

STANISLAUS COUNTY PLANNING COMMISSION

July 5, 2018

STAFF REPORT

TENTATIVE SUBDIVISION MAP & VARIANCE APPLICATION NO. PLN2017-0120 DENNIS HENSLEY

REQUEST: TO CREATE A 0.5± ACRE PARCEL AND A 0.65± ACRE REMAINDER PARCEL FROM A 1.15± ACRE PARCEL IN THE R-A (RURAL RESIDENTIAL) ZONING DISTRICT. THE REQUEST INCLUDES A VARIANCE TO THE R-A ZONING ORDINANCE REQUIREMENT OF 65- FEET OF LOT WIDTH FOR THE PROPOSED 0.5± ACRE PARCEL.

APPLICATION INFORMATION

Applicant/Property owner:	Ray Main/Dennis Hensley
Agent:	GDR Engineering, Sean Harp
Location:	13230 4th Street, east of Montpelier Road in the Community of Hickman.
Section, Township, Range:	3-4-11
Supervisory District:	Two (Supervisor Chiesa)
Assessor's Parcel:	019-046-042
Referrals:	See Exhibit G Environmental Review Referrals
Area of Parcel(s):	1.15± acres
Water Supply:	City of Waterford
Sewage Disposal:	Private septic
Existing Zoning:	R-A (Rural Residential)
General Plan Designation:	LDR (Low Density Residential)
Sphere of Influence:	N/A
Community Plan Designation:	Residential
Williamson Act Contract No.:	N/A
Environmental Review:	Negative Declaration
Present Land Use:	Two residential single-family dwellings, and accessory residential structures.
Surrounding Land Use:	Surrounding land uses includes single-family dwellings to the west; the Hickman Community Charter School to the east; ranchettes with single-family dwellings to the south; and a cabinet shop and scattered single-family dwellings to the north.

RECOMMENDATION

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

PROJECT DESCRIPTION

The project is a request to divide a 1.15± acre parcel into a 0.5± acre parcel and a 0.65± acre remainder parcel in the Rural Residential (R-A) zoning district. If the tentative map is approved, a maximum of one additional dwelling on each lot may be constructed in compliance with County Code Chapter 21.24 Rural Residential (R-A) District.

The R-A zoning designation requires a minimum lot width of 65-feet. The proposed 0.5± parcel (identified on the Tentative Subdivision Map as Parcel One) is designed as a flag lot with a 20-foot lot-width for access to 4th Street, a County-maintained road, which does not meet the 65-foot lot width requirement. The applicant is requesting a variance to the R-A Zoning Ordinance's 65-foot lot width requirement to allow the proposed 0.65 acre parcel (Remainder Parcel) to retain the existing detached garage and single-family dwelling while still providing direct access from 4th Street to proposed Parcel One.

An alternative design was submitted by the applicant to provide an example of a design which technically meets the 65-foot lot width requirement when measured at the setback line as required by County Code. The alternative design widens the 20-foot wide lot width to 65-feet at the street frontage, creating an hourglass configuration, tapering down into a flag lot, similar to the applicant's proposal requiring the variance request. (See Exhibit B - *Maps*). A more in-depth discussion on the proposed maps and variance request are included in the *Subdivision and Zoning Ordinance Consistency* Section of this Staff Report.

SITE DESCRIPTION

The existing 1.15± acre parcel is located at 13230 4th Street, south of Lake Road, east of Montpelier Road in the Community of Hickman (See Exhibit B – *Maps*). The existing 1.15± acre parcel is improved with two residential single-family dwellings and detached accessory structures. The site receives public water from the City of Waterford and utilizes a private septic system. Access to both proposed parcels will be from 4th Street.

Surrounding land uses includes single-family dwellings to the west; the Hickman Community Charter School to the east; ranchettes with single-family dwellings to the south; and a cabinet shop and scattered single-family dwellings to the north. The parcels adjacent to the project site range in size from 0.16± to 1.98± acres.

ISSUES

The Department of Environmental Resources (DER) provided a project referral response which stated that each single-family dwelling shall be served by an independent septic system, and that the septic system dispersal field shall not be paved. Conditions of approval have been added that require the applicant/owner to submit site plans in compliance with DER's standards prior to the recording of the tentative map.

No other issues have been identified as part of the review of the project.

GENERAL PLAN CONSISTENCY

The site is designated "Low Density Residential" in the Stanislaus County General Plan and "Residential" in the Hickman Community Plan. The General Plan states that the intent of the Low Density Residential land use designation is to "provide appropriate locations and adequate areas for

single-family detached homes in either conventional or clustered configurations.” The Community Plan designation is residential which compliments the General Plan. The Community of Hickman consists primarily of single-family homes and neighborhood commercial uses. The proposed development would be consistent with this designation as the use of the land is for single-family dwellings.

SUBDIVISION & ZONING ORDINANCE CONSISTENCY

The existing 1.15± acre parcel is a result of several divisions of land that occurred between the years 1985 and 1992 by the Hensley’s. This application would typically be processed as a parcel map, as it proposes less than five lots. However, due to the previous land divisions, a parcel map would be considered quartering, a potential way to evade the requirements of the Subdivisions Map Act. Accordingly, in order to not circumvent the Subdivision Map Act, the application is being processed as a tentative map rather than a parcel map application.

Subdivision Ordinance Section 20.52.130(A) Lots – Width and Depth, states that the minimum lot frontage for interior residential lots shall be fifty-five feet. However, proposed divisions of land to be less than the stated requirement may be allowed if the Planning Department determines that the following criteria can be met:

- 1) Can be used for its intended purposes;
- 2) Will meet building setback requirements;
- 3) Will not be detrimental to the public welfare nor injurious to other property in the neighborhood of the proposed subdivision; and
- 4) Will be consistent with the potential subdivision of the total property as well as any approved adjacent city zoning and development plans.

Section 20.52.160(A) Lots-Width To Depth Ratio states the depth of the lot shall not exceed the road frontage by more than three times where the total frontage is less than three hundred feet, unless the Planning Department determines that the following criteria can be met:

- 1) Can be used for its intended purpose;
- 2) Is consistent with the potential subdivision of the total property;
- 3) Will not be detrimental to the public welfare nor injurious to the other property in the neighborhood of the proposed subdivision.

The proposed project does not meet the lot width and width to depth ratio standards and must be evaluated based on the additional criteria listed above. The Planning Department has determined the project design allows the parcels to be utilized for their intended purpose, meets setback requirements, is consistent with development in the area, and will not be detrimental to the neighborhood. The project was referred to various local agencies, including the County Fire Warden and County Public Works, and no health and safety concerns were raised.

The site is currently zoned R-A (Rural Residential), which allows for residential development and includes a minimum building site area of 20,000 square-feet for parcels serviced by a septic system and public water. The zoning provisions require a minimum lot width of 65-feet and a minimum lot depth of 80-feet, with a maximum building intensity of two dwellings per lot, when the minimum building site area is met.

The proposed tentative subdivision map request meets the minimum building site area and minimum lot depth for the R-A zoning district. The proposed subdivision map does not meet the minimum lot width of 65-feet for proposed Parcel One. Accordingly, the proposed tentative subdivision application includes a request for a variance to the minimum lot width required by the R-A zoning district. A zoning variance can be authorized where practical difficulties or unnecessary hardships result from the strict application of certain zoning provisions. In order to grant a variance, the Planning Commission must make the following findings:

- 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 particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

The applicant has submitted variance findings which state that strict application of lot width will deprive the property of privileges enjoyed by other properties due to the existence of multiple adjacent properties which have identical zoning that also do not meet the 65-foot lot width requirement. In some cases, the surrounding parcels have no frontage at all, and receive lot access through easements. (See Exhibit B – *Maps*, B-9) The applicant's variance findings also state that special circumstances exist due to the location of existing on-site development, specifically the existing detached garage located next to the single-family dwelling which are both proposed to remain on the remainder parcel. The garage has existed since 1958 and has historically been utilized as accessory to the single-family dwelling located on the proposed remainder parcel. The applicant stated that it would be an unnecessary hardship to be forced to relocate the existing detached garage on proposed Parcel One. Additionally, the applicant states that the 20-foot access proposed to serve proposed Parcel One will be sufficient to serve emergency vehicles, public utilities, and residential occupants.

The R-A and the R-3 (Multiple-Family Residential District) zoning designations are the only designations in Stanislaus County that require a 65-foot width for the creation of a new parcel at the building setback line. All other zoning districts are silent on lot width provisions at the building setback line and rely on compliance with the Subdivision Ordinance's 55-foot lot frontage requirement. As explained above, when a proposed subdivision does not meet the minimum Subdivision Ordinance lot frontage design standards, the project may still be approved provided the Planning Department can find that specific criteria is met. However, because the R-A zoning ordinance specifies additional lot width, the project requires a variance to the zoning ordinance.

In order to meet the County zoning lot width provisions of 65-feet, the applicant could pursue the alternative hourglass design without a variance request. However, this design is irregular, does not provide any additional buildable space, and serves no purpose other than to meet the 65-foot width requirement. The applicant could also pursue a rectangular lot with no road frontage, which would

provide access through an easement. This alternative would be consistent with the zoning ordinance but would require an exception to the Subdivision Ordinance's *Lot Access* provision, which requires newly created parcels to have frontage onto a publically maintained roadway. When evaluating both possible alternatives, Staff believes that the proposed flag lot design offers the landowner more effective legal access to the property.

The town of Hickman subdivision map was created in 1913, which created 3,750 square-foot lots throughout the Community of Hickman (See Exhibit B – *Maps*). Although, not all of these township lots were developed, the township map set a precedent for smaller lot sizes with less than the required 65-foot widths throughout the Community of Hickman.

Historically, the Planning Commission has reviewed variance requests on a case-by-case basis, and has provided both approvals and denials of such requests. The project, as proposed, is the most functional option and the proposed flag lot is consistent with other development in the area. Additionally, if the project was located in any other zoning district, with the exception of the R-3 zoning district, the reduced lot width would not require a variance. Accordingly, Staff recommends that the Planning Commission approve the proposed tentative map inclusive of the variance. If the variance request is denied the applicant's alternative design may be submitted to the Planning Commission for consideration, as the environmental review included both the variance request and the alternative.

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 **\$2,337.75** 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: Denzel Henderson, Assistant Planner, (209) 525-6330

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval
- Exhibit D - Initial Study
- Exhibit E - Variance Finding Statement
- 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) That the proposed map is consistent with applicable general and community plans as specified in Section 65451 of California Code, Government Code.
 - (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 tentative map or type of improvements are not likely to cause serious public health problems.
 - (g) The design of the tentative map or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the Commission may approve a map if it finds that alternate easements, for access or for use, will be provided and that these will be substantially equivalent to ones previously acquired by the public.
 - (h) That the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
 - (i) 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.
 - (j) 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.
 - (k) 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 this particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.
4. Approve Tentative Subdivision Map & Variance Application No. PLN2017-0120 – Dennis Hensley, subject to the attached Conditions of Approval.

DENNIS HENSLEY TSM & VAR PLN2017-0120 AREA MAP

WATERFORD

132

RIVER

TUOLUMNE

HICKMAN RD

DELAWARE RD

LAKE RD

Site


DALLAS RD


MERRIAM RD

MONTPELLIER RD

HALL RD


Legend

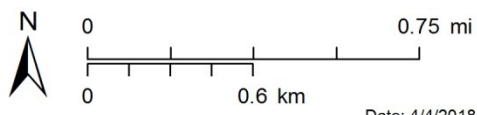
 Dennis Hensley Site

 Sphere of Influence

 City

 River

 Road

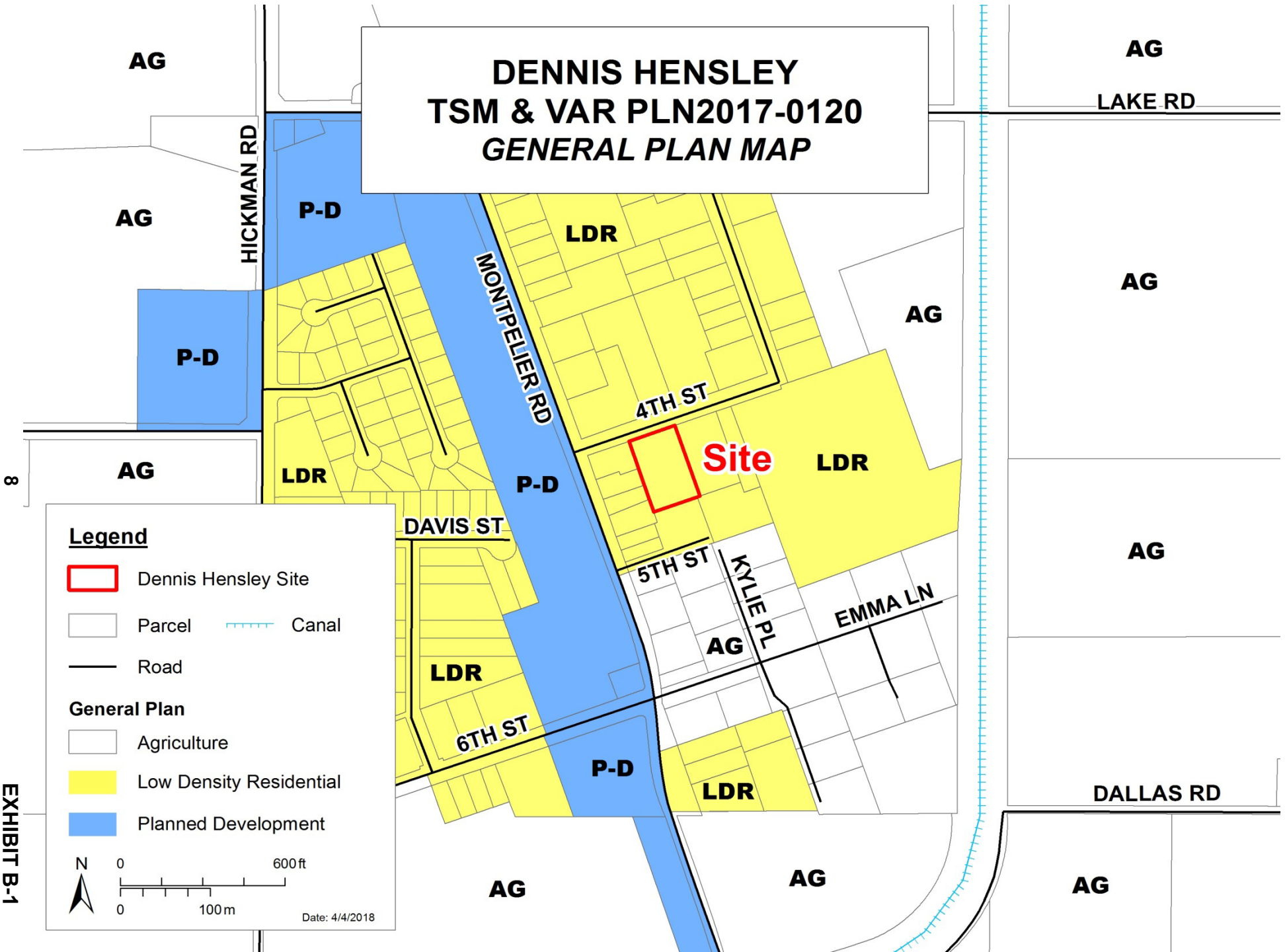


Date: 4/4/2018

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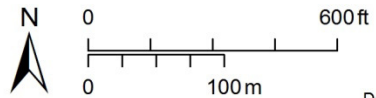
EXHIBIT B

DENNIS HENSLEY TSM & VAR PLN2017-0120 GENERAL PLAN MAP



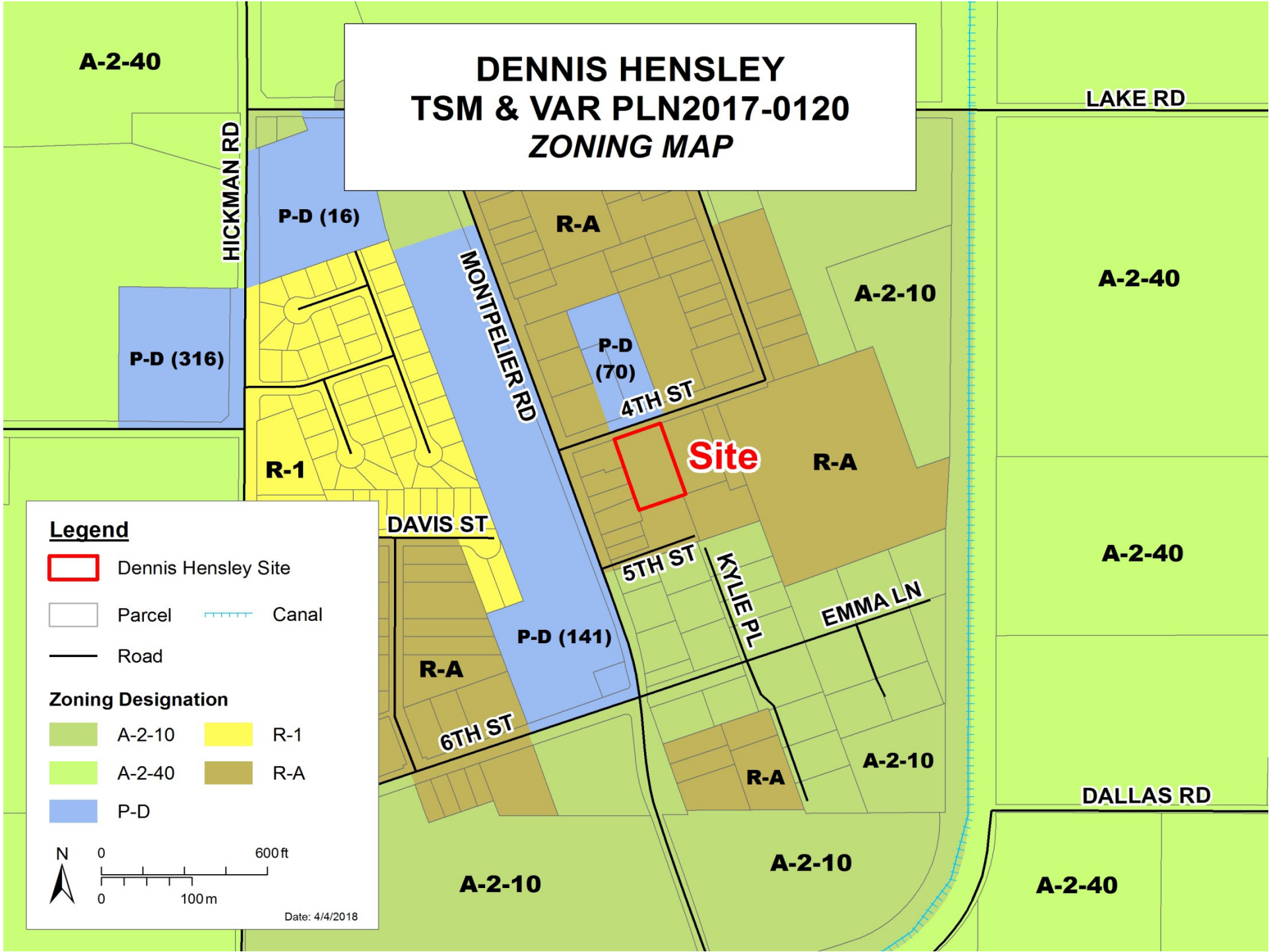
Legend

- Dennis Hensley Site
- Parcel
- Road
- Canal
- Agriculture
- Low Density Residential
- Planned Development



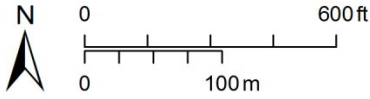
Date: 4/4/2018

DENNIS HENSLEY TSM & VAR PLN2017-0120 ZONING MAP



Legend

- Dennis Hensley Site
 - Parcel
 - Road
 - Canal
- Zoning Designation**
- | | |
|---|--|
| A-2-10 | R-1 |
| A-2-40 | R-A |
| P-D | |

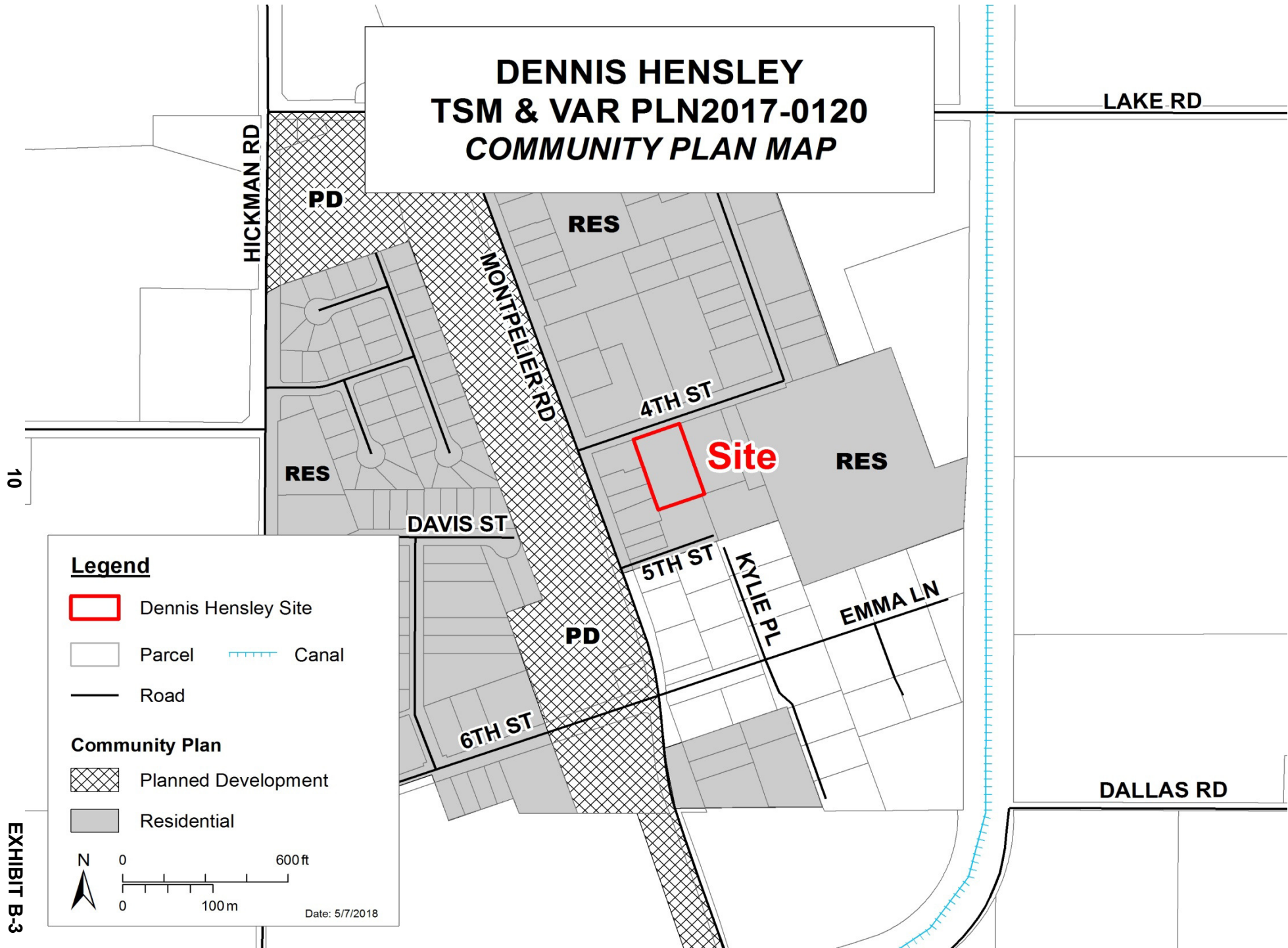


Date: 4/4/2018

6

EXHIBIT B-2

DENNIS HENSLEY TSM & VAR PLN2017-0120 COMMUNITY PLAN MAP



10

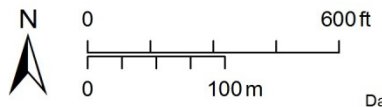
EXHIBIT B-3

Legend

- Dennis Hensley Site
- Parcel
- Canal
- Road

Community Plan

- Planned Development
- Residential



Date: 5/7/2018

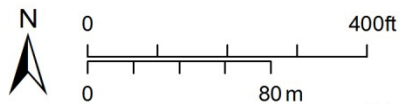
**DENNIS HENSLEY
TSM & VAR PLN2017-0120
2015 AERIAL AREA MAP**

Site

Legend

 Dennis Hensley Site

 Road



Date: 4/4/2018

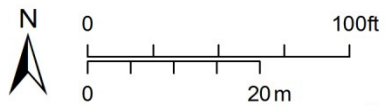
**DENNIS HENSLEY
TSM & VAR PLN2017-0120
2015 AERIAL SITE MAP**

Site

Legend

 Dennis Hensley Site

 Road



Date: 4/4/2018

DENNIS HENSLEY TSM & VAR PLN2017-0120 ACREAGE MAP

Site

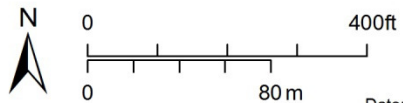
Legend

Dennis Hensley Site

.24 Parcel/Acres

Road

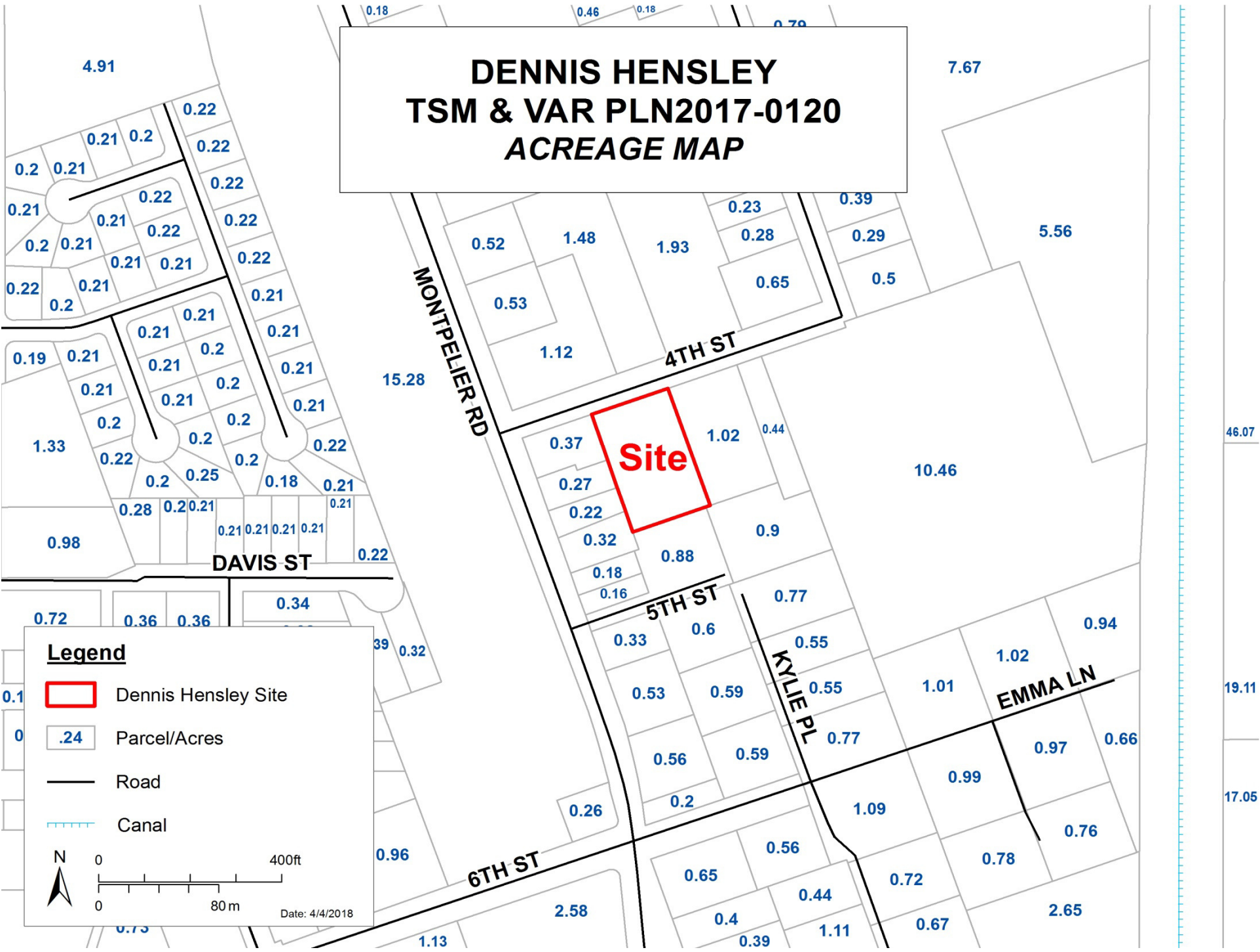
Canal



Date: 4/4/2018

13

EXHIBIT B-6

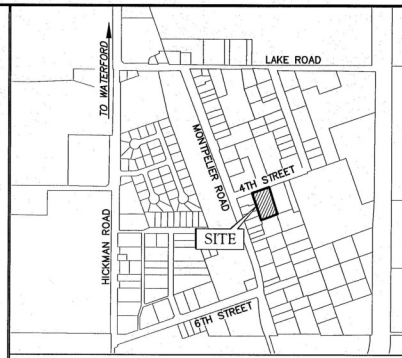
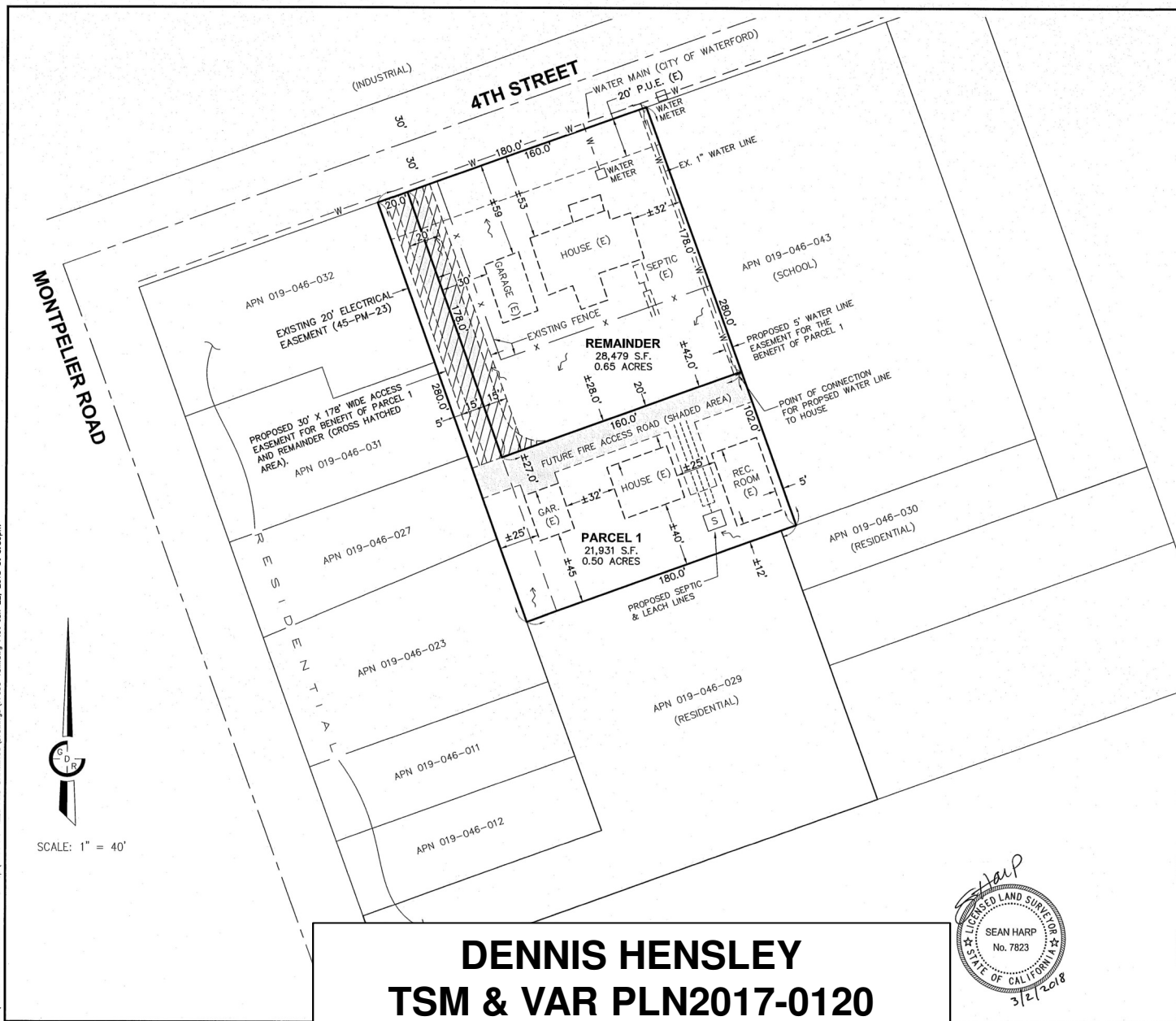


46.07

19.11

17.05

G:\17035 Main - Hickman Parcel Map\MAPPING FILES AND DRAWINGS\Drawings\17035 TSM.dwg Plot Jun 22, 2018 at 3:39pm



VICINITY MAP NOT TO SCALE

PROPERTY OWNER
DENNIS HENSLEY
PO BOX 67,
HICKMAN, CA 95323
(209) 605-9690

APPLICANT
RAY MAIN
12125 E. WHITMORE AVE.
HUGHSON, CA 95326
(209) 681-2772

PROJECT SUMMARY

ADDRESS: 13230 4TH STREET, HICKMAN, CA 95323
A.P.N.: 019-046-042
TOTAL AREA: ±1.157 ACRES
EXISTING GENERAL PLAN: LOW DENSITY RESIDENTIAL
EXISTING ZONING: R-A (RURAL RESIDENTIAL)
PROPOSED LOTS: ONE RESIDENTIAL LOT WITH REMAINDER
NO IMPROVEMENTS PROPOSED WITH THIS APPLICATION.
WATER TABLE DEPTH: GREATER THAN 50 FEET
SOIL TYPE: SNELLING SANDY LOAM
SLOPE OF LAND: RELATIVELY FLAT, 1 - 2%
SEWER: SEPTIC (PARCEL 1 FUTURE; REMAINDER EXISTING)
WATER: CITY OF WATERFORD (EXISTING)

LEGEND

(E) INDICATES EXISTING
↘ DRAINAGE DIRECTION OF EXISTING GROUND

NOTES

- FUTURE FIRE ACCESS ROAD BY SEPARATE PERMIT. FINAL LOCATION SUBJECT TO CHANGE.
- ALL BUILDINGS TO REMAIN.

PROPERTY DESCRIPTION

PARCEL "E" AS SHOWN ON THE PARCEL MAP RECORDED IN BOOK 45 OF PARCEL MAPS, PAGE 23, STANISLAUS COUNTY RECORDS, LYING IN THE NORTHWEST QUARTER OF SECTION 3, T. 4 S. R. 11 E., MOUNT DIABLO MERIDIAN, STANISLAUS COUNTY, CALIFORNIA.



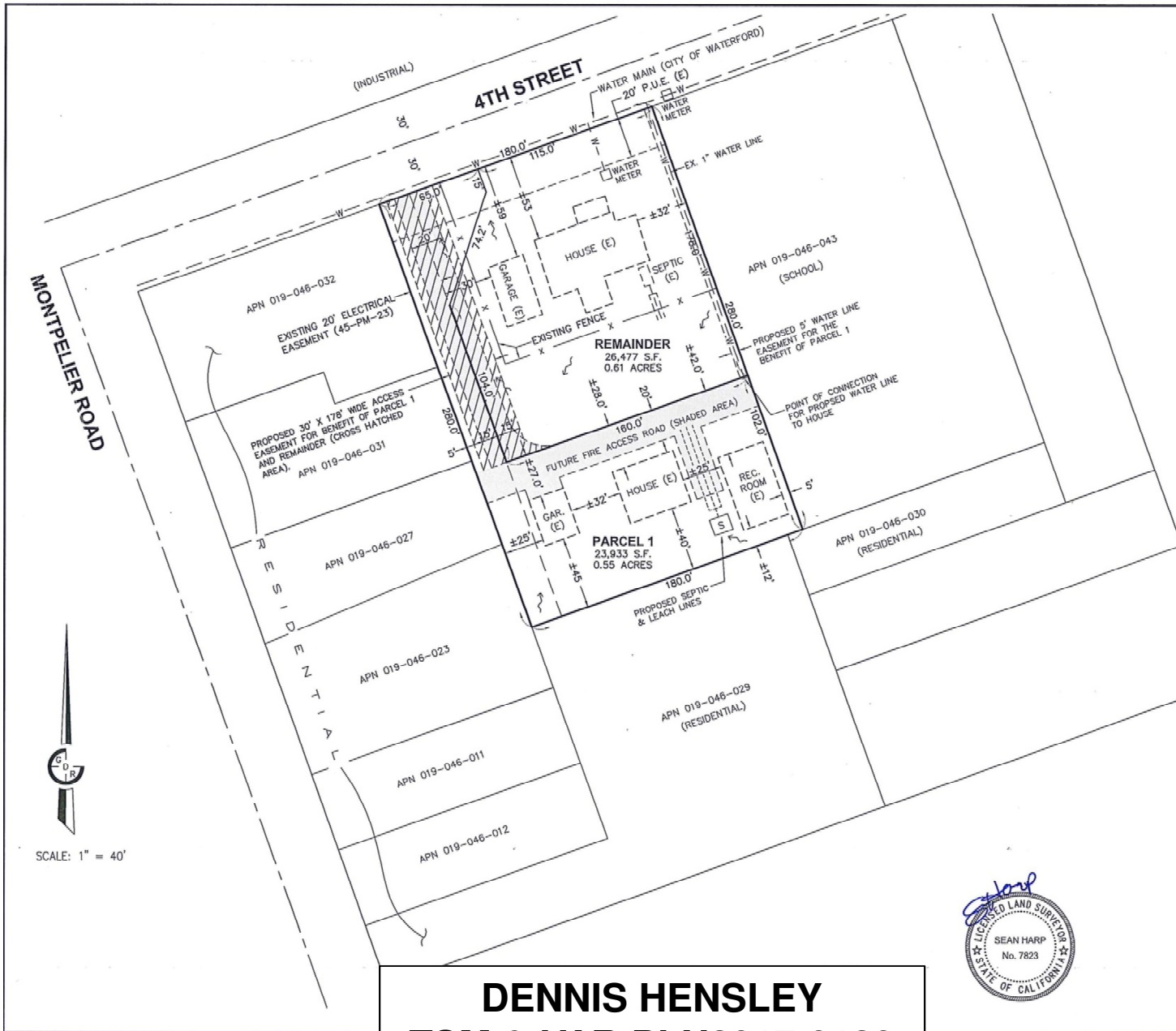
GDR ENGINEERING, Inc
ENGINEERING/SURVEYING/PLANNING
3525 MITCHELL ROAD, SUITE G CERES, CA 95301
TELEPHONE: (209) 538-3360 FAX: (209) 538-7371
www.gdrengineering.com

TENTATIVE SUBDIVISION MAP FOR RAY MAIN

Scale: AS SHOWN	Date: FEBRUARY, 2
DWG NO. 17035 TSM.dwg	Layout VTPM
Drawn: SH	Sheet 1 of 1
Checked: SH	Job No.: 17035

DENNIS HENSLEY
TSM & VAR PLN2017-0120
TENTATIVE SUBDIVISION MAP





SCALE: 1" = 40'

**DENNIS HENSLEY
TSM & VAR PLN2017-0120
ALTERNATIVE MAP**



VICINITY MAP
NOT TO SCALE

PROPERTY OWNER DENNIS HENSLEY PO BOX 67, HICKMAN, CA 95323 (209) 605-9990	APPLICANT RAY MAIN 12125 E. WHITMORE AVE. HUGHSON, CA 95326 (209) 661-2772
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PROJECT SUMMARY

ADDRESS : 13230 4TH STREET, HICKMAN, CA 95323
 A.P.N.: 019-046-042
 TOTAL AREA: ±1.157 ACRES
 EXISTING GENERAL PLAN: LOW DENSITY RESIDENTIAL
 EXISTING ZONING: R-A (RURAL RESIDENTIAL)
 PROPOSED LOTS: ONE RESIDENTIAL LOT WITH REMAINDER
 NO IMPROVEMENTS PROPOSED WITH THIS APPLICATION.
 WATER TABLE DEPTH : GREATER THAN 50 FEET
 SOIL TYPE: SNELLING SANDY LOAM
 SLOPE OF LAND: RELATIVELY FLAT, 1 - 2%
 SEWER: SEPTIC (PARCEL 1 FUTURE; REMAINDER EXISTING)
 WATER: CITY OF WATERFORD (EXISTING)

LEGEND

(E) INDICATES EXISTING
 ~> DRAINAGE DIRECTION OF EXISTING GROUND

NOTES

1. FUTURE FIRE ACCESS ROAD BY SEPARATE PERMIT. FINAL LOCATION SUBJECT TO CHANGE.
2. ALL BUILDINGS TO REMAIN.

PROPERTY DESCRIPTION

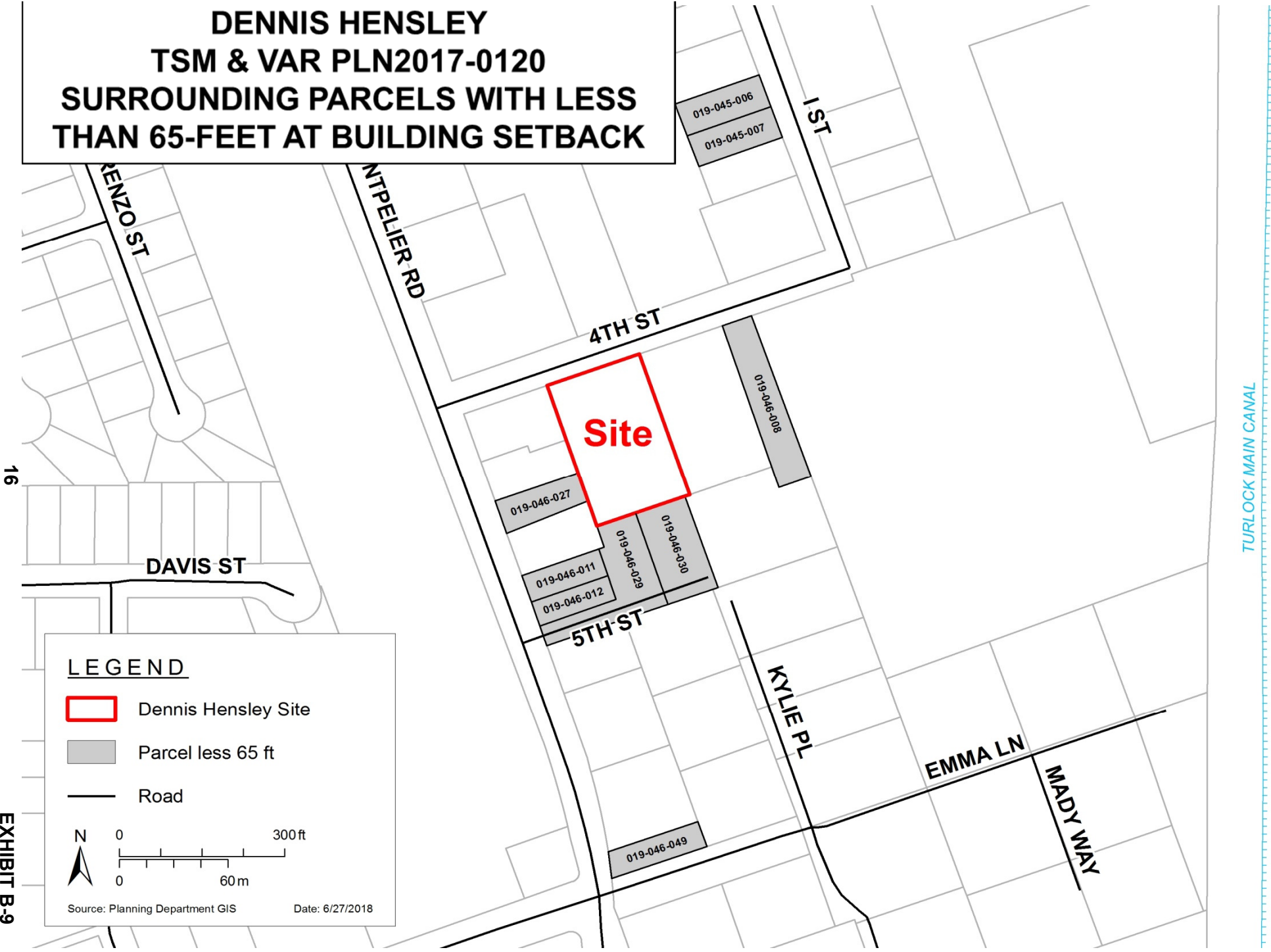
PARCEL "E" AS SHOWN ON THE PARCEL MAP RECORDED IN BOOK 45 OF PARCEL MAPS, PAGE 23, STANISLAUS COUNTY RECORDS, LYING IN THE NORTHWEST QUARTER OF SECTION 3, T. 4 S., R. 11 E., MOUNT DIABLO MERIDIAN, STANISLAUS COUNTY, CALIFORNIA.

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 ENGINEERING/SURVEYING/PLANNING
 3525 MITCHELL ROAD, SUITE G CERES, CA 95307
 TELEPHONE: (209) 538-3360 FAX: (209) 538-7370
 www.gdrengeering.com

**TENTATIVE SUBDIVISION MAP
FOR RAY MAIN**

Scale: AS SHOWN	Date: FEBRUARY, 2018
DWG NO. 17035 TSM.dwg	Layout: VTPM
Drawn: SH	Sheet: 1 of 1
Checked: SH	Job No.: 17035

DENNIS HENSLEY TSM & VAR PLN2017-0120 SURROUNDING PARCELS WITH LESS THAN 65-FEET AT BUILDING SETBACK



TURLOCK MAIN CANAL

EXHIBIT B-9

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

CONDITIONS OF APPROVAL

TENTATIVE SUBDIVISION MAP & VARIANCE APPLICATION NO. PLN2017-0120 DENNIS HENSLEY

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 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 **\$2,337.75**, 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. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary.

6. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
7. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
8. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
9. 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.
10. The recorded tentative 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

11. The recorded final map shall be prepared by a licensed land surveyor or a registered civil engineer licensed to practice land surveying in California.
12. All structures not shown on the tentative map shall be removed prior to the final map being recorded.
13. Prior to the recording of the final map the new parcels shall be surveyed and fully monumented.
14. Prior to recording the final map, an Encroachment Permit shall be taken out for the installation of an asphalt driveway to serve the new lot. The driveway shall be built to Stanislaus County Public Works Standards and Specifications.

Department of Environmental Resources

15. Any existing septic system(s) shall be contained within the proposed parcel boundaries, in accordance with Department setback standards. Prior to the recording of the map, the applicant/owner shall submit site plans, drawn to legible scale, illustrating the proposed location and layout of the exiting on-site wastewater treatment systems (OWTS)/septic

systems for all the structures on the site. The site plan shall provide a designed system for 100% of the original OWTS for the “future expansion area”. The dispersal field shall not be paved over or covered by concrete or a material that is capable of reducing or prohibiting a possible evaporation of the sewer effluent.

Turlock Irrigation District (TID)

16. There is a 20-foot electrical easement and overhead electric service line located on the 0.65 acre remainder parcel. The electrical infrastructure shall be protected.
17. If any irrigation facilities are found during future construction TID shall be contacted.
18. The owner/developer must apply for a facility change for any pole or electrical facility relocation. Facility changes are performed at the developer’s expense.

*Please note: If Conditions of Approval/Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Conditions of Approval/Development Standards; new wording is in **bold**, and deleted wording will have a ~~line through it~~.*



CEQA INITIAL STUDY

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

1. **Project title:** Tentative Subdivision Map and Variance Application No. PLN 2017-0120 - Dennis Hensley
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Denzel Henderson, Assistant Planner
(209) 525-6330
4. **Project location:** 13230 4th Street, east of Montpelier Road, in the Community of Hickman. (APN: 019-046-042)
5. **Project sponsor's name and address:** Ray Main
12125 E. Whitmore Avenue
Hickman, CA 95323
6. **General Plan designation:** Low Density Residential (LDR)
7. **Zoning:** Rural Residential (R-A)
8. **Description of project:**

This is a request to create a 0.5± acre parcel and a 0.65± acre remainder parcel from a 1.15± acre parcel in the Rural Residential (R-A) zoning district. The application includes a variance request to the Stanislaus County Zoning Ordinance §21.24.050(A) frontage requirement of 65-feet. The applicant has also provided an alternative design that conforms to the frontage requirements, but has an irregular cone shape design to compensate for existing development. The project site is currently improved with two single-family dwellings and appurtenant structures (garages and accessory structure). The site receives water from the City of Waterford, utilizes a private septic system, and fronts on the County-maintained road 4th Street. If approved, a maximum of one additional dwelling on each lot may be constructed in compliance with County Code Chapter 21.24 Rural Residential (R-A) District; however, no construction is proposed as part of this subdivision.
9. **Surrounding land uses and setting:** Surrounding land uses include single-family dwellings to the west; the Hickman Community Charter School to the east; ranchettes with single-family dwellings to the south; and a cabinet shop and scattered single-family dwellings to the north.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Department Public Works
Department of Environmental Resources
Turlock Irrigation District
City of Waterford

11. Attachments

Application
Maps
Central California Information Center Records Search
Early Consultation Referral Responses

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.

Signature

April 14, 2018

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 an architectural review of agricultural or residential subdivisions. Approval of the project would result in the creation of a 0.5± acre parcel and a 0.65± acre remainder parcel from a 1.15± acre parcel in the Rural Residential (R-A) zoning district. The project site is improved with two single-family dwellings, appurtenant structures (garages and accessory structure). Construction is not being proposed as a part of this project; however, upon project approval, the developer could build an additional single-family dwelling per parcel.

Mitigation: None

References: Application information; 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 project site is located in the unincorporated Community of Hickman on 1.15± acres and is improved with two single-family dwellings and detached accessory structures. The project site is surrounded by single-family dwellings, a cabinet shop, and a school. The City of Waterford is located approximately one mile north.

The project site has soils classified by The California Department of Conservation Farmland Mapping and Monitoring Program as “Rural Residential Land”. The United States Department of Agriculture (USDA) Natural Resources Conservation Service’s Eastern Stanislaus County Soil Survey, shows that the dominate soil present is Snelling Sandy Loam and is grade 1 with a storie index of 86. A storie Index rating from 80-100 and Grade I and II are considered to be prime farmland; however, this site is designated as Rural Residential Land and is already developed with residential uses.

The closest farmed agriculturally zoned properties are located approximately 1,100± feet to the south and east, separated by residential development, Hickman Charter School and the Turlock Irrigation District Canal. Based on this information, Staff believes that the proposed project will not conflict with any agriculturally zoned land or Williamson Act Contracted land, nor will the project result in the conversion of unique farmland, farmland of statewide importance, timberland or forest land to a non-agricultural or non-forest use.

Mitigation: None

References: California State Department of Conservation Farmland Mapping and Monitoring Program – Stanislaus County Farmland 2016; United States Department of Agricultural NRCS Soil Survey; Stanislaus County Application Material; General Plan and Support Documentation

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.

A maximum of two single-family dwellings per parcel can be constructed upon approval of this project and recordation of the final map. A total of four single-family dwellings fall below the SJVAPCD District's threshold of significance. The project will not conflict with, or obstruct implementation of, any applicable air quality plan. The construction phase of this project will be required to meet SJVAPCD’s standards and to obtain all applicable permits. This project has been referred to SJVAPCD, and to date, no response has been received.

Mitigation: None

References: San Joaquin Valley Air Pollution Control District’s Small Project Analysis Level (SPAL) guidance; San Joaquin Valley Air Pollution Control District – Regulation VIII Fugitive Dust/PM-10 Synopsis; 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 project site is currently developed with two single-family dwellings and detached accessory structures. The proposed project will subdivide the 1.15± acre parcel into a 0.5± acre parcel and a 0.65± acre remainder. Construction is not being proposed as a part of this project; however, upon project approval, the developer could build an additional single-family dwelling per parcel.

The project is located within the Montpelier Quad of the California Natural Diversity Database. There are nine plants and animals which are state or federally listed, threatened, or identified as species of special concern within the Montpelier California Natural Diversity Database Quad. These species include the California Tiger Salamander, Tri-colored Blackbird, Vernal Pool Fairy Shrimp, Vernal Pool Tadpole Shrimp, Hoover’s Spurge, Colusa Grass, San Joaquin Valley Orcutt Grass, Hairy Orcutt Grass, and Greene’s Tuctoria. The proposed project site has been developed with single-family dwellings and accessory structures making the likelihood that any of these species existing on the site low. No rivers, creeks, ponds, or open canals exist on the project site.

The project was referred to the California Department of Fish and Wildlife (CDFW) as part of the Early Consultation referral, but no comments have been received. Impacts to endangered species or habitats, locally designated species, wildlife dispersal or mitigation corridors are considered to be less than significant.

Mitigation: None

References: California Department of Fish and Wildlife California Natural Diversity Database; Application Information Material; Stanislaus County General Plan and Support Documentation¹

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

Discussion: The project site is currently developed with two single-family dwellings and detached accessory structures. The proposed project will subdivide the 1.15± acre parcel into a 0.5± acre parcel and a 0.65± acre remainder parcel. Construction is not being proposed as a part of this project; however, upon project approval, the developer could build an additional single-family dwelling per parcel. It does not appear this project will result in significant impacts to any archaeological or cultural resources. A Records Search, prepared by the Central California Information Center (CCIC), indicated that no historic resources or resources known to have value to local cultural groups were formally reported to the CCIC. The project area has a moderate sensitivity for the possible discovery of subsurface historic-era archaeological features and artifacts associated with residential use of this property dating to at least 1916. Based on the aforementioned record searches, Staff has determined that additional consultation is not warranted; however, a condition of approval will be placed on the project requiring that if any archaeological or cultural resources are found during construction, activities shall halt until an on-site archaeological mitigation program has been approved by a qualified archaeologist.

Mitigation: None

References: Stanislaus County Assessor; Central California Information Center (CCIC) report dated August 14, 2017; 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:			X	
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 USDA Natural Resources Conservation Service indicates that the soils on the project consist of Snelling Sandy Loam, 0 to 3 percent slopes. Construction is not being proposed as a part of this project; however, upon project approval and the recording of the final map an additional single-family dwelling could be built per parcel. 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 any 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. Should structures be built in the future they would be required to be designed and built according to California building standards appropriate to withstand shaking for the area in which they are constructed. A referral from Public Works Department did not directly address geology and soils; however, any earth moving is subject to Public Works Standards and Specifications which consider the potential for erosion and run-off prior to permit approval.

Mitigation: None

References: Department of Public Works referral response dated March 20, 2018; California Building Code; United States Department of Agricultural NRCS Soil Survey; 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 principal Greenhouse Gasses (GHGs) are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H₂O). CO₂ is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO₂ equivalents (CO₂e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) design and implement emission limits, regulations, and other measures, that are feasible and cost-effective statewide to reduce GHG emissions to 1990 levels by 2020. GHGs emissions resulting from residential projects include emissions from temporary construction activities, energy consumption, and additional vehicle trips.

Minimal greenhouse gas emissions will occur during construction. Construction activities are considered to be less than significant as they are temporary in nature and are subject to meeting SJVAPCD standards for air quality control.

Should structures be built, they will be subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11). The California Energy Commission (CEC) has published reports estimating the percentage reductions in energy use resulting from these new standards. Based on CEC’s discussion on average savings for Title 24 improvements, these CEC savings percentages by end use can be used to account for a 22.7% reduction in electricity and a 10% reduction in natural gas use for single-family residential units.

As mentioned in the Air Quality section, the project was referred to SJVAPCD and no response was received. The analysis of mobile source pollution within the Air Quality section based on Small Project Analysis (SPAL) would apply in regards to Greenhouse Gas Emissions as well. Therefore, the proposed project would pose less than significant impacts air emissions.

Mitigation: None

References: San Joaquin Valley Air Pollution Control District’s Small Project Analysis Level (SPAL) guidance; California Air Pollution Control Officers Association Quantifying Greenhouse Gas Mitigation Measures (August 2010); The California Air Resources Board; Title 24 California Building Code; Application information; and the 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: This project requests to create a 0.5± acre parcel and a 0.65± acre remainder parcel from a 1.15± acre parcel in the Rural Residential (R-A) zoning district. The project site is improved with two single-family dwellings, and detached accessory structures. No known hazardous materials are on-site. The project is not located in an agricultural area so spray drift from pesticide applications is not a concern. The Department of Environmental Resources (DER) is responsible for overseeing hazardous materials in this area. The project area is located in a local responsibility area and is served by the Stanislaus Consolidated Fire District. The applicant will be required to pay fire impact fees for any new construction. To date, there has not been any comment letters received from DER or the Stanislaus Consolidated Fire District in regards to hazardous material management. The project site is not located in the vicinity of an airport or private airstrip. The project is anticipated to have a less than significant impact on Hazards of Hazardous materials.

Mitigation: None

References: Application Information; Stanislaus County GIS Data; Department of Toxic Substances Control; Stanislaus County General Plan and Support Documentation

IX. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?				X

Discussion: The project site currently receives water from the City of Waterford. Storm water 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 (FEMA). 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 to levee/dam failure and/or alteration of a watercourse, at this location is not an issue with respect to this project.

The current absorption patterns of water upon this property will not be significantly altered as a part of this project; however, should new structures or infrastructure be built current Public Works standards require that all of a project's storm water be maintained on-site.

This project was referred to the Regional Water Quality Control Board (RWQCB) who responded with standards of development and regulatory requirements that will be incorporated into this project's conditions of approval. As a result, impacts associated with drainage, water quality, and run-off is expected to have a less than significant impact.

Mitigation: None

References: Department of Environmental Resources referral response dated November 15, 2017; Referral response from the Department of Public Works dated March 20, 2018; Regional Water Quality Control Board referral dated November 17, 2017; FEMA Flood Maps; 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: The proposed project will not physically divide an established community. The project is located within the Community of Hickman, which is developed with residential uses. Existing land use designations for the project site include a General Plan designation of Residential-Low Density (LDR) and a zoning designation of R-A (Rural Residential), which allows for a minimum parcel size of 20,000 square feet when serviced by public water and private septic systems. The project proposes to create a 0.5-acre parcel and a 0.65 remainder parcel from a 1.15± acre site serviced by private septic systems and the City of Waterford water services. The approval would allow for an additional single-family dwelling to be constructed per parcel.

The applicant is requesting a zoning variance for the zoning lot width requirement of 65-feet. The previous development does not allow for a uniform minimum lot width of 65-feet, therefore the applicant is proposing 20-feet of frontage. The applicant has also submitted an alternative design that conforms to the frontage requirements, but has an irregular cone shape design to compensate for existing development. Although it is not the applicant’s preference, the design illustrates a possible design that could serve as an alternative to the variance request.

The proposed project will not conflict with any applicable habitat conservation plan or natural community conservation plan.

Mitigation: None

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

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: Construction is not being proposed as a part of this project; however, upon project approval, the developer could build an additional single-family dwelling per parcel provided all development standards and California and County Code requirements can be met. New construction would result in a temporary increase in noise and, as such, a standard condition of approval will be added to the project to address the temporary increase in noise by limiting hours of construction. The project is not included in any airport land use compatibility plan, nor is it located near any private airports. Impacts to noise as a result of the project are considered to be less than significant.

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 proposed project will not create significant service extensions or result in construction of new infrastructure which could be considered to be growth inducing. Currently, the area is served by City of Waterford for public water and utilizes a private septic system.

Approval of this project could result in construction of an additional single-family dwelling per parcel (maximum of two dwelling per parcel) which is considered to be a less than significant impact to population growth. No displacement of existing homes or people will result as a part of this project.

Mitigation: None

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

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 to address impacts to public services. School and Fire Facility Fees are determined by each district and collected to address impacts to these services. Any new dwellings resulting from this project will be required to pay the applicable Public Facility Fees through the building permit process. The Sheriff’s Department also uses a standardized fee for new dwellings that will be incorporated into the conditions of approval. Conditions of approval will be placed on the project to reflect payment of all applicable development fees.

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: Construction is not being proposed as a part of this project; however, upon project approval, the developer could build an additional single-family dwelling per parcel. The proposed project may result in a minimal increase in the use of nearby recreational facilities; however, the project will not result in the need for new or expanded recreational facilities. The project was referred to Parks and Recreation as part of the Early Consultation, to date, no comments have been received. The General Plan requires at least three net acres of developed neighborhood parks, or the maximum number allowed by law, to be provided for every 1,000 residents. Based on the number of lots being created, conditions of approval will be added to the project to require in-lieu park fees of \$2,050.00 per parcel. These fees will be required at the issuance of building permit for each lot.

Mitigation: None

References: Stanislaus County Park & Recreation ;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: According to the Federal Highway Administration, the average daily vehicle trips per household are calculated at 9.6. Furthermore, as a result of the project being approved a maximum build-out would result in the potential for 38.4 additional trips per day (two single-family dwellings per parcel). The project proposes that all access come from County-maintained 4th Street. It is not anticipated that the proposed project will have any significant impacts on transportation or traffic. The Department of Public Works request an encroachment permit shall be taken out for the installation of an asphalt driveway. Conditions of approval reflecting this requirement will be added to the project.

Mitigation: None

References: U.S. Department of Transportation Federal Highway Administration; Department Of Public Works referral response dated March 20, 2018; 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 site currently maintains two single-family dwellings which are connected to the City of Waterford’s water services. The Turlock Irrigation District (TID) commented that an overhead electric service line needs to be reviewed to ensure vehicle clearance. No construction is being proposed as a part of this project; however, should any additional single-family dwellings be constructed after the subdivision is complete, arrangements will need to be made with the City of Waterford for water. The project was referred to the Department of Environmental Resources (DER) which commented that each parcel should have its own septic system, plans for proposed Parcel "1" shall be submitted to DER for on-site wastewater treatment systems, and shall demonstrate that the dispersal field will not be covered by material capable of prohibiting effluent evaporation. These requirements will be applied as conditions of approval and addressed as a part of the building permit process. No further limitations on providing services have been identified.

Mitigation: None

References: Department of Environmental Resources letter dated March 28, 2018; Turlock Irrigation District letter dated November 16, 2017; 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 is a residential in-fill project south of the City of Waterford in the Community of Hickman.

¹Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. *Housing Element* adopted on April 5, 2016.

**Project Description and Findings for a Variance
Tentative Parcel Map for Ray Main
APN 019-046-042**

Project Description

This project is an application for Tentative Parcel Map to divide a 1.157 acre parcel (APN 019-046-042) into two parcels. The site is located at 13230 4th Street in the Town of Hickman and is zoned RA (Rural Residential). There is currently an existing house with detached garage on the northeastern portion of the property.

Proposed Parcel 1 would be a “flag” shaped lot with a 20’ wide by 178’ long driveway along the westerly line. The back portion of the parcel is 180’ wide x 102’ deep and would consist of a single family house, recreation room building and a detached garage. There will be a fire access road to County standards. Proposed improvements will be by separate permit(s). It will connect to public water served by the City of Waterford. Sewer service will be by septic system.

The applicant is seeking a variance to the minimum lot width requirement of 65 feet at the street frontage for RA zoned parcels (Section 21.24.050).

Variance Findings

- (1) The existing site is large enough for two parcels, however because of how the existing home site is developed, it cannot accommodate 65 feet of street frontage for the second parcel. The proposed layout and use of the properties will get the best use out of the property.
- (2) The area proposed to be developed on Parcel 1 is currently vacant and not useful in its current state. The granting of this variance will be consistent with two properties to the south (APN 019-046-029 and 030) which have less than 65 feet of frontage and the access provided by a paved driveway as well.
- (3) The granting of the variance application will not adversely affect health or safety of persons in the neighborhood or be detrimental to the public welfare. The future development of the proposed property will be an asset to the neighborhood by developing vacant land that will be consistent with the surrounding properties and the County’s General Plan.



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10th Street, Suite 3400, Modesto, CA 95354

Planning Phone: (209) 525-6330 Fax: (209) 525-5911

Building Phone: (209) 525-6557 Fax: (209) 525-7759

NEGATIVE DECLARATION

NAME OF PROJECT: TENTATIVE SUBDIVISION MAP & VARIANCE APPLICATION NO. PLN2017-0120 – DENNIS HENSLEY

LOCATION OF PROJECT: 13230 4th Street, east of Montpelier Road, in the Community of Hickman. (APN: 019-046-042)

PROJECT DEVELOPERS: Ray Main
12125 E. Whitmore Avenue
Hughson, CA 95326

DESCRIPTION OF PROJECT: This is a request to create a 0.5± acre parcel and a 0.65± acre remainder parcel from a 1.15± acre parcel in the R-A (Rural Residential) zoning designation. The request includes a variance to the R-A Zoning Ordinance requirement of 65-feet of lot width for the proposed 0.5 acre parcel.

Based upon the Initial Study, dated May 7, 2018, 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: Denzel Henderson, 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: TSM & VAR APP NO. PLN2017-0120 - DENNIS HENSLEY

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WEEK	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 FISH & WILDLIFE	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	
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: STANISLAUS COM	X	X	X		X							
IRRIGATION DISTRICT: TURLOCK	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: TURLOCK	X	X	X		X							
MUNICIPAL ADVISORY COUNCIL: HICKMAN	X	X			X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X		X							
SCHOOL DISTRICT 1: HICKMAN ELEMENTARY	X	X	X		X							
SCHOOL DISTRICT 2: HUGHSON UNIFIED	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 PARKS & RECREATION	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 2: CHIESA	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	X		X							
US FISH & WILDLIFE	X	X	X		X							
TELEPHONE COMPANY: ATT	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							