S. Fish and Wildlife Service’s (FWS) vernal pool recovery plan as a “core” habitat area where vernal pools should be protected. The Lemos parcel (project site) appears to be relatively flat with Dry Creek and riparian habitat flanking the northern half of the western property line. An intermittent tributary of Dry Creek and associated riparian habitat marks the northern property line of the project site. Due to the presence of the creek, tributary, and riparian habitat standard CDFW condition of approval, typically placed on projects with bodies of water/riparian habitat, will be placed on this project requiring a 200-foot no construction buffer be maintained, from Dry Creek and its tributary, to reduce impacts to riparian habitat/species to less than significant.

As no construction is proposed as part of the project application, there will be no direct or indirect impact to any State or federally listed special status plant, animal, or invertebrate species. Nevertheless, a standard condition will be placed on the project stating that prior to any construction or grading on either of the new parcels for any reason, the owners shall contact the CDFW, US Fish and Wildlife Service (USFWS), and Corps of Engineers to determine if future proposed construction will result in impacts to special status species or wetland habitats and whether an Incidental Take Permit shall be required.

This project site is partially flanked by Dry Creek along the western property line, a tributary forms the northern property line, and the Tuolumne River flows roughly east to west approximately four miles south of the project site. The site is currently planted in walnut orchard and field crops and improved with a confined animal facility dairy operation and will continue as such. No construction, earth moving, grading, or deep ripping is being proposed as a part of this request; however, parcelization of the site into 40± and 64± acre parcels and a 40± acre remainder and will allow for the construction of up to two residences on proposed Parcel 1, as well as agricultural storage buildings provided building permits are first obtained. Given the project site’s proximity to Dry Creek and the Tuolumne River, it is possible that parcelization could result in direct or indirect impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. The project was referred to CDFW who has not responded to date.

Mitigation: None

References: 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: It does not appear this project will result in significant impacts to any archaeological or cultural resources. A records survey performed on the subject properties by the Central California Information Center (CCIC) indicated that the project site had a medium to high potential for discovery of cultural resources. Consequently, the applicant was

required to obtain an archaeological inventory survey. The 144± acre parcel was subjected to intensive pedestrian survey by means of walking systematic transects, spaced at 20 meter intervals. Record searches were performed and a consultation was undertaken with the Native American Heritage Commission (NAHC) regarding sacred land listings for the project site. The survey determined that no prehistoric, historic-era, or cultural resources were present on the project site; however, conditions of approval were recommended and will be placed on the project's Conditions of Approval. Cultural resources are not known to be within the project vicinity.

Mitigation: None

References: Applicant query from the Central California Information Center dated December 16, 2014; Archaeological Inventory Survey dated May 3, 2015, by Sean Michael Jensen of the Genesis Society; 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

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 grading and/or earth moving is subject to Public Works Standards and Specifications which consider the potential for erosion and run-off prior to grading and/or building 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. The project was referred to the Department of Public Works and DER. Both departments responded with conditions of approval; however, neither department indicated that the soils were incapable of supporting future residential or agricultural development.

Mitigation: None

References: Referral response dated April 7, 2015, from the Department of Public Works; referral response dated April 9, 2015, from the Department of Environmental Resources; Title 24, California Building Code; and the Stanislaus County General Plan and Support Documentation¹

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 project site is currently planted in walnut orchard, field crops, and improved with a confined animal facility dairy operation and has the potential to generate greenhouse gas emission through routine farming practices; however, it is not believed that any increase of greenhouse gas emissions will be caused by this proposed project as the applicant is not proposing to construct additional structures nor changing farming practices and/or crops as a part of this request.

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: As part of the routine farming operations, pesticides and fungicides may be used as well as chemicals typically used in the care of dairy cows and daily dairy operations; however, the presence of the aforementioned hazardous material is existing without the project and, as such, will result in a less than significant impact. 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. DER is responsible for overseeing hazardous materials in this area. The project was referred to the Agricultural Commissioner and DER’s Hazardous Materials (HazMat) Division.

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	

Discussion: The project site is currently served by a private, on-site water well. The project was referred to DER who responded with a condition of approval requiring that each parcel have an independent water supply, and that prior to issuance of a building permit, each parcel shall have its own well. New wells are to be constructed under a DER drilling permit in compliance with Stanislaus County Policy and the State Model Well Standards Ordinance. The subject parcel is planted in walnut orchard and field crops and improved with a confined animal facility dairy operation and within the Modesto Irrigation District (MID) boundaries for irrigation service. Run-off issues were not identified in a referral response from the Department of Public Works and no concerns were indicated. The subject project was referred to the Regional Water Quality Control Board (RWQCB) and Central Valley Flood Protection; RWQCB responded with standard conditions of approval. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). According to the FEMA Flood Zones accessible via the Stanislaus County Geographical Information Systems (GIS), the northwestern project area adjacent to Dry Creek is within FEMA Flood Zone A - No Base Flood Elevation Determined. There are no structures existing or proposed in this area according to application information and the 2013 GIS Stanislaus County aerial. Should the landowner wish to build a structure within Zone A, the building permit application will be evaluated by the County's Flood Plain Administrator to determine if an elevation certificate and/or elevated building pad is required. The project was referred to the Building Permits Division. Although new construction is not being proposed as a part of this project, a standard condition of approval will be placed on the project requiring building permits for any future construction.

The Remainder Parcel and proposed Parcel 2 are presently served via a private well and septic tanks. An existing irrigation pipeline crosses proposed Parcel 1 and then veers west along the proposed interior parcel line between proposed Parcels 1 and 2.

Mitigation: None

References: Referral response dated April 7, 2015, from the Department of Public Works; Stanislaus County Geographical Information Systems (GIS); 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

Discussion: This project is consistent with the Agriculture designation and A-2-40 (General Agriculture) zoning of the site. The features of this project will not physically divide an established community and/or conflict with any habitat conservation plan or natural community conservation plan. This project is not known to conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project.

Mitigation: None

References: Stanislaus County General Plan and Support Documentation¹

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

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. Dry Creek has not been mapped and there are no known significant resources on the site; however, due to the presence of Dry Creek, some sand and gravel deposits may be present on site. The proposed parcel map is not proposing to change the property’s use and, as such, is not expected to have any impact on potentially present aggregate resources.

Mitigation: None

References: Stanislaus County General Plan and Support Documentation¹

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 proposed, but any construction as a result of this project would only temporarily increase the area’s ambient noise level. If one or two dwellings are constructed on proposed Parcel 1, any resulting noise impacts associated with increased on-site activities and traffic is not anticipated to exceed the areas existing level of noise. The subject parcel is not near any public or private airports and the nearest residences are located within 100-150 feet of proposed Parcels 1 and 2.

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: This project is consistent with the Agriculture designation and A-2-40 (General Agriculture) zoning of the site. The features of this project will not physically divide an established community and/or conflict with any habitat conservation plan or natural community conservation plan. This project is not known to conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project. This project does not propose any significant type of growth inducing features; therefore, adverse effects created by population growth should not occur. The proposed parcels will be restricted by the General Agriculture (A-2-40) zoning district. Two permanent dwellings on parcels twenty (20) acres or greater are permitted as per County Code Section 21.20.020(B). Consequently, a maximum of two dwellings could be constructed on proposed Parcel 1.

Mitigation: None

References: Application information; Stanislaus County Zoning Ordinance; 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
a) Would the project result in the substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?				X
Other public facilities?				X

Discussion: The 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. Should a single-family dwelling be placed on proposed Parcel 1, a less than significant impact will occur as fees are put in place to offset the demand for more services. These fees will be required upon issuance of any building permit and will be placed as conditions of approval for this project. Any proposed dwellings

will be served by a private well and septic tank. Well permits are reviewed and issued by DER as are septic systems. New septic tanks for new dwellings on newly created parcels are subject to Measure X and are included in the building permit application which is reviewed by DER. Irrevocable irrigation easements for access to and maintenance of irrigation equipment will be recorded on the map and/or as a separate recordable document.

Mitigation: None

References: County policies and the Stanislaus County General Plan and Support Documentation¹

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

Discussion: Dwellings are not being proposed as a part of this project. Upon project approval, the landowner could construct up to two dwellings on proposed Parcel 1 after demonstrating that the dwellings will support the on-site agricultural use. There are no recreation facilities that would be impacted by the proposed project. Moreover, the proposed parcels are large enough to provide recreation area for the landowner.

Mitigation: None

References: Stanislaus County General Plan and Support Documentation¹

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
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Discussion: This project, as proposed, will not substantially increase traffic for this area. The proposed parcels will have access to County-maintained Tim Bell Road. The Stanislaus County Department of Public Works has reviewed this project and has asked for an Irrevocable Offer of Dedication (IOD) for the portions of Tim Bell Road adjacent to the project site. The IOD will be triggered if the required half width of the roadway does not exist east and north of each Road’s centerline. If applicable, the applicant will be required to dedicate the remaining difference. No residential structures are being proposed as a part of this project. The parcel is currently planted in walnut orchard and field crops and improved with a confined animal facility dairy operation.

Mitigation: None

References: Referral response from the Stanislaus County Department of Public Works dated April 7, 2015, and the Stanislaus County General Plan and Support Documentation¹

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

Discussion: Limitations on public utilities and service systems have not been identified. An early consultation referral was sent to DER, MID, AT&T, PG&E, and RWQCB. Conditions of approval from responding agencies and departments will be added to the project’s Conditions of Approval.

Mitigation: None

References: Referral response dated April 9, 2015, from Department of Environmental Resources; referral response dated April 13, 2015 from the Central Valley Regional Water Quality Control Board; 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 has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area. The project site is currently planted in walnut orchard and field crops and improved with a confined animal facility dairy operation. No structures or construction are being proposed as a part of this project.

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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: Vesting Tentative Parcel Map Application No. PLN2015-0001
– James & Betty Lemos

LOCATION OF PROJECT: 15343 Tim Bell Road, east of Dry Creek, at the northwest corner of Tim Bell and Hazeldean Roads, in the Waterford area. (APN: 015-015-085).

PROJECT DEVELOPERS: Lemos Family Trust, James & Betty Lemos, Trustees
15343 Tim Bell Road
Waterford, CA 95386

DESCRIPTION OF PROJECT: Request to create a 40± and a 64± acre parcel and a 40± acre remainder from a 144± acre site enrolled in Williamson Act Contract 72-0629.

Based upon the Initial Study, dated **July 16, 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: Rachel Wyse, 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: VESTING TENTATIVE PARCEL MAP PLN2015-0001 - James & Betty Lemos

REFERRED TO:	RESPONDED			RESPONSE			MITIGATION MEASURES		CONDITIONS			
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF CONSERVATION: Land Resources	X	X	X		X							
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF TRANSPORTATION DIST 10	X	X	X		X							
CA OPR STATE CLEARINGHOUSE	X	X	X	X				X		X		X
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X		X				X	X	
CA STATE LANDS COMMISSION	X	X	X		X							
CENTRAL VALLEY FLOOD PROTECTION	X	X	X		X							
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: Stanislaus Consolidated	X	X	X	X				X		X		X
HOSPITAL DISTRICT: Oak Valley	X	X	X		X							
IRRIGATION DISTRICT: Modesto	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: Waterford	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 FARM BUREAU	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							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS			X									
TELEPHONE COMPANY: AT&T	X	X	X		X							
US ARMY CORPS OF ENGINEERS	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							
USDA NRCS	X	X	X		X							