

# STANISLAUS COUNTY PLANNING COMMISSION

December 3, 2015

## STAFF REPORT

### VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. PLN2014-0074 FAIRWAY 7 ESTATES

**REQUEST: TO SUBDIVIDE AN 8.1± ACRE PARCEL INTO 13 LOTS OF APPROXIMATELY 20,000 TO 27,466 SQUARE FEET EACH.**

#### APPLICATION INFORMATION

Applicant/Owner:	Rich Deponte/Deponte Family Investments, A California General Partnership
Agent:	Kevin Cole, Giuliani & Kull, Inc.
Location:	At the northeast corner of State Route 108/120 and North Stearns Road 12-2-10
Section, Township, Range:	One (Supervisor O'Brien)
Supervisorial District:	064-016-004
Assessor's Parcel:	See Exhibit G
Referrals:	Environmental Review Referrals
Area of Parcel(s):	8.1± acres
Water Supply:	Public (Oakdale Irrigation District)
Sewage Disposal:	Septic system
Existing Zoning:	R-A (Rural Residential)
General Plan Designation:	LDR (Low Density Residential)
Sphere of Influence:	N/A
Community Plan Designation:	N/A
Williamson Act Contract No.:	N/A
Environmental Review:	Negative Declaration
Present Land Use:	Vacant
Surrounding Land Use:	North Stearns Road and the City of Oakdale to the west, State Route 108/120 to the south single-family residential development to the east, and the Oakdale Golf and Country Club to the north.

#### RECOMMENDATION

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

## **PROJECT DESCRIPTION**

This is a request to subdivide an 8.1± acre parcel into twelve 20,000± square-foot residential lots and one 25,915 square-foot public utility lot that contains a stormwater retention basin, emergency access and a landscaped public utility easement, identified as Lot A on the vesting tentative subdivision map. (See *Exhibit B – Maps, Vesting Tentative Map, Tree Planting Plan.*)

This application was initially advertised to include a request for an exception to the County's Standard and Specifications relating to exceeding the maximum length standard of 500-feet for a cul-de-sac. The authority to grant an exception to the Standards and Specifications lies with the Director of Public Works, which is not opposed to the proposed street design.

Plaza Del Oro Drive, located immediately east of the project site, presently extends approximately 500 feet west of the nearest intersection and is proposed to extend westward an additional 1,000 feet for 1,500+/- feet long cul-de-sac. A 20-foot wide paved emergency vehicle access road is proposed to extend along the stormwater basin west to North Stearns Road. This residential development will access State Route 108/120 via Deo Gloria Drive, located to the east of the project site.

The project site will be served with potable water by the Oakdale Irrigation District. Sanitary sewer for the project site will be provided by individually approved Measure X septic systems on each lot. The proposed street, storm drainage basin and each lot will be graded to allow for the proposed development. The grading will need to accommodate any future residential expansion, which could trigger the need for the expansion of the septic systems. As part of tentative map design a conceptual buildable envelope was added to showcase a possible orientation of development to accommodate any septic expansion. (See *Exhibit B – Maps, Vesting Tentative Map, Tree Planting Plan.*)

The proposed project will include the installation of curb, gutter, sidewalks, a landscaped roundabout, an eight foot block wall with landscaping or ten-foot high block wall without landscaping along State Route 108/120, and a 6-foot high block wall along North Stearns Road. The block walls, drainage basin and landscaped entry will be maintained in perpetuity through the creation of and annexation to a community service area.

## **SITE DESCRIPTION**

The project site is vacant and located northeast of the State Route 108/120 and North Stearns Road intersection, abutting the eastern boundary of the City of Oakdale. The parcel was previously owned by the California Department of Transportation (CalTrans) for the purpose of right-of-way acquisition. Plaza Del Oro Drive stubs into the east property line of the subject site.

The project site is surrounded by the Oakdale Golf and Country Club to the north, to the west is undeveloped agricultural land that is within the City of Oakdale's jurisdiction, to the south of State highway 108/120 is vacant pasture land; and to the east is single-family residential development of similar lot size.

The western area of the project site contains a 50-foot wide Oakdale Irrigation easement and irrigation infrastructure. The project site includes two existing gas lines that traverse the site from the east to the west.

## **ISSUES**

The following discussion provides an evaluation of issues identified during the review of this application:

### 1. Septic/Grading

The proposed lots currently vary topographically in elevation. As part of the findings needed for the vesting tentative map to be approved, the site must be physically suitable for the type of development being proposed. The significant changes in elevation in some lots (e.g.: 1, 5, 6, 7 and 12) require the applicant to grade them and install engineered retaining walls. The application indicates there will be approximately 700 cubic yards of soil to be graded. The County's Public Works Department receives and processes all grading permits. They will review each lot's individual need for physical stability. A condition of approval has been added to require the grading for each lot be completed prior to the recordation of the map.

The proposed subdivision proposes septic systems for wastewater disposal. Based on the previously mentioned topographical variability, certain septic systems may have difficulty operating properly. Staff received a referral response from the Department of Environmental Resources (DER) regarding the suitability of particular lots. DER has concerns on the viability of septic systems due to the terrain's ability to properly dispose of all effluent matter. To address this concern, the applicant will need to engineer the septic systems for lots 6, 7, and 12. The engineered systems will need to be reviewed and approved by DER before the final map can be recorded. Staff has added a condition of approval to reflect this requirement.

### 2. Traffic/Transportation

The primary ingress and egress for the development will be through Plaza Del Oro Drive, which has access to Deo Gloria Drive and State Route 108/120. During the environmental review referral period, a comment response from CalTrans was received requesting the County collect a transportation impact mitigation fee from developers for future improvements. At this point, staff does not have any evidence on the record that the project will create significant impacts to the transportation route accessing State Route 108/120 as it will only include 12 new single-family dwellings. County Public Works staff comments that public facility fees generated from the development of this project will aptly contribute to any future improvements needed for this intersection. A standard condition of approval has been added to address the collection of public facility fees.

In addition, the Stanislaus County Environmental Review Committee (ERC) commented on the need for the project to provide multi-modal access path for pedestrian and bicycle enthusiast. The multi-modal access path will allow pedestrians and bicyclists passage through the subdivision wall along the western boundary towards North Stearns Road. ERC recommended that the access be a minimum 5-foot wide path contiguous with the proposed 20-foot emergency access lane. Staff believes the pedestrian passage will potentially provide alternative access to the City of Oakdale. The applicant is in agreement with this request. Therefore, a condition of approval has been added to address this comment.

### 3. Biological

During the early consultation, a comment referral was received from the California Department of Fish and Wildlife (CDFW). The letter (*See Exhibit F CA Dept. of Fish and Wildlife Referral*

*Response dated June 02, 2015*) detailed the possible presence of protected wildlife and plant life on the project site. As described earlier, the site was previously owned by CalTrans and configured for right-of-way acquisition. While the comment letter describes the potential for sensitive wildlife or plant life; based on the initial study (*See Exhibit D – Initial Study*), it does not appear to be adjacent to any known habitats. The CDFW comment letter requests that the applicant employ a qualified biologist to survey the site for the species prior to any grading. A condition to perform the survey prior to ground disturbance has been added.

The project site also features numerous oak trees of varying size. The applicant is not proposing to remove any of these trees. However, a goal of the Conservation and Open Space Element of the General Plan calls for the protection of oak woodlands and other native hardwood by requiring a management plan for their protection. Staff has added a condition of approval to develop an oak tree management plan prior to the issuance of a grading permit.

#### 4. Stormwater Basin/Lot A

A stormwater retention basin is proposed at the southwest portion of the project site. The retention basin is proposed as Lot A, which also includes a remnant area west of parcel 1. Lot A will also feature a 6-foot split face block wall as well as the emergency access roadway. The balance of Lot A west of the block wall will be landscaped. Lot A also contains an Oakdale Irrigation District (OID) irrigation line in a 50-foot wide easement. The District requests that a new 30-foot wide easement be dedicated along the center of the existing irrigation line, supplanting the existing 50-foot wide easement. OID will allow some landscaping within the new easement as long it does not interfere with existing infrastructure. Conditions of approval will be added to the project to carry out OID's requests.

All development features of Lot A (curb, gutter, sidewalk, block walls and street improvements) will need to be installed per County Standards and Specifications. Once recorded, the County will take over maintenance of these improvements through a Community Service Area. The applicant shall either annex or create a County Service Area to bear the cost of maintenance and operation. An additional condition will be required for the applicant to annex into the Deo Gloria Estates Lighting and Landscaping Assessment District.

#### **GENERAL PLAN CONSISTENCY**

The site is currently designated as Low Density Residential for the purpose of providing adequate locations for single-family detached homes within a conventional or clustered development pattern. The proposed development would be consistent with this designation as the intent of subdivision would be to create lots for the construction of single-family dwellings.

The County's Conservation and Open Space element of the General Plan has established goals and policies to provide open space and meet recreational needs for the residents of the County. The County has established a standardized parkland dedication and fee structure to contribute to the fulfillment of this goal by new residential development. Based on the number of lots being proposed, the applicant will be subject to paying park in-lieu fees prior to the issuance of any building permit for a dwelling. A condition of approval has been added to ensure this.

Staff believes the proposed project will be consistent with the Goals and Policies of the County's General Plan as it provides compatibility between land uses and will not expand the boundaries of unincorporated communities. The project will provide infill to an area that has been mostly built out with similar development.

## **ZONING & SUBDIVISION ORDINANCE CONSISTENCY**

The site is currently zoned R-A (Rural Residential), which allows for minimum lot sizes based on the availability of utilities. Section 21.24.060 of the County Zoning Ordinance stipulates that parcels of at least 20,000 square foot in area are required to be serviced by either public water and private septic tank facilities or private well and public sewer facilities. As described earlier, the proposed parcels will be at minimum 20,000 square feet in area and will be served by Oakdale Irrigation District for potable water and utilize private septic systems. A conceptual tree planting plan was submitted as prescribed by Zoning Ordinance (*See Exhibit B – Maps Vesting Tentative Subdivision Map, Tree Planting Plan*) for new subdivisions. A final tree planting plan will be conditioned to be submitted prior to the recording of the final map.

The parcels, as proposed, are consistent with minimum lot and depth requirements of the R-A Zoning District. Staff believes that the proposed project is consistent with the subdivision and zoning ordinance.

## **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 F – 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 E – Negative Declaration.*) Conditions of approval reflecting referral responses have been placed on the project. (*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:                      Jeremy Ballard, Assistant Planner, (209) 525-6330

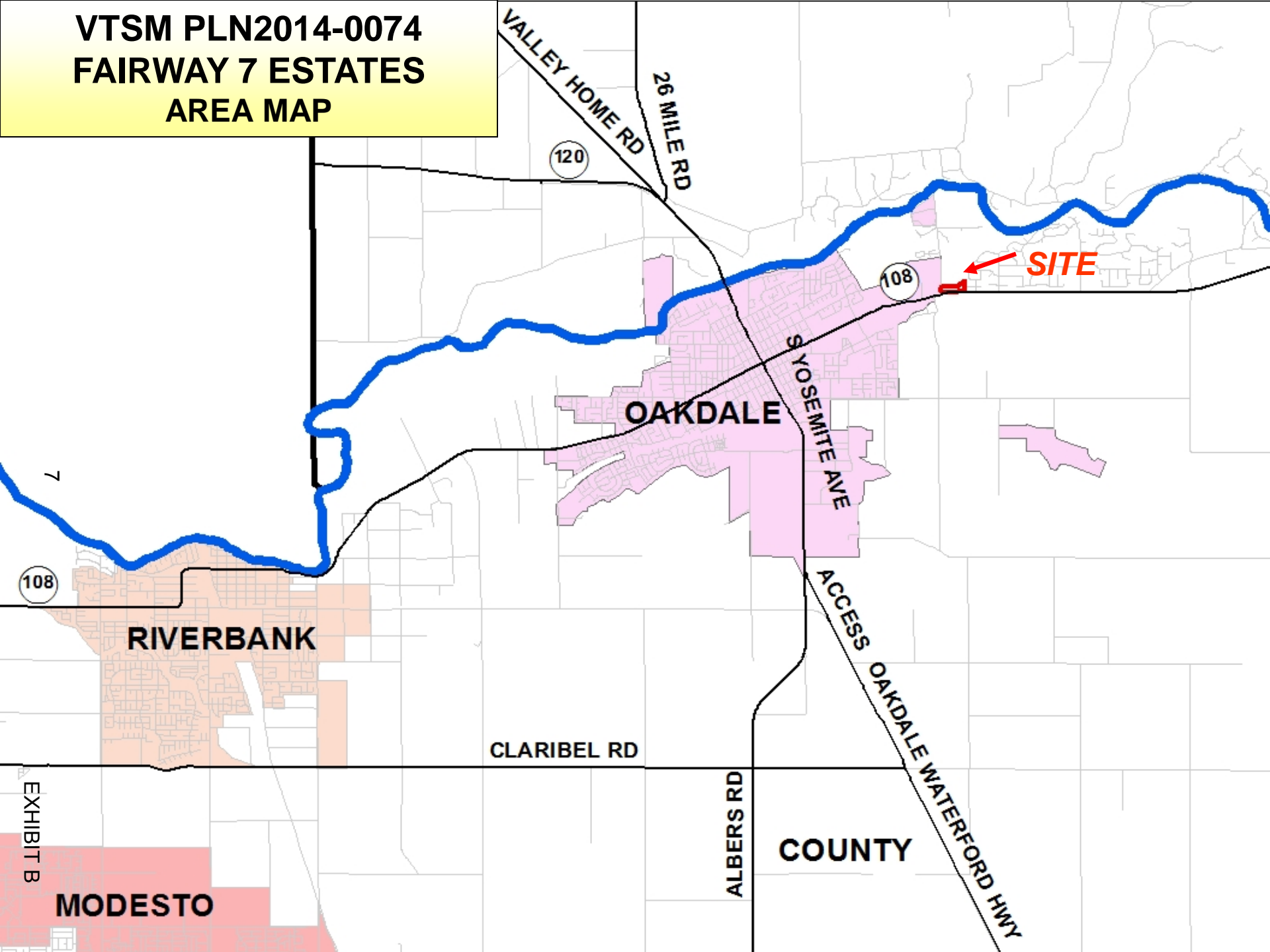
### Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps, Vesting Tentative Subdivision Map, Tree Planting Plan
- Exhibit C - Conditions of Approval
- Exhibit D - Initial Study
- Exhibit E - Negative Declaration
- Exhibit F - CA Dept. of Fish and Wildlife Referral Response dated June 02, 2015.
- Exhibit G - Environmental Review Referral

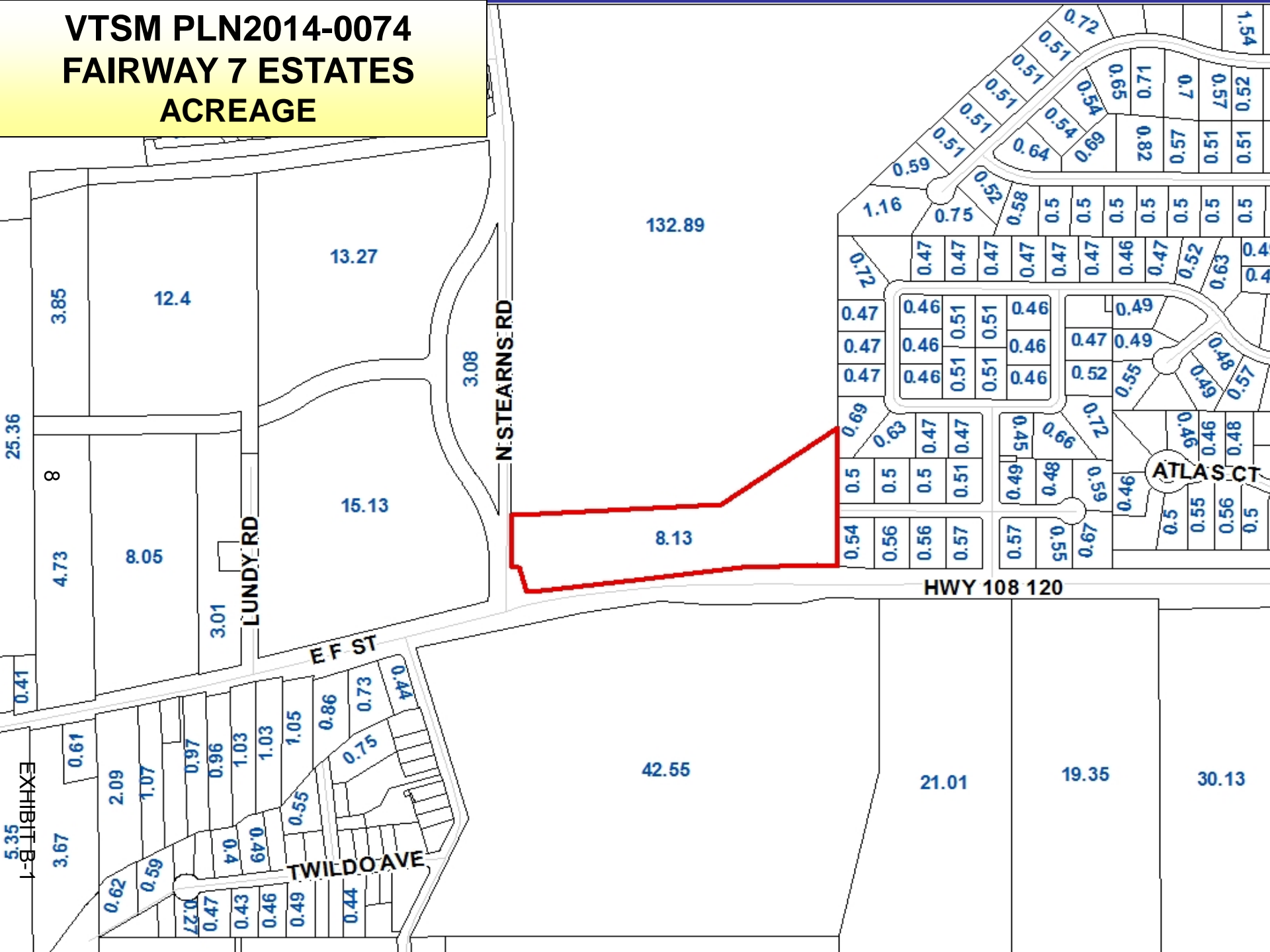
**Exhibit A**  
**Findings and Actions Required for Project Approval**

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
  - (a) That 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 commission 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 and;
  - (h) That 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 Subdivision Map & Exception No. PLN2014-0074 – Fairway 7 Estates, subject to the attached conditions of approval.

**VTSM PLN2014-0074  
FAIRWAY 7 ESTATES  
AREA MAP**



# VTSM PLN2014-0074 FAIRWAY 7 ESTATES ACREAGE



132.89

3.08

N. STEARNS RD

13.27

12.4

15.13

LUNDY RD

8.13

HWY 108 120

ATLAS CT

42.55

21.01

19.35

30.13

EF ST

TWILDO AVE

EXHIBIT B-1

5.35

8

0.41

3.67

0.61

0.62

1.27

0.47

0.43

0.46

0.49

0.44

0.59

2.09

1.07

0.97

0.96

1.03

1.03

1.05

0.86

0.75

0.73

0.44

4.73

8.05

3.01

25.36

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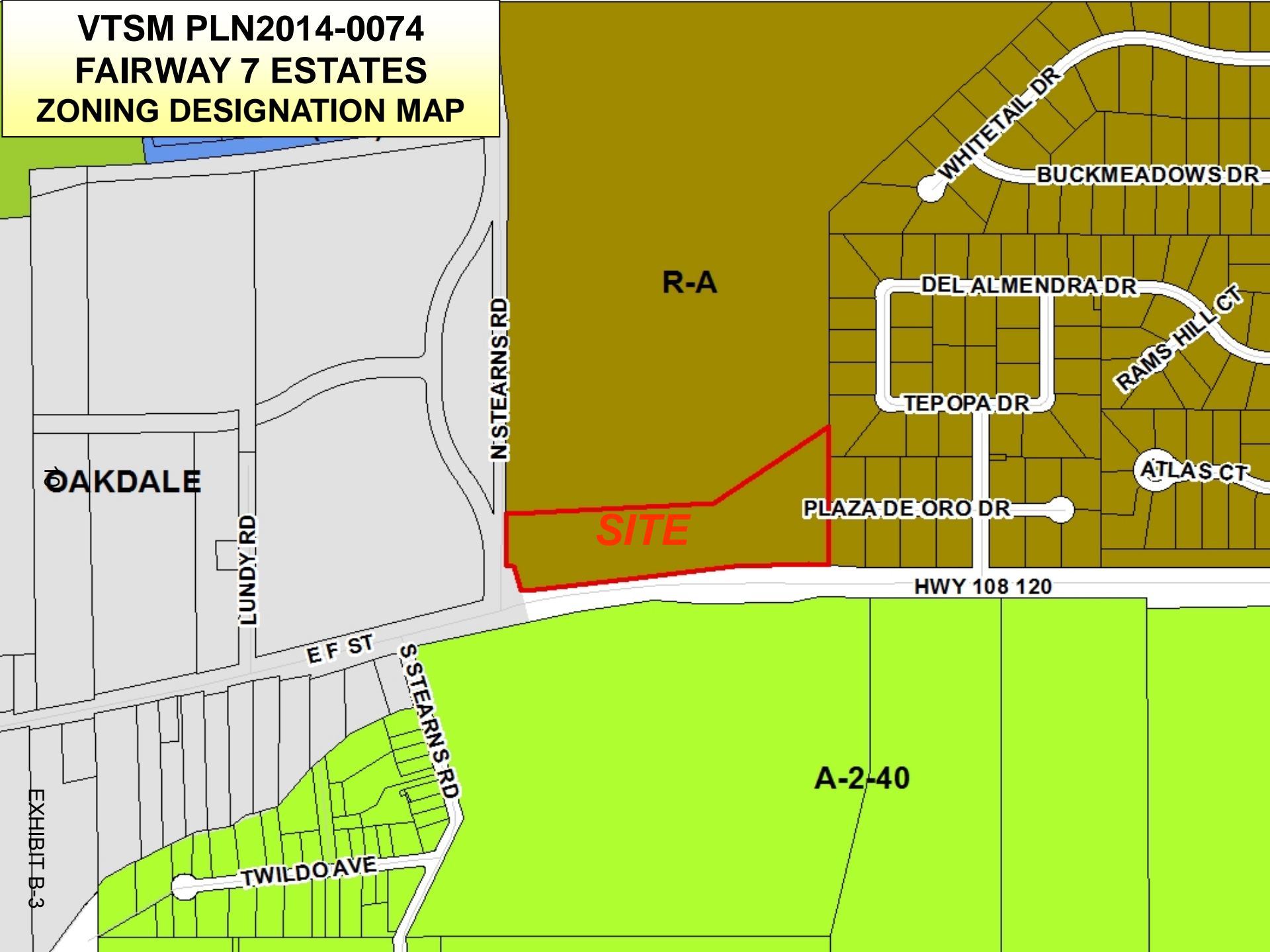
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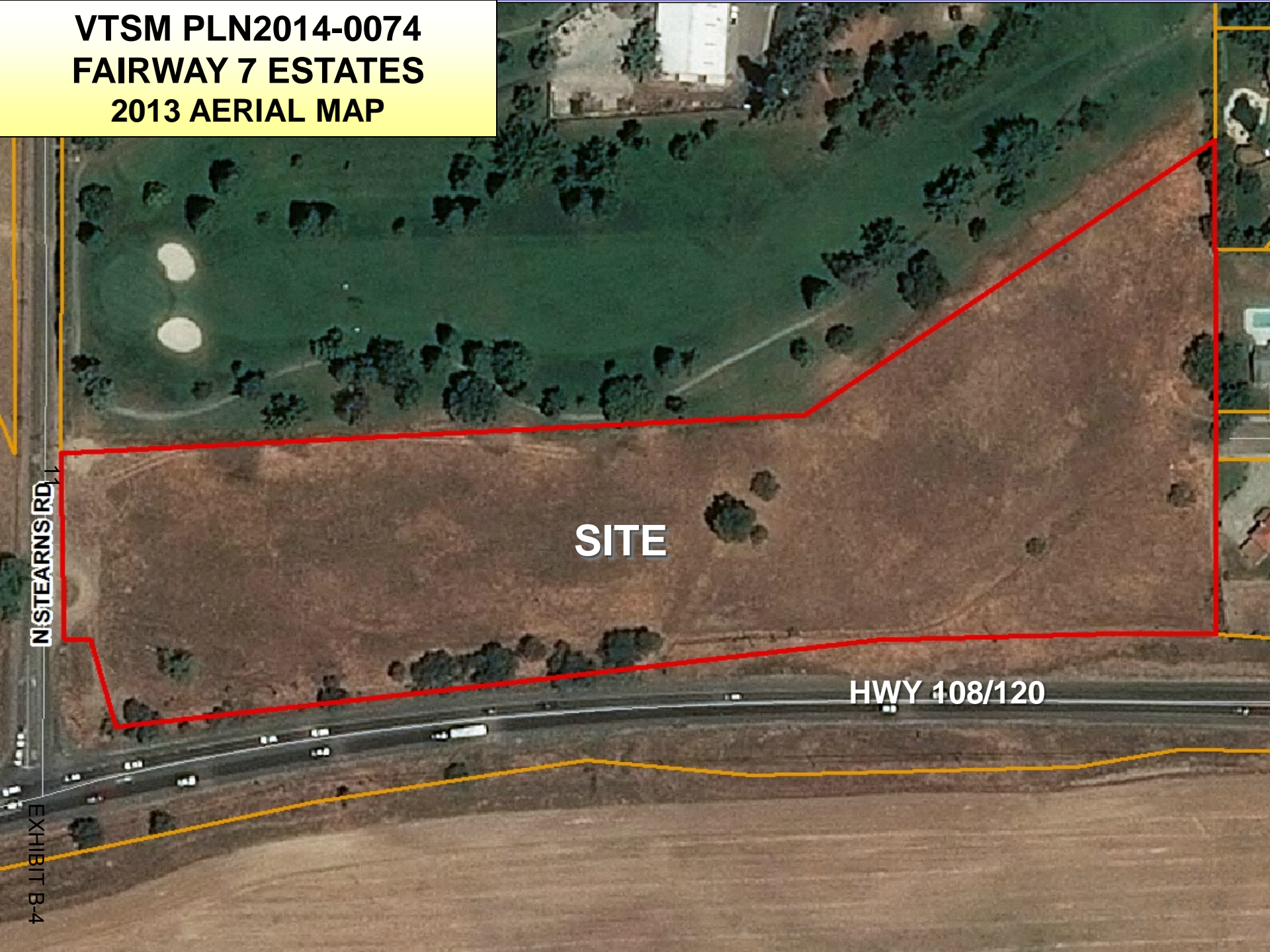
**VTSM PLN2014-0074  
FAIRWAY 7 ESTATES  
GENERAL PLAN MAP**



**VTSM PLN2014-0074  
FAIRWAY 7 ESTATES  
ZONING DESIGNATION MAP**



**VTSM PLN2014-0074  
FAIRWAY 7 ESTATES  
2013 AERIAL MAP**



N STEARNS RD

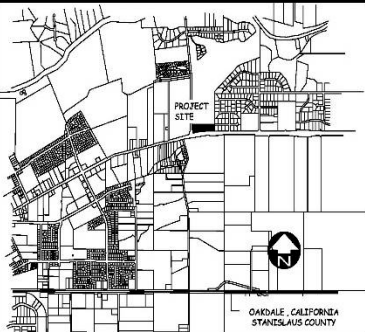
**SITE**

**HWY 108/120**

EXHIBIT B-4

# VTSM PLN2014-0074 FAIRWAY 7 ESTATES VESTING TENTATIVE SUBDIVISION MAP

SUBDIVISION MAP NO. 2014-0074  
FAIRWAY 7 ESTATES  
STANISLAUS COUNTY, CALIFORNIA



### STORMWATER CONTAINMENT

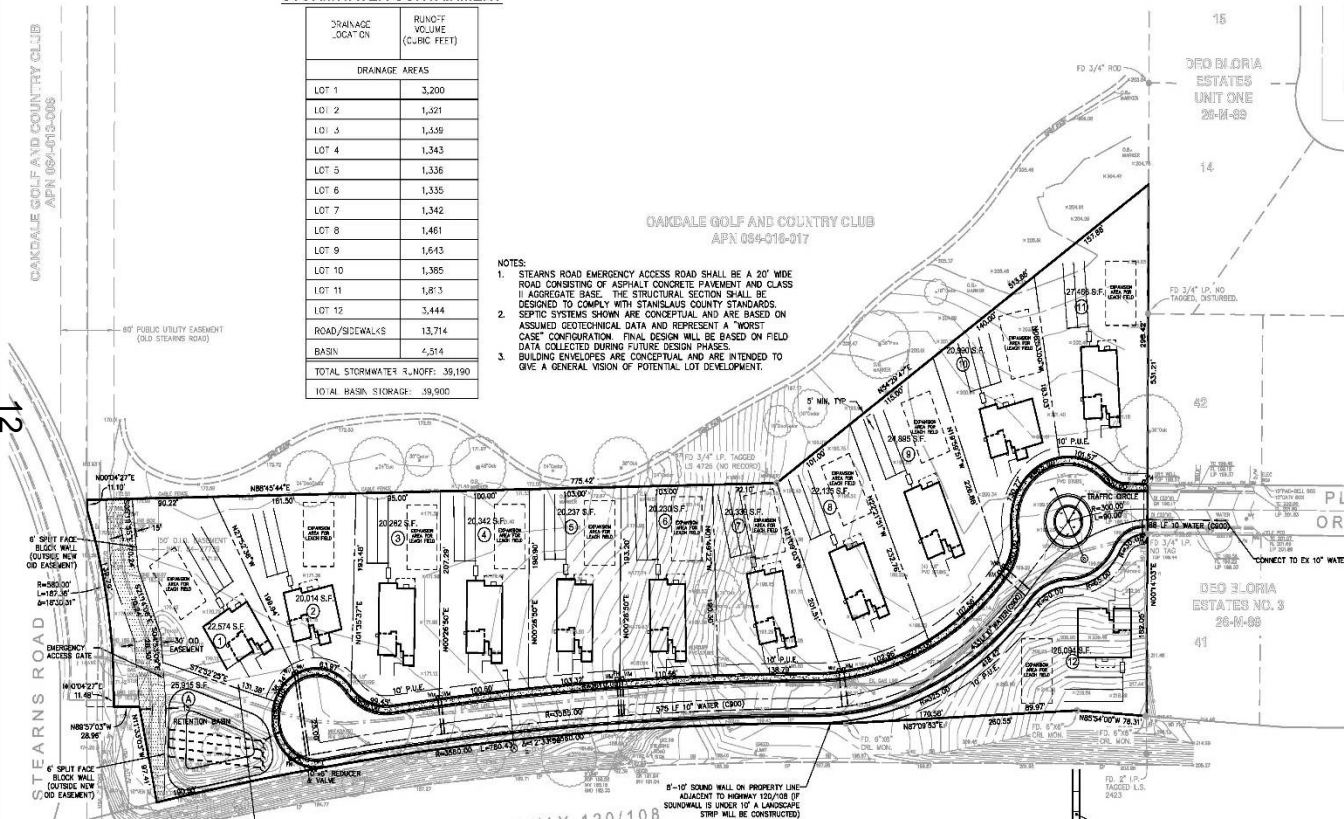
DRAINAGE LOCATION	RUNOFF VOLUME (CUBIC FEET)
<b>DRAINAGE AREAS</b>	
LOT 1	3,200
LOT 2	1,321
LOT 3	1,338
LOT 4	1,343
LOT 5	1,336
LOT 6	1,335
LOT 7	1,342
LOT 8	1,461
LOT 9	1,613
LOT 10	1,365
LOT 11	1,813
LOT 12	3,444
ROAD/SIDEWALKS	13,714
BASIN	4,514
<b>TOTAL STORMWATER RUNOFF:</b>	<b>36,190</b>
<b>TOTAL BASIN STORAGE:</b>	<b>39,900</b>

**NOTES:**  
 1. STEARNS ROAD EMERGENCY ACCESS ROAD SHALL BE A 20' WIDE ROAD CONSISTING OF ASPHALT CONCRETE PAVEMENT AND CLASS II AGGREGATE BASE. THE STRUCTURAL SECTION SHALL BE DESIGNED TO COMPLY WITH STANISLAUS COUNTY STANDARDS.  
 2. SEPTIC SYSTEMS SHOWN ARE CONCEPTUAL AND ARE BASED ON ASSUMED GEOTECHNICAL DATA AND REPRESENT A "WORST CASE" CONFIGURATION. FINAL DESIGN WILL BE BASED ON FIELD DATA COLLECTED DURING FUTURE DESIGN PHASES.  
 3. BUILDING ENVELOPES ARE CONCEPTUAL AND ARE INTENDED TO GIVE A GENERAL VISION OF POTENTIAL LOT DEVELOPMENT.

OAKDALE GOLF AND COUNTRY CLUB  
APA 084-016-017

OAKDALE GOLF AND COUNTRY CLUB  
APN 089-018-008

12



### PROJECT INFORMATION:

**OWNER/APPLICANT:** DEPONTE FAMILY INVESTMENTS  
 RICH DEPONTE  
 2005 COFFEE ROAD SUITE 12A  
 (209) 491-5430  
 MODOesto, CA 95355

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

**TOTAL AREA:** 8.14 AC. ±

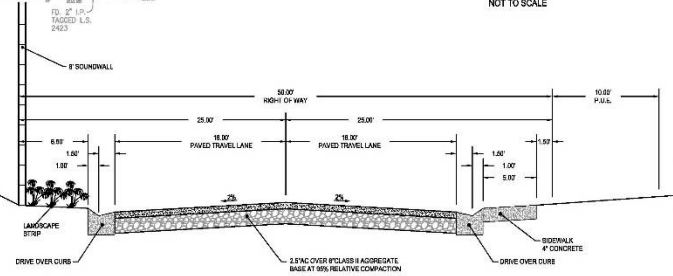
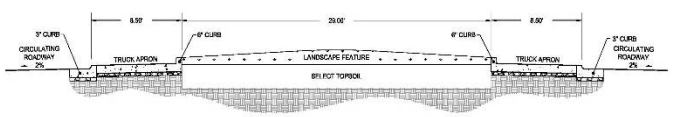
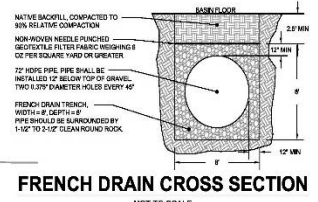
**LOT SUMMARY:** \* 12 CUSTOM RESIDENTIAL UNITS  
 \* 1 STORM DRAINAGE BASIN

**ZONING:** R-A

**DOMESTIC WATER:** OAKDALE IRRIGATION DISTRICT PUBLIC WATER SYSTEM

**SEWER:** PRIVATE SEPTIC

**STORM:** STANISLAUS COUNTY



**Giuliani & Kull, Inc.**  
 Engineers • Planners • Surveyors  
 440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361  
 (209) 847-9726  
 Auburn • San Jose • Oakdale

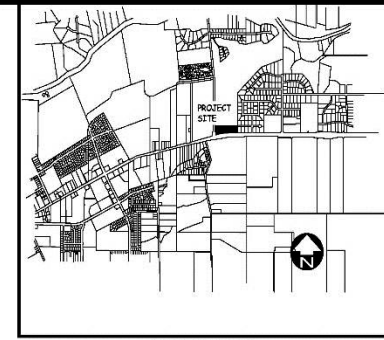
**VESTING TENTATIVE  
 SUBDIVISION MAP  
 FAIRWAY 7 ESTATES  
 PLAZA DE ORO DRIVE  
 STANISLAUS COUNTY, CALIFORNIA**

SCALE: 1" = 40'  
 DRAWN BY: KSC  
 CHECKED BY: CJT  
 CHECKED BY: WPK  
 DATE: 3/30/15  
 SHEET: 1  
 OF 1  
 JOB NO: 13199

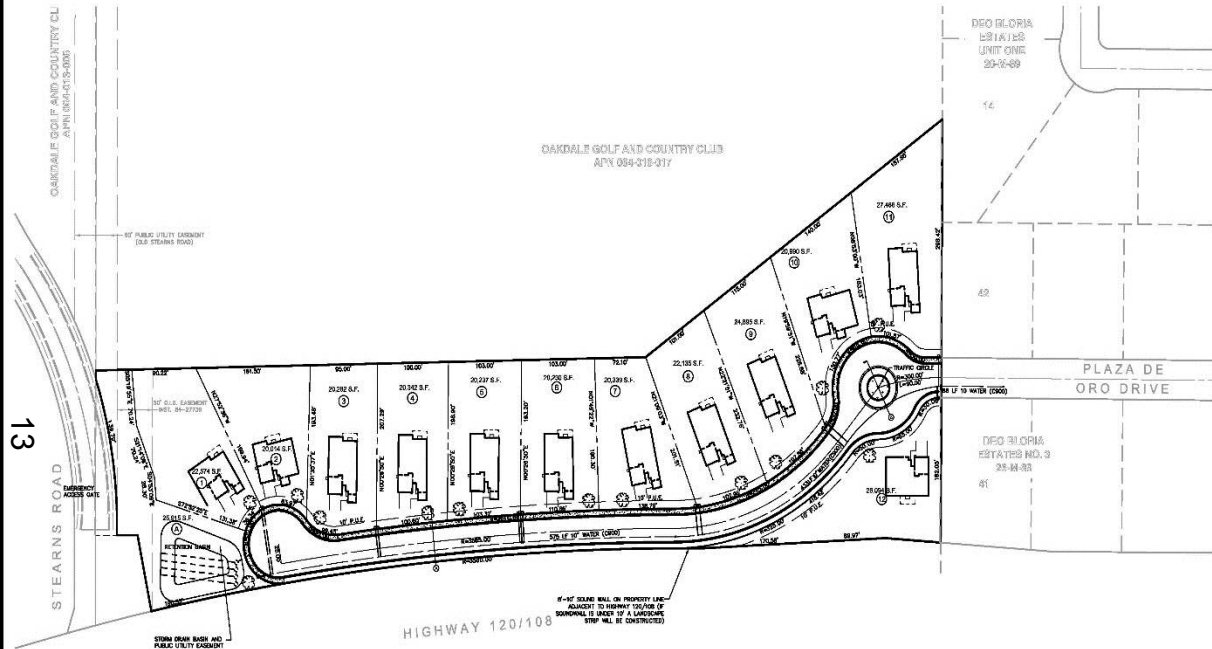
EXHIBIT B-5

# VTSM PLN2014-0074 FAIRWAY 7 ESTATES CONCEPTUAL TREE PLANTING PLAN

## TREE PLANTING PLAN SUBDIVISION MAP NO. 2014-0074 FAIRWAY 7 ESTATES ALAMEDA COUNTY, CALIFORNIA



VICINITY MAP  
NO SCALE



### GENERAL PLANTING NOTES

- The contractor shall examine the conditions of the site prior to commencement of work. Any conditions that differ from what is shown on the plans that will affect the installation process shall be brought to the attention of the Owner prior to work. Commencement of work triples acceptance of the conditions of the site.
- Each home (lot) shall receive at least one 15-gallon size front yard/street trees. Corner lots (if applicable) shall be installed with two 15-gallon trees (one in the front and one on the side yard, not behind the backyard fence). Tree species shall be provided by the owner and/or approved by the County prior to installation. The tree shall be installed with the construction of each house.
- Irrigation for the trees are to be provided as part of the front yard landscape (See Production Front Yard Landscape Plan).
- The contractor shall verify all plant quantities prior to installation. Plant quantities are listed for the convenience of the contractor, number of symbols shall have priority over quantity given.
- The contractor shall be responsible for the purchasing of all material to meet the specifications of the plans including plants, soil, fertilizer, and stakes. The contractor shall also be responsible for the protection of these materials until the project has been completely turned over to the owner.
- All plant material shall be subject to approval or rejection by the Owner's Representative prior to installation. Installed and then rejected material shall be replaced by the contractor at the Owner's expense.
- The contractor shall include in the bid for a continued maintenance period of sixty (60) days after completion and acceptance of the project by the Owner or Owner's Rep. Trees shall be guaranteed for one year after installation with the exception of vandalism or negligence by the Home-owner.
- Trees to be planted a min. of 3'-0" from edge of paving or walls (unless otherwise stated on plan). All trees in a formal group or in a row shall be matching in size and shape. Contractor shall coordinate with the utilities and plant the trees in accordance with clearances from utilities.
- A Nitrogen stabilized commercial-grade mulch with maximum 3/4" dia. chip size shall be uniformly broadcast in a 6' diameter ring around the trees.
- The planting pits for trees shall be excavated per the detail on the Landscape Details sheet. The backfill mix for use in all tree and shrub pits shall consist of the following:  
 8 parts on-site soil  
 4 parts organic amendment (above)  
 1 bag of mix 12-12-12 commercial fertilizer  
 2 lbs./cu. yd. of mix iron sulfate  
 10 lbs./cu. yd. of mix Agricultural Gypsum
- Fertilizer tablets shall be BEST, 21 gram fertilizer tablets (20-10-5) placed in all planting pits in quantities as follows:  
 15 gallon      4 tablets  
 24" Box        4 tablets
- All plant material to be nursery grown in similar climate. All plant material shall be vigorous and of normal habit of growth and shall be free of girdling roots, sun scald, abrasions, disease, insects, insect eggs and larvae. Plants shall equal or exceed the standards as outlined by the American Standards for Nursery Stock and to applicable California Agriculture Code.

SYMBOL	BOTANICAL NAME	COMMON NAME
TREES		
	PISTACHE CHINDENSIS	CHINESE PISTACHE

THE ITEMS INDICATED IN THE ABOVE LEGEND ARE PRELIMINARY AS THIS PLAN IS INTENDED TO PROVIDE A CONCEPTUAL PLAN FOR TREE PLANTING. FINAL INSTALLATION SHALL COMPLY WITH THE APPROVED LANDSCAPE PLANS.

**DIGALERT**  
1-800-227-2600  
FALL 2013 VERSION LAWS & REGULATIONS

**GK Giuliani & Kull, Inc.**  
Engineers • Planners • Surveyors  
440 S. Yosemite Avenue, Suite A, Oakland, CA 94611  
(209) 847-8726 Fax (209) 847-7323  
Auburn • San Jose • Oakland

**CONCEPTUAL TREE PLANTING PLAN**  
FAIRWAY 7 ESTATES  
PLAZA DE ORO DRIVE  
STANISLAUS COUNTY, CALIFORNIA

SCALE	1" = 40'
DRAWN BY	SOT
DESIGNED BY	CTJ
CHECKED BY	WFK
DATE	3/30/15
SHEET	1
OF	1
DWG NO.	13199

EXHIBIT B-6

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NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 18 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of the following actions must occur: (a) a valid building permit must be obtained to construct the necessary structures and appurtenances; or, (b) the property must be used for the purpose for which the permit is granted. (Stanislaus County Ordinance 21.104.030)

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## **CONDITIONS OF APPROVAL**

### **VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. PLN2014-0074 – FAIRWAY 7 ESTATES**

#### **Department of Planning and Community Development**

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

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

2. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time the map was vested.
3. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
4. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands" "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary.
5. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
6. Pursuant to Sections 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of

- Fish and Game and shall be responsible for obtaining all appropriate stream-bed alteration agreements, permits, or authorizations, if necessary.
7. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
  8. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.
  9. The recorded 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."
  10. 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.
  11. Prior to the issuance of a building permit for each lot, the owner/developer shall submit a landscaping plan for the entire site. The landscaping plan shall meet all requirements of California Code of Regulations Title 23 Division 2, Chapter 2.7. "Model Water Efficient Landscape Ordinance. Fences and landscaping adjacent to roadways shall be in compliance with the County's "Visibility and Obstructions at Public Intersections" ordinance.
  12. The block wall along State Route 108/120 shall be 10 feet tall without landscaping or 8 feet tall with landscaping incorporated into the design. The final design shall be approved by the Director of Planning and Community Development or his/her designee prior to the recording of the final map.
  13. A final tree planting plan shall be approved by the Director of Planning and Community Development or his/her designee prior to the recording of the final map. The trees shall be planted prior to final occupancy of each dwelling.
  14. Prior to the commencement of any ground disturbance, the applicant shall employ a qualified wildlife biologist to survey the project area for active nests, Swainson's Hawk, and Burrowing Owls. The area surveyed shall include any potential sites that could be affected within or adjacent to the proposed project. All survey work done shall be coordinated with and satisfy all recommendations for monitoring, minimization measures, and/or offsets by the California Department of Fish and Wildlife. The applicant shall follow guidelines as identified by the California Department of Fish and Wildlife comment letter dated June 02, 2015.
  15. An oak tree management plan shall be approved by the Director of Planning and Community Development or his/her designee prior to the issuance of a grading permit.

**Department of Public Works**

16. The recorded tentative map shall be prepared by a licensed land surveyor or a registered civil engineer licensed to practice land surveying.
17. All structures not shown on the tentative map shall be removed prior to the parcel map being recorded.
18. The new parcels shall be surveyed and fully monumented prior to the recording of the final map.
19. Road right-of-way shall be dedicated to Stanislaus County to provide for 50-feet of right-of-way for Plaza Del Oro.
20. All new utilities shall be underground and located in public utility easements. A 10-foot wide public utility easement (P.U.E.) shall be located adjacent to all road right of ways. The P.U.E. shall be shown on the final map.
21. An Encroachment Permit shall be obtained for any work done in Stanislaus County road right-of-way.
22. Three copies of off-site improvement plans that are consistent with the Stanislaus County Standards and Specifications (Plaza De Oro), City of Oakdale standards (Stearns Road), and Caltrans standards (SR 108/120) shall be submitted and approved by Stanislaus County Public Works prior to the issuance of any building permit associated with this project.
23. A complete set of on- and off-site grading, drainage and street improvement plans shall be signed by the Department of Public Works prior to the final map being recorded. All improvements in and along Plaza De Oro shall be designed and constructed in conformance with the standards contained in the 2014 edition of the Stanislaus County Improvement Standards. The improvements shall include, but not be limited to, street pavement, 6-inch concrete curb and gutter, sidewalks, street lights, drainage facilities, pavement markings, retaining walls and road signs. North American Vertical Datum shall be used. If available, 1988 data shall be used. A positive storm drainage system, conforming to County standards shall be installed. The drainage system shall be designed to handle the runoff from a 100-year storm in a 24-hour period and dispose of the runoff from a 100-year storm in a 48-hour period.
24. The subdivider shall furnish the Department of Public Works three copies of a soils report for the area being subdivided. The report shall also include: (a) sufficient R-value test to establish appropriate road sections, (b) should include slope stability (c) backfill recommendations, (d) retaining wall recommendations, (e) cut/fill transitions, and (f) sufficient test boring to log the soil strata, determine the static water level and the percolation rate of the drainage basin. The boring shall be made at the location of the proposed storm drain basin. The report shall be signed by a California registered civil engineer or registered geotechnical engineer.
25. Prior to final inspection or occupancy of any structure, street improvements shall be installed that are consistent with the City of Oakdale standards for Stearns Road and Caltrans standards for SR 108/120. This includes acceptance of the public road right-of-way by the Stanislaus County Board of Supervisors. This shall include the extension of Plaza Del Oro Drive as shown on the vesting tentative parcel map. The improvements shall include but not



- limited to street lights, curb, gutter, and sidewalk, storm drainage, driveways, matching pavement and handicap ramps. Improvement plans shall be submitted to Public Works Department for review and approval.
26. All existing irrigation lines within the area to be subdivided shall be removed or relocated into easements along lot lines. The irrigation lines shall be reinforced at road crossings and driveways. All irrigation lines or structures which are to be abandoned shall be removed. All work shall be done in accordance with the requirement of the Department of Public Works and the Oakdale Irrigation District.
  27. A grading and drainage plan for the project site shall be submitted with the grading permit. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:
    - Drainage calculations shall be prepared as per the Stanislaus County Standards and Specifications that are current at the time the permit is issued.
    - The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.
    - The grading and drainage plan shall comply with the National Pollutant Discharge Elimination System (NPDES) General Permit and Stanislaus County storm water treatment and quality standards.
    - The grading, drainage, and associated work shall be accepted by Stanislaus County Public Works prior to a final inspection or occupancy, as required by the building permit.
    - The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the building and/or grading plan and all inspection fees. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site. The plans shall not be released until such time that all plan check and inspection fees have been paid.
  28. The streetlights shall be annexed into the Deo Gloria Lighting District. The applicant shall provide all necessary documents and pay all the costs associated with the annexation process. The annexation of the parcel into the Deo Gloria Lighting District shall be completed before the final/occupancy of any building permit associated with this project.
  29. Prior to the final map being recorded, the subdivider shall deposit the first year's operating and maintenance cost of the street lights with the Department of Public Works.
  30. All street lights shall be installed on steel poles per County Standards and Specifications.
  31. Prior to the parcel map being recorded, a county service area (CSA) shall be formed to provide funds to ensure future maintenance of the storm drainage system, block walls and landscaped areas. The developer shall provide all necessary documents and pay all fees associated with the formation of the CSA. As part of the formation, a formula or method for the calculation of the annual assessment shall be approved.
  32. Prior to the Department of Public Works doing any plan review or inspections associated with the development, the subdivider shall sign a "Subdivision Processing/Inspection Agreement" and post a \$10,000 deposit with Public Works.
  33. A set of Record Drawings (mylars) as specified in the County standards and electronically scanned files for each sheet in a PDF format shall be provided to and approved by the

Department of Public Works prior to acceptance of the road improvements. A set of Record Drawings shall be provided to and approved by the Department of Public Works prior to acceptance of the subdivision improvements by the County.

34. All public roads shall have a fog seal applied prior to the end of the one year maintenance period and final acceptance by Stanislaus County.
35. Street monuments and covers shall be installed to County standards.
36. Prior to the final map being recorded, the subdivider shall either:
  - a. Sign a "Subdivision Improvement Agreement" and post the required certificates of insurance and subdivision bonds with the Department of Public Works, **or**
  - b. Construct all subdivision improvements and have the improvements accepted by the Stanislaus County Board of Supervisors.
37. An Engineer's Estimate shall be provided for the subdivision improvements so the amount of the bond/financial security can be determined if a Subdivision Improvement Agreement is required. The Engineer's Estimate shall be stamped and signed by a licensed civil engineer.
38. A Grading Permit shall be obtained from the Department of Public Works prior to the start of importing, exporting or otherwise moving any dirt.
39. Prior to the final map being recorded, the lot grades shall conform to the approved grading plan, including the use of engineered retained walls. Written certification by a civil engineer or geotechnical engineer is required by the Department of Public Works.
40. Prior to the approval of the off-site improvement plans, the subdivider shall file a Notice of Intent (NOI) with the California Regional Water Quality Control Board and a Waste Discharge Identification Number must be obtained and provided to the Department of Public Works. A copy of the project's storm water pollution prevention plan (SWPPP) and storm water quality post-development standard design calculations shall be provided to the County for review.
41. One bench mark (brass cap) shall be established within the subdivision on a brass cap and the elevation shall be shown on the Record Drawing. A completed Bench Mark card shall be furnished to the Department of Public Works.
42. Stanislaus County will not issue any final inspection and/or occupancy permits for any structures within the subdivision until all the required subdivision improvements have been accepted by the Board of Supervisors.

#### **Department of Environmental Resources**

43. The final map shall locate and identify all existing or proposed water wells, including those abandoned, both in the development and on adjoining properties within 150-feet of development boundaries.
44. Prior to the final map being recorded the applicant shall submit a geotechnical evaluation of impacts by sewage disposal for all proposed lots.

45. Prior to the final map being recorded the applicant shall perform a soil report down to 25-feet or bedrock for each proposed lot. The report shall show depth and distribution of impervious layers including slope and direction of layers.
46. Prior to the final map being recorded the applicant shall survey the depth of groundwater.
47. Prior to the final map being recorded the applicant shall provide percolation rate data, a minimum of one test in area typical of homesites. The applicant shall show the total available sewage disposal area that can be reached by gravity for each lot.
48. Plans for the water distribution system within the subdivision must be submitted to, and approved by, DER, subject to Title 22 of the California Code of Regulations. The plans shall also include verification of adequate pressure and flow is available for all lots and be submitted prior to the recording of the final map.
49. The on-site wastewater treatment system for parcels 6, 7 & 12 shall be of engineered design. The plans shall be submitted to DER for review and approved prior to the recording of the final map.
50. Prior to the recording of the final map, and in accordance with Section 20.56.170 of the County Subdivision Ordinance, engineering data shall be provided to DER that the proposed subdivision meets the requirements of the A Guidelines for Waste Disposal from Land Developments adopted by the Central Valley Regional Water Control Board, and the project comply with any and all other requirements of DER.
51. Prior to issuance of a building permit, the community water system must be serving the individual lots/parcels and be of approved quantity and quality as per DER and/or the State Department of Health Services.
52. Prior to the issuance of a grading permit, the applicant shall perform, to the satisfaction of DER HAZMAT Division, a Phase 1 study and Phase II study if deemed necessary. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of DER.

#### **Building Permits Division**

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

#### **Department of Parks and Recreation**

54. Prior to the final map being recorded, all drawings and specifications for landscape improvements to Lot A, roundabout and block wall along Highway 108/120, shall be reviewed and signed off by the Parks and Recreation Department.
55. Prior to issuance of any building permits for a dwelling, the property owner/developer shall pay a per-dwelling fee in the amount of \$2,050 per-dwelling to the Department of Parks and Recreation.

**Environmental Review Committee**

56. A multi-modal access passage shall be provided to allow access for pedestrians and bicyclists traveling through the subdivision onto Stearns Road. A minimum 5-foot wide multi-modal access shall be installed that may run contiguous to the 20-foot wide fire access lane to Stearns Road. The design and improvements are to be approved by the Public Works Director and/or designee.

**Oakdale Irrigation District**

57. The applicant shall dedicate a new 30-foot easement for the West Pump Pipeline.
58. No trees or permanent structures shall be permitted within the granted easement. Any drip irrigation lines crossing the granted easement will need an encroachment permit. Any proposed encroachments within the OID easement must be approved by the OID Board of Directors (Board).
59. Proof of liability insurance must be obtained prior to any work taking place within the OID easement.
60. All conditions of the Will Serve Letter dated May 6, 2014 shall be completed prior to the recording of the final map.

**City of Oakdale**

61. Lots 1 and A shall have restricted access (no abutter's rights) to and from Stearns Road. This access shall be for emergency and pedestrian access only.
62. Lots 1 and A pad heights shall be sloped so that no water or erosion crosses into the public right-of-way of Stearns Road.
63. A split faced block wall on property lines adjacent to Stearns Road shall be required. The block wall shall be accepted into the formed CSA.

**Stanislaus Consolidated Fire District**

64. Emergency access via Stearns Road shall provide Knox box access and PUCK System to be provided to Stanislaus Consolidated Fire District prior to the recording of the final map.
65. Proposed OID water system shall meet all the fire flow requirements for all proposed homes.

\*\*\*\*\*

*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~~.*



## CEQA INITIAL STUDY

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

- 1. **Project title:** Vesting Tentative Subdivision Map And Exception Application No. PLN2014-0074 – Fairway 7 Estates
- 2. **Lead agency name and address:** Stanislaus County  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354
- 3. **Contact person and phone number:** Jeremy Ballard, Assistant Planner
- 4. **Project location:** At the northeast corner of State Route 108/120 and north Stearns Road, directly east of the City of Oakdale boundary. (APN: 064-016-004)
- 5. **Project sponsor’s name and address:** Rich Deponte  
P.O. Box 909  
Ripon, CA 95366
- 6. **General Plan designation:** Low Density Residential (LDR)
- 7. **Zoning:** Rural Residential (R-A)
- 8. **Description of project:**

This is a request to subdivide an existing 8± acre parcel into 12, 20,000± square foot minimum residential lots, 1 utility lot that features a fenced stormwater basin including a landscaped public utility easement. The proposed project will extend Plaza Del Oro Drive and terminate into a cul-de-sac, providing a 20’ emergency access point extending to North Stearns Road. An exception is being requested for the cul-de-sac length. Each residential lot will be served with the extension of an existing 10” water line of the Oakdale Irrigation District for domestic water services; provide a 10’ public utilities easement, and install a Measure X approved septic system. All lots, proposed street and basin will be graded to allow for the proposed development and any future residential expansion on each lot. The proposed project will also feature curb, gutter, sidewalks, a landscaped entry feature, an 8’ foot block wall along State Route 108/120 with landscaping, and a 6’ foot block wall along Stearns Road. The development will be maintained in perpetuity through the creation of or annexation to a community service district.

- 9. **Surrounding land uses and setting:** To the west is north Stearns Road and the City of Oakdale, to the south is State Route 108/120 and the City of Oakdale, to the east is residential development of similar nature, and finally to the north is the Oakdale Golf and Country Club.
- 10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** City of Oakdale, Oakdale Irrigation District, California Department of Transportation, Stanislaus County Department of Public Works, Department of Environmental Resources.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

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

Jeremy Ballard  
Signature

September 24, 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:** Per the Stanislaus County General Plan’s Conservation Element, the site is not considered to be a scenic resource or a unique scenic vista. Community standards generally do not dictate the need or desire for architectural review of agricultural or residential subdivisions. Currently, the project site is undeveloped and historically owned by the California Department of Transportation (CalTrans). The Vesting Tentative Subdivision Map will feature 12 residential lots of similar size and nature as the surrounding residential development. As part of the overall development plan, the proposed project has includes a tree planting plan as well as a traffic circle upon entry to the subdivision that will be landscaped. These project features will enhance the site’s overall visual character as well as blending with the existing surrounding development. All street lights that will be installed will be conditioned as to dampen any intrusive glare at night or during the day.

**Mitigation:** None

**References:** Application packet, Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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 designated LDR (Low Density Residential) in the County's General Plan and zoned R-A (Rural Residential). The development of this project site for residential purposes is a permitted use in the County Zoning Ordinance. The project site is also adjacent to residential development as well as the Oakdale Country Club and the City of Oakdale. The project site is considered an in-fill development and will not contribute to the loss of farmland or forest land.

**Mitigation:** None

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>. Stanislaus County Zoning Ordinance.

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 will not conflict with, or obstruct implementation of, any applicable air quality plan. Traffic increase will be minimal due to the number of residents added. The construction phase of this project will be required to meet SJVAPCD's standards and to obtain all applicable permits. This District did not respond to the early consultation and later confirmed they did not have any comment on the project. Therefore, no significant impacts to air quality are anticipated.

**Mitigation:** None

**References:** Referral response from San Joaquin Valley Air Pollution Control District dated October 28, 2014, Stanislaus County General Plan and Support Documentation<sup>1</sup>

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 undeveloped project site is bound by State Route 108/120, north Stearns Road, the Oakdale Country Club and similar residential development. Staff received a comment letter from the California Department of Fish and Wildlife concerning the project site and its proposed parcelization. The comment letter dated June 2, 2015, identifies three species that may be or are known to occur in the project area. Included in the comment letter are some recommended actions for the applicant to perform as to limit any disturbance of the species identified. Therefore, there will be a condition of approval placed on the project that prior to any ground disturbing activity the applicant shall employ a qualified wildlife biologist to survey the site for nesting birds, Swanson hawks and burrowing owls. If during the survey any of these species are found the applicant shall contact the Department of Fish & Wildlife and perform any practices the department prescribes. The construction of residential units and roadways on the project site could result in removal of several oak trees. The Stanislaus County General Plan Conservation and Open Space Element Goal One, Policy Four requires protection and enhancement of oak woodlands and other native hardwood habitat by requiring a management plan for their protection. Therefore, the project will also be subject to a condition of approval to develop Oak Tree Management for any qualifying oak trees on site.

**Mitigation:** None

**References:** Referral response from California State Department of Fish and Wildlife dated June 2, 2015,, Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

**Discussion:** According to the Central California Information Center (CCIC), there are no reports on record for prehistoric or historic archaeological resources on site. The CCIC data suggests that the project area has a low to moderate sensitivity for the possible discovery of historical resources. The CCIC recommends a survey by a qualified resources consultant prior to implementation of the project or issuance of any discretionary permit. As stated previously the site is currently undeveloped, however, could be considered infill as it is surrounded by residential development as well as the Oakdale Golf & Country Club. Therefore, a condition of approval will be placed on the project that if any pre-historic or historic resources are found, construction activities will be halted and the appropriate agencies will be contacted.

**Mitigation:** None

**References:** Referral response from Central California Information Center dated March 24, 2014 Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>VI. GEOLOGY AND SOILS -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</b>				
<b>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.</b>				X
<b>ii) Strong seismic ground shaking?</b>			X	
<b>iii) Seismic-related ground failure, including liquefaction?</b>				X
<b>iv) Landslides?</b>				X
<b>b) Result in substantial soil erosion or the loss of topsoil?</b>			X	
<b>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?</b>				X
<b>d) Be located on expansive soil creating substantial risks to life or property?</b>			X	

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	
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**Discussion:** As contained in Chapter Five of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required as part of the building permit process. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and build according to building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Public Works Standards and Specifications which consider the potential for erosion and run-off prior to permit approval. Likewise, any addition of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type in consideration within the specific design requirements. As detailed in the project description, the proposed project will feature a grading plan as well as engineered septic systems for specific lots. Prior to recording of the final map, the applicant will submit a geotechnical study as well percolation rate data to DER to detail the ability of each lot's septic system capacity as well as submit a grading plan for each lot. All septic systems will need to meet the requirements adopted by the Central Valley Regional Water Quality Control Board (RWQCB) and Stanislaus County DER.

**Mitigation:** None

**References:** Referral response from Stanislaus County Department of Environmental Resources dated January 6, 2015, Stanislaus County General Plan and Support Documentation<sup>1</sup>

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 proposed project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment or conflict with any plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. No referral response was received from the San Joaquin Valley Air Pollution Control District (SJVAPCD), however, later confirmed they did not have any comment on the project.

**Mitigation:** None

**References:** Referral response from San Joaquin Valley Air Pollution Control District dated October 28, 2014, Stanislaus County General Plan and Support Documentation<sup>1</sup>

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:** DER's HAZMAT Division is responsible for overseeing hazardous materials and has not indicated any particular concerns in this area. Pesticide exposure is a risk in areas located in the vicinity of agricultural uses. Sources of exposure include contaminated groundwater, which is consumed and drift from spray applications. Application of sprays are strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. The groundwater is not known to be contaminated in this area and the project will be served by the Oakdale Irrigation District (OID) for their domestic water. The project is located in an area rated as a Moderate Fire risk. The property is served by the Oakdale Rural Fire Protection District and will pay fire impact fees for all new construction. A project referral was sent to Oakdale Rural Fire, but no comment has been received at the time of document preparation. The project site is also located within the Planning Area of the Oakdale Municipal Airport, specifically zone 4 according to the adopted Stanislaus County Airport Land Use Commission Plan. The Commission Plan has provided prescriptive uses that are compatible for zone 4. The proposed creation of twelve 20,000 square foot lots are a compatible use within zone 4 and will not result in a significant safety hazard for people residing or working in the project area.

**Mitigation:** None

**References:** Stanislaus County General Plan and Support Documentation, Airport Land Use Commission Plan<sup>1</sup>

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:** On-site areas subject to flooding have not been identified in accordance with the Federal Emergency Management Act and/or County designated flood areas. Development of the project site will include paving for the roadway, house pads, and driveways, which will alter the existing drainage pattern of the site. However, the project proposes to convey any altered runoff via French drain to a landscape retention basin at the southwest portion of the project site. Prior to the recording of the final map the applicant will annex or create a County Service Area to maintain the retention basin. Preliminary drainage plans have been reviewed by Department of Public Works.

The proposed project will not have a significant effect on groundwater levels as all proposed development will be served with domestic water from OID. The applicant has received a will serve letter from OID for each lot.

**Mitigation:** None

**References:** Application Material, Tentative Map, Oakdale Irrigation District Will Serve Letter dated May 6, 2014, Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>X. LAND USE AND PLANNING -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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:** The proposed project is consistent with the LDR (Low Density Residential) General Plan Designation, which allows for zero to eight units per net acre. The R-A (Rural Residential) zoning district also provides for lots 20,000 square feet in size when served by either public water and septic system or a private well and public sewer facilities. As described earlier each lot will be served with domestic water from OID and utilize private septic facilities as approved by DER. The proposed project will not conflict with any applicable habitat conservation plan or natural community conservation plan, as there are none in the area, and will not physically divide an established community as the project is bordering the City of Oakdale's eastern boundary line. East of the project site consists of residential development and like zoning, the proposed project could be considered infill. The applicant has applied for an exception to the Stanislaus

County Subdivision Ordinance for the extension of Plaza Del Oro cul-de-sac. The length will extend further than the required length according to the adopted Stanislaus County Standards and Specifications and Subdivision Ordinance. Based on a convening of the Stanislaus County Subdivision Committee, the exception will be recommended for approval due to the secondary emergency access point included in the tentative map.

**Mitigation:** None

**References:** Application Material, Referral response from Stanislaus County Subdivision Committee dated October 22, 2014, Stanislaus County General Plan and Support Documentation, County Code.<sup>1</sup>

<b>XI. MINERAL RESOURCES -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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. There are no known significant resources on the site.

**Mitigation:** None

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XII. NOISE -- Would the project result in:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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:** Based on the proximity to State Route 108/120 the proposed project will feature an 8-foot high block wall with landscaping along the State Route and a 6 foot block wall along North Stearns Road. The 8-foot high block wall with landscaping is prescribed by the Stanislaus County Noise Element and Support Document to mitigate any exterior noise exposure. The incorporated block wall and distance from the centerline of State Route 108/120 will dampen the exterior noise ranges to acceptable levels for Low Density Single Family areas. Prior to the recording of the final map, submittal of

a landscaping plan is required for review of the type of material chosen to accompany the 8-foot high block wall. A standard condition of approval will be added to the project to address the temporary increase in noise during the construction phase of the project. As described previously, the project site is located within zone 4 of the Oakdale Municipal Airport, which is a permitted area for single family dwellings.

**Mitigation:** None

**References:** Tentative Map; Referral response from Stanislaus County Department of Planning and Community Development dated October 22, 2014; Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

**Discussion:** The proposed project will not create significant service extensions or new infrastructure which could be considered as growth inducing, as services are available to neighboring properties. The extension of OID water services and of Plaza Del Oro cul de sac will not induce any further growth as the site will be bordered by north Stearns Road and State Route 108/120. As mentioned previously, the site neighbors similar residential development.

**Mitigation:** None

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XIV. PUBLIC SERVICES --</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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 Public Facilities Fees, School as well as a Fire Facility Fees on behalf of the appropriate district, to address impacts to public services. In addition the Sheriff's department also uses a standardized fee for new dwellings that will be incorporated into the Conditions of Approval.

**Mitigation:** None

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>



<b>XV. RECREATION --</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>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?</b>			X	
<b>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?</b>			X	

**Discussion:** The General Plan requires at least three net acres of developed neighborhood parks, or the maximum number allowed by law, to be provided for every 1,000 residents. Based on the number of lots being created, conditions of approval will be added to the project to require in-lieu park fees. These fees will be required at the issuance of building permit for each lot.

**Mitigation:** None

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XVI. TRANSPORTATION/TRAFFIC -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>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?</b>			X	
<b>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?</b>			X	
<b>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?</b>			X	
<b>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</b>			X	
<b>e) Result in inadequate emergency access?</b>			X	
<b>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?</b>			X	

**Discussion:** Each parcel will access a county maintained roadway (Plaza Del Oro Drive). Only emergency access will be granted onto North Stearns Road and no access will take place onto State Route 108/120. It is not anticipated that the proposed project will have any significant impacts on transportation or traffic. A comment referral was received from the State of California Department of Transportation, which no comment was proffered.

**Mitigation:** None

**References:** Referral response from State of California Department of Transportation October 6, 2014; Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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 providing utility services have not been identified. The project will be served by public water and be subject to DER requirements for all septic facilities. The project also features a storm water retention basin that will maintain all runoff on-site.

**Mitigation:** None

**References:** Tentative Map; Referral response from Oakdale Irrigation received May 22, 2015, Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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	
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**Discussion:** Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or adjacent areas.

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<sup>1</sup>Stanislaus 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 Subdivision Map Application No. PLN2014-0074 – Fairway 7 Estates

**LOCATION OF PROJECT:** At the northeast corner of State Route 108/120 and north Stearns Road, directly east of the City of Oakdale boundary. (APN: 064-016-004)

**PROJECT DEVELOPERS:** Rich Deponte  
P.O Box 909  
Ripon, CA 95366

**DESCRIPTION OF PROJECT:** This is a request to subdivide an 8± acre parcel into 13 lots measuring in size from 20,000 square feet to 27,466 square feet, in the R-A (Rural Residential zoning district). The property is generally located at the northeast corner of State HWY 108/120 and North Stearns Road, in the Oakdale area. The Planning Commission will consider adoption of a CEQA Negative Declaration for this project.

Based upon the Initial Study, dated **September 24, 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: Jeremy Ballard, Assistant Planner

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

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State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Central Region  
1234 East Shaw Avenue  
Fresno, CA 93710  
(559) 243-4005  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



June 2, 2015

Jeremy Ballard, Assistant Planner  
Stanislaus County  
Department of Planning and Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, California 95354

Subject: **Early Consultation**  
**Vesting Tentative Subdivision Map & Exception Application No. PLN2014-0074 – Fairway 7 Estates**  
**SCH#: 2014092064**

Dear Mr. Ballard:

The California Department of Fish and Wildlife (CDFW) has reviewed the Vesting Tentative Subdivision Map and Exception Application No. PLN2014-0074 – Fairway 7 Estates (Project) submitted by the Stanislaus County Department of Planning and Community Development. The Project proposes to subdivide an approximate 8 acre parcel into 12 20,000 square foot residential lots, and two additional stormwater basin lots. The proposed subdivision will extend Plaza Del Oro Drive and terminate into a cul-de-sac with emergency access extending from the end of the cul-de-sac to Stearns Road. An exception for the cul-de-sac length is requested. The Project site is located at the northeast corner of Highway 108/120 and Stearns Road, in Oakdale.

Although the comment period has passed, the Department would appreciate if you would consider the following comments.

### **Department Jurisdiction**

**Trustee Agency Authority:** CDFW is a Trustee Agency with the responsibility under CEQA for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, CDFW is responsible for providing, as available, biological expertise to review and comment on environmental documents and impacts arising from project activities, as those terms are used under CEQA.

**Responsible Agency Authority:** The Department has regulatory authority over projects that could result in the “take” of any species listed by the State as threatened or endangered, pursuant to Fish and Game Code Section 2081. If the Project could result in

the take of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue an Incidental Take Permit (ITP) for the Project. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (sections 21001{c}, 21083, Guidelines sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports Statement of Overriding Consideration (SOC). The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code Section 2080.

The Department also has regulatory authority with regard to activities occurring in streams and/or lakes along with riparian habitat associated with, and supported by the features, that could adversely affect any fish or wildlife resource, pursuant to Fish and Game Code sections 1600 *et seq.* The Department recommends the Project proponent contact our Stream Alteration Program with regards to obtaining a Streambed Alteration Agreement.

**Bird Protection:** CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Sections of the Fish and Game Code that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession, or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

### **Project Recommendations**

**Nesting Birds:** The trees, shrubs, and grasses within and in the vicinity of the Project sites likely provide nesting habitat for songbirds and raptors. The Department encourages Project activities to occur during the non-nesting bird season. However, if ground-disturbing activities must occur during the breeding season (February through mid-September), the Project applicant is responsible for ensuring that implementation of the Project does not result in any violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above. Prior to work commencing, the Department recommends surveys for active nests be conducted by a qualified wildlife biologist no more than 10 days prior to the start of the of the Project and that the surveys be conducted in a sufficient area around the work site to identify any nests that are present and to determine their status. A sufficient area means any nest within an area that could potentially be affected by the Project. In addition to direct impacts, such as nest destruction, nests might be affected by noise, vibration, odors, and movement of workers or equipment. The Department recommends identified nests are continuously surveyed for the first 24 hours prior to any construction related activities to establish a behavioral baseline. Once work commences, continuously monitoring all nests to detect any behavioral changes is advised. If behavioral changes are observed, the work causing that change may cease and the Department consulted for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, the Department recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500 foot no-disturbance buffer around the nests of unlisted raptors until the breeding season has ended, or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for

survival. Variance from these no disturbance buffers may be implemented when there is compelling biological or ecological reason to do so, such as when the Project area would be concealed from a nest site by topography. Any variance from these buffers is advised to be supported by a qualified wildlife biologist and it is recommended the Department be notified in advance of implementation of a no disturbance buffer variance.

**Swainson's Hawk (SWHA):** The State threatened Swainson's hawk (*Buteo swainsoni*) is known to occur near the Project site. To evaluate potential Project-related impacts, the Department recommends that a qualified wildlife biologist conduct surveys for nesting raptors following the survey methodology developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to any ground disturbance.

If ground-disturbing Project activities are to take place during the normal bird breeding season (February 1 through September 15), the Department recommends that additional pre-construction surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of construction. If an active Swainson's hawk nest is detected within 0.5 miles of the Project site, and work will occur during the avian nesting season, consultation with the Department is advised to occur well in advance of ground-disturbing activities to determine if take of SWHA can be avoided. If take cannot be avoided then acquisition of an ITP pursuant to Fish and Game Code Section 2081(b) is warranted to comply with CESA. The Department advises that these recommendations be included as required mitigation measures in the environmental document prepared for this Project.

If Swainson's hawk nests occur in the Project vicinity, the Department recommends compensation for the loss of Swainson's hawk foraging habitat as described in the Department's Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (DFG, 1994) to reduce impacts to foraging habitat to less than significant. The Staff Report recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites. The Department has the following recommendations based on the Staff Report:

- For projects within 1 mile of an active nest tree, a minimum of one acre of habitat management (HM) land for each acre of development is advised.
- For projects within 5 miles of an active nest but greater than 1 mile, a minimum of 0.75 acres of HM land for each acre of urban development is advised.
- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of 0.5 acres of HM land for each acre of urban development is advised.

**Burrowing Owl:** Burrowing owl (*Athene cunicularia*) have the potential to occur within the Project area. To avoid impacts to the species, the Department recommends pre-construction surveys for burrowing owl regardless of when construction will occur to identify any burrowing owl that may occur on the Project site. In the event that burrowing owls are found, we recommend that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by the Department verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or

2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. The below table can be found from the Burrowing Owl Staff Report (CDFG 2012).

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

\* meters (m)

The Staff Report recommends that foraging habitat be acquired and permanently protected to offset the loss of foraging and burrow habitat. The Department also recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting a burrowing owl if a biologist knowledgeable with the biology and natural history of the species determines that suitable burrows are a potential limiting factor for burrowing owl.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website ([www.dfg.ca.gov/wildlife/nongame/survey\\_monitor.html](http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html)). If you have any questions, please contact Jim Vang, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014, extension 254, or by electronic mail at [Jim.Vang@wildlife.ca.gov](mailto:Jim.Vang@wildlife.ca.gov).

Sincerely,



Terry L. Palmisano  
Acting Regional Manager

ec: Jeremy Ballard, [ballardj@stancounty.com](mailto:ballardj@stancounty.com)

Sarah Paulson, Lake and Streambed Alteration Program



### Literature Cited

CDFG, 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo Swainsoni*) in the Central Valley of California. California Department of Fish and Game.

CDFG, 2012. Staff Report on Burrowing Owl Mitigation. California Department of Fish and Game.

SWHA TAC, 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee, May 31, 2000.

**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**

**PROJECT: VESTING TENTATIVE SUBDIVISION MAP & EXCEPTION PLN2014-0074 - FAIRWAY 7 ESTATES**

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF FORESTRY (CAL FIRE)	X	X	X		X							
CA DEPT OF TRANSPORTATION DIST 10	X	X	X	X				X		X		X
CA DEPT OF WATER RESOURCES	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							
CITY OF: OAKDALE	X	X	X	X				X		X	X	
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: STAN CONSOLIDATED	X	X	X	X		X				X	X	
HOSPITAL DISTRICT: OAK VALLEY	X	X	X		X							
IRRIGATION DISTRICT: OID	X			X				X		X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X			X		X	X	
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
RAILROAD: SIERRA NORTHERN	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X	X				X		X		X
SCHOOL DISTRICT 1: OAKDALE JOINT UNIFIED	X	X	X		X							
STAN CO AG COMMISSIONER	X	X			X							
STAN CO BUILDING PERMITS DIVISION	X	X	X		X							
STAN CO CEO	X	X			X							
STAN CO DER	X	X		X				X		X	X	
STAN CO ERC	X	X		X				X		X	X	
STAN CO HAZARDOUS MATERIALS	X	X		X				X		X	X	
STAN CO PARKS & RECREATION	X	X	X	X				X		X	X	
STAN CO PUBLIC WORKS	X	X		X				X		X	X	
STAN CO SHERIFF	X	X										
STAN CO SUPERVISOR DIST 1: O'BRIEN	X	X	X		X							
STAN COUNTY COUNSEL	X	X										
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X			X							
SURROUNDING LAND OWNERS			X									
TELEPHONE COMPANY: ATT	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							
WATER DISTRICT: OID		X		X				X		X	X	