

STANISLAUS COUNTY PLANNING COMMISSION

November 1, 2018

STAFF REPORT

PARCEL MAP APPLICATION NO. PLN2017-0039
PHILIP AND CARMEN FRYMIRE

REQUEST: REQUEST TO SUBDIVIDE AN EXISTING 29.77 ACRE PARCEL INTO TWO 14.88 ACRE PARCELS.

APPLICATION INFORMATION

Applicant:	Carmen M Frymire Trust
Property owner:	Carmen M Frymire Trust
Agent:	Rod Hawkins, Hawkins and Associates Engineering, Inc.
Location:	17272 and 17268 Frymire Road, abutting the Stanislaus River, west of the Community of Knights Ferry.
Section, Township, Range:	17-1-12
Supervisorial District:	One (Supervisor Olsen)
Assessor's Parcel:	002-044-006
Referrals:	See Exhibit H Environmental Review Referrals
Area of Parcel(s):	29.77± Acres
Water Supply:	Domestic well
Sewage Disposal:	Septic system
General Plan Designation:	Agriculture
Existing Zoning:	A-2-5 (General Agriculture)
Sphere of Influence:	N/A
Williamson Act Contract No.:	N/A
Environmental Review:	Negative Declaration
Present Land Use:	Two single-family residences, a cellular communication facility, and open space abutting the Stanislaus River.
Surrounding Land Use:	Irrigated pastures, ranchettes to the north and west; Stanislaus River to the southeast and the Community of Knights Ferry to the northeast.

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 the findings required for project approval.

PROJECT DESCRIPTION

The project is a request to subdivide a 29.77-acre parcel into two 14.88-acre parcels. Each proposed parcel will front onto Frymire Road, a County-maintained road, but will utilize an easement centered on an existing shared driveway due to the terrain of Proposed Parcel 2. The Stanislaus River abuts the southeastern property line of each proposed parcel. There are currently two single-family dwellings located on the project site, that currently share a domestic well but have separate septic systems. If approved, one single-family dwelling would be located on each of the proposed parcels. Proposed Parcel 1 proposes to develop a new domestic well for the existing single-family dwelling. Proposed Parcel 2 will utilize the existing domestic well located within the parcel boundary. Each dwelling will utilize existing individual septic systems.

SITE DESCRIPTION

The site is located at 17272 and 17268 Frymire Road, abutting the Stanislaus River, west of the Community of Knights Ferry. The project site is surrounded by irrigated pastures and ranchettes to the north and west, and the Stanislaus River to the southeast (See Exhibit B – *Maps*).

The portion of the site closest to Frymire Road is relatively flat, whereas the remainder of the site includes steep elevations which slope downward to the river. Furthermore, a portion of the site, in proximity to the river, consists of mine dredge tailings with river wash and river cobbles, which are most likely attributed to historical mining operations. Outside of the residential development, the use of the parcel is considered to be open space.

A northern portion of the site has an existing United States Army Core of Engineers drainage easement that's runs southeast towards the river. The portion of the site that directly abuts the Stanislaus River lies within a Federal Emergency Management Agency (FEMA) "Known Floodway" designation.

Lastly, the southwest area that fronts Frymire Road consist of a previously approved communication tower. The communication tower will remain on Proposed Parcel 2 with no changes or alterations are being proposed as part of this project.

ISSUES

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

River Access

California Government Code Sections 66478.4, requires that no local agency shall approve a tentative map of any proposed subdivision to be fronted upon a public waterway, river, or stream which does not provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the river or stream bordering or lying within the proposed subdivision. Furthermore, Section 66478.5 requires that the local agency require reasonable public access along that portion of the bank of the river or stream bordering or lying within the proposed subdivision. Reasonable public access shall be determined by the local agency in which the proposed subdivision is to be located. In making the determination of what shall be reasonable access, the local agency shall consider all of the following: 1) That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel; 2) The size of the subdivision;

3) The type of riverbank and the various appropriate recreational, educational, and scientific uses, including, but not limited to, swimming, diving, boating, fishing, water skiing, scientific collection, and teaching; and 4) The likelihood of trespass on private property and reasonable means of avoiding these trespasses.

However, California Government Code Section 66478.8 (CA GC), does not allow a local agency to disapprove a tentative map solely on the basis that the reasonable public access required is not provided through or across the subdivision itself, if the local agency makes a finding that the reasonable public access is otherwise available within a reasonable distance from the subdivision and identifies the location of the reasonable public access.

The applicant has provided a statement to the record demonstrating that dedication of public access would be unreasonable due to the sites topography, size, and proximity to existing public access. (See Exhibit D – *Applicant Statement*). The approximate distance to the bank of the river from the closest public right-of-way, Frymire Road, is 1,900 linear feet. Per the applicant, the steepness of the bluff from the right-of-way at Frymire Road to the river bottom is almost impassable, even on foot. The property owners gain access to the river from an adjoining property. Due to parcel size, the applicant is concerned that any access would be very close to the existing houses which could create security issues and substantially increase the likelihood of trespass.

In the area, there are two public access points to the river, the Knights Ferry Recreation Area and the Russian Rapid Trail and are a part of the Stanislaus River Parks, operated by the United States Army Corps of Engineers. The Knights Ferry Recreation Area can be accessed by the County-maintained Covered Bridge Road (APN: 002-035-040-022), and leads to the north bank of the river, approximately 2,818 linear feet from the closest point of the project site that abuts the river. The Russian Rapid Trail can be accessed by the County-maintained Sonora Road (APN 002-035-028) and leads to the south bank of the river, approximately 1,517 linear feet to the closest point of the project site that abuts the river.

Based on site specific conditions to the river bank as well as along the river bank, Staff believes that public river access would not be appropriate in this case. To meet the requirements of 66478.8, a finding has been added to Exhibit A – Findings and Actions Required for Approval, and a condition of approval, as required by 66478.8, has been added to require the finding to be added to the face of the map prior to recordation.

CORRESPONDENCE

In accordance with Section 20.16.060 of the County's Subdivision Ordinance, a public hearing notice for the proposed project was sent to landowners within a quarter mile and two parcels in each direction from the project site. Planning staff has received two letters of correspondence for the proposed subdivision. Both letters (See Exhibit E – *Correspondence from Surrounding Residents*) provided support for the proposed project and encouraged the Planning Commission to approve the project as proposed.

GENERAL PLAN CONSISTENCY

Consistency with the goals, objectives, and policies of the various elements of the General Plan must be evaluated when processing all discretionary project requests. The site is currently designated as Agriculture in the County's General Plan. The intent of the Agriculture designation is to recognize the value and importance of agriculture by acting to preclude incompatibly urban development within agricultural areas and, as such, should generally be zoned with 40 to 160-acre

minimum parcel sizes. Exceptions to these zones of 40 and 160, include areas with existing parcelization, poor soils, or other factors including topography. Furthermore, the General Plan intended the Agriculture designation to include areas suitable for continued use as open space.

As stated earlier, the site has minimal flat topography, soils consisting of river cobbles and dredge tailings, lack of surface irrigation rights, which would limit any agricultural uses. However, the proposed subdivision would be consistent with County's General Plan as the proposed size and continued use of open space would meet the intent of the Agriculture designation.

ZONING & SUBDIVISION ORDINANCE CONSISTENCY

The project site is zoned A-2-5 (General Agriculture), which requires a minimum of five acres for any new parcel. Each proposed parcel will be 14.88 acres meeting the five acre minimum size requirement of this zoning district. No new development is being proposed as part of the project request. The proposed parcels will also front onto Frymire Road, a County-maintained road, but will utilize an easement centered on an existing shared driveway due the terrain of the site. A condition of approval has been added to the project to ensure the shared driveway is recorded as an irrevocable reciprocal access easement for the benefit of both parcels. The A-2 zoning district allows a maximum of one dwelling per parcel for properties under 20 acres in size. There are currently two single-family dwellings located on the project site. If approved, one single-family dwelling would be located on each of the proposed parcels.

Section 20.52.160 - Lot Width to Depth Ratio, of the County's Subdivision Ordinance stipulates that any proposed parcel's road frontage shall not exceed its depth by more than three times where the total frontage is less than three hundred feet nor more than four times when the frontage is greater than three hundred feet, unless the Planning Department determines that the following criteria has been met: 1) It can be used for its intended purpose; 2) Will not be detrimental to the continued use of said parcel; 3) Is consistent with the potential subdivision of the total property; and 4) Will not be detrimental to the public welfare nor injurious to the other property in the neighborhood of the proposed subdivision or where parcels exceed the width to depth ratio and any parcel being created is of sufficient area to further subdivide the subdivider may be required to provide such reservations or dedications for future roads of not less than fifty feet in width running to the benefit of the general public.

Each proposed parcel will exceed the width to depth ratio as outlined above. Staff believes that the lot width to depth ratio exception criteria above can be met. The proposed parcels would continue to be used for the existing residential development as well as open space on the balance of the property. Furthermore, at 14.88 acres each the proposed parcels could be potentially subdivided further. However, any further subdividing of the property is unlikely as the steep terrain does not provide any buildable area or feasible access. Therefore, Staff believes that the required findings can be made.

ENVIRONMENTAL REVIEW

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

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

Attachments:

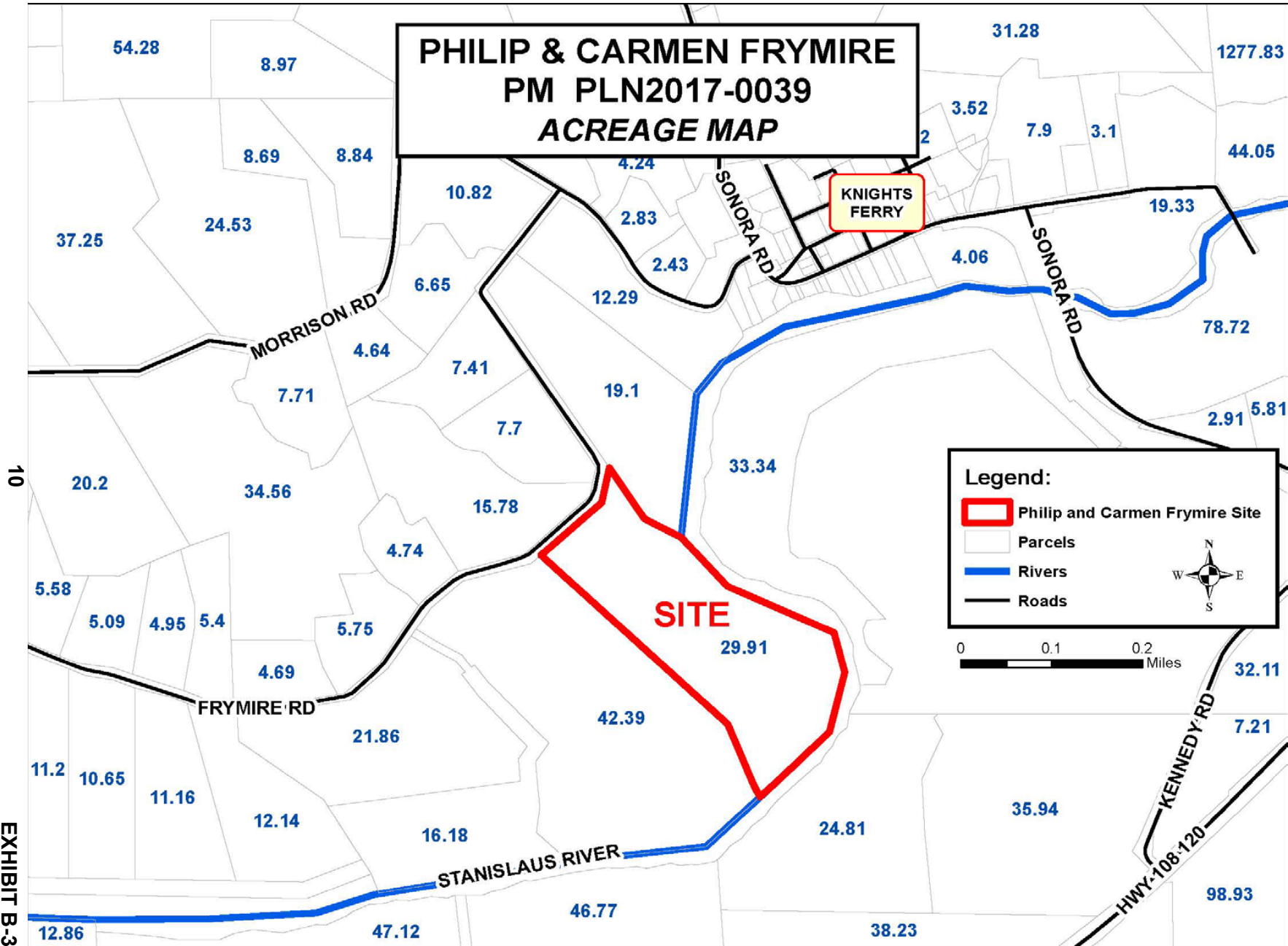
- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval
- Exhibit D - Applicant Statement
- Exhibit E - Correspondence from Surrounding Residents
- Exhibit F - Initial Study
- Exhibit G - Negative Declaration
- Exhibit H - Environmental Review Referral

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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 filling of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant of 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 proposed density of development.
 - (d) The site is physically suitable for the type 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 parcel 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) In accordance with the California Government Code Section 66478.4, 66478.5 and 66478.8, reasonable public access across the project site to and along the banks of the Stanislaus River is not feasible due to the size and topography of the project site and reasonable public access to the river is otherwise available within 2,818 and 1,517 feet of the project site boundaries.
 - (i) That the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
3. Approve Parcel Map PLN2017-0039 – Phillip and Carmen Frymire, subject to the attached Conditions of Approval.

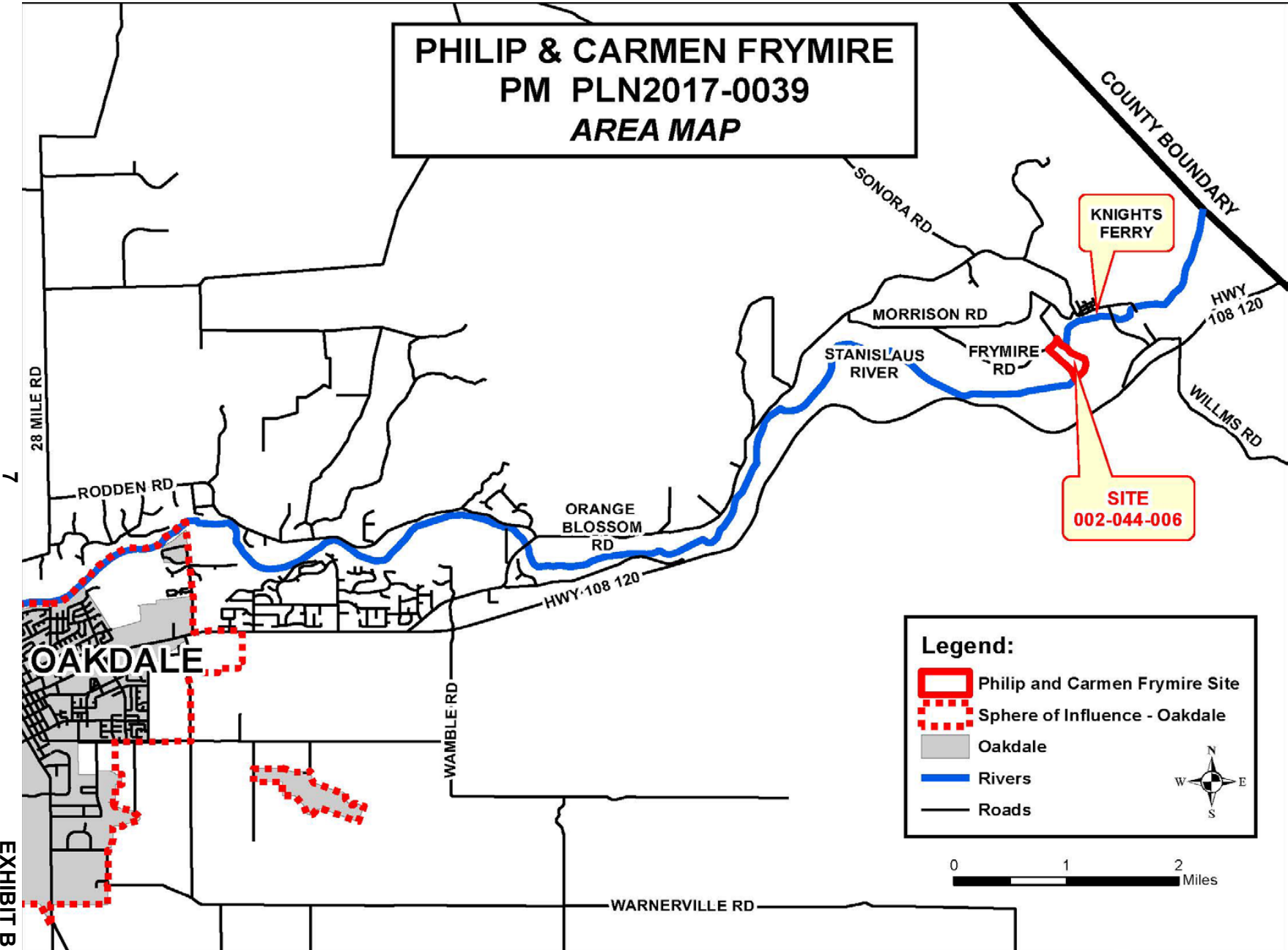
PHILIP & CARMEN FRYMIRE PM PLN2017-0039 ACREAGE MAP



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EXHIBIT B-3

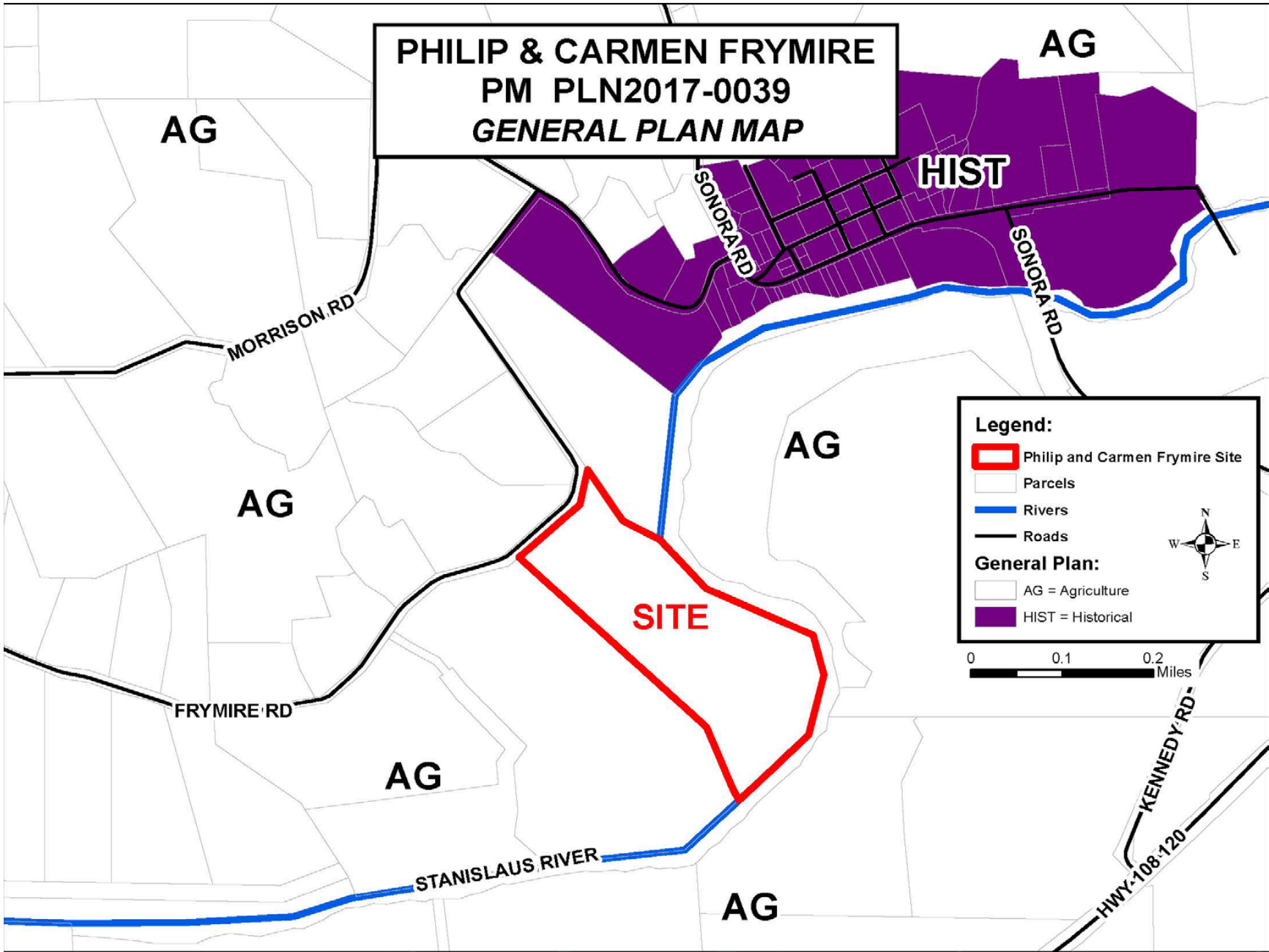
**PHILIP & CARMEN FRYMIRE
PM PLN2017-0039
AREA MAP**



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EXHIBIT B

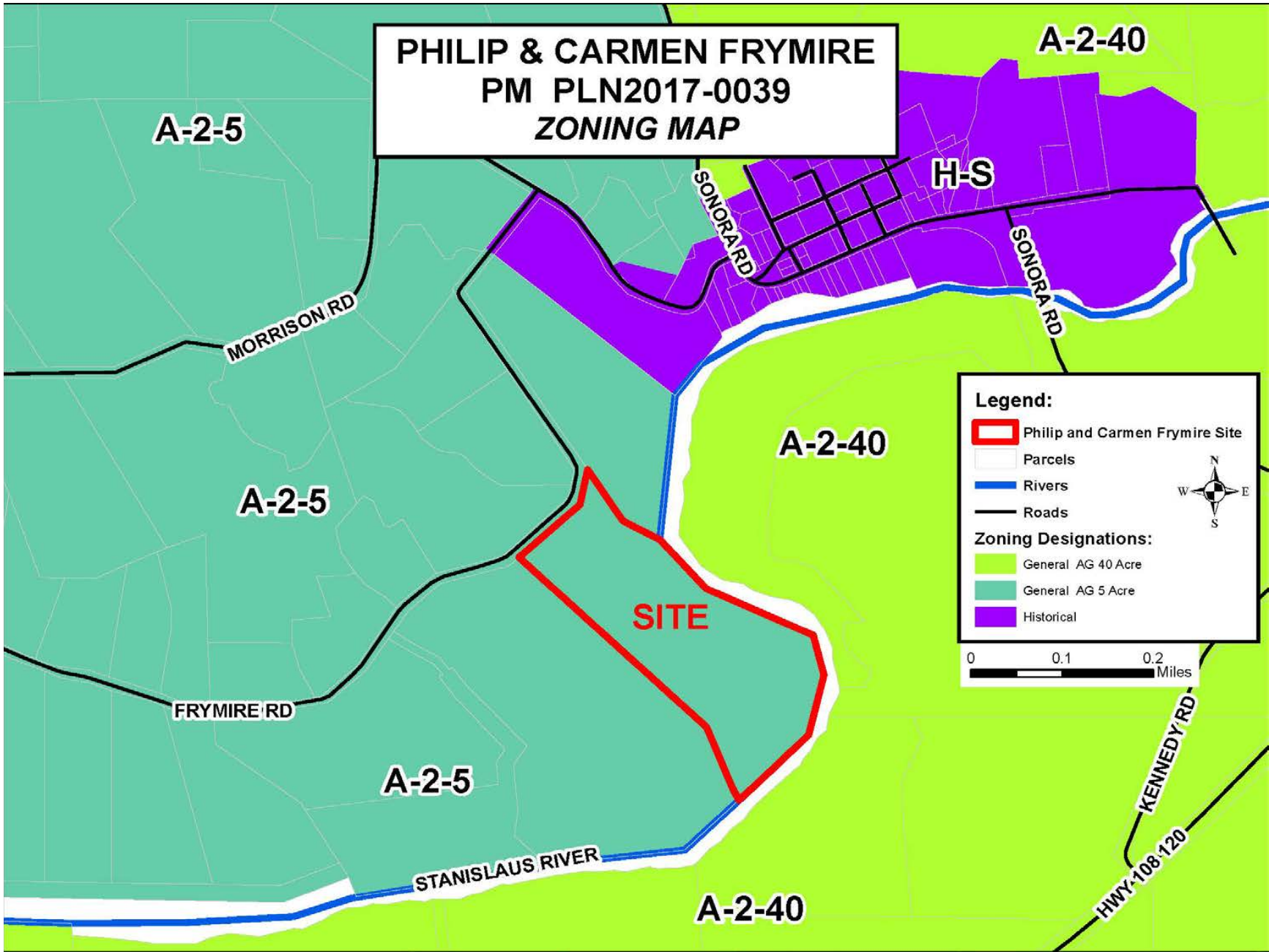
**PHILIP & CARMEN FRYMIRE
PM PLN2017-0039
GENERAL PLAN MAP**



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EXHIBIT B-1

**PHILIP & CARMEN FRYMIRE
PM PLN2017-0039
ZONING MAP**



9

EXHIBIT B-2

**PHILIP & CARMEN FRYMIRE
PM PLN2017-0039
AERIAL AREA MAP**

**KNIGHTS
FERRY**



SONORARD

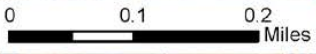
SONORARD

MORRISON RD

SITE

Legend:

-  Philip and Carmen Frymire Site
-  Roads



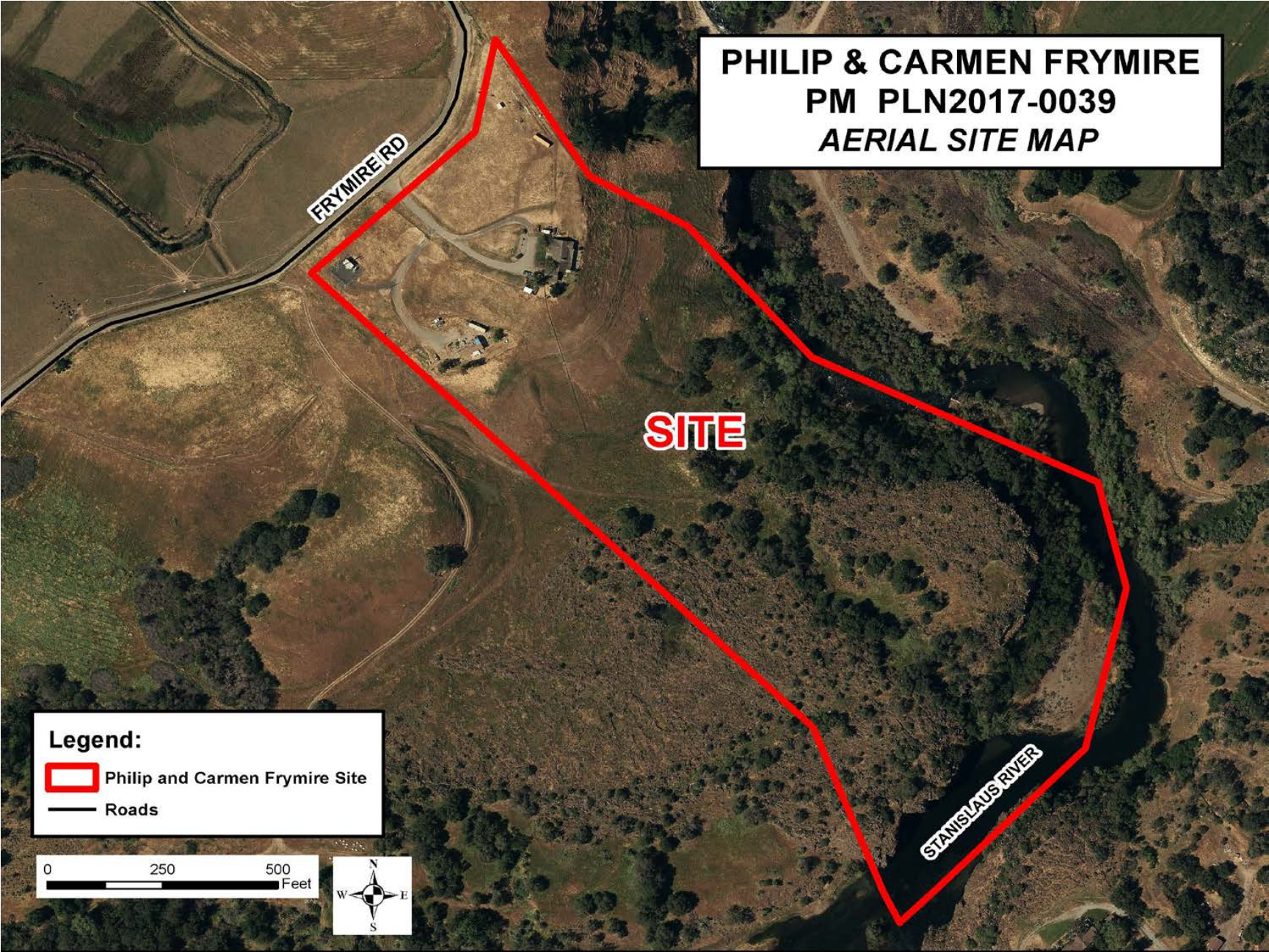
KENNEDY RD

HWY 108/120

STANISLAUS RIVER

FRYMIRE RD

**PHILIP & CARMEN FRYMIRE
PM PLN2017-0039
AERIAL SITE MAP**





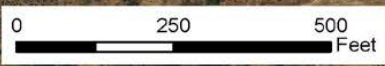
FRYMIRE RD

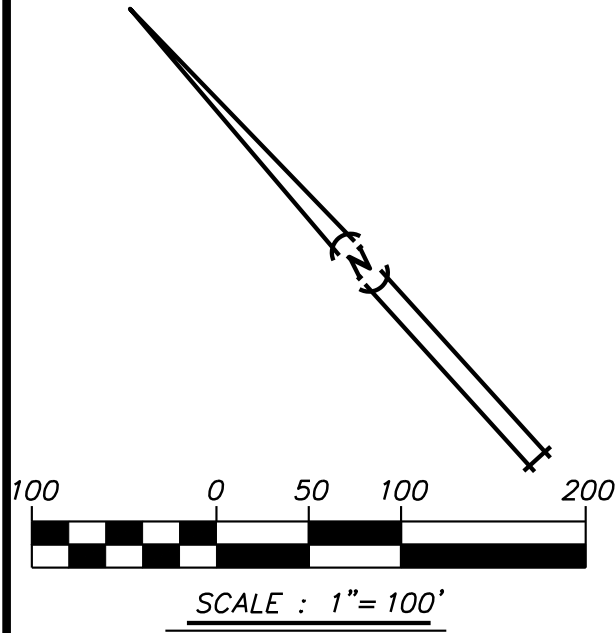
SITE

STANISLAUS RIVER

Legend:

-  Philip and Carmen Frymire Site
-  Roads





OWNER

PHILIP C. FRYMIRE AND CARMEN M. FRYMIRE, TRUSTEES OF THE FRYMIRE FAMILY TRUST DATED MARCH 4, 2004
 ADDRESS: 17268 FRYMIRE ROAD, OAKDALE, CA 95361
 CONTACT: ROD HAWKINS
 (209) 575-4295

PROJECT LOCATION

17268 FRYMIRE ROAD, OAKDALE, CA 95361

ASSESSOR'S PARCEL NO.

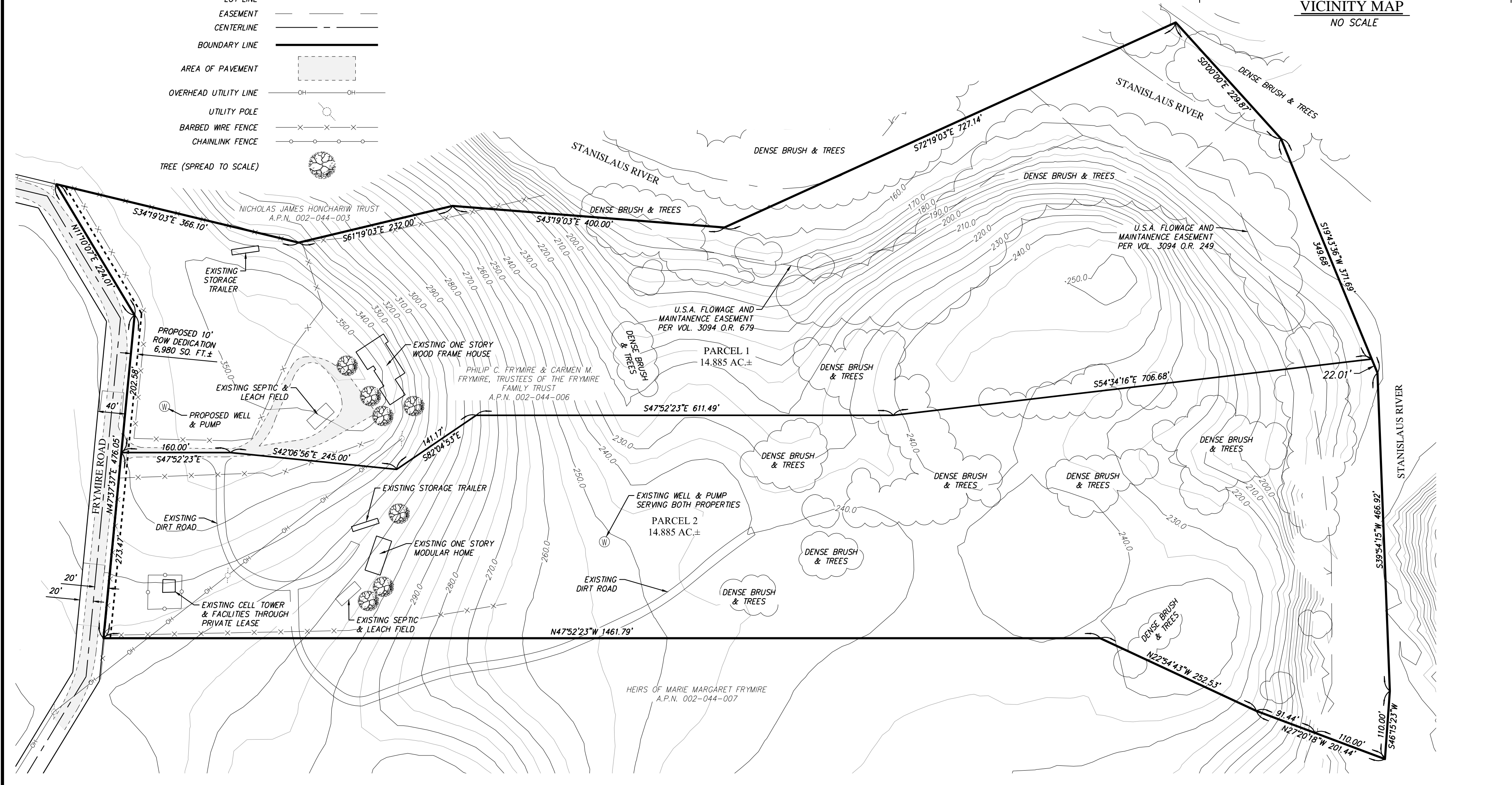
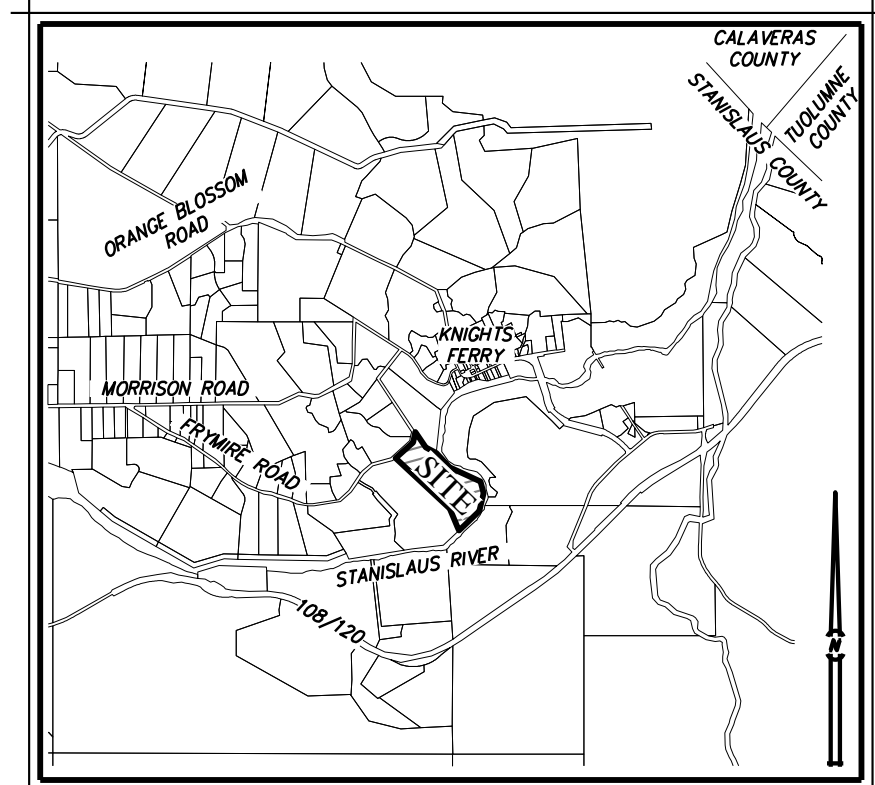
A.P.N. 002-044-006

LEGEND

	EXISTING	PROPOSED
RIGHT OF WAY	—————	-----
LOT LINE	—————	-----
EASEMENT	-----	-----
CENTERLINE	-----	-----
BOUNDARY LINE	—————	-----
AREA OF PAVEMENT		
OVERHEAD UTILITY LINE	—OH— OH—	
UTILITY POLE		
BARBED WIRE FENCE	—X— X—	
CHAINLINK FENCE	—O— O—	
TREE (SPREAD TO SCALE)		

GENERAL NOTES

1. STORM DRAINAGE: BY OVER LAND SHEET FLOW.
2. SEWAGE DISPOSAL: BY PRIVATE SEPTIC (AS SHOWN).
3. WATER SUPPLY: BY PRIVATE WELL (AS SHOWN).
4. GAS SERVICE SUPPLY: PROPANE TANK
5. ELECTRIC SERVICE: PGE
6. TOTAL AREA: 29.77 ACRES±
7. TOTAL NO. OF LOTS: 2
8. BOUNDARY INFORMATION WAS COMPILED BY BOOK 32 OF PARCEL MAPS, PAGE 5.
9. EXISTING SOILS CONSIST OF REDDING, KEYES, & BELOTTA; AMADOR & MCKEON HILLS; RIVERWASH & MINE DREDGE TAILINGS.
10. DEPTH TO WATER TABLE IS APPROXIMATELY 100 FEET.
11. EXISTING ZONING IS A-2-5.



BY: RCS	RODRICK H. HAWKINS: R.C.E. 50188
CHK: RHH	CROLIE E. LINDSAY:
DATE: 3/2018	R.C.E. 31900 L.S. 4709
SCALE: 1"=100'	
JOB #: 3423	

TENTATIVE PARCEL MAP
 PHILIP & CARMEN FRYMIRE
 PARCEL A OF 32-PM-05
 STANISLAUS COUNTY, CALIFORNIA

HAWKINS & ASSOCIATES
 ENGINEERING, INC.
 436 MITCHELL RD.
 MODESTO, CA. 95354
 PH: (209) 575 - 4295 FX: (209) 578 - 4295



SHEET 1. OF 1.

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EXHIBIT B-6

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

CONDITIONS OF APPROVAL

PARCEL MAP APPLICATION NO. PLN2017-0039 PHILIP AND CARMEN FRYMIRE

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 (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,337.75**, 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 include an irrevocable reciprocal access easement for ingress and egress centered on the existing driveway for the benefit of both parcels.
7. The recorded parcel map shall contain the following statements:

“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.”
8. The Planning Commission finding made in accordance with Government Code Section 66478.8 regarding access to the banks of the Stanislaus River, shall be set forth on the face of the recorded map.

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 in California.
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, Frymire Road's frontage shall be offered to Stanislaus County as an Irrevocable Offer of Dedication. Frymire Road is classified as a 60-foot Local Road. The existing right-of-way for Frymire Road is 40 feet. The required half-width of Frymire Road is 30 feet north of the centerline of the roadway. The existing right-of-way is 20 feet north of the centerline. The remaining 10 feet north of the centerline shall be dedicated as an Irrevocable Offer of Dedication.

Department of Environmental Resources

13. Each parcel shall have an approved independent water supply. Prior to the recording of the parcel map, each parcel shall have its own well. A drilling permit shall be obtained from Department of Environmental Resources.
14. The existing septic system(s) is/are to be contained within the proposed parcels boundaries as per required Department setback standards.

*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~~.*

October 15, 2018

Jeremy Ballard
Associate Planner
Stanislaus County Planning Department
1010 10th Street, Suite 3400
Modesto, CA 95354

Re: Frymire Tentative Subdivision Public Access to Stanislaus River

Dear Mr. Ballard,

Per section 66478.4 of the subdivision map act, which states:

- a. *No local agency shall approve either a tentative or a final map of any proposed subdivision to be fronted upon a public waterway, river, or stream which does not provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the river or stream bordering or lying within the proposed subdivision.*
- b. *Reasonable public access shall be determined by the local agency in which the proposed subdivision is to be located. In making the determination of what shall be reasonable access, the local agency shall consider all of the following:*
 1. *That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel.*
 2. *The size of the subdivision.*
 3. *The type of riverbank and the various appropriate recreational, educational, and scientific uses, including, but not limited to, swimming, diving, boating, fishing, water skiing, scientific collection, and teaching.*
 4. *The likelihood of trespass on private property and reasonable means of avoiding these trespasses.*
- c. *A public waterway, river, or stream for the purposes of Sections 66477.2, 66478.4, 66478.5 and 66478.6 means those waterways, rivers and streams defined in Sections 100 through 106 of the Harbors and Navigation Code, any stream declared to be a public highway for fishing pursuant to Sections 25660 through 25662 of the Government Code, the rivers listed in Section 1505 of the Fish and Game Code as spawning areas, all waterways, rivers and streams downstream from any state or federal salmon or steelhead fish hatcheries.*
(Amended by Stats. 2002, Ch. 1109, Sec. 2. Effective January 1, 2003.)

A condition shall be placed on the map to provide reasonable public access to the river unless findings to the contrary are determined.

Based on the above, I submit to you that reasonable access can not be provided for the following reasons:

1. The steepness of the bluff from the right-of-way at Frymire Road to the river bottom is almost impassable, even on foot. Currently, the family gains access to the river from an adjoining property.
2. The size of the parcel;
The parcel is narrow and long, and any access would be very close to the existing houses which could create security issues and substantially increase the likelihood of trespass.
3. There is existing public access is less than 1000-feet upstream of the property

I trust I have provided sufficient findings to allow approval of the Frymire Tentative Parcel Map without subjecting it to an unreasonable condition of public access.

If you have any questions, please do not hesitate to call.

Sincerely,

Rod Hawkins

Rodrick H. Hawkins, PE
President

October 10th 2018

NO PLN2017-0039

To Whom it may concern; In response to parcel map application PLN2017-0039 request for parcel split. We currently reside at 17272 Frymire rd. which is adjacent to my mother Carmen Frymire residence. We would like to have the property remain in the family to be passed on to future generations. We feel it is in the best interest due to my mom's age and are ability to assist her with a large property to remain in close proximity and maintain a family unit. There are no plans of developing or selling this property as the family has agreed that it needs to remain family property. Please consider the above when making your decision.

Thank You for your time

Philip and Lisa Frymire



Comments for Consideration

October 12, 2018



Lisa Frymire Dolling
17525 Frymire Road
Oakdale, CA 95361
(209) 881-0440

Stanislaus County
Department of Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95361

Reference: Parcel Map Application No. PLN2017-0039 – Philip & Carmen Frymire - Request to subdivide existing 29.77 acre parcel into two 14.885 acre parcels, located at 17272 & 17268 Frymire Road west of the community of Knights Ferry.

Assessor Parcel Number: 002-044-006

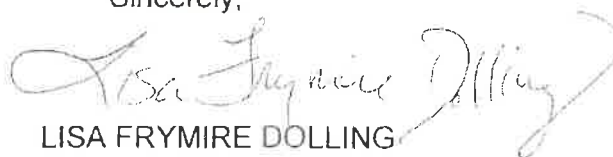
Dear Chairman & Board Members:

My name is Lisa Frymire Dolling and I am the daughter of Phil & Carmen Frymire. My father has passed away, but my mom is still living on the ranch, taking care of the place and keeping the family together. I currently live down the street from this location with my husband and have for approximately the last 30 years. My brother lives here also, next to my mom with his wife, and we are hoping my sister and her husband will be able to join us. That's what this parcel split is all about. We would all like to continue to live, work and die right here on our property as our family before us have. We also want to be nearby to take care of our mom, who is now a young 88 years old, and each other as long as we can. Myself and five generations of my family have lived on this and surrounding properties for over 100 years. I feel very fortunate to live on and care for this beautiful land in this very special community.

I do not feel this action would have any negative impact on the community or our neighbors. If anything a positive impact in bringing in 2 more active members to support and help care for the community.

Thank you for your time and consideration in reviewing this request from my mom Carmen and our family. Of course we hope you find in favor of the split.

Sincerely,


LISA FRYMIRE DOLLING



CEQA INITIAL STUDY

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

1. **Project title:** Parcel Map Application No. PLN2017-0039 – Phillip and Carmen Frymire Trust
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Jeremy Ballard, Associate Planner
4. **Project location:** 17272 and 17268 Frymire Road, abutting the Stanislaus River, west of the Community of Knights Ferry. APN: 002-044-006
5. **Project sponsor's name and address:** Phillip and Carmen Frymire Trust
17266 Frymire Road
Oakdale, CA 95361
6. **General Plan designation:** Agriculture (AG)
7. **Zoning:** A-2-5 (General Agriculture)
8. **Description of project:**
Request to subdivide a 29.77 acre parcel into two 14.885 acre parcels. Each proposed parcel will front onto Frymire Road, a County-maintained road, but will utilize an existing shared driveway due to the terrain of Proposed Parcel 2. Each parcel abuts the Stanislaus River. Proposed Parcel One proposes to develop a new domestic well for the existing single-family dwelling. Proposed Parcel Two will utilize the existing domestic well. Each dwelling will utilize individual existing septic systems.
9. **Surrounding land uses and setting:** Irrigated pastures, ranchettes to the north and west, Stanislaus River to the south and the Community of Knights Ferry to the east.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County of Public Works Department, Department of Environmental Resources, and Oakdale Rural Fire Protection District.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)
On the basis of this initial evaluation:

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

Signature on file.

 Prepared By Jeremy Ballard

September 12, 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 agricultural subdivisions. The project site has already been developed with two single-family dwellings, and a communication facility, with the remaining balance consisting of natural vegetation, and river cobbles from the adjacent Stanislaus River. The proposed parcel split will result in two parcels, each with the ability to be developed with a maximum of one single-family dwelling, which already exist on-site. No development is being proposed with this project.

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	

Discussion: The project site is comprised of one parcel, 29.77 acres in size, in the A-2-5 (General Agriculture) zoning district, which is not enrolled in a Williamson Act Contract. The project proposes to create two parcels each 14.885 acres in size. The site itself has minimal flat topography, it features large areas of changing elevations and slopes north to south. The northern portion of the site has an existing United States Army Core of Engineers drainage easement that runs southeast towards the river. The portion of the project site that abuts the River is located within the Federal Emergency Management Agency “known floodway” designation. Presently, no bona fide agricultural operation exists on the parcel, nor will the proposed parcels be utilized for agriculture. Each proposed parcel abuts the Stanislaus River but does not feature any access to the river itself.

The California Department of Conservation’s Farmland Mapping and Monitoring Program lists the project site as being comprised of grazing land and rural residential land. According to the United States Department of Agriculture NRCS Soil Survey, the soils consist of: Cometa Sandy loam, with 2 to 8 percent slopes; Redding loam, with 0 to 4 percent slopes; Amador sandy loam, with 5 to 15 percent slopes; and combination of mine dredge tailings with river wash. The soils also consist of river cobbles which have likely been deposited from historical mining operations. Based on the soil ratings and Farmland Mapping, the project site is not considered to be prime farmland.

The project site has already been developed with two single family dwellings, the proposed parcels would each include one single family dwelling. The A-2 zoning code currently only allows one single-family dwelling if the parcel is under 20 acres in size. Based on the proposed parcel sizes of 14.885 acres each, no additional dwellings could be permitted.

The proposed project is not anticipated to impose any significant impacts to forest land or agricultural land as a part of the subdivision of land.

Mitigation: None

References: California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2016; NRCS Web Soil Survey; and Stanislaus County Zoning Ordinance, 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 project was referred to SJVAPCD and no response was received. However, the District’s Small Project Analysis Level (SPAL) guidance identifies thresholds of significance for criteria pollutant emissions, which are based on the District’s New Source Review (NSR) offset requirements for stationary sources. The District has pre-qualified emissions and determined a size below which it is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants and would accordingly have a less than significant impact on air quality. The District’s threshold of significance for residential projects is identified as 152 units, or 1,453 additional trips per day. Currently, the project site has been developed with two single-family dwellings and if approved would maintain a dwelling on each proposed parcel. The A-2 zoning code currently only allows one single-family dwelling if the parcel is under 20 acres in size. Based on the proposed parcel sizes of 14.885 acres each, no additional dwellings could be permitted. Therefore, approval of this project would not result in any additional vehicle trips. As this is below the District’s threshold of significance, no significant impacts to air quality are anticipated.

The project will not conflict with, or obstruct implementation of, any applicable air quality plan.

Mitigation: None

References: San Joaquin Valley Air Pollution Control District’s Small Project Analysis Level (SPAL) guidance; and Stanislaus County Zoning Ordinance, 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: According to the California Natural Diversity Database (CNDDDB) the project site is located in the Knights Ferry quadrant (No. 3712076). This quadrant is known to be potential habitat for threatened or endangered species and plant life such as Colusa grass, Hartweg’s Golden Sunburst, Valley Elderberry Longhorn Beetle, Steelhead, Vernal Pool Tadpole Shrimp, Bald Eagle, and the California Tiger Salamander.

As described previously, the project site abuts the Stanislaus River and consists mainly of hilly terrain and dense natural vegetation. The on-site soils are comprised of mine dredge tailings as well as river cobbles. Due to these features of the site, the developable envelope of each proposed parcel is limited. The site is developed with two single-family dwellings; and if approved each parcel will include one dwelling each.

A comment referral was received by the Stanislaus County’s Environmental Review Committee, recommended that a biological resources assessment be performed on the site to determine any level of impact the project could have. The developed area of each proposed parcel is approximately 1,400 linear feet from the bank of the Stanislaus River. The immediate area surrounding the two developed homes is void of any natural vegetation. Furthermore, the area adjacent to Frymire Road has been developed with a communication tower.

The applicant is not proposing any type of development in conjunction with the request to subdivide the parcel. Consequently, based on the A-2 (General Agriculture) zoning code, the proposed parcels could not be developed with any additional dwellings. As presently allowed in the A-2, each dwelling could be replaced without any additional environmental review. However, the location of the replacement dwellings would be limited due the terrain of the parcel. Impacts to any biological resources is not anticipated as a result of creation of two parcels. Disturbance of any new areas of the proposed parcels is not likely due to the terrain of the balance of site.

The proposed subdivision is not anticipated to have any significant impact in regards to biological resources, nor will it conflict with any local policies or ordinances protecting biological resources, or interfere substantially with the movement of any native resident or migratory fish or wildlife species. The project was referred to the California Department of Fish and Wildlife, no response has been received to date.

Mitigation: None

References: California Department of Fish and Wildlife (Formerly the Department of Fish and Game), California Natural Diversity Database GIS; Referral response from the Environmental Review Committee, dated May 16, 2017; and Stanislaus County Zoning Ordinance, 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: This project does not fall under the requirements for tribal consultation of 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 Native American Heritage Commission (NAHC) have contacted the County to request project referrals.

As part of the application submittal to subdivide a 29.77 acre parcel into two parcels of 14.885 acres each, the applicant submitted a Central California Information Center (CCIC) cultural records search. The CCIC records search indicated the project site has a high sensitivity for the discovery of historical resources, including prehistoric Native American archaeological occupation and resource utilization sites, as well as historical archaeological resources related to the mining and the early settlement of the Knights Ferry area.

As described previously, the project site abuts the Stanislaus River and consists mainly of hilly terrain and dense natural vegetation. The on-site soils are comprised of mine dredge tailings as well as river cobbles. Due to these features of the site, the developable enveloped of each proposed parcel is limited. The site has been developed with two single-family dwellings and if approved each parcel will feature one dwelling each. As described in Section IV – Biological Resources the proposed subdivision does not include any development as part of the request. Any replacement of the existing dwellings in undisturbed areas would be limited due to existing site factors. Cultural resources that may be located in the subsurface is not anticipated to be disturbed as a result of this project to subdivide an existing parcel into two.

However, if any cultural, archaeological or paleontological resources are found all construction or earth moving will be required to cease until a qualified archaeologist evaluates the site. A condition of approval will be added to address this.

Mitigation: None

References: Central California Information Center Records Search, dated April 25, 2015; and 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 NRCS's Eastern Stanislaus County Soil Survey indicates that the soils on the project site include: Cometa Sandy loam, with 2 to 8 percent slopes; Redding loam, with 0 to 4 percent slopes; Amador sandy loam, with 5 to 15 percent slopes; and combination of mine dredge tailings with river wash. The soils also consist of river cobbles that have been deposited presumably from historical mining operations. As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County, subject to significant geologic hazard, are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone, (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any replacement dwellings or accessing structure built in the future will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. The project site has already been developed with two single-family dwellings, a communication facility, with remaining balance consisting of natural vegetation, river cobbles from the adjacent Stanislaus River.

Public Works, and the Building Permits Division review and approve any building or grading permit to ensure their standards are met. Conditions of approval regarding these standards will be applied to the project.

Based on this information, impacts to geology and soils are considered to be less than significant.

Mitigation: None

References: Referral response from the Stanislaus County Department of Public Works dated August 13, 2018; California Building Code; and the Stanislaus County General Plan and Support Documentation - Safety Element¹

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

Discussion: This is a request to subdivide a 29.77 acre parcel into two parcels of 14.885 each. Each parcel will front the County-maintained Frymire Road. Each proposed parcel is developed with a single-family dwelling. No further dwelling could be developed on either proposed parcel. Subsequently, no construction is being proposed as a result of this project.

The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), hydrofluorocarbons (HCFCs), and tropospheric Ozone (O₃). 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, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020.

Any proposed structures are 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). Minimal greenhouse gas emissions would occur during construction, if the existing single-family dwellings were to be replaced or accessory structures were to be constructed in the future. 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.

No significant impacts from greenhouse gas emissions occurring as a result of this project are anticipated.

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);and Stanislaus County General Plan and Support Documentation¹

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X	
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	

Discussion: The County Department of Environmental Resources is responsible for overseeing hazardous materials and has not indicated any particular concerns with hazardous material on the project site. Pesticide exposure is a risk in the agricultural areas. Sources of exposure include contaminated groundwater which is consumed and drift from spray applications. Applications of sprays are strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. The project site is not located within an airport land use plan or a wildlands area.

The project is located in a Moderate Fire Hazard Severity Zone, as designated by Cal Fire, per the County’s Safety Element of the General Plan. The site is served by Oakdale Rural Fire Protection District and will pay fire impact fees for all new construction. Any construction for replacement of the dwellings or construction of accessory structures would have to meet current standards for the California Fire Code. No referral response was received from the District.

There is not anticipated to be any significant impacts regarding hazards and hazardous materials.

Mitigation: None

References: Stanislaus County General Plan and Support Documentation; Safety Element; and Airport Land Use Compatibility Plan.¹

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: Areas subject to flooding have been identified in accordance with the Federal Emergency Management Agency (FEMA). The northern portion of the site has an existing United States Army Core of Engineers drainage easement that runs southeast towards the river. The portion of the project site that abuts the River is located within the Federal Emergency Management Agency “known floodway” designation. Currently, each dwelling utilizes an existing well on Proposed Parcel 2, however, in addition the applicant is proposing to install a domestic well for Proposed Parcel 1. While each dwelling utilizes an individual septic system. County standards require that each resulting parcel of the proposed parcel map will be required to have an independent domestic well, which any new well requires a well permit to ensure from the Department of Environmental Resources prior to the issuance of any building permit for construction of any single-family dwelling. DER has constituted a well permitting program that in applicable cases will perform an environmental review of any new wells. The environmental review will determine whether a new well will create significant impacts and require the applicant to mitigate any impacts. Any building permit will also be reviewed by the County’s Department of Public Works to ensure that all storm water generated by construction of a single-family dwelling remains on each respective parcel.

The project was referred to the State of California’s Regional Water Quality Control Board (RWQCB), however, a response has not been received to date.

Based on the information above, impacts associated with drainage, water quality, and run-off are expected to have a less than significant impact.

Mitigation: None

References: Referral response from the Stanislaus County Department of Public Works dated August 13, 2018, Stanislaus County General Plan and Support Documentation,

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 to subdivide a 29.77 acre parcel into two parcels of 14.885 each would be consistent with the A-2-5 (General Agriculture) zoning district. The minimum parcel size in the A-2-5 zoning district is 5 acres. Both proposed parcels will front onto the County-maintained Frymire Road but will utilize an existing shared driveway due to the terrain of Proposed Parcel 2. A condition of approval will be added that an irrevocable reciprocal access easement be recorded on the parcel prior to the recording of the final map. The County’s Subdivision Ordinance requires that non-residential parcels meet a lot width to depth ratio of a lot depth not exceeding three times the lot width, if under 300 feet. If the dimensions were to exceed this ratio, a design standard exception, approved by Planning staff, can be sought by the applicant provided alternative findings can be made. The proposed lot dimensions would exceed this ratio and the design standard exception findings would need to be met. As this issue is not environmental in nature it will be discussed further in the staff report presented to the Planning Commission.

The proposed project will not physically divide an established community and conflict with any applicable habitat conservation plan or natural community conservation plan.

Mitigation: None

References: Stanislaus County Zoning Ordinance, 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 project site is comprised of one parcel, 29.77 acres in size, in the A-2-5 (General Agriculture) zoning district. The project proposes to subdivide the site into two parcels of 14.885 each. Historically, the project site was a part of two separate mining operations when the project site was a part of a larger parcel. Currently, there are no mining operations on the project site.

The site itself has minimal flat topography, it features large areas of changing elevations and slopes north to south. According to the United States Department of Agriculture NRCS Soil Survey, the soils consist of: Cometa Sandy loam, with 2 to 8 percent slopes; Redding loam, with 0 to 4 percent slopes; Amador sandy loam, with 5 to 15 percent slopes; and combination of mine dredge tailings with river wash. The soils also consist of river cobbles which have likely been deposited

from historical mining operations. River cobbles are considered to be a mining resource. Based on the Surface Mining and Reclamation Act (SMARA), disturbance of land greater than one acre or removal of 1,000 cubic yards of material is subject to meeting the requirements of SMARA.

Mitigation: None

References: California Surface Mining and Reclamation Act (SMARA); and Stanislaus County Zoning Ordinance, 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: The proposed parcel map is not proposing any construction and the resulting parcels are currently built-out with one single-family dwelling located on each. A temporary noise increase with any replacement of the existing dwellings would be associated with construction. There is no indication that approval of this project will result in a permanent increase in ambient noise levels. Should construction occur in the future on either parcel, the County’s Noise Ordinance and Noise Element of the General Plan must be complied with. The project site is not included in any airport land use compatibility plan, nor is it located near any private airports.

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	
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Discussion: The proposed use of the site will not create significant service extensions or new infrastructure which could be considered growth inducing. Each proposed parcel would be served by private well and septic systems. Approval of this project could only result in the replacement of the existing single-family dwellings; no additional dwellings could be constructed at this time. Therefore, there is no anticipated significant impacts to population growth. Nor will housing or persons be displaced by this project.

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 order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:			X	
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	

Discussion: Each proposed parcel is developed with one single-family dwelling. No additional dwellings could be built at this time. However, the County has adopted Public Facilities Fees, as well as a Fire Facility Fee on behalf of the appropriate fire district, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance. The proposed subdivision is not anticipated to have any significant impact on services to fire protection, police protection, schools, parks, or any other public facility.

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: This project is not anticipated to significantly increase demands for recreational facilities, as such, impacts typically are 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: The proposed project to subdivide a 29.77 acre parcel into two parcels of 14.885 each would be consistent with the A-2-5 (General Agriculture) zoning district. The minimum parcel size in the A-2-5 zoning district is 5 acres. Both proposed parcels will front onto the County-maintained Frymire Road but will utilize an existing shared driveway due to the terrain of Proposed Parcel 2. A condition of approval will be added that an irrevocable reciprocal access easement be recorded on the parcel prior to the recording of the final map.

A comment referral was received from the County’s Department of Public Works, requesting ten feet of dedication along each parcel frontage on Frymire Road to meet future right-of-way requirements, as required by the County’s Circulation Element of the General Plan. A condition of approval for the dedication will be placed on the project, to be met before recording of the final map.

It is not anticipated that the proposed parcel map will have any significant impacts on transportation or traffic.

Mitigation: None

References: Referral response received from the Stanislaus County Department of Public Works on August 08, 2018; and Stanislaus County Zoning Ordinance, 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 project site has already been developed with two single-family dwellings, the proposed parcels include one single family dwelling each. The A-2 zoning code currently only allows one single-family dwelling if the parcel is under 20 acres in size. Based on the proposed parcel sizes of 14.885 acres each, no additional dwellings could be permitted. The project site is served by a well, private septic system, and PG&E for electricity.

Currently, each dwelling utilizes an existing well on Proposed Parcel 2, however, the applicant is proposing to install a domestic well for Proposed Parcel 1. County standards require that newly created parcels have independent utilities. County standards require that each resulting parcel of the proposed parcel map will be required to have an independent domestic well, which any new well requires a well permit to ensure from the Department of Environmental Resources prior to the issuance of any building permit for construction of any single-family dwelling. DER has constituted a well permitting program that in applicable cases will perform an environmental review of any new wells. The environmental review will determine whether a new well will create significant impacts and require the applicant to mitigate any impacts. To ensure this requirement, a condition will be added that each resulting parcel of the proposed parcel map will be required to be issued a well permit prior to the final map being recorded.

PG&E was referred the proposed project but not referral response has been received to date. Currently, each dwelling is served by a shared private domestic well. An additional domestic well is proposed to be constructed to serve Proposed Parcel One. A condition of approval will be placed on the project to ensure the well has been approved and constructed prior to the recording of the map.

It is not anticipated the proposed project will have a significant impact to wastewater treatment, storm water drainage or groundwater sources.

Mitigation: None

References: Stanislaus County Zoning Ordinance, 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.

NEGATIVE DECLARATION

NAME OF PROJECT: Parcel Map Application No. PLN2017-0039 – Phillip and Carmen Frymire

LOCATION OF PROJECT: 17272 AND 17268 Frymire Road, abutting the Stanislaus River, west of the Community of Knights Ferry. APN:002-044-006

PROJECT DEVELOPERS: Carmen M Frymire Trust
17266 Frymire Road
Oakdale, CA 95361

DESCRIPTION OF PROJECT: Request to subdivide an existing 29.77 acre parcel into two 14.885 acre parcels.

Based upon the Initial Study, dated **September 12, 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: Jeremy Ballard, Associate Planner

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

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: PM APP NO. PLN2017-0039 - PHILIP AND CARMEN FRYMIRE

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF FORESTRY (CAL FIRE)	X	X	X		X							
CA DEPT OF WATER RESOURCES	X		X		X							
CA OPR STATE CLEARINGHOUSE	X				X							
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X				X		X		X
CEMETERY DISTRICT	X	X	X		X							
CENTRAL VALLEY FLOOD PROTECTION	X	X	X		X							
COMMUNITY SERVICES / SANITARY DIST:					X							
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: OAKDALE RURAL	X	X	X		X							
HOSPITAL DISTRICT: OAK VALLEY	X	X	X		X							
IRRIGATION DISTRICT: OID	X			X				X		X		X
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
MUNICIPAL ADVISORY COUNCIL: KNIGHTS FERRY	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X		X							
SCHOOL DISTRICT 1: KNIGHTS FERRY UNION	X	X	X		X							
SCHOOL DISTRICT 2: OAKDALE JOINT 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 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 1: OLSEN	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			X		X		X
TELEPHONE COMPANY: ATT	X	X	X									
TUOLUMNE RIVER TRUST					X							
US ARMY CORPS OF ENGINEERS	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							