

STANISLAUS COUNTY PLANNING COMMISSION

April 17, 2025

STAFF REPORT

PARCEL MAP, VARIANCE, AND EXCEPTION APPLICATION NO. PLN2024-0087 ROGERS

REQUEST: TO SUBDIVIDE TWO PARCELS, TOTALING 3.52± ACRES, INTO THREE PARCELS OF 1.67±, 1±, AND 0.85± ACRES IN SIZE IN THE RURAL RESIDENTIAL (R-A) ZONING DISTRICT. A VARIANCE TO THE MINIMUM LOT WIDTH REQUIREMENT OF THE R-A ZONING ORDINANCE AND AN EXCEPTION FOR LOT ACCESS TO THE SUBDIVISION ORDINANCE ARE REQUIRED.

APPLICATION INFORMATION

Applicant:	Early Jeffrey (EJ) Rogers
Property Owner:	EJR, LLC (EJ Rogers)
Agent:	Dave Romano, Newman-Romano, LLC
Location:	7025 Hillcrest Drive, between Ladd Road and the Stanislaus River, in the Community of Del Rio.
Section, Township, Range:	19-2-9
Supervisory District:	District Four (Supervisor Grewal)
Assessor's Parcel:	004-059-054: 1 Acres 004-059-055: 2.52 Acres
Referrals:	See Exhibit G Environmental Review Referrals
Area of Parcel(s):	Proposed Parcel 1: .85 ± acres Proposed Parcel 2: 1 ± acres Proposed Parcel 3: 1.67 ± acres
Water Supply:	City of Modesto
Sewage Disposal:	Private septic system
General Plan Designation:	Low Density Residential
Community Plan Designation:	Low Density Residential – Sub-area 2 (2 dwelling units per acre) of Area 1
Existing Zoning:	Rural Residential (R-A)
Sphere of Influence:	N/A
Williamson Act Contract No.:	N/A
Environmental Review:	Negative Declaration
Present Land Use:	Single-family dwelling, residential accessory structures, vacant.
Surrounding Land Use:	Single-family dwellings to the north, south, and east; undeveloped subdivision and orchards to the west; the Del Rio Country Club to the northeast; the Stanislaus River to the north; agricultural land and single-family dwellings to the south.

RECOMMENDATION

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

PROJECT DESCRIPTION

This is a request to subdivide two parcels totaling 3.52± acres, into three parcels of 1.67±, 1±, and 0.85± acres in size in the Rural Residential (R-A) zoning district (see Exhibit B – *Maps*). All three proposed parcels will be served by the City of Modesto for domestic water services and by individual private septic systems. Proposed Parcel 1 will front and have direct access to County-maintained Hillcrest Drive. Proposed Parcel 2 will maintain an existing flag lot design with a 45-foot parcel frontage with access to Hillcrest Drive via an existing 36-foot-wide driveway. Proposed Parcel 3 will have access to Hillcrest Drive via a proposed 30-foot-wide private access easement across proposed Parcel 2's driveway. The easement will also include a utilities easement to allow for an 8-inch water line to expand City water service to proposed Parcels 2 and 3. Due to proposed Parcel 2's lot width being less than the required 65 feet of the R-A zoning district, a variance is being requested. Additionally, an exception is being requested to allow access via an easement due to proposed Parcel 3 having no direct access onto a County maintained roadway. Lastly, an exception to the Design Standards of the Subdivision Ordinance is being requested, due to proposed Parcel 2's depth exceeding the allowed width to depth ratio.

SITE DESCRIPTION

The project site is located 7025 Hillcrest Drive, between Ladd Road and the Stanislaus River, in the Community of Del Rio. Proposed Parcel 1 is currently improved with a single-family dwelling, detached garage, pool, and two residential accessory structures. Proposed Parcels 2 and 3 are currently vacant and undeveloped.

The project site was previously subdivided in 1986 (37-PM-88) creating the current 1± acre parcel (Accessor Parcel Number [APN] 004-059-054) and 2.5± acre flag lot (APN 004-059-055). Based on available County records, it does not appear the 37-PM-88 was subject to approval of a variance for the flag lot design, however, the R-A zoning ordinance in effect at the time would have required it. 37-PM-88 included a 50-foot-wide road reservation that extends from Hillcrest Drive westward 325 feet, terminating into a cul-de-sac reservation, along the southern boundary of the project site. The reservation is proposed to remain and will be required to be shown the recorded parcel map, if this request is approved.

The project site is surrounded by single-family dwellings to the north, south, and east, an undeveloped subdivision and orchards to the west, the Del Rio Country Club to the northeast, agricultural land and single-family dwellings to the south, and the Stanislaus River to the north. The project site is designated as Low Density Residential in the Del Rio Community Plan and is located within Sub Area 2 of Area 1 of the Del Rio Community Plan, which allows for up to two dwellings units per acre to be developed.

ISSUES

As reflected in the project description, the map requires a variance to the minimum lot width requirement of the R-A zoning district. The findings to approve a variance or exception largely require an application to demonstrate that a special circumstance is present and that granting the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a granting of special privilege, if approved. Special circumstances can consist of physical aspects that include a parcels size, shape, topography, location, or surroundings. Those findings are usually difficult to demonstrate because the special circumstances are rare in nature, thus approval of variances or exceptions can be difficult. In this case, the flag lot condition requiring the variance already exists, as discussed in the *Site Description* section, and thus a precedent has already been set. The exception would allow for intensification of the access created by the variance in order to allow for infill development that might otherwise be impractical to attain. A full discussion of the project and variance findings can be found in the *Zoning and Subdivision Consistency* section of this report.

No other issues have been identified during the review of this application. Standard conditions of approval for the resulting parcels to meet County standards, such as installation of sidewalks along Hillcrest Drive, have been added to this project. These conditions will address less than significant impacts associated with the proposed use. (See Exhibit C - *Conditions of Approval*.)

GENERAL PLAN CONSISTENCY

The project site is designated Low-Density Residential by the Land Use Element of the Stanislaus County General Plan. The General Plan states that the intent of the Low-Density Residential land use designation is to provide appropriate locations and adequate areas for single-family dwellings (SFDs) in detached conventional or clustered configurations. The project is also designated as Low-Density Residential in the Del Rio Community Plan and is located in Sub-Area Two of Area 1 of the Del Rio Community Plan, which limits residential development to two dwelling units per acre. Based on the project sites 3.52± acre size, the Del Rio Community Plan would allow for up to seven dwelling units. Under the Zoning Ordinance for the Rural Residential (R-A) zoning district, each parcel may have a maximum of one SFD, one accessory dwelling unit (ADU), and one junior accessory dwelling unit (JADU). If approved, the project site could be developed with a total of two additional SFDs (due to the site being developed with one existing SFD), three ADUs, and three JADUs; for a total of six units, which is below the maximum density allowed under the Low-Density Residential Land Use and Community Plan designation.

The project site is located within the service boundary of the City of Modesto for water services and the City has provided a Will Serve for the project as proposed. The project proposes to utilize private septic facilities for each subsequent parcel. Standard conditions of approval have been added to the project to ensure water, septic, and utilities to the site are available at the time of residential development.

Goal 5, Policy A of the Del Rio Community Plan states that new development in Del Rio should include underground utilities and facilities for community-wide secondary sewage treatment and water supply systems. Subdividing two existing legal parcels to create a third is considered in-fill development and not subject to connect to a community-wide secondary sewage treatment system.

The project is a residential in-fill project located within the Community Plan boundaries of Del Rio and would be consistent with the density and intensity allowed by the County's General Plan and the Community Plan's Goals and Policies.

ZONING AND SUBDIVISION ORDINANCE CONSISTENCY

The site is currently zoned Rural Residential (R-A) which, when served by either public water and septic facilities or a private well and public sewer facilities, allows for a minimum building site area of 20,000 square-feet, which all three resulting parcels will exceed. In addition, the R-A District requires that newly created parcels include a minimum frontage width of 65 feet and a minimum depth of 80 feet. The County's Subdivision Ordinance requires any new parcel created in a residential zoning district to have direct access to a County maintained road. Proposed Parcel 1 meets all these standards; however, the design of proposed Parcel 2 requires a variance to the Zoning Ordinance's minimum lot width and depth standards and the access easement proposed to serve Parcel 3 requires an exception to the Subdivision Ordinance's access standards as outlined below.

Proposed Parcel 2 will maintain the flag lot design previously approved under 37-PM-88, obtaining access to Hillcrest Drive via a 36-foot-wide parcel frontage, coinciding with an existing driveway. To create a lot below the 65-foot width requirement a Variance to Section 21.24.050 of the County's Zoning Ordinance is required. For a variance to be granted, the following findings must be made by the Planning Commission:

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

Additionally, as designed, proposed Parcel 3 will not directly have frontage onto a County-maintained road and has requested to gain access to Hillcrest Drive via a 30-foot-wide access easement requiring an Exception to Section 20.52.170 of the County's Subdivision Ordinance. For an exception to be granted, the following findings also must be made by the Planning Commission:

1. That there are special circumstances or conditions applying to the property being divided;

2. That the exception is necessary for the preservation and enjoyment of a substantial property right of the owner;
3. That the granting of the exception will not be detrimental to the public welfare, injurious to other property in the neighborhood of the subdivision, and that it will not constitute a special privilege not enjoyed by others under similar circumstances; and
4. The granting of the exception will not be in conflict with the purposes and objectives of the general plan or any element thereof or any specific plan.

Lastly, due to the flag lot design, proposed Parcel 2's lot depth exceeds three times its frontage and must obtain a design standard Exception in accordance with Section 20.52.160 of the County's Subdivision Ordinance. A design standard exception can be granted at the staff level if found to meet the following criteria:

1. Can be used for its intended purpose;
2. Will not be detrimental to the continued agricultural use of said parcel(s) when designated as agricultural on the land use element of the general plan;
3. Is/are consistent with the potential subdivision of the total property as well as any approved city zoning and development plans; and
4. Will not be detrimental to the public welfare nor injurious to other property in the neighborhood of the proposed subdivision. Where parcels exceed the width to depth ratio and any parcel being created is of sufficient area to be further subdivided the subdivider may be required to provide such reservations or dedications for future roads of not less than 50 feet in width running to the benefit of the general public, and such other requirements as may be considered reasonable and appropriate to safeguard the orderly development of the property. If the department determines that the map is not satisfactory and the applicant wishes to pursue the submitted map, the applicant shall apply for an exception as set forth in Chapter 20.64.

The applicant's representative has provided findings for project approval (see Exhibit F – *Applicant's Statement of Findings, with Attachments*), stating that the project site has unique features, which supports the findings required for approval of the Variance and Exception requests. The findings highlight one previously approved parcel map application (24-PM-084) within the Del Rio Community Plan area, in addition to the approval of the project site's current flag lot design, as examples of the County's recognition of circumstances that warrant approval of a Variance. The applicant's representative further states, that if the lot didn't have the "flag", the same area where the flag occurs could just be an access easement and a variance wouldn't be required, thus illustrating the lots being created are consistent with the zoning, their size and shape appropriate, and density consistent with County zoning standards. The applicant further states, that denial of the request would deprive the landowner the ability to the subdivide the property consistent with the densities allowed by the existing zoning and Community Plan designations.

Staff believes that special circumstances do exist under this map request. The approval of 37-PM-88 created a precedent for a flag lot design. The flag lot configuration being proposed at this time is consistent with the current configuration. The County's Department of Public Works and Fire Prevention Bureau have raised no objections to the proposed 30-foot-wide easement. Additionally, while the flag portion of proposed Parcel 2 would not meet the 65-foot width requirement of the R-A zoning district, the remaining balance of the proposed parcel would meet the width requirements of the R-A, making the resulting parcel suitable for residential development.

There is no indication that approval of the variance or exception would materially adversely affect the health or safety or be materially detrimental to the public welfare or injurious to the property or improvements in the surrounding neighborhood. In accordance with local policy and state requirements, notice of this project has been provided to surrounding landowners within 300 feet of the project site and no landowners have made contact with the County to express any concerns. If approved, the project will maintain an existing 50-foot-wide road reservation which was included in 37-PM-88, which could be utilized if proposed Parcel's 2 and 3 were to be further subdivided in the future.

The following is an overview of similar flag lot requests, located throughout the County, for parcels that required a Variance for not meeting the width and depth minimums:

- **Parcel Map Application No. 2004-20 and Variance Application No. 2004-04 – Bill Hummer** – This project was a request to create two residential lots with a size of 3± and 4± acres from a 7± acre site, in the Oakdale Area. A variance was necessary in order to create a flag lot with a 30-foot width in the R-A zoning district. Design of the map could not include frontage for both parcels based on placement of the surrounding parcels. The Planning Commission approved the request on October 21, 2004.
- **Parcel Map Application No. 2006-49 and Variance Application No. 2006-05 – Schwartz Parcel Map** - This project was a request to create four residential lots ranging in size from 36,725± to 52,009±, square feet with a 2.24± acre remainder parcel from three existing lots, in the R-A zoning district in the Oakdale area. The Variance was needed to create three parcels with less than 65 feet of width along the street frontage. Design of the map could not include frontage for all parcels based on placement of the surrounding parcels. The Planning Commission approved the request on August 2, 2007.
- **Tentative Subdivision Map and Variance Application No. PLN2017-0120 – Dennis Hensley** – Request to create a 0.5± acre parcel and a 0.65± acre remainder parcel from a 1.15± acre parcel in the R-A zoning district in the Hickman area. The request included a Variance to the R-A zoning ordinance requirement of a 65 feet of lot width for the proposed 0.5± parcel. Design of the map could not include frontage for both parcels based on placement of the surrounding parcels. The project was approved by the Planning Commission on July 15, 2018.

The following is an overview of similar requests for parcels that required an Exception to allow for access via an easement:

- **Parcel Map 2008-12 and Exception 2008-03 - Mark Layton** – This project was a request to divide a 7.9-acre parcel into a 1.5-acre parcel with a 6.4-acre remainder, in the Oakdale area. The 1.5-acre parcel did not front to a County-maintained road and requested a 30-foot access easement to Old Atlas Road. The project parcel had two existing single-family dwellings, one of which would be located on each resulting parcel. The Planning Commission approved the request in July of 2009.
- **Parcel Map and Exception Application No. PLN2015-0011 – Harak, McIntyre, Biglieri, Poff, & Grohl** - This project was a request to create two parcels of .5 and .6 acres from a 1.10-acre parcel in the R-A zoning district, in the Oakdale area. The .6-acre parcel did not front to a County-maintained road and requested a 30-foot access easement to Rio Sombra Court. One of the two proposed parcels had an existing single-family dwelling, while the second would be a new buildable parcel. The Planning Commission approved the request on September 3, 2015.
- **Parcel Map and Exception Application No. PLN2017-0025 – Joseph Guichard** – This was a request to subdivide two adjoining parcels totaling 16.94 acres in the Oakdale area, to create four parcels and a remainder ranging in size from 3.03 to 3.91 acres. An Exception was requested due to two of the parcels not fronting on a County-maintained Rodden Road. Instead, the two landlocked parcels proposed to utilize a 30-foot-wide access easement. The project was approved by the Planning Commission on November 16, 2017.
- **Parcel Map and Exception Application No. PLN2019-0083 – Lopez – Montague Court** – This request was to subdivide a 24,899 square-foot parcel into four parcels of at least 5,685 square feet in size in the Single Family Residential (R-1) zoning district in the Ceres area. An Exception was requested to allow proposed Parcel 3 to take access from a 20-foot-wide access easement. The easement was needed due to restrictions on direct access to River Road for proposed Parcel 3. The project was approved by the Planning Commission July 16, 2020.

Staff believes that the findings required for approval of the Variance and Exception requested for this project can be found and that the request is consistent with previous requests that have been approved by the Planning Commission. Accordingly, staff is in support of the project request.

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, with Attachments*). 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 G – *Environmental Review Referrals*). Conditions of approval reflecting referral responses have been placed on the project (see Exhibit C - *Conditions of Approval*). 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*).

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 **\$3,025.75** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk-Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Contact Person: Jeremy Ballard, Senior Planner, (209) 525-6330

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval
- Exhibit D - Initial Study, with Attachments
- Exhibit E - Negative Declaration
- Exhibit F - Applicant's Statement of Findings, with Attachments
- Exhibit G - Environmental Review Referrals
- Exhibit H - Levine Act Disclosure Statements

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Findings and Actions Required for Project Approval

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

- k. The site is physically suitable for the proposed density of development;
 - l. The designs of the parcel map or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat;
 - m. The design of the parcel map or type of improvements is not likely to cause serious public health problems;
 - n. The design of the parcel map or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision; and
 - o. That the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
4. Approve Parcel Map, Variance, and Exception Application No. PLN2024 – 0087 - Rogers, subject to the attached conditions of approval.

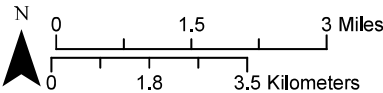
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PLN2024-0087**

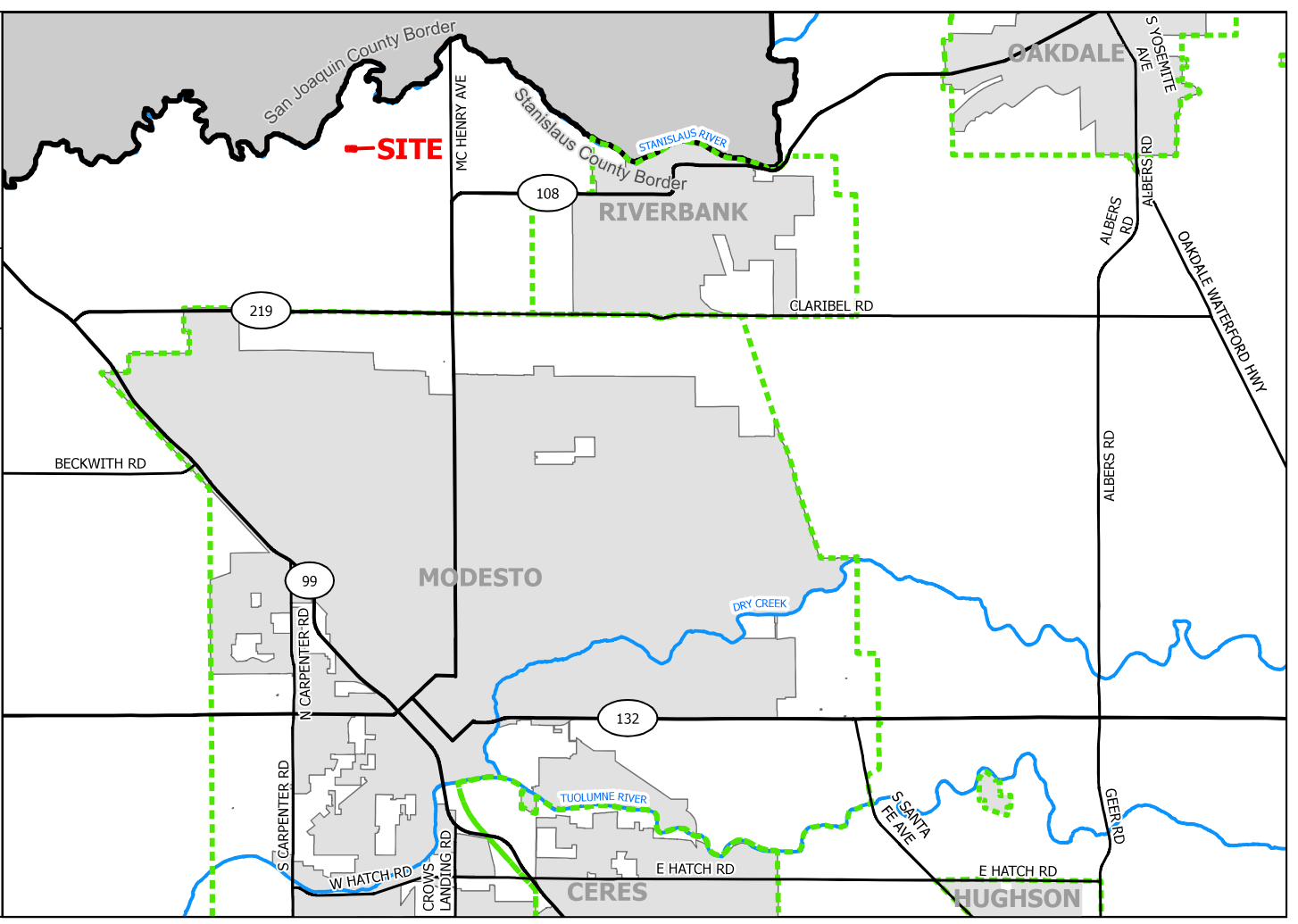
AREA MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  Highway
-  Major Road
-  River



Source: Planning Department GIS Date Exported: 9/27/2024








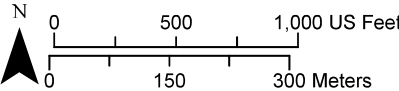
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PLN2024-0087

GENERAL PLAN MAP

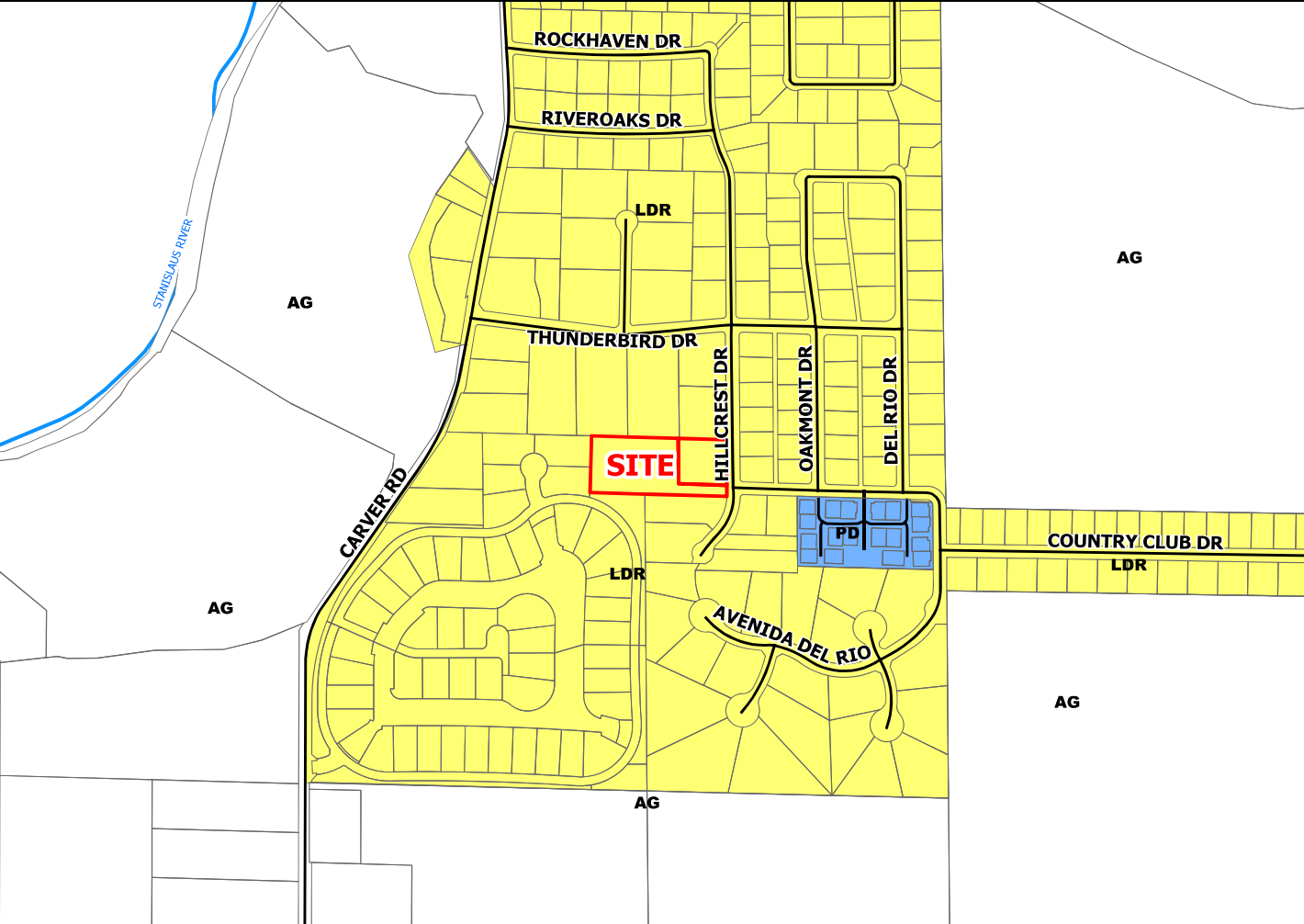
LEGEND

-  Project Site
 Parcel
 Street
 River
 Agriculture
 Planned Development
 Residential - Low Density



Source: Planning Department GIS

Date Exported: 9/27/2024








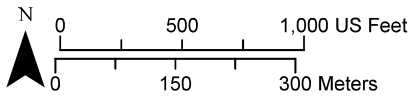
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**PM, VAR, EXC
PLN2024-0087**

COMMUNITY PLAN MAP

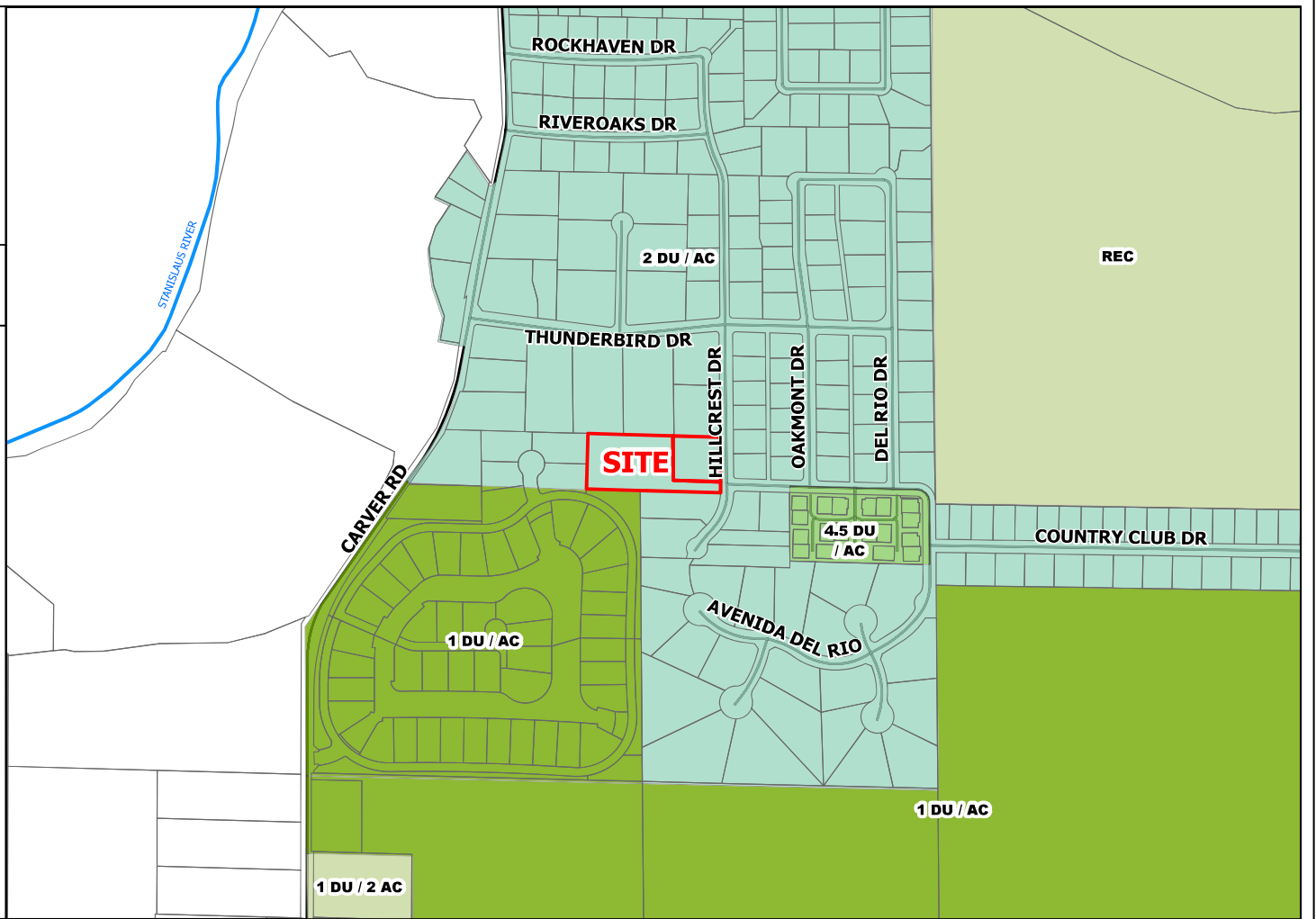
LEGEND

-  Project Site
-  Parcel
-  Street
-  River
-  1 DU / 2 AC
-  1 DU / AC
-  2 DU / AC
-  4.5 DU / AC
-  REC



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





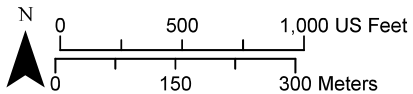
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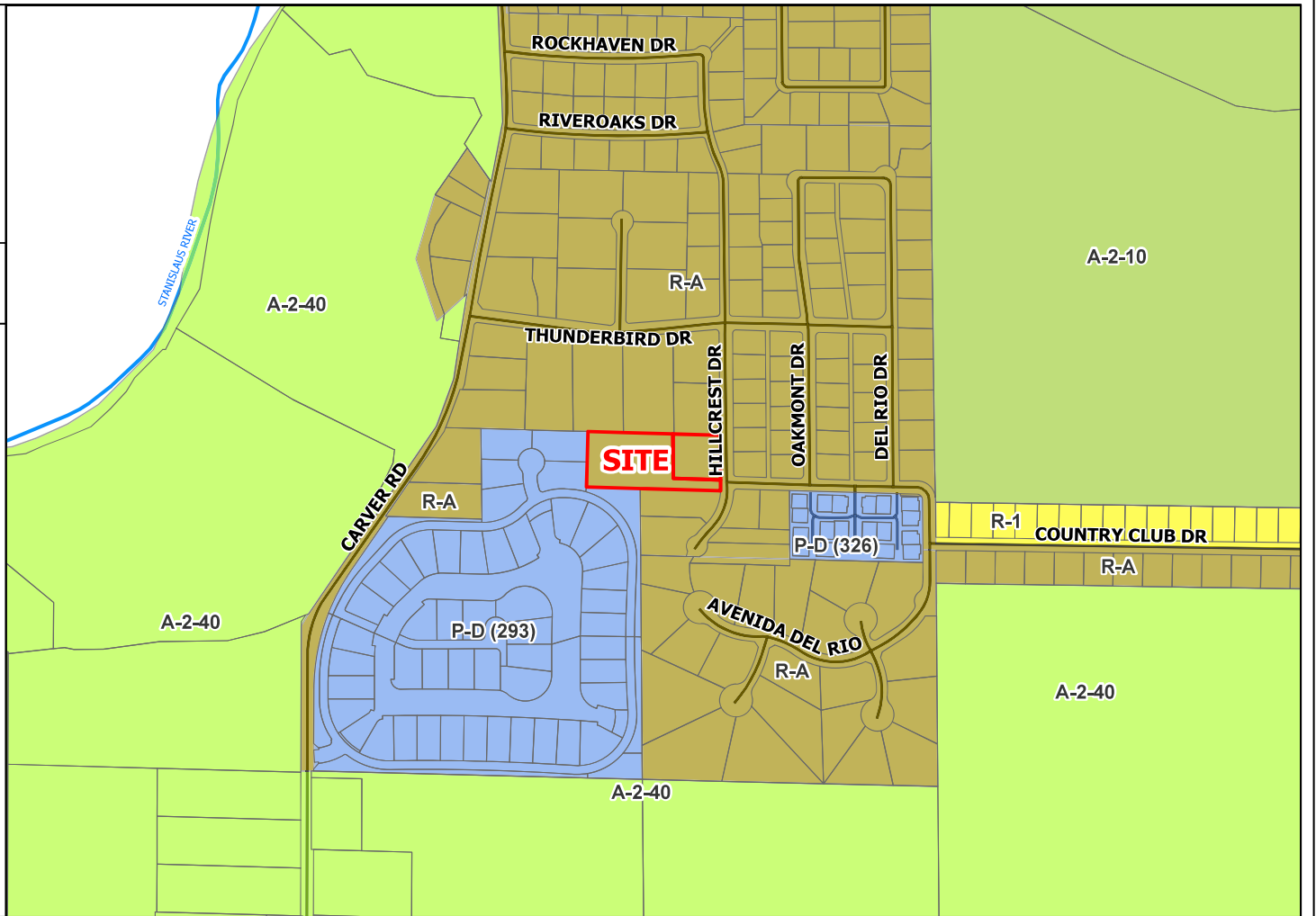
ZONING MAP

LEGEND

-  Project Site
-  Parcel
-  Street
-  River
-  General AG 10 Acre
-  General AG 40 Acre
-  Planned Development
-  Rural Residential
-  Single Family Residential



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ROGERS






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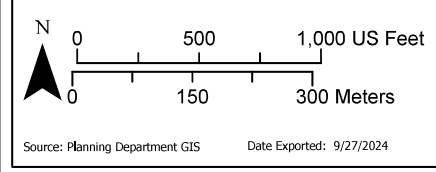
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ACREAGE MAP

LEGEND

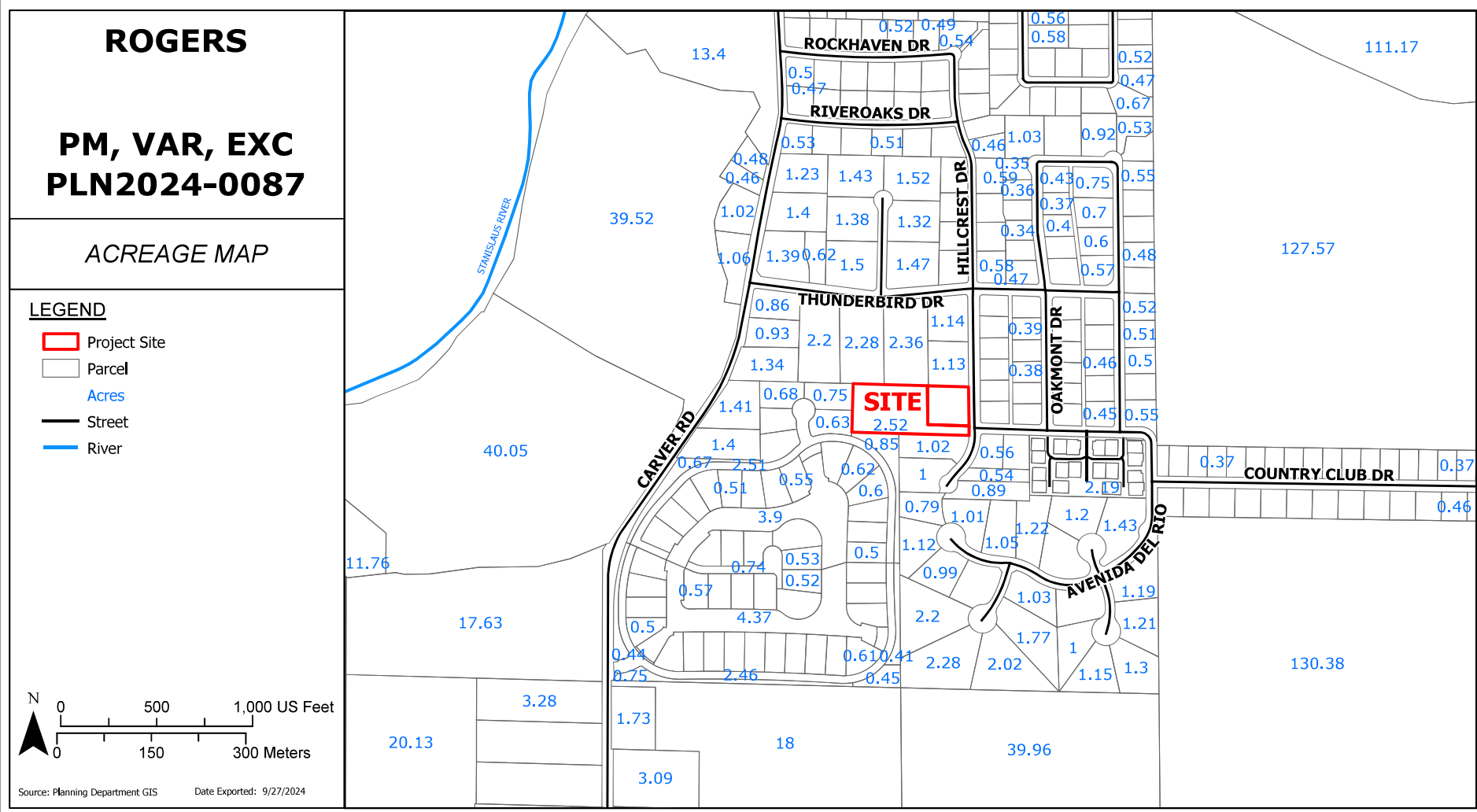
-  Project Site
-  Parcel
-  Acres
-  Street
-  River

- ### LEGEND
-  Project Site
 -  Parcel
 -  Acres
 -  Street
 -  River



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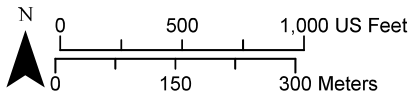
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**PM, VAR, EXC
PLN2024-0087**

2023 AERIAL AREA MAP

LEGEND

-  Project Site
-  Parcel
-  Street
-  River



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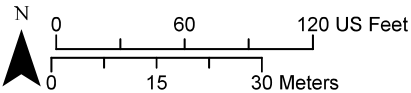
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PLN2024-0087**

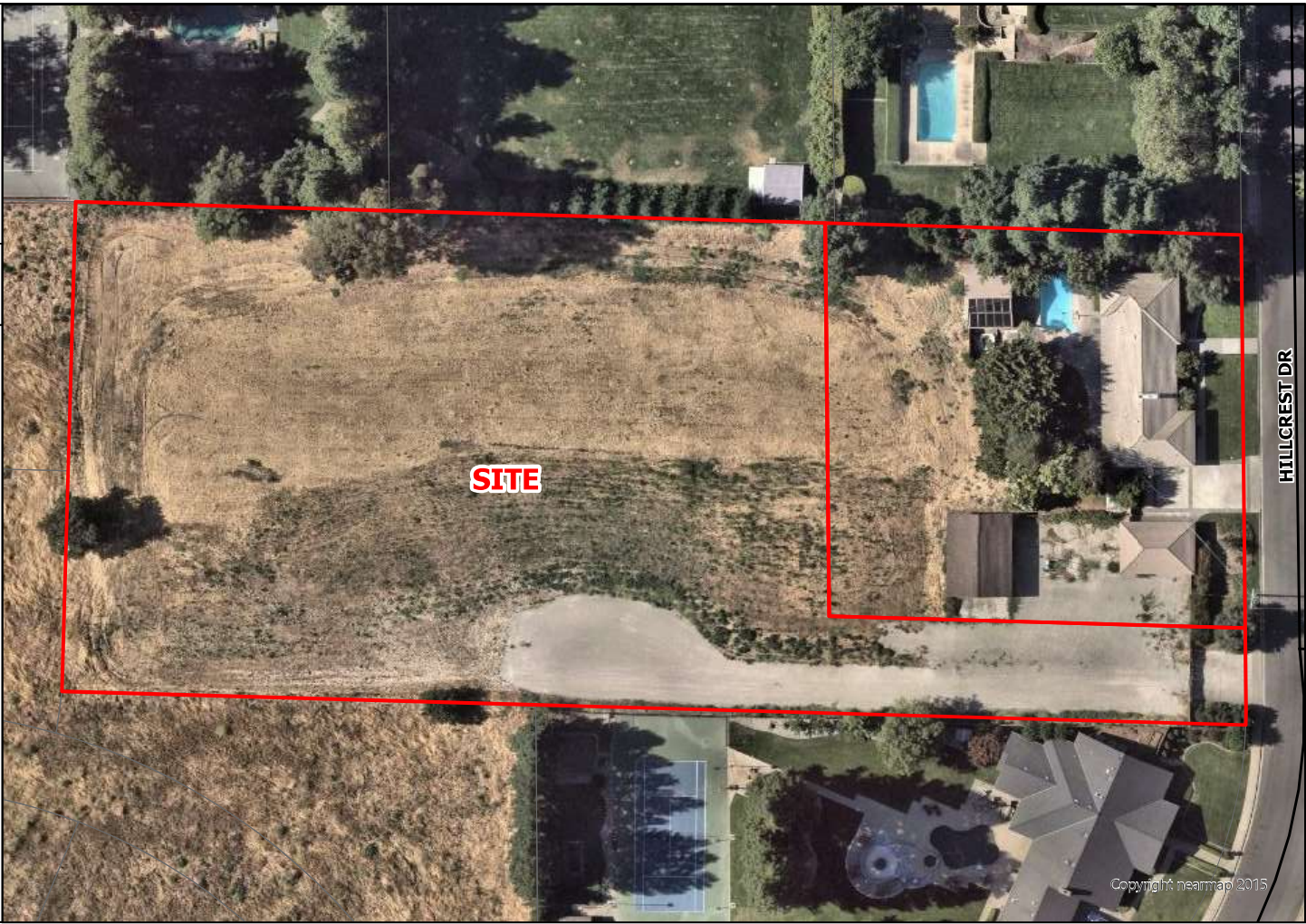
2023 AERIAL SITE MAP

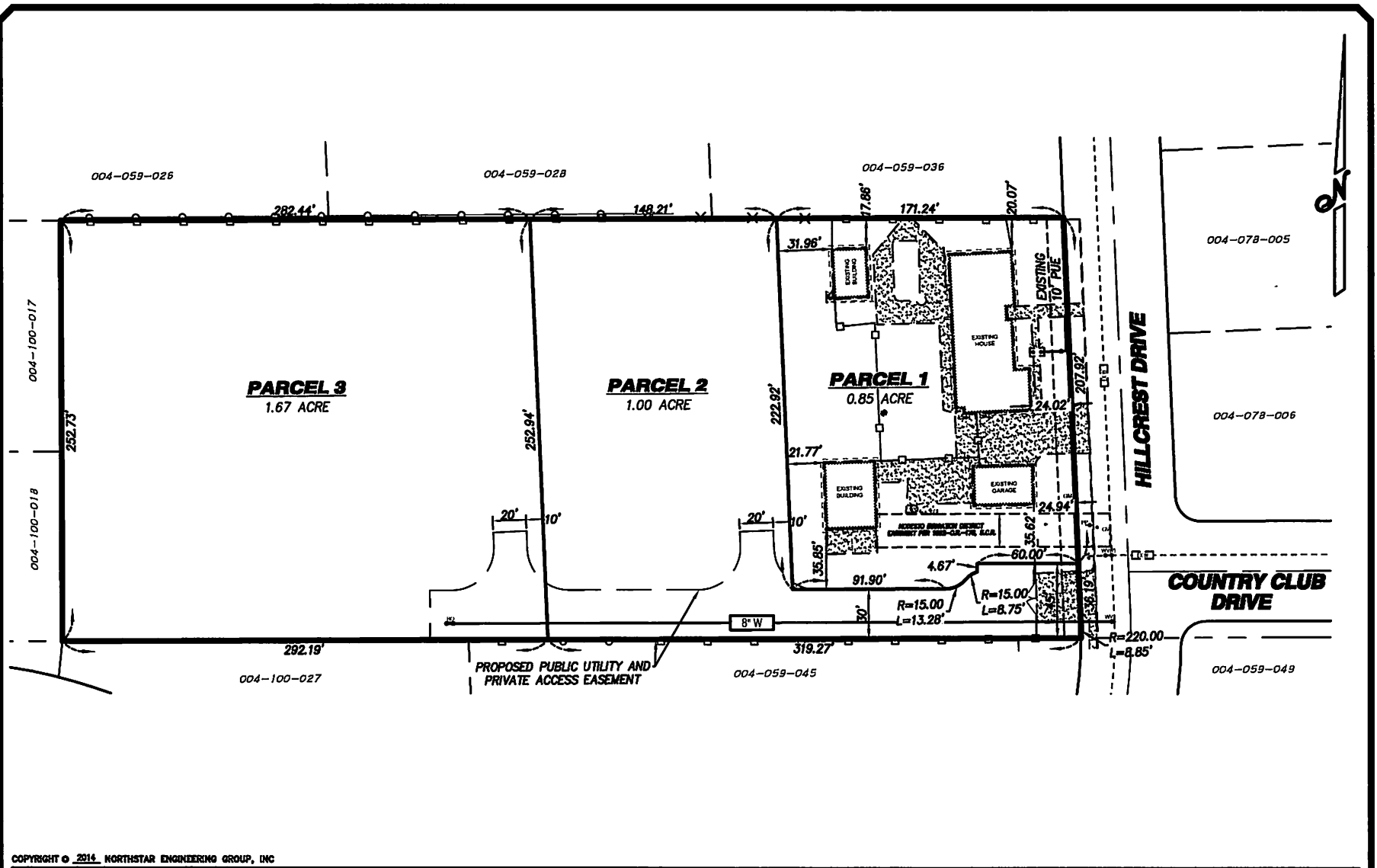
LEGEND

-  Project Site
-  Parcel
-  Street



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PLOT PLAN

VESTING TENTATIVE PARCEL MAP

7025 HILLCREST DRIVE, MODESTO, CA

STANISLAUS COUNTY CALIFORNIA

JOB: J24-34

DATE: 6/27/2024

SCALE: 1"=80'

DRAWN: TC

CHK'D: TC

SHEET 1 OF 1

CONDITIONS OF APPROVAL

PARCEL MAP, VARIANCE, AND EXCEPTION APPLICATION NO. PLN2024-0087 ROGERS

Department of Public Works

1. The recorded parcel map shall be prepared by a licensed land surveyor or a registered civil engineer licensed to practice land surveying in California.
2. All structures not shown on the parcel map or shall be removed prior to the parcel map being recorded. All structures shown on the parcel map that are on lot lines shall be removed prior to the parcel map being recorded.
3. Prior to the recording of the parcel map the new parcels shall be surveyed and fully monumented.
4. An encroachment permit for resulting Parcels 1 and 2, to complete pedestrian improvements along the Hillcrest Drive frontage, consistent with County standards, shall be issued and inspected prior to the recording of the parcel map, unless an agreement for deferral of the improvements is completed prior.
5. A common driveway and public utility easement shall be provided on the parcel map for the shared driveways serving proposed Parcels 2 and 3.
6. The 50-foot road reservation of 37-PM-88 shall be shown on the recorded map. The reservation shall remain unencumbered and available for any future subdivision of proposed Parcels 2 and 3, **unless otherwise authorized by the Director of the Stanislaus County Public Works or their designee prior to the issuance of any permit within the road reservation area. Upon acceptance of the road reservation by Stanislaus County and prior to it's development, any improvements within the road reservation area shall be removed or relocated at the property owner's expense.**
7. Prior to the Department of Public Works doing any plan review or inspections associated with the road frontage improvements, the applicant shall sign a "Plan Check/Inspection Agreement" and post a \$5,000 deposit with Public Works.

Department of Planning and Community Development

8. Pursuant to Section 711.4 of the California Fish and Game Code, the applicant is required to pay a California Department of Fish and Wildlife 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 **\$3,025.75**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk-Recorder filing fees.

9. 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.
10. 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.
11. 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.
12. 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.
13. Prior to the issuance of building permits for a dwelling, the owner/developer shall pay a fee of \$339.00 per dwelling for the County's Sheriff's Department.
14. All proposed/existing access, irrigation, and utility easements shall be shown on the recorded parcel map. In addition to being shown on the map, easements may also be recorded by separate instrument.

Department of Environmental Resources (DER)

15. The existing septic system(s) are to remain within the boundaries of proposed Parcel 1.
16. Any future domestic on-site wastewater treatment system (OWTS) for proposed Parcels 2 and 3 shall be subject to Measure X requirements as defined in Stanislaus County Code Section 16.010.040. The applicant/property owner shall provide engineered calculations and design for the proposed OWTS. The design must illustrate that the proposed OWTS is of an adequate capacity to handle the proposed domestic wastewater flow.
17. A statement shall be placed on the recorded map that applies to proposed Parcels 2 and 3 and reads:

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

18. OWTS designed systems shall provide 100% of the original system for any future expansion area.
19. Dispersal fields shall not be paved over or covered by concrete or a material that is capable of reducing or prohibiting a possible evaporation of the sewer effluent.
20. Only single and double depth dispersal fields shall be permitted.
21. No new private water wells shall be constructed within any of the proposed parcels.
22. Parcels to be served by the City of Modesto for potable water shall be subject to the terms and conditions of the City of Modesto. A "Will Serve" letter shall be provided from the City of Modesto for each proposed parcel and shall be executed prior to the connection to the City's facilities.
23. All applicable County Local Agency Management Program (LAMP) standards and required setbacks shall be met.

Building Permits Division

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

Salida Fire Protection (SFP) District

25. This project will be subject to Fire Service Impact Mitigation Fees as adopted by the SFP District Board of Directors and currently in place at the time of issuance of construction permits.
26. The project will be subject to Development Impact Fees as adopted by the SFP District Board of Directors and currently in place at the time of issuance of construction permits.
27. This project shall meet the SFP District's requirements of on-site water for fire protection prior to construction of combustible materials. Fire hydrant(s) and static source locations, connections, and access shall be approved by the SFP District.
28. Prior to, and during, combustible construction, the SFP District shall approve provisions for serviceable fire vehicle access and fire protection water supplies.
29. A SFP District specified Rapid Entry System (Knox Box) shall be installed and serviceable prior to final inspection allowing fire department access into gated areas, limited access points, and/or buildings.
30. Buildings shall be required to have fire sprinklers meeting the standards listed within the adopted California Fire Code and related amendments.
31. For buildings of 30 feet or three (3) or more stories in height, gated 2 1/2" hose connections (Class III) for fire department use shall be installed on all floors and in each required exit stairwell.

32. The project shall meet fire apparatus access standards. Two ingress/egress accesses to each parcel meeting the requirements listed within the California Fire Code.
33. Prior to the issuance of any building permit for each of the resulting parcels, the owner(s) of the property shall be required to annex into the Community Facilities District (CFD) for operational services with the SFP District.

Modesto Irrigation District (MID)

34. All existing MID easements for protection of overhead and underground facilities shall remain.

Central Valley Regional Water Quality Control Board (CVRWCB)

35. Prior to ground disturbance or issuance of a grading or building permit, the CVRWCB shall be consulted to obtain any necessary permits and to implement any necessary measures, including but not limited to Construction Storm Water General Permit, Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit (Water Quality Certification), Waste Discharge Requirements, National Pollutant Discharge Elimination System (NPDES) Permit, and any other applicable Regional Water Quality Control Board permit.

San Joaquin Valley Air Pollution Control District (SJVAPCD)

36. Prior to ground disturbance or issuance of a grading or building permit, the developer shall contact the SJVAPCD to determine if the project is subject to District Rule 9510 - Indirect Source Review (ISR), District Rule 4601 (Architectural Coatings), District Regulation VIII (Fugitive PM10 Prohibitions), District Rule 4901 - Wood Burning Fireplaces and Heaters, or if any other District rules or permits are required.

Please note: If Conditions of Approval/Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Conditions of Approval/Development Standards; new wording will be in bold font and deleted wording will be in strikethrough text.



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10TH Street, Suite 3400, Modesto, CA 95354
Planning Phone: (209) 525-6330 Fax: (209) 525-5911
Building Phone: (209) 525-6557 Fax: (209) 525-7759

CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, January 1, 2020

1. **Project title:** Parcel Map, Variance, & Exception Application No. PLN2024-0087 - Rogers
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Jeremy Ballard, Senior Planner
(209) 525-6330
4. **Project location:** 7025 Hillcrest Drive, between Country Club Drive and Thunderbird Drive in the Community of Del Rio (APN: 004-059-054 & 004-059-055).
5. **Project sponsor's name and address:** EJ Rogers
7025 Hillcrest Drive
Modesto, CA 95356
6. **General Plan designation:** Low Density Residential
7. **Community Plan designation:** Low Density Residential Area 1 Sub Area 2
8. **Zoning:** Rural Residential (R-A)
9. **Description of project:**

Request to subdivide two parcels totaling 3.52± acres, into three parcels of 1.67±, 1±, and 0.85± acres in size in the Rural Residential (R-A) zoning district. A variance to the R-A Zoning Ordinance is required to allow Proposed Parcel 2 to be less than 65-feet-wide and an exception to the Subdivision Ordinance is required for the use of an access easement for Proposed Parcel 3. If approved, all three proposed parcels will be served by the City of Modesto for domestic water services and individual private septic systems. Proposed Parcel 1 is currently improved with a single-family dwelling, detached garage, pool, and two residential accessory structures. Proposed Parcels 2 and 3 are currently vacant. The project site is located within Area 1 Sub Area 2 of the Del Rio Community Plan, which limits residential development to two dwelling units per acre. If approved, Proposed Parcels 2 and 3 could be developed with one single-family dwelling, one accessory dwelling unit (ADU), and one junior accessory dwelling unit (JADU) each. Proposed Parcel 1 could be further developed with one ADU and one JADU. Proposed Parcel 1 will have direct access to County-maintained Hillcrest Drive. Proposed Parcel 2 will maintain its existing flag lot design, obtaining access to Hillcrest Drive via a 36-foot-wide driveway. Proposed Parcel 3 is proposed to access Hillcrest Drive via a proposed 30-foot-wide public utility and private access easement, running westward across proposed Parcel 2. The access easement for Proposed Parcel 3 requires an exception to the Subdivision Ordinance and the flag lot configuration to Proposed Parcel 2 requires a variance to the Zoning Ordinance.

10. **Surrounding land uses and setting:** Single-family residential in all directions, the Del Rio Country Club further to the east.
11. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Department of Public Works
Department of Environmental Resources
12. **Attachments:**
 - I. Record Search from the Central California Information Center, dated August 9, 2024.

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 Jeremy Ballard, Senior Planner

February 5, 2025

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 itself is not considered to be a scenic resource or unique scenic vista. No construction is proposed at this time on any of the three proposed parcels. The project site is currently not in agricultural production or under a Williamson Act Contract. It is zoned Rural Residential (R-A) and designated as Low-Density Residential Area 1 Sub Area 2 in the Del Rio Community Plan and has been improved with residential structures. Proposed Parcel 1 will include an existing single-family dwelling, detached garage, pool, and two residential accessory structures. Proposed Parcels 2 and 3 are currently vacant but each could be developed with a single-family dwelling upon recording of the map. Each resulting parcel could also be developed with one accessory dwelling unit (ADU), and one junior dwelling unit (JADU). Any applicable design guidelines of the Del Rio Community Plan will be included in any future development of the resulting parcels. Any additional lighting including with the development of future residential development will be similar in nature to those found in the Community Plan area. Any landscaping will be reviewed, approved, and inspected by the County in relation to State of California ordinances for efficient landscaping practices.

Accordingly, the potential impacts to aesthetics are considered to be less than significant.

Mitigation: None.

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

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			X	
d) Result in the loss of forest land or conversion of forest land to non-forest use?			X	
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

Discussion: The project site has soils classified by the California Department of Conservation Farmland Mapping and Monitoring Program as "Urban and Built-Up Land". The United States Department of Agriculture (USDA) Natural Resources Conservation Service's (NRCS) Eastern Stanislaus County Soil Survey shows that the dominant soil present is Hanford sandy loam, 0 to 3 percent slopes and is Grade 1 with a California Revised Storie Index rating of 93 and Tujunga loamy sand, 0 to 3 percent slopes and is Grade 2, with a California Revised Storie Index rating of 67. Grade 1 soils and soils with a Classification of I or II are deemed prime farmland by Stanislaus County's Uniform Rules, which comprises 100% of the project site if irrigated; however, this site is zoned Rural Residential (R-A) with a General Plan of Low-Density Residential and Community Plan designation of Low-Density Residential Area 1 Sub Area 2 and is not currently farmed or irrigated. Because the site has already been planned for residential uses, the proposed project will not convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.

The project site is surrounded by single-family dwellings in all directions, the Del Rio Country Club is approximately 0.2± miles to the east, and the Stanislaus River and San Joaquin County are located approximately 0.37± miles to the west. The closest agriculturally zoned, actively farmed property, and enrolled in the Williamson Act is 0.15± miles west of the project site, outside of the Del Rio Community Plan.

The project site is located within the boundaries of the Modesto Irrigation District (MID). The project was referred to MID who did not respond with comments regarding irrigation facilities.

No forest lands exist in Stanislaus County. The project site is considered to be in-fill development and will not contribute to the loss of farmland or forest land. The project is not anticipated to create any adverse impacts to any adjacent agriculture.

Mitigation: None.

References: Application information; Natural Resources Conservation Service Soil Survey; Stanislaus Soil Survey; California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2024; Referral Response from Modesto Irrigation District, dated October 28, 2024; Stanislaus County General Plan and Support Documentation¹.

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), 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, SJVAPCD has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the SJVAB. The project will increase traffic in the area and, thereby, impacting air quality.

The SJVAPCD's Small Project Analysis Level (SPAL) guidance identifies thresholds of significance for criteria pollutant emissions, which are based on the SJVAPCD's New Source Review (NSR) offset requirements for stationary sources. Using project type and size, the SJVAPCD has pre-qualified emissions and determined a size below which it is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants. In the interest of streamlining CEQA requirements, projects that fit the descriptions and are less than the project sizes provided by the SJVAPCD are deemed to have a less-than significant impact on air quality due to criteria pollutant emissions and as such are excluded from quantifying criteria pollutant emissions for CEQA purposes. The SJVAPCD's threshold of significance for residential projects is identified as 155 units, and less than 800 additional trips per-day. The project does not propose to construct any additional residential development, however, as a result of the map, Proposed Parcels 2 and 3 could be developed with one single-family dwelling each, one accessory dwelling unit (ADU) each, and one junior accessory dwelling unit (JADU) each. Proposed Parcel 1 could be developed with an ADU and JADU. Construction of a JADU would not count as a separate dwelling unit, as the JADU consists of space within the primary home. According to the Federal Highway Administration the average daily vehicle trips per household is 3.46, which with the potential development of two single-family dwelling and up to three ADU's across all three parcels, would equal approximately 17.3 additional trips per-day as a result of project approval (5 new units x 3.46 = 17.3). As this is well below the SJVAPCD's threshold of significance, no significant impacts to air quality are anticipated.

As required by CEQA Guidelines Section 15064.3, potential impacts to transportation should be evaluated using Vehicle Miles Traveled (VMT). Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by case basis for evaluation under CEQA. However, the State of California - Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. 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. According to the same technical advisory from OPR, projects that generate or attract fewer than 110 trips per-day generally or achieves a 15% reduction of VMT may be assumed to cause a less-than significant transportation impact. As discussed above the anticipated totally daily trips is well below the VMT threshold of significance, no significant impacts to transportation are anticipated.

Any future construction activities associated with the resulting parcels would likely 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. Construction activities associated with the proposed project would consist primarily of

constructing the condominium units. These activities would not require any substantial use of heavy-duty construction equipment and would require little or no demolition or grading as the site is presently unimproved and considered to be topographically flat. Consequently, emissions would be minimal. Furthermore, all construction activities would occur in compliance with all SJVAPCD regulations; therefore, construction emissions would be less than significant without mitigation.

Potential impacts on local and regional air quality are anticipated to be less-than significant, falling below SJVAPCD thresholds, as a result of the nature of the potential construction of up to two residential units and project's operation after construction. Implementation of the proposed project would fall below the SJVAPCD significance thresholds for both short-term construction and long-term operational emissions, as discussed above. Because construction and operation of the project would not exceed the SJVAPCD significance thresholds, the proposed project would not increase the frequency or severity of existing air quality standards or the interim emission reductions specified in the air plans.

The project was referred to the SJVAPCD; however, no response was received for the project.

For these reasons, the proposed project would be consistent with the applicable air quality plans. Also, the proposed project would not conflict with applicable regional plans or policies adopted by agencies with jurisdiction over the project and would be considered to have a less-than significant impact.

Mitigation: None.

References: Application information; San Joaquin Valley Air Pollution Control District's Small Project Analysis Level (SPAL) guidance, November 13, 2020; Federal Highway Administration, Summary of Travel Trends: 2022 National Household Travel Survey; Governor's Office of Planning and Research Technical Advisory, December 2018; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; www.valleyair.org; Stanislaus County General Plan and Support Documentation¹

IV. BIOLOGICAL RESOURCES -- Would the project:				
	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on 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: It does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. There is no known sensitive or protected species or natural community located on the site. The project is located within the Salida Quad of the California Natural Diversity Database (CNDDDB) based on the U.S. Geographical quadrangle map series. The project site is surrounded by single-family dwellings in all directions, the Del Rio Country Club is further approximately 0.2± miles to the east, and the Stanislaus River and San Joaquin County are located approximately 0.37± miles to the west. The project is considered in-fill development as the surrounding area is almost entirely built up with residential and urban uses.

Based on results from the California Natural Diversity Database, there are seven species which are state or federally listed, threatened, identified as species of special concern or a candidate of special concern within the Salida California Natural Diversity Database Quad. These species include the Swainson's hawk, California tiger salamander, tricolored blackbird, steelhead – Central Valley DPS, Crotch bumble bee, valley elderberry longhorn beetle, and Northwest Pond Turtle.

There are no reported sitings of any of the aforementioned species on the project site; however, a valley elderberry longhorn beetle site was observed on December 3, 2009, approximately 0.68 ± miles northeast of the project site, within San Joaquin County, according to the CNDDDB. The CNDDDB currently presumes the species extant from this location. There is a very low likelihood that these species are present on the project site as the parcel is adjacent to urban development and is improved with a single-family dwelling and accessory structures.

The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans. Impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors are considered to be less than significant.

An early consultation was referred to the California Department of Fish and Wildlife and no response was received.

Mitigation: None.

References: Application information; California Department of Fish and Wildlife's Natural Diversity Database Quad Species List; California Natural Diversity Database, Planning and Community Development GIS, accessed January 22, 2025; Stanislaus County General Plan and Support Documentation¹.

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

Discussion: A records search by the Central California Information Center (CCIC) was conducted on August 9, 2024. The CCIC records search indicated that there was a low probability of discovery of prehistoric resources, but there may be discovery of historical resources such as standing buildings 45 years or older, and possibly subsurface historic-era archaeological features, such as domestic refuse and artifact deposits or building foundations, associated with earlier use on the project site. The CCIC recommended that a qualified historical resources consultant evaluate and formally record any building to be removed if it is 45 years old or older, prior to issuance of any discretionary permit. The CCIC further advised construction personnel to be aware of the potential for subsurface historic-era archaeological features. No records were found that indicated the site contained any prehistoric, historic, or archeologic resources previously identified on-site. The report recommended that conditions be placed on the project requiring all work is to stop and the lead agency and a qualified professional be consulted to determine the importance and appropriate treatment of the find if any historical resources are discovered during project-related activities. If Native American remains are found, the County Coroner and the Native American Heritage Commission are to be notified immediately for recommended procedures. If human remains are uncovered, all work within 100 feet of the find should halt in compliance with Section 15064.5(e) (1) of the CEQA

Guidelines and Public Resources Code Section 7060.5. A condition of approval will be placed on the project requiring if any human remains, or archeological resources are found, construction activities will halt until a qualified survey takes place and the appropriate authorities are notified. If this project is approved, the condition will continue to be applied to any ground-disturbing activities within the project site.

Mitigation: None.

References: Application Information; Records search from the Central California Information Center, dated August 9, 2024; Stanislaus County General Plan and Support Documentation¹.

VI. ENERGY -- Would the project:				
	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			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, total estimated daily vehicle trips to be generated by the project, and the additional energy consumed per-trip by mode, 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.

Although no proposed, any future construction on the resulting parcels would need to be in compliance with Title 24, Green Building Code, which includes energy efficiency requirements. No streeting lighting will be required as part of the map request.

The project site is located within the service boundaries of the Modesto Irrigation District (MID) for electric and irrigation services. MID provided a referral response to the project, which did not indicate that electric service would not be provided to the new parcels. MID also provided requirements and regulations to overhead and underground power lines as well as existing easements. Conditions of approval reflecting MID's comments will be placed on the project.

Energy consuming equipment and processes include construction equipment, trucks, and the employee vehicles. These activities would not significantly increase Vehicle Miles Traveled (VMT). As mentioned in Section III – *Air Quality* of this document, the number of vehicle trips will not exceed a total of 110 vehicle trips per-day. The proposed project has the potential to generate approximately 17.3 vehicle round trips per-day (two single-family dwellings and up to three Accessory Dwelling Units). No heavy-duty trucks would be utilized as part of the project, unless future constructing were to occur. However, if construction were to occur in the future, heavy-duty trucks will be required to meet all San Joaquin Valley Air Pollution Control District (SJVAPCD) regulations, including rules and regulations that increase energy efficiency for heavy duty trucks. Therefore, consumption of energy resources would be less-than significant without mitigation for the proposed project.

The project was referred to the SJVAPCD and no response was received. It does not appear this project will result in significant impacts to the wasteful, inefficient, or unnecessary consumption of energy resources. A condition of approval will be added to the project to address compliance with all applicable SJVAPCD rules and regulations, and Title 24, Green Building Code, for projects that require energy efficiency.

Mitigation: None.

References: Application information; Referral response from Modesto Irrigation District, dated October 28, 2024; Development Standards, Stanislaus County General Plan and Support Documentation¹.

VII. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

Discussion: The project site has soils classified by the California Department of Conservation Farmland Mapping and Monitoring Program as "Urban and Built-Up Land". The United States Department of Agriculture (USDA) Natural Resources Conservation Service's (NRCS) Eastern Stanislaus County Soil Survey shows that the dominant soil present is Hanford sandy loam, 0 to 3 percent slopes and is Grade 1 with a California Revised Storie Index rating of 93 and Tujunga loamy sand, 0 to 3 percent slopes and is Grade 2, with a California Revised Storie Index rating of 67.

As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. An early consultation referral response received from the Department of Public Works indicated that a grading, drainage, and erosion/sediment control plan for the project will be required if any future grading were to be done, subject to Public Works review and Standards and Specifications.

The project proposes to utilize private septic facilities for each subsequent parcel. Goal 5, Policy A of the Del Rio Community Plan states that new development in Del Rio should include underground utilities and facilities for community-wide secondary sewage treatment and water supply systems. Subdividing two existing legal parcels to create a third is

considered in-fill development, as the area has been previously developed with residential parcels, and the infrastructure and applicable utilities have already been installed in this region of the Community. Furthermore, the project site has a zoning designation of Rural Residential (R-A), which allows for parcels served by a public agency with water and by a private septic system when the parcel is 20,000 square feet or more in size.

Due to the proposed use of an individual septic system, a referral response from the Department of Environmental Resources (DER) stated that the existing septic system must remain within the boundaries of Proposed Parcel 1. DER also stated that any future development of Proposed Parcels 2 and 3 would be subject to the Measure X septic system requirements as well as providing a 100% expansion and that all Local Agency Management Program standards and setbacks are met and that the dispersal fields of the system not be covered by any impermeable surface. DER will review any future septic installation through the building permit process for any new dwelling or structure on any of the resulting parcels. Conditions of approval for both Public Works and DER requirements will be placed on the project.

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. Compliance with the Storm Water Pollution Prevention Program (SWPPP), with the Alquist-Priolo Earthquake Fault Zoning Act, and the California Building Code are all required through the building and grading permit review process which would reduce the risk of loss, injury, or death due to earthquake or soil erosion to less than significant.

Mitigation: None.

References: Application information; Referral response from the Stanislaus County Department of Public Works, December 10, 2024; Referral response from the Department of Environmental Resources – Environmental Health Division, dated November 14, 2024; Stanislaus County General Plan and Support Documentation¹.

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 (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H₂O). CO₂ is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO₂ equivalents (CO₂e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020. Two additional bills, SB 350 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. GHGs emissions resulting from residential projects include emissions from temporary construction activities, energy consumption, and additional vehicle trips. Direct emissions of GHGs from the operation of the proposed project are primarily due to passenger vehicle trips. Therefore, the project would result in direct annual emissions of GHGs during operation.

While no construction is currently proposed, the project could result in short-term emissions of GHGs during future construction. These emissions, primarily CO₂, CH₄, and N₂O, are the result of fuel combustion by construction equipment and motor vehicles. The other primary GHGs (HFCs, PFCs, and SF₆) are typically associated with specific industrial sources and are not expected to be emitted by the proposed project. As described above in Section III - *Air Quality* of this report, the future use of any heavy-duty construction equipment would be very limited; therefore, the emissions of CO₂ from possible future construction would be less-than significant. Additionally, any construction of the residential type buildings would be subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11). All proposed construction activities associated with

this project are considered to be less-than significant as they are temporary in nature and are subject to meeting San Joaquin Valley Air Pollution Control District (SJVAPCD) standards.

The project was referred to the SJVAPCD and no comment has been received to date. The analysis of mobile source pollution based on the SJVAPCD's Small Project Analysis Level (SPAL) guidance within Section III – *Air Quality* of this report would apply in regard to Greenhouse Gas Emissions as well. The SJVAPCD's threshold of significance for residential projects is identified as 155 units, and less than 800 additional trips per-day. The project proposes three residential lots. The proposed project has the potential to develop a maximum of five new dwelling units (two single-family dwellings and up to three Accessory Dwelling Units). As stated in Section III – *Air Quality*, approximately 17.3 additional trips per-day are anticipated as a result of project approval. Additionally, as discussed in Section III – *Air Quality*, the project's estimated number of additional vehicle trips is below the VMT threshold of the technical advisory from the State Office of Planning and Research (OPR).

Consequently, GHG emissions associated with this project are considered to be less than significant.

Mitigation: None.

References: Application information; Federal Highway Administration, Summary of Travel Trends: 2022 National Household Travel Survey; Governor's Office of Planning and Research Technical Advisory, December 2018; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan and Support Documentation¹

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 project was referred to the Department of Environmental Resources (DER) - Hazardous Materials Division, which is responsible for overseeing hazardous materials, stated that the project would likely not have a significant impact, and they would not have any comments on the project.

The project will be served by the City of Modesto for their domestic water services and proposes utilize private septic facilities for each subsequent parcel. Goal 5, Policy A of the Del Rio Community Plan states that new development in Del Rio should include underground utilities and facilities for community-wide secondary sewage treatment and water supply systems. Subdividing two existing legal parcels to create a third is considered in-fill development, as the area has been previously developed with residential parcels, and the infrastructure and applicable utilities have already been installed in this region of the Community. Furthermore, the project site has a zoning designation of Rural Residential (R-A), which allows for parcels to be served by a public agency with water and by a private septic system when the parcel is 20,000 square feet or more in size.

As stated in the Section VII – *Geology and Soils*, DER will require that: the existing septic system must remain within the boundaries of Proposed Parcel 1; any future development of Proposed Parcels 2 and 3; Measure X septic system requirements including a 100% expansion; Local Agency Management Program standards and setbacks are met; and that the dispersal fields of the system not be covered by any impermeable surface. DER will review any future septic installation through the building permit process for any new dwelling or structure on any of the resulting parcels. Conditions of approval for DER's requirements will be placed on the project.

The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Salida Fire Protection District. The project was referred to the District, which stated the resulting parcels would be required to annex into the District, paying any required development fee, as well as applicable design standard of the site. Any subsequent building permit for the residential development of the resulting parcels will be required to meet any relevant State of California Fire Code requirement prior to issuance. If not already annexed, the resulting parcels will be required to complete the process prior to issuance of any subsequent building permit for each of the resulting parcels. Conditions of approval will be added to the project to ensure these requirements are met.

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: Application information; Referral response received from Stanislaus County Department of Environmental Resources – Hazardous Materials Division, dated October 25, 2024; Referral response from the Department of Environmental Resources – Environmental Health Division, dated November 14, 2024; Referral Response received from Salida Fire District, dated October 7, 2024; Stanislaus County General Plan and Support Documentation¹.

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: 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 percent annual chance floodplains. All flood zone requirements are addressed by the Stanislaus County Planning and Community Development - Building Permits Division during the building permit process.

The project will be served by the City of Modesto for their domestic water services and will utilize private septic facilities for each subsequent parcel. The City of Modesto provided a Will Serve letter indicating the City has the ability to serve the project with water. The letter stated that upon any future connection the owner/developer will be required to meet City standards prior to connection, including payment of any applicable fees. Conditions of approval will be added to the project to ensure these requirements are met. The project was referred to the Department of Environmental Resources (DER) – Environmental Health Division which responded that a Will Serve letter be submitted for water services prior to the development of any of the subsequent parcels.

Water quality in Stanislaus County is regulated by the Regional Water Quality Control Board, Central Valley Region, (CVRWQCB) under a Water Quality Control Plan (Basin Plan) for the Sacramento and San Joaquin River Basins. Under the Basin Plan, the CVRWQCB issues Waste Discharge Requirements (WDRs) to regulate discharges with the potential to degrade surface water and/or groundwater quality. In addition, the CVRWQCB issues orders to cease and desist, conduct water quality investigations, or implement corrective actions. The Stanislaus County DER – Groundwater Division manages compliance with WDRs for some projects under a Memorandum of Understanding with the CVRWQCB. A referral response was received from the CVRWQCB stating potential applicable regulations the project would be required to comply with. A condition of approval will be placed on the project to consult with CVRWQCB prior to issuance of any subsequent permit for a new dwelling, ADU, or JADU.

A referral response received from the Stanislaus County Department of Public Works indicated that a grading, drainage, and erosion/sediment control plan for any subsequent development of the proposed parcels shall be submitted which shall include storm drainage information. Accordingly, runoff associated with any future construction at the proposed project site will be reviewed as part of the grading and building permit review process. Public Works comments will be applied to the project as conditions of approval.

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 (GSPs), and achieving balanced groundwater levels within 20 years. The subject project is located within the Stanislaus and Tuolumne Rivers Groundwater Basin (STRGBA) GSA, which covers the Modesto Subbasin GSP. A Groundwater Sustainability Plan (GSP) was originally submitted to the California Department of Water Resources (DWR) in January 2022 for, with a final revised GSP being adopted and submitted to DWR for review in July of 2024. In terms of the project, the City of Modesto would be the applicable agency that would be subject to meeting any basin wide requirements of the GSP.

Groundwater management in Stanislaus County is also regulated under the County Groundwater Ordinance, adopted in 2014. No new wells are anticipated to be installed as a result of this project. However, if a new well were required in the future, the drilling of a new well would be regulated by the County's Groundwater Ordinance and thus require CEQA-compliance.

In addition to GSPs and the Groundwater Ordinance, the County General Plan includes goals, policies, and implementation measures focused on protecting groundwater resources. Projects with a potential to affect groundwater recharge or that

involve the construction of new wells are referred to Stanislaus County Department of Environmental Resources (DER) for review. The project was referred to the DER – Groundwater Division which responded that the project be referred to the STRGBA GSA for review and comment. The DER – Groundwater Division did not reply with any comments on behalf of their division as the project will be supplied by the City of Modesto and stormwater will be retained on-site. The project was referred to the STRGBA; however, no response was received.

The project site is located within the Modesto Irrigation District (MID) boundaries. The project was referred to MID, which did not respond with comments regarding irrigation facilities.

As a result of the conditions of approval required for this project, impacts associated with drainage, water quality, and runoff are expected to have a less-than significant impact.

Mitigation: None.

References: Application information; Will Serve letter from City of Modesto, dated July 20, 2024; Referral response from Stanislaus County Department of Environmental Resources – Environmental Health Division, dated November 24, 2024; Referral response from Stanislaus County Department of Public Works, dated December 10, 2024; Referral response from Modesto Irrigation District (MID), dated October 28, 2024; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan and Support Documentation¹.

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: The project site is designated Low Density Residential by the Stanislaus General Plan, Low Density Residential Area 1 Sub Area 2 in the Del Rio Community Plan, and zoned Rural Residential (R-A). Proposed Parcel 1 is currently improved with a single-family dwelling, detached garage, pool, and two residential accessory structures. Proposed Parcels 2 and 3 are currently vacant. Area 1 Sub Area 2 of the Del Rio Community Plan limits residential development to two dwelling units per acre. If approved, Proposed Parcels 2 and 3 could be developed with one single-family dwelling, one accessory dwelling unit (ADU), and one junior accessory dwelling unit (JADU) each. Proposed Parcel 1 could be further developed with one ADU and one JADU. Proposed Parcel 1 will have direct access to County-maintained Hillcrest Drive. Proposed Parcel 2 will maintain its existing flag lot design, obtaining access to Hillcrest Drive via a 36-foot-wide driveway. Proposed Parcel 3 is proposed to access Hillcrest Drive via a proposed 30-foot-wide public utility and private access easement, running westward across proposed Parcel 2. The access easement for Proposed Parcel 3 requires an exception to the Subdivision Ordinance and the flag lot configuration to Proposed Parcel 2 requires a variance to the Zoning Ordinance. The site is surrounded by single-family residential development all directions and is considered in-fill development, comparative to the surrounding developed area.

The project site is located within the service boundary of the City of Modesto for water services. As previously discussed in Section X- *Hydrology and Water Quality*, each proposed lot will be served with water the City of Modesto, as indicated by the Will Serve letter received from the city, and as required by the Department of Environmental Resources (DER). A condition of approval will be added to the project to ensure the City's and DER requirements are met.

The project was referred to the Stanislaus County Department of Public Works which did not provide any comments related to future road reservations or street frontage improvements. The lot would be considered in-fill to the roadway network.

As required by the Stanislaus County General Plan's Land Use Element Sphere of Influence (SOI) Policy No. 27, projects within the sphere of influence of a sanitary sewer district, domestic water district, or community services district, shall be forwarded to the district board for comment regarding the ability of the district to provide services. As previously mentioned, the Community of Del Rio is served by the City of Modesto for public water services. The project was referred to the City, which provided a Will Serve letter for the project.

The project proposes to utilize private septic facilities for each subsequent parcel. Goal 5, Policy A of the Del Rio Community Plan states that new development in Del Rio should include underground utilities and facilities for community-wide secondary sewage treatment and water supply systems. Subdividing two existing legal parcels to create a third is considered in-fill development, as the area has been previously developed with residential parcels, and the infrastructure and applicable utilities have already been installed in this region of the Community. Furthermore, the project site has a zoning designation of Rural Residential (R-A), which allows for parcels to be served by a public agency with water and by a private septic system when the parcel is 20,000 square feet or more in size. The three proposed parcels will be served by the City of Modesto for water services, and the proposed parcel sizes of 1.67±, 1±, and 0.85± acres would meet the minimum size requirements of the R-A district. Lastly, the density of the proposed parcels would be consistent with the Community Plan Designations limitation of two dwelling units per one acre.

With the application of conditions of approval, there is no indication that, under the circumstances of this particular case, the proposed operation will be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use or that it will be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

The project will not physically divide an established community nor conflict with any habitat conservation plans. The project is a residential in-fill project located within the community of Del Rio and would be consistent with the Community Plans Goals and Policies.

Mitigation: None.

References: Application information; Will Serve letter from City of Modesto, dated July 20, 2024; Referral response from Stanislaus County Department of Environmental Resources – Environmental Health Division, dated November 24, 2024; Del Rio Community Plan; Stanislaus County Subdivision and Zoning Ordinance; Stanislaus County General Plan and Support Documentation¹.

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: Application information; California Division of Mines and Geology – Special Report 173; Stanislaus County General Plan and Support Documentation¹.

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 during daytime hours from 7:00 a.m. to 10:00 p.m. and 45 dB Ldn during nighttime hours from 10:00 p.m. to 7:00 a.m. The proposed project is required to comply with the noise standards included in the General Plan and Noise Control Ordinance. Any future on-site grading and construction resulting from this project 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.

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: Application information; Stanislaus County Noise Control Ordinance (Title 10); Stanislaus County General Plan, Chapter IV – Noise Element; Stanislaus County General Plan and Support Documentation¹.

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

Discussion: Stanislaus County is currently undergoing updates for the 6th Cycle Housing Element (2023-2031). The sites inventory for the 2023 draft Stanislaus County Housing Element, which covers the 6th Cycle Regional Housing Needs Allocation (RHNA) for the County, identifies a total of 56 vacant or underutilized parcels in the Del Rio area as having a realistic capacity for producing single-family dwellings, Accessory Dwelling Units (ADUs), and Junior Accessory Dwelling Units (JADU's). The project site not identified in the Sites Inventory for the draft 6th Cycle Housing Element, however, the project would produce two new parcels with the ability to develop a total of two new single-family dwellings, three ADUs, and three JADUs, which will assist the County in producing a portion of the above moderate units identified as being needed within Stanislaus County.

The proposed project will not create significant service extensions or new infrastructure which could be considered as growth inducing, as services are available to neighboring properties. The maximum number of residential units the proposed project could develop is two units per parcel. As ADUs and JADUs do not count towards the calculated maximum density, thus the proposed project would be consistent with the maximum allowed densities of the Area I Sub Area II Del Rio Community Plan. The site is surrounded by similar low density residential development.

Mitigation: None.

References: Application information; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan Draft 6th Cycle Housing Element, dated August 29, 2024; Stanislaus County General Plan and Support Documentation¹.

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

Discussion: The project site is served by Salida Fire District for fire protection, the Modesto Unified School Districts, Stanislaus County Sheriff Department for police protection, the City of Modesto for public water, Stanislaus County Parks and Recreation Department for parks facilities, and the Modesto Irrigation District (MID) for electrical power and irrigation services. The County has adopted Public Facilities Fees, as well as Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. School Districts also have their own adopted fees. All facility fees are required to be paid at the time of building permit issuance. The Sheriff's Department also uses a standardized fee for new dwellings that will be incorporated into the Conditions of Approval.

As discussed in Section VI – *Energy* of this report, the project site is located within the service boundaries of the Modesto Irrigation District (MID) for electric and irrigation services. MID provided a referral response to the project which did not indicate that electric service would not be provided to the new parcels. MID also provided requirements and regulations to overhead and underground power lines as well as existing easements. Conditions of approval reflecting MID's comments will be placed on the project.

As discussed in Section X – *Hydrology and Water Quality*, the City of Modesto provided a Will Serve letter indicating the City has the ability to serve the project with water. The letter stated that upon any future connection the owner/developer will be required to meet City standards prior to connection, including payment of any applicable fees. Conditions of approval will be added to the map to ensure these requirements are met. The project was referred to the Department of Environmental Resources (DER) – Environmental Health Division which responded that a Will Serve letter be submitted for water services prior to the development of any of the subsequent parcels. The project proposes to utilize private septic facilities for each subsequent parcel. Goal 5, Policy A of the Del Rio Community Plan states that new development in Del Rio should include underground utilities and facilities for community-wide secondary sewage treatment and water supply systems. Subdividing two existing legal parcels to create a third is considered in-fill development, as the area has been previously developed with residential parcels, and the infrastructure and applicable utilities have already been installed in this region of the Community. Furthermore, the project site has a zoning designation of Rural Residential (R-A), which allows for parcels to be served by a public agency with water and by a private septic system when the parcel is 20,000 square feet or more in size. The proposed three parcels will each meet this requirement.

As stated in the Section VII – *Geology and Soils*, the Department of Environmental Resources (DER) will require that: the existing septic system must remain within the boundaries of Proposed Parcel 1; any future development of Proposed Parcels 2 and 3 ; Measure X septic system requirements including a 100% expansion; Local Agency Management Program standards and setbacks are met; and that the dispersal fields of the system not be covered by any impermeable surface. DER will review any future septic installation through the building permit process for any new dwelling or structure on any of the resulting parcels. Conditions of approval for DER's requirements will be placed on the map.

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 were identified with regard to public services.

Mitigation: None.

References: Application information; Will Serve letter from City of Modesto, dated July 20, 2024; Referral response from Stanislaus County Department of Environmental Resources – Environmental Health Division, dated November 24, 2024; Stanislaus County General Plan and Support Documentation¹.

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: Proposed Parcel 1 is currently improved with a single-family dwelling, detached garage, pool, and two residential accessory structures. Proposed Parcels 2 and 3 are currently vacant. The project site is located within Area 1 Sub Area 2 of the Del Rio Community Plan, which limits residential development to two dwelling units per acre. If approved, Proposed Parcels 2 and 3 could be developed with one single-family dwelling, one accessory dwelling unit (ADU), and one junior accessory dwelling unit (JADU) each. Proposed Parcel 1 could be further developed with one ADU and one JADU. Any development resulting from this project will be consistent with existing uses in the surrounding area permitted in the Rural Residential (R-A) zoning district and the Community Plan. Additionally, the County has adopted Public Facilities Fees (PFF) to address impacts to public services. Any new dwellings as a result of the proposed subdivision will be required to pay the applicable Public Facility Fees through the building permit process. No construction is proposed; however, should future construction occur on-site, all applicable adopted public facility fees will be required to be paid at the time of building permit issuance.

Mitigation: None.

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

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: Request to subdivide two parcels totaling 3.52± acres, into three parcels of 1.67±, 1±, and 0.85± acres in size in the Rural Residential (R-A) zoning district. A variance to the R-A Zoning Ordinance is required to allow Proposed Parcel 2 to be less than 65-feet-wide and an exception to the Subdivision Ordinance is required for the use of an access easement for Proposed Parcel 3. Proposed Parcel 1 will have direct access to County-maintained Hillcrest Drive. Proposed Parcel 2 will maintain its existing flag lot design, obtaining access to Hillcrest Drive via a 36-foot-wide driveway. Proposed Parcel 3 is proposed to access Hillcrest Drive via a proposed 30-foot-wide public utility and private access easement, running

westward across proposed Parcel 2. The access easement for Proposed Parcel 3 requires an exception to the Subdivision Ordinance and the flag lot configuration to Proposed Parcel 2 requires a variance to the Zoning Ordinance.

This project was referred to the Department of Public Works, who provided a referral response stating that: the applicant/developer pay for the installation of any signs and/or markings, if warranted; an encroachment permit be obtained for any work done in the County right-of-way; a common driveway and public utility easement be provided on the parcel map for the benefit of Proposed Parcel 2 and 3; and deposit requirements for plan check and inspection of any subsequent permit. Conditions of approval will be placed on the project to ensure these standards are met.

As required by CEQA Guidelines Section 15064.3, potential impacts to transportation should be evaluated using Vehicle Miles Traveled (VMT). Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by case basis for evaluation under CEQA. However, the State of California - Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. 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. According to the same technical advisory from OPR, projects that generate or attract fewer than 110 trips per-day generally or achieves a 15% reduction of VMT may be assumed to cause a less-than significant transportation impact. The proposed project has the potential to generate approximately 17.3 vehicle round trips per-day (two single-family dwellings and up to three Accessory Dwelling Units) which is under the threshold.

All development on-site will be required to pay applicable Stanislaus County Public Facilities Fees (PFF), which will be utilized for maintenance and traffic congestion improvements to all County roadways.

The proposed project is not anticipated to conflict with any transportation program, plan, ordinance or policy.

Mitigation: None.

References: Referral response from the Department of Public Works, dated December 9, 2024; Subdivision Ordinance; Stanislaus County General Plan and Support Documentation¹.

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 this project will result in significant impacts to any tribal cultural resource. The site is partially vacant; with one existing parcel developed with a single-family dwelling and accessory structures, however, the surrounding area has been developed with single-family dwellings and urban uses. A records search for the project site

indicated that there was a low probability of discovery of prehistoric resources, but there may be discovery of historical resources such as standing buildings 45 years or older, and possibly subsurface historic-era archaeological features, such as domestic refuse and artifact deposits or building foundations, associated with earlier use on the project site. As discussed in Section V – *Cultural Resources* of this report, the records search indicated there may be discovery of historical resources such as standing buildings 45 years or older, and possibly subsurface historic-era archaeological features, such as domestic refuse and artifact deposits or building foundations, associated with earlier use on-site on the project site. The Central California Information Center (CCIC) recommendations as mentioned in the *Cultural Resources* section of this report will be applied to the project.

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.

It does not appear that this project will result in significant impacts to any tribal cultural resources.

Mitigation: None.

References: Application information; Records search from the Central California Information Center, dated August 9, 2024; Stanislaus County General Plan and Support Documentation¹.

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. The project will be served by the City of Modesto for their domestic water services and will utilize private septic facilities for each subsequent parcel.

As discussed in Section VI – *Energy* of this report, the project site is located within the service boundaries of the Modesto Irrigation District (MID) for electric and irrigation services. MID provided a referral response to the project which did not indicate that electric service would not be provided to the new parcels. MID also provided requirements and regulations to overhead and underground power lines as well as existing easements. Conditions of approval reflecting MID's comments will be placed on the project.

As discussed in Section X – *Hydrology and Water Quality*, the City of Modesto provided a Will Serve letter indicating the ability of the City to serve the project with water. The letter stated that upon any future connection the owner/developer will be required to meet city standards prior to connection, including payment of any applicable fees. Conditions of approval will be added to the project to ensure these requirements are met. The project was referred to the Department of Environmental Resources (DER) – Environmental Health Division which responded that a Will Serve letter be submitted for water services prior to the development of any of the subsequent parcels.

The project proposes to utilize private septic facilities for each subsequent parcel. Goal 5, Policy A of the Del Rio Community Plan states that new development in Del Rio should include underground utilities and facilities for community-wide secondary sewage treatment and water supply systems. Subdividing two existing legal parcels to create a third is considered in-fill development, as the area has been previously developed with residential parcels, and the infrastructure and applicable utilities have already been installed in this region of the Community. Furthermore, the project site has a zoning designation of Rural Residential (R-A), which allows for parcels to be served by a public agency with water and by a private septic system when the parcel is 20,000 square feet or more in size. The proposed three parcels will each meet this requirement.

As stated in the Section VII – *Geology and Soils*, the Department of Environmental Resources (DER) will require that: the existing septic system must remain within the boundaries of Proposed Parcel 1; any future development of Proposed Parcels 2 and 3; Measure X septic system requirements including a 100% expansion; Local Agency Management Program standards and setbacks are met; and that the dispersal fields of the system not be covered by any impermeable surface. DER will review any future septic installation through the building permit process for any new dwelling or structure on any of the resulting parcels. Conditions of approval reflecting DER's requirements will be placed on the project.

Mitigation: None.

References: Application information; Will Serve letter from City of Modesto, dated July 20, 2024; Referral response from Stanislaus County Department of Environmental Resources – Environmental Health Division, dated November 24, 2024; Referral response from Modesto Irrigation District (MID), dated October 28, 2024; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan and Support Documentation¹.

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 from the Department of Emergency Services identifies risks posed by disasters and identifies ways to minimize damage from those disasters. With the Wildfire Hazard Mitigation Activities of this plan in place, impacts to an adopted emergency response plan or emergency evacuation plan are anticipated to be less-than significant. 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 the Salida Fire Protection District. The project was referred to the District, which stated the resulting parcels would be required to annex into the

District, paying any required development fee, as well as applicable design standard of the site. Any subsequent building permit for the residential development of the resulting parcels will be required to meet any relevant State of California Fire Code requirement prior to issuance. If not already annexed, the resulting parcels will be required to complete the process prior to issuance of any subsequent building permit for each of the resulting parcels. Conditions of approval will be added to the project to ensure these requirements are met. All improvements will be reviewed by the Stanislaus County Fire Prevention Bureau and will be required to meet all State of California and local fire code requirement

Mitigation: None.

References: Application information; Referral Response received from Salida Fire District, dated October 7, 2024; Stanislaus County General Plan and Support Documentation¹.

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: Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area. The project is surrounded by low density residential development and would be considered infill development.

The Del Rio Community Plan Designation of Low-Density Residential Area 1 Sub Area 2, states to further development within this Sub Area along both Carver and McHenry Avenues to include further infrastructure development. Development within Area II of the Community Plan would require a comprehensive planning and environmental document to address issues identified in the Community Plan. The project proposes to utilize private septic facilities for each subsequent parcel. Goal 5, Policy A of the Del Rio Community Plan states that new development in Del Rio should include underground utilities and facilities for community-wide secondary sewage treatment and water supply systems. Subdividing two existing legal parcels to create a third is considered in-fill development, as the area has been previously developed with residential parcels, and the infrastructure and applicable utilities have already been installed in this region of the Community. Furthermore, the project site has a zoning designation of Rural Residential (R-A), which allows for parcels to be served by a public agency with water and by a private septic system when the parcel is 20,000 square feet or more in size. The proposed three parcels will each meet this requirement. Lastly, the density of the proposed parcels would be consistent with the Community Plan Designations limitation of 2 Dwelling Units per 1 acre.

There have been only two residential projects considered in the Community of Del Rio in the past 20 years.

- Rezone Application No. 2003-06 and Vesting Tentative Map Application No. 2003-02 – Del Rio Lago, a request to rezone a 43.8-acre parcel from Rural Residential to Planned Development, to allow construction of a gated community of 47 homes, approved by the Board of Supervisors on December 14, 2004. While the map was recorded and improvements bonded for, the subdivision has not been developed nor any improvements installed. The subdivision improvement agreement is still active, and lots could be developed, once all improvements are completed and accepted by the County. Del Rio Lago abuts the project site to the northeast but would be not be served by the same roads, nor front the same direction.
- General Plan Amendment, Rezone, and Tentative Map Application No. 2012-01 – Del Rio Villas, a request to amend the General Plan, Community Plan, and Zoning district of a 4.31-acre parcel to Planned Development, to allow for development of an 18-unit gated condominium. This project was approved by the Board of Supervisors on August 28, 2012, and is located just east of the project along Country Club Drive.

Cumulative impacts for each project above were assessed in the environmental documents adopted for each project by the Board, and no cumulative impacts were anticipated because of the projects. Additionally, development of these projects and the proposed project were anticipated and conform to the Del Rio Community Plan, with the current proposed project to be considered in-fill.

No cumulative impacts are anticipated as a result of this project. The proposed project will not create significant service extensions or new infrastructure which could be considered as growth inducing, as services are available to neighboring properties.

Mitigation: None.

References: Initial Study; Stanislaus County General Plan and Support Documentation¹.

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



CENTRAL CALIFORNIA INFORMATION CENTER

California Historical Resources Information System

Department of Anthropology – California State University, Stanislaus

One University Circle, Turlock, California 95382

(209) 667-3307

Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus & Tuolumne Counties

Date: 8/9/2024

Records Search File #: 13012N

Project: Subdivision, 7025 Hillcrest Drive, Modesto; APN 004-059-054 and -055

David O. Romano
Newman-Romano LLC
1034 12th Street
Modesto, CA 95354
209-521-9521

dave@newman-romano.com

Dear Mr. Romano:

We have conducted a non-confidential extended records search as per your request for the above-referenced project area located on the Salida USGS 7.5-minute quadrangle map in Stanislaus County.

Search of our files includes review of our maps for the specific project area and the immediate vicinity of the project area, and review of the following:

National Register of Historic Places (NRHP)
California Register of Historical Resources (CRHR)
California Inventory of Historic Resources (1976)
California Historical Landmarks
California Points of Historical Interest listing
Office of Historic Preservation Built Environment Resource Directory (BERD) and the Archaeological Resources Directory (ARD)
Survey of Surveys (1989)
Caltrans State and Local Bridges Inventory
General Land Office Plats
Other pertinent historic data available at the CCalIC for each specific county

The following details the results of the records search:

Prehistoric or historic resources within the project area:

- There are no formally recorded prehistoric or historic archaeological resources or historic buildings or structures within the project area.
- The General Land Office survey plats (dated 1854, 1873 and 1907) for T2S R9E show the east half of the SE ¼ of Section 19 as an 80-acre parcel and the northeast quarter of

Section 30 as a 160-acre parcel.

- The 1915 and 1953 editions of the Salida USGS quadrangle do not show any historic features within the project area. The alignment of Country Club Drive is referenced.

Prehistoric or historic resources within the immediate vicinity of the project area: None has been formally reported to the Information Center.

Resources that are known to have value to local cultural groups: None has been formally reported to the Information Center.

Previous investigations within the project area: None has been formally reported to the Information Center.

Recommendations/Comments:

Please be advised that a historical resource is defined as a building, structure, object, prehistoric or historic archaeological site, or district possessing physical evidence of human activities over 45 years old. Since the project area has not been subject to previous investigations, there may be unidentified features involved in your project that are 45 years or older and considered as historical resources requiring further study and evaluation by a qualified professional of the appropriate discipline.

If the current project does not include ground disturbance, further study for archaeological resources is not recommended at this time. If ground disturbance is considered a part of the current project, we recommend further review for the possibility of identifying prehistoric or historic-era archaeological resources.

If the proposed project contains buildings or structures that meet the minimum age requirement (45 years in age or older) it is recommended that the resource/s be assessed by a professional familiar with architecture and history of the county. Review of the available historic building/structure data has included only those sources listed above and should not be considered comprehensive.

If at any time you might require the services of a qualified professional the Statewide Referral List for Historical Resources Consultants is posted for your use on the internet at <http://chrisinfo.org>

If archaeological resources are encountered during project-related activities, work should be temporarily halted in the vicinity of the discovered materials and workers should avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel should not collect cultural resources.

If human remains are discovered, California Health and Safety Code Section 7050.5 requires you to protect the discovery and notify the county coroner, who will determine if the find is Native American. If the remains are recognized as Native American, the coroner shall then notify the Native American Heritage Commission (NAHC). California Public Resources Code Section 5097.98 authorizes the NAHC to appoint a Most Likely Descendant (MLD) who will make recommendations for the treatment of the discovery.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the State Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the CHRIS Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

We thank you for contacting this office regarding historical resource preservation. Please let us know when we can be of further service. Thank you for sending **Access Agreement Short Form. Note:** Billing will be transmitted separately via email from the Financial Services office (\$150.00), payable within 60 days of receipt of the invoice.

If you wish to include payment by Credit Card, you must wait to receive the official invoice from Financial Services so that you can reference the CMP # (Invoice Number), and then contact the link below:

<https://commerce.cashnet.com/ANTHROPOLOGY>

Sincerely,

E. A. Greathouse

E. A. Greathouse, Coordinator
Central California Information Center
California Historical Resources Information System

* Invoice Request sent to: ARBilling@csustan.edu, CSU Stanislaus Financial Services



NEGATIVE DECLARATION

NAME OF PROJECT: Parcel Map, Variance, and Exception Application No. PLN2024-0087 – Rogers

LOCATION OF PROJECT: 7025 Hillcrest Drive, between Ladd Road and the Stanislaus River, in the Community of Del Rio (APN: 004-059-054 and 004-059-055).

PROJECT DEVELOPERS: EJ Rogers.

DESCRIPTION OF PROJECT: This is a request to subdivide two parcels totaling 3.52± acres, into three parcels of 1.67±, 1±, and 0.85± acres in size in the Rural Residential (R-A) zoning district. A variance to the minimum lot width requirement of the R-A zoning ordinance and an exception to the Subdivision ordinance are required.

Based upon the Initial Study, dated **February 5, 2025**, the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts which are individually limited but cumulatively considerable.
4. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, California.

Initial Study prepared by: Jeremy Ballard, Senior Planner

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

Hillcrest Parcel Map Variance

Authority:

Stanislaus County Code section 21.84.010 authorizes variances as follows:

“Where practical difficulties, unnecessary hardships and results inconsistent with the general purpose of this title may result from the strict application of certain provisions thereof, a variance may be granted as provided in this chapter...”

As such, the Stanislaus County Code recognizes that conditions may exist whereby a variance from the Zoning Standards is appropriate and warranted. The Hillcrest parcel is just such a parcel as it has many unique features which support the granting of a variance to allow the creation of a flag lot parcel with a width narrower than the existing zoning would permit. These findings are articulated below in more detail.

Findings:

Stanislaus County Code section 21.84.020 sets forth how a variance application is to be filed, and the showing which is necessary for the variance to be granted. The showing can also be referred to as “findings”. There are three (3) specific findings the commission will need to make to grant the variance.

Finding No.1 (Section 21.84.020(A)):

- A. “That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this title will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications”

The area of the Hillcrest Parcel Map resides within the Del Rio Community Plan area. The Del Rio Community Plan was adopted in August of 1992. At the time of adoption, the County designated the project site for lots at a maximum density of 2 dwelling units (dus) per acre. This is identified as Sub Area 2 in the Del Rio Community Plan. Within Sub Area 2, there are many different lot types and shapes. These lot configurations have been developed in an effort to implement the existing zoning which allows lot sizes of 20,000 square feet minimum and development at a density of up to 2 dus/acre. Within the Del Rio area, and specifically Sub Area 2, there was a similar flag lots created in 1977 with a 40-foot frontage (lot width) on the east side of the plan area (24-PM-84), and there is also a somewhat similar circumstance where one lot is behind another and is serviced by an access easement (APNs 004-085-041 & 042). Copies of these examples are attached. When the two original parcels that are now being further subdivided were

created in 1983 (37-PM-88), a similar flag lot was created with a 50-foot width. The two previously approved flag lots referenced were less than the 65 feet in width, which is the width minimum as set forth in Stanislaus County Code Section 21.24.050. But, other than the short “flag” these lots meet all other County standards. In fact, if the lot didn’t have the “flag”, the same area where the flag occurs could just be an access easement (like was utilized for APNs 004-085-041 & 042), and a variance wouldn’t be required. The lots being created are consistent with the zoning and their size and shape is appropriate, and the density is consistent with County zoning standards. The issue then is really just the ownership of the property access road. The prior map (37-PM-88) had an approved width of the flag at 50 feet, on the new map the flag is about 45 feet narrowing to 30 feet and then expanding to a standard (if not oversized) lot. As the “flag” is owned by the back parcel, a variance is being requested.

Ownership of the access road has been vested with the new parcel, since the front parcel is already built. This way, the new parcels will establish the proper method for construction and maintenance of the access, and the front parcel will not have to worry about or be involved in that arrangement.

Further, these are large parcels, 1 acre and 1.67 acres. As such, the 1-acre parcel isn’t an undersized parcel so the flag isn’t being created with the sole purpose of helping the parcel meet its minimum size. Rather, the 1.0 acre parcel is more than twice the minimum size allowed in the zoning district, and the “flag” is just provided as a method of establishing ownership of the access.

Based on the foregoing, and the fact that most of the other parcels in Sub Area 2 of the Del Rio Community Plan are approximately ½ to 1 acre in size, not allowing the variance in this circumstance would deprive the landowner of the ability to subdivide the property consistent with the existing zoning.

Finding No. 2 (Section 21.84.020(B)):

“That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated;”

Based on all the previous discussion under variance Finding No. 1, and past history and land use in the Del Rio Community Plan Area, the granting of the variance would not grant a privilege not enjoyed by other properties in the vicinity and under an identical zone classification (properties within the Rural Residential zone district and located in the Del Rio Community Plan).

Finding No. 3 (Section 21.84.020(C)):

“That the granting of the application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.”

As set forth previously, the bulk of Sub Area 2 of the Del Rio Community Plan area is developed with ½ to 1 acre lots. The property in question is currently a developed 1.0 acre lot and a vacant 2.52 acre lot. The project, as proposed, would only allow the construction of one more new home than is currently permitted. The existing zoning would permit the development of the existing 2.52 acre lot with a County Road and at least four (4) lots from the original lot (three (3) new lots). Instead, the project divides the one existing lot into two (creating one new lot). As such, the project has a much lower density than the zoning allows, and its impact on the neighborhood would similarly be less than if the project site developed with four (4) new lots. And, the new lots still remain at least twice the size of the lot minimums set forth in the zoning district, so the granting of the variance will not be detrimental to the public welfare or improvements in the neighborhood. The project is designed at a density of greater than 1 du/acre, even though the zoning allows 2 dus/acre.

Based upon the circumstances discussed previously, and the existing zoning for the site, the project will not materially adversely affect the health or safety of persons residing or working in the area and will not be detrimental to the public welfare, or the public at large.

Conclusion:

Based upon the foregoing including: (i) the authority of the County Code to apply for variances under certain circumstances, (ii) the fact that the 2.52 acre parcel already exists as a flag lot, (iii) the fact that the flag is only being reduced by a few feet in width, (iv) the fact that flag lots and lots served by access easements have been approved in Del Rio in the past for new lots behind existing lots, (v) the fact that the lots proposed are substantially oversized, relative to the existing zoning, (vi) the fact that the project will only allow construction of one (1) new residence, even though the existing zoning could permit up to three (3) new residences (at a minimum), (vii) the fact that there are numerous other similarly sized parcels in the area, therefore, and based on all the other information in the application and the findings, it is right and appropriate that a variance be granted.

OWNER'S CERTIFICATE:

We, DONALD FRANK MONACO, as owner, and GUARANTY SERVICE CORPORATION, a California Corporation as trustee, and NORCO SERVICE COMPANY, a California Corporation, as trustee, hereby certify that we are the owners of, or have some right, title, or interest of record in the land shown on this map, and we consent to the making and filing of this map in the office of the County Recorder of Stanislaus County, California. We also offer for dedication to public use all the streets, avenues, roads, easements and other public places and dedications as shown within the exterior boundary of the land being divided. Dated this 22nd day of MARCH, 1977
DONALD FRANK MONACO

Donald Frank Monaco

GUARANTY SERVICE CORPORATION, a California Corporation

June E. Demerdjian Carolyn Atwood
ASSISTANT VICE PRES. ASSISTANT SECRETARY

NORCO SERVICE COMPANY, a California Corporation

By Wm. E. Hawley vice president

**STATE OF CALIFORNIA } ss.
COUNTY OF STANISLAUS**

On this 22nd day of MARCH, 1977, before me, a Notary Public in and for said County and State, personally appeared DONALD FRANK MONACO, known to me to be the person who executed the within instrument, as owner, and he acknowledged to me that he executed the same as such owner.

Witness My Hand:

Harold A. Roberts
Notary Public in and for the County
of Stanislaus, State of California

**STATE OF CALIFORNIA } ss.
COUNTY OF ALAMEDA**

On this 22nd day of MARCH, 1977, before me, a Notary Public in and for said County and State, personally appeared June E. Demerdjian and Carolyn Atwood known to me to be the Assistant Vice President and Assistant Secretary of GUARANTY SERVICE CORPORATION, a California Corporation that executed the within instrument, as trustee, and also known to me to be the persons who executed it on behalf of such corporation, and acknowledged to me that such corporation executed the same, and further acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its Board of Directors.

Witness My Hand

Helen A. Forbes
Notary Public in and for the County
of Alameda, State of California

**ACCEPTANCE OF DEDICATION:**

This is to certify that the road rights-of-way, (the 15' Radius Return), offered for dedication lying within the boundary of the land being divided by this map are hereby accepted by the County of Stanislaus on behalf of the public, for public use. Said acceptance is authorized by resolution of the Board of Supervisors of Stanislaus County adopted on November 19, 1963 and affirmed by Instrument No. 1771-72 Stanislaus County Records.

Dated: March 28, 1977

STEVE A. NELSON, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Stanislaus, State of California.

By Phyllis Johnston
Deputy

PARCEL MAP

BEING A PORTION OF THE SOUTHEAST 1/4
OF SECTION 20, T.3S., R.9E., M.D.B. & M.

STANISLAUS COUNTY CALIFORNIA
SCALE: 1"=60' JANUARY, 1977

MID-VALLEY ENGINEERING

715 THIRTEENTH STREET ~ SUITE 1
MODESTO CALIFORNIA

SURVEYOR'S CERTIFICATE:

This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act of the request of DONALD FRANK MONACO. I hereby certify that it conforms to the approved tentative map and the conditions of approval thereof.

Edison S. Ayer
EDISON S. AYER, L.S. 2803

**COUNTY SURVEYOR'S CERTIFICATE:**

This map conforms with the requirements of the Subdivision Map Act and local ordinance.

RICHARD G. BARRITE, County Surveyor

By Boyer E. Lewis
Deputy

**STATE OF CALIFORNIA } ss.
COUNTY OF STANISLAUS**

On this 4th day of MARCH, 1977, before me, a Notary Public in and for said County and State, personally appeared Wm. E. Hawley and Carolyn Atwood known to me to be the Vice President and Assistant Secretary of NORCO SERVICE COMPANY, a California Corporation that executed the within instrument, as trustee, and also known to me to be the persons who executed it on behalf of such corporation and acknowledged to me that such corporation executed the same, and further acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its Board of Directors.

Witness My Hand

Gordon X. Whitmore
Notary Public in and for the County
of Stanislaus, State of California

**RECORDER'S CERTIFICATE:**

Filed this 28 day of MARCH, 1977, at 4:00 o'clock P.M. in Book 24 of PARCEL MAPS at Page 84, at the request of EDISON S. AYER. Instrument No. 52873 Fee \$7.00 Paid.

STEVE A. NELSON, County Recorder

By Boyer E. Lewis
Deputy

SHEET 1 OF 2 SHEETS Job No. 50,241 JGB
Stanislaus County File No. ZVA 76-25

PARCEL MAP

BEING A PORTION OF THE SOUTHEAST 1/4
OF SECTION 20, T.29, R.9E, M.D.B. & M.
STANISLAUS COUNTY
SCALE: 1"=50'
JANUARY, 1977

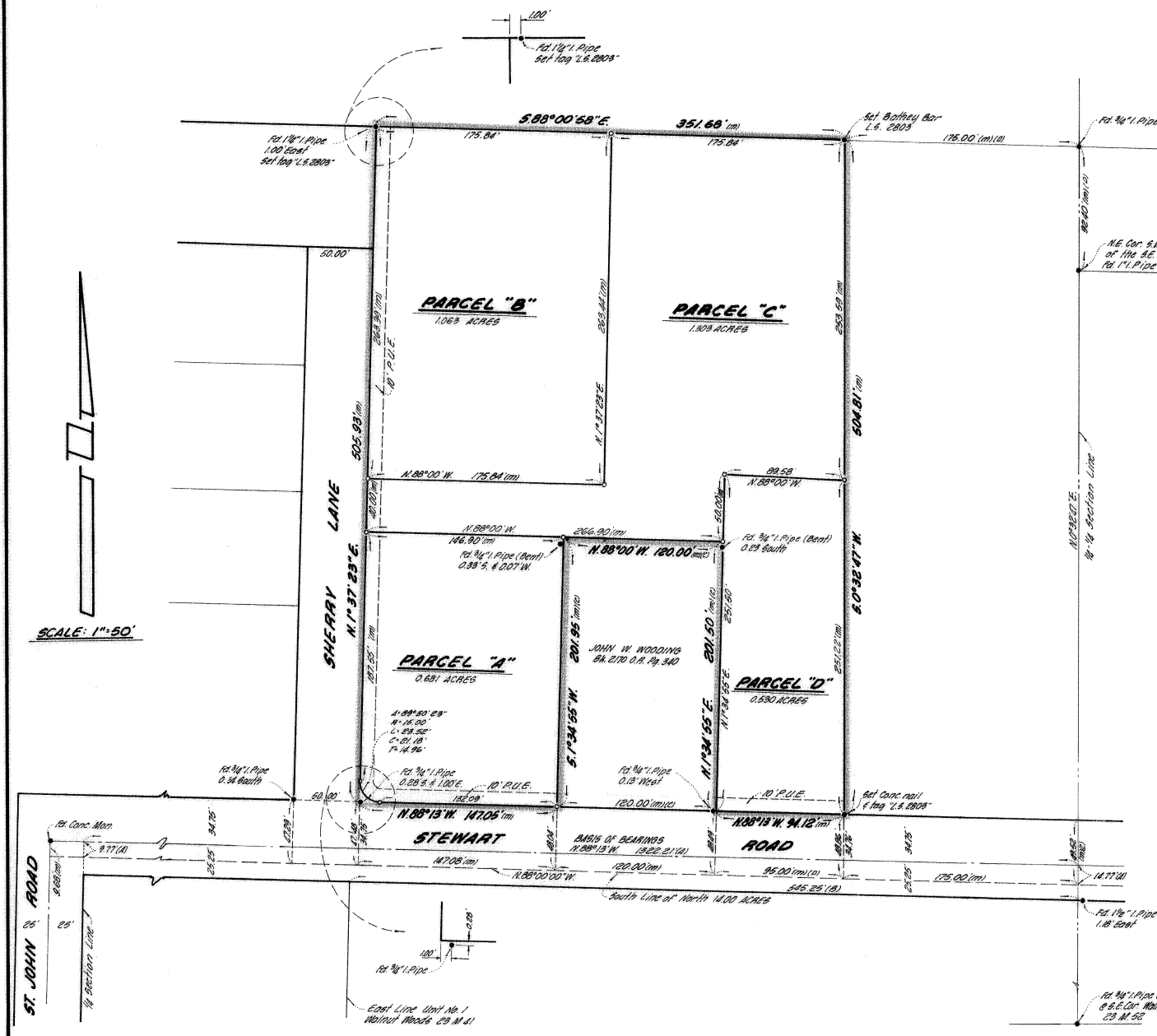
MID-VALLEY ENGINEERING
715 THIRTEENTH STREET SUITE 1
MODESTO CALIFORNIA

BASIS OF BEARINGS:
The bearing of N.88°13'W. along the centerline of
Stewart Road as shown on the map of WALNUT
WOODS filed in Vol. 23 of MAPS, Pg. 41, Stanislaus
County Records.

LEGEND:

- Rd. Monuments as noted.
- Set 3/4" Iron Pipe, tagged L.S. 2803
- (M) Measured on this survey.
- (A) Book 6 SURVEYS, Page 56
- (B) Book 23 MAPS, Page 41
- (C) Book 2170 OFFICIAL RECORDS, Page 340
- (D) Book 2523 OFFICIAL RECORDS, Page 126

Note: All distances measured unless otherwise noted.



RECORDER'S CERTIFICATE:
Filed this 28 day of JUNE, 1977 at
4:00 PM in Book 24 of PARCEL MAPS, at
Page 84, at the request of EDISON S. AVER.
Instrument No. 52973
Per #700

STEVE R. NELSON
County Recorder

Sheet 2 of 2 sheets
Job No. 50,241, JGB
Stan. Co. File No. 214,76-25

By: [Signature]
Deputy

OWNER'S CERTIFICATE:
We, the undersigned, do hereby certify that we are the owners of, or have some right, title or interest in record on the land's shown on this Parcel Map and we consent to the making and filing of this map in the office of the County Recorder of Stanislaus County, California. We also offer for dedication to the public, for public use, the 2000 foot wide strip of land along HILLCREST DRIVE and the 1000 foot wide public utility easement as shown on this map. We also reserve for future road purposes the 50.00 foot wide Road Reservation as shown.

OWNER: Alan G. Taylor Faye Taylor
ALAN G. TAYLOR FAYE TAYLOR

STATE OF CALIFORNIA } 55.
COUNTY OF STANISLAUS }
On this the 17 day of July, 1983, before me, the undersigned, a Notary Public in and for said County and State, personally appeared ALAN G. TAYLOR and FAYE TAYLOR, personally known to me or proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

Witness my hand and official seal
Signature: Sharon A. Goff



NOTE: The signatures of the following easement holder of record has been omitted pursuant to section 66436 of the Subdivision Map Act.

1) Modesto Irrigation District: Easement holder by Deed recorded in Volume 1862 of Official Records, Page 179, Stanislaus County Records.

PARCEL MAP

BEING A DIVISION OF A PORTION OF THE
S.E. 1/4 OF SECTION 19, T2S, R9E, M.O.B.M.
STANISLAUS COUNTY, CALIFORNIA
SCALE: 1" = 60' JUNE, 1983

THOMPSON-LINDSAY ENGINEER'S
2132 - B WYKE DRIVE
MODESTO, CALIFORNIA 95335

SURVEYOR'S CERTIFICATE:
This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of ALAN G. TAYLOR in June, 1983. I hereby state that this parcel map substantially conforms to the approved or conditionally approved tentative map if any.
I also certify that all monuments are of the character and occupy the positions indicated and that said monuments will be sufficient to enable this survey to be retraced.

Dated this 26 day of February, 1986
William B. Hysell
William B. Hysell L.S. 4876



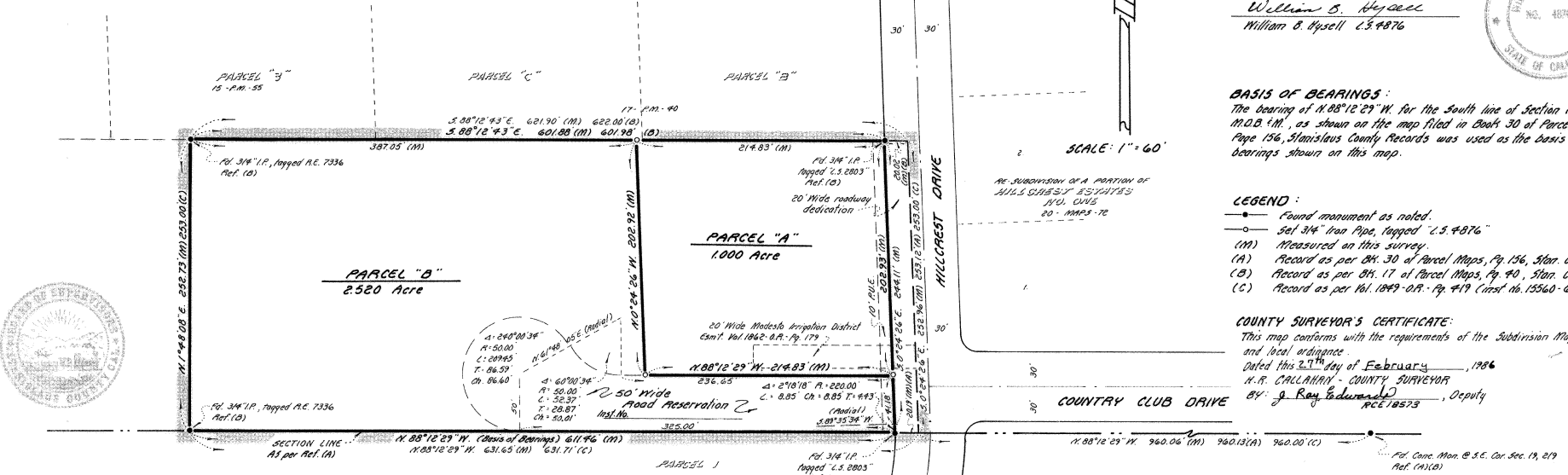
BASIS OF BEARINGS:
The bearing of N.88°12'29"W. for the South line of Section 19, T2S, R9E, M.O.B.M., as shown on the map filed in Book 30 of Parcel Maps, at Page 156, Stanislaus County Records was used as the basis of all bearings shown on this map.

LEGEND:
● Found monument as noted.
○ Set 3/4" Iron Pipe, tagged "L.S. 4876"
(M) Measured on this survey.
(A) Record as per Ch. 30 of Parcel Maps, Pg. 156, Stan. Co. Records.
(B) Record as per Ch. 17 of Parcel Maps, Pg. 40, Stan. Co. Records.
(C) Record as per Vol. 1849-O.R. - Pg. 419 (Inst. No. 15560-63)

COUNTY SURVEYOR'S CERTIFICATE:
This map conforms with the requirements of the Subdivision Map Act and local ordinance.
Dated this 27 day of February, 1986
H. R. CALLAHAN - COUNTY SURVEYOR
BY: J. Ray Edwards, Deputy
RCE 18573

RECORDER'S CERTIFICATE:
Filed this 28 day of February, 1986 at 10:55 o'clock A.M.
in Book 37 of Parcel Maps, of Page 88, Stanislaus County Records, at the request of William B. Hysell.

Instrument No. 47951
DAVID A. WURN, County Recorder
Rec. 609 and
BY: Pat Seidel, Deputy



CLERK OF THE BOARD OF SUPERVISOR'S CERTIFICATE:
This is to certify that the owners of the property shown on the accompanying map have filed with the Board of Supervisors: (check one)
☐ A) A bond or deposit approved by said board to secure the payment of taxes and special assessments levied as taxes, which are at the time of filing this map, a lien against said property or any part thereof.
☒ B) Accepted tax bill or bills or such other evidence as may be required by said board showing full payment of all applicable taxes.
Dated this 26 day of February, 1986
BETH INVERSON - MARTINEZ, CLERK/MANAGER, BOARD OF SUPERVISORS
BY: Patricia A. Plutner, Deputy

TAX COLLECTOR'S CERTIFICATE:
This is to certify that there are no liens for any unpaid State, County, School, Municipal, or irrigation taxes or special assessments, except special assessments or taxes not yet payable against the land shown on this map.
As to State, County, School or Municipal taxes:
Dated this 26 day of February, 1986
CL. DE GRADA, County Tax Collector
BY: Sharon A. Goff, Deputy

ACCEPTANCE OF DEDICATION:
This is to certify that the 20.00 foot wide strip along Hillcrest Drive offered for dedication by this map is hereby accepted by the County of Stanislaus on behalf of the public for public use.
Dated this 26 day of February, 1986
BETH INVERSON - MARTINEZ, CLERK/MANAGER, Board of Supervisors
BY: Patricia A. Plutner, Deputy

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS												
PROJECT: PARCEL MAP, VARIANCE, AND EXCEPTION APPLICATION NO. PLN2024-0087 - ROGERS												
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
CITY OF MODESTO UTILITIES	X	X	X		X							
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA OPR STATE CLEARINGHOUSE	X	X	X	X				X		X		X
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X		X				X	X	
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: SALIDA FIRE	X	X	X	X		X				X	X	
GSA: WEST TURLOCK SUBBASIN	X	X	X		X							
IRRIGATION DISTRICT: MODESTO	X	X	X	X		X				X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
STANISLAUS COUNTY EMERGENCY MEDICAL SERVICES	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X		X			X		X	X	
SCHOOL DISTRICT 1: STANISLAUS UNION	X	X	X	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 HAZARDOUS MATERIALS	X	X	X	X				X		X		X
STAN CO PARKS AND RECREATION	X	X	X		X							
STAN CO PUBLIC WORKS - SURVEY	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 4: GREWAL	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS		X	X		X							
TELEPHONE COMPANY: AT&T	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							

I:\Planning\Staff Reports\PM\2024\PM PLN2024-0087 - Rogers\Planning Commission\April 17, 2025\Staff Report\Exhibit G - Environmental Review Referrals.xls

**COUNTY OF STANISLAUS CAMPAIGN CONTRIBUTION DISCLOSURE FORM
PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT**

Application Number: APPLICATION NO. PLN2024-0087
Application Title: PARCEL MAP, VARIANCE, AND EXC
Application Address: 7025 Hillcrest Drive
Application APN: 004-059-054

Was a campaign contribution, regardless of the dollar amount, made to any member of a decision-making body involved in making a determination regarding the above application (i.e. Stanislaus County Board of Supervisors, Planning Commission, Airport Land Use Commission, or Building Code Appeals Board), hereinafter referred to as Member, during the 12-month period preceding the filing of the application, by the applicant, property owner, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist?

Yes ☐ No ☒

If no, please sign and date below.

If yes, please provide the following information:

Applicant's Name: _____

Contributor or Contributor Firm's Name: _____

Contributor or Contributor Firm's Address: _____

Is the Contributor:

The Applicant	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
The Property Owner	Yes <input type="checkbox"/>	No <input type="checkbox"/>
The Subcontractor	Yes <input type="checkbox"/>	No <input type="checkbox"/>
The Applicant's Agent/ Lobbyist	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Note: Under California law as implemented by the Fair Political Practices Commission, campaign contributions made by the Applicant and the Applicant's agent/lobbyist who is representing the Applicant in this application or solicitation must be aggregated together to determine the total campaign contribution made by the Applicant.

Identify the Member(s) to whom you, the property owner, your subcontractors, and/or agent/lobbyist made campaign contributions during the 12-month period preceding the filing of the application, the name of the contributor, the dates of contribution(s) and dollar amount of the contribution. Each date must include the exact month, day, and year of the contribution.

Name of Member: _____

Name of Contributor: _____

Date(s) of Contribution(s): _____

Amount(s): _____

(Please add an additional sheet(s) to identify additional Member(s) to whom you, the property owner, your subconsultants, and/or agent/lobbyist made campaign contributions)

By signing below, I certify that the statements made herein are true and correct. I also agree to disclose to the County any future contributions made to Member(s) by the applicant, property owner, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist after the date of signing this disclosure form, and within 12 months following the approval, renewal, or extension of the requested license, permit, or entitlement to use.

3-28-25

Date

EJR LLC

Print Firm Name if applicable

Signature of Applicant

E.J. rogers

Print Name of Applicant

**COUNTY OF STANISLAUS CAMPAIGN CONTRIBUTION DISCLOSURE FORM
PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT**

Application Number: APPLICATION NO. PLN2024-0087
Application Title: PARCEL MAP, VARIANCE, AND EXCEPTION
Application Address: 7025 Hillcrest Drive
Application APN: 004-059-054

Was a campaign contribution, regardless of the dollar amount, made to any member of a decision-making body involved in making a determination regarding the above application (i.e. Stanislaus County Board of Supervisors, Planning Commission, Airport Land Use Commission, or Building Code Appeals Board), hereinafter referred to as Member, during the 12-month period preceding the filing of the application, by the applicant, property owner, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist?

Yes ☐ No ☒

If no, please sign and date below.

If yes, please provide the following information:

Applicant's Name: _____

Contributor or Contributor Firm's Name: _____

Contributor or Contributor Firm's Address: _____

Is the Contributor:

The Applicant

Yes ☐ No ☐

The Property Owner

Yes ☐ No ☐

The Subcontractor

Yes ☐ No ☐

The Applicant's Agent/ Lobbyist

Yes ☐ No ☒

Note: Under California law as implemented by the Fair Political Practices Commission, campaign contributions made by the Applicant and the Applicant's agent/lobbyist who is representing the Applicant in this application or solicitation must be aggregated together to determine the total campaign contribution made by the Applicant.

Identify the Member(s) to whom you, the property owner, your subcontractors, and/or agent/lobbyist made campaign contributions during the 12-month period preceding the filing of the application, the name of the contributor, the dates of contribution(s) and dollar amount of the contribution. Each date must include the exact month, day, and year of the contribution.

Name of Member: _____

Name of Contributor: _____

Date(s) of Contribution(s): _____

Amount(s): _____

(Please add an additional sheet(s) to identify additional Member(s) to whom you, the property owner, your subconsultants, and/or agent/lobbyist made campaign contributions)

By signing below, I certify that the statements made herein are true and correct. I also agree to disclose to the County any future contributions made to Member(s) by the applicant, property owner, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist after the date of signing this disclosure form, and within 12 months following the approval, renewal, or extension of the requested license, permit, or entitlement to use.

03-28-25

Date


Signature of Applicant

David O. Romano

Print Firm Name if applicable

59 Print Name of Applicant

PARCEL MAP, VARIANCE, AND EXCEPTION APP. PLN2024-0087 ROGERS

Planning Commission
April 16, 2025

Overview

- Request to subdivide two parcels, totaling 3.52± acres parcel into three parcels of 1.67 ±, 1 ±, and 0.86± and acres in size, in the Rural - Residential (R-A) zoning district.
 - Proposed lot frontage width of Proposed Parcel 2 requires a variance to the R-A zoning district
 - Below 65 feet wide
 - Proposed lot access for Proposed Parcel 3 requires an exception to the subdivision ordinance
 - Requested a 30-foot-wide easement across Proposed Parcel 2

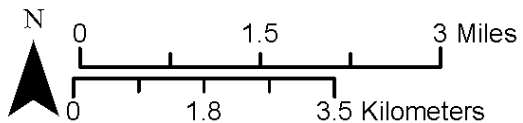
ROGERS

PM, VAR, EXC
PLN2024-0087

AREA MAP

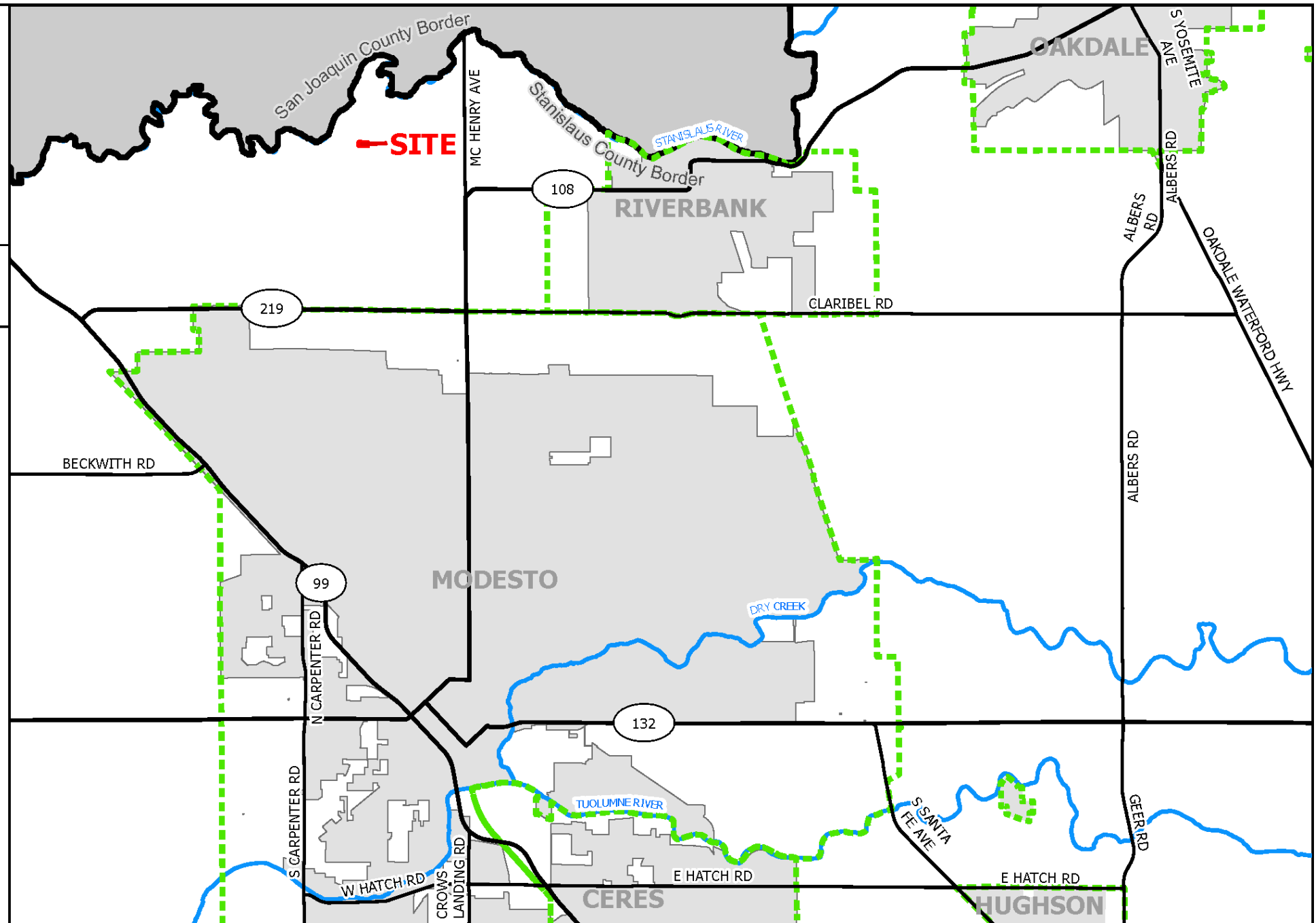
LEGEND

-  Project Site
-  Sphere of Influence
-  Highway
-  Major Road
-  River



Source: Planning Department GIS

Date Exported: 9/27/2024









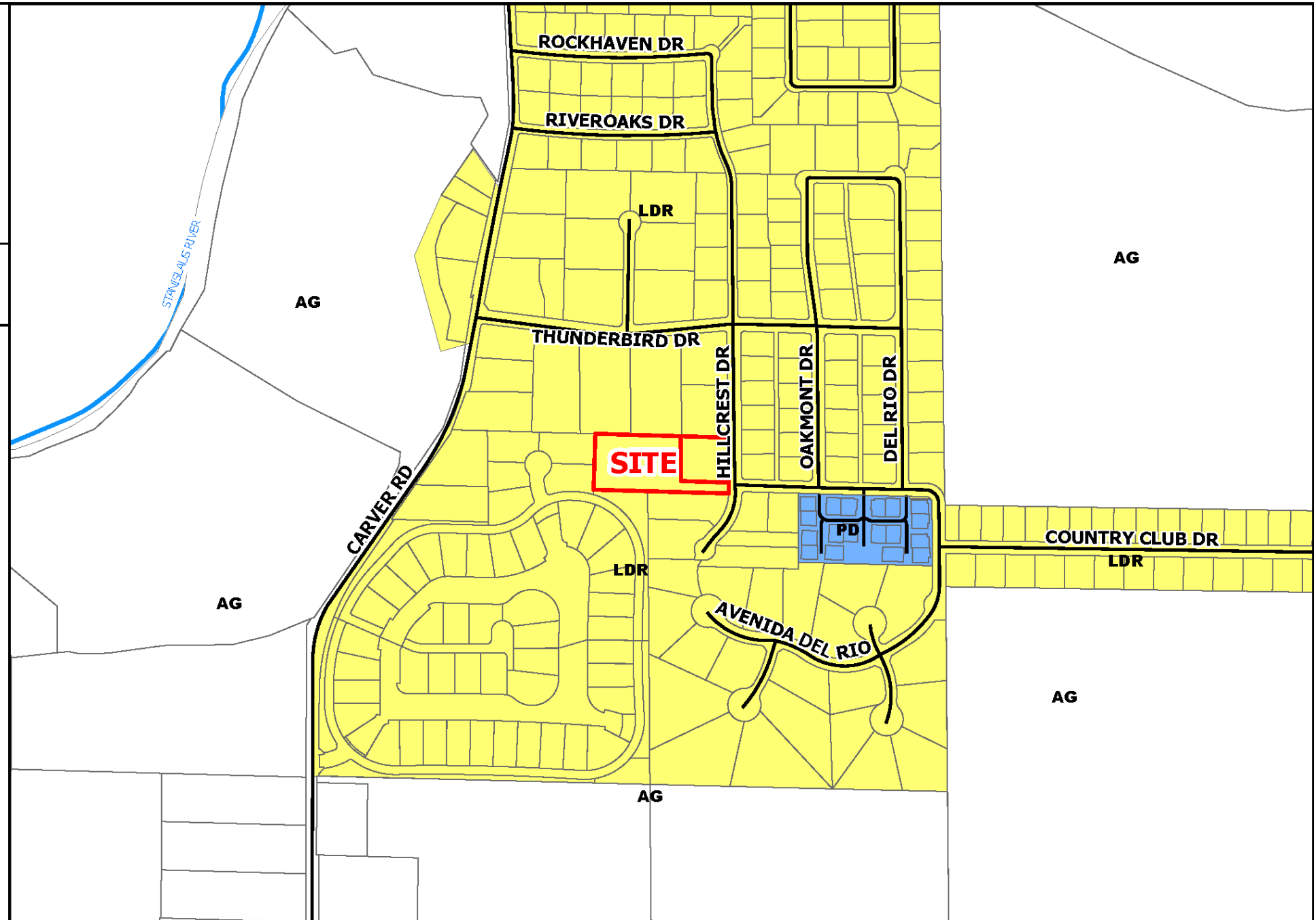
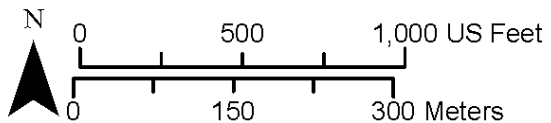
ROGERS

**PM, VAR, EXC
PLN2024-0087**

GENERAL PLAN MAP

LEGEND

-  Project Site
-  Parcel
-  Street
-  River
-  Agriculture
-  Planned Development
-  Residential - Low Density











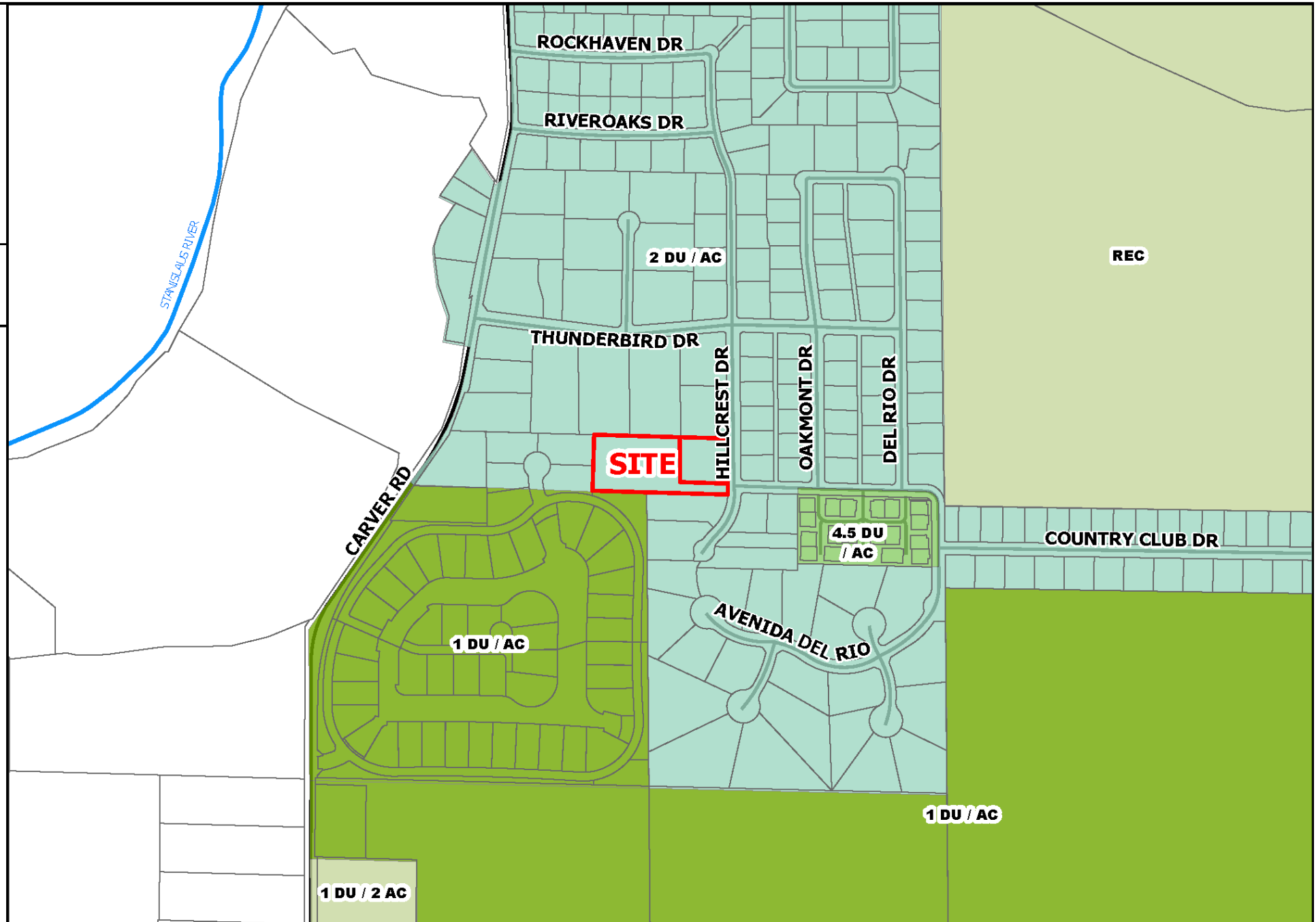
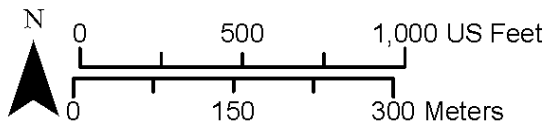
ROGERS

**PM, VAR, EXC
PLN2024-0087**

COMMUNITY PLAN MAP

LEGEND

-  Project Site
-  Parcel
-  Street
-  River
-  1 DU / 2 AC
-  1 DU / AC
-  2 DU / AC
-  4.5 DU / AC
-  REC



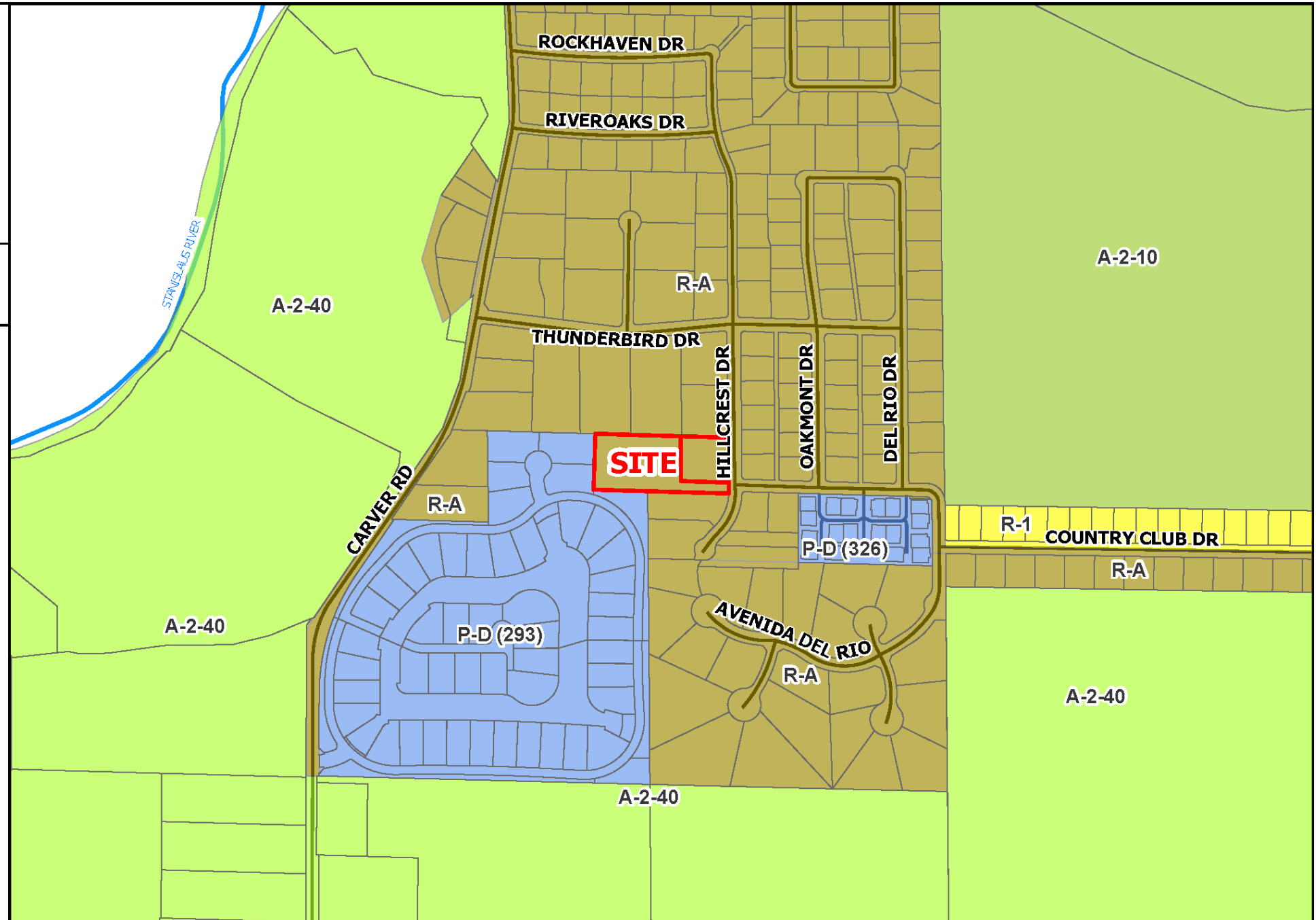
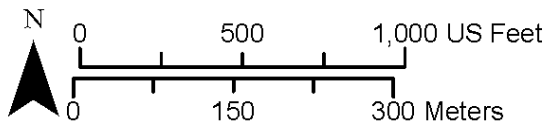
ROGERS

PM, VAR, EXC
PLN2024-0087

ZONING MAP

LEGEND

-  Project Site
-  Parcel
-  Street
-  River
-  General AG 10 Acre
-  General AG 40 Acre
-  Planned Development
-  Rural Residential
-  Single Family Residential



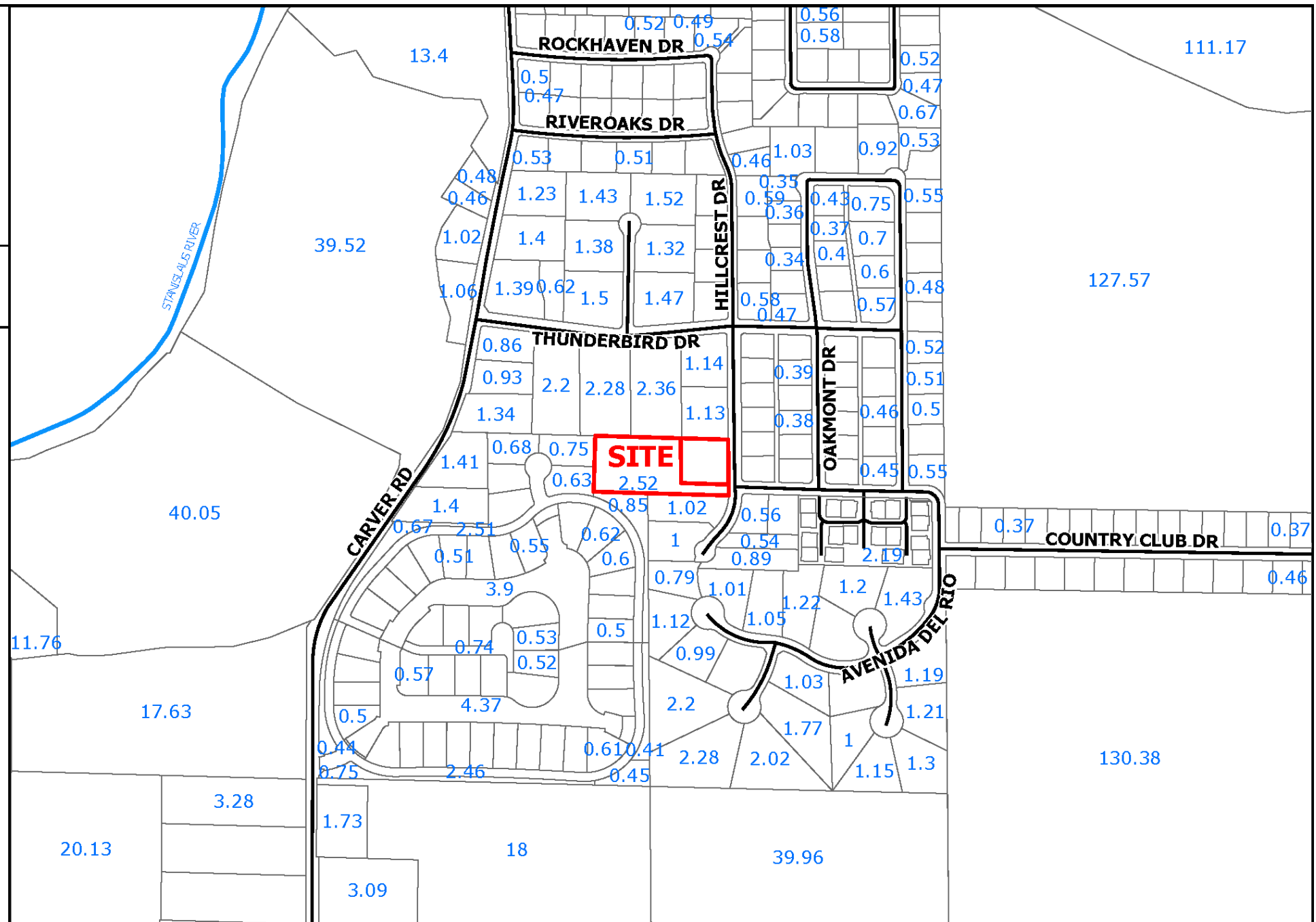
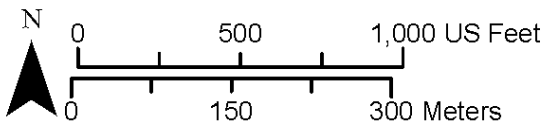
ROGERS

PM, VAR, EXC
PLN2024-0087

ACREAGE MAP

LEGEND

-  Project Site
-  Parcel
-  Acres
-  Street
-  River



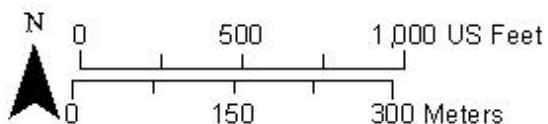
ROGERS

PM, VAR, EXC
PLN2024-0087

2023 AERIAL AREA MAP

LEGEND

-  Project Site
-  Parcel
-  Street
-  River



Source: Planning Department GIS

Date Exported: 9/27/2024



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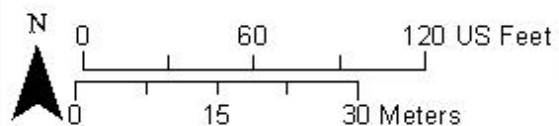
ROGERS

**PM, VAR, EXC
PLN2024-0087**

2023 AERIAL SITE MAP

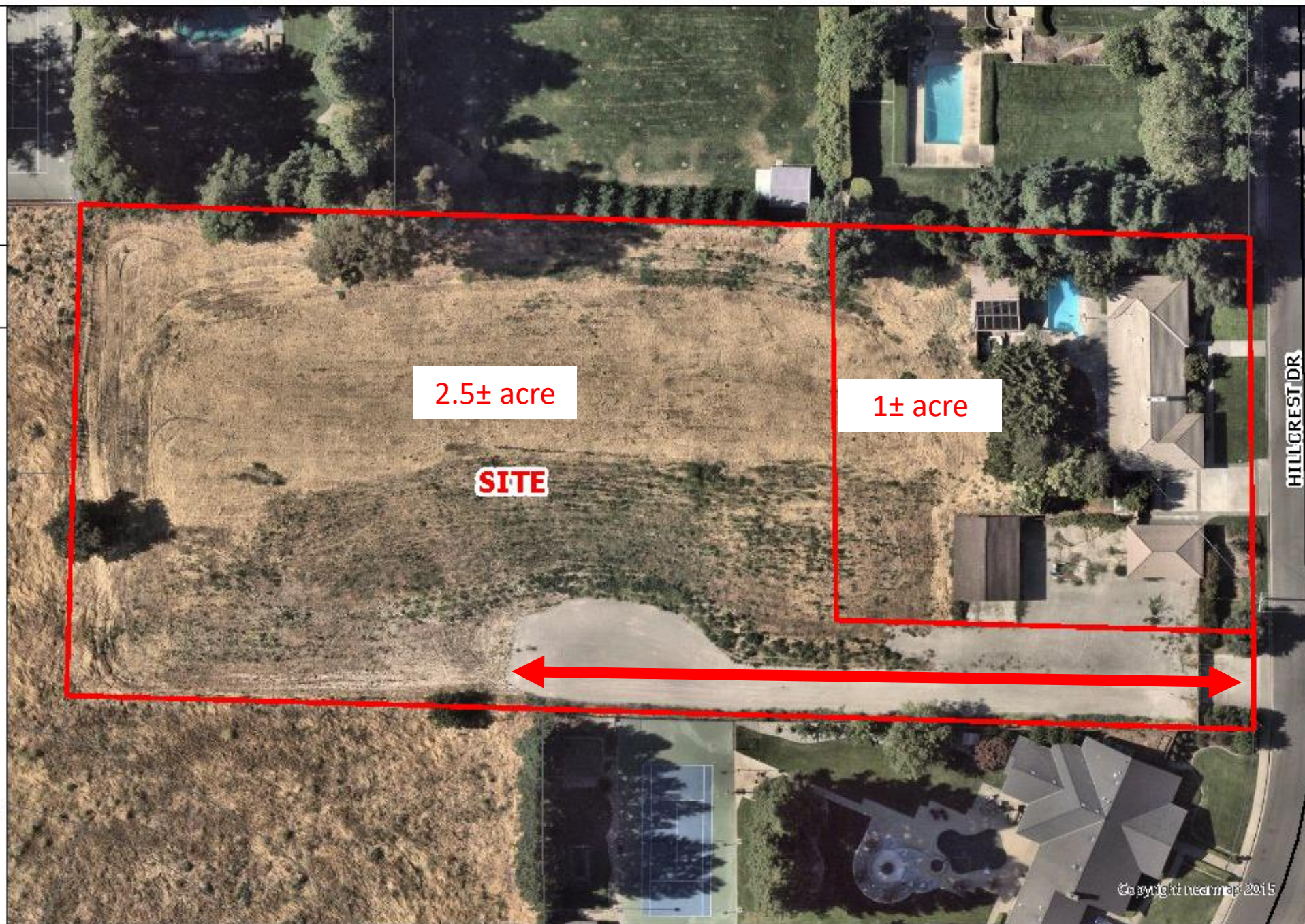
LEGEND

-  Project Site
-  Parcel
-  Street



Source: Planning Department GIS

Date Exported: 9/27/2024



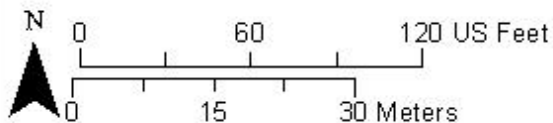
ROGERS

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PLN2024-0087

Parcel Map

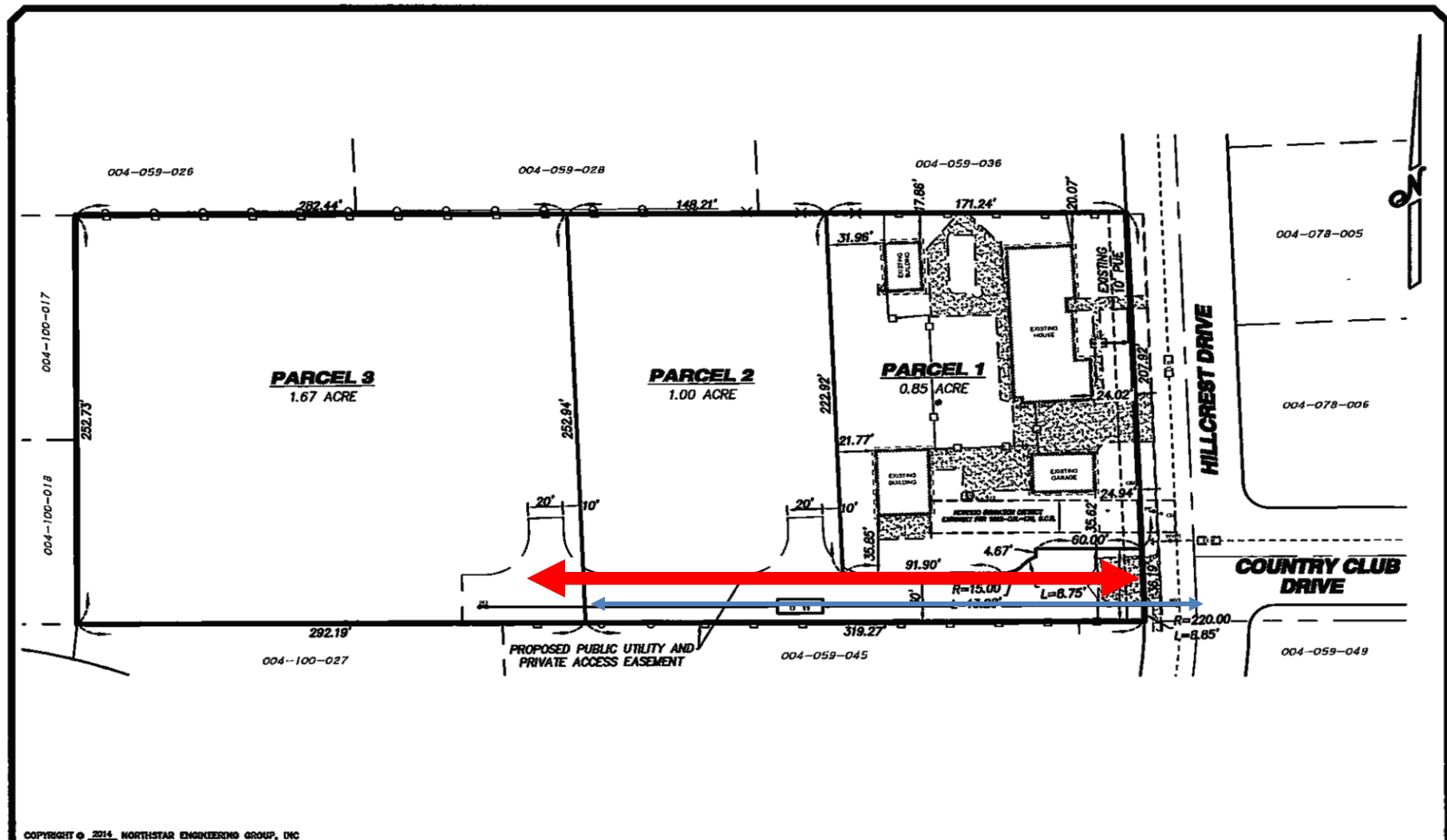
LEGEND

-  Project Site
-  Parcel
-  Street



Source: Planning Department GIS

Date Exported: 9/27/2024



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PLOT PLAN

VESTING TENTATIVE PARCEL MAP
7025 HILLCREST DRIVE, MODESTO, CA

STANISLAUS COUNTY

CALIFORNIA

JOB:	J24-34
DATE:	6/27/2024
SCALE:	1"=80'
DRAWN:	TC
CHECKED:	TC
SHEET	1
OF	1

Issues

- Variance & Exception
- No other project issues identified
 - Standard conditions of approval
 - Such as pedestrian improvements along Hillcrest Drive.

General Plan & Community Plan Consistency

- General Plan
 - Land Use Element
 - Low-Density Residential
 - Sphere of Influence Policy
 - City of Modesto Water Services
 - Del Rio Community Plan
 - Low Density Residential: Area 1 – Sub Area Two
 - Density limit
 - Goal 5 of Community Plan
 - Underground Utilities and community-wide sewer services

Zoning & Subdivision Ordinance Consistency

- Rural Residential (R-A)
 - Minimum parcel size when connected to one public utility
 - 20,000 square feet
 - Minimum Width and Depth
 - 65 feet wide and 80 feet deep
- Variance to Minimum Width for Proposed Parcel 2
 - Special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings
 - Preservation and enjoyment of substantial property rights
 - Will not adversely affect health or safety

Zoning & Subdivision Ordinance Consistency Continued

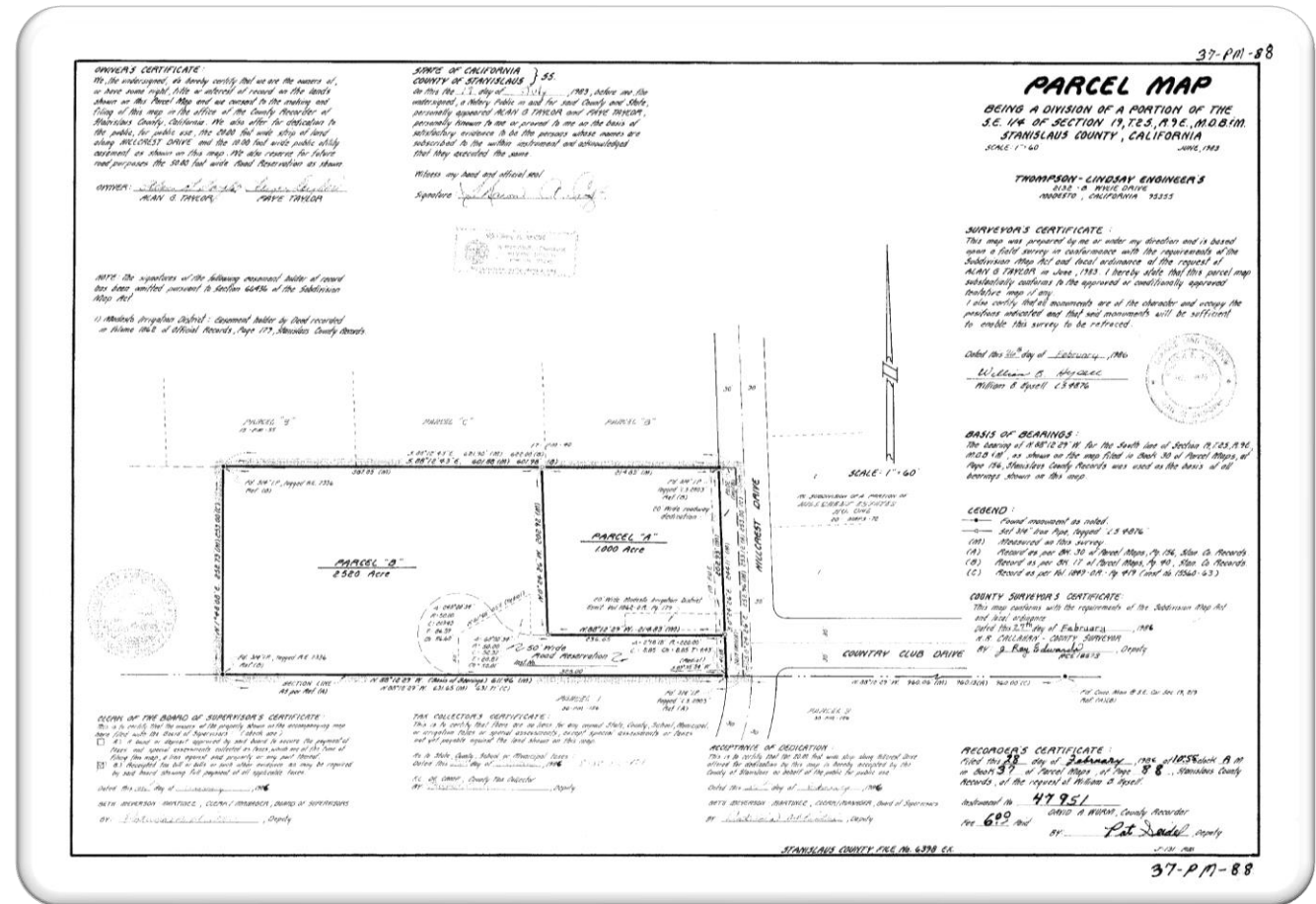
- Exception to access for Proposed Parcel 3
 - There are special circumstances applying to the property being divided
 - Exception is necessary for the preservation of a substantial property right of the owner
 - Will not be detrimental to the public welfare, injurious to other property in the neighborhood of the subdivision, and will not constitute a special privilege
 - Will not be in conflict with the purposes and objectives of the general plan or any element thereof or any specific plan

Zoning & Subdivision Ordinance Consistency Continued

- Design Standard Exception for Proposed Parcel 2's Width to Depth ratio
 - Can be used for its intended purpose;
 - Will not be detrimental to the continued agricultural use of said parcel(s) when designated as agricultural on the land use element of the general plan;
 - Is/are consistent with the potential subdivision of the total property as well as any approved city zoning and development plans; and
 - Will not be detrimental to the public welfare nor injurious to other property in the neighborhood of the proposed subdivision. If can be further subdivided the subdivider may be required to provide such reservations or dedications for future roads of not less than 50 feet in width running to the benefit of the general public

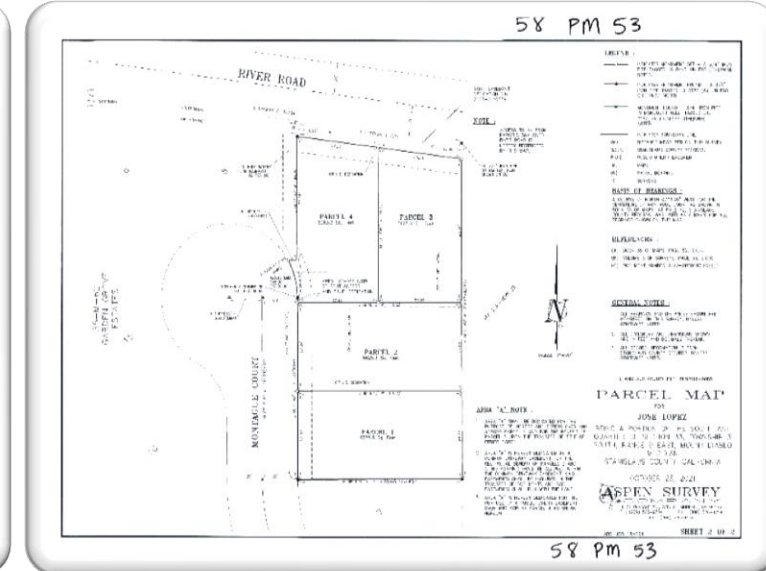
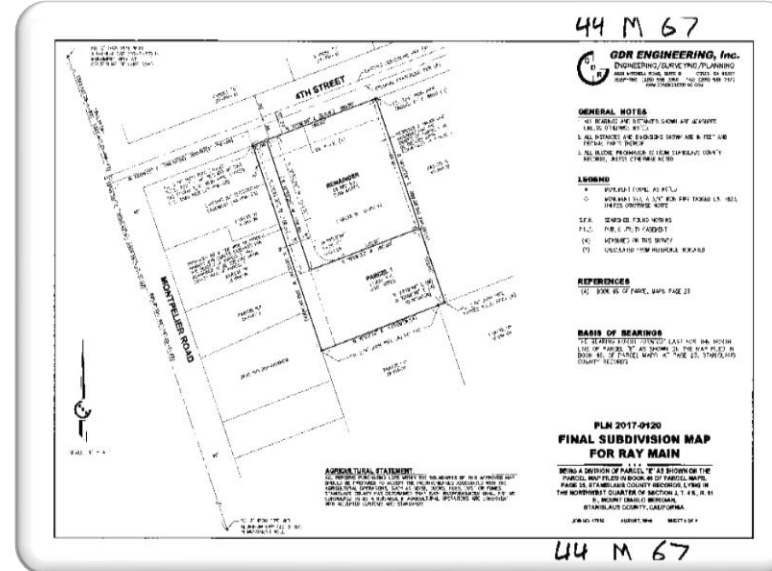
Zoning & Subdivision Ordinance Consistency Continued

- Applicant's findings for approval
 - Project site has unique features
 - Flag lot previously approved
 - Use of an access easement just as viable
 - Meets all other standards and densities of the R-A.



Zoning & Subdivision Ordinance Consistency Continued

- Staff finds
 - Special circumstances exist
 - Precedent set
 - No safety or transportation issues raised
 - All other standards of R-A being met
 - Can be used for intended use
 - Road reservation to be maintained



Environmental Review

- CEQA
 - Negative Declaration
- No significant impacts identified
 - Standard Conditions of Approval applied

Planning Commission Memo

- Request from applicant to amend Condition of Approval No. 6
 - Future improvements that will be located in 50-foot-wide road reservation
- County has no long-term plans to utilize the reservation

6. The 50-foot road reservation of 37-PM-88 shall be shown on the recorded map. The reservation shall remain unencumbered and available for any future subdivision of proposed Parcels 2 and 3, **unless otherwise authorized by the Director of the Stanislaus County Public Works or their designee prior to the issuance of any permit within the road reservation area. Upon acceptance of the road reservation by Stanislaus County and prior to it's development, any improvements within the road reservation area shall be removed or relocated at the property owner's expense.**

Recommendation

- Staff recommendation
 - Approval
- Findings – Exhibit A
 - Variance Findings
 - Exception Findings
 - Environmental Determination
 - Parcel Map Findings
 - Project Approval
 - Amendment to Condition of Approval No.6 as proposed in the April 17, 2025, Planning Commission Memo

Questions