

STANISLAUS COUNTY PLANNING COMMISSION

September 6, 2018

STAFF REPORT

VESTING TENTATIVE PARCEL MAP APPLICATION NO. PLN2017-0102 MOUNTAIN VIEW FIELDS, LLC - VIVIAN

REQUEST: TO SUBDIVIDE A 281± GROSS ACRE PARCEL INTO SEVEN 40± GROSS ACRE PARCELS IN THE A-2-40 (GENERAL AGRICULTURE) ZONING DISTRICT.

APPLICATION INFORMATION

Applicant:	Mountain View Fields, LLC
Property owner:	Mountain View Fields, LLC (Daniel & Bonnie Lamb)
Agent:	Dave Skidmore, Gregg & Associates
Location:	Northeast corner of Vivian Road and West Fulkerth Road, west of Carpenter Road, east of Jennings Road, in the Turlock area.
Section, Township, Range:	12-5-8
Supervisory District:	Five (Supervisor DeMartini)
Assessor's Parcel:	022-003-007
Referrals:	See Exhibit F Environmental Review Referrals
Area of Parcel(s):	Proposed Parcels 1-7: 40.0± - 40.5± gross acres
Water Supply:	Private well
Sewage Disposal:	Private septic
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	AG (Agriculture)
Sphere of Influence:	N/A
Community Plan Designation:	N/A
Williamson Act Contract No.:	1977-2936
Environmental Review:	Negative Declaration
Present Land Use:	Flood irrigated crop land
Surrounding Land Use:	Scattered single-family dwellings in all directions; a dairy and crop land to the north; poultry farm and crop land to the east; and crop land to the south and west.

RECOMMENDATION

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

PROJECT DESCRIPTION

The project is a request to subdivide a 281± gross acre parcel into seven 40± gross acre parcels in the A-2-40 (General Agriculture) zoning district for estate planning purposes. Access will be provided via County-maintained West Fulkerth Road, Vivian Roads, and West Monte Vista Avenue. Irrigation, utility, and access easements (either 30 feet-wide or 40-foot wide depending on the location) will be located throughout the project site. The subject Parcel Map has a vested date of November 6, 2017.

SITE DESCRIPTION

The 281± acre site is located on the northeast corner of Vivian Road and West Fulkerth Road, west of Carpenter Road, east of Jennings Road, in the Turlock area. The site is relatively flat and consists of flood irrigated crop land. Flood irrigation is provided via surface irrigation water from an existing Turlock Irrigation District (TID) pipeline. There is an agricultural well located on Proposed Parcel 4. This well is not required for irrigation and will be for the benefit of Proposed Parcel 4. There are no structures on the property.

Surrounding land uses consist of scattered single-family dwellings in all directions; a dairy and crop land to the north; poultry farm and crop land to the east; and crop land to the south and west.

ISSUES

No issues have been identified as a part of this request. Standard conditions of approval have been added to the project.

GENERAL PLAN CONSISTENCY

The site is currently designated as "Agriculture" in the Stanislaus County General Plan and this designation is consistent with, and is implemented by, the A-2 (General Agriculture) zoning district. The Agricultural designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas and, as such, should generally be zoned with 40 to 160-acre minimum parcel sizes. The project site's A-2-40 zoning requires a minimum parcel size of 40 acres for the creation of new parcels. The application requests parcels of 40± to 40.5± acres which are compliant with the A-2-40 minimum lot size standards.

The project site is currently enrolled in Williamson Act Contract No. 1977-2936. In accordance with both local and state Williamson Act provisions, lands are presumed to be too small to sustain their agricultural use if the lands are less than 40 acres in size in the case of non-prime agricultural land; 10 acres in size in the case of prime agricultural land; or the subdivision will result in residential development not incidental to the commercial agricultural use of the land. In this case, all proposed parcels are 40 acres or greater in size.

Stanislaus County General Plan Agricultural Element Policy 2.8 specifies that the subdivision of agricultural land consisting of unirrigated farmland, unirrigated grazing land, or land enrolled under a Williamson Act contract, into parcels of less than 160 acres in size shall be allowed provided a "no build" restriction on the construction of any residential development on newly created parcel(s) is observed until one or both of the following criteria is met:

- Ninety percent or more of the parcel shall be in production agriculture use with its own on-site irrigation infrastructure and water rights to independently irrigate. For land which is not

irrigated by surface water, on-site irrigation infrastructure may include a self-contained drip or sprinkler irrigation system. Shared off-site infrastructure for drip or sprinkler irrigation systems, such as well pumps and filters, may be allowed provided recorded long-term maintenance agreements and irrevocable access easements to the infrastructure are in place.

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

Production agriculture is defined as meaning agriculture for the purpose of producing any and all plant and animal commodities for commercial purposes. In this case, 90 percent of each of the proposed parcels has the capability of being used for production agriculture. At this time, there are no proposals to construct new single-family dwellings on any of the newly created parcels. In any event, a “no build” restriction on the construction of any residential development has been added as a condition of approval.

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

ZONING & SUBDIVISION ORDINANCE CONSISTENCY

The site is currently zoned A-2-40 which requires a minimum lot size of 40 acres for the creation of new parcels. All the proposed parcels meet the minimum parcel size requirement and will have legal and physical access to a County-maintained road. The current zoning will allow up to two single-family dwellings on each of the proposed parcels, although no residential construction is being proposed at this time.

In accordance with the Williamson Act, proposed parcels will be restricted by zoning to on-site residential development which is incidental to the agricultural use of the land and will not diminish the agricultural production. The Planning Department has instituted a process by which all building permit applications submitted for any new structures (including new single-family dwellings) on Williamson Act properties must be accompanied by a signed Landowner Statement that verifies compatibility with the Williamson Act contract. The Landowner Statement further acknowledges that, pursuant to AB 1492, severe penalties may arise should the County or the Department of Conservation (DOC) determine in the future that the structure(s) is in material breach of the contract.

ENVIRONMENTAL REVIEW

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

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay **\$2,337.75** 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: Teresa McDonald, Assistant Planner, (209) 525-6330

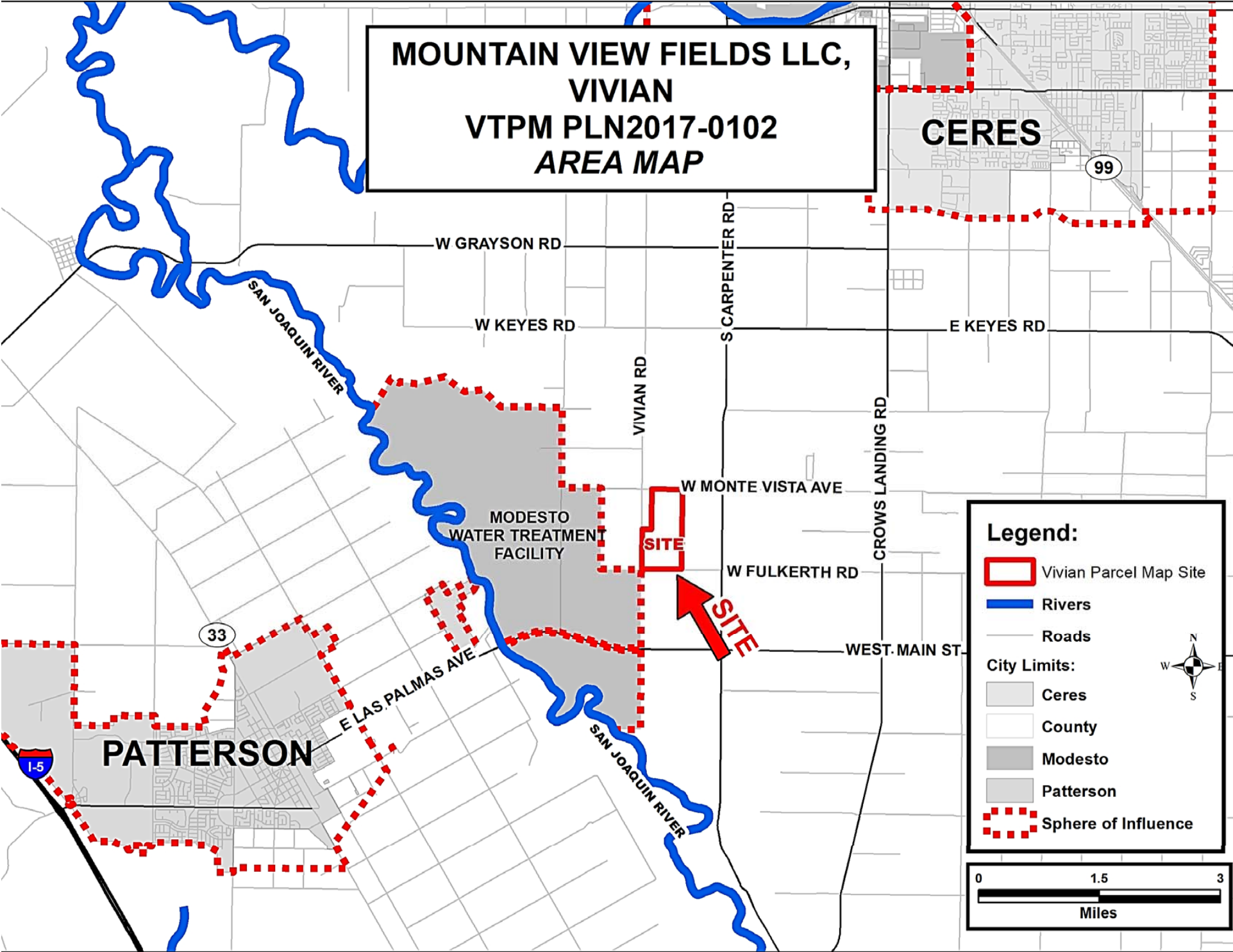
Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval
- Exhibit D - Initial Study
- Exhibit E - Negative Declaration
- Exhibit F - Environmental Review Referrals

Exhibit A
Findings and Actions Required for Project Approval

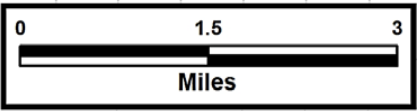
1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
 - (a) The proposed map is consistent with applicable general and community plans as specified in Section 65451.
 - (b) The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
 - (c) The site is physically suitable for the type of development.
 - (d) The site is physically suitable for the proposed density of development.
 - (e) The design of the parcel map or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - (f) The design of the parcel map or type of improvements are not likely to cause serious public health problems.
 - (g) The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these will be substantially equivalent to ones previously acquired by the public.
 - (h) The proposed parcel map is consistent with the restrictions and conditions of the existing Williamson Act contract.
 - (i) The proposed parcels are of a size suitable to sustain agricultural uses.
 - (j) The proposed parcel map will not result in residential development not incidental to the commercial agricultural use of the land.
 - (k) The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
4. Approve Vesting Tentative Parcel Map Application No. PLN2017-0102 – Mountain View Fields, LLC - Vivian, subject to the attached conditions of approval.

MOUNTAIN VIEW FIELDS LLC, VIVIAN VTPM PLN2017-0102 AREA MAP



Legend:

- Vivian Parcel Map Site
- Rivers
- Roads
- City Limits:**
 - Ceres
 - County
 - Modesto
 - Patterson
- Sphere of Influence



**MOUNTAIN VIEW FIELDS LLC,
VIVIAN
VTPM PLN2017-0102
GENERAL PLAN MAP**

AG

AG

W. MONTE VISTA AVE

**MODESTO
WATER TREATMENT
FACILITY**

AG

AG

AG

SITE

S. CARPENTER RD

W. FULKERTH RD


AG


AG

Legend:


 Vivian Parcel Map Site

 Parcels

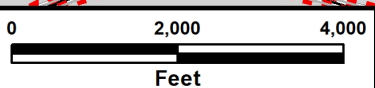
 Roads

 Sphere of Influence

General Plan:

 AG = Agriculture

 CITY



WEST MAIN ST

7

EXHIBIT B-1

**MOUNTAIN VIEW FIELDS LLC,
VIVIAN
VTPM PLN2017-0102
ZONING MAP**

A-2-40

A-2-40

A-2-10

W MONTE VISTA AVE

**MODESTO
WATER TREATMENT
FACILITY**

A-2-40

A-2-40

A-2-40

SITE

SCARPENTER RD

W FULKERTH RD

A-2-40




A-2-40

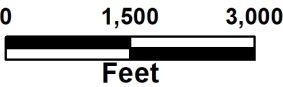
WEST MAIN ST

Legend:

-  Vivian Parcel Map Site
-  Parcels
-  Roads
-  Modesto Treatment Facility
-  Sphere of Influence

Zoning Designation:

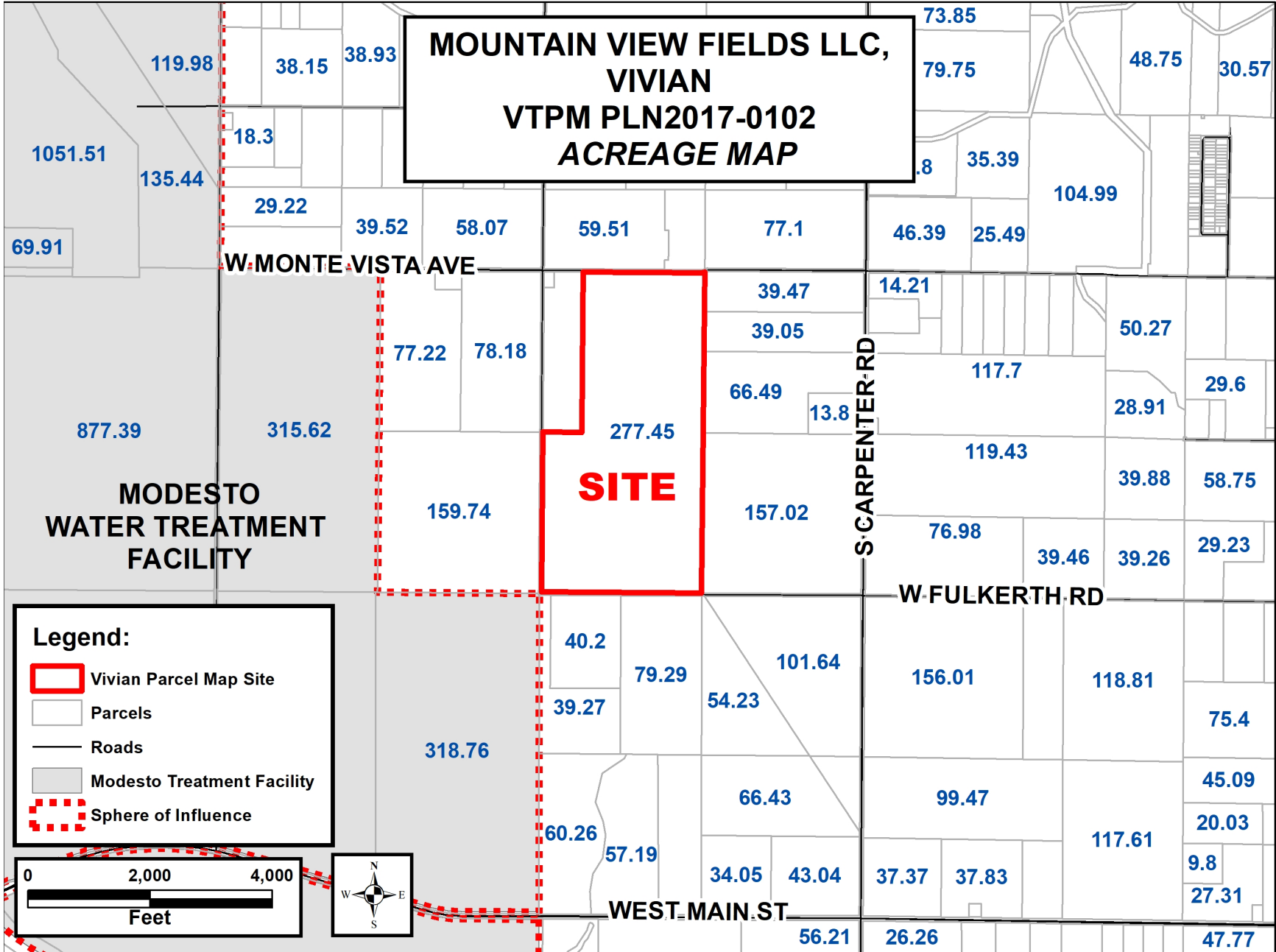
-  A-2-10 = General Agriculture 10 Acres
-  A-2-40 = General Agriculture 40 Acres
-  CITY



8

EXHIBIT B-2

**MOUNTAIN VIEW FIELDS LLC,
VIVIAN
VTPM PLN2017-0102
ACREAGE MAP**



6

EXHIBIT B-3

**MOUNTAIN VIEW FIELDS LLC,
VIVIAN
VTPM PLN2017-0102
2017 AERIAL AREA MAP**

W MONTE VISTA AVE


SITE

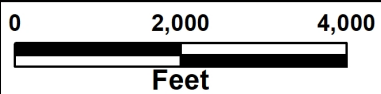
S CARPENTER RD

W FULKERTH RD

WEST MAIN ST

Legend:

-  Vivian Parcel Map Site
-  Roads



10

EXHIBIT B-4

**MOUNTAIN VIEW FIELDS LLC,
VIVIAN
VTPM PLN2017-0102
2017 AERIAL SITE MAP**

W MONTE VISTA AVE

W MONTE VISTA AVE

VIVIAN RD

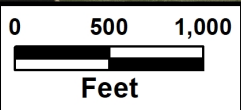
S CARPENTER RD

SITE

W FULKERTH RD

Legend:

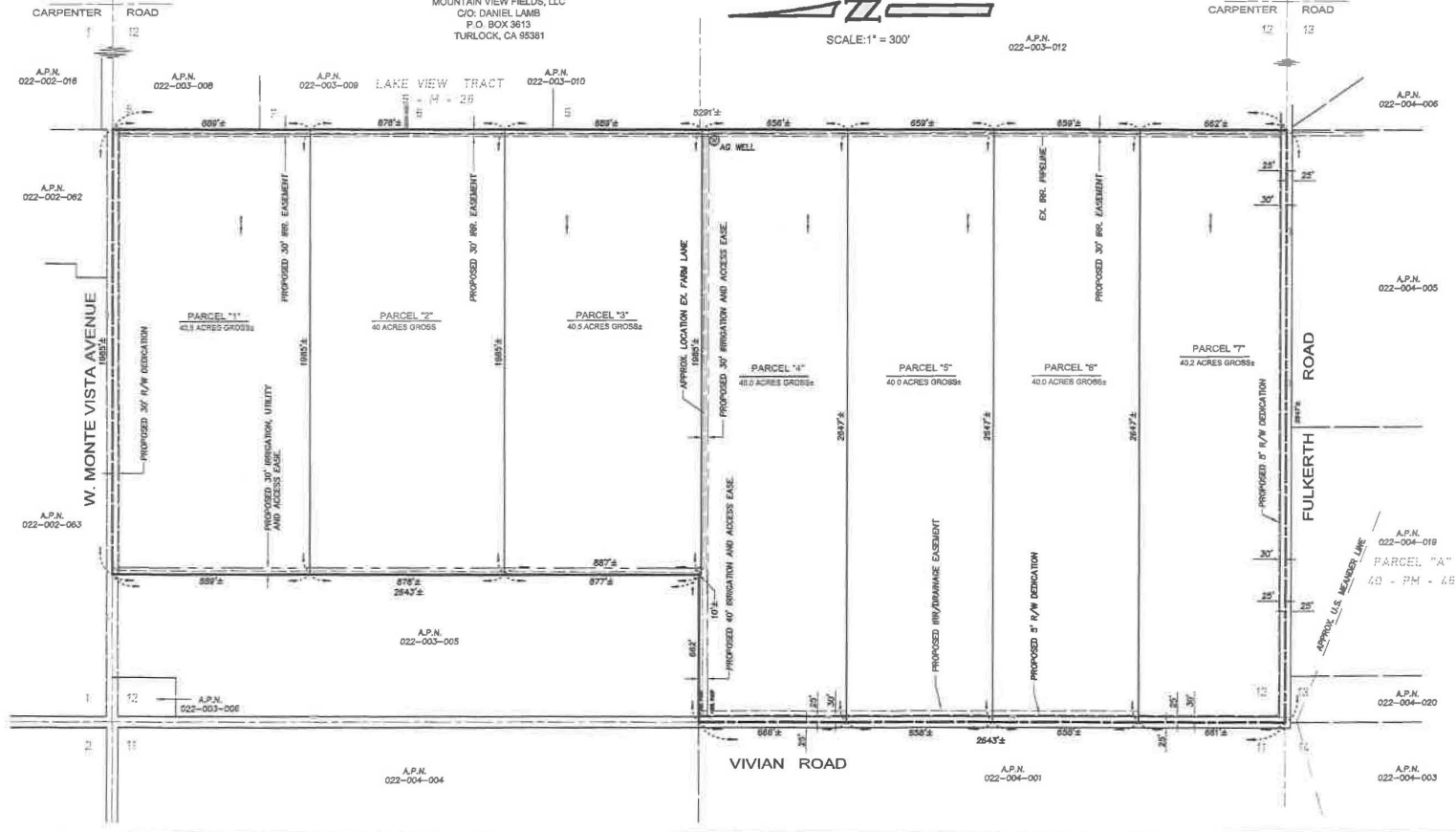
-  Vivian Parcel Map Site
-  Roads



GENERAL NOTES

1. ASSESSOR'S PARCEL NUMBER: 022-003-007
2. EXISTING ZONING: A-2-40
3. SITE SUMMARY: TOTAL SITE = 281 +/- ACRES GROSS BEING DIVIDED INTO 7 PARCELS EXCEEDING THE MINIMUM SIZE FOR THE ZONE OF 40 ACRES GROSS.
4. DOMESTIC WATER: EXISTING PRIVATE WATER WELL
5. SANITARY SEWER: EXISTING PRIVATE SEPTIC SYSTEM
6. IRRIGATION: EXISTING FLOOD IRRIGATION (TURLOCK IRRIGATION DISTRICT) SURFACE IRRIGATION FLOW INDICATED BY TYPICAL SYMBOL
7. SITE CURRENTLY CONSISTS OF IRRIGATED FORAGE AND/OR ROW CROPS. PARCELS ARE CONFIGURED TO PROMOTE SO THAT THEY IRRIGATE & DRAIN UTILIZING EXISTING IRRIGATION AND DRAINAGE FACILITIES.
8. THIS PROJECT IS RELATIVELY FLAT (0 TO 1% SLOPES) RANGING BETWEEN THE 55 AND 60 FOOT ELEVATION CONTOURS AS DERIVED FROM GOOGLE MAP IMAGES. THE SITE COMPRISES SOILS CLASSIFICATIONS OF (DWA) DINUBA SANDY LOAM, SLIGHTLY SALINE-ALKALI, (H6A) HILMAR LOAMY SAND, SLIGHTLY SALINE-ALKALI, (W6A) WAIKENA FINE SANDY LOAM, STRONGLY SALINE-ALKALI AND (FVA) FRESNO SANDY LOAM, MODERATELY SALINE-ALKALI IN THE SOUTHERN PORTION. (DWA) DINUBA SANDY LOAM, SLIGHTLY SALINE-ALKALI, (H6A) HILMAR LOAMY SAND, SLIGHTLY SALINE-ALKALI, (FVA) FRESNO SANDY LOAM, MODERATELY SALINE-ALKALI AND (FVA) FRESNO SANDY LOAM, STRONGLY SALINE-ALKALI IN THE NORTHERN PORTION OF THE SITE. CLASSIFICATIONS ARE DERIVED FROM USDA WEB SOIL SURVEY.
9. PERCHED GROUND WATER DEPTH IS APPROXIMATELY 8 TO 12 FEET.
10. SUBJECT PARCEL IS LOCATED IN ZONES "X" (AREAS OF 500-YEAR FLOOD) AND ZONE AS (SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD) AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY-PANEL NUMBER 06099C0545E, DATED SEPT. 26, 2008.
11. THE PROPERTY LINE DISTANCES, BEARINGS, AND ALL OTHER DIMENSIONS SHOWN ON THIS MAP ARE TAKEN FROM DEEDS, ASSESSOR'S MAPS, OR BOTH, AND PRELIMINARY FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL FIELD SURVEY.

OWNER
 MOUNTAIN VIEW FIELDS, LLC
 C/O: DANIEL LAMB
 P.O. BOX 3613
 TURLOCK, CA 95381

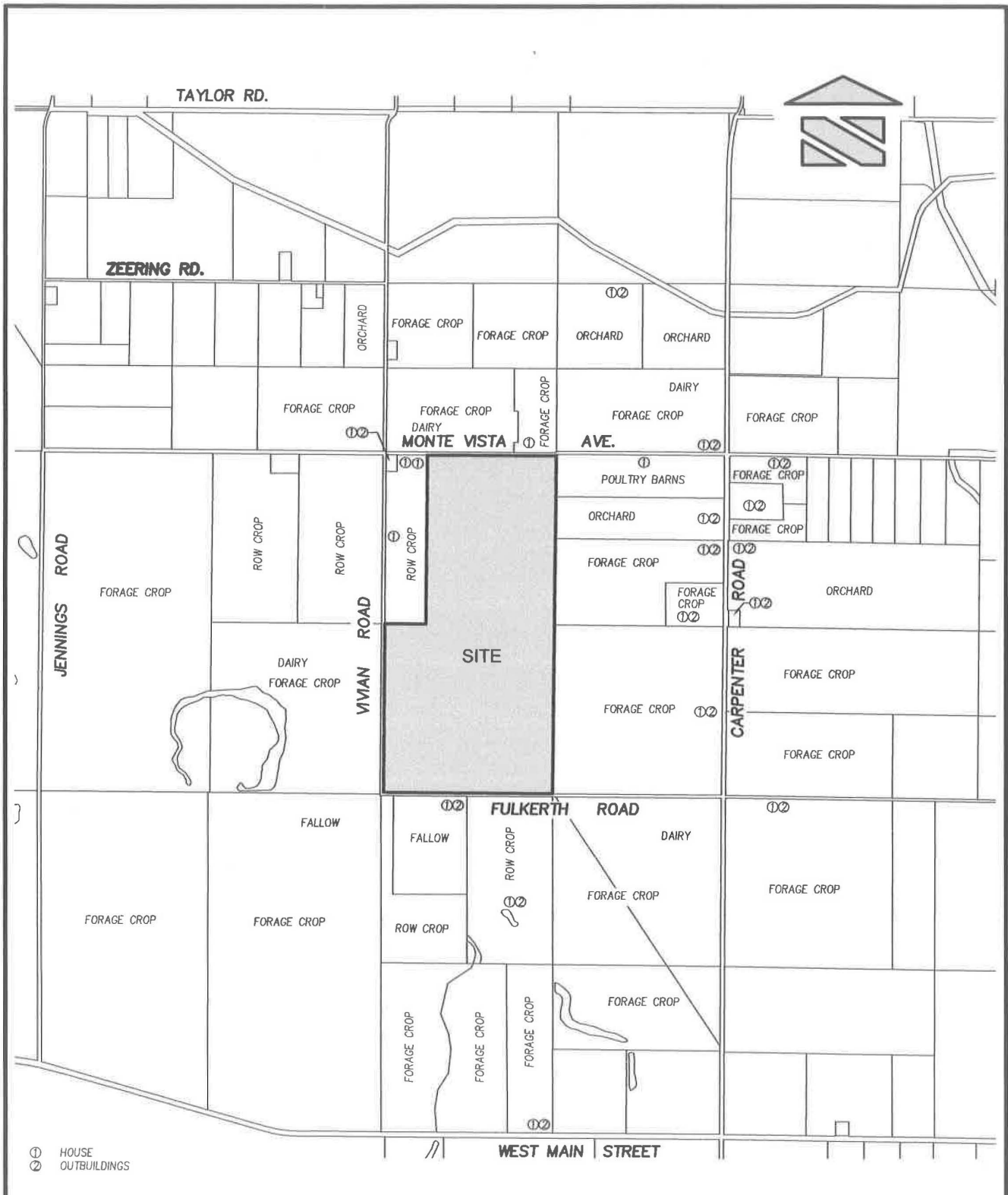


REVISION	DATE	DESCRIPTION	BY

GREGG & ASSOCIATES
 68 LITTLE AVENUE, AGGREGATION #807 - GRIFFIN, CA 95923
 LAND SURVEYING CIVIL ENGINEERING LAND PLANNING
 A DIVISION OF ASSOCIATED BUSINESS SERVICES INC. 1505
 4200 TECHNOLOGY DRIVE SUITE 400 FRODOSSO CA 95155
 PHONE (925) 553-3320 FAX (925) 553-3329

VESTING TENTATIVE PARCEL MAP
 BEING A PORTION OF THE WEST HALF OF SECTION 12,
 TOWNSHIP 5 SOUTH, RANGE 8 EAST, MOUNT DIABLO MERIDIAN
 STANISLAUS COUNTY CALIFORNIA

DRAWN BY:	DLS
DATE:	7/25/17
SCALE:	1" = 300'
DWG#:	1162_TNT
CHECKED:	
JOB #:	1162(G)-17
SHEET	1
OF	1



① HOUSE
② OUTBUILDINGS

DRAWN:	DLS
DATE:	7/5/17
SCALE:	1" = 2000'
JOB #:	1162(G)
DWG:	1162_LU

LAND USE AREA PLAT



**ASSOCIATED
ENGINEERING
GROUP**

4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

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

CONDITIONS OF APPROVAL

VESTING TENTATIVE PARCEL MAP APPLICATION NO. PLN2017-0102 MOUNTAIN VIEW FIELDS, LLC – VIVIAN

Department of Planning and Community Development

1. 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.

2. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
3. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
4. 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.
5. 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.

6. 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.”
7. A "No Build" restriction on the construction of any residential development shall be observed until parcels are no longer enrolled under a Williamson Act Contract or one (1) of the following criteria are met:
 - A. Ninety percent or more of the parcel shall be in production agriculture use with its own on-site irrigation infrastructure and water rights to independently irrigate. For land which is not irrigated by surface water, on-site irrigation infrastructure may include a self-contained drip or sprinkler irrigation system. Shared off-site infrastructure for drip or sprinkler irrigation systems, such as well pumps and filters, may be allowed provided recorded long-term maintenance agreements and irrevocable access easements to the infrastructure are in place; or
 - B. Use of the parcel includes a confined animal facility (such as a commercial dairy, cattle feedlot, or poultry operation) or a commercial aquaculture operation.
8. 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.

Department of Public Works

9. The recorded parcel map shall be prepared by a licensed land surveyor or a registered civil engineer licensed to practice land surveying.
10. All structures not shown on the tentative parcel map shall be removed prior to the parcel map being recorded.
11. Prior to the recording of the parcel map, the new parcels shall be surveyed and fully monumented.
12. Prior to recording the parcel map or offered on the map, West Monte Vista Avenue shall be dedicated to Stanislaus County through a Road Easement. West Monte Vista Avenue is classified as a 60-foot-wide Local Road. The required half width of a Local Road is 30 feet wide on the parcel's side of the center line. Since the portion of West Monte Vista Avenue that fronts the property is not deeded, the 30 feet south of the centerline of West Monte Vista shall be dedicated to Stanislaus County through a Road Easement.
13. Prior to recording the parcel map or offered on the map, Fulkerth Road's frontage shall be offered to Stanislaus County as an Irrevocable Offer of Dedication. Fulkerth Road is classified as a 60-foot-wide Local Road. The existing right-of-way for Fulkerth Road is 50 feet wide. The required ½ width of Fulkerth Road is 30 feet north of the centerline of the roadway. The existing right of way is 25 feet north of the centerline. The remaining 5 feet north of the centerline shall be dedicated as an Irrevocable Offer of Dedication.

14. Prior to recording the parcel map or offered on the map, Vivian Road's frontage shall be offered to Stanislaus County as an Irrevocable Offer of Dedication. Vivian Road is classified as a 60-foot-wide Local Road. The existing right-of-way for Vivian Road is 50 feet. The required $\frac{1}{2}$ width of Vivian Road is 30 feet east of the centerline of the roadway. The existing right of way is 25 feet east of the centerline. The remaining 5 feet east of the centerline shall be dedicated as an Irrevocable Offer of Dedication.
15. An irrevocable access, public utility, and irrigation easement as shown on the tentative parcel map shall be recorded on the final parcel map. All access easements shall be labeled on the recorded parcel map as private and minimum of 30 feet wide.
16. Prior to the final parcel map being recorded, a Notice of a Road Maintenance Agreement shall be executed and recorded or a Homeowner's Association shall be formed. This agreement shall cover the access easement adjoining the parcels being formed by this map. The necessary documents shall be recorded and specify that maintenance of all private access easements and/or roads will be the sole responsibility of the property owners. A copy of the recorded Notice of a Road Maintenance Agreement or Homeowner's Association shall be provided to the Department of Public Works and the Department of Planning and Community Development for review and approval prior to recordation of the map.

Building Permits Division

17. Building permits are required for any new construction, and the project must conform with the California Code of Regulations, Title 24.

Department of Environmental Resources

18. Prior to the issuance of a building permit for a dwelling, the parcel shall have its own well. A drilling permit shall be obtained from Department of Environmental Resources.
19. Prior to the issuance of a building permit for a dwelling, the parcel shall have its own septic system.

San Joaquin Valley Air Pollution Control District

20. The proposed project may be subject to Air District permits. Prior to ground disturbance or issuance of a grading or building permit, the developer shall contact the District to determine if any District rules or permits are required. Written evidence of contact shall be provided prior to issuance of a grading or building permit.

Turlock Irrigation District

21. The proposed 30-foot-wide irrigation easement, as shown on the tentative map, shall be dedicated to the benefit of Improvement District No. 1433 prior to the recording of, and shown on the final map.

Central Valley Regional Water Quality Control Board

22. Prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" (Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge

Elimination System (NPDES) General Permit No. CAS000002), is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.

23. Prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a Phase I and II Municipal Separate Storm Sewer System (MS4) Permit, an Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit, or Waste Discharge Requirement (WDR) permits are required.

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



CEQA INITIAL STUDY

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

1. **Project title:** Vesting Tentative Parcel Map Application No. PLN2017-0102 – Mountain View Fields, LLC – Vivian
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Teresa McDonald, Assistant Planner,
(209)525-6330
4. **Project location:** On the northeast corner of Vivian Road and West Fulkerth Road, west of South Carpenter Road, west of Turlock. APN: 022-003-007
5. **Project sponsor’s name and address:** Mountain View Fields, LLC c/o Daniel Lamb
P.O. Box 3613
Turlock, CA 95381
6. **General Plan designation:** Agriculture (AG)
7. **Zoning:** A-2-40 (General Agriculture)
8. **Description of project:**

Request to subdivide a 281± gross acre parcel into seven 40± gross acre parcels in the A-2-40 (General Agriculture) zoning district. Access will be provided via County-maintained West Fulkerth and Vivian Roads, and West Monte Vista Avenue. A 30-foot wide irrigation, utility, and access easement, will be located adjacent to the project site’s western property line and abutting proposed Parcels 1, 2, and 3 before turning west and east at the southwest corner of proposed Parcel 3. The western portion of the irrigation and access easement will be 40-foot wide for 662 linear feet; whereas the eastern 1,985± linear feet is proposed to be 30 feet. The easement will provide proposed Parcels 2 and 3 access to County-maintained West Monte Vista Avenue and Vivian Road as well as irrigation infrastructure. The project site contains flood irrigated crops. Flood irrigation is provided via a north-south irrigation pipeline running parallel to the project site’s eastern property line. A 30-foot wide irrigation easement is proposed to allow for access to and maintenance of the irrigation pipeline. The site is enrolled in Williamson Act Contract No. 1977-2936. The resulting parcels will remain enrolled in the Williamson Act after the subdivision. No construction is proposed as a part of this request; however, Zoning Ordinance §21.20.020 allows up to two dwellings on parcels of 20 acres or more.
9. **Surrounding land uses and setting:** Scattered single-family dwellings in all directions, a dairy and forage crops to the north, poultry farm and forage crops to the east, forage crops to the south, and forage crops to the west.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Department of Public Works, Turlock Irrigation District, Environmental Resources, California Department of Fish and Wildlife.
11. **Attachments:** Maps, CCIC Report, 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 on file.
Signature

June 11, 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 vista. Community standards generally do not dictate the need or desire for architectural review of agriculture or residential subdivisions. The project site has no dwellings and no construction is proposed at this time; however, if approved, each parcel is permitted to construct up to two single-family dwellings per parcel. Any further development resulting from this project will be consistent with existing area development.

Mitigation: None

References: 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 comprised of one parcel of 281± gross acres in the A-2-40 (General Agriculture) zoning district and is enrolled in Williamson Act Contract No. 1977-2936. As stated previously, the applicant is proposing to subdivide the existing parcel to create seven 40± gross acre parcels.

The California Department of Conservation’s Farmland Mapping and Monitoring Program list the project site’s soil as comprised of Unique Farmland, Farmland of Statewide Importance, and Prime Farmland. According to the United States Department of Agricultural Soil Survey, the soils consist of Dinuba sandy loam, 0 to 1 percent slopes, Fresno sandy loam, 0 to 1 percent slopes, Hilmar loamy sand, 0 to 1 percent slopes, and Waukena fine sandy loam, 0 to 1 percent slopes. The project site currently consists of flood irrigated crops. A private irrigation pipeline runs along the entire eastern boundary. The parcel receives irrigation water from the Turlock Irrigation District (TID) and will continue to meet the criteria as Unique Farmland, Farmland of Statewide Importance, and Prime Farmland if the land division is approved. A condition of approval will be added to the project to require the recording of long-term maintenance agreements, if applicable, and an irrevocable reciprocal irrigation easement, to ensure that each parcel will have access to an irrigation supply.

If approved, the project will not conflict with any agricultural activities in the area and/or lands enrolled in the Williamson Act, as the resulting parcels will continue to be used for agricultural purposes and meet the minimum parcel size requirements of the A-2-40 zoning district. The proposed parcel map will not convert prime farmland or conflict with the Williamson Act as the parcels will meet the size and intent of the Williamson Act. If the project site is not engaged in production agriculture, a condition of approval will be placed on the project to ensure that 90 percent or more of the parcel is in agricultural production prior to any subsequent residential development.

Mitigation: None

References: Application Material; California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2016; 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 Environmental Protection Agency (EPA) which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin-wide programs and policies to prevent cumulative deterioration of air quality within the Basin.

The parcel currently has flood irrigated crops. No construction is proposed as a part of this project; however, if approved each parcel is permitted to construct up to two single-family dwellings per parcel in compliance with Zoning Ordinance §21.20.020(B)(3). There are no anticipated significant impacts to air quality as a result of the requested land division. The project was referred to SJVAPCD, but no comments have been received to date.

Mitigation: None

References: 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 is located within the Brush Lake Quad of the California Natural Diversity Database (CNDDDB). There are four animals which are state or federally listed, threatened, or identified as species of special concern within the Brush Lake California Natural Diversity Database Quad. These species include the Swainson’s hawk, tricolored blackbird, steelhead, and valley elderberry longhorn beetle.

There is a TID irrigation pipeline located along the eastern boundary of the property. The project site currently has flood irrigated crops and no additional development is being proposed as part of the subdivision. Although up to two homes are permitted per legal parcel greater than 20 acres, no construction or crop changes are being proposed as a part of this project. Consequently, it does not appear that this project will result in impacts to endangered species or habitats, locally

designated species, or wildlife dispersal or mitigation corridors as the site currently has irrigated crops, which requires disturbance of the ground to plant. The project site is topographically flat and has no streams or ponds that could be considered Waters of the United States. Therefore, the project is anticipated to have a less than significant effect on biological resources. The project was referred to the California Department of Fish and Wildlife and no comments have been received to date.

Mitigation: None

References: California Department of Fish and Wildlife CNDDDB Geographical Information Systems; Application 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: It does not appear this project will result in significant impacts to any archaeological or cultural resources, nor is any construction or demolition proposed as a part of this project. A records search on this parcel and APN 022-004-005 (PM PLN2017-0103), 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 site has a moderate-to-high sensitivity for the possible discovery of prehistoric resources because of the proximity of natural water sources. Historic map data suggests a moderate-to high-sensitivity (primarily the southern parcel) for the possible discovery of historic archaeological features and artifacts.

A referral response was received from the Native American Heritage Commission (NAHC), outlining the basic procedures for AB 52 and SB 18, which both require tribal consultation or notification of projects under certain circumstances. This project does not fall under either AB 52 or SB 18, as it is not a General Plan or Specific Plan Amendment, and none of the tribes listed by the NAHC have contacted the County to request project referrals.

The project request is to subdivide the land only as no construction or changes in crops are being proposed as a part of this request. 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: Records Search by the CCIC dated August 4, 2017; Referral response from the Native American Heritage Commission dated October 31, 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: 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. No construction is proposed as a part of this project; however, should structures be built in the future, they are required to be designed and built according to California 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: 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) to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020. As a requirement of AB 32, the ARB was assigned the task of developing a Climate Change Scoping Plan that outlines the state's strategy to

achieve the 2020 GHG emissions limits. This Scoping Plan includes a comprehensive set of actions designed to reduce overall GHG emissions in California, improve the environment, reduce the state’s dependence on oil, diversify the state’s energy sources, save energy, create new jobs, and enhance public health. The Climate Change Scoping Plan was approved by the ARB on December 22, 2008. According to the September 23, 2010, AB 32 Climate Change Scoping Plan Progress Report, 40 percent of the reductions identified in the Scoping Plan have been secured through ARB actions and California is on track to its 2020 goal. Although no development is being proposed as a part of this project, any future development must comply with Title 24 Building Code Regulations, which include measures for energy-efficient buildings that require less electricity and reduce fuel consumption, which in turn decreases GHG emissions.

The project was referred to the San Joaquin Valley Air Pollution Control District and no comments have been received to date.

Mitigation: None

References: Application Material; 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: 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 Mountain View Fire District. The applicant will pay fire impact fees for any new construction. To date, no comment letters have been received from either DER or Mountain View Fire District in regards to hazardous materials. Review of the Department of Toxic

Substances Control's data management system (EnviroStor) did not indicate the presence of any hazardous material sites within the area. The project site is not located in the vicinity of an airport or private airstrip.

Mitigation: None

References: Department of Toxic Substances Control's data management system (EnviroStar); Stanislaus County General Plan and Support Documentation¹

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

Discussion: The project site consists of flood irrigated forage and/ or row crops and irrigates via TID. There are no structures on-site, nor is any construction or crop changes proposed as a part of this request. The Zoning Ordinance allows up to two homes on parcels 20 acres or more in size. Any future development of residential structures on the proposed parcels would be required to install separate domestic wells. However, the domestic wells are not anticipated to have a significant effect on groundwater supplies. Should the project be approved, the proposed 30-foot wide easement shall be dedicated to the benefit of Improvement District No. 1433. 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 Material; 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 one parcel of 281± gross acres into seven 40± gross acre parcels. The existing parcel is zoned A-2-40 (General Agriculture), which sets the minimum parcel size at 40 acres. 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 proposed project will not physically divide a community or conflict any land use plan, policy or regulation. Although no construction is proposed at this time, each parcel may be developed with up to two single-family dwellings on parcels of 20 acres or more in size.

Mitigation: None

References: Application Material; 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. The project is located within the Brush Lake Quad of the California Natural Diversity Database and 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; however, any future construction of structures permitted in compliance with the A-2 Zoning Ordinance 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: This project will not substantially induce population growth, nor will it displace existing housing or people. The project does not propose any residential development and is considered consistent with the A-2 zoning district. No construction is proposed as a part of this project; however, approval of the parcel split will allow for the construction of up to two single-family dwellings per parcel provided such structures are being constructed in compliance with the Williamson Act Principles of Compatibility.

Mitigation: None

References: 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			X	

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.

No construction is being proposed as a part of this project. A 30-foot wide irrigation, utility, and access easement, will be located adjacent to the project site’s western property line and abutting proposed Parcels 1, 2, and 3 before turning west and east at the southwest corner of proposed Parcel 3. The western portion of the irrigation and access easement will be 40-feet wide for 662 linear feet; whereas the eastern 1,985± linear feet is proposed to be 30 feet. The easement will provide proposed Parcels 2 and 3 access to County-maintained West Monte Vista Avenue and Vivian Road as well as irrigation infrastructure.

A comment referral was received from the Turlock Irrigation District (TID), identifying an irrigation pipeline belonging to Improvement District No. 1433, located along the entire eastern boundary of the existing parcel. TID will require the proposed 30-foot-wide easement to be dedicated to the benefit of the improvement district. In order for the District to accept the necessary easements, a condition of approval will be added related to the recording of the parcel map.

A comment referral was received from the Department of Public Works, requesting conditions of approval related to the recording of the parcel map.

Mitigation: None

References: Referral Response by Turlock Irrigation District dated October 31, 2017; referral response by Public Works dated November 20, 2017; Application Material; 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: This project is not anticipated to significantly increase demands for recreational facilities, as such impacts are typically associated with residential development. No construction is proposed; however, all parcels are large enough to provide recreational opportunities should the applicant or a future property owner intend to utilize the proposed parcels as such.

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: As stated in the project description, a 30-foot wide irrigation, utility, and access easement, will be located adjacent to the project site’s western property line and abutting proposed Parcels 1, 2, and 3 before turning west and east at the southwest corner of proposed Parcel 3. The western portion of the irrigation and access easement will be 40-feet wide for 662 linear feet; whereas the eastern 1,985± linear feet is proposed to be 30 feet. The easement will provide proposed Parcels 2 and 3 access to County-maintained West Monte Vista Avenue and Vivian Road as well as irrigation infrastructure.

It is not anticipated that the creation of seven parcels over 40 acres each will produce any significant impacts to the surrounding traffic circulation, congestion management programs, or conflict with adopted public transit policies, programs or plans. However, a condition of approval will be added to the project that the proposed access easements between the proposed parcels be reciprocal and irrevocable. The project was referred to Stanislaus County’s Department of Public Works, who responded with standard conditions of approval. These comments will be applied to the project as conditions of approval.

Mitigation: None

References: Referral response from the Stanislaus County Department of Public Works dated November 20, 2017; Application Material; 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 applicant is proposing to subdivide one parcel of 281± gross acres into seven 40± gross acre parcels. Currently, the site consists of flood irrigated crops. As the project is not proposing any new development, it is not anticipated that there will be any significant impacts to wastewater treatment facilities, storm drainage facilities or water supplies. No construction or crop changes are being proposed as a part of this request; however, the Zoning Ordinance does allow up to two dwellings on parcels greater than 20 acres in size. Any future dwellings will be required to develop an independent domestic well and septic system. These requirements will be added as a condition of approval.

Mitigation: None

References: 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.

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



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: Vesting Tentative Parcel Map Application No. PLN2017-0102
– Mountain View Fields, LLC – Vivian

LOCATION OF PROJECT: On the northeast corner of Vivian Road and West Fulkerth Road, west of South Carpenter Road, west of Turlock.
APN: 022-003-007

PROJECT DEVELOPERS: Mountain View Fields, LLC
P.O. Box 3613
Turlock, CA 95381

DESCRIPTION OF PROJECT: Request to subdivide a 281± gross acre parcel into seven 40± gross acre parcels, with access provided via County-maintained West Fulkerth and Vivian Roads, and West Monte Vista Avenue. A 30-foot access easement shall provide internal access to parcels which do not front on a County-maintained road.

Based upon the Initial Study, dated **June 11, 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: Teresa McDonald, Assistant Planner

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

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: VESTING TENTATIVE PARCEL MAP APPLICATION NO. PLN2017-0102
MOUNTAIN VIEW FIELDS, LLC - VIVIAN

REFERRED TO:	RESPONDED			RESPONSE			MITIGATION MEASURES		CONDITIONS			
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF CONSERVATION: Land Resources / Mine Reclamation	X	X	X		X							
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		X	X	
CEMETERY DISTRICT: PATTERSON	X	X	X		X							
CITY OF: MODESTO	X	X	X		X							
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: MOUNTAIN VIEW	X	X	X		X							
IRRIGATION DISTRICT: TURLOCK	X	X	X	X		X				X	X	
MOSQUITO DISTRICT: TURLOCK	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X		X							
SCHOOL DISTRICT 1: CERES 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							
STAN CO ERC	X	X	X	X				X		X		X
STAN CO FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X	X		X							
STAN CO PUBLIC WORKS	X	X	X	X		X				X	X	
STAN CO SHERIFF	X	X	X		X							
STAN CO SUPERVISOR DIST 5: DEMARTIN	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							
TELEPHONE COMPANY: AT&T	X	X	X		X							
US ARMY CORPS OF ENGINEERS	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							
US MILITARY AGENCIES (SB 1462) (5 agencies)	X	X	X		X							
USDA NRCS	X	X	X		X							