

# STANISLAUS COUNTY PLANNING COMMISSION

January 20, 2022

## STAFF REPORT

USE PERMIT APPLICATION NO. PLN2021-0070  
VELOCITER WIRELESS, INC. – PIONEER AVENUE

**REQUEST: TO PERMIT AN EXISTING 100-FOOT-TALL LATTICE-STYLE WIRELESS COMMUNICATION FACILITY AND THE INSTALLATION OF 16 ANTENNAS ON A 9.88± ACRE PARCEL IN THE GENERAL AGRICULTURE (A-2-10) ZONING DISTRICT.**

### APPLICATION INFORMATION

Applicant:	Velociter Wireless, Inc. (Jim Vander Dussen, CEO)
Property owner:	Russ and Julie Christel
Agent:	Kristi Anthony, Velociter Wireless, Inc.
Location:	10742 Pioneer Avenue, between the OID Tulloch Drain and Lon Dale Road/State Route 108/120, in the community of Valley Home.
Section, Township, Range:	6-2-10
Supervisory District:	One (Supervisor B. Condit)
Assessor's Parcel:	006-001-053
Referrals:	See Exhibit F Environmental Review Referrals
Area of Parcel(s):	9.88± acres
Water Supply:	Private well
Sewage Disposal:	Private septic system
General Plan Designation:	Agriculture
Community Plan Designation:	N/A
Existing Zoning:	General Agriculture (A-2-10)
Sphere of Influence:	N/A
Williamson Act Contract No.:	1972-682
Environmental Review:	Negative Declaration
Present Land Use:	100-foot-tall lattice-style wireless communication facility, single-family dwelling, two detached storage buildings, two shade structures, and irrigated pasture.
Surrounding Land Use:	Ranchettes with single-family dwellings surround the site on all sides; orchards are located directly to the south and west across Pioneer Avenue; the OID Tulloch drain is located to the north; and the San Joaquin County line is located approximately one-half mile to the west.

## **RECOMMENDATION**

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

## **PROJECT DESCRIPTION**

The project is a request to permit an existing wireless communication facility and the installation of 16 antennas, to be utilized to deliver broadband internet, on a 9.88± acre parcel in the General Agriculture (A-2-10) zoning district. A 100-foot-tall lattice-style tower without antennas was installed without first obtaining the appropriate permits. This request would permit the existing tower and would also allow the installation of 16 antennas, to be located between 55 and 95-feet in height on the existing tower. The tower also includes an existing utility cabinet, 16" x 10" x 20" in size, which is mounted on the tower. No lighting or additional ground equipment is proposed. The unmanned facility will be serviced approximately three times a year and has access to County-maintained Pioneer Avenue via a separate driveway.

While the tower was constructed in October of 2020 without a building permit, an anonymous complaint submitted in January of 2021 led the County to research the building permit history for the existing facility. Should the project be approved, building permits for the existing facility and proposed antennas will be required.

## **SITE DESCRIPTION**

The 9.88± acre project site is located at 10742 Pioneer Avenue, between the OID Tulloch Drain and Lon Dale Road/State Route 108/120, in the community of Valley Home (see Exhibit B – *Maps, Site Plan, and Photos*). The project site is improved with an unpermitted 100-foot-tall lattice-style tower, single-family dwelling, two detached storage buildings, two open shade structures, wrought iron fencing with brick along the western property line adjacent to Pioneer Avenue, landscaping consisting of a combination of trees and shrubs, irrigated pasture, and existing barbed wire and cattle fencing around the perimeter of the tower. The tower is setback approximately 258± feet from the nearest adjacent off-site residential structure, approximately 756± feet from Pioneer Avenue, and approximately six feet from the southern property line. The single-family dwelling is served by private well and septic. The Oakdale Irrigation District (OID) Burnett Lateral runs along a portion of the project site adjacent to the northern property line. The on-site uses have access to County-maintained Pioneer Avenue via two separate driveways.

Surrounding land uses include ranchettes with single-family dwellings on all sides; orchards are located directly to the south and west across Pioneer Avenue; the OID Tulloch drain is located to the north; and the San Joaquin County line is located approximately one-half mile to the west.

## **ISSUES**

Section 21.91.030(B)(1) of the County Code requires communication towers to be a monopole design unless the planning director determines that it would not be visible to the general public, in which case a lattice tower design may be approved. Additionally, Section 21.91.020(B) of the County Code requires that any communication facility, including ancillary equipment buildings, that do not meet the siting standards are subject to issuance of a use permit by the planning commission. The existing tower does not meet the communication tower siting standards and did

not receive the appropriate land use entitlement or building permit prior to construction. As such, a use permit is required to allow for the continued operation of the existing unmanned communication facility. The conditions of approval for this project reflect that the construction of the tower has already occurred and, as such, the building permit for the wireless communication facility and associated equipment will need to be obtained and finalized within six months of project approval. Additional antennas may be permitted in the future without discretionary approval in accordance with Federal Communications Commission (FCC) regulations.

A referral response received from OID stated that the District maintains a radio and communication network for monitoring and control of OID's water operation facilities. Radio communication is by 900 MHz licensed frequencies, and OID requested assurance that the existing tower and any proposed additions to the tower will not negatively impact OID's ability for continued communications under these frequencies. The applicant provided a written assurance which was accepted by OID.

No other issues have been identified as a part of this request.

### **GENERAL PLAN CONSISTENCY**

The site is currently designated "Agriculture" in the Stanislaus County General Plan; this designation is consistent with the site's General Agriculture (A-2-10) zoning district. The agricultural designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas. This designation establishes agriculture as the primary use, but allows dwelling units, limited agriculturally related commercial services, agriculturally related light industrial uses, and other uses which by their unique nature are not compatible with urban uses, provided they do not conflict with the primary use.

Goal Two, Policy 11, Implementation Measure One of the General Plan's Safety Element requires all communication facilities to meet the siting standards established by the Communication Facilities chapter of the Zoning Ordinance. Implementation Measure Two requires discretionary development proposals for communication and wind power facilities in the A-2 zoning district to be referred to the crop dusting companies which typically service the area. The project was referred to the appropriate crop dusters and no responses have been received to date.

The Land Use Element's Sphere of Influence Policy states that for projects within the sphere of influence of a sanitary sewer district, domestic water district, or community services district, the proposal shall be forwarded to the district board for comment regarding the ability of the district to provide services. If the district serves an unincorporated community with a Municipal Advisory Council (MAC), the proposal shall also be referred to the MAC for comment. While not in a sphere of influence of any of the districts, the project was referred to the Valley Home MAC for comment on two separate occasions as part of the California Environmental Quality Act (CEQA) Early Consultation and 30-day public review for the CEQA Initial Study. The item was scheduled to be presented to the MAC at its regular MAC meeting held on November 10, 2021; however, the meeting was cancelled. The members were still able to provide comments on the project and none have been received to date.

The Agricultural Element of the Stanislaus County General Plan includes Buffer and Setback Guidelines (Appendix A) applicable to new or expanding non-agricultural uses within or adjacent to the A-2 zoning district. The purpose of these guidelines is to protect the long-term health of local agriculture by minimizing conflicts such as spray drift and trespassing resulting from the interface of agricultural and non-agricultural uses. The Guideline requires that all projects

maintain a 150-foot setback and 300 feet for people intensive uses such as athletic fields. Public roadways, utilities, drainage facilities, rivers and adjacent riparian areas, landscaping, parking lots, and similar low people intensive uses are permitted uses within the buffer setback area. The proposed project is not setback 150 feet from the A-2 zoned property to the south. However, a communication facility is similar in nature to a utility, and utilities are a permitted use within a buffer setback area. Accordingly, the project meets the agricultural buffer requirement.

Staff believes that the proposed project is consistent with the General Plan policies as discussed above.

### **ZONING ORDINANCE CONSISTENCY**

The site is currently zoned General Agriculture (A-2-10, 10 acres minimum). While the A-2 chapter of the Zoning Ordinance does permit facilities for public utilities and communication towers with a Tier Three use permit, this request is being processed in accordance with the Communication Facilities chapter of the Zoning Ordinance, which permits communication facilities in the A-2 district with a use permit, or staff approval permit provided the facility meets the following siting standards provided in section 21.90.030:

- 1) The tower shall be a monopole design unless the planning director determines that it would not be visible to the general public, in which case a lattice tower design may be approved.
- 2) The height of the tower shall not exceed one hundred thirty feet above ground level.
- 3) The tower shall be located a distance equal to at least twice the height of the tower from residential structures on adjoining properties.

As the tower is a lattice design and is visible to the general public (see Exhibit B – *Maps, Site Plan, and Photos*), the first siting standard cannot be met and therefore a use permit is required. The tower meets the second and third siting standards.

Section 21.91.020(B) of the Zoning Ordinance allows communication towers with a use permit when the planning commission finds that the establishment, maintenance and operation of the proposed use or building applied for is consistent with the general plan and will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.

The current parcel is enrolled in Williamson Act Contract No. 1972-682. As required by California Government Code Section 51238.1, prior to approval, the decision-making body must find that the proposed uses are consistent with the Williamson Act Principles of Compatibility. These three principles stipulate that the use will not significantly compromise the long term agricultural capability of the contracted lands; the use will not significantly displace or impair agricultural production on contracted lands, but may be deemed compatible if directly related to production of commercial agriculture including activities such as harvesting, processing, or shipping; and the use will not result in significant removal of adjacent contracted land from agricultural or open-space use. Furthermore, Section 51238(a)(1) of the California Government Code stipulates that unless the Planning Commission makes a finding to the contrary, the erection, construction, alteration or maintenance of communication facilities are determined to be consistent with the

Williamson Act. The project was referred to the State of California's Department of Conservation; however, no response has been received.

Staff believes the establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity. There is no indication that this project, as proposed and conditioned, will be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the County.

In this case Staff believes this request is consistent with the use permit findings, as required for communication towers, and Principals of Compatibility.

### **ENVIRONMENTAL REVIEW**

An environmental assessment for the project has been prepared in accordance with the California Environmental Quality Act (CEQA). The assessment included preparation of an Initial Study (See Exhibit D – *Initial Study*). Pursuant to CEQA, the proposed project was circulated to 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 project 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*).

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**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 **\$2,605.00** 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, Associate Planner, (209) 525-6330

Attachments:

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

## **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 Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find That:
  - a. The establishment, maintenance and operation of the proposed use or building applied for is consistent with the general plan and will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.
4. Approve Use Permit Application No. PLN2021-0070 – Velociter Wireless, Inc. – Pioneer Avenue, subject to the attached Conditions of Approval.

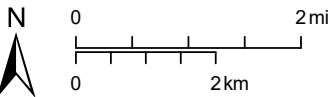
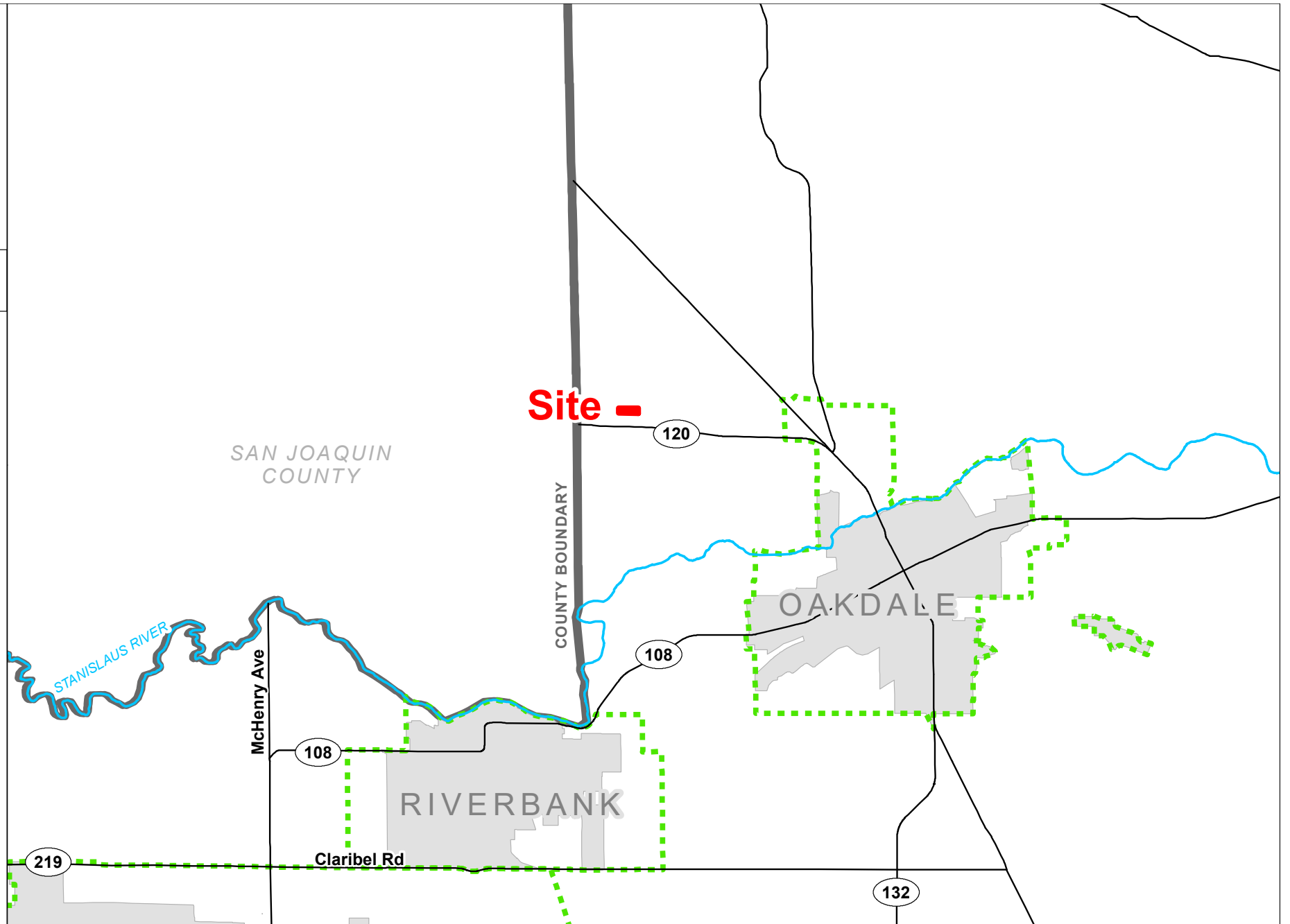
# VELOCITER WIRELESS INC

## UP PLN2021-0070

### AREA MAP

#### LEGEND

-  Project Site
-  Sphere of Influence
-  City
-  Road
-  River



Source: Planning Department GIS

Date: 8/4/2021

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EXHIBIT B

# VELOCITER WIRELESS INC

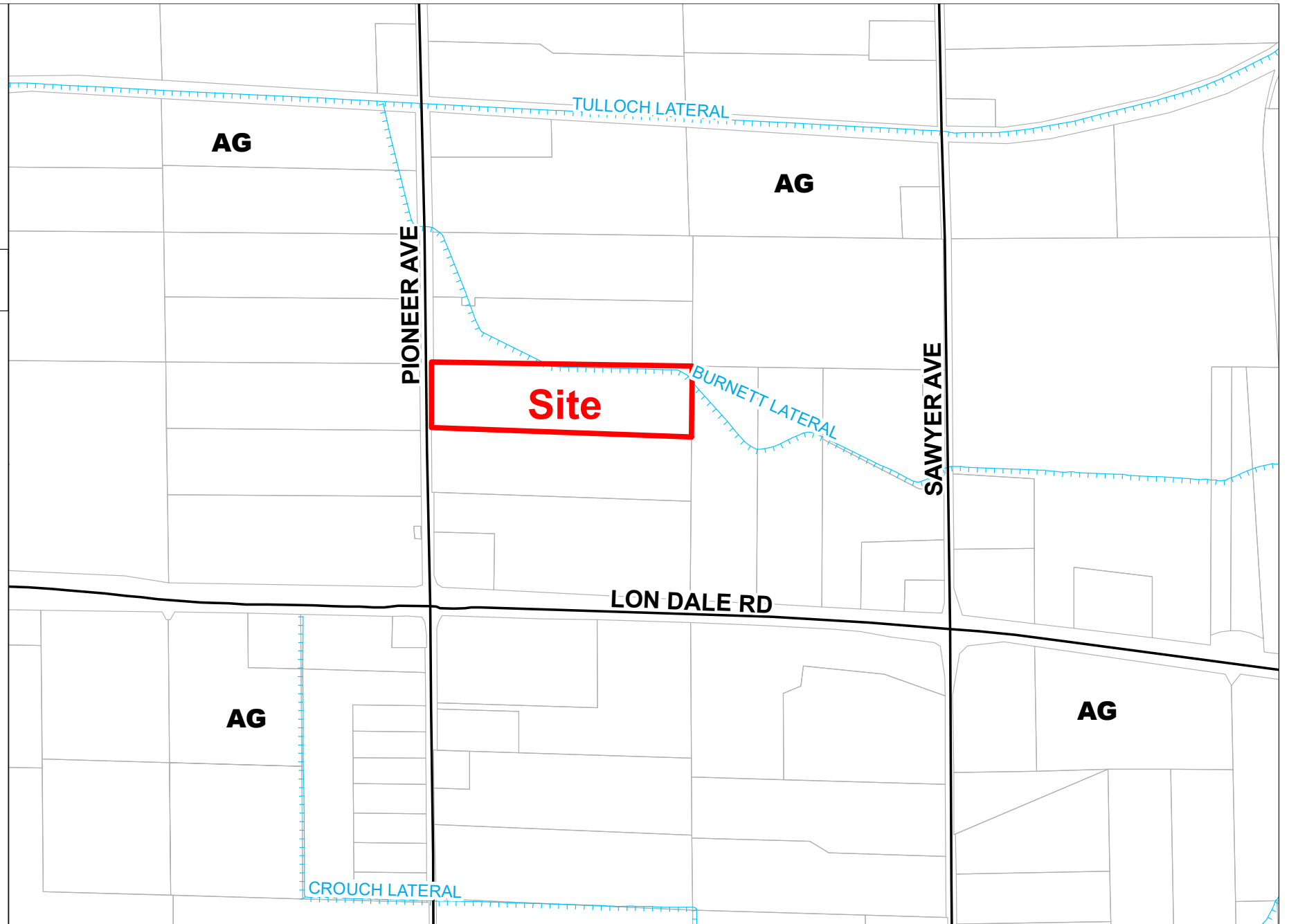
## UP PLN2021-0070

### GENERAL PLAN MAP

#### LEGEND

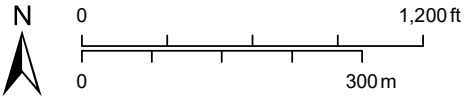
-  Project Site
-  Parcel
-  Road
-  Canal

- General Plan**
-  Agriculture



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EXHIBIT B-1



Source: Planning Department GIS

Date: 8/4/2021



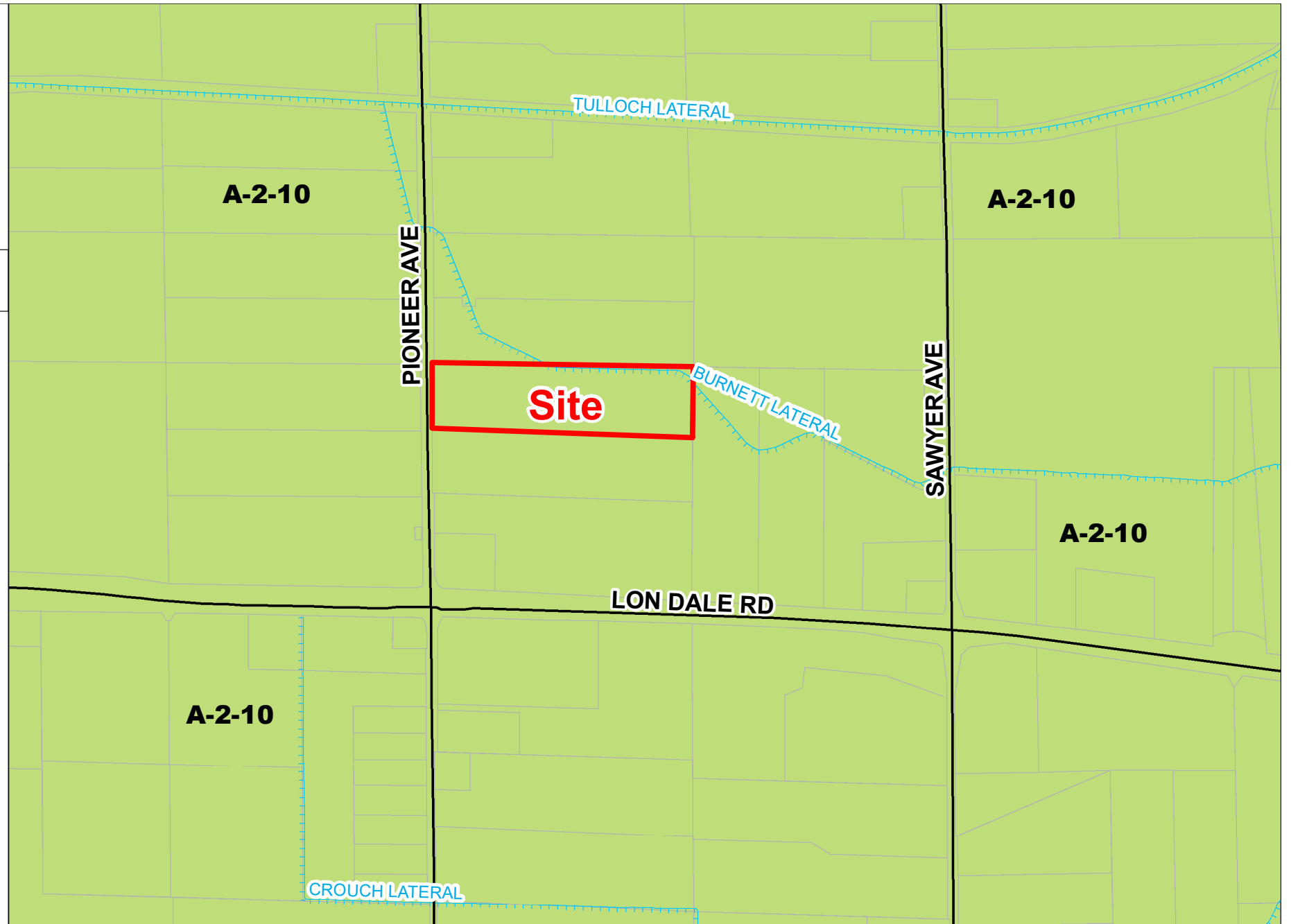
# VELOCITER WIRELESS INC

## UP PLN2021-0070

### ZONING MAP

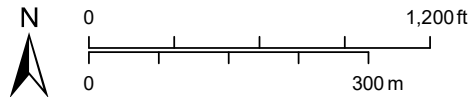
#### LEGEND

-  Project Site
  -  Parcel
  -  Road
  -  Canal
- Zoning Designation**
-  General Agriculture 10 Acre



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EXHIBIT B-2



Source: Planning Department GIS




Date: 8/4/2021

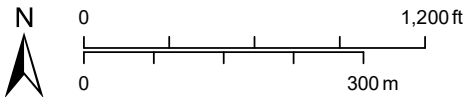
# VELOCITER WIRELESS INC

## UP PLN2021-0070

2017 AERIAL AREA MAP

### LEGEND

-  Project Site
-  Road
-  Canal



Source: Planning Department GIS




Date: 8/4/2021

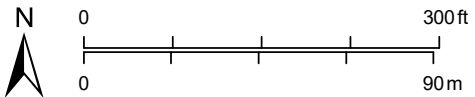
# VELOCITER WIRELESS INC

## UP PLN2021-0070

### 2017 AERIAL SITE MAP

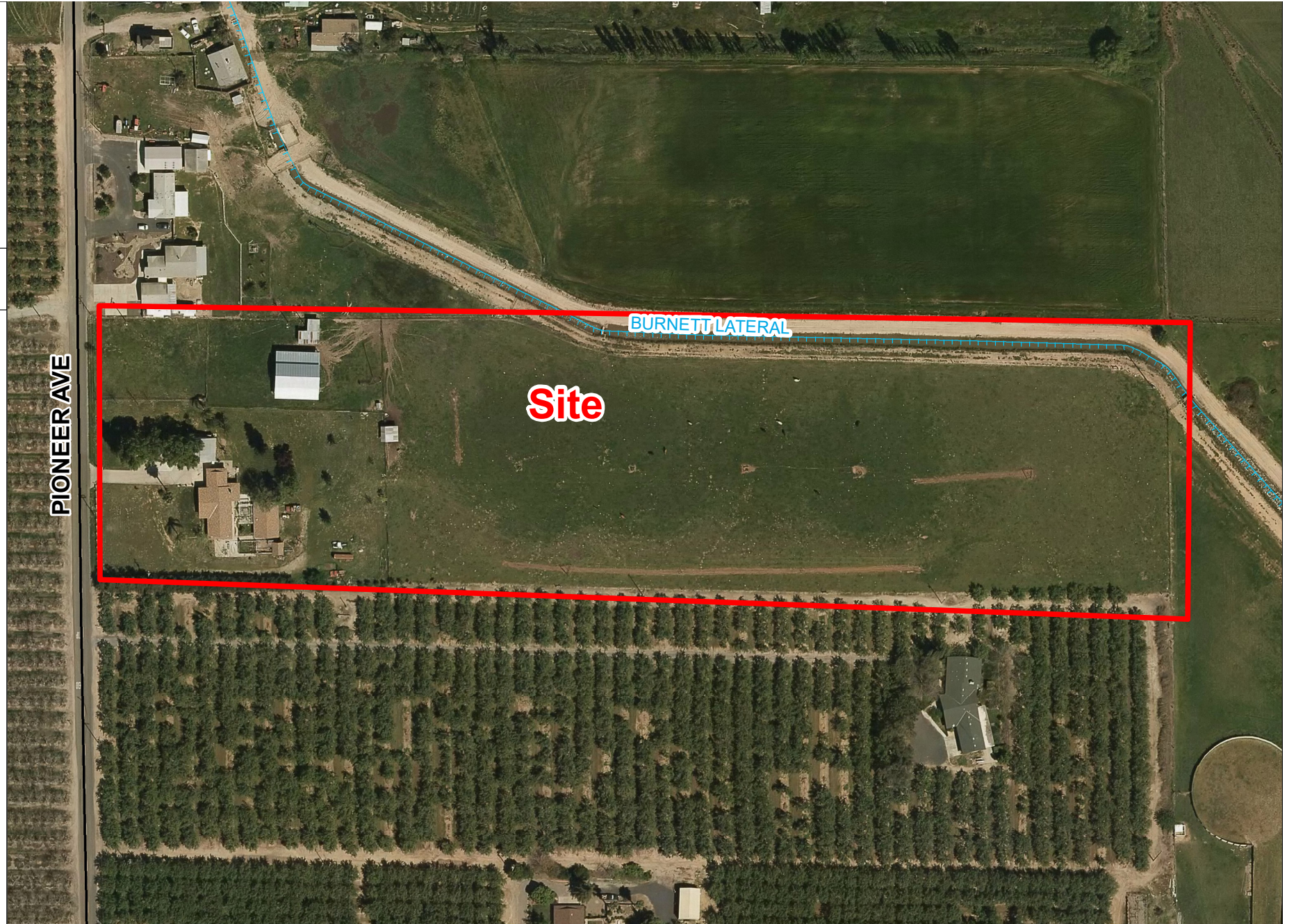
#### LEGEND

-  Project Site
-  Road
-  Canal



Source: Planning Department GIS





Date: 8/4/2021



**VELOCITER  
WIRELESS INC  
UP  
PLN2021-0070**

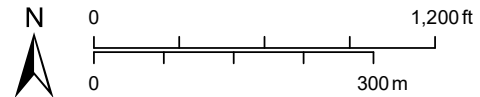
**ACREAGE MAP**

**LEGEND**

-  Project Site
-  Parcel/Acres
-  Road
-  Canal

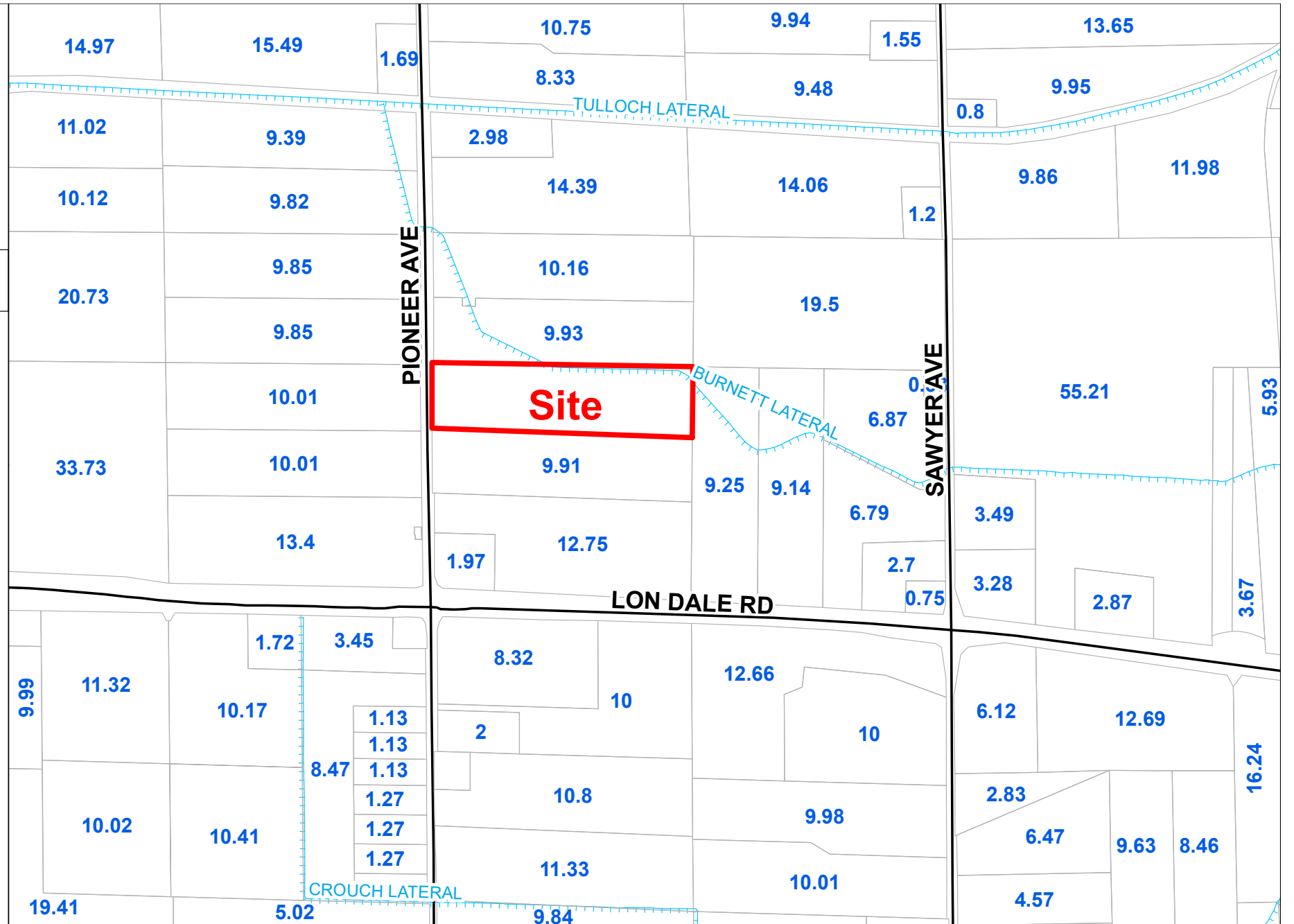
12

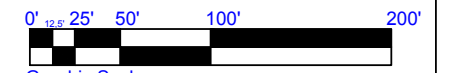
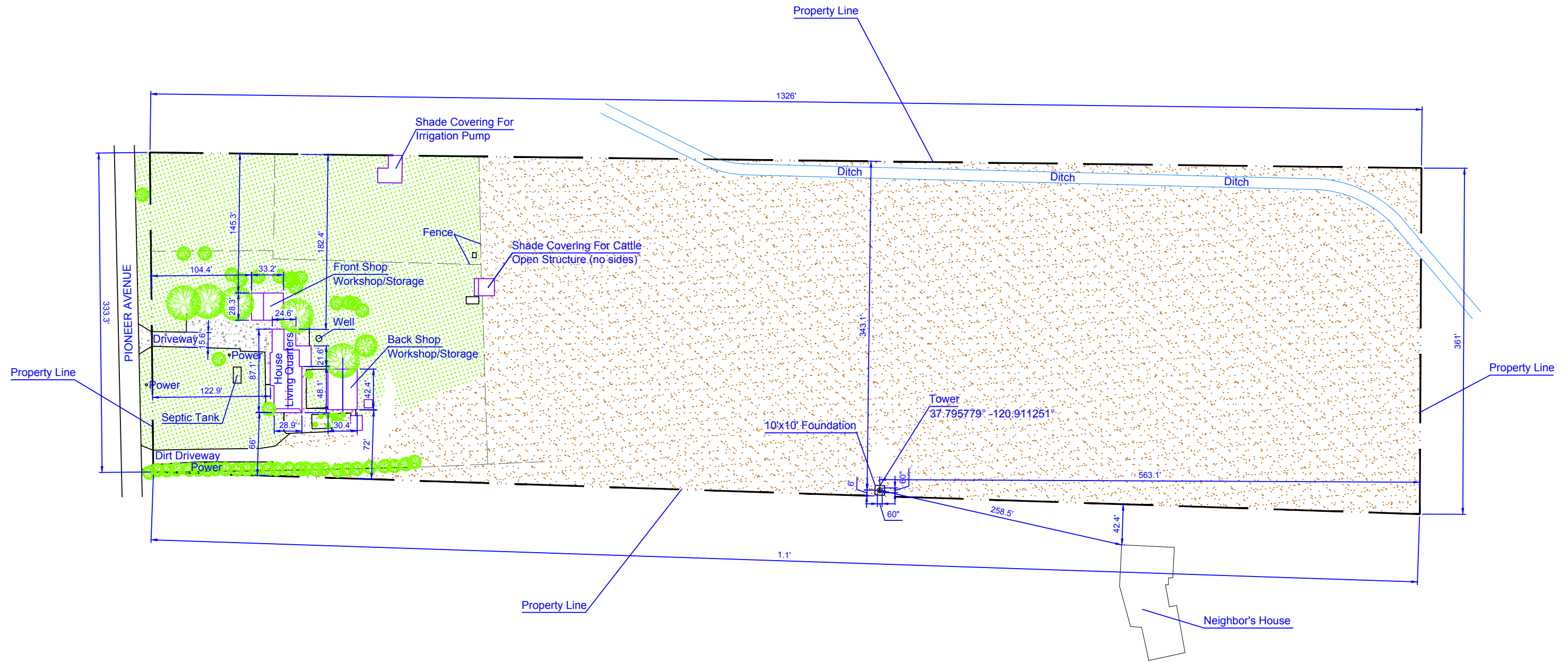
EXHIBIT B-5



Source: Planning Department GIS

Date: 8/4/2021





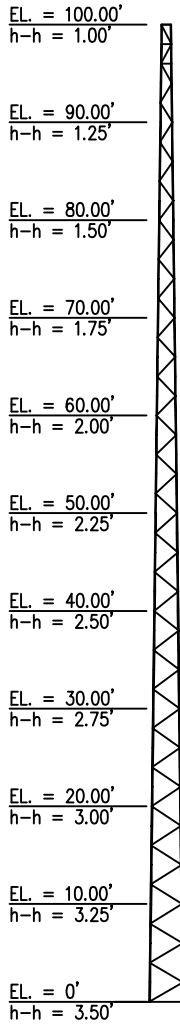
Graphic Scale

Parcel No. (APN) 006-001-053-000  
 Land Use RESIDENTIAL  
 SINGLE FAMILY RESIDENCE  
 Building Area 1,560 SF  
 Lot Area 430,372 SF (9.88 ACRES)

10742 PIONEER AVE  
 OAKDALE, CA 95361  
 Scale: 1"=100'



TOWER KIT NUMBER		5.94.0100.100	
DESCRIPTION		5.94.0100.100	
MARKING			
LEG (350W)	D	V3x3x1/4	A
HORIZONTAL (300W)			C
DIAGONAL (300W)	B		B
SECTION WT. (lbs)	238	204	142
DIAGONAL BOLTS	A	A	A
SPLICE BOLTS	A		



**GALVANIZED ANCHOR BOLTS: N/A**

**LEG FOUNDATION LOADS**

Max Download = 69.46 (Kips)  
 Max Uplift = 59.11 (Kips)  
 Max Shear = 2.35 (Kips)

**GLOBAL FOUNDATION LOADS**

Max Axial = 2.73 (Kips)  
 Max OTM = 206.96 (Kips-ft)  
 Max Shear = 3.80 (Kips)

No.	Description	Qty	Elev. (m)	Elev. (ft)	Azimuth (°TN)	TX Line IN ROWS	Qty	Owner	Status
1	HG3-TP-S30	1	29	95	0	LDF1P-50A	1	VW	I
2	HG3-TP-S30	1	29	95	0	LDF1P-50A	1	VW	I
3	HG3-TP-S30	1	29	95	0	LDF1P-50A	1	VW	I
4	HG3-TP-S30	1	29	95	0	LDF1P-50A	1	VW	I
5	HG3-TP-S30	1	29	95	120	LDF1P-50A	1	VW	I
6	HG3-TP-S30	1	29	95	120	LDF1P-50A	1	VW	I
7	HG3-TP-S30	1	29	95	120	LDF1P-50A	1	VW	I
8	HG3-TP-S30	1	29	95	120	LDF1P-50A	1	VW	I
9	HG3-TP-S30	1	29	95	240	LDF1P-50A	1	VW	I
10	HG3-TP-S30	1	29	95	240	LDF1P-50A	1	VW	I
11	HG3-TP-S30	1	29	95	240	LDF1P-50A	1	VW	I
12	HG3-TP-S30	1	29	95	240	LDF1P-50A	1	VW	I
13	HG3-TP-S30	1	29	95	240	LDF1P-50A	1	VW	I
14	HG3-TP-S30	1	29	95	0	LDF1P-50A	1	VW	I
15	HG3-TP-S30	1	29	95	120	LDF1P-50A	1	VW	I
16	HP2	1	16.8	55	30	LDF1P-50A	1	VW	I

STATUS: E-EXISTING, F-FUTURE, I-INITIAL, P-PROPOSED

**MOUNT USED**

ASSUMED 1FT LIGHT STANDOFF (5.930.0201.007) QTY: 6  
 ASSUMED 1FT MEDIUM STANDOFF (5.930.0101.007) QTY: 1

**MEMBERS LEGEND**

A = V2 1/2x2 1/2x3/16  
 B = L1 1/2x1 1/2x1/8  
 C = L3x3x3/16  
 D = V3 1/2x3 1/2x1/4

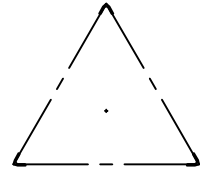
**BOLTS LEGEND**

A = (1) 1/2 in A325

**SPLICE BOLTS LEGEND**

A = (8) 1/2 in A325/Leg

**STEP BOLTS & SAFETY CABLE**



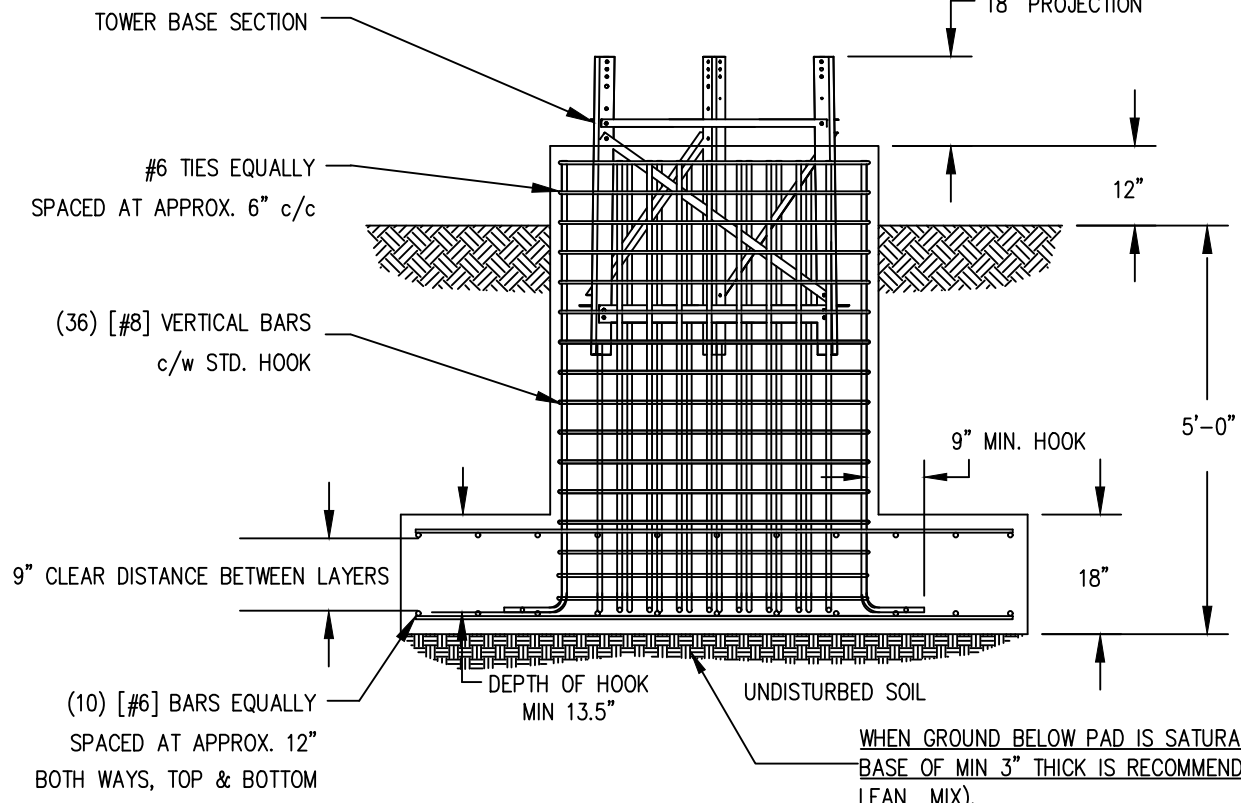
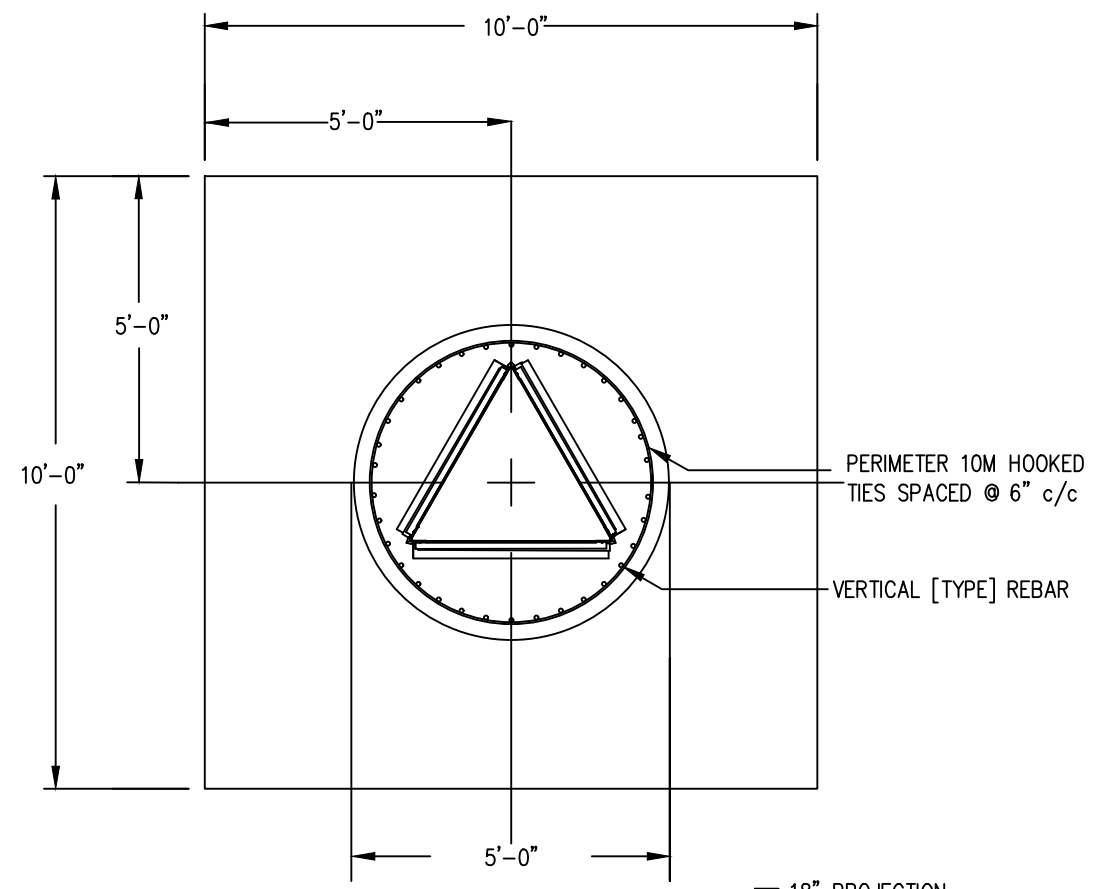
TOWER CROSS SECTION



REV.	REV. BY:	CHK. BY:	DESCRIPTION	DATE

<b>NOTES:</b> DESIGN STANDARD: TIA-222-H BASIC 3 SEC. GUST WIND SPEED: 94.0 (mph) BASIC 3 SEC. GUST WIND SPEED WITH ICE: 30.0 (mph) SERVICE WIND SPEED: 60.0 (mph) BASIC ICE THICKNESS: 0.00 (in) TOPOGRAPHIC CATEGORY: 1 EXPOSURE CATEGORY: C RISK CATEGORY: II MAX MW ROTATION AT: 60.0 (mph) : 0.78"	CONFIDENTIAL: ALL INTELLECTUAL PROPERTY RIGHTS HEREIN ARE THE PROPERTY OF TRYLON TSF Inc. ALL DUPLICATION, RECORDING, DISCLOSURE OR USE IS PROHIBITED WITHOUT WRITTEN CONSENT OF TRYLON TSF Inc.			
	CUSTOMER: VELOCITER WIRELESS	SITE: OAKDALE, CA		20
	DATE: 27 MAY 21	BY: TN		CHK: APP:
	TITLE: 100FT S100 STKD			DRAWING NO. TA4875-2

100FT S100 STKD



FOUNDATION NOTES:

GENERAL:

- 1) THE CONTRACTOR SHALL FIELD CHECK ALL DIMENSIONS AND DETAILS BEFORE PROCEEDING WITH THE WORK.
- 2) ALL WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE LATEST ISSUE OF ANSI STANDARDS.
- 3) FOUNDATIONS DESIGNED BASED ON NORMAL DRY SOIL.
- 4) THE TOWER BASE PAD SHALL BE PLACED AGAINST UNDISTURBED SOIL.

CONCRETE:

- 1) CONCRETE CONSTRUCTION SHALL CONFORM TO THE REQUIREMENTS CURRENT ACI STANDARDS.
- 2) CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH AT 28 DAYS OF NOT LESS THAN 4000 psi.
- 3) CONCRETE SHALL CONTAIN AN AIR ENTRAINING AGENT. TOTAL AIR CONTENT TO BE 5% TO 7% AS SPECIFIED IN [RELEVANT STANDARD], FOR THE PARTICULAR SIZE OF AGGREGATE BEING USED. THE AIR ENTRAINING AGENT SHALL BE COMPATIBLE WITH THE WATER REDUCING AGENT.
- 4) THE MAXIMUM SIZE OF COARSE AGGREGATE SHALL BE 0.75 INCHES.
- 5) THE USE OF CALCIUM CHLORIDE OR ACCELERATING ADMIXTURES IS PROHIBITED.
- 6) SLUMP SHALL BE 3.00 in. +/- 1.00 in.
- 7) IF THE AIR TEMPERATURE IS 41 DEGREES FAHRENHEIT OR LESS, THE TEMPERATURE OF THE CONCRETE AT TIME OF PLACING, SHALL BE BETWEEN 59 AND 86 DEGREES FAHRENHEIT.
- 8) CHAMFER EXPOSED CORNERS OF CONCRETE (APPROX 1.00 INCHES).
- 9) PROVIDE EFFECTIVE MEANS OF MAINTAINING THE TEMPERATURE OF CONCRETE IN PLACE AT A MINIMUM OF 50 DEGREES FAHRENHEIT AND A MAXIMUM OF 86 DEGREES FAHRENHEIT FOR THREE DAYS AFTER PLACING. WHEN THE MEAN DAILY AIR TEMPERATURE IS LESS THAN 41 DEGREES FAHRENHEIT PROVIDE PROTECTION FOR NEWLY PLACED CONCRETE BY MEANS OF SUITABLE ENCLOSURES OR RAISED COVERINGS, HEAT AND INSULATION.

REINFORCEMENT:

- 1) CLEAN REINFORCEMENT OF ANY LOOSE SCALE, DIRT OR OTHER COATINGS WHICH WOULD DESTROY OR REDUCE
- 2) ALL REINFORCEMENT SHALL HAVE A MINIMUM OF 3.00 INCHES CONCRETE COVER.
- 3) REINFORCING STEEL SHALL BE ASTM GRADE 60 WITH FY=60KSI.

BACKFILLING:

- 1) BACKFILL SHALL BE PLACED IN THIN LIFTS (MAXIMUM 6.00 INCHES) AND COMPACTED TO MIN 95 PERCENT OF STANDARD PROCTOR MAXIMUM DRY DENSITY (SPMDD). IN THE EVENT THAT EXCAVATED MATERIALS ARE NOT SUITABLE FOR BACKFILL, IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO SUPPLY AND COMPACT SUITABLE CLEAN MATERIAL TO MEET THAT REQUIREMENT.

STANDARDS:

- 1) FOUNDATIONS AND ANCHORS DESIGNED IN ACCORDANCE WITH EIA/TIA 222 REV. H.
- 2) REINFORCED CONCRETE DESIGN SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF ACI STANDARDS.

SPECIAL NOTES:

1. CONTRACTOR IS RESPONSIBLE FOR ANY REQUIRED SHORING AND SHALL RETAIN A P.ENG AS REQUIRED.
2. CONTRACTOR IS RESPONSIBLE FOR ENSURING ALL ADJACENT UTILITIES AND/OR BUILDINGS ARE NOT DISTURBED, DAMAGED, OR COMPROMISED DURING AND AFTER TOWER CONSTRUCTION.
3. DEWATERING IS REQ'D PER GEOTECH REPORT.

REFER TO SUPERTITAN INSTALLATION MANUAL FOR ADDITIONAL INFORMATION

TOWER COORDINATES  
 LATITUDE: 37° 47' 44.80"N  
 LONGITUDE: 120° 54' 40.50" W

WHEN GROUND BELOW PAD IS SATURATED, A WORKING BASE OF MIN 3" THICK IS RECOMMENDED (1500 psi LEAN MIX).

REV.	BY: REV.	BY: CHK.	DESCRIPTION	DATE

REFERENCE DRAWINGS:

DRAWING NUMBER	DRAWING NUMBER



CONFIDENTIAL: ALL INTELLECTUAL PROPERTY RIGHTS HEREIN ARE THE PROPERTY OF TRYLON INC. ALL DUPLICATION, RECORDING, DISCLOSURE OR USE IS PROHIBITED WITHOUT WRITTEN CONSENT OF TRYLON INC



DRAWING NO. 184298

CUSTOMER: VELOCITER WIRELESS	SITE: OAKDALE, CA	SCALE: NTS
DATE: MAY 27 2021	BY: TN	CHK: DF
APP:		

TITLE: 100FT S100 FOUNDATION









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

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## **CONDITIONS OF APPROVAL**

### **USE PERMIT APPLICATION NO. PLN2021-0070 VELOCITER WIRELESS, INC. – PIONEER AVENUE**

#### **Department of Planning and Community Development**

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2022), 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 **\$2,605.00**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk Recorder filing fees.
3. 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.
4. 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.
5. 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.
6. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
7. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder’s Office within 30

days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.

8. Within six (6) months of project approval, all applicable grading and building permits for the 100-foot-tall lattice-style wireless communication facility and associated equipment shall be obtained and finalized. An extension may be granted if the Planning Director finds, in its sole discretion, that both (i) the need for the extension is due to an unforeseen or unavoidable condition that was outside of the applicant's control, and (ii) that the applicant was and is diligently pursuing the satisfaction of the Development Standards. Applicant shall provide evidence or documentation of the unforeseen or unavoidable condition, and applicant shall demonstrate its diligence by providing invoices, work orders, receipts of accepted applications, or other documentation of applicant's efforts to satisfy the Conditions of Approval.
9. No operations shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration, or electrical interference detectable off the site.
10. 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.
11. All unused or obsolete towers and equipment shall be removed from their respective sites within six months after their operation has ceased, at the property owner's or applicant's expense.
12. The wireless communication facility is subject to any and all other applicable regulations and permits, including those of the Public Utilities Commission (PUC) of the State of California and the Federal Communications Commission (FCC).

**Department of Public Works**

13. A grading, drainage, and erosion/sediment control plan for the project site shall be submitted for any building permit that will create a larger or smaller building footprint. The grading and drainage plan shall include the following information:
  - A. The plan shall contain drainage calculations and enough information to verify that runoff from project will not flow onto adjacent properties and Stanislaus County road right-of-way. Public Works will review and approve the drainage calculations.
  - B. For projects greater than one acre in size, the grading drainage and erosion/sediment control plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharge Identification Number (WDID) and a copy of the Notice of Intent (NOI) and the project's Storm Water Pollution Prevention Plan (SWPPP) shall be provided prior to the approval of any grading, if applicable.

- C. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for review of the grading plan.
  - D. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.
- 14. No parking, loading, or unloading of vehicles shall be permitted within the Stanislaus County road right-of-way.
  - 15. An Encroachment Permit shall be obtained for any work done in Stanislaus County right-of-way.
  - 16. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted.
  - 17. If a new driveway is installed, driveway locations and widths shall be approved by the Department of Public Works.

**Department of Environmental Resources**

- 18. The applicant shall contact the Department of Environmental Resources (DER) regarding appropriate permitting requirements for hazardous materials and/or wastes.

**Building Permits Division**

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

**Regional Water Quality Control Board**

- 20. The applicant shall contact and coordinate with the Regional Water Quality Control Board to determine if any permits or Water Board requirements shall be obtained/met prior to operation.

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*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, January 1, 2020

1. **Project title:** Use Permit Application No. PLN2021-0070 – Velociter Wireless, Inc – Pioneer Avenue
2. **Lead agency name and address:** Stanislaus County Planning & Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354
3. **Contact person and phone number:** Teresa McDonald, Associate Planner
4. **Project location:** 10742 Pioneer Avenue, between the OID Tullock Drain and Lon Dale Road/State Route 108/120, in the community of Valley Home (APN: 006-001-053).
5. **Project sponsor's name and address:** Velociter Wireless, Inc.
6. **General Plan designation:** Agriculture
7. **Zoning:** General Agriculture (A-2-40)
8. **Description of project:**

Request to permit an existing wireless communication facility constructed in October of 2020, on a 9.88± acre parcel in the A-2-40 (General Agriculture) zoning district. The proposal includes an existing 100-foot-tall lattice-style tower used to deliver broadband internet. In accordance with Section 21.91.020(B) of the County Code, a use permit would be required for a lattice-style communication tower. The existing tower did not receive appropriate land use entitlements or building permits prior to construction. As such, a use permit is required to operate the existing unmanned communication facility. The existing tower includes 16 proposed antennas, between the 55 and 95-foot centerlines, which will be connected to an existing utility cabinet mounted on the tower. Existing fencing around the perimeter of the tower consists of a combination of cattle fencing and barbed-wire. The tower is setback approximately 258± feet from the nearest adjacent offsite residential structure. No additional ground equipment is proposed. The project site is improved with a single-family dwelling and accessory structures and is served by private well and septic. The site has access to County-maintained Pioneer Avenue.

9. **Surrounding land uses and setting:** Orchards with single family dwellings and ranchettes surround the site on all sides; the San Joaquin County line is located approximately one-half mile to the west.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Oakdale Irrigation District  
Stanislaus County Department of Public Works  
CalTrans
11. **Attachments:**

**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"/> Energy                             |
| <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                   | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Wildfire                         | <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 Teresa McDonald, Associate Planner

November 24, 2021  
 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, then 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 – Except as provided in Public Resources Code Section 21099, could 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) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			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 is currently improved with a single-family dwelling, two detached workshops, two shade structures, and an unpermitted 100-foot-tall lattice-style tower used to deliver broadband internet. The siting standards of Chapter 21.91 of the Zoning Ordinance require communication towers to be a monopole design; however, a lattice tower design may be approved with a use permit. Existing fencing around the perimeter of the tower will consist of a combination of cattle fencing and barbed-wire. The tower is setback approximately 258± feet from the nearest adjacent offsite residential structure, approximately 756± feet from Pioneer Avenue, and approximately six feet from the southern property line. No additional ground equipment is proposed. The project site has a combination of wood fencing and wrought-iron fencing with brick, and landscaping consisting of trees and shrubs along the western property line, adjacent to Pioneer Avenue.

The only scenic designation in the County is along I-5, which is not near the project site. The site itself is not considered to be a scenic resource or a unique vista. While no onsite lighting is proposed, standard conditions of approval will be added to this project to address glare from any future lighting. No adverse impacts to the existing visual character of the site or its surroundings are anticipated.

**Mitigation:** None.

**References:** Application information; Stanislaus County Zoning Ordinance; the Stanislaus County General Plan; and Support Documentation<sup>1</sup>.

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 is a request to permit an existing 100-foot-tall lattice style communication tower and utility cabinet on a 9.88± acre parcel in the A-2-40 (General Agriculture) zoning district. In accordance with Section 21.20.030C(j) of the County Code, Tier Three uses that are not directly related to agriculture, but may be necessary to serve the A-2 district or may be difficult to locate in an urban area, including facilities for public utilities and communication towers, and may be allowed within an A-2 zoning district provided the following findings can be made: (1) the use, as proposed, will not be substantially detrimental to, or in conflict with, agricultural use of other property in the vicinity and (2) the parcel on which such use is requested is not located in one of the County's "most productive agricultural areas".

In determining "most productive agricultural areas", factors to be considered include, but are not limited to: soil types and potential for agricultural production; the availability of irrigation water; ownership and parcelization patterns; uniqueness and flexibility of use; the existence of Williamson Act contracts; and existing uses and their contributions to the agricultural sector of the economy.

The 9.88± acre project site enrolled in a Williamson Act contract and is classified as "Grazing Land" by the California Department of Conservation's Farmland Mapping and Monitoring Program. The parcel is currently enrolled in a Williamson Act Contract. The California Revised Storie Index is a rating system based on soil properties that dictate the potential for soils to be used for irrigated agricultural production in California. This rating system grades soils with an index rating of 81 and 90 as excellent. Grade 1 soils are deemed prime farmland by Stanislaus County's Uniform Rules. The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that 90% of the parcel is comprised of Exeter sandy clay loam, 0 to 2 percent slopes, with a grade of 4 and index rating of 34. The remaining acreage is comprised of Madera sandy loam, 0 to 2 percent slopes, with a grade of 4 and index rating of 26, and San Joaquin sandy loam, 2 to 5 percent slopes, with a grade of 4 and index rating of 24.

The surrounding area is comprised of orchards with single-family dwellings and ranchettes on all sides. The adjacent parcel to the south and neighboring parcels to the west across Pioneer Avenue are enrolled in Williamson Act contracts. No impacts to agriculture are anticipated to occur as a result of this project. The site has been developed with a single-family dwelling, two workshops, and two shade structures. As the tower has already been constructed, the project is not expected to perpetuate any significant conversion of farmland to non-agricultural use. The existing irrigated pasture will remain.

General Plan Amendment No. 2011-01 - Revised Agricultural Buffers was approved by the Board of Supervisors on December 20, 2011, to modify County requirements for buffers on agricultural projects. All projects shall incorporate a minimum 150-foot-wide buffer setback and projects which propose people-intensive outdoor activities, such as athletic fields, shall incorporate a minimum 300-foot-wide buffer setback. Low people-intensive Tier One and Tier Two uses (such as nut hulling, shelling, dehydrating, grain warehousing, and agricultural processing facilities), which do not serve the general public, shall not be subject to compliance with these guidelines; however, conditions of approval consistent with these guidelines may be required as part of the project approval. The decision-making body shall have the ultimate authority to determine if a use is "low people-intensive". While the communication facility is considered a Tier Three use, it will be unstaffed for a majority of its operation. Scheduled maintenance will occur approximately three times a year. The applicant

has proposed an alternate agricultural buffer of six feet and a combination of barbed-wire and cattle fencing around the perimeter of the tower to prevent any interference to adjacent parcels agricultural operations. Due to the majority of the project’s unstaffed operation and the alternative agricultural buffer, staff believes the project would meet the buffer guidelines.

Impacts to agricultural resources are considered to be less-than significant. No forest lands exist in Stanislaus County. Therefore, this project will have no impact to forest land or timberland.

**Mitigation:** None.

**References:** Application information; Natural Resources Conservation Service Soil Survey; Stanislaus Soil Survey (1957); California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2018; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management district 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) 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?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those odors adversely affecting a substantial number of people?			X	

**Discussion:** The proposed project is located within the San Joaquin Valley Air Basin (SJVAB) and, therefore, falls under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In conjunction with the Stanislaus Council of Governments (StanCOG), the SJVAPCD is responsible for formulating and implementing air pollution control strategies. The SJVAPCD’s most recent air quality plans are the 2007 PM10 (respirable particulate matter) Maintenance Plan, the 2008 PM2.5 (fine particulate matter) Plan, and the 2007 Ozone Plan. These plans establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SJVAB, which has been classified as “extreme non-attainment” for ozone, “attainment” for respirable particulate matter (PM-10), and “non-attainment” for PM 2.5, as defined by the Federal Clean Air Act.

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

The proposed project is considered to be consistent with applicable air quality plans, as the project will be required to obtain all applicable permits through the Air District. The proposed project would not conflict with applicable regional plans or policies adopted by agencies with jurisdiction over the project.

Construction activities associated with new development can temporarily increase localized PM10, PM2.5, volatile organic compound (VOC), nitrogen oxides (NOX), sulfur oxides (SOX), and carbon monoxide (CO) concentrations within a project’s vicinity. The primary source of construction-related CO, SOX, VOC, and NOX emission is gasoline and diesel-powered, heavy-duty mobile construction equipment. Primary sources of PM10 and PM2.5 emissions are generally clearing and demolition activities, grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed surfaces. As the communication facility is existing, no construction is proposed; however, a building permit will be required to be obtained for the unpermitted facility and any future construction activities will be required to occur in compliance with all SJVAPCD regulations.

The project was referred to SJVAPCD, and no response has been received to date. 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 is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants. Any project falling below the thresholds identified by the District are deemed to have a less-than significant impact on air quality due to criteria pollutant emissions. The District’s threshold of significance for industrial projects is identified as 1,506 additional trips per-day. The project has the potential to generate an additional three vehicle trips per-year for maintenance and repairs. As this is below the District’s threshold of significance, no significant impacts to air quality are anticipated.

Impacts to air quality are considered to be less-than significant.

**Mitigation:** None.

**References:** Application information; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; [www.valleyair.org](http://www.valleyair.org); and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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 state or federally protected wetlands (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 Escalon Quad of the California Natural Diversity Database (CNDDDB). There are 10 species of plants or animals which are state or federally listed, threatened, fully protected, or identified as species of special concern within the Escalon California Natural Diversity Database Quad. These species include the following: California tiger salamander - central California DPS, Swainson's hawk, Sacramento hitch, hardhead, steelhead - Central Valley DPS, chinook salmon - Central Valley fall/late fall-run ESU, valley elderberry longhorn beetle, western mastiff bat, Northern California legless lizard, and Greene's tuctoria. According to the CNDDDB database, there are no reported siting's of any of the aforementioned species on the project site; however, there are four species listed as being sited within approximately 1.77 miles of the project site.

The project site is developed with an existing single-family dwelling, two workshops, two shade structures, and the existing unpermitted lattice tower. There are no known Waters of the United States on-site. It does not appear that this project will result in impacts to endangered species or habitats, locally designated species, wildlife dispersal, or mitigation corridors as the site is disturbed and improved. The existing irrigated pasture will remain. The project is anticipated to have a less-than significant impact to 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:** Application information; California Department of Fish and Wildlife’s Natural Diversity Database Quad Species List; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>V. CULTURAL RESOURCES -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?</b>			X	
<b>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?</b>			X	
<b>c) Disturb any human remains, including those interred outside of formal cemeteries?</b>			X	

**Discussion:** It does not appear that this project will result in significant impacts to any archaeological or cultural resources. The project site is already developed and no additional construction is proposed.

**Mitigation:** None.

**References:** Application information; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>VI. ENERGY. -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?</b>			X	
<b>b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?</b>			X	

**Discussion:** The CEQA Guidelines Appendix F states that energy consuming equipment and processes, which will be used during construction or operation such as: energy requirements of the project by fuel type and end use, energy conservation equipment and design features, energy supplies that would serve the project, and total estimated daily vehicle trips to be generated by the project, and the additional energy consumed per-trip by mode, which shall be taken into consideration when evaluating energy impacts. Additionally, the project’s compliance with applicable state or local energy legislation, policies, and standards must be considered.

All construction activities shall be in compliance with all SJVAPCD regulations and with Title 24, Green Building Code, which includes energy efficiency requirements. A building permit will be required to be obtained for the unpermitted communication facility and any future construction activities will be required to occur in compliance with all SJVAPCD regulations.

Energy consuming equipment and processes include equipment, trucks, and the employee and customer vehicles. These activities would not significantly increase Vehicle Miles Traveled (VMT), due to the number of vehicle trips not exceeding a total of 110 vehicle trips per-day. Initially there will be an increased number of trips associated with the installation of the

antennas and subsequently there will be an estimated three vehicle trips per-year associated with the maintenance and repairs of the facility. Additionally, the trucks are the main consumers of energy associated with this project, but shall be required to meet all Air District regulations, including rules and regulations that increase energy efficiency for heavy trucks. Consequently, emissions would be minimal. Therefore, consumption of energy resources would be less-than significant without mitigation for the proposed project.

The project was referred to the San Joaquin Valley Air Pollution Control District; no response has been received to date. A condition of approval will be added to the project requiring the applicant to contact the Air District to comply with any applicable Air District rules and regulations and obtain any required permits. The project was also referred to the electricity provider, Pacific Gas and Electric, and no response has been received to date.

It does not appear that this project will result in significant impacts to the wasteful, inefficient, or unnecessary consumption of energy resources. Accordingly, the potential impacts to Energy are considered to be less-than significant.

**Mitigation:** None.

**References:** Application information; CEQA Guidelines; Title 16 of County Code; CA Building Code; Governor’s Office of Planning and Research Technical Advisory, December 2018; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

VII. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<b>a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:</b>			X	
<b>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.</b>			X	
<b>ii) Strong seismic ground shaking?</b>			X	
<b>iii) Seismic-related ground failure, including liquefaction?</b>			X	
<b>iv) Landslides?</b>			X	
<b>b) Result in substantial soil erosion or the loss of topsoil?</b>			X	
<b>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?</b>			X	
<b>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?</b>			X	
<b>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?</b>			X	
<b>f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</b>			X	

**Discussion:** The USDA Natural Resources Conservation Service’s Eastern Stanislaus County Soil Survey indicates that 90% of the parcel is comprised of Exeter sandy clay loam, 0 to 2 percent slopes, with a grade of 4 and index rating of 34. The remaining acreage is comprised of Madera sandy loam, 0 to 2 percent slopes, with a grade of 4 and index rating of 26, and San Joaquin sandy loam, 2 to 5 percent slopes, with a grade of 4 and index rating of 24.

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. No structures are proposed as part of this request; however, the existing communications facility will be required to obtain a building permit showing it was constructed according to building standards appropriate to withstand shaking for the area in which they are constructed. The Department of Public Works requires that a grading, drainage, and erosion/sediment control plan for the project shall be submitted for any building permit that will create a larger or smaller building footprint, subject to Public Works review and Standards and Specifications. Any future building will be subject to Public Works' requirements, if applicable. Likewise, any future addition or expansion of a septic tank or alternative wastewater 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.

The project site is not located near an active fault or within a high earthquake zone. Landslides are not likely due to the flat terrain of the area.

DER, 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 and will be triggered when a building permit is obtained for the existing unpermitted communications facility.

Impacts to Geology and Soils are considered to be less-than significant.

**Mitigation:** None.

**References:** Application information; USDA – NRCS Web Soil Survey; California Building Code; Referral response from Stanislaus County Department of Public Works, dated October 15, 2021; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

VIII. 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 (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H<sub>2</sub>O). CO<sub>2</sub> 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 CO<sub>2</sub> equivalents (CO<sub>2</sub>e). 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. Two additional bills, SB350 and SB32, were passed in 2015 further amending the states Renewables Portfolio Standard (RPS) for electrical generation and amending the reduction targets to 40% of 1990 levels by 2030.

Direct emissions of GHGs from the operation of the proposed project are primarily due to truck trips. Therefore, the project would result in direct annual emissions of GHGs during operation. As required by CEQA Guidelines section 15064.3, potential impacts regarding Green House Gas Emissions should be evaluated using Vehicle Miles Traveled (VMT). The calculation of VMT is the number of cars/trucks multiplied by the distance traveled by each car/truck. Total vehicle trips as a result of this project will not exceed 110 trips per-day. As discussed above, the proposed project will generate a total of three vehicle trips per-year associated with maintenance and repairs of the facility.

The only construction proposed as part of this project will be the installation of the antennas and a building permit will be required to be obtained for the unpermitted communication facility. The short-term emissions of GHGs during construction, primarily composed of CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O, would be the result of fuel combustion by construction equipment and motor vehicles. The other primary GHGs (HFCs, PFCs, and SF<sub>6</sub>) are typically associated with specific industrial sources and are not expected to be emitted by future construction at this project site. As described above in Section III - Air Quality, the use of heavy-duty construction equipment would be very limited; therefore, the emissions of CO<sub>2</sub> from future construction would be less-than significant. Additionally, any future construction is 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). Any future construction activities associated with this project are considered to be less-than significant as they are temporary in nature and are subject to meeting SJVAPCD standards for air quality control.

This project was referred to the San Joaquin Valley Air Pollution Control District; however, no response has been received to date. Staff will include a condition of approval requiring the applicant to comply with all appropriate District rules and regulations should future construction occur on the project site. Consequently, GHG emissions associated with this project are considered to be less-than significant.

**Mitigation:** None.

**References:** Application information; California Air Resources Board 2019 Edition, California Greenhouse Gas Emission Inventory: 2000 – 2017; Governor’s Office of Planning and Research Technical Advisory, December 2018; CA Building Code; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

IX. 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 or excessive noise for people residing or working in the project area?			X	
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

**Discussion:** The Federal Communications Commission (FCC) is responsible for regulating wireless communication facilities, and the County Department of Environmental Resources (DER) is responsible for overseeing hazardous materials.



A referral response from the Department of Environmental Resources – Hazardous Materials Division, stated that while the project will not have a significant effect on the environment, the applicant should contact DER regarding appropriate permitting requirements for hazardous materials. This will be applied as a condition of approval. The proposed use is not recognized as a generator and/or consumer of hazardous materials, therefore no significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project.

Pesticide exposure is a risk in areas located in the vicinity of agriculture. Sources of exposure include contaminated groundwater from drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. Additionally, agricultural buffers are intended to reduce the risk of spray exposure to surrounding people. General Plan Amendment No. 2011-01 - Revised Agricultural Buffers was approved by the Board of Supervisors on December 20, 2011, to modify County requirements for buffers on agricultural projects. While this is a Tier Three use, the facility is mostly unmanned and the project is requesting an alternate agricultural buffer of six feet and a combination of barbed-wire and cattle fencing around the perimeter of the tower to prevent any interference to adjacent parcels agricultural operations. The project was referred to the Stanislaus County Agricultural Commissioner, and no comments have been received to date.

The project site is not listed on the EnviroStor database managed by the CA Department of Toxic Substances Control or within the vicinity of any airport. The site is located in a Local Responsibility Area (LRA) for fire protection, and is served by Oakdale Rural Fire Protection District. The project was referred to the District, and no comments have been received to date. The project was referred to the Environmental Review Committee (ERC), which responded with no comments. The project site is not within the vicinity of any airstrip or wildlands.

No significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project.

**Mitigation:** None.

**References:** Department of Toxic Substances Control's data management system (EnviroStar); Referral response from the Department of Environmental Resources – Hazardous Materials Division, dated October 20, 2021; Referral response from Stanislaus County Environmental Review Committee, dated October 21, 2021; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

X. 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 or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			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 or through the addition of impervious surfaces, in a manner which would:			X	
(i) result in substantial erosion or siltation on – or off-site;			X	
(ii) substantially increase the rate of amount of surface runoff in a manner which would result in flooding on- or off-site;			X	
(iii) 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; or			X	

(iv) impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

**Discussion:** The site receives potable water from an existing private well, and irrigation water from the Oakdale Irrigation District. Current standards require that all of a project’s stormwater be maintained on-site. A referral response received from the Department of Public Works indicated that a grading, drainage, and erosion/sediment control plan for the project shall be submitted for the existing communication facility, and any future building permit that will create a larger or smaller building footprint. A Storm Water Pollution Prevention Plan (SWPPP) will be required for future construction prior to the approval of any grading. The submittal of the grading, drainage, erosion/sediment control plan will be made a condition of approval for this project. Accordingly, runoff associated with the construction at the proposed project site will be reviewed as part of the grading and building permit review process. No expansion to the existing septic systems are proposed as a part of this project. However, any future construction must be reviewed and approved by DER, and must adhere to current Local Agency Management Program (LAMP) standards. LAMP standards include minimum setback from wells to prevent negative impacts to groundwater quality.

The Sustainable Groundwater Management Act (SGMA) was passed in 2014 with the goal of ensuring the long-term sustainable management of California’s groundwater resources. SGMA requires agencies throughout California to meet certain requirements including forming Groundwater Sustainability Agencies (GSA), developing Groundwater Sustainability Plans (GSP), and achieving balanced groundwater levels within 20 years. The site is located in the Oakdale Irrigation District GSA which is a part of San Joaquin Valley – Eastern San Joaquin basin.

Goal Two, Policy Seven, of the Stanislaus County General Plan’s Conservation/Open Space Element requires that new development that does not derive domestic water from pre-existing domestic and public water supply systems be required to have a documented water supply that does not adversely impact Stanislaus County water resources. This Policy is implemented by requiring proposals for development that will be served by new water supply systems be referred to appropriate water districts, irrigation districts, community services districts, the State Water Resources Board and any other appropriate agencies for review and comment. Additionally, all development requests shall be reviewed to ensure that sufficient evidence has been provided to document the existence of a water supply sufficient to meet the short and long-term water needs of the project without adversely impacting the quality and quantity of existing local water resources.

Stanislaus County adopted a Groundwater Ordinance in November 2014 (Chapter 9.37 of the County Code, hereinafter, the “Ordinance”) that codifies requirements, prohibitions, and exemptions intended to help promote sustainable groundwater extraction in unincorporated areas of the County. The Ordinance prohibits the unsustainable extraction of groundwater and makes issuing permits for new wells, which are not exempt from this prohibition, discretionary. For unincorporated areas covered in an adopted GSP pursuant to SGMA, the County can require holders of permits for wells it reasonably concludes are withdrawing groundwater unsustainably, to provide substantial evidence that continued operation of such wells does not constitute unsustainable extraction and has the authority to regulate future groundwater extraction. No additional wells are proposed; however, any future proposals for new wells will be subject to review under the County’s Groundwater Ordinance and Well Permitting Program.

There are no additional wells proposed as part of this request. The project was referred to the Department of Environmental Resources (DER) and no comments were received regarding impacts to water. The project was also referred to the Oakdale Irrigation District, who responded with comments requiring permanent improvements and trees remain outside the right-of-way for the Burnett Lateral which crosses through the project site.

Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project site is located in FEMA Flood Zone X, which includes areas determined to be outside the 0.2% annual chance floodplains. All flood zone requirements will be addressed by the Building Permits Division during the building permit process. Any future buildings will be required to meet any prescribed measures to meet FEMA requirements during the building permit phase and will be administered the by County’s Building Permits Division.

This project was referred to the Regional Water Quality Control Board (RWQCB) and no response has been received to date. A condition of approval will be added to the project that the developer contact RWQCB to determine if any permits or standards are applicable to the project that must be met prior to any future construction.

As a result of County regulatory requirements applicable to this project, impacts associated with hydrology and water quality are expected to have a less-than significant impact.

**Mitigation:** None.

**References:** Application information; Referral response from Stanislaus County Public Works Department, dated October 15, 2021; Referral response from Stanislaus County Environmental Review Committee, dated October 21, 2021; Stanislaus County Code; Referral response from the Oakdale Irrigation District, dated October 11, 2021; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XI. 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) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

**Discussion:** This is a request to permit an existing 100-foot-tall lattice-style tower used to deliver broadband internet. The siting standards of Chapter 21.91 of the Zoning Ordinance require communication towers to be a monopole design; however, a lattice tower design may be approved with a use permit. The existing tower did not receive appropriate land use entitlements or building permits prior to construction. As such, a use permit is required to operate the existing unmanned communication facility. The project site is designated Agriculture by the Stanislaus County General Plan land use diagrams and zoned A-2-40 (General Agriculture). Facilities for public utilities and communication towers are considered a Tier Three use, which are uses not directly related to agriculture, but may be necessary to serve the A-2 district or may be difficult to locate in an urban area. Some of these uses can be people-intensive and, as a result, have the potential to adversely impact agriculture; these people-intensive uses are generally required to be located within LAFCO-approved spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities. Tier three uses may be allowed when the planning commission finds that, in addition to the findings required under Section 21.96.050:

- 1.The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; and
- 2.The parcel on which such use is requested is not located in one of the county’s “most productive agricultural areas”, as that term is used in the agricultural element of the general plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future. In determining most productive agricultural areas, factors to be considered include but are not limited to soil types and potential for agricultural production; the availability of irrigation water; ownership and parcelization patterns; uniqueness and flexibility of use; the existence of Williamson Act contracts; existing uses and their contributions to the agricultural sector of the economy. Most productive agricultural areas do not include any land within LAFCO-approved spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities.

General Plan Amendment No. 2011-01 - Revised Agricultural Buffers was approved by the Board of Supervisors on December 20, 2011, to modify County requirements for buffers on agricultural projects. All projects shall incorporate a minimum 150-foot-wide buffer setback and projects which propose people-intensive outdoor activities, such as athletic fields, shall incorporate a minimum 300-foot-wide buffer setback. Low people-intensive Tier One and Tier Two uses (such as nut hulling, shelling, dehydrating, grain warehousing, and agricultural processing facilities), which do not serve the general public, shall not be subject to compliance with these guidelines; however, conditions of approval consistent with these guidelines may be required as part of the project approval. The decision-making body shall have the ultimate authority to determine if a use is “low people-intensive”. While the communication facility is considered a Tier Three use, it will be

unstaffed for a majority of its operation. There is anticipated to be routine maintenance approximately three times a year. The applicant has proposed an alternate agricultural buffer of six feet and a combination of barbed-wire and cattle fencing around the perimeter of the tower to prevent any interference to adjacent parcels agricultural operations. Due to the majority of the project's unstaffed operation and the alternative agricultural buffer, staff believes the project would meet the buffer guidelines.

There is no indication this project will interfere or conflict with other agricultural uses in the area. The project will not physically divide an established community nor conflict with any habitat conservation plans. Project impacts to land use and planning are considered to be less-than significant.

**Mitigation:** None.

**References:** Application information; Stanislaus County Zoning Ordinance; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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

**Discussion:** The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site, nor is the project site located in a geological area known to produce resources.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XIII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or 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	

**Discussion:** The Stanislaus County General Plan identifies noise levels up to 55 dB Ldn (or CNEL) as the normally acceptable level of noise for residential uses. Additionally, the site itself is impacted by surrounding agricultural uses, for which the acceptable noise level is up to 70 dB Ldn (or CNEL). The only construction proposed as part of this project will be the installation of the antennas, which may result in a temporary increase in the area's ambient noise levels; however, noise impacts associated with on-site activities and traffic are not anticipated to exceed the normally acceptable level of

noise. No noise is generated from the operation of the tower, except in the event of a power outage requiring a generator. The generators utilized generate between 42 and 51 dB at a 25% load. Conditions of approval will be placed on the project to ensure compliance with the General Plan’s Noise Element and Chapter 10.46 of the County Code – Noise Control.

The site is not located within an airport land use plan. Noise impacts associated with the proposed project are considered to be less-than significant.

**Mitigation:** None.

**References:** Stanislaus County Noise Control Ordinance (Title 10); Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>XIV. POPULATION AND HOUSING -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Induce substantial unplanned 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)?</b>			<b>X</b>	
<b>b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?</b>			<b>X</b>	

**Discussion:** The site is not included in the vacant sites inventory for the 2016 Stanislaus County Housing Element, which covers the 5<sup>th</sup> cycle Regional Housing Needs Allocation (RHNA) for the county, and will therefore not impact the County’s ability to meet their RHNA. No population growth will be induced nor will any existing housing be displaced as a result of this project.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>XV. PUBLIC SERVICES --</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>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:</b>			<b>X</b>	
<b>Fire protection?</b>			<b>X</b>	
<b>Police protection?</b>			<b>X</b>	
<b>Schools?</b>			<b>X</b>	
<b>Parks?</b>			<b>X</b>	
<b>Other public facilities?</b>			<b>X</b>	

**Discussion:** The County has adopted Public Facilities Fees, as well as one for Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance. Conditions of approval will be added to the project to ensure these requirements are met prior to the issuance of a building permit for the unpermitted communication facility. The project was referred to the appropriate public

service agencies, as well as the Stanislaus County Environmental Review Committee (ERC), which includes the Sheriff's Department.

This project was circulated to all applicable school, fire, police, irrigation, and public works departments and districts during the Early Consultation referral period and no concerns regarding impacts to County services were identified.

**Mitigation:** None.

**References:** Referral response from the Stanislaus County Environmental Review Committee, dated October 21, 2021; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XVI. 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 will not increase demands for recreational facilities, as such impacts typically are associated with residential development.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XVII. TRANSPORTATION-- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?			X	

**Discussion:** The site has access to County-maintained Pioneer Avenue which is identified as a 60-foot wide Local Road in the circulation Element of the General Plan.

Section 15064.3 of the CEQA Guidelines establishes specific considerations for evaluating a project's transportation impacts. The CEQA Guidelines identify vehicle miles traveled (VMT), which is the amount and distance of automobile travel attributable to a project, as the most appropriate measure of transportation impacts. A technical advisory on evaluating transportation impacts in CEQA published by the Governor's Office of Planning and Research (OPR) in December of 2018, clarified the definition of automobiles as referring to on-road passenger vehicles, specifically cars and light trucks. While heavy trucks are not considered in the definition of automobiles for which VMT is calculated for, heavy-duty truck VMT could be included for modeling convenience. According to the same technical advisory from OPR, projects that generate or attract fewer than 110 trips per-day generally may be assumed to cause a less-than significant transportation impact. The applicant

anticipates a maximum of three trips per-year with one employee onsite associated with maintenance and repairs. The VMT increase associated with the proposed project is less-than significant as the number of vehicle trips will not exceed 110 per-day.

It is not anticipated that the project would substantially affect the level of service on Pioneer Avenue. The project was referred to Public Works and a referral response was received requiring an irrevocable offer of dedication for the remaining half-width of Pioneer Avenue, which will be added to the project as a condition of approval.

**Mitigation:** None.

**References:** Application information; Governor’s Office of Planning and Research Technical Advisory, December 2018; Referral response from Stanislaus County Public Works, dated October 15, 2021; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XVIII. TRIBAL 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 tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California native American tribe, and that is:			X	
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X	
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set for the in subdivision (c) of Public Resource Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X	

**Discussion:** It does not appear that this project will result in significant impacts to any archaeological or cultural resources. The project site is already improved with multiple buildings. In accordance with SB 18 and AB 52, this project was not referred to the tribes listed with the Native American Heritage Commission (NAHC), as the project is not a General Plan Amendment and no tribes have requested consultation or project referral noticing. No construction is proposed as part of this project; however, if any resources are found during future construction, construction activities would halt until a qualified survey takes place and the appropriate authorities are notified.

**Mitigation:** None.

**References:** Application information; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XIX. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) 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	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

**Discussion:** Limitations on providing services have not been identified. Alterations to the water well and existing septic facilities are not proposed. Any intensity of these utilities will be subject to any regulatory requirements during the building permitting phase. The Department of Public Works commented that a grading, drainage, and erosion/sediment control plan for the project shall be submitted for the existing building permit for the unpermitted communication facility, and any future building permit that will create a larger or smaller building footprint. A Storm Water Pollution Prevention Plan (SWPPP) will be required for future construction prior to the approval of any grading. These comments will be applied as conditions of approval.

The project site receives power from Pacific Gas and Electric (PG&E) and no response has been received to date. A portable generator is utilized in the event of a power outage. The site receives irrigation water from the Oakdale Irrigation District (OID). The project was referred to the District who responded that all improvements remain outside the Burnett Lateral that runs through the property, and is requiring assurance that the communication facility will not negatively impact OID's radio and communication network for monitoring and control of OID's water operation facilities. The applicant supplied a written response stating as such, which was accepted by OID.

The project is not anticipated to have a significant impact to utilities and service systems.

**Mitigation:** None.

**References:** Referral response from Stanislaus County Environmental Review Committee, October 21, 2021; Referral response from Stanislaus County Public Works, dated October 15, 2021; Referral response from Oakdale Irrigation District (OID), dated October 11, 2021; Velociter Wireless response to OID, received October 12, 2021; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XX. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	



b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
c) Require the installation of maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

**Discussion:** The Stanislaus County Local Hazard Mitigation Plan identifies risks posed by disasters and identifies ways to minimize damage from those disasters. The terrain of the site is relatively flat, and the site has access to a County-maintained road. The site is located in a Local Responsibility Area (LRA) for fire protection, and is served by Oakdale Rural Fire Protection District. The project was referred to the District, and no comments have been received to date. California Building and Fire Code establishes minimum standards for the protection of life and property by increasing the ability of a building to resist intrusion of flame and burning embers. A building permit for the existing communication facility will be reviewed by the County’s Building Permits Division and Fire Prevention Bureau to ensure all State of California Building and Fire Code requirements are met prior to construction. Wildfire risk and risks associated with postfire land changes are considered to be less-than significant.

**Mitigation:** None.

**References:** Application Material; California Fire Code Title 24, Part 9; California Building Code Title 24, Part 2, Chapter 7; Stanislaus County Local Hazard Mitigation Plan; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XXI. 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 substantially 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, substantially 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:** The 9.88± acre project site is designated Agriculture by the Stanislaus County General Plan land use diagrams and zoned A-2-40 (General Agriculture). The surrounding area is comprised of orchards with single family dwellings and ranchettes on all sides, and the San Joaquin County line is located approximately one-half mile to the west. The adjacent parcel to the south and neighboring parcels to the west across Pioneer Avenue are enrolled in Williamson Act

contracts. The proposed use is existing and only requires a Use Permit due to the lattice style of the tower. Any development of the surrounding area would be subject to the permitted uses of the A-2 Zoning District or would require additional land use entitlements and environmental review; a General Plan Amendment and/or Rezone is required for any non-agricultural related development; residential proposals would be subject to Measure E, which requires that residential development be approved by a majority of the voting public. Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area.

**Mitigation:** None.

**References:** Initial Study; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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<sup>1</sup>Stanislaus 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:** Use Permit Application No. PLN2021-0070 – Velociter Wireless, Inc. – Pioneer Avenue
- LOCATION OF PROJECT:** 10742 Pioneer Avenue, between the OID Tulloch Drain and Lon Dale Road/State Route 108/120, in the community of Valley Home. (APN 006-001-053).
- PROJECT DEVELOPERS:** Velociter Wireless, Inc.  
1525 2<sup>nd</sup> Street  
Escalon, CA 95320
- DESCRIPTION OF PROJECT:** Request to permit an existing 100-foot-tall lattice-style wireless communication facility and the installation of 16 antennas on a 9.88± acre parcel in the General Agriculture (A-2-10) zoning district.

Based upon the Initial Study, dated **November 24, 2021** 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, Associate Planner

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

**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**

**PROJECT: USE PERMIT APPLICATION NO. PLN2021-0070 - VELOCITER WIRELESS, INC. - PIONEER AVENUE**

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 TRANSPORTATION DIST 10	X	X	X		X							
CA OPR STATE CLEARINGHOUSE	X	X	X		X							
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X				X		X	X	
COOPERATIVE EXTENSION	X	X	X		X							
COUNTY OF: SAN JOAQUIN	X	X	X		X							
FIRE PROTECTION DIST: OAKDALE RURAL	X	X	X		X							
GSA: OAKDALE IRRIGATION DISTRICT	X	X	X		X							
IRRIGATION DISTRICT: OAKDALE	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
MUNICIPAL ADVISORY COUNCIL: VALLEY HOME	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X		X							
SCHOOL DISTRICT 1: OAKDALE JOINT UNIF	X	X	X		X							
SCHOOL DISTRICT 2: VALLEY HOME	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X	X		X							
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X	X				X		X	X	
STAN CO ERC	X	X	X	X				X		X		X
STAN CO FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X	X	X				X		X	X	
STAN CO PUBLIC WORKS	X	X	X	X				X		X	X	
STAN CO SHERIFF	X	X	X		X							
STAN CO SUPERVISOR DIST 1: CONDIT	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							
STATE OF CA SWRCB DIVISION OF DRINKING WATER DIST. 10	X	X	X		X							
TELEPHONE COMPANY: AT&T	X	X	X		X							
USDA NRCS	X	X	X		X							
CROP DUSTERS	X	X	X		X							