

STANISLAUS COUNTY PLANNING COMMISSION

February 2, 2017

STAFF REPORT

PARCEL MAP AND VARIANCE APPLICATION NO. PLN2016-0119 HAIDLEN

REQUEST: TO SUBDIVIDE A 3.16± ACRE PARCEL INTO TWO PARCELS OF 1.29± AND 1.87± ACRES. A VARIANCE IS BEING REQUESTED FOR CREATION OF A PARCEL BELOW THE MINIMUM 10 ACRE LOT SIZE REQUIREMENTS OF THE A-2-10 ZONING DISTRICT.

APPLICATION INFORMATION

Applicant/Property owner:	Tom Haidlen
Agent:	Kevin Cole, Giuliani & Kull, Inc.
Location:	10722 Rawles Road, north of Rodden Road, between 28 Mile and Horseshoe Roads, east of the City of Oakdale.
Section, Township, Range:	6-2-11
Supervisory District:	One (Supervisor Olsen)
Assessor's Parcel:	002-049-006 & 002-049-014
Referrals:	See Exhibit H Environmental Review Referrals
Area of Parcel(s):	Proposed Parcel 1: 1.87± acres Proposed Parcel 2: 1.29± acres
Water Supply:	Private well
Sewage Disposal:	Septic
Existing Zoning:	R-A (Rural Residential) (1.29 acres) - A-2-10 (General Agriculture) (1.87 acres)
General Plan Designation:	AG (Agriculture) (1.87 acres) - LDR (Low Density Residential) (1.29 acres)
Sphere of Influence:	N/A
Community Plan Designation:	N/A
Williamson Act Contract No.:	N/A
Environmental Review:	Negative Declaration
Present Land Use:	Single-family dwelling, accessory structures, and almond orchard.
Surrounding Land Use:	To the north, east, and west are various types of agricultural land uses; to the south, rural residential development.

RECOMMENDATION

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

PROJECT DESCRIPTION

This is a request to subdivide an existing 3.16± acre parcel into a 1.87± acre parcel and a 1.29± acre parcel. A Variance is being requested to allow the creation of a lot that will not meet the 10-acre minimum lot size requirements identified in the A-2-10 (General Agriculture) zoning district.

SITE DESCRIPTION

The project site is generally located north of Rodden Road, between 28 Mile Road and Horseshoe Road, east of the City of Oakdale. The southern 1.29 acre portion of the project site is developed with one single-family dwelling and the northern 1.87 acres area and is planted in almonds (See Exhibit B – *Site Maps and Proposed Parcel Map*). Both portions of the project site have frontage along Rawles Road, a County maintained cul-de-sac improved with curb and gutter. The northern portion of the property is bound by the Oakdale Irrigation District's Eaton Lateral along the north.

The south side of Rawles Road consists of rural residential development. The area east of Rawles Road and to the north and west of the project site consists of various types of agricultural land uses. Rural residential development and the Stanislaus River are located to the south.

The project site has two (2) distinct General Plan and zoning designations. The southern 1.29± acre portion has a General Plan designation of Low Density Residential and a zoning designation of R-A (Rural Residential) and the northern 1.87± acre portion has a General Plan designation of Agriculture and a zoning designation of A-2-10 (General Agriculture). The current 3.16 acre parcel configuration was approved by the Planning Commission under a Lot Line Adjustment and Variance application in 1988. The Lot Line Adjustment added the 1.87± acre portion to the project site from the adjacent parcel to the north creating the current 3.17 and 10.12 acre parcels. (See Exhibit E – *Planning Commission Staff Report July 7, 1988 LLA & VAR APP - Thomas & Julia Haidlen/ Marjorie Rawles.*)

ISSUES

The issue with this project is the ability to make the necessary variance findings for the creation of a parcel below the 10-acre minimum parcel size. The site's dual General Plan and zoning designations were created as a result of a 1988 Planning Commission approval of a Lot Line Adjustment and Variance request. That in combination with its location along Rawles Road, which is improved to rural residential standards and has rural residential development, located on the south side of Rawles Road, creates a unique circumstance which may compel the Planning Commission to determine that the Variance findings can be made. A land use precedence has already been set with the 1988 Variance approval and the 1978 General Plan Amendment of the south side of Rawles Road from Rural Residential (currently known as Estate Residential) to Low Density Residential. The project site is physically separated by an Oakdale Irrigation District (OID) lateral from the adjacent agricultural lands to the north and any development resulting from this request would be consistent with the rural residential character of the area.

Based on the adjoining non-agricultural general plan and zoning designations, staff would generally be recommending that the applicant propose a general plan amendment and rezoning of the property in lieu of a variance request. While the unique circumstances of the project site would likely result in staff support for such a request, the applicant is constrained by Measure E, a 30-year land use restriction initiative passed by the voters in 2008, that requires any redesignation or rezoning of land, in the unincorporated area, from agriculture or open space use to a residential use be approved by a majority vote of the County voters at a general or special local election. The Planning Commission's approval of the requested variance is the applicant's only option to create the desired

parcel, aside from a majority vote of the County voters; pending a Planning Commission recommendation and Board of Supervisor's decision of the amendment and rezoning request.

GENERAL PLAN CONSISTENCY

As stated above, the site has two (2) General Plan designations, Low Density Residential and Agriculture. The General Plan's intent of the Low Density Residential land use designation is to provide appropriate locations and adequate areas for single-family detached homes.

The intent of the Agriculture designation is to recognize 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 parcels sizes. Exceptions to these minimum site standards include, land in a ranchette developed area that due to existing parcelization, poor soils, location, limit the agricultural productivity area and thus a smaller sized parcel may be considered under the A-2-20, A-2-10, A-2-5 and A-2-3 zoning designations.

If approved, each proposed parcel's General Plan designation will be consistent with their corresponding zoning classifications.

ZONING & SUBDIVISION ORDINANCE CONSISTENCY & VARIANCE FINDINGS

The site is currently regulated by two distinct zoning districts: R-A (Rural Residential) and A-2-10 (General Agriculture). The A-2-10 zoning district sets the minimum parcel size at 10 acres for the creation of new parcels, while the minimum parcel sizes in the R-A zoning district range from 8,000 square feet to one (1) acre depending on the type of available utilities. The proposed 1.29± acre parcel meets the R-A zoning districts one (1) acre minimum site area standard when served by private well and septic. The 1.87± acre proposed parcel does not meet the 10-acre minimum standard of the A-2-10 zoning district. The subdivision ordinance defers minimum parcel size standards to the corresponding zoning district of the site. The applicant has applied for a variance from the minimum parcel requirement of the A-2-10 zoning district.

Chapter 21.84 – Variances to the County's Zoning Ordinance provides for the granting of a variance from development standards where practical difficulties, unnecessary hardships and results are inconsistent with the general purpose of the Zoning Ordinance may result from the strict application of certain provisions. In order for a variance to be granted, the following findings must be made:

- (a) That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this title will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.
- (b) That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.
- (c) That the granting of the application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

At the time of the 1988 Lot Line Adjustment and Variance approval, staff noted that the resulting parcel with two (2) zoning districts, one (1) being less than the allowed 10-acre minimum parcel size was unusual, but not completely unique. The zoning ordinance in 1988, prohibited construction of an additional dwelling on the proposed 3.17 acre parcel, as there was already one (1) dwelling on the parcel. Changes to the R-A zoning district now allow for the development of one (1) additional dwelling; for a total of two (2) dwellings. If the proposed project is approved, the 1.29 acre parcel currently developed with one (1) dwelling could be developed with an additional dwelling and the 1.87 acre parcel would be allowed to develop with one (1) dwelling. As such, approval of this project will increase, by one (1) dwelling unit, the residential density potential of the project site.

The applicant has submitted a findings statement. (See Exhibit D – *Applicants Statement of Findings*.) Staff agrees with the applicant's assessment that there are special circumstances applicable to the property. Those circumstances being split zoning, the rural residential character of Rawles Road (improved with curb and gutter) and one (1) acre Rural Residential parcels along the south side, and the site's physical separation from the adjacent agriculture to the north by the OID lateral.

While the 1.87 acre portion of the project site has been historically planted in almonds, its size, shape and location is consistent with the adjoining rural residential development to the south and not the agricultural development to the north and northwest.

Staff does not believe that the approval of this request will grant a special privilege inconsistent with the limitations upon other properties in the vicinity and zones in which the project site is located. The project is consistent with the site's R-A zoning and the existing inconsistency with the A-2-10 zoning district, established by the 1988 approval, will not be intensified. The difficulty with most variances is finding that this request is necessary for the preservation and enjoyment of substantial property rights of the petitioner. Parcels below the minimum parcel size in the A-2 zoning district are not uncommon and consideration must be given to the precedent this request may set countywide. The 1988 approval resulting in the current 3.17 acre configuration recognized that the northern 1.87 acres were not agriculturally suitable, due to size and physical separation by the OID lateral, and that the adjusted parcel would be consistent with the rural residential development found along Rawles Road and the area south. While the project site shares the similarity of being below the 10-acre minimum parcel size with the adjoining 5.28 acre parcels to the west, the project site's split zoning and physical separation from the parcel to the north are unique characteristics.

As reflected in the applicant's findings, the placement of the proposed 1.87 acre parcel between the OID lateral and an R-A zoning district distinguishes it from the remaining 9.97 acre (10.11 gross acres) parcel fronting onto Rawles Road, thus limiting the special circumstance that could be used as grounds for further subdivision of the agricultural land. If the 1.87 acre portion of the project site were to be developed with the permitted second dwelling, it would visually blend with the rural residential development already existing along the south side of Rawles Road. The proposed parcels would be consistent with the one (1) acre size of the parcels along the south side of Rawles Road. With the exception of parcel ownership at the time of the 1978 redesignation of the south side of Rawles Road from Rural Residential to Low Density Residential, the project site shares the rural residential characteristics of the area.

Staff believes that the granting of the application will not adversely affect the health and safety of persons or property in the neighborhood or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood. If approved, use and development of each parcel will be governed by the respective zoning districts.

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 H - *Environmental Review Referrals*.) Staff would like to clarify a minor error in the Initial Study as a portion of the site was incorrectly identified with an R-1 (Single-Family Residential) zoning district.

As permitted by CEQA Guidelines Section 15073.5 (c)(4), revisions to a Negative Declaration may be approved by the Planning Commission without a new period of environmental review if the project revisions are added to merely clarify, amplify or makes insignificant modifications to the document. The portion of the site is correctly identified as under the R-A (Rural Residential) zoning district in this report. Staff believes this does not alter the overall environmental review of the project as the two (2) zoning districts are similar in intent and it would have not altered the review of the project as this portion of the project site has already been developed with a single-family residence.

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 G - *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 **\$2,273.25** 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: Jeremy Ballard, Assistant Planner, (209) 525-6330

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Site Maps and Proposed Parcel Map
- Exhibit C - Conditions of Approval
- Exhibit D - Applicant Statement of Findings
- Exhibit E - Planning Commission Staff Report July 7, 1988 LLA & VAR APP - Thomas and Julia Haidlen/ Marjorie Rawles
- Exhibit F - Initial Study (with revisions)
- Exhibit G - Negative Declaration
- Exhibit H - Environmental Review Referral

Exhibit A
Findings and Actions Required for Project Approval

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
 - (a) That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this title will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.
 - (b) That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.
 - (c) That the granting of the application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.
 - (d) The proposed map is consistent with applicable general and community plans as specified in Section 65451.
 - (e) The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
 - (f) The site is physically suitable for the type of development.
 - (g) The site is physically suitable for the proposed density of development.
 - (h) 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.
 - (i) The design of the parcel or type of improvements are not likely to cause serious public health problems.
 - (j) 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.

- (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 Parcel Map & Variance Application No. PLN2016-0119 – Haidlen, subject to the attached Conditions of Approval.

**PM & VAR PLN2016-0119
HAIDLEN
AREA MAP**

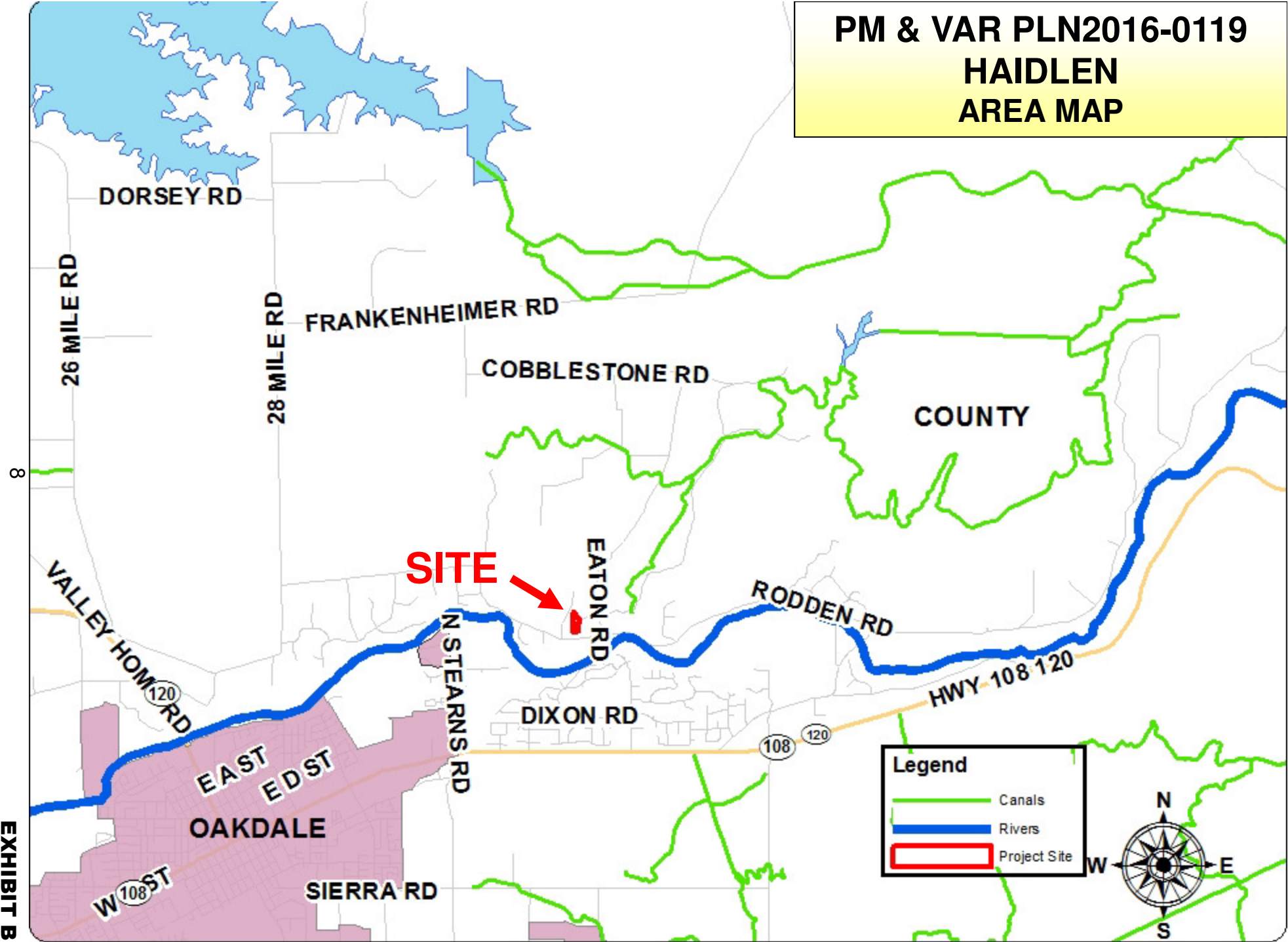


EXHIBIT B

**PM & VAR PLN2016-0119
HAIDLEN
GENERAL PLAN MAP**

AG

EST

LDR

ARBINI RD

RAWLES RD

RODDEN RD

GIBBS DR

STANISLAUS RIVER

ATLAS RD

DILLWOOD RD

WHITETAIL DR

SCARLET OAK DR

Legend

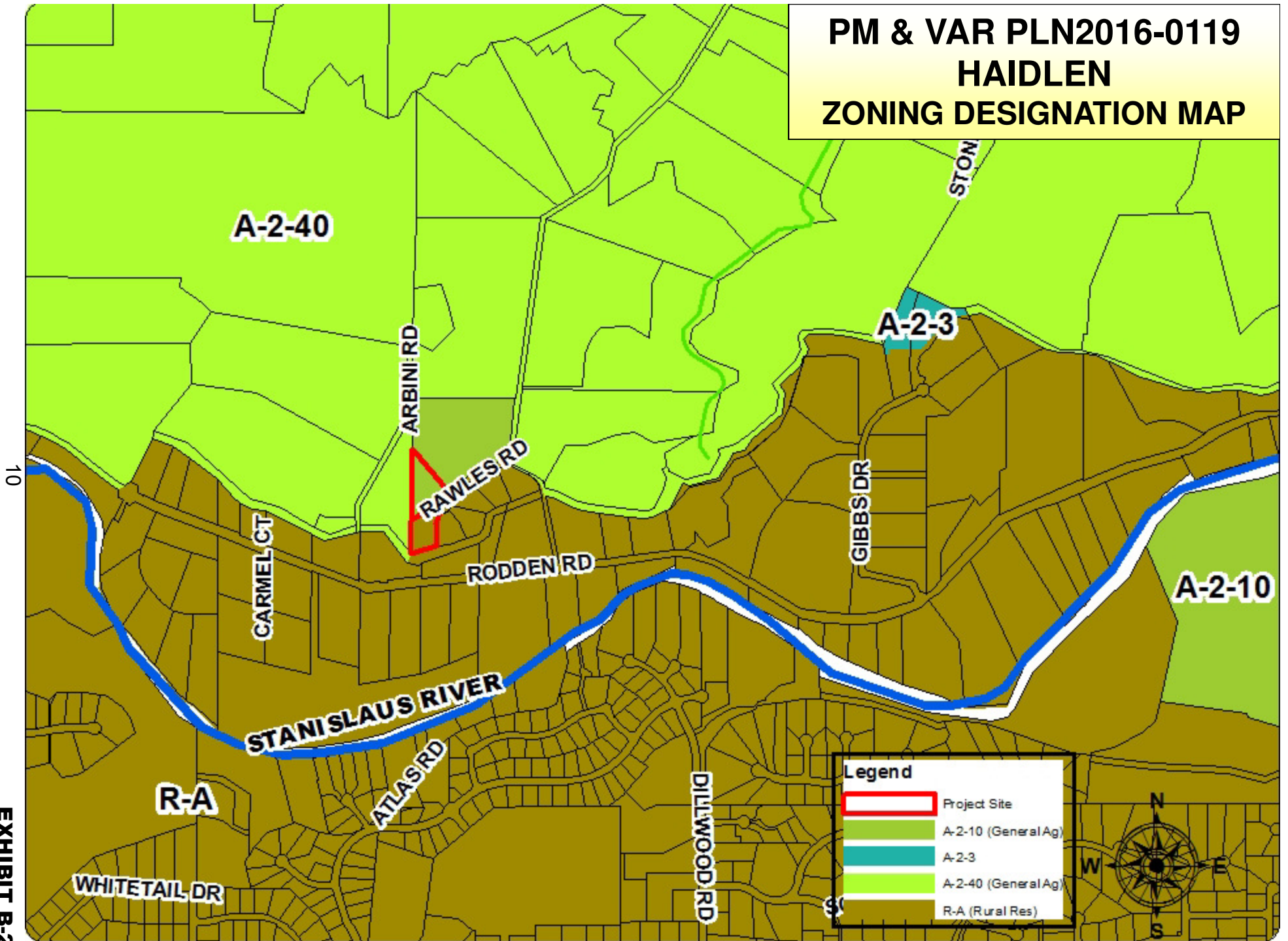
-  Project Site
-  Agriculture
-  EST
-  Low Density Residential



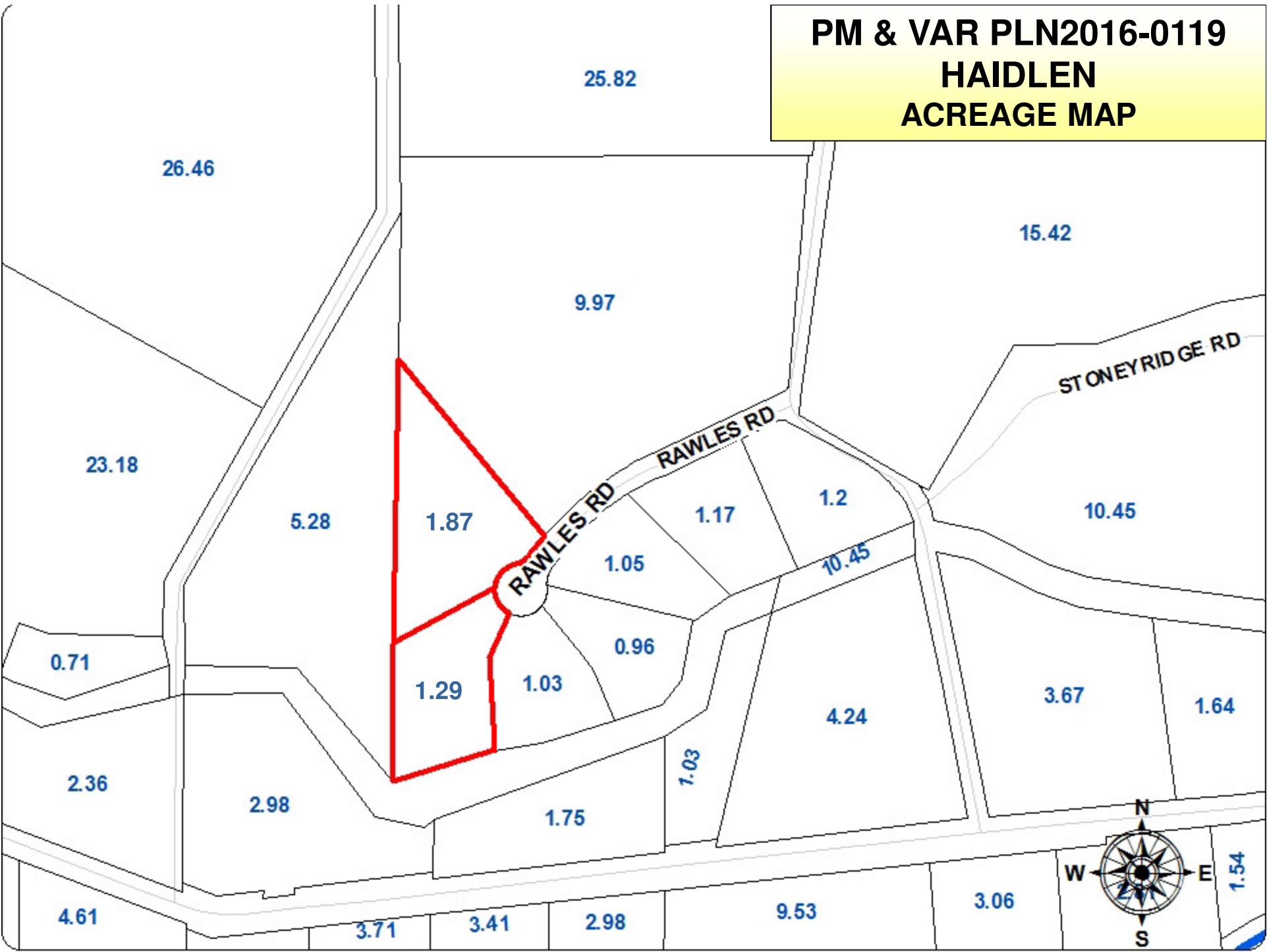
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EXHIBIT B-1

**PM & VAR PLN2016-0119
HAIDLEN
ZONING DESIGNATION MAP**

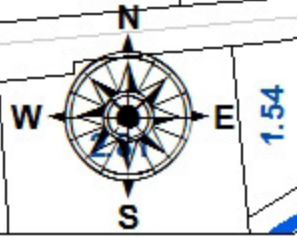


**PM & VAR PLN2016-0119
HAIDLIN
ACREAGE MAP**

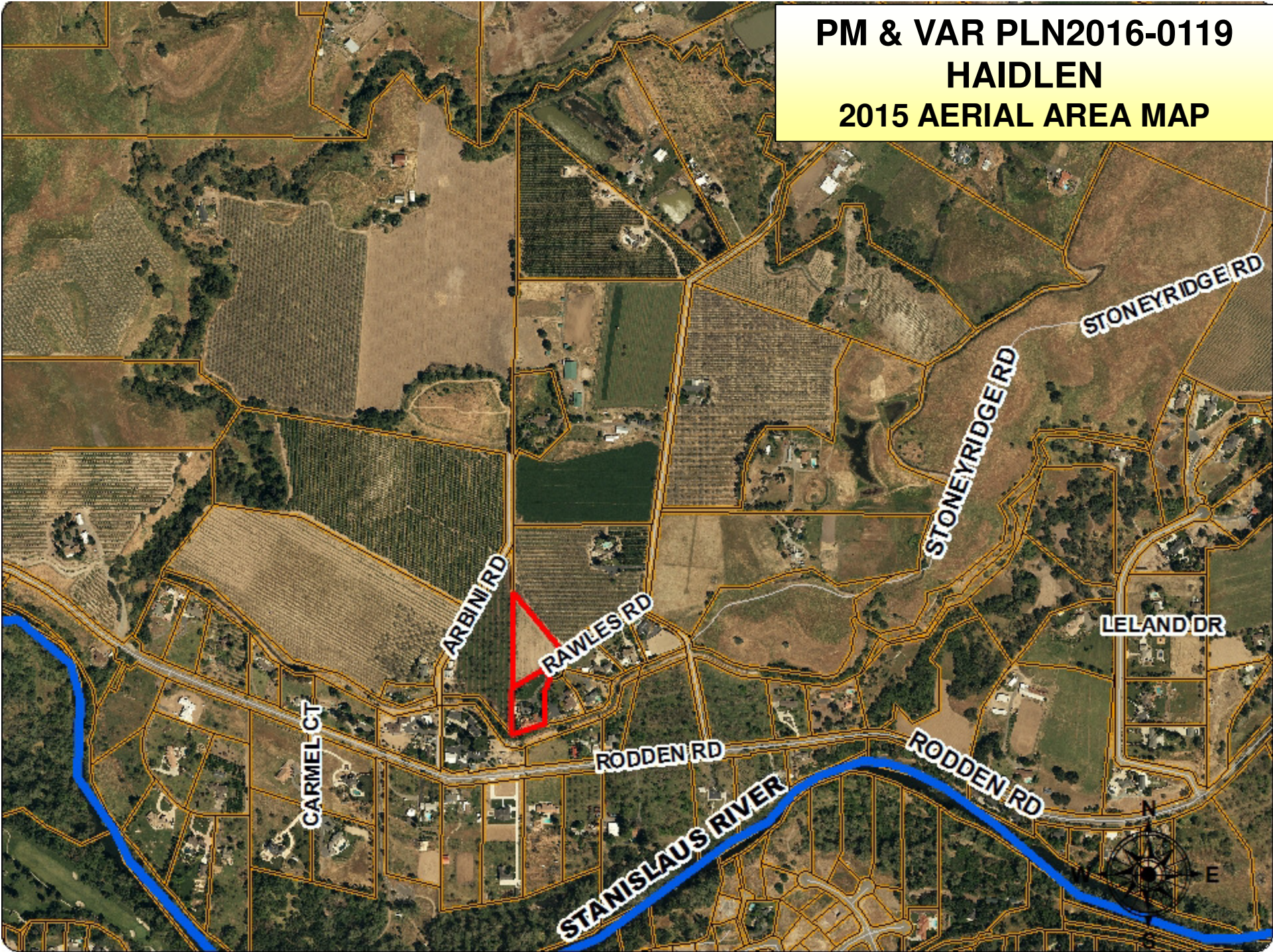


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EXHIBIT B-3



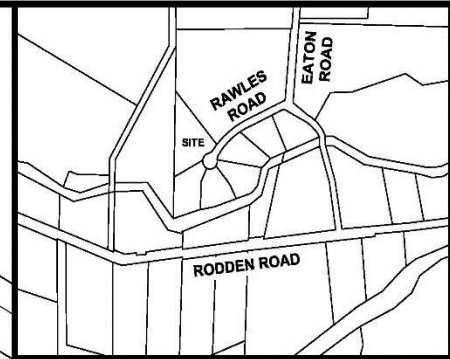
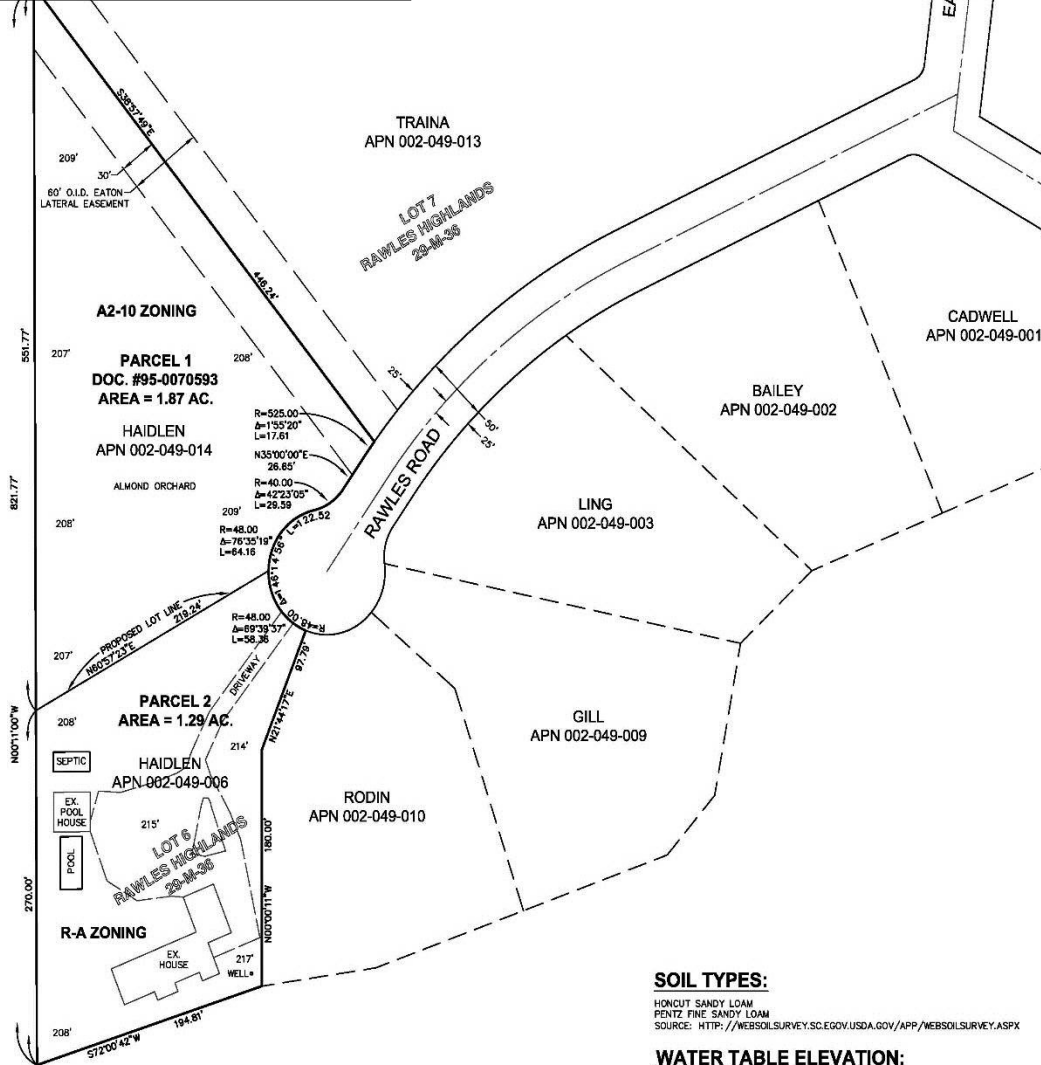
**PM & VAR PLN2016-0119
HAIDLEN
2015 AERIAL AREA MAP**



**PM & VAR PLN2016-0119
HAIDLEN
2015 AERIAL MAP**



PM & VAR PLN2016-0119 HAIDLEN TENATIVE PARCEL MAP



VICINITY MAP

OWNER/APPLICANT: THOMAS HAIDLEN
PO BOX 516
OAKDALE, CA 95361

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

TOTAL AREA: 3.16 AC.
NO. OF PARCELS: 2
A.P.N.: 002-049-006 & 014
ZONING: A-2-10, R-A
WATER: WELL
SANITARY SEWER: SEPTIC
STORM DRAIN: OVERLAND
SLOPE OF LAND: FLAT-1%

TENTATIVE PARCEL MAP

BEING A SUBDIVISION OF LOT 6 AND A PORTION OF LOT 7 OF RAWLES HIGHLANDS AS SHOWN ON THAT MAP THEREOF FILED FOR RECORD IN BOOK 29 OF MAPS AT PAGE 36, STANISLAUS COUNTY RECORDS, STANISLAUS COUNTY, CALIFORNIA

SCALE 1" = 60' OCTOBER 2016

CK **Giuliani & Kull, Inc.**
Engineers • Planners • Surveyors

440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361
(209) 847-8726 Fax (209) 847-7323
Auburn • Oakdale • San Jose

SOIL TYPES:

HONCUT SANDY LOAM
PENTZ FINE SANDY LOAM
SOURCE: [HTTP://WEBSOILSURVEY.SC.EDU/USDA.GOV/APP/WEBSOILSURVEY.ASPX](http://websoil.survey.sc.edu/USDA.GOV/APP/WEBSOILSURVEY.ASPX)

WATER TABLE ELEVATION:

95.41' PER MONITORING STATION 377916N1208302W001 OBSERVED ON 10/15/2014
SOURCE: [HTTP://WWW.WATER.CA.GOV/WATERDATA/LIBRARY/](http://WWW.WATER.CA.GOV/WATERDATA/LIBRARY/)

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

PARCEL MAP AND VARIANCE APPLICATION NO. PLN 2016-0119 HAIDLEN

Department of Planning and Community Development

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) 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, 2017), 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 **\$2,273.25**, 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. 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.
6. 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.

7. 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.”

Department of Public Works

8. The recorded parcel map shall be prepared by a licensed land surveyor or a registered civil engineer licensed to practice land surveying.
9. All structures not shown on the tentative parcel map shall be removed prior to the parcel map being recorded.
10. The new parcels shall be surveyed and fully monumented prior to the recording of the map.

Department of Environmental Resources

11. 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 DER.
12. The existing septic system(s) will be contained within the proposed parcel two (2) boundaries as per required DER setback standards.
13. An on-site wastewater disposal system for Parcel one (1) shall be by individual Primary and Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X.
14. The following statements shall be placed on the recorded parcel map:

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

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

Building Permits Division

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

Stanislaus County Sheriff

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

Oakdale Irrigation District

17. Permanent structures and trees shall remain outside the maintained 60-foot easement centered on the Eaton Lateral. Any improvements proposed within the easement shall require approval from the OID Board of Directors.

*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~~.*

APPLICANT STATEMENT

VARIANCE FINDINGS

The following findings have been made regarding application for Exception for the enclosed Parcel Map Application:

1. Special circumstances exist that require a variance concerning the proposed Parcel Map. The existing parcel currently exists across the zoning line between R-A and A-2-10. The proposed new parcel line shall be the existing zoning line. Proposed Parcel 1 shall be 1.87 acres and exist completely within A-2-10 zoning. Proposed Parcel 2 shall be 1.29 acres and be within R-A zoning. Proposed Parcel 1 is currently used for agricultural purposes and has access to OID water yet its size and close proximity to other residential properties makes it more suitable for residential use. Parcel 2 is currently used for residential purposes.

While the existing 1.87 acres proposed to be subdivided has access to OID water, its size limits its agricultural use. The 1.87 acres is physically separated from the adjacent agricultural parcel to the north by an OID canal and fronts onto a roadway, Rawles Road, improved to rural residential standards (curb and gutter) consistent to the frontage of the R-A (Rural Residential) 1-acre lot subdivision located along the south side of Rawles Road. The incorporation of the 1.87 acres into the southern 1.29 acres, by lot line adjustment, in the 80's recognized its physical separation from the adjacent agricultural parcel to the north by grant of a variance. However, it created a split zoning, while not unique, is neither prevalent nor desired. The placement of the 1.87 acre parcel between the OID canal and an R-A zoning district distinguishes it from the remaining 10.11 acre parcel fronting onto Rawles Road, thus limiting the special circumstance that could be used as grounds for further subdivision of agricultural land.

The proposed 1.87 acre parcel is consistent with the 1-acre residential parcels fronting along the south side of Rawles Road. If separated and developed with one-single family dwelling, as allowed under the A-2 zoning, the parcel will resemble the same visual and physical characteristics of the surrounding residential parcels. Currently the 3.16 acre split zoned parcel is permitted up to two-single family dwellings. The existing 3.16 acres is below the minimum 40-acre and 10-acre parcel sizes for the adjoining A-2 (General Agriculture) zoning district. If approved the variance would allow for the development of one additional dwelling on the total 3.16 acres.

2. Approval of the Variance will create a parcel with a natural barrier between agricultural and residential parcels. The northeasterly line of Proposed Parcel 2 is the centerline of the 60' OID Eaton Lateral which is a concrete lined canal. The size of Proposed Parcel 1 is consistent with other residential parcels along Rawles Road.

The 3.16 acre size does not lend itself to productive agricultural use, especially with the residential development of the southern 1.29 acres. The 1.87 acres limited agricultural production, due to the location of the OID canal, was recognized as a limiting factor in the

approval of variance allow for creation of the 3.16 acre parcel by lot line adjustment. If approved, the proposed 1.87 acre parcel will be developed in a manner consistent with the rural residential development along the south side of Rawles road.

3. The granting of the Parcel Map and Variance application will not affect the health or safety of persons residing in the area, nor be detrimental to the public welfare of said persons. Granting of the Variance for Proposed Parcel 1 to be created as a residential type parcel consistent with the neighboring properties.

file



Stanislaus County

Department of Planning and Community Development

1100 H STREET

MODESTO, CALIFORNIA 95354

PHONE: (209) 525-6330

July 8, 1988

Thomas & Julia Haidlen
P. O. Box 516
Oakdale, CA 95361

SUBJECT: VARIANCE APPLICATION NO. 88-10 & PARCEL MAP APPLICATION NO. 88-26

The Stanislaus County Planning Commission, at its regular meeting on Thursday, July 7, 1988, completed its consideration of your applications and has approved your request, subject to the attached conditions.

The Commission's decision and/or all conditions attached hereto may be appealed to the Board of Supervisors, in writing, within ten (10) days from the date of the hearing. The appeal letter must be addressed to the Board of Supervisors, and must state reasons why the appeal should be granted. A filing fee of \$50.00, payable to the Stanislaus County Planning Commission, should be delivered to the Planning Department, along with a copy of the letter. The appeal period expires at **5:00 p.m. on July 18, 1988.**

All parcel maps and lot line adjustments may be picked up or filed with the Department of Public Works following the ten (10) day appeal period.

If you have any questions regarding this matter, please contact this office at (209) 525-6330.


Daryl J. Weitl,
Senior Planner

DJW/jd

cc: Chuck Barnes, Public Works
Chuck Kincaid, Engineering
Marjorie Rawles
Mid Valley Engineering
City of Oakdale
Oakdale Irrigation

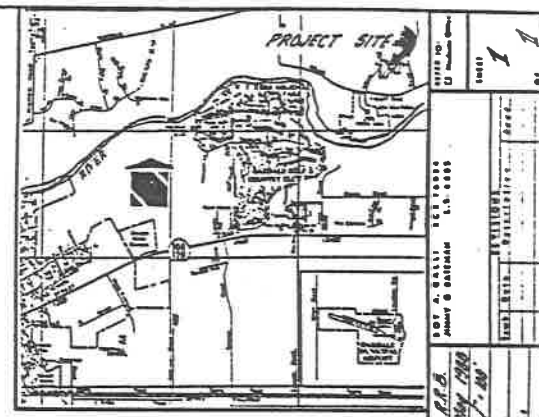
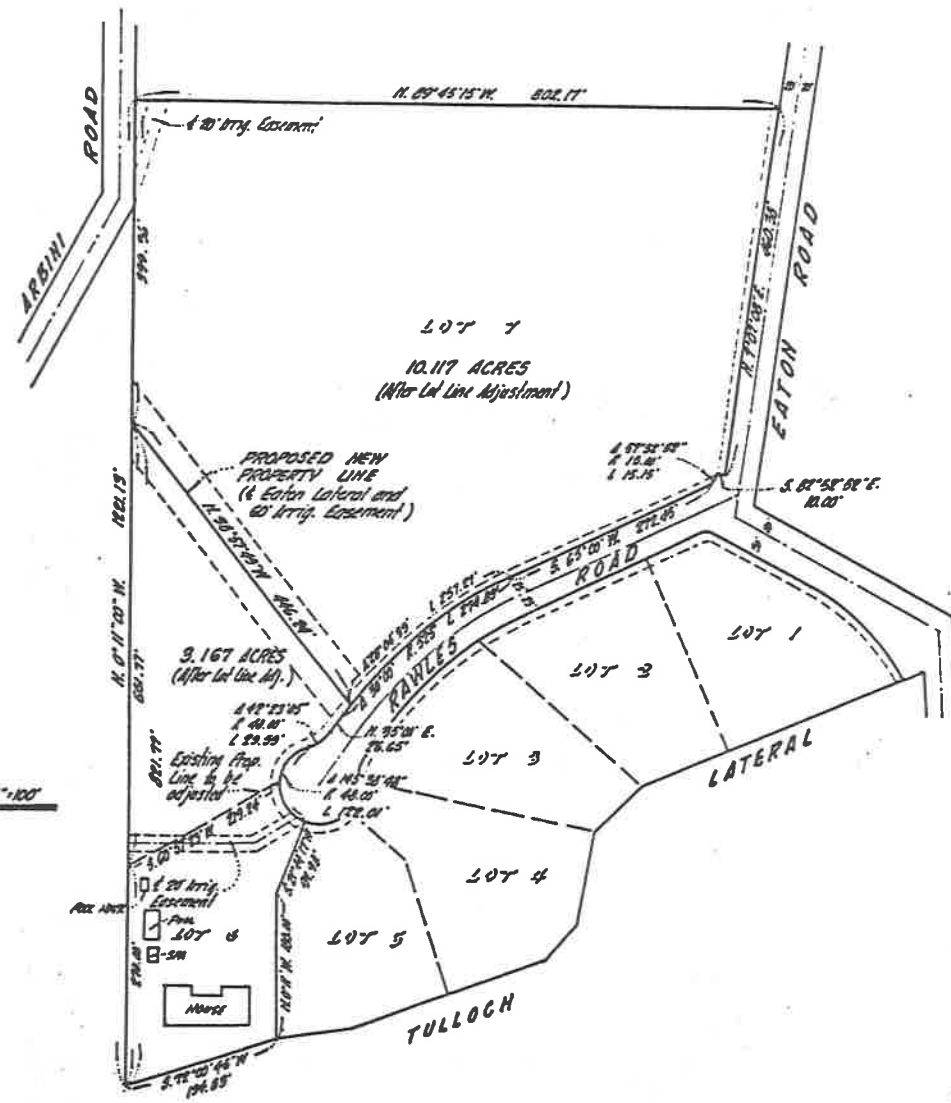
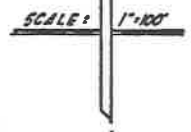
EXHIBIT B

CONDITIONS

**VARIANCE APPLICATION NO. 88-10
LOT LINE ADJUSTMENT APPLICATION NO. 88-26
THOMAS AND JULIA HADLEN/MARJORIE RAWLES**

Planning Department

1. Following Planning Commission approval, all parties of interest in the subject parcels, including security holders, shall sign a Certificate of Lot Line Adjustment.
2. A deed shall be prepared and recorded for all parcels which reflects the lot line adjustment.



VICINITY MAP
NO SCALE

OWNERS:

Thomas A. and Julia D. Haidlen
P.O. Box 516 - 10722 Rawles Rd.
Oakdale, California
(209) 847-4517

Majorie H. Rawles
10200 Arbini Road
Oakdale, California
(209) 847-1682

NOTES:

- The intent of this Lot Line Adjustment is to adjust the northerly lot line of Lot 6 (Haidlen property) north to the centerline of the Eaton Lateral in Lot 7 (Rawles property)
Total adjustment = 1.878 Acres
- Assessors Parcel No.: 2-49-06 (Haidlen)
2-49-07 (Rawles)
- Sewage Disposal: Septic Tank and Leach Field
- Water Supply: Private WCLM
- Soils: Hanford Fine Sandy Loam
- Slope of Land: 0% to 3%
- Ground Water Table: 120' ± (as per O.I.D.)

DATE: 11/11/2008	BY: J. B. B.
DATE: 11/11/2008	BY: J. B. B.
DATE: 11/11/2008	BY: J. B. B.
DATE: 11/11/2008	BY: J. B. B.
DATE: 11/11/2008	BY: J. B. B.
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DATE: 11/11/2008	BY: J. B. B.
DATE: 11/11/2008	BY: J. B. B.

LOT LINE ADJUSTMENT
OF LOTS 6 AND 7 OF RAWLES HIGHLANDS
LYING IN SECTION 6, T.25S., R.12E., M.21A., J.M.
STANISLAUS COUNTY, CALIFORNIA

ENGINEERING
SURVEYING
PLANNING
DRAWING



STANISLAUS COUNTY PLANNING COMMISSION

July 7, 1988

STAFF REPORT

**VARIANCE APPLICATION NO. 88-10
LOT LINE ADJUSTMENT APPLICATION NO. 88-26
THOMAS AND JULIA HAIDLEN/MARJORIE RAWLES**

REQUEST: TO CREATE, BY LOT LINE ADJUSTMENT, PARCELS OF 3.17 AND 10.12 ACRES.

APPLICATION INFORMATION

Owner:	Thomas and Julia Haidlen/Marjorie Rawles
Applicant:	Thomas and Julia Haidlen/Marjorie Rawles
Agent:	Mid-Valley Engineering
Location:	Rawles Road, west of Eaton Road
Section, Township & Range:	6-2-11
Supervisorial district:	One (Supervisor Terry)
Assessor's parcel:	2-49-6, 7
Referrals:	Oakdale Irrigation District, City of Oakdale, Environmental Resources, County Counsel, Fire Safety and Public Works
Area of parcels:	10.12 and 3.17 acres
Water supply:	Private wells
Sewage disposal:	Septic tanks
Existing zoning:	Portion A-2-10 (Exclusive Agriculture)/ portion R-A (Rural Residential)
General Plan designation:	Portion Agriculture/portion Low Density Residential
Community Plan designation:	N/A
Environmental Review:	Categorical Exemption
Present land use:	Ranchette and walnut orchard
Surrounding land use:	Ranchettes and farm land

ANALYSIS

BACKGROUND

Lot line adjustments are normally permitted between legal parcels with few concerns. However, in areas zoned A-2-10, adjustments resulting in parcels of less than 10 acres require that at least one of the parcels be below the minimum area for the zone to result in any area below the zoning minimum. This is designed to prevent inappropriate creation of parcels below the zoning minimum when none existed before the adjustment.

PROJECT DESCRIPTION

This is a two part request, involving both a variance and lot line adjustment. The variance is necessary to allow the proposed 3.17 acre parcel to include a portion of the A-2-10 zoned parcel in a piece with a total acreage of less than 10 acres. The lot line would move from the existing zoning line northward to correspond directly to the location of the Eaton Lateral. This will allow the creation of a parcel with two different zonings. This situation is a bit unusual, but not completely unique. No new house could be built on the 3.17 acre parcel, as there is already one dwelling on that site. A home could be constructed on the 10.12 acre parcel, a situation which would be unchanged from the present.

FINDINGS

To approve the variance, the following findings must be approved. The applicant has submitted the attached statement (Exhibit C) in support of the variance. In this instance we agree with the applicant that the findings can be made. No additional houses will result, and the proposed lot line, following a physical feature, seems to be proposed for a logical location.

1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this Chapter will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.
3. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

A lot line adjustment may occur between two or more adjacent parcels, where a greater number of parcels than originally existed is not thereby created. Said lot line adjustment shall be subject to Planning Commission approval and the making of the following findings:

- A. The proposed adjustment will not adversely affect the use of the property and the property in the vicinity.
- B. All parcels affected thereby after the adjustment shall meet minimum zoning area requirements applicable to the parcels unless one or more of the affected parcels in its original condition did not meet said minimum area zoning requirements.
- C. Parcels affected by the lot line adjustment will remain in such a size, shape and configuration as to be consistent with good land use practice in that they shall be consistent with zoning ordinance and building code requirements.

We have seen no evidence to indicate that any of these findings can be made.

RECOMMENDATION

STAFF RECOMMENDATION

- 1. Establish the required variance findings, based on information provided.
- 2. Approve Variance 88-10.
- 3. State that the findings required to approve the lot line adjustment can be made.
- 4. Approve the lot line adjustment, subject to the attached conditions.

Report written by Bob Kachel, June 16, 1988.

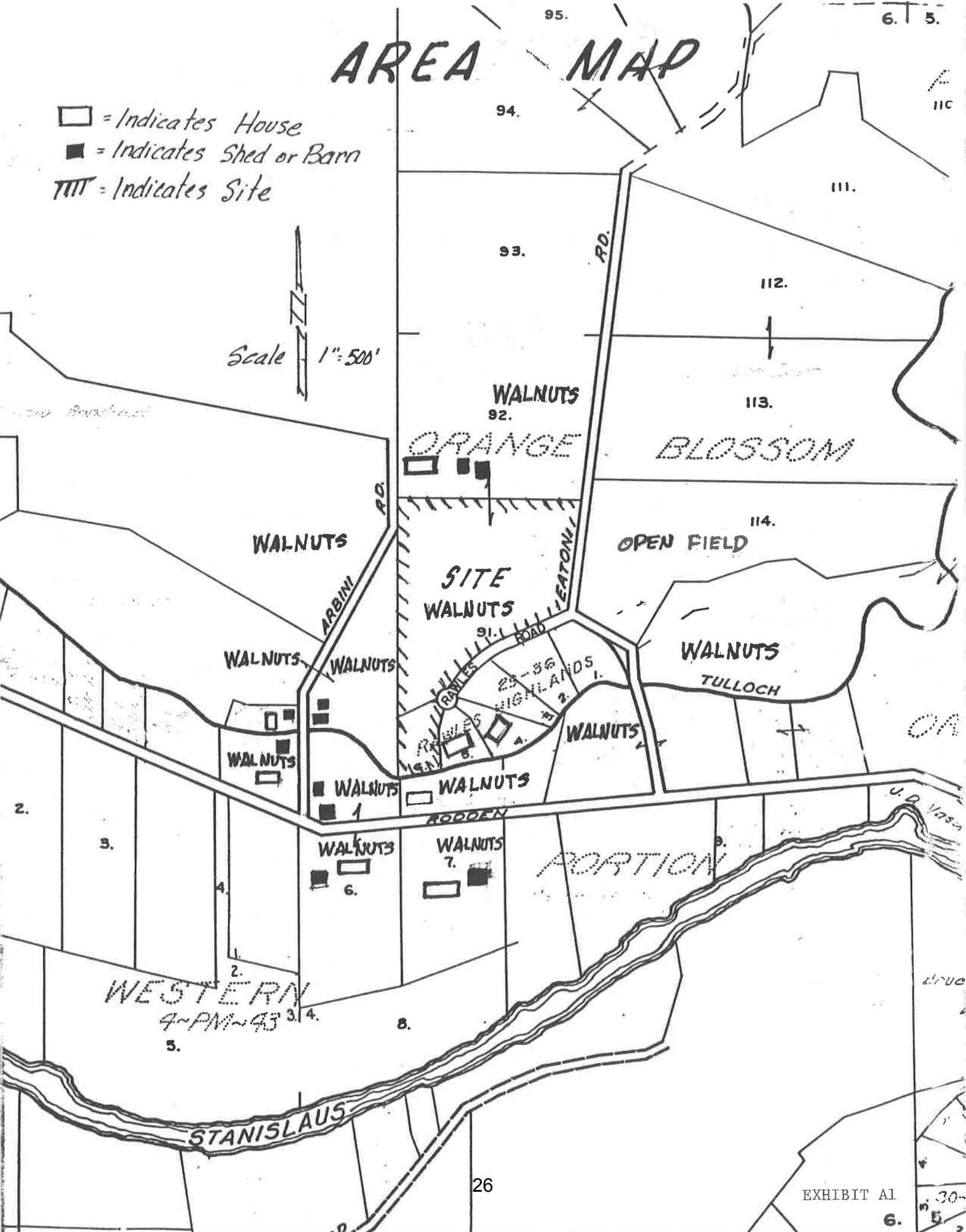
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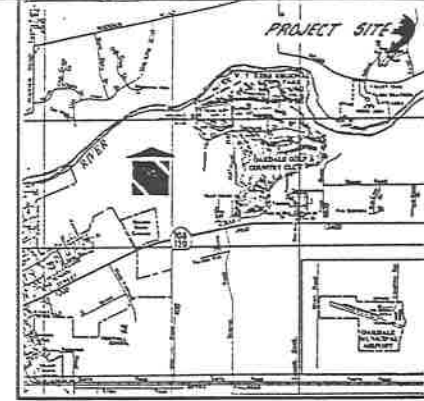
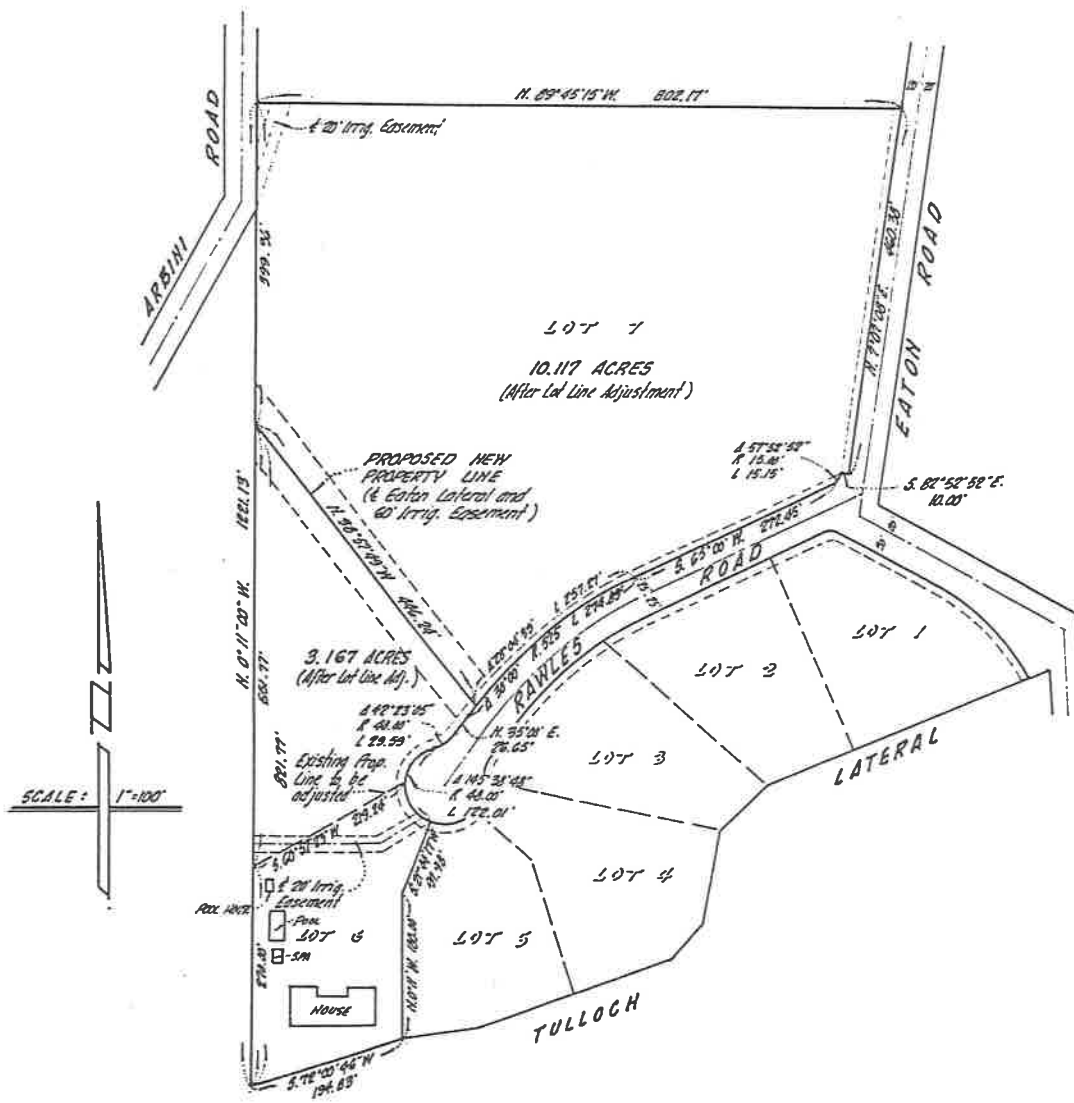
Attachments: Exhibit A - Maps (2)
Exhibit B - Conditions
Exhibit C - Variance Statement

AREA MAP

- = Indicates House
- = Indicates Shed or Barn
- |||| = Indicates Site

Scale 1" = 500'





OWNERS:

Thomas A. and Julia D. Healden
P.O. Box 516 - 10722 Rawles Rd.
Oakdale, California
(209) 847-4517

Majorie M. Rawles
10520 Arbinsi Road
Oakdale, California
(209) 847-1682

NOTES:

- The intent of this Lat Line Adjustment is to adjust the northerly lot line of Lot 6 (Healden property) north to the centerline of the Eaton Lateral in Lot 7 (Rawles property)
Total adjustment: 1.873 Acres
- Assessors Parcel No.: 2-49-06 (Healden)
2-49-07 (Rawles)
- Sewage Disposal: Septic Tank and Leach Field
- Water Supply: Private Well
- Soils: Hanford Fine Sandy Loam
- Slope of Land: 0% to 3%
- Ground Water Table: 120'± (as per O.I.D.)

PROJECT NO.	1
DATE	1/1/2008
BY	BOB A. GALLI
CHECKED BY	JERRY & DANAH
SCALE	1"=100'
DATE	NOV 19 2007
PROJECT	LOT LINE ADJUSTMENT
CLIENT	THOMAS A. AND JULIA D. HEALDEN
ADDRESS	10722 RAWLES ROAD, OAKDALE, CA 95361
PHONE	(209) 847-4517
CELL	(209) 847-1682
FAX	
EMAIL	
PROJECT	LOT LINE ADJUSTMENT
CLIENT	THOMAS A. AND JULIA D. HEALDEN
ADDRESS	10722 RAWLES ROAD, OAKDALE, CA 95361
PHONE	(209) 847-4517
CELL	(209) 847-1682
FAX	
EMAIL	

LOT LINE ADJUSTMENT
OF LOTS 6 AND 7 OF RAWLES HIGHLANDS
LIVING IN SECTION 6, T.26S., R.1E., M.D.A. 1M.
STANISLAUS COUNTY, CALIFORNIA

ENGINEERING & SURVEYING PLANNING ZONING

mid-valley engineering

MODELS 1000 305 0101 MERCED 10001 002 3100

EXHIBIT B

CONDITIONS

**VARIANCE APPLICATION NO. 88-10
LOT LINE ADJUSTMENT APPLICATION NO. 88-26
THOMAS AND JULIA HADLEN/MARJORIE RAWLES**

Planning Department

1. Following Planning Commission approval, all parties of interest in the subject parcels, including security holders, shall sign a Certificate of Lot Line Adjustment.
2. A deed shall be prepared and recorded for all parcels which reflects the lot line adjustment.



CEQA INITIAL STUDY

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

1. **Project title:** Parcel Map And Variance Application
No. PLN2016-0119 - Haidlen.
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Jeremy Ballard, Assistant Planner
4. **Project location:** 10722 Rawles Road, north of Rodden Road,
between 28 Mile Road and Horseshoe Road,
east of the City of Oakdale. 002-049-006 and
002-049-014.
5. **Project sponsor's name and address:** Tom Haidlen
PO Box 516
Oakdale, CA 95361
6. **General Plan designation:** Low Density Residential/Agriculture
7. **Zoning:** **R-A (Rural Residential)/A-2-10** (General
Agriculture)
8. **Description of project:**

This is a request to subdivide a 3.16± acre parcel into two parcels of 1.29± acres and 1.87± acres. A variance is being requested for creation of a parcel below the minimum lot size requirements of the A-2-10 zoning district.
9. **Surrounding land uses and setting:**

To the north, east and west is various agricultural production, to south residential development.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Public Works, Oakdale Irrigation 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.

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

Jeremy Ballard
Signature

December 14, 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 not considered to be a scenic resource or a unique scenic vista. Community standards generally do not dictate the need or desire for architectural review of agricultural or residential subdivisions. The project site has been previously improved with one single-family dwelling with accessory residential structures and an almond orchard. The proposed parcel map is not proposing any substantial change to the visual character, nor damage to the scenic resources, with future development.

Mitigation: None

References: Application; Tentative Parcel Map; and 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	
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Discussion: The existing property is split zoned A-2-10 (General Agriculture) as well as **R-A (Rural Residential)**. The split zoning was approved by the Planning Commission under a 1988 Lot Line Adjustment and Variance Application request. The site has been improved with a single-family dwelling and an almond orchard. The Parcel Map Application is requesting to subdivide the current 3.16± acre parcel into two (2) parcels of 1.29± acres and 1.87± acres. The existing 3.16± acre parcel consists of two (2) different soil types, Honcut Sandy Loam, 0 to 2 percent slopes and Pentz Fine Sandy Loam, 15 to 50 percent slopes. According to the California Department of Conservation Farmland Mapping and Monitoring Program, the project site consists of “Rural Residential Land.”

According to the Stanislaus County Zoning Ordinance Section 21.20.050, division of land in the A-2 (General Agriculture) zoning district shall conform to the minimum parcel designation exhibited on the County’s sectional district maps. The proposed parcel map lots will not conform to the 10 acre minimum of the zoning designation. A Variance Request was included with the Parcel Map Application to account for the request to create a parcel below the minimum size allowable. Even though there is not any development being proposed in conjunction with this project, if approved, proposed Parcel 1 will have the ability to accommodate construction of a single-family dwelling, thus diminishing the overall area to be farmed by proposed Parcel 1. However, the proposed Parcel 1 is bound by Rawles Road and Oakdale Irrigation District’s (OID) Eaton Canal segments the entire property, limiting the overall agricultural production area.

Mitigation: None

References: California State Department of Conservation Farmland Mapping and Monitoring Program – Stanislaus County Farmland 2012; Application Material; United States Department of Agricultural soil survey; Stanislaus County General Plan and Support Documentation¹.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	

Discussion: The project site is within the San Joaquin Valley Air Basin, which has been classified as “severe non-attainment” for ozone and respirable particulate matter (PM-10) as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. As such, the District maintains permit authority over stationary sources of pollutants.

The primary source of air pollutants generated by this project would be classified as being generated from “mobile” sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin.

If approved, the proposed parcel map would allow for an additional single-family dwelling to meet at full build out as the A-2 zoning district allows for one (1) single-family dwelling per each legal parcel. Currently, the site only features one single-family dwelling.

Mitigation: None

References: San Joaquin Valley Air Pollution Control District – Regulation VIII Fugitive Dust/PM-10 Synopsis and 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: It does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. The project site has been partially developed with a single-family dwelling and an almond orchard. However, there is no development proposed as a part of this request.

Mitigation: None

References: California Department of Fish and Wildlife California Natural Diversity Database and 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: According to the Central California Information Center (CCIC), there are no known historic, archaeological, or human remains on site. The search also indicated that the project area has a moderate to high sensitivity for the possible discovery of prehistoric resources, specifically, fragmentary resources on the surface but the possibility of more intact resources under the plow zone. The CCIC reported the existence of four (4) prehistoric occupation sites along the Stanislaus River, including one less than ¼ mile from the property. The CCIC recommended the applicant to perform a historical resources survey prior to final approval of any discretionary permit; however, the site has already been developed with a single-family dwelling and is planted in almonds. A portion of the project site is zoned A-2 (General Agriculture) and is permitted to perform agricultural operations as a permitted right. Agricultural operations that could include ground disturbance that would not warrant further review. However, due to the request made by the CCIC a condition of approval will be placed on the project to require a historical resources survey to be performed by a qualified consultant prior to the recording of the final map. If any historical resources are found to exist on the site then standard historical assessment and preservation protocols will be conducted by the applicant.

Mitigation: None

References: Central California Information Center (CCIC) report dated July 18, 2015; Stanislaus County General Plan and Support Documentation¹

VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil creating substantial risks to life or property?			X	

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	
--	--	--	---	--

Discussion: As contained in Chapter Five (5) of the General Plan Support Documentation, the areas of the county subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the 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 designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Public Works Standards and Specifications which consider the potential for erosion and run-off prior to permit approval. Likewise, any addition of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements.

Mitigation: None

References: California Building Code and the Stanislaus County General Plan and Support Documentation – Safety Element¹.

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

Discussion: The proposed project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment or conflict with any plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Mitigation: None

References: Application material and Stanislaus County General Plan and Support Documentation¹

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	

Discussion: No known hazardous materials are on site. 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 Commission and can only be accomplished after first obtaining permits. DER is responsible for overseeing hazardous materials in this area. The project area is located in a low fire risk area and is served by the Oakdale Rural Fire District. The applicant will pay fire impact fees for all new construction. The project site is not located in the vicinity of an airport or private airstrip.

Mitigation: None

References: Application Materials; Stanislaus County GIS Data and Stanislaus County General Plan; and Support Documentation¹

IX. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	

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

Discussion: The existing project site receives potable water from a domestic well and irrigates via OID. The site has also been developed with a single-family dwelling and is planted in almonds. Run-off is not considered an issue because of several factors which limit the impact. These factors include relative flat terrain of the subject site and relatively low rainfall intensities. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project itself is not located within a recognized flood zone and, as such, flooding is not an issue with respect to this project.

Mitigation: None

References: Application Materials; Board dated 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: The project is proposing to subdivide the current 3.16± acre parcel into two (2) parcels of 1.29± acres and 1.87± acres. The existing parcel is split zoned between **R-A (Rural Residential)** and A-2-10 (General Agriculture). Proposed Parcel 1 would fall under the A-2-10 zoning designation, which sets the minimum parcel size at 10 acres. Proposed Parcel 2 is zoned **R-A** and has been developed with a single-family residence and accessory structures. As discussed above within Section II – Agriculture and Forest Resources, any use of the property must be compatible with the County’s A-2 (General Agriculture) zoning district, which limits the property to agricultural uses and uses incidental and accessory to the on-site agricultural use of the property. The overall non-environmental implications of the variance request, such as incompatibility between ranchette parcels and larger agricultural parcels, will be discussed in the staff report.

Mitigation: None

References: Stanislaus County General Plan and Support Documentation¹

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

Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site.

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 the site has already been developed with a single-family dwelling and an almond orchard; however, any construction as a result of this project should not increase the area's ambient noise level. The project is not located in the vicinity of any airport or airstrip.

Mitigation: None

References: Stanislaus County General Plan and Support Documentation¹

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

Discussion: The project does not propose any significant type of growth inducing features; therefore, adverse effects created by population growth should not occur. The site currently features a single-family dwelling and an almond orchard. If approved, proposed Parcel 1 will be able to accommodate construction of a single-family dwelling. However, at this time the parcel map application does not propose any new development.

Mitigation: None

References: Application materials; Stanislaus County General Plan and Support Documentation¹

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

Discussion: The County has adopted a standardized mitigation measure requiring payment of all applicable Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. In addition, first year costs of the Sheriff’s Department have been standardized based on studies conducted by the Sheriff’s Department. As the site already features one single-family dwelling and an almond orchard and no development is being proposed as part of the project, facility fees would not be required at this time; however, if in the future any further development does occur, these fees will be required upon issuance of any building permit. Conditions of approval will be placed on the project to reflect this.

Mitigation: None

References: Stanislaus County General Plan and Support Documentation¹

XV. RECREATION --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

Discussion: There are no recreational facilities that would be affected by the proposed project as the parcel has already been developed with a single-family dwelling.

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: The parcel is located on Rawles Roads, a county maintained road. Both proposed parcel would have access to Rawles Road. As stated before, any future development of either parcel the applicant will be subject to public facility fees during the building permit stage. However, as proposed, the project will not have any significant impacts on the traffic environment.

Mitigation: None

References: 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: The existing single-family dwelling utilizes a domestic well and septic system for the single-family dwelling. OID had supplied the site with irrigation water for the agriculture production. If proposed Parcel 1 develops in the future, the applicant will have to provide an independent water and sewage disposal systems. Both are subject to DER approval and must comply with all relevant health and safety regulations. This could be done during the building permit phase of any development. At this point the proposed development will not have any significant impacts to the current utilities and services that serve the site.

Mitigation: None

References: Application materials; 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	
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Discussion: Review of this project has not indicated any features, which might significantly impact the environmental quality of the site and/or the surrounding area.

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: Parcel Map & Variance Application No. PLN2016-0119 – Haidlen

LOCATION OF PROJECT: 10722 Rawles Road, north of Rodden Road, between 28 Mile Road and Horseshoe Road, east of the City of Oakdale. 002-049-013 & 002-049-014.

PROJECT DEVELOPERS: Tom Haidlen
P.O. Box 516
Oakdale, CA 95361

DESCRIPTION OF PROJECT: Request to subdivide a 3.16± acre parcel into two parcels of 1.29 ± acres and 1.87 ± acres. A variance is being requested for the creation of a parcel below the 10-acre minimum lot size requirements of the A-2-10 (General Agriculture) zoning district. The property is located at 10722 Rawles Road, north of Rodden Road, between 28 Mile Road and Horseshoe Road, east of the City of Oakdale. The Planning Commission will consider adoption of a CEQA Negative Declaration for the project.

Based upon the Initial Study, dated **December 15, 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: Jeremy Ballard, 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: PM & VAR APP NO. PLN2016-0119 - HAIDLEN

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	30 DAY	PUBLIC HEARING NOTICE	YES	NO	NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO	
CA DEPT OF CONSERVATION: Land Resources / Mine Reclamation	X	X		X								
CA DEPT OF FISH & WILDLIFE	X	X		X								
CA OPR STATE CLEARINGHOUSE	X	X		X								
CA RWQCB CENTRAL VALLEY REGION	X	X		X								
CA STATE LANDS COMMISSION	X	X		X								
COOPERATIVE EXTENSION	X			X								
FIRE PROTECTION DIST: OAKDALE RURAL	X	X		X								
HOSPITAL DISTRICT: OAK VALLEY	X	X		X								
IRRIGATION DISTRICT: OID	X	X	X				X		X	X		
MOSQUITO DISTRICT: EASTSIDE	X	X		X								
MT VALLEY EMERGENCY MEDICAL	X	X		X								
PACIFIC GAS & ELECTRIC	X	X		X								
SAN JOAQUIN VALLEY APCD	X	X		X								
SCHOOL DISTRICT 1: OAKDALE JOINT UNIFIED	X	X		X								
STAN CO AG COMMISSIONER	X	X		X								
STAN CO BUILDING PERMITS DIVISION	X	X	X				X		X	X		
STAN CO CEO	X	X		X								
STAN CO DER	X	X	X				X		X	X		
STAN CO ERC	X	X		X								
STAN CO FARM BUREAU	X	X		X								
STAN CO HAZARDOUS MATERIALS	X	X		X								
STAN CO PARKS & RECREATION	X	X		X								
STAN CO PUBLIC WORKS	X	X	X				X		X	X		
STAN CO SHERIFF	X	X		X								
STAN CO SUPERVISOR DIST 1: O'BRIEN	X	X		X								
STAN COUNTY COUNSEL	X	X		X								
STANISLAUS FIRE PREVENTION BUREAU	X	X		X								
STANISLAUS LAFCO	X	X		X								
SURROUNDING LAND OWNERS		X		X								
TELEPHONE COMPANY: ATT	X	X		X								
TRIBAL CONTACTS (CA Government Code §65352.3)	X	X		X								