



Referral Early Consultation

Date: December 16, 2024

To: Distribution List (See Attachment A)

From: Emily DeAnda, Associate Planner
Planning and Community Development

Subject: TIME EXTENSION FOR TENTATIVE MAP NO. PLN2022-0026 – ELMWOOD ESTATES

Respond By: December 31, 2024

******PLEASE REVIEW REFERRAL PROCESS POLICY******

The Stanislaus County Department of Planning and Community Development is soliciting comments from responsible agencies under the Early Consultation process to determine: a) whether or not the project is subject to CEQA and b) if specific conditions should be placed upon project approval.

Therefore, please contact this office by the response date if you have any comments pertaining to the proposal. Comments made identifying potential impacts should be as specific as possible and should be based on supporting data (e.g., traffic counts, expected pollutant levels, etc.). Your comments should emphasize potential impacts in areas which your agency has expertise and/or jurisdictional responsibilities.

These comments will assist our Department in preparing a staff report to present to the Planning Commission. Those reports will contain our recommendations for approval or denial. They will also contain recommended conditions to be required should the project be approved. Therefore, please list any conditions that you wish to have included for presentation to the Commission as well as any other comments you may have. Please return all comments and/or conditions as soon as possible or no later than the response date referenced above. Thank you for your cooperation. Please call (209) 525-6330 if you have any questions.

Applicant: Torre Reich, Malet Development

Project Location: 3700 Story Road, between East Zeering Road and Walton Street, in the Community of Denair.

APN: 024-055-060

Williamson Act Contract: N/A

General Plan: Low-Density Residential (LDR)

Community Plan: Low-Density Residential (LDR)

Current Zoning: Planned Development (P-D) (367)

Project Description: Request for a one-year time extension for Tentative Map No. PLN2022-0026 – Elmwood Estates. The approved project was a request to rezone a 4.82± acre parcel from Rural Residential to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent; and to create 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet and a 13,098 square-foot stormwater basin. The Board of Supervisors approved the project on December 6, 2022. The applicant has requested a one-year extension to complete the remaining Development Standards required to record the tentative map. If approved, the map would have a new expiration date of December 6, 2025.

Full document with attachments available for viewing at:
<http://www.stancounty.com/planning/pl/act-projects.shtm>



TIME EXTENSION FOR TENTATIVE MAP NO. PLN2022-0026 – ELMWOOD ESTATES
Attachment A

Distribution List

	CA DEPT OF CONSERVATION Land Resources / Mine Reclamation		STAN CO ALUC
X	CA DEPT OF FISH & WILDLIFE		STAN CO ANIMAL SERVICES
	CA DEPT OF FORESTRY (CAL FIRE)	X	STAN CO BUILDING PERMITS DIVISION
	CA DEPT OF TRANSPORTATION DIST 10		STAN CO CEO
	CA OPR STATE CLEARINGHOUSE		STAN CO CSA
X	CA RWQCB CENTRAL VALLEY REGION	X	STAN CO DER
	CA STATE LANDS COMMISSION		STAN CO ERC
	CEMETERY DISTRICT		STAN CO FARM BUREAU
	CENTRAL VALLEY FLOOD PROTECTION		STAN CO HAZARDOUS MATERIALS
	CITY OF:	X	STAN CO PARKS & RECREATION
X	COMMUNITY SERVICES DIST: DENAIR	X	STAN CO PUBLIC WORKS
	COOPERATIVE EXTENSION	X	STAN CO PUBLIC WORKS - SURVEY
	COUNTY OF:		STAN CO RISK MANAGEMENT
	DER GROUNDWATER RESOURCES DIVISION		STAN CO SHERIFF
	FIRE PROTECTION DIST: DENAIR		STAN CO SUPERVISOR DIST 2: CHIESA
	GSA: WEST TURLOCK SUBBASIN		STAN COUNTY COUNSEL
	HOSPITAL DIST:		StanCOG
X	IRRIGATION DIST: TURLOCK		STANISLAUS FIRE PREVENTION BUREAU
	MOSQUITO DIST: TURLOCK		STANISLAUS LAFCO
	STANISLAUS COUNTY EMERGENCY MEDICAL SERVICES		STATE OF CA SWRCB DIVISION OF DRINKING WATER DIST. 10
X	MUNICIPAL ADVISORY COUNCIL: DENAIR		SURROUNDING LAND OWNERS
	PACIFIC GAS & ELECTRIC		INTERESTED PARTIES
	POSTMASTER:		TELEPHONE COMPANY: AT&T
	RAILROAD: BURLINGTON NORTHERN/SANTA FE		TRIBAL CONTACTS (CA Government Code §65352.3)
X	SAN JOAQUIN VALLEY APCD		US ARMY CORPS OF ENGINEERS
	SCHOOL DIST 1: DENAIR UNIFIED	X	US FISH & WILDLIFE
	SCHOOL DIST 2:		US MILITARY (SB 1462) (7 agencies)
	WORKFORCE DEVELOPMENT		USDA NRCS
	STAN CO AG COMMISSIONER		
	TUOLUMNE RIVER TRUST		

STANISLAUS COUNTY CEQA REFERRAL RESPONSE FORM

TO: Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

FROM: _____

SUBJECT: TIME EXTENSION FOR TENTATIVE MAP NO. PLN2022-0026 – ELMWOOD ESTATES

Based on this agency's particular field(s) of expertise, it is our position the above described project:

- _____ Will not have a significant effect on the environment.
_____ May have a significant effect on the environment.
_____ No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) – (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts: *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

Response prepared by:

Name	Title	Date
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**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY**

DEPT: Planning and Community Development

BOARD AGENDA:6.2
AGENDA DATE: December 6, 2022

SUBJECT:

Public Hearing to Consider the Planning Commission's Recommendation of Approval for Rezone and Vesting Tentative Map Application No. PLN2022-0026 - Elmwood Estates, a Request to Rezone a 4.82 Acre Parcel from Rural Residential (R-A) to Planned Development (P-D) to Increase the Maximum Building Site Coverage from 40 to 50 Percent, and to Create 17 Single-Family Residential Lots Ranging in Size from 8,000 to 10,594 Square-Feet and a 13,098 Square-Foot Stormwater Basin, Located at 3700 Story Road, Between East Zeering Road and Walton Street, in the Community of Denair, and Adoption of a Negative Declaration Pursuant to the California Environmental Quality Act

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2022-0667

On motion of Supervisor Chiesa Seconded by Supervisor B. Condit
and approved by the following vote,

Ayes: Supervisors: B. Condit, Chiesa, Grewal, C. Condit, and Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

INTRODUCED, WAIVED THE READING, AND ADOPTED ORDINANCE C.S. 1334

ATTEST: Elizabeth A. King
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No. ORD-57-W-2

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM

DEPT: Planning and Community Development

BOARD AGENDA:6.2

AGENDA DATE: December 6, 2022

CONSENT ☐

CEO CONCURRENCE: YES

4/5 Vote Required: No

SUBJECT:

Public Hearing to Consider the Planning Commission's Recommendation of Approval for Rezone and Vesting Tentative Map Application No. PLN2022-0026 - Elmwood Estates, a Request to Rezone a 4.82 Acre Parcel from Rural Residential (R-A) to Planned Development (P-D) to Increase the Maximum Building Site Coverage from 40 to 50 Percent, and to Create 17 Single-Family Residential Lots Ranging in Size from 8,000 to 10,594 Square-Feet and a 13,098 Square-Foot Stormwater Basin, Located at 3700 Story Road, Between East Zeering Road and Walton Street, in the Community of Denair, and Adoption of a Negative Declaration Pursuant to the California Environmental Quality Act

STAFF RECOMMENDATION:

1. Conduct a public hearing to consider the Planning Commission's recommendation of approval for Rezone and Tentative Map Application Number PLN2022-0026 – Elmwood Estates a request to rezone a 4.82 acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 Percent, and to create 17 single-family residential lots ranging in size from 8,000 to 10,594 square-feet and a 13,098 square-foot stormwater basin, Located at 3700 Story Road, between East Zeering Road and Walton Street, in the Community of Denair.
2. 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, as amended on November 17, 2022, 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.
3. 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.
4. Find, based on the discussion in this report, and the whole of the record that:
 - a. The project is consistent with the overall goals and policies of the Stanislaus County General Plan.
 - b. The proposed Planned Development zoning is consistent with the Low-Density Residential General Plan and Community Plan designation.

- c. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
 - d. The site is physically suitable for the type of development.
 - e. The site is physically suitable for the proposed density of development.
 - f. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - g. The design of the subdivision or type of improvements are not likely to cause serious public health problems.
 - h. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
 - i. The alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the existing buffer standards.
 - j. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring improvements.
5. Approve Rezone and Tentative Map Application No. PLN2022-0026 – Elmwood Estates subject to the Development Standards attached to the September 15, 2022 Planning Commission Staff Report and with the amendment to Development Standard No. 15 and the addition of Development Standard Nos. 60, 61, 62, 63, and 64 as reflected in the December 6, 2022 Board Report.
 6. Introduce, waive the reading, and adopt an ordinance for the approved Rezone and Tentative Map application No. PLN 2022-0026 – Elmwood Estates.

DISCUSSION:

This is a request to consider the Planning Commission's recommendation of approval to rezone a 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent, and to create 17 single-family residential lots ranging in size from 8,000 to 10,594 square-feet and a 13,098 square-foot stormwater basin. The applicant proposes to install curb, gutter, and sidewalk along all street frontages, and to extend Romie Way north to south through the site which will connect to a proposed cul-de-sac (Harris Court).

The project site is located at 3700 Story Road, between East Zeering Road and Walton Street, in the Community of Denair. The site is currently developed with a single-family dwelling and attached two-car garage; both of which will remain on proposed Lot B. The remainder of the site is vacant and unimproved. Proposed Lot A will be used as a stormwater basin, which is an expansion of an existing adjoining off-site basin. Proposed Lots 1-16 will each be developed with single-family dwellings. An alternative agricultural buffer consisting of a zero setback and 6-foot-tall wood fence along the eastern property lines of Lots 15 and 16 and a 6-foot-tall chain-link fence with privacy slats along the remaining eastern boundary of the project site is proposed to prevent

trespassing onto the adjacent agriculturally zoned property. A detailed project description, and maps of the project, as well as a detailed discussion of the issues, general plan and zoning consistency, and environmental review conducted for the project can be found in the Planning Commission Staff Report (see Attachment 1 – *September 15, 2022 Planning Commission Staff Report*).

As proposed, the project will have a density of four (4) units per acre, which will be consistent with the project site's current zoning designation of Rural Residential (R-A) and General Plan Land Use and Denair Community Plan designations of Low-Density Residential. The proposed P-D zoning district will include all uses and development standards permitted in the R-A zoning district except for the 40% building coverage requirement. To achieve greater flexibility in siting of the housing product to be offered, the applicant has proposed a 50% building coverage allowance. The proposed lots will be served by the Denair Community Service District (CSD) for public water and sewer services.

At the time that the project was considered by the Planning Commission, numerous concerns had been raised by community members in response to the California Environmental Quality Act (CEQA) project referrals (Early Consultation and Initial Study) and notice of the Planning Commission public hearing. Staff received various emails, calls, and letters from surrounding residents raising concerns related to traffic and safety, the proposed development standards and density of the project, state laws allowing for additional residential development, notification of the project to the surrounding residents, and potential impacts from the project on public services, biological resources, and to the surrounding agricultural uses. A summary of the issues raised are outlined in the *Issues* section of the September 15, 2022, Planning Commission Staff Report (Attachment 1) and further discussed later in this report.

The project site is located within the boundaries of the Denair Municipal Advisory Council (MAC) and, in accordance with the County's General Plan Sphere of Influence (SOI) policy, the project was referred to the Denair MAC for comment. While the MAC did not place the April 5, 2022 Early Consultation referral on its regular meeting agenda, one of the MAC members, representing themselves as a resident of Denair, did submit a comment letter requesting duplexes be incorporated into the design of the subdivision. The project site is designated as Low-Density Residential (LDR) in the General Plan's Land Use Element and Denair Community Plan, the intent of which is for single-family dwellings (SFDs). Accordingly, duplexes would require an amendment to the General Plan and Community Plan designations to allow for multi-family dwellings (duplexes) which is not included in this project request. However, because accessory dwelling units (ADUs) are permitted uses in residential zoning districts, the developer has addressed the MAC member's comment by providing illustrative floor plans and elevations for a SFD with an attached ADU to be located on proposed Lots 6-8 with frontage onto Story Road.

In response to the Initial Study referral, which was circulated from July 22 to August 22, 2022, the project was presented at the August 9, 2022 Denair MAC meeting. The main concern raised by community members in attendance was regarding the proposed extension of Romie Way. Multiple residents requested that the proposed subdivision take access from Story Road, instead of Romie Way. County Public Works staff have determined that there is not enough distance from the existing Kersey Road intersection

to the west of the project site to allow for the installation of a new roadway off Story Road to access the proposed subdivision. Additionally, community members raised concerns regarding water availability and quality; roadway flooding; parkland dedication and the desire for a dual use basin; concern with two-story houses backing up to their backyards; and requested that privacy fencing be installed at the developer's expense. Ultimately the MAC voted 5-0 to recommend project approval, including a request that a development standard be placed on the project to require MAC consultation with the developer on the final landscape plan for the expanded stormwater basin. A development standard has been added to the project requiring that the final landscape plan include MAC consultation prior to consideration by the County's Planning Department for approval (see Exhibit C – *Development Standards*, of Attachment 1).

The project was originally scheduled to be considered by the Planning Commission on September 1, 2022 but was continued to the September 15, 2022 meeting to allow staff additional time to address input received from surrounding residents. See Exhibit F – *Community Responses Received*, of Attachment 1, for correspondence received prior to the release of the September 15, 2022 Planning Commission Staff Report.

The Planning Commission considered the proposed project at a public hearing held on September 15, 2022. At the start of the Planning Commission meeting, the Planning Commission was presented with two items of correspondence from Donald Rajewich, property owner at 3611 Kerry Court, received too late for the agenda: an email with an attached letter dated August 30, 2022, and a letter received on September 14, 2022 (see Attachment 3 – *September 15, 2022 Planning Commission Correspondence Too Late for the Agenda*). In his letters, Mr. Rajewich, expresses concerns regarding: potential decreased property values; loss of privacy; development standards regarding lot coverage, good neighbor fencing and the height of the dwellings to be constructed on the proposed lots; flooding; adequacy of the environmental review performed for the project regarding biological resources, hydrology and water quality, and air quality; traffic; and parkland dedication.

As part of staff's presentation to the Planning Commission, an overview of the issues raised by the community was presented. After staff's presentation, prior to opening the public hearing, Commissioner Zipser asked if any two-story homes were proposed for the project. Staff replied that the developer's intent was to construct only single-story dwellings. Commissioner Durrer asked if the developer would be restricted to only single-story homes. Staff specified that the Planning Commission has the authority to recommend a restriction be placed on the project limiting development to only single-story dwellings. Commissioner Willerup inquired as to whether there are any speed bumps in the general area surrounding the project site. County Public Works staff in attendance stated that there are no speed bumps in the surrounding area. Commissioner Zipser asked if there were two-story homes in the area. Staff responded that there are two-story homes within the area and that the development standards for the R-A zoning district applicable to the area allows for homes up to 35-feet in height. In response to Mr. Rajewich's letters, Commissioner Willerup asked for staff to respond to the concern that park fees to be paid in-lieu of parkland dedication are outdated. Staff clarified that the fees have been set by the Parks and Recreation Department and are applied to tentative maps on a per lot basis when the development is less than 52 lots. Parkland dedication is only required for tentative maps proposing 52 or more lots. A copy of the Parks and Recreation Department's In-Lieu of Fees policy on parkland

dedication was provided to Mr. Rajewich via email on September 20, 2022, following the Planning Commission meeting.

During the public hearing, two community members, Mr. Rajewich and Diane Lambert, spoke in opposition to the project. Mr. Rajewich expressed those concerns from his letters provided to the Planning Commission as correspondence at the start of the meeting. Mr. Rajewich requested the following: a restriction on the development of two-story dwellings; allowance for a 6-foot-tall good neighbor fence, as requested by the developer, rather than the 7-foot-tall fence recommended by staff; that the development take access off Story Road, rather than Romie Way, in order to save truck trips going through the neighborhoods; and for the development to install a dual use basin to function as both parkland and stormwater basin. Mr. Rajewich also stated the project site contains vernal pools which need to be preserved.

Diane Lambert, property owner of 3608 Romie Way, abutting the existing stormwater basin to be expanded into the projects proposed Lot A, spoke in regard to flooding on the southern end of Romie Way (area north of Walton Street and south of the project site). Ms. Lambert mentioned that the corner of Romie Way and Walton Street has flooded in the past with water up to her garage door for up to a week prior to the County installing a second catch basin (drywell) on the south side of Walton Street adjacent to the Romie Way and Walton Street intersection. Ms. Lambert mentioned that flooding occurred in January 2017 that reached up over the sidewalks and onto her lawn. Ms. Lambert also mentioned that water drains from the surrounding area into the project site and that she is uncertain how water will drain in the surrounding area once homes are developed on the project site. She also expressed concerns over increased traffic from the development traveling through the existing neighborhood which is a quiet neighborhood consisting of senior citizens. She indicated that the northern end of Romie Way (area south of Hillsdale Drive and north of the project site) is not a good neighborhood and potential buyers of the new development may not want to live near such a neighborhood.

The applicant, Torre Reich, spoke in favor of the project. Mr. Reich addressed the neighbors' concerns regarding access off Story Road, vernal pools, flooding, and traffic. Mr. Reich clarified that access off Story Road was not proposed as the County Public Works Department indicated there would be issues with siting access off Story Road due to the proximity of the existing Kersey Road intersection to the west of the project site. Mr. Reich mentioned that the currently proposed design maximizes the number of proposed lots and is more efficient to build. Mr. Reich also mentioned that he had contacted the previous property owner, who owned the land for over 40 years, regarding the presence of vernal pools on the project site; the previous property owner confirmed he did not have issues with standing water on-site. Mr. Reich referenced images on Google Maps that show water in existing low spots on the project site when it does rain and indicated that if the site was leveled no water would pool on-site. Regarding flooding on the southern end of Romie Way (the area north of Walton Street and south of the project site), Mr. Reich specified that the current County standards are stricter than when the subdivision to the south was constructed, and that the existing stormwater basin would be scoured to loosen the bottom of the basin and allow it to drain better. Mr. Reich also addressed the concerns over dump trucks and construction vehicle traffic around the project site by comparing it to his prior projects constructed in Denair. Specifically, Wenstrand Ranch, a triangle shaped development bounded by

East Monte Vista, Lester Road, and Main Street, which had a greater number of trucks used for development of the site in order to provide drainage in two different directions due to the shape and complexity of the development. Mr. Reich anticipates less trucks being used for the proposed project due to the less complicated design of the development.

Commissioner Zipser asked Mr. Reich if it would be an issue if a condition was placed on the project to restrict the development of two-story homes. The developer referenced Wenstrand Ranch and the Palm Estates (located at the corner of St. Simon Way and Derr Road, in Denair) developments which are comprised of larger one-story homes and responded that they would be fine with restricting development to allow only single-story homes.

Commissioner Pacheco asked Mr. Reich about the existing stormwater (catch) basins on Romie Way (on both sides) and whether he would make the basin larger to handle more stormwater. Commissioner Pacheco noted that there are few existing basins, all are small, and he could understand why there is flooding in the area. Mr. Reich did not know the exact size of or size requirements for the existing basins, however, he expressed an understanding that the County has made changes to its requirements to require larger basins and that he has no flooding issues with his newer subdivisions built to current standards. County Public Works staff specified that a crew from the Roads Division will go out and rejuvenate the existing drywell located on the south side of Walton Street, that Ms. Lambert mentioned had previously been clogged. Public Works staff also specified the County's current standards for the stormwater basin are stricter, requiring the dewatering of a 100-year 24-hour storm event in 48-hours. All calculations for the expanded stormwater basin will be reviewed prior to approval of the subdivision improvement plans. If the stormwater basin is not performing well within the one-year warranty period and inspection process, then the developer will have to recalculate and conduct soils tests to resolve the issues before Public Works releases the warranty bond for the stormwater basin. Commissioner Pacheco commented that he has concerns with existing stormwater control on the south end of Romie Way (adjacent to the Romie Way and Walton Street intersection and south of the project site) and the flooding mentioned by Ms. Lambert and stated that it was unacceptable. Mr. Reich responded he was hopeful that the current project would help with the flooding issues.

Following the close of the public hearing, Commissioner Durrer confirmed with staff that the future homeowners within the proposed development will be subject to paying into a Community Service Area (CSA) for the maintenance of the storm drainage facilities, and that the extension of Romie Way would provide a complete street (in terms of connecting the northern and southern portions of Romie Way). Commissioner Durrer expressed being in favor of restricting development to single-story homes as the applicant was in favor and the restriction would satisfy the neighbors' concerns. In response to a discussion among the Planning Commissioners regarding requiring a 6-foot-tall fence rather than the 7-foot-tall fence, staff provided clarification that the Planning Commission could recommend 6-foot fencing. Commissioner Durrer inquired as to whether the 7-foot-tall fencing requirement was a typical standard applied to other similar projects. Staff responded that a 7-foot-tall fencing requirement was applied to a Denair community project considered by the Planning Commission earlier in 2022 (General Plan Amendment, Rezone, and Vesting Tentative Map Application No. 2021-

0040 – Lazares Companies) in response to community concerns and input. Staff further clarified that unless there are community concerns, height standards for fencing are generally not applied to the development standards. In the past, 6-foot-tall fencing was typical; however, now fencing can be 7 feet tall without the need for a building permit to be obtained. Commissioner Willerup commented that he believed the developer would be in favor of the 6-foot-tall fence which would require less lumber.

On a vote of 5-0 (Durrer/Zipser), the Planning Commission recommended approval with a motion to recommend the Board of Supervisors approve the proposed project with a restriction allowing for only single-story dwellings to be developed and an amendment of Development Standard No. 15 to allow for a 6-foot-tall good neighbor fence (see Attachment 2 – *September 15, 2022 Planning Commission Minutes Excerpt*).

Following the Planning Commission meeting, staff retrieved a voicemail that had been left with the Planning Department prior to the start of the Planning Commission meeting. The voicemail was from Teri Milsap, property owner of 5122 Walton Road, who expressed in the voicemail concerns regarding the extension of Romie Way, traffic, and safety concerns regarding the width of Romie Way for emergency and construction vehicle access to the site. All issues that had been identified in the September 15, 2022 Planning Commission Staff Report.

Following the September 15, 2022, Planning Commission hearing, staff received a petition in opposition of the project signed by 39 individuals representing both property owners and residents within the Community of Denair (see Attachment 4 – *Correspondence Received After Planning Commission*). The petition specifically states opposition to the extension of Romie Way and construction vehicles driving through the neighborhood. Attachment 4 also includes various emails and letters from three surrounding property owners (Nancy Dee, Donald Rajewich, and Steve Silva) and two individuals from outside the surrounding area (Brad Johnson and John Herrick). While many of the concerns raised are the same as those already identified prior to the September 15, 2022 Planning Commission meeting, the following new concerns, or variations to the initial concerns, have been raised: notification of the August 9, 2022 Denair MAC meeting in violation of the Brown Act; the adequacy of staff's evaluation of impacts to biological resources and hydrology and water quality within the environmental review (Initial Study) and Planning Commission Staff Report prepared for the project; and the availability of water to serve the development. The following is an overview of the new concerns:

Denair MAC and the Brown Act

Concerns have been received regarding the notification process for the Denair MAC's August 9, 2022 meeting. The current notification practice for MAC meetings consists of the MAC Chair and/or Secretary sending out a notice via email to their distribution list which includes any interested parties and the Denair Unified School District which posts a notice for the meeting outside the District Office. The County's Community Manager posts the meeting agenda to the County's MAC website 72 hours prior to the meeting. The Denair MAC's August 9, 2022, 5-0 vote to recommend project approval, as well as the concerns voiced by the community members in attendance at the MAC meeting, are captured in the September 15, 2022, Planning Commission Staff Report prepared for the project (see Attachment 1 – *September 15, 2022 Planning Commission Staff Report*) and discussed earlier in this report.

Environmental Review Adequacy – Biological Resources and Water

The Planning Commission's recommendation was delayed in being presented to the Board of Supervisors to allow a biological assessment to be performed in response to concerns regarding the existence of vernal pools on the project site. A biological assessment of the project site, prepared by Moore Biological Consultants, was submitted on October 14, 2022, which evaluated potential project-related impacts to vernal pools and species associated with a vernal pool habitat, as well as special status biological species including, but not limited to, the State threatened Swainson's hawk, and the State species of special concern burrowing owl.

In preparation of the biological assessment, a field survey of the site was conducted on October 13, 2022. The survey consisted of walking throughout the project site making observations of current habitat conditions and noting surrounding land use, general habitat types, and plant and wildlife species. The survey included an evaluation of the project site for presence or absence of potentially jurisdictional Waters of the U.S. (a term that includes wetlands) as defined by the U.S. Army Corps of Engineers, special-status species, and suitable habitat for special-status species (e.g., blue elderberry shrubs and vernal pools). The biological assessment found that no potentially jurisdictional Waters of the U.S. (i.e., vernal pools, seasonal wetlands, streams, creeks, or other aquatic habitats) were observed on the project site. The biological assessment found that due to high levels of disturbance and a lack of suitable habitat (use of the property as irrigated pasture to support livestock), it is unlikely that special status plants occur on the site. Additionally, the biological assessment states that due to the scarcity of occurrences of Swainson's hawks recorded in the California Natural Diversity Database (CNDDB) in the greater project vicinity, small size of the site, and its adjacency to developed parcels, the likelihood of a Swainson's hawk using the site for foraging on an intensive basis, if ever, is reduced due to the location of the project site and that it is unlikely this species nests near the project site. Further, the biological assessment found that other special-status birds, including burrowing owl, may fly over the site on occasion but would not be expected to nest within the project site; no ground squirrel burrows were observed in or adjacent to the site and burrowing owls are not common in this part of Stanislaus County. The biological assessment included conservative recommendations regarding pre-construction surveys for Swainson's hawk, burrowing owl, and other nesting birds protected by the Migratory Bird Treaty Act of 1918 to be conducted prior to ground disturbance should construction begin between March 1 and September 15. If active nests are found, work in the vicinity of the nest should be delayed and a qualified biologist should be consulted for recommendations on how to proceed (see Attachment I – *Biological Assessment, conducted by Moore Biological Consultants, dated October 14, 2022*, of Attachment 5).

In response to concerns being raised about the time of year the biological assessment was conducted with regards to identifying vernal pools, Diane Moore, Principal Biologist at Moore Biological Consultants, has clarified, in an email to staff dated November 21, 2022, that vernal pools and seasonal wetlands can be identified year-round by examining the topography of the project site and plant species on site. In the email, Ms. Moore states:

“... The pasture in the site was leveled decades ago, and slopes down gently to the west, at an estimated 2% slope, such that water released from the east

edge of the site irrigates the entire field. While there are admittedly a few small areas where puddles may form and remain for a few days after a very very heavy rain event, puddles are widespread everywhere after heavy rains and are not vernal pools.

While the optimal time of the year for identifying the precise boundaries of vernal pools and seasonal wetlands, these seasonally wet features can be identified year-round. Vernal pools and seasonal wetlands are "depressional" features; they are bowl-shaped basins usually underlain by a hardpan that pond water for at least a few weeks during the growing season (i.e., Spring). Vernal pool grasslands are notable by topographic highs and lows, with vernal pools forming in basins fed by run-off from adjacent high areas. The site does not have vernal pool grassland topography. There are no basins in the pasture; the site is leveled.

Vernal pools and seasonal wetlands also support an assemblage of hydrophytic (i.e., "wetland") plants that differs greatly from those in an irrigated pasture. Plant species indicative of vernal pools and seasonal wetland plants can be identified year-round and are not present in the site. ..."

Section IV – *Biological Resources* of the CEQA Initial Study prepared for the project and provided as an attachment to the September 15, 2022 Planning Commission Staff Report (Attachment 1) has been amended (amended text shown in italics and deleted text shown as stricken) to reflect the information provided in the biological assessment (see Attachment 5 – *Amended Initial Study, dated November 17, 2022*). As permitted by CEQA Guidelines Section 15073.5(c), revisions to an initial study with either a negative declaration or a mitigated negative declaration may be approved without a new period of environmental review if the project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects, or if the new information merely clarifies, amplifies, or makes insignificant modifications to the negative declaration. This additional language is considered to be informational in nature and to have no new significant effects. Staff believes that the modification meets this statute, and that re-circulation of the Initial Study is not required.

Questions have been raised regarding the Denair Community Service District's (CSD) ability to serve the development and cumulative impacts of residential development, including accessory dwelling units, on groundwater.

The Local Agency Formation Commission (LAFCO) Municipal Service Review (MSR) of the Denair CSD, adopted January 22, 2020, indicates that the Denair CSD has the capacity to serve all potential development within the existing Denair CSD boundary and that the Denair CSD may consider expanding its current infrastructure and facilities within the next two to five years should development consistent with the Denair Community Plan area be approved by the County. The project site is located within the CSD's boundary (see Exhibit I – LAFCO Adopted Denair Community Services District Boundary of Attachment 1 – *September 15, 2022, Planning Commission Staff Report*).

The Denair CSD provided a can-serve letter, dated February 10, 2022, indicating the capacity of the Denair CSD to serve water and sewer to the project site. The letter

indicated that the Denair CSD will require the owner/developer to enter into an Agreement with the Denair CSD to construct and pay for necessary infrastructure to enable the Denair CSD to provide water and sewer services to the project. While a new well is not required to serve this development, the applicant will be required to pay a fair share fee for future facilities needed for delivery of Denair CSD services, including any new well to serve future development within the Denair CSD's boundaries. Development Standard No. 48 requires the project developer to enter into an Agreement to construct and pay for necessary infrastructure to enable the Denair CSD to provide water and sewer services to the project. The Agreement will require the infrastructure be constructed to Denair CSD specifications, and that security be given to the Denair CSD to guarantee performance and payment for the infrastructure, and that all current connection fees be paid in full prior to connection.

Comments received regarding inadequate water supply to serve the project mention concerns with staff's reference of the West Turlock Subbasin Groundwater Sustainability Agency (GSA) within September 15, 2022 Planning Commission Staff Report and Initial Study. The GSA was referenced within the Staff Report in response to concerns regarding groundwater availability and sustainability; the reference of the GSA in the Staff Report was to demonstrate that the Denair CSD (which will serve the development with water) is currently compliant with State requirements regarding groundwater sustainability. The Denair CSD is a member of the GSA, who is tasked with developing a Groundwater Sustainability Plan (GSP) which provides a roadmap for the long-term sustainability of the West Turlock Groundwater Subbasin. The Denair CSD is required to meet all applicable requirements of the GSA's GSP which was submitted to the California Department of Water Resources (DWR) on January 28, 2022, for review. The GSA developed the GSP to comply with the Sustainable Groundwater Management Act (SGMA) of 2014 and to achieve long-term sustainability of the Turlock Subbasin. DWR has through the end of 2024 to review the GSP; however, the GSA continues to prepare for implementation of the GSP and the Denair CSD is subject to meeting any applicable requirements of the Turlock GSP.

The Denair CSD District Manager, David Odom, on November 10, 2022, confirmed that the CSD does take into consideration potential accessory dwelling units, in addition to the number of single-family dwelling units able to be constructed on each proposed lot in accordance with zoning, prior to sending out a letter confirming their ability to serve a project (a "can-serve" letter). Water availability to serve the project does not appear to be a development constraint for the proposed project as, the project site is located within the Denair CSD's current service boundary, the Denair CSD is in compliance with the State regarding groundwater sustainability, and the Denair CSD has provided a letter indicating their ability to serve the project site with water services and will require the applicant to pay a fair share fee for future facilities for District services.

On November 7, 2022, a comment letter from Mr. Rajewich was received requesting the Board of Supervisors public hearing to consider this project be postponed and no final action taken on the project until the completion of an assessment of the vernal pools be conducted in conformance with the State of California Department of Fish and Wildlife protocols for surveying and evaluating impacts to biological resources. Further, Mr. Rajewich requested a vernal pool assessment to be conducted when there are pools of water on the property. The comment letter was sent in response to a November 8, 2022 Board of Supervisors Agenda item requesting to set the December 6, 2022 public

hearing.

At the November 8, 2022 Board of Supervisors meeting, Mr. Rajewich claimed that the September 15, 2022 Planning Commission Staff Report for the project misrepresented the 2020 LAFCO adopted MSR of the Denair CSD and misrepresented the GSA's authority. Mr. Rajewich also claimed that he was unable to obtain a copy of the Stanislaus County Parks and Recreation Department's In-Lieu of Fees Policy. Additionally, Mr. Rajewich commented on the adequacy of the biological assessment conducted for the project regarding the time of year the assessment was performed for the project and requested that a vernal pool assessment be conducted in the spring. Mr. Rajewich also requested that, prior to the project being considered for final approval, corrections be made regarding the items he identified during his public comment, at the November 8th Board of Supervisors meeting, and within his November 7th comment letter.

As detailed in the "General Plan and Community Plan Consistency" and "Zoning & Subdivision Ordinance Consistency" sections of the September 15, 2022 Planning Commission Staff Report, staff believes the proposed development is consistent with the Goals and Policies of the General Plan and with the County's Zoning and Subdivision Ordinances. The rezone for this project is only required to allow for a ten (10) percent increase in the maximum building site coverage area. Similar requests have been approved for other residential subdivision within the Denair Community Plan. The project will provide in-fill development within an area suitable for such development as envisioned by the County's General Plan, including the Denair Community Plan.

The project site is designated as Low-Density Residential (LDR) in the Land Use Element of the General Plan and in the Denair Community Plan. The intent of the LDR designation is to provide appropriate locations and adequate areas for single-family detached homes in either conventional or clustered configurations. Under the LDR designation, residential building intensity, when served by a community services district or sanitary sewer district and public water district, is zero to eight units per acre.

If approved, the project site could be developed with up to 34 dwellings units, with each lot able to be developed with a single-family dwelling, an accessory dwelling unit (ADU), and a junior accessory unit (JADU). Full build-out would be a gross density of eight dwelling units per acre; however, in accordance with State regulations, Section 21.74.040(D) of the County's Zoning Ordinance does not consider ADU's, developed in accordance with County regulations, to count towards the allowed overall density of a parcel. Without the ADU's and JADU's, the proposed development has a gross density of four dwelling units per acre.

If approved, the developer anticipates final improvement plans for the proposed project to be submitted by August of 2023, and construction to begin six to eight months following approval of the final improvement plans.

Staff recommends the Board of Supervisors approve the Planning Commission's recommendation of approval which includes the Planning Commission's recommended amendment to Development Standard No. 15, to lower the required fence height, and a new development standard restricting development to single-story homes to read as follows: (Amendments to existing development standard are reflected in bold text and deletions in strikeout text and new development standard reflected as Development Standard No. 60)

15. A wood fence, a minimum of ~~67~~ feet in height, shall be constructed along the northern and southern property lines of the subdivision and along the eastern property line of lots 15 and 16 prior to issuance of any certificate of occupancy for any dwelling resulting from the subdivision. All fencing required by this condition shall be the responsibility of individual parcel owners to maintain, repair, and replace, as necessary, in accordance with the project's development standards and all applicable County Codes.

60. Development shall be restricted to single-story dwellings.

Since the September 15, 2022 Planning Commission meeting, staff has identified that the requirements for a payment of in-lieu fees for parks and a per dwelling fee to the Sheriff was inadvertently not included in the development standards applied to the project. If the Board approves the project, staff recommends the incorporation of Development Standard Nos. 61 and 62 as reflected below for both the parks and Sheriff fees. Staff is also recommending the addition of development standards requiring pre-construction surveys for nesting birds, as recommended in the Biological Assessment prepared for the project, be applied as Development Standard Nos. 63 and 64, to read as follows:

61. **Prior to the issuance of building permits for a dwelling, the owner/developer shall pay a fee of \$339.00 per dwelling to the County Sheriff's Department.**
62. **Prior to the issuance of any building permit for a dwelling, park in-lieu fees will be required at a rate of \$2,050.00 per single-family dwelling unit.**
63. **If ground disturbing activity or construction commences between March 1 and September 15, pre-construction surveys for nesting Swainson's hawks (SWHA) shall be conducted by a qualified biologist to determine the need for temporal restrictions on construction using criteria set forth by the California Department of Fish and Wildlife and the Swainson's Hawk Technical Advisory Committee. If active nests are found, work in the vicinity of the nest shall be delayed and a qualified biologist shall be consulted for recommendations on how to proceed.**
64. **If ground disturbing activity or construction commences between March 1 through July 31, a pre-construction survey for nesting birds shall be conducted. If active nests are found, work in the vicinity of the nest shall be delayed and a qualified biologist shall be consulted for recommendations on how to proceed.**

All findings required for approval of this project are incorporated into the Staff Recommendations provided for this item.

POLICY ISSUE:

In order to consider a rezone, the Board of Supervisors must hold a public hearing. In order to approve a rezone, the proposed rezone must be found to be consistent with the General Plan. In this case, the proposed Planned Development (P-D) zoning designation will be consistent with the General Plan and Denair Community Plan designation of Low- Density Residential (LDR). Approval of a tentative map requires finding that the project is in compliance with the County's General Plan, Zoning Ordinance and Subdivision Ordinance and meets all applicable findings required by the State Subdivision Map Act.

FISCAL IMPACT:

Costs associated with processing the application, setting the public hearing, publishing of required notices, and conducting the hearing have been covered by the application fee deposit plus revenue from additional invoicing at project end.

BOARD OF SUPERVISORS' PRIORITY:

Approval of this action supports the Board of Supervisors' priority of *Developing a High-Performing Economy, Delivering Efficient Public Services and Enhancing Community Infrastructure* by providing a land use determination consistent with the overall goals and policies of the Stanislaus County General Plan.

STAFFING IMPACT:

Planning and Community Development Department staff is responsible for reviewing all applications, preparing all reports, and attending meetings associated with the proposed Rezone and Vesting Tentative Map application.

CONTACT PERSON:

Angela Freitas, Planning and Community Development Director
Telephone: (209) 525-6330

ATTACHMENT(S):

1. September 15, 2022 Planning Commission Staff Report
2. September 15, 2022 Planning Commission Minutes Excerpt
3. September 15, 2022 Planning Commission Correspondence Too Late for the Agenda
4. Correspondence Received After Planning Commission
5. Amended Initial Study, dated November 17, 2022
6. Proposed Ordinance and Sectional District Map

STANISLAUS COUNTY PLANNING COMMISSION

September 15, 2022

STAFF REPORT

REZONE AND TENTATIVE MAP APPLICATION NO. PLN2022-0026 ELMWOOD ESTATES

REQUEST: TO REZONE A 4.82± ACRE PARCEL FROM RURAL RESIDENTIAL (R-A) TO PLANNED DEVELOPMENT (P-D) TO INCREASE THE MAXIMUM BUILDING SITE COVERAGE FROM 40 TO 50 PERCENT; AND TO CREATE 17 SINGLE-FAMILY RESIDENTIAL LOTS RANGING IN SIZE FROM 8,000 TO 10,594 SQUARE FEET AND A 13,098 SQUARE-FOOT STORMWATER BASIN.

APPLICATION INFORMATION

Applicant:	Torre Reich, Malet Development
Property owner:	Harris Family Trust (James K. Harris and Nora M. Harris, Trustees)
Agent:	Pamela Hurban, Northstar Engineering Group, Inc.
Location:	3700 Story Road, between East Zeering Road and Walton Street, in the Community of Denair.
Section, Township, Range:	5-5-11
Supervisory District:	Two (Supervisor Chiesa)
Assessor's Parcel:	024-055-060
Referrals:	See Exhibit J Environmental Review Referrals
Area of Parcel(s):	4.82± acres
Water Supply:	Denair Community Service District
Sewage Disposal:	Denair Community Service District
General Plan Designation:	Low-Density Residential (LDR)
Community Plan Designation:	Low-Density Residential (LDR)
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, attached two-car garage, and vacant land.
Surrounding Land Use:	Single-family residential developments to the north and south; the Denair Community Services District facility to the west; and a ranchette parcel to the east.

RECOMMENDATION

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

PROJECT DESCRIPTION

This is a request to rezone a 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent; and to create 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet and a 13,098± square-foot stormwater basin.

The proposed P-D zoning district will include all uses and development standards permitted in the R-A zoning district (Chapter 21.24 of County Code) except for the 40% building coverage maximum. In order to achieve a greater flexibility in siting of the housing product to be offered, the applicant has proposed a 50% building coverage maximum allowance (see Exhibit B – *Maps, Plans, and Elevations*). All other development standards applicable to the R-A zoning district will remain applicable, unless otherwise specified by the Development Standards applied to the project.

The proposed lots will be served by the Denair Community Service District (CSD) for public water and sewer services. As part of this request, Romie Way will be extended (north/south) through the site which will connect to a proposed cul-de-sac (Harris Court). Proposed Lots 6-8 and proposed Lot B will have access and road frontage onto Story Road. Proposed Lot B is improved with an existing single-family dwelling and attached two-car garage which will remain. Proposed Lot A and proposed Lots 13-16 will have frontage onto Romie Way. Harris Court will serve proposed Lots 1-5 and 9-12 with access and will extend east of the Romie Way intersection to provide connectivity for future residential development east of the project site.

Stormwater is proposed to be managed for the development through a 13,098± square-foot expansion (Lot A) of an existing stormwater basin which currently serves the residential development to the south. The existing basin is located on Assessor's Parcel Number (APN) 024-055-043. A 6-foot-tall chain-link fence is proposed to be installed along the east property line of the existing basin and proposed expansion (APN: 024-055-043 and Lot A). A 7-foot-tall masonry block wall is proposed along the south property line of the existing basin (APN: 024-055-043). The 17 proposed residential lots and Lot A will include curb, gutter and sidewalk along all roadway frontages. The applicant proposes to install landscaping for the existing stormwater basin and proposed expansion consisting of California native low-water use plants. The west and north sides of the expanded basin will not be fenced (existing chain-link fence with slats around the existing basin will be removed). The applicant proposes to plant trees along the frontage of each lot for a total of 29 trees (see Exhibit B – *Maps, Plans, and Elevations*). The development will also include street lighting to be placed in various points throughout the development in accordance with County standards.

SITE DESCRIPTION

The 4.82± acre project site is located at 3700 Story Road, between East Zeering Road and Walton Street, in the Community of Denair. The project site is currently improved with one single-family

dwelling and an attached two-car garage; both of which will remain on proposed Lot B. The remainder of the site is vacant and unimproved.

The site is surrounded by single-family residential developments to the north and south, the Denair Community Services District facility and district yard to the west, and a ranchette parcel to the east.

There is an existing Turlock Irrigation District (TID) pipeline which runs from north to south along the east side of the project site and a valve box on the pipeline near the northeast corner of proposed Lot 15 that delivers water to a ditch that runs east of the project site. The irrigation pipeline and valve box are currently being utilized to maintain 5± acres of irrigated pasture on the adjoining parcel to the east (APN: 024-023-014). In response to the project, TID has indicated that the pipeline south of the valve box/ditch can be removed; however, the remaining irrigation facilities at the northeast corner of Lot 15 shall be replaced by the developer to current District standards and an irrigation easement, dedicated to TID for the area surrounding the valve box, shall be provided. The applicant has amended their tentative map to show the proposed TID easement at the northeast corner of proposed Lot 15. TID requested the applicant/developer submit plans for proposed site improvements and irrigation improvements, to apply for abandonment of the parcel from the TID improvement district, and to enter into an Irrigation Improvements Agreement for the required irrigation facility modifications. Additionally, TID will require grading specifications to prevent irrigated water from flowing over the developed project site. TID's comments have been placed on the project as development standards (see Exhibit C – *Development Standards*).

ISSUES

Numerous concerns have been raised by community members in response to project referrals (California Environmental Quality Act Early Consultation and Initial Study) and notice of the Planning Commission public hearing. The Early Consultation referral was circulated from April 5, 2022 to April 20, 2022 and the Initial Study referral was circulated from July 22, 2022 to August 22, 2022. Both referrals were sent to various local and state agencies and to the Denair Municipal Advisory Council (MAC).

The Early Consultation referral for the project was sent to the Denair MAC, but the referral was not placed on the MAC's regular meeting agenda; however, in response to the referral, one of the MAC members sent staff a comment letter on the project requesting duplexes to be incorporated into the design of the subdivision. The project site is designated as Low-Density Residential (LDR) in the Land Use Element and Denair Community Plan, the intent of which is for single-family dwellings (SFDs). Accordingly, duplexes would require an amendment to the General Plan and Community Plan designations to allow for multi-family dwellings (duplexes) which is not included in this project request. However, because accessory dwelling units (ADUs) are permitted uses in residential zoning districts, the developer has addressed the MAC member's comment by providing illustrative floor plans and elevations for a SFD with an attached ADU to be located on proposed Lots 6-8 with frontage onto Story Road.

In response to the Initial Study, the project was presented at the August 9, 2022 Denair MAC meeting. During the Denair MAC meeting County staff presented an overview of the project and responded to questions from the community. The applicant was also in attendance and answered questions from the community. The MAC members and community members asked questions and expressed concerns about the project. The main concern among the community members in attendance was regarding the proposed extension of Romie Way. Community members

questioned if the extension of Romie Way was wide enough to accommodate delivery trucks and emergency vehicles, raised concerns that extending Romie Way would worsen traffic in the area, and requested that the proposed subdivision take access from Story Road and that speed humps and a stop sign be installed at the Walton Street and Romie Way intersection. Additionally, community members in attendance raised concerns regarding water availability and quality, as well as concerns with flooding at the corner of Story Road and Kersey Road and Walton Street and Romie Way and questioned whether the project would worsen existing flooding problems. Community members also stated that there is insufficient maintenance of existing parks in the community and of the existing storm drainage basin and voiced concerns that the proposed storm drainage basin will also not be properly maintained. Community members in attendance questioned the project's proposed parkland dedication and suggested that the proposed stormwater basin should be required to be a dual use basin. Concerns were also raised about the possibility of two-story houses backing up to their backyards and requested that privacy fencing be installed at the developer's expense. MAC members stated that the project should incorporate duplexes to contribute to affordable housing development, asked to review the project's landscape plans, and inquired whether pervious pavement and a grey water system could be incorporated into the project. Ultimately the MAC voted 5-0 to recommend project approval, including a request that a development standard be placed on the project to require MAC consultation with the developer on the final landscape plan for the expanded drainage basin. A development standard has been added to the project requiring that the final landscape plan include MAC consultation prior to consideration by the County's Planning Department for approval.

Following the August 9, 2022 Denair MAC meeting, staff received various emails, calls, and letters from surrounding residents raising concerns related to traffic and safety, with the proposed development standards and density of the project, on state laws allowing for additional residential development, with the notification to surrounding residents of the project, and on potential impacts from the project on public services, biological resources, and to surrounding agricultural uses. A summary of the concerns being raised is provided below. Forty pieces of written correspondence were received from five surrounding residents. The correspondence is included as Exhibit F of this report and a map of the correspondence received (based on address of person submitting the correspondence) in relation to the project site can be viewed in Exhibit G of this report.

Traffic and Safety

The primary concern expressed by the surrounding residents about the project is with the proposal to connect the existing stub-outs of Romie Way, on the north and south sides of the project site, to allow access to the proposed subdivision. The residents have requested access for the proposed development be taken from Story Road rather than Romie Way, and have voiced concerns regarding the adequacy of Romie Way, a 50-foot right-of-way, to allow for two-way traffic; specifically, when emergency vehicles, delivery trucks, or construction vehicles are trying to access the proposed development. Additionally, residents have voiced concerns over cars speeding on Romie Way once the road is continued through the project site and inquired about whether a stop sign (south of the project site at the Romie Way and Walton Street intersection) and/or speed humps could be installed. Streets proposed as part of this project will consist of 50-foot right-of-ways, consistent with the residential streets in the area. The County's Department of Public Works has reviewed the project and has not identified a need for stop signs or road humps as a result of the project. When not related to a specific project, installation of stop signage and road humps are evaluated on a case-by-case basis.

Safety concerns include alleged illegal activities on the north side of Romie Way, slow Sheriff

response times, insufficient vehicle clearance when exiting a driveway, construction vehicle access for the site, and whether a traffic impact analysis (TIA) was performed and how vehicle miles traveled (VMT) were analyzed for the project were also raised.

The applicant has designed Romie Way and Harris Court in accordance with current Public Works Standards and Specifications for Local roadways, which includes a 50-foot-wide right-of-way, including the sidewalk, gutter, and the asphalt drive aisle. The connection of Romie Way, which currently provides access to seven homes to the south and six homes to the north, was anticipated with the design of the subdivisions to the north and south through the provision of roadways stubbed out to the boundaries of the project site. Policies within the Circulation Element of the County's General Plan and the Denair Community Plan support the continuation of Romie Way including: requirements for development to provide open street patterns and with multiple points of ingress and egress to facilitate emergency vehicle access. A list of the Goals, Policies and Implementation Measures of the General Plan the project supports are provided in the *General Plan Consistency* Section of this report.

Community members also raised concerns with traffic and dust caused during construction. Access during construction will be taken off County-maintained Story Road and Romie Way. Construction related activity and vehicles are subject to rules and regulations required by the San Joaquin Valley Air Pollution Control District (Air District) which requires development to utilize best practices, including dust control measures. Development Standards have been added to the project regarding dust control and compliance with all applicable Air District requirements.

In review of the project, the Department of Public Works determined that the addition of 16 rural-residential lots did not trigger the need for a TIA to be completed. VMT was considered under the environmental referral (Initial Study) completed for the project and no significant impacts attributable to VMT were identified as a result of the proposed project (see Exhibit D – *Initial Study*).

Development Standards

Comments received about the proposed development standards for the project include a request to restrict two-story homes from being developed on lots adjacent to existing single-family developed lots, a request for installation of good neighbor privacy fencing at the developer's expense, inclusion of pedestrian modes of transportation between the proposed Harris Court and Story Road, and concerns with the ultimate density of the project. The proposed Planned Development (P-D) zoning district will include all uses and development standards permitted in the R-A zoning district with the exception of lot coverage. The R-A development standards allow for development of two-story dwellings, which would allow the developer or subsequent property owner to do so; however, it is the developer's intent, as reflected in submitted elevations and floor plans, to construct mostly single-story dwellings adjacent to the subdivisions to the north and south. In response to similar concerns regarding two-story dwellings with a similar rezone request considered by the Planning Commission on July 21, 2022 (General Plan Amendment, Rezone, and Vesting Tentative Map Application No. 2021-0040 – Lazares Companies), the Planning Commission applied a development standard restricting the development of two-story dwellings in the area adjoining the neighbors raising the concern. As a P-D, the Planning Commission has discretion to recommend approval with a limitation that the development of Lots No. 1-5, 8-12, 14-15, and Lot B shall be restricted to only single-story dwellings.

The development under this request proposes to construct a 6-foot-tall wood fence, good neighbor fence along the northern and southern property lines and along the eastern property line

of lots 15 and 16, to be constructed and paid for by the developer. A similar concern was also raised with the Lazares Companies project and the development standards applied to the project required the installation of a 7-foot-tall wood fence and specified that the fencing requirement would apply to any subsequent property owners. While the developer has requested the good neighbor fence be a maximum of 6 feet tall, staff has applied a development standard requiring a 7-foot-tall good neighbor fence consistent with the development standard applied to the Lazares Companies project. Staff believes the requirement for a 7-foot-tall fence addresses the community's request for privacy fencing and remains consistent with previous project approvals. While the proposed development includes curb, gutter and sidewalks to be installed along the frontage of Story Road and throughout the proposed development, there is no proposal at this time to provide direct pedestrian access from proposed Harris Court to Story Road.

In accordance with the R-A zoning district (Chapter 21.24) the proposed development could develop up to 16 single-family dwellings, and each lot could also be developed with an accessory dwelling unit (ADU) and a junior accessory unit (JADU). The proposed development would be consistent with the General Plan and Denair Community Plan designation of Low-Density Residential (LDR), as the intent of the subdivision is to create residential lots for the construction of single-family dwellings and equates to a gross density of four dwelling units per acre. A more detailed discussion regarding density and the General Plan and Community Plan designations can be found in the *General Plan and Community Plan Consistency* section of this report.

Commenters have inquired if the proposed development would be subject to Senate Bill (SB) 9 (Atkins) which allows for parcel splits and for the development of two dwelling units per parcel as a permitted use in low-density residential zoning districts. To qualify for SB 9, a parcel must be developed with an existing dwelling, or be in the process of developing an existing dwelling, which must be occupied by the current property owner for a minimum of three years, and be located within a low-density zoning district, and an urban area or cluster as designated by the U.S. Census Bureau. Accordingly, the resulting residential lots from this project would be eligible to conduct projects under SB 9. The same would apply to the existing residential lots to the north and south of the project site.

Landowner Notification

Comments received raised concerns that the surrounding residents were not notified in accordance with County policy. Both the Initial Study referral, which included a Notice of Intent to Adopt a Negative Declaration, and a separate Notice of Public Hearing were sent to surrounding landowners. Notices were sent to surrounding landowners within a ¼ mile (1,320-foot) radius or two parcels of the project, whichever was greatest, of the project site (see Exhibit H – *Landowner Notification Map* and Exhibit J – *Environmental Review Referrals*). The noticing area exceeded the state standard for noticing only within 300 feet of the property and was based on Stanislaus County's Landowner Notification Policy requiring projects located in a rural area (defined as having a General Plan designation of Rural Residential, Agriculture, or Urban Transition) to notice all landowners within a ¼ mile (1,320 feet) and at least two parcels out from the project site. While the project site itself does not have a designation that is considered rural, it does border property that has a designation of Urban Transition.

The project was originally scheduled to be considered by the Planning Commission on September 1, 2022 but was continued to the September 15, 2022 meeting to allow staff additional time to address input received from surrounding residents. Since the continuation was date specific, additional public hearing notices were not provided.

Public Services

Public input received has raised concerns regarding water availability and water quality, with existing and potential for the worsening of flooding in the area, with the ability to maintain parks and storm drainage basins, and with the project's contribution to parks in the area. The project site will be served by Denair Rural Fire District, the Stanislaus County Sheriff Department for police protection, the Denair Community Services District (CSD) for public water and sewer, and Stanislaus County Parks and Recreation Department for parks facilities. The project was referred to the appropriate public service providers and no concerns regarding the ability to serve the development, water quality issues, or emergency vehicle accessibility were identified. County adopted Public Facilities Fees (PFF), which cover public services such as roads, libraries, parks, sheriff and other emergency services, etc., as well as fire and school fees, are required to be paid prior to issuance of a building permit for any new dwelling. The design of the roadways and improvements for the site currently meets and will continue to be required to comply with Public Works' Standards and Specifications.

The proposed development is located within the Denair CSD's current service area boundary and the CSD has provided a will-serve for the proposed development which confirms the CSD's ability to serve the project. The 2020 Local Agency Formation Commission (LAFCO) adopted Municipal Service Review of the Denair CSD also indicates that the CSD has the capacity to serve the existing and potential development within all areas of the existing district boundary (see Exhibit I – *LAFCO Adopted Denair Community Service District Boundary Map*). Additionally, as a member of the West Turlock Subbasin Groundwater Sustainability Agency (GSA), which regulates groundwater for the West Turlock Groundwater Subbasin, the CSD is required to meet all applicable requirements of the GSA's Groundwater Sustainability Plan. Based on this information, water availability to serve the project does not appear to be a development constraint for the proposed project. Additionally, the Denair CSD's 2021 water quality report shows that the CSD's water is in compliance with state and federal water quality standards. Water quality, in terms of the amount of pollutants that can be discharged into the ground or a water body, in Stanislaus County is regulated by the Regional Water Quality Control Board, Central Valley Region, (Regional Water) under a Water Quality Control Plan (Basin Plan) for the Sacramento and San Joaquin River Basins. A development standard has been added to the project requiring the applicant to contact and coordinate with Regional Water to determine if any permits or Water Board requirements must be obtained/met prior to issuance of a building permit. A grading drainage and erosion/sediment control plan is required to be obtained, which must show compliance with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit, which must meet Regional Water standards

In response to complaints about existing issues with flooding in the project area during the Denair MAC meeting, Public Works scheduled a crew to clear a clogged drywell on the corner of Romie Way and Walton Street to prevent further flooding at the intersection. The project proposes to connect to and expand an existing storm drainage basin located south of the project site and will be required to submit a grading and drainage plan to the Department of Public Works for review and approval to ensure that all stormwater from the subdivision will be managed and will not contribute to any neighborhood flooding issues. Further, the project site is required to annex into Community Service Area (CSA) #21 – Riopel to fund the ongoing maintenance and operations of the stormwater basin, storm drainage facilities including curb and gutter, and landscaped areas.

The project is proposing to contribute its fair share towards parks, as required by County policy and by the Open Space and Conservation Element of the General Plan, through the payment of in lieu parks fees and through the payment of PFF fees. The Denair Community Plan requires

new development provide the residents of Denair with adequate parkland facilities to meet the County standard of three acres per 1,000 residents. Goals and policies within the Conservation and Open Space Element of the General Plan have been established to provide open space and meet recreational needs for the residents of the County. Goal Four, Policy 23 of the General Plan Land Use Element specifies that the provision of three net acres of developed neighborhood parks, or the maximum number of acres allowed by law, to be provided for every 1,000 residents, may be enforced through land dedication and development, payment of in-lieu-of fees, public facility fees, or other methods acceptable to the Parks Department. The Department of Parks and Recreation's In-Lieu of Fees Policy states that projects consisting of 52 parcels and below will be required to pay in-lieu fees. Based on the number of lots being proposed (17 residential lots), the developer is subject to paying park-in-lieu fees calculated by the Parks and Recreation Department, rather than providing a dual use stormwater basin/park, prior to the issuance of any building permit for a dwelling. This requirement has been added as a development standard for the project.

Biological Resources

A comment was received from the adjacent property owner at 3611 Kerry Court (located south of the project site) claiming the presence of a vernal pool on the project site. A vernal pool is a seasonal pool that has no permanent inlet or outlet and is filled each spring by rain and snow melt, and may dry up during the summer. Natural features, species of concern and impacts to Biological Resources were considered under the environmental referral (Initial Study) and no significant impacts were identified as a result of the proposed development (see Exhibit D – *Initial Study*). The project was referred to the California Department of Fish and Wildlife (CDFW) who did not provide a project response. The project site has historically been utilized for irrigated pasture which has been periodically disked. Staff have visited the site and reviewed two decades of aerial photos, taken at various times of the year, and have not identified the presence of vernal pool on the project site.

Agriculture Buffer

The property owner of 5207 and 5313 Walton Street, which are the two adjoining ranchette parcels to the east of the project site, have voiced concerns regarding the no-buffer alternative requested by the developer. While not opposed to the development, the property owner Mr. Silva, has requested a masonry block wall be installed along the east property line of the proposed stormwater basin rather than chain-link fencing and that solid screening be installed along the remainder of the eastern property line of the development to prevent trespassing and to keep his cattle safe.

The County's Agricultural Commissioner was referred the project and no concern with the alternative buffer proposal has been expressed. At the request of Public Works, only chain-link fencing is being required along the eastern side of the drainage basin as chain-link is easier to remove in the future should the basin be needed to provide stormwater retention for development to the east. Planning staff is in support of the temporary fencing as it would be logical to expand the basin to the east when development on the adjoining parcel occurs. While the basin is proposed to be landscaped and will not have fencing along the northern and western sides, the basin will not serve as a dual use basin. The basin itself will provide a physical buffer and some visual screening between the project site and the adjoining ranchette. The existing basin is screened on three sides by chain-link fencing with slats that provide a greater visual barrier than just the chain-link fence and landscaping. Consistent with the development standards applied to the Lazares Companies project, staff is recommending the chain-link fencing along the eastern

side of the drainage basin include privacy slats. The west and north sides of the expanded basin will not be fenced (existing chain-link with slats around the existing basin will be removed). The Planning Commission has discretion to recommend approval with or without privacy slats. Wood fencing is proposed along the eastern property lines of proposed Lots 15 and 16, which are also adjoining the ranchette parcel. Public Works requires a barricade per Public Works' Standards and Specifications to be installed along the street stub to the east to prevent trespass onto the adjacent ranchette parcel. As with Romie Way, both on the north and south side of the project site, no solid fencing is being proposed at the street stub; however, a development standard has been added to require installation of a chain-link fence with privacy slats to fully secure the adjoining property from trespassers along the project site's eastern boundary.

GENERAL PLAN AND COMMUNITY PLAN CONSISTENCY

Consistency with the goals, objectives, and policies of the various elements of the General Plan must be evaluated when processing all discretionary project requests. The project site is designated as Low-Density Residential (LDR) in the Land Use Element of the General Plan and in the Denair Community Plan. The intent of the LDR designation is to provide appropriate locations and adequate areas for single-family detached homes in either conventional or clustered configurations. Under the LDR designation, residential building intensity, when served by a community services district or sanitary sewer district and public water district, is zero to eight units per acre.

If approved, the project site could be developed with up to 34 dwellings units, with each lot able to be developed with a single-family dwelling, an accessory dwelling unit (ADU), and a junior accessory unit (JADU). Full build-out would be a gross density of eight dwelling units per acre; however, in accordance with State regulations, Section 21.74.040(D) of the County's Zoning Ordinance does not consider ADU's, developed in accordance with County regulations, to count towards the allowed overall density of a parcel. Without the ADU's and JADU's, the proposed development has a gross density of four dwelling units per acre.

Goal Two, Policy 11 of the Land Use Element aims to ensure compatibility between land uses by requiring development of residential areas be adjacent to existing compatible unincorporated urban development or, in the case of remote development, included as part of a specific plan. The project site is located within an area that is designated for low-density residential development and is surrounded by property developed with single-family dwellings to the north, south, and west.

Goal Four of the Land Use Element of the General Plan requires that development ensure that an effective level of public service be maintained in unincorporated areas, including parks, sewer, water, public safety, solid waste management, road systems, schools, health care facilities, etc. The project site is located within the Denair Community Service District (CSD). The Denair CSD has provided a "Will-Serve" letter, indicating the ability to provide both public water and sewer services.

As recommended for approval, the project is required to annex into Community Service Area (CSA) #21 – Riopel to ensure funding for the maintenance of the stormwater basin and storm drainage facilities including curb and gutter, and landscaped areas. Lighting is also required, in accordance with Public Works Standards and Specifications; the project site is located within the existing Denair Lighting Assessment District. Improvements are required to be constructed prior to recording of the final map or the developer must enter into a Subdivision Improvement Agreement with the County Public Works Department.

The project as proposed also supports Goal One, Policy Two, Implementation Measure 12 of the Circulation Element of the General Plan which requires development to be designed to provide open street patterns, with multiple points of ingress and egress, to facilitate emergency response, to minimize traffic congestion, and to facilitate use by diverse modes of transportation.

The Agricultural Buffer Guidelines of the Agricultural Element of the General Plan states that new or expanding uses approved by a discretionary permit in the General Agriculture (A-2) zoning district, or on a parcel adjoining the A-2 zoning district, should incorporate a minimum 150-foot-wide agricultural buffer setback, or 300-foot-wide buffer setback for people-intensive uses, to physically avoid conflicts between agricultural and non-agricultural uses. Public roadways, utilities, drainage facilities, rivers and adjacent riparian areas, landscaping, parking lots, and similar low people-intensive uses are permitted uses within the buffer setback area. A residential subdivision would be considered a people-intensive use subject to the 300-foot setback. The project site's eastern boundary is adjoining the A-2 zoning district and, as such is subject to the 300-foot setback. In addition to the setback, the Agricultural Buffer Guidelines require a six-foot-tall fence of uniform construction installed along the perimeter of the developed area of the use to prevent trespassing onto adjacent agricultural lands. Due to the adjoining properties General Plan designation of Urban Transition and Denair Community Plan designation of Low-Density Residential, both recognizing the eventual transition to non-agricultural use, the applicant is proposing an agricultural buffer alternative with zero setback and is not proposing to install a fence along the stubbed road frontage leading to the adjoining parcel. Based on the discussion above, staff is recommending development standards that will provide for screening along the entire eastern property line. Lots backing up to the eastern property line will be developed with a 7-foot-tall wood fence and the remainder of the eastern property line will be developed with chain-link fence with privacy slats.

As mentioned in the *Issues* section, the property owner of the adjoining 5± acre ranchette parcel has requested a masonry block wall to be installed along the east boundary of the proposed development, specifically along the stormwater basin; however, Public Works is requesting only chain-link fencing in order to more easily provide for future expansion of the basin to the east. In accordance with the Agricultural Buffer Guidelines, any alternative buffer and setback design standards proposed by a project application shall be referred to the Stanislaus County Agricultural Commissioner as part of the planning review process prior to consideration by the Planning Commission. The Planning Commission shall consider the Agricultural Commissioner's referral response in making a determination on the proposed alternative. In this case, the Planning Commission's determination will be part of the recommendation to the Board of Supervisors. In no case shall the required standards be reduced, unless the proposed alternative is found to provide equal or greater protection to surrounding agricultural uses. As mentioned in the *Issues* section of this report, the proposed agricultural alternative was referred to the Agriculture Commissioner's office and no concern with the alternative buffer proposal has been expressed. A similar situation was encountered with the Lazares Companies project referenced earlier in this report. The Lazares Companies project was adjacent to two parcels 19 and 8.8 acres in size, zoned General Agriculture (A-2), along the northern property line, and the applicant proposed a reduced buffer/no buffer alternative, using a dual-use basin with a 6-foot-tall chain-link fence on the northern property line of the dual use basin as the reduced buffer between the agricultural parcels and proposed residential lots and masonry block wall for one proposed residential parcel along the northern property line. While the Agricultural Commissioner's office did not have any objections to the alternative buffer requested, they asked the proposed chain-link fence at the northern boundary include slats as well.

The project site is considered in-fill development and the ability for the adjoining 5-acre ranchette parcel to spray pesticides has already been impacted by the existing residential development in the area. Per the Agricultural Commissioner's office, permits for spraying pesticides have not been issued within 600 feet of the project site. The project site and the adjoining parcel to the east are currently separated by a chain-link fence and as recommended, the development standards will require a mix of wood fencing and chain-link fencing with privacy slats along the entire eastern property line.

Goal Four of the County's Conservation and Open Space Element and Goal Four of the Land Use Element of the General Plan as well as Goal Four, Policy One, of the Denair Community Plan requires new development provide the residents of Denair with adequate parkland facilities to meet the County standard of three acres per 1,000 residents. The County has established a standardized parkland dedication and fee structure to contribute to the fulfillment of this goal by new residential development. As discussed in the *Issues* section, based on the number of lots being proposed, the developer will be subject to paying park-in-lieu fees calculated by the Parks and Recreation Department prior to the issuance of any building permit for a dwelling, as reflected in the development standards for the project.

As required by the Stanislaus County General Plan's Land Use Element Sphere of Influence Policy, all discretionary projects within the sphere of influence (SOI) 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. If the district serves an unincorporated community with a Municipal Advisory Council (MAC), the proposal shall also be referred to the MAC for comment. The project site is located within the Denair Community Services District (CSD). The applicant has provided a will serve letter issued by the CSD, stating their ability to serve the proposed lots with sewer and water services. The CSD has been sent all project referrals and an email was received from the CSD clarifying that the development will be required to pay a fair share fee through the building permit process for a future deep well; however, the development is not required to wait for the new well to be drilled to connect to the District's existing infrastructure.

The proposed development is located within the Denair MAC boundaries and, accordingly, has been referred to the Denair MAC. The project was presented to the Denair MAC on August 9, 2022. At the meeting, the Denair MAC and community members had questions and concerns as discussed in detail in the *Issues* section of this report. Ultimately, the Denair MAC recommended approval of the project. A development standard has been added to the project requiring that the final landscape plan, for the expanded drainage basin and tree planting plan, include MAC consultation prior to consideration by the County's Planning Department for approval.

Staff believes the proposed development is consistent with the Goals and Policies of the County's General Plan, including the Denair Community Plan, as it provides compatibility between land uses and will not expand the boundaries of unincorporated communities. The project will provide in-fill development, bridging residential development between existing residential uses to the north and south within an area suitable for such development as envisioned by the County's General Plan; including the Denair Community Plan.

ZONING & SUBDIVISION ORDINANCE CONSISTENCY

The Planned Development (P-D) zoning designation is generally intended to allow modification of requirements established by other districts for specific land uses and diversification in the relationship of different uses, buildings, structures, parcel sizes and open spaces, while ensuring

compliance with, and implementation of, the General Plan. Unless otherwise specified by the Development Standards applied to the project, the P-D zoning proposes to include all uses and development standards permitted in the Rural Residential (R-A) zoning district. The applicant is proposing to increase the building coverage from 40 to 50 percent of parcel area, which has been incorporated into the development standards applied to the project. The applicant has requested this to achieve a greater flexibility in siting of the housing product to be offered. Each proposed residential parcel complies with the R-A zoning district's minimum parcel width (65 feet for interior and corner lots), minimum parcel depth (80-foot depth for all lot types), and the minimum 8,000 square feet in parcel size.

If the project is approved, the zoning designation of P-D will be consistent with the proposed General Plan and Community Plan designations of Low-Density Residential (LDR). Subsequently, the resulting parcels will conform to the design standards of the County's Zoning and Subdivision Ordinances.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed development was circulated to interested parties and responsible agencies for review and comment and no significant issues were raised (see Exhibit D – *Initial Study*). 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*). Development standards reflecting referral responses have been placed on the project (see Exhibit C – *Development Standards*).

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay **\$2,605.00** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk-Recorder filing fees. The attached Development Standards ensure that this will occur.

Contact Person: Emily Basnight, Assistant Planner, (209) 525-6330

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps, Plans, and Elevations
- Exhibit C - Development Standards
- Exhibit D - Initial Study
- Exhibit E - Negative Declaration
- Exhibit F - Community Responses Received
- Exhibit G - Map of Community Responses Received
- Exhibit H - Landowner Notification Map
- Exhibit I - LAFCO Adopted Denair Community Service District Boundary
- Exhibit J - Environmental Review Referrals






Findings and Actions Required for Project Approval

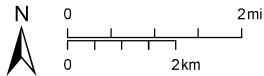
1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
 - a. The project is consistent with the overall goals and policies of the Stanislaus County General Plan.
 - b. The proposed Planned Development zoning is consistent with the Low-Density Residential General Plan designation.
 - c. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
 - d. The site is physically suitable for the type of development.
 - e. The site is physically suitable for the proposed density of development.
 - f. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - g. The design of the subdivision or type of improvements are not likely to cause serious public health problems.
 - h. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
 - i. The alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the existing buffer standards.
 - j. 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 Rezone and Tentative Map Application No. PLN2022-0026 – Elmwood Estates, subject to the attached Development Standards.
5. Introduce, waive the reading, and adopt an ordinance for the approved Rezone and Tentative Map Application No. PLN2022-0026 – Elmwood Estates.

**ELMWOOD
ESTATES
TM REZ
PLN2022-0026**

AREA MAP

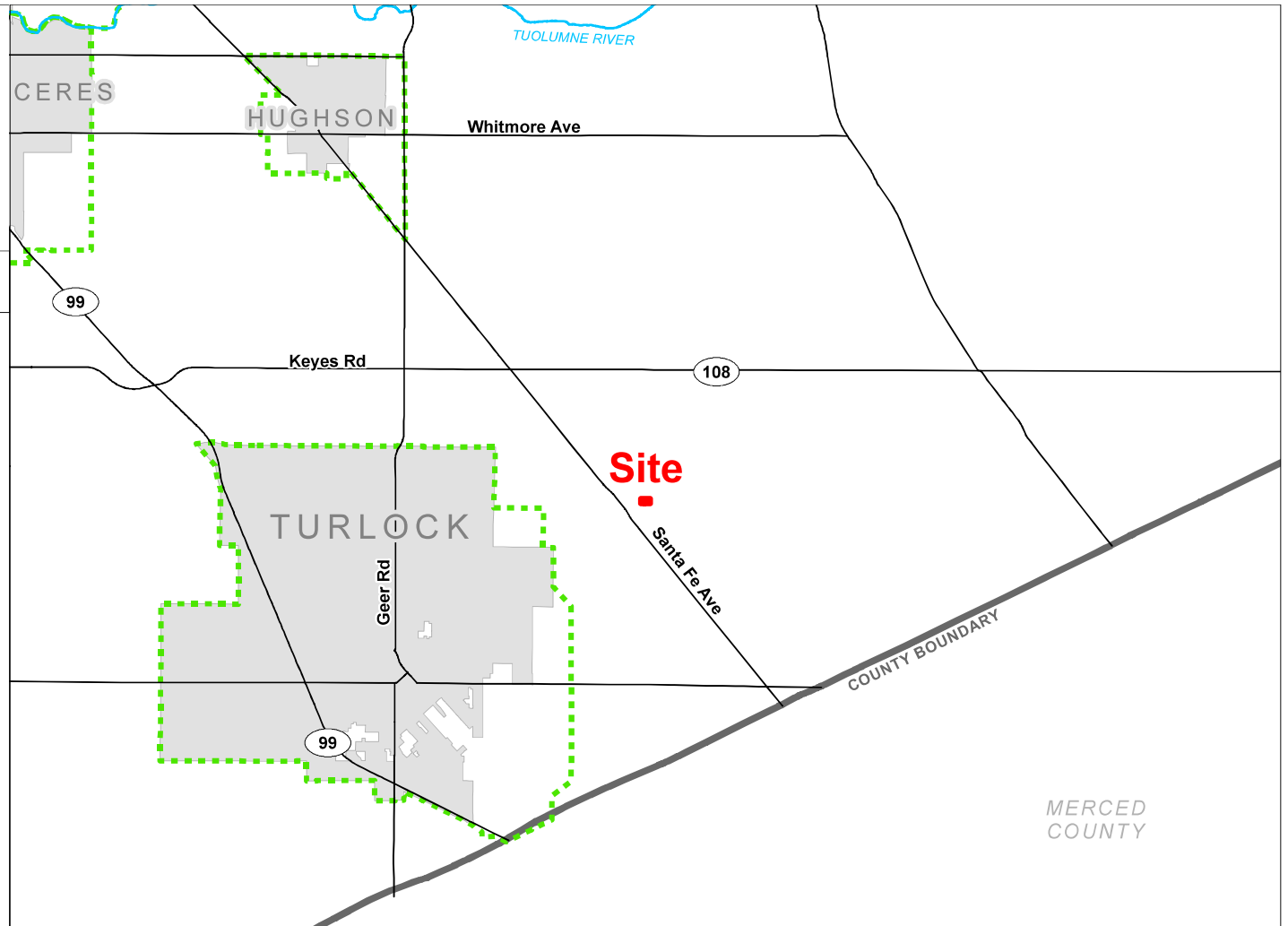
LEGEND

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



Source: Planning Department GIS

Date: 3/31/2022



ELMWOOD ESTATES

TM REZ PLN2022-0026

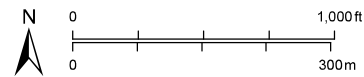
GENERAL PLAN MAP

LEGEND

- Project Site
- Parcel
- Road
- Canal

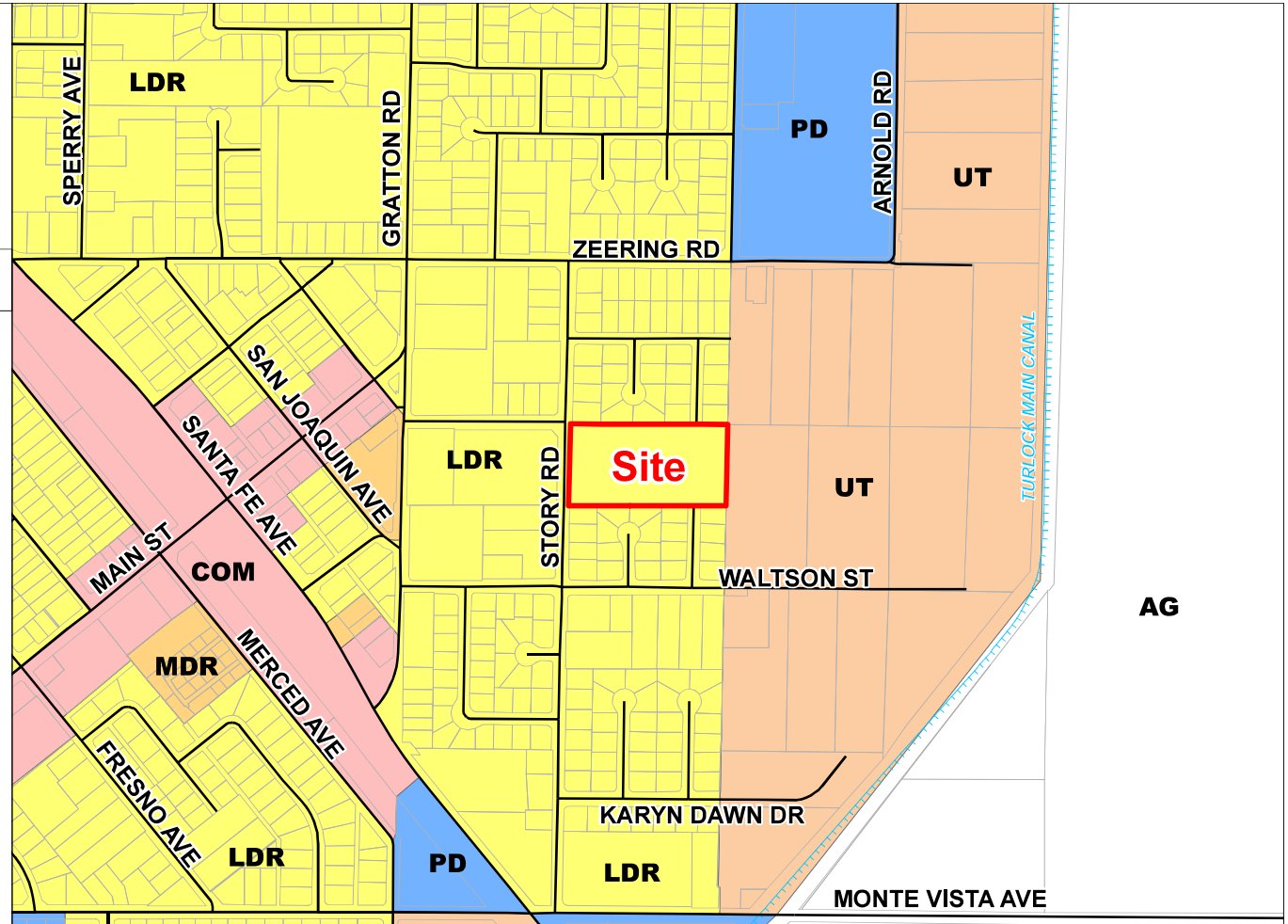
General Plan

- Agriculture
- Urban Transition
- Planned Development
- Medium Density Residential
- Low Density Residential
- Commercial



Source: Planning Department GIS

Date: 3/31/2022



AG


**ELMWOOD
ESTATES**
TM REZ
PLN2022-0026

COMMUNITY PLAN MAP


LEGEND

 Project Site

 Parcel

 Road

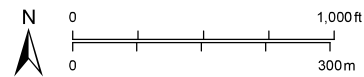
Community Plan

 Commercial

 Estate Residential

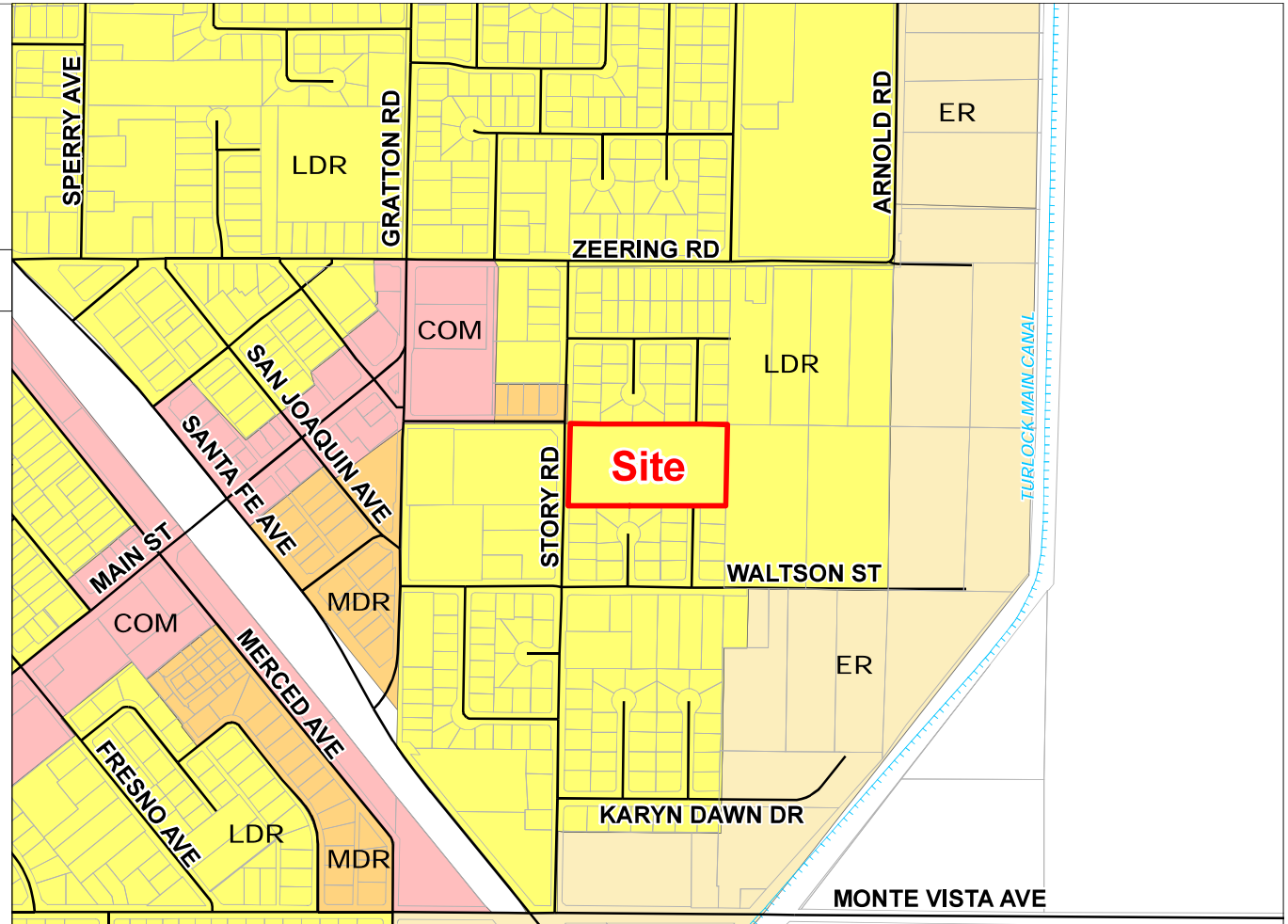
 Residential - Medium

 Residential - Low



Source: Planning Department GIS

Date: 4/4/2022



ELMWOOD ESTATES TM REZ PLN2022-0026

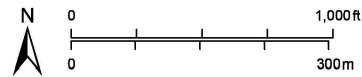
ZONING MAP

LEGEND

- Project Site
- Parcel
- Road
- Canal

Zoning Designation

- General Agriculture 10 Acre
- General Agriculture 40 Acre
- General Agriculture 3 Acre
- Rural Residential
- Multiple Family
- Single Family Residential
- Planned Development
- Medium Density Residential






Source: Planning Department GIS Date: 3/31/2022

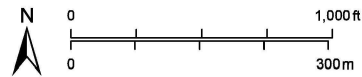


**ELMWOOD
ESTATES
TM REZ
PLN2022-0026**

2021 AERIAL AREA MAP

LEGEND

-  Project Site
-  Road
-  Canal



Source: Planning Department GIS




Date: 3/31/2022

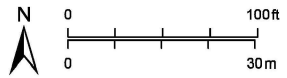


**ELMWOOD
ESTATES
TM REZ
PLN2022-0026**

2021 AERIAL SITE MAP

LEGEND

-  Project Site
-  Road
-  Canal



Source: Planning Department GIS

Date: 3/31/2022

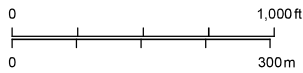


ELMWOOD ESTATES TM REZ PLN2022-0026

ACREAGE MAP

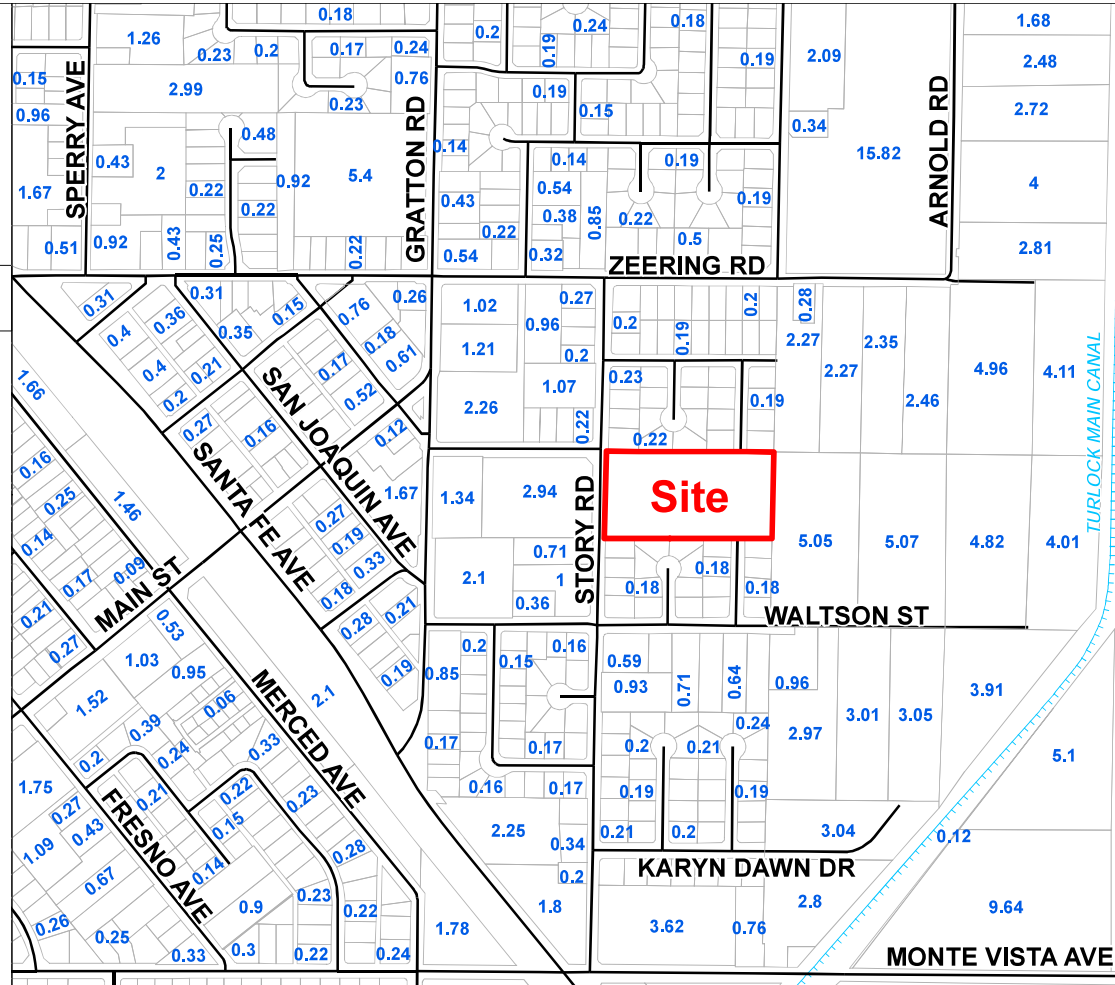
LEGEND

- Project Site
- # Parcel/Acres
- Road
- Canal



Source: Planning Department GIS

Date: 3/31/2022



326.4




STREET TREE PLANTING SCHEDULE

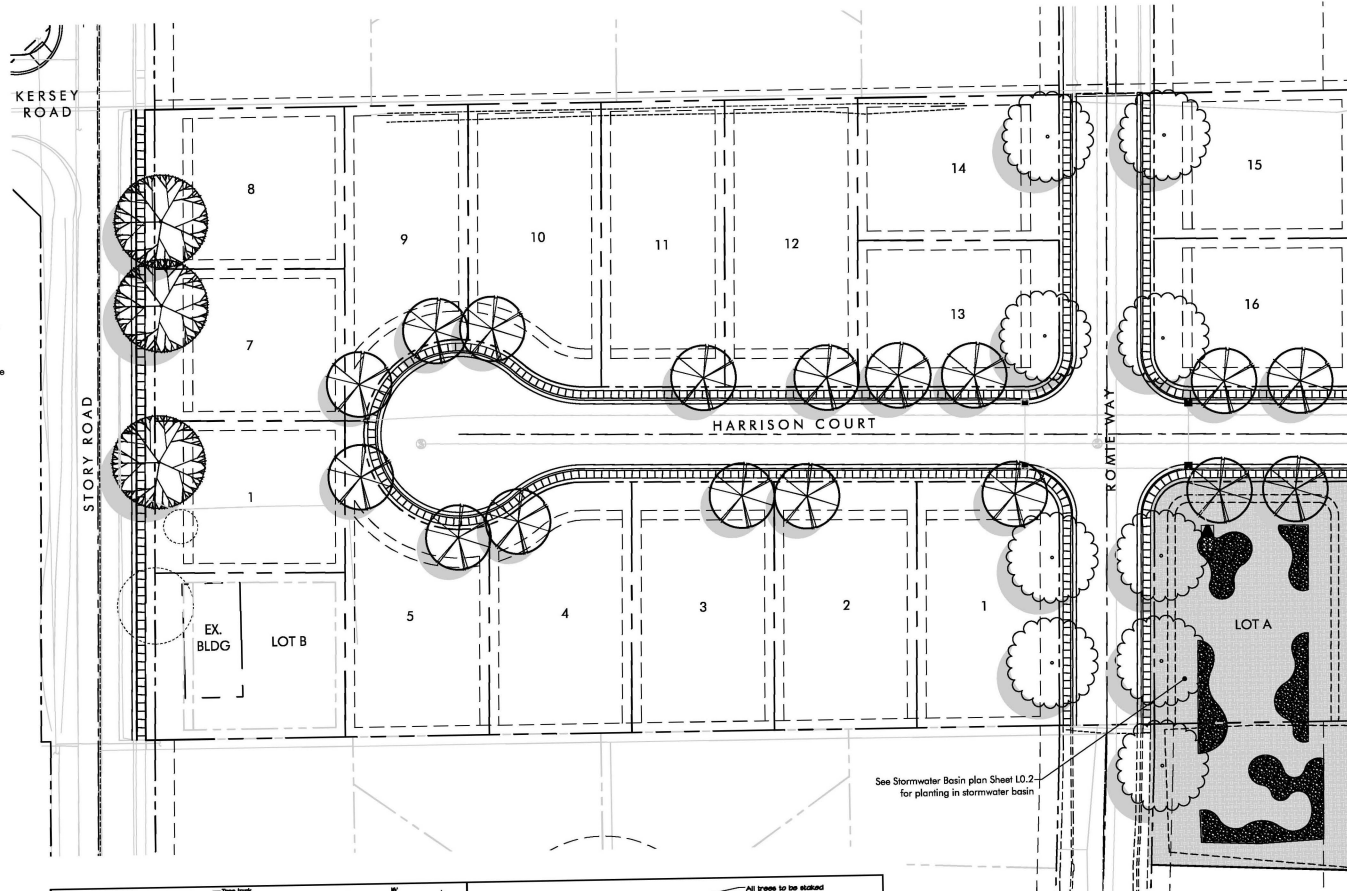
Residential street trees associated with each home are to be planted at the time the home is built and ready for occupancy. The County will require the street tree from this plan to be installed at the time of the installation of the front yard landscape and prior to issuance of the Certificate of Occupancy.

The location of trees as shown on this plan is referential. The contractor shall review the site and plant trees clear of conflicts:
 Curb Returns - Trees to be planted 35' from beginning
 Street Lights - Trees to be planted 20' clear
 Driveways - Trees to be planted 10' clear
 Sidewalks - Trees to be planted 3' clear
 Wet Utilities - Trees to be planted 15' clear
 Drain Lines - Trees to be planted 12' clear

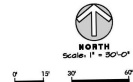
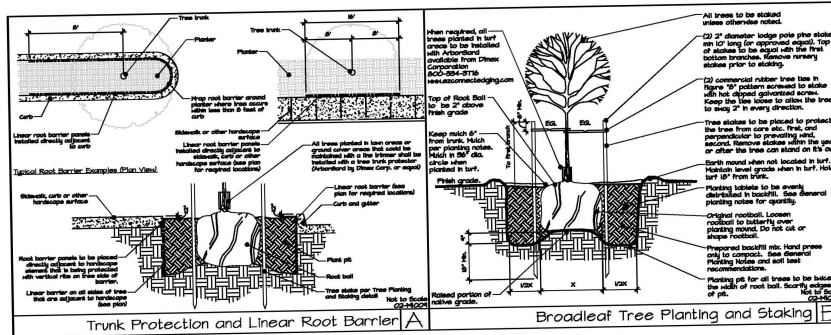
Where conflicts occur that preclude a tree from being planted, coordinate with the County Planning Dept. for alternate tree planting location or approval to omit the tree.

The following trees are to be planted at 15-gallon size with staking and root barriers per the tree planting and root barrier details on this sheet. The following tree species are associated with each street:

	Harrison Court	15-gal. Pistacia chinensis 'Keith Davey'
	Romie Way	15-gal. Quercus virginiana
	Story Road	15-gal. Ulmus parvifolia 'True Green'
		Tru Green Elm



See Stormwater Basin plan Sheet L0.2
for planting in stormwater basin



Project Location



Vicinity Map

Not to scale



Revisions	Date	By
1		

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Story Road
 Subdivision
 Dénair, CA

Torre Reich Construction
 219 N Broadway,
 Turlock, CA 95380
 (209)250-5888

Subdivision
 Street Tree
 Plan

Scale:
 1" = 30'-0"

Date:
 March 2, 2022
 Drawn/Checked:
 AL / JMA
 Project No.:
 22-2419
 Sheet Number:

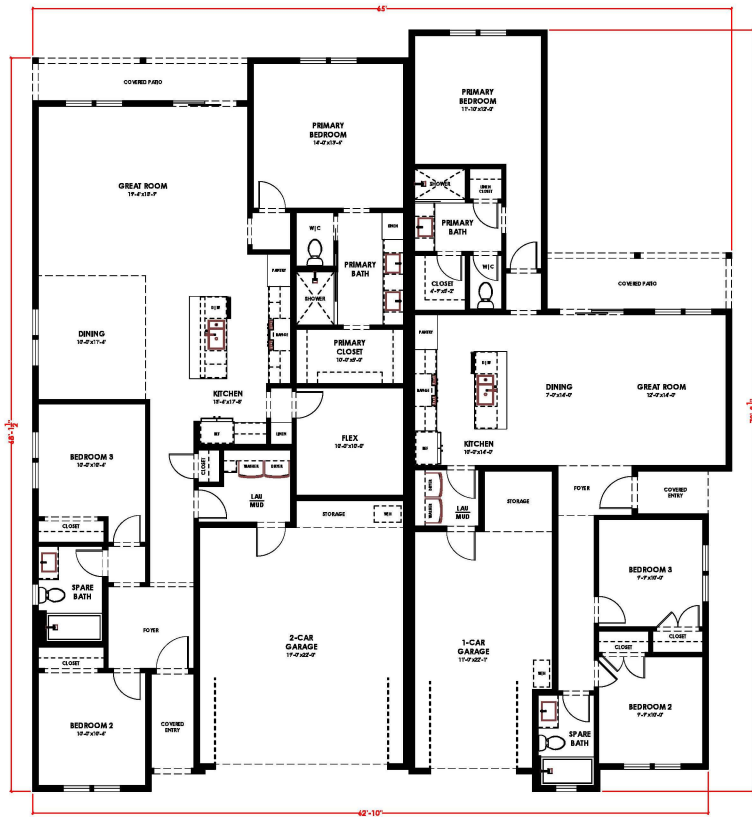
L0.1

PLAN DETAILS:

- > PLAN 1750 (SFD)
- LIVING: 1,750 SF
 - 3 BEDROOMS
 - 2 BATHROOMS
 - FLEX ROOM
 - 2 CAR GARAGE

PLAN DETAILS:

- > PLAN 1200 (ADU)
- LIVING: 1,200 SF
 - 3 BEDROOMS
 - 2 BATHROOMS
 - 1 CAR GARAGE

**PROPOSED FLOOR PLAN (SFD + ADU)**

Scale: 3/16"= 1'-0"

**ELEVATION A | OPTION: WHITE****ELEVATION A | OPTION: CHARCOAL****ELEVATION A | OPTION: GRAY****ELEVATION "A"****ELEVATION B | OPTION: WHITE****ELEVATION B | OPTION: CHARCOAL****ELEVATION B | OPTION: GRAY****ELEVATION "B"**

TORRE BEICH CONSTRUCTION, INC.
 217 N. BROADWAY AVE
 TURLOCK, CA 95380
 C/S # 03297
 PHONE (209) 448-8751
 WWW.TORREBEICHCONSTRUCTION.COM



ELMWOOD ESTATES
 PROPOSED FLOOR PLAN (SFD + ADU)
 STORY RD.
 DENAIR, CA 95316

Project: **ELMWOOD ESTATES**
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Date: **09.06.2022**

Drawn By: **TCS**

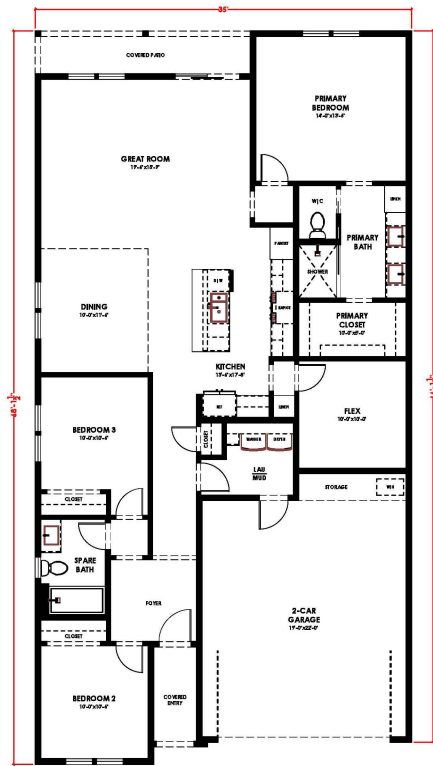
Sheet Title:
PROPOSED FLOOR PLAN (SFD + ADU)

Sheet No.:

A1.0

AREA SUMMARY:

- > PLAN 1750 (SFD)
- LIVING: 1,750 SF +/-
- COVERED ENTRY: 37 SF +/-
- COVERED PATIO: 80 SF +/-
- GARAGE: 449 SF +/-
- TOTAL COVERAGE: 2,336 SF +/-



PLAN 1750 - SINGLE FAMILY DWELLING

Scale: 3/16"= 1'-0"



ELEVATION A | OPTION: WHITE



ELEVATION A | OPTION: CHARCOAL



ELEVATION A | OPTION: GRAY



ELEVATION "A"



ELEVATION B | OPTION: WHITE



ELEVATION B | OPTION: CHARCOAL



ELEVATION B | OPTION: GRAY



ELEVATION "B"

TORRE BECH CONSTRUCTION, INC.
211 N. BRADWAY AVE.
TULOCK, CA 95380
CEL # 432877
PHONE (907) 444-8721
WWW.TORREBECHCONSTRUCTION.COM



Project: **ELMWOOD ESTATES**
PLAN 1750 (SFD)
STORY RD.
DENAIR, CA 95316

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Date: **09.06.2022**

Drawn By: **TCS**

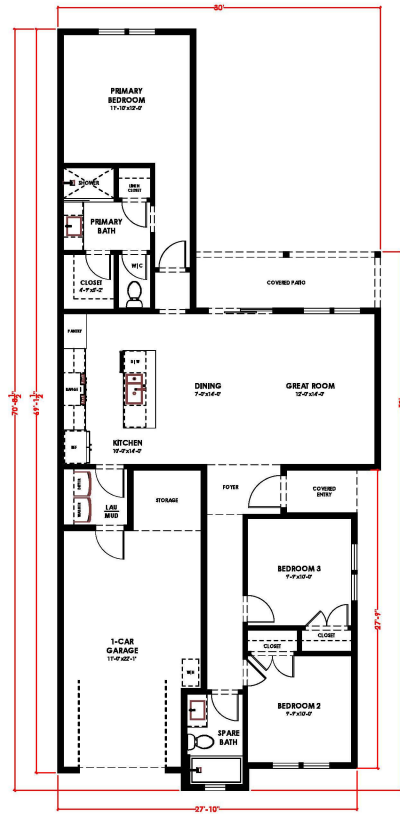
Sheet Title: **PLAN 1750 (SFD)**

Sheet No.:

A1.1

AREA SUMMARY:

- > PLAN 1200 (ADU)
- LIVING: 1,200 SF +/-
- COVERED ENTRY: 26 SF +/-
- COVERED PATIO: 90 SF +/-
- GARAGE: 348 SF +/-
- TOTAL COVERAGE: 1,664 SF +/-



PLAN 1200 - ACCESSORY DWELLING UNIT

Scale: 3/16"= 1'-0"



ELEVATION A | OPTION: WHITE



ELEVATION A | OPTION: CHARCOAL



ELEVATION A | OPTION: GRAY



ELEVATION "A"



ELEVATION B | OPTION: WHITE



ELEVATION B | OPTION: CHARCOAL



ELEVATION B | OPTION: GRAY



ELEVATION "B"

TORRE REICH CONSTRUCTION, INC.
1000 S. GATEWAY BLVD.
TULOCK, CA 95380
CL # 63297
PHONE (209) 444-8721
WWW.TORREREICHCONSTRUCTION.COM



Project: **ELMWOOD ESTATES**
PLAN 1200 (ADU)
STORY RD.
DENAIR, CA 95316

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Date: 09.06.2022

Drawn By: TCS

Sheet Title: PLAN 1200 (ADU)

Sheet No.:

A1.2

DEVELOPMENT STANDARDS

REZONE AND TENTATIVE MAP APPLICATION NO. PLN2022-0026 ELMWOOD ESTATES

Department of Planning and Community Development

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances. Permitted uses shall be those uses permitted in the Rural Residential (R-A) zoning district, subject to district development standards, unless otherwise specified by the project's Development Standards.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2014), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,605.00**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk-Recorder filing fees.

Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
4. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
5. During the construction phases of the project, if any human remains, significant or potentially unique, are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist.
6. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all

- appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary.
7. 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.
 8. Pursuant to Sections 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate stream-bed alteration agreements, permits, or authorizations, if necessary.
 9. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
 10. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
 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. The recorded parcel map shall contain the following statement:

"All persons purchasing lots within the boundaries of this approved map should be prepared to accept the inconveniences associated with the agricultural operations, such as noise, odors, flies, dust, or fumes. Stanislaus County has determined that such inconveniences shall not be considered to be a nuisance if agricultural operations are consistent with accepted customs and standards."
 13. A final landscaping and tree planting plan, indicating plant type, initial plant size (15-gallon minimum for trees), location, and method of irrigation, shall be approved by the Director of Planning and Community Development or his/her designee prior to the issuance of any grading or improvement plans. The Denair Municipal Advisory Council shall be consulted to determine appropriate plant species, prior to the submittal of the final landscape plan. The final landscaping plan shall meet all requirements of State or Local Ordinance and all requirements of California Code of Regulations Title 23 Division Two, Chapter 2.7 Model Water Efficient Landscape Ordinance. Landscaping of the storm drainage basin and the trees associated with the tree planting plan shall be installed and inspected prior to the issuance of any certificate of occupancy for a dwelling.
 14. All landscaped areas, fences, and walls shall be maintained in an attractive condition and in compliance with the approved final landscape and irrigation plan. The premises shall

be kept free of weeds, trash, and other debris. Dead or dying plants shall be replaced with materials of equal size and similar variety within 30 days.

15. A wood fence, a minimum of ~~67~~ feet in height, shall be constructed along the northern and southern property lines of the subdivision and along the eastern property line of lots 15 and 16 prior to issuance of any certificate of occupancy for any dwelling resulting from the subdivision. All fencing required by this condition shall be the responsibility of individual parcel owners to maintain, repair, and replace, as necessary, in accordance with the project's development standards and all applicable County Codes.
16. A 7-foot-tall chain-link fence with privacy slats shall be installed, by the developer, along the entire eastern property line south of Lot 16, including the area east of the street stub-out and along the eastern side of the drainage basin. Fencing shall be installed prior to issuance of any building permit for any of the newly created lots.
17. Lot coverage of aggregate buildings shall not cover more than 50 percent of the lot area.

Department of Public Works

18. The final map shall be prepared by a licensed land surveyor or a registered civil engineer licensed to practice land surveying in California.
19. Prior to the map being recorded, all existing structures not shown on the tentative map shall be removed.
20. Prior to the recording of the final map, the new parcels shall be surveyed and fully monumented.
21. Prior to recording of the final map, road right-of-way shall be dedicated to Stanislaus County to provide for 30 feet of right-of-way east of the centerline of Story Road. The existing right-of-way currently is 25 feet east of the centerline of Story Road. This means that 5 feet of right-of-way shall be dedicated.
22. Prior to the recording, or on the final map, road right-of-way shall be dedicated to Stanislaus County for chords at all corners of Harris Court and Romie Way please see Stanislaus County Public Works Standards and Specifications Detail 3-C1.
23. All facilities in the public right-of-way shall meet current Americans with Disabilities Act (ADA) Standards.
24. Prior to the recording of the final map, a complete set of improvement plans that are consistent with the Stanislaus County Standards and Specifications and the tentative map shall be submitted and approved by Stanislaus County Public Works. The improvement plans shall include, but not be limited to streetlights, curb, gutter, and sidewalk, positive storm drainage (storage, percolation, and treatment), pavement, pavement markings, road signs, and handicap ramps. A positive storm drainage system, conforming to County standards, shall be installed. Prior to, or in tandem with submission of the improvement plans, the subdivider shall furnish the Department of Public Works three copies of a soils report for the area being subdivided. The report shall also include: (a) sufficient R-value test to establish appropriate road sections, (b) should include slope stability, (c) backfill recommendations, (d) retaining wall recommendations, (e) cut/fill transitions, and (f)

- sufficient test boring to log the soil strata, determine the static water level, and the percolation rate of the infiltration gallery. The boring shall be made at the location of the proposed storm drain infiltration gallery. The report shall be signed by a California registered civil engineer or registered geotechnical engineer.
25. An Engineer's Estimate shall be provided for the subdivision improvements so the amount of the bond/financial security can be determined if a Subdivision Improvement Agreement is required. The Engineer's Estimate shall be stamped and signed by a licensed civil engineer.
 26. Prior to the final map being recorded, the subdivider shall either:
 - A. Sign a 'Subdivision Improvement Agreement' and post the required certificates of insurance and subdivision bonds with the Department of Public Works; or
 - B. Construct all subdivision improvements and have the improvements accepted by the Stanislaus County Board of Supervisors.
 27. Street improvements on Story Road, Romie Way, and Harris Court, shall be consistent with the vesting tentative map and the accepted improvement plans.
 28. The stub-out of Harris Court shall be barricaded in compliance with Public Works standards.
 29. Prior to any plan review or inspections associated with the development, the subdivider shall sign a "Subdivision Processing/Inspection Agreement" and post a \$10,000 deposit with Public Works.
 30. A grading, drainage, and erosion/sediment control plan for the project site shall be submitted for any building permit that will create a larger or smaller building footprint. The grading and drainage plan shall include the following information:
 - A. The plan shall contain drainage calculations and enough information to verify that runoff from project will not flow onto adjacent properties and Stanislaus County road right-of-way. Public Works will review and approve the drainage calculations.
 - B. For projects greater than one acre in size, the grading drainage and erosion/sediment control plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharge Identification Number (WDID) and a copy of the Notice of Intent (NOI) and the project's Storm Water Pollution Prevention Plan (SWPPP) shall be provided prior to the approval of any grading, if applicable.
 - C. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for review of the grading plan.
 - D. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.

31. Prior to the acceptance of the subdivision improvements, the lot grades shall conform to the approved grading plan. Written certification by a civil engineer or geotechnical engineer is required by the Department of Public Works.
32. All new utilities shall be underground and located in public utility easements. A 10-foot-wide public utility easement (P.U.E.) shall be located adjacent to all public right-of-way. The P.U.E. shall be shown on the final map.
33. An Encroachment Permit shall be obtained for any work done in Stanislaus County road right-of way.
34. All public roads shall have a fog seal applied prior to the end of the one-year maintenance period and final acceptance by Stanislaus County.
35. All existing irrigation lines within the area to be subdivided shall be removed or relocated into easements along lot lines. The irrigation lines shall be reinforced at road crossings and driveways. All irrigation lines or structures which are to be abandoned shall be removed. All work shall be done in accordance with the requirement of the Department of Public Works and the Turlock Irrigation District. If a private irrigation line crosses public road right-of-way, a Road Maintenance Agreement shall be taken out with the Department of Public Works.
36. Prior to recording of the final map, the property shall annex into the Community Service Area (CSA) #21 – Riopel, to provide funds to ensure future maintenance and eventual replacement of the storm drainage system and facilities, block wall, and any landscaped areas. The developer shall provide all necessary documents and pay all fees associated with the formation of the CSA. As part of the formation, a formula or method for the calculation of the annual assessment shall be approved. The formation process takes approximately six to eight months and requires Local Agency Formation Commission (LAFCO) approval. Please contact Stanislaus County Public Works at (209) 525-4130 for additional information regarding CSA formation requirements.
37. All streetlights shall be installed on steel poles per County Standards and Specifications.
38. Prior to the recording of the final map, the subdivider shall deposit the first year's operating and maintenance cost of the streetlights with the Department of Public Works. Since the project already falls into the Denair Highway Lighting District, the funds shall be deposited into that account.
39. Prior to acceptance of the subdivision improvements, as specified in the County standards, a set of Record Drawings (mylars), and electronically scanned files for each sheet in a PDF format shall be provided to and approved by the Department of Public Works. The Record Drawings shall be on 3 mil Mylar with each sheet signed and stamped by the design engineer and marked "Record Drawing" or "As-Built."
40. Prior to acceptance of the subdivision improvements, one bench mark (brass cap) shall be established within the subdivision on a brass cap and the elevation shall be shown on the Record Drawing. A completed Bench Mark card shall be furnished to the Department of Public Works. North American Vertical Datum shall be used. If available, 1988 data shall be used.

41. Prior to acceptance of the improvements, street monuments and covers shall be installed to County standards.
42. The required subdivision improvements shall be accepted by the Board of Supervisors. No final inspection and/or occupancy permit will be issued unless the required subdivision improvements have been accepted by the Board of Supervisors.
43. The southern wall of the retention drainage basin shall be a masonry block wall. A chain-link fence shall be installed at the eastern edge of the retention basin. Please see Stanislaus County Public Works Standards and Specifications for Retention Drainage Basins - Detail 4-C1.

Department of Environmental Resources

44. Prior to recording of the final map, a fully executed Will-Serve letter is required to be provided from the Denair Community Services District for providing potable water and sewer services to the parcel.
45. If needed, the applicant shall secure all necessary permits for the destruction/relocation of the on-site wastewater treatment system (OWTS) at the project site under the direction of the Stanislaus County Department of Environmental Resources (DER).
46. Prior to issuance of a grading permit, a Phase 1 study, and Phase 2 study, if determined to be necessary, shall be completed to the satisfaction of Department of Environmental Resources – Hazmat Division.

Building Permits Division

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

Denair Community Services District

48. The owner/developer shall enter into an Agreement to construct and pay for necessary infrastructure to enable the District to provide water and sewer services to the project. The Agreement will require the infrastructure be constructed to District specifications, and that security be given to the District to guarantee performance and payment for the infrastructure, and that all current connection fees be paid in full prior to issuance of a formal Will-Serve letter.

Turlock Irrigation District (TID)

49. All relocation, improvement, or abandonment of TID facilities shall be completed in accordance with District requirements. The District shall review and approve all grading and improvement plans prior to issuance.
50. Easements, in accordance with District requirements, shall be dedicated to the District prior to the recording of the final map.

51. The Developer shall provide irrigation improvement plans and enter into an Irrigation Improvements Agreement for the required irrigation facility modifications prior to the District approving the final map.
52. Developed property adjoining irrigated ground must be graded so that finished grading elevations are at least 6 inches higher than irrigated ground. A protective berm must be installed to prevent irrigation water from reaching non-irrigated properties. Stub-end streets adjoining irrigated ground must have a berm installed at least 12 inches above the finished grade of irrigated parcel(s).
53. A minimum 10-foot public utility easement shall be dedicated along all street frontages.
54. Building setbacks shall be a minimum of 15 feet from the property line and back of sidewalk, unless a lesser standard is authorized by TID.
55. The applicant must consult with the District Electrical Engineering Division to make an application for service and to begin design work for electrical service to the project site.
56. The applicant must apply for a facility change for any pole or electrical facility relocation. Facility changes are performed at the developer's expense.

San Joaquin Valley Air Pollution Control District

57. Wood burning stoves and fireplaces are prohibited from use.
58. 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.

Central Valley Regional Water Quality Control Board

59. Prior to ground disturbance or issuance of a grading or building permit, the Central Valley Regional Quality Control Board shall be consulted to obtain any necessary permits and to implement any necessary measures, including but not limited to Construction Storm Water General Permit, Phase I and II Municipal Separate Storm Sewer System (MS4) Permits, Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit (Water Quality Certification), Waste Discharge Requirements, Low or Limited Threat General NPDES Permit, and any other applicable Regional Water Quality Control Board permit.

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



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:** Rezone and Tentative Map Application No. PLN2022-0026 – Elmwood Estates
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Emily Basnight, Assistant Planner
(209) 525-6330
4. **Project location:** 3700 Story Road, between East Zeering Road and Walton Street, in the community of Denair (APN: 024-055-060).
5. **Project sponsor's name and address:** Torre Reich, Malet Development
219 North Broadway, Turlock, CA 95380
6. **General Plan designation:** Low-Density Residential
7. **Community Plan designation:** Low-Density Residential
8. **Zoning:** Rural Residential (R-A)
9. **Description of project:**

This is a request to rezone a 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent, and to subdivide the parcel into 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet. Romie Way will be extended through the site which will connect to a cul-de-sac (proposed to serve lots 1-5, 9-16, and Lot A) that will include a stub-out to serve future development east of the project site. The remaining lots (lots 6-8 and proposed Lot B) will have access and road frontage onto Story Road. If approved, each residential lot could be developed with one single-family dwelling, an accessory dwelling unit, and a junior accessory dwelling unit. The setback requirements will be consistent with those of the County's R-A zoning district. A "can serve" letter for water and sewer services to serve the residential development has been issued from the Denair Community Services District for the project. Stormwater is proposed to be managed for the development through a 13,098 square-foot expansion (Lot A) of an existing stormwater basin located on APN 024-055-043, which currently serves an existing residential development to the south. A 6-foot-tall chain-link fence is proposed to be installed along the easterly boundary of the proposed and existing basins (Lot A and 024-055-043), and a 7-foot-tall masonry block wall is proposed along the southern border of the existing basin, located south of the proposed storm drainage basin addition on APN 024-055-043. The project site is currently improved with one single-family dwelling and an attached two-car garage; the single-family dwelling and garage will remain on proposed Lot B of the proposed subdivision map. The applicant proposes to install landscaping for the stormwater basin, trees along the frontage of each lot, and has proposed to install curb, gutter, sidewalk and street lighting for the entire subdivision. The applicant will annex the development into Community Service Area (CSA) #21 – Riopel and the Denair Highway Lighting District to ensure funds are provided for the maintenance of the improvements. The project is surrounded by single-family lots to the north and south and the Denair Community Services District facility to the west. An agriculturally zoned ranchette parcel is to the east of the project site. The applicant has proposed a no buffer alternative to the agriculture buffer requirement. A barricade per Public Works' Standards and Specifications is proposed along the street stub to the east to prevent trespass onto the adjacent agriculturally zoned parcel.

-
- | | | |
|-----|---|--|
| 10. | Surrounding land uses and setting: | Single-family lots to the north and south and the Denair Community Services District facility to the west; and a ranchette parcel 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
Denair Community Services District |
| 12. | Attachments: | None |

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 Emily Basnight

July 19, 2022

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. Community standards generally do not dictate the need or desire for architectural review of agricultural or residential subdivisions. The proposed rezone and tentative map will rezone a 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent, and create 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet, and a 13,098 square-foot stormwater basin. The project site is currently improved with one single-family dwelling and an attached two-car garage; the single-family dwelling and garage will remain on proposed Lot B of the tentative map.

The project is surrounded by single-family lots to the north and south and the Denair Community Services District facility to the west. An agriculturally zoned ranchette parcel is to the east of the project site.

The applicant proposes to install street lighting, curb, gutter, and sidewalk for the entire subdivision. As part of this project, Romie Way will be extended through the site which will connect to a cul-de-sac (proposed to serve lots 1-5, 9-16, and Lot A) that will include a stub-out to serve future development east of the project site. A barricade per Public Works' Standards and Specifications is proposed along the street stub to the east to prevent trespass onto the adjacent agriculturally zoned parcel. Stormwater is proposed to be managed for the development through a 13,098 square-foot expansion (Lot A) of an existing stormwater basin located on APN 024-055-043, which currently serves an existing residential development to the south. A 7-foot-tall masonry block wall is proposed to replace the existing chain-link fencing along the southern property line of APN 024-055-043, and a 6-foot-tall chain-link fence will be installed along the eastern border of the entire storm water basin (both APN 024-055-043 and Lot A). Landscaping and hardscape around the proposed storm water basin will include trees, bushes, grass and cobblestone.

A referral response was received from the County's Public Works Department requiring annexation of the project to the existing Community Service Area (CSA) #21 - Riopel and the Denair Highway Lighting and Landscaping District to ensure future maintenance and eventual replacement of the storm drainage system and facilities, block wall, and any landscaped areas. Curb, gutter and sidewalk along Story Road, Romie Way and the proposed Harris Court will be County-maintained through the Stanislaus County Public Works Department. Development standards have been added to the project addressing Public Works' requirements.

As part of the overall development plan, the proposed project includes a landscaping and tree planting plan. Two existing trees will remain on Lot 6 and Lot B of the tentative map. The applicant proposes to plant one tree along the frontage of Lots 1-12 and Lots 14-15; three trees along the frontage of corner Lots 1, 13 and 16; and five trees along the road frontage of Lot A, the storm water basin, for an overall total of 29 trees as part of this request. These project features will enhance the site's overall visual character as well as blending with the existing surrounding development.

The project is not expected to degrade any existing visual character of the site or surrounding area. Any lighting installed with the subdivision shall be designed to reduce any potential impacts of glare per the County's Public Works adopted Standards and Specifications.

Mitigation: None.

References: Application information; Referral response received from Stanislaus County Department of Public Works, dated May 2, 2022, as revised on July 14, 2022, and further revised on July 15, 2022; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County Department of Public Works Standards and Specifications, 2014; the Stanislaus County General Plan and Support Documentation¹.

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			X	
d) Result in the loss of forest land or conversion of forest land to non-forest use?			X	
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

Discussion: The project site is 4.82± acres in size and is improved with one single-family dwelling and an attached two-car garage. The project site has soils classified by The California Department of Conservation Farmland Mapping and Monitoring Program as a mixture of "Farmland of Local Importance," "Urban and Built-Up Land," and "Prime Farmland." The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that the soil primarily consists of Grade 4 Madera sandy loam, 0 to 2 percent slopes, Storie Index rating 30 (4.42± acres); and Grade 1 Dinuba sandy loam, 0 to 1 percent slopes, Storie Index rating 86 (.4± acres). Grade 1 soils are considered to be prime farmland; however, this site is zoned Rural Residential with a General Plan and Community Plan designation of Low-Density Residential. The project site is not currently in agricultural production and is improved with a single-family

dwelling and garage. Because the site has already been developed and has 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 was referred to the Turlock Irrigation District (TID) which responded with a comment letter indicating an irrigation pipeline belonging to Improvement District (ID) 573A, runs from north to south along the east side of the subject project, and a valve box on the pipeline near the northeast corner of proposed Lot 15 that delivers water in a ditch that continues east. TID responded that the pipeline south of this valve/ditch can be removed; however, the remaining irrigation facilities at the northeast corner of Lot 15 shall be replaced by the developer to current District standards and an irrigation easement dedicated. The applicant has amended their tentative map to show the proposed TID easement. A development standard will be placed on the project that all easements be shown on the final map prior to recording. Plans detailing the existing irrigation facilities relative to the proposed site improvements will be required to be submitted to the District in order to determine specific impacts and requirements. The applicant will also be required to apply for abandonment of the parcel from the TID improvement district, and provide irrigation improvement plans and enter into an Irrigation Improvements Agreement for the required irrigation facility modifications. Additionally, TID will require grading specifications to prevent irrigated water from flowing over the developed project site. TID's comments will be placed on the project as development standards.

The project site is designated Low-Density Residential (LDR) in the County's General Plan and Denair Community Plan and is zoned Rural Residential (R-A), which permits residential uses. Surrounding uses include single-family lots to the north and south and the Denair Community Services District facility to the west. A five-acre agriculturally zoned (A-2-10) ranchette parcel abuts the project site to the east. In December of 2007, Stanislaus County adopted an updated Agricultural Element which incorporated guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 Zoning District. Appendix A states: "All projects shall incorporate a minimum 150-foot-wide buffer setback. Projects which propose people intensive activities shall incorporate a minimum 300-foot-wide buffer setback. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts such as spray drift and trespassing resulting from the interaction of agricultural and non-agricultural uses. Alternatives may be approved, provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. A residential subdivision would be considered a people intensive use. The ranchette parcel to the east is not in agricultural production, and is designated as Low-Density Residential in the Denair Community Plan and improved with a single-family dwelling and accessory structures. Additionally, ranchettes are considered to be residential in nature as categorized under Goal Two of the Agriculture Element of the General Plan. The nearest parcels in agricultural production are a 4.9± acre ranchette currently used for pasture land located .13± miles to the east of the project site and a 326.36± acre parcel located .25± miles to the east used for row crops and a chicken farm and currently enrolled under a Williamson Act contract. The 4.9± acre ranchette is included within the Denair Community Plan as Estate Residential. The 326.36± acre parcel currently enrolled in the Williamson Act is not located within the Denair Community Plan and is separated from the site by two parcels and the TID Main Canal. Residential development is limited to the current boundaries of the Denair Community Plan; therefore, if approved, the proposed project will not convert farmland to non-agriculture uses; nor will it conflict with existing zoning or a Williamson Act Contract. Additionally, permits for spraying pesticides have not been issued within 600-feet of the project site. The applicant has proposed a no buffer alternative to the agriculture buffer requirement. The County's Agricultural Commissioner was referred the project; however, no response was received.

The project site is considered an in-fill development and will not contribute to the loss of farmland or forest land.

Mitigation: None.

References: Application information; United States Department of Agriculture NRCS Web Soil Survey; California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2016; Referral response from Turlock Irrigation District, dated April 19, 2022; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan, Chapter VII - Agriculture 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) and, therefore, falls under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In conjunction with the Stanislaus Council of Governments (StanCOG), the SJVAPCD is responsible for formulating and implementing air pollution control strategies. The SJVAPCD's most recent air quality plans are the 2007 PM₁₀ (respirable particulate matter) Maintenance Plan, the 2008 PM_{2.5} (fine particulate matter) Plan, and the 2007 Ozone Plan. These plans establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SJVAB, which has been classified as "extreme non-attainment" for ozone, "attainment" for respirable particulate matter (PM-10), and "non-attainment" for PM 2.5, as defined by the Federal Clean Air Act.

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

The District's Small Project Analysis Level (SPAL) guidance identifies thresholds of significance for criteria pollutant emissions, which are based on the District's New Source Review (NSR) offset requirements for stationary sources. Using project type and size, the District has pre-qualified emissions and determined a size below which it is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants. In the interest of streamlining CEQA requirements, projects that fit the descriptions and are less than the project sizes provided by the District 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 District's threshold of significance for residential projects is identified as 155 units, and less than 800 additional trips per-day. The project proposes 17 residential lots, including one lot (Lot B) that is already developed with a single-family dwelling. The proposed project has the potential to develop a maximum of 33 new dwelling units, with each new lot able to be developed with one single-family dwelling, and one accessory dwelling unit (ADU), and Lot B will be able to develop an ADU in addition to the existing dwelling unit. One junior accessory dwelling unit (JADU) per lot is also permitted under the Rural Residential (R-A) zoning district; however, the JADU would not count as a separate dwelling unit, as the JADU consists of converted living space within the primary home. According to the Federal Highway Administration the average daily vehicle trips per household is 5.11, which would equal approximately 169 additional trips per-day as a result of project approval (33 new units x 5.11 = 168.63). As this is well below the District's threshold of significance, no significant impacts to air quality are anticipated.

Construction activities associated with new development can temporarily increase localized PM₁₀, PM_{2.5}, 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 PM_{2.5} 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 dwelling units and installing road and sidewalk improvements. 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 33 new 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 Air District which responded with no comments.

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: 2017 National Household Travel Survey; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; www.valleyair.org; Referral response from San Joaquin Valley Air Pollution Control District, dated May 3, 2022; and the 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: The project is located within the Denair Quad of the California Natural Diversity Database based on the U.S. Geographical quadrangle map series. According to aerial imagery and application materials, the surrounding area is almost entirely built up with urban uses.

Based on results from the California Natural Diversity Database (CNDDDB), there are two animals, one insect and one plant species which are state or federally listed, threatened, or identified as species of special concern or a candidate of special concern within the Denair California Natural Diversity Database Quad. These species include the Swainson's hawk, steelhead – Central Valley DPS, valley elderberry longhorn beetle and San Joaquin Valley Orcutt grass. There are no reported siting's of any of the aforementioned species on the project site; however, a Swainson's hawk nesting site was observed on June 7, 1994, 1.1± miles northeast of the project site according to the California Natural Diversity Database. There is a very low likelihood that these species are present on the project site as the area is currently improved with a single-family dwelling and adjacent to urban development to the west, north and south.

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 (formerly the Department of Fish and Game) 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 June 28, 2022 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 conducted by the Central California Information Center (CCIC) for the project site indicated that there are no historical, cultural, or archeological resources recorded on-site and that the site has a low sensitivity for the discovery of such resources. The report from the CCIC indicated that historic buildings and structure have been recorded within Denair and the surrounding vicinity. Since the project area has not been subject to previous investigations, there may be unidentified features involved in the project area that are 45 years or older and considered as historical resources requiring further study. The CCIC recommend further review for the possibility of identifying prehistoric or historic-era archaeological resources if ground disturbance is considered a part of the current project. If archaeological resources are encountered during project-related activities, work should be halted in the vicinity of the discovered materials until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. 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. Conditions of approval will be added to the project to ensure these requirements are met.

The County does not use age as an indication of historic resources. The existing buildings on the project site are not federally or state registered as historic structures and are not located within a historic zoning district. Accordingly, any demolition or impact on the existing buildings is not considered a significant impact to cultural resources.

Mitigation: None.

References: Central California Information Center Report for the project site, dated February 10, 2022; 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.

The project proposes to rezone a 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent, and create 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet, and a 13,098 square-foot stormwater basin. All subsequent building permits for single-family dwellings would need to be in compliance with Title 24, Green Building Code, which includes energy efficiency requirements.

Any street lighting will be required to meet Public Works' standards and specifications as part of the improvement plans prior to acceptance of the improvement plans.

The Turlock Irrigation District provided a referral response to the project indicating that electric service can be provided to the proposed lots. TID requested the developer consult with District Electrical Engineering to make an application for service and to begin design work. TID also requested public utility easements to be dedicated along all street frontages. TID comments will be added to the Development Standards for the project.

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 this project to address compliance with Title 24, Green Building Code, for projects that require energy efficiency.

Mitigation: None.

References: Application Information; CEQA Guidelines; Title 16 of County Code; CA Building Code; Stanislaus County Zoning Ordinance (Title 21); Referral response from Turlock Irrigation District, dated April 19, 2022; Stanislaus County 2016 General Plan EIR; 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 United States Department of Agriculture (USDA) Natural Resources Conservation Service's (NRCS) Eastern Stanislaus County Soil Survey, shows that the dominant soils present are Madera sandy loam, 0 to 2 percent slopes and Dinuba sandy loam, 0 to 1 percent slopes. 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. DER, Public Works, and the Building Permits Division review and approve any building permit to ensure their standards are met. Any earth moving must be approved by Public Works as complying with adopted Standards and Specifications, which consider the potential for erosion and run-off prior to permit approval. The project was referred to Public Works who responded that prior to the recording of the final map, a complete set of improvement plans that are consistent with the Stanislaus County Standards and Specifications and the tentative map shall be submitted and approved by Stanislaus County Public Works; additionally, a current soils report for the area to be subdivided and a grading, drainage, and erosion/sediment control plan shall be submitted prior to acceptance of the improvement plans. Public Works' requirements will be placed on the project as Development Standards.

The Building Division may utilize the results from the soils test, or require additional soils tests, to determine if unstable or expansive soils are present. If such soils are present, special engineering of any structures will be required to compensate for the soil deficiency. Any structures resulting from this project will be required to be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Likewise, any addition or expansion of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements.

The project proposes 17 lots for single-family dwelling units, one of which is already developed with a single-family dwelling (Lot B). The applicant proposes frontage improvements for the development consisting of curb, gutter and sidewalk for each lot. The site will be served public water and sewer by the Denair Community Services District (CSD). The Denair CSD provided a letter indicating their ability to serve the project site with public water and sewer. The letter indicated that

the CSD will require the owner/developer to enter into an Agreement with the Denair CSD to construct and pay for necessary infrastructure to enable the District to provide water and sewer services to the project. The Agreement will require the infrastructure be constructed to District specifications, and that security be given to the District to guarantee performance and payment for the infrastructure, and that all current connection fees be paid in full prior to issuance of a formal Will-Serve letter to the property owner/developer. Additionally, the applicant may be required to pay a fair share fee for future facilities for District services. The formal Will-Serve letter must be presented to the Stanislaus County Building Permits Division prior to issuance of a building permit for any residential structure. The CSD's comments will be applied to the project as development standards. No septic tanks are proposed as part of the project request. A referral response was received from the Department of Environmental Resources requiring the development obtain a formal Will-Serve letter from the Denair Community Services District for sewer and water. If an existing on-site wastewater treatment system (OWTS) is encountered, the applicant shall contact the DER for guidance and submit for and secure any required permits for the destruction of any existing OWTS on the subject properties.

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; USDA – NRCS Web Soil Survey; Referral response received from Stanislaus County Department of Public Works, dated May 2, 2022, as revised on July 14, 2022, and further revised on July 15, 2022; Letter received from Denair Community Services District, dated February 10, 2022; Referral response from the Stanislaus County Department of Environmental Resources, dated April 20, 2022; 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.

This is a request to rezone a 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent, and create 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet, and a 13,098 square-foot stormwater basin. A single-family dwelling and attached garage currently exist on the project site and will remain on proposed Lot B of the tentative map. Frontage improvements proposed for the development include curb, gutter and sidewalk for each lot. A 7-foot-tall masonry block wall is proposed to be constructed along the southern boundaries of the existing storm water basin on APN 024-055-043, and a 6-foot-tall chain-link fence will be installed along the eastern border of the storm water basin (both APN 024-055-043 and Lot A).

As required by CEQA Guidelines Section 15064.3, potential impacts regarding Green House Gas Emissions 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 project proposes 17 residential lots, one of which is already developed with a single-family dwelling, and has the potential to develop a maximum of 33 new dwelling units, with each new lot able to be developed with up to two separate dwelling units each, consisting of one single-family dwelling, and one accessory dwelling unit (ADU), and the existing lot able to be developed with an ADU. One junior accessory dwelling unit (JADU) per lot is also permitted under the Rural Residential (R-A) zoning district; however, the JADU would not count as a separate dwelling unit as the JADU consists of converted living space within the primary home. According to the Federal Highway Administration the average daily vehicle trips per household is 5.11, which would equal approximately 169 additional trips per-day as a result of project approval ($33 \text{ new units} \times 5.11 = 168.63$). The VMT increase associated with the proposed project is significant as the number of vehicle trips will exceed 110 per-day. Although the project does not meet OPR's technical guideline, which identifies either 110 vehicle trips or a 15% reduction in VMT, the project is considered an infill residential project, as the project site was already identified in the Denair Community Plan for residential uses, which was accounted for under previous environmental analysis. Additionally, projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less-than-significant transportation impact. A major transit stop is defined as a site containing an existing rail transit station. The Turlock-Denair Amtrak station is located .32± miles to the west of the project site. Accordingly, VMT impacts are considered to be less than significant.

The proposed project will result in short-term emissions of GHGs during 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 use of heavy-duty construction equipment would be very limited; therefore, the emissions of CO₂ from construction would be less than significant. Additionally, the construction of the proposed buildings is subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11). 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 SJVAPCD standards for air quality control.

The project was referred to SJVAPCD which responded with no comment on the project. The analysis of mobile source pollution based on SPAL within Section III – Air Quality of this report would apply in regard to Greenhouse Gas Emissions as well. The District's Small Project Analysis Level (SPAL) guidance identifies thresholds of significance for criteria pollutant emissions, which are based on the District's New Source Review (NSR) offset requirements for stationary sources. Using project type and size, the District has pre-qualified emissions and determined a size below which it is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants. In the interest of streamlining CEQA requirements, projects that fit the descriptions and are less than the project sizes provided by the District 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 analysis of mobile source pollution based on SPAL within Section III – Air Quality of this report would apply in regard to Greenhouse Gas Emissions as well. The District's threshold of significance for residential projects is identified as 155 units, and less than 800 additional trips per-day. As mentioned above in this section, this request has the potential to result in the development of up to 33 new dwelling units as a result of the proposed project. According to the Federal Highway Administration the average daily vehicle trips per household is 5.11, which would equal approximately 169 additional trips per-day as a result of project approval ($33 \text{ new units} \times 5.11 = 168.63$). As this is well below the District's threshold of significance, no significant impacts to GHG emissions are anticipated.

Mitigation: None.

References: Application information; Governor's Office of Planning and Research Technical Advisory, December 2018; Federal Highway Administration, Summary of Travel Trends: 2017 National Household Travel Survey; San Joaquin Valley Air Pollution Control District referral response, dated May 3, 2022; San Joaquin Valley Air Pollution Control District's Small Project Analysis Level (SPAL) guidance, California Air Pollution Control Officers Association Quantifying Greenhouse Gas Mitigation Measures (August 2010); 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 County Department of Environmental Resources is responsible for overseeing hazardous materials and has not indicated any particular concerns on the project site. The project was referred to the Department of Environmental Resources (DER) Hazardous Materials Division, which is responsible for overseeing hazardous materials. A response was received indicating that the developer shall conduct a Phase I or Phase II study prior to the issuance of a grading permit. If an existing onsite wastewater treatment system (OWTS) is encountered, the applicant shall contact the DER for guidance and submit for and secure any required permits for the destruction of any existing OWTS on the subject properties. Additionally, the Hazardous Materials Division requested that they be contacted should any underground storage tanks, buried chemicals, buried refuse, or contaminated soil be discovered during grading or construction. These comments will be reflected through the application of a development standard.

Pesticide exposure is a risk in areas located in the vicinity of agricultural uses. Sources of exposure include contaminated groundwater, which is consumed and drift from spray applications. Application of sprays are strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. Additionally, agricultural buffers are intended to reduce the risk of spray exposure to surrounding people. General Plan Amendment No. 2011-01 - *Revised Agricultural Buffers* was approved by the Board of Supervisors on December 20, 2011, to modify County requirements for buffers on agricultural projects. Appendix A states: "All projects shall incorporate a minimum 150-foot-wide buffer setback. Projects which propose people intensive outdoor activities shall incorporate a minimum 300-foot-wide buffer setback. Alternatives may be approved, provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. The project proposes to create 17 residential lots which is considered to be people intensive and require a 300-foot buffer setback from the proposed use to adjacent agriculturally zoned property. The property is adjacent to urban development to the west, north and south, and an agricultural zoned parcel to the east; however, the adjacent agriculturally zoned parcel is not actively farmed. The nearest parcels in agricultural production are a 4.9± acre parcel currently used for pasture land located .13± miles to the east of the project site and a 326.36± acre parcel located .25± miles to the east used for row crops and a chicken farm and currently enrolled under a Williamson Act contract.

Pesticide spray permits have not been issued within 600-feet of the project site. The applicant has proposed a no buffer alternative to the agriculture buffer requirement. The project was referred to the Stanislaus County Agricultural Commissioner and no comments have been received to date.

The project site is not listed on the EnviroStor database managed by the CA Department of Toxic Substances Control or within the vicinity of any airport. The Hazardous Materials Division notified the Stanislaus County Planning Department of the presence of an open Central Valley Regional Water Quality Control Board (CVRWQCB) case (T0609997924) for a Leaking Underground Storage Tank (LUST) located 769± feet to the west of the project site at 4740 Main Street; however, groundwater is not known to be contaminated within the project site area. The project will be served by the Denair Community Services District for their domestic water and sewer services. The Hazardous Material Division indicated that the project will not have a significant effect on the environment. Additionally, the project was referred to the Stanislaus County Environmental Review Committee (ERC), which responded with no comments. Therefore, no significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project.

The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Denair Fire Protection District. The project was referred to the District; however, no response has been received to date. Each subsequent building permit for the residential development will be required to meet any relevant State of California Fire Code requirement prior to issuance.

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 April 18, 2022; Referral response from Stanislaus County Department of Environmental Resources, dated April 20, 2022; Referral response from Stanislaus County Environmental Review Committee (ERC), dated April 20, 2022; 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% annual chance floodplains. All flood zone requirements are addressed by the Building Permits Division during the building permit process.

The project site will be served water and sewer services by the Denair Community Services District (CSD). The Denair CSD provided a letter indicating their ability to serve water and sewer to the project site. As a condition of service, the CSD will require the owner/developer to enter into an Agreement to construct and pay for necessary infrastructure to enable the District to provide water and sewer services to the project. The Agreement will require the infrastructure be constructed to District specifications, and that security be given to the District to guarantee performance and payment for the infrastructure, and that all current connection fees be paid in full. Additionally, the applicant may be required to pay a fair share fee for future facilities for District services. Development standards will be added to the project to ensure the CSD's requirements are met. Additionally, a referral response was received from the Department of Environmental Resources who will require the project site obtain a Will-Serve letter for water and sewer services to serve the development issued from the Denair CSD. These requirements will be reflected in the conditions of approval for this project.

Water quality in Stanislaus County is regulated by the Regional Water Quality Control Board, Central Valley Region, (RWQCB) under a Water Quality Control Plan (Basin Plan) for the Sacramento and San Joaquin River Basins. Under the Basin Plan, the RWQCB issues Waste Discharge Requirements (WDRs) to regulate discharges with the potential to degrade surface water and/or groundwater quality. In addition, the RWQCB issues orders to cease and desist, conduct water quality investigations, or implement corrective actions. The Stanislaus County Department of Environmental Resources (DER) manages compliance with WDRs for some projects under a Memorandum of Understanding with the RWQCB. A response was received from the Hazardous Materials Division as previously mentioned in Section IX - Hazards and Hazardous Materials which indicated the presence of an open Central Valley Regional Water Quality Control Board (CVRWQCB) case (T0609997924) for a Leaking Underground Storage Tank (LUST) located 769± feet to the west of the project site at 4740 Main Street; however, groundwater is not known to be contaminated within the project site area. The project was referred to RWQCB; however, no response has been received to date. A condition of approval will be added to the project requiring the applicant contact and coordinate with RWQCB to determine if any permits or Water Board requirements be obtained/met prior to issuance of a building permit.

By virtue of the proposed paving for the roadway, building pads, driveways, and sidewalk improvements, the current absorption patterns of water upon this property will be altered, and as such, a Grading and Drainage Plan shall be approved prior to issuance of any building permit as required by Public Works. Stormwater is proposed to be managed for the development through a 13,098 square-foot expansion (Lot A) of an existing stormwater basin located on APN 024-055-043, which currently serves an existing residential development to the south. A referral response was received from the County's Public Works Department requiring annexation of the project to the existing Community Service Area (CSA) #21 - Riopel and the Denair Highway Lighting and Landscaping District to ensure future maintenance and eventual replacement of the storm drainage system and facilities, block wall, and any landscaped areas. Development standards have been added to the project addressing Public Works' requirements. Public Works' request will be added to the project as Development Standards. Prior to the recording of the final map, a complete set of improvement plans that are consistent with the Stanislaus County Standards and Specifications and the tentative map shall be submitted and approved by Stanislaus County Public Works; additionally, a current soils report for the area to be subdivided and grading, drainage, and erosion/sediment control plan shall be submitted prior to acceptance of the improvement plans. Public Works' requirements will be placed on the project as Development Standards.

Groundwater management in California is regulated under the 2014 California Sustainable Groundwater Management Act (SGMA), which requires the formation of local Groundwater Sustainability Agencies (GSAs) to oversee the development and implementation of Groundwater Sustainability Plans (GSPs). SGMA defines sustainable groundwater management as the prevention of "undesirable results," including significant and unreasonable chronic groundwater levels, reduction of groundwater storage, degraded water quality, land subsidence, and/or depletions of interconnected surface water. GSPs define minimum thresholds and measurable objectives for sustainable groundwater management, designate monitoring

networks to assess compliance with these management criteria and prescribe management actions and projects to achieve sustainability objectives within 20 years of their adoption.

Public and private water agencies and user groups within each of the four groundwater subbasins underlying the County work together as GSAs to implement SGMA. DER is a participating member in five GSAs. GSPs were adopted in January 2020 for the portions of the County underlain by the Eastern San Joaquin and Delta-Mendota Groundwater Subbasins and will be adopted for the Turlock and Modesto Subbasins by January 31, 2022. The subject project is located within the West Turlock Groundwater Subbasin and the jurisdiction of the Turlock GSA; the Denair CSD is subject to meeting any applicable requirements of the Turlock GSP.

Groundwater management in Stanislaus County is also regulated under the County Groundwater Ordinance, adopted in 2014. The Groundwater Ordinance is aligned with SGMA in its objective to prevent “undesirable results”. To this end, the Groundwater Ordinance requires that applications for new wells that are not exempt from the Ordinance are accompanied by substantial evidence that operation of the new well will not result in unsustainable groundwater extraction. Further, the owner of any well from which the County reasonably concludes groundwater may be unsustainably withdrawn, is required to provide substantial evidence of sustainable extraction. No new wells are anticipated to be installed as a result of this project. However, if a new well were required in the future by the CSD, the drilling of a new well would be regulated by DER and the Turlock GSP, which would include an environmental analysis consistent with CEQA.

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 the DER for review. The DER evaluates these projects for compliance with the County Groundwater Ordinance and refers projects to the applicable GSAs for determination whether or not they are compliance with an approved GSP.

No new septic systems are proposed under this request.

The project was referred to the Turlock Irrigation District (TID) which responded with a comment letter indicating an irrigation pipeline belonging to Improvement District (ID) 573A, runs from north to south along the east side of the subject project, and a valve box on the pipeline near the northeast corner of proposed Lot 15 that delivers water in a ditch that continues east. TID responded that the pipeline south of this valve/ditch can be removed; however, the remaining irrigation facilities at the northeast corner of Lot 15 shall be replaced by the developer to current District standards and an irrigation easement dedicated. The applicant has amended their tentative map to show the proposed TID easement. A development standard will be placed on the project that all easements be shown on the final map prior to recording. Plans detailing the existing irrigation facilities relative to the proposed site improvements will be required to be submitted to the District in order to determine specific impacts and requirements. The applicant will also be required to apply for abandonment of the parcel from the TID improvement district, and provide irrigation improvement plans and enter into an Irrigation Improvements Agreement for the required irrigation facility modifications. Additionally, TID will require grading specifications to prevent irrigated water from flowing over the developed project site. TID’s comments will be placed on the project as development standards.

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

Mitigation: None.

References: Letter received from Denair Community Services District, dated February 10, 2022; Referral response from the Stanislaus County Department of Environmental Resources, dated April 20, 2022; Referral response received from Stanislaus County Department of Environmental Resources Hazardous Materials Division, dated April 18, 2022; Referral response received from Stanislaus County Department of Public Works, dated May 2, 2022, as revised on July 14, 2022, and further revised on July 15, 2022; Referral response from Turlock Irrigation District, dated April 19, 2022; 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	
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Discussion: The project site has a zoning designation of Rural Residential (R-A), which allows for a minimum parcel size of 8,000 square feet when serviced by public water and sewer. Existing land use designations for the project site include a General Plan designation of Low-Density Residential (LDR) and a Denair Community Plan Designation of LDR, which allows for zero to eight units per net acre. The project as proposed could develop 33 new dwellings units, with each new lot able to be developed with a single-family dwelling, an accessory dwelling unit, and a junior accessory unit; however, maximum density restrictions are not considered when developing accessory dwelling units in accordance with Senate Bill (SB) 13. The project proposes to create 17 lots of at least 8,000 square feet each on 4.82± acres, near the eastern border of the community of Denair, which equates to a density of 3.5± units per acre. The proposed Planned Development zoning district will include all uses and development standards permitted in the R-A zoning district with the exception of lot coverage. The applicant has proposed the resulting parcels to be permitted to develop building space of up to 50% of the total lot size, an increase of 10% from the current R-A zoning district. The applicant has requested this to achieve a greater flexibility in siting the housing product offered. The proposed lots will be served by the Denair Community Service District (CSD) for public water and sewer services. The proposed lot configuration is consistent with the General Plan, Community Plan, zoning designations of LDR and R-A zoning district, and the Subdivision Map Act.

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 project site is located within the Denair CSD. The applicant has provided a will serve letter issued by the CSD, stating their ability to serve the proposed lots with sewer and water services. Development standards will be added to the project to reflect the CSD's conditions for services including any requirement to pay a fair share fee for future facilities for District services. The project was referred to the CSD and no additional responses have been received.

The SOI Policy also requires that projects located within a SOI of a city of special district and within the boundaries of a Municipal Advisory Council (MAC) shall be referred to the MAC and the decision-making body give consideration to any comments received from the MAC. The proposed project is located within the Denair MAC boundaries and, accordingly, has been referred to the Denair MAC. In response to the Early Consultation circulated from April 5, 2022 to April 20, 2022, a Denair MAC member provided a comment on the project requesting Lots 6-8 be developed with a higher density number of dwelling units. The applicant provided example elevations and floor plans for single-family dwellings with attached accessory dwelling units for Lots 6-8 in response to the MAC member's comment. The Denair MAC will hear the project proposal and make a recommendation regarding the project at their regularly scheduled monthly meeting on August 9, 2022.

Appendix A of the Agricultural Element states: "All projects shall incorporate a minimum 150-foot-wide buffer setback. Projects which propose people intensive activities shall incorporate a minimum 300-foot-wide buffer setback. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts such as spray drift and trespassing resulting from the interaction of agricultural and non-agricultural uses. Alternatives may be approved, provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. A residential subdivision would be considered a people intensive use. The ranchette parcel to the east is not in agricultural production, and is designated as Low-Density Residential in the Denair Community Plan and improved with a single-family dwelling and accessory structures. Additionally, ranchettes are considered to be residential in nature as categorized under Goal Two of the Agriculture Element of the General Plan. The nearest parcels in agricultural production are a 4.9± acre ranchette currently used for pasture land located .13± miles to the east of the project site and a 326.36± acre parcel located .25± miles to the east used for row crops and a chicken farm and currently enrolled under a Williamson Act contract. The 4.9± acre ranchette is included within the Denair Community Plan as Estate Residential. The 326.36± acre parcel currently enrolled in the Williamson Act is not located within the Denair Community Plan and is separated from the site by two parcels and the TID Main Canal. Residential development is limited to the current boundaries of the Denair Community Plan; therefore, if approved, the proposed project will not convert farmland to non-agriculture uses; nor will it conflict with existing zoning or a Williamson Act Contract. Additionally, permits for spraying pesticides have not been issued within 600-feet of the project site. The applicant has proposed a no buffer alternative to the agriculture buffer requirement. The County's Agricultural Commissioner was referred the project; however, no response was received.

The General Plan and the Denair Community Plan requires at least three net acres of developed neighborhood parks, or the maximum number allowed by law, to be provided for every 1,000 residents. Consequently, the Stanislaus County Department of Parks and Recreation has calculated in-lieu fees per single-family dwelling unit to be paid by the developer to accommodate increased recreation needs occurring as a result of the residential development. Based on the number of lots being created, conditions of approval will be added to the project to require in-lieu park fees. These fees will be required at the issuance of a building permit for each dwelling unit at a rate of \$2,050.00 per single-family dwelling unit.

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

Mitigation: None.

References: Application information; Letter from Denair Community Services District, dated February 10, 2022; Referral response received from Stanislaus County Department of Environmental Resources, dated April 20, 2021; Referral response received from Stanislaus County Department of Public Works, dated May 2, 2022, as revised on July 14, 2022, further revised on July 15, 2022; County Zoning Ordinance; and the 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; and the 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 A.M. to 10 P.M. and 45 dB Ldn during nighttime

hours between 10 P.M. and 7 A.M. The most sensitive noise receptors adjacent to the project site are the single-family dwellings abutting the project site to the north and south. The proposed project is required to comply with the noise standards included in the General Plan and Noise Control Ordinance. 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 itself is impacted by the noise generated from Story Road to the west and Romie Way to the north and south.

Conditions of approval will be placed on the project to ensure compliance with the General Plan's Noise Element and Chapter 10.46 of the County Code – Noise Control.

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

Mitigation: None.

References: Application information; Stanislaus County Noise Control Ordinance (Title 10); Stanislaus County General Plan, Chapter IV – Noise Element, 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: The vacant sites inventory for the 2016 Stanislaus County Housing Element, which covers the 5th cycle Regional Housing Needs Allocation (RHNA) for the County, identified Denair as having a realistic capacity for producing an additional 35 housing units, made up of 17 above moderate units and 18 moderate and below moderate units. Although the project site is not included in the vacant sites inventory, the project would produce 17 new single-family above moderate units which will assist the County in producing a portion of the above moderate units identified as being needed within Stanislaus County. The project site has been improved with a single-family dwelling since 1950. The existing dwelling will remain on Lot B of the proposed subdivision map.

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. Additionally, in accordance with the implementation measures listed under Goal Two, Policy Two of the Denair Community Plan, the sizing of sewer and water lines should be reduced as they approach the northerly, westerly and easterly periphery of the Denair Community Plan area to limit growth influences beyond the Plan area. The maximum number of residential units the proposed project could develop is 33 units, with each new lot capable of being developed with one single-family dwelling and one accessory dwelling unit (ADU) each, and proposed Lot B will be able to be developed with an ADU in addition to the existing single-family dwelling; as mentioned in Section XI -Land Use and Planning, maximum density restrictions are not considered when developing accessory dwelling units in accordance with Senate Bill (SB) 13. The extension of Denair CSD water and sewer services will not induce any further growth as the development is an infill project. The site is located adjacent to urban development to the west, north and south, and an agriculturally zoned parcel to the east; however, the parcel to the east is currently designated Urban Transition under the Stanislaus County Land Use Element.

Mitigation: None.

References: Application information; Stanislaus County Zoning Ordinance (Title 21); and the Stanislaus County General Plan, Chapter VI – Housing Element 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:			X	
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	

Discussion: The project site is served by Denair Rural Fire District, the Denair Unified and Turlock Unified School District, Stanislaus County Sheriff Department for police protections, the Denair Community Services District for public water and sewer, Stanislaus County Parks and Recreation Department for parks facilities, and the Turlock Irrigation District (TID) for power. County adopted Public Facilities Fees, as well as fire and school fees are required to be paid based on the development type prior to issuance of a building permit. Payment of the applicable district fees will be required prior to issuance of a building permit. All new dwellings will be required to pay the applicable Public Facility Fees through the building permit process. The Sheriff's Department also uses a standardized fee for new dwellings that will be incorporated into the Development Standards. As discussed in Section XI – Land Use and Planning, the General Plan and the Denair Community Plan requires at least three net acres of developed neighborhood parks, or the maximum number allowed by law, to be provided for every 1,000 residents. The Stanislaus County Department of Parks and Recreation has calculated an in-lieu fee of \$2,050 per single-family dwelling unit which will be paid by the developer to accommodate increased recreation needs occurring as a result of the residential development.

A referral response was received from the County's Public Works Department requiring annexation of the project to the existing Community Service Area (CSA) #21 - Riopel and the Denair Highway Lighting and Landscaping District to ensure future maintenance and eventual replacement of the storm drainage system and facilities, block wall, and any landscaped areas and requirements regarding connection to the Denair CSD prior to the final map being recorded. Curb, gutter and sidewalk along Story Road, Romie Way and the proposed Harris Court will be County-maintained through the Stanislaus County Public Works Department. Development standards have been added to the project addressing Public Works' requirements.

The Turlock Irrigation District provided a referral response to the project indicating that electric service can be provided to the proposed lots. TID requested the developer consult with District Electrical Engineering to make an application for service and to begin design work. TID also requested public utility easements to be dedicated along all street frontages. Development standards reflecting TID's requests will be placed on the project.

The Denair Community Services District (CSD) provided a letter indicating the capacity of the CSD to serve water and sewer to the project site. The letter indicated that the CSD will require the owner/developer to enter into an Agreement with the Denair CSD to construct and pay for necessary infrastructure to enable the District to provide water and sewer services to the project. The Agreement will require the infrastructure be constructed to District specifications, and that security be given to the District to guarantee performance and payment for the infrastructure, and that all current connection fees be paid in full. Additionally, the applicant may be required to pay a fair share fee for future facilities for District services. Once all fees are paid in full, a formal Will-Serve letter will be given to the property owner/developer by the CSD to submit to the Stanislaus County Building Permits Division prior to issuance of a building permit. The District's requirements will be added as development standards to the project.

Mitigation: None.

References: Application information; Referral response received from Stanislaus County Department of Public Works, dated May 2, 2022, as revised on July 14, 2022, further revised on July 15, 2022; Referral response received from Turlock Irrigation District, dated April 19, 2022; Letter from Denair Community Services District, dated February 10, 2022; and the 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: The General Plan and the Denair Community Plan requires at least three net acres of developed neighborhood parks, or the maximum number allowed by law, to be provided for every 1,000 residents. Based on the number of lots being created, development standards will be added to the project to require in-lieu park fees. These fees will be required at the issuance of a building permit for each dwelling unit at a rate of \$2,050.00 per single-family dwelling unit.

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: The project proposes to rezone a 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent, and create 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet, and a 13,098 square-foot stormwater basin. As part of this project, Romie Way will be extended through the site which will connect to a cul-de-sac (proposed to serve lots 1-5, 9-16, and Lot A) that will include a stub-out to serve future development east of the project site. The remaining lots (lots 6-8 and proposed Lot B) will have access and road frontage onto Story Road.

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 project proposes 17 residential lots, one of which is already developed with a single-family dwelling, and has the potential to develop a maximum of 33 new dwelling units, with each new lot able to be developed with up to two separate dwelling units each, consisting of one single-family dwelling, and one accessory dwelling unit (ADU), and the existing lot able to be developed with an ADU. One junior accessory dwelling unit (JADU) per lot is also permitted under the Rural Residential (R-A) zoning district; however, the JADU would not count as a separate dwelling unit as the JADU consists of converted living space within the primary home. According to the Federal Highway Administration the average daily vehicle trips per household is 5.11, which would equal approximately 169 additional trips per-day as a result of project approval ($33 \text{ new units} \times 5.11 = 168.63$). The VMT increase associated with the proposed project is significant as the number of vehicle trips will exceed 110 per-day. Although the project does not meet OPR's technical guideline, which identifies either 110 vehicle trips or a 15% reduction in VMT, the project is considered an infill residential project, as the project site was already identified in the Denair Community Plan for residential uses, which was accounted for under previous environmental analysis. Additionally, projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less-than-significant transportation impact. A major transit stop is defined as a site containing an existing rail transit station. The Turlock-Denair Amtrak station is located .32± miles to west of the project site. Accordingly, VMT impacts are considered to be less than significant.

Level of service (LOS) is a standard measure of traffic service along a roadway or at an intersection for vehicles. It ranges from A to F, with LOS A being best and LOS F being worst. As a matter of policy, Stanislaus County strives to maintain LOS D or better for motorized vehicles on all roadway segments and a LOS of C or better for motorized vehicles at all roadway intersections. When measuring levels of service, Stanislaus County uses the criteria established in the Highway Capacity Manual published and updated by the Transportation Research Board. Story Road along the west of the project site is classified as a 60-foot-wide local road and Romie Way, which is proposed to be continued through the project site under this proposal, is a 50-foot-wide local road. The LOS threshold for a Local Road to operate at a LOS C is 1,700 vehicles per-lane, per-day, respectively.

Frontage improvements proposed for the development include curb, gutter, and sidewalk for the entire subdivision. As part of this project, Romie Way will be extended through the site which will connect to a cul-de-sac (proposed to serve lots 1-5, 9-16, and Lot A) that will include a stub-out to serve future development east of the project site. A barricade per Public Works' Standards and Specifications is proposed along the street stub to the east to prevent trespass onto the adjacent agriculturally zoned parcel.

A referral response was received from the County's Public Works Department, which included requirements for site development standards that would account for the County's Standards and Specifications for subdivisions. Development standards were also included for: right of way dedication for Story Road, the continuation of Romie Way, and the proposed Harris Court; requirements for final map recordation; requirements for submission of improvement plans; grading and drainage plan requirements, including removal or relocation of existing irrigation facilities; inclusion of a 10' Public Utilities Easement along the frontage of each parcel; annexation of the project to the existing Community Service District and Lighting and Landscaping District for funding of improvement maintenance; and requirements regarding connection to the Denair CSD prior to the final map being recorded. These requirements will be added to the project as development standards.

All development onsite will be required to pay applicable County PFF fees, 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: Application information; Referral response received from Stanislaus County Department of Public Works, dated May 2, 2022, as revised on July 14, 2022, further revised on July 15, 2022; Federal Highway Administration, Summary of Travel Trends: 2017 National Household Travel Survey; Governor's Office of Planning and Research Technical Advisory, December 2018; Stanislaus County Zoning Ordinance (Title 21); and the 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 currently developed with a single-family dwelling and attached garage on proposed Lot B; the rest of the project site is vacant. However, the surrounding area has been developed with single-family dwellings and urban uses. As discussed in Section V – Cultural Resources of this report, the records search indicated there may be unidentified features involved in the project area that are 45 years or older and considered as historical resources requiring further study. The CCIC recommend further review for the possibility of identifying prehistoric or historic-era archaeological resources if ground disturbance is considered a part of the current project. The 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; Central California Information Center Report for the project site, dated February 10, 2022; 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 proposed project will rezone a 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent, and create 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet, and a 13,098 square-foot stormwater basin. If approved, each residential lot could be developed with one single-family dwelling, an accessory dwelling unit, and a junior accessory dwelling unit. As part of this project, Romie Way will be extended through the site which will connect to a cul-de-sac (proposed to serve lots 1-5, 9-16, and Lot A) that will include a stub-out to serve future development east of the project site. The remaining lots (lots 6-8 and proposed Lot B) will have access and road frontage onto Story Road. The applicant proposes to install curb, gutter, sidewalk and street lighting pursuant to Stanislaus County standards along the frontage of each proposed lot. Two existing trees will remain on Lot 6 and Lot B of the tentative map. The applicant proposes to plant one tree along the frontage of Lots 1-12 and Lots 14-15; three trees along the frontage of corner Lots 1, 13 and 16; and five trees along the road frontage of Lot A, the storm water basin, for an overall total of 29 trees as part of this request. Stormwater is proposed to be managed for the development through a 13,098 square-foot expansion (Lot A) of an existing stormwater basin located on APN 024-055-043, which currently serves an existing residential development to the south. A referral response was received from the County's Public Works Department requiring annexation of the project to the existing Community Service Area (CSA) #21 - Riopel and the Denair Highway Lighting and Landscaping District to ensure future maintenance and eventual replacement of the storm drainage system and facilities, block wall, and any landscaped areas. Curb, gutter and sidewalk along Story Road, Romie Way and the proposed Harris Court will be County-maintained through the Stanislaus County Public Works Department. Public Works also provided requirements regarding connection to the Denair CSD prior to the final map being recorded. All of Public Works' requirements will be added to the project as development standards.

The Turlock Irrigation District provided a referral response to the project indicating that electric service can be provided to the proposed lots. TID requested the developer consult with District Electrical Engineering to make an application for service and to begin design work. TID also requested public utility easements to be dedicated along all street frontages. TID comments will be added to the Development Standards for the project.

The Denair Community Services District (CSD) provided a letter indicating the capacity of the CSD to serve water and sewer to the project site. The letter indicated that the CSD will require the owner/developer to enter into an Agreement with the Denair CSD to construct and pay for necessary infrastructure to enable the District to provide water and sewer services to the project. The Agreement will require the infrastructure be constructed to District specifications, and that security be given to the District to guarantee performance and payment for the infrastructure, and that all current connection fees be paid in full. Additionally, the applicant may be required to pay a fair share fee for future facilities for District services. Once all fees are paid in full, a formal Will-Serve letter will be given to the property owner/developer by the CSD to submit to the Stanislaus County Building Permits Division prior to issuance of a building permit. The District's requirements will be added as development standards to the project.

A referral response was received from the Department of Environmental Resources which will require the project site to obtain a formal Will-Serve letter (as discussed in the paragraph above) for water and sewer services to serve the development, issued from the Denair Community Services District, and that the applicant receive the appropriate permits for demolition of the existing septic facilities on-site. These requirements will be reflected in the development standards for

this project. The Department of Public Works will review and approve grading and drainage plans prior to construction. Development standards will be added to the project to reflect these requirements.

Mitigation: None.

References: Application information; Referral response from Turlock Irrigation District, dated April 19, 2022; Letter from Denair Community Services District, dated February 10, 2022; Referral response from Stanislaus County Department of Environmental Resources, dated April 20, 2022; Referral response from Stanislaus County Department of Public Works, dated May 2, 2022, as revised on July 14, 2022, further revised on July 15, 2022; and the 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 Denair Fire Protection District. The project was referred to the District, but no comments have been received to date. All improvements will be reviewed by the Stanislaus County Fire Prevention Bureau and will be required to meet all State and Local fire code requirements.

Wildfire risk and risks associated with postfire land changes are considered to be less-than significant.

Mitigation: None.

References: Application information; 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 adjacent to single-family lots to the north and south, the Denair Community Services District facility to the west and a ranchette parcel to the east of the project site. The closest agricultural zoned property is the ranchette parcel located to the east of the project site; however, the adjacent agriculturally zoned parcel is not actively farmed and is designated as Urban Transition under the Land Use Element and Low-Density Residential under the Denair Community Plan. The nearest parcels in agricultural production include a 4.9± acre parcel currently used for pasture land located .13± miles to the east of the project site, and a 326.36± acre parcel located .25± miles to the east used for row crops and a chicken farm and currently enrolled under a Williamson Act contract. Any development of the surrounding area would be subject to the permitted uses of the applicable zoning district the property is located within or would require additional land use entitlements and environmental review. Pesticide spray permits have not been issued within 600-feet of the project site. The applicant has proposed a no buffer alternative to the agriculture buffer requirement. The County's Agricultural Commissioner was referred the project and has not stated any issues with the proposed agricultural buffer.

The proposed project will rezone 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent, and create 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet, and a 13,098 square-foot stormwater basin. The project site is designated Low-Density Residential (LDR) in the County's General Plan and Denair Community Plan, and is currently zoned Rural Residential (R-A), which permits residential uses. If approved, the proposed project will not convert farmland to non-agriculture uses as the project site and surrounding area permits is built-out with residential uses; nor will it conflict with existing zoning or a Williamson Act Contract.

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. Additionally, in accordance with the implementation measures listed under Goal Two, Policy Two of the Denair Community Plan, the sizing of sewer and water lines should be reduced as they approach the northerly, westerly and easterly periphery of the Denair Community Plan area to limit growth influences beyond the Plan area.

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.



NEGATIVE DECLARATION

NAME OF PROJECT: Rezone and Tentative Map Application No. PLN2022-0026
– Elmwood Estates

LOCATION OF PROJECT: 3700 Story Road, between East Zeering Road and Walton Street, in the Community of Denair.
APN: 024-055-060

PROJECT DEVELOPERS: Torre Reich, Malet Development
219 North Broadway
Turlock, CA 95380

DESCRIPTION OF PROJECT: Request to rezone a 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent, and to create 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet, and a 13,098 square-foot stormwater basin.

Based upon the Initial Study, dated **July 19, 2022** 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: Emily Basnight, Assistant Planner

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

Emily Basnight

From: Don Rajewich [REDACTED]
Sent: Friday, July 29, 2022 12:04 PM
To: Emily Basnight
Subject: Elwood Plan PLN2022-0026 Clarification

Follow Up Flag: Follow up
Flag Status: Completed

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

This morning you told me that the lots 6,7,8 on Story would be duplexes.

So I went online and revisited the plan posted online, and as I mentioned to you in our phone conversation, the proposal shows single family homes on Story Road lots 6,7,8.

Here a screen shot of the online plot plan . (Am I correct to assume that lot one on story road is really lot 6?)

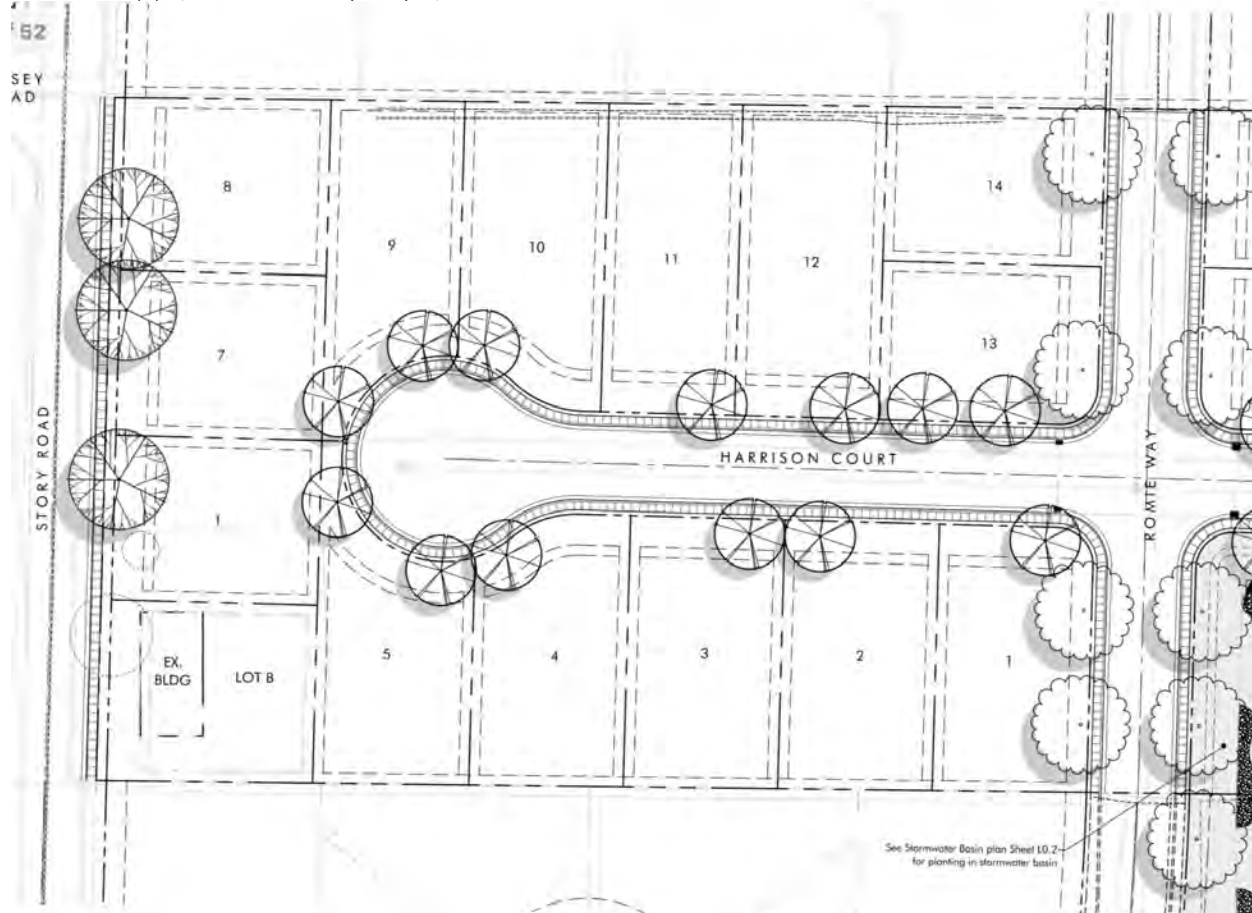
From: [Don Roberts](#)
 To: [Edith Roberts](#)
 Subject: Elwood Plan P100022-0026 Clarification
 Date: Friday, July 29, 2022 12:03:43 PM

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This morning you told me that the lots 6,7,8 on Story would be duplexes.

So I went online and revisited the plan posted online, and as I mentioned to you in our phone conversation, the proposal shows single family homes on Story Road lots 6,7,8.

Here a screen shot of the online plot plan. (Am I correct to assume that lot one on story road is really lot 6?)



And below are screenshots for lots 6,7,8.
 These are obviously not duplexes.

ELMWOOD DEV | LOT 08

ELEVATION B | HIP



ELMWOOD DEV | LOT 07

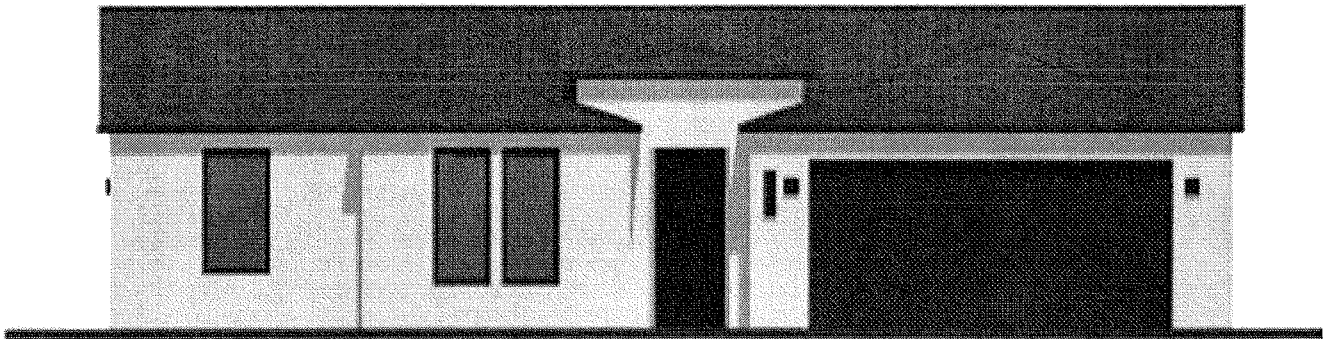
ELEVATION B | HIP



And below are screenshots for lots 6,7,8.
These are obviously not duplexes.

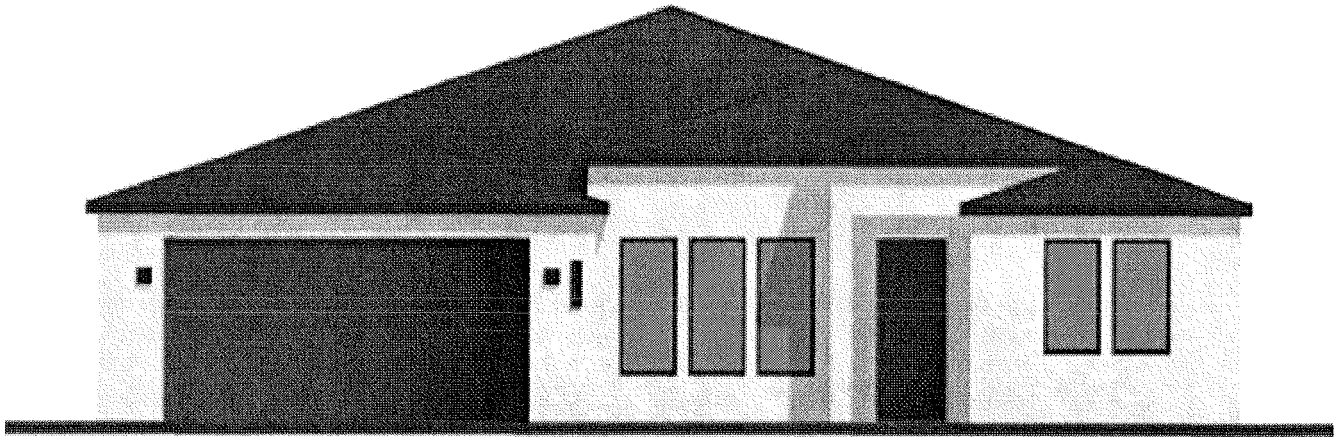
ELMWOOD DEV | LOT 08

ELEVATION B | HIP



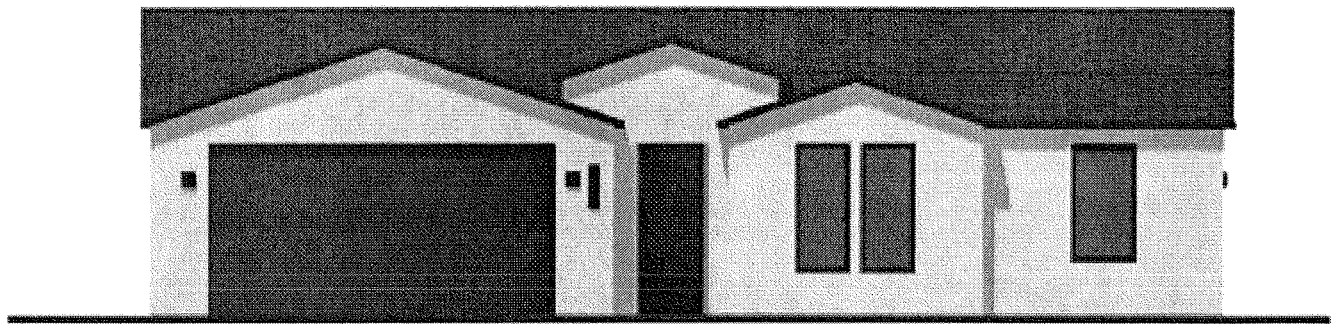
ELMWOOD DEV | LOT 07__

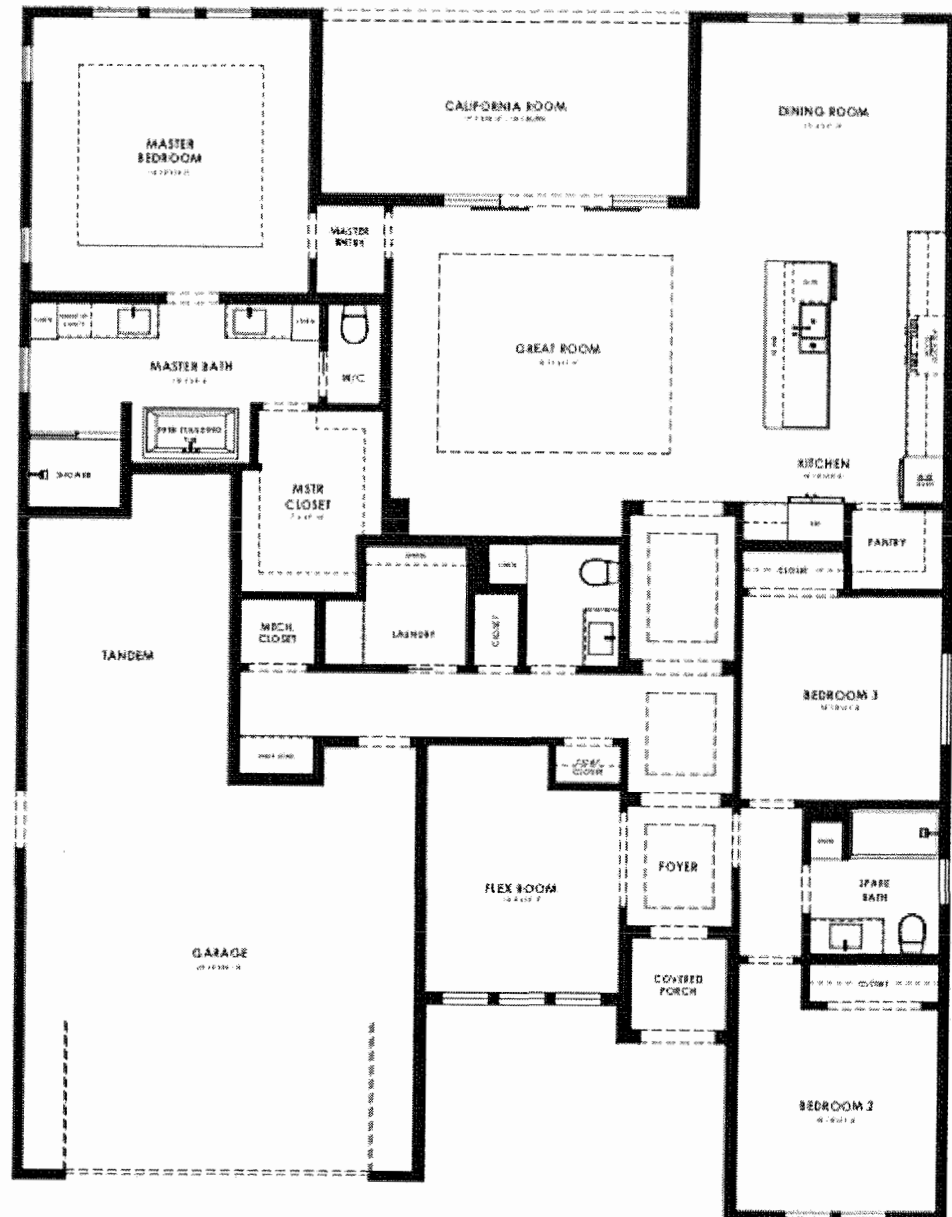
ELEVATION B | HIP



ELMWOOD DEV | LOT 06

ELEVATION A | GABLE





ELMWOOD DEV | LOT 07

FLOOR PLAN | PLAN 2132

Are these actually supposed to be the “typical plot plans” for the lots on Harrison, as called for by the Stan County PD regs?

That same paragraph in the Stan County PD regs say that a PD proposal should include the following : ... (a) “ site plan shall show the approximate location of all proposed buildings, indicating maximum and minimum distances between buildings, and between building use property or building site lines...” I believe that if such a site plan had been included in the proposal, my current misunderstanding of the proposal could have been averted and I would have answers to some of my following questions:

What does a 40 to 50 percent building site coverage look like on paper?

What is going to be built on Story Road? duplexes? single family homes? what will they look like?

What is going to be built behind my house, and how close to my house (back fence) is it being built?

From: [Kathy Clinkenbeard](#)
To: [Emily Basnight](#)
Subject: Re: Information - Elmwood Estates
Date: Monday, August 1, 2022 4:58:27 PM

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The question asked the most was why do you have to extend Romie Way and have this be the only access for the new houses via Walton Rd and Romie Way. Why can't the culdesac and houses be off of Story Rd. Story Rd is already a busy access. Why destroy our peace and quiet for this new neighborhood or why can't the Romie Way on the other side have the extension. Noticed this has been left alone. Why, because it is not the best neighborhood to have your new owners have to drive thru this neighborhood instead of our nice neighborhood. May affect the sell of the new homes?

You will be hearing from a lot of my neighbors and they will also be going to the MAC meeting on Thursday.

Thank you for letting me vent.

Katherine Clinkenbeard

-----Original Message-----

From: Emily Basnight <basnighte@stancounty.com>
To: [REDACTED]
Sent: Mon, Aug 1, 2022 2:37 pm
Subject: Information - Elmwood Estates

Good afternoon Katherine,

Thank you for your comments regarding the Elmwood Estates Rezone and Subdivision Map. I've attached the proposed subdivision map to this email. The map shows the orientation of the proposed lots, the proposed size of the lots, and the roadways. There will be four lots that face Story Road (Lot B, and Lots 6-8), and the remainder of the lots will have access from proposed Harris Court and Romie Way (Lots 1, 13-16, and Lot A (the expansion of the storm drainage basin)).

I've also attached the agenda for the upcoming Denair Municipal Advisory Council (MAC) meeting to be held on Tuesday, August 9 at 7:00 PM in the Leadership Board Room at Denair Charter Academy school located at 3460 Lester Road in Denair. A presentation for the Elmwood Estates project will be presented at the MAC meeting and County staff will be there to take down comments/concerns and to answer any questions.

The full environmental review for the project can be found on our website at the following location:
https://www.stancounty.com/planning/pl/act-proj/PLN2022-0026_30_Day.pdf

From our conversation this morning, I've noted the following concerns:

- Traffic along Romie Way and concerns regarding safety for the existing neighborhoods and residents on Romie Way. Additionally, there are concerns with the general circulation proposed for the site and the adequacy of Romie Way for two-way traffic.

Preference would be to not continue Romie Way/deny access to Romie Way from the project site.

- Issues regarding safety and the law off Romie Way (mentioned a property on the Hillsdale side of Romie Way that has a reputation) and Main Street (and Denair area in general), including slow response times, and the lack of sheriff personal patrolling the area/enforcing the law.
- Construction concerns regarding construction vehicles/equipment accessing the site.
- Water quality and availability concerns.

Please don't hesitate to email me if you would like to provide a written response further detailing your concerns. If any of your neighbors would like to provide comments on the project they can reach me on my direct line at (209) 525-5984 or by email at basnighte@stancounty.com.

If you have any additional questions or concerns, please don't hesitate to email or call.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <http://www.stancounty.com/planning/phone-mail-options.shtm>

From: [Don Rajewich](#)
To: [Emily Basnight](#)
Subject: Follow up questions regarding Elmwood Project
Date: Tuesday, August 2, 2022 9:49:57 AM

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Thank you for your thorough, timely, and detailed response last Friday.

I have a couple of follow up questions:

1. Has a development schedule been provided? If so, why is it not included in the CEQA Referral? Is it available to the public?
2. What was the reason for not connecting Harris (Court) to Story ?
3. Should Walton and Hillsdale been included in the VMT section of the document?
4. Should the VMT section have included calculations of the impact of future development extending Harris eastward? (I have heard there have been recent negotiations between the land owners and the developer of the Elmwood Estates.)
4. Why does the location of the Amtrak Station (.32 miles from Elmwood) negate daily VMT impacts? (I am not aware of any of my neighbors using Amtrak to commute to work or pick up their kids at school or deliver pizza.)

From: [Steve Silva](#)
To: [Emily Basnight](#)
Subject: Re: Denair Municipal Advisory Council Meeting
Date: Tuesday, August 9, 2022 1:01:11 PM

***** WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

Thank you for the information.

On Tue, Aug 9, 2022 at 12:07 PM Emily Basnight <basnighte@stancounty.com> wrote:

Good afternoon Steve,

The Turlock Irrigation District (TID) is requiring the irrigation box and existing facilities to be replaced by the developer to current District standards and an irrigation easement will be dedicated for your parcel to continue irrigating from the gate. No impact to the existing irrigation should occur as a result of this project. TID has provided a comment letter (see attached) with conditions that will be placed on the project. The irrigation easement will be required to be shown on the final subdivision map.

Please don't hesitate to email or call if you have any questions.

Thank you,

Emily Basnight

Assistant Planner

Planning and Community Development

Stanislaus County

Ph: 209-525-5984

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From: Steve Silva [REDACTED]

Sent: Tuesday, August 9, 2022 10:39 AM
To: Emily Basnight <basnighte@stancounty.com>
Subject: Re: Denair Municipal Advisory Council Meeting

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Hi Emily, another concern I have is if the current irrigation pipeline/corner common junction box boarding my adjacent property will affect my TID pasture irrigation out of Gate 2-1 from the Elmwood Estates development ?

Thanks for the invite, I will be there this evening

Steve Silva [REDACTED]

On Mon, Aug 8, 2022 at 4:34 PM Emily Basnight <basnighte@stancounty.com> wrote:

Good afternoon Steve,

I've attached the Denair Municipal Advisory Council (MAC) meeting agenda to this email. The meeting will be held tomorrow evening at 7:00PM at [3460 Lester Road](#) in Denair.

To summarize our conversation over the phone today regarding the Elmwood Estates project, because there are grazing cattle at 5207 Walton Street:

- You would prefer the agricultural buffer to be maintained along the east side of the development, adjacent to your property at 5207 Walton Street
- You would prefer the masonry wall to be developed along the eastern side of the development, adjacent to your property at 5207 Walton Street

If you have any comments, concerns or questions regarding the Elmwood Estates project, please don't hesitate to email (basnighte@stancounty.com) or call at (209) 525-5984.

Have a good evening,

Emily Basnight

Assistant Planner

Planning and Community Development

Stanislaus County

Ph: 209-525-5984

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From: [Nancy Dee](#)
To: [Planning](#)
Subject: Elmwood Estates No Traffic Impact Report
Date: Tuesday, August 9, 2022 4:23:08 PM

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As you can see, there is a development planned that will open traffic to Romie Way, forcing traffic onto Walton Road. There is no traffic analysis impact report attached to the application: REZONE AND TENTATIVE MAP APPLICATION NO. PLN2022-0026 – ELMWOOD ESTATES.

As you can see, Romie Way is a very small cul-de-sac that can not possibly handle more than the traffic of the homeowners who have spent their hard earned money to purchase their homes. It is clear that the traffic should go onto Story Road. A traffic impact analysis must be provided before this plan is approved. You should question why their map is incomplete and does not clearly show Romie Way, or how it turns onto Walton Road. This is the second time the Planning Commission has tried to push through project without notifying those of us who are directly affected, i.e. the Gonzales Cement Plant on Story and Santa Fe: GPA & REZ PLN2020-0014

cc: Representative Josh Harder
Senator Alex Padilla



Nancy Dee



Emily Basnight

From: Nancy Dee [REDACTED]
Sent: Tuesday, August 9, 2022 5:29 PM
To: Emily Basnight
Subject: Re: Elmwood Estates No Traffic Impact Report
Attachments: Denair MAC Agenda 8-9-22.pdf

Follow Up Flag: Follow up
Flag Status: Completed

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Romie is a very narrow street. Most homeowners have multiple cars, so this foolish plan will prevent the homeowners parking in front of their own houses and complicate the trash pick up. This street can not handle additional traffic. I will file a complaint against the developer for not providing a proper map.

Nancy Dee

On Aug 9, 2022, at 4:55 PM, Emily Basnight <basnighte@stancounty.com> wrote:

Good afternoon,

Thank you for your comments on the Elmwood Estates project. The project has not yet been approved. An environmental document is circulating for the project pursuant to the California Environmental Quality Act (CEQA), which can be found online at the following web address:
https://www.stancounty.com/planning/pl/act-proj/PLN2022-0026_30_Day.pdf

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Please find answers to your questions below:

A traffic impact analysis was not required by the County Department of Public Works for this project; the project proposes 17 residential lots total.

- The project's layout was designed by the developer to continue the pattern of the existing lots in the surrounding area. There are existing homes facing Story Road to both the north, and south of the project site, including the home that exists on the project site. Also, existing Kersey Road connection to Story Road would be in very close proximity to the new intersection, which could cause traffic and safety issues.

- The connection of Romie Way through the site completes the road as is was originally planned for, and continues the lotting pattern to the north and south. The cul-de-sac is in line with the stub street to the west creating a single intersection within the subdivision. Stop bars can be added within the cul-de-sac and stub street, or a 4-way stop could be installed.

If you have any questions or concerns, please don't hesitate to email or call.

Thank you,

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Planning and Community Development
Stanislaus County
Ph: 209-525-5984

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From: Nancy Dee [REDACTED]
Sent: Tuesday, August 9, 2022 4:23 PM
To: Planning <planning@stancounty.com>
Subject: Elmwood Estates No Traffic Impact Report

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cc: Representative Josh Harder
Senator Alex Padilla

From: [Nancy Dee](#)
To: [Emily Basnight](#)
Subject: Re: Elmwood Estates No Traffic Impact Report
Date: Tuesday, August 9, 2022 5:26:51 PM
Attachments: [Denair MHC Agenda 8.9.22.pdf](#)

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Thank you,

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Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

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From: Nancy Dee
Sent: Tuesday, August 9, 2022 4:23 PM
To: Planning <planning@stancounty.com>
Subject: Elmwood Estates No Traffic Impact Report

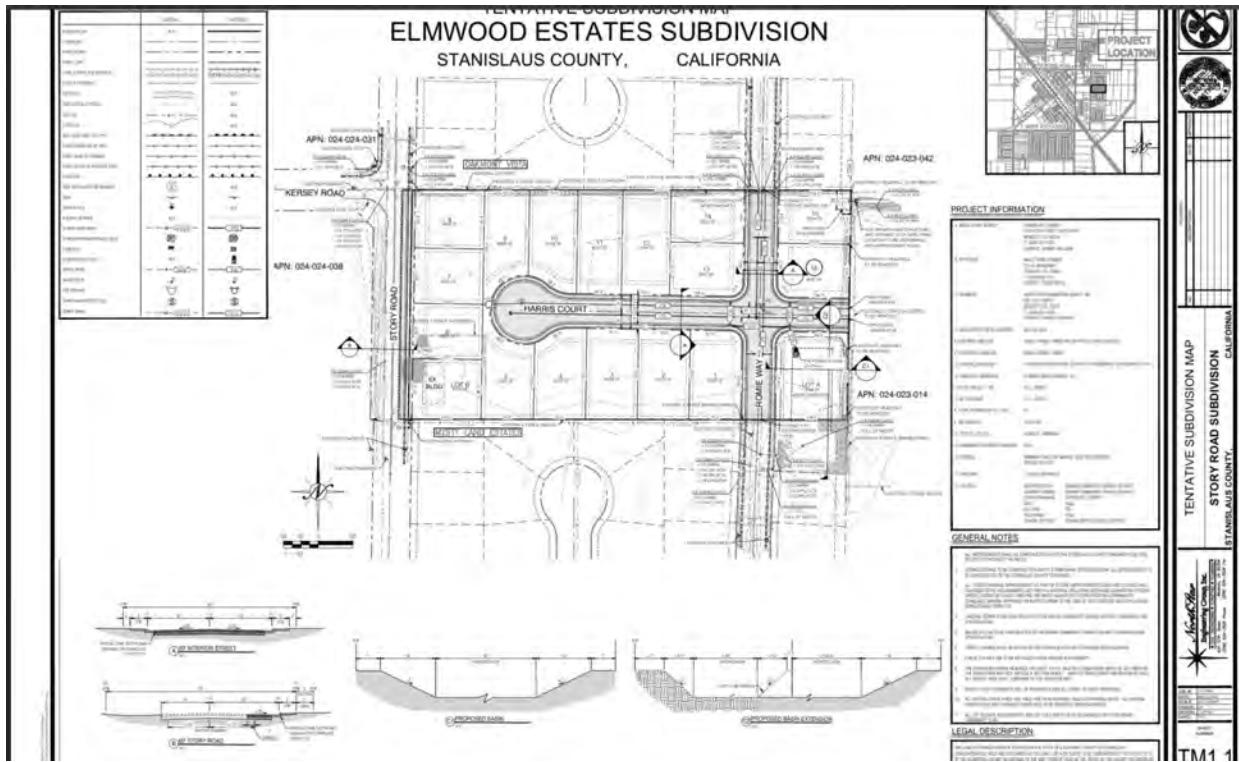
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cc: Representative Josh Harder
Senator Alex Padilla





Nancy Dee

Emily Basnight

From: Nancy Dee [REDACTED]
Sent: Tuesday, August 9, 2022 8:56 PM
To: Emily Basnight
Subject: Re: Elmwood Estates No Traffic Impact Report
Attachments: Denair MAC Agenda 8-9-22.pdf

Follow Up Flag: Follow up
Flag Status: Completed

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I was not impressed by the lack of planning that has gone into this project. Clearly the existing homeowners can be hung out to dry because some greedy developer wants to stuff his pockets. I would point out that his cramped development in the triangle is dangerous because cars and trucks are parked on Monte Vista and you can't see the homeowners speeding out from their street. I had that exact issue this morning. Between the safety issues, the flooding issues and the drought, this plan needs to be scrapped. Here's a picture of Romie where it meets Walton and you can see the discrepancy in the roads size and the turn onto Walton. I don't understand why the planning committee has a target on this sleepy neighborhood. It's shameful!

Nancy Dee

On Aug 9, 2022, at 4:55 PM, Emily Basnight <basnighte@stancounty.com> wrote:

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Thank you,

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Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

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From: Nancy Dee [REDACTED]
Sent: Tuesday, August 9, 2022 4:23 PM
To: Planning <planning@stancounty.com>
Subject: Elmwood Estates No Traffic Impact Report

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cc: Representative Josh Harder
Senator Alex Padilla

From: [Don Rajewich](#)
To: [Emily Basnight](#)
Subject: Follow up questions from last night MAC meeting
Date: Wednesday, August 10, 2022 9:54:54 AM

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

I got the impression at last night's meeting that the flooding on Elmwood Estates access streets is not the responsibility of the Elwood developer or the Planning Department, or Denair MAC. So who do I contact regarding this problem?

I noticed on the handout last night at the meeting that the new Romie Basin will be rock lined and inaccessible. Many of the other collection basins in Denair have grass and trees, and as I drive by I see residents walking their dogs and having picnics. Why is the Romie Basin not being constructed more parklike with grass and trees, as are Lester, Chica, Riopel, and Palm Estates basins?

Following up on a question I asked last night about the 3.01 people per household assumption, do ACUs (duplexes) count more toward the 1000 people per 3 acres of park requirements? Will park land be set aside for the new Elwood estates, and would a parklike rain basin count toward that requirement?

Being that numerous other basins have been built to accommodate recent Denair growth, does the County have adequate tanker resources and drivers to pump the Romie Basin (and all the other new basins) if a significant rain event occurs?

Last night Mr. Reich assured us that single story homes will be built in Elmwood Estates. However, I know in other subdivisions fortunes have changed, and developed lots have been sold to other builders. If the Elwood Estates lots were sold, would the subsequent builder be required to build single story houses?

Regarding the vernal pool located at 3700 Story Road that we spoke about on the phone last week, is it legal in California to fill and build houses over a vernal pool?

Emily Basnight

From: Nancy Dee [REDACTED]
Sent: Wednesday, August 10, 2022 10:46 AM
To: Emily Basnight
Subject: Re: Elmwood Estates No Traffic Impact Report

Follow Up Flag: Follow up
Flag Status: Completed

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I have just emailed Vito Chiesa with my concerns: The Planning Department approved a Cement Plant without the majority of the homeowners knowing. This clearly affects our home values!
The department was advised there is a cement facility 4 minutes up the road and they pushed it through with only 5 homeowner responses during a pandemic.

If this plan is approved I will research my legal options as the Department has been derelict again in not properly informing the homeowners. It appears from what was said last night, no one has bothered to visit the site so I'm attaching a map. These houses range from almost \$500,000 to One million. I'm a 74 year old great grandma and I bought my home on a quite street for a reason! For some reason the Planning Department is intent on ruining that.

On Aug 10, 2022, at 9:54 AM, Emily Basnight <basnighte@stancounty.com> wrote:

Good morning Nancy,

Thank you for attending the Denair MAC meeting last night. As mentioned during the meeting, the Planning Department will work with Public Works to verify all code requirements are met for the roads, and on-site improvements for the project.

The next public hearing for the project will be on September 1, 2022 in the Basement Chambers at 1010 10th Street, Modesto, CA 95354. The project will be presented to the Planning Commission for their recommendation to the Board of Supervisors (BOS). The BOS meeting, which will be the final public hearing for the project (the Board will take action on approving or denying the project), has not yet been scheduled.

If you have any questions or concerns, please don't hesitate to email or call.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

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From: Nancy Dee [REDACTED]
Sent: Tuesday, August 9, 2022 5:29 PM
To: Emily Basnight <basnighte@stancounty.com>
Subject: Re: Elmwood Estates No Traffic Impact Report

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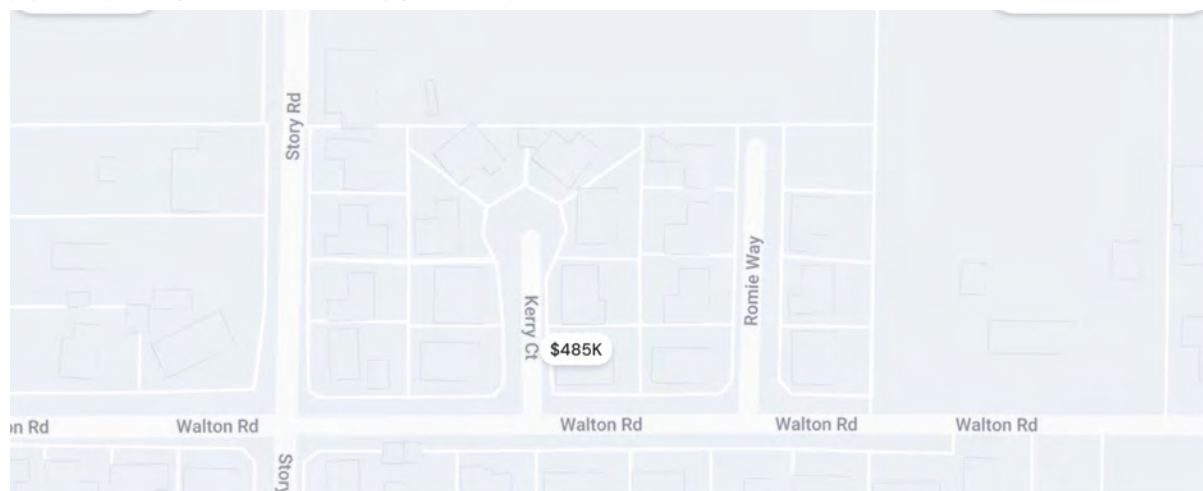
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As you can see, Romie Way is a very small cul-de-sac that can not possibly handle more than the traffic of the homeowners who have spent their hard earned money to purchase their homes. It is clear that the traffic should go onto Story Road. A traffic impact analysis must be provided before this plan is approved. You should question why their map is incomplete and does not clearly show Romie Way, or how it turns onto Walton Road. This is the second time the Planning Commission has tried to push through project without notifying those of us who are directly affected, i.e. the Gonzales Cement Plant on Story and Santa Fe: GPA & REZ PLN2020-0014

cc: Representative Josh Harder
Senator Alex Padilla

From: [Emily Basnight](#)
To: [Kathy Clinkenbeard](#)
Subject: RE: Information - Elmwood Estates
Date: Thursday, August 11, 2022 12:02:00 PM
Attachments: [Elevations and Floor Plans - Elmwood Estates.pdf](#)

Good afternoon Katherine,

I've attached the proposed floor plans and elevations for the single-family dwelling with an attached accessory dwelling unit (ADU) as well as the floor plans and elevations for only a single-family dwelling (no ADU) for Elmwood Estates.

I will reach out to Torre Reich and ask for contact information for the community to reach him with any questions they may have regarding the project.

If you have any additional questions or concerns, please don't hesitate to email or call.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <http://www.stancounty.com/planning/phone-mail-options.shtm>

From: Kathy Clinkenbeard [REDACTED]
Sent: Thursday, August 11, 2022 9:36 AM
To: Emily Basnight <basnighte@stancounty.com>
Subject: Re: Information - Elmwood Estates

***** WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

Hello Emily,

I would like to get a copy of the elevations and floor plans of the proposed homes and duplexes for Elmwood Estates. Also, I think that Torre Reich said in the meeting that we could have his business card if we have questions for him. Im not sure if any of my neighbors got this from him. My neighbors and I plan on attending the meeting in Modesto on Sept 1st. You can send the plans and elevations to my email please.

Thank you

Katherine

-----Original Message-----

From: Emily Basnight <basnighte@stancounty.com>

To: [REDACTED]

Sent: Thu, Aug 4, 2022 1:22 pm

Subject: RE: Information - Elmwood Estates

Hello Katherine,

I'm following up on our phone conversation from this afternoon. I've attached the landscaping plan for the drainage basin.

The full environmental report and maps can also be found online:

https://www.stancounty.com/planning/pl/act-proj/PLN2022-0026_30_Day.pdf

If you have any additional questions or concerns, please don't hesitate to email or call.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

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From: Emily Basnight

Sent: Monday, August 1, 2022 2:37 PM

To: [REDACTED]

Subject: Information - Elmwood Estates

Good afternoon Katherine,

Thank you for your comments regarding the Elmwood Estates Rezone and Subdivision Map. I've attached the proposed subdivision map to this email. The map shows the orientation of the proposed lots, the proposed size of the lots, and the roadways. There will be four lots that face Story Road (Lot B, and Lots 6-8), and the remainder of the lots will have access from proposed Harris Court and Romie Way (Lots 1, 13-16, and Lot A (the expansion of the storm drainage basin)).

I've also attached the agenda for the upcoming Denair Municipal Advisory Council (MAC) meeting to be held on Tuesday, August 9 at 7:00 PM in the Leadership Board Room at Denair Charter Academy school located at 3460 Lester Road in Denair. A presentation for the Elmwood Estates project will be presented at the MAC meeting and County staff will be there to take down comments/concerns and to answer any questions.

The full environmental review for the project can be found on our website at the following location:

https://www.stancounty.com/planning/pl/act-proj/PLN2022-0026_30_Day.pdf

From our conversation this morning, I've noted the following concerns:

- Traffic along Romie Way and concerns regarding safety for the existing neighborhoods and residents on Romie Way. Additionally, there are concerns with the general circulation proposed for the site and the adequacy of Romie Way for two-way traffic.

- Preference would be to not continue Romie Way/deny access to Romie Way from the project site.
- Issues regarding safety and the law off Romie Way (mentioned a property on the Hillsdale side of Romie Way that has a reputation) and Main Street (and Denair area in general), including slow response times, and the lack of sheriff personal patrolling the area/enforcing the law.
- Construction concerns regarding construction vehicles/equipment accessing the site.
- Water quality and availability concerns.

Please don't hesitate to email me if you would like to provide a written response further detailing your concerns. If any of your neighbors would like to provide comments on the project they can reach me on my direct line at (209) 525-5984 or by email at basnighte@stancounty.com.

If you have any additional questions or concerns, please don't hesitate to email or call.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

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From: Emily Basnight
To: Nancy Dee
Subject: Re: Elmwood Estates No Traffic Impact Report
Date: Thursday, August 11, 2022 4:40:00 PM
Attachments: [image001.png](#)

Hello Nancy,

To emphasize Danny's comment made at the MAC meeting: road right-of-way includes the gutters, sidewalks and asphalt to achieve a 50-foot right-of-way, not only the drive aisle is accounted for in the right-of-way (ROW). Your concerns over a cramped street are understood, the streets near the Junior College here in Modesto are also very narrow and can seem clustered as well (very vivid picture of narrow streets with many many residential units). Please know that Danny from Public Works is aware of the 36-foot width of the drive aisle that you and another neighbor have specified to our Departments.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

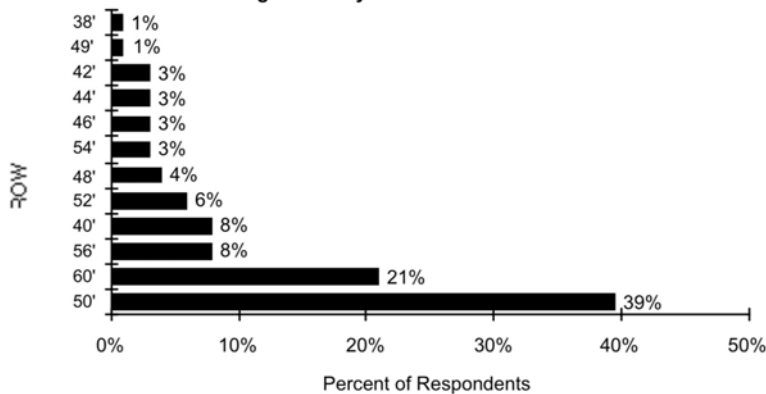
Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <http://www.staniscounty.com/planning/phone-mail-options.shtml>

From: Nancy Dee
Sent: Thursday, August 11, 2022 4:22 PM
To: Emily Basnight <ebasnight@staniscounty.com>
Subject: Re: Elmwood Estates No Traffic Impact Report

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

Our street is 36 feet. I measured it myself. I filed a complaint with Code Management: Our goal is to maintain and improve property values and the quality of life for residents, visitors and business owners. Many neighbors did not get a letter and the same thing happened with the Gonzalez Cement Plant.

Figure 2. Minimum Standards for Residential Streets' Right-Of-Way



Nancy Dee

On Aug 11, 2022, at 4:15 PM, Emily Basnight <ebasnight@staniscounty.com> wrote:

Hello Nancy,

The letters were sent out accordingly; however it is troubling if you and other neighbors did not receive the letters as our Department has not had the letters returned to us as undeliverable. The frustration over the map was a point of concern at the MAC meeting that was noted by staff. The Elmwood Estates Tentative Map was drafted pursuant to our application standards which require the roads immediately adjacent to the project site to be depicted on the map, which in this case are Story Road, Romie Way and the proposed Harris Court. As specified during the meeting, the road width for Emergency vehicle access was determined to be sufficient in the pre-development meeting prior to the project being applied for; however, we did go back to the Fire Prevention Unit yesterday morning to determine if they had additional comments on the project and they did not. The subdivision meets and will be required to comply with all current and applicable safety/emergency vehicle access requirements.

Public Works went back and determined Romie Way is designated as a 50-foot right-of-way (sidewalks + road width) Local street. As stated in the meeting, the Planning Department relies on a variety of agencies and departments with expertise in their fields to determine if studies or analyses are required for the project; no traffic analysis was determined to be necessary by the Department of Public Works.

Danny Mauricio from Public Works submitted a request for the Public Works Roads Division to look into the flooding issues mentioned by the community off Story Road, Romie Way and Walton Street and examine the streets to determine what can be done to prevent further issues with flooding in the future. Please note that a representative from Public Works will be present at the next MAC meeting on September 6th to address traffic concerns in general in the Community of Denair. More information on the upcoming MAC meetings can be found at the following web address: <https://staniscounty.ca.gov/>.

The Elmwood Estates project will go before the Planning Commission during a public hearing on September 1, 2022, at 6:00PM in the Basement Chambers of the 10th Street Place Building in downtown Modesto. The Planning Commission agenda for the meeting will be posted as we draw closer to the meeting date on this website: <https://www.staniscounty.com/planning/Agenda/Agenda-min-2022.shtml>.

If you have any questions or concerns, please don't hesitate to email or call.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

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From: Nancy Dee
Sent: Wednesday, August 10, 2022 5:48 PM
To: Emily Basnight <ebasnight@staniscounty.com>
Subject: Re: Elmwood Estates No Traffic Impact Report

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I did not receive notification of the Elmwood project nor did many of my neighbors on Walton, so your own policies were not being followed, as per your attachment. I did receive the one about cement plant and my concerns were not addressed. There were only 5 responses to the department and department was advised there was a cement plant 4 minutes up Santa Fe, yet they approved it at the opening to our community. I have asked Supervisor Chiesia for an audit of the decisions made by this board.

The Elmwood map, is worthless because it says nothing about traffic running on Romie Way. I have no issues with the homes being built, just the access on my little country road. You admitted you didn't know the issues about traffic, safety and emergency vehicles and are just now researching it. Supervisor Chiesia advised me today that they are looking into painting the curbs red on this developers last nightmare because it is unsafe. I'm guessing no traffic analysis was done there either. That won't be a solution on Romie Way! I can't imagine how this plan got to this point without a traffic study.

You seem like a lovely young lady and I'm sorry you have to deal with this, but I'm not giving up because this affects the quality of life for me and my neighbors.

Nancy Dee

On Aug 10, 2022, at 4:49 PM, Emily Basnight <ebasnight@staniscounty.com> wrote:

Good afternoon Nancy,

Thank you for emailing your concerns. I wanted to follow up on the notification for the project referral for Elmwood Estates and address a few other concerns you mention in your previous email:

5107 Walton Street in Denair was included on the landowner notification (LON) list for the Elmwood Estates project referral (see attached LON map of all parcels that received the notification for the project referral; subject parcel is circled in yellow). We have received back a few landowner notices that were unable to be delivered and returned to sender; however, the referral sent to 5107 Walton Road was not among those returned to our Department.

The landowner notification distance for the Elmwood Estates project was 1/4 of a mile (1,320-feet) in all directions pursuant to Board Resolution No. 84-481 (attached) which requires properties in a rural area (defined as having a General Plan (GP) designation of Rural Residential, Agriculture, or Urban Transition) to notice all land owners within a 1/4 mile from the project site.

1. The project site itself does not have a GP designation that is considered rural; however, it does border property that has a GP designation of Urban Transition. The notice was sent out to all landowners within a 1/4 mile area due to the adjacent property's General Plan designation.

The cement supply business was approved under General Plan Amendment and Rezone No. PLN2020-0014 – Gonzalez Ready-Mix and Landscaping Supply. The LON area for the project was also 1/4 mile from the project site. The property at 5107 Walton Street was outside the 1/4 mile area from the Gonzalez Ready-Mix project site and therefore did not receive that referral (see LON map attached; 5107 Walton Street is located at the corner of Walton and Romie Way, outside the LON area).

The homes proposed by the developer are similar to the homes located within the Wenstrand Ranch Subdivision located south of Main Street and north of E. Monte Vista Ave. One of the smaller units recently sold for \$500,000+ (see image below):

Emily Basnight

From: Emily Basnight
Sent: Thursday, August 11, 2022 4:49 PM
To: Nancy Dee
Subject: RE: Elmwood Estates No Traffic Impact Report

Hello Nancy,

To emphasize Danny's comment made at the MAC meeting: road right-of-way includes the gutters, sidewalks and asphalt to achieve a 50-foot right-of-way, not only the drive aisle is accounted for in the right-of-way (ROW). Your concerns over a cramped street are understood, the streets near the Junior College here in Modesto are also very narrow and can seem clustered as well (very vivid picture of narrow streets with many many residential units). Please know that Danny from Public Works is aware of the 36-foot width of the drive aisle that you and another neighbor have specified to our Departments.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

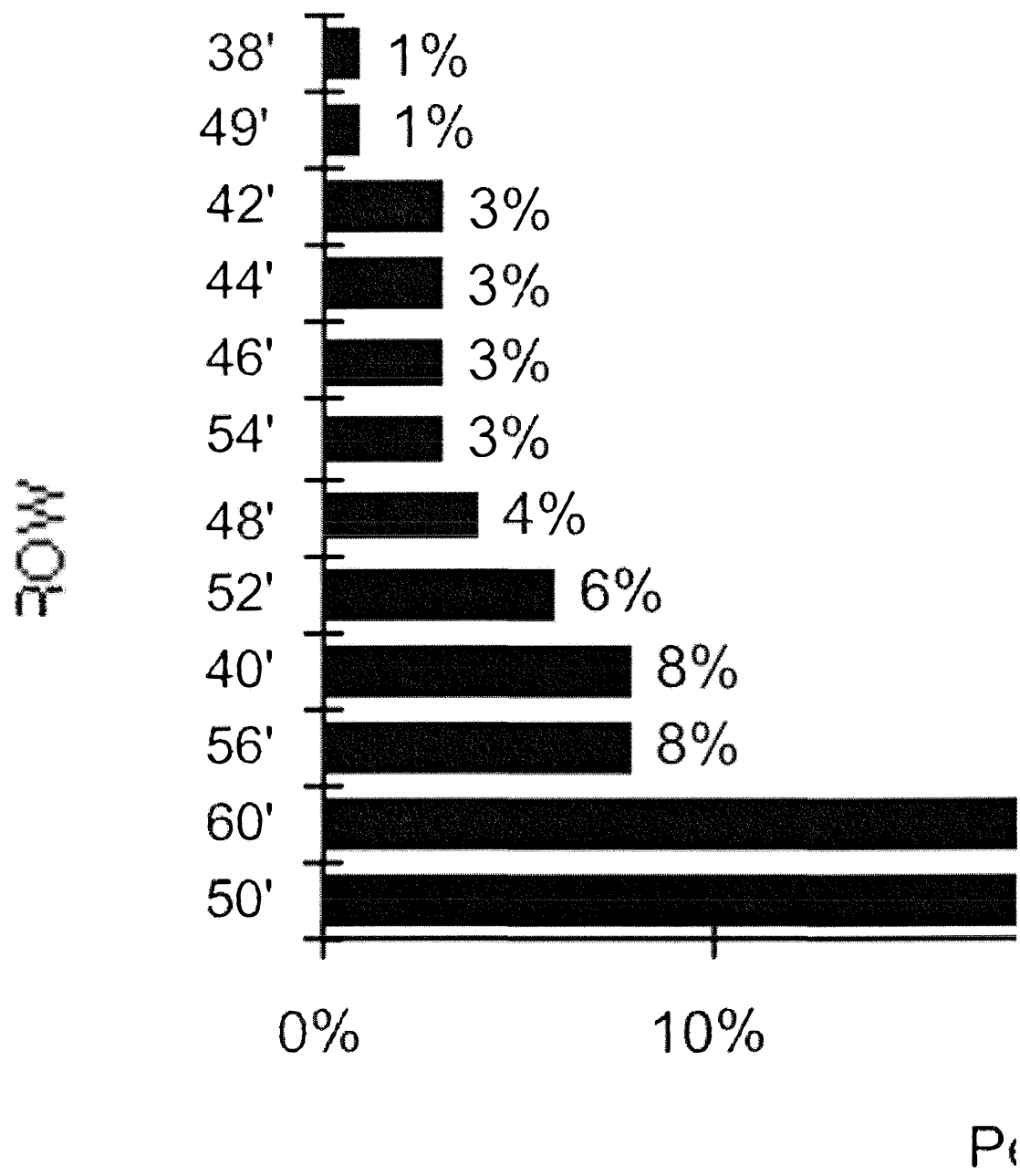
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From: Nancy Dee [REDACTED]
Sent: Thursday, August 11, 2022 4:22 PM
To: Emily Basnight <basnighte@stancounty.com>
Subject: Re: Elmwood Estates No Traffic Impact Report

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Our street is 36 feet. I measured it myself. I filed a complaint with Code Management: Our goal is to maintain and improve property values and the quality of life for residents, visitors and business owners. Many neighbors did not get a letter and the same thing happened with the Gonzalez Cement Plant.

Figure 2. Minimum Standards for Right- Of-W



Nancy Dee

On Aug 11, 2022, at 4:15 PM, Emily Basnight <basnighte@stancounty.com> wrote:

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The Elmwood Estates project will go before the Planning Commission during a public hearing on September 1, 2022, at 6:00PM in the Basement Chambers of the 10th Street Place Building in downtown Modesto. The Planning Commission agenda for the meeting will be posted as we draw closer to the meeting date on this website: <https://www.stancounty.com/planning/agenda/agenda-min-2022.shtm>.

If you have any questions or concerns, please don't hesitate to email or call.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

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<http://www.stancounty.com/planning/phone-mail-options.shtm>*

From: Nancy Dee [REDACTED]
Sent: Wednesday, August 10, 2022 5:48 PM
To: Emily Basnight <basnighthe@stancounty.com>
Subject: Re: Elmwood Estates No Traffic Impact Report

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You seem like a lovely young lady and I'm sorry you have to deal with this, but I'm not giving up because this affects the quality of life for me and my neighbors.

Nancy Dee

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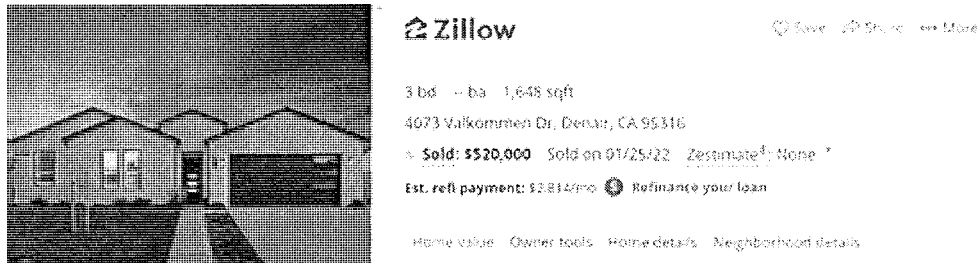
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1. The project site itself does not have a GP designation that is considered rural; however, it does border property that has a GP designation of Urban Transition. The notice was sent out to all landowners within a $\frac{1}{4}$ mile area due to the adjacent property's General Plan designation.

The cement supply business was approved under General Plan Amendment and Rezone No. PLN2020-0014 – Gonzalez Ready-Mix and Landscaping Supply. The LON area for the project was also $\frac{1}{4}$ mile from the project site. The property at 5107 Walton Street was

outside the ¼ mile area from the Gonzalez Ready-Mix project site and therefore did not receive that referral (see LON map attached; 5107 Walton Street is located at the corner of Walton and Romie Way, outside the LON area).

The homes proposed by the developer are similar to the homes located within the Wenstrand Ranch Subdivision located south of Main Street and north of E. Monte Vista Ave. One of the smaller units recently sold for \$500,000+ (see image below):



The developer is intent on working with the Community and providing floor plans/elevations that keep in character with the existing single-story developments to the north and south of the project site off Hillsdale Drive, Romie Way, and Walton Street.

If you have any additional questions or concerns, please don't hesitate to email or call.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

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From: Nancy Dee [REDACTED]
Sent: Wednesday, August 10, 2022 10:46 AM
To: Emily Basnight <basnighte@stancounty.com>
Subject: Re: Elmwood Estates No Traffic Impact Report

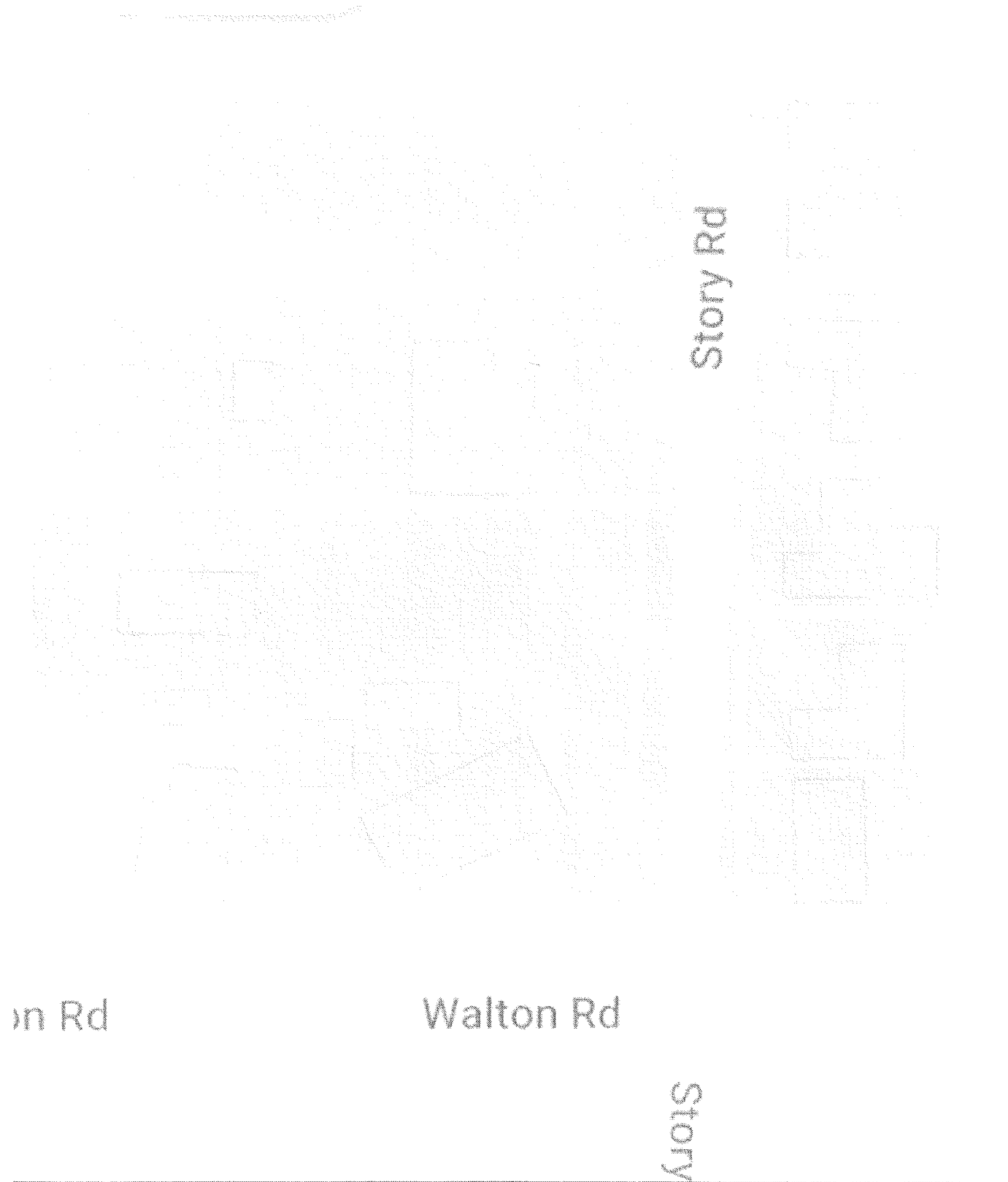
***** WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

I have just emailed Vito Chiesa with my concerns: The Planning Department approved a Cement Plant without the majority of the homeowners knowing. This clearly affects our home values!

The department was advised there is a cement facility 4 minutes up the road and they pushed it through with only 5 homeowner responses during a pandemic.

If this plan is approved I will research my legal options as the Department has been derelict again in not properly informing the homeowners. It appears from what was said

last night, no one has bothered to visit the site so I'm attaching a map. These houses range from almost \$500,000 to One million. I'm a 74 year old great grandma and I bought my home on a quite street for a reason! For some reason the Planning Department is intent on ruining that.



Nancy Dee



On Aug 10, 2022, at 9:54 AM, Emily Basnight
<basnighite@stancounty.com> wrote:

Good morning Nancy,

Thank you for attending the Denair MAC meeting last night. As mentioned during the meeting, the Planning Department will work with Public Works to verify all code requirements are met for the roads, and on-site improvements for the project.

The next public hearing for the project will be on September 1, 2022 in the Basement Chambers at 1010 10th Street, Modesto, CA 95354. The project will be presented to the Planning Commission for their recommendation to the Board of Supervisors (BOS). The BOS meeting, which will be the final public hearing for the project (the Board will take action on approving or denying the project), has not yet been scheduled.

If you have any questions or concerns, please don't hesitate to email or call.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

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From: Nancy Dee [REDACTED]
Sent: Tuesday, August 9, 2022 5:29 PM
To: Emily Basnight <basnighite@stancounty.com>
Subject: Re: Elmwood Estates No Traffic Impact Report

***** WARNING:** This message originated from outside of Stanislaus County. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

Romie is a very narrow street. Most homeowners have multiple cars, so this foolish plan will prevent the homeowners parking in front of their

own houses and complicate the trash pick up. This street can not handle additional traffic. I will file a complaint against the developer for not providing a proper map.

Nancy Dee

On Aug 9, 2022, at 4:55 PM, Emily Basnight
<basnighte@stancounty.com> wrote:

Good afternoon,

Thank you for your comments on the Elmwood Estates project. The project has not yet been approved. An environmental document is circulating for the project pursuant to the California Environmental Quality Act (CEQA), which can be found online at the following web address: https://www.stancounty.com/planning/pl/act-proj/PLN2022-0026_30_Day.pdf

The Planning Department will present the Elmwood Estates project to the Denair Municipal Advisory Council (MAC) this evening at 7:00PM at 3460 Lester Road (agenda attached with additional details) to gather comments and answer any questions the MAC or community may have regarding the project; this meeting is open to the general public. Two additional public meetings are required to be held for the project as well: the Planning Commission meeting to hear the project and provide a recommendation to the Board of Supervisors will be held on September 1, 2022. The Board of Supervisors meeting to approve or deny the project has not been scheduled as of yet.

Please find answers to your questions below:

A traffic impact analysis was not required by the County Department of Public Works for this project; the project proposes 17 residential lots total.

1. The project's layout was designed by the developer to continue the pattern of the existing lots in the surrounding area. There are existing homes facing Story Road to both the north, and south of the project site, including the home that exists on the project site. Also, existing Kersey Road connection to Story Road would be in very close proximity to the new intersection, which could cause traffic and safety issues.

1. The connection of Romie Way through the site completes the road as is was originally planned for, and continues the lotting pattern to the north and south. The cul-de-sac is in line with the stub street to the west creating a single intersection within the subdivision. Stop bars can be added within the cul-de-sac and stub street, or a 4-way stop could be installed.

If you have any questions or concerns, please don't hesitate to email or call.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

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From: Nancy Dee [REDACTED]
Sent: Tuesday, August 9, 2022 4:23 PM
To: Planning <planning@stancounty.com>
Subject: Elmwood Estates No Traffic Impact Report

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As you can see, there is a development planned that will open traffic to Romie Way, forcing traffic onto Walton Road. There is no traffic analysis impact report attached to the application: REZONE AND TENTATIVE MAP APPLICATION NO. PLN2022-0026 – ELMWOOD ESTATES.

As you can see, Romie Way is a very small cul-de-sac that can not possibly handle more than the traffic of the homeowners who have spent their hard earned money to purchase their homes. It is clear that the traffic should go onto Story Road. A traffic impact analysis must be provided before this plan is approved. You should question why their map is incomplete and does not clearly show Romie Way, or how it turns onto

Walton Road. This is the second time the Planning Commission has tried to push through project without notifying those of us who are directly affected, i.e. the Gonzales Cement Plant on Story and Santa Fe: GPA & REZ PLN2020-0014

cc: Representative Josh Harder
Senator Alex Padilla

From: [Don Rajewich](#)
To: [Emily Basnight](#)
Subject: Re: PLN2022-0026 hearing dates
Date: Friday, August 12, 2022 6:59:29 PM

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

When is the deadline for submitting written comments for to be included in the Sept 1 hearing papers?

> On Aug 12, 2022, at 12:08 PM, Emily Basnight <basnighte@stancounty.com> wrote:

>

> Good afternoon Don,

>

> The final landscaping plan is required to be submitted prior to recording of the final map (the final map must be recorded within two-years of project approval, or a time extension must be submitted by the developer if they are unable to record the map within two-years' time). Therefore, at this time, there is no set date for the MAC to review the final landscaping plan as the project has not yet been approved. Please contact the MAC for further inquiries into their process of reviewing final landscape plans/meeting times; questions can be sent to them via email at DenairMAC@gmail.com.

>

> The MAC may provide comments on the preliminary landscape plan prior to project approval; however, again, it's up to the MAC to determine if they will hold a public meeting to generate preliminary comments for the landscape plan.

>

> The Planning Commission public hearing is scheduled for Thursday, September 1, 2022 and will be held at 6:00PM in the Basement Chambers at 1010 10th Street, Suite 3400, Modesto, CA 95354.

>

> Thank you,

>

> Emily Basnight

> Assistant Planner

> Planning and Community Development

> Stanislaus County

> Ph: 209-525-5984

>

> Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <http://www.stancounty.com/planning/phone-mail-options.shtm>

>

> -----Original Message-----

> From: Don Rajewich [REDACTED]

> Sent: Friday, August 12, 2022 11:52 AM

> To: Emily Basnight <basnighte@stancounty.com>

> Subject: PLN2022-0026 hearing dates

>

> *** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

>

>

> What date is the MAC meeting to review/approve the Basin landscape?

>

> What date is the Planning Commission hearing?

>

From: [Don Rajewich](#)
To: [Emily Basnight](#)
Subject: Re: Flooding at Walton Street & Romie Way
Date: Friday, August 12, 2022 7:04:07 PM

***** WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

Excellent news. The people living in the homes at Romie and Walton will be shocked the next time it rains.

On Aug 12, 2022, at 2:11 PM, Emily Basnight <basnighte@stancounty.com> wrote:

Good afternoon,

Danny Mauricio has provided me an update on his request for the Roads Division to look into the flooding at Walton Street and Romie Way:

The Roads Division of Public Works has identified a drywell that needs to be fixed, when it rains it gets filled up and doesn't drain at Romie Way and Walton Street; their Division will do a deep cleaning to prevent flooding at Walton Street and Romie Way.

Thank you for alerting the County to the issue at the subject intersection.

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

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Emily Basnight

From: Nancy Dee [REDACTED]
Sent: Friday, August 12, 2022 8:40 PM
To: Megan Wells; Emily Basnight
Subject: Headlights from Romie Way

Follow Up Flag: Follow up
Flag Status: Flagged

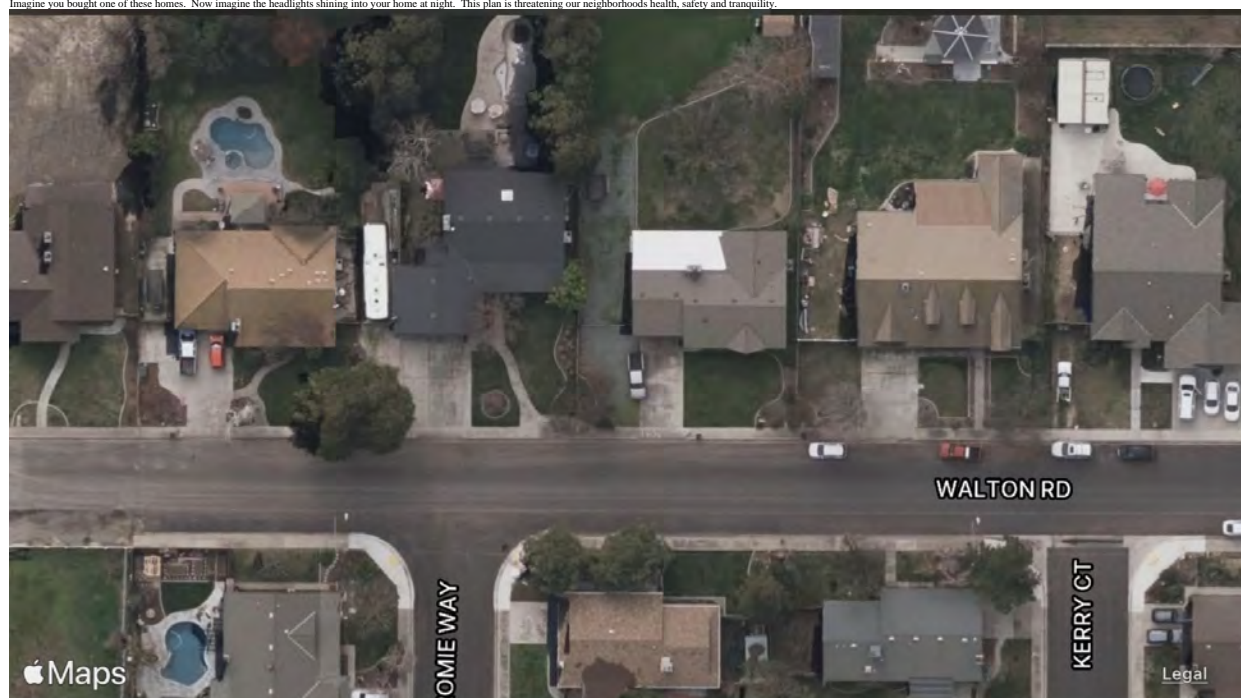
*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

Imagine you bought one of these homes. Now imagine the headlights shining into your home at night. This plan is threatening our neighborhoods health, safety and tranquility.

From: [Nancy Dee](#)
To: [Nancy Dee](#), [Emily Burroughs](#)
Subject: Headlights from Romie Way
Date: Friday, August 12, 2022 8:40:35 PM

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Imagine you bought one of these homes. Now imagine the headlights shining into your home at night. This plan is threatening our neighborhoods health, safety and tranquility.



Nancy Dee

From: [Nancy Dee](#)
To: [Vito Chiesa](#); [Megan Wells](#); [Emily Basnight](#)
Subject: Community & Environmental Defense Services
Date: Saturday, August 13, 2022 8:41:32 AM

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

We are in contact with CEDS. They have provided us with the following information regarding reasons opening our cul-de-sac to thru traffic affects our quality of life, our home values and our safety.

As traffic volume increases on a neighborhood street so does vehicle speed, accident frequency, noise, and even crime. All of these impacts then decrease property value.

Those who live on cul-de-sacs (dead-end streets) paid a premium of 20% to as much as 29% to enjoy the enhanced quality of life motivating their choice.

Converting cul-de-sacs to through streets interferes with the close neighbor relations that adds so much to quality of life. For example, one sociologist found that: "people who live in cul-de-sacs have the highest levels of attitudinal and behavioral cohesion (covering both how they feel about their neighbors and how much they actually interact with them). People who live on your average residential through-street have the lowest levels..."

Converting cul-de-sacs to through-streets robs both children and their parents of a sense of safety and freedom many cherish.

Discontinuous street systems have lower burglary rates than easily traveled street layouts; criminals will avoid street patterns where they might get trapped.

The lifestyle and curb appeal of a quiet street appeal to buyers and results in higher sales prices. Corner lots are particularly desirable.

Consideration should be given to gating the access so it can only be opened by fire, ambulance, police and other emergency services personnel.

Nancy Dee

From: [Nancy Dee](#)
To: [Vito Chiesa](#); [Emily Basnight](#); [Megan Wells](#)
Subject: Romie Way Master Plan
Date: Sunday, August 14, 2022 7:09:07 AM

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

We have been advised to obtain a copy of the Master Plan for connecting Romie Way from the 1960's.

Nancy Dee

From: [Stanislaus County Customer Center](#)
To: [Planning](#)
Subject: SCCRM: Message About Request #: 6435591
Date: Tuesday, August 16, 2022 9:15:26 AM

***** WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

The requestor added the following information to Request # 6435591

Message: Please include this map in the Staff Report. Homeowners were told at the MAC meeting that this map is what they used to show traffic from the development planned in the 1970s had Romie Way connected.

Thank you very much for understanding the importance of protecting homeowners from having their neighborhoods unnecessarily upended.

Nancy Dee

> On Aug 15, 2022, at 3:50 PM, Stanislaus County Customer Center
<stanislaus@user.govoutreach.com> wrote:
>
> i»¿
> ---

Request Information

Request type: Problem

Request area: Development Standards

Citizen name: Nancy Dee

Description: Opening Romie Way in Denair to thru traffic:

We are in contact with CEDS. They have provided us with the following information regarding reasons opening our cul-de-sac to thru traffic affects our quality of life, our home values and our safety.

As traffic volume increases on a neighborhood street so does vehicle speed, accident frequency, noise, and even crime. All of these impacts then decrease property value.

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the highest levels of attitudinal and behavioral cohesion (covering both how they feel about their neighbors and how much they actually interact with them). People who live on your average residential through-street have the lowest levelsâ€”

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The lifestyle and curb appeal of a quiet street appeal to buyers and results in higher sales prices. Corner lots are particularly desirable.

Consideration should be given to gating the access so it can only be opened by fire, ambulance, police and other emergency services personnel.

Expected Close Date: August 23, 2022

[Click here to access the request](#)

Note: This message is for notification purposes only. Please do not reply to this email. Email replies are not monitored and will be ignored.

From: [Don Rajewich](#)
To: [Emily Basnight](#)
Subject: PLN 2022-026 vernal pool
Date: Thursday, August 18, 2022 8:05:06 AM

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

A per your recent instructions, I contacted two CA State agencies and provided them what data I had, including video/audio and photos and location coordinates. One of the agencies— the one responsible for maintaining the online vernal pool map- said they would review the data and contact me when they had made a determination as to how to proceed. The other agency asked me if I could take samples, and I told her that the land was private property and that I am also aware — from conferences I attended at UC Merced — that special credentials are necessary to be collecting data from a site that may contain endangered species.

Late yesterday, I received a belated return phone call from a development consultant that I had left a message with early-on after receiving your 30 day (July 22) notification letter, and I explained the vernal pool situation to him. He asked me about what exactly was on the site, whether it was developed tilled agriculture like grapes or almonds. I told him it was relatively untouched irrigated pasture land, and he said that such a site might contain endangered species.

I asked him if I should take present my information to the Planning Commission meeting. He said no, this matter should be looked into before it goes before the Planning Commission.

I asked him if I should notify the developer and he said no, this situation should be brought to the attention of you, the Planner.

He also told me I should not be contacting and providing data to various state agencies.

He said he deals with vernal pool issues frequently, and that once a Planner learns that a site has a vernal pool and may contain endangered species, it becomes the Planners responsibility to enlist the services of a biologist.

I am willing to provide to you — and or your biologist — the same data I provided to the state agencies, and I await your response.

Emily Basnight

From: Nancy Dee [REDACTED]
Sent: Thursday, August 18, 2022 10:39 AM
To: Emily Basnight
Subject: Re: Romie Way Master Plan
Attachments: Mysty Land Estates.pdf; Oakmont Vista.pdf

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

Denair Community Plan, Adopted by the Stanislaus County Board of Supervisors DECEMBER 15, 1998 - Romie does not connect...

Nancy Dee

> On Aug 15, 2022, at 5:42 PM, Nancy Dee [REDACTED] wrote:

>

> Thank you very much.

>

> Nancy Dee

>

>> On Aug 15, 2022, at 5:21 PM, Emily Basnight <basnighte@stancounty.com> wrote:

>>

>> Hello Nancy,

>>

>> I have the subdivision maps for the neighborhoods along Romie Way attached to this email.

>>

>> Mysty Land Estates subdivided the area on the south side of Romie Way and Oakmont Vista subdivided the area on the north side of Romie Way.

>>

>> For records beyond the subdivision maps, you will need to submit a Public Records Request to our Department by emailing planning@stancounty.com.

>>

>> Thank you,

>>

>> Emily Basnight

>> Assistant Planner

>> Planning and Community Development

>> Stanislaus County

>> Ph: 209-525-5984

>>

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>> -----Original Message-----

>> From: Nancy Dee [REDACTED]

>> Sent: Sunday, August 14, 2022 7:09 AM

>> To: Vito Chiesa <CHIESAV@stancounty.com>; Emily Basnight <basnighte@stancounty.com>; Megan Wells <wellsm@stancounty.com>

>> Subject: Romie Way Master Plan

>>

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>> We have been advised to obtain a copy of the Master Plan for connecting Romie Way from the 1960's.

>>

>> Nancy Dee

Emily Basnight

From: Nancy Dee [REDACTED]
Sent: Thursday, August 18, 2022 11:04 AM
To: Emily Basnight
Subject: Re: Romie Way Master Plan

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I filed a complaint with Customer Service and they assure me my concerns and maps will be included in the Staff Report. I did not know the Staff Report would be online. I found the one for the cement plant and only my first letter was included. My second letter with maps of the prices of homes that range from \$450,000 to one million and my map of the cement plant 4 minutes up the road we're mysteriously missing. I have filed a complaint to have that decision audited.

Nancy Dee

On Aug 18, 2022, at 10:51 AM, Emily Basnight <basnighte@stancounty.com> wrote:

Hello Nancy,

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The Denair Community Plan map (as shown below) is included in the Staff Report.

Thank you,

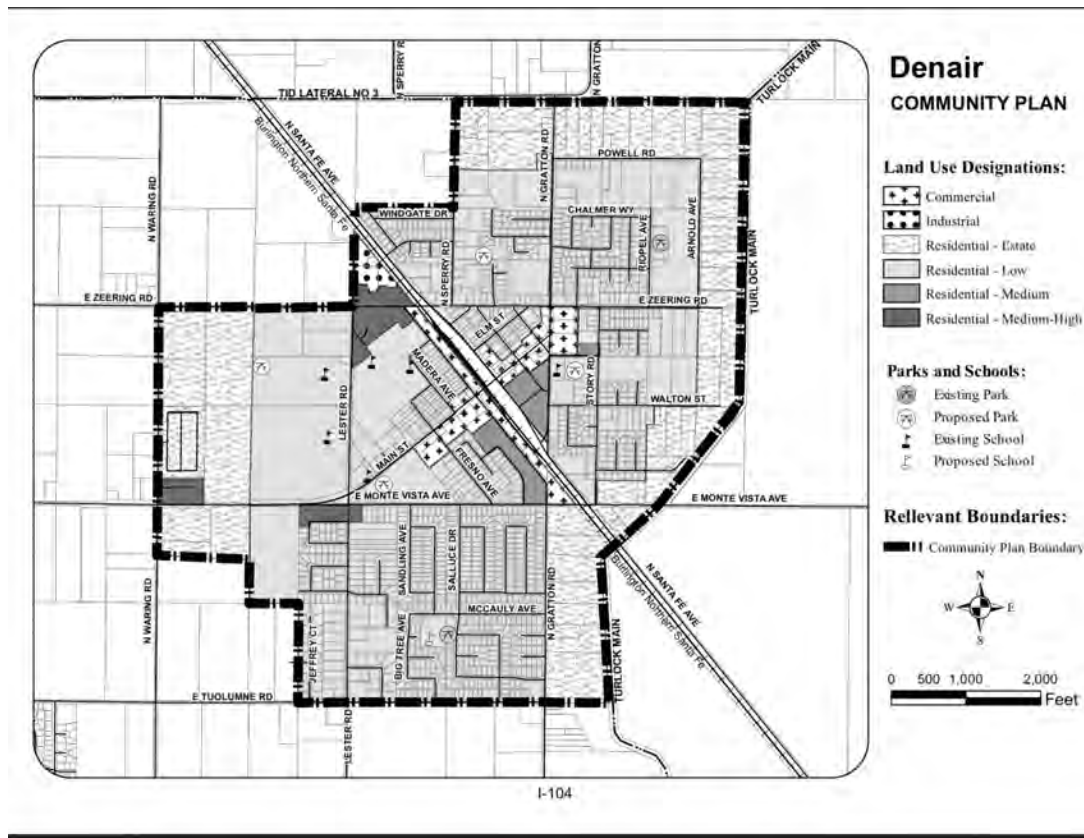
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Planning and Community Development
Stanislaus County
Ph: 209-525-5984

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Romie does not connect...



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>> Stanislaus County

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>> From: Nancy Dee [REDACTED]

>> Sent: Sunday, August 14, 2022 7:09 AM

>> To: Vito Chiesa <CHIESAV@stancounty.com>; Emily Basnight <basnighte@stancounty.com>; Megan Wells <wellsm@stancounty.com>

>> Subject: Romie Way Master Plan

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>> Nancy Dee

Emily Basnight

From: Nancy Dee [REDACTED]
Sent: Thursday, August 18, 2022 11:55 AM
To: Emily Basnight
Subject: Re: Romie Way Master Plan

*** **WARNING:** This message originated from outside of Stanislaus County. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe ***

Can you explain why this document states there are 34 units?

From: [Nancy Dee](#)
To: [Emily Bassight](#)
Subject: Re: Romie Way Master Plan
Date: Thursday, August 18, 2022 11:54:50 AM
Attachments: [image.png](#)
[image.png](#)

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

Can you explain why this document states there are 34 units?

11:21 AM Thu Aug 18

files.ceqanet.opr.ca.gov

Assessor's Parcel Number: 027-000-000 Section: 5 Twp.: 5 Range: 11 Base: 1000000

Within 2 Miles: State Hwy #: N/A Waterways: Turlock Irrigation District (TID) Main Canal
Airports: N/A Railways: Burlington Northern Santa Fe Schools: Denair Unified

Local Public Review Period: (to be filled in by lead agency)
Starting Date: April 5, 2022 Ending Date: April 20, 2022

Document Type:
CEQA: ☐ NOP ☐ Draft EIR NEPA: ☐ NOI OTHER: ☐ Joint Document
☒ Early Cons ☐ Supplement/Subsequent EIR ☐ EA ☐ Final Document
☐ Neg Dec (Prior SCH No.) ☐ Draft EIS ☐ Other: _____
☐ Mit Neg Dec ☐ Other: _____ ☐ FONSI

Local Action Type:
☐ General Plan Update ☐ Specific Plan ☒ Rezone ☐ Annexation
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment
☐ General Plan Element ☐ Planned Unit Development ☐ Use Permit ☐ Coastal Permit
☐ Community Plan ☐ Site Plan ☒ Land Division (Subdivision, etc.) ☐ Other

Development Type:
☒ Residential Units: 34 Acres: 4.82 ☐ Water Facilities Type: _____ MGD _____
☐ Office Sq. ft.: _____ Acres: _____ Employees: _____ ☐ Transportation Type: _____
☐ Commercial Sq. ft.: _____ Acres: _____ Employees: _____ ☐ Mining Mineral: _____
☐ Industrial Sq. ft.: _____ Acres: _____ Employees: _____ ☐ Power Type: _____ MW _____
☐ Educational _____ ☐ Waste Facilities Type: _____ MGD _____
☐ Recreational _____ ☐ Hazardous Waste Type: _____
☐ OCS Related _____ ☐ Other _____

Project Issues Discussed in Document:
☐ Aesthetic/Visual ☐ Fiscal ☐ Recreation/Parks ☐ Vegetation
☐ Agricultural Land ☐ Flood Plain/Flooding ☐ Schools/Universities ☐ Water Quality
☐ Air Quality ☐ Forest Land/Fire Hazard ☐ Septic Systems ☐ Water Supply/Groundwater
☐ Archeological/Historical ☐ Geological/Seismic ☐ Sewer Capacity ☐ Wetland/Riparian
☐ Biological Resources ☐ Minerals ☐ Soil Erosion/Compaction/Grading ☐ Growth Inducement
☐ Coastal Zone ☐ Noise ☐ Solid Waste ☐ Land Use
☐ Drainage/Absorption ☐ Population/Housing Balance ☐ Toxic/Hazardous ☐ Cumulative Effects
☐ Economic/Jobs ☐ Public Services/Facilities ☐ Traffic/Circulation ☒ Other: None have been identified as of yet

Present Land Use/Zoning/General Plan Designation:
Single-family dwelling and attached two-car garage, and open field / Rural Residential (R-A) / Low Density Residential (LDR)

Nancy Dee

On Aug 18, 2022, at 11:15 AM, Emily Bassight <ebassight@stancounty.com> wrote:

Yes, your comments will be reflected in the Staff Report.

Thank you,

Emily Bassight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5884

Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <http://www.stancounty.com/scheduling/show-mail-options.htm>

From: Nancy Dee
Sent: Thursday, August 18, 2022 11:04 AM
To: Emily Bassight <ebassight@stancounty.com>
Subject: Re: Romie Way Master Plan

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>> -----Original Message-----

>> From: Nancy Dee [REDACTED]

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>> To: Vito Chiesa <CHIESAV@stancounty.com>; Emily Basnight <basnighte@stancounty.com>; Megan Wells <wellsm@stancounty.com>

>> Subject: Romie Way Master Plan

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>>

>> Nancy Dee

From: [Nancy Dee](#)
To: [Emily Basnight](#)
Subject: Clear Answers
Date: Thursday, August 18, 2022 1:53:05 PM

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I've filed a complaint with Senator Feinstein, an old family friend and Governor Newsom. Maybe they can figure out what is really going on here.

Nancy Dee

From: [Nancy Dee](#)
To: [Vito Chiesa](#); [Emily Basnight](#); [Planning](#)
Subject: The Law
Date: Tuesday, August 23, 2022 3:24:25 PM

***** WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

SB 9:

The location criteria that must be met to be eligible for an SB 9 development includes:

- The site cannot be located on farmland

A housing development is a project that results in no more than two units on a single parcel. This can include the construction of up to two new units, the legalization of up to two existing units, or the construction of one new unit to one existing unit. Once a **duplex** is established, there are opportunities for the construction of additional Accessory Dwelling Units, as permitted with multi-family properties.

Nancy Dee

Emily Basnight

From: Nancy Dee [REDACTED]
Sent: Tuesday, August 23, 2022 6:28 PM
To: Emily Basnight; Planning
Subject: The Law Response

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

SB9

Property does not contain or is located within areas designated as prime farmland. It is within areas designated as farmland.

Parking of no more than one space per unit is allowed. Will we have their cars parked on our street?

All property owners and tenants within 500 feet of the subject property will be notified of the application. This clearly was not done as most of the homeowners had no clue until a neighbor rang doorbells the afternoon of the MAC meeting.

The law is designed to create additional housing while preserving low income affordable units. Where will the low income units be placed?

You say no duplexes and the developer says he's planned for 2 or 3 along Story Road. You say there can be as many as 34 units on the property.

It would be nice to have been properly notified and been given reliable information.

From: [Nancy Dee](#)
To: [Emily Basnight: Planning](#)
Subject: The Law Response
Date: Tuesday, August 23, 2022 6:27:45 PM

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

SB9

Property does not contain or is located within areas designated as prime farmland. It is within areas designated as farmland.

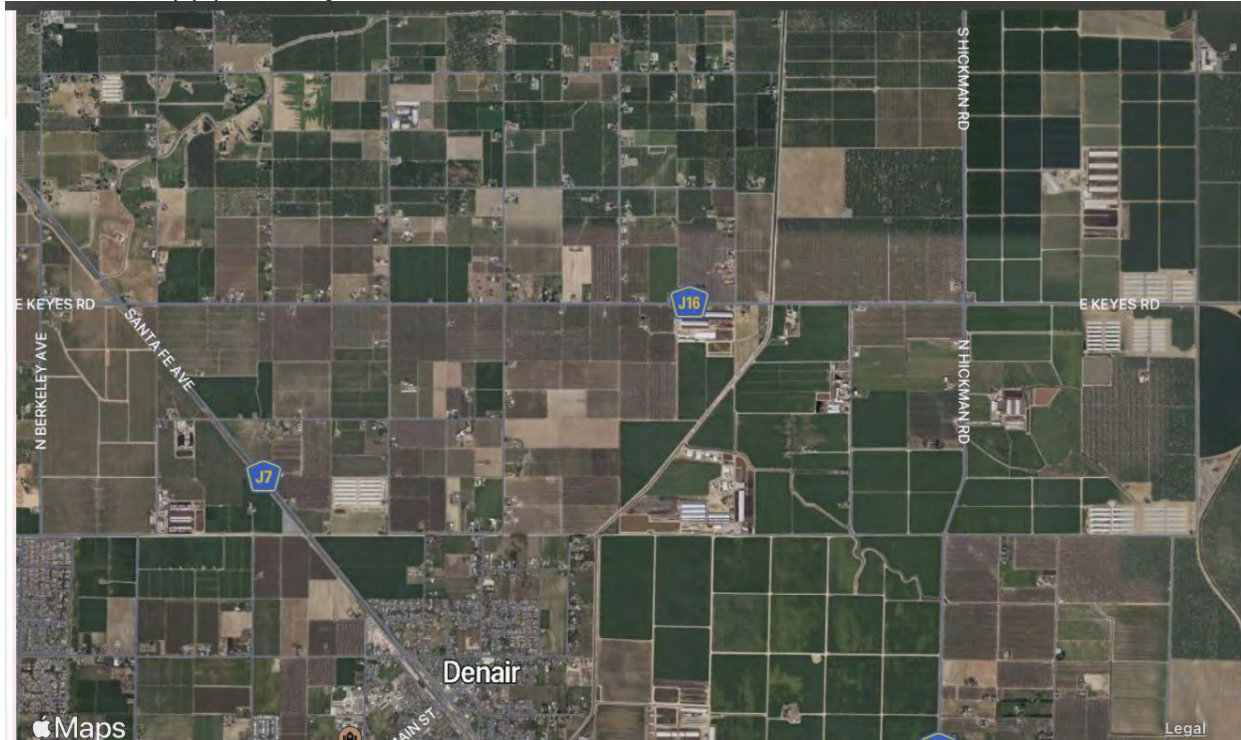
Parking of no more than one space per unit is allowed. Will we have their cars parked on our street?

All property owners and tenants within 500 feet of the subject property will be notified of the application. This clearly was not done as most of the homeowners had no clue until a neighbor rang doorbells the afternoon of the MAC meeting.

The law is designed to create additional housing while preserving low income affordable units. Where will the low income units be placed?

You say no duplexes and the developer says he's planned for 2 or 3 along Story Road. You say there can be as many as 34 units on the property.

It would be nice to have been properly notified and been given reliable information.



Nancy Dee

Emily Basnight

From: Nancy Dee [REDACTED]
Sent: Wednesday, August 24, 2022 9:12 AM
To: Emily Basnight
Subject: Re: The Law Response
Attachments: 2022_0330_Story_Road_Subdivision_LON_Map.pdf

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

And yesterday you said: "SB 9 applies to the project site at 3700 Story Road, as it does over every parcel that is designated for Low Density Residential development and zoned for single-family residential uses.'

Nancy Dee

On Aug 24, 2022, at 9:00 AM, Emily Basnight <basnighte@stancounty.com> wrote:

Good morning Nancy,

I believe I need to provide some clarification regarding Elmwood Estates and SB 9: the Elmwood Estates development is a Subdivision Map and Rezone request not a project under SB 9. Elmwood Estates is proposing to subdivide the one existing parcel at 3700 Story Road into 17 residential lots, this is not a project covered under SB 9, this is a Rezone and Subdivision Map request that is subject to our General Plan, Community Plan, and County Code.

SB 9 is a state law that allows a single-family zoned parcel to undergo ministerial review (no public hearings and no environmental review) to have a second unit and/or split the **one** existing parcel into a **maximum of two** parcels. The Elmwood Estates project is not an SB 9 project. Elmwood Estates is a discretionary project that requires public hearings and environmental review for a Rezone and Subdivision Map.

SB 9 as a State law could be used in the future by individual property owners who purchase a lot in the Elmwood Estates subdivision, just as you or your neighbors could have an SB 9 project currently; however, the Rezone and Subdivision request under Elmwood Estates is not an SB 9 project.

Answers to your statements and questions are in blue below.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <http://www.stancounty.com/planning/phone-mail-options.shtml>

From: Nancy Dee [REDACTED]

Sent: Tuesday, August 23, 2022 6:28 PM

To: Emily Basnight <basnighte@stancounty.com>; Planning <planning@stancounty.com>

Subject: The Law Response

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SB9

Property does not contain or is located within areas designated as prime farmland. It is within areas designated as farmland. The property at 3700 Story Road is not designated as farmland; the property has a General Plan and Community Plan designation of Low Density Residential and has been zoned Rural Residential (R-A) since 1962.

Parking of no more than one space per unit is allowed. Will we have their cars parked on our street? The one space per unit is a restriction on local agencies under SB 9 which limits our ability to request more parking if the project is an SB 9 project. As discussed above, the Elmwood Estates project is not an SB 9 project. The Elmwood Estates lots will be subject to the Off-Street Parking standards per Section 21.76.040 of the County Code which requires at least two off-street spaces per single-family dwelling.

All property owners and tenants within 500 feet of the subject property will be notified of the application. This clearly was not done as most of the homeowners had no clue until a neighbor rang doorbells the afternoon of the MAC meeting. As previously discussed, the County used a notification area of a quarter-mile (1,320-feet) of the project site (see Landowner Notification map attached).

The law is designed to create additional housing while preserving low income affordable units. Where will the low income units be placed? As discussed above, the Elmwood Estates Rezone and Subdivision is not a SB 9 project; it's a Rezone and Subdivision Map request.

You say no duplexes and the developer says he's planned for 2 or 3 along Story Road. You say there can be as many as 34 units on the property. The developer labeled his floor plans of the single-family dwelling and accessory dwelling unit incorrectly as "duplexes" as discussed at the MAC meeting and previous emails, a single-family dwelling with an attached accessory dwelling unit are not considered to be a duplex. As discussed previously, the total number of units possible for the project was listed on the Notice of Completion document; this accounts for all single-family dwellings and accessory dwelling units possible for the proposed subdivision.

It would be nice to have been properly notified and been given reliable information.

From: [Nancy Dee](#)
To: [Vito Chiesa](#); [Planning](#)
Subject: Elmwood Estates Misinformation
Date: Wednesday, August 24, 2022 9:19:09 AM

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

Emily emails:

Today: Elmwood Estates development is a Subdivision Map and Rezone request not a project under SB 9.

Yesterday: SB 9 applies to the project site at 3700 Story Road, as it does over every parcel that is designated for Low Density Residential development and zoned for single-family residential uses.

The developer and the planning department are not on the same page. Developer tells my neighbor he is constructing 2-3 duplexes which his business will oversee. Emily says no duplexes. Are the inmates running the asylum?

Nancy Dee

Emily Basnight

From: Nancy Dee [REDACTED]
Sent: Wednesday, August 24, 2022 9:33 AM
To: Emily Basnight
Subject: Re: The Law Response

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I'm sure an attorney would have a field day with all the ammunition I have!

Nancy Dee

On Aug 24, 2022, at 9:28 AM, Emily Basnight <basnighte@stancounty.com> wrote:

SB 9 applies to the project site, meaning, the parcel can take advantage of SB 9 and the future individual lots within the subdivision can also take advantage of it as well. It is eligible for SB 9; but the current project is not an SB 9 project, it's a Rezone and Subdivision Map which is why I provided the clarification below.

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

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For information on how to schedule an appointment please go to
<http://www.stancounty.com/planning/phone-mail-options.shtm>*

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Answers to your statements and questions are in blue below.

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Sent: Tuesday, August 23, 2022 6:28 PM
To: Emily Basnight <basnighte@stancounty.com>; Planning <planning@stancounty.com>
Subject: The Law Response

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It would be nice to have been properly notified and been given reliable information.

Emily Basnight

From: Nancy Dee [REDACTED]
Sent: Wednesday, August 31, 2022 10:20 AM
To: Kristin Doud; Vito Chiesa; Emily Basnight
Subject: BOARD AGENDA:7.1 AGENDA DATE: August 17, 2021

*** **WARNING:** This message originated from outside of Stanislaus County. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe ***

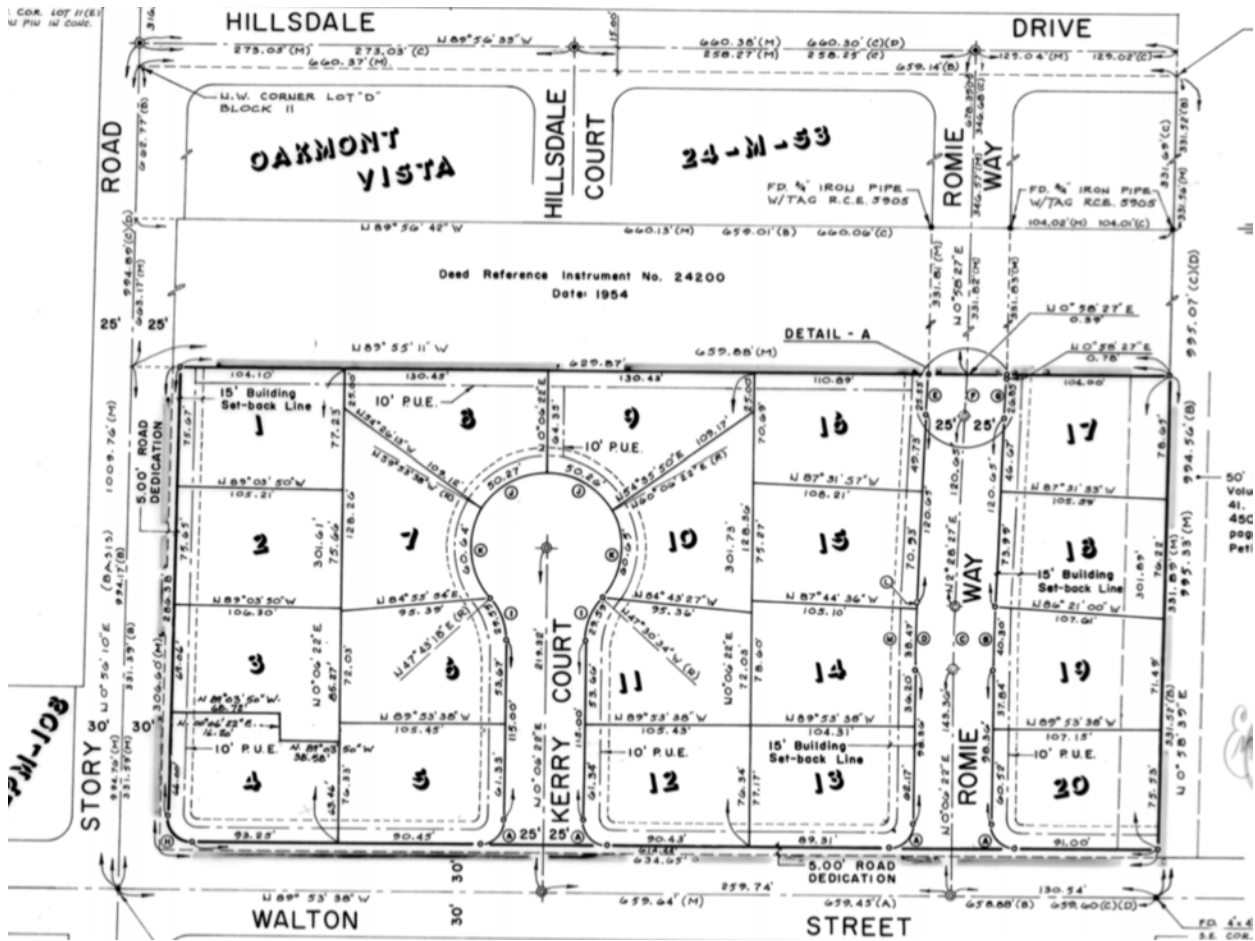
The General Plan Amendment will maintain a logical land use pattern **without detriment to existing and planned land uses.**

The Denair Community Plan **outlines the future growth patterns** of Denair and is used in conjunction with the General Plan to **indicate the desired land use 'vision' for the town.**

From: [Nancy Doe](#)
 To: [Nancy Doe](#), [Nancy Doe](#), [Nancy Doe](#)
 Subject: [Re: Stanislaus County Board of Supervisors](#)
 Date: Monday, August 29, 2022 5:06:11 PM
 Attachment: [\[image\]](#)

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

Emly provided this map as proof the Community Plan from the 1970's showed Romie Way was to be connected:



This map from 1998 does not show it connected.

Appendix I-A3

DENAIR COMMUNITY PLAN

Adopted by the Stanislaus County Board of Supervisors
 DECEMBER 15, 1998*

Why was the older map used?
 Nancy Doe

This subdivision map Emily provided does not show Romie Way connected.

<https://www.stancounty.com/bos/agenda/2021/20210817/PH01.pdf>

Nancy Dee

On Aug 30, 2022, at 10:41 AM, Kristin Doud <Doudk@stancounty.com> wrote:

The Community Plan map provides a general view of what type of land uses the community should be developed with. Subdivision Maps are the official maps recorded for a specific subdivision which provide details of how the roads and improvements and lot sizes are to be developed.

From: Nancy Dee [REDACTED]
Sent: Tuesday, August 30, 2022 10:09 AM
To: Kristin Doud <Doudk@stancounty.com>
Subject: Re: Elmwood Estates Misinformation

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That map is included in the 1998 Community Plan, yet Planning Department is using a map from the 1970's saying that's what gives them the right to connect Romney Way.

Nancy Dee

On Aug 30, 2022, at 9:26 AM, Kristin Doud <Doudk@stancounty.com> wrote:

Nancy – One of the images below looks like a screenshot of a subdivision map and the other looks like a screenshot of the cover page of the Denair Community Plan. What exactly is your question?

From: Nancy Dee [REDACTED]
Sent: Monday, August 29, 2022 5:06 PM
To: Kristin Doud <Doudk@stancounty.com>; Vito Chiesa <CHIESAV@stancounty.com>; Emily Basnight <basnighte@stancounty.com>
Subject: Re: Elmwood Estates Misinformation

***** WARNING:** This message originated from outside of Stanislaus County. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******



Why was the older map used?

Nancy Dee

On Aug 24, 2022, at 11:38 AM, Kristin Doud <Doudk@stancounty.com> wrote:

Thank you Nancy we have received your comment.

-----Original Message-----

From: Nancy Dee [REDACTED]
Sent: Wednesday, August 24, 2022 9:19 AM
To: Vito Chiesa <CHIESAV@stancounty.com>; Planning <planning@stancounty.com>
Subject: Elmwood Estates Misinformation

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Nancy Dee

From: [Don Rajewich](#)
To: [Emily Basnight](#)
Subject: PLN2022-0026 Attachment A and Biological Assessment
Date: Tuesday, August 30, 2022 8:04:46 AM
Attachments: [AttachmentA.pdf](#)

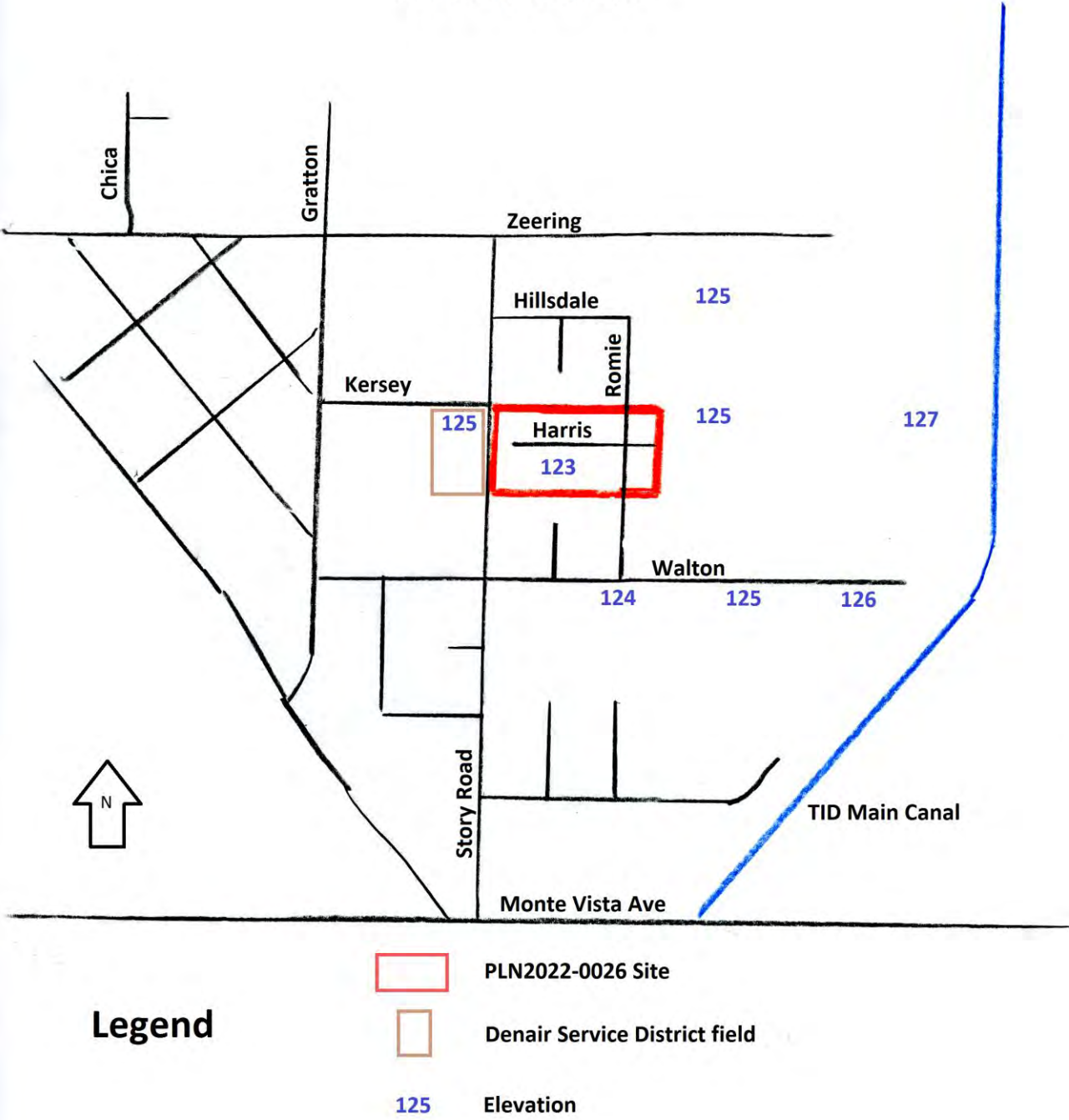
***** WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

I have attached Attachment A for inclusion with my previous submission made 8/26/2022.

Also:

In light of recent new information, will there be a Biological Assessment similar in scope as was done for PLN2019-0079? (SALIDA COMMUNITY PLAN DEVELOPMENT PLAN APPLICATION NO. PLN2019-0079 – CAL SIERRA FINANCIAL, INC.)

Attachment A



Created by Donald Rajewich, and free to share. Elevation data from Google Earth Pro.

Emily Basnight

From: Nancy Dee [REDACTED]
Sent: Wednesday, August 31, 2022 10:20 AM
To: Kristin Doud; Vito Chiesa; Emily Basnight
Subject: BOARD AGENDA:7.1 AGENDA DATE: August 17, 2021

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Subject: Elmwood Estates Misinformation

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The developer and the planning department are not on the same page. Developer tells my neighbor he is constructing 2-3 duplexes which his business will oversee. Emily says no duplexes. Are the inmates running the asylum?

Nancy Dee

From: [Don Rajewich](#)
To: [Emily Basnight](#)
Subject: PLN 2022-0026 infill
Date: Wednesday, August 31, 2022 1:04:08 PM

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

How many cubic yards of infill dirt will be needed for this project?
Any idea how many truck loads will that be?

From: [Danny Mauricio](#)
To: [Emily Besnight](#)
Cc: [Isabel Ojeda](#)
Subject: FW: Complaint
Date: Tuesday, September 6, 2022 8:33:52 AM
Attachments: [IMG_0724.PNG](#)

Good Morning Emily,

See Screenshots below. This is from Nancy Dee. Part 2 to follow.

Thank you,
Danny Mauricio

From: Benjamin Kozlow <KOZLOWB@stancounty.com>
Sent: Tuesday, September 6, 2022 7:24 AM
To: Danny Mauricio <MAURICIOD@stancounty.com>
Subject: Complaint

Hello Danny
This complaint was texted to me. Phone nut is on screen shot.
Ben



iMessage
Saturday 11:54 AM

Elmwood Estates, Denair Rezone
requiring Romie Way to be
connected would be a policy
violation.

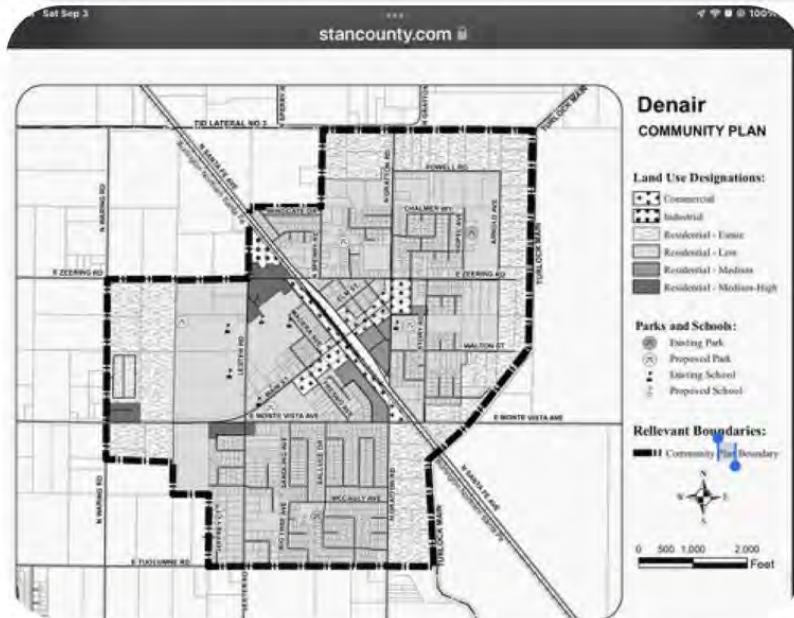
THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY
DEPT: Planning and Community Development BOARD AGENDA:7.1
AGENDA DATE: August 17, 2021

pg5) POLICY ISSUE:

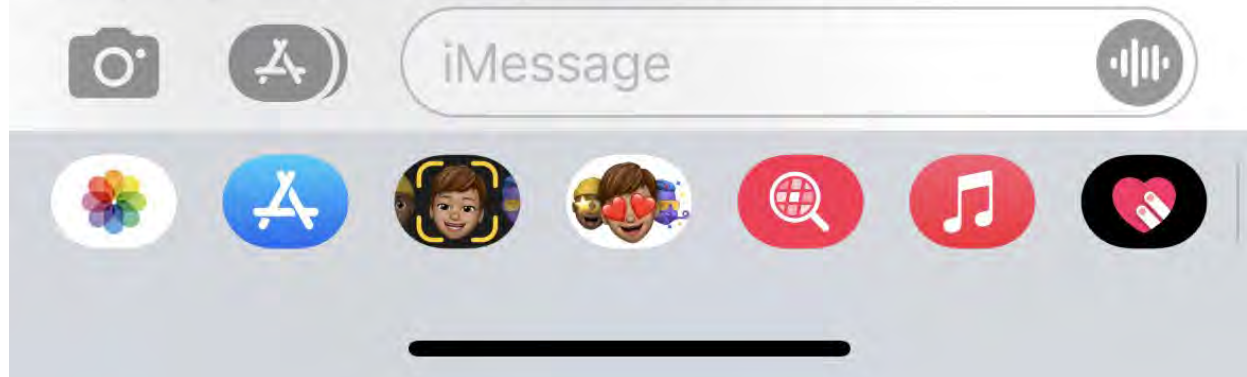
In order to consider an amendment to the General Plan, rezone and
parcel map request, the Board of Supervisors must hold a public
hearing. In order to approve an amendment to the General Plan,
the decision-making body must find that the amendment will
maintain a logical land use pattern without detriment to
existing and planned land uses



The Denair Community Plan Map 'outlines future growth' and Romie Way is not connected.



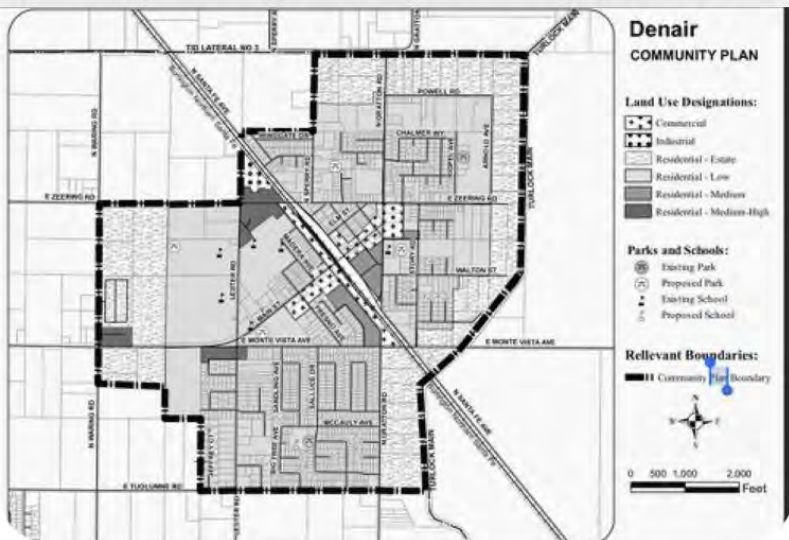
I have a complaint filed against



Sent from my iPhone

From: [Danny Mauricio](#)
To: [Emily Besnight](#)
Cc: [Isabel Ojeda](#)
Subject: FW: Complaint part 2
Date: Tuesday, September 6, 2022 8:35:46 AM
Attachments: [IMG_0725.PNG](#)

From: Benjamin Kozlow <KOZLOWB@stancounty.com>
Sent: Tuesday, September 6, 2022 7:25 AM
To: Danny Mauricio <MAURICIOD@stancounty.com>
Subject: Complaint part 2



I have a complaint filed against the developer with State Attorney General as he didn't bother to look at the other side of Romie Way before he submitted his plan.





Nancy Dee



The sender is not in your contact list.

[Report Junk](#)



iMessage



Sent from my iPhone

From: [Don Rajewich](#)
To: [Emily Basnight](#)
Subject: Re: PLN 2022-0026
Date: Friday, September 2, 2022 12:56:01 PM

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

Is there a link to that staff report ?

> On Sep 2, 2022, at 9:58 AM, Emily Basnight <basnighte@stancounty.com> wrote:

>

> Good morning Don,

>

> Your questions have been received and will be addressed in the Staff Report for the project.

>

> Thank you,

>

> Emily Basnight

> Assistant Planner

> Planning and Community Development

> Stanislaus County

> Ph: 209-525-5984

>

> Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <http://www.stancounty.com/planning/phone-mail-options.shtm>

>

> -----Original Message-----

> From: Don Rajewich [REDACTED]

> Sent: Sunday, August 28, 2022 8:49 PM

> To: Emily Basnight <basnighte@stancounty.com>

> Subject: PLN 2022-0026

>

> *** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

>

>

> Couple questions regarding the basin...

>

> Who made the decision that the basin would not be dual use?

> When was that decision made?

> More specifically, Was the the choice between fees and dual use made by the developer?

> What — if any — basin size modifications were necessary to accommodate the bump up of coverage from 40 to 50?

> Did that change (e.g. depth) render the basin unusable as dual use?

From: [Kristin Doud](#)
To: [Don Rajewich](#)
Cc: [Emily Basnight](#); [Planning](#)
Subject: RE: PLN2022-0026 Sept 1 oral presentation
Date: Tuesday, August 30, 2022 1:21:46 PM

Don – I just wanted to let you know that this project has been continued to the Sept. 15th Planning Commission meeting. So no public hearing on this project will occur this Thursday (9/1).

From: Don Rajewich [REDACTED]
Sent: Tuesday, August 30, 2022 12:28 PM
To: Planning <planning@stancounty.com>
Subject: PLN2022-0026 Sept 1 oral presentation

***** WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

Attached you will find a rough copy of the comments I intend to make Sept 1.
I reserve the right to modify these comments if circumstances change.

From: [Don Rajewich](#)
To: [Planning](#)
Subject: PLN2022-0026 Comment
Date: Friday, August 26, 2022 9:33:10 AM
Attachments: [PLN2022-0026comment.pdf](#)

***** WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

You have my OK to include my comments in the presentation to the Planning Commission.

August 26, 2022

From : Donald Rajewich

[REDACTED]
[REDACTED]

To: Dept of Planning and Community Development
1010 10th Street Suite 3400
Modesto CA 95354

RE: CEQA Referral Initial Study and Notice of Intent to Adopt Negative Declaration, Rezone and Tentative Map Application PLN2022-0026 (Elmwood Estates/Harris Court), which this document henceforth shall refer to as PLN0026.

Project Location: 3700 Story Road, APN 024-055-060, 4.82 acres of irrigated pasture

My property borders the south property line of parcel 024-055-060.

What follows is a list of my concerns and questions.

1. Property Value Decline and Loss of Privacy

My primary objection to this project is the potential loss of my back yard privacy if two story homes are constructed on the proposed lots behind my home.

I contacted the Stanislaus Planning Department, and was informed that Elmwood Estates homes will be “custom homes” and placement and height and whether or not a duplex is constructed will depend on the wishes of the home buyer. Homes could be a 35 maximum feet tall and minimum five feet from the fence, and they could be duplexes, depending on buyer preference. I subsequently spoke to a realtor, and he said two story homes behind my house would decrease the resale value of my house. That realtor also warned me that a no-two-story handshake agreement with the developer would not endure should Elmwood lots be sold to another builder.

One possible remedy is mentioned in Turlock Journal article dated Nov 12, 2021:

“The Balisha Ranch developer made adjustments to the plan following feedback at the Planning Commission meeting on Sept. 2, making sure that there would be no two-story homes along the fence line next to neighboring, existing homes.”

Another possible remedy is the Planning Commission has discretion to recommend approval with a limitation on building height for Planned Developments. An example can be found in the most recently approved PLN 2021-0040 Monte Vista Connections.

2. Good Neighbor Fencing makes good neighbors, and who will pay for it?

Typically, normal fences will have the presentable side with boards facing outwards toward the street, with the not-so-lovely posts and stringers facing in towards the yard. Between houses might be a “good neighbor fence” that looks identical on both sides.

An example of good neighbor fencing is the recently constructed wooden fences within the Wenstrand Ranch subdivision in Denair located near the corner of Lester and Main. An example of not-so-good neighbor fencing is the fencing between Wenstrand Ranch and the older properties to the east. This photo was taken at Salluce and Monte Vista.



I have looked through some other recent PLNs for Denair (e.g. PLN2021-0040 Monte Vista Connections and PLN2021-009) and both of these specify how fencing will be constructed along bordering neighbors and who will pay for it. 0040 specifically mentions “good neighbor fencing” the developer negotiated with his neighbors. No such information is provided in PLN0026.

3. Increased Flooding Risk

A few years ago, the corner of Kersey and Story Road became an unintended case study of what can happen when open land is rendered impervious. Denair Community Center replaced its parking lot, and the old asphalt was dumped and leveled and packed on top of the vacant third-of-an acre dirt lot at that corner. Consequently, that corner floods every time it rains, and water flows across Story Road onto the field at 3700 Story Road, the proposed site for Elmwood Estates. The two pictures below were taken at the corner of Kelsey and Story.



Couple wheelbarrows of rock flood control happening here.



3700 Story is at a lower elevation relative to the easterly pastures that slope downward from the TID Main Canal, as well as the subdivisions surrounding it. It currently serves as a natural water-retaining basin during the rainy season, and provides overflow relief when Romie Way floods. During the rainy season, if enough water accumulates, a vernal pool frog serenade provides nightly entertainment.



At the December 20, 2018 Stanislaus County Planning Commission meeting, on the agenda that day was a Wenstrand Ranch request to increase lot coverage from 40 to 50%.

Kim Stokes, Denair citizen, was at the microphone:

"Do we have any county recommendations or guidance related to grass cover or porous landscape?"

How are we going to deal with water recharge?

The more the land is covered with structure or concrete the less water recharge there is.

Is there anything on the books about that?"

Answer by Planner Angie Halverson:

"When we go and review a set of plans for a subdivision on the improvements, we take into account pretty much the coverage of the zone and we calculate how much runoff coefficient is going into whatever drainage system.

Now most of Denair actually ends up not sticking around because that ground won't take it.

So what basins you do have out there basically hold the water until it can be pumped out of Denair.

Literally.

So this (sic) -- it's going to be a small basin there (in Wenstrand Ranch) so we are going to get a little bit of perk. But not much.

We have a perched ground water.

We have perched hard pan out there that doesn't really allow the water to go anywhere.

So that's why the basins are small and a lot of this water will get pumped out of there.

So that's taken into account.

We are recharging as much as the ground will allow."

What was not mentioned at that meeting is how the storm water is pumped and hauled away by bobtail tanker trucks.

Does Stanislaus County have enough tanker trucks and drivers to service Denair's recently constructed and planned rain basins?

I asked the Planning Department how many tank trucks and drivers would be available in the event of a major storm. As I write this, I am still waiting for an answer, so I checked satellite imagery. Looks like three tankers in the yard.



Possible Remedies:

- Train and equip a local Volunteer Pumper Tanker Sandbag Brigade.
- Pump the water into the TID Main Canal using stationary pumps.
- Build houses that harvest rainwater.
- Figure out a way to take advantage of Mother Nature's storm water basin sitting right under your nose, no landscaping necessary.

4. How long will the construction dust and traffic last?

The Stanislaus County Planned Development rules read as follows:

21.40.090 DEVELOPMENT SCHEDULE A. An application for P-D district zoning shall be accompanied by a development schedule indicating to the best of the applicant's knowledge the approximate date when construction of the project can be expected to begin, the anticipated rate of development, and the completion date. The development schedule, if approved by the commission, shall become part of the development plan and shall be adhered to by the owner of the property and successors in interest.

How long will we be enduring the extra construction traffic rumbling through our neighborhood? This question was raised at the MAC meeting, and the answer was PLN0026 will be up for "renewal in two years."

A development schedule could answer the "how long" question, and provide a benchmark at renewal time.

5. It's a half mile to the Amtrak Station, so no traffic study is required.

PLN 0026 states that "... the vehicle motor traffic increase associated with the proposed project is significant....." and that because Elmwood Estates is half a mile from the Amtrak Station as the crow flies, the "significant" traffic impact gets a free pass. No traffic study or mitigation is required.

I do not know of any of my neighbors who use the Amtrak to commute to work, pick up kids at school, or to deliver vegetarian pizza.

Remedy: Will Elmwood Estates be Fiber/GIG ready?

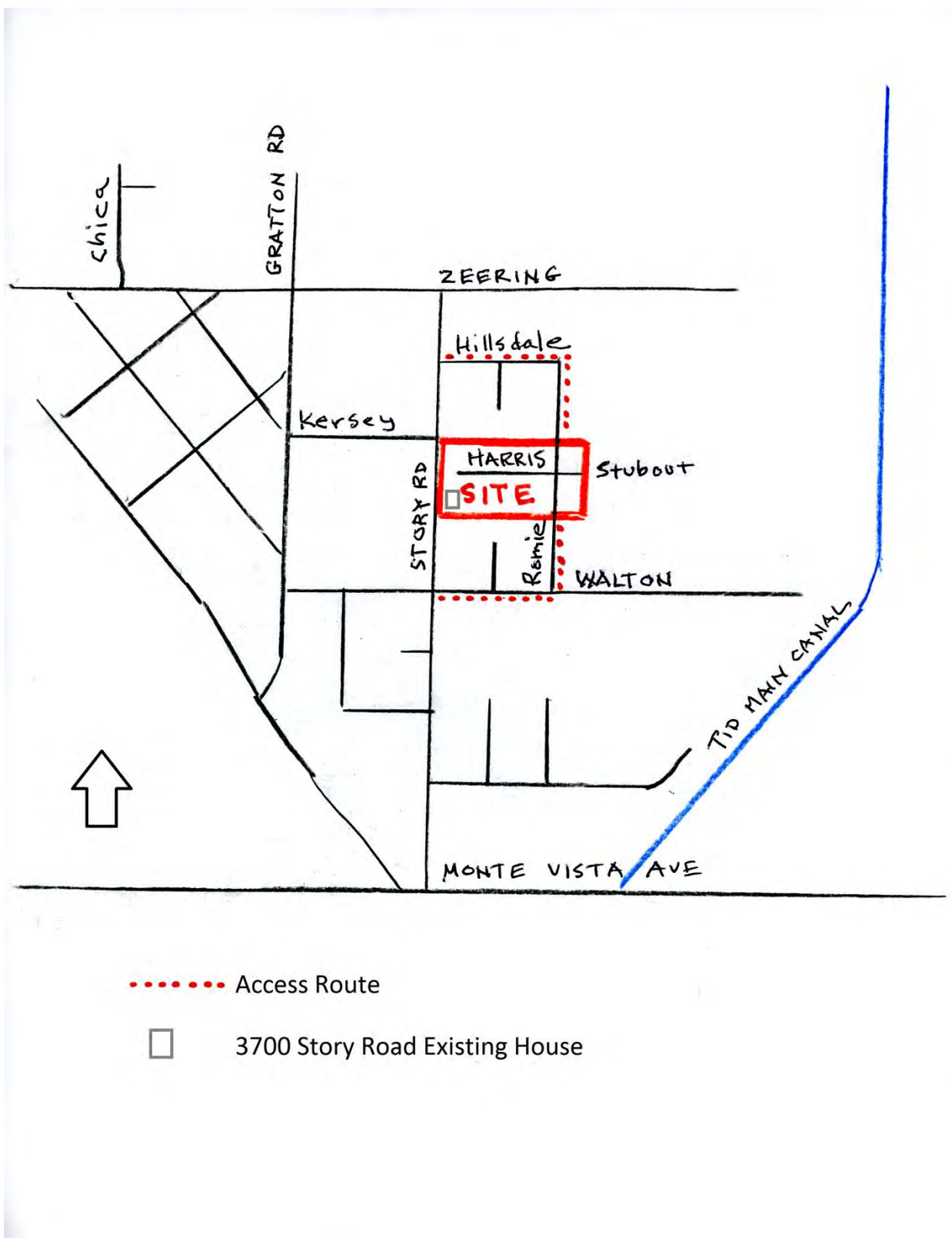
6. Why is Harris not directly connected to Story Road? (See the map on next page.)

Ironically, the proposed hierarchal street layout -- with Harris as a cul-de-sac -- increases the walking distance from Harris to the Amtrak Station to something over half a mile; Elmwood Estates is walking distance to town, and yet the proposed street design makes that more difficult. **Why is there not even a pedestrian walkway between Story and Harris?**

Existing residents showed up en masse to ask the Aug 9th MAC to consider a direct connection from Harris to Story. **Why unnecessarily increase traffic through our neighborhoods in perpetuity?** At the MAC meeting we were told that the proximity of Kelsey to Harris would create a traffic hazard.

Over the past four months or so, there has been an extreme home makeover at the old ranch house at 3700 Story, and that remodel has been completed and that house now handsomely displays the signature Malet Development white stucco. That major renovation was a preview of coming attractions, because there was -- in Planner parlance - - "significant" traffic entering and exiting the 3700 construction site from Story Road. If there had been any car crashes or traffic issues of any kind during those four months, I can assure you that this nosey neighbor would be expounding upon it in this document.

Imagine that as a stipulation for that remodel project, the Planning Department mandated that all construction traffic going in and out of 3700 must loop around to the jobsite from the Romie side. (See the red dots on the map next page.) Such a mandate would have resulted in more air pollution, longer travel time, increased construction costs, -- and more importantly -- it would have resulted in a larger turnout at the August 9th MAC meeting.



7. PLN0026 is missing a key detail in the “Aesthetics” table; on a clear day, you can see Yosemite’s Half Dome.



Because of that, Romie Basin has the potential to be a more scenic location for a dual use basin than all the Denair dual use basins that have come before or ever will be, especially if the current ghastly chain-link-fence with slats is nixed and the Planning Department acts on this aesthetic information when issuing future building permits.



8. Why are in-lieu fees being collected in-lieu of building a dual use basin in a prime scenic location?

The Denair Community Plan requires AT LEAST “three net acres of developed neighborhood parks, or the maximum number allowed by law, to be provided for every 1,000 residents” which works out to 130.68 square feet of park per person.

33 possible Elmwood dwellings X 3.08 people per dwelling X 130.68 = 13, 282 square feet.

That is one hundred and eighty four feet more than the 13,098 square foot rock lined basin being proposed.

The following neighborhoods/streets have -- or have planned-- dual use basins: Chica, Riopel, Palm Estates, Lester & Zeering, Monte Vista Connections. How about parity for the east side of Denair?

Someday in the future, long after those in-lieu fees have vanished like rice hulls through fingers, and gas cars and diesel trucks are museum pieces, that view of Half Dome could still be there -- better than it was in our lifetimes.



Addendum

I decided to watch online the most recent Stanislaus County Supervisor meeting because I wanted to see how they handled Monte Vista Connections PLN2021-0040.

The first two hours of the meeting was citizen after citizen getting up to complain about the flooding in their neighborhood, and how their kids had to take off their shoes and wade through a “knee deep” river to get to school. They were pleading that federal government windfall money allocated to Stanislaus County be spent to provide their neighborhood with sidewalks and flood control. After the sea of complainants had been exhausted, the Supervisors announced that it would cost \$650M to fix the infrastructure problems in Stanislaus County, and they only had a \$50M windfall.

As I watched, I wondered: Where was leadership and foresight when those subdivisions were approved? How much of that infrastructure problem is a lack-of-leadership wound papered over with a long history of PLNs that read like a list of justifications to do as little mitigation as possible?

The hour was late as citizens packed up their signs, and it was time for the Supervisors to approve Monte Vista Connections subdivision PLN2021-0040 in Denair. The only speaker was a rep for the developer, and he must have been thinking what I was thinking, because he said spoke directly to what he had just witnessed.

He said there was a stretch of land between their new Monte Vista Connections development and the Denair School’s complex. He said no government entity was requiring them to put in sidewalks along that stretch of Monte Vista, but he convinced his boss to do it anyway **“because it was the right thing to do.”**

Without any objections, 0040 was approved.

My hope is that you all holding the levers of power find the courage to do the right thing for Denair.

Because the last thing we need is a bunch more angry wet citizens at the County Supervisors meeting.

From: [Don Rajewich](#)
To: [Emily Basnight](#)
Subject: Submissions for pln 2022-0026
Date: Monday, August 22, 2022 8:28:03 AM

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

Received your notification letter Friday regarding submissions.
Had a couple questions.

Is it ok to submit a pdf with color photos embedded?

Or must photos/slides etc be separate?

Is it possible to submit video?

What is the deadline to submit in order to be included in the planning commission papers?

From: [Don Rajewich](#)
To: [Emily Basnight](#)
Subject: PLN 2022-0026 submissions
Date: Monday, August 22, 2022 11:02:42 AM

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

Do you accept video submissions?

From: [Don Rajewich](#)
To: [Emily Basnight](#)
Subject: dual use storm basin PLN2022-026
Date: Tuesday, August 16, 2022 4:44:51 PM

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

I took a few minutes today to review PLN2021-0040 Lazarus Company (0040) and I watched the Planning Commission hearing. 0040 proposed a dual use storm basin. Why was a dual use basin not proposed for Romie Basin?

I noticed that neighbors adjacent to that project had privacy concerns — similar to mine— with the possibility of two story homes overlooking their yards. How was that issue eventually resolved? Was wording added that restricted two story homes?

Regarding the fencing issue with adjacent neighbors to the east and west, 0040 proposed a 7 foot “good neighbor” wood fence. Does a “good neighbor” fence mean the neighbors paid half the cost? Word on the street here is one neighbor been told he will be asked to pay half the materials cost.

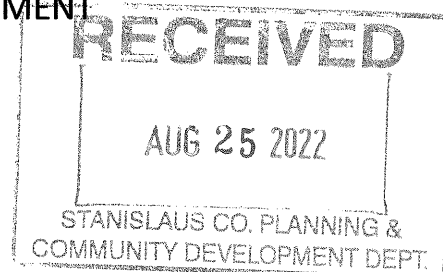
Were you able to find any info on the tanker truck situation?

August 19, 2022

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10TH STREET, SUITE 3400

MODESTO, CA 95354



RE: Rezone and Tentative Map Application and Planning No. PLN2022-0026 –
ELMOOD ESTATES

TO WHOM IT MAY CONCERN:

After reviewing your letter of July 22, 2022 regarding the proposed development of above mentioned ELMWOOD ESTATES, Application #PLN2022-0026 I have to express our disapproval of this development for the reasons listed below:

- 1) We (residents of Denair) are currently on water restrictions. Building additional Housing that would use more water makes no sense. We currently experience fluctuating water pressure already, which tells us Denair Services does not have the water infrastructure needed to support more water demand.
- 2) As proposed, Romie Way cannot sustain additional traffic. It is not wide enough for two-way traffic nor are there any controls in place for speed control.

If this development were to go through, we would suggest entry from Story Road. There are not any homes directly across from the proposed development site and this is better suited for the additional traffic. It is not connected to Romie Way.

- 3) There is very limited, if any law enforcement presence in Denair, but the county continues to allow growth and more housing without addressing the law enforcement presence or lack of in our town.
- 4) Construction equipment/vehicles will likely enter site from Romie Way as well as noise, and dirt/dust control cannot happen.

- 5) Where do all the small animals from this proposed land development go when this is being changed, dug up and reconstructed? Our properties, that's where!! Then we will have another problem to contest with.
- 6) We also have concerns regarding the neighborhood on the north side of Romie Way. They have a bad reputation that is quite a concern for us. They being connected to a through street to our south side of Romie Way gives us serious reasons for alarm. Please drive around the north side of Romie Way and you will then see the difference between the south side of Romie Way. This also pertains to our #3 reason listed above.

Overall, I see this development as damaging to the current way of life for the current residents surrounding this site. We have lived here for 41 years, chose to raise our family here because of the surrounding location and community. Many have lived here 30 plus years. This development will definitely impact negatively to our current residents way of life.

Please consider NOT APPROVING this proposed plan.

Sincerely,

[REDACTED]

Larry and Susan Fillman

[REDACTED]

[REDACTED]

[REDACTED]

Addendum 3

Submitted September 7, 2022

The next pages are comments and questions directed toward specific roman numeral sections within PLN2022-0026.

III. AIR QUALITY: Would the project result in other emissions affecting a substantial number of people? Yes.

“Construction activities associated with the proposed project would consist primarily of constructing the dwelling units and installing road and sidewalk improvements. 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.” (page 8, PLN2022-0026-30day)

Recalling the red infill dirt that we witnessed with the grading of Wenstrand Ranch, how many cubic yards of infill dirt will be needed for this project?

Goggle Earth is showing a site elevation of 123, and Romie Way 124 elevation.

How many truckloads of infill are we going to need to go up one foot to get the water to drain to the basin?

Let's take a guess. . .

One acre = 4840 square yards.

The site is approximately 5 acres.

5 acres X 4840 square yards per acre = 24200 square yards.

A depth of 1 foot is 1/3 cu yard and hence you need:

$24200 \times 1/3 = 8067$ cu yards.

A dual axel dump truck can haul 10-14 yards, a set of doubles 20 yards. .

That is 576 dump truck loads of dirt ($8067 / 14$). (Better to use doubles.)

Some infill dirt will obviously be provided by the basin excavation, and that part of the project will not be accomplished with garden tools.

Hopefully, Planning Department has access to better data that can prove “minimal.”

IV. Biological Resources: Would the project have a substantial effect on a natural community...? Yes.

If it looks like a vernal pool, and sounds like a vernal pool, it must be a vernal pool. The Planning Department has been provided enough photos and video and topology data that should justify a wet season Biological Assessment survey to determine if any special-status plants or animals occur on or within a quarter mile of the project site.

Why a quarter mile radius? I pulled this satellite view from Google Maps, and outlined the current proposed project in red. Those dark spots in the fields are pools of water, and looks like there are more to the east of the site. The proposed project added an eastern stub-out to its most recent 30- day iteration.



Why a physical assessment, rather than rely on Fish & Game maps? See highlighted metadata attachment next page.

Vernal Pools - ACE [ds2732]

SDE Feature Class

[Open this dataset in BIOS](#)
[Download this dataset](#)

Tags

terrestrial, biodiversity, native, richness, rare, rarity, endemic, sensitive habitat, ACE, riparian, wetland, rare natural community, game, bird, reptile, amphibian, mammal, plant

Summary

Vernal Pools, Areas of Conservation Emphasis (ACE), version 3.0. The Terrestrial Significant Habitats dataset is one of the four key components of the California Department of Fish and Wildlife's Areas of Conservation Emphasis (ACE) suite of terrestrial conservation information, along with Terrestrial Biodiversity, Connectivity, and Climate Change Resilience. This data set was developed to support conservation planning efforts by allowing users to spatially evaluate the distribution of terrestrial significant habitats across the landscape. Terrestrial Significant Habitats may include habitats or vegetation types that are the focus of state, national, or locally legislated conservation laws, as well as key habitat areas that are essential to the survival and reproduction of focal wildlife species. The Terrestrial Significant Habitats data set is expected to be used along with other ACE datasets to provide a robust assessment of the presence and relative importance of elements important for biodiversity conservation. The Terrestrial Significant Habitats dataset provides a variety of information on terrestrial habitats synthesized from vegetation and land cover maps. This includes Rare Vegetation Types [ds2722], Oak Woodland Habitat [ds2723], Riparian Habitat [ds2724], Saline Wetlands Habitat [ds2726], and several types of Freshwater Wetlands Habitats [ds2725]. The number of significant habitats in each hexagon is summarized in the Significant Terrestrial Habitat Summary, and a reference to the original vegetation or landcover datasets that map the significant habitat elements is provided for each hexagon.

Description

For more information, see the Terrestrial Significant Habitats Factsheet at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=150834>.

The California Department of Fish and Wildlife's (CDFW) Areas of Conservation Emphasis (ACE) is a compilation and analysis of the best-available statewide spatial information in California on biodiversity, rarity and endemism, harvested species, significant habitats, connectivity and wildlife movement, climate vulnerability, climate refugia, and other relevant data (e.g., other conservation priorities such as those identified in the State Wildlife Action Plan (SWAP), stressors, land ownership). ACE addresses both terrestrial and aquatic data. The ACE model combines and analyzes terrestrial information in a 2.5 square mile hexagon grid and aquatic information at the HUC12 watershed level across the state to produce a series of maps for use in non-regulatory evaluation of conservation priorities in California. The model addresses as many of CDFW's statewide conservation and recreational mandates as feasible using high quality data sources. High value areas statewide and in each USDA Ecoregion were identified. The ACE maps and data can be viewed in the ACE online map viewer, or downloaded for use in ArcGIS. For more detailed information see <https://www.wildlife.ca.gov/Data/Analysis/ACE> and <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=24326>.

Credits

ACE 3 Working Group and ACE 3 Development Team, California Department of Fish and Wildlife. Scripting and GIS data product development: Ryan Hill, Sandra Hill, and Melanie Gogol-Prokurat. ACE 3 conceptual model and source data development: Melanie Gogol-Prokurat, Sandra Hill, Diane Mastalir, Kristi Cripe, Dan Applebee, Janet Brewster, Kristina White, Patrick McIntyre, Todd Keeler-Wolf, Lisa Ohara, Steve Goldman, Peter Ode, Whitney Albright, Ryan Hill, and Karen Miner. Multiple datasets were compiled and analyzed in the development of ACE, including but not limited to California Wildlife Habitat Relationship (CWHR) species ranges and distribution models, California Natural Diversity Database (CNDDB) and other Biogeographic Information and Observation System (BIOS) rare species occurrence data, and Vegetation Classification and Mapping Program (VegCAMP) vegetation maps/landcover data. A full list of the datasets included in the ACE analysis is included in the technical report: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=24326>.

Use limitations

The ACE data is subject to certain assumptions and limitations that must be considered in any use or application of the data. All ACE data layers are limited by the accuracy and scale of the input data. ACE is a compilation of the best available scientific information; however, many of these datasets are not comprehensive across the landscape, may change over time, and should be revised and improved as new data become available.

The user accepts sole responsibility for the correct interpretation and use of these data, and agrees not to misrepresent these data. CDFW makes no warranty of any kind regarding these data, express or implied. By downloading these datasets, the user understands that these data are in draft condition and subject to change at any time as new information becomes available. The user will not seek to hold the State or the Department liable under any circumstances for any damages with respect to any claim by the user or any third party on account of or arising from the use of data or maps. CDFW reserves the right to modify or replace these datasets without notification.

The ACE maps display biological and recreational values based on available data and constrained by the limitations of the data. The values may be influenced by level of survey effort in a given area. The ACE data represent broad-scale patterns across the landscape, and the value of any single hexagon should be interpreted with caution. ACE is a decision-support tool to be used in conjunction with species-specific information and local-scale conservation prioritization analyses.

The ACE maps do not replace the need for site-specific evaluation of biological resources and should not be used as the sole measure of conservation priority during planning. No statement or dataset shall by itself be considered an official response from a state agency regarding impacts to wildlife resulting from a management action subject to the California Environmental Quality Act (CEQA).

License: This work is licensed under Creative Commons Attribution 4.0 International License (<https://creativecommons.org/licenses/by/4.0/>). Using the citation standards recommended for BIOS datasets (<https://www.wildlife.ca.gov/Data/BIOS/Citing-BIOS>) satisfies the attribution requirements of this license.

<https://map.dfg.ca.gov/metadata/DS2732.html>

1/8

X. Hydrology and Water Quality: Would the project impede or redirect flood flows?

Yes.

(Refer to the map Attachment B)

In past significant storms we have witnessed sandbagged garage doors on Romie Way, a parade of tanker trucks, and water pooled almost to the corner of Walton and Story Road. What follows is full disclosure for the future renters and buyers in Elmwood Estates.

- Story Road duplex renters: If rain is in the forecast, do not park your car across the street, because in the morning, you will have to change your car title to salvage.
- Romie Way homebuyers: Romie is the lowest elevation between Story Road and the TID Main Canal, and its rainwater basin is undersized (as per the Dec 2018 Planning Commission meeting). If the basin starts to overflow, you will need to sandbag your garage door, and hope the county tankers arrive in time to save your home. While you wait, the wakes of passing cars will wash away the landscape bark in your front yard.
- Harris Court buyers: When the southern corner of Romie and Walton floods, you will need to drive in the left lane as you drive east on Walton and slowly attempt your left turn onto Romie to avoid colliding head on with vehicles attempting to turn right from Romie onto Walton. And on those rare occasions when Romie floods all the way back to Story Road, you will need a boat.
- For all new buyers, the blue ovals on the map are intersections that flood after minor rain and are to be avoided if you want your car brakes to work.
- Buy your dream home in the dry season, and after the next significant storm, take a number at the Board of Supervisors meeting.

After flooding complaints were aired at the Aug 9th 2022 MAC meeting, the Planning Department has promised me they have set in motion a plan to de-silt the dry well at Walton and Romie Way. This is excellent news.

XiX. "Stormwater is proposed to be managed for the development through a 13,098 square-foot expansion (Lot A) of an existing stormwater basin located on APN 024-055-043, which currently serves an existing residential development to the south." (page 26)

The reality is the existing stormwater basin also serves the residential neighborhoods to the west, and the country estates on eastern Walton.



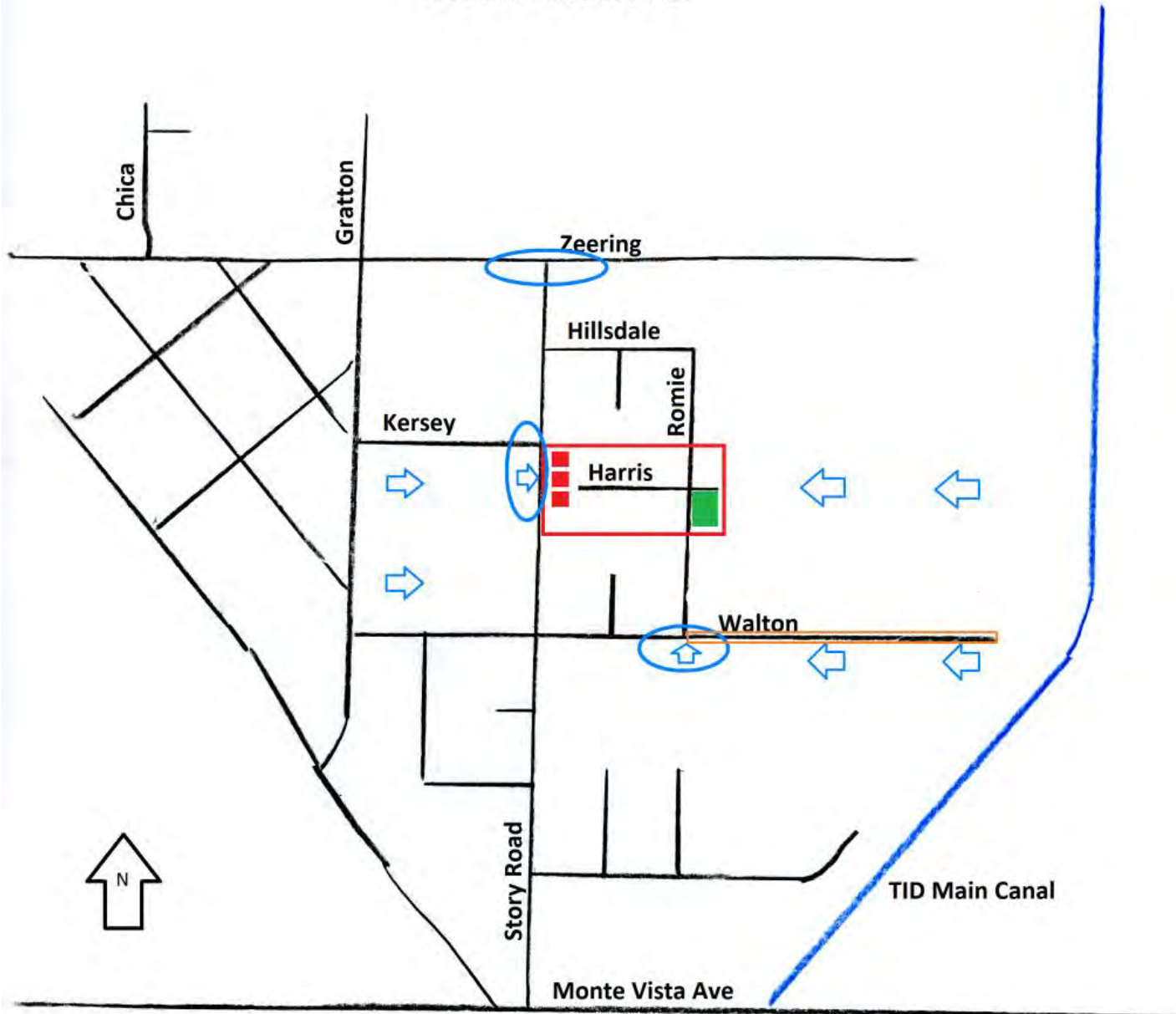
This photo is looking east on Walton, where the county maintained road ends. Note that this stretch of Walton is without sidewalks, and notice the silt and debris on the roadway. Given the condition of eastern Walton Road, this would explain the drywell silt problems.

Is the Romie Basin going to be sized to handle a perpetually silted drywell at the corner of Romie and Walton?

The second major flooding redirection concern is at the corner of Kelsey and Walton. Currently, after a storm, water flows from the corner of Kelsey and Walton onto the proposed site. When the duplexes are constructed on Story, where will the water go?

The third flooding redirection concern is where will the water go that currently flows eastward across the fields from the TID Main Canal onto the proposed site?







Attachment B



Legend

Created by Donald Rajewich

Free to share

- | | | | |
|---|-------------------------------------|---|-------------------|
|  | PLN2022-0026 Site |  | Proposed Duplexes |
|  | Romie Basin |  | Water flow |
|  | Streets that flood after minor rain | | |
|  | Not a county maintained road | | |

XI. LAND USE AND PLANNING -- Would the project conflict with any land use plan, policy, or regulation...? Yes.

“The General Plan and the Denair Community Plan requires at least three net acres of developed neighborhood parks, or the maximum number allowed by law, to be provided for every 1,000 residents.” (page 20 PLN2022-0026-30day)

Why is Romie Basin not proposed to be a dual use basin, as recent other neighborhood basins were constructed?



Chica Avenue



St Simon Way

XI. LAND USE AND PLANNING -- This section contains the only discussion in the document about the 40 to 50 percent increase in lot coverage.

How is the Planning Commission to decide whether to approve a 40-50 zoning change without any information other than:

“The applicant has requested this to achieve a greater flexibility in siting the housing product offered.”

What does that mean?

It means that anyone who has toured model homes in recent years knows that new homes come with open concept, higher ceilings, and smaller yards. It's just the way it is.

PLN2022-0026 should have a section devoted to discussing the pros and cons of this zoning change. Here are some questions it could answer:

- What will be the impact on storm water runoff?
- Will a bigger basin be needed?
- Will the county need to purchase tanker trucks and hire more drivers?
- Is there more likelihood of flooding in smaller back yards?
- Is rainwater harvesting a mitigation possibility?
- What is the impact on housing affordability, especially as it relates to the size of lots?
- Will this result in garages being over 50% of street facades?
- Will this result in more RV's parked on the street?
- Should front porches be exempt?
- Will homeowner future shed additions and RV access additions be restricted if they exceed the 50%?
- How will daylight /shading issues be mitigated?
- Should two story setbacks be increased to 10 feet, and second story footprints shrunk?
- In the past, when this has been done, what have been the intended/ unintended consequences?

XIX. UTILITIES AND SERVICE SYSTEMS -- Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? (page 25)

PLN 2022-0026 does not provide an answer to this question, only that Denair Service District provided a “can serve” letter.

“...Additionally, the applicant may be required to pay a fair share fee for future facilities for District services.”

This would imply that the costs of new wells to service this planned development – as well as the others that have been approved but not yet built—will be a cost shared by long time rate payers. How much will that raise our rates?

Of more concern, no mention of cumulative groundwater impacts of this project and recent others that have been approved.




At projected usage rates, how many more years of aquifer water supply remain?

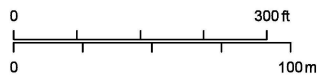
STORY ROAD SUBDIVISION

TSM REZ
PLN2022-0026

Community Response Map

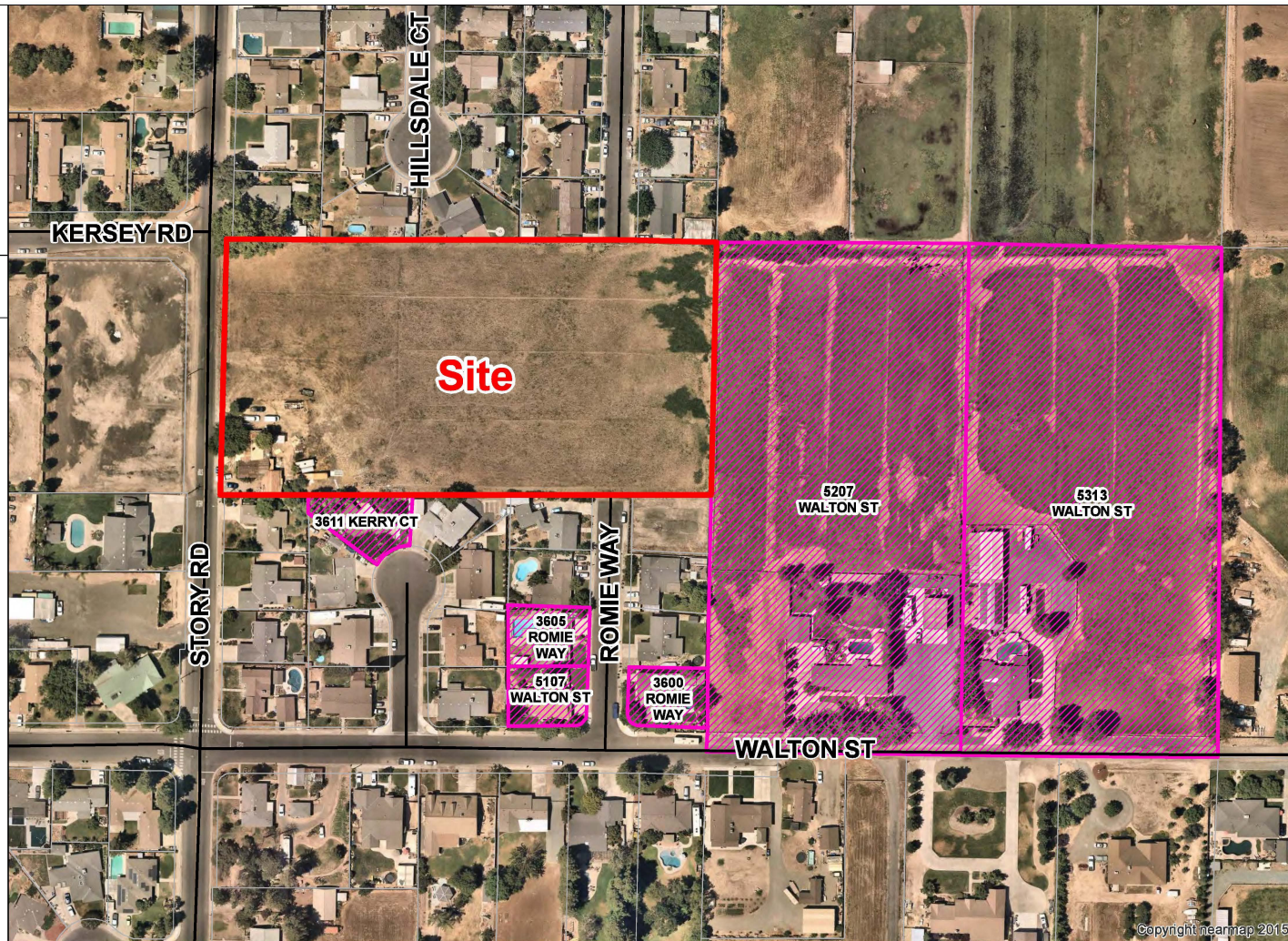
LEGEND

-  Project Site
-  Responder locations
-  Road

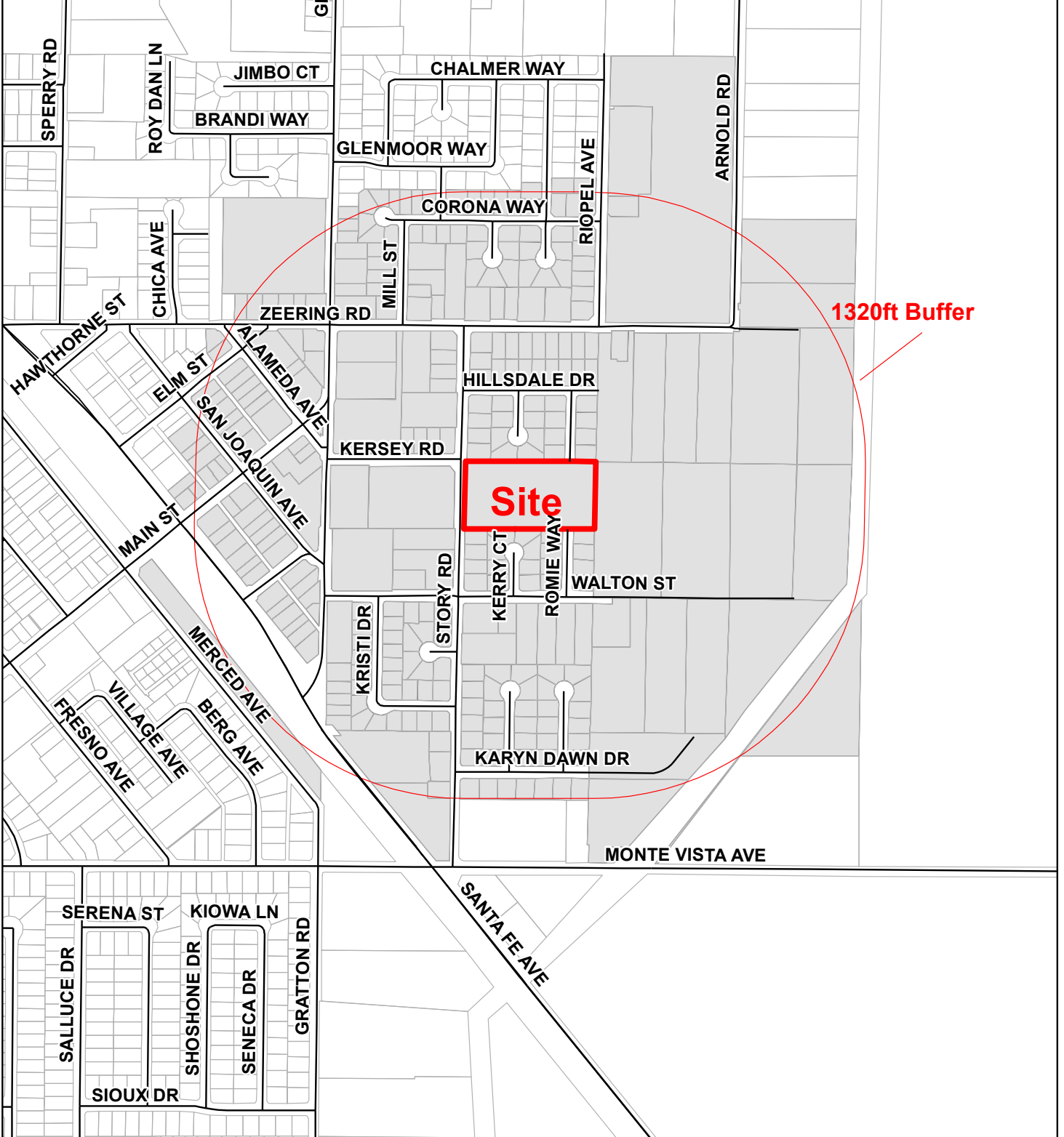


Source: Planning Department GIS

Date: 9/7/2022



**STORY ROAD SUBDIVISION
TSM REZ PLN2022-0026
APN: 024-055-060**



1320ft Buffer

Site



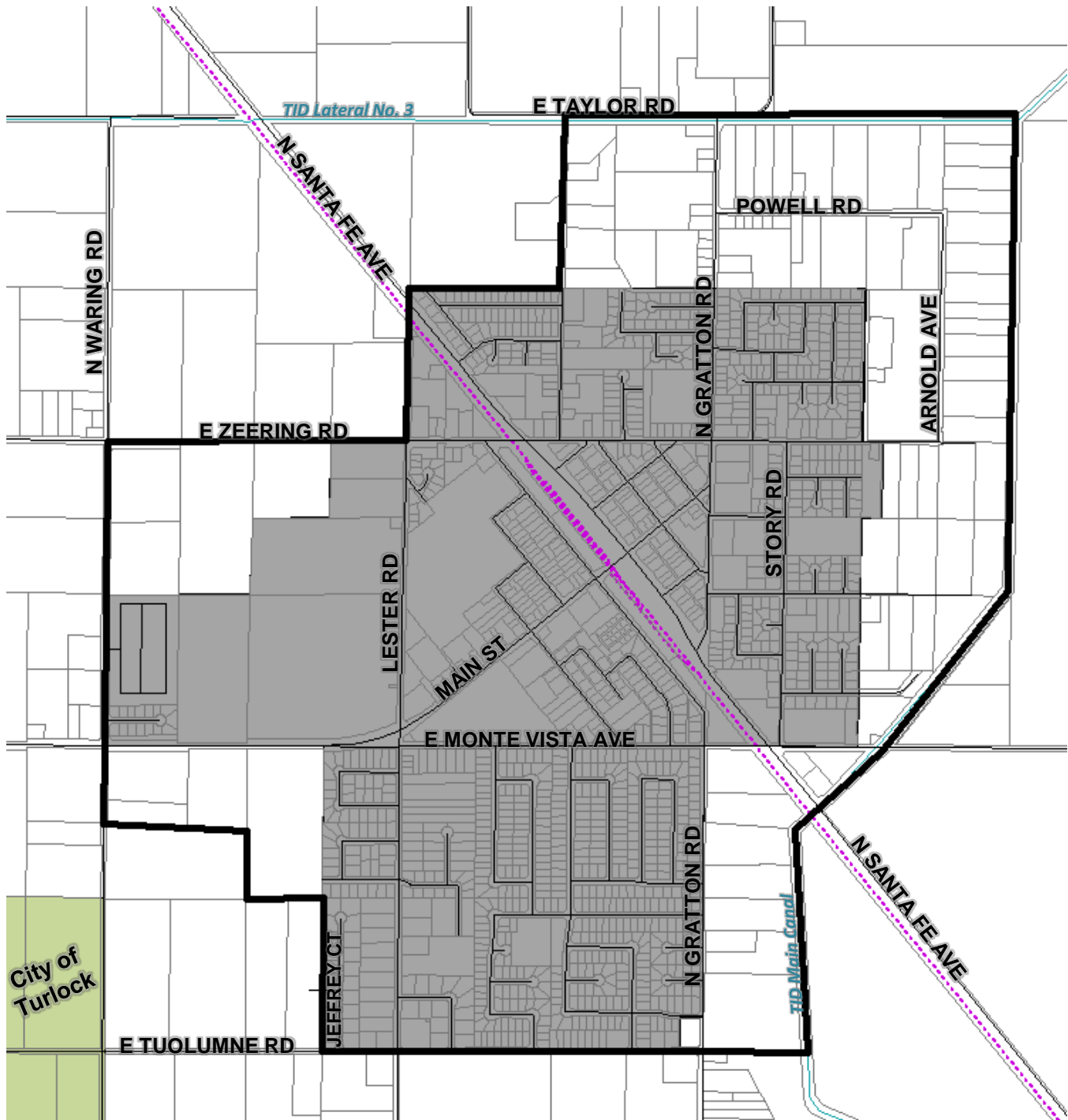
LAND OWNER NOTIFICATION AREA
MARCH 30, 2020 Total Parcels - 327



0 600 1,200ft

Denair Community Services District

Boundary & Sphere of Influence



- District Boundary
(674 +/- acres)
- District Sphere of Influence
(1,056 +/- acres)

Source: LAFCO Files, July 2014



SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS												
PROJECT: REZ & TM APPLICATION NO. PLN2022-0026 - ELMWOOD ESTATES												
REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF TRANSPORTATION DIST 10	X	X	X		X							
CA OPR STATE CLEARINGHOUSE	X	X	X		X			X		X		X
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X				X		X		X
CENTRAL VALLEY FLOOD PROTECTION	X	X	X		X							
COMMUNITY SERVICE DIST: DENAIR	X	X	X		X							
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: DENAIR	X	X	X		X							
GSA: WEST TURLOCK SUBBASIN	X	X	X		X							
IRRIGATION DISTRICT: TURLOCK	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: TURLOCK	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
MUNICIPAL ADVISORY COUNCIL: DENAIR	X	X	X	X				X		X	X	
PACIFIC GAS & ELECTRIC	X	X	X		X							
POSTMASTER: DENAIR	X	X	X		X							
RAILROAD: BURLINGTON NORTHERN/SANTA FE	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X	X				X		X	X	
SCHOOL DISTRICT 1: DENAIR UNIFIED	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X	X		X							
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X	X		X				X	X	
STAN CO ERC	X	X	X	X				X		X		X
STAN CO HAZARDOUS MATERIALS	X	X	X	X				X		X	X	
STAN CO PARKS & RECREATION	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 2: CHIESA	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS		X	X	X				X		X		X
TELEPHONE COMPANY: ATT	X	X	X		X							
TRIBAL CONTACTS (CA Government Code §65352.3)	X	X	X		X							

I:\Planning\Staff Reports\REZ\2022\PLN2022-0026 - Elmwood Estates\Planning Commission\September 15, 2022\Staff Report\Exhibit J - Environmental Review Referrals

- B. REZONE AND TENTATIVE MAP APPLICATION NO. PLN2022-0026 – ELMWOOD ESTATES** – Request to rezone a 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent; and to create 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet and a 13,098 square-foot stormwater basin. The property is located at 3700 Story Road, between East Zeering Road and Walton Street, in the Community of Denair. The Planning Commission will consider adoption of a CEQA Negative Declaration for this project. APN: 024-055-060.
 Staff Report: Emily Basnight, Assistant Planner, Recommends **APPROVAL**.
 Public hearing opened.
OPPOSITION: Donald Rajewich, resident; Diane Lambert, resident.
FAVOR: Torre Reich, applicant.
 Public hearing closed.
 Durrer/Zipser (5/0) **RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE PLANNING COMMISSION STAFF REPORT AND WITH A RESTRICTION ALLOWING FOR ONLY SINGLE-STORY DWELLINGS TO BE DEVELOPED AND AN AMENDMENT OF DEVELOPMENT STANDARD NO. 15 TO READ AS FOLLOWS:**

15. A wood fence, a minimum of ~~67~~ feet in height, shall be constructed along the northern and southern property lines of the subdivision and along the eastern property line of lots 15 and 16 prior to issuance of any certificate of occupancy for any dwelling resulting from the subdivision. All fencing required by this condition shall be the responsibility of individual parcel owners to maintain, repair, and replace, as necessary, in accordance with the project's development standards and all applicable County Codes.

EXCERPT

PLANNING COMMISSION

MINUTES

Signature on file.

Angela Freitas
 Planning Commission Secretary

December 1, 2022

Date

From: [Don Rajewich](#)
To: [Planning](#)
Subject: PLN2022-0026 Sept 1 oral presentation
Date: Tuesday, August 30, 2022 12:27:08 PM
Attachments: [Sept 1 2022 Oral presentation for Stanislaus County Planning Commission.pdf](#)

***** WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

Attached you will find a rough copy of the comments I intend to make Sept 1.
I reserve the right to modify these comments if circumstances change.

Oral presentation for Stanislaus County Planning Commission Meeting

To be presented Sept 1, 2022. Regarding PLN2022-0026

Good evening.

My name is Donald Rajewich, and my property borders the proposed Elmwood Estates

I hope you all have had an opportunity to review my written comments, videos, photos, and maps that I submitted to the Planning Dept.

Tonight, I not planning to go through all that. That would take too long.

I have three issues I would like to briefly speak about.

1. We neighbors talk, and the messages we are hearing regarding the fencing situation are not consistent.

You all here on this Planning Commission recently approved a plan for Monte Vista Connections (PLN 2021-0040) for Denair where that developer worked out a good neighbor fencing deal with the neighbors ahead of time. That's what should have happened here.

This fencing issue should have been settled before this plan was ever made public.

2. Your fees for parks is outdated. You are gonna charge \$2050 per lot. When you look at the plan pictures, they show one duplex 1700 sq feet and the other side is 1200 square feet. That is two households of people. One side of the duplex is as big --or bigger -- than the houses around me. That means more people per lot.

That is why you should be basing your fees on the number of dwellings.

3. Finally, a Biological Assessment should have been done like the one you recently did in Salida (PLN2019-0079). That one was a half-mile radius. I been suspicious a long time about what I been hearing at night during the rainy season, and even during irrigation season.

I suspect if you did one like that in Salida -- a half mile radius-- I think what we have in front of us might be the tip of the iceberg.

Thank you for this opportunity to speak.

And I want to thank the Planning Department for their patience and for listening to my concerns.

Letter received on September 14, 2022 from Donald Rajewich for Rezone and Tentative Map
Application No. PLN2022-0026 – Elmwood Estates.

PLN2022-0026

Summary for Planning Commission Meeting September 15, 2022

1. I favor wording to be added to PLN2022-0026 by the Planning Department -- prior to final approval by the Board of Supervisors -- to prohibit the construction of two story homes that overlook existing homes back yards.

2. Good neighbor fencing makes good neighbors. Elmwood Estates developer has agreed shoulder the cost for six foot tall "good neighbor" wood fencing between the new homes and the existing homes. I agree with the developer. Elmwood will be nested between existing single story houses on the north and south, and the southern existing houses have six foot good neighbor fences. The style the Planning Department is mandating for Elmwood is a 2021-0040 Monte Vista Connections 7 foot fence which separates that planned development from a mobile home park on the west and an ag buffer issue with almond orchards on the east. I do not believe a seven foot fence is appropriate for the Elmwood setting.

3&6. I am in favor of connecting Harris directly to Story Road. This would minimize two or more years of construction traffic through side neighborhoods, allow flood water at the corner of Kelsey and Story to flow to the Romie Basin, and shorten the walk from Harris to downtown and the Amtrak Station.

8. I am in favor of a dual use Romie Basin. What needs to be done to amend the 52 lot minimum? I scoured the internet for where this 52 lot limit is decreed, and was unable to find it. But I do see this plan has found a way to subvert the 300 ag set-back- rule as well Planned Development rule that requires a schedule. Included in this document are recent Denair examples of less-than-52 developments getting a dual use basin. Thus it would seem where there is Planning Department will, there is a way. 35 lots currently feed Romie Basin, and with the 17 new lots, that adds up to 52.

IV. If it looks like a vernal pool, and sounds like a vernal pool, it must be a vernal pool.

I believe I have provided the Planning Department enough photos and video and topology data that should justify a wet season Biological Assessment survey to determine if any special-status plants or animals occur on or within a quarter mile of the project site.

But all that aside, in an ideal situation, the vernal pools of eastern Denair would continue to be the natural rain basin they are now, a safety buffer for significant rain events, and a priceless community asset cherished and protected. Sacramento and Torrance and San Diego are spending millions of dollars to restore and protect vernal pools, and we have one sitting right under our noses.

(Updated September 13, 2022)

From : Donald Rajewich



To: Dept of Planning and Community Development
1010 10th Street Suite 3400
Modesto CA 95354

RE: CEQA Referral Initial Study and Notice of Intent to Adopt Negative Declaration, Rezone and Tentative Map Application PLN2022-0026 (Elmwood Estates/Harris Court), which this document henceforth shall refer to as PLN0026.

Project Location: 3700 Story Road, APN 024-055-060, 4.82 acres of irrigated pasture

My property borders the south property line of parcel 024-055-060.

What follows is a list of my concerns and questions.

1. Property Value Decline and Loss of Privacy

My primary objection to this project is the potential loss of my back yard privacy if two story homes are constructed on the proposed lots behind my home.

I contacted the Stanislaus Planning Department, and was informed that Elmwood Estates homes will be "custom homes" and placement and height and whether or not a duplex is constructed will depend on the wishes of the home buyer. Homes could be a 35 maximum feet tall and minimum five feet from the fence, and they could be duplexes, depending on buyer preference. I subsequently spoke to a realtor, and he said two story homes behind my house would decrease the resale value of my house. That realtor also warned me that a no-two-story handshake agreement with the developer would not endure should Elmwood lots be sold to another builder.

One possible remedy is mentioned in Turlock Journal article dated Nov 12, 2021:

"The Balisha Ranch developer made adjustments to the plan following feedback at the Planning Commission meeting on Sept. 2, making sure that there would be no two-story homes along the fence line next to neighboring, existing homes."

Another possible remedy is the Planning Commission has discretion to recommend approval with a limitation on building height for Planned Developments. An example can be found in the most recently approved PLN 2021-0040 Monte Vista Connections.

2. Good Neighbor Fencing makes good neighbors, and who will pay for it?

Typically, normal fences will have the presentable side with boards facing outwards toward the street, with the not-so-lovely posts and stringers facing in towards the yard. Between houses might be a “good neighbor fence” that looks identical on both sides.

An example of good neighbor fencing is the recently constructed 6 foot tall wooden fences within the Wenstrand Ranch subdivision in Denair located near the corner of Lester and Main. An example of not-so-good neighbor fencing is this 7 foot fencing between Wenstrand Ranch and the older properties to the east. This photo was taken at Salluce and Monte Vista.



I have looked through some other recent PLNs for Denair (e.g. PLN2021-0040 Monte Vista Connections) and they chose a 7 foot fence due to proximity to a mobile home park and almond orchards. Elwood Estates borders single family homes on the north and south that have 6 foot tall good neighbor fences. Six foot tall fencing is typical subdivision fencing, and would be in harmony with what is already in place.

3. Increased Flooding Risk

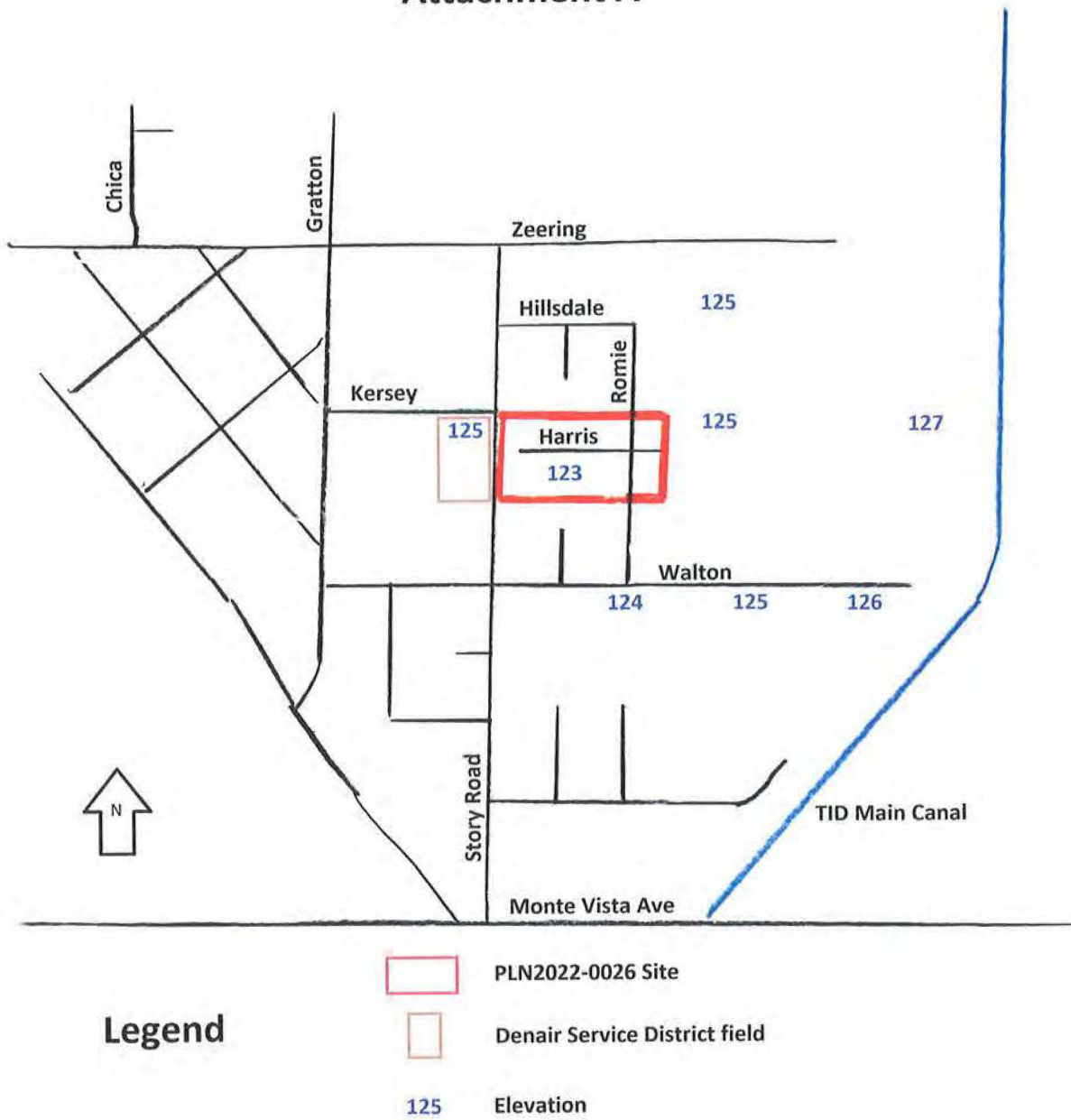
A few years ago, the corner of Kersey and Story Road became an unintended case study of what can happen when open land is rendered impervious. Denair Community Center replaced its parking lot, and the old asphalt was dumped and leveled and packed on top of the vacant third-of-an acre dirt lot at that corner. Consequently, that corner floods every time it rains, and water flows across Story Road onto the field at 3700 Story Road, the proposed site for Elmwood Estates. The two pictures below were taken at the corner of Kelsey and Story.



Couple wheelbarrows of rock flood control happening here.



Attachment A



Created by Donald Rajewich, and free to share. Elevation data from Google Earth Pro.

3700 Story is at a lower elevation relative to the easterly pastures that slope downward from the TID Main Canal, as well as the subdivisions surrounding it. It currently serves as a natural water-retaining basin during the rainy season, and provides overflow relief when Romie Way floods. During the rainy season, if enough water accumulates, a vernal pool frog serenade provides nightly entertainment. These two photos were taken April 30, 2016.



At the December 20, 2018 Stanislaus County Planning Commission meeting, on the agenda that day was a Wenstrand Ranch request to increase lot coverage from 40 to 50%.

Kim Stokes, Denair citizen, was at the microphone:

"Do we have any county recommendations or guidance related to grass cover or porous landscape?

How are we going to deal with water recharge?

The more the land is covered with structure or concrete the less water recharge there is.

Is there anything on the books about that?"

Answer by Planner Angie Halverson:

"When we go and review a set of plans for a subdivision on the improvements, we take into account pretty much the coverage of the zone and we calculate how much runoff coefficient is going into whatever drainage system.

Now most of Denair actually ends up not sticking around because that ground won't take it.

So what basins you do have out there basically hold the water until it can be pumped out of Denair.

Literally.

So this (sic) -- it's going to be a small basin there (in Wenstrand Ranch) so we are going to get a little bit of perk. But not much.

We have a perched ground water.

We have perched hard pan out there that doesn't really allow the water to go anywhere.

So that's why the basins are small and a lot of this water will get pumped out of there.

So that's taken into account.

We are recharging as much as the ground will allow."

What was not mentioned at that meeting is how the storm water is pumped and hauled away by bobtail tanker trucks.

Does Stanislaus County have enough tanker trucks and drivers to service Denair's recently constructed and planned rain basins?

I asked the Planning Department how many tank trucks and drivers would be available in the event of a major storm. As I write this, I am still waiting for an answer, so I checked satellite imagery. Looks like three tankers in the yard.



Possible Remedies:

- Train and equip a local Volunteer Pumper Tanker Sandbag Brigade.
- Pump the water into the TID Main Canal using stationary pumps.
- Build houses that harvest rainwater.
- Figure out a way to take advantage of Mother Nature's storm water basin sitting right under your nose, no landscaping necessary.

4. How long will the construction dust and traffic last?

The Stanislaus County Planned Development rules read as follows:

21.40.090 DEVELOPMENT SCHEDULE A. An application for P-D district zoning shall be accompanied by a development schedule indicating to the best of the applicant's knowledge the approximate date when construction of the project can be expected to begin, the anticipated rate of development, and the completion date. The development schedule, if approved by the commission, shall become part of the development plan and shall be adhered to by the owner of the property and successors in interest.

How long will we be enduring the extra construction traffic rumbling through our neighborhood? This question was raised at the MAC meeting, and the answer was PLN0026 will be up for "renewal in two years."

A development schedule could answer the "how long" question, and provide a benchmark at renewal time.

5. It's a half mile to the Amtrak Station, so no traffic study is required.

PLN 0026 states that "... the vehicle motor traffic increase associated with the proposed project is significant....." and that because Elmwood Estates is half a mile from the Amtrak Station as the crow flies, the "significant" traffic impact gets a free pass. No traffic study or mitigation is required.

I do not know of any of my neighbors who use the Amtrak to commute to work, pick up kids at school, or to deliver vegetarian pizza.

Remedy: Will Elmwood Estates be Fiber/GIG ready?

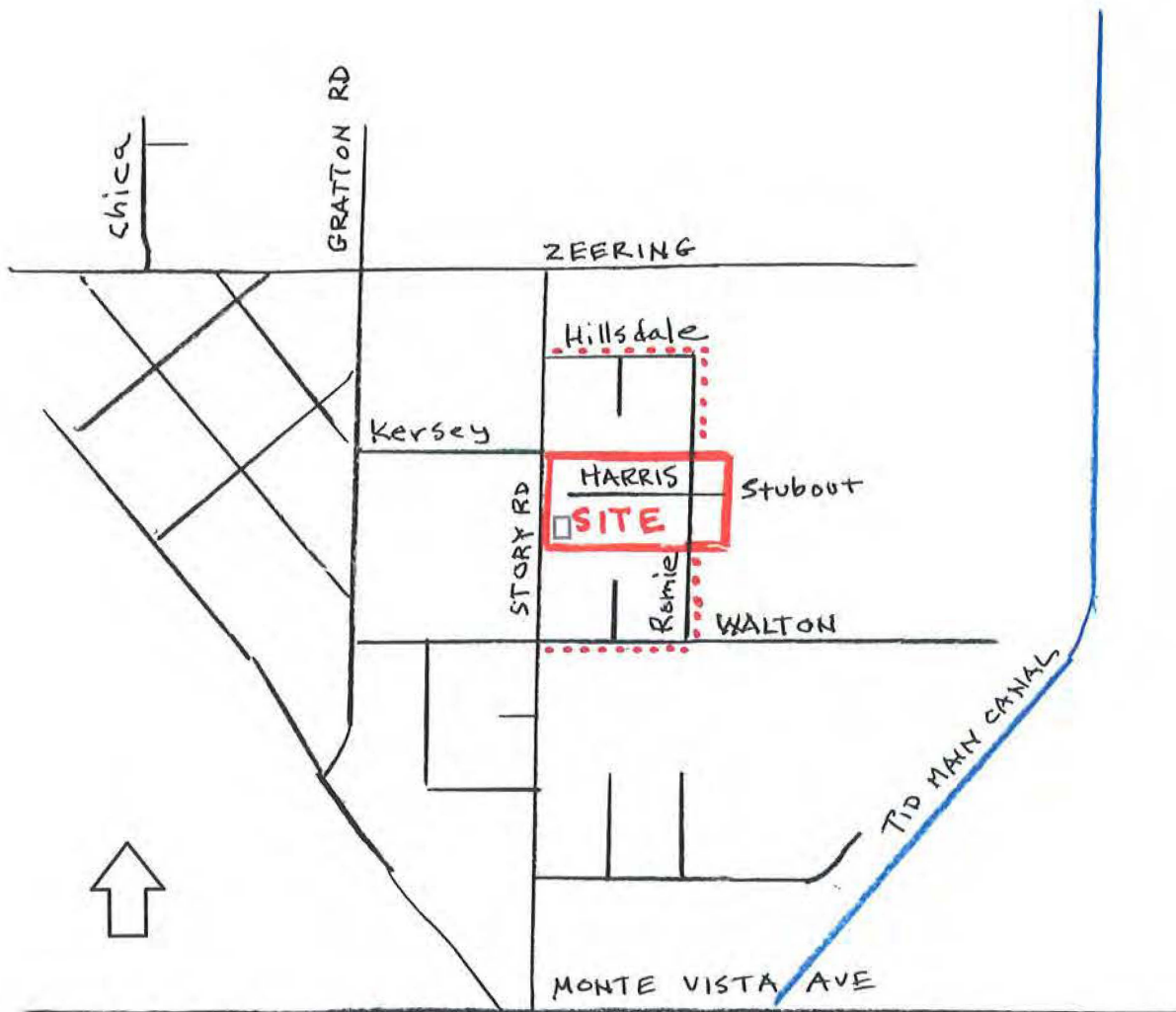
6. Why is Harris not directly connected to Story Road? (See the map on next page.)

Ironically, the proposed hierarchal street layout -- with Harris as a cul-de-sac -- increases the walking distance from Harris to the Amtrak Station to something over half a mile; Elmwood Estates is walking distance to town, and yet the proposed street design makes that more difficult. **Why is there not even a pedestrian walkway between Story and Harris?**

Existing residents showed up en masse to ask the Aug 9th MAC to consider a direct connection from Harris to Story. **Why unnecessarily increase traffic through our neighborhoods in perpetuity?** At the MAC meeting we were told that the proximity of Kelsey to Harris would create a traffic hazard.

Over the past four months or so, there has been an extreme home makeover at the old ranch house at 3700 Story, and that remodel has been completed and that house now handsomely displays the signature Malet Development white stucco. That major renovation was a preview of coming attractions, because there was -- in Planner parlance -- "significant" traffic entering and exiting the 3700 construction site from Story Road. If there had been any car crashes or traffic issues of any kind during those four months, I can assure you that this nosey neighbor would be expounding upon it in this document.

Imagine that as a stipulation for that remodel project, the Planning Department mandated that all construction traffic going in and out of 3700 must loop around to the jobsite from the Romie side. (See the red dots on the map next page.) Such a mandate would have resulted in more air pollution, longer travel time, increased construction costs, -- and more importantly -- it would have resulted in a larger turnout at the August 9th MAC meeting.



..... Access Route

□ 3700 Story Road Existing House

7. PLN0026 is missing a key detail in the “Aesthetics” table; on a clear day, you can see Yosemite’s Half Dome.



Because of that, Romie Basin has the potential to be a more scenic location for a dual use basin than all the Denair dual use basins that have come before or ever will be, especially if the current ghastly chain-link-fence with slats is nixed and the Planning Department acts on this aesthetic information when issuing future building permits.



8. Why are in-lieu fees being collected in-lieu of building a dual use basin in a prime scenic location?

The Denair Community Plan requires AT LEAST “three net acres of developed neighborhood parks, or the maximum number allowed by law, to be provided for every 1,000 residents” which works out to 130.68 square feet of park per person.

33 possible Elmwood dwellings X 3.08 people per dwelling X 130.68 = 13, 282 square feet.

That is one hundred and eighty four feet more than the 13,098 square foot rock lined basin being proposed.

The following neighborhoods/streets have -- or have planned-- dual use basins: Chica, Riopel, Palm Estates, Lester & Zeering, Monte Vista Connections. How about parity for the east side of Denair?

Someday in the future, long after those in-lieu fees have vanished like rice hulls through fingers, and gas cars and diesel trucks are museum pieces, that view of Half Dome could still be there -- better than it was in our lifetimes.



The next pages are comments and questions directed toward specific Roman Numeral sections within PLN2022-0026.

III. AIR QUALITY: Would the project result in other emissions affecting a substantial number of people? Yes.

“Construction activities associated with the proposed project would consist primarily of constructing the dwelling units and installing road and sidewalk improvements. 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.” (page 8, PLN2022-0026-30day)

Recalling the red infill dirt that we witnessed with the grading of Wenstrand Ranch, how many cubic yards of infill dirt will be needed for this project?

Goggle Earth is showing a site elevation of 123, and Romie Way 124 elevation.

How many truckloads of infill are we going to need to go up one foot to get the water to drain to the basin?

Let's take a guess. . .

One acre = 4840 square yards.

The site is approximately 5 acres.

5 acres X 4840 square yards per acre = 24200 square yards.

A depth of 1 foot is 1/3 cu yard and hence you need:

$24200 \times 1/3 = 8067$ cu yards.

A dual axel dump truck can haul 10-14 yards, a set of doubles 20 yards. .

That is 576 dump truck loads of dirt (8067 / 14). (Better to use doubles.)

Some infill dirt will obviously be provided by the basin excavation, and that part of the project will not be accomplished with garden tools.

Hopefully, Planning Department has access to better data that can prove “minimal.”

IV. Biological Resources: Would the project have a substantial effect on a natural community...? Yes.

If it looks like a vernal pool, and sounds like a vernal pool, it must be a vernal pool. I believe I have provided the Planning Department enough photos and video and topology data that should justify a wet season Biological Assessment survey to determine if any special-status plants or animals occur on or within a quarter mile of the project site.

Planning Department says they looked back through 20 years of satellite data, and could not find a pool. Right now, on your cell phone, go to Google Maps and type in a search for 3700 Story Road and up pops this satellite image. I outlined the current proposed project in red. Those dark spots in the fields are pools of water, and looks like there are more to the east of the site.



Why a physical assessment, rather than rely on Fish & Game maps? See highlighted metadata attachment next page where it says ..."many of these databases are not comprehensive across the landscape..." In other words, the maps are inaccurate.

Planning Department says they recently visited the site, and saw nothing (Page 8). This time of year, there is nothing to see or hear. (Note the dates on the video I provided.)

Planning Department says the land has been disked. I have lived here almost forty years, and I have never seen that land disked.

Vernal Pools - ACE [ds2732]

SDE Feature Class

[Open this dataset in BIOS](#)

[Download this dataset](#)

Tags

terrestrial, biodiversity, native, richness, rare, rarity, endemic, sensitive habitat, ACE, riparian, wetland, rare natural community, game, bird, reptile, amphibian, mammal, plant

Summary

Vernal Pools, Areas of Conservation Emphasis (ACE), version 3.0. The Terrestrial Significant Habitats dataset is one of the four key components of the California Department of Fish and Wildlife's Areas of Conservation Emphasis (ACE) suite of terrestrial conservation information, along with Terrestrial Biodiversity, Connectivity, and Climate Change Resilience. This data set was developed to support conservation planning efforts by allowing users to spatially evaluate the distribution of terrestrial significant habitats across the landscape. Terrestrial Significant Habitats may include habitats or vegetation types that are the focus of state, national, or locally legislated conservation laws, as well as key habitat areas that are essential to the survival and reproduction of focal wildlife species. The Terrestrial Significant Habitats data set is expected to be used along with other ACE datasets to provide a robust assessment of the presence and relative importance of elements important for biodiversity conservation. The Terrestrial Significant Habitats dataset provides a variety of information on terrestrial habitats synthesized from vegetation and land cover maps. This includes Rare Vegetation Types [ds2722], Oak Woodland Habitat [ds2723], Riparian Habitat [ds2724], Saline Wetlands Habitat [ds2726], and several types of Freshwater Wetlands Habitats [ds2725]. The number of significant habitats in each hexagon is summarized in the Significant Terrestrial Habitat Summary, and a reference to the original vegetation or landcover datasets that map the significant habitat elements is provided for each hexagon.

Description

For more information, see the Terrestrial Significant Habitats Factsheet at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=150834>.

The California Department of Fish and Wildlife's (CDFW) Areas of Conservation Emphasis (ACE) is a compilation and analysis of the best-available statewide spatial information in California on biodiversity, rarity and endemism, harvested species, significant habitats, connectivity and wildlife movement, climate vulnerability, climate refugia, and other relevant data (e.g., other conservation priorities such as those identified in the State Wildlife Action Plan (SWAP), stressors, land ownership). ACE addresses both terrestrial and aquatic data. The ACE model combines and analyzes terrestrial information in a 2.5 square mile hexagon grid and aquatic information at the HUC12 watershed level across the state to produce a series of maps for use in non-regulatory evaluation of conservation priorities in California. The model addresses as many of CDFW's statewide conservation and recreational mandates as feasible using high quality data sources. High value areas statewide and in each USDA Ecoregion were identified. The ACE maps and data can be viewed in the ACE online map viewer, or downloaded for use in ArcGIS. For more detailed information see <https://www.wildlife.ca.gov/Data/Areas-of-Conservation-Emphasis-ACE> and <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=24326>.

Credits

ACE 3 Working Group and ACE 3 Development Team, California Department of Fish and Wildlife. Scripting and GIS data product development: Ryan Hill, Sandra Hill, and Melanie Gogol-Prokurat. ACE 3 conceptual model and source data development: Melanie Gogol-Prokurat, Sandra Hill, Diane Mastali, Kristi Cripe, Dan Applebee, Janet Brewster, Kristina White, Patrick McIntyre, Todd Keeler-Wolf, Lisa Ohara, Steve Goldman, Peter Ode, Whitney Albright, Ryan Hill, and Karen Miner. Multiple datasets were compiled and analyzed in the development of ACE, including but not limited to California Wildlife Habitat Relationship (CWHR) species ranges and distribution models, California Natural Diversity Database (CNDDB) and other Biogeographic Information and Observation System (BIOS) rare species occurrence data, and Vegetation Classification and Mapping Program (VegCAMP) vegetation maps/landcover data. A full list of the datasets included in the ACE analysis is included in the technical report: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=24326>.

Use Limitations

The ACE data is subject to certain assumptions and limitations that must be considered in any use or application of the data. All ACE data layers are limited by the accuracy and scale of the input data. ACE is a compilation of the best available scientific information; however, many of these datasets are not comprehensive across the landscape, may change over time, and should be revised and improved as new data become available.

The user accepts sole responsibility for the correct interpretation and use of these data, and agrees not to misrepresent these data. CDFW makes no warranty of any kind regarding these data, express or implied. By downloading these datasets, the user understands that these data are in draft condition and subject to change at any time as new information becomes available. The user will not seek to hold the State or the Department liable under any circumstances for any damages with respect to any claim by the user or any third party on account of or arising from the use of data or maps. CDFW reserves the right to modify or replace these datasets without notification.

The ACE maps display biological and recreational values based on available data and constrained by the limitations of the data. The values may be influenced by level of survey effort in a given area. The ACE data represent broad-scale patterns across the landscape, and the value of any single hexagon should be interpreted with caution. ACE is a decision-support tool to be used in conjunction with species-specific information and local-scale conservation prioritization analyses.

The ACE maps do not replace the need for site-specific evaluation of biological resources and should not be used as the sole measure of conservation priority during planning. No statement or dataset shall by itself be considered an official response from a state agency regarding impacts to wildlife resulting from a management action subject to the California Environmental Quality Act (CEQA).

License: This work is licensed under Creative Commons Attribution 4.0 International License (<https://creativecommons.org/licenses/by/4.0/>). Using the citation standards recommended for BIOS datasets (<https://www.wildlife.ca.gov/Data/BIOS/Using-BIOS>) satisfies the attribution requirements of this license.

**X. Hydrology and Water Quality: Would the project impede or redirect flood flows?
Yes.**

(Refer to the map Attachment B)

In past significant storms we have witnessed sandbagged garage doors on Romie Way, a parade of tanker trucks, and water pooled almost to the corner of Walton and Story Road. What follows is full disclosure for the future renters and buyers in Elmwood Estates.

- Story Road duplex renters: If rain is in the forecast, do not park your car across the street, because in the morning, you will have to change your car title to salvage.
- Romie Way homebuyers: Romie is the lowest elevation between Story Road and the TID Main Canal, and its rainwater basin is undersized (as per the Dec 2018 Planning Commission meeting). If the basin starts to overflow, you will need to sandbag your garage door, and hope the county tankers arrive in time to save your home. While you wait, the wakes of passing cars will wash away the landscape bark in your front yard.
- Harris Court buyers: When the southern corner of Romie and Walton floods, you will need to drive in the left lane as you drive east on Walton and slowly attempt your left turn onto Romie to avoid colliding head on with vehicles attempting to turn right from Romie onto Walton. And on those rare occasions when Romie floods all the way back to Story Road, you will need a boat.
- For all new buyers, the blue ovals on the map are intersections that flood after minor rain and are to be avoided if you want your car brakes to work.
- Buy your dream home in the dry season, and after the next significant storm, take a number at the Board of Supervisors meeting.

After flooding complaints were aired at the Aug 9th 2022 MAC meeting, the Planning Department has promised me they have set in motion a plan to de-silt the dry well at Walton and Romie Way. This is excellent news.

XiX. "Stormwater is proposed to be managed for the development through a 13,098 square-foot expansion (Lot A) of an existing stormwater basin located on APN 024-055-043, which currently serves an existing residential development to the south." (page 26)

The reality is the existing stormwater basin also serves the residential neighborhoods to the west, and the country estates on eastern Walton.



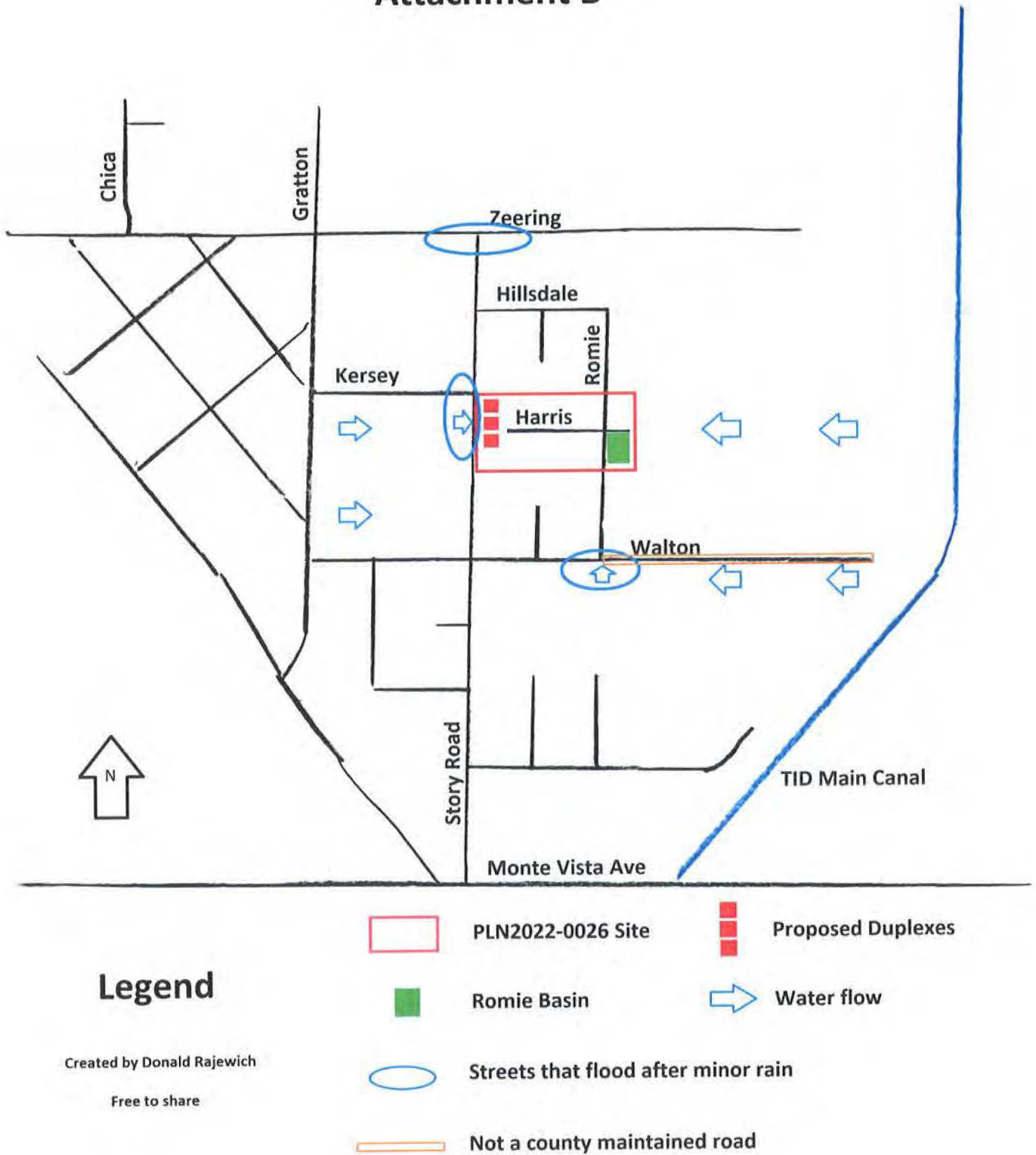
This photo is looking east on Walton, where the county maintained road ends. Note that this stretch of Walton is without sidewalks, and notice the silt and debris on the roadway. Given the condition of eastern Walton Road, this would explain the drywell silt problems.

Is the Romie Basin going to be sized to handle a perpetually silted drywell at the corner of Romie and Walton? Suggestion: A concrete dip -- like those on nearby streets -- should be installed in the roadway at the corner Walton and Romie that allows water to flow directly to Romie Basin from the south side of Walton.

The second major flooding redirection concern is at the corner of Kelsey and Walton. Currently, after a storm, water flows from the corner of Kelsey and Walton onto the proposed site. When the duplexes are constructed on Story, where will the water go?

The third flooding redirection concern is where will the water go that currently flows eastward across the fields from the TID Main Canal onto the proposed site?

Attachment B



XI. LAND USE AND PLANNING -- Would the project conflict with any land use plan, policy, or regulation? Yes.

"The General Plan and the Denair Community Plan requires at least three net acres of developed neighborhood parks, or the maximum number allowed by law, to be provided for every 1,000 residents" (page 20 PLN2022-0026-30day). Why is Romie Basin not proposed to be a dual use basin, as recent other neighborhood basins were constructed?

In PLN0040-0026 September 15, Planning Department has added wording that says any developments under 52 lots must pay the \$2050 park fee per dwelling (Page 8, line 8). But past practice indicates something different. Note the dual use basins and the number of lots in these two recent developments.



Chica Avenue, Suncrest Estates, 21 lots, 21,034 Sq Ft



St Simon Way, Palm Estates, 12 lots, 14,180 Sq Ft

XI. LAND USE AND PLANNING -- This section contains the only discussion in the document about the 40 to 50 percent increase in lot coverage.

How is the Planning Commission to decide whether to approve a 40-50 zoning change without any information other than:

“The applicant has requested this to achieve a greater flexibility in siting the housing product offered.”

What does that mean?

It means that anyone who has toured model homes in recent years knows that new homes come with open concept, higher ceilings, and smaller yards. It's just the way it is.

PLN2022-0026 should have a section devoted to discussing the pros and cons of this zoning change. Here are some questions it could answer:

- What will be the impact on storm water runoff?
- Will a bigger basin be needed?
- Will the county need to purchase tanker trucks and hire more drivers?
- Is there more likelihood of flooding in smaller back yards?
- Is rainwater harvesting a mitigation possibility?
- What is the impact on housing affordability, especially as it relates to the size of lots?
- Will this result in garages being over 50% of street facades?
- Will this result in more RV's parked on the street?
- Should front porches be exempt?
- Will homeowner future shed additions and RV access additions be restricted if they exceed the 50%?
- How will daylight /shading issues be mitigated?
- Should two story setbacks be increased to 10 feet, and second story footprints shrunk?
- In the past, when this has been done, what have been the intended/ unintended consequences?

XIX. UTILITIES AND SERVICE SYSTEMS -- Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? (page 25)

PLN 2022-0026 does not provide an answer to this question, only that Denair Service District provided a “can serve” letter.

“...Additionally, the applicant may be required to pay a fair share fee for future facilities for District services.”

This would imply that the cost of the new deep well to service this planned development – as well as the others that have been approved but not yet built—will be a cost shared by long time rate payers. How much will that raise our water rates?

Of more concern is the term “deep.” At projected usage rates, how many more years of aquifer water supply remain? Are existing wells too shallow?

There is no discussion of cumulative groundwater impacts of this project and recent others that have been approved.

Addendum

I decided to watch online the August 16, 2022 Stanislaus County Supervisor meeting because I wanted to see how they handled Monte Vista Connections PLN2021-0040.

The first two hours of the meeting was citizen after citizen getting up to complain about the flooding in their neighborhood, and how their kids had to take off their shoes and wade through a “knee deep” river to get to school. They were pleading that federal government windfall money allocated to Stanislaus County be spent to provide their neighborhood with sidewalks and flood control. After the sea of complainants had been exhausted, the Supervisors announced that it would cost \$650M to fix the infrastructure problems in Stanislaus County, and they only had a \$50M windfall.

As I watched, I wondered: Where was leadership and foresight when those subdivisions were approved? How much of that infrastructure problem is a lack-of-leadership wound papered over with a long history of PLNs that read like a list of justifications to do as little mitigation as possible?

The hour was late as citizens packed up their signs, and it was time for the Supervisors to approve Monte Vista Connections subdivision PLN2021-0040 in Denair. The only speaker was a rep for the developer, and he must have been thinking what I was thinking, because he said spoke directly to what he had just witnessed.

He said there was a stretch of land between their new Monte Vista Connections development and the Denair School’s complex. He said no government entity was requiring them to put in sidewalks along that stretch of Monte Vista, but he convinced his boss to do it anyway **“because it was the right thing to do.”**

Without any objections, 0040 was approved.

My hope is that you all holding the levers of power find the courage to do the right thing for Denair.

Because the last thing we need is a bunch more angry wet citizens at the County Supervisors meeting.

From: [Emily Basnight](#)
To: [Don Rajewich](#); [Planning](#)
Cc: [Kristin Doud](#)
Subject: RE:
Date: Thursday, September 15, 2022 8:16:00 AM

Thank you, Don. We've received the hard copies as well and will give them to the Planning Commissioners.

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <http://www.stancounty.com/planning/phone-mail-options.shtm>

From: Don Rajewich [REDACTED]
Sent: Thursday, September 15, 2022 7:55 AM
To: Planning <planning@stancounty.com>
Subject:

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For the PLN2022-0026 record, this is the pdf file of the 11 copies I dropped off at your office yesterday.

From: Emily Basnight
To: Mr. Brad Johnson
Cc: Angela Freitas, Kristin Doud
Subject: Re: September 15, 2022 Stanislaus County Planning Commission
Date: Thursday, September 15, 2022 8:31:00 AM
Attachments: Stanislaus County Planning Commission.pdf
stanislauscounty.com

Hello Brad

It looks like Isael addressed your questions regarding the storm water basin yesterday evening (response attached).

Thank you

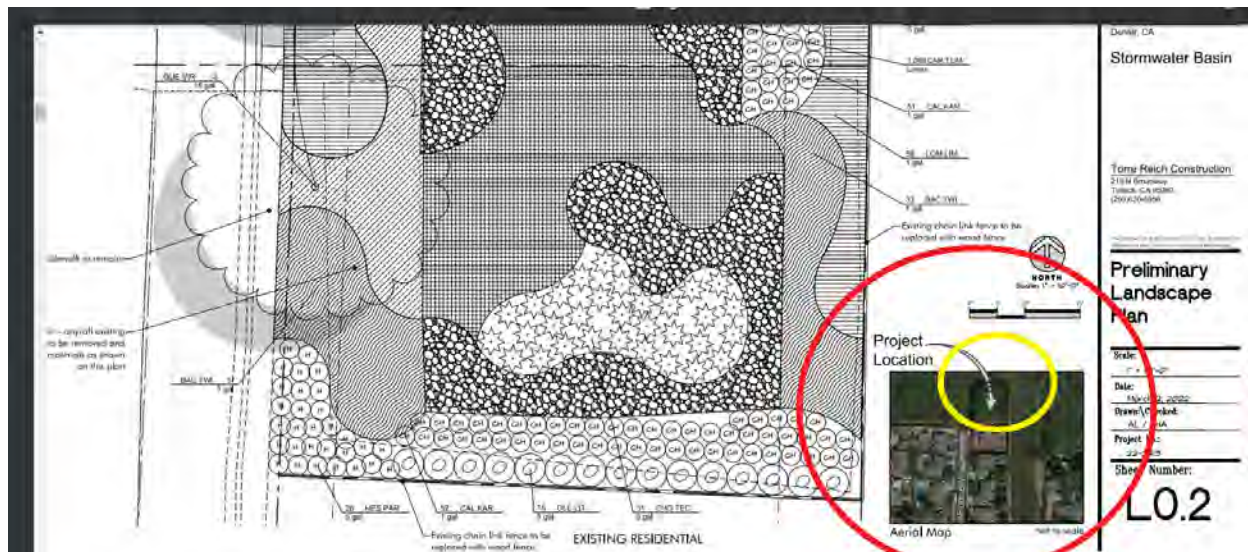
Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

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From: Mr. Brad Johnson
Sent: Wednesday, September 14, 2022 5:43 PM
To: Emily Basnight <basnight@staniscounty.com>
Cc: Angela Freitas <ANGELA@staniscounty.com>; Kristin Doud <Doudk@staniscounty.com>
Subject: Re: September 15, 2022 Stanislaus County Planning Commission

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so is this the storm drain pond? from this tiny, off the screen drawing it looks to be more than 50% off the project map...
is this one like in Salda that was soon to be on someone else's property?
drawing should show access routes and gates, signs to use... etc.
how will it tie into a master system or overflow into older homes?



Other photo's in the file show a strong sign of **vernal pools and needs an EIR to protect wildlife habitat.**
At least a study over the wet part of the year to check.

3700 Story is at a lower elevation relative to the easterly pastures that slope downward from the T10 Main Canal, as well as the subdivisions surrounding it. It currently serves as a natural water-retaining basin during the rainy season, and provides overflow relief when Romie Way floods. During the rainy season, if enough water accumulates, a vernal pool frog serenade provides nightly entertainment.



Kind regards,
Brad Johnson
Town of Salda, Ca
(public)

On Tuesday, September 13, 2022 at 01:36:31 PM PDT, Emily Basnight <basnight@stancounty.com> wrote:

Good afternoon Brad,

Your comments have been received and will be included as correspondence to the Planning Commission.

Information regarding the proposed stormwater basin expansion can be found within the Staff Report: https://www.stancounty.com/planning/agenda/2022/09-15-2022/7_B.pdf

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

Due to high volume appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <http://www.stancounty.com/planning/phone-mail-options.htm>

From: Kristen Anaya
Sent: Tuesday, September 13, 2022 11:23 AM
To: Kristin Doud <kdoud@stancounty.com>; Emily Basnight <basnight@stancounty.com>; Angela Freitas <ANGELA@stancounty.com>
Subject: FW: September 15, 2022 Stanislaus County Planning Commission

Ccing Emily and Kristy. I was included in error.

From: Mr B r a d [REDACTED]
Sent: Tuesday, September 13, 2022 11:09 AM
To: Stanislaus County Planning <conf-631fae871d491c3065845114-631fae83a267642355491d2@smtpic-ne.pdl.everbridge.net>; Kristen Anaya <ANAYAK@stancounty.com>; Angela Freitas <ANGELA@stancounty.com>; Planning <planning@stancounty.com>
Subject: Re: September 15, 2022 Stanislaus County Planning Commission

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regarding the item:

REZONE AND TENTATIVE MAP APPLICATION NO. PLN2022-0026 – ELMWOOD ESTATES – Request to rezone a 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to **increase the maximum building site coverage from 40 to 50 percent**, and to create 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet and **a 13,098 square-foot stormwater basin**. The property is located at 3700 Story Road, between East Zeering Road and Walton Street, in the Community of Denair. The Planning Commission will consider adoption of a CEQA Negative Declaration for this project. APN: 024-055-060. [View Item] C. USE PERMIT APPLICATION NO. PLN2021-0102 – DARLING

I just wanted to know if the storm drain pond has been downsized to put in more homes
or if storm drain pond will use MID/tid canal for pumping out water?
Will the pond tie into a master system or overflow onto the street when full ?

We dont want to see the problems zoned into Salida be repeated again.

Kind regards,
Brad Johnson
Town of Salida, CA

On Monday, September 12, 2022 at 03:11:23 PM PDT, Stanislaus County Planning <noreply@everbridge.net> wrote

This is an important message from the StanAware mass notification system

Good afternoon,

The September 15, 2022 Stanislaus County Planning Commission Agenda is available online at <http://www.stancounty.com/planning/agenda/currentagenda.pdf>

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From: [Emily Basnight](#)
To: [REDACTED]
Subject: Elmwood Estates Information
Date: Monday, September 19, 2022 4:36:00 PM

Good afternoon Teri,

Thank you for your call regarding the proposed Rezone and Tentative Map under the name of Elmwood Estates. The Staff Report published for the project speaks to the concerns you mentioned in your voicemail message regarding the continuation and existing width and adequacy of Romie Way, and emergency vehicle and construction traffic on Pages 3 – 8 of the report. As for access onto Story Road rather than continuing Romie Way, the Department of Public Works will not approve access off Story Road due to the proximity of the Kersey Road intersection off Story Road to the north of the project site. Additionally, the continuation of Romie Way supports the General Plan Circulation Element policies as described on pages 5 and the top of page 10 of the Staff Report.

The Staff Report for the project can be accessed here:

https://www.stancounty.com/planning/agenda/2022/09-15-2022/7_B.pdf

The project was considered at the September 15, 2022 Planning Commission public hearing where the Planning Commission recommended approval to the Board of Supervisors on a 5-0 vote. The recording of the Planning Commission meeting for Elmwood Estates can be viewed through the following link and begins at the 18:00 minute mark:

<https://www.stancounty.com/planning/agenda/agenda-min-2022.shtm>

The project will go before the Board of Supervisors for a public hearing on October 18, 2022 at 6:30PM in the Basement Chambers of 1010 10th Street in Downtown Modesto (across from Brenden Theatres). The Board will take final action to approve or deny the project.

If you have any questions or concerns, please don't hesitate to email or call at (209) 525-5984.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to
<http://www.stancounty.com/planning/phone-mail-options.shtm>

From: [Kristin Doud](#)
To: [Emily Basnight](#)
Subject: FW: In - lieu fees policy for Projects consisting of 52 parcels and below
Date: Tuesday, September 20, 2022 9:14:03 AM
Attachments: [Park Land In-Lieu Of Fees PolicyRev I.doc](#)

-----Original Message-----

From: Kristin Doud
Sent: Tuesday, September 20, 2022 9:12 AM
To: Don Rajewich [REDACTED]
Subject: RE: In - lieu fees policy for Projects consisting of 52 parcels and below

Don - See the Parks and Recreation Department's in lieu fee policy attached.

-----Original Message-----

From: Don Rajewich [REDACTED]
Sent: Monday, September 19, 2022 10:09 AM
To: Kristin Doud <Doudk@stancounty.com>
Subject: In - lieu fees policy for Projects consisting of 52 parcels and below

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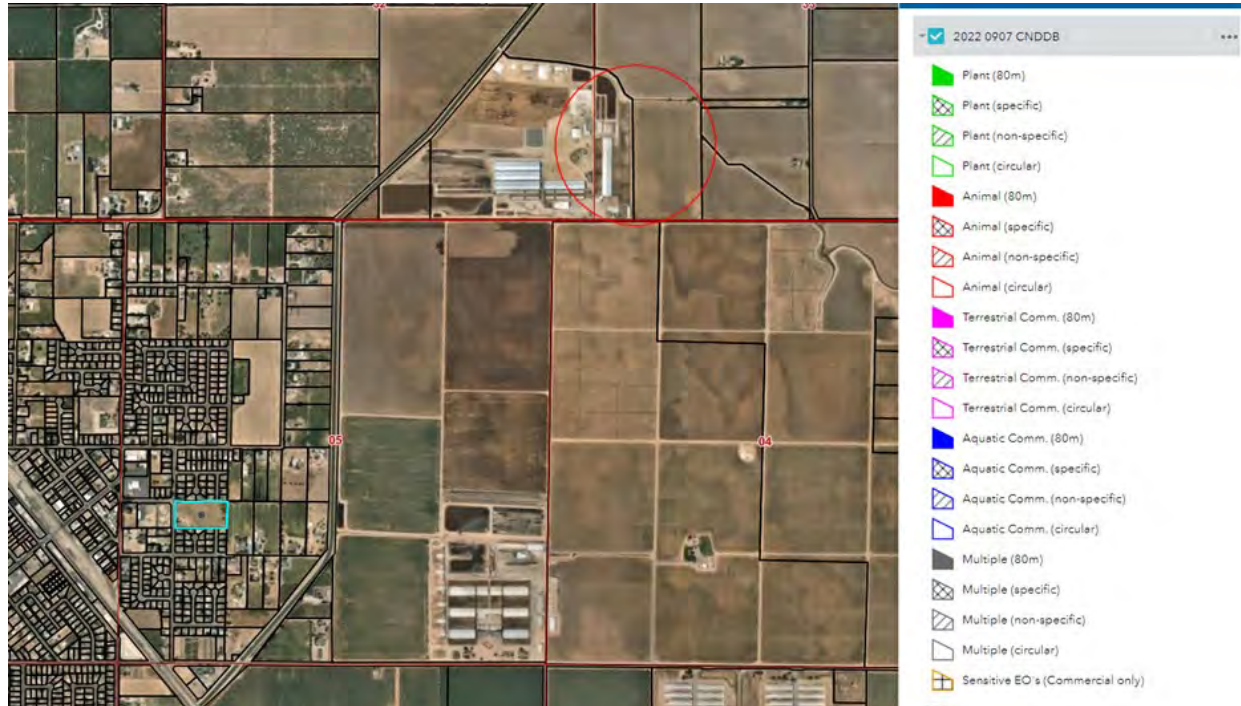
> I was referred to Jeremy in your office by Parks and Recreation and he referred me to you.
>
> My questions are In regards to PLN 2022-0026.
>
> At the MAC meeting Aug 9, I advocated for a dual use basin. And prior to the Planning Commision hearing , I was contemplating going door to door to collect neighbors signatures on petition to request the basin be dual use.
>
> However, I decided not to undertake that effort when I read the following in PLN2022-0026:
>
> “ The Department of Parks and Recreation’s In-Lieu of Fees Policy states that projects consisting of 52 parcels and below will be required to pay in -lieu fees . “
>
> However, it seemed odd to me if that was the case. Why do other recent planned developments in Denair with less than 52 parcels have dual use park basins?
>
> I scoured the internet to find here this policy might be published, and I found nothing.
>
> Last Friday I called our Supervisors office, and asked them if they had recently passed a change to that policy and they said no.
>
> Then I called Parks and Recreation and they told me they had no such written policy, that they only billed the fees. They said they would get back to me regarding the 52 cutoff, which they did. They told me they spoke to Jeremy in your department and they told me that 53 parcels and above is a mandatory park, and 52 and below is optional. They also told me that that policy was modified in 2003, but they did know what those changes were or who actually has the power and makes that design.
>
> I followed up today with a phone call to Jeremy , and when I asked about obtaining a written copy of this policy, he referred me to you .
>

From: [Emily Basnight](#)
To: [REDACTED]
Cc: [Kristin Doud](#)
Subject: RE: Endangered Wildlife Documentation
Date: Tuesday, September 20, 2022 9:26 00 AM
Attachments: [image001.png](#)

Good morning Nancy,

The California Natural Diversity Database (CNDDDB) shows any reported or suspected sightings or occurrences of listed species within an area. Stanislaus County Planning Department has access to this database through our Geographical Information System (GIS) mapping tool. Here is the print-out of the CNDDDB results showing the closest report of a species (species indicated by the red circle) in the area is located 1.1 miles to the northeast of the project site (project site highlighted in light blue). According to the CNDDDB results, no listed species are reported on the project site.

The Initial Study (Environmental document) circulated for the project can be viewed here: https://www.stancounty.com/planning/pl/act-proj/PLN2022-0026_30_Day.pdf.



Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <http://www.stancounty.com/planning/phone-mail-options.shtml>

From: Nancy Dee [REDACTED]
Sent: Tuesday, September 20, 2022 8:40 AM
To: Emily Basnight <basnighte@stancounty.com>
Subject: Endangered Wildlife Documentation

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Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site.

Please have the developer provide a copy of the report.

Based on results from the California Natural Diversity Database (CNDDDB), there are two animals, one insect and one plant species which are state or federally listed, threatened, or identified as species of special concern or a candidate of special concern within the Denair California Natural Diversity

Database Quad. These species include the Swainson's hawk, steelhead – Central Valley DPS, valley elderberry longhorn beetle and San Joaquin Valley Orcutt grass. There are no reported siting's of any of the aforementioned species on the project site.

Please provide the current survey.

Nancy Dee

[REDACTED]

Denair

From: [Nancy Dee](#)
To: [Emily Basnight](#)
Subject: CEQA
Date: Tuesday, September 20, 2022 1:43:51 PM

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Public participation is a mandated and essential component of CEQA. In a 1986 court case, it was emphasized that "... the public holds a 'privileged position' in the CEQA process 'based on a belief that citizens can make important contributions to environmental protection and on notions of democratic decision making'." (1992 State CEQA Guidelines, Section 15201). Refer to "CEQA Requirements and Processes" for a complete listing of the public participation requirements under CEQA.

[

Nancy Dee

From: [Emily Basnight](#)
To: [Nancy Dee](#)
Cc: [Vito Chiesa](#); [Kristin Doud](#); [Megan Wells](#)
Subject: RE: Wildlife Survey Not Provided
Date: Tuesday, September 20, 2022 4:39:00 PM
Attachments: [image001.png](#)

Good afternoon Nancy,

Please feel free to share my contact information with Elaine Gorman. Elaine can contact me with any questions she may have.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <http://www.stancounty.com/planning/phone-mail-options.shtm>

From: Nancy Dee [REDACTED]
Sent: Tuesday, September 20, 2022 4:21 PM
To: Emily Basnight <basnighte@stancounty.com>
Cc: Vito Chiesa <CHIESAV@stancounty.com>; Kristin Doud <Doudk@stancounty.com>; Megan Wells <wellsm@stancounty.com>
Subject: Re: Wildlife Survey Not Provided

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Since you have now been advised we do have "species of special concern", which is missing from your CEQA filing, it requires a Fish and Wildlife Survey be done by visiting the site. We are working with the vice-chair of the Yokuts group Sierra Club, Elaine Gorman, and we would appreciate being notified of the date this survey will take place.

Nancy Dee

On Sep 20, 2022, at 3:50 PM, Emily Basnight <basnighte@stancounty.com> wrote:

Good afternoon Nancy,

The Initial Study (environmental document) is the documentation that addresses Biological Resources for CEQA purposes for the project. Section IV of the Initial Study is referenced below:

Discussion: The project is located within the Denair Quad of the California Natural Diversity Database based on the U.S. Geographical quadrangle map series. According to aerial imagery and application materials, the surrounding area is almost entirely built up with urban uses.

Based on results from the California Natural Diversity Database (CNDDDB), there are two animals, one insect and one plant species which are state or federally listed, threatened, or identified as species of special concern or a candidate of special concern within the Denair California Natural Diversity Database Quad. These species include the Swainson's hawk, steelhead – Central Valley DPS, valley elderberry longhorn beetle and San Joaquin Valley Orcutt grass. There are no reported siting's of any of the aforementioned species on the project site; however, a Swainson's hawk nesting site was observed on June 7, 1994, 1.1± miles northeast of the project site according to the California Natural Diversity Database. There is a very low likelihood that these species are present on the project site as the area is currently improved with a single-family dwelling and adjacent to urban development to the west, north and south.

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 (formerly the Department of Fish and Game) 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 June 28, 2022 Stanislaus County General Plan and Support Documentation¹.

A visual representation of the findings from the California Natural Diversity Database for the project was sent earlier this morning (see attached email).

The full Initial Study (environmental document) for the project can be reviewed here on the Planning Department's website: https://www.stancounty.com/planning/pl/act-proj/PLN2022-0026_30_Day.pdf

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

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From: Nancy Dee [REDACTED]
Sent: Tuesday, September 20, 2022 3:15 PM
To: Emily Basnight <basnighte@stancounty.com>; Vito Chiesa <CHIESAV@stancounty.com>
Subject: Wildlife Survey Not Provided

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"An Early Consultation was referred to the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and no response was received."

Interesting since they emailed this morning:

Denair and the surrounding area generally has the State threatened Swainson's hawk (*Buteo swainsoni*) and the species of special concern burrowing owl (*Athene cunicularia*). If you have concerns about the development, you may want to voice your concerns to the city or county who is permitting the development. Thanks.

Jim Vang
Environmental Scientist
CA Department of Fish and Wildlife
Central Region Fresno

I would like to see the documentation that confirms this: "There is a very low likelihood that the species are present on the project site....", or please have a proper survey completed and provided to all homeowners before this plan is approved.

Nancy Dee

From: [John Herrick](#)
To: [Emily Basnight](#)
Cc: [Kristin Doud](#)
Subject: Re: Story Road Subdivision (PLN2022-0026)- Request to review application file
Date: Friday, September 23, 2022 11:29:09 AM

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Thanks Emily-

11am on Wednesday 28 is good for me.

Have a good weekend

John
209 527 2591 (land line)

On Friday, September 23, 2022 at 11:21:52 AM PDT, Emily Basnight <basnighte@stancounty.com> wrote:

Good morning John,

Is Wednesday, September 28 at 11:00am a good time for you to come in and view the file? If so, I will make the appointment and send you a calendar reminder.

Thank you,

Emily Basnight

Assistant Planner

Planning and Community Development

Stanislaus County

Ph: 209-525-5984

Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <http://www.stancounty.com/planning/phone-mail-options.shtm>

From: John Herrick [REDACTED]
Sent: Thursday, September 22, 2022 1:45 PM
To: Planning <planning@stancounty.com>
Subject: Story Road Subdivision (PLN2022-0026)- Request to review application file

***** WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

Dear Planning Department-

I want to schedule an appointment to review the application file for the Story Road Subdivision (PLN2022-0026).

I'm available next week, all day on Monday, 9/26 and on Wednesday 9/28. I'm available in the afternoon on Tuesday 9/27 and on Thursday, 9/29.

I'm concerned about adverse impacts the proposed project could have on wetlands on the parcel and to wetlands (including sensitive species) on the adjoining parcel to the east and on the parcel to the northeast. I would like to review the complete application, any biotic surveys completed or underway, agency responses to referral letters issued for the project and any other documents which may aid in evaluating the proposed project's wetland impact including impacts to sensitive species.

Please contact me regarding an appointment to review the Story Road Subdivision file.

Thank you

John Herrick



From: [Santoro, Latoya](#)
To: [Planning](#)
Cc: [DTECH-Commcenter Leads](#)
Subject: Stanislaus County. Elmwood Estates PLN2022-0026
Date: Saturday, September 24, 2022 4:48:37 AM
Attachments: [image001.png](#)

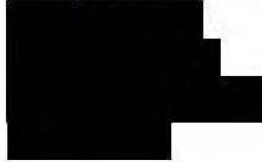
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Hello,

We are forwarding you the request 220923-000838 and it's attachments received here in Sacramento County 311 on September 23rd, 2022 at 8:58pm, based on the reporting parties location and concern. Please let us know if you have any questions.

REPORTER:

Nancy Dee



LOCATION:

 Denair, Ca 95316

CONCERN:

Elmwood Estates

PLN2022-0026

Stanislaus County

This plan is being pushed through the approval process without proper input from homeowners. The plan is in constant flux and has been altered to include duplexes at a meeting where the issue was not on the agenda. I have an email from the Planning Department saying they couldn't build duplexes without modifying the Denair General Plan. (Refer to the duplex floor plan)

The plan is to connect two dead end streets, Romie Way, because it's too expensive for the developer to use the main road. The developer admitted not checking the seedy side of that connection that is known for drugs and crime, but he's fine connecting it to our side with homes that range up to the \$900,000's to save himself some money. (Refer to area map from the General Plan where there is no future plan to connect Romie Way) This is a mostly senior area with people who have lived here over 40 years. It's two small rural roads. We do not want construction vehicles in our little well established neighborhood, when Story Road can and does handle large agricultural vehicles.

We believe this plan needs to be reviewed by a State Consumer Agency before it goes to a vote. The State and County laws say no new development can cause detriment to an existing area. The Romie Way connection must be deleted and the County and developer are ignoring our input.

We would appreciate anything you can do to help us.

Thank you,

Thank you,
Latoya R. Santoro



Emily Basnight

From: Nancy Dee [REDACTED]
Sent: Tuesday, September 27, 2022 11:26 AM
To: Vito Chiesa; Terrance Withrow
Cc: Don Rajewich; Kathy Clinkenbeard
Subject: MAC Meeting Vote

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

After listening to all the homeowners numerous concerns about the Elmwood Estates Plan, this Board unanimously voted to approve it.

“A Municipal Advisory Council (MAC), as formed by California Government Code Section 31010, is an advisory body of local citizens elected by the community or appointed by the Board of Supervisors with the purpose of representing the community to the Board of Supervisors.”

Denair Community Plan

Reinforce De


How do houses, the developer refers to as “contemporary exterior architecture”, “Reinforce Denair’s small rural town character”?

“The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.” Gov’t Code § 54950.

This MAC Board serves our Community, not the other way around! You owe the homeowners an explanation as to why the Denair Community Plan and the California Code were disregarded.

It’s clear we need to vote for representatives who understand stand their role in our Community. It is clearly time to have this Board elected by the Community if it’s unique character is to be preserved.

Nancy Dee



Emily Basnight

From: Megan Wells
Sent: Friday, September 30, 2022 11:06 AM
To: Vito Chiesa
Subject: FW: Residents

Please see the thread below

From: Denair MAC <denairmac@gmail.com>
Sent: Friday, September 30, 2022 10:36 AM
To: Megan Wells <wellsm@stancounty.com>
Cc: Erica Inacio <inacioe@stancounty.com>
Subject: Re: Residents

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Thank you, Megan.

I appreciate you filling in the gaps.

I don't recall Mrs. Dee ever attending MAC meetings before the Elmwood Estates project came up. I am very curious if she will come to the MAC meeting to engage in a meaningful discussion and be more active in the community in general.

Thank you and Erica for your ongoing support.

Jim

On Fri, Sep 30, 2022 at 8:21 AM Megan Wells <wellsm@stancounty.com> wrote:

Good Morning Jim,

Thank you for bringing this to our attention. Mrs. Dee has sent numerous emails to Supervisor Chiesa, Planning, Public Works, and myself. We responded to her in the beginning and have since taken the stance of no longer responding as well. The planning process has been explained to her numerous times. She was also advised of the Elmwood Estates project going before the Planning Commission on 9/15/22 and let her know that she could come and speak at Public Comment for that agenda item. I watched the Planning Commission meeting, she did not speak, not sure if she attended or not. At that meeting, Planning addressed the public's questions and concerns that they received prior to the meeting. It was supposed to be heard on 9/1, but was rescheduled to give Planning time to address of all the public's questions/concerns.

The Elmwood Estates Project will be on the 10/18/22 Board of Supervisors agenda for recommendation. It is on Tuesdays, 10/4 agenda for approval to set a public hearing for 10/18.

Megan Wells

Field Representative

Supervisor Vito Chiesa, District 2

Stanislaus County Board of Supervisors

Desk Phone: (209)525-6464 Cell Phone: [REDACTED]

wellsm@stancounty.com

From: Denair MAC <denairmac@gmail.com>

Sent: Friday, September 30, 2022 5:37 AM

To: Megan Wells <wellsm@stancounty.com>

Cc: Erica Inacio <inacioe@stancounty.com>

Subject: Fwd: Residents

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Good morning Megan,

I forgot to copy you on this email yesterday.

I'm not planning to respond to this. I already told her to bring any QCCs to the MAC meeting for discussion.

I hope you & Erica have a great weekend!

Jim

----- Forwarded message -----

From: Nancy Dee [REDACTED]

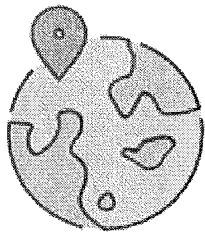
Date: Thu, Sep 29, 2022 at 6:15 PM

Subject: Re: Residents

To: Denair MAC <denairmac@gmail.com>, <NAOstaff@hcd.ca.gov>, <housing@doj.ca.gov>
CC: Don Rajewich [REDACTED] Kathy Clinkenbeard [REDACTED] Erica Inacio
<inacioe@stancounty.com>

So, let me see if I have this right:

All 5 MAC members live within the Denair MAC boundary:



ClustrMaps

Vito M Chiesa
Hughson, age 58
male

The Board of Supervisors took away our right to elect our own MAC members to make it easier for them to fill positions.

“Switching the Denair MAC to an appointed membership would give the Board of Supervisors more time to fill vacancies, because the seat would not be subject to strict timelines stated in Elections and Government Code.”

Who in the Denair Community was notified this change was being made? Since this change was made for the benefit of the Board and not the Community, how do we take our control back?

The current Board is like the fox watching the hen house. In the last two years they have approved two projects that don't meet the Denair Community Plan. This needs to stop.

Reinforce De

Nancy Dee



On Sep 29, 2022, at 5:27 PM, Denair MAC <denairmac@gmail.com> wrote:

Good afternoon, Nancy,

Thank you for reaching out.

The answers to your questions can be found in our bylaws on the Stanislaus County's MAC website. Here is a link to the [main page](#) and a link directly to our [bylaws](#) for your use.

Regarding your first question: In accordance with the bylaws, all five MAC members reside within the Denair MAC boundary.

Regarding your second question: As the name implies, Municipal Advisory Councils function in a purely advisory role to the County Board of Supervisors. The MACs are established pursuant to Government Code Section 31010, which "gives the Board of Supervisors an option on the method of member selection to be by appointment or election". The bylaws were revised in 2021 to reflect the decision to switch to appointed members. The reasoning behind that decision is contained in the bylaws.

Please note that at the end of a member's term, that member must be reappointed. Every resident of Denair is encouraged to submit an application to the Board of Supervisors for consideration for appointment.

I hope this helps. If you have any further questions, comments or concerns, please bring them to the next meeting and share them during public comment.

Thank you for being active in the community.

Warmest regards,

James Brugger

Denair MAC

On Thu, Sep 29, 2022 at 10:35 AM Nancy Dee [REDACTED] wrote:

I would like to know how many of the MAC members actually live in Denair. Also State Code says the homeowners can elect their own representatives. How do we go about making that change?

Thank you,

Nancy Dee



Sent from my iPhone

Nancy Dee

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Thank you,

Nancy Dee
[REDACTED]

Sent from my iPhone

Emily Basnight

From: Megan Wells
Sent: Friday, September 30, 2022 12:01 PM
To: Vito Chiesa
Subject: Fwd: Written Recommendations/Brown Act Violation

FYI

From: Erica Inacio <inacioe@stancounty.com>
Sent: Friday, September 30, 2022 11:33 AM
To: Rob Taro <TAROR@stancounty.com>
Cc: Megan Wells <wellsm@stancounty.com>; Denair MAC <denairmac@gmail.com>
Subject: FW: Written Recommendations/Brown Act Violation

Rob,
How would you like for us to proceed with this?

~Erica Inacio
[REDACTED]

From: Nancy Dee [REDACTED]
Sent: Friday, September 30, 2022 11:05 AM
To: Denair MAC <denairmac@gmail.com>; Erica Inacio <inacioe@stancounty.com>; starmane@stancounty.com
Cc: Don Rajewich [REDACTED] Kathy Clinkenbeard [REDACTED]
Subject: Written Recommendations/Brown Act Violation

*** **WARNING:** This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

I would like a copy of the MAC Boards advisory recommendations to the county regarding the Gonzales Landscape Cement Project and Elmwood Estates. I would also like the current status of both.

MAC Handbook:

Providing advisory recommendations to the County is an important duty of every MAC. Advisory recommendations on planning projects and other policy decisions should be made once the MAC has reviewed the topic, listened to presenters, and gathered community input.

It's important for homeowners to know if the "community input" has been properly represented considering this Board is also in Violation of the Brown Act. Please consider this official notification of that violation.

I've lived here 7 years and have recently become aware of the MAC meetings. It appears all current members live on the other side of the tracks, so homeowners in the "small rural town" of Denair are not properly represented. Not sure why a Supervisor who doesn't live in Denair is allowed any input at all.

MAC Handbook:

MAC agendas must be posted at the location of the meeting in a publicly accessible location at least 72 hours before the meeting.

Where exactly are these meeting notices posted, I've never seen one.

MAC Handbook REV: 12/20

Elections are held during the November General Election every even-year. Vacancies which occur due to a resignation are filled through appointment by the Board of Supervisors.

My neighbor who has lived here over 40 years has never voted for a MAC member and neither have I. Please enlighten me. If the BOS just changed the rule in November 2021 to give them authority to elect members, who exactly has been voting and where? For clarification, I will reiterate the Board made that change for their own benefit, not for the benefit of the Denair Community. Who in this Community was notified before this change was approved?

Nancy Dee

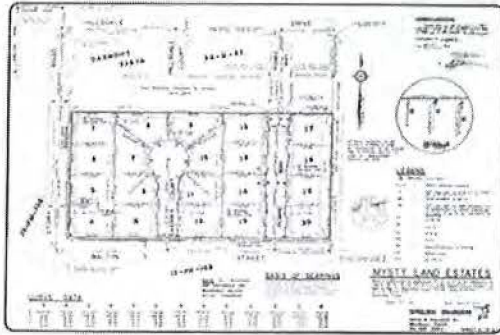
From: [Nancy Dee](#)
To: [Vito Chiesa](#); [Terrance Withrow](#)
Cc: [Don Rajewich](#); [Kathy Clinkenbeard](#)
Subject: Elmwood Estates Vote
Date: Friday, September 30, 2022 4:13:45 PM
Attachments: [image.jpg](#)
[image3.jpeg](#)
[image.jpg](#)
[image.jpg](#)

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GOAL ONE

Reinforce Denair's small rural town character.

State and County regulations say you can not approve a development that lowers home values and destroys quality of life. Connecting Romie Way does both. The developer calls the houses "contemporary" so they have no place in our rural neighborhood.



There is a Brown Act violation that has not yet been addressed and are many outstanding complaints to CEQA, State Air Quality, Housing Strike Force and Fish and wildlife, who supposedly never responded to the Planning Department:

✉ **Jim@Wildlife Vang <Jim.-
Vang@wildlife.ca.gov>**
To: Nancy Cc: Wildlife >
9/20/22

Good morning Nancy,

Denair and the surrounding area generally has the State threatened Swainson's hawk (*Buteo swainsoni*) and the species of special concern burrowing owl (*Athene cunicularia*). If you have concerns about the development, you may want to voice your concerns to the city or county who is permitting the development.

Also received this from the Sierra Club:

Sean Wirth

To: Nancy Cc: Elaine & 4 more... >
9/20/22

Save Denair Wildlife


The CNDDDB is notoriously incomplete.

If a Swainson's hawk nest was nearby, that area would be a forage habitat. An argument can be made that at least a 1:1 mitigation is required.

At least, there needs to be a Fish and Wildlife survey before any vote is taken.

Thank you

Nancy Dee



From: [Nancy Dee](#)
To: [Vito Chiesa](#); [Erica Inacio](#); [COBSupport](#)
Subject: Environmental Mitigation Discrepancies
Date: Thursday, October 20, 2022 10:43:18 AM
Attachments: [image.jpg](#)

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I requested a copy of the environmental study on August 20, 2022 and got this response on same date:

Emily:According to the CNDDDB results, no listed species are reported on the project site.

Staff Report September 15, 2022:

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 (formerly the Department of Fish and Game) and no response was received.

Mitigation: None.

De Novo Planning Group Hughson Report June 2020:

Mitigation Measure BIO-1: The project proponent shall implement the following measures to avoid or minimize impacts on Swainson's hawk:

- No more than 30 days before the commencement of construction, a qualified avian biologist shall perform preconstruction surveys for nesting Swainson's hawk and other raptors during the nesting season (February 1 through August 31).

The CEQA process requires appropriate noticing of the circulation of an environmental document, public hearings on the project proposal, and document availability to those parties, both public and private, whom have a vested interest in the project. Noticing that meets the minimum requirements of CEQA may be inadequate in reaching the members of the public most concerned with the project, therefore, doing more noticing than required to reach those interested parties would be beneficial.


References: 14 [CCR Review of Environmental Documents](#)

The appropriate environmental organizations and the State have been notified.

I would like a copy of the Elmwood Estates independently done INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION, as homeowners still have many unanswered questions and not for the lack of trying!

Thank you,

Nancy Dee



From: [Nancy Dee](#)
To: [Jody Hayes](#); [Patrice Dietrich](#); [Terrance Withrow](#); [Ruben Imperial](#)
Cc: [Don Rajewich](#)
Subject: Denair Emergency Intervention Required
Date: Wednesday, November 23, 2022 10:11:55 AM
Attachments: [image.jpg](#)
[image.jpg](#)
[image.jpg](#)
[image.jpg](#)
[image.jpg](#)
[image.jpg](#)

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Elmwood Estates - REZONE AND TENTATIVE MAP APPLICATION NO. PLN2022-0026 ELMWOOD ESTATES

Mr. Hayes,

I have a list as long as my arm with questionable actions by the Denair MAC Board, but I will limit myself for the purpose of this emergency contact.

MAC Chair Brugger called concerned homeowners NIMBY's: (NIMBYs often suggest that affordable housing developments should be built in communities that are historically black and brown, so that residents can be near their social networks) - Demeaning comment from someone charged with delivering the Denair Community's voice to the Board of Supervisors! August 9th MAC Meeting.....

Before December 6th vote - Unanswered Questions:

April 5, 2022 - Why was there a MAC meeting April 5th, where duplexes were duplexes were discussed but were not on the agenda? (Community blindsided on Aug 9th)

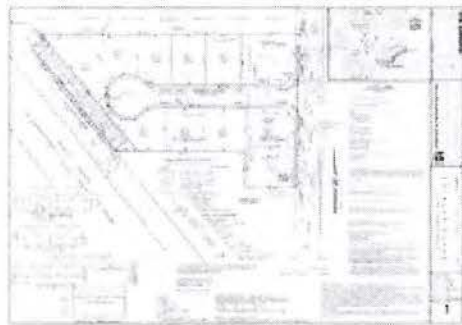
August 9, 2022 - Why was it necessary for a homeowner to go from house to house alerting us of the presentation that evening? Why was Supervisor Chiesa sitting with the Board, but not identified? Why was the developer not introduced? Why did the Board vote unanimously approve this plan when it was clearly not a representation of the community voice or Denair Community Plans? (See petition map)

July 24, 2002 - County was alerted to Vernal Pool issue, by phone, and additional information submitted in subsequent letters, but ignored it saying they were exempt?

October 3, 2022 -MAC minutes: Elmwood Estates – County delayed action due to the potential existence of vernal pools with fairy shrimp - Why did they accept a dry season survey from the developer when they knew they would not be present? Why will they not respond to questions about when the wet season survey will be done? (See dry season photo and wet season photo)

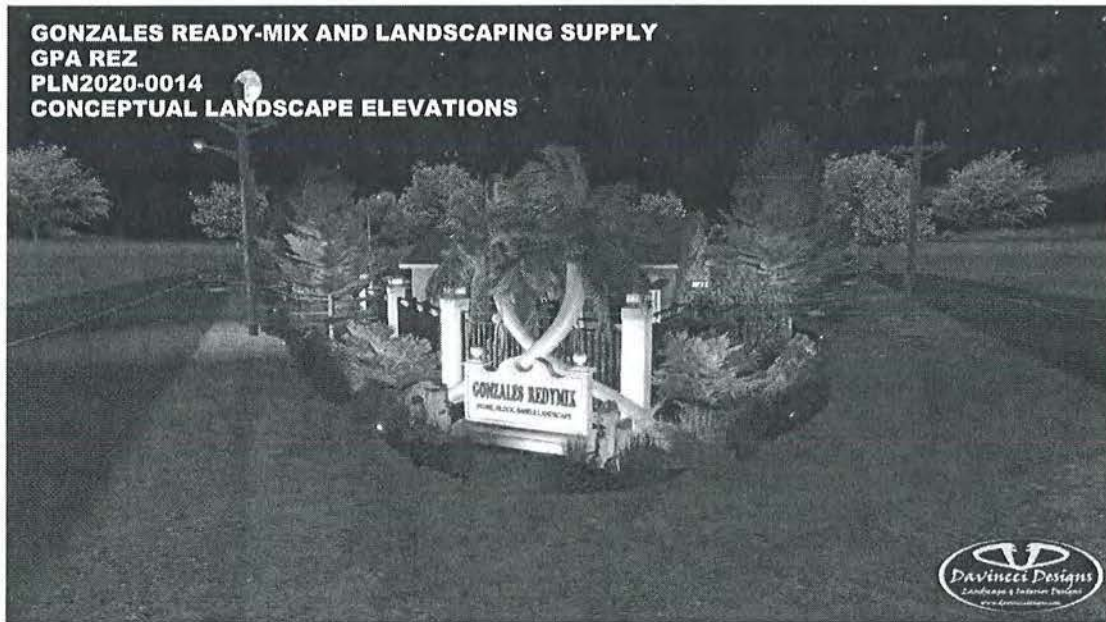
November 22, 2022 - Why was I referred to County Council when I asked why there was a surveyor on the property yesterday, before the plan had been approved? Why is MAC Board





MAC Board approved this ↓ Does this comply with the Denair Community Plan to reinforce our small town rural character?

**GONZALES READY-MIX AND LANDSCAPING SUPPLY
GPA REZ
PLN2020-0014
CONCEPTUAL LANDSCAPE ELEVATIONS**



This is just the tip of the iceberg! If this is not removed from December 6th BOS meeting, I would like a direct response from you , Mr. Hayes, or a legal argument from County Council as to why this plan should go to vote with these outstanding issues.

Thank you,

Nancy Dee



From: [Nancy Dee](#)
To: [Jody Hayes](#); [Terrance Withrow](#); [Thomas Boze](#)
Cc: [don rajewich](#)
Subject: Dereliction of Duty Complaint
Date: Friday, November 25, 2022 8:49:01 AM
Attachments: [image0.jpeg](#)
[image1.jpeg](#)

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*"The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. **The people insist on remaining informed so that they may retain control over the instruments they have created.**"*

When your "staff" refuse to answer questions like when and how the current MAC Board was elected, it throws up red flags. Are they incompetent or covering for the good old boys club to keep their jobs?

On November 21, 2022, I asked why there was a surveyor on the site when the plan had not yet been approved. I'm attaching my email and the response from your "staff". Notice my August 12, 2022 prediction this would be forced through because it's not really about reinforcing Denair's small and rural character, is it?

Nov 21 Surveyor on site (refuse to answer why)

Nov 23 Homeowners received meeting notice (pattern is to only send a few)

Dec 06 Public Meeting (refer to Nov 21)

I've asked many questions some my own and some from homeowners which is our legal right. This is a clear dereliction of duty has already resulted in the Board of Supervisors approving that gaudy cement plant. The owner is under criminal investigation so thankfully, in spite of both Boards questionable decision making skills, this will soon expire. (I did ask for documentation supporting this decision, but it was ignored)

The people insist on remaining informed so that they may retain control over the instruments they have created.

P.S. The "" around the word staff (all women) are in support of my 3 granddaughter's and my great granddaughter. I can't believe in 2022 white men still consider themselves superior. It's demeaning.



Nancy Dee

Tuesday

To: Vito, Terah@stanislauscounty.org & 2 more >

Surveyor

Interesting there is a surveyor on 3700 Story Rd site today when the vote to approve is December 6th.

My email to Megan Wells dated August 12, 2022

Let's be honest here, this development will be pushed through no matter what the homeowners want. Using a plan put in place in the 1960's and expecting us to swallow that is like saying our Forefathers wrote the Second Amendment knowing there would be assault rifles and mass school shootings.

Nancy Dee



Emily Basnight

Tuesday

To: Nancy, Vito, Tina, Terance Cc: KJisun >

Surveyor

Your comment has been received.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-6330

Nancy Dee



From: [Megan Wells](#)
To: [Angela Freitas](#); [Kristin Doud](#); [Emily Basnight](#)
Cc: [Liz King](#); [Kelly Rodriguez](#)
Subject: FW: Request to Postpone October 18 Public hearing RE 2022-0026 Elmwood Estaes
Date: Monday, October 3, 2022 9:45:00 AM
Attachments: [HearingDelayRequestOct18.pdf](#)

Good Morning,

Attached is public comment for tomorrow's Board of Supervisors meeting. I wanted to forward this to Planning as well as an FYI.

Thank you,

Megan Wells

Field Representative

Supervisor Vito Chiesa, District 2

Stanislaus County Board of Supervisors

Desk Phone: (209)525-6464 Cell Phone: (209)345-5436

wellsm@stancounty.com

From: Don Rajewich [REDACTED]
Sent: Monday, October 3, 2022 9:09 AM
To: Vito Chiesa <CHIESAV@stancounty.com>
Cc: Terrance Withrow <WITHROWT@stancounty.com>; Channce Condit <conditc@stancounty.com>; Mani Grewal <grewalm@stancounty.com>; Buck Condit <conditb@stancounty.com>; Freitas@co.stanislaus.ca.us; CEQA@doj.ca.gov; [REDACTED]
Subject: Request to Postpone October 18 Public hearing RE 2022-0026 Elmwood Estaes

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The purpose of the attached letter is to request that at your October 4th Supervisors meeting,

the October 18 public hearing for PLN2022-0026 – Elmwood Estates be postponed until a biological assessment of the Elmwood Estates site is completed.

Monday, October 3, 2022

From : Donald Rajewich

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

To: Supervisor Vito Chiesa
chiesav@stancounty.com
Stanislaus County Board of Supervisors
1010 10th Street, Suite 6500
Modesto, CA 95354

RE: PLN2022-0026 – Elmwood Estates.
Project location - 3700 Story Road Denair CA
APN 024-055-060, 4.82 acres of irrigated pasture

Dear Supervisor Chiesa:

My property is located within your district, and borders the south property line of parcel 024-055-060. I see on the October 4th Board of Supervisors agenda (posted Saturday Oct 1), that County staff is calling for a public hearing to be held for PLN2022-0026 at the Board of Supervisors meeting October 18, 2022.

The purpose of this letter is to request that the October 18 public hearing be postponed until a biological assessment of the Elmwood Estates site is completed.

Shortly after receiving written notification of PLN2022-0026 dated July 22, 2022, I called the Stanislaus County Planning Department and informed them of the existence of a vernal pool on the proposed site. At first I was told by Planning Department staff that a vernal pool could not be there because it was not on “the vernal pool map.” However, due to accuracy concerns, the meta data that accompanies that California Department of Fish and Wildlife (CDFW) map (Vernal Pools –ACE ds2732) expressly restricts the use of its map for a “management action subject to the California Environmental Quality Act (CEQA).” (Refer to Use Limitations at <https://map.dfg.ca.gov/metadata/ds2732.html>).

Subsequent to that conversation, I submitted photos, videos, and satellite imagery of the vernal pool to the Planning Department. Then I was told I should submit my vernal pool information to the CDFW, which I did on August 12. On September 19, I received this response :

From: "Hill, Ryan@Wildlife" [REDACTED]
Date: September 19, 2022 at 2:53:16 PM PDT
To: don rajewich [REDACTED]
Cc: "Gogol-Prokurat, Melanie@Wildlife" [REDACTED]
Subject: RE: Ds2732 update

Hi Don,

We are holding some meetings about this data now. We are making a note that we would like to survey this property, but we also cannot do so without the owner's permission. Our data systems are currently set up to track 1) vegetation communities – so this area could conceivably be rolled into a survey protocol when this area is mapped. We also track 2) sensitive species. So if any vernal pool species were found here, we would record those. Again, we cannot do so without owner permission. The two surveys I have mentioned are 'boots on the ground' surveys so to speak.

But as I have indicated, several other entities track wetland areas based on remotely sensed data (e.g. satellite imagery). We do not maintain such a dataset at CDFW, but are working towards that. So we are incorporating your tip into our own data pipeline, but I also highly recommend you submit your coordinates to NWI and CARI as well.

Please let me know if you have any further questions or information you would like to share.

Sincerely,

-Ryan Hill

Apparently, the CDFW found the data I provided compelling enough to merit a site survey. The same day I received this email from CDFW, I sent a copy to the Planning Department. To date, I have received no reply.

At a minimum, the Planning Department request for a hearing October 18th constitutes substantial evidence that the Planning Department has chosen to move ahead with Elmwood Estates project without doing a biological assessment, and attempts to justify their decision on page 8 “Biological Resources” in their most recent version of PLN2022-0026 (7_B.pdf):

1. *“The project was referred to the California Department of Fish and Wildlife (CDFW) who did not provide a project response.”*

We made a phone call to the CDFW field office, and a staff person told us that because of the overwhelming workload, very few project reviews are completed prior to County project approvals.

2. *“The project site has historically been utilized for irrigated pasture which has been periodically disked.”*

We have lived here for nearly forty years, and have never seen that field disked.

3. *“Staff have visited the site...”*

No date or time is provided, or if “staff” were vernal pool biologist specialists. Vernal means “spring” and that is when -- after sufficient rain has fallen and pools above Denair’s perched hard pan -- a nightly frog chorus can be heard. If staff had visited on a clear day, they would have seen Half Dome and realized they needed to revise Initial CEQA Initial Study Aesthetics (p36).

4. *“Staff reviewed two decades of aerial photos, taken at various times of the year, and have not identified the presence of (a) vernal pool on the project site.”*

Open up Google Earth Pro on your computer, and type in “3700 Story Road Denair.” Click on the “History” tab, and go to 03/2016, and you will see the vernal pools.

CEQA was enacted to ensure environmental protection and requires full honest disclosure of a project’s significant environmental effects so that decision makers and the public are informed of consequences before a project is considered for final approval. Given the fact that the California Department of Fish and Wildlife would like to do a site survey, scheduling a hearing prior to its completion would appear to be contrary to state law.

Sincerely,

Donald Rajewich

Donald Rajewich

CC: VIA ELECTRONIC MAIL

WithrowT@StanCounty.com
conditc@stancounty.com
grewalm@stancounty.com
conditb@stancounty.com
freitasa@co.stanislous.ca.us
CEQA@doj.ca.gov

Supervisor Chairman Terry Withrow
Supervisor Channce Condit
Supervisor Mani Grewal
Supervisor Buck Condit
Angela Freitas, Director of Planning
CEQA Coordinator , Office of the Attorney General.

From: [Emily Basnight](#)
To: [Don Rajewich](#)
Cc: [Kristin Doud](#); [Megan Wells](#)
Subject: RE: CDFW
Date: Monday, October 3, 2022 11:01:00 AM
Attachments: [HearingDelayRequestOct18.pdf](#)

Good morning Don,

I received your letter this morning, thank you. I apologize for the late response to the email below. We contacted Melanie Gogol-Prokurat for clarification on the email sent to you and whether they were requesting to survey the site, or only making a note of the information you provided them per the language of their email. Ms. Gogol-Prokurat clarified that the data division she supervises is not the branch of CDFW that provides recommendations to local jurisdictions related to the CEQA process and if CDFW had concerns or formal recommendations on the project they would have Jim Vang, Environmental Scientist for the Central Region, write a comment letter specifying CDFW's recommendations regarding the project.

At this time, Mr. Vang has not given us a formal comment letter regarding the project.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <https://www.stancounty.com/planning/contacts.shtml>

From: Don Rajewich [REDACTED]
Sent: Monday, September 19, 2022 4:53 PM
To: Emily Basnight <basnighte@stancounty.com>
Cc: Kristin Doud <Doudk@stancounty.com>
Subject:

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As per your instructions last month, I submitted the vernal pool data to Wildlife. And today they answered. As you can see on attached email, they want to survey the site, but they need the owner's permission.

From: [Emily Basnight](#)
To: [Nancy Dee](#); [Vito Chiesa](#); [Victoria Vasquez](#); [Planning](#)
Cc: [Kristin Doud](#)
Subject: RE: Misinformation at MAC Meeting
Date: Monday, October 3, 2022 9:57:00 AM

Good morning Nancy,

The August 9, 2022 meeting was a Denair Municipal Advisory Council (MAC) meeting; if you have questions regarding the Denair MAC's notification process, please contact them at DenairMAC@gmail.com. The Planning Department's 30-day referral/land owner notification process for the project and the notices of the public hearings for the Planning Commission were all sent out in accordance with State/County notification policies.

If you'd like to view/listen to the recorded Public Hearing for the Elmwood Estates project, where your concerns as well as other neighboring property owners' concerns were incorporated into the presentation for the project and addressed (as they were in the [Staff Report](#)), please visit our Planning Commission webpage for the video recording: <https://www.stancounty.com/planning/agenda/agenda-min-2022.shtm>. Neighboring property owners' concerns are discussed during Planning Commission meetings to inform the Commissioners of issues and concerns the community has regarding the project.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <https://www.stancounty.com/planning/contacts.shtm>

From: Nancy Dee [REDACTED]
Sent: Monday, October 3, 2022 9:29 AM
To: Vito Chiesa <CHIESAV@stancounty.com>; Emily Basnight <basnighte@stancounty.com>; Victoria Vasquez [REDACTED]; Planning <planning@stancounty.com>
Subject: Misinformation at MAC Meeting

***** WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

Emily,

I was advised yesterday by a homeowner that you brought my name up at the last meeting when I

was not in attendance. You went on to tell my neighbors you had not violated the Brown Act. You said you had mailed me some packet of maps and because it was not returned I must have received it.

1. If homeowners had received this mailing why were we shocked to find out about the Elmwood Estates project on August 9, 2022 by Kathy Clinkenbeard knocking on doors and frantically telling us of that night's meeting?
2. Why did you admit you hadn't printed off enough maps because you weren't expecting so many attendees?
3. Why did you choose to mention my complaint when I was not available to discuss the actual violation in my complaint?

Please issue a letter of apology with admission you should not have brought the subject up at a meeting where I could not defend my well documented position of your violation. Additionally, a verbal apology at the next meeting will properly remedy your mistake.

I am pursuing this pattern of failing to properly notify homeowners of MAC meetings and uncover the mystery of why homeowners who have lived here over 40 years say they have never voted for a MAC Board Member.

Nancy Dee

[REDACTED]
[REDACTED]

From: [Emily Basnight](#)
To: [Don Rajewich](#)
Cc: [Kristin Doud](#); [Megan Wells](#)
Subject: RE: CDFW
Date: Monday, October 3, 2022 11:01:00 AM
Attachments: [HearingDelayRequestOct18.pdf](#)

Good morning Don,

I received your letter this morning, thank you. I apologize for the late response to the email below. We contacted Melanie Gogol-Prokurat for clarification on the email sent to you and whether they were requesting to survey the site, or only making a note of the information you provided them per the language of their email. Ms. Gogol-Prokurat clarified that the data division she supervises is not the branch of CDFW that provides recommendations to local jurisdictions related to the CEQA process and if CDFW had concerns or formal recommendations on the project they would have Jim Vang, Environmental Scientist for the Central Region, write a comment letter specifying CDFW's recommendations regarding the project.

At this time, Mr. Vang has not given us a formal comment letter regarding the project.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <https://www.stancounty.com/planning/contacts.shtml>

From: Don Rajewich [REDACTED]
Sent: Monday, September 19, 2022 4:53 PM
To: Emily Basnight <basnighte@stancounty.com>
Cc: Kristin Doud <Doudk@stancounty.com>
Subject:

***** WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

As per your instructions last month, I submitted the vernal pool data to Wildlife. And today they answered. As you can see on attached email, they want to survey the site, but they need the owner's permission.

From: [Erica Inacio](#)
To: [Nancy Dee](#)
Cc: [Denair MAC](#)
Subject: Re: Written Recommendations/Brown Act Violation
Date: Friday, October 7, 2022 11:22:18 AM

Good morning.

The item was addressed under the action items as noted on the Aug 9th agenda and minutes that were attached to the original email I sent to your attention.

The minutes reflecting the support from the advisory board were shared with the Planning Commission.

Thank you.

Erica Inacio
Community Manager
Stanislaus County Chief Executive Office
209.480.2074
inacioe@stancounty.com

Using my cell phone - please excuse any typos.

From: Nancy Dee [REDACTED]
Sent: Friday, October 7, 2022 8:34:14 AM
To: Erica Inacio <inacioe@stancounty.com>
Cc: Kathy Clinkenbeard [REDACTED]; Don Rajewich [REDACTED]; Adam Peardon [REDACTED]
Subject: Re: Written Recommendations/Brown Act Violation

***** WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

Just looked at the Aug 9 minutes again and found this:

VII. Correspondence – none

Hard for homeowners to write letters of concern for a project they know nothing about.

I'm clearly asking for the Written Recommendations the MAC Board is charged with providing the BOS with the community input they collected. They unanimously approved this even though homeowners strongly objected. It's important we know what the BOS is being told on our behalf.

MAC Handbook:

Provide Written Advisory Recommendations

Providing advisory recommendations to the County is an important duty of every MAC.

Advisory recommendations on planning projects and other policy decisions should be made once the MAC has reviewed the topic, listened to presenters, and gathered community input.

I found Jan 5, 2021 minutes from an online meeting. Who was notified? We're there any homeowners online? It not only has the Cement Plant information (btw: no permits pulled because the owner is under criminal investigation) and nominations for MAC board members. I would like to know who nominated these people and when and where the nominations took place. I would like to know the same about the election. They are not representing the homeowners interests, so this needs to be investigated. I know the BOS, with no homeowner notification, changed the elections from the community to themselves because it's easier for them. This change was approved Nov 2021. Clear election information must be provided so this does not happen again.

Please provide all supportive documentation.

Nancy Dee

On Oct 7, 2022, at 7:07 AM, Erica Inacio <inacioe@stancounty.com> wrote:

Good morning.

They are included in the minutes from the August 9th meeting which were attached.

Erica Inacio
Community Manager
Stanislaus County Chief Executive Office
209.480.2074
inacioe@stancounty.com

Using my cell phone - please excuse any typos.

From: Nancy Dee [REDACTED]
Sent: Thursday, October 6, 2022 8:56:05 PM
To: Erica Inacio <inacioe@stancounty.com>
Subject: Re: Written Recommendations/Brown Act Violation

***** WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

Just looking for the documents you attached. They are interesting and I will review them more closely as I believe they will be helpful to Senator Padilla's investigation.

I requested the written recommendations the MAC board gave to the BOS that is supposed to reflect the Community's voice. Did I miss that?

Nancy Dee

On Oct 6, 2022, at 2:48 PM, Erica Inacio <inacioe@stancounty.com>

wrote:

Good afternoon.

The Stanislaus County CEO's Office (CEO) is in receipt of your California Public Records Act (PRA) request dated September 30, 2022 and included below for reference. The request was forwarded to the undersigned for a response. Please direct any future correspondence to the undersigned. You requested disclosable public records with regard to Denair Municipal Advisory Council and discussion on Elmwood Estates as well as the Gonzales Landscape Cement Project.

CEO intends to provide the records that are disclosable within the meaning of the PRA and you will find those disclosable public records attached to this email. Due to the ability to transmit the records electronically, and the small amount of documents, the usual and customary reproduction fees are waived. This completes your PRA.

You requested a status on the projects:

- General Plan Amendment and Rezone (GPA & REZ)
PLN2020-14 - Gonzales Ready-Mix and Landscaping Supply was approved by the Board of Supervisors on August 17, 2021 (Board agenda item linked):
<https://www.stancounty.com/bos/agenda/2021/20210817/PH02.pdf>
. No building permits have been applied for yet. The applicant will be required to submit a Staff Approval once they are ready to develop the site in order to amend the development schedule.
- Rezone and Tentative Map Application No. PLN2022-0026 – Elmwood Estates was scheduled to go before the Board of Supervisors on October 18, 2022 for a determination, but it has been postponed until a biological study is completed.

Notices on these projects were sent to landowners within a ¼ miles (1,320 foot) radius or two parcels of the project, whichever was greatest, of the project site. The noticing area exceeded the state standard for noticing only within 300 feet of the property and was based on Stanislaus County's Landowner Notification Policy requiring projects located in a rural area (defined as having a General Plan designation of Rural Residential, Agriculture, or Urban Transition) to notice all landowners within a ¼ mile (1,320 feet) and at least two parcels out from the project site. While the project sites do not have a designation that is considered rural, it does

border property that has a designation of Urban Transition.

Attached you will find the maps that show the notice radius for each of the projects. You will also find the public hearing notice sent out for Gonzales Ready Mix and Landscaping. Elmwood Estates had a tentative public hearing date for October 18, 2022, but it was cancelled out of an abundance of caution to complete a biological study.

Attached you will find the Bylaws that were approved in 2021, transitioning the MAC from elected to appointed. The reference you made to the handbook for the elections taking place in November, only apply to elected MACs. Please refer to the attached bylaws for the process applied to the Denair MAC as an appointed MAC.

The MAC meeting agendas are posted at the District Office, on the sign holder facing the parking lot. They are also posted on www.StanCountyMACs.com, under the Denair Tab. The MAC also has a list of individuals that have requested to receive the agenda via email. At times, there are reminders on the Denair Facebook or other forums, but the agendas are not included – the link to StanCountyMACs.com is provided.

Thank you.

Erica Inacio
Community Manager
209.480.2074
inacioe@stancounty.com

From: Nancy Dee [REDACTED]
Sent: Friday, September 30, 2022 11:05 AM
To: Denair MAC <denairmac@gmail.com>; Erica Inacio <inacioe@stancounty.com>; starmane@stancounty.com
Cc: Don Rajewich [REDACTED] Kathy Clinkenbeard [REDACTED]
Subject: Written Recommendations/Brown Act Violation

***** WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

I would like a copy of the MAC Boards advisory recommendations to the county regarding the Gonzales Landscape Cement Project and Elmwood

Estates. I would also like the current status of both.

MAC Handbook:

Providing advisory recommendations to the County is an important duty of every MAC. Advisory recommendations on planning projects and other policy decisions should be made once the MAC has reviewed the topic, listened to presenters, and gathered community input.

It's important for homeowners to know if the "community input" has been properly represented considering this Board is also in Violation of the Brown Act. Please consider this official notification of that violation.

I've lived here 7 years and have recently become aware of the MAC meetings. It appears all current members live on the other side of the tracks, so homeowners in the "small rural town" of Denair are not properly represented. Not sure why a Supervisor who doesn't live in Denair is allowed any input at all.

MAC Handbook:

MAC agendas must be posted at the location of the meeting in a publicly accessible location at least 72 hours before the meeting.

Where exactly are these meeting notices posted, I've never seen one.

MAC Handbook REV: 12/20

Elections are held during the November General Election every even-year. Vacancies which occur due to a resignation are filled through appointment by the Board of Supervisors.

My neighbor who has lived here over 40 years has never voted for a MAC member and neither have I. Please enlighten me. If the BOS just changed the rule in November 2021 to give them authority to elect members, who exactly has been voting and where? For clarification, I will reiterate the Board made that change for their own benefit, not for the benefit of the Denair Community. Who in this Community was notified before this change was approved?

Nancy Dee

[REDACTED]
[REDACTED]

From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: [redacted]
Date: [redacted]

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

Just reviewing my documentation and found that apparently the August 9th meeting was recorded. Who was notified a recording was being made?

Maybe notification was in the Meeting Notice the MAC Board Chair joked about not sending.

The link you provided has no mention of that meeting:

CUSTOMER CENTER

TRANSLATE

April 7, 2022

April 21, 2022

May 5, 2022

May 19, 2022

June 2, 2022

June 16, 2022

July 7, 2022

July 21, 2022

August 4, 2022

August 18, 2022

September 1, 2022

September 15, 2022

October 6, 2022

October 20, 2022

Nancy Dee

On Oct 3, 2022, at 9:57 AM, Emily Basnight <basnighte@stancounty.com> wrote:

Good morning Nancy,

The August 9, 2022 meeting was a Denial Municipal Advisory Council (MAC) meeting. If you have questions regarding the Denial MAC's notification process, please contact them at DenialMAC@gmail.com. The Planning Department's 30-day effective/landowner notification process for the project and the notices of the public hearings for the Planning Commission were all sent out in accordance with State/County notification policies.

If you'd like to view/listen to the recorded Public Hearing for the Elmwood Estates project, where you, conceivably as well as other neighboring property owners' concerns were incorporated into the presentation for the project and addressed (as they were in the [Staff Report](#)), please visit our Planning Commission webpage for the video recording <https://www.stancounty.com/planning/agenda/agenda-items-2022.shtml>. Neighboring property owners' concerns are discussed during Planning Commission meetings to inform the Commission's decisions of issues and concerns the community has regarding the project.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
PH: 209-525-5984

Due to high volume appointments a separately recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <https://www.stancounty.com/planning/contacts.shtml>

From: Nancy Dee [redacted]
Sent: Monday, October 3, 2022 9:29 AM
To: Vito Chiesa <CHIESAV@stancounty.com>; Emily Basnight <basnighte@stancounty.com>; Vito la Vasquez [redacted] <[redacted]@stancounty.com>
Subject: Misinformation at MAC Meeting

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

Emily,

I was advised yesterday by a homeowner that you brought my name up at the last meeting when I was not in attendance. You went on to tell my neighbors you had not violated the Brown Act. You said you had mailed me some packet of maps and because it was not returned I must have received it.

1. If homeowners had received this mail why were we shocked to find out about the Elmwood Estates project on August 9, 2022 by Kathy Clinkenbeard knocking on doors and fantastically telling us of that night's meeting?
2. Why did you admit you hadn't printed off enough maps because you weren't expecting so many attendees?
3. Why did you choose to mention my complaint when I was not available to discuss the actual violation in my complaint?

Please issue a letter of apology with admission you should not have brought the subject up at a meeting where I could not defend my well-documented position of you violated on. Additionally, a verbal apology at the next meeting will properly remedy your mistake.

I am pursuing this pattern of failing to properly notify homeowners of MAC meetings and uncover the mystery of why homeowners who have lived here over 40 years say they have never voted for a MAC Board Member.

Nancy Dee

From: [Kristin Doud](#)
To: [Emily Basnight](#)
Subject: FW: Notifications
Date: Tuesday, October 11, 2022 1:58:09 PM
Attachments: [image001.png](#)
[2022_0330_Story_Road_Subdivision_LON_Map.pdf](#)

From: Nancy Dee [REDACTED]
Sent: Tuesday, October 11, 2022 1:30 PM
To: Kristin Doud <Doudk@stancounty.com>
Subject: Re: Notifications

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Thank you. Just what I needed to show who in the red circle was not notified.

Nancy Dee

On Oct 11, 2022, at 1:26 PM, Kristin Doud <Doudk@stancounty.com> wrote:

The title on the map below was an error. The correct landowner map is attached and is also included on page 180 of the Planning Commission Staff Report for the proposed subdivision: [7_B \(stancounty.com\)](#)

From: Nancy Dee [REDACTED]
Sent: Tuesday, October 11, 2022 12:02 PM
To: Kristin Doud <Doudk@stancounty.com>
Cc: Erica Inacio <inacioe@stancounty.com>
Subject: Re: Notifications

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So please explain this map the Erica Inacio attached to her email to me.

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Thank you.

I just got to the bottom of your attachments and found: stanislaus county golden state trucking parking pln2022-0026
It's dated September 19, 2022. I would like any documentation you have on this.

Nancy Dee

On Oct 10, 2022, at 1:46 PM, Erica Inacio
<inacioe@stancounty.com> wrote:

Good afternoon, Nancy.
I have copied the Denair MAC so that they can add you to their distribution list for the Denair MAC.
Thank you.

~Erica Inacio
209.480.2074

-----Original Message-----

From: Nancy Dee <nangran6@icloud.com>
Sent: Monday, October 10, 2022 1:10 PM
To: Erica Inacio <inacioe@stancounty.com>
Subject: Notifications

***** WARNING:** This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe *******

Please add my email to receive any MAC notifications.

Thank you,

Nancy Dee

Emily Basnight

From: Nancy Dee [REDACTED]
Sent: Wednesday, October 12, 2022 9:38 AM
To: Vito Chiesa; Denair MAC; info@calaware.org
Cc: don rajewich; Kathy Clinkenbeard; Adam Peardon
Subject: Kim Stokes Facebook Post

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

'An unfortunately low turnout from Denair residents at last night's Housing Element meeting. There will be a public comment tool coming online soon. Please get involved in these decisions and make your voice heard.'

How were how were homeowners notified? Did Kim post a notification on Facebook prior to the meeting date?

The MAC Board, who is already in Violation of the Brown Act for failing to notify homeowners, should make it mandatory to post Meeting information on the Facebook Denair Community Page. I can personally say the County website is one of the worst I've ever tried to find information on.

I have no confirmation, because I couldn't find anything online, but I was told this meeting was held in Ceres. Ceres? Seniors here will not go to Ceres or to meetings. They will also will not go the the place on Lester to see the only posted meeting notice.

I understand the August 9 meeting had the largest turn out ever. That's because Kathy Clinkenbeard ran from home to home notifying us. We are interested but you failed in your duty to notify us.

I could not be provided with the 'written notification' the MAC board is supposed to deliver to the BOS with homeowners input. How does a board appointed to be the community's voice unanimously approve a project that will drop home prices, destroy our quality of life and kill known wildlife habit?

I could not be provided with the information about how this current board was nominated and elected. It appears none of the members represent this side of Denair which has the small rural character the Denair Community Guide that you are supposed to 'reinforce'.

I was provided with a copious number of pages of documents, links and convoluted explanations that did not answer my questions.

It's time for the County to cease and desist their underhanded practice of keeping the truth from the homeowners. This MAC board has been totally derelict in their duties and needs to be replaced with members who are Community approved and who represent both sides of town.

.... I was also not provided with an explanation for this parking lot map in the middle of our neighborhood. I would have considered it a joke, but you already approved Cement Plant whose owner is under criminal investigation.



Nancy Dee

From: [Emily Basnight](#)
To: [Nancy Dee](#)
Subject: RE: Agricultural Land Question
Date: Thursday, October 13, 2022 8:36:00 AM

No worries, thank you for clarifying.

Have a good day!

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

*Due to high volume, appointments are strongly recommended and will be given priority over walk-ins.
For information on how to schedule an appointment please go to
<https://www.stancounty.com/planning/contacts.shtm>*

From: Nancy Dee [REDACTED]
Sent: Thursday, October 13, 2022 8:19 AM
To: Emily Basnight <basnighte@stancounty.com>
Subject: Re: Agricultural Land Question

***** WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

Oops was working on a Facebook page for Denair Growth and I must have mistakenly emailed you.
So sorry

Nancy Dee

On Oct 13, 2022, at 8:13 AM, Emily Basnight <basnighte@stancounty.com> wrote:

Nancy,

Did you have a question or comment? The email you sent yesterday evening below does not have text within it.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County

Ph: 209-525-5984

Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <https://www.stancounty.com/planning/contacts.shtm>

From: Nancy Dee [REDACTED]
Sent: Wednesday, October 12, 2022 7:29 PM
To: Emily Basnight <basnighte@stancounty.com>
Subject: Re: Agricultural Land Question

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Nancy Dee

On Aug 23, 2022, at 1:32 PM, Emily Basnight
<basnighte@stancounty.com> wrote:

Good afternoon Nancy,

The street stub to the east is required as a provision for future access for future development to the east as the land to the east has a General Plan designation of Urban Transition and a Denair Community Plan designation of Low Density Residential.

Duplexes are not a part of the Elmwood Estates request. The single-family dwelling and attached accessory dwelling unit (ADU) is not a duplex as discussed at the Denair MAC meeting.

The tentative map is attached. No revisions have been made to the map as the tentative map proposed meets County requirements.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <http://www.stancounty.com/planning/phone-mail-options.shtm>

From: Nancy Dee [REDACTED]
Sent: Tuesday, August 23, 2022 12:59 PM
To: Vito Chiesa <CHIESAV@stancounty.com>; Emily Basnight <basnighte@stancounty.com>; Planning <planning@stancounty.com>
Subject: Agricultural Land Question

CEQA: "A barricade per Public Works' Standards and Specifications is proposed along the street stub to the east to prevent trespass onto the **adjacent agriculturally zoned** parcel." (Street stub? I thought "Bulb" shapes were "required".) Why is there no mention of duplexes in your State filing? Is there an updated map from the developer that can be provided?

SB9: "Under this bill, the parcel must be located in a jurisdiction that is part of an urbanized area or urban cluster, as designated by the US Census. This means that it applies only to areas that meet certain population and density thresholds. It excludes prime **agricultural land**". I'm trying to get verification from the State and have attached the map below with my State filing to the HCD.

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Nancy Dee

Request: 6536739 Entered on: 10/08/2022 10:32 AM

Customer Information

Name Nancy Dee

Address [REDACTED]

Company

Phone [REDACTED]

Alt Phone [REDACTED]

Email [REDACTED]

Request Classification

Topic: Other (Planning)

Status: Closed

Assigned to: Planning Planning

Location:

District:

MAC:

Request type: Problem

Priority: Normal

Entered Via: Web

Description

ent to Emily in Planning Just reviewing my documentation regarding Elmwood Estates and found that apparently he August 9th meeting was recorded Who was notified a recording was being made?

Maybe notification was in the Meeting Notice the MAC Board Chair joked about not sending

The link you provided has no mention of that meeting

Action Taken:**Reason Closed**

Responded to customer

Date Expect Closed: 10/18/2022

Date Closed: 10/14/2022 08:51 AM By: Emily Basnight

Enter Field Notes Below**Notes:**

Notes Taken By

Date

Photographs

If you'd like to view/listen to the recorded Public Hearing for the Elmwood Estates project, where your concerns as well as other neighboring property owners' concerns were incorporated into the presentation for the project and addressed (as they were in the [Staff Report](#)), please visit our Planning Commission webpage for the video recording: <https://www.stancounty.com/planning/agenda/agenda-min-2022.shtm>.

CUSTOMER CENTER

TRANSLATE



April 7, 2022	>
April 21, 2022	>
May 5, 2022	>
May 19, 2022	>
June 2, 2022	>
June 16, 2022	>
July 7, 2022	>
July 21, 2022	>
August 4, 2022	>
August 18, 2022	>
September 1, 2022	>
September 15, 2022	>
October 6, 2022	>
October 20, 2022	>



Follow-up Information

#1: 10/14/2022 08:51 AM - Message sent to customer by Emily Basnight

Good morning, the previous link provided was for the Planning Commission public hearing for the Elmwood Estates project. For any questions or for links to information regarding the Municipal Advisory Council (MAC) meetings, please contact the particular MAC. Denair MAC in this case, at DenairMAC@gmail.com. The County Planning Department does not regulate MAC proceedings or practices. Thank you.

Request: 6546885 Entered on: 10/13/2022 10:20 PM

Customer Information

Name: Nancy Dee

Phone: [REDACTED]

Address: [REDACTED]

Alt. Phone: [REDACTED]

Company [REDACTED]

Email: [REDACTED]

Request Classification

Topic: Development Standard

Request type: Problem

Status: Closed

Priority: Normal

Assigned to: Planning Planning

Entered Via: Web

District:

MAC:

APN: 024 055 043

Description

Connecting Romie Way:

One side known drug area

One side houses up to a million

This will destroy the quality of life of people who have lived here over 40 years. It will also drive our home values down and increase crime.

Story Road is accessible and supports agricultural vehicles daily. Our two little neighborhood streets will not and should not.

Action Taken:**Reason Closed**

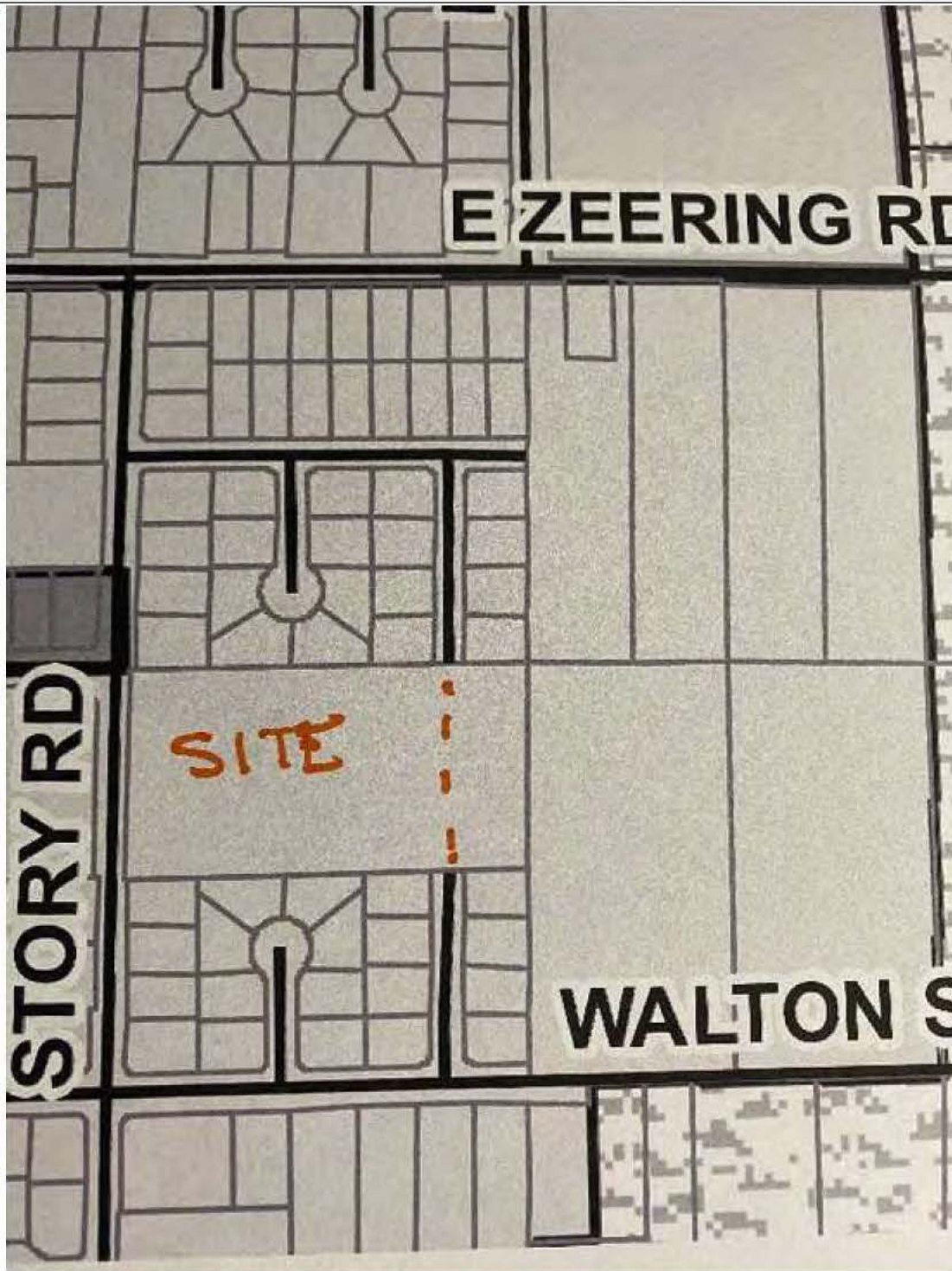
Responded to customer

Date Expect Closed: 10/23/2022

Date Closed: 10/14/2022 08 53 AM By: Emily Ba night

Enter Field Notes Below**Notes:**

Notes Taken By:**Date:**

Photographs**Follow-up Information**

#1: 10/14/2022 08:42 AM - Message sent to customer by Emily Basnight

Good morning, your comments have been received by the County Planning Department and have been indicated in the Staff Report for the project, which will be included as an attachment in the Board Report. Thank you.

From: [Stanislaus County Customer Center](#)
To: [Planning](#)
Subject: SCCRM: Message About Request #: 6536739
Date: Friday, October 14, 2022 8:59:31 AM

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The requestor added the following information to Request # 6536739

Message: I received no notice. I did get an Email from Emily saying it was closed and would I take the survey. I took the survey: I didn't get a response!

Nancy Dee

> On Oct 14, 2022, at 8:52 AM, Stanislaus County Customer Center
<stanislaus@user.govoutreach.com> wrote:

>
> i»¿
>
> ---

Request Information

Request type: Problem

Request area: Other (Planning)

Citizen name: Nancy Dee

Description: Sent to Emily in Planning: Just reviewing my documentation regarding Elmwood Estates and found that apparently the August 9th meeting was recorded. Who was notified a recording was being made?

Maybe notification was in the Meeting Notice the MAC Board Chair joked about not sending.

The link you provided has no mention of that meeting.

Expected Close Date: October 18, 2022

[Click here to access the request](#)

Note: This message is for notification purposes only. Please do not reply to this email. Email replies are not monitored and will be ignored.

From: [John Herrick](#)
To: [Emily Basnight](#)
Subject: Re: Elmwood Estates (PLN2022-0026)- Thanks and an additional request
Date: Friday, October 14, 2022 10:06:05 AM

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Thanks Emily-

John

On Friday, October 14, 2022 at 09:25:45 AM PDT, Emily Basnight <basnighte@stancounty.com> wrote:

Hi John,

Please see answers in red below.

Thank you for the information regarding the aerials.

If you have any questions or concerns, please don't hesitate to email or call.

Have a good weekend!

Emily Basnight

Assistant Planner

Planning and Community Development

Stanislaus County

Ph: 209-525-5984

Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to
<https://www.stancounty.com/planning/contacts.shtml>

From: John Herrick [REDACTED]
Sent: Friday, October 14, 2022 9:09 AM
To: Emily Basnight <basnighte@stancounty.com>
Subject: Re: Elmwood Estates (PLN2022-0026)- Thanks and an additional request

***** WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

Hi Emily-

Thanks for update. I believe it is the prudent path to take.

I hope there will be in-season surveys.

Does the County maintain a list of qualified biologists/botanists for applicants to consider when biotic resources work is required, or does an applicant rely on a recommendation from their development team or from some other source? **Yes, the County has a list of qualified consultants that we provided to the applicant. In this case, the applicant has decided to use one of the consultants from our list.**

What tasks will the biologist hired for the Elmwood Estates application be instructed to carry out? **Stanislaus County and the applicant do not give instructions to the consultant; the qualified biologist determines the measures needed to conduct a survey of the site based on their expertise. The results of the survey and the biologist's recommendations are provided to the County and the applicant following their survey of the site, and then the County amends the environmental document for the project accordingly.**

I visited the Assessors Office last week regarding historic aerial photos. They referred me to Environmental Resources and to Stanislaus State Archives.

Environmental Resources directed me to GIS2, that I'll look at- I had some security issues to resolve. I've used GIS2 in the past.

Stan State Archives was helpful. I visited Tuesday and there are June 1978 Denair aerials in the Manuel Peixoto Dias and Evelyn Ravelli Dias Photographic Collection of the Twentieth Century, 1947-1998. If you wish, I can provide the reference numbers for boxes of photographs to review. The copyright is retained by the Dias family so the photos, at this point, can not be distributed by the Archive.

I visited NRCS last week and I'm waiting to hear about access to aerial photos they might have. A 1957 aerial is the base map for 1964 Soils Survey, as we discussed.

Have a good weekend

John

[REDACTED]

On Tuesday, October 11, 2022 at 11:59:48 AM PDT, Emily Basnight <basnighte@stancounty.com> wrote:

Good afternoon John,

The Developer is currently in the process of hiring a biologist to survey the site. The project will not go to the Board of Supervisors until after the survey is complete.

Thank you for your interest in this project,

Emily Basnight

Assistant Planner

Planning and Community Development

Stanislaus County

Ph: 209-525-5984

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From: John Herrick [REDACTED]
Sent: Tuesday, October 4, 2022 5:35 PM
To: Emily Basnight <basnighte@stancounty.com>
Subject: Re: Elmwood Estates (PLN2022-0026)- Thanks and an additional request

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Hi Emily

Thanks a lot for Don R's photos and the update on the Oct 18 meeting.

I visited NRCS today, they'll call me by the end of week regarding aerial photos.

I went to the Assessor's Office and they referred me to Enviro Services and also the Stan State Archives for historic aerials.

The Assessor's Office pretty helpful.

It seems like the first visit is always the most difficult when looking for historic stuff.

I'd like to work through NRCS, Stan State Archives and Enviro Services because I have interest (vegetation studies) outside of the regular project review process.

Thanks for your help.

John

[REDACTED]

On Tuesday, October 4, 2022 at 05:02:56 PM PDT, Emily Basnight <basnighte@stancounty.com> wrote:

Good afternoon John,

I've attached Don's two letters received over the course of the project; both contain the photos he submitted of the project site.

Turlock Irrigation District supplies the parcel with irrigated water via a gate located to the northeast of the property; the parcel is flood irrigated. As for the frequency and time of year the parcel was irrigated, you'd have to contact the District for any specific dates.

We are currently in discussion with the property owner regarding environmental review of the site; the project has been postponed/taken off the Board meeting agenda for the 18th.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

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From: John Herrick [REDACTED]
Sent: Monday, October 3, 2022 8:06 AM
To: Emily Basnight <basnighte@stancounty.com>
Subject: Elmwood Estates (PLN2022-0026)- Thanks and an additional request

***** WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

Hi Emily-

Thank you for spending time w/ me last Wednesday regarding the Elmwood Estates proposal. I appreciate the opportunity to review the file.

1) Can I look at Dan Rajewich's photos?

Rajewich mentions in an email sending photos and you asked if I had reviewed them as I was leaving- I didn't look at them.

2) Is there any info regarding the time of year, frequency and the reason Turlock Irrigation District applies water to the 3700 Story Rd?

I recall a reference to TID, but it was in regard to their equipment at 5207 Walton Street or thereabouts

3) Can I view the aerial photos that staff reviewed?

I'm still looking for historic aerial photos. I'm relying on the 1957 aerial used in the 1964 Soil Conservation Service's Soil Survey Eastern Stanislaus Area, Google Earth and the stock aerial used by Google Maps and by the USFWS Wetland Mapper. I plan to contact the Soil Conservation Service and the Assessor's

Office today for aerals.

Let me know if and when I could look at Dan Rajewich's photos and the historic aerals staff reviewed, and if there is information on the frequency and time of year TID applied water. I'm available all this week.

I want to complete my review/comments this week, which would leave 10 days to the October 18 Supervisors' hearing.

Thanks again Emily for your assistance.

John

[REDACTED]

From: [Emily Basnight](#)
To: [Nancy Dee](#)
Subject: RE: Comment Question
Date: Friday, October 14, 2022 8:09:00 AM

As of right now, the project does not have a specific hearing date as we are waiting on the biologist's survey to be completed, therefore, we do not have a specific cutoff date as of right now. Community members can still submit comments. If they have any questions or concerns, they can contact myself or our department at planning@stancounty.com.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

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-----Original Message-----

From: Nancy Dee [REDACTED]
Sent: Thursday, October 13, 2022 2:19 PM
To: Emily Basnight <basnighte@stancounty.com>
Subject: Comment Question

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

Since the Elmwood Plan has been postponed, homeowners who are just finding out about this would like to know if they can still submit comments and if so, when would the cut off date be?

Nancy Dee

From: [Nancy Dee](#)
To: [COBSupport](#)
Cc: [don rajewich](#); [Kathy Clinkenbeard](#); [Adam Peardon](#)
Subject: PLN2022-0026 ELMWOOD ESTATES
Date: Friday, October 14, 2022 8:37:32 AM

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MAC Board listened to shocked, confused and visually upset homeowners at the presentation meeting on August 9, 2022 and then they voted unanimously to approve it. I asked for, but could not be provided with the 'written recommendations' they are supposed to present to the BOS with 'community' input.

As petitions were circulated, there were many people that had no idea this was happening. Homeowners who have lived here over 40 years think their only option is to move.

Regulations say new developments can not disrupt existing neighborhoods and can not drive home prices down. This will do both. It does not comply with the Denair Community Plan.



We are confident the Board of Supervisors will not destroy rural Denair with pricey, 'contemporary' housing development that pushes people out of their homes. We would be pleased to see affordable homes that reflect our community's character. Is that too much to ask?



Thank you,

Nancy Dee



From: [Emily Barnight](#)
To: [Nancy Dee](#), [COBSupport](#)
Cc: [don@stan.co](#), [Kathy Clinkenbear](#), [Adam Peardor](#)
Subject: RE: PLN2022-0026 ELMWOOD ESTATES
Date: Monday, October 17, 2022, 3:50:00 PM

Your email has been received.

Thank you

Emily Barnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-6330

Due to high volume appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <https://www.stancounty.com/planning/contacts.htm>

From: Nancy Dee
Sent: Friday, October 14, 2022, 8:37 AM
To: COBSupport <COBSupport@stancounty.com>
Cc: don@stan.co, Kathy Clinkenbear, Adam Peardor
Subject: PLN2022-0026 ELMWOOD ESTATES

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MAC Board listened to shocked, confused and visually upset homeowners at the presentation meeting on August 9, 2022, and then they voted unanimously to approve it. I asked for but could not be provided with the 'written recommendations' they are supposed to present to the BOS with community input.

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Regulations say new developments can not disrupt existing neighborhoods and can not drive home prices down. This will do both. It does not comply with the Denair Community Plan.

GOAL ONE

Reinforce Denair's small rural town character.

We are confident the Board of Supervisors will not destroy rural Denair with pricey, 'contemporary' housing development that pushes people out of their homes. We would be pleased to see affordable homes that reflect our community's character. Is that too much to ask?



Thank you

Nancy Dee

From: [Nancy Dee](#)
To: [Emily Basnight](#)
Subject: Re: Elmwood Completed Surveys
Date: Wednesday, October 19, 2022 9:31:38 AM
Attachments: [LAFCO Adopted Denair Community Service District Boundary Map.pdf](#)
[Denair&KeyesCSD.pdf](#)

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Obviously I am not asking these questions for myself, but I'm trying to get answers for concerned homeowners.

Nancy Dee

On Oct 19, 2022, at 9:18 AM, Emily Basnight <basnighte@stancounty.com> wrote:

Hello Nancy,

Per the Staff Report on page 7 under *Public Services* in the **Issues** section of the report, the Denair CSD will be serving the project site with water services; the project received a will-serve letter from the CSD which specifies it has *ability and capacity* to serve the project site with water. Furthermore, as noted in the Staff Report on page 7, the 2020 Local Agency Formation Commission's (LAFCO) adopted ***Municipal Service Review of the Denair CSD (assessment)*** indicates the CSD has ***the capacity to serve the existing and potential development within all areas of the existing district boundary*** which the project is located within (see attachments).

All concerns raised during the August 9, 2022 MAC meeting are addressed within the Staff Report: https://www.stancounty.com/planning/agenda/2022/09-15-2022/7_B.pdf

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <https://www.stancounty.com/planning/contacts.shtm>

From: Nancy Dee [REDACTED]

Sent: Wednesday, October 19, 2022 9:04 AM

To: Emily Basnight <basnighte@stancounty.com>

Cc: don rajewich [REDACTED] Kathy Clinkenbeard [REDACTED]

Subject: Re: Elmwood Completed Surveys

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Let's try this again. My question was:

Is the Water Supply Assessment available to view on line?

Nancy Dee

On Oct 19, 2022, at 8:59 AM, Emily Basnight
<basnighte@stancounty.com> wrote:

Good morning Nancy,

Community concerns were discussed and responded to in the Staff Report prepared for the project. Water availability and quality was addressed under *Public Services* in the **Issues** section of the report on **page 7**:
https://www.stancounty.com/planning/agenda/2022/09-15-2022/7_B.pdf

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

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<https://www.stancounty.com/planning/contacts.shtml>

-----Original Message-----

From: Nancy Dee [REDACTED]
Sent: Wednesday, October 19, 2022 8:39 AM
To: Emily Basnight <basnighte@stancounty.com>
Subject: Elmwood Completed Surveys

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

As you know, homeowners at the Aug 9th meeting had concerns about water supply, especially during a drought.

Is the Water Supply Assessment available to view on line?

Nancy Dee

From: [Cathy Brumby](#)
To: [Stanislaus County](#)
Subject: Stanislaus County
Date: Wednesday, October 19, 2022 2:31:08 PM

*** WARNING: This message is originating from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.***

The Developer told a neighbor the County wouldn't permit him to use Story Road. Then we heard it was too expensive Why was Story Rd removed?

ROAD AND ACCESS INFORMATION:

What County road(s) will provide the project's main access? (Please show all existing and proposed driveways on the plot plan)

Story Road and Romie Way

Early Consultation April 5, 2022

Nancy Dee

From: [Nancy Dee](#)
To: [Emily Basnight](#)
Subject: Re: Elmwood Completed Surveys
Date: Wednesday, October 19, 2022 9:46:21 AM
Attachments: [LAFCO Adopted Denair Community Service District Boundary Map.pdf](#)
[Denair&KeyesCSD.pdf](#)

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Let me see if I can clarify, I do not what what was written in the Staff Report (please know I've been through that numerous times and do not need any referrals).

I would like to provide homeowners with actual surveys and reports from the sources.

If homeowners had not pushed the environmental issue this plan would have been approved without it.

I guess I'll have to go directly to the sources to get answers.

Nancy Dee

On Oct 19, 2022, at 9:18 AM, Emily Basnight <basnighte@stancounty.com> wrote:

Hello Nancy,

Per the Staff Report on page 7 under *Public Services* in the **Issues** section of the report, the Denair CSD will be serving the project site with water services; the project received a will-serve letter from the CSD which specifies it has *ability and capacity* to serve the project site with water. Furthermore, as noted in the Staff Report on page 7, the 2020 Local Agency Formation Commission's (LAFCO) adopted ***Municipal Service Review of the Denair CSD (assessment)*** indicates the CSD has ***the capacity to serve the existing and potential development within all areas of the existing district boundary*** which the project is located within (see attachments).

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Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

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From: Nancy Dee [REDACTED]
Sent: Wednesday, October 19, 2022 9:04 AM
To: Emily Basnight <basnighte@stancounty.com>
Cc: don rajewich [REDACTED] Kathy Clinkenbeard [REDACTED]
Subject: Re: Elmwood Completed Surveys

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Nancy Dee

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<basnighte@stancounty.com> wrote:

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https://www.stancounty.com/planning/agenda/2022/09-15-2022/7_B.pdf

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

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-----Original Message-----

From: Nancy Dee [REDACTED]
Sent: Wednesday, October 19, 2022 8:39 AM
To: Emily Basnight <basnighte@stancounty.com>
Subject: Elmwood Completed Surveys

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As you know, homeowners at the Aug 9th meeting had concerns about water supply, especially during a drought.

Is the Water Supply Assessment available to view on line?

Nancy Dee

From: [Cindy Berman](#)
To: [John Wink](#) <[john.wink@stancounty.org](#)>
Subject: [Cindy Berman](#)
Date: Wednesday, October 19, 2022 3:02 PM
Attachments:

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2) It was not in our best interest, financially or layout-wise, to use Romie Way, but due to the traffic standards from Kersey Rd "T"ing" into story where it does, the county is making us come in on Romie Way, as it was planned for when those other developments were built years ago. Only 13 homes will be accessible from Romie as well.

1) 16 Lots, No Duplex's... we are only planning on doing ADU's on the 3 lots on Story Road because of the demand of more affordable housing in this town.

AFFORDABLE HOUSING/SENIOR:

Yes ☐ No ☒

Will the project include affordable or senior housing provisions? (If yes, please explain)

Nancy Dee

From: Emily Basnight
To: RE: PLN2022-0026 ELMWOOD ESTATES
Date: Wednesday, October 19, 2022 9:21:00 AM

You mean once it goes back to a public hearing?

The process moving forward: once the biological survey requested for the project has been reviewed by County staff, notices will go out before the next public hearing is held.

Thank you

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

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From: Nancy Dee [REDACTED]
Sent: Wednesday, October 19, 2022 9:08 AM
To: Emily Basnight <basnighte@stancounty.com>
Subject: Re: PLN2022-0026 ELMWOOD ESTATES

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We have been advised it has gone back to Planning. I think it was Erica in the CEO's office who sent me an email and County Counsel told Don Rajewich.

It would be really helpful if you people could get your stories straight.

Nancy Dee

On Oct 19, 2022, at 8:50 AM, Emily Basnight <basnighte@stancounty.com> wrote:

Good morning Nancy

Please explain what you mean by "once the Elmwood comes out of planning." Do you mean once the item goes to the Board?

Please clarify.

Thank you

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

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From: Nancy Dee [REDACTED]
Sent: Monday, October 17, 2022 4:48 PM
To: Emily Basnight <basnighte@stancounty.com>
Subject: Re: PLN2022-0026 ELMWOOD ESTATES

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.***

Can you please explain the process once the Elmwood comes out of planning.

Nancy Dee

On Oct 17, 2022, at 3:51 PM, Emily Basnight <basnighte@stancounty.com> wrote:

Your email has been received.

Thank you

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-6300

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From: Nancy Dee [REDACTED]
Sent: Friday, October 14, 2022 8:37 AM
To: COBSupport <COBSupport@stancounty.com>
Cc: don rajewich [REDACTED]; Kathy Clinkenbeard [REDACTED]; Adam Peardon [REDACTED]
Subject: PLN2022-0026 ELMWOOD ESTATES

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Thank you

Nancy Dee

From: [Nancy Dee](#)
To: [Emily Basnight](#); [Vito Chiesa](#); [Erica Inacio](#); [Denair MAC](#)
Subject: Torre Reich employee
Date: Thursday, October 20, 2022 1:42:21 PM

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Jenn Weenk



Jenn Weenk

Facebook

You're not friends on Facebook

Lives in Denair, California

View profile

OCT 06, 9:23 AM

Good morning 😊. Your post has been declined due to misinformation. The development is 16 homes, not 34. I will post the facts regarding the development. Feel free to chime in with your concerns after reviewing the facts



Why would a responsible developer allow an employee to paste false information on a social media platform? The CEQA filing clearly says: **Residential (Units 34, Acres 4.82)**

This Torre Reich had his license revoked years ago and with all the confusion over miraculously appearing never seen before maps and no official documentation production, I'm seriously concerned about who you are so eager to deal with. Do I need to remind you of the cement plant owner fiasco?

Nancy Dee

[REDACTED]

From: Nancy Dee
To: Emily Basnight
Subject: Re: Environmental Mitigation Discussion
Date: Thursday, October 20, 2022 11:48:55 AM
Attachments: [Initial Study Request](#)

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Independent Report Requested

Nancy Dee

On Oct 20, 2022, at 11:38 AM, Emily Basnight <hasnighte@stancounty.com> wrote:

Good morning Nancy

The Initial Study prepared for the Elmwood Estates project was made available online at the following link on July 22, 2022: https://www.stancounty.com/planning/plact-proj/PLN2022-0026_30_Day.pdf

I've also attached the response to your September 20th request regarding a wildlife survey; a link to the Initial Study was provided within the email.

Currently, the Planning Department is **amending** the Initial Study based on a biological assessment that was submitted for the project on October 17, 2022. The amended Initial Study along with the biological assessment will circulate for 30-days (and posted online) for review, and a notice of the amended Initial Study will be sent to surrounding land owners when the Initial Study is sent out.

Thank you

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

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From: Nancy Dee
Sent: Thursday, October 20, 2022 10:43 AM
To: Vito Chiesa <CH_ESAV@stancounty.com>; Erica Inacio <inacioe@stancounty.com>; COBSupport <COBSupport@stancounty.com>
Subject: Environmental Mitigation Discrepancies

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the contents are safe. ***

I requested a copy of the environmental study on August 20, 2022 and got this response on same date:

Emily: ...According to the CNDDB results, no listed species are reported on the project site.

Staff Report September 15, 2022:

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 (formerly the Department of Fish and Game) and no response was received.

Mitigation: None.

De Novo Planning Group/Hughson Report June 2020:

Mitigation Measure BIO-1: The project proponent shall implement the following measures to avoid or minimize impacts on Swainson's hawk:

- No more than 30 days before the commencement of construction, a qualified avian biologist shall perform preconstruction surveys for nesting Swainson's hawk and other raptors during the nesting season (February 1 through August 31).

The CEQA process requires appropriate noticing of the circulation of an environmental document, public hearings on the project proposal, and document availability to those parties, both public and private, whom have a vested interest in the project. Noticing that meets the minimum requirements of CEQA may be inadequate in reaching the members of the public most concerned with the project, therefore, doing more noticing than required to reach those interested parties would be beneficial.

References: [14 CCR Review of Environmental Documents](#)

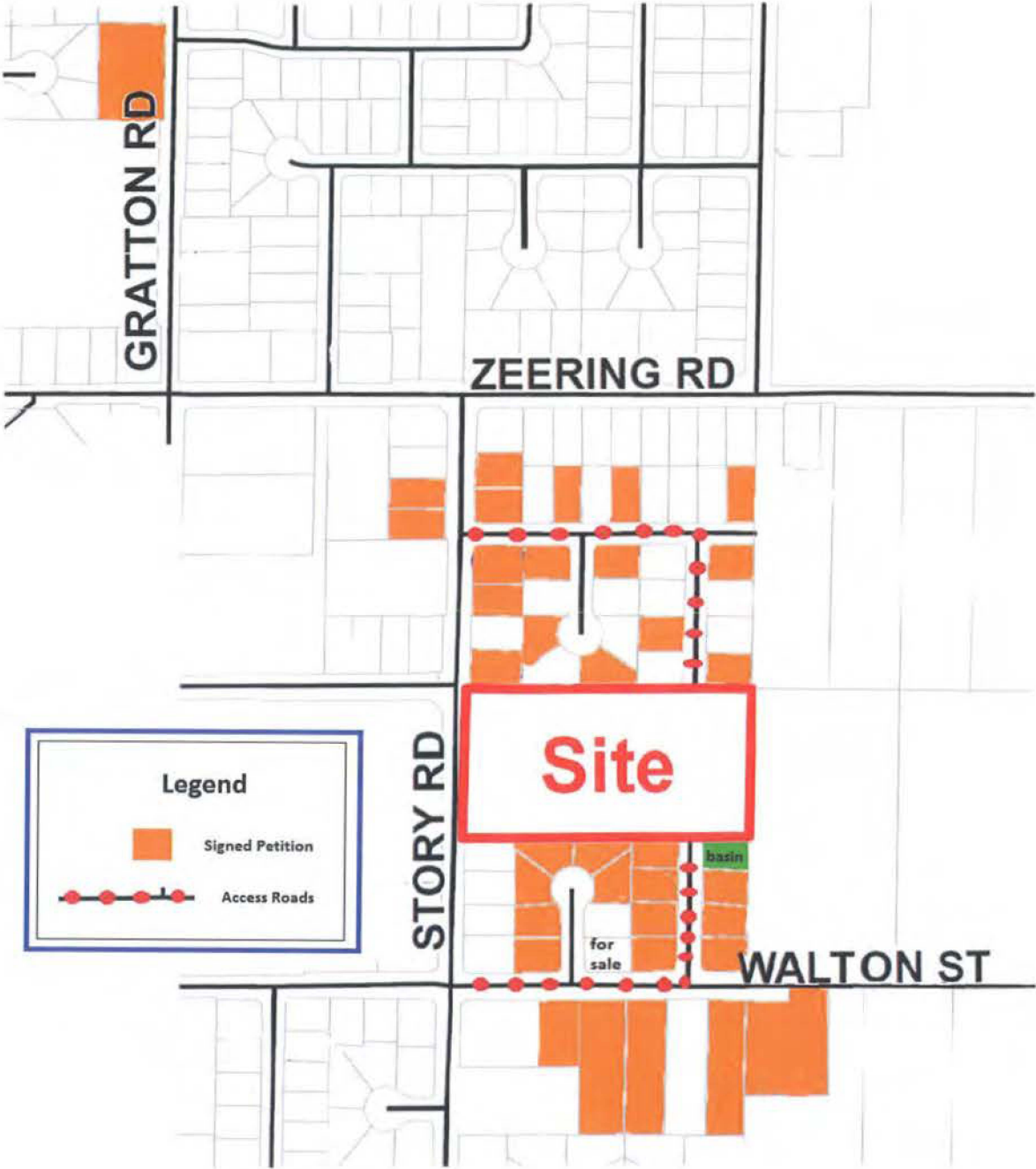
The appropriate environmental organizations and the State have been notified.

I would like a copy of the Elmwood Estates independently done INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION as homeowners still have many unanswered questions and not for the lack of trying!

Thank you

Nancy Dee

PLN2022-0026 Petition Signatories



PETITION AGAINST ELMWOOD ESTATES PROJECT

WE, the undersigned, are **AGAINST** the proposed Elmwood Estates Project (PLN2022-0026) because it uses our neighborhood streets to access the construction site. Vote "NO" on allowing this development to make Romie Way a through street, which will result in thousands of construction vehicles driving through our neighborhoods for years to come.

First Name Last Name	Signature	Address Email
Carol Scott		
Edith		
Ms Differt		
Sakurade		
Rick		
Usa/kim		
Colton		
Syker		

To those of you signing this petition, this is your chance to speak up for the future Denair. We can develop for growth without neglecting the people who call this place home and without destroying the peace and quiet of existing neighborhoods.

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First Name	Signature	Address
Last Name		Email
ANTHONY		
AMARAL		
KENNETH		
Packman		
Life. Starts		
Robert		
Wilson		
Juan		
Ochoa		

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First Name		Address
Last Name	Signature	Email
Nicole		
Purdy		
Theresa		
Leon		
Utz		
Smith		
Smith		
Smith		
Fletcher + Alysia		
Schmiedt		

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First Name Last Name	Signature	Address Email
Szabo		
WEBB		
Tracie		
Webster		
Bryan		
Webster		
Cotton		
Webster		
Adela		
Leon		

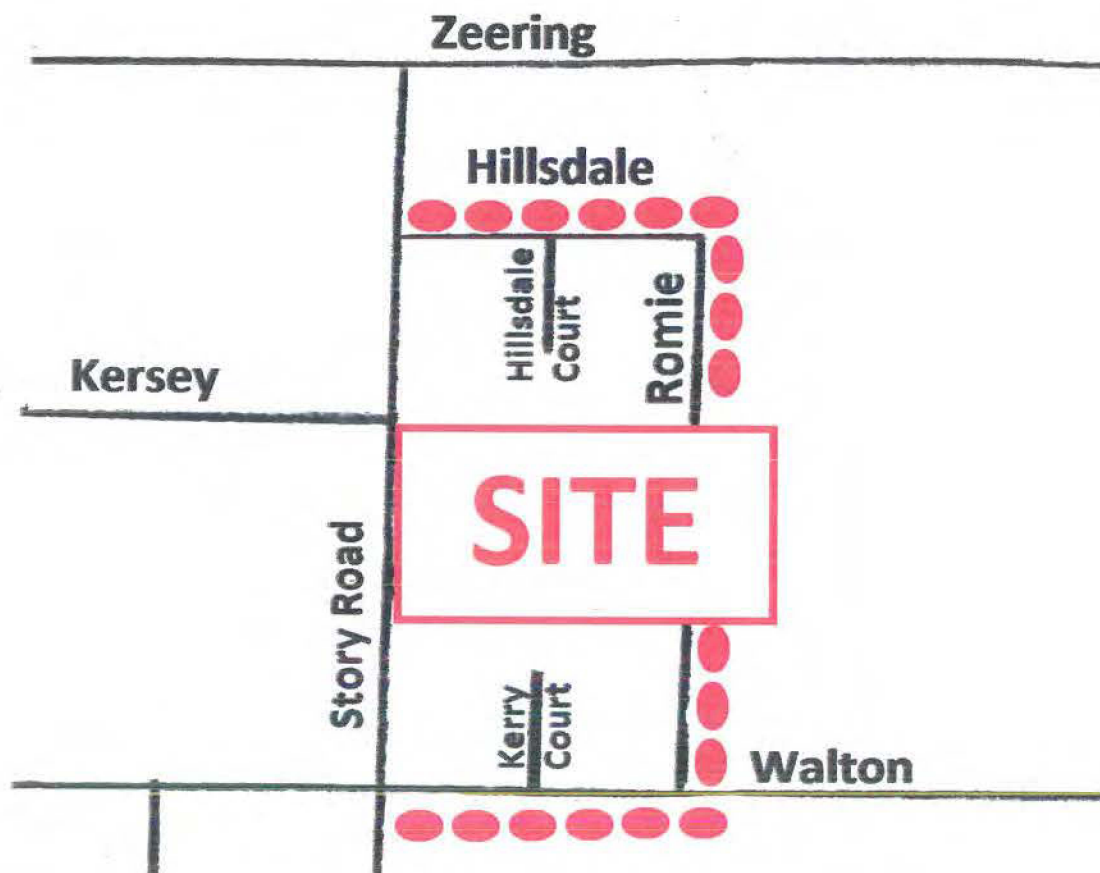
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First Name Last Name	Signature	Address Email
RON		
FISHER		
Debbie		
Fisher		
Larry Ashabraman		
Tanya Miloslavich		

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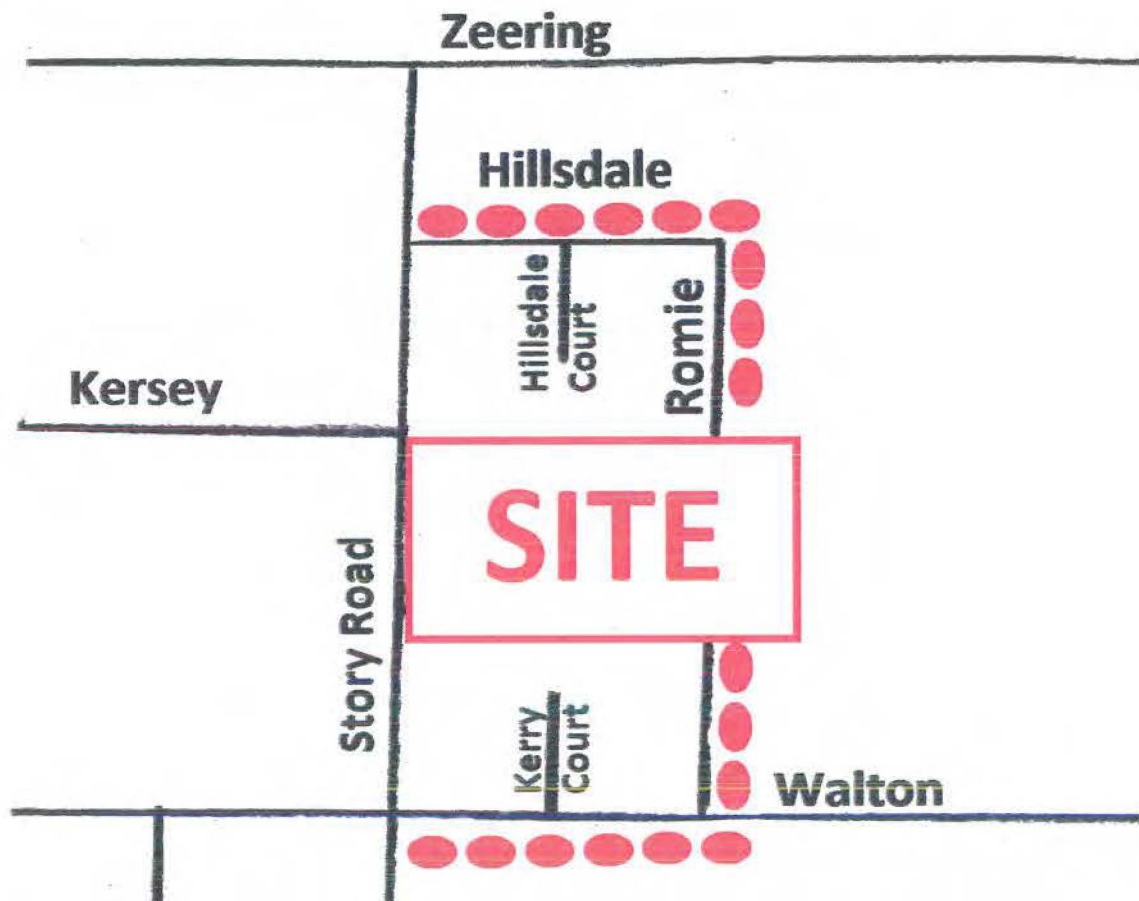


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First Name Last Name	Signature	Address Email
Dustin		
Nightway		
Candi		
Nightengale		
EFen		
Northcutt		
Courtney		
Lira		
William		
Graves		

To those of you signing this petition, this is your chance to speak up for the future Denair. We can develop for growth without neglecting the people who call this place home and without destroying the peace and quiet of existing neighborhoods.

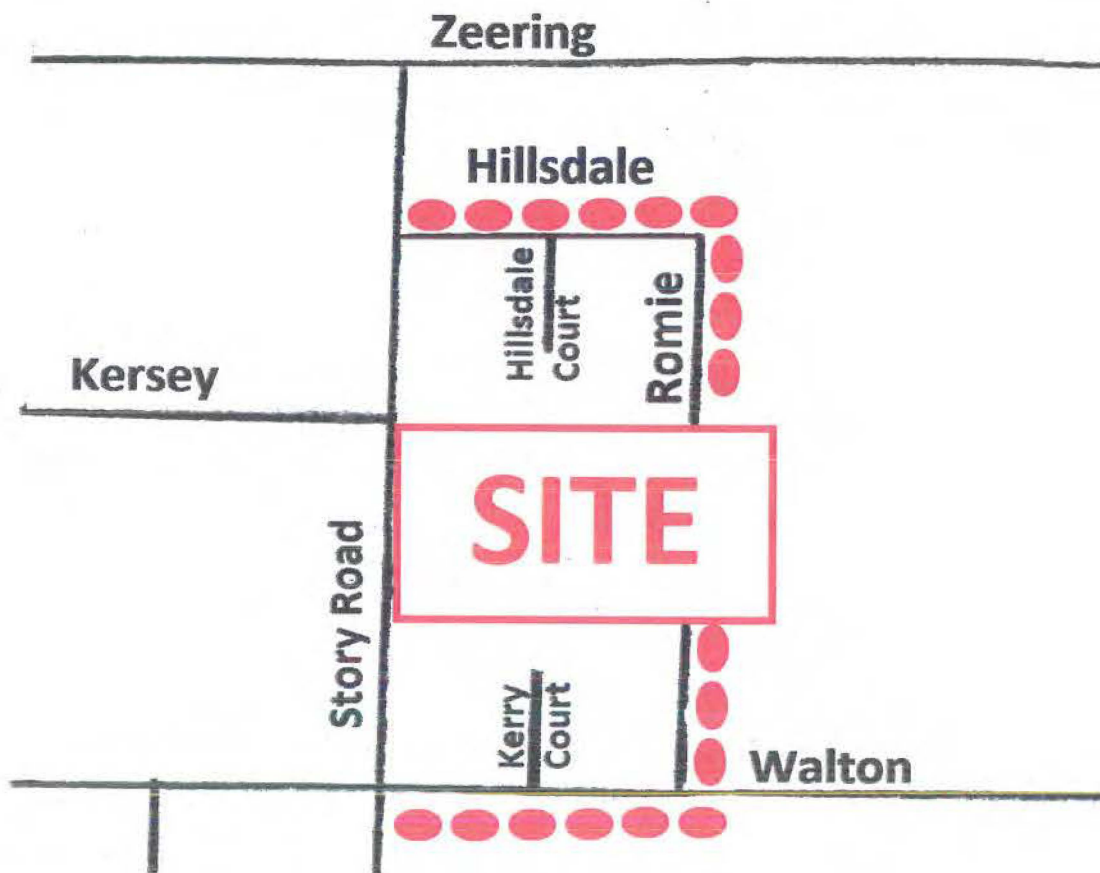


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First Name Last Name	Signature	Address Email
Christie		
Stevenson		
Jason		
Stevenson		
LARRY		
Fillman		
Lisa		
Cortez		
Terry		
Lambert		

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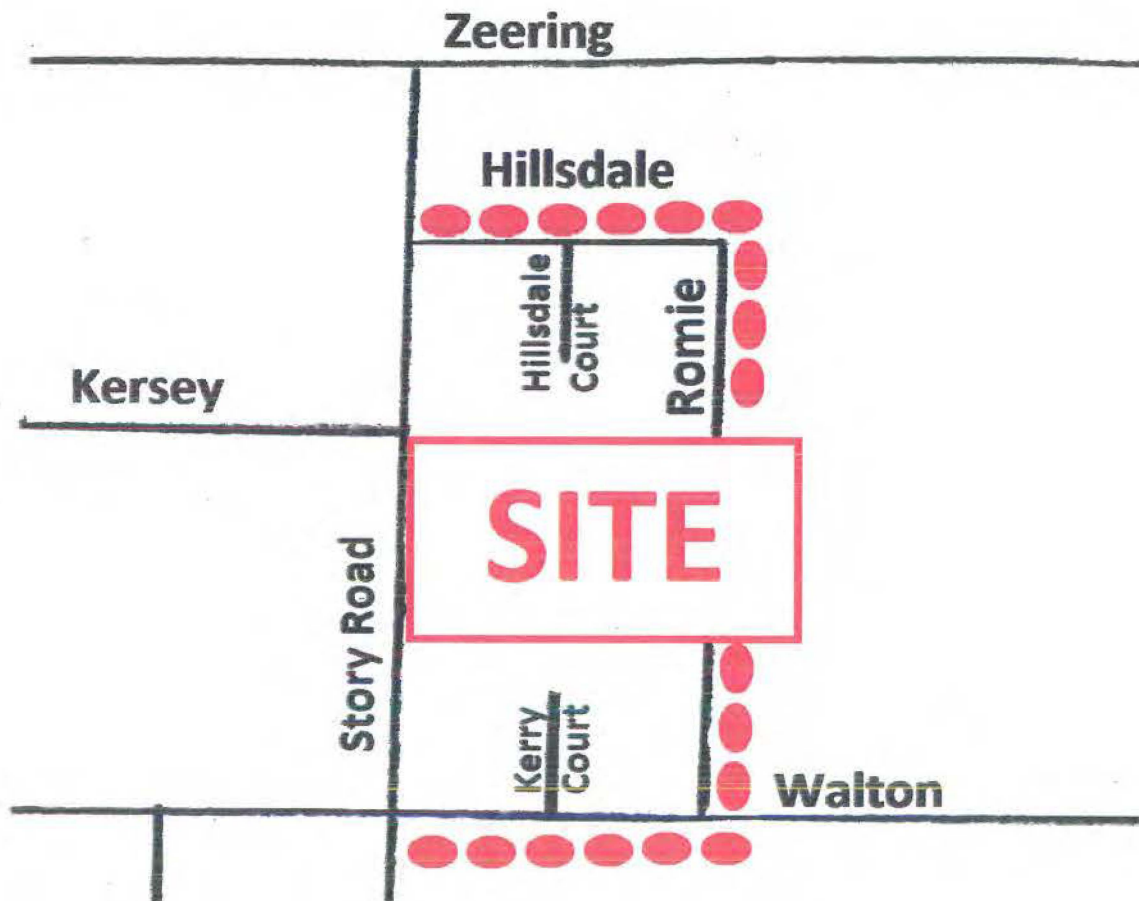


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First Name Last Name	Signature	Address Email
Donald		
Rajewich		
Brenna		
Rajewich		
JAMES		
Adams		
BIRGIT		
SMITH		
Nancy		
Dee		

To those of you signing this petition, this is your chance to speak up for the future Denair. We can develop for growth without neglecting the people who call this place home and without destroying the peace and quiet of existing neighborhoods.



From: Emily Basnight
To: Nancy Dee; Vito Chiesa; Denair MAC
Subject: RE: Norman Way, but not Harris?
Date: Friday, October 21, 2022 9:54:00 AM

Good morning Nancy

Your email has been received.

Thank you

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph 209-525-5984

Due to high volume appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <https://www.stancounty.com/planning/contacts.shtml>

From: Nancy Dee [REDACTED]
Sent: Friday, October 21, 2022 9:42 AM
To: Vito Chiesa <CHIESAV@stancounty.com>; Emily Basnight <basnighte@stancounty.com>; Denair MAC <DenairMAC@gmail.com>
Subject: Norman Way but not Harris?

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

Norman Ct can use Story Road but Harris Ct (Elmwood Estates) can't. This is indisputable proof the developer is using Romie to save money which we have heard more than once. Also proof you will not respond to my question about Jenn Weenk's Facebook post

2) It was not in our best interest, financially or layout-wise, to use Romie Way, but due to the traffic standards from Kersey Rd "T'ing" into story where it does, the county is making us come in on Romie Way, as it was planned for when those other developments were built years ago. Only 13 homes will be accessible from Romie as well.

Nancy Dee

From: [Nancy Dee](#)
To: [Vito Chiesa](#); [Emily Baso](#); [Denair MAC](#)
Subject: Norman Way, but not Harris?
Date: Friday, October 21, 2022 9:42:03 AM
Attachments: [IMG_9311.heic](#)

*** WARNING This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

Norman Ct can use Story Road, but Harris Ct (Elmwood Estates) can't. This is indisputable proof the developer is using Romie to save money, which we have heard more than once. Also proof you will not respond to my question about Jenn Weenk's Facebook post

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Nancy Dee

From: [Don Rajewich](#)
To: [Angela Freitas](#)
Cc: [Vito Chiesa](#)
Subject: PLN2022-0026 Water Supply
Date: Friday, October 28, 2022 12:25:40 PM
Attachments: [PLN2022-0026_WaterSupplyIssues_20221028.pdf](#)

***** WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

See attachment.

October 28, 2022

From : Donald Rajewich

[REDACTED]
[REDACTED]
[REDACTED]

To: Angela Freitas, Director of Planning

angela@stancounty.com

Department of Planning

1010 10th Street, Suite 3400

Modesto, CA 95354

RE: Planned Development PLN2022-0026, Elmwood Estates

The document itself shall be referred to as the “Elmwood Plan” Or “Plan.”

My property borders the south property line of this proposed project.

Subject: Are there sufficient water supplies and water delivery infrastructure available to serve the Elmwood Estates Project?

Dear Ms Freitas:

I have been a customer of the Denair Community Services District (DCSD) for almost 40 years, and the water quality has always been good and the service outstanding. My concerns were raised after reading the July 2022 DCSD Board Meeting Minutes -- “Average static level at all four wells is at an all time static low of 117 (feet)” despite a 21.63% conservation reduction. I also recently discovered that the information your staff inserted into the Elmwood Plan and made public only 72 hours prior to the Planning Commission meeting September 15th -- was incorrect, inadequate, and incomplete.

The purpose of this letter is to ask you to amend the Elmwood Plan to provide honest answers to these questions:

1. Does the Denair Community Service District (DCSD) currently have the infrastructure needed to deliver drinking water to potential development within all areas of the existing DCSD boundary?
2. With wells at all time lows, is there a sustainable supply of water available to provide water for the five outstanding “will-serve” letters issued by Denair Community Services District, one of those being the Elmwood Estates?

A. Elmwood Plan Misrepresents the 2020 LAFCO Municipal Service Review

On page 6, Elmwood Plan :

"The 2020 Local Agency Formation Commission (LAFCO) adopted Municipal Service Review of the Denair CSD also indicates that the CSD has the capacity to serve the existing and potential development within all areas of the existing district boundary..."

Here is what the LAFCO report actually states:

"The District currently serves an estimated population of 4,873 persons with water and sewer service. Although the District has purchased the necessary sewer capacity from the City of Turlock to serve future development within its sphere of influence, due to limited infrastructure and resources, it is not expected that any significant population growth will occur within the District boundaries at this time...."

..."The present water and sewer demand within the District's current boundaries can be met with existing facilities and infrastructure. However, before additional areas can be served within the sphere of influence, significant sewer and water infrastructure facilities will be required."

---page 6, <https://www.stanislauslafco.org/PDF/MSR/Districts/Denair&KeyesCSD.pdf>

The Elmwood Plan also states that there will be no new wells required and the Developer will pay for infrastructure costs (page 50). However, in the DSCD Board Minutes dated September 2022, it says ***"SURFACE WATER TREATMENT PLAN: Tank on Quincy is still under construction. 18 inch valve along with a turn out has been installed and will be available to the District if needed in the future. "***

There is no mention of this ongoing project in the Plan. Therefore, it would seem Plan should be amended to include information as to the source of this new water, the source of financing of any capital outlays to construct the infrastructure to deliver this water, the construction timeline, and any necessary regulatory approvals. **The misrepresentation of the LAFCO report should definitely be corrected.**

B. The Plan Misrepresents Groundwater Service Agency Authority

More misinformation on page 7 :

Additionally, (the DSCD) as a member of the West Turlock Subbasin Groundwater Sustainability Agency (GSA), which regulates groundwater for the West Turlock Groundwater Subbasin, the (DSCD) is required to meet all applicable requirements of the GSA's Groundwater Sustainability Plan. Based on this information, water availability to serve the project does not appear to be a development constraint for the proposed project.

The problem with this statement is – who is enforcing the requirements? The Groundwater Sustainability Plan (GSP), as of the writing of this letter, has not been approved by the State. Even if it was approved, those agencies who are its members apparently did not write their plan to cede power to the GSA. We emailed the local GSA.

Question : *“Is Denair Community Service District currently regulated by the West Turlock Subbasin Groundwater Sustainability Agency?”*

Answer: *“Denair Community Services District is one of 12 members of the West Turlock Subbasin Groundwater Sustainability Agency. The West Turlock Subbasin GSA is the GSA with exclusive oversight of implementing the Turlock Subbasin Groundwater Sustainability Plan (GSP) within the West Turlock Subbasin GSA boundaries.*

“ To the best of my knowledge, the GSP does not perform groundwater planning specific to individual parcels, but rather lists out Sustainable Management Criteria with measureable objectives for the entire Subbasin. Additionally, projects and management actions are also outlined in the GSP that will directly or indirectly affect the region around the parcel you reference. “

In other words, the Groundwater Service Agency is not now -- nor planning to be in the future -- an active participant in the land use approval processes. This is corroborated by the report of “no response” in the SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS page 182, Exhibit J, of the Elmwood Plan.

Therefore, it is imperative that the County Planning Department fill this regulatory vacuum and undertake a thorough, robust, and transparent analysis of projects that impact groundwater, and the Planning Department justify recommendations to the ultimate decision makers with accurate and comprehensive historic and projected groundwater data.

C. Cumulative Impacts Not Considered

Elmwood Plan fails to account for the cumulative groundwater impact from collectively significant projects taking place over a period of time, as required by CEQA Guidelines Section 15355.

According to the July Denair Community Service District Board Minutes, they have five “will-serve” projects pending:

(11) PLN2015-0105 Isaaco Estates - subdivide 3.09± gross acres into eleven parcels ranging in size from 8,000 to 12,664 square feet. Located at Karyn Dawn and Story Road by the 1930’s barn.

(14) PLN2021-0009 - WPD Homes, Inc - five duplexes, proposed to be developed on Parcel 1, will be two stories and approximately 2,246± square-feet each in size. Parcel 2 & 3 are proposed to be single-family dwelling, but have potential for two units per parcel. Located along Gratton at Kersey.

(69) PLN 2021-0040 Monte Vista Collections - subdivide an 18.6± acre parcel into 72 parcels, with parcels ranging in size from 7,223 to 14,962 square feet, to allow for low-density residential development. Of the 72 total parcels created, 69 will be for the development of single family dwellings. Located near Waring and Monte Vista.

(67) PLN2021-0101 - Hoffman Ranch Subdivision - subdivide a 15.9± acre parcel into 67 single-family lots ranging in size, from 6,000 to 12,631 square feet in size. This subdivision is outside of the “existing” DCSD boundary, but within the “sphere of influence.” Located at Riopel and Zeering.

(20) PLN2022-0026 – Elmwood Estates, subdivide 4.89 acres into 17 lots. Three lots are to be built with Accessory Dwelling Units (aka ADU, granny shack, mother-in-law unit, secondary dwelling, and carriage house).

The 181 total number of dwellings (in parentheses) is a low estimated number of dwellings per project. If purchasers of the single family lots elect to take advantage of recent State law regarding Accessory Dwelling Units and/or lots splits of single-family lots as allowed for by SB 9, that number could be significantly higher. Also not accounted for here is the recently completed 53 single-family homes in Wenstrand Ranch, located at the corner of Monte Vista and Lester and Main.

The following two tables are from the Turlock Groundwater Plan Complete 1-27-2022, pages 792 and 797.

Table 9: Average Per Capita Water Use for Urban Demand Areas in the Turlock Subbasin

Urban Demand Area	Average Per Capita Water Use (gallons per person per day) 1991-2015
Ceres	204
Delhi	178
Denair	301
Hickman	393
Hilmar	231
Hughson	227
Keyes	242
Modesto	269
Turlock	317
Unincorporated	342

Table 13: Summary of Well Pumping in the Turlock Subbasin

Purveyor	Number of Production Wells	Average Annual Pumping (AF/Year)
Ceres	20	8,600
Delhi	6	1,400
Denair	6	1,300
Hilmar	4	1,200
Hughson	8	1,300
Keyes	5	1,200
Modesto	21	3,000
Turlock	40	21,000
TID (Drainage Well)	152	49,900
TID (Rented Well)	251	29,200
Total Average Annual Pumping		118,100
Note: All values are in acre-feet and averaged over the 1991-2015 historical period		

The 2018 Stanislaus County Parks and Recreation Master Plan estimates 3.08 persons per household.

181 dwellings x 3.08 x 301 x 365 days a year = approximately 61,247,540 gallons per year.

That is a 15% projected increase in water usage over the 1991-2015 historical average.

D. Summary & Conclusion

The Elmwood Plan is “paper water” – an allocation of water that does not exist.

- **The LAFCO document you cite as evidence of water infrastructure already in place to deliver water to new projects in Denair says just the opposite.**
- **The Groundwater Service Agency you claim “regulates” this project, is not an active participant in the land use approval processes.**
- **The Elmwood Plan fails to account for wells at or near record lows, and cumulative groundwater impacts of recent, pending, and future development, as required by CEQA.**

CEQA was enacted to ensure environmental protection and requires full and honest disclosure of a project’s significant environmental effects, so that decision makers and the public are informed of consequences before a project is considered for final approval. The Plan that you recommended to the Planning Commission -- and they approved September 15 -- does not meet that standard.

Please provide timely notices of any hearings and availability of documents. I am also requesting that your future revised and corrected Plan be made available to the Denair Municipal Advisory Council as an agenda item for reconsideration, prior to submission to the Planning Commission.

Sincerely,

A solid black rectangular box used to redact the signature of Donald Rajewich.

Donald Rajewich

CC : chiesav@stancounty.com Vito Cheisa, Supervisor District 2

Emily Basnight

From: Nancy Dee [REDACTED]
Sent: Tuesday, November 1, 2022 2:04 PM
To: Vito Chiesa; Denair MAC; Erica Inacio
Cc: Don Rajewich; Kathy Clinkenbeard
Subject: MAC

*** **WARNING:** This message originated from outside of Stanislaus County. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe ***

Municipal Advisory Council shall provide:

The qualifications and method of selection of its members, whether by election or appointment.

..... Since this is a **requirement** and candidates applications are currently being accepted, the community needs to get an Elections Mailing with a paragraph from each candidate stating why they feel they would be an asset to the Board and which side of the tracks they live on. Denair deserves to have the Community Plan adhered to: Reinforce Denair's small rural town character.

The entire purpose of MAC is to gather the community's input and it's no more important than with who is chosen to represent us, since the BOS appoints the members. Written Recommendations as called for in the MAC Handbook need to be available to homeowners for their perusal before they are submitted.

.....Salida has a MAC Facebook page. This would be helpful for homeowners who have internet and don't want to scroll through missing cats and favorite recipes to get MAC meeting news.



Thank you,

Nancy Dee

From: [Emily Basnight](#)
To: [Steve Silva](#)
Subject: RE: Planning Commission Agenda 09/15
Date: Wednesday, November 2, 2022 9:00:00 AM

Good morning Steve,

A biological survey was conducted and submitted to the Planning Department for the proposed project. The Initial Study will be amended for clarification purposes (to include clarifying information within the results of the bio survey) without recirculation as the biological survey did not find any significant impacts on biological resources as a result of the proposed project.

The project is anticipated to go before the Board on December 6, 2022 for a final determination. As we draw closer to the December meeting date, notices will be sent out regarding the public hearing. The amended Initial Study as well as the biological survey will be attached as part of the Board Report for the Board of Supervisors meeting on December 6, 2022, and will be accessible through the Board agenda to be published for the subject meeting date.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <https://www.stancounty.com/planning/contacts.shtml>

From: Steve Silva [REDACTED]
Sent: Wednesday, November 2, 2022 8:56 AM
To: Emily Basnight <basnighte@stancounty.com>
Subject: Re: Planning Commission Agenda 09/15

***** WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

Hi Emily,

What is the current status of this proposed project development?
Any new updates ?

Thanks, Steve Silva

|

----- Forwarded message -----

From: **Emily Basnight** <basnighte@stancounty.com>

Date: Mon, Sep 12, 2022 at 5:10 PM

Subject: Planning Commission Agenda 09/15

To:

Good afternoon,

Rezone and Tentative Map Application No. PLN2022-0026 – Elmwood Estates will be presented at the public hearing during the Planning Commission meeting to be held on this Thursday, September 15, 2022. The meeting will be held at 6:00PM in the Basement Chambers of the 10th Street Place building located at 1010 10th Street, Modesto, CA 95354. The Current Agenda with meeting details is attached to this email.

The current agenda for the Planning Commission meeting (09/15) can also be accessed using the following link: <https://www.stancounty.com/planning/agenda/2022/09-15-2022/CurrentAgenda.pdf>

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to
<http://www.stancounty.com/planning/phone-mail-options.shtm>

From: [Emily Basnight](#)
To: [Nancy Dee](#)
Subject: RE: Environmental Study Available
Date: Wednesday, November 2, 2022 11:10:00 AM
Attachments: [Elmwood Estates Biological Assessment 10-14-22.pdf](#)

Please find the Biological Survey conducted for the project site at 3700 Story Road, attached.

Existing Initial Study (Environmental Document): https://www.stancounty.com/planning/pl/act-proj/PLN2022-0026_30_Day.pdf

As mentioned earlier this morning, the existing Initial Study is currently being amended to include the clarifying information/results of the Biological Survey.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-5984

Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <https://www.stancounty.com/planning/contacts.shtml>

-----Original Message-----

From: Nancy Dee [REDACTED]
Sent: Wednesday, November 2, 2022 9:03 AM
To: Emily Basnight <basnighte@stancounty.com>
Subject: Re: Environmental Study Available

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

Please provide the date the environmental study was done and contact information for the organization that completed it, so we can provide it to the environmental experts we are working with.

Nancy Dee
[REDACTED]

> On Nov 2, 2022, at 8:32 AM, Emily Basnight <basnighte@stancounty.com> wrote:

>

> Upon completion of the review of the biological survey, the Initial Study will not be recirculated as no significant impacts have been identified; only clarifying information will be included in the Initial Study from the results of the biological survey as the survey did not find any significant impacts on biological resources. Under CEQA, the Initial Study can be amended for clarification purposes without recirculation.

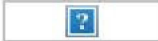
From: [Nancy Dee](#)
To: [Denair MAC](#); [Erica Inacio](#); [Angela Freitas](#); [Robert Kostlivy](#); [Lane Avilla](#)
Cc: [Kathy Clinkenbeard](#); [Don Rajewich](#)
Subject: MAC Board Failure
Date: Friday, November 4, 2022 8:21:49 AM

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Since this Board had their own agenda when they unanimously voted to approve this project, the Community's voice has now been heard.


All Supervisors texted November 3, 2022

Homeowners who have lived in Denair for over 40 years should not be made to feel their only choice is to move. Homeowners have spoken loud and clear, but nobody is listening!



CODE ENFORCEMENT: *Our goal is to maintain and improve property values and the quality of life for residents*

Nancy Dee



From: [Don Rajewich](#)
To: [Vito Chiesa](#)
Cc: [Terrance Withrow](#); [Chanance Condit](#); [Mani Grewal](#); [Buck Condit](#); [Angela Freitas](#); "[CEQA Coordinator](#)"
Subject: PLN2022-0026 - BOARD AGENDA Consent Item 5.D.1 - November 8, 2022
Date: Sunday, November 6, 2022 8:40:05 AM
Attachments: [PLN2022-0026 consent item 5D1 2022Nov8.pdf](#)

***** WARNING:** This message originated from outside of **Stanislaus County. DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

The attached letter is regarding the inadequacy of the CEQA vernal pool assessment that was done for Elmwood Estates Planned Development, PLN2022-0026,

BOARD AGENDA Consent Item 5.D.1 to be heard November 8, 2022.

November 6, 2022

From: Donald Rajewich

[REDACTED]
[REDACTED]
[REDACTED]

To: Supervisor Vito Chiesa
chiesav@stancounty.com
Stanislaus County Board of Supervisors
1010 10th Street, Suite 6500
Modesto, CA 95354

RE: BOARD AGENDA Consent Item 5.D.1 November 8, 2022
PLN2022-0026 – Elmwood Estates.
Project location - 3700 Story Road Denair CA
APN 024-055-060, 4.82 acres of irrigated pasture

Dear Supervisor Chiesa:

My property is located within your district, and borders the south property line of parcel 024-055-060. I see on the November 8th Board of Supervisors agenda (posted Friday November 4) that the Planning Department is requesting Consent for a Public Hearing to be held for PLN2022-0026 at the Board of Supervisors meeting December 6, 2022.

The Planning Department request for a hearing December 6th constitutes substantial evidence that they have determined their October vernal pool site assessment found nothing.

The purpose of this letter is to request that the date for the Public Hearing be postponed until completion of an assessment of the vernal pools, one that conforms with State of California Department of Fish and Wildlife CEQA protocols.

The Planning Department decision to do a vernal pool site assessment October 13th is analogous to conducting a traffic study that only counts cars between midnight and 1 AM. We all know from experience that there are few cars on the road to be counted at the midnight hour, and the same holds true for doing a biological survey of a vernal pool in October when vernal pools are dormant.

Vernal means “spring” and that is when -- after sufficient rain has fallen and pools above Denair’s perched hardpan -- a mighty nightly frog chorus can be heard. Here are links to the two videos I submitted to the Planning Department last August.

<https://youtu.be/NwAQJJcniol>

<https://youtu.be/4Z-8OkzJg88>

I also submitted this photo to the Planning Department, taken April 30, 2016:





Same pasture October 13, 2022. No rubber boots or waders needed.

Did the consultants the County hired to do the October 13th vernal pool site assessment fail to advise the County regarding Fish and Wildlife CEQA protocols for a vernal pool assessment? For example, here is a consultant ad from the internet:

The best time to survey for breeding amphibians is between February and June, so schedule vernal pool surveys now and avoid critical delays in obtaining your wetlands permit!

[To Have Our Team Of Experts Conduct A Vernal Pool Survey On Your Site, Please Contact Us Today.](#)

<https://www.davey.com/environmental-consulting-services/resources-news/don-t-froget-vernal-pool-survey-season-is-approaching/>

Below is a screen shot of the cover page from the twelve page long guidelines for conducting CEQA compliant surveys of vernal pools:

Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities

STATE OF CALIFORNIA
CALIFORNIA NATURAL RESOURCES AGENCY
DEPARTMENT OF FISH AND WILDLIFE

DATE: March 20, 2018*

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1. INTRODUCTION AND PURPOSE

The conservation of special status native plants and their habitats, as well as sensitive natural communities, is integral to maintaining biological diversity. The purpose of these protocols is to facilitate a consistent and systematic approach to botanical field surveys and assessments of special status plants and sensitive natural communities so that reliable information is produced and the potential for locating special status plants and sensitive natural communities is maximized. These protocols may also help those who prepare and review environmental documents determine when botanical field surveys are needed, how botanical field surveys may be conducted, what information to include in a botanical survey report, and what qualifications to consider for botanical field surveyors. These protocols are meant to help people meet California Environmental Quality Act (CEQA)¹ requirements for adequate disclosure of potential impacts to plants and sensitive natural communities. These protocols may be used in conjunction with protocols formulated by other agencies, for example, those developed by the U.S. Army Corps of Engineers to delineate jurisdictional wetlands² or by the U.S. Fish and Wildlife Service to survey for the presence of special status plants.³

* Minor editorial revisions were made to this document on February 3, 2021

¹ Available at: <https://files.resources.ca.gov/ceqa/>

² Available at: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/techbio/>

³ U.S. Fish and Wildlife Service Survey Guidelines: <https://www.fws.gov/sacramento/es/Survey-Protocols-Guidelines/>

Sentence four in the first paragraph:

“These protocols are meant to help people meet California Environmental Quality Act (CEQA) requirements for adequate disclosure of potential impacts to plants and sensitive natural communities.”

On Page 5&6:

“Timing and Number of Visits

Conduct botanical field surveys in the field at the times of year when plants will be both evident and identifiable. Usually this is during flowering or fruiting. Space botanical field survey visits throughout the growing season to accurately determine what plants exist in the project area. This usually involves multiple visits to the project area (e.g., in early, mid, and late-season) to capture the floristic diversity at a level necessary to determine if special status plants are present. The timing and number of visits necessary to determine if special status plants are present is determined by geographic location, the natural communities present, and the weather patterns of the year(s) in which botanical field surveys are conducted.”

https://www.google.com/url?client=internal-element-cse&cx=003744124407919529812:v2-t3gqht48&q=https://nrm.dfg.ca.gov/FileHandler.ashx%3FDocumentID%3D18959&sa=U&ved=2ahUKEwi y-pKkhZX7AhWJIKQIHSteD58QFnoECAEQAAQ&usg=AOvVaw2wuv_z8MZhVi_S9pzw66k3

CEQA was enacted to ensure environmental protection and requires full and honest disclosure of a project's significant environmental effects, so that decision makers and the public are informed of consequences before a project is considered for final approval. Therefore, a final vote should be postponed until completion of a California Fish and Wildlife CEQA compliant site assessment -- performed when the vernal pools contain water and are teaming with wildlife.

Sincerely,



Donald Rajewich

CC: VIA ELECTRONIC MAIL

WithrowT@StanCounty.com
conditc@stancounty.com
grewalm@stancounty.com
conditb@stancounty.com
angela@stancounty.com
CEQA@doj.ca.gov

Supervisor Chairman Terry Withrow
Supervisor Channce Condit
Supervisor Mani Grewal
Supervisor Buck Condit
Angela Freitas, Director of Planning
CEQA Coordinator, Office of the Attorney General.

Emily Basnight

From: Don Rajewich [REDACTED]
Sent: Monday, November 7, 2022 8:13 AM
To: Terrance Withrow; Vito Chiesa; Mani Grewal; Channce Condit; Buck Condit
Subject: PLN2022-0026 - Request to Postpone Dec 6 Public Hearing
Attachments: PLN2022-0026_WaterSupplyIssues_20221028.pdf

*** **WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe ***

November 7, 2022

From: Donald Rajewich
[REDACTED]

VIA Electronic Mail

WithrowT@StanCounty.com	Supervisor Chairman Terry Withrow
chiesav@stancounty.com	Supervisor Vito Chiesa
conditc@stancounty.com	Supervisor Channce Condit
grewalm@stancounty.com	Supervisor Mani Grewal
conditb@stancounty.com	Supervisor Buck Condit

RE: **BOARD AGENDA Consent Item 5.D.1 November 8, 2022**

PLN2022-0026 – Elmwood Estates.
Project location - 3700 Story Road Denair CA
APN 024-055-060, 4.82 acres of irrigated pasture

Dear Board of Supervisors:

My property borders the south property line of parcel 024-055-060.

I see on the November 8th Board of Supervisors agenda (posted Friday November 4) that the Planning Department is requesting Consent for a Public Hearing to be held for PLN2022-0026 at the Board of Supervisors meeting December 6, 2022.

The Planning Department version of PLN2022-0026 -- that was unveiled to the public only days prior to the September 15th Planning Commission hearing – contained significant last minute modifications that were inadequate and misleading. On October 28th, I sent a letter to the Director of Planning requesting corrections, and Consent Item 5.d.1 constitutes substantial evidence that she has chosen to forge ahead without correcting the Plan.

The purpose of this communication is to request the Public Hearing be postponed until the Plan is corrected.

I have attached a copy of my October 28 letter to Director of Planning, Angela Frietas.

This letter was sent prior to my learning of Consent Item 5.D.1. , and to date remains unanswered.

From: [Nancy Dee](#)
To: [Vito Chiesa](#); [Emily Basnight](#); [Megan Wells](#); [Erica Inacio](#); [Angela Freitas](#); [Terrance Withrow](#)
Cc: [Don Rajewich](#)
Subject: Vernal Pool Issues
Date: Thursday, November 10, 2022 4:06:45 PM
Attachments: [FILE_1054.pdf](#)

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Elmwood Estates

This is a letter Don Rajewich sent on Oct 3rd regarding Vernal Pools. They do not appear until it rains, so the Oct 13th Biological Survey would be worthless. There is no mention of Vernal Pools in the CEQA filing which is because homeowners were not informed about this project until Aug 9th. (Mailed notice not per regulations)

Again we request approval of this plan be delayed until a wet season survey can be conducted, as was originally requested.

Nancy Dee



From: [Nancy Dee](#)
To: [Emily Basnight](#)
Subject: Re: Biological Survey
Date: Monday, November 14, 2022 8:55:53 AM
Attachments: [mime-attachment.msg](#)
[Elmwood Estates Biological Assessment 10-14-22.pdf](#)

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Thanks... missed that. As expected. Will be contacting Moore with property information.

Nancy Dee

On Nov 14, 2022, at 8:46 AM, Emily Basnight <basnighte@stancounty.com> wrote:

Good morning Nancy,

The biological assessment conducted for the project site located at 3700 Story Road is attached to this email. I've also attached the previous email sent on Wednesday, November 2, 2022, which included the assessment as well.

The amended Initial Study and Board report for the project will be available for the public to review once the Board of Supervisors meeting agenda is published prior to the December 6, 2022 meeting date. The Board agenda for the December 6th meeting will be made available through the following webpage at least three days prior to the meeting and will include a link to view the report and amended Initial Study for the Elmwood Estates project: <https://www.stancounty.com/bos/agenda/2022/>.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County
Ph: 209-525-6330

Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <https://www.stancounty.com/planning/contacts.shtm>

From: Nancy Dee [REDACTED]
Sent: Friday, November 11, 2022 9:40 AM
To: Emily Basnight <basnighte@stancounty.com>; Angela Freitas <ANGELA@stancounty.com>; Erica Inacio <inacioe@stancounty.com>

Subject: Biological Survey

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Below is the link for an actual Biological Study, so please don't refer me to the checklist you filed with CEQA.

Homeowners would like to see the initial study and the amended version. We are entitled to this information.

<https://www.stancounty.com/planning/agenda/2013/04-18-13/Beltran%20Exhibit%20I.pdf>

Nancy Dee

[REDACTED]
[REDACTED]

From: [Nancy Dee](#)
To: [Angela Freitas](#); [Megan Wells](#); [Terrance Withrow](#); [Erica Inacio](#)
Subject: Demanding Wet Season Biological Study
Date: Tuesday, November 15, 2022 11:33:43 AM

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Elmwood Estates Biological Study not acceptable:

The homeowners requested a proper wet season Biological Study be done because of the possible destruction of Vernal Pools. The "developer hired and paid for the biological consultant".

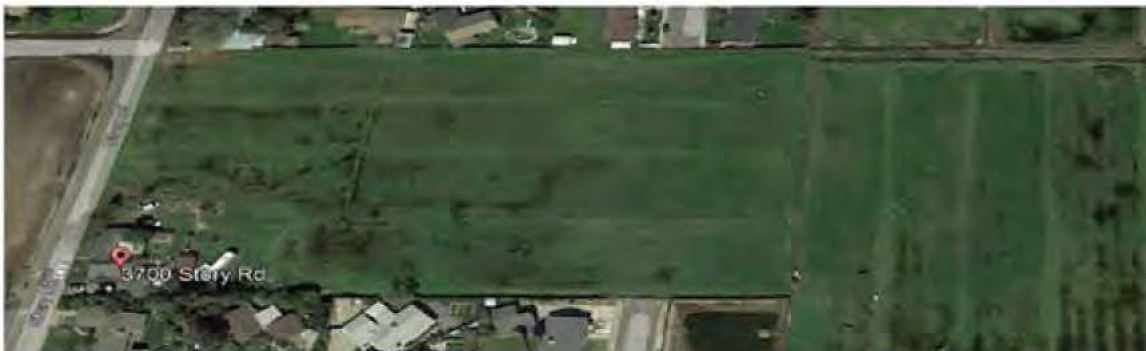
Oct Biological Study

"There are no vernal pools, seasonal wetlands, streams, creeks, or other aquatic habitats in the site."

Dry Study:



Wet Season:



Please reference Don Rajewich's letters and 20 page Vernal Submission to the BOS.

NO VOTE UNTIL PROPER WET STUDY IS COMPLETED.

Nancy Dee

From: [Nancy Dee](#)
To: [Emily Basnight](#)
Cc: [Don Rajewich](#); [Kathy Clinkenbeard](#)
Subject: Re: Bidding Process
Date: Tuesday, November 15, 2022 9:48:10 AM

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I'm sorry..... multitasking at my age is not a good thing, but that does bring up another question. When will the required wet season study be completed? (attaching photos)

The question was about the bidding process for Elmwood Estates. I'd like the regulations, process and how many bids were required and reviewed for 3700 Story Road.



Nancy Dee

On Nov 15, 2022, at 9:40 AM, Emily Basnight <basnighte@stancounty.com> wrote:

Good morning Nancy,

If you are referring to the biological assessment conducted for 3700 Story Road, the County did not hire the biological consultant and therefore did not go through a bidding process; the developer hired and paid for the biological consultant.

Thank you,

Emily Basnight
Assistant Planner
Planning and Community Development
Stanislaus County

Ph: 209-525-6330

Due to high volume, appointments are strongly recommended and will be given priority over walk-ins. For information on how to schedule an appointment please go to <https://www.stancounty.com/planning/contacts.shtm>

-----Original Message-----

From: Nancy Dee [REDACTED]
Sent: Tuesday, November 15, 2022 9:03 AM
To: Emily Basnight <basnighte@stancounty.com>
Subject: Bidding Process

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I my attempt to keep my community informed, I am trying to get answers for them. Can you direct me to the bidding process the county uses and how many bids were required and reviewed for 3700 Story Road.

Nancy Dee
[REDACTED]

Emily Basnight

From: Nancy Dee [REDACTED]
Sent: Sunday, November 20, 2022 8:50 AM
To: Tina Rocha; Terrance Withrow; Denair MAC
Cc: don rajewich
Subject: Denair MAC Term Limits - 3 Vacancies
Attachments: denair-mac-fact-sheet.pdf

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term limit

noun

: a specified number of terms that a person in office is allowed to serve

On Nov 14, 2022, at 9:37 AM, Erica I

Good morning, Nancy.
Thank you for your email.

The handbook that you are referencing serves as a guide. The handbook has not been updated since some of the MAC

The bylaws for the Denair MAC do not set a restriction
https://stancountymacs.com/pdf/denair_bylaws.pdf

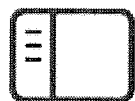
Each member, in essence, is asking to be considered for reappointment.
The members have asked to be considered for reappointment.

Please let me know if you have any additional questions by dialing 209.525.6376 and ask for Tom Boze.

Thank you.
~Erica Inacio

[Redacted signature]

6:08 PM Fri Nov 18



AA

Medical ▾

Finance ▾

Amazon

Futon

UKguide

US



cor



Round Coffe...



25 Best Des...

ROST

MEMBERSHIP SELECTION:

NAME

1 Samuel Paulissian

2 Kimberly Stokes

Nancy Dee



Emily Basnight

From: Nancy Dee [REDACTED]
Sent: Tuesday, November 22, 2022 8:23 AM
To: Terrance Withrow; Vito Chiesa; Senator Alex Padilla; Tina Rocha
Subject: Conflict of Interest?

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

Are Megan Wells, who works for the County MAC and Ashley Wells who works for Elmwood Estates developer related?

Nancy Dee
[REDACTED]

Sent from my iPhone

Emily Basnight

From: Megan Wells
Sent: Tuesday, November 22, 2022 11:42 AM
To: Nancy Dee
Cc: Terrance Withrow; Vito Chiesa; Senator Alex Padilla; Tina Rocha
Subject: RE: Conflict of Interest?

Hi Nancy,

I am clarifying that I have no relation to and I do not know the person that you referenced in your email; Ashley Wells.

To clarify, I am not on the MAC board and I am not a part of the MAC. I work for Stanislaus County as a Field Representative to Supervisor Vito Chiesa. I attend the MAC meetings on his behalf. Erica Inacio is the Community Manager, she is the liaison between the MAC's and the county.

Please direct all future questions regarding the Denair Municipal Advisory Council and Elmwood Estates to Thomas Boze, County Counsel, at 209-525-6376.

Megan Wells
Field Representative
Stanislaus County Board of Supervisors
Desk Phone: (209)525-6464
wellsm@stancounty.com

-----Original Message-----

From: Vito Chiesa <CHIESAV@stancounty.com>
Sent: Tuesday, November 22, 2022 9:47 AM
To: Megan Wells <wellsm@stancounty.com>
Subject: FW: Conflict of Interest?

-----Original Message-----

From: Nancy Dee [REDACTED]
Sent: Tuesday, November 22, 2022 8:23 AM
To: Terrance Withrow <WITHROWT@stancounty.com>; Vito Chiesa <CHIESAV@stancounty.com>; Senator Alex Padilla <Senator_Padilla@padilla.senate.gov>; Tina Rocha <rochat@stancounty.com>
Subject: Conflict of Interest?

*** WARNING: This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe ***

Are Megan Wells, who works for the County MAC and Ashley Wells who works for Elmwood Estates developer related?

Nancy Dee
[REDACTED]

From: COBSupport
To: Jennifer Pimentel, Kacey Smith, Megan Wells, Rick Dokogozian, Russell Fowler
Cc: Kelly Rodriguez
Subject: Fiv Common Sense
Date: Monday, November 28, 2022 1:19:34 PM
Attachments: images00009

Field Reps: This email was sent to the cobsupport email account.

Thanks, Liz

From: Nancy Dee
Sent: Friday, November 25, 2022 10:04 AM
To: COBSupport <COBSupport@stancounty.com>
Subject: Common Sense



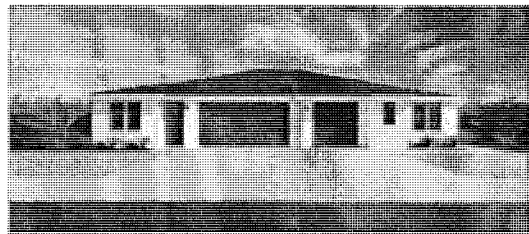
Nancy Dee

Just now •

Who would buy a single family home in a rural community with no backyard and rental units 📌



ELEVATION A | OPTION: WHITE



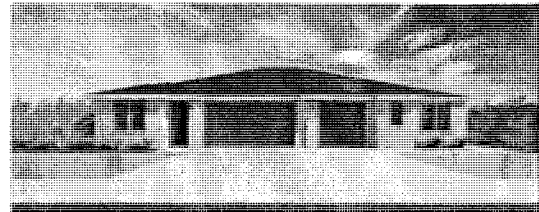
ELEVATION B | OPTION: WHITE



ELEVATION A | OPTION: CHARCOAL



ELEVATION B | OPTION: CHARCOAL



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Nancy Dee

From: [Nancy Dee](#)
To: [Jody Hayes](#); [Patrice Dietrich](#); [Terrance Withrow](#); [Ruben Imperial](#)
Cc: [Don Rajewich](#)
Subject: Denair Emergency Intervention Required
Date: Wednesday, November 23, 2022 10:11:55 AM
Attachments: [image.jpg](#)
[image.jpg](#)
[image.jpg](#)
[image.jpg](#)
[image.jpg](#)
[image.jpg](#)

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Elmwood Estates - REZONE AND TENTATIVE MAP APPLICATION NO. PLN2022-0026 ELMWOOD ESTATES

Mr. Hayes,

I have a list as long as my arm with questionable actions by the Denair MAC Board, but I will limit myself for the purpose of this emergency contact.

MAC Chair Brugger called concerned homeowners NIMBY's: (NIMBYs often suggest that affordable housing developments should be built in communities that are historically black and brown, so that residents can be near their social networks) - Demeaning comment from someone charged with delivering the Denair Community's voice to the Board of Supervisors! August 9th MAC Meeting.....

Before December 6th vote - Unanswered Questions:

April 5, 2022 - Why was there a MAC meeting April 5th, where duplexes were duplexes were discussed but were not on the agenda? (Community blindsided on Aug 9th)

August 9, 2022 - Why was it necessary for a homeowner to go from house to house alerting us of the presentation that evening? Why was Supervisor Chiesa sitting with the Board, but not identified? Why was the developer not introduced? Why did the Board vote unanimously approve this plan when it was clearly not a representation of the community voice or Denair Community Plans? (See petition map)

July 24, 2002 - County was alerted to Vernal Pool issue, by phone, and additional information submitted in subsequent letters, but ignored it saying they were exempt?

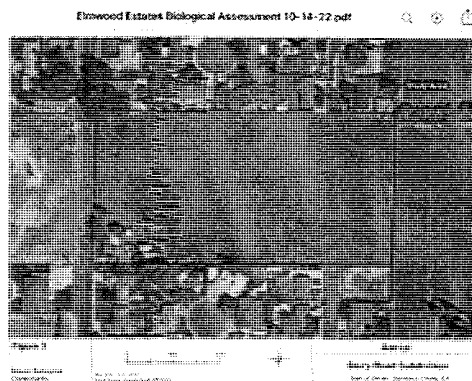
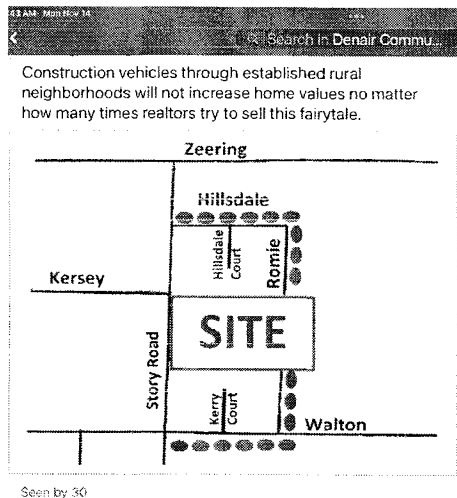
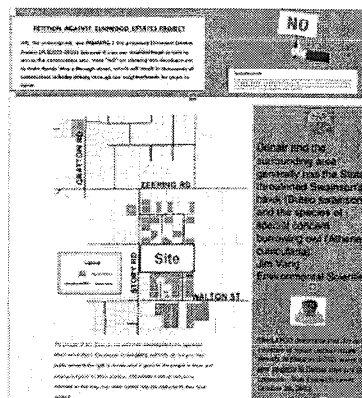
October 3, 2022 -MAC minutes: Elmwood Estates – County delayed action due to the potential existence of vernal pools with fairy shrimp - Why did they accept a dry season survey from the developer when they knew they would not be present? Why will they not respond to questions about when the wet season survey will be done? (See dry season photo and wet season photo)

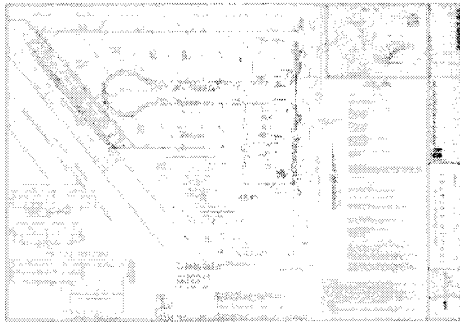
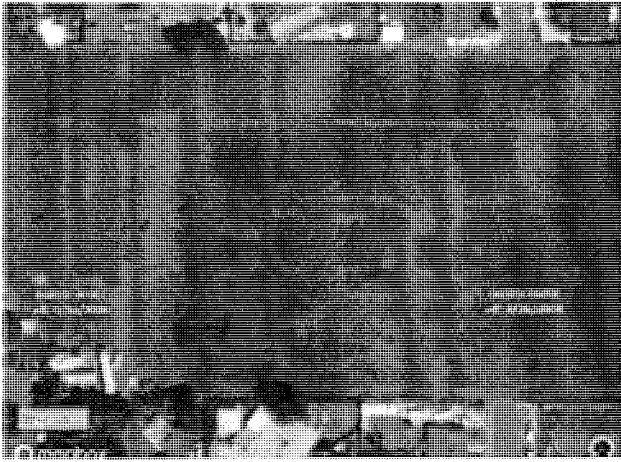
November 22, 2022 - Why was I referred to County Council when I asked why there was a surveyor on the property yesterday, before the plan had been approved? Why is MAC Board

more interested in developers profits? (Developer bragging he can squeeze more lots in connecting Romie Way and telling homeowners the County is forcing him to use Romie Way.) See attached map where Story Road is being used.

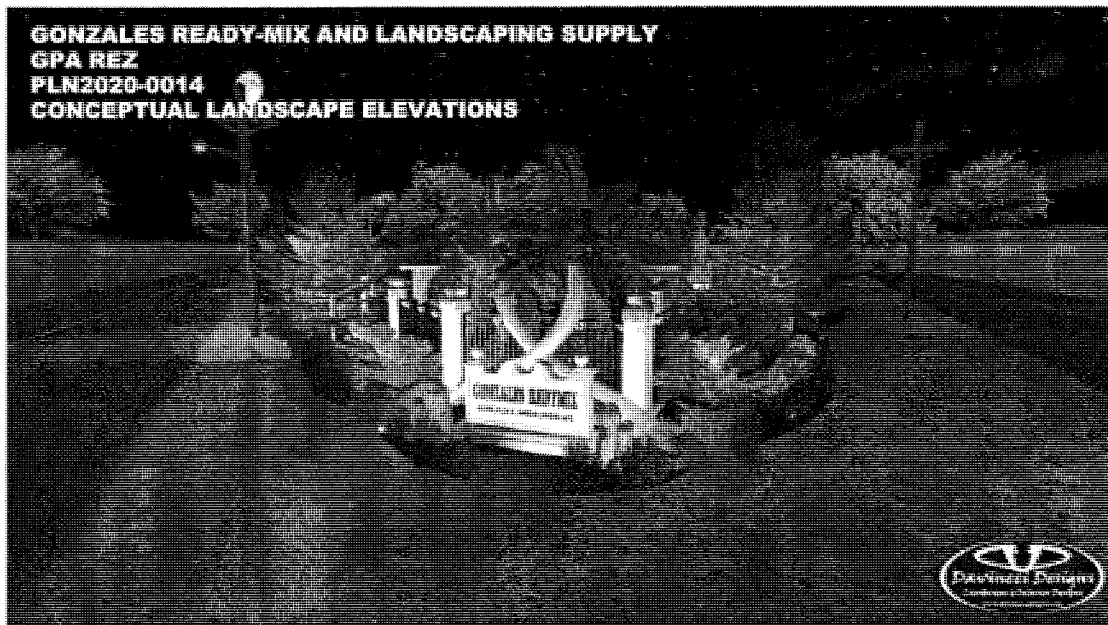
There are serious issues with Board elections that have not been addressed, but at this point, County website says you protect our quality of life and home values and we need you to do just that. One additional question, why was my phone number blocked by the Supervisors after I texted them the flyer attached and a list of senior homeowner concerns? They are County issued phones.

This senior community is relying on you to step in immediately and remove the vote to approve from the December 6, 2022 Board of Supervisors meeting until these important issues are addressed. You need to research a sale of this site in 2015, that neighbors say fell through because of Vernal Pools!





MAC Board approved this ↓ Does this comply with the Denair Community Plan to reinforce our small town rural character?



22

EXHIBIT B-12

This is just the tip of the iceberg! If this is not removed from December 6th BOS meeting, I would like a direct response from you , Mr. Hayes, or a legal argument from County Council as to why this plan should go to vote with these outstanding issues.

Thank you,

Nancy Dee



Emily Basnight

From: Nancy Dee [REDACTED]
Sent: Tuesday, November 29, 2022 3:09 PM
To: Jody Hayes; Terrance Withrow; Thomas Boze; Vito Chiesa; Buck Condit; Mani Grewal; Chance Condit
Cc: etracy@modbee.com; KOVR Consumer Investigation; jcortez@turlockjournal.com
Subject: Re: County Officials protect our quality of life & home values 🤔

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County didn't answer his questions either!

On Dec 6, 2022 County Supervisors are voting on the

Why has Stanislaus County refused to provide this

Who Pays the Water

This will be the fifth subdivision recently approved , the other

We don't need any more subdivisions that will increase our

- Last July, all four wells in Denair were at an all time
- There is a valve at the Surface Water Facility on Quijote Rd that can shut off surface water delivery to Denair.
- City of Hughson's estimated costs to connect to surface water is \$1.5 million.
- The cost of surface water is 3-5x higher than groundwater.

No on Elmwood. No to Higher

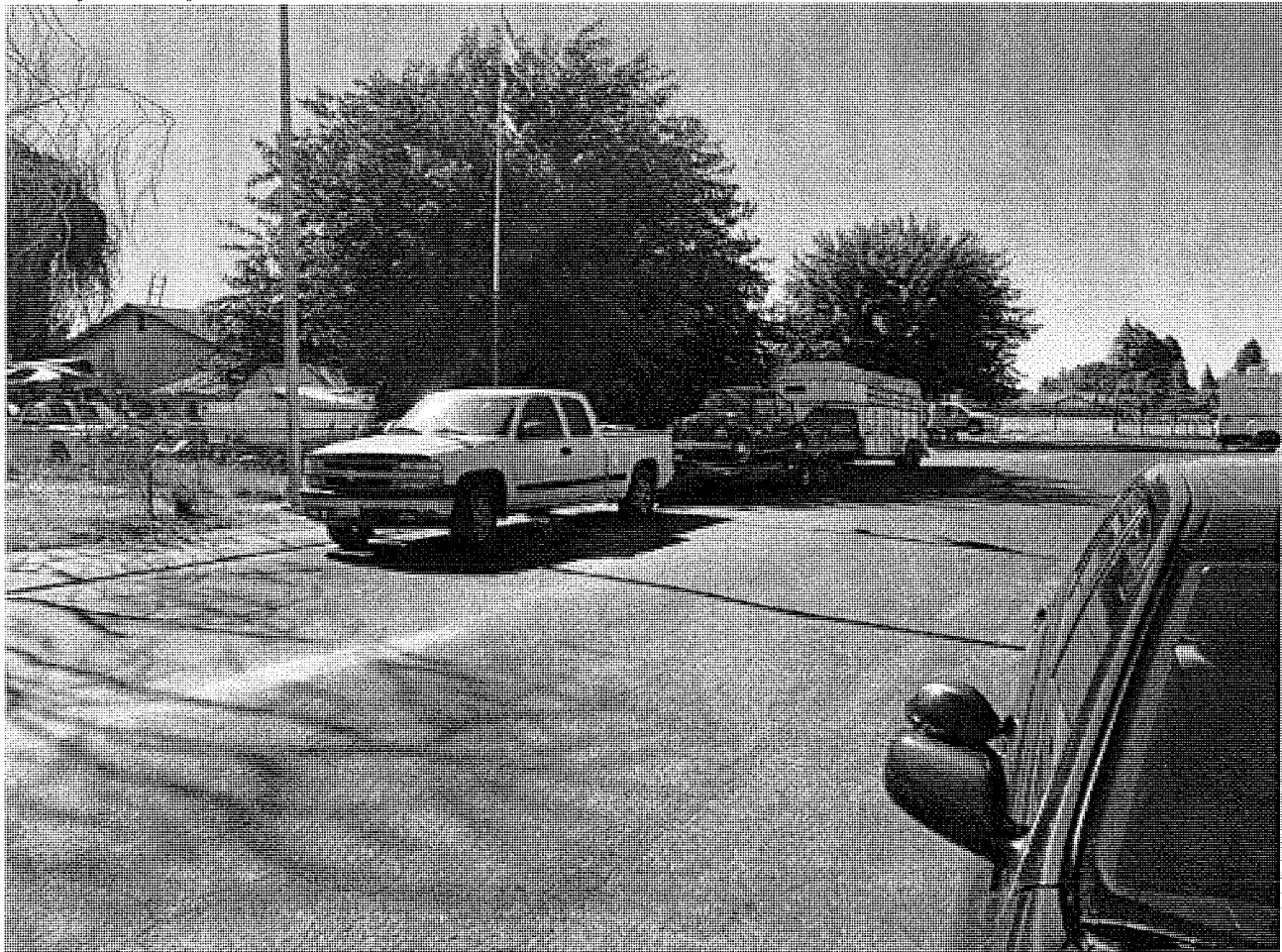
Let the Supervisors know you don't want

Nancy Dee

On Nov 26, 2022, at 11:21 AM, Nancy Dee [REDACTED] wrote:

Elmwood Estates, Denair Issues still on the table, yet vote scheduled Dec 6th:

Connecting the more affluent side of Romie Way (houses up to one million) to this [REDACTED] Developer told homeowner he didn't bother to look at this side but he'll clean up the drug problem. (Totally ignored by county officials)



Duplexes were added at an April 5th MAC meeting without being placed on the agenda. (Homeowners not aware of project until August 9th.). Planning Department said duplexes couldn't be added without amending the Community Plan, so Duplexes and ADU's are the same thing and they are using SB9 or no, they are not using SB9. This development is affordable housing [REDACTED] From developer employee Jenn Wecht:

1) 16 Lots, No Duplex's
only planning on doing
the 3 lots on Story Road
of the demand of more
housing in this town.

AFFORDABLE HOUSING/SENIOR

Yes ☐ No ☒ Will the project

RESIDENTIAL PROJECTS: (Please

Total No. Lots: 18 Total

Net Density per Acre: 3.7 U

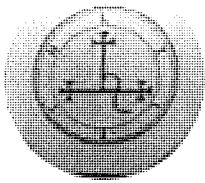
(complete if applicable) Single Family

Number of Units: _____

Acreage: _____

1. How can using a map from 1960's usurp the 1998 map from the Denair Community Plan and why are they not complying with Goal One to reinforce Denair's small rural town character?

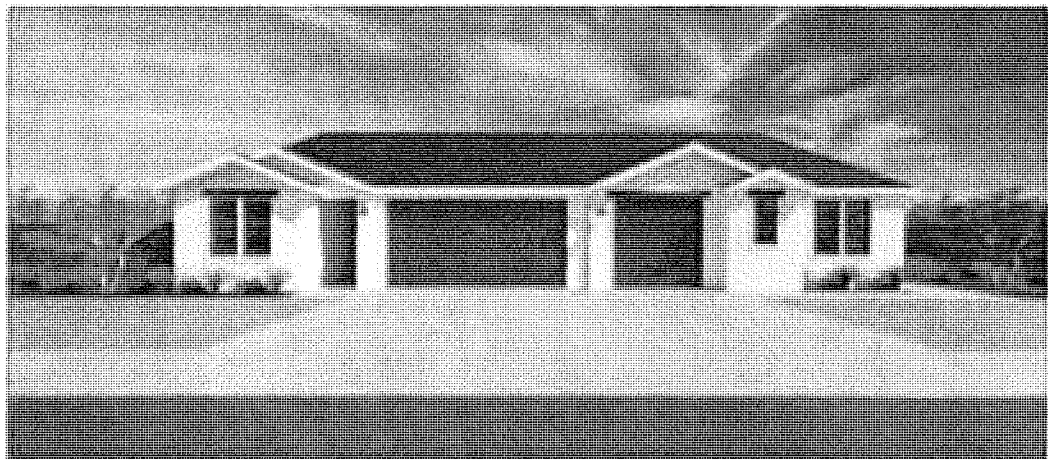
2. ☒ Common Sense Necessary



Nancy Dee


👋 Just now • 🌐

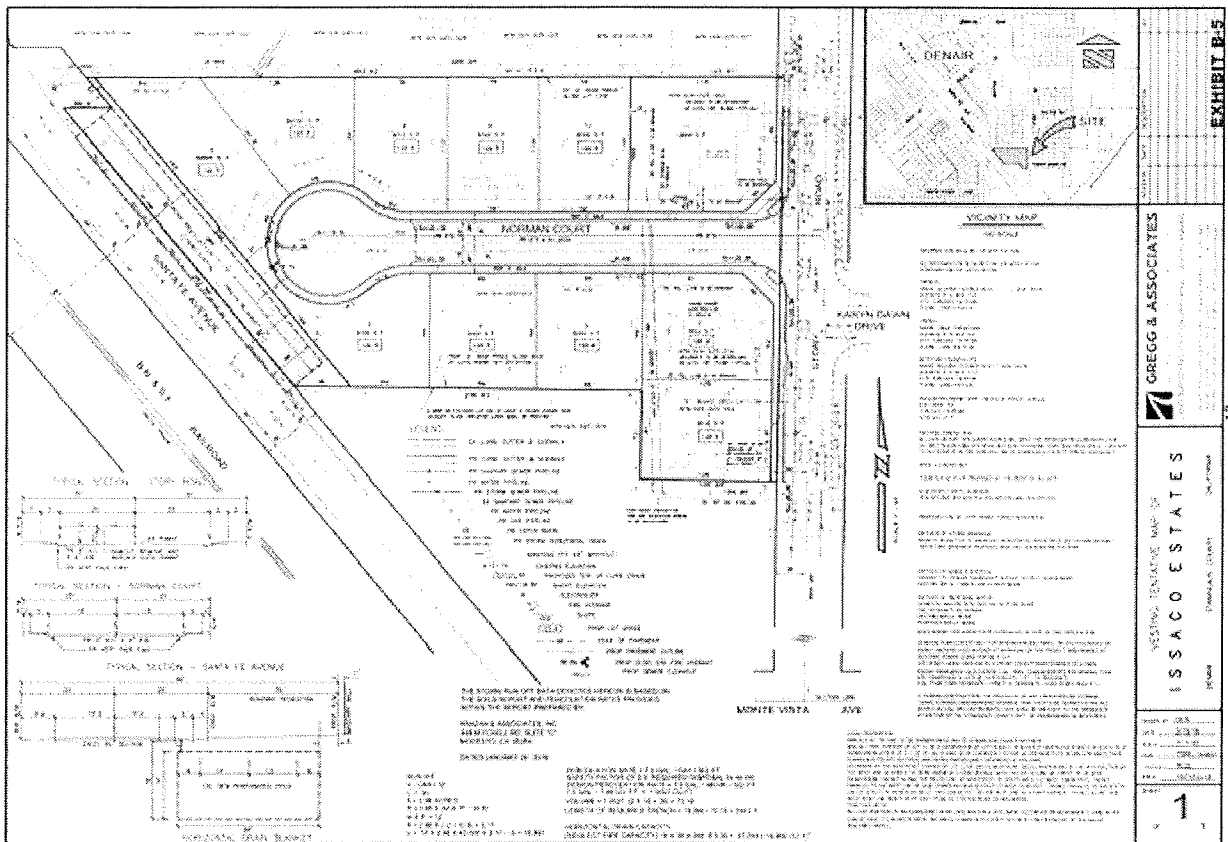
Who would buy a single family h
with no backyard and rental unit



ELEVATION A | OPTION: WHITE



3. Why did the developer say the County forced him to use Romie Way (County refused to answer) Didn't seem to be a problem here  (Developer bragging he could squeeze more lots in using Romie Way.) (County Officials making developer money at the expense of homeowners quality of life and home values - construction vehicles are no problem, they're lite)



I'm sure one of you will be glad to look into these issues that have been ignored by your "staff" because it's your duty as our elected officials to provide this information, before a final vote. (And your "staff" has you believing this Hispanic Great Grandma is the problem!)

Nancy Dee



On Nov 25, 2022, at 8:48 AM, Nancy Dee  wrote:

"The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know

and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”

When your “staff” refuse to answer questions like when and how the current MAC Board was elected, it throws up red flags. Are they incompetent or covering for the good old boys club to keep their jobs?

On November 21, 2022, I asked why there was a surveyor on the site when the plan had not yet been approved. I’m attaching my email and the response from your “staff”. Notice my August 12, 2022 prediction this would be forced through because it’s not really about reinforcing Denair’s small and rural character, is it?

Nov 21 Surveyor on site (refuse to answer why)

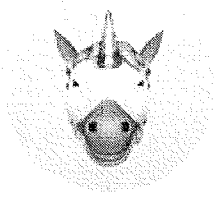
Nov 23 Homeowners received meeting notice (pattern is to only send a few)

Dec 06 Public Meeting (refer to Nov 21)

I’ve asked many questions some my own and some from homeowners which is our legal right. This is a clear dereliction of duty has already resulted in the Board of Supervisors approving that gaudy cement plant. The owner is under criminal investigation so thankfully, in spite of both Boards questionable decision making skills, this will soon expire. (I did ask for documentation supporting this decision, but it was ignored)

The people insist on remaining informed so that they may retain control over the instruments they have created.

P.S. The “” around the word staff (all women) are in support of my 3 granddaughter’s and my great granddaughter. I can’t believe in 2022 white men still consider themselves superior. It’s demeaning.



Nancy Dee

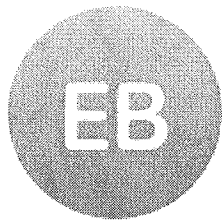
To: Vito, rochat@stanco

Surveyor

Interesting there is a surveyor
today when the vote to approve

My email to Megan Wells dated

Let's be honest here, this device
through no matter what the
plan put in place in the 1960



Emily Basnight

To: Nancy, Vito, Tina, Te

Surveyor

Your comment has been received

Thank you,

Emily Basnight

Assistant Planner

Planning and Community Development

Stanislaus County

Nancy Dee



Emily Basnight

From: Nancy Dee [REDACTED]
Sent: Wednesday, November 30, 2022 9:07 AM
To: Terrance Withrow; Buck Condit; Channce Condit; Mani Grewal; Vito Chiesa; seniorshelp209@gmail.com; Jody Hayes
Cc: don rajewich
Subject: Legal Request: Malfeasance, Misinformation & Mediocrity

***** WARNING:** This message originated from outside of Stanislaus County. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

Elmwood Estates issue to vote on December 6th meeting date was removed from the consent calendar and then voted on anyway. (Confirming documents online) My email to County Counsel about it was ignored in favor of demeaning my numerous attempts to get homeowners questions about Elmwood Estates answered. As a Senior Hispanic Woman, I felt especially debased.

I watched as senior homeowners were berated by the MAC Board which is supposed to represent our voices to the Board of Supervisors. They are fearful to speak up, so I am their voice.

County staff have provided us with misinformation, hypocrisy and pretense. Let me remind you we do not give you the right to get drunk on power and approve detrimental development plans without answering serious questions:

1. Violate the Brown Act in a way that protects the developer at homeowners expense.
2. Reduce home prices by 20% for those who live on Romie Way for developers profits.
3. Drive known drug traffic into an area with homes up to one million dollars.
4. Leave serious water issues unanswered during a drought.

An reasonable, legal argument for why this plan should be approved destroying the quality of life for homeowners who have lived here over 40 years needs to be provided, in writing, by the County to homeowners or this plan requires a no vote. We also require a statement in writing that background checks will be completed before any further planning commences. This is the second time someone with a criminal background has been welcomed to do business in Denair.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

Nancy Dee
[REDACTED]

(Regurgitation of information ignored by County for the benefit Senior Advocacy Attorney)

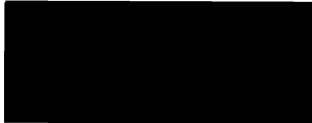
Cc:

Joyce Gandelman

Director/Attorney · Senior Law Project
Senior Law Project, Modesto

**Correspondence from this point forward
received after final preparation of the
Board Agenda Item**

Donald Rajewich



BOARD OF SUPERVISORS

2022 DEC -2 A 9:09

December 2, 2022

To: Stanislaus County Board of Supervisors
1010 10th Street #6500
Modesto, CA 95354

RE: Cure and Correct Letter Regarding Violation of Ralph M Brown Act

Dear Supervisors:

This letter is to call your attention to what I believe was a substantial violation of a central provision of the Ralph M. Brown Act, one which may jeopardize the finality of the action to be taken by the Stanislaus County Board of Supervisors on December 6, 2022.

On November 8, 2022, the Stanislaus County Board of Supervisors approved Item 5.D.2, a December 6 Public Hearing for PLN2022-0026 Elmwood Estates. In so doing, the Stanislaus County Board of Supervisors took “action” as defined in Govt. Code 54952.6 because a majority of the members took an actual vote when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.

The action violated the Brown Act because it was taken on a matter that contained the following wording: “ **This item removed from the consent calendar for discussion and consideration.**”

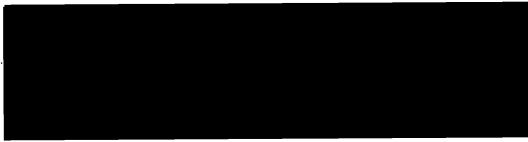
As you are aware, the Brown Act creates specific agenda obligations for notifying the public with a “brief description” of each item to be discussed or acted upon, and also creates a legal remedy for illegally taken actions — namely, the judicial invalidation of them upon proper findings of fact and conclusions of law.

Pursuant to that provision (Government Code Section 54960.1), I am requesting that the Stanislaus County Board of Supervisors cure and correct the illegally taken action as follows:

With proper agenda notification, conduct the Consent Hearing again.

As provided by Section 54960.1, you have 30 days from the receipt of this demand to either cure or correct the challenged action or inform me of your decision not to do so. As provided by Section 54960.1. If you fail to cure or correct as demanded, such inaction may leave me with no recourse but to seek a judicial invalidation of the challenged action pursuant to Section 54960.1, in which case I would also ask the court to order you to pay my court costs and reasonable attorney fees in this matter, pursuant to Section 54960.5.

Respectfully yours,

A solid black rectangular box used to redact the signature of Donald Rajewich.

Donald Rajewich

VIA ELECTRONIC MAIL

CC:

Thomas E. Boze, County Counsel, cocolaw@stancounty.com

Elizabeth A. King, Clerk of the Board, cobsupport@stancounty.com

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY**

DEPT: Planning and Community Development

BOARD AGENDA: 5.D.2
AGENDA DATE: November 8, 2022

SUBJECT:

Approval to Set a Public Hearing on December 6, 2022, at the 9:00 A.M. Meeting, to Consider the Planning Commission's Recommendation of Approval for Rezone and Vesting Tentative Map Application No. PLN2022-0026 - Elmwood Estates, a Request to Rezone a 4.82± Acre Parcel from Rural Residential to Planned Development, to Increase the Maximum Building Site Coverage from 40 to 50 Percent, and to Create 17 Single-Family Residential Lots Ranging in Size from 8,000 to 10,594 Square-Feet and a 13,098 Square-Foot Stormwater Basin, Located at 3700 Story Road, Between East Zeering Road and Walton Street, in the Community of Denair, and Adopt a Negative Declaration

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2022-0621

On motion of Supervisor B. Condit Seconded by Supervisor Grewal
and approved by the following vote,

Ayes: Supervisors: B. Condit, Chiesa, Grewal, C. Condit, and Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

This item was removed from the consent calendar for discussion and consideration

ATTEST: 
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No. ORD-57-W-2

Donald Rajewich

December 2, 2022

To: Stanislaus County Board of Supervisors
1010 10th Street #6500
Modesto, CA 95354

RE: Planned Development PLN2022-0026, Elmwood Estates
The document henceforth shall be referred to as the “Elmwood Plan” Or “Plan.”
My property borders the south property line of this proposed project.

Subject: Are there sufficient water supplies and water infrastructure available to serve the Elmwood Estates Project?

Dear Supervisors:

I have been a customer of the Denair Community Services District (DCSD) for almost 40 years, and the water quality has always been good and the service outstanding. I recently read in the July 2022 DCSD Board Meeting Minutes -- “Average static level at all four wells is at an all time static low of 117 (feet)” despite a 21.63% conservation reduction. It has also to my attention that the information the Planning Department inserted into the Elmwood Plan regarding water issues -- made public only 72 hours prior to the Planning Commission meeting September 15th -- was incorrect, inadequate, and incomplete.

The purpose of this letter is to seek honest answers to these questions:

1. Does the Denair Community Service District (DCSD) currently have the infrastructure needed to deliver drinking water to potential development within all areas of the existing DCSD boundary?
2. With wells at all time lows, is there a sustainable supply of water available for the five outstanding housing projects, four officially approved already?

A. Elmwood Plan Misrepresents the 2020 LAFCO Municipal Service Review

On page 6, Elmwood Plan :

“The 2020 Local Agency Formation Commission (LAFCO) adopted Municipal Service Review of the Denair CSD also indicates that the CSD has the capacity to serve the existing and potential development within all areas of the existing district boundary...”

Here is what the LAFCO report actually states:

“The District currently serves an estimated population of 4,873 persons with water and sewer service. Although the District has purchased the necessary sewer capacity from the City of Turlock to serve future development within its sphere of influence, due to limited infrastructure and resources, it is not expected that any significant population growth will occur within the District boundaries at this time....

...“The present water and sewer demand within the District’s current boundaries can be met with existing facilities and infrastructure. However, before additional areas can be served within the sphere of influence, significant sewer and water infrastructure facilities will be required.”

---page 6,

<https://www.stanislauslafco.org/PDF/MSR/Districts/Denair&KeyesCSD.pdf>

Denair water is currently supplied 100% by four wells. What additional infrastructure will be needed to supply future development, and what will it cost? What will be the cost to ratepayers if and when water is supplied from the soon to be completed surface water facility on Quincy Road, as mentioned in September Denair Service District September board minutes?

In its 2020 Parkwood Subdivision plan (currently under construction at Sante Fe and Hatch) , the City of Hughson explains their decision not to connect to surface water; infrastructure to connect to surface water would be \$15-20M and that water would be 3-5x the cost of ground water. Denair Service District minutes June 2022: “Costs to upgrade/replace infrastructure has increased from 2012-2022 by 281%.” This would seem a significant impact worthy of mention in the Elmwood Plan.

B. The Plan Misrepresents Groundwater Service Agency Authority

More misinformation on page 7 :

Additionally, (the DSCD) as a member of the West Turlock Subbasin Groundwater Sustainability Agency (GSA), which regulates groundwater for the West Turlock Groundwater Subbasin, the (DSCD) is required to meet all applicable requirements of the GSA's Groundwater Sustainability Plan. Based on this information, water availability to serve the project does not appear to be a development constraint for the proposed project.

The problem with this statement is – who is enforcing the requirements? The Groundwater Sustainability Plan (GSP), as of the writing of this letter, has not been approved by the State. Even if it was approved, those agencies who are its members apparently did not write their plan to cede power to the GSA. We emailed the local GSA.

Question : “*Is Denair Community Service District currently regulated by the West Turlock Subbasin Groundwater Sustainability Agency?*”

Answer: “*Denair Community Services District is one of 12 members of the West Turlock Subbasin Groundwater Sustainability Agency. The West Turlock Subbasin GSA is the GSA with exclusive oversight of implementing the Turlock Subbasin Groundwater Sustainability Plan (GSP) within the West Turlock Subbasin GSA boundaries.*

“ To the best of my knowledge, the GSP does not perform groundwater planning specific to individual parcels, but rather lists out Sustainable Management Criteria with measureable objectives for the entire Subbasin. Additionally, projects and management actions are also outlined in the GSP that will directly or indirectly affect the region around the parcel you reference. “

In other words, the Groundwater Sustainability Agency is not now -- nor planning to be in the future -- an active participant in the land use approval processes. This is corroborated by the report of “no response” in the SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS page 182, Exhibit J, of the Elmwood Plan. Therefore, the GSA does not guarantee water availability for this project.

C. Cumulative Impacts Not Considered

Elmwood Plan fails to account for the cumulative groundwater impact from collectively significant projects taking place over a period of time, as required by CEQA Guidelines Section 15355.

According to the July Denair Community Service District Board Minutes, there are five “will-serve” projects pending:

(11) PLN2015-0105 - Isaaco Estates

(14) PLN2021-0009 - WPD Homes, Inc

(69) PLN 2021-0040 - Monte Vista Collections

(67) PLN2021-0101 - Hoffman Ranch Subdivision

(20) PLN2022-0026 – Elmwood Estates. Developer says three lots on Story Road are to be built with Accessory Dwelling Units (aka ADU, granny shack, mother-in-law unit, secondary dwelling, and carriage house).

The 181 total number of dwellings (in parentheses) is a low estimated number of dwellings per project. If purchasers of the single family lots elect to take advantage of recent State law regarding Accessory Dwelling Units and/or lots splits of single-family lots as allowed for by SB 9, that number could be significantly higher.

According to the *Groundwater Sustainability Agency Turlock Groundwater Plan Complete 1-27-2022*, (page 792), Denair per capita usage is 301 gallons per day. The 2018 Stanislaus County Parks and Recreation Master Plan estimates 3.08 persons per household.

181 dwellings x 3.08 x 301 x 365 days a year = approximately 61,247,540 gallons per year, a significant cumulative impact not mentioned in the Elmwood Plan

D. Summary & Conclusion

Before you cast your vote for this project, consider these truths:

- The 2020 LAFCO report says Denair only has enough water infrastructures to serve existing customers.
- New surface water infrastructure required to serve Denair's future water needs is estimated to cost \$15-20M, and that water will cost 3-5x the cost of groundwater.
- Costs to upgrade/replace water infrastructure have increased from 2012-2022 by 281%.
- The Groundwater Sustainability Agency is not an active participant in the land use approval processes, and does not guarantee water availability for this project.
- The Elmwood Plan fails to account for wells at or near record lows, and cumulative groundwater impacts of recent, pending, and future development, as required by CEQA.

CEQA was enacted to ensure environmental protection and requires full and honest disclosure of a project's significant environmental effects, so that decision makers and the public are informed of consequences before a project is considered for final approval. The Plan you are considering -- that the Planning Commission approved September 15 based on false and inadequate information -- does not meet that standard.

Sincerely,

Donald Rajewich

Donald Rajewich

CC VIA ELECTRONIC MAIL

WithrowT@StanCounty.com
chiesav@stancounty.com
conditc@stancounty.com
grewalm@stancounty.com
conditb@stancounty.com

Supervisor Chairman Terry Withrow
Supervisor Vito Chiesa
Supervisor Channce Condit
Supervisor Mani Grewal
Supervisor Buck Condit



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

AMENDED CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, January 1, 2020
 Amendments consisting of additions are reflected in bold text and deletions in strikethrough text.

1. **Project title:** Rezone and Tentative Map Application No. PLN2022-0026 – Elmwood Estates
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Emily Basnight, Assistant Planner
(209) 525-6330
4. **Project location:** 3700 Story Road, between East Zeering Road and Walton Street, in the community of Denair (APN: 024-055-060).
5. **Project sponsor's name and address:** Torre Reich, Malet Development
219 North Broadway, Turlock, CA 95380
6. **General Plan designation:** Low-Density Residential
7. **Community Plan designation:** Low-Density Residential
8. **Zoning:** Rural Residential (R-A)
9. **Description of project:**

This is a request to rezone a 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent, and to subdivide the parcel into 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet. Romie Way will be extended through the site which will connect to a cul-de-sac (proposed to serve lots 1-5, 9-16, and Lot A) that will include a stub-out to serve future development east of the project site. The remaining lots (lots 6-8 and proposed Lot B) will have access and road frontage onto Story Road. If approved, each residential lot could be developed with one single-family dwelling, an accessory dwelling unit, and a junior accessory dwelling unit. The setback requirements will be consistent with those of the County's R-A zoning district. A "can serve" letter for water and sewer services to serve the residential development has been issued from the Denair Community Services District for the project. Stormwater is proposed to be managed for the development through a 13,098 square-foot expansion (Lot A) of an existing stormwater basin located on APN 024-055-043, which currently serves an existing residential development to the south. A 6-foot-tall chain-link fence is proposed to be installed along the easterly boundary of the proposed and existing basins (Lot A and 024-055-043), and a 7-foot-tall masonry block wall is proposed along the southern border of the existing basin, located south of the proposed storm drainage basin addition on APN 024-055-043. The project site is currently improved with one single-family dwelling and an attached two-car garage; the single-family dwelling and garage will remain on proposed Lot B of the proposed subdivision map. The applicant proposes to install landscaping for the stormwater basin, trees along the frontage of each lot, and has proposed to install curb, gutter, sidewalk and street lighting for the entire subdivision. The applicant will annex the development into Community Service Area (CSA) #21 – Riopel and the Denair Highway Lighting District to ensure funds are provided for the maintenance of the improvements. The project is surrounded by single-family lots to the north and south and the Denair Community Services District facility to the west. An agriculturally zoned ranchette parcel is to the east of the project site. The applicant has proposed a no buffer alternative to the agriculture buffer requirement. A barricade per Public Works' Standards and Specifications is proposed along the street stub to the east to prevent trespass onto the adjacent agriculturally zoned parcel.

- 10. Surrounding land uses and setting:** Single-family lots to the north and south and the Denair Community Services District facility to the west; and a ranchette parcel 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
Denair Community Services District
- 12. Attachments:**
 - I. Biological Assessment, conducted by Moore Biological Consultants, dated October 14, 2022**

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 Emily Basnight

July 19, 2022, as Amended November 17, 2022
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. Community standards generally do not dictate the need or desire for architectural review of agricultural or residential subdivisions. The proposed rezone and tentative map will rezone a 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent, and create 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet, and a 13,098 square-foot stormwater basin. The project site is currently improved with one single-family dwelling and an attached two-car garage; the single-family dwelling and garage will remain on proposed Lot B of the tentative map.

The project is surrounded by single-family lots to the north and south and the Denair Community Services District facility to the west. An agriculturally zoned ranchette parcel is to the east of the project site.

The applicant proposes to install street lighting, curb, gutter, and sidewalk for the entire subdivision. As part of this project, Romie Way will be extended through the site which will connect to a cul-de-sac (proposed to serve lots 1-5, 9-16, and Lot A) that will include a stub-out to serve future development east of the project site. A barricade per Public Works' Standards and Specifications is proposed along the street stub to the east to prevent trespass onto the adjacent agriculturally zoned parcel. Stormwater is proposed to be managed for the development through a 13,098 square-foot expansion (Lot A) of an existing stormwater basin located on APN 024-055-043, which currently serves an existing residential development to the south. A 7-foot-tall masonry block wall is proposed to replace the existing chain-link fencing along the southern property line of APN 024-055-043, and a 6-foot-tall chain-link fence will be installed along the eastern border of the entire storm water basin (both APN 024-055-043 and Lot A). Landscaping and hardscape around the proposed storm water basin will include trees, bushes, grass and cobblestone.

A referral response was received from the County's Public Works Department requiring annexation of the project to the existing Community Service Area (CSA) #21 - Riopel and the Denair Highway Lighting and Landscaping District to ensure future maintenance and eventual replacement of the storm drainage system and facilities, block wall, and any landscaped areas. Curb, gutter and sidewalk along Story Road, Romie Way and the proposed Harris Court will be County-maintained through the Stanislaus County Public Works Department. Development standards have been added to the project addressing Public Works' requirements.

As part of the overall development plan, the proposed project includes a landscaping and tree planting plan. Two existing trees will remain on Lot 6 and Lot B of the tentative map. The applicant proposes to plant one tree along the frontage of Lots 1-12 and Lots 14-15; three trees along the frontage of corner Lots 1, 13 and 16; and five trees along the road frontage of Lot A, the storm water basin, for an overall total of 29 trees as part of this request. These project features will enhance the site's overall visual character as well as blending with the existing surrounding development.

The project is not expected to degrade any existing visual character of the site or surrounding area. Any lighting installed with the subdivision shall be designed to reduce any potential impacts of glare per the County's Public Works adopted Standards and Specifications.

Mitigation: None.

References: Application information; Referral response received from Stanislaus County Department of Public Works, dated May 2, 2022, as revised on July 14, 2022, and further revised on July 15, 2022; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County Department of Public Works Standards and Specifications, 2014; the Stanislaus County General Plan and Support Documentation¹.

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			X	
d) Result in the loss of forest land or conversion of forest land to non-forest use?			X	
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

Discussion: The project site is 4.82± acres in size and is improved with one single-family dwelling and an attached two-car garage. The project site has soils classified by The California Department of Conservation Farmland Mapping and Monitoring Program as a mixture of "Farmland of Local Importance," "Urban and Built-Up Land," and "Prime Farmland." The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that the soil primarily consists of Grade 4 Madera sandy loam, 0 to 2 percent slopes, Storie Index rating 30 (4.42± acres); and Grade 1 Dinuba sandy loam, 0 to 1 percent slopes, Storie Index rating 86 (.4± acres). Grade 1 soils are considered to be prime farmland; however, this site is zoned Rural Residential with a General Plan and Community Plan designation of Low-Density Residential. The project site is not currently in agricultural production and is improved with a single-family

dwelling and garage. Because the site has already been developed and has 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 was referred to the Turlock Irrigation District (TID) which responded with a comment letter indicating an irrigation pipeline belonging to Improvement District (ID) 573A, runs from north to south along the east side of the subject project, and a valve box on the pipeline near the northeast corner of proposed Lot 15 that delivers water in a ditch that continues east. TID responded that the pipeline south of this valve/ditch can be removed; however, the remaining irrigation facilities at the northeast corner of Lot 15 shall be replaced by the developer to current District standards and an irrigation easement dedicated. The applicant has amended their tentative map to show the proposed TID easement. A development standard will be placed on the project that all easements be shown on the final map prior to recording. Plans detailing the existing irrigation facilities relative to the proposed site improvements will be required to be submitted to the District in order to determine specific impacts and requirements. The applicant will also be required to apply for abandonment of the parcel from the TID improvement district, and provide irrigation improvement plans and enter into an Irrigation Improvements Agreement for the required irrigation facility modifications. Additionally, TID will require grading specifications to prevent irrigated water from flowing over the developed project site. TID's comments will be placed on the project as development standards.

The project site is designated Low-Density Residential (LDR) in the County's General Plan and Denair Community Plan and is zoned Rural Residential (R-A), which permits residential uses. Surrounding uses include single-family lots to the north and south and the Denair Community Services District facility to the west. A five-acre agriculturally zoned (A-2-10) ranchette parcel abuts the project site to the east. In December of 2007, Stanislaus County adopted an updated Agricultural Element which incorporated guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 Zoning District. Appendix A states: "All projects shall incorporate a minimum 150-foot-wide buffer setback. Projects which propose people intensive activities shall incorporate a minimum 300-foot-wide buffer setback. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts such as spray drift and trespassing resulting from the interaction of agricultural and non-agricultural uses. Alternatives may be approved, provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. A residential subdivision would be considered a people intensive use. The ranchette parcel to the east is not in agricultural production, and is designated as Low-Density Residential in the Denair Community Plan and improved with a single-family dwelling and accessory structures. Additionally, ranchettes are considered to be residential in nature as categorized under Goal Two of the Agriculture Element of the General Plan. The nearest parcels in agricultural production are a 4.9± acre ranchette currently used for pasture land located .13± miles to the east of the project site and a 326.36± acre parcel located .25± miles to the east used for row crops and a chicken farm and currently enrolled under a Williamson Act contract. The 4.9± acre ranchette is included within the Denair Community Plan as Estate Residential. The 326.36± acre parcel currently enrolled in the Williamson Act is not located within the Denair Community Plan and is separated from the site by two parcels and the TID Main Canal. Residential development is limited to the current boundaries of the Denair Community Plan; therefore, if approved, the proposed project will not convert farmland to non-agriculture uses; nor will it conflict with existing zoning or a Williamson Act Contract. Additionally, permits for spraying pesticides have not been issued within 600-feet of the project site. The applicant has proposed a no buffer alternative to the agriculture buffer requirement. The County's Agricultural Commissioner was referred the project; however, no response was received.

The project site is considered an in-fill development and will not contribute to the loss of farmland or forest land.

Mitigation: None.

References: Application information; United States Department of Agriculture NRCS Web Soil Survey; California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2016; Referral response from Turlock Irrigation District, dated April 19, 2022; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan, Chapter VII - Agriculture 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) and, therefore, falls under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In conjunction with the Stanislaus Council of Governments (StanCOG), the SJVAPCD is responsible for formulating and implementing air pollution control strategies. The SJVAPCD's most recent air quality plans are the 2007 PM₁₀ (respirable particulate matter) Maintenance Plan, the 2008 PM_{2.5} (fine particulate matter) Plan, and the 2007 Ozone Plan. These plans establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SJVAB, which has been classified as "extreme non-attainment" for ozone, "attainment" for respirable particulate matter (PM-10), and "non-attainment" for PM 2.5, as defined by the Federal Clean Air Act.

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

The District's Small Project Analysis Level (SPAL) guidance identifies thresholds of significance for criteria pollutant emissions, which are based on the District's New Source Review (NSR) offset requirements for stationary sources. Using project type and size, the District has pre-qualified emissions and determined a size below which it is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants. In the interest of streamlining CEQA requirements, projects that fit the descriptions and are less than the project sizes provided by the District 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 District's threshold of significance for residential projects is identified as 155 units, and less than 800 additional trips per-day. The project proposes 17 residential lots, including one lot (Lot B) that is already developed with a single-family dwelling. The proposed project has the potential to develop a maximum of 33 new dwelling units, with each new lot able to be developed with one single-family dwelling, and one accessory dwelling unit (ADU), and Lot B will be able to develop an ADU in addition to the existing dwelling unit. One junior accessory dwelling unit (JADU) per lot is also permitted under the Rural Residential (R-A) zoning district; however, the JADU would not count as a separate dwelling unit, as the JADU consists of converted living space within the primary home. According to the Federal Highway Administration the average daily vehicle trips per household is 5.11, which would equal approximately 169 additional trips per-day as a result of project approval (33 new units x 5.11 = 168.63). As this is well below the District's threshold of significance, no significant impacts to air quality are anticipated.

Construction activities associated with new development can temporarily increase localized PM₁₀, PM_{2.5}, 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 PM_{2.5} 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 dwelling units and installing road and sidewalk improvements. 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 33 new 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 Air District which responded with no comments.

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: 2017 National Household Travel Survey; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; www.valleyair.org; Referral response from San Joaquin Valley Air Pollution Control District, dated May 3, 2022; and the 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: The project is located within the Denair Quad of the California Natural Diversity Database based on the U.S. Geographical quadrangle map series. According to aerial imagery and application materials, the surrounding area is almost entirely built up with urban uses.

Based on results from the California Natural Diversity Database (CNDDDB), there are two animals, one insect and one plant species which are state or federally listed, threatened, or identified as species of special concern or a candidate of special concern within the Denair California Natural Diversity Database Quad. These species include the Swainson's hawk, **burrowing owl, riffle sculpin, Sacramento hitch, hardhead, Pacific lamprey, chinook salmon – Central Valley fall/late fall run ESU, Northern California legless lizard, steelhead – Central Valley DPS, Crotch bumble bee, valley elderberry longhorn beetle and San Joaquin Valley Orcutt grass.** ~~There are no reported siting's of any of the aforementioned species on the project site; however, a Swainson's hawk nesting site was observed on June 7, 1994, 1.1± miles northeast of the project site according to the California Natural Diversity Database. There is a very low likelihood that these species are present on the project site as the area is currently improved with a single family dwelling and adjacent to urban development to the west, north and south.~~ **Comment letters from surrounding landowners after the 30-day circulation period for the original Initial Study circulated for the project had ended, were received claiming the presence of a vernal pool on the project site. Following the September 15, 2022, Planning Commission hearing for the project, additional input from surrounding landowners was received claiming assessment was needed regarding the presence of vernal pools and that the project's potential impacts to special-status species should be evaluated including, but not limited to, the State threatened Swainson's hawk (*Buteo swainsoni*), and the State species of special concern burrowing owl (*Athene cunicularia*). The project was referred to the California Department of Fish and Wildlife as an Early Consultation and as a 30-day referral, and no official comment letter was received from the Department regarding wetlands on the project site or species of special concern. The Developer hired a qualified biologist to conduct a field survey and assessment of the project site to address surrounding landowners' concerns. A Biological Assessment was prepared, by Moore Biological Consultants, to evaluate potential project-related impacts to biological species.**

A field survey of the site was conducted on October 13, 2022. The survey consisted of walking throughout the project site making observations of current habitat conditions and noting surrounding land use, general habitat types, and plant and wildlife species. The survey included an assessment of the project site for presence or absence of potentially jurisdictional Waters of the U.S. (a term that includes wetlands) as defined by the U.S. Army Corps of Engineers, special-status species, and suitable habitat for special-status species (e.g., blue elderberry shrubs, vernal pools). Additionally, trees in and near the project site were assessed for the potential use by nesting raptors, especially Swainson's hawk (*Buteo swainsoni*). The project site was also searched for burrowing owls (*Athene cunicularia*) or ground squirrel burrows that could be utilized by burrowing owls. The assessment evaluated the likelihood of occurrence on the project site of special status species recorded in the Central California Diversity Database (CNDDDB) and in the United States Fish and Wildlife Service Species List for the project area. The Biological Assessment states that the site has been in irrigated pasture to support livestock for decades but appears to have not been irrigated for several months, and that the site was leveled for the purpose of irrigation, sloping down very gently from east to west. The assessment stated that no potentially jurisdictional Waters of the U.S. or wetlands (i.e., vernal pools, seasonal wetlands, streams, creeks, or other aquatic habitats) were observed on the project site. Due to high levels of disturbance and a lack of suitable habitat, it is unlikely that special status plants occur on the site. The assessment stated the site is not within a designated critical habitat for federally listed species. Although considered unlikely to occur on the site, the assessment indicates that there is potentially suitable habitat on the site for Swainson's hawk; however, the site does not provide suitable habitat for other special-status species (such as other listed animals or insects). The site is within the nesting range of Swainson's hawks; however, Swainson's hawks are not widespread in this part of the valley; and there is only one occurrence of nesting Swainson's hawks in the 60+/- square mile CNDDDB (2022) search area. The occurrence of the nesting Swanson's hawks was observed on June 7, 1994, 1.1± miles northeast of the project site according to the California Natural Diversity Database. Further, the assessment stated that due to the scarcity of occurrences of Swainson's hawks recorded in the CNDDDB in the greater project vicinity, small size of the site, and its adjacency to developed parcels, the likelihood of a Swainson's hawk using the site for foraging on an intensive basis, if ever, is reduced. The assessment found that due to the location of the project site, it is unlikely this species nests near the project site, and that it is highly unlikely that Swainson's hawks would nest in one of the ornamental trees adjacent to the existing home onsite. Other special-status birds including burrowing owl may fly over the site on occasion but would not be expected to nest within the project site; no ground squirrel burrows were observed in or adjacent to the site and burrowing owls are not common in this part of Stanislaus County. Based on the conservative recommendations included in the Biological Assessment prepared for the project, development standards requiring surveys be conducted prior to ground disturbance for Swainson's hawk, burrowing owl, and

other nesting birds protected by the Migratory Bird Treaty Act of 1918 have been incorporated into the project's development standards should construction begin between March 1 and September 15. If active nests are found, work in the vicinity of the nest shall be delayed and a qualified biologist shall be consulted for recommendations on how to proceed.

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 (formerly the Department of Fish and Game) 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 June 28, 2022 and November 9, 2022; **Biological Assessment, conducted by Moore Biological Consultants, dated October 14, 2022;** 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 conducted by the Central California Information Center (CCIC) for the project site indicated that there are no historical, cultural, or archeological resources recorded on-site and that the site has a low sensitivity for the discovery of such resources. The report from the CCIC indicated that historic buildings and structure have been recorded within Denair and the surrounding vicinity. Since the project area has not been subject to previous investigations, there may be unidentified features involved in the project area that are 45 years or older and considered as historical resources requiring further study. The CCIC recommend further review for the possibility of identifying prehistoric or historic-era archaeological resources if ground disturbance is considered a part of the current project. If archaeological resources are encountered during project-related activities, work should be halted in the vicinity of the discovered materials until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. 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. Conditions of approval will be added to the project to ensure these requirements are met.

The County does not use age as an indication of historic resources. The existing buildings on the project site are not federally or state registered as historic structures and are not located within a historic zoning district. Accordingly, any demolition or impact on the existing buildings is not considered a significant impact to cultural resources.

Mitigation: None.

References: Central California Information Center Report for the project site, dated February 10, 2022; 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.

The project proposes to rezone a 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent, and create 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet, and a 13,098 square-foot stormwater basin. All subsequent building permits for single-family dwellings would need to be in compliance with Title 24, Green Building Code, which includes energy efficiency requirements.

Any street lighting will be required to meet Public Works' standards and specifications as part of the improvement plans prior to acceptance of the improvement plans.

The Turlock Irrigation District provided a referral response to the project indicating that electric service can be provided to the proposed lots. TID requested the developer consult with District Electrical Engineering to make an application for service and to begin design work. TID also requested public utility easements to be dedicated along all street frontages. TID comments will be added to the Development Standards for the project.

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 this project to address compliance with Title 24, Green Building Code, for projects that require energy efficiency.

Mitigation: None.

References: Application Information; CEQA Guidelines; Title 16 of County Code; CA Building Code; Stanislaus County Zoning Ordinance (Title 21); Referral response from Turlock Irrigation District, dated April 19, 2022; Stanislaus County 2016 General Plan EIR; 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 United States Department of Agriculture (USDA) Natural Resources Conservation Service's (NRCS) Eastern Stanislaus County Soil Survey, shows that the dominant soils present are Madera sandy loam, 0 to 2 percent slopes and Dinuba sandy loam, 0 to 1 percent slopes. 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. DER, Public Works, and the Building Permits Division review and approve any building permit to ensure their standards are met. Any earth moving must be approved by Public Works as complying with adopted Standards and Specifications, which consider the potential for erosion and run-off prior to permit approval. The project was referred to Public Works who responded that prior to the recording of the final map, a complete set of improvement plans that are consistent with the Stanislaus County Standards and Specifications and the tentative map shall be submitted and approved by Stanislaus County Public Works; additionally, a current soils report for the area to be subdivided and a grading, drainage, and erosion/sediment control plan shall be submitted prior to acceptance of the improvement plans. Public Works' requirements will be placed on the project as Development Standards.

The Building Division may utilize the results from the soils test, or require additional soils tests, to determine if unstable or expansive soils are present. If such soils are present, special engineering of any structures will be required to compensate for the soil deficiency. Any structures resulting from this project will be required to be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Likewise, any addition or expansion of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements.

The project proposes 17 lots for single-family dwelling units, one of which is already developed with a single-family dwelling (Lot B). The applicant proposes frontage improvements for the development consisting of curb, gutter and sidewalk for each lot. The site will be served public water and sewer by the Denair Community Services District (CSD). The Denair CSD provided a letter indicating their ability to serve the project site with public water and sewer. The letter indicated that

the CSD will require the owner/developer to enter into an Agreement with the Denair CSD to construct and pay for necessary infrastructure to enable the District to provide water and sewer services to the project. The Agreement will require the infrastructure be constructed to District specifications, and that security be given to the District to guarantee performance and payment for the infrastructure, and that all current connection fees be paid in full prior to issuance of a formal Will-Serve letter to the property owner/developer. Additionally, the applicant may be required to pay a fair share fee for future facilities for District services. The formal Will-Serve letter must be presented to the Stanislaus County Building Permits Division prior to issuance of a building permit for any residential structure. The CSD's comments will be applied to the project as development standards. No septic tanks are proposed as part of the project request. A referral response was received from the Department of Environmental Resources requiring the development obtain a formal Will-Serve letter from the Denair Community Services District for sewer and water. If an existing on-site wastewater treatment system (OWTS) is encountered, the applicant shall contact the DER for guidance and submit for and secure any required permits for the destruction of any existing OWTS on the subject properties.

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; USDA – NRCS Web Soil Survey; Referral response received from Stanislaus County Department of Public Works, dated May 2, 2022, as revised on July 14, 2022, and further revised on July 15, 2022; Letter received from Denair Community Services District, dated February 10, 2022; Referral response from the Stanislaus County Department of Environmental Resources, dated April 20, 2022; 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.

This is a request to rezone a 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent, and create 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet, and a 13,098 square-foot stormwater basin. A single-family dwelling and attached garage currently exist on the project site and will remain on proposed Lot B of the tentative map. Frontage improvements proposed for the development include curb, gutter and sidewalk for each lot. A 7-foot-tall masonry block wall is proposed to be constructed along the southern boundaries of the existing storm water basin on APN 024-055-043, and a 6-foot-tall chain-link fence will be installed along the eastern border of the storm water basin (both APN 024-055-043 and Lot A).

As required by CEQA Guidelines Section 15064.3, potential impacts regarding Green House Gas Emissions 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 project proposes 17 residential lots, one of which is already developed with a single-family dwelling, and has the potential to develop a maximum of 33 new dwelling units, with each new lot able to be developed with up to two separate dwelling units each, consisting of one single-family dwelling, and one accessory dwelling unit (ADU), and the existing lot able to be developed with an ADU. One junior accessory dwelling unit (JADU) per lot is also permitted under the Rural Residential (R-A) zoning district; however, the JADU would not count as a separate dwelling unit as the JADU consists of converted living space within the primary home. According to the Federal Highway Administration the average daily vehicle trips per household is 5.11, which would equal approximately 169 additional trips per-day as a result of project approval ($33 \text{ new units} \times 5.11 = 168.63$). The VMT increase associated with the proposed project is significant as the number of vehicle trips will exceed 110 per-day. Although the project does not meet OPR's technical guideline, which identifies either 110 vehicle trips or a 15% reduction in VMT, the project is considered an infill residential project, as the project site was already identified in the Denair Community Plan for residential uses, which was accounted for under previous environmental analysis. Additionally, projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less-than-significant transportation impact. A major transit stop is defined as a site containing an existing rail transit station. The Turlock-Denair Amtrak station is located .32± miles to the west of the project site. Accordingly, VMT impacts are considered to be less than significant.

The proposed project will result in short-term emissions of GHGs during 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 use of heavy-duty construction equipment would be very limited; therefore, the emissions of CO₂ from construction would be less than significant. Additionally, the construction of the proposed buildings is subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11). 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 SJVAPCD standards for air quality control.

The project was referred to SJVAPCD which responded with no comment on the project. The analysis of mobile source pollution based on SPAL within Section III – Air Quality of this report would apply in regard to Greenhouse Gas Emissions as well. The District's Small Project Analysis Level (SPAL) guidance identifies thresholds of significance for criteria pollutant emissions, which are based on the District's New Source Review (NSR) offset requirements for stationary sources. Using project type and size, the District has pre-qualified emissions and determined a size below which it is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants. In the interest of streamlining CEQA requirements, projects that fit the descriptions and are less than the project sizes provided by the District 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 analysis of mobile source pollution based on SPAL within Section III – Air Quality of this report would apply in regard to Greenhouse Gas Emissions as well. The District's threshold of significance for residential projects is identified as 155 units, and less than 800 additional trips per-day. As mentioned above in this section, this request has the potential to result in the development of up to 33 new dwelling units as a result of the proposed project. According to the Federal Highway Administration the average daily vehicle trips per household is 5.11, which would equal approximately 169 additional trips per-day as a result of project approval ($33 \text{ new units} \times 5.11 = 168.63$). As this is well below the District's threshold of significance, no significant impacts to GHG emissions are anticipated.

Mitigation: None.

References: Application information; Governor's Office of Planning and Research Technical Advisory, December 2018; Federal Highway Administration, Summary of Travel Trends: 2017 National Household Travel Survey; San Joaquin Valley Air Pollution Control District referral response, dated May 3, 2022; San Joaquin Valley Air Pollution Control District's Small Project Analysis Level (SPAL) guidance, California Air Pollution Control Officers Association Quantifying Greenhouse Gas Mitigation Measures (August 2010); 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 County Department of Environmental Resources is responsible for overseeing hazardous materials and has not indicated any particular concerns on the project site. The project was referred to the Department of Environmental Resources (DER) Hazardous Materials Division, which is responsible for overseeing hazardous materials. A response was received indicating that the developer shall conduct a Phase I or Phase II study prior to the issuance of a grading permit. If an existing onsite wastewater treatment system (OWTS) is encountered, the applicant shall contact the DER for guidance and submit for and secure any required permits for the destruction of any existing OWTS on the subject properties. Additionally, the Hazardous Materials Division requested that they be contacted should any underground storage tanks, buried chemicals, buried refuse, or contaminated soil be discovered during grading or construction. These comments will be reflected through the application of a development standard.

Pesticide exposure is a risk in areas located in the vicinity of agricultural uses. Sources of exposure include contaminated groundwater, which is consumed and drift from spray applications. Application of sprays are strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. Additionally, agricultural buffers are intended to reduce the risk of spray exposure to surrounding people. General Plan Amendment No. 2011-01 - *Revised Agricultural Buffers* was approved by the Board of Supervisors on December 20, 2011, to modify County requirements for buffers on agricultural projects. Appendix A states: "All projects shall incorporate a minimum 150-foot-wide buffer setback. Projects which propose people intensive outdoor activities shall incorporate a minimum 300-foot-wide buffer setback. Alternatives may be approved, provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. The project proposes to create 17 residential lots which is considered to be people intensive and require a 300-foot buffer setback from the proposed use to adjacent agriculturally zoned property. The property is adjacent to urban development to the west, north and south, and an agricultural zoned parcel to the east; however, the adjacent agriculturally zoned parcel is not actively farmed. The nearest parcels in agricultural production are a 4.9± acre parcel currently used for pasture land located .13± miles to the east of the project site and a 326.36± acre parcel located .25± miles to the east used for row crops and a chicken farm and currently enrolled under a Williamson Act contract.

Pesticide spray permits have not been issued within 600-feet of the project site. The applicant has proposed a no buffer alternative to the agriculture buffer requirement. The project was referred to the Stanislaus County Agricultural Commissioner and no comments have been received to date.

The project site is not listed on the EnviroStor database managed by the CA Department of Toxic Substances Control or within the vicinity of any airport. The Hazardous Materials Division notified the Stanislaus County Planning Department of the presence of an open Central Valley Regional Water Quality Control Board (CVRWQCB) case (T0609997924) for a Leaking Underground Storage Tank (LUST) located 769± feet to the west of the project site at 4740 Main Street; however, groundwater is not known to be contaminated within the project site area. The project will be served by the Denair Community Services District for their domestic water and sewer services. The Hazardous Material Division indicated that the project will not have a significant effect on the environment. Additionally, the project was referred to the Stanislaus County Environmental Review Committee (ERC), which responded with no comments. Therefore, no significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project.

The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Denair Fire Protection District. The project was referred to the District; however, no response has been received to date. Each subsequent building permit for the residential development will be required to meet any relevant State of California Fire Code requirement prior to issuance.

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 April 18, 2022; Referral response from Stanislaus County Department of Environmental Resources, dated April 20, 2022; Referral response from Stanislaus County Environmental Review Committee (ERC), dated April 20, 2022; 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% annual chance floodplains. All flood zone requirements are addressed by the Building Permits Division during the building permit process.

The project site will be served water and sewer services by the Denair Community Services District (CSD). The Denair CSD provided a letter indicating their ability to serve water and sewer to the project site. As a condition of service, the CSD will require the owner/developer to enter into an Agreement to construct and pay for necessary infrastructure to enable the District to provide water and sewer services to the project. The Agreement will require the infrastructure be constructed to District specifications, and that security be given to the District to guarantee performance and payment for the infrastructure, and that all current connection fees be paid in full. Additionally, the applicant may be required to pay a fair share fee for future facilities for District services. Development standards will be added to the project to ensure the CSD's requirements are met. Additionally, a referral response was received from the Department of Environmental Resources who will require the project site obtain a Will-Serve letter for water and sewer services to serve the development issued from the Denair CSD. These requirements will be reflected in the conditions of approval for this project.

Water quality in Stanislaus County is regulated by the Regional Water Quality Control Board, Central Valley Region, (RWQCB) under a Water Quality Control Plan (Basin Plan) for the Sacramento and San Joaquin River Basins. Under the Basin Plan, the RWQCB issues Waste Discharge Requirements (WDRs) to regulate discharges with the potential to degrade surface water and/or groundwater quality. In addition, the RWQCB issues orders to cease and desist, conduct water quality investigations, or implement corrective actions. The Stanislaus County Department of Environmental Resources (DER) manages compliance with WDRs for some projects under a Memorandum of Understanding with the RWQCB. A response was received from the Hazardous Materials Division as previously mentioned in Section IX - Hazards and Hazardous Materials which indicated the presence of an open Central Valley Regional Water Quality Control Board (CVRWQCB) case (T0609997924) for a Leaking Underground Storage Tank (LUST) located 769± feet to the west of the project site at 4740 Main Street; however, groundwater is not known to be contaminated within the project site area. The project was referred to RWQCB; however, no response has been received to date. A condition of approval will be added to the project requiring the applicant contact and coordinate with RWQCB to determine if any permits or Water Board requirements be obtained/met prior to issuance of a building permit.

By virtue of the proposed paving for the roadway, building pads, driveways, and sidewalk improvements, the current absorption patterns of water upon this property will be altered, and as such, a Grading and Drainage Plan shall be approved prior to issuance of any building permit as required by Public Works. Stormwater is proposed to be managed for the development through a 13,098 square-foot expansion (Lot A) of an existing stormwater basin located on APN 024-055-043, which currently serves an existing residential development to the south. A referral response was received from the County's Public Works Department requiring annexation of the project to the existing Community Service Area (CSA) #21 - Riopel and the Denair Highway Lighting and Landscaping District to ensure future maintenance and eventual replacement of the storm drainage system and facilities, block wall, and any landscaped areas. Development standards have been added to the project addressing Public Works' requirements. Public Works' request will be added to the project as Development Standards. Prior to the recording of the final map, a complete set of improvement plans that are consistent with the Stanislaus County Standards and Specifications and the tentative map shall be submitted and approved by Stanislaus County Public Works; additionally, a current soils report for the area to be subdivided and grading, drainage, and erosion/sediment control plan shall be submitted prior to acceptance of the improvement plans. Public Works' requirements will be placed on the project as Development Standards.

Groundwater management in California is regulated under the 2014 California Sustainable Groundwater Management Act (SGMA), which requires the formation of local Groundwater Sustainability Agencies (GSAs) to oversee the development and implementation of Groundwater Sustainability Plans (GSPs). SGMA defines sustainable groundwater management as the prevention of "undesirable results," including significant and unreasonable chronic groundwater levels, reduction of groundwater storage, degraded water quality, land subsidence, and/or depletions of interconnected surface water. GSPs define minimum thresholds and measurable objectives for sustainable groundwater management, designate monitoring

networks to assess compliance with these management criteria and prescribe management actions and projects to achieve sustainability objectives within 20 years of their adoption.

Public and private water agencies and user groups within each of the four groundwater subbasins underlying the County work together as GSAs to implement SGMA. DER is a participating member in five GSAs. GSPs were adopted in January 2020 for the portions of the County underlain by the Eastern San Joaquin and Delta-Mendota Groundwater Subbasins and will be adopted for the Turlock and Modesto Subbasins by January 31, 2022. The subject project is located within the West Turlock Groundwater Subbasin and the jurisdiction of the Turlock GSA; the Denair CSD is subject to meeting any applicable requirements of the Turlock GSP.

Groundwater management in Stanislaus County is also regulated under the County Groundwater Ordinance, adopted in 2014. The Groundwater Ordinance is aligned with SGMA in its objective to prevent “undesirable results”. To this end, the Groundwater Ordinance requires that applications for new wells that are not exempt from the Ordinance are accompanied by substantial evidence that operation of the new well will not result in unsustainable groundwater extraction. Further, the owner of any well from which the County reasonably concludes groundwater may be unsustainably withdrawn, is required to provide substantial evidence of sustainable extraction. No new wells are anticipated to be installed as a result of this project. However, if a new well were required in the future by the CSD, the drilling of a new well would be regulated by DER and the Turlock GSP, which would include an environmental analysis consistent with CEQA.

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 the DER for review. The DER evaluates these projects for compliance with the County Groundwater Ordinance and refers projects to the applicable GSAs for determination whether or not they are compliance with an approved GSP.

No new septic systems are proposed under this request.

The project was referred to the Turlock Irrigation District (TID) which responded with a comment letter indicating an irrigation pipeline belonging to Improvement District (ID) 573A, runs from north to south along the east side of the subject project, and a valve box on the pipeline near the northeast corner of proposed Lot 15 that delivers water in a ditch that continues east. TID responded that the pipeline south of this valve/ditch can be removed; however, the remaining irrigation facilities at the northeast corner of Lot 15 shall be replaced by the developer to current District standards and an irrigation easement dedicated. The applicant has amended their tentative map to show the proposed TID easement. A development standard will be placed on the project that all easements be shown on the final map prior to recording. Plans detailing the existing irrigation facilities relative to the proposed site improvements will be required to be submitted to the District in order to determine specific impacts and requirements. The applicant will also be required to apply for abandonment of the parcel from the TID improvement district, and provide irrigation improvement plans and enter into an Irrigation Improvements Agreement for the required irrigation facility modifications. Additionally, TID will require grading specifications to prevent irrigated water from flowing over the developed project site. TID’s comments will be placed on the project as development standards.

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

Mitigation: None.

References: Letter received from Denair Community Services District, dated February 10, 2022; Referral response from the Stanislaus County Department of Environmental Resources, dated April 20, 2022; Referral response received from Stanislaus County Department of Environmental Resources Hazardous Materials Division, dated April 18, 2022; Referral response received from Stanislaus County Department of Public Works, dated May 2, 2022, as revised on July 14, 2022, and further revised on July 15, 2022; Referral response from Turlock Irrigation District, dated April 19, 2022; 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	
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Discussion: The project site has a zoning designation of Rural Residential (R-A), which allows for a minimum parcel size of 8,000 square feet when serviced by public water and sewer. Existing land use designations for the project site include a General Plan designation of Low-Density Residential (LDR) and a Denair Community Plan Designation of LDR, which allows for zero to eight units per net acre. The project as proposed could develop 33 new dwellings units, with each new lot able to be developed with a single-family dwelling, an accessory dwelling unit, and a junior accessory unit; however, maximum density restrictions are not considered when developing accessory dwelling units in accordance with Senate Bill (SB) 13. The project proposes to create 17 lots of at least 8,000 square feet each on 4.82± acres, near the eastern border of the community of Denair, which equates to a density of 3.5± units per acre. The proposed Planned Development zoning district will include all uses and development standards permitted in the R-A zoning district with the exception of lot coverage. The applicant has proposed the resulting parcels to be permitted to develop building space of up to 50% of the total lot size, an increase of 10% from the current R-A zoning district. The applicant has requested this to achieve a greater flexibility in siting the housing product offered. The proposed lots will be served by the Denair Community Service District (CSD) for public water and sewer services. The proposed lot configuration is consistent with the General Plan, Community Plan, zoning designations of LDR and R-A zoning district, and the Subdivision Map Act.

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 project site is located within the Denair CSD. The applicant has provided a will serve letter issued by the CSD, stating their ability to serve the proposed lots with sewer and water services. Development standards will be added to the project to reflect the CSD's conditions for services including any requirement to pay a fair share fee for future facilities for District services. The project was referred to the CSD and no additional responses have been received.

The SOI Policy also requires that projects located within a SOI of a city of special district and within the boundaries of a Municipal Advisory Council (MAC) shall be referred to the MAC and the decision-making body give consideration to any comments received from the MAC. The proposed project is located within the Denair MAC boundaries and, accordingly, has been referred to the Denair MAC. In response to the Early Consultation circulated from April 5, 2022 to April 20, 2022, a Denair MAC member provided a comment on the project requesting Lots 6-8 be developed with a higher density number of dwelling units. The applicant provided example elevations and floor plans for single-family dwellings with attached accessory dwelling units for Lots 6-8 in response to the MAC member's comment. The Denair MAC will hear the project proposal and make a recommendation regarding the project at their regularly scheduled monthly meeting on August 9, 2022.

Appendix A of the Agricultural Element states: "All projects shall incorporate a minimum 150-foot-wide buffer setback. Projects which propose people intensive activities shall incorporate a minimum 300-foot-wide buffer setback. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts such as spray drift and trespassing resulting from the interaction of agricultural and non-agricultural uses. Alternatives may be approved, provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. A residential subdivision would be considered a people intensive use. The ranchette parcel to the east is not in agricultural production, and is designated as Low-Density Residential in the Denair Community Plan and improved with a single-family dwelling and accessory structures. Additionally, ranchettes are considered to be residential in nature as categorized under Goal Two of the Agriculture Element of the General Plan. The nearest parcels in agricultural production are a 4.9± acre ranchette currently used for pasture land located .13± miles to the east of the project site and a 326.36± acre parcel located .25± miles to the east used for row crops and a chicken farm and currently enrolled under a Williamson Act contract. The 4.9± acre ranchette is included within the Denair Community Plan as Estate Residential. The 326.36± acre parcel currently enrolled in the Williamson Act is not located within the Denair Community Plan and is separated from the site by two parcels and the TID Main Canal. Residential development is limited to the current boundaries of the Denair Community Plan; therefore, if approved, the proposed project will not convert farmland to non-agriculture uses; nor will it conflict with existing zoning or a Williamson Act Contract. Additionally, permits for spraying pesticides have not been issued within 600-feet of the project site. The applicant has proposed a no buffer alternative to the agriculture buffer requirement. The County's Agricultural Commissioner was referred the project; however, no response was received.

The General Plan and the Denair Community Plan requires at least three net acres of developed neighborhood parks, or the maximum number allowed by law, to be provided for every 1,000 residents. Consequently, the Stanislaus County Department of Parks and Recreation has calculated in-lieu fees per single-family dwelling unit to be paid by the developer to accommodate increased recreation needs occurring as a result of the residential development. Based on the number of lots being created, conditions of approval will be added to the project to require in-lieu park fees. These fees will be required at the issuance of a building permit for each dwelling unit at a rate of \$2,050.00 per single-family dwelling unit.

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

Mitigation: None.

References: Application information; Letter from Denair Community Services District, dated February 10, 2022; Referral response received from Stanislaus County Department of Environmental Resources, dated April 20, 2021; Referral response received from Stanislaus County Department of Public Works, dated May 2, 2022, as revised on July 14, 2022, further revised on July 15, 2022; County Zoning Ordinance; and the 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; and the 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 A.M. to 10 P.M. and 45 dB Ldn during nighttime

hours between 10 P.M. and 7 A.M. The most sensitive noise receptors adjacent to the project site are the single-family dwellings abutting the project site to the north and south. The proposed project is required to comply with the noise standards included in the General Plan and Noise Control Ordinance. 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 itself is impacted by the noise generated from Story Road to the west and Romie Way to the north and south.

Conditions of approval will be placed on the project to ensure compliance with the General Plan's Noise Element and Chapter 10.46 of the County Code – Noise Control.

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

Mitigation: None.

References: Application information; Stanislaus County Noise Control Ordinance (Title 10); Stanislaus County General Plan, Chapter IV – Noise Element, 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: The vacant sites inventory for the 2016 Stanislaus County Housing Element, which covers the 5th cycle Regional Housing Needs Allocation (RHNA) for the County, identified Denair as having a realistic capacity for producing an additional 35 housing units, made up of 17 above moderate units and 18 moderate and below moderate units. Although the project site is not included in the vacant sites inventory, the project would produce 17 new single-family above moderate units which will assist the County in producing a portion of the above moderate units identified as being needed within Stanislaus County. The project site has been improved with a single-family dwelling since 1950. The existing dwelling will remain on Lot B of the proposed subdivision map.

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. Additionally, in accordance with the implementation measures listed under Goal Two, Policy Two of the Denair Community Plan, the sizing of sewer and water lines should be reduced as they approach the northerly, westerly and easterly periphery of the Denair Community Plan area to limit growth influences beyond the Plan area. The maximum number of residential units the proposed project could develop is 33 units, with each new lot capable of being developed with one single-family dwelling and one accessory dwelling unit (ADU) each, and proposed Lot B will be able to be developed with an ADU in addition to the existing single-family dwelling; as mentioned in Section XI -Land Use and Planning, maximum density restrictions are not considered when developing accessory dwelling units in accordance with Senate Bill (SB) 13. The extension of Denair CSD water and sewer services will not induce any further growth as the development is an infill project. The site is located adjacent to urban development to the west, north and south, and an agriculturally zoned parcel to the east; however, the parcel to the east is currently designated Urban Transition under the Stanislaus County Land Use Element.

Mitigation: None.

References: Application information; Stanislaus County Zoning Ordinance (Title 21); and the Stanislaus County General Plan, Chapter VI – Housing Element 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:			X	
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	

Discussion: The project site is served by Denair Rural Fire District, the Denair Unified and Turlock Unified School District, Stanislaus County Sheriff Department for police protections, the Denair Community Services District for public water and sewer, Stanislaus County Parks and Recreation Department for parks facilities, and the Turlock Irrigation District (TID) for power. County adopted Public Facilities Fees, as well as fire and school fees are required to be paid based on the development type prior to issuance of a building permit. Payment of the applicable district fees will be required prior to issuance of a building permit. All new dwellings will be required to pay the applicable Public Facility Fees through the building permit process. The Sheriff's Department also uses a standardized fee for new dwellings that will be incorporated into the Development Standards. As discussed in Section XI – Land Use and Planning, the General Plan and the Denair Community Plan requires at least three net acres of developed neighborhood parks, or the maximum number allowed by law, to be provided for every 1,000 residents. The Stanislaus County Department of Parks and Recreation has calculated an in-lieu fee of \$2,050 per single-family dwelling unit which will be paid by the developer to accommodate increased recreation needs occurring as a result of the residential development.

A referral response was received from the County's Public Works Department requiring annexation of the project to the existing Community Service Area (CSA) #21 - Riopel and the Denair Highway Lighting and Landscaping District to ensure future maintenance and eventual replacement of the storm drainage system and facilities, block wall, and any landscaped areas and requirements regarding connection to the Denair CSD prior to the final map being recorded. Curb, gutter and sidewalk along Story Road, Romie Way and the proposed Harris Court will be County-maintained through the Stanislaus County Public Works Department. Development standards have been added to the project addressing Public Works' requirements.

The Turlock Irrigation District provided a referral response to the project indicating that electric service can be provided to the proposed lots. TID requested the developer consult with District Electrical Engineering to make an application for service and to begin design work. TID also requested public utility easements to be dedicated along all street frontages. Development standards reflecting TID's requests will be placed on the project.

The Denair Community Services District (CSD) provided a letter indicating the capacity of the CSD to serve water and sewer to the project site. The letter indicated that the CSD will require the owner/developer to enter into an Agreement with the Denair CSD to construct and pay for necessary infrastructure to enable the District to provide water and sewer services to the project. The Agreement will require the infrastructure be constructed to District specifications, and that security be given to the District to guarantee performance and payment for the infrastructure, and that all current connection fees be paid in full. Additionally, the applicant may be required to pay a fair share fee for future facilities for District services. Once all fees are paid in full, a formal Will-Serve letter will be given to the property owner/developer by the CSD to submit to the Stanislaus County Building Permits Division prior to issuance of a building permit. The District's requirements will be added as development standards to the project.

Mitigation: None.

References: Application information; Referral response received from Stanislaus County Department of Public Works, dated May 2, 2022, as revised on July 14, 2022, further revised on July 15, 2022; Referral response received from Turlock Irrigation District, dated April 19, 2022; Letter from Denair Community Services District, dated February 10, 2022; and the 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: The General Plan and the Denair Community Plan requires at least three net acres of developed neighborhood parks, or the maximum number allowed by law, to be provided for every 1,000 residents. Based on the number of lots being created, development standards will be added to the project to require in-lieu park fees. These fees will be required at the issuance of a building permit for each dwelling unit at a rate of \$2,050.00 per single-family dwelling unit.

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: The project proposes to rezone a 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent, and create 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet, and a 13,098 square-foot stormwater basin. As part of this project, Romie Way will be extended through the site which will connect to a cul-de-sac (proposed to serve lots 1-5, 9-16, and Lot A) that will include a stub-out to serve future development east of the project site. The remaining lots (lots 6-8 and proposed Lot B) will have access and road frontage onto Story Road.

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 project proposes 17 residential lots, one of which is already developed with a single-family dwelling, and has the potential to develop a maximum of 33 new dwelling units, with each new lot able to be developed with up to two separate dwelling units each, consisting of one single-family dwelling, and one accessory dwelling unit (ADU), and the existing lot able to be developed with an ADU. One junior accessory dwelling unit (JADU) per lot is also permitted under the Rural Residential (R-A) zoning district; however, the JADU would not count as a separate dwelling unit as the JADU consists of converted living space within the primary home. According to the Federal Highway Administration the average daily vehicle trips per household is 5.11, which would equal approximately 169 additional trips per-day as a result of project approval ($33 \text{ new units} \times 5.11 = 168.63$). The VMT increase associated with the proposed project is significant as the number of vehicle trips will exceed 110 per-day. Although the project does not meet OPR's technical guideline, which identifies either 110 vehicle trips or a 15% reduction in VMT, the project is considered an infill residential project, as the project site was already identified in the Denair Community Plan for residential uses, which was accounted for under previous environmental analysis. Additionally, projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less-than-significant transportation impact. A major transit stop is defined as a site containing an existing rail transit station. The Turlock-Denair Amtrak station is located .32± miles to west of the project site. Accordingly, VMT impacts are considered to be less than significant.

Level of service (LOS) is a standard measure of traffic service along a roadway or at an intersection for vehicles. It ranges from A to F, with LOS A being best and LOS F being worst. As a matter of policy, Stanislaus County strives to maintain LOS D or better for motorized vehicles on all roadway segments and a LOS of C or better for motorized vehicles at all roadway intersections. When measuring levels of service, Stanislaus County uses the criteria established in the Highway Capacity Manual published and updated by the Transportation Research Board. Story Road along the west of the project site is classified as a 60-foot-wide local road and Romie Way, which is proposed to be continued through the project site under this proposal, is a 50-foot-wide local road. The LOS threshold for a Local Road to operate at a LOS C is 1,700 vehicles per-lane, per-day, respectively.

Frontage improvements proposed for the development include curb, gutter, and sidewalk for the entire subdivision. As part of this project, Romie Way will be extended through the site which will connect to a cul-de-sac (proposed to serve lots 1-5, 9-16, and Lot A) that will include a stub-out to serve future development east of the project site. A barricade per Public Works' Standards and Specifications is proposed along the street stub to the east to prevent trespass onto the adjacent agriculturally zoned parcel.

A referral response was received from the County's Public Works Department, which included requirements for site development standards that would account for the County's Standards and Specifications for subdivisions. Development standards were also included for: right of way dedication for Story Road, the continuation of Romie Way, and the proposed Harris Court; requirements for final map recordation; requirements for submission of improvement plans; grading and drainage plan requirements, including removal or relocation of existing irrigation facilities; inclusion of a 10' Public Utilities Easement along the frontage of each parcel; annexation of the project to the existing Community Service District and Lighting and Landscaping District for funding of improvement maintenance; and requirements regarding connection to the Denair CSD prior to the final map being recorded. These requirements will be added to the project as development standards.

All development onsite will be required to pay applicable County PFF fees, 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: Application information; Referral response received from Stanislaus County Department of Public Works, dated May 2, 2022, as revised on July 14, 2022, further revised on July 15, 2022; Federal Highway Administration, Summary of Travel Trends: 2017 National Household Travel Survey; Governor's Office of Planning and Research Technical Advisory, December 2018; Stanislaus County Zoning Ordinance (Title 21); and the 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 currently developed with a single-family dwelling and attached garage on proposed Lot B; the rest of the project site is vacant. However, the surrounding area has been developed with single-family dwellings and urban uses. As discussed in Section V – Cultural Resources of this report, the records search indicated there may be unidentified features involved in the project area that are 45 years or older and considered as historical resources requiring further study. The CCIC recommend further review for the possibility of identifying prehistoric or historic-era archaeological resources if ground disturbance is considered a part of the current project. The 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; Central California Information Center Report for the project site, dated February 10, 2022; 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 proposed project will rezone a 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent, and create 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet, and a 13,098 square-foot stormwater basin. If approved, each residential lot could be developed with one single-family dwelling, an accessory dwelling unit, and a junior accessory dwelling unit. As part of this project, Romie Way will be extended through the site which will connect to a cul-de-sac (proposed to serve lots 1-5, 9-16, and Lot A) that will include a stub-out to serve future development east of the project site. The remaining lots (lots 6-8 and proposed Lot B) will have access and road frontage onto Story Road. The applicant proposes to install curb, gutter, sidewalk and street lighting pursuant to Stanislaus County standards along the frontage of each proposed lot. Two existing trees will remain on Lot 6 and Lot B of the tentative map. The applicant proposes to plant one tree along the frontage of Lots 1-12 and Lots 14-15; three trees along the frontage of corner Lots 1, 13 and 16; and five trees along the road frontage of Lot A, the storm water basin, for an overall total of 29 trees as part of this request. Stormwater is proposed to be managed for the development through a 13,098 square-foot expansion (Lot A) of an existing stormwater basin located on APN 024-055-043, which currently serves an existing residential development to the south. A referral response was received from the County's Public Works Department requiring annexation of the project to the existing Community Service Area (CSA) #21 - Riopel and the Denair Highway Lighting and Landscaping District to ensure future maintenance and eventual replacement of the storm drainage system and facilities, block wall, and any landscaped areas. Curb, gutter and sidewalk along Story Road, Romie Way and the proposed Harris Court will be County-maintained through the Stanislaus County Public Works Department. Public Works also provided requirements regarding connection to the Denair CSD prior to the final map being recorded. All of Public Works' requirements will be added to the project as development standards.

The Turlock Irrigation District provided a referral response to the project indicating that electric service can be provided to the proposed lots. TID requested the developer consult with District Electrical Engineering to make an application for service and to begin design work. TID also requested public utility easements to be dedicated along all street frontages. TID comments will be added to the Development Standards for the project.

The Denair Community Services District (CSD) provided a letter indicating the capacity of the CSD to serve water and sewer to the project site. The letter indicated that the CSD will require the owner/developer to enter into an Agreement with the Denair CSD to construct and pay for necessary infrastructure to enable the District to provide water and sewer services to the project. The Agreement will require the infrastructure be constructed to District specifications, and that security be given to the District to guarantee performance and payment for the infrastructure, and that all current connection fees be paid in full. Additionally, the applicant may be required to pay a fair share fee for future facilities for District services. Once all fees are paid in full, a formal Will-Serve letter will be given to the property owner/developer by the CSD to submit to the Stanislaus County Building Permits Division prior to issuance of a building permit. The District's requirements will be added as development standards to the project.

A referral response was received from the Department of Environmental Resources which will require the project site to obtain a formal Will-Serve letter (as discussed in the paragraph above) for water and sewer services to serve the development, issued from the Denair Community Services District, and that the applicant receive the appropriate permits for demolition of the existing septic facilities on-site. These requirements will be reflected in the development standards for

this project. The Department of Public Works will review and approve grading and drainage plans prior to construction. Development standards will be added to the project to reflect these requirements.

Mitigation: None.

References: Application information; Referral response from Turlock Irrigation District, dated April 19, 2022; Letter from Denair Community Services District, dated February 10, 2022; Referral response from Stanislaus County Department of Environmental Resources, dated April 20, 2022; Referral response from Stanislaus County Department of Public Works, dated May 2, 2022, as revised on July 14, 2022, further revised on July 15, 2022; and the 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 Denair Fire Protection District. The project was referred to the District, but no comments have been received to date. All improvements will be reviewed by the Stanislaus County Fire Prevention Bureau and will be required to meet all State and Local fire code requirements.

Wildfire risk and risks associated with postfire land changes are considered to be less-than significant.

Mitigation: None.

References: Application information; 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 adjacent to single-family lots to the north and south, the Denair Community Services District facility to the west and a ranchette parcel to the east of the project site. The closest agricultural zoned property is the ranchette parcel located to the east of the project site; however, the adjacent agriculturally zoned parcel is not actively farmed and is designated as Urban Transition under the Land Use Element and Low-Density Residential under the Denair Community Plan. The nearest parcels in agricultural production include a 4.9± acre parcel currently used for pasture land located .13± miles to the east of the project site, and a 326.36± acre parcel located .25± miles to the east used for row crops and a chicken farm and currently enrolled under a Williamson Act contract. Any development of the surrounding area would be subject to the permitted uses of the applicable zoning district the property is located within or would require additional land use entitlements and environmental review. Pesticide spray permits have not been issued within 600-feet of the project site. The applicant has proposed a no buffer alternative to the agriculture buffer requirement. The County's Agricultural Commissioner was referred the project and has not stated any issues with the proposed agricultural buffer.

The proposed project will rezone 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent, and create 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet, and a 13,098 square-foot stormwater basin. The project site is designated Low-Density Residential (LDR) in the County's General Plan and Denair Community Plan, and is currently zoned Rural Residential (R-A), which permits residential uses. If approved, the proposed project will not convert farmland to non-agriculture uses as the project site and surrounding area permits is built-out with residential uses; nor will it conflict with existing zoning or a Williamson Act Contract.

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. Additionally, in accordance with the implementation measures listed under Goal Two, Policy Two of the Denair Community Plan, the sizing of sewer and water lines should be reduced as they approach the northerly, westerly and easterly periphery of the Denair Community Plan area to limit growth influences beyond the Plan area.

Mitigation: None.






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

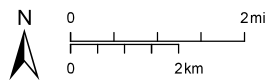
¹Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. **Housing Element** adopted on April 5, 2016.

**ELMWOOD
ESTATES
TM REZ
PLN2022-0026**

AREA MAP

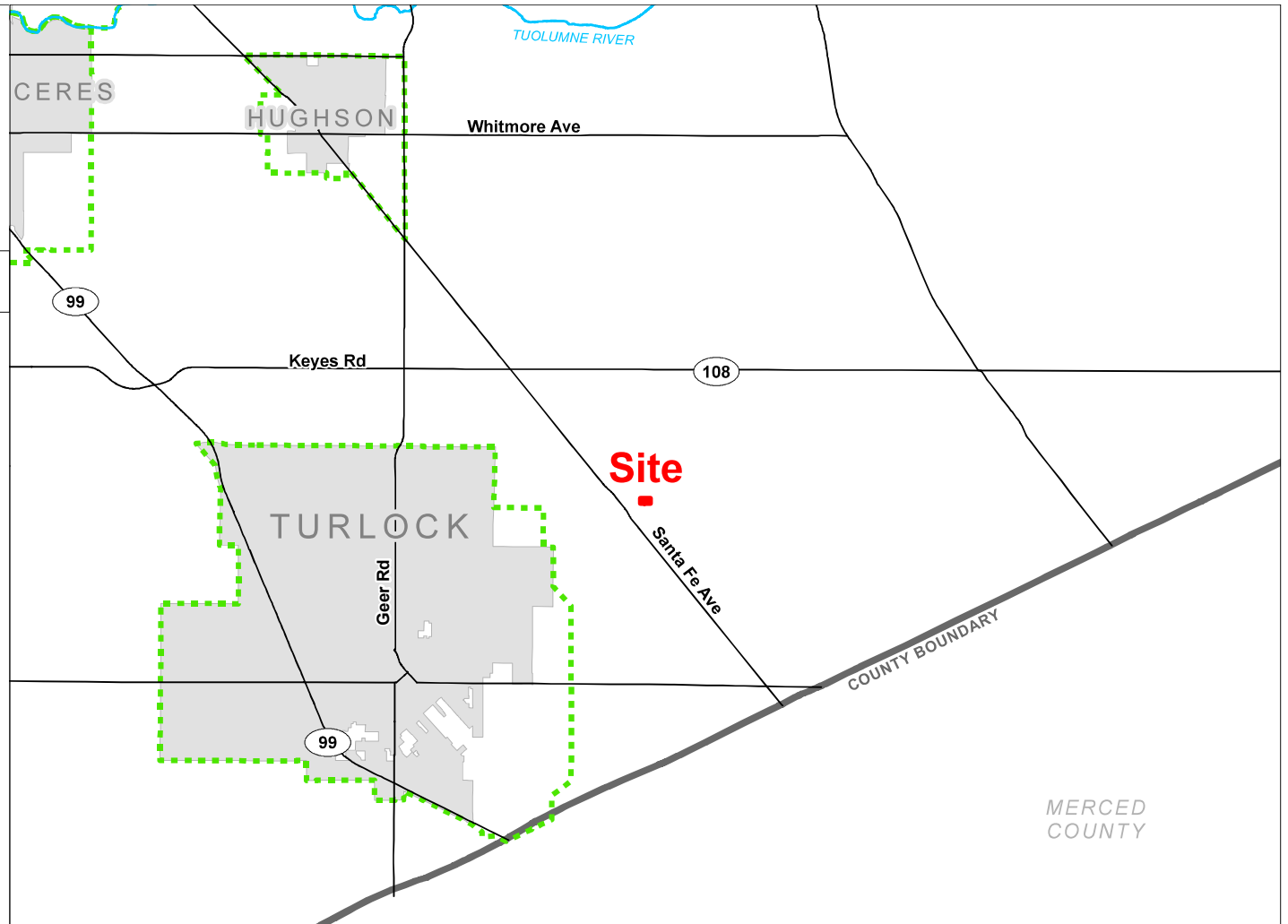
LEGEND

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



Source: Planning Department GIS

Date: 3/31/2022









**ELMWOOD
ESTATES
TM REZ
PLN2022-0026**

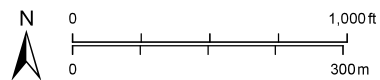
GENERAL PLAN MAP

LEGEND

-  Project Site
-  Parcel
-  Road
-  Canal

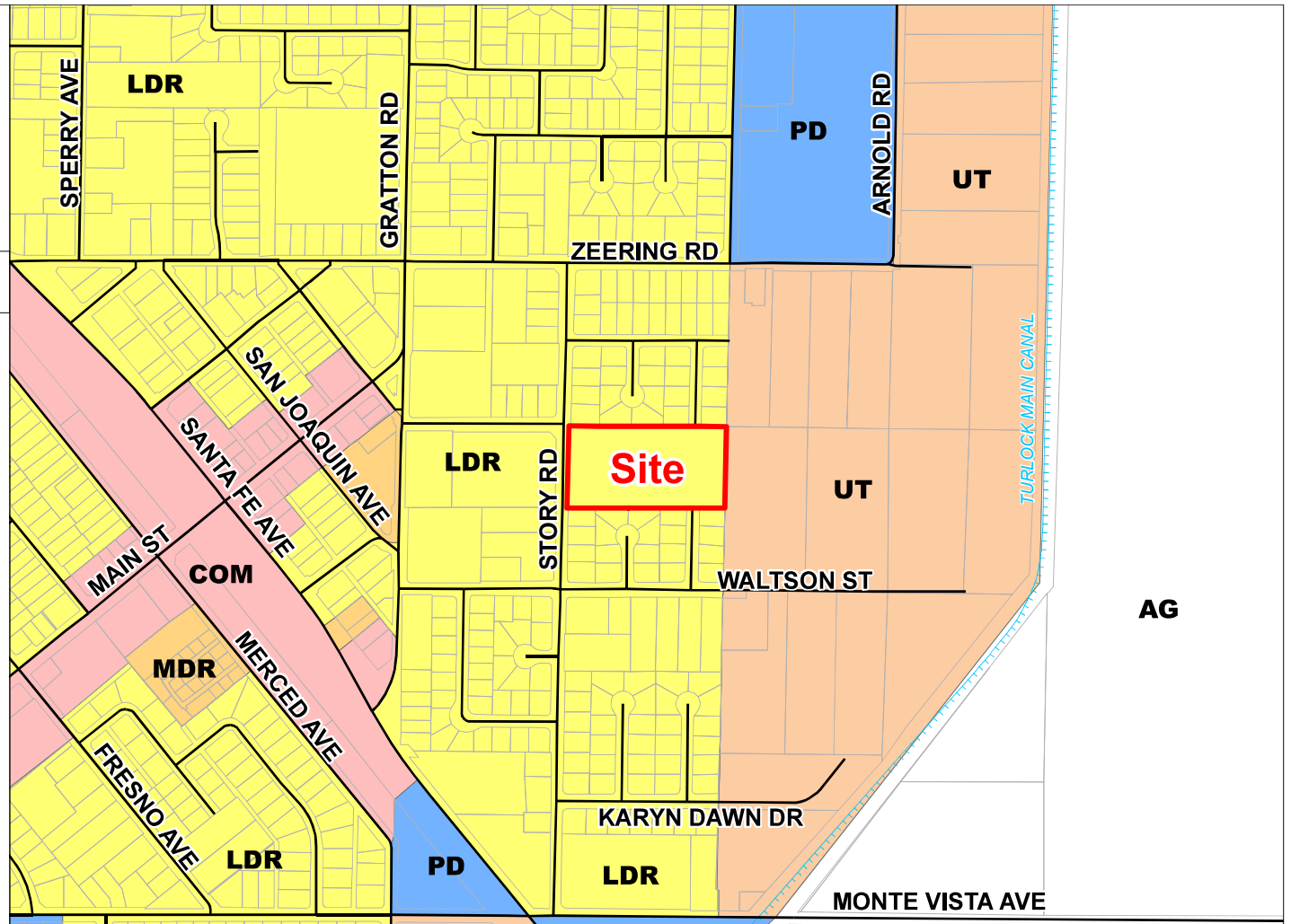
General Plan

-  Agriculture
-  Urban Transition
-  Planned Development
-  Medium Density Residential
-  Low Density Residential
-  Commercial



Source: Planning Department GIS

Date: 3/31/2022




**ELMWOOD
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PLN2022-0026**

COMMUNITY PLAN MAP

LEGEND

 Project Site


 Parcel


 Road

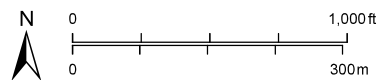
Community Plan

 Commercial

 Estate Residential

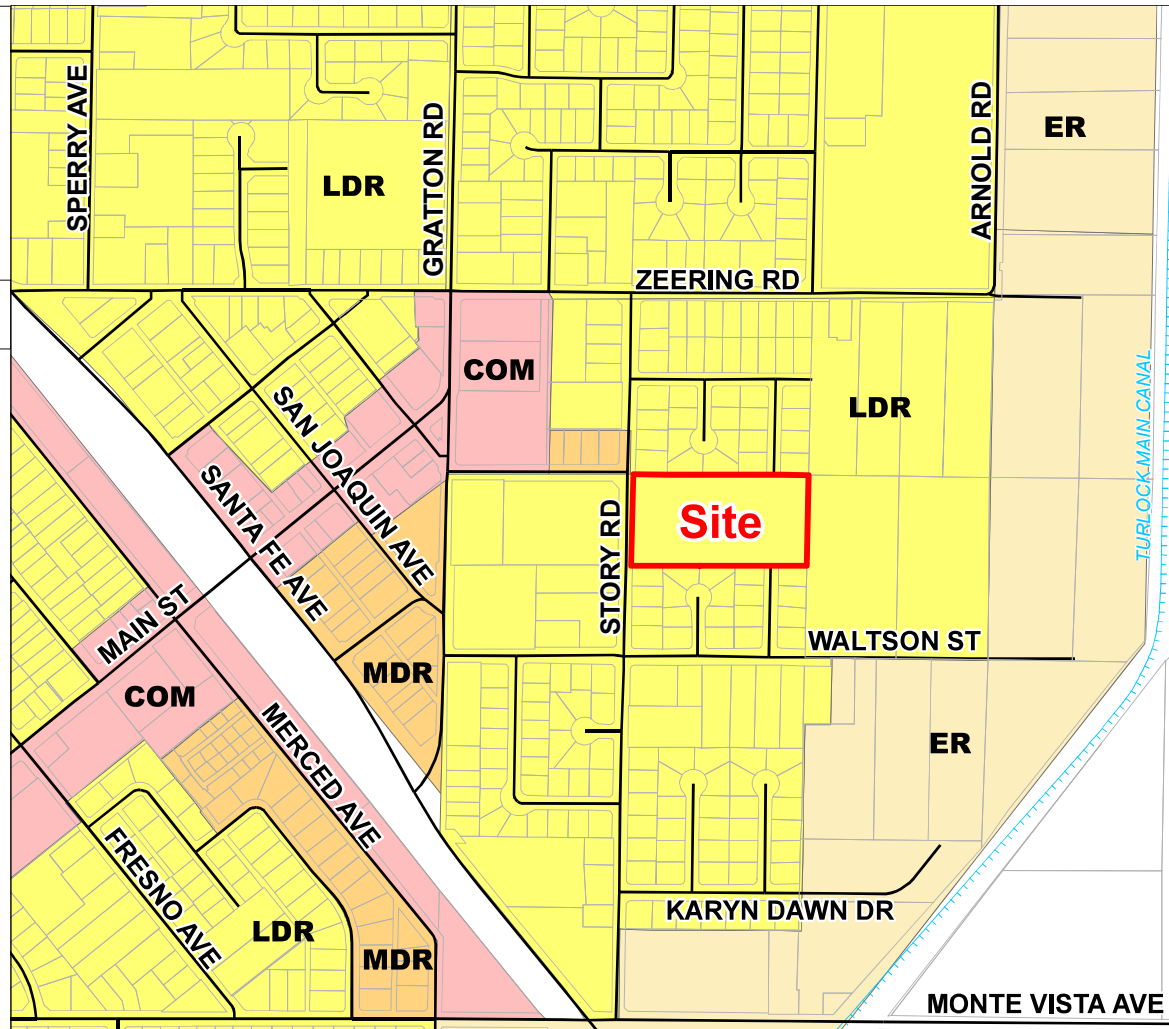
 Residential - Medium

 Residential - Low



Source: Planning Department GIS

Date: 4/4/2022



ELMWOOD ESTATES TM REZ PLN2022-0026

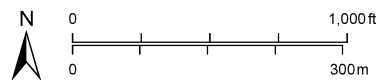
ZONING MAP

LEGEND

- Project Site
- Parcel
- Road
- Canal

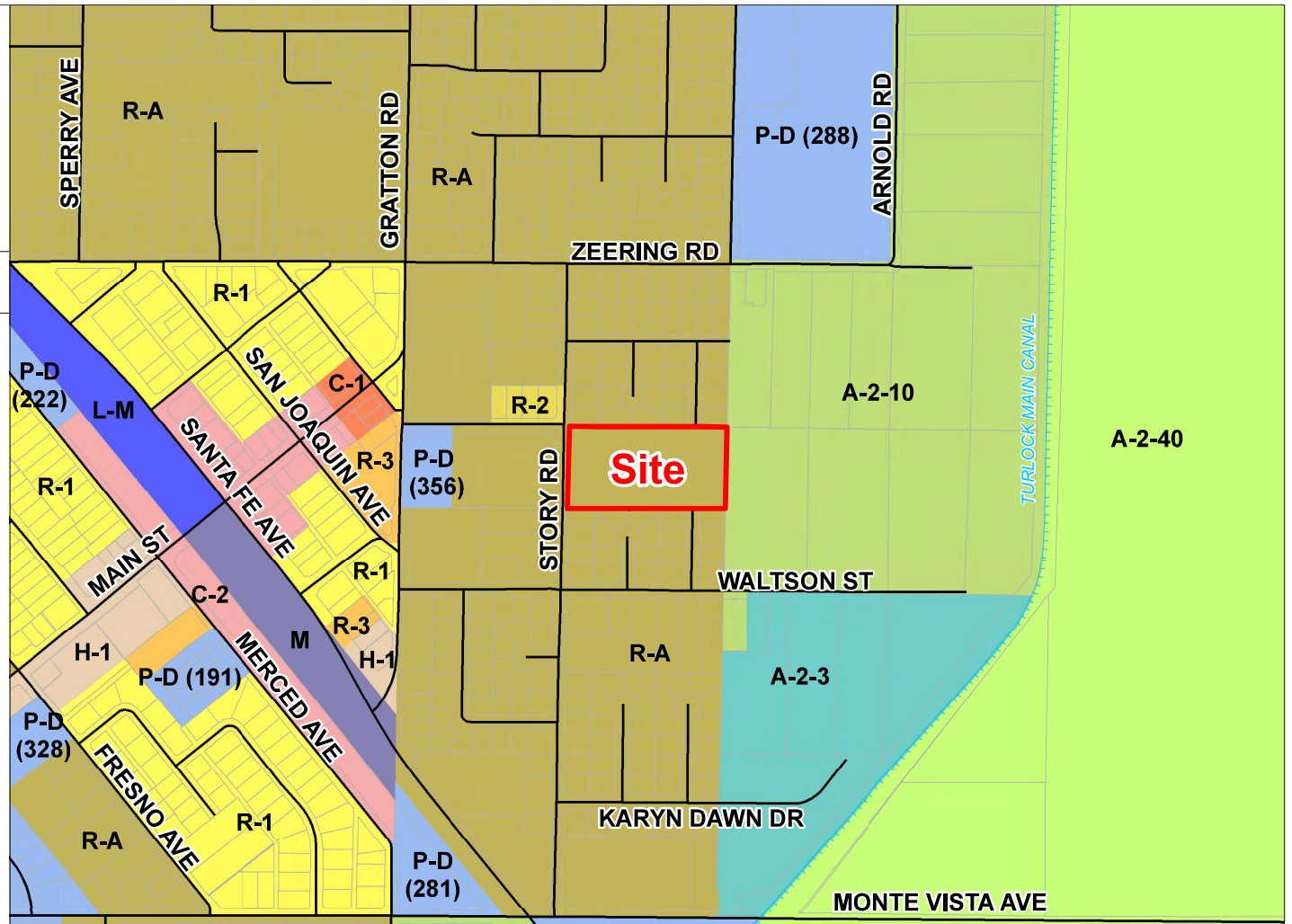
Zoning Designation

- General Agriculture 10 Acre
- General Agriculture 40 Acre
- General Agriculture 3 Acre
- Rural Residential
- Multiple Family
- Single Family Residential
- Planned Development
- Medium Density Residential



Source: Planning Department GIS




Date: 3/31/2022

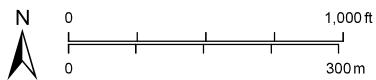


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PLN2022-0026**

2021 AERIAL AREA MAP

LEGEND

-  Project Site
-  Road
-  Canal



Source: Planning Department GIS

Date: 3/31/2022




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PLN2022-0026**

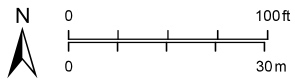
2021 AERIAL SITE MAP

LEGEND

 Project Site

 Road

 Canal



Source: Planning Department GIS

Date: 3/31/2022



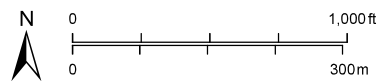
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ELMWOOD ESTATES TM REZ PLN2022-0026

ACREAGE MAP

LEGEND

- Project Site
- # Parcel/Acres
- Road
- Canal



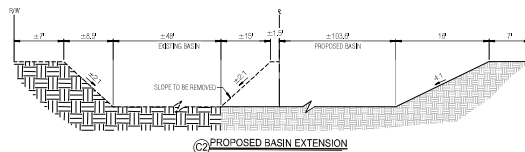
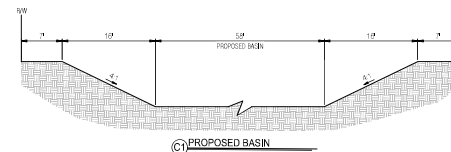
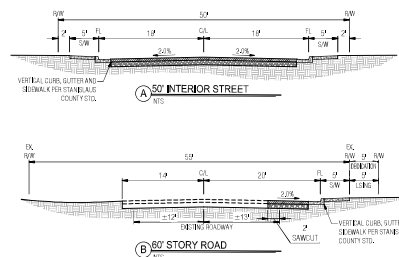
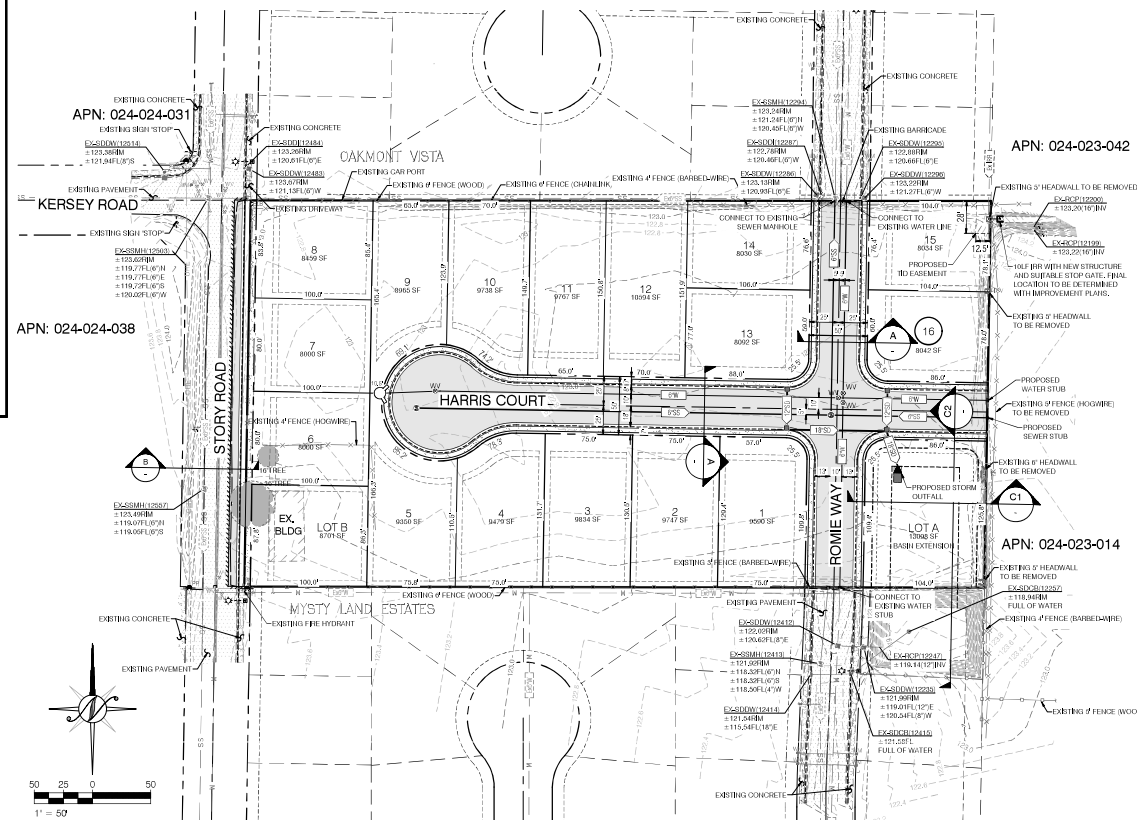
Source: Planning Department GIS

Date: 3/31/2022



LEGEND

	EXISTING	PROPOSED
BOUNDARY LINE	N/A	
CENTERLINE		
PROPERTY		
PAVED LINE		
CURB, GUTTER, AND SIDEWALK		
EDGE OF PAVEMENT		
LEFT ROAD		N/A
OVERHEAD ELECTRICAL		N/A
GAS LINE		N/A
CONTOURS		N/A
WALL (SEE LABEL FOR TYPE)		
FENCE (CHAIN LINK OR VINYL)		
FENCE (WIRE OR WOODEN)		
FENCE (WOOD OR IRONSET IRON)		
BARICADE		
TREE OR SHRUB TO BE REMOVED		N/A
IRON		N/A
REINFORCE POLE		N/A
BUILDING SETBACK	N/A	
STORM DRAIN (PIPE)		
STORM DRAIN MAINTENANCE HOLE		
CURB PILE		
STORM DRAIN OUTFALL	N/A	
WATER (AIR)		
WATER VALVE		
IRREVERSIBLE		
SEWER MAINTENANCE HOLE		
SEWER (AIR)		



A. REGULATOR/AGENCY:	STANLAUS COUNTY 1093 HIL STREET, SUITE 3400 MILPITAS, CA 95034 T. (408) 356-6657 CONTACT: JEREMY BALLARD
B. APPLICANT:	MALET DEVELOPMENT 219 N. BRADLEY TUBACUA, CA 95030 T. (408) 694-4721 CONTACT: TOWNE REICH
C. ENGINEER:	NORTH CANYON ENGINEERING GROUP, INC. 800 12TH STREET MILPITAS, CA 95034 T. (408) 584-6205 CONTACT: FAMELA HURBAN
D. CLASSIFIED PARCEL NUMBER:	024-005-000
E. EXISTING LAND USE:	INGLE AFRICAN/CHINESE AND OPENED FOR BUSINESS
F. PROPOSED LAND USE:	SINGLE FAMILY HOMES
G. EXISTING ZONING/SP:	LOW-DENSITY RESIDENTIAL, COUNTY GP RESIDENTIAL - LOW DENSITY OF SA
H. PROPOSED ZONING/SP:	PLANNED DEVELOPMENT, PL
I. TOTAL PROJECT ACRES:	4.25 ACRES
J. NET ACRES:	4.25 ACRES
K. TOTAL NUMBER OF PL LOTS:	16
L. NET DENSITY:	3.4 D.U./AC
M. TYPICAL LOT SIZE:	8,000 S.F./LOT (AVG)
N. MINIMUM FLOOPTHROU COVERAGE:	50%
O. PARKING:	MINIMUM TWO CAR GARAGE, AND TWO DRIVEWAY SPACES PER LOT
P. CONTIGUOUS:	1/2-FOOT INTERVALS
Q. UTILITIES:	WATER SYSTEM - DENNIS COMMUNITY SERVICE DISTRICT SEWER SYSTEM - DENNIS COMMUNITY SERVICE DISTRICT STORM DRAINAGE - STANLAUS COUNTY GAS - PG&E ELECTRIC - TD TELEPHONE - AT&T SCHOOL DISTRICT - DENNIS UNIFIED SCHOOL DISTRICT

1. **ALL IMPROVEMENTS SHALL BE CONSTRUCTED AS PER THE DENVER COUNTY STANDARD PLANS AND SPECIFICATIONS, EXCEPT AS NOTED.**
2. **STORM DRAINAGE TO BE CONVEYED TO ADJACENT STORM DRAINAGE RETENTION BASIN. ALL IMPROVEMENTS TO BE CONSTRUCTED TO THE STANDARD COUNTY STANDARD.**
3. **ALL STORM DRAINAGE IMPROVEMENTS AS PART OF FUTURE IMPROVEMENT PLANS AND STUDIES SHALL CONFORM TO THE REQUIREMENTS FOR FORTH FUTURE. POLLUTION PREVENTION AND CONTROL SYSTEM SHALL BE CONSIDERED AND THE MINIMUM REQUIREMENTS SHALL BE ADHERED TO. THE STANDARD MANUAL, COMPLETE OR ADOPTED PRIOR TO THE TIME OF THE TENTATIVE MAP ADOPTION BEING MADE, SHALL APPLY.**
4. **SANITARY SEWER TO BE CONSTRUCTED TO THE DENVER COMMUNITY SEWER COLLECTION STANDARDS AND SPECIFICATIONS.**
5. **WATER SUPPLY TO BE CONSTRUCTED TO THE DENVER COMMUNITY SEWER COLLECTION STANDARDS AND SPECIFICATIONS.**
6. **STREET LIGHTING SHALL BE INSTALLED PER STANDARD COUNTY STANDARD SPECIFICATIONS.**
7. **PUBLIC UTILITIES TO BE INSTALLED UNDERGROUND IN EASEMENTS.**
8. **THE SUBMITTER HEREBY RESERVES THE RIGHT TO SELL OR TO SELL THE SUBDIVISION MAPS AS SET FORTH BY THE SUBDIVISION MAP ACT, AND TO ACCEPT OR REJECT, AND THE PARCEL MAPS FOR REASON OF SALE, ALL PARCELS SHALL CONFORM TO THE TENTATIVE MAP.**
9. **PUBLIC UTILITY EASEMENTS WILL BE PROVIDED AS ALL IN-TRACT FUTURE.**
10. **ALL EXISTING STRUCTURES AND TREES ARE TO BE REMOVED UNLESS OTHERWISE NOTED. ALL EXISTING POWER POLES AND OVERHEAD POWER LINES TO BE REMOVED UNDESIGNED.**
11. **ALL LOT SETBACK REQUIREMENTS AND LOT COVERS ARE TO BE IN ACCORDANCE WITH THE DENVER**

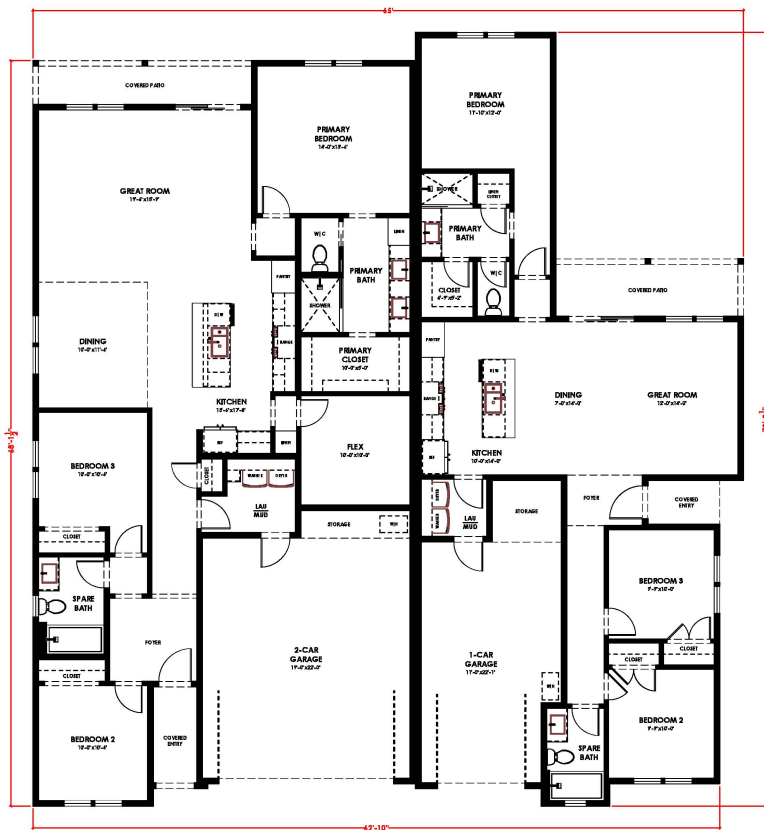
THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF STANISLAUS UNINCORPORATED AREA AND DESCRIBED AS FOLLOWS: LOT 4 OF BLOCK 12 OF SUBDIVISION OF THE LOTS 9 TO 16 OF THE ELMWOOD COLONY ACCORDING TO THE MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF STANISLAUS COUNTY, CALIFORNIA, ON JANUARY 14, 1907 IN VOLUME 2 OF MAPS AT PAGE 41.

PLAN DETAILS:

- > PLAN 1750 (SINGLE STORY)
- LIVING: 1,750 SF
- 3 BEDROOMS
- 2 BATHROOMS
- FLEX ROOM
- 2 CAR GARAGE

PLAN DETAILS:

- > PLAN 1200 (SINGLE STORY)
- LIVING: 1,200 SF
- 3 BEDROOMS
- 2 BATHROOMS
- 1 CAR GARAGE



PROPOSED DUPLEX

Scale: 3/16"= 1'-0"



ELEVATION A | OPTION: WHITE



ELEVATION B | OPTION: WHITE



ELEVATION A | OPTION: CHARCOAL



ELEVATION B | OPTION: CHARCOAL



ELEVATION A | OPTION: GRAY



ELEVATION B | OPTION: GRAY



ELEVATION "A"



ELEVATION "B"

TORRE REICH CONSTRUCTION, INC.
217 N. BROADWAY AVE
DENVER, CO 80202
CS # 43597
PHONE: (303) 444-8721
WWW.TORREBECHCONSTRUCTION.COM



ELMWOOD ESTATES DUPLEX
PROPOSED DUPLEX
STORY RD.
DENVER, CA 95116

Project:
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Date: 06.13.2022

Drawn by: TCS

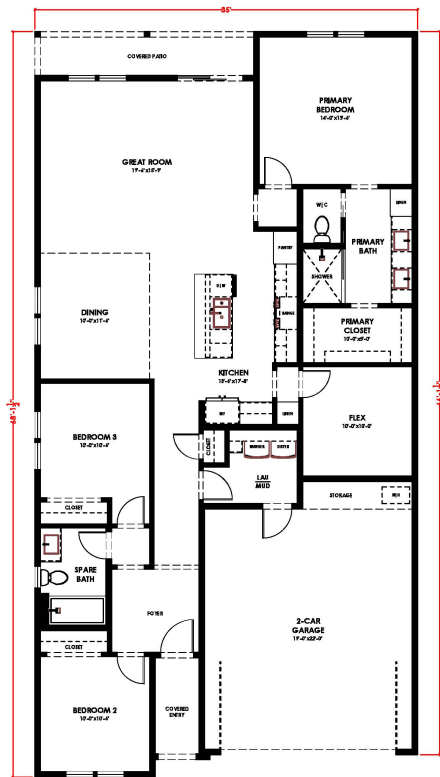
Sheet Title: PROPOSED DUPLEX

Sheet No.:

A1.0

AREA SUMMARY:

- > PLAN 1750 (SINGLE STORY)
- LIVING: 1,750 SF +/-
- COVERED ENTRY: 37 SF +/-
- COVERED PATIO: 80 SF +/-
- GARAGE: 469 SF +/-
- TOTAL COVERAGE: 2,336 SF +/-



PLAN 1750

Scale: 3/16"= 1'-0"



ELEVATION A | OPTION: WHITE



ELEVATION B | OPTION: WHITE



ELEVATION A | OPTION: CHARCOAL



ELEVATION B | OPTION: CHARCOAL



ELEVATION A | OPTION: GRAY



ELEVATION B | OPTION: GRAY



ELEVATION "A"



ELEVATION "B"

TORRE REICH CONSTRUCTION, INC.
217 N. BROADWAY AVE
DENVER, CO 80202
CS # 43597
PHONE: (303) 448-8721
WWW.TORREBECHCONSTRUCTION.COM



Project: **ELMWOOD ESTATES DUPLEX**
PLAN 1750
STORY RD.
DENVER, CO 80202

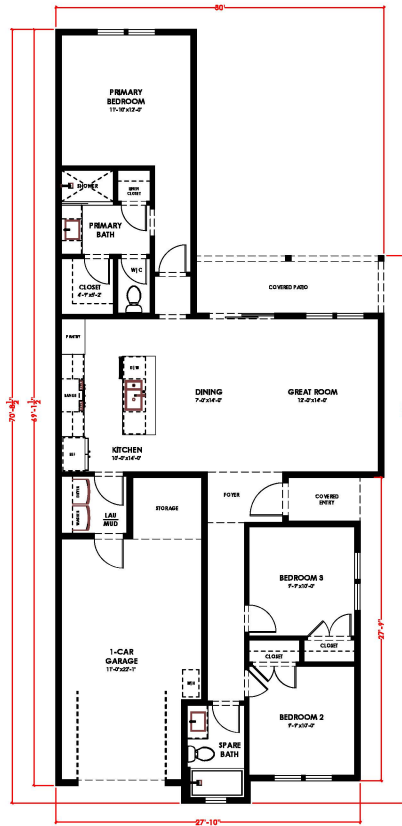
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Date: **06.13.2022**
Drawn by: **TCS**
Sheet Title: **PLAN 1750**

Sheet No.: **A1.1**

AREA SUMMARY:

- > PLAN 1200
- LIVING: 1,200 SF +/-
- COVERED ENTRY: 26 SF +/-
- COVERED PATIO: 90 SF +/-
- GARAGE: 348 SF +/-
- TOTAL COVERAGE: 1,664 SF +/-



PLAN 1200

Scale: 3/16"= 1'-0"



ELEVATION A | OPTION: WHITE



ELEVATION B | OPTION: WHITE



ELEVATION A | OPTION: CHARCOAL



ELEVATION B | OPTION: CHARCOAL



ELEVATION A | OPTION: GRAY



ELEVATION B | OPTION: GRAY



ELEVATION "A"



ELEVATION "B"

TORRE REICH CONSTRUCTION, INC.
217 N. BROADWAY AVE
DENVER, CO 80202
PHONE: (303) 448-8721
WWW.TORREBECHCONSTRUCTION.COM



ELMWOOD ESTATES DUPLEX

PLAN 1200
STORY RD.
DENVER, CO 80216

Project:
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Date: **06.13.2022**

Drawn by: **TCS**

Sheet Title: **PLAN 1200**

Sheet No.:

A1.2



ELMWOOD DEV | LOT 06

FLOOR PLAN | PLAN 1850

ELMWOOD DEV | LOT 06

ELEVATION A | GABLE





ELMWOOD DEV | LOT 07

FLOOR PLAN | PLAN 2138

ELMWOOD DEV | LOT 07

ELEVATION B | HIP





ELMWOOD DEV | LOT 08

FLOOR PLAN | PLAN 1850

ELMWOOD DEV | LOT 08

ELEVATION B | HIP



STREET TREE PLANTING SCHEDULE

Residential street trees associated with each home are to be planted at the time the home is built and ready for occupancy. The County will require the street tree from this plan to be installed at the time of the installation of the front yard landscape and prior to issuance of the Certificate of Occupancy.

The location of trees as shown on this plan is referential. The contractor shall review the site and plant trees clear of conflicts:
 Curb Returns - Trees to be planted 35' from beginning
 Street Lights - Trees to be planted 20' clear
 Driveways - Trees to be planted 10' clear
 Sidewalks - Trees to be planted 3' clear
 Wet Utilities - Trees to be planted 15' clear
 Drain Lines - Trees to be planted 12' clear

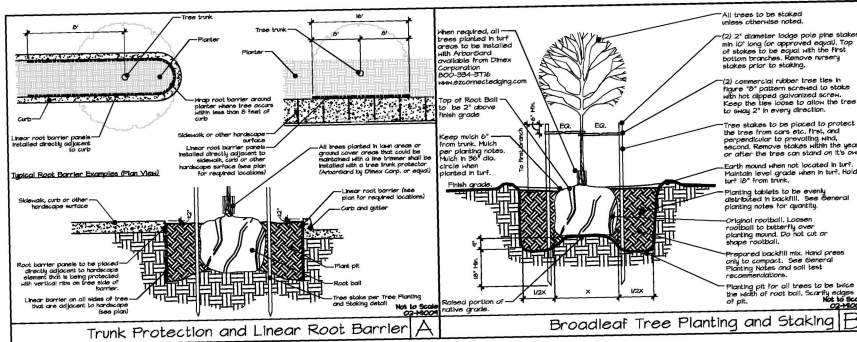
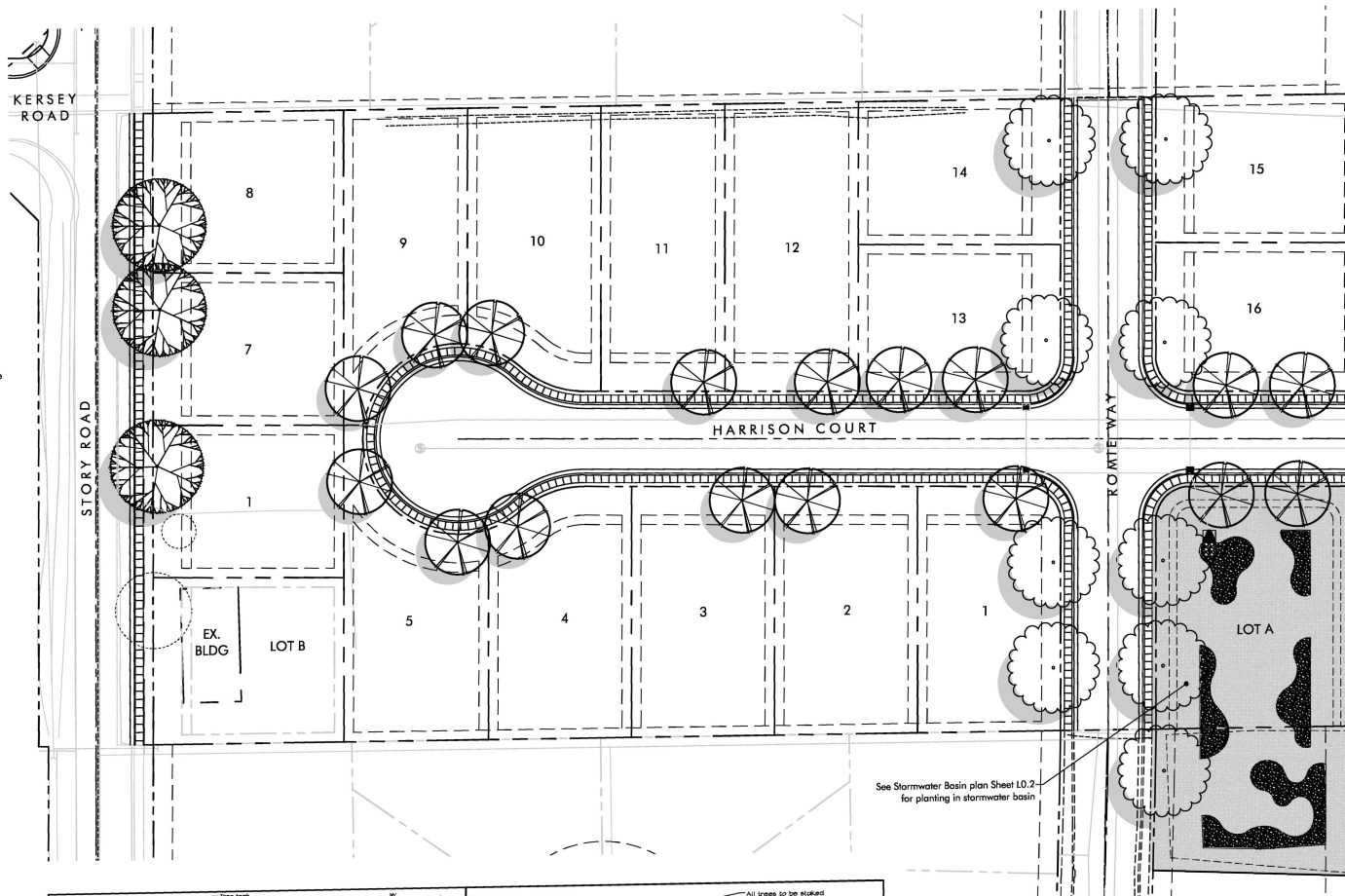
Where conflicts occur that preclude a tree from being planted, coordinate with the County Planning Dept. for alternate tree planting location or approval to omit the tree.

The following trees are to be planted at 15-gallon size with staking and root barriers per the tree planting and root barrier details on this sheet. The following tree species are associated with each street:

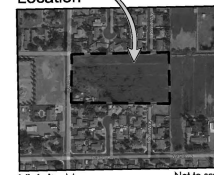
Harrison Court 15-gal. *Pistacia chinensis* Keith Davy/
Keith Davy Chinese Pistache

Romie Way 15-gal. *Quercus virginiana*
Southern Live Oak

Story Road 15-gal. *Ulmus parvifolia* True Green/
Tru Green Elm



Project Location



Vicinity Map

Not to scale



Revisions	Date	By
1		

This plan was prepared by KLA, Inc. It is not valid unless it is stamped and signed by a registered professional landscape architect in the state of California. It is not valid if it is not stamped and signed by a registered professional landscape architect in the state of California. It is not valid if it is not stamped and signed by a registered professional landscape architect in the state of California.

Story Road
 Subdivision
 Denair, CA

Torre Reich Construction
 219 N Broadway,
 Turlock, CA 95354
 (209)820-5966

The original set of this drawing is 30" x 42". If the plan is a different size than 30" x 42" it is not valid.

**Subdivision
 Street Tree
 Plan**

Scale:

1" = 30'-0"

Date:

March 2, 2022

Drawn/Checked:

AL / JNA

Project No:

22-249

Sheet Number:

L0.1

MOORE BIOLOGICAL CONSULTANTS

October 14, 2022

Mr. Mike Warda, Esq.
Michael Warda Professional Law Corporation
2350 W. Monte Vista Ave.
Turlock, CA 95382

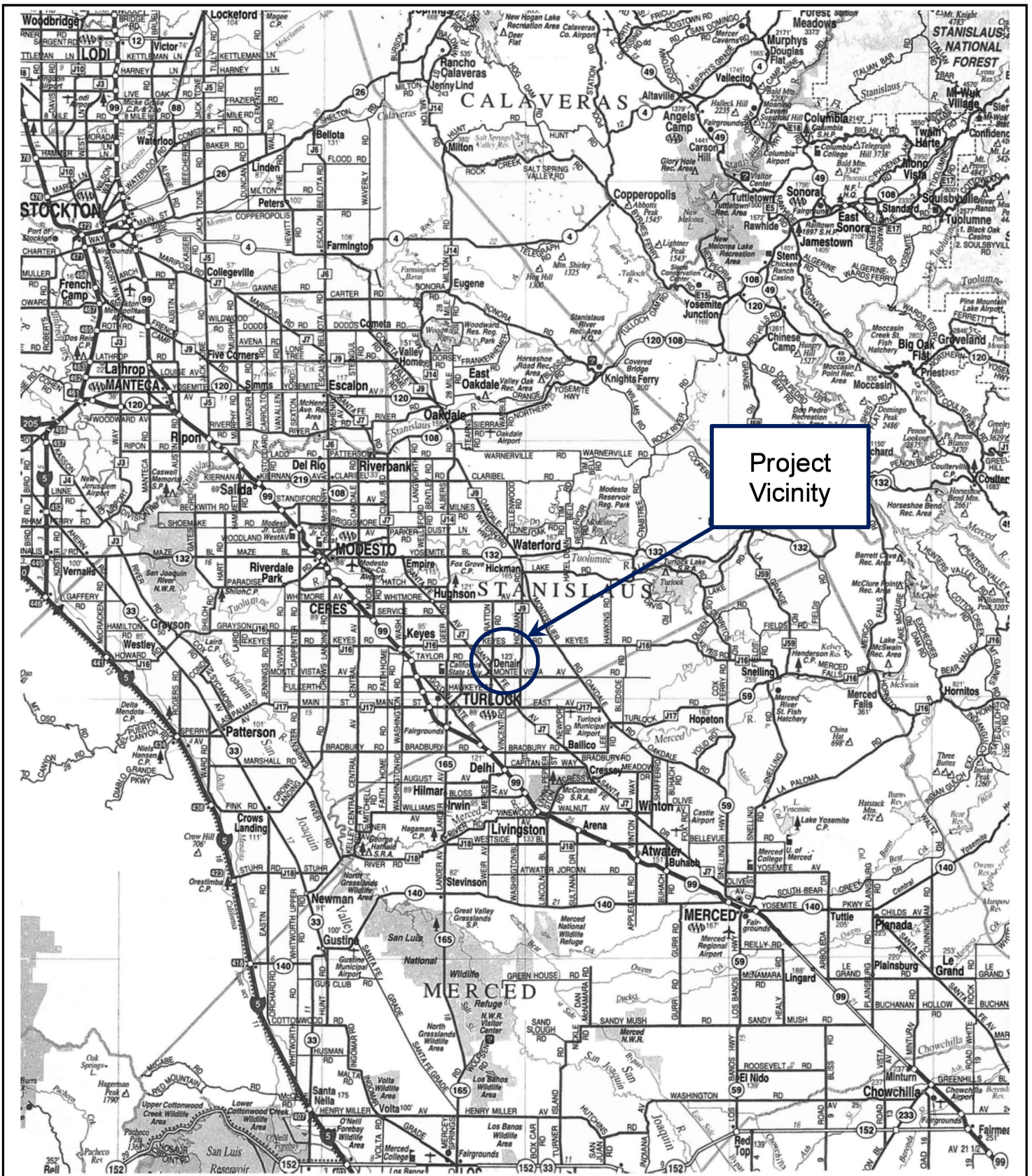
Subject: "STORY ROAD SUBDIVISION (PLN2022-0026)", STANISLAUS
COUNTY, CALIFORNIA: BIOLOGICAL ASSESSMENT

Dear Mike:

Thank you for asking Moore Biological Consultants to prepare a biological assessment for the "Story Road Subdivision" site in Denair, Stanislaus County, California (Figures 1 and 2 and Tentative Map in Attachment A). The focus of our work was to describe existing biological resources in the site, identify potentially significant impacts to biological resources from the proposed project, and provide recommendations for how to reduce those impacts to a less-than-significant level. The work involved reviewing databases, aerial photographs, and documents, and conducting a field survey to document vegetation communities, Waters of the U.S. and/or wetlands, and potentially suitable habitat for special-status species.

Project Overview

The proposed project is a low-density 17-lot single-family residential subdivision with access from Story Road and Romie Way (see Site Plan in Attachment A). The Denair Community Services District will provide sewer and water to the new homes. An existing storm drain detention basin serving the subdivision to the south of the site will be expanded in to the southeast corner of the site to serve the new subdivision.



Source: California State
Automobile Association

**Moore Biological
Consultants**



0 9 18
Miles

FIGURE 1

PROJECT VICINITY

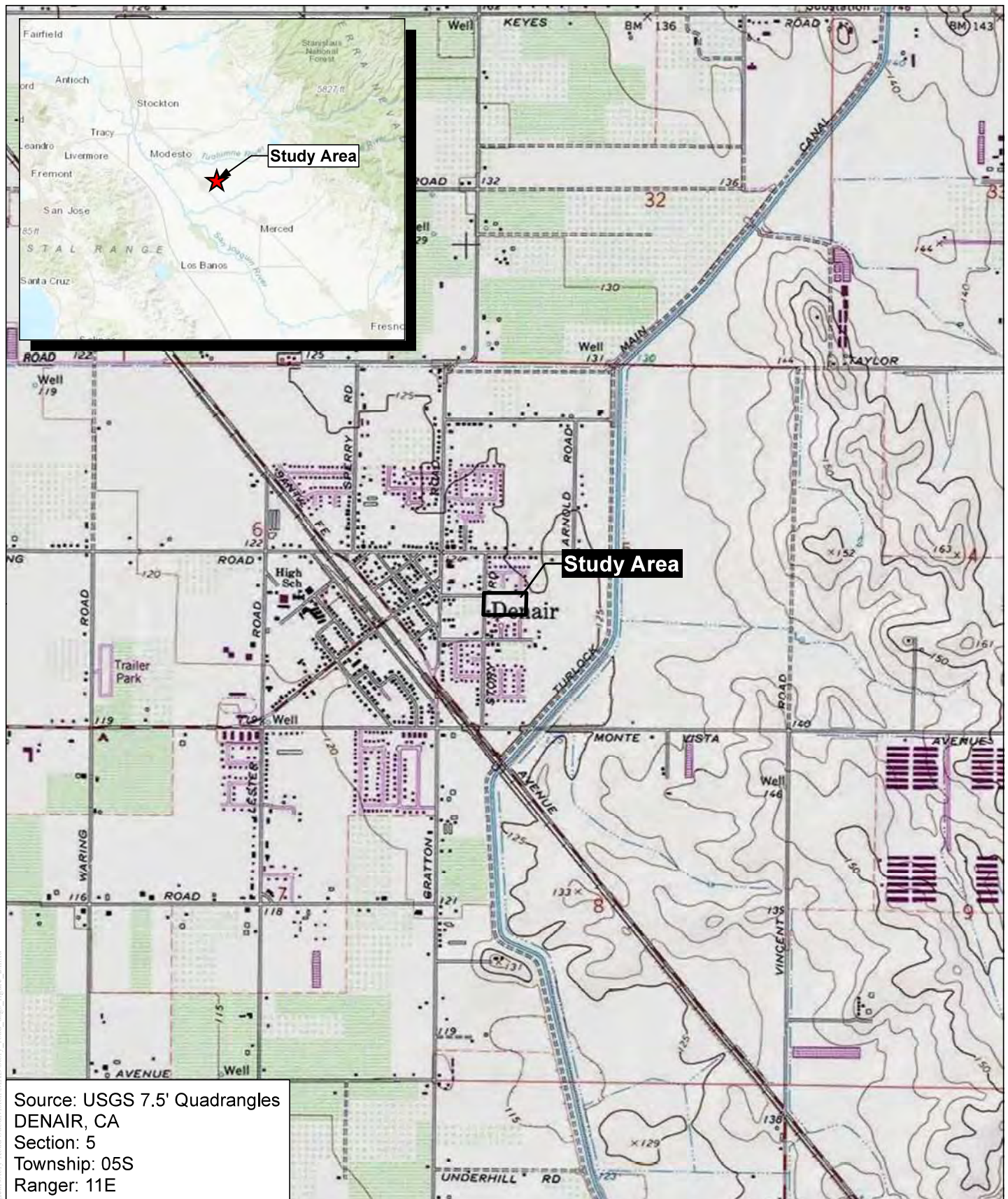


Figure 2

Moore Biological
 Consultants

0 1,000 2,000



Map Date: 10/12/2022

USGS

Story Road Subdivision

Town of Denair, Stanislaus County, CA

Methods

Prior to the field survey, we conducted a search of California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB, 2022). The CNDDDB search encompassed the USGS 7.5-minute Denair topographic quadrangle, which encompasses approximately 60 square miles surrounding the project site. The United States Fish and Wildlife Service (USFWS) list of Federally Threatened and Endangered species that may occur in or be affected by projects in the same topographic quadrangles was also reviewed (Attachment B). This information was used to identify wildlife and plant species that have been previously documented in the project vicinity or have the potential to occur based on suitable habitat and geographical distribution. The USFWS on-line-maps of designated critical habitat were also downloaded and plotted with respect to the site.

A field survey of the site was conducted during on October 13, 2022. The survey consisted of walking throughout the project site making observations of current habitat conditions and noting surrounding land use, general habitat types, and plant and wildlife species. The survey included an assessment of the project site for presence or absence of potentially jurisdictional Waters of the U.S. (a term that includes wetlands) as defined by the U.S. Army Corps of Engineers (ACOE, 1987; 2008), special-status species, and suitable habitat for special-status species (e.g., blue elderberry shrubs, vernal pools). Additionally, trees in and near the project site were assessed for the potential use by nesting raptors, especially Swainson's hawk (*Buteo swainsoni*). The project site was also searched for burrowing owls (*Athene cunicularia*) or ground squirrel burrows that could be utilized by burrowing owls.

Results

GENERAL SETTING: The project site is in Denair, in Stanislaus County, California (Figure 1). The site is in Section 5, Township 5 South, Range 11 East of the

USGS 7.5-minute Denair topographic quadrangle (Figure 2). The site has been leveled, slopes very gently from east to west, and is at an elevation of approximately 125 feet above mean sea level.

The body of the site has been in irrigated pasture to support livestock for decades, but appears to have not been irrigated for several months (see photographs in Attachment C). There is a series of valves along the east edge of the site that can be opened to apply water to the pasture. There is an existing home situated in the southwest corner of the site with several other structures and a few trees associated with it (Figure 3).

Surrounding land uses in this portion of Stanislaus County are primarily agricultural and residential. Story Road borders the west edge of the site, with an open graveled lot further west of Story Road. There is irrigated pasture to the east of the site and residential subdivisions border the north and south edges of the site (Figure 3 and photographs in Attachment C).

VEGETATION: As described above, the irrigation in the site appears to have been turned off within the last few months, resulting in the site being vegetated in common pasture grasses which are now mostly dead from lack of water and a mixture of annual grass and weed species. California annual grassland series (Sawyer and Keeler-Wolf, 1995) best describes the disturbed grassland vegetation in the body of the site. Bermuda grass (*Cynodon dactylon*), tall flat sedge (*Cyperus eragrostis*), and golden crown grass (*Paspalum dilatatum*) are dominant pasture grasses in the site. Foxtail barley (*Hordeum murinum*), perennial ryegrass (*Lolium perenne*), and compact brome (*Bromus madritensis*) are a few of the dominant annual grasses in the site. Other grassland species such as prickly lettuce (*Lactuca serriola*), field bindweed (*Convolvulus arvensis*), bull thistle (*Cirsium vulgare*), filaree (*Erodium* sp.), and common mallow (*Malva neglecta*) are intermixed with the grasses. Table 1 is a list of plant species observed in the site.



Figure 3

Moore Biological
Consultants

0 100 200



Map Date: 10/12/2022
Aerial Source: Google Earth (04/2022)

Aerial

Story Road Subdivision

Town of Denair, Stanislaus County, CA

TABLE 1
PLANT SPECIES OBSERVED IN THE PROJECT SITE

<i>Amaranthus palmeri</i>	Palmer amaranth
<i>Brassica nigra</i>	black mustard
<i>Bromus madritensis</i>	compact brome
<i>Centaurea solstitialis</i>	yellow star-thistle
<i>Cirsium vulgare</i>	bull thistle
<i>Convolvulus arvensis</i>	morning glory
<i>Cucurbita palmata</i>	coyote melon
<i>Cynodon dactylon</i>	Bermuda grass
<i>Cyperus eragrostis</i>	tall flat sedge
<i>Epilobium brachycarpum</i>	willowherb
<i>Erigeron canadensis</i>	Canadian horseweed
<i>Erodium botrys</i>	long-beaked stork's-bill
<i>Hordeum murinum</i>	foxtail barley
<i>Lactuca serriola</i>	prickly lettuce
<i>Leontodon saxatilis</i>	long-beaked hawkbit
<i>Lolium perenne</i>	perennial ryegrass
<i>Malva neglecta</i>	common mallow
<i>Paspalum dilatatum</i>	golden crown grass
<i>Plantago lanceolata</i>	English plantain
<i>Polygonum aviculare</i>	prostrate knotweed
<i>Rubus discolor</i>	Himalayan blackberry
<i>Rumex crispus</i>	curly dock
<i>Rumex pulcher</i>	fiddle dock
<i>Tribulus terrestris</i>	puncture vine
<i>Trifolium hirtum</i>	rose clover
<i>Vitis californica</i>	California wild grape
<i>Xanthium spinosum</i>	spiny cocklebur

The only trees in the site are associated with the home in the southwest corner of the site. Trees around the home include redwood (*Sequoia sempervirens*), olive (*Olea europaea*), fan palm (*Washingtonia sp.*), fruitless mulberry (*Morus alba*), and a few common ornamental species (see photographs in Attachment C).

No blue elderberry shrubs (*Sambucus sp.*) were observed in or adjacent to the site.

WILDLIFE: A handful of bird species were observed during the field survey, all of these are common species found in agricultural areas of Stanislaus County (Table 2). Turkey vulture (*Cathartes aura*), California scrubjay (*Aphelocoma californica*), American crow (*Corvus brachyrhynchos*), mourning dove (*Zenaida macroura*), and house finch (*Carpodacus mexicanus*) are representative of the avian species observed in the site.

A few of the largest trees surrounding the home in the southwest part of the site and large trees in parcels adjacent to and in close proximity to the site are large enough to support nesting raptors. The remnants of a raptor stick nest were observed in a large Deodar cedar (*Cedrus deodara*) a few hundred feet north of the site; this nest may have been used during the 2022 nesting season or may have been from a prior year. While no other raptor stick nests were observed in trees in the site or visible from the site, the canopies of some of the trees were dense, making it difficult to comprehensively scan for raptor stick nests. A few smaller birds, such as songbirds, likely nest in trees and shrubs in or adjacent to the site. Ground-nesting songbirds such as killdeer (*Charadrius vociferous*) and red-winged blackbird (*Agelaius phoeniceus*) may nest on the ground or in the grassland habitats in the site.

A few mammals common to urban and agricultural areas may occur in the site. While no mammals were observed in the site during the field surveys, sign of Botta's pocket gopher (*Thomomys bottae*) was observed. No California ground squirrels (*Otospermophilus beecheyi*) or their burrows were observed in or

TABLE 2
WILDLIFE SPECIES DOCUMENTED IN THE PROJECT SITE

Birds

Turkey vulture	<i>Cathartes aura</i>
California scrubjay	<i>Aphelocoma californica</i>
Northern mockingbird	<i>Mimus polyglottos</i>
Mourning dove	<i>Zenaida macroura</i>
Rock dove	<i>Columba livia</i>
Black phoebe	<i>Sayornis nigricans</i>
American crow	<i>Corvus brachyrhynchos</i>
European starling	<i>Sturnus vulgaris</i>
House finch	<i>Carpodacus mexicanus</i>

Mammals

Botta's pocket gopher	<i>Thomomys bottae</i>
-----------------------	------------------------

adjacent to the site. Common species such as desert cottontail (*Sylvilagus audubonii*), coyote (*Canis latrans*), raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), black-tailed hare (*Lepus californicus*), and Virginia opossum (*Didelphis virginiana*) may occur in the site on occasion.

Due to lack of suitable habitat, only a few amphibians and reptiles are expected to use habitats in the site and none were observed during the field survey. The site provides suitable habitat for a few common species such as western fence lizard (*Sceloporus occidentalis*), western skink (*Eumeces skiltonianus*), Pacific chorus frog (*Pseudacris regilla*), and western terrestrial garter snake (*Thamnophis elegans*).

WATERS OF THE U.S. AND WETLANDS: Waters of the U.S., including wetlands, are broadly defined under 33 Code of Federal Regulations (CFR) 328 to include navigable waterways, their tributaries, and adjacent wetlands. State and federal agencies regulate these habitats and Section 404 of the Clean Water Act requires that a permit be secured prior to the discharge of dredged or fill materials into any waters of the U.S., including wetlands. Some jurisdictional waters of the U.S. also fall under the jurisdiction of CDFW and/or the California Regional Water Quality Control Board (RWQCB).

“Waters of the U.S.”, as defined in 33 CFR 328.4, encompasses Territorial Seas, Tidal Waters, and Non-Tidal Waters; Non-Tidal Waters includes interstate and intrastate rivers and streams, as well as their intermittent tributaries. The limit of federal jurisdiction of Non-Tidal Waters of the U.S. extends to the “ordinary high water mark”. The ordinary high water mark is established by physical characteristics such as a natural water line impressed on the bank, presence of shelves, destruction of terrestrial vegetation, or the presence of litter and debris.

Jurisdictional wetlands are vegetated areas that meet specific vegetation, soil, and hydrologic criteria defined by the ACOE *Wetlands Delineation Manual* and Regional Supplement (ACOE, 1987; 2008). Jurisdictional wetlands are usually adjacent to or hydrologically associated with Waters of the U.S. Isolated wetlands are outside federal jurisdiction, but may be regulated by RWQCB under the State Wetlands Program.

No potentially jurisdictional Waters of the U.S. or wetlands were observed within the site. There are no vernal pools, seasonal wetlands, streams, creeks, or other aquatic habitats in the site.

The project site is a leveled field that has been managed in irrigated pasture for decades. The site was leveled for the purpose of irrigation, sloping down very gently from east to west. The body of the site has supported primarily hydrophytic species, which are now dying due to the cessation of irrigation;

annual upland grasses and weeds are now growing among the dying hydrophytes. Soils in the site are notably sandy and appear well draining. In summary, there are no areas in the site that meet the technical criteria of Waters of the U.S. or wetlands (i.e., presence of hydrophytic vegetation, hydric soils, and wetland hydrology).

SPECIAL-STATUS SPECIES: Special-status species are plants and animals that are legally protected under the state and/or federal Endangered Species Act or other regulations. The Federal Endangered Species Act (FESA) of 1973 declares that all federal departments and agencies shall utilize their authority to conserve endangered and threatened plant and animal species. The California Endangered Species Act (CESA) of 1984 parallels the policies of FESA and pertains to native California species.

Special-status species also include other species that are considered rare enough by the scientific community and trustee agencies to warrant special consideration, particularly with regard to protection of isolated populations, nesting or denning locations, communal roosts, and other essential habitats. The presence of species with legal protection under the Endangered Species Act often represents a constraint to development, particularly when the species are wide-ranging or highly sensitive to habitat disturbance and where proposed development would result in a take of these species.

Special-status plants are those, which are designated rare, threatened, or endangered and candidate species for listing by the USFWS. Special-status plants also include species considered rare or endangered under the conditions of Section 15380 of the California Environmental Quality Act Guidelines, such as those plant species identified on Lists 1A, 1B and 2 in the Inventory of Rare and Endangered Vascular Plants of California (CNPS, 2022). Finally, special-status plants may include other species that are considered sensitive or of special concern due to limited distribution or lack of adequate information to permit listing or rejection for state or federal status, such as those included on CNPS List 3.

The likelihood of occurrence of listed, candidate, and other special-status species in the work areas is generally low. Table 3 provides a summary of the listing status and habitat requirements of special-status species that have been documented in the greater project vicinity or for which there is potentially suitable habitat in the greater project vicinity. This table also includes an assessment of the likelihood of occurrence of each of these species in the site. The evaluation of the potential for occurrence of each species is based on the distribution of regional occurrences (if any), habitat suitability, and field observations.

SPECIAL-STATUS PLANTS: Only three species of special-status plants were identified in the CNDDDB (2022) search area (Table 3 and Attachment A). These include heartscale (*Atriplex cordulata* var. *cordulata*), subtle orache (*Atriplex subtilis*), and San Joaquin Valley Orcutt grass (*Orcuttia inaequalis*). The USFWS species list (Attachment B) does not contain any special-status plants.

Special-status plants generally occur in relatively undisturbed areas in vegetation communities such as vernal pools, marshes and swamps, seasonal wetlands, riparian scrub, and areas with unusual soils; none of these vegetation communities occur in the site. To the contrary, the leveled irrigated pasture and ruderal grassland in the site are highly disturbed and do not provide suitable habitat for any special-status plants. Due to lack of suitable habitat, no special-status plant species are expected to occur in the site.

SPECIAL-STATUS WILDLIFE: Special-status wildlife identified in the CNDDDB (2022) search include Swainson's hawk, northern California legless lizard (*Anniella pulchra*), Central Valley steelhead (*Oncorhynchus mykiss*), hardhead (*Mylopharodon conocephalus*), and valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) (Table 3 and Attachment A). Although not recorded in the CNDDDB (202c) search area, California tiger salamander (*Ambystoma californiense*), delta smelt (*Hypomesus transpacificus*), vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus*

TABLE 3

SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED IN THE GREATER PROJECT VICINITY

Common Name	Scientific Name	Federal Status ¹	State Status ¹	CNPS List ²	Habitat	Likelihood of Occurrence in the Project Site
PLANTS						
Heartscale	<i>Atriplex cordulata</i>	None	None	1B	Valley and foothill grassland, chenopod scrub; within areas with alkaline or saline soils.	Unlikely: the irrigated pasture in the site does not provide suitable habitat for heartscale; no areas of alkaline or saline soils were observed in the site. The nearest occurrence of this species in the CNDDDB (2022) search area is approximately 5.5 miles west of the project site.
Subtle orache	<i>Atriplex subtilis</i>	None	None	1B	Valley and foothill grassland, in areas with alkaline soils.	Unlikely: the irrigated pasture in the site does not provide suitable habitat for subtle orache; no areas of alkaline or saline soils were observed in the site. The nearest occurrence of this species in the CNDDDB (2022) search area is approximately 5.5 miles west of the project site.
San Joaquin Valley Orcutt grass	<i>Orcuttia inaequalis</i>	T	E	1B	Vernal pools.	Unlikely: there are no vernal pools in the site to support this species. The nearest occurrence of San Joaquin Valley Orcutt grass recorded in the CNDDDB (2022) search area is approximately 5 miles northeast of the project site. The site is not within designated critical habitat for San Joaquin Valley Orcutt grass (USFWS, 2005a).
WILDLIFE						
BIRDS						
Swainson's hawk	<i>Buteo swainsoni</i>	None	T	N/A	Breeds in stands of tall trees in open areas. Requires adjacent suitable foraging habitats such as grasslands or alfalfa fields supporting rodents.	Low: there are several large trees in close proximity to the site that are suitable for nesting Swainson's hawks and the site provides foraging habitat for this species. Swainson's hawks are not widespread in this part of the valley; there is only one occurrence of nesting Swainson's hawks in the 60+/- square mile CNDDDB (2022) search area. This 1994 record is a nesting pair approximately 1.5 miles northeast of the site. The paucity of occurrences of this species in the CNDDDB in the greater project vicinity, small size of the site, and its adjacency to developed parcels reduces the potential for Swainson's hawks to use the site for foraging on an intensive basis, if ever.

TABLE 3

SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED IN THE GREATER PROJECT VICINITY

Common Name	Scientific Name	Federal Status ¹	State Status ¹	CNPS List ²	Habitat	Likelihood of Occurrence in the Project Site
REPTILES & AMPHIBIANS						
California tiger salamander	<i>Ambystoma californiense</i>	T	T	N/A	Breeds in seasonal water bodies such as deep vernal pools or stock ponds. Requires small mammal burrows for summer refugia.	Unlikely: there are no areas in or near the site that could provide breeding habitat for California tiger salamander. There are no occurrences of this species within the CNDDDB (2022) search area. The site is not in designated critical habitat for this species (USFWS, 2005b).
Northern California legless lizard	<i>Anniella pulchra</i>	None	SC	N/A	Sandy or loose loamy soils under sparse vegetation.	Unlikely: the site has been in irrigate pasture for decades and does not provide suitable habitat for this species. The nearest occurrence of northern California legless lizard in the CNDDDB (2022) search area is approximately 4 miles southwest of the project site.
FISH						
Delta smelt	<i>Hypomesus transpacificus</i>	T	T	N/A	Shallow lower delta waterways with submersed aquatic plants and other suitable refugia.	None: there is no aquatic habitat in or near the site. There are no occurrences of delta smelt recorded in the CNDDDB (2022) in the search area. There is no designated critical habitat for delta smelt (USFWS, 1994) in or near the site.
Central Valley steelhead	<i>Oncorhynchus mykiss</i>	T	None	N/A	Riffle and pool complexes with adequate spawning substrates within Central Valley drainages.	None: there is no aquatic habitat in the site. The nearest occurrence of Central Valley steelhead in the CNDDDB (2022) search area is in the Tuolumne River, approximately 6 miles north of the site. The Tuolumne River is designated critical habitat for Central Valley steelhead (NOAA, 2005).
Hardhead	<i>Mylopharodon conocephalus</i>	None	SC	N/A	Clear, deep pools with sand and gravel bottoms in tributaries to the San Joaquin and Sacramento River.	None: there is no aquatic habitat in the site. The nearest occurrence of hardhead in the CNDDDB (2022) search area is in the Tuolumne River, approximately 6 miles north of the site.

TABLE 3

SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED IN THE GREATER PROJECT VICINITY

Common Name	Scientific Name	Federal Status ¹	State Status ¹	CNPS List ²	Habitat	Likelihood of Occurrence in the Project Site
INVERTEBRATES						
Vernal pool tadpole shrimp	<i>Lepidurus packardii</i>	E	None	N/A	Vernal pools and seasonally wet depressions within the Central Valley.	Unlikely: there are no vernal pools or seasonal wetlands in the site. There are no occurrences of this species in the CNDDDB (2022) search area. The site is not within designated critical habitat for vernal pool tadpole shrimp (USFWS, 2005a).
Vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	T	None	N/A	Vernal pools and seasonally inundated depressions in the Central Valley.	Unlikely: there are no vernal pools or seasonal wetlands in the site. There are no occurrences of this species in the CNDDDB (2022) search area. The site is not within designated critical habitat for vernal pool fairy shrimp (USFWS, 2005b).
Valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	T	None	N/A	Elderberry shrubs in the Central Valley and surrounding foothills	Unlikely: no blue elderberry shrubs were observed in or adjacent to the project site. The nearest occurrence of valley elderberry longhorn beetle in the CNDDDB (2022) search area is approximately 6 miles north of the site along the Tuolumne River.
Monarch butterfly	<i>Danaus plexippus</i>	C	None	None	Variety of habitats in California, primarily associated with coastal environments; larvae dependent on milkweed.	Unlikely: there is no suitable habitat in the site to support monarch butterfly and no extensive areas of milkweed, in which the larvae of this species depend on, was observed in the site during the field survey. Monarch butterfly may fly over the site during its migration. There are no occurrences of this species in the CNDDDB (2022) search area.

Notes:

¹ T= Threatened; E = Endangered; SC = Species of Special Concern per California Department of Fish and Wildlife; C = Candidate for Listing.

² CNPS List 1B includes species that are rare, threatened, or endangered in California and elsewhere.

packardi), and monarch butterfly (*Danaus plexippus*) were added to Table 3 as they are on the USFWS Species List (Attachment B).

While the project site may have provided habitat for a few of the special-status wildlife species listed in Table 3 at some time in the past, farming and development have substantially modified natural habitats in the greater project vicinity, including those in the site. Although considered unlikely to occur in the site, there is potentially suitable habitat in the site for Swainson's hawk. The site does not provide suitable habitat for other special-status species.

SWAINSON'S HAWK: The Swainson's hawk is a migratory hawk listed by the State of California as a Threatened species. The Migratory Bird Treaty Act (MBTA) and Fish and Game Code of California (FGCC) protect Swainson's hawks year-round, as well as their nests during the nesting season (March 1 through September 15). Swainson's hawks are found in the Central Valley primarily during their breeding season, a population is known to winter in the San Joaquin Valley.

Swainson's hawks prefer nesting sites that provide sweeping views of nearby foraging grounds consisting of grasslands, irrigated pasture, hay, and wheat crops. Orchards and vineyards are not suitable for foraging. Most Swainson's hawks are migratory, wintering in Mexico and breeding in California and elsewhere in the western United States. This raptor generally arrives in the Central Valley in mid-March, and begins courtship and nest construction immediately upon arrival at the breeding sites. The young fledge in early July, and most Swainson's hawks leave their breeding territories by late August.

The site is within the nesting range of Swainson's hawks and the CNDDDB (2022). However, Swainson's hawks are not widespread in this part of the valley; there is only one occurrence of nesting Swainson's hawks in the 60+/- square mile CNDDDB (2022) search area (Attachment B).

No Swainson's hawks were observed during the field survey, which was conducted outside of the nesting period for this species. The site provides potentially suitable foraging habitat for Swainson's hawks, although use of the site for foraging by this species, if any, is not known. There are also a few large trees in the site and several large trees in close proximity to the site that are suitable for nesting Swainson's hawks.

The paucity of occurrences of Swainson's hawks in the CNDDDB in the greater project vicinity, small size of the site, and its adjacency to developed parcels reduces the potential for Swainson's hawks to use the site for foraging on an intensive basis, if ever. Due to the location of the site in this part of the county, it is unlikely this species nests near the site. It is highly unlikely Swainson's hawks nesting in one of the ornamental trees adjacent to the home in the site.

OTHER SPECIAL-STATUS SPECIES: Other special-status birds including burrowing owl may fly over the site on occasion, but would not be expected to nest within the project site. No ground squirrel burrows were observed in or adjacent to the site and burrowing owls are not common in this part of Stanislaus County.

There are no seasonal water bodies in or near the site for California tiger salamander and grassland areas close to the alignment are highly disturbed and do not provide suitable aestivation habitat for this species. The ruderal and highly disturbed and grassland habitats in the site do not provide suitable habitat for northern California legless lizard.

The site does not provide aquatic habitat for delta smelt, Central Valley steelhead, hardhead, or any other fish.

There are no vernal pools or seasonal wetlands in the site for vernal pool fairy shrimp, vernal pool tadpole shrimp, or other vernal pool branchiopods. No blue elderberry shrubs were observed in or near the site, precluding the potential occurrence of valley elderberry longhorn beetle.

CRITICAL HABITAT: The site is not within designated critical habitat for delta smelt (USFWS, 1994), federally listed vernal pool shrimp or plants (USFWS, 2005a), California tiger salamander (USFWS, 2005b), valley elderberry longhorn beetle (USFWS, 1980), Central Valley steelhead (NOAA, 2005), or other federally listed species.

Conclusions and Recommendations

- The body of the site has been in irrigated pasture to support livestock for decades. The irrigation has recently ceased and the site is now fallow. On-site habitats are biologically unremarkable.
- No potentially jurisdictional Waters of the U.S. or wetlands were observed in the project site.
- No riparian habitats or other sensitive natural communities were observed in the site.
- Due to high levels of disturbance and a lack of suitable habitat, it is unlikely that special-status plants occur in the site.
- The site provides potentially suitable foraging and nesting habitat for Swainson's hawk. Due to the location of the site in this part of the county and surrounding land uses, it is unlikely this species nests in or near the site. It is also unlikely Swainson's hawks forage in the site on an intensive basis, if ever.
- Pre-construction surveys for nesting Swainson's hawks within 0.25 miles of the project site are conservatively recommended if construction commences between March 1 and September 15. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction using criteria set forth

by CDFW (CDFG, 1994) and the Swainson's Hawk Technical Advisory Committee (SWHTAC, 2000).

- Trees, shrubs, and grasslands in and near the site could be used by birds protected by the MBTA and/or Fish and Game Code of California. If construction commences during the general avian nesting season (March 1 through July 31), a pre-construction survey for nesting birds is recommended. If active nests are found, work in the vicinity of the nest will be delayed until the young fledge.

We hope this information is useful. Please call me at (209) 745-1159 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Diane S. Moore'.

Diane S. Moore, M.S.
Principal Biologist

References and Literature Consulted

ACOE (U.S. Army Corps of Engineers). 1987. Technical Report Y87-1. U.S. Army Corps of Engineers Waterways Experiment Station, Vicksburg, MI.

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the Interior, Fish and Wildlife Service, 50 CFR Part 17. Listing the Valley
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CFR Part 17: Endangered and Threatened Wildlife and Plants; Final Designation
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154. August 11.

USFWS. 2005b. Part II, Department of the Interior, Fish and Wildlife Service, 50
CFR Part 17: Endangered and Threatened Wildlife and Plants; Designation of
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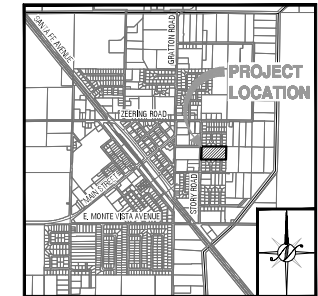
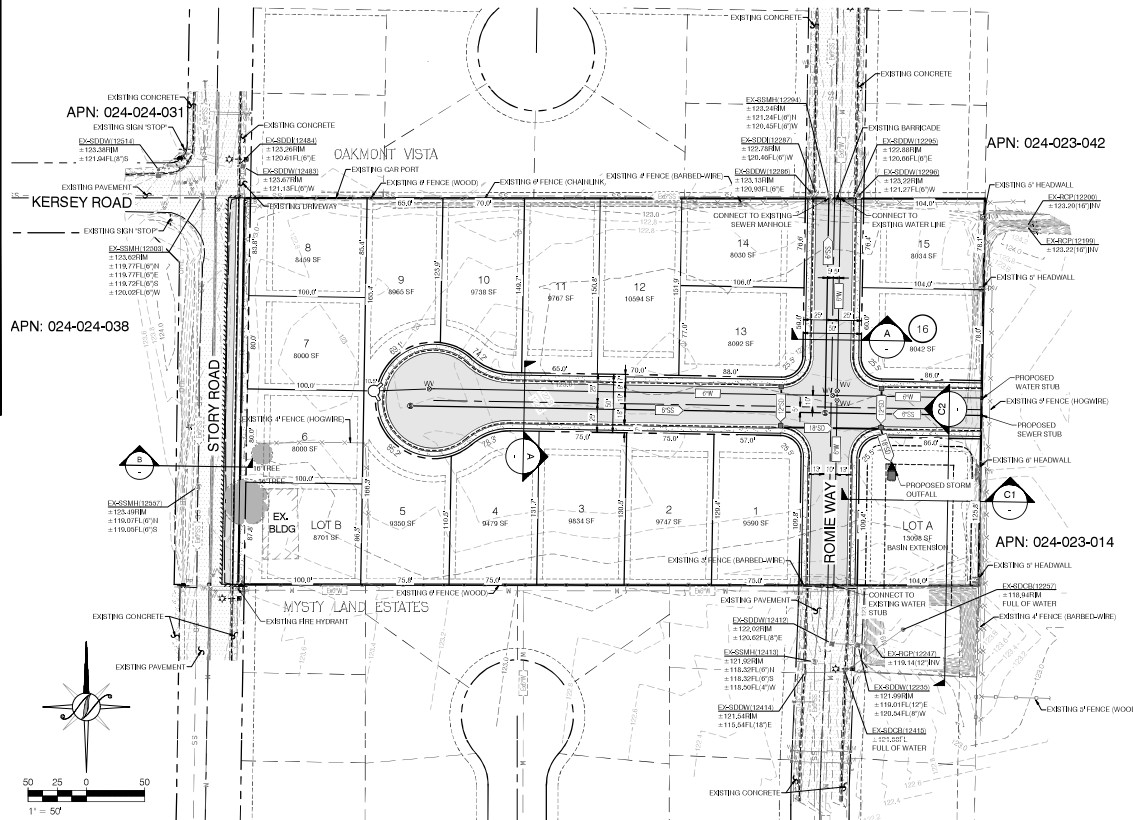
Attachment A

Tentative Map

LEGEND

	EXISTING	PROPOSED
BOUNDARY LINE	N/A	
CONTINGENT		
PROPERTY		
PARCEL LINE		
CURB, GUTTER AND SIDEWALK		
EDGE OF PAVEMENT		
DIRT ROAD		N/A
UNDERHEAD ELECTRICAL		N/A
GAS LINE		N/A
CONTOUR		N/A
WALL (SEE LABEL FOR TYPE)		
FENCE (CHAINLINK OR WOOD)		
FENCE (WIRE OR HOODING)		
FENCE (WOOD OR WOOD/STEEL)		
BARBICIDE		
TREE OR SHRUB TO BE REMOVED		
IRON		
STORM POLE		
STORM DETENTION		
STORM DRAIN (MAN)		
STORM DRAIN MAINTENANCE HOLE		
CURB INLET		
STORM DRAIN CUTOFF		
WATER (MAN)		
WATER VALVE		
FIRE HYDRANT		
SEWER MAINTENANCE HOLE		
SEWER (MAN)		

TENTATIVE SUBDIVISION MAP STORY ROAD SUBDIVISION STANISLAUS COUNTY, CALIFORNIA



PROJECT INFORMATION

A. REGULATORY AGENCY	STANISLAUS COUNTY 1010 VINT STREET, SUITE 3400 MODESTO, CA 95354 T: (209) 525-4557 CONTACT: JUDITH BALLARD
B. APPLICANT	MALET DEVELOPMENT 219 N. BROADWAY TULOCK, CA 95388 T: (209) 894-7271 CONTACT: TORRE RICH
C. ENGINEER	NORTHSTAR ENGINEERING GROUP, INC. 630 120 STREET MODESTO, CA 95354 T: (209) 524-5625 CONTACT: PAMELA HURON
D. ASSESSOR'S PARCEL NUMBER	024-023-042
E. EXISTING LAND USE	SINGLE-FAMILY HOME AND OPENED FOR UNDEVELOPED
F. PROPOSED LAND USE	SINGLE-FAMILY HOMES
G. EXISTING ZONING	LOW-DENSITY RESIDENTIAL (COUNTY OF RESIDENTIAL LOW DENSITY) R-1A
H. PROPOSED ZONING	PLANNED DEVELOPMENT 164
I. TOTAL PROJECT SITE	4.8+ ACRES
J. NET ACREAGE	4.7+ ACRES
K. TOTAL NUMBER OF LOTS	16
L. NET DENSITY	3.4 D.U./AC
M. TYPICAL LOT SIZE	8,000 SF, MINIMUM
N. MAXIMUM FOOTPRINT COVERAGE	50%
O. PARKING	MINIMUM TWO CAR GARAGE, AND TWO DRIVEWAY SPACES PER LOT
P. CONTOURS	1.0-FOOT INTERVALS
Q. UTILITIES	WATER SYSTEM - DENVER COMMUNITY SERVICE DISTRICT SEWER SYSTEM - DENVER COMMUNITY SERVICE DISTRICT STORM DRAINAGE - STANISLAUS COUNTY GAS - STANISLAUS COUNTY ELECTRIC - AT&T TELEPHONE - AT&T SCHOOL DISTRICT - DENVER UNIFIED SCHOOL DISTRICT

GENERAL NOTES

- ALL IMPROVEMENTS SHALL BE CONSTRUCTED AS PER THE STANISLAUS COUNTY STANDARD PLANS AND SPECIFICATIONS EXCEPT AS NOTED.
- STORM DRAINAGE TO BE CONSTRUCTED TO A ONE-DAY STORM DRAIN RETENTION BASIN. ALL IMPROVEMENTS TO BE CONSTRUCTED TO THE STANISLAUS COUNTY STANDARDS.
- ALL STORM DRAINAGE IMPROVEMENTS AS PART OF FUTURE IMPROVEMENTS PLANS AND STUDIES SHALL CONFORM TO THE REQUIREMENTS SET FORTH IN THE STANISLAUS COUNTY STANDARD PLANS AND SPECIFICATIONS (REVISED PERMITS 2013-04-01-02) AND THE MULTI-AGENCY POST-CONSTRUCTION STORMWATER STANDARDS MANUAL, APPROVED AND ADOPTED PRIOR TO THE TIME OF THE TENTATIVE MAP APPLICATION BEING DEEMED COMPLETE.
- SANITARY SEWER TO BE CONSTRUCTED TO THE DENVER COMMUNITY SERVICE DISTRICT STANDARDS AND SPECIFICATIONS.
- WATER SYSTEM TO BE CONSTRUCTED TO THE DENVER COMMUNITY SERVICE DISTRICT STANDARDS AND SPECIFICATIONS.
- STREET LIGHTING SHALL BE INSTALLED PER STANISLAUS COUNTY STANDARD SPECIFICATIONS.
- PUBLIC UTILITIES ARE TO BE INSTALLED UNDERGROUND IN EASEMENTS.
- THE SUBMITTER HEREBY AGREES TO THE RIGHT TO THE MAILING OF THE SUBDIVISION MAP AS SET FORTH BY THE SUBDIVISION MAP ACT, ARTICLE 4, SECTION 56000, AND THE RULES AND REGULATIONS FOR REASON OF SALE. ALL PARCELS LINED SHALL CONFORM TO THE TENTATIVE MAP.
- PUBLIC UTILITY EASEMENTS SHALL BE PROVIDED ALONG ALL STREET FRONTAGES.
- ALL EXISTING STRUCTURES AND TREES ARE TO BE REMOVED UNLESS OTHERWISE NOTED. ALL EXISTING POWER LINES AND OVERHEAD LINES ARE TO BE REMOVED BY UNDERGROUND.
- ALL LOT SETBACKS, RECORDS AND LOT LINES ARE TO BE IN ACCORDANCE WITH THE DENVER COMMUNITY PLAN.

LEGAL DESCRIPTION

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF STANISLAUS, A UNINCORPORATED AREA AND DESCRIBED AS FOLLOWS: LOT 16 OF BLOCK 12 OF SUBDIVISION OF THE LOTS 8 TO 16 OF THE ELWOOD COLONY ACCORDING TO THE MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF STANISLAUS COUNTY, CALIFORNIA, ON JANUARY 14, 1907 IN VOLUME 2 OF MAPS AT PAGE 47.

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Attachment B

CNDDB Summary Report and Exhibits & USFWS IPaC Trust Resource Report



Selected Elements by Scientific Name

California Department of Fish and Wildlife

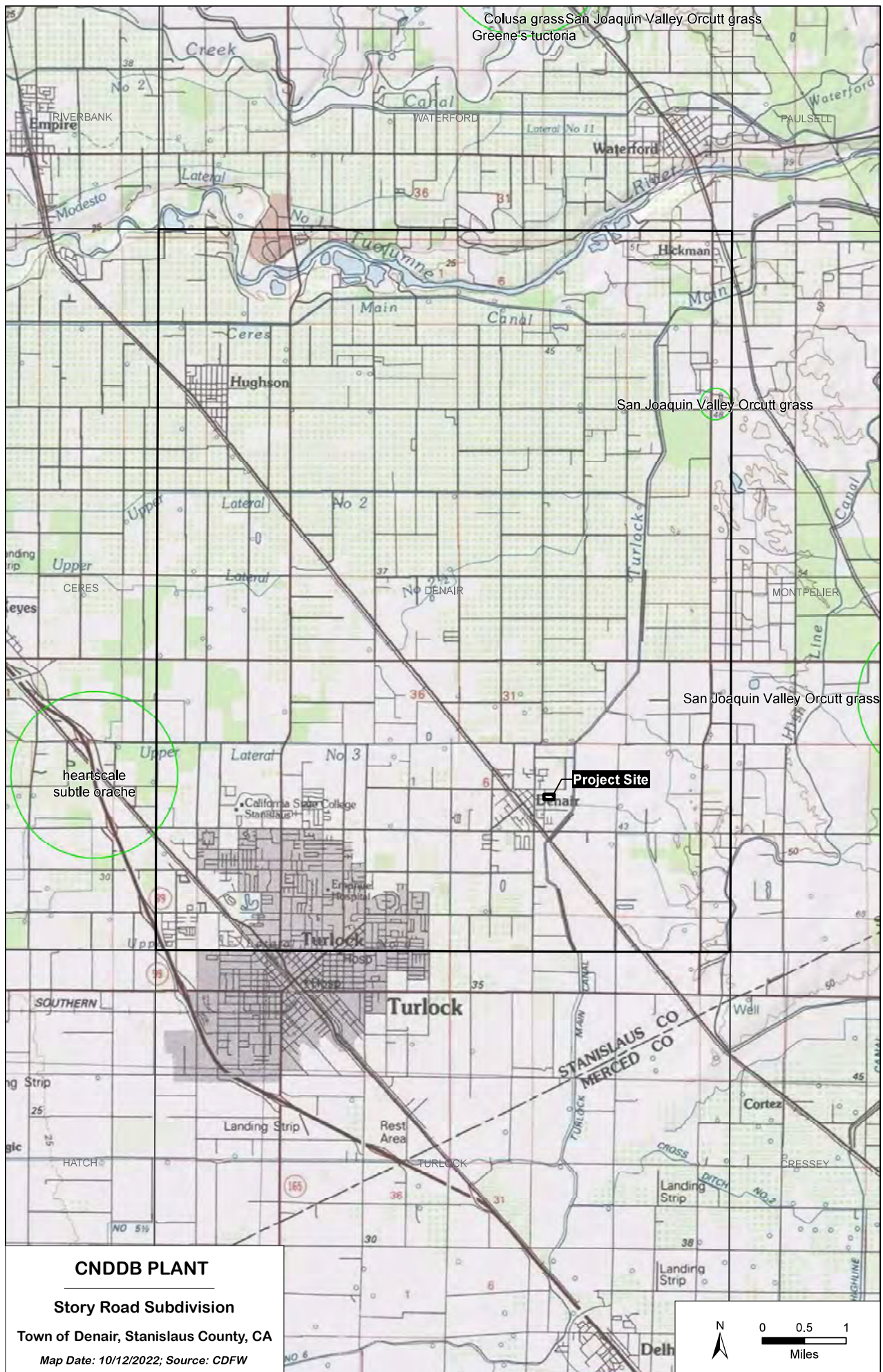
California Natural Diversity Database

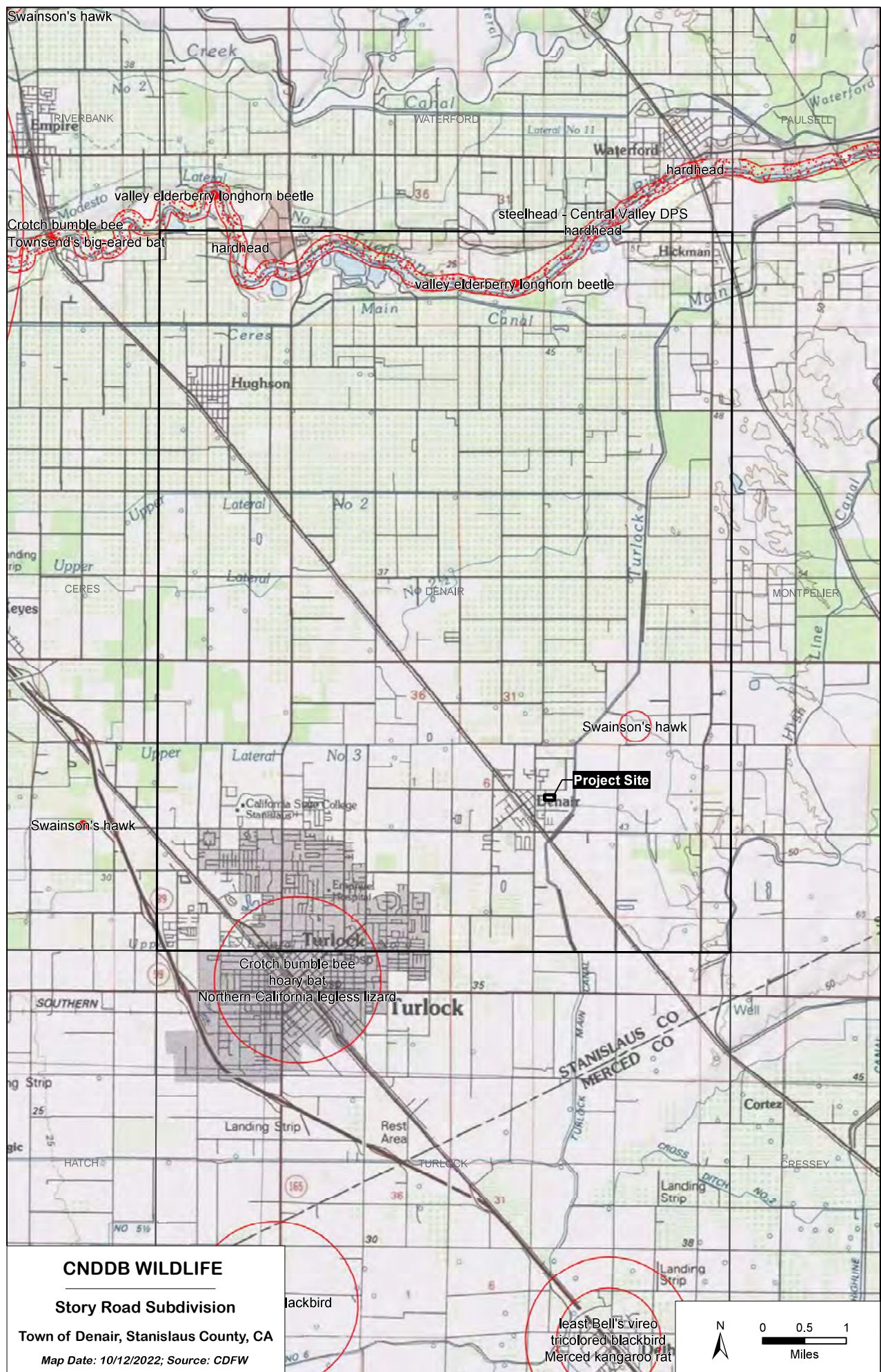


Query Criteria: Quad> IS <(Denair (3712057))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Anniella pulchra Northern California legless lizard	ARACC01020	None	None	G3	S3	SSC
Atriplex cordulata var. cordulata heartscale	PDCHE040B0	None	None	G3T2	S2	1B.2
Atriplex subtilis subtle orache	PDCHE042T0	None	None	G1	S1	1B.2
Bombus crotchii Crotch bumble bee	IIHYM24480	None	None	G2	S1S2	
Buteo swainsoni Swainson's hawk	ABNKC19070	None	Threatened	G5	S3	
Desmocerus californicus dimorphus valley elderberry longhorn beetle	IICOL48011	Threatened	None	G3T2T3	S3	
Lasiurus cinereus hoary bat	AMACC05030	None	None	G3G4	S4	
Mylopharodon conocephalus hardhead	AFCJB25010	None	None	G3	S3	SSC
Oncorhynchus mykiss irideus pop. 11 steelhead - Central Valley DPS	AFCHA0209K	Threatened	None	G5T2Q	S2	
Orcuttia inaequalis San Joaquin Valley Orcutt grass	PMPOA4G060	Threatened	Endangered	G1	S1	1B.1

Record Count: 10





IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Stanislaus County, California



Local office

Sacramento Fish And Wildlife Office

☎ (916) 414-6600

📅 (916) 414-6713

Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846

NOT FOR CONSULTATION

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

-
1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).

2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Amphibians

NAME	STATUS
California Tiger Salamander <i>Ambystoma californiense</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/2076	Threatened

Fishes

NAME	STATUS
Delta Smelt <i>Hypomesus transpacificus</i> Wherever found There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/321	Threatened

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9743	Candidate
Valley Elderberry Longhorn Beetle <i>Desmocerus californicus dimorphus</i> Wherever found There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/7850	Threatened

Crustaceans

NAME	STATUS
------	--------

Vernal Pool Fairy Shrimp *Branchinecta lynchi* Threatened

Wherever found

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/498>

Vernal Pool Tadpole Shrimp *Lepidurus packardii* Endangered

Wherever found

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/2246>

Flowering Plants

NAME

STATUS

San Joaquin Orcutt Grass *Orcuttia inaequalis* Threatened

Wherever found

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/5506>

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds
<https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds
<https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\)](#) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Belding's Savannah Sparrow <i>Passerculus sandwichensis beldingi</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8	Breeds Apr 1 to Aug 15
Bullock's Oriole <i>Icterus bullockii</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Mar 21 to Jul 25
Cassin's Finch <i>Carpodacus cassinii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9462	Breeds May 15 to Jul 15

Common Yellowthroat *Geothlypis trichas sinuosa*

Breeds May 20 to Jul 31

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/2084>

Lawrence's Goldfinch *Carduelis lawrencei*

Breeds Mar 20 to Sep 20

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9464>

Nuttall's Woodpecker *Picoides nuttallii*

Breeds Apr 1 to Jul 20

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/9410>

Oak Titmouse *Baeolophus inornatus*

Breeds Mar 15 to Jul 15

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9656>

Yellow-billed Magpie *Pica nuttalli*

Breeds Apr 1 to Jul 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9726>

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

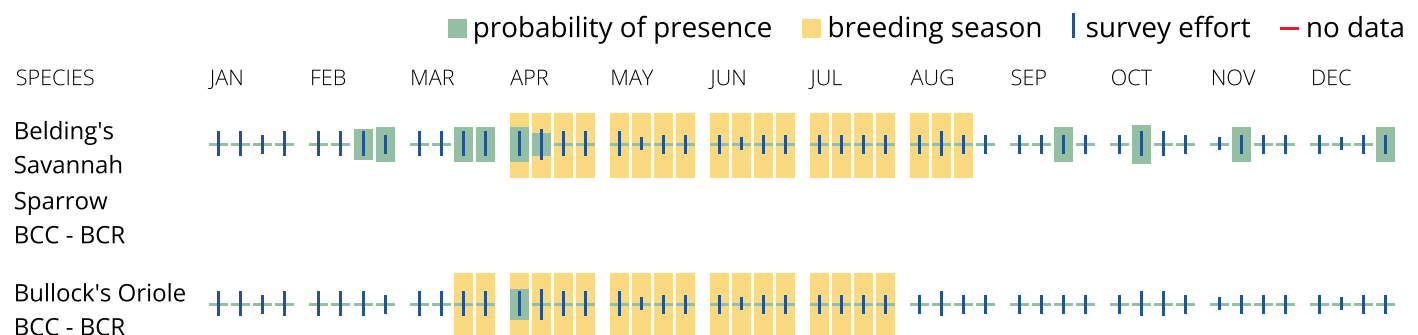
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

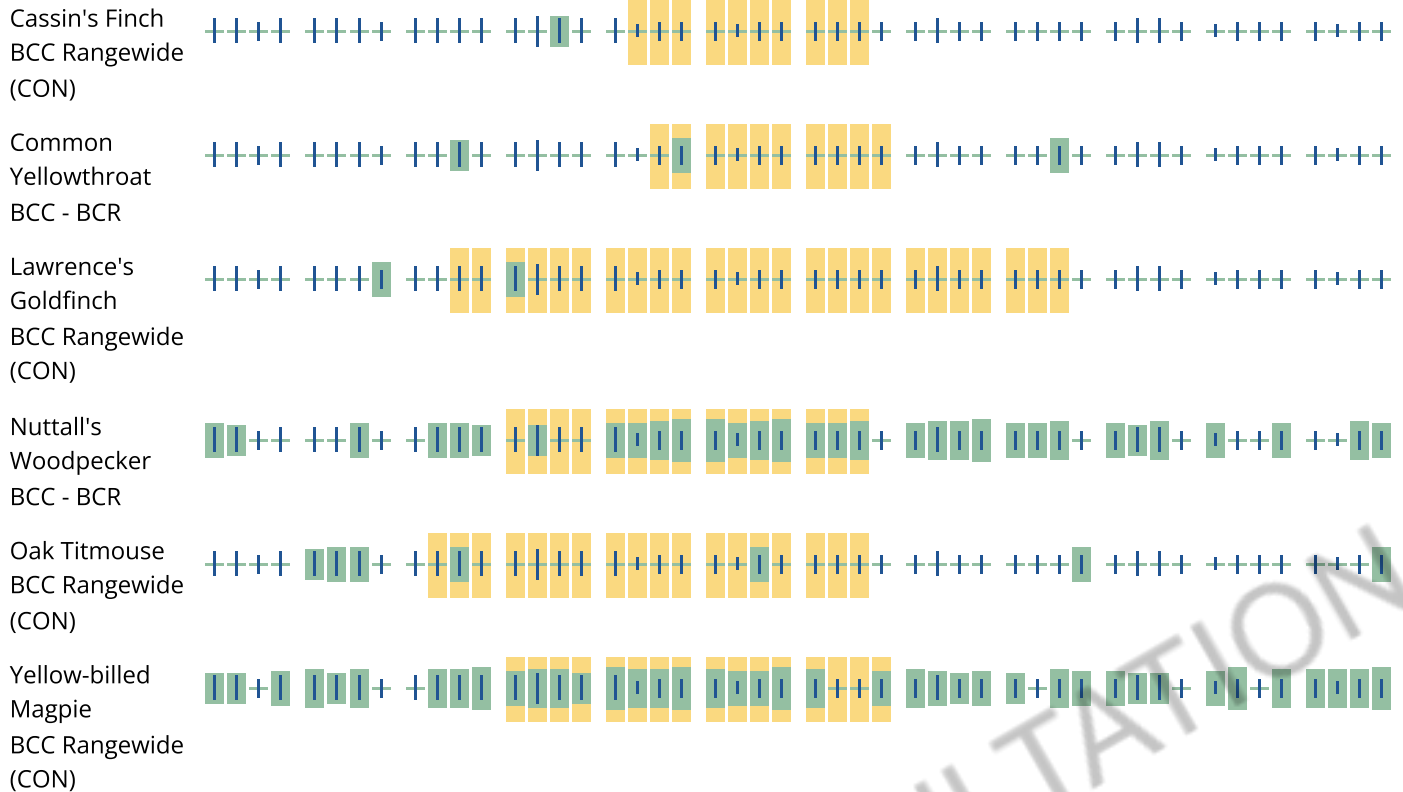
No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.





Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact

[Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Coastal Barrier Resources System

Projects within the [John H. Chafee Coastal Barrier Resources System](#) (CBRS) may be subject to the restrictions on federal expenditures and financial assistance and the consultation requirements of the Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.). For more information, please contact the local [Ecological Services Field Office](#) or visit the [CBRA Consultations website](#). The CBRA website provides tools such as a flow chart to help determine whether consultation is required and a template to facilitate the consultation process.

There are no known coastal barriers at this location.

Data limitations

The CBRS boundaries used in IPaC are representations of the controlling boundaries, which are depicted on the [official CBRS maps](#). The boundaries depicted in this layer are not to be considered authoritative for in/out determinations close to a CBRS boundary (i.e., within the "CBRS Buffer Zone" that appears as a

hatched area on either side of the boundary). For projects that are very close to a CBRS boundary but do not clearly intersect a unit, you may contact the Service for an official determination by following the instructions here: <https://www.fws.gov/service/coastal-barrier-resources-system-property-documentation>

Data exclusions

CBRS units extend seaward out to either the 20- or 30-foot bathymetric contour (depending on the location of the unit). The true seaward extent of the units is not shown in the CBRS data, therefore projects in the offshore areas of units (e.g., dredging, breakwaters, offshore wind energy or oil and gas projects) may be subject to CBRA even if they do not intersect the CBRS data. For additional information, please contact CBRA@fws.gov.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

Fish hatcheries

There are no fish hatcheries at this location.

Wetlands in the National Wetlands Inventory (NWI)

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER EMERGENT WETLAND

[Palustrine](#)

RIVERINE

[Riverine](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

NOTE: This initial screening does **not** replace an on-site delineation to determine whether wetlands occur. Additional information on the NWI data is provided below.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local

government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

NOT FOR CONSULTATION

Attachment C

Photographs



Formerly irrigated pasture, looking west; 10/13/22. Irrigation has ceased and the site now supports ruderal grassland vegetation.



South edge of the site, looking west from the southeast corner of the site; 10/13/22.



West edge of the site, looking north along Story Road; 10/13/22. Three of the new homes will front on Story Road.



Romie Way, looking north; 10/13/22. Romie Way will be extended through the east part of the site, providing access to the majority of the new homes.



East edge of the site, looking north; 10/13/22. The pasture to the east of the site is irrigated and some of the excess water seeps on to the site.



Northeast corner of the site, looking west; 10/13/22. While the site is no longer irrigated, some of the pasture along the east edge of the site is receiving run-off from the parcel to the east.



Existing home and outbuildings in the southwest corner of the site, looking west;
10/13/22. This home will remain.

Attachment D

National Wetland Inventory Map

Story Road Subdivision



October 13, 2022

Wetlands

	Estuarine and Marine Deepwater		Freshwater Emergent Wetland		Lake
	Estuarine and Marine Wetland		Freshwater Forested/Shrub Wetland		Other
			Freshwater Pond		Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Attachment E

Designated Critical Habitat



STANISLAUS COUNTY ORDINANCE NO. C.S. _____

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. _____ FOR THE PURPOSE OF REZONING 4.82 ACRES FROM RURAL RESIDENTIAL (R-A) TO PLANNED DEVELOPMENT (P-D), TO INCREASE THE MAXIMUM BUILDING SITE COVERAGE FROM 40 TO 50 PERCENT, AND TO CREATE 17 SINGLE-FAMILY RESIDENTIAL LOTS RANGING IN SIZE FROM 8,000 TO 10,594 SQUARE-FEET AND A 13,098 SQUARE-FOOT STORMWATER BASIN, LOCATED AT 3700 STORY ROAD, BETWEEN EAST ZEERING ROAD AND WALTON STREET, IN THE COMMUNITY OF DENAIR, APN: 024-055-060

The Board of Supervisors of the County of Stanislaus, State of California, ordains as follows:

Section 1. Sectional District Map No. _____ is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:

(Map to be inserted upon rezone approval)

Section 2. This ordinance shall take effect and be in full force thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against same, in the Modesto Bee, a newspaper of general circulation published in Stanislaus County, State of California.

Upon motion of Supervisor _____, seconded by Supervisor _____, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this _____ day of _____, 2022, by the following called vote:

AYES:	Supervisors:
NOES:	Supervisors:
ABSENT:	Supervisors:
ABSTAINING:	Supervisors:

Terrance P. Withrow
CHAIRMAN OF THE BOARD OF SUPERVISORS
of the County of Stanislaus,
State of California

ATTEST: ELIZABETH A. KING, Clerk of
the Board of Supervisors of
the County of Stanislaus,
State of California

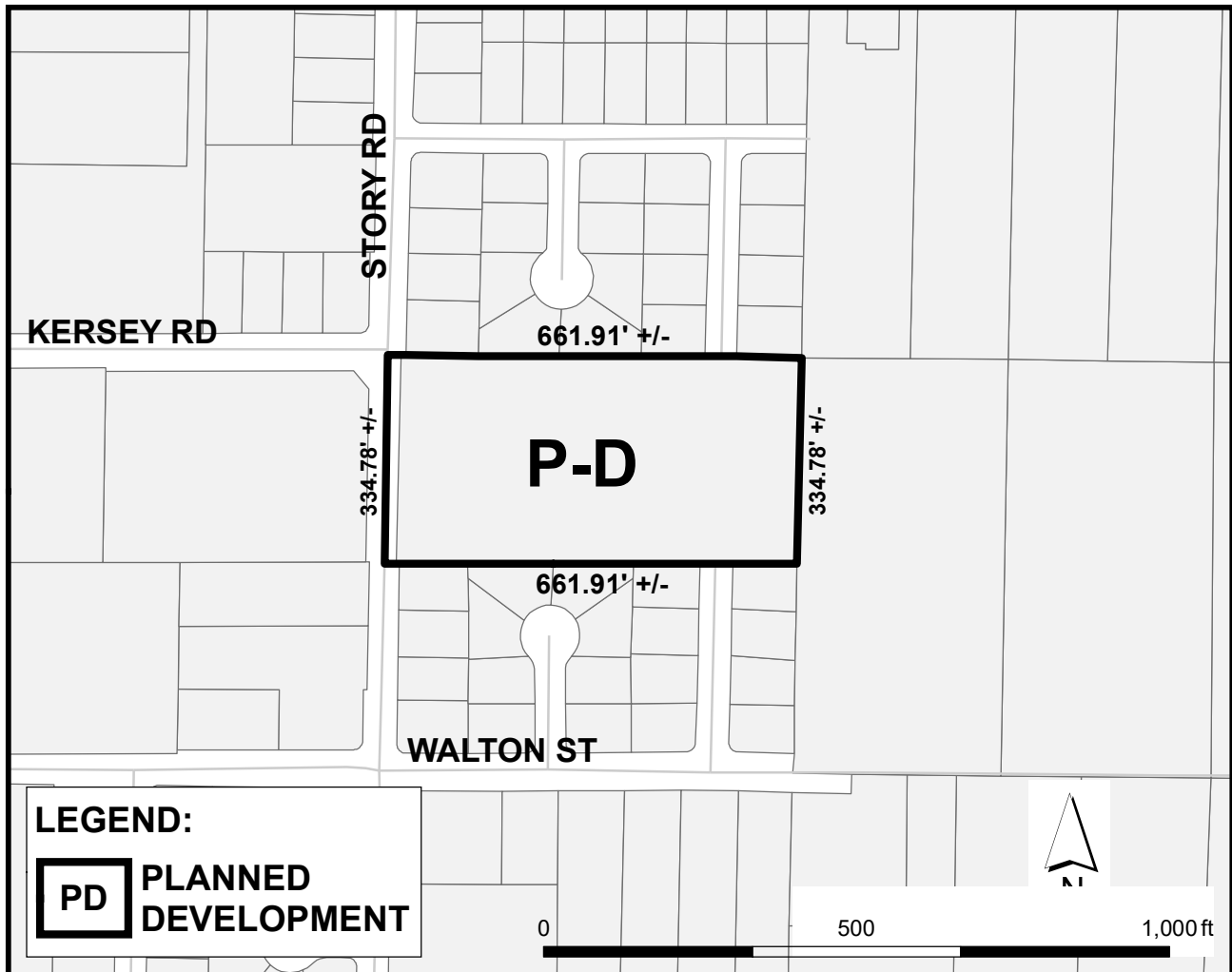
By: _____
Deputy Clerk

APPROVED AS TO FORM:

Thomas E. Boze
County Counsel

By: 
G. Michael Ziman
Deputy County Counsel

SECTIONAL DISTRICT MAP NO. 9-110-TBD



EFFECTIVE DATE: TBD

PREVIOUS MAPS: 128



October 11, 2024

Emily Basnight
Assistant Planner
Stanislaus County Planning and Community Development
1010 10th Street #3400
Modesto, CA 95354

Subject: 1-Year Time Extension Request for Tentative Map Application No. PLN2022-0026-Elmwood Estates (APN: 024-055-60)

To Whom It May Concern,

I am writing to formally request an extension of the Tentative Map Application No. PLN2022-0026-Elmwood Estates. The tentative map for this project was previously approved on December 6, 2022. I have been authorized by the property owner(s) to submit this request on their behalf.

As you may know, the current expiration for the tentative map is set for December 6, 2024. Despite our efforts to meet the necessary conditions for approval, we are still in the process of working with the Public Works Department to satisfy a few outstanding requirements and conditions.

To accommodate these requirements and to avoid disruptions to our project schedule, we respectfully request a one-year time extension. This extension will allow us to complete the remaining steps to fulfill the conditions of approval for the project.

Please accept this letter as a formal request for an extension, and we are prepared to comply with any associated conditions of approval. We are also ready to pay any applicable fees, including the extension processing fee of \$2,298.00. We appreciate your consideration of this request, as well as your ongoing support in bringing this project to completion.

Thank you for your time and assistance in this matter. Please do not hesitate to contact me at (209) 652-4824 if you need further details or clarification.

Sincerely,

Torre Reich
President
Torre Reich Construction
Office: 209.668.8721
Cell: 209.652.4824

