

STANISLAUS COUNTY PLANNING COMMISSION

April 21, 2016

STAFF REPORT

VESTING TENTATIVE PARCEL MAP APPLICATION NO. PLN2015-0104 CICCARELLI

REQUEST: TO DIVIDE A 40± ACRE PARCEL INTO FOUR (4) PARCELS OF 10 ACRES EACH.

APPLICATION INFORMATION

Property Owner:	Barbara Joan Ciccarelli Trust
Agent:	Dennis Wilson, Horizon Consulting
Location:	2513 Shoemake Avenue, east of Dakota Avenue, west of Highway 99, in the Modesto area.
Section, Township, Range:	13-3-8
Supervisory District:	Three (Supervisor Withrow)
Assessor's Parcel:	005-052-002
Referrals:	See Exhibit G Environmental Review Referrals
Area of Parcel(s):	Proposed Parcel 1: 10 (gross) acres Proposed Parcel 2: 10 (gross) acres Proposed Parcel 3: 10.1 (gross) acres Proposed Parcel 4: 10.1 (gross) acres
Water Supply:	Private well
Sewage Disposal:	Septic/leach system
Existing Zoning:	A-2-10 (General Agriculture)
General Plan Designation:	AG (Agriculture)
Sphere of Influence:	City of Modesto
Community Plan Designation:	N/A
Williamson Act Contract No.:	78-3436
Environmental Review:	Negative Declaration
Present Land Use:	Almond orchard, single-family dwelling, garage/agriculture shop.
Surrounding Land Use:	Scattered single-family dwellings and farmland to the north; an orchard and State Highway 99 to the east; Modesto Jr. College, and scattered single-family dwellings to the south; farmland and scattered single-family dwellings to the west.

RECOMMENDATION

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

PROJECT DESCRIPTION

The project is a request to divide a 40± acre parcel into four (4) ten acre parcels in the A-2-10 zoning district. Proposed Parcels 2, 3, and 4 will take direct access to County-maintained Shoemake Avenue, while proposed Parcel 1 will take direct access to County-maintained Brink Avenue (See Exhibit B – *Maps*). The property includes irrigation easements and proposes an irrigation easement to serve proposed Parcel 4. Subdivision of the site will not affect the current almond orchard, and irrigation system.

The project site was previously approved for a Parcel Map (PM 2008-02 – Ciccarelli), which also requested to divide the 40-acre parcel into four (4) ten acre parcels. This subdivision included a private cul-de-sac roadway, which would provide vehicular access to all parcels onto a county-maintained road (Shoemake Avenue). The property owners decided to consider other options for subdividing the land because of the costs of improvements associated with the approved Parcel Map. This proposed Parcel Map does not include a private cul-de sac with improvements, as each proposed parcel will front to a County-maintained road.

SITE DESCRIPTION

The project site is currently improved with a producing almond orchard, a single-family dwelling and an accessory garage/agriculture shop.

Surrounding land uses include scattered single-family dwellings, and farmland to the north; an orchard and State Highway 99 to the east; Modesto Jr. College West Campus, open land, and scattered single-family dwellings to the south; orchards, an approved subdivision with a private cul-de-sac roadway, and scattered single-family dwellings to the west.

ISSUES

The following issue has been identified as part of the review of this project:

In a referral response dated December 9, 2015, the City of Modesto commented that the proposed 10 acre parcels in combination with potential non-business park development permitted in the A-2-10 zone would create challenges and limitations for future business park development. The City also commented that all development should be consistent to City of Modesto development standards, (Exhibit D - *Letter from the City of Modesto*).

City of Modesto's policy on the vehicular circulation network locates collector streets at 1/4 mile grid intervals. In order to meet this policy, the City has requested 36-foot wide right-of-way dedication along the north, east, and western property lines. Right-of-way dedications for collector streets shall be designed to City standards and specifications.

The City's comment letter initially requested that an Irrevocable Offer of Dedication (IOD) for collector streets on the project's north, east, and western property lines be provided. However, to remain consistent with the recorded Parcel Map located immediately to the west (PM2004-03), the City amended its position and now requests that a road reservation be required along the property's western, northern and eastern property lines. The road reservation serves as notice on the parcel map to future property owners for the potential of a planned street alignment on the property.

Conditions of Approval have been included to require that 36-foot wide road reservations will be reflected on the recorded Parcel Map consistent with City of Modesto Standards and Specifications. The existing home and accessory structures are located in the south-west corner of proposed Parcel 2. The location of these structures lies within the requested street right-of-way reservation

requested by the City of Modesto. These structures may be required to be removed prior to any future development of the site under the City's jurisdiction.

GENERAL PLAN CONSISTENCY

The site is currently designated "Agriculture" in the Stanislaus County General Plan and this designation is consistent with an A-2 (General Agriculture) zoning district. The Agricultural designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas and, as such, should generally be zoned with 40 to 160 acre minimum parcel sizes. The project site's A-2-10 zoning requires a minimum parcel size of 10 acres for the creation of new parcels.

The project site is currently enrolled in Williamson Act Contract No. 78-3436. According to Policy 2.8 of the Agricultural Element of the General Plan, in order to further the conservation of agricultural land, the subdivision of agricultural lands shall not result in the creation of parcels for residential purposes. Any residential development on agriculturally zoned land shall be incidental and accessory to the agricultural use of the land. Any new structures must be accompanied by a signed Landowner's Statement verifying compatibility with the Williamson Act Contract.

The project site is located within the City of Modesto's Local Agency Formation Commission's (LAFCO) adopted Sphere of Influence. As required by Policy No. 24 of the County General Plan, regarding projects within a city's Sphere of Influence, this project was referred to the City of Modesto for comment.

Unlike urban development projects, agricultural uses and churches are not subject to City approval as outlined in Policy No. 24 of the County General Plan. However, agricultural uses and churches must be found consistent with the city's General Plan designation and Conditions of Approval may be added to the project to insure development will comply with city standards such as street improvements, setbacks, and landscaping. An agricultural parcel map is considered to be an agricultural use. The project site is located within the Modesto Urban Area General Plan boundary and in the College West Comprehensive Planning District, which designates the property as Business Park. Since the project is agricultural and is not proposing any urban development, staff does not believe there is a nexus for requiring urban type improvements. Where appropriate, the County Public Works Department has identified the need for improvements to be constructed to City standards.

As previously mentioned, these comments and proposed conditions from the City of Modesto have been addressed in the Issues section of this report.

ZONING & SUBDIVISION ORDINANCE CONSISTENCY

All of the proposed parcels meet the minimum parcel size requirement of the A-2-10 zoning district and will have legal and physical access to County-maintained Shoemaker and Brink Avenues. The current zoning will allow for the construction of one single-family dwelling on proposed Parcels 1, 3, and 4.

Subdivision Design Standards

According to the Subdivision Ordinance, Chapter 20.52 Design Standards, 20.52.160 Lots-Width to depth ratio:

- A. The depth of lots shall not exceed the road frontage by more than three times where the total frontage is less than three hundred feet, nor more than four times where the total frontage is three hundred feet or more.

In the case of this parcel map, the road frontage along Brink Avenue is 87± feet, and the lot depth is 1,266 feet and 1,326 feet, exceeding the 3:1 ratio. However section (B) has identified an alternative if (A) cannot be met.

- B. The width to depth ratio on rectangular or nonrectangular parcels may be greater than required in subsection A of this section, provided it is demonstrated to the satisfaction of the department when the tentative parcel or subdivision map is submitted, the resulting parcel(s):
1. Can be used for its intended purpose;
 2. Will not be detrimental to the continued agricultural use of said parcel(s) when designated as agricultural on the land use element of the general plan;
 3. Is/are consistent with the potential subdivision of the total property as well as any approved city zoning and development plans;
 4. Will not be detrimental to the public welfare nor injurious to other property in the neighborhood of the proposed subdivision.

In response to section (B) approval criteria, the proposed parcels will remain a producing orchard, and the parcel configuration will not affect the ability to farm. The Parcel Map does not propose any physical changes to the site. However, if approved, proposed Parcels 1, 3, and 4 will have the ability to construct a single-family dwelling. As previously mentioned in the Issues section, the City of Modesto has requested a road reservation to insure that the project is consistent with future development of the area. The proposed parcel access to Brink Avenue will not be detrimental to the public welfare, and any new driveway approach will be reviewed by the Public Works Department.

Williamson Act Contract

As mentioned earlier in this report, the project site is currently under Williamson Act Contract No. 78-3436 and farmed in almonds. Under the Williamson Act, lands are presumed to be too small to sustain their agricultural use if the lands are less than 40 acres in size in the case of non-prime agricultural land; 10 acres in size in the case of prime agricultural land; or the subdivision will result in residential development not incidental to the commercial agricultural use of the land. The site is currently designated as Prime Farmland. This project will not conflict with any bonafide agricultural activities in the area and/or other lands enrolled under the Williamson Act. The proposed parcels will be restricted by the General Agriculture (A-2) zoning district to on-site residential development which is incidental to the agricultural use of the land and will not diminish the agricultural viability. All parcels will remain enrolled under the existing Williamson Act Contract.

The subdivision of agricultural land consisting of unirrigated farmland, unirrigated grazing land, or land enrolled under a Williamson Act contract, into parcels of less than 160 acres in size shall be allowed provided a “no build” restriction on the construction of any residential development on newly created parcel(s) is observed until one or both of the following criteria is met:

- 90% or more of the parcel shall be in production agriculture use with its own on-site irrigation infrastructure and water rights to independently irrigate. For land which is not irrigated by surface water, on-site irrigation infrastructure may include a self-contained drip or sprinkler irrigation system. Shared off-site infrastructure for drip or sprinkler irrigation systems, such as well pumps and filters, may be allowed provided recorded long-term maintenance agreements and irrevocable access easements to the infrastructure are in place.

- Use of the parcel includes a confined animal facility (such as a commercial dairy, cattle feedlot, or poultry operation) or a commercial aquaculture operation.

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

The current zoning (A-2-10) allows one single-family residence per parcel on all parcels that meet or exceed the minimum area requirements of the zoning district. Staff has instituted a process by which all building permit applications submitted for any new structures (including new single-family houses) on Williamson Act properties, must be accompanied by a signed Landowners Statement that verifies compatibility with the Williamson Act Contract. The Landowners Statement further acknowledges that, pursuant to AB1492, severe penalties may arise should the County or the Department of Conservation determine in the future that the structure is in material breach of the contract.

By requiring a separate review of the compatibility of each building permit application submitted on Williamson Act properties, staff can ensure that no structures are constructed that are not incidental to the agricultural use of the property.

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

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment and no significant issues were raised. (See Exhibit G - *Environmental Review Referrals*.) A Negative Declaration has been prepared for approval prior to action on the map itself as the project will not have a significant effect on the environment. (See Exhibit F - *Negative Declaration*.) Conditions of approval reflecting referral responses have been placed on the project. (See Exhibit C- *Conditions of Approval*.)

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 **\$2,267.25** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

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

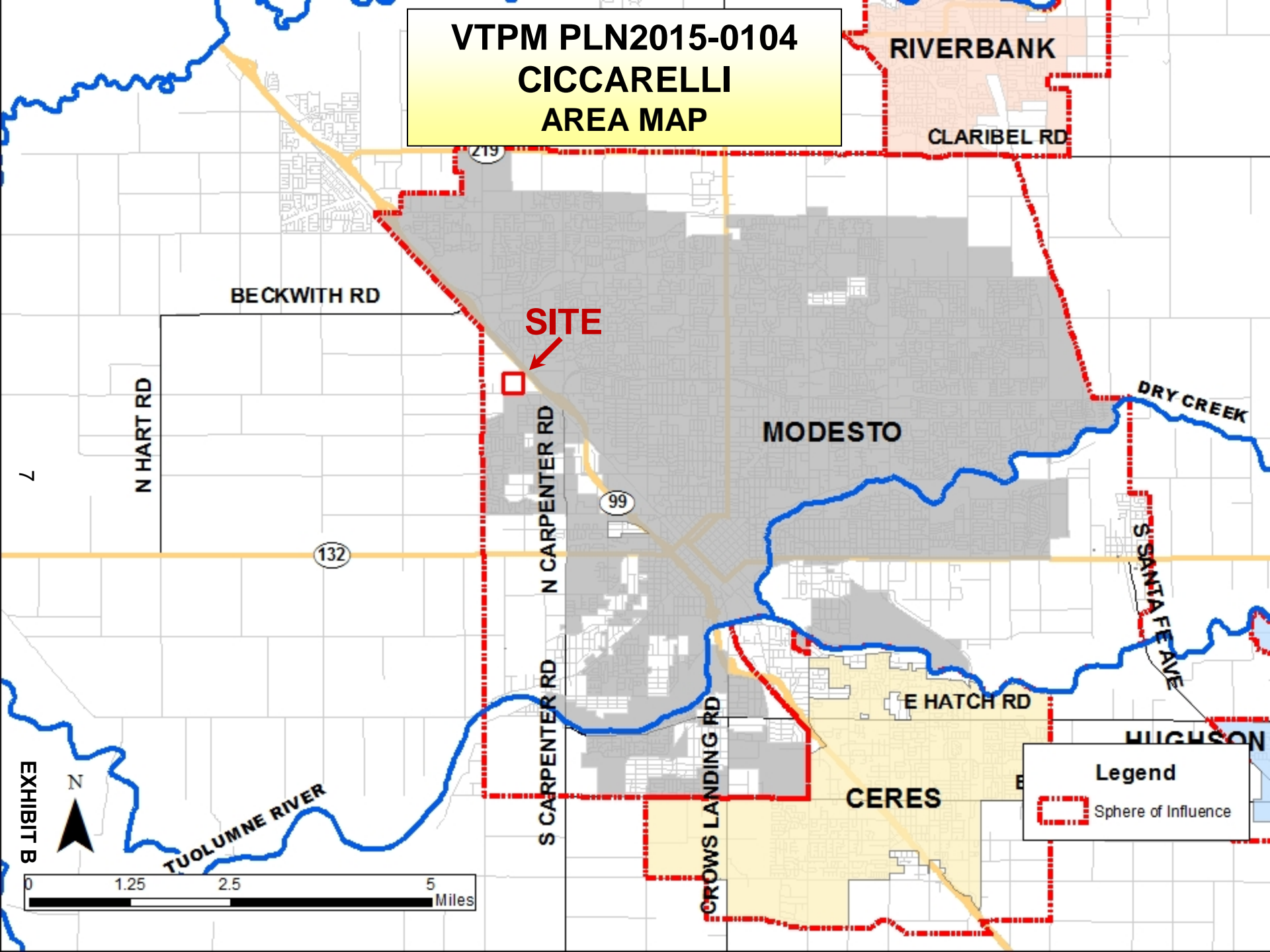
Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps, Parcel Map
- Exhibit C - Conditions of Approval
- Exhibit D - Letter from the City of Modesto, dated December 9, 2015
- Exhibit E - Initial Study
- Exhibit F - Negative Declaration
- Exhibit G - Environmental Review Referral

Exhibit A
Findings and Actions Required for Project Approval

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
 - (a) The proposed map is consistent with applicable general and community plans as specified in Section 65451;
 - (b) The design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
 - (c) The site is physically suitable for the type of development;
 - (d) The site is physically suitable for the proposed density of development;
 - (e) The design of the parcel map 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 parcel or type of improvements are not likely to cause serious public health problems;
 - (g) The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these will be substantially equivalent to ones previously acquired by the public;
 - (h) The proposed parcel map is consistent with the restrictions and conditions of the existing Williamson Act contract(s);
 - (i) The proposed parcels are of a size suitable to sustain agricultural uses;
 - (j) The proposed parcel map will not result in residential development not incidental to the commercial agricultural use of the land; and
 - (k) The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
4. Approve Vesting Tentative Parcel Map Application No. PLN2015-0104 – Ciccarelli, subject to the attached Conditions of Approval.

**VTPM PLN2015-0104
CICCARELLI
AREA MAP**



RIVERBANK

CLARIBEL RD

BECKWITH RD

SITE

N HART RD

DRY CREEK

MODESTO

N CARPENTER RD

S SANTA FE AVE

132

99

E HATCH RD

HIGHSON

S CARPENTER RD

CERES

CROWS LANDING RD

Legend


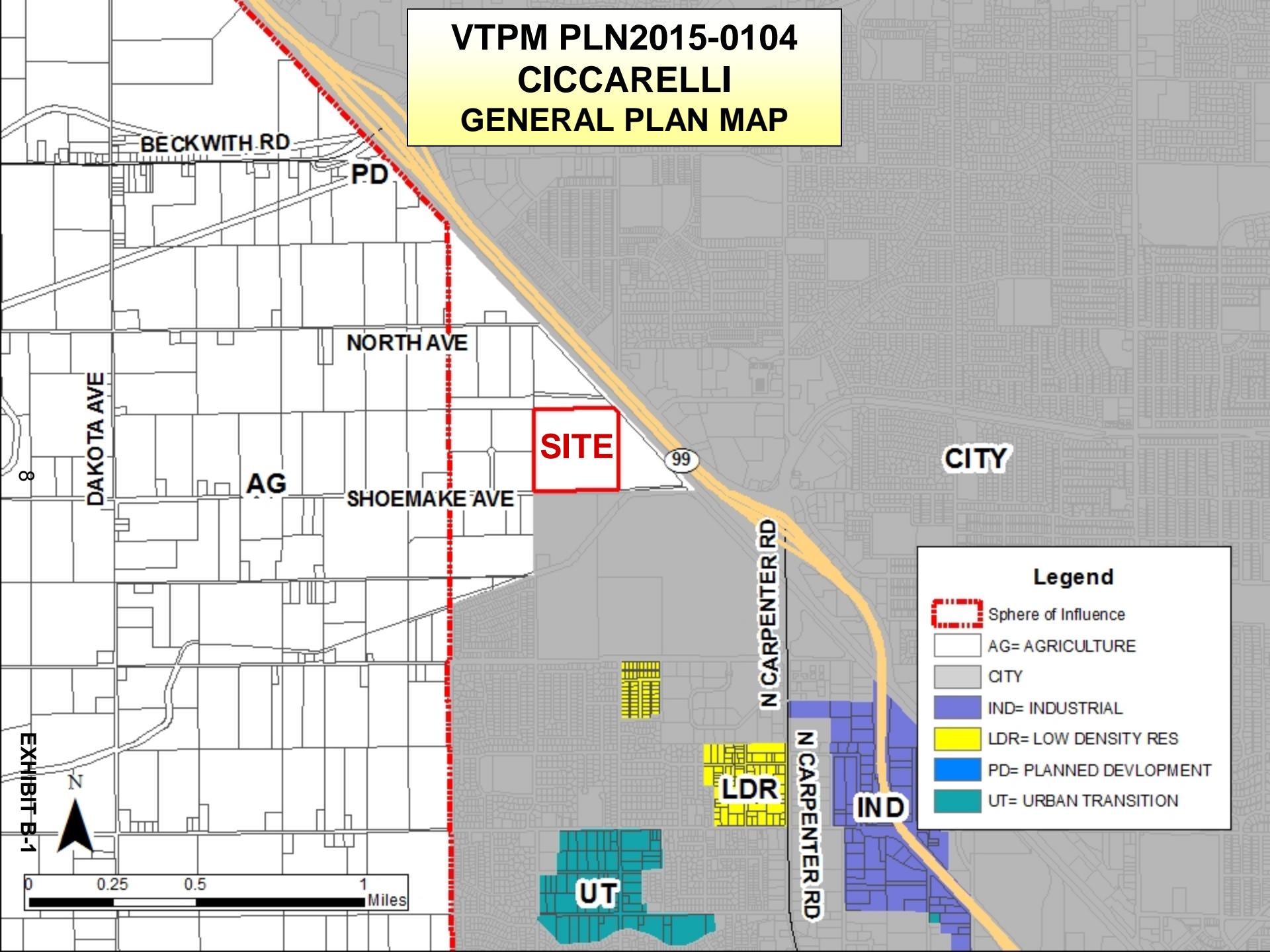
 Sphere of Influence

EXHIBIT B

N

0 1.25 2.5 5 Miles

VTPM PLN2015-0104 CICCARELLI GENERAL PLAN MAP



Legend

- Sphere of Influence
- AG= AGRICULTURE
- CITY
- IND= INDUSTRIAL
- LDR= LOW DENSITY RES
- PD= PLANNED DEVLOPMENT
- UT= URBAN TRANSITION

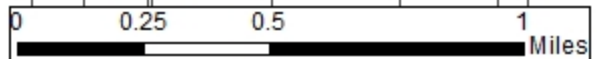
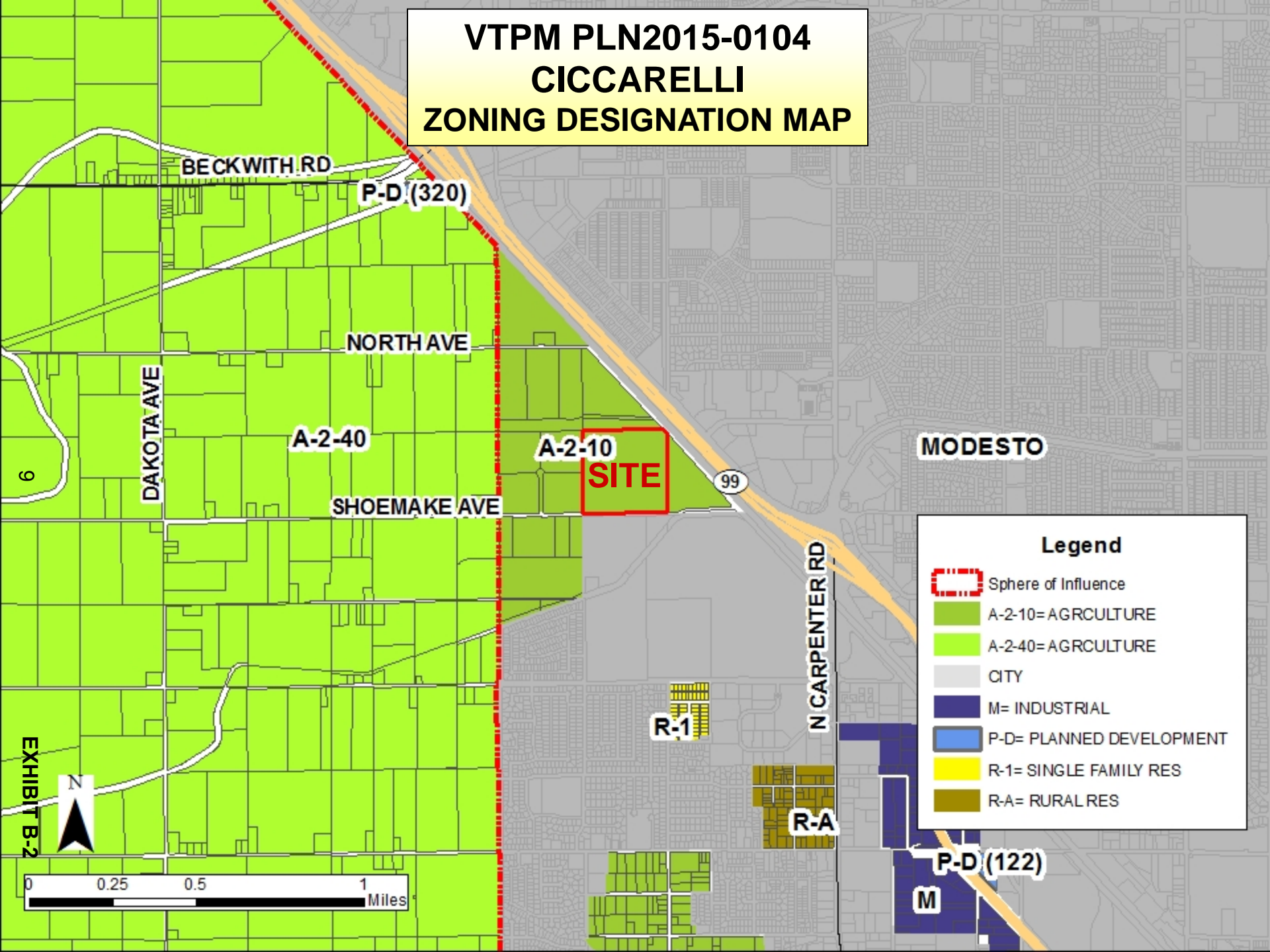


EXHIBIT B-1

VTPM PLN2015-0104 CICCARELLI ZONING DESIGNATION MAP



Legend

- Sphere of Influence
- A-2-10= AGRCULTURE
- A-2-40= AGRCULTURE
- CITY
- M= INDUSTRIAL
- P-D= PLANNED DEVELOPMENT
- R-1= SINGLE FAMILY RES
- R-A= RURAL RES

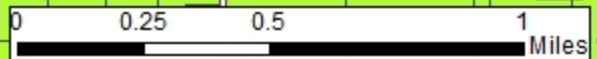
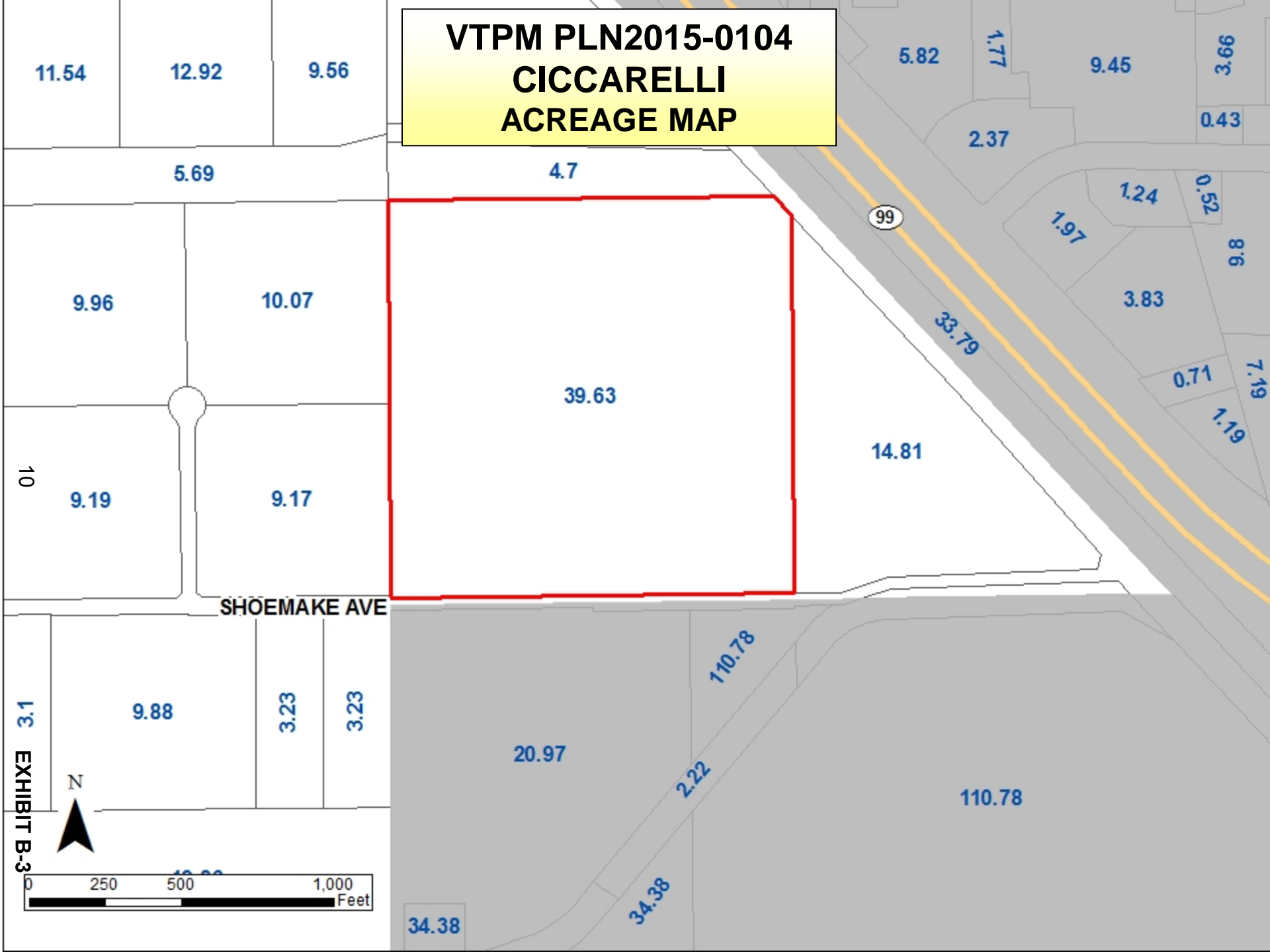


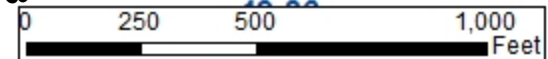
EXHIBIT B-2



**VTPM PLN2015-0104
CICCARELLI
ACREAGE MAP**



1.C EXHIBIT B-3



VTPM PLN2015-0104
CICCARELLI
2015 COUNTY AERIAL

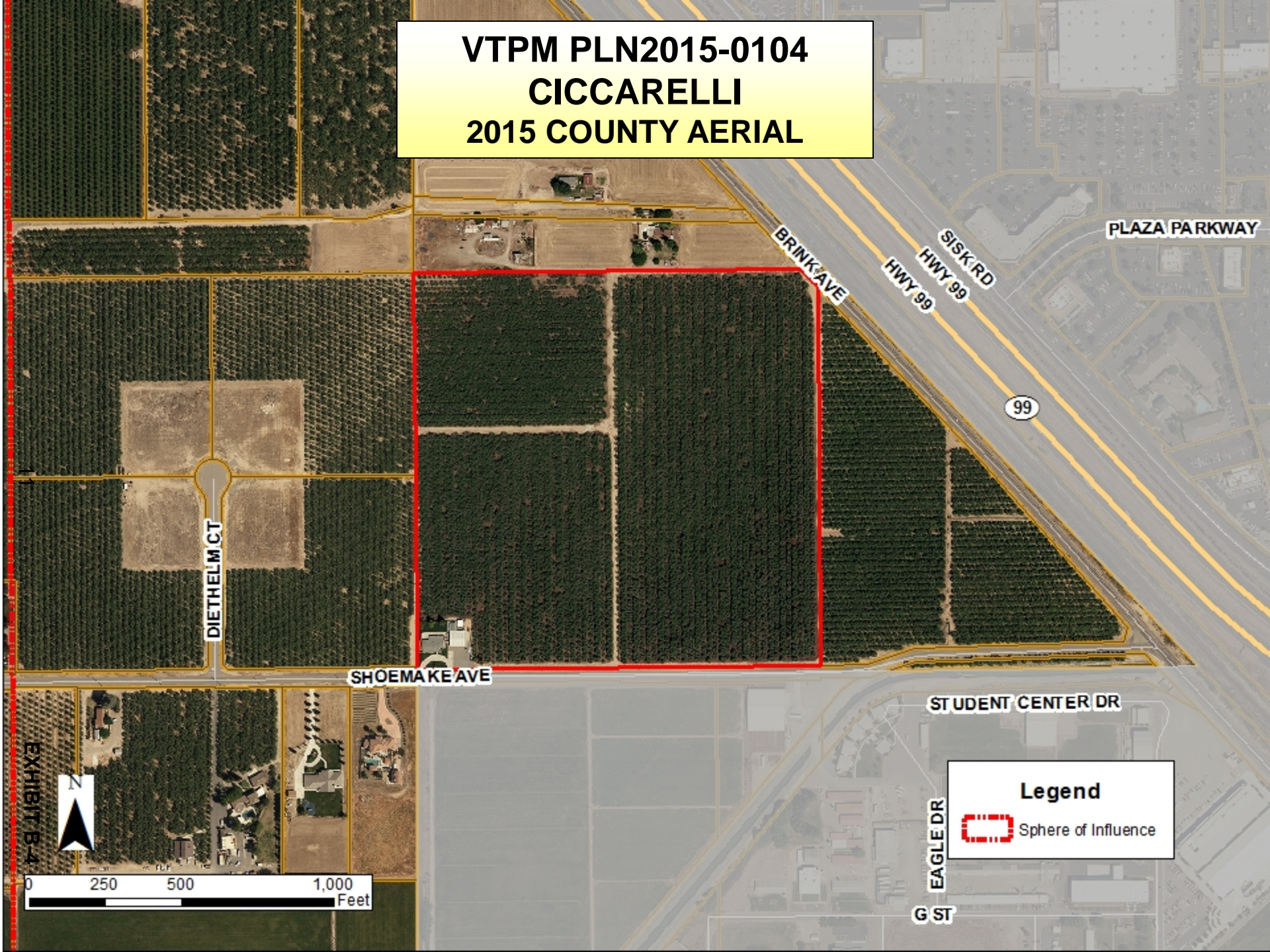
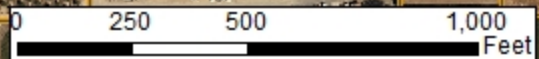


EXHIBIT B-4



Legend

 Sphere of Influence

PLAZA PARKWAY

SISK RD
HWY 99

BRINK AVE

99

DIETHELM CT

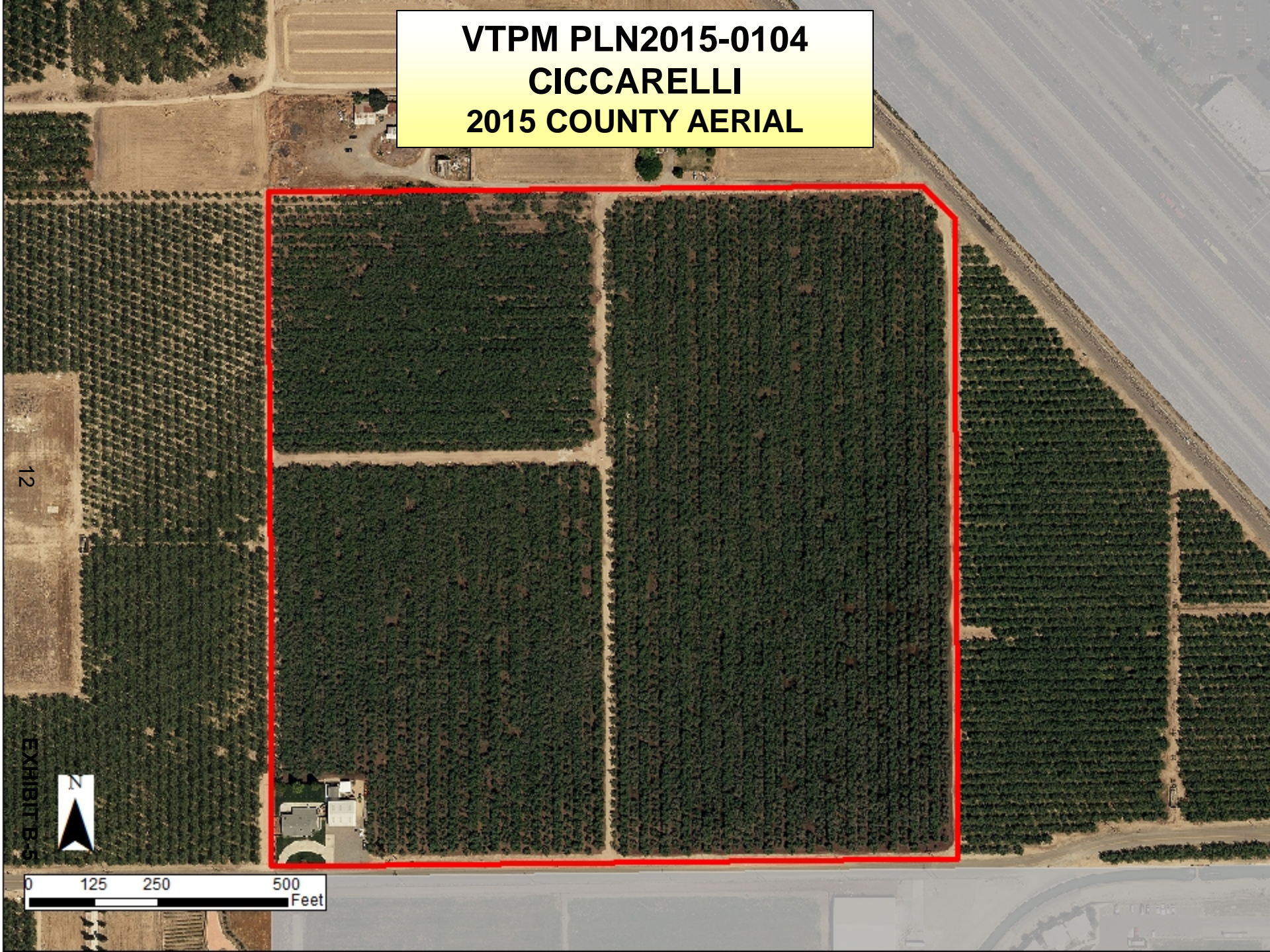
SHOEMAKE AVE

STUDENT CENTER DR

EAGLE DR

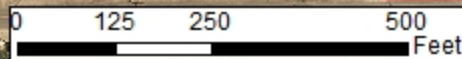
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**VTPM PLN2015-0104
CICCARELLI
2015 COUNTY AERIAL**



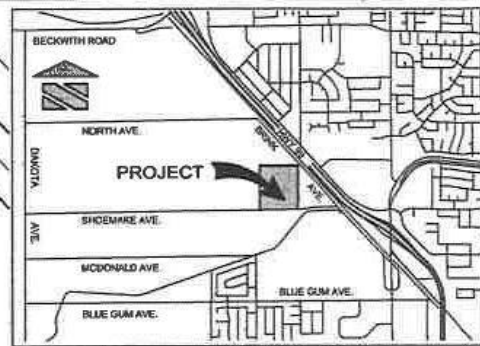
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EXHIBIT B.5

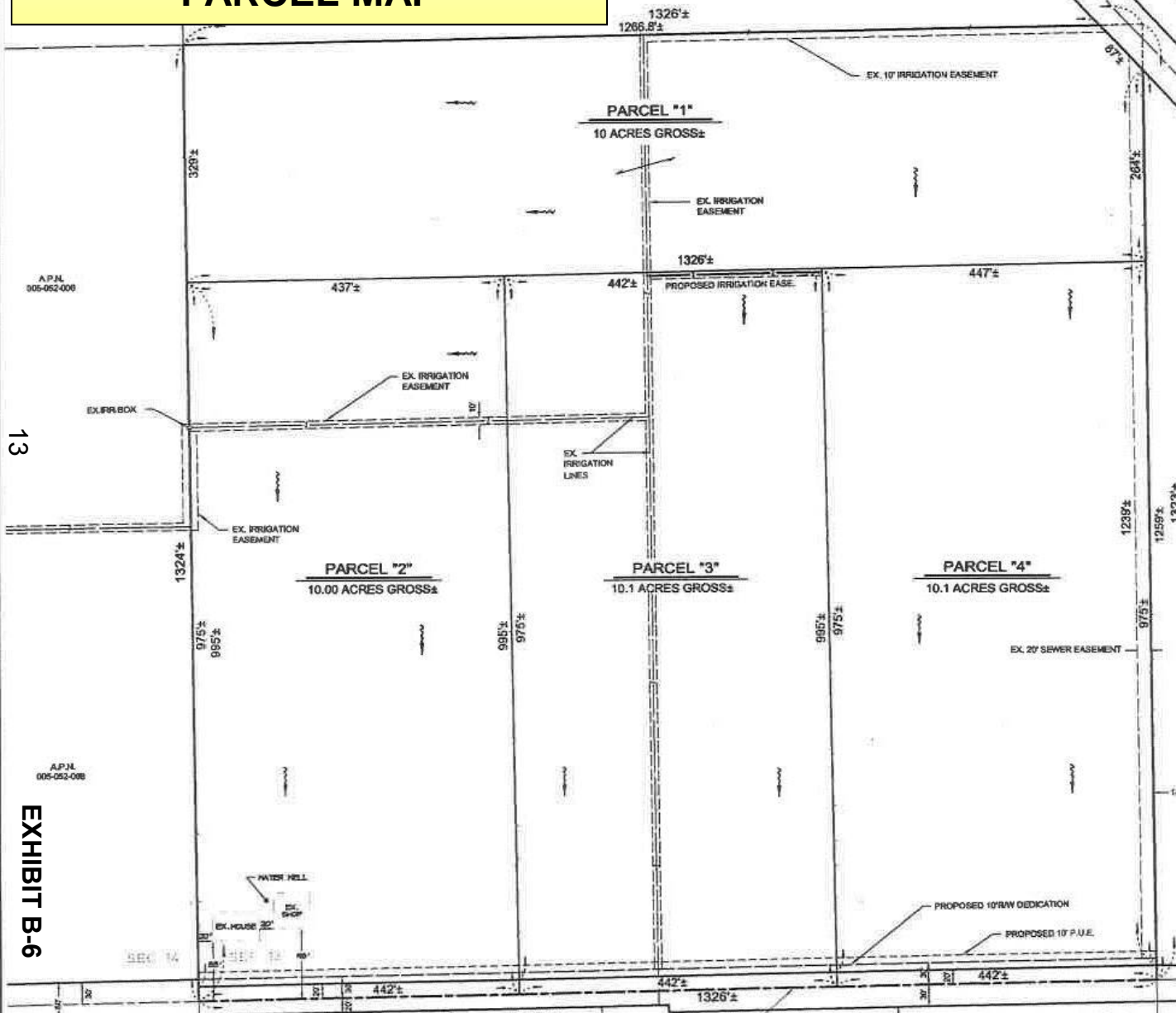


VTPM PLN2015-0104 CICCARELLI PARCEL MAP

A.P.N.
005-052-004



VICINITY MAP



OWNER
TONY & JOAN CICCARELLI
5948 CICCARELLI ROAD
MODESTO, CA 95358

APPLICANT
MR. DENNIS WILSON
HORIZON CONSULTING SERVICES
P.O. BOX 1448
MODESTO, CA 95353
PHONE: (209) 491-7520
FAX: (209) 491-7826

GENERAL NOTES

1. ASSESSOR'S PARCEL NUMBER: 005-052-002
2. EXISTING ZONING: A-2-10
3. SITE SUMMARY: TOTAL SITE = 40 ± ACRES BEING DIVIDED INTO 4 PARCELS.
4. DOMESTIC WATER: PRIVATE WATER WELL
5. SANITARY SEWER: PRIVATE SEPTIC SYSTEM
6. IRRIGATION: EXISTING FLOOD IRRIGATION
7. SITE CURRENTLY CONSISTS OF ALMOND TREES. PARCELS ARE CONFIGURED SO THAT THEY IRRIGATE & DRAIN UTILIZING EXISTING IRRIGATION AND DRAINAGE FACILITIES.
8. THIS PROJECT IS RELATIVELY FLAT SLOPING BETWEEN THE 1 AND 76 FOOT ELEVATION CONTOURS AS SHOWN ON USGS
9. SUBJECT PARCEL IS LOCATED IN ZONE "X" (AREAS OF 500-YEAR FLOOD) OF THE FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 060384-0275 C.
10. THE PROPERTY LINE DISTANCES, BEARINGS, AND ALL OTHER DIMENSIONS SHOWN ON THIS MAP ARE TAKEN FROM DEEDS, ASSESSOR'S MAPS, OR BOTH, AND PRELIMINARY FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REPRESENT AN ACTUAL FIELD SURVEY.

A.P.N.
005-052-008



1/4" SECTION LINE

SHOEMAKE AVENUE

SOUTH LINE SECTION 13

13

EXHIBIT B-6

A.P.N.
005-052-006

A.P.N.
005-052-008

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)

CONDITIONS OF APPROVAL

VESTING TENTATIVE PARCEL MAP APPLICATION NO. PLN2015-0104 CICCARELLI

Department of Planning and Community Development

1. The use shall be conducted as described in the application and supporting information (including the parcel map) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2016), 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 **\$2,267.25**, 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.
3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
4. 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.
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. 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.

7. 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.
8. The recorded parcel map shall contain the following statement:

"All persons purchasing lots within the boundaries of this approved map should be prepared to accept the inconveniences associated with the agricultural operations, such as noise, odors, flies, dust, or fumes. Stanislaus County has determined that such inconveniences shall not be considered to be a nuisance if agricultural operations are consistent with accepted customs and standards."
9. A "No Build" restriction on the construction of any residential development shall be observed until parcels are no longer enrolled under a Williamson Act Contract or the following criteria are met:
 - Ninety percent or more of the parcel shall be in production agriculture use with its own on-site irrigation infrastructure and water rights to independently irrigate. For land which is not irrigated by surface water, on-site irrigation infrastructure may include a self-contained drip or sprinkler irrigation system. Shared off-site infrastructure for drip or sprinkler irrigation systems, such as well pumps and filters, may be allowed provided recorded long-term maintenance agreements and irrevocable access easements to the infrastructure are in place.
 - Use of the parcel includes a confined animal facility (such as a commercial dairy, cattle feed lot, or poultry operation) or a commercial aquaculture operation.

Department of Public Works

10. A recorded parcel map shall be prepared by a licensed land surveyor or a registered civil engineer licensed to practice land surveying.
11. All structures not shown on the tentative parcel map shall be removed prior to the parcel map being recorded.
12. The new parcels shall be surveyed and fully monumented prior to the recording of the final map.
13. Brink Avenue is classified as a 100-foot Major Road. The required width is 100-feet west of the Union Pacific Railroad (UPRR) right-of-way. 60-feet of road right-of-way west of the of the UPRR currently exists, so the remainder of the 40-feet not previously dedicated shall be dedicated with an Irrevocable Offer of Dedication with the recording of the final map.
14. Shoemake Avenue is classified as a 100-foot Minor Arterial Street in the City of Modesto's General Plan. The required ½ width is 50-feet north of the Shoemake Avenue centerline. 20-feet of road right-of-way north of the Shoemake Avenue centerline currently exists, the remainder of the 30-feet not previously dedicated shall be dedicated with an Irrevocable

Offer of Dedication with the recording of the final map. Since the project site is inside the City of Modesto's Sphere of Influence, this Irrevocable Offer of Dedication width is the minimum to be dedicated. Any additional widths shall be offered up in the same irrevocable Offer of Dedication to meet the City of Modesto requirements.

15. A 10-foot wide Public Utility Easement (PUE) shall be located adjacent to all road right of ways, located adjacent to the Irrevocable Offers of Dedication. The PUE shall be shown on the final parcel map.

Department of Environmental Resources

16. Each parcel shall have an approved independent water supply (if not provided public water service). Prior to the issuance of a building permit, each parcel shall have its own well. A drilling permit shall be obtained from the Department of Environmental Resources.
17. The existing septic system(s) is/are to be contained within Proposed Parcel 2 boundaries as per required by Department setback standards.

Department of Environmental Resources - Hazardous Materials

18. The applicant shall determine, to the satisfaction of the Department of Environmental Resources (DER), that the site has been fully investigated (via Phase I study, and Phase II study) prior to the issuance of a grading permit. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the attention of DER.

Building Permits Division

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

City of Modesto

20. The project shall provide road reservation of 36-foot half width (72-foot full width) along the north, east, and western property lines.
21. All future road reservations shall be designed per City of Modesto Standard and Specifications.

Modesto City Schools

22. The appropriate school impact fees will apply on new construction.

Stanislaus County Sheriff

23. 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.

Modesto Irrigation District

24. MID's thirty-six (36) inch Cavil Drain runs diagonally through proposed Parcel 4. MID requires a dedicated 40-foot irrigation easement for the Cavil Drain pipeline centered on the

- pipeline. The irrigation easement shall be dedicated to MID by separate instrument and noted on the final map.
25. MID's 42-inch Goldsworthy pipeline runs along the northwest property line of proposed Parcel 1. MID requires 30-foot irrigation easement for the Goldsworthy pipeline centered on the existing pipeline. The portion of the 30-foot irrigation easement lying within the Applicant's property shall be dedicated to MID by separate instrument and noted on the Final Map.
 26. Any existing or proposed improvements within the irrigation easement(s) must be submitted to the Irrigation Operations Division for review. Permitted improvements within the easement area will require a License Agreement with MID.
 27. Should any proposed projects impact or otherwise alter MID's existing irrigation infrastructure, the facilities must be upgraded, replaced and/or relocated as required by MID.
 28. Private irrigation easements for future benefits of proposed Parcel 3 and 4 shall be dedicated in the recorded Parcel Map.
 29. All work on any irrigation facility must be completed during the non-irrigation season (typically November 1 to March 1).
 30. In conjunction with related site requirements, existing overhead and underground electric facilities within or adjacent to the proposed parcels shall be protected or relocated as required by the District's Electrical Engineering Department.
 31. Relocation or installation of electrical facilities shall conform to the District's Electric Service Rules.
 32. Costs for relocation of the District's facilities at the request of others will be borne by the requesting party. Estimates for relocating or underground existing facilities will be supplied upon request.
 33. A 10-foot Public Utility Easement (PUE) is required along all street frontages.
 34. Electric service to proposed Parcel 1 and 4 is not available at this time. The applicant shall contact the District's Electric Engineering Department to coordinate service requirements and arrange for electric service, if additional electric service is required. Additional easements may be required with the development of the properties.

Salida Fire Protection District

35. The project shall meet fire apparatus access standards. Two ingress/egress accesses to each parcel meeting the requirements listed within the California Fire Code.
36. Prior to recording the parcel map, issuance of a permit, and/or development, the owner(s) of the property will be required to form or annex into a community facilities district for operational services with the Salida Fire Protection District. (This may take over 90 days to complete).

California Regional Water Quality Control Board (RWQCB)

37. Prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if any of the following are required: a Construction Storm Water General Permit; a Storm Water Pollution Prevention Plan (SWPPP); a Phase I and II Municipal Separate Storm Sewer System (MS4) Permit; an Industrial Storm Water General Permit; a Clean Water Act Section 404 Permit; a Clean Water Act Section 401 Permit-Water Quality Certification; or Waste Discharge Requirements (WDR). If a SWPPP is required, it shall be completed prior to construction and a copy shall be submitted to the Stanislaus County Department of Public Works.

*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~~.*



City of Modesto
Community and Economic
Development Department/Planning Division
1010 Tenth Street, Third Floor
Modesto, CA 95354

December 9, 2015

Timothy Vertino
Assistant Planner
Stanislaus County Planning
1010 Tenth St, Suite 3400
Modesto, CA 95354

Re: Vesting Tentative Parcel Map Application No. PLN2015-00104—Cicarelli

Dear Mr. Vertino:

This letter is in response to the Referral/Early Consultation submitted by the County for the application to divide a 40 acre parcel into four 10 acre parcels located at 2513 Shoemake Road on the west side of Brink Road. The project site is located within the City of Modesto's Sphere of Influence. The City of Modesto planning staff has reviewed the application and has the following comments:

1. The project site is located in the College West Comprehensive Planning District designated as Business Park. The expectation is for this property and all of College West to develop with business park uses. Larger undeveloped parcels would provide better options for future urban development. The proposal to create smaller 10-acre parcels in combination with potential non-business park development permitted in the A-2-10 Zone would create challenges and limitations for future business park development.
2. A comprehensively planned street network is critical for the accessibility and mobility of the future development in this specific plan area. Shoemake Avenue and Brink Avenue are both designated as minor arterial streets in the Modesto General Plan requiring a street right-of-way of 100' at mid-block with flare outs at intersections per City of Modesto Standard Specifications Detail 379 (See attached). An irrevocable offer of street right-of-way dedication is appropriate for this project.

The minor collector/industrial street distribution intervals are typically on the ¼ mile grid in accordance with the Modesto General Plan. The project shall provide an irrevocable offer of street right-of-way dedication of 36' half width (72' full width with half from the neighboring property) along its east, west, and north property lines.

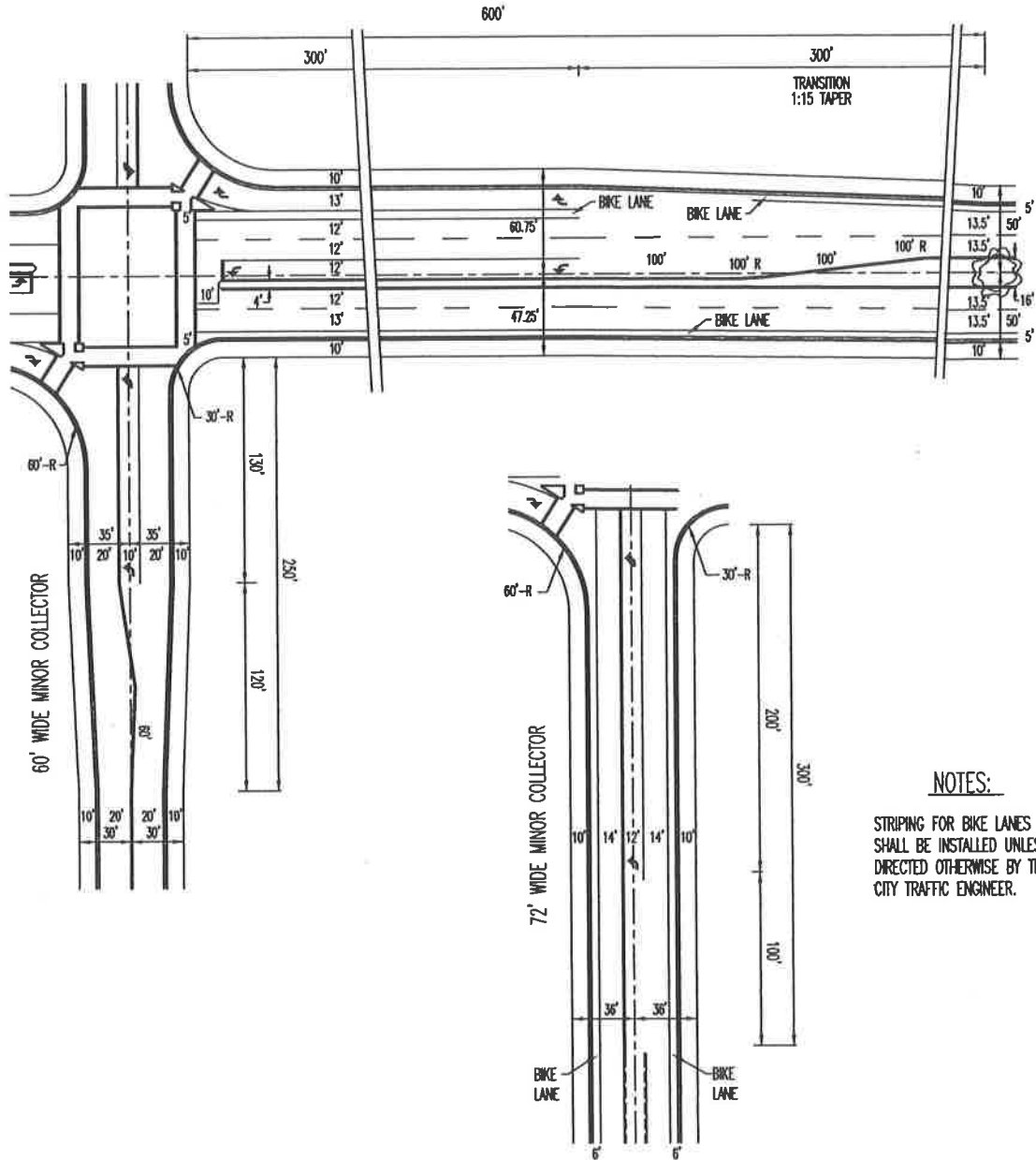
3. Sewer and water service are not available to serve the subject site.
4. All development shall be consistent with City of Modesto standards.

Thank you for the opportunity to comment on this project. If you have any questions about this letter, please contact me at 209-577-5267.

Sincerely,

Paul Liu
Senior Planner

MINOR ARTERIAL



NOTES:

STRIPING FOR BIKE LANES SHALL BE INSTALLED UNLESS DIRECTED OTHERWISE BY THE CITY TRAFFIC ENGINEER.

APPROVED BY: BILL SANDHU, CITY ENGINEER C59650	
REVISED:	DATE:
REVISED:	DATE:
REVISED:	DATE:

STREETS

**MINOR ARTERIAL AT
A MINOR COLLECTOR**

ADOPTED BY CITY COUNCIL
RESOLUTION NO. 2014-345

MODESTO
CALIFORNIA

DETAIL NO.
379



CEQA INITIAL STUDY

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

1. **Project title:** Vesting Parcel Map Application No. 2015-0104 – Ciccarelli (SCH No. 2015112007)
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Timothy Vertino, Assistant Planner
4. **Project location:** 2513 Shoemake Road, east of Dakota Avenue, west of Highway 99 inside the City of Modesto's Sphere of Influence.
APN: 005-052-002
5. **Project sponsor's name and address:** Dennis Wilson, Horizon Consulting Services
P.O. Box 1448
Modesto, CA 95353
6. **General Plan designation:** AG (Agriculture)
7. **Zoning:** A-2-10 (General Agriculture)
8. **Description of project:**

Request to divide a 40± acre parcel into four (4) parcels of 10 acres each. Three of the four proposed parcels will take access from Shoemake Avenue, while the fourth will take access from Brink Avenue. The existing parcel is developed with a single-family home, agriculture shop, and a producing almond orchard. The project site is currently enrolled in Williamson Act Contract No. 78-3436. The parcel is located within the City of Modesto's Sphere of Influence.

9. **Surrounding land uses and setting:** Scattered single family dwellings, and open land to the north; an orchard and State Highway 99 to the east; Yosemite Jr. College, open land, and scattered single family dwellings to the south; orchards and scattered single family dwellings to the west.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** City of Modesto
Department of Environmental Resources
DER Hazardous Materials
Modesto Irrigation District
Public Works
Salida Fire Protection District

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.

Timothy Vertino
Signature

February 9, 2016
Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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

ISSUES

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

Discussion: The site itself is currently improved with an orchard, a single-family dwelling, an agricultural shop, and may be considered a scenic resource; however, community standards generally do not dictate the need or desire for architectural review of any additional residential structures.

No construction is being proposed as a part of this application; however, provided the property owner meets Williamson Act, building code, and A-2 zoning requirements, including appurtenant agricultural production, one residential structure could be constructed on each parcel.

No new source of light or glare will be created as no residential or agricultural structures are being proposed in conjunction with the subject parcel map. Conditions of approval will be placed on the project to mitigate any lighting impacts that may affect surrounding neighbors. Any development resulting from this project will be consistent with existing area developments.

Mitigation: None.

References: Stanislaus County Zoning Ordinance; and the Stanislaus County General Plan and Support Documentation¹.

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

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

Discussion: The project site is currently enrolled in Williamson Act Contract No. 78-3436 and is a producing orchard with soils identified as “Prime Farmland” according to the California State Department of Conservation Farmland Mapping and Monitoring Program. Any use of the property must be compatible with the County’s General Agriculture (A-2) zoning district and the Williamson Act which limits the property to agricultural uses and uses incidental and accessory to the on-site agricultural use of the property.

The project proposes to divide a 40± acre parcel into four (4) 10± acre parcels. No residential or agricultural structures are being proposed in conjunction with the subject parcel map; however, the A-2 zoning district permits one single-family dwellings on each 10± acre parcel as well as appurtenant residential and agricultural structures. Any construction must be accompanied by a Williamson Act Landowner’s Statement verifying that the landowner understands the rules of the Contract and that any proposed structure is being constructed as an accessory to the on-site agricultural use. This project will have no impact to forest land or timberland.

This project will not conflict with any agricultural activities in the area and/or lands enrolled in the Williamson Act. All surrounding parcels are improved as orchards with scattered single-family dwellings. Under the Williamson Act, lands are presumed to be too small to sustain their agricultural use if the lands are less than 40 acres in size, in the case of non-prime agricultural land, 10 acres in size, in the case of prime agricultural land, or the subdivision will result in residential development not incidental to the commercial agricultural use of the land. In this case, the proposed parcels will be 10 acres in size and in agricultural production. The County has a Right-to-Farm Ordinance in place to protect agricultural operations from unjust nuisance complaints.

The property and proposed parcels will continue to be served with surface irrigations from the Modesto Irrigation District (MID) facilities and easements.

Mitigation: None.

References: Stanislaus County Zoning Ordinance; Application information; State of California Department of Conservation Farmland Mapping and Monitoring Program-Stanislaus County Farmland 2010 ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/sta14_no.pdf; and the Stanislaus County General Plan and Support Documentation¹.

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

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	

Discussion: The proposed project is located within the San Joaquin Valley Air Basin (SJVAB) and, therefore, falls under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In conjunction with the Stanislaus Council of Governments (StanCOG), the SJVAPCD is responsible for formulating and implementing air pollution control strategies. The SJVAPCD’s most recent air quality plans are the 2007 PM10 (respirable particulate matter) Maintenance Plan, the 2015 for the 1997 PM2.5 standard (fine particulate matter), and the 2007 Ozone Plan (The District has also adopted similar ozone plans such as 2014 RACT SIP and 2013 Plan for the Revoked 1-Hour Ozone Standard). These plans establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SJVAB, which has been classified as “extreme non-attainment” for ozone, “attainment” for respirable particulate matter (PM-10), and “non-attainment” for PM 2.5, as defined by the Federal Clean Air Act.

The 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. Any additional traffic created by this parcel map would be for normal residential uses if single family dwellings are constructed, and or farming purposes. Therefore, these changes will create a less than significant impact on air quality.

Construction activities associated with new development can temporarily increase localized PM10, PM2.5, volatile organic compound (VOC), nitrogen oxides (NOX), sulfur oxides (SOX), and carbon monoxide (CO) concentrations a project’s vicinity. The primary source of construction-related CO, SOX, VOC, and NOX emission is gasoline and diesel-powered, heavy-duty mobile construction equipment. Primary sources of PM10 and PM2.5 emissions are generally clearing and demolition activities, grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed surfaces.

Construction activities associated with the proposed project would consist of the construction of one single family dwelling per parcel. These activities would not require any substantial use of heavy-duty construction equipment and would require little or no demolition or grading as the site is presently unimproved and considered to be topographically flat. Consequently, emissions would be minimal. Furthermore, all construction activities would occur in compliance with all SJVAPCD regulations; therefore, construction emissions would be less than significant without mitigation.

The project was referred to the SJVAPCD on November 5, 2015, but no response was received to date. Standard Conditions of Approval will be placed on the project requiring compliance with applicable SJVAPCD regulations.

Mitigation: None.

References: San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; and the Stanislaus County General Plan and Support Documentation¹

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or 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 site is currently a producing orchard and will continue as such. No construction, earth moving, grading, or deep ripping is being proposed as a part of this request; however, parcelization of the site into four 10± acre parcels will allow for the construction of up to one residences per parcel as well as agricultural storage buildings with building permits. It does not appear this project will result in impacts to endangered species or habitats, locally designated species, wildlife dispersal, or mitigation corridors.

The project site is not located near a natural waterway, and is not located within the FEMA designated Floodzone.

Mitigation: None.

References: Application information; California Natural Diversity Database and Biological Resources 2005; and the Stanislaus County General Plan and Support Documentation¹.

V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			X	

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	

Discussion: It does not appear this project will result in significant impacts to any archaeological or cultural resources. The project parcel is currently a producing orchard and no new construction is being proposed as a part of the application. A condition of approval will be placed on the project that if any resources are found, construction activities will be halted at that time and the appropriate agencies contacted.

A records survey performed on the subject properties by the Central California Information Center (CCIC) indicated that no cultural, prehistoric, or historic resources within the immediate vicinity have been reported to the CCIC. The project area has a low sensitivity for the possible discovery of pre-historic or historic archeological resources, but some sensitivity for the presence of residential or agricultural building over 45 years of age.

Mitigation: None.

References: Applicant query from the Central California Information Center dated February 10, 2008; Stanislaus County General Plan and Support Documentation¹

VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	

Discussion: The project consists of a division of land in agricultural production. No construction is proposed at this time; however, in the event that structures are constructed, geological factors must be considered. As contained in Chapter Five of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required as part of the building permit process. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any

structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Public Works Standards and Specifications which consider the potential for erosion and run-off prior to grading and/or building permit approval. Likewise, any addition of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹

VII. GREENHOUSE GAS EMISSIONS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

Discussion: The project site is currently a producing orchard and has the potential to generate greenhouse gas emissions through routine farming practices; however, it is not believed that any increase of greenhouse gas emissions will be caused by this proposed project which consists of a division of land. The applicant is not proposing to construct additional structures nor change farming practices and/or crops as a part of this request.

This project was referred to the SJVAPCD, but no comment has been received to date

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X	
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	

Discussion: As part of the routine farming operations, pesticides and fungicides may be used as needed and a fuel tank will remain on site; however, the presence of these hazardous materials will create a less than significant impact. Pesticide exposure is a risk in agricultural areas. Sources of exposure include contaminated groundwater, which is consumed, and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. DER-Hazardous Materials is responsible for overseeing hazardous materials in this area.

DER Haz-Mat commented that the project site shall be fully investigated via a Phase I, and Phase II if necessary, prior to the issuance of a grading permit. DER recommends research be conducted to determine if pesticides were used on the proposed development site; if confirmed, suspect site areas should be tested for organic pesticides and metals. 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.

However, this application is to divide a 40± acre parcel into four (4) 10 acre parcels. Therefore no grading, or building permits are being proposed at this time.

The Envirostor database was accessed to determine if any of the properties were listed as potential hazardous waste or superfund sites. 2513 Shoemake Road was not identified as a hazardous site.

Mitigation: None.

References: Referral response from Department of Environmental Resources – Hazardous Materials dated November 23, 2015; Department of Toxic Substances Control (www.envirostor.dtsc.ca.gov); and the Stanislaus County General Plan and Support Documentation¹

IX. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				

Discussion: Run-off is not considered an issue because of several factors which limit the potential impact. These factors include the relatively flat terrain of the subject site, and relatively low rainfall intensities in the Central Valley. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act. The project site itself is located in Zone X (outside the 0.2% floodplain) and, as such, exposure to people or structures to a significant risk of loss/injury/death involving flooding due levee/dam failure and/or alteration of a watercourse, at this location is not an issue with respect to this project. Development standards require that all of a project’s storm water be maintained on site; however, no grading is included as part of this parcel map. As a result of the development standards required for this project, impacts associated with drainage, water quality, and runoff are expected to have a less than significant impact.

The project site (proposed “Parcel 2”) is currently served by private well, and septic. City of Modesto sewer and water are not available to serve this project site. DER responded that each parcel shall have an approved independent water supply. Prior to the issuance of a building permit, each parcel shall have its own well and a drilling permit shall be obtained from DER. The existing septic system is to be contained within the Proposed Parcel 2 boundaries and meet setback standards.

This project was referred to the Regional Water Quality Control Board (RWQCB), but no response has been received to date.

Mitigation: None.

References: Referral response from Department of Environmental Resources dated November 18, 2016; and the Stanislaus County General Plan and Support Documentation¹

X. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?			X	

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Discussion: This project is consistent with the Agriculture General Plan designation and the A-2-10 (General Agriculture) zoning designation. The project site was previously approved for Vesting Tentative Parcel Map 2008-02, which allowed the 40 acre parcel to be subdivided into four (4) 10 acre parcels, with a private cul-de-sac. The map never recorded, and improvements were never put in. The redesign of the map will still allow four (4) 10 acre parcels, but the private cul-de-sac has been removed for this map.

Chapter 20.52 Design Standards in the County Subdivision Ordinance states that the depth of lots shall not exceed the road frontage by more than three times where the total frontage is less than three hundred feet, nor more than four times where the total frontage is three hundred feet or more. In the case of proposed "Parcel 1" the proposed street frontage along Brink Avenue is 87± feet, and the depth of the lot is 1,266± feet. The width to depth ratio on rectangular parcels may be greater than required provided it is demonstrated to the satisfaction of the department when the parcel map is submitted. The applicant has submitted findings that staff believes would satisfy the requirements of the Ordinance.

The features of this project will not physically divide an established community and/or conflict with any habitat conservation plan or natural community conservation plan. This project will not conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project.

Mitigation: None.

References: Application information; Stanislaus County Subdivision Ordinance; and the Stanislaus County General Plan and Support Documentation¹

XI. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X	

Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. West of the San Joaquin River has not been mapped and there are no known significant resources on the site. The proposed parcel map is not proposing to change the property's use. Consequently, the proposed project is not expected to have any impact on potentially present aggregate resources.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹

XII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Discussion: No construction is being proposed as part of this parcel map application, but any construction as a result of this project should not increase the area's ambient noise level. Currently, the project site is improved with a producing orchard, and one single family dwelling. Any noise impacts associated with increased on-site activities and traffic is not anticipated to exceed the area's existing level of noise. Each 10 acre parcel would be able to construct one single family dwelling, and accessory structures if subdivided.

The subject parcel is not near any public or private airports. There is one single-family home located on the project site on Proposed "Parcel 2", and several residences located on surrounding parcels.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹

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

Discussion: This project does not propose any significant type of growth inducing features; therefore, adverse effects created by population growth should not occur. City of Modesto water, and sewer are not available to serve the project site at this time. The proposed parcels will be restricted by the General Agriculture (A-2-10) zoning district. One single

family dwellings on each parcel is permitted as per County Code Section 21.20.020(B). There is one home on the existing 40± acre parcel. No people or housing will be displaced as part of this Parcel Map applicaiton.

Mitigation: None.

References: Stanislaus County Zoning Ordinance; and the Stanislaus County General Plan and Support Documentation¹

XIV. PUBLIC SERVICES --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in the substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?				X
Schools?			X	
Parks?				X
Other public facilities?			X	

Discussion: The County has adopted Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance. The project was referred to Modesto Union High, Hart-Ransom Union, and Yosemite Jr. College School Districts, the Salida Fire Protection District, and the Stanislaus County Environmental Review Committee (ERC) which includes the Sheriff’s Department.

The Salida Fire District commented that project shall meet fire apparatus access standards. Each proposed parcel shall have two ingress/egress points to meet California Fire Code.

Mitigation: None.

References: Referral response from the Salida Fire Protection District dated November 23, 2015; and the Stanislaus County General Plan and Support Documentation¹

XV. RECREATION --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	
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Discussion: Single-family dwellings are not being proposed as a part of this project. Upon project approval, the landowners could construct one single family dwelling on each parcel after demonstrating that the dwellings will support the on-site agricultural use. There are no recreation facilities that would be affected by the proposed project.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹

XVI. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X	

Discussion: This project proposal will not substantially increase traffic for this area. At full build out of this site, one single family dwelling could be constructed on each 10 acre parcel. Proposed Parcels “2” “3” and “4” will have access to County-maintained Shoemake Road. Proposed Parcel “1” will have access to County-maintained Brink Avenue.

The project site is located within the City of Modesto’s Sphere of Influence, the City has requested road dedication to meet future development for this area. This road dedication is following the conditions that were approved for the adjacent parcel map to the west, in 2004. The City of Modesto is asking for 36 feet on the western, northern, and eastern property lines, which will allow for comprehensive planned street network for 72 feet minor arterial streets.

County Public Works commented that the project will require road dedication on both county maintained roads. Shoemake Avenue is classified as a 110 foot four (4) lane expressway. The required half road width is 55 feet, 20 feet of road right away already exist, so the remaining 30 feet shall be dedicated as part of this map. Brink Avenue is classified as a 100 foot Major Road. 50 feet of road right away already exists; therefore, 40 feet shall be dedicated as part of this map.

The project was also referred to Caltrans for review, but no comments were received to date.

Mitigation: None.

References: Referral response from the City of Modesto dated December 9, 2015; referral response from Public Works dated February 3, 2016; and the Stanislaus County General Plan and Support Documentation¹

XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	

Discussion: Limitations on public utilities and service systems have not been identified. Impacts to existing utility and service systems are anticipated to be minimal as a result of this project.

MID responded with general comments regarding easements for irrigation existing facilities. MID also commented that a 10 foot Public Utility Easement (PUE) is required on all street frontages.

The City of Modesto has a 20 foot wide sewer easement along the eastern property line of the parcel that serves one of its sewer trunk lines; however, no service is available to the site at the time.

This project was referred to RWQCB but no response has been received to date.

Mitigation: None.

References: Referral response from Modesto Irrigation District dated November 23, 2015; referral response from the City of Modesto dated December 9, 2015; and the Stanislaus County General Plan and Support Documentation¹

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

Discussion: Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area. The project site is currently, and will remain, planted as an orchard and no structures or construction are being proposed as a part of this project.

¹Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and updated elements of the General Plan and Support Documentation: **Agricultural Element** adopted on December 18, 2007; **Housing Element** adopted on August 28, 2012; **Circulation Element** and **Noise Element** adopted on April 18, 2006.

NEGATIVE DECLARATION

NAME OF PROJECT: Vesting Parcel Map Application No. 2015-0104 – Ciccarelli (SCH No. 2015112007)

LOCATION OF PROJECT: 2513 Shoemake Road, east of Dakota Avenue, west of Highway 99 inside the City of Modesto's Sphere of Influence. APN: 005-052-002

PROJECT DEVELOPERS: Dennis Wilson, Horizon Consulting Services
P.O. Box 1448
Modesto, CA 95353

DESCRIPTION OF PROJECT: Request to subdivide a 40 acre parcel zoned A-2-10 (General Agriculture) into four (4) 10 acre parcels. The project is located at 2513 Shoemake Road, east of Dakota Avenue, west of Highway 99, inside the City of Modesto's Sphere of Influence. The Planning Commission will consider adoption of a CEQA Negative Declaration for this project.

Based upon the Initial Study, dated **February 9, 2016**, 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: Timothy Vertino, Assistant Planner

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

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: VESTING TENTATIVE PARCEL MAP APPLICATION PLN2015-0104 - CICCARELLI

REFERRED TO:	RESPONDED			RESPONSE			MITIGATION MEASURES		CONDITIONS			
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF CONSERVATION: Land Resources	X	X	X		X							
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF TRANSPORTATION DIST 10	X	X	X		X							
CA DEPT OF WATER RESOURCES	X	X	X		X							
CA OPR STATE CLEARINGHOUSE	X	X	X	X				X		X		X
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X				X		X	X	
CITY OF: MODESTO	X	X	X	X				X		X	X	
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: SALIDA	X	X	X	X				X		X	X	
IRRIGATION DISTRICT: MODESTO	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
RAILROAD: UNION PACIFIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X		X							
SCHOOL DISTRICT 1: MODESTO UNION HIGH	X	X	X		X							
SCHOOL DISTRICT 2: HART-RANSOM UNION	X	X	X		X							
SCHOOL DISTRICT 3: YOSEMITE JR COLLEGE	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X	X		X							
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X	X				X		X	X	
STAN CO ERC	X	X	X	X				X		X		X
STAN CO FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X	X	X				X		X	X	
STAN CO PUBLIC WORKS	X	X	X	X				X		X	X	
STAN CO SHERIFF	X	X	X		X							
STAN CO SUPERVISOR DIST 3: WITHROW	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS			X		X							
TELEPHONE COMPANY: AT&T	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							
US MILITARY AGENCIES (SB 1462) (5 agencies)	X	X	X		X							