

# STANISLAUS COUNTY PLANNING COMMISSION

May 2, 2024

## STAFF REPORT

USE PERMIT APPLICATION NO. PLN2021-0104  
KOOISTRA DAIRY

**REQUEST: REQUEST TO EXPAND AN EXISTING DAIRY FACILITY LOCATED ON A 19.11± ACRE PARCEL, IN THE GENERAL AGRICULTURE (A-2-40) ZONING DISTRICT, TO ALLOW THE HERD SIZE TO INCREASE FROM 436 MATURE COWS TO 1,000, AND TO ALLOW CONSTRUCTION OF A 14,352± SQUARE-FOOT NEW FREE STALL BARN.**

### APPLICATION INFORMATION

Applicant:	Sam and Cynthia Kooistra, Kooistra Dairy
Property owner:	Sam S. Kooistra and Cynthia L. Kooistra
Agent:	Manny Sousa, Sousa Engineering
Location:	5831 and 5837 Hultberg Road, between Ehrlich and Bradbury Roads, in the Turlock area.
Section, Township, Range:	5-6-10
Supervisory District:	Two (Supervisor Chiesa)
Assessor's Parcel:	057-017-005
Referrals:	See Exhibit H Environmental Review Referrals
Area of Parcel(s):	19.11± acres
Water Supply:	Private well
Sewage Disposal:	Septic System
General Plan Designation:	Agriculture
Community Plan Designation:	N/A
Existing Zoning:	General Agriculture (A-2-40)
Sphere of Influence:	N/A
Williamson Act Contract No.:	N/A
Environmental Review:	Negative Declaration
Present Land Use:	Two single-family dwellings and residential accessory structures; and a dairy operation.
Surrounding Land Use:	Scattered single-family dwellings and irrigated cropland in all directions; almond orchards to the east and southwest and a dairy facility and the County of Merced directly to the south.

## **RECOMMENDATION**

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

## **PROJECT DESCRIPTION**

The project is a request to expand the herd size of an existing dairy facility from 436 to 1,000 mature cows, which includes an increase of 425 milk and 139 dry cows. No support stock are currently or proposed to be located on-site. As part of this request, the applicant proposes to demolish three existing shade barns totaling approximately 3,700 square feet, in order to construct a 14,352 square-foot free stall barn for animal housing and to install a mechanical manure separator adjacent to an existing wastewater storage pond (see Exhibit B-6 – *Maps and Site Plan*).

The applicant anticipates an increase of 1,156 cubic feet of additional manure per day generated from the proposed herd expansion, for a total of 2,056 cubic feet of manure per day for the entire dairy operation. Nutrients produced from the herd will be used to fertilize approximately 68± acres of irrigated cropland on parcels located in both Stanislaus and Merced Counties; on land owned by the dairy operator (51± acres) as well as parcels under different ownership.

The dairy currently receives five truck trips for tallow, feed, and veterinary services every two weeks, and a total of two milk truck trips per day. A reduction in milk trips from two to one per day is anticipated due to a milking parlor constructed in April 2022 under BLD2020-1520, which increased efficiency and truck trip coordination for milk trips. The proposed request is expected to increase the number of feed truck trips from one to three per week. No increase to the current tallow or veterinary service trips are anticipated.

Hours of operation are 24 hours per day, seven days a week. Once fully developed, a total of four employees will be on a maximum shift: three employees will continue to live off site and one employee will continue to live on-site. The applicant does not anticipate any customers on-site.

## **SITE DESCRIPTION**

The 19.11± acre project site is located at 5831 and 5837 Hultberg Road, between Ehrlich and Bradbury Roads, in the Turlock area. The existing facility is currently improved with 85,153± square feet of free stall barns and other accessory structures associated with the dairy, a dry manure storage area, feed storage area, and three wastewater ponds. Additionally, two single-family residences have been developed on the property which are utilized by the property owner, and one employee who lives on-site. The project site is served by existing private wells and septic systems and has access to County-maintained Hultberg Road.

The project site is surrounded by scattered single-family dwellings and irrigated cropland in all directions, almond orchards to the east and southwest, and a dairy facility and the County of Merced to the south of the project site.

## **ISSUES**

Two issues have been identified as part of the review of the project:

The first issue involves concerns with potential greenhouse gas (GHG) emissions raised in a comment letter which was received on April 8, 2024, from Advocates for the Environment, a non-profit public-interest law firm and environmental advocacy organization (see Exhibit D – *Letter received from Advocates for the Environment, dated April 8, 2024*). The comment letter was submitted in response to the Initial Study (IS) prepared and circulated in accordance with the California Environmental Quality Act (CEQA). The concerns raised by the Advocates for the Environment are that the GHG analysis prepared for the IS was insufficient and that impacts from GHGs resulting from the increase in herd size on-site were not adequately mitigated. The letter mentioned that the County should prepare an Environmental Impact Report (EIR) and should consider mitigation measures for the project related to enteric fermentation (digestion process in cows), manure management strategies, carbon sequestration, and nutrient spreading practices. Additionally, the letter mentioned offsets for purchase to mitigate the project's GhG emission if the impacts could not be fully mitigated on-site. Advocates for the Environment concluded that the Mitigated Negative Declaration (MND) prepared for the project, as part of the environmental assessment, is not in conformance with CEQA requirements as the information provided was insufficient, that the analysis is inadequate, and that the County should have concluded the project would contribute to significant GHG impacts.

In response to the comment letter, Section VIII – *Greenhouse Gas Emissions* of the IS has been amended to reflect clarifying information related to the project and GHGs (see Attachment E – *Initial Study, with amendments, dated April 18, 2024*). 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 recirculation if the project revisions are added in response to written or verbal comments on the project's effects identified in the proposed MND which are not new avoidable significant effects, or if the new information merely clarifies, amplifies, or makes insignificant modifications to the MND. The amendments to the IS are considered to be informational in nature and to have no new significant effects. Staff believes that the amendments to the IS meet CEQA Guidelines Section 15073.5(c), and that recirculation of the IS is not required. The amended IS clarifies legislation and regulations related to GHGs and emission reductions, provides background information on the dairy industry and herd sizes within the County and State of California overall, elaborates on the project's proposal to install a mechanical manure separator, and clarifies Air District standards and the relation between regulatory requirements and the proposed project.

The second issue that has been identified as part of the review of this project has to do with the permitting of dairy herd expansions under the Central Valley Regional Water Quality Control Board (CVRWQCB). The proposed project includes implementation of a waste management plan (WMP) and nutrient management plan (NMP) that address the additional waste to be discharged as a result of the herd expansion. The NMP and WMP for the project are included as Attachments I and II of the Initial Study (see Attachments I and II of Exhibit E - *Initial Study, with amendments, dated April 18, 2024*). Under the County's practice for processing use permits for dairy expansions, the NMP and WMP are sent to the CVRWQCB for review and acceptance prior to circulation of the IS. The CVRWQCB provided correspondence for the project dated January 20, 2022, which stated the NMP and WMP are in agreement with the current General Order; however, data collected by the Central Valley Dairy Representative Monitoring Program (CVDRMP) have

indicated that these nutrient management practices are not sufficient to prevent the pollution of groundwater from cropland. The CVRWQCB is placing the review of all NMP and WMP for expanding or new dairies on hold and operators are to proceed at their own discretion. Without acceptance of the NMP and WMP from the CVRWQCB, the County prepared an MND with more specific requirements to be met in terms of best management practices (BMPs) and protection of surface and groundwater from nitrates in wastewater.

Under CEQA, the CVRWQCB is a responsible state agency with the statutory responsibility to protect water quality in California's Central Valley. The County's purpose in requiring use permits for new or expanding dairies is to provide dairy operators with an environmental document and determination under CEQA that may be used by the CVRWQCB in issuing new or modified individual permits, waivers, orders, or waste discharge requirements (WDRs). Individual WDRs are required for new and/or expanding dairies as the subject facilities are not covered under CVRWQCB's existing Reissuance of Waste Discharge Requirements General Order for Existing Milk Cow Dairies (Reissued Dairy General Order).

While the County's previous environmental assessments prepared for dairy expansion requests have relied on the understanding that individual WDRs would be issued following the County's approval of the project, the County has learned that the CVRWQCB has instead been relying on the following provision of the State Water Code (Section 13264):

“(a) No person shall initiate any new discharge of waste or make any material changes in any discharge, or initiate a discharge to, make any material changes in a discharge to, or construct, an injection well, prior to the filing of the report required by Section 13260 and no person shall take any of these actions after filing the report but before whichever of the following occurs first:

- (1) The issuance of waste discharge requirements pursuant to Section 13263.
- (2) The expiration of 140 days after compliance with Section 13260 if the waste to be discharged does not create or threaten to create a condition of pollution or nuisance and any of the following applies:
  - (A) The project is not subject to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).
  - (B) The regional board is the lead agency for purposes of the California Environmental Quality Act, a negative declaration is required, and at least 105 days have expired since the regional board assumed lead agency responsibility.
  - (C) The regional board is the lead agency for the purposes of the California Environmental Quality Act, and environmental impact report or written documentation prepared to meet the requirements of Section 21080.5 of the Public Resources Code is required, and at least one year has expired since the regional board assumed lead agency responsibility.

(D) The regional board is a responsible agency for purposes of the California Environmental Quality Act, and at least 90 days have expired since certification or approval of environmental documentation by the lead agency.”

In this case section (D) would be applicable in that the CVRWQCB is a responsible agency for the purposes of CEQA. Based on the CVRWQCB's correspondence and staff discussion with CVRWQCB staff, this provision is now in question based on the requirement that the discharge not create or threaten to create a condition of pollution or nuisance.

Three use permits for expanding dairy facilities have been heard and approved by the Planning Commission since the County became aware that the CVRWQCB had placed review of NMPs and WMPs on hold. The most recent Use Permit (UP) approved by the Planning Commission on August 17, 2023, was UP No. PLN2021-0033 – John Brasil Dairy which included adoption of an MND with the same three mitigation measures being applied to the proposed project (see Exhibit F - *Mitigation Monitoring and Reporting Program*). The mitigation measures require the operator to: 1) follow specifically identified best management practices (BMPs); 2) comply with the WMP and NMP submitted to the County as part of the UP; and 3) enroll in the Central Valley Dairy Representative Monitoring Program (CVDRMP) to meet the requirements for groundwater monitoring.

The August 17, 2023, Planning Commission Staff Report for the John Brasil Dairy UP may be found here: [https://www.stancounty.com/planning/agenda/2023/08-17-2023/7\\_A.pdf](https://www.stancounty.com/planning/agenda/2023/08-17-2023/7_A.pdf). Included in the August 17, 2023, Planning Commission Staff Report is an overview of the other two UPs (UP No. PLN 2021-0056 – N&C Silveira Dairy and UP No. PLN2021-0030 – Silva Holsteins Dairy) for expanded dairy facilities heard by the Planning Commission since the County became aware of the CVRWQCB placing review of NMPs and WMPs on hold.

The CVRWQCB is the responsible agency for approving dairy herd expansions and accordingly, the authorization of the herd expansion is dependent on the CVRWQCB's approval. Reliance on the State Water Code places the CVRWQCB in a position to either accept or reject the County's CEQA determination based on their own finding that the discharge does not create or threaten to create a condition of pollution or nuisance.

Based on the applicant's desire to have the project continue forward with the understanding that actual herd expansion is still subject to the CVRWQCB's acceptance of the County's environmental determination, staff is recommending approval of this request. If the Planning Commission believes that the mitigation measures identified in the IS/MND are sufficient to avoid potentially significant impacts to groundwater quality, then the findings required for approval of the project, including adoption of the MND, are provided in Exhibit A of the Planning Commission Staff Report. Since the mitigation measures are applicable at the time of herd expansion, the applicant may construct new buildings for the existing herd without any question of conflict with the Mitigation Monitoring and Reporting Program (MMRP). Building permits for the expansion of facilities for the existing herd are not subject to obtaining a use permit.

### **GENERAL PLAN CONSISTENCY**

The site is currently designated “Agriculture” in the Stanislaus County General Plan; this designation is consistent with the site's General Agriculture (A-2-40), 40-acre minimum, zoning district. The agricultural designation recognizes the value and importance of agriculture by acting

to preclude incompatible urban development within agricultural areas and, as such, should generally be zoned with 40- to 160-acre minimum parcel sizes. This designation establishes agriculture as the primary use, but allows dwelling units, limited agriculturally related commercial services, agriculturally related light industrial uses, and other uses which by their unique nature are not compatible with urban uses, provided they do not conflict with the primary use.

The proposed project is addressed by multiple goals, policies, and implementation measures of the Land Use and Agriculture Elements of the General Plan. Goal One, Policy Two of the Land Use Element requires that land designated Agriculture be restricted to uses that are compatible with agricultural practices. Goal Two, Policy 14, Implementation Measure One of the Land Use Element requires all development proposals that require discretionary action to be carefully reviewed to ensure that approval will not adversely affect an existing agricultural area. Goal Three, Policy 17 of the Land Use Element states that, "Agriculture, as the primary industry of the County, shall be promoted and protected." Goal One of the Agricultural Element is to strengthen the agricultural sector of our economy.

Policy 1.10 of the Agricultural Element requires buffers between agricultural operations and nonagricultural uses in order to minimize conflicts. Dairies are included in the Agricultural Element's definition of "Agriculture" and are considered to be permitted agricultural uses. Accordingly, an agricultural buffer would not be required between surrounding agricultural uses and the proposed project, as the proposed project is also considered to be an agricultural use.

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

### **ZONING ORDINANCE CONSISTENCY**

The site is currently zoned General Agriculture (A-2-40), 40 acres minimum. It is the intent of the A-2 zoning district to support and enhance agriculture as the predominant land use in the unincorporated areas of Stanislaus County. The procedures contained within the A-2 zoning district are specifically established to ensure that all land uses are compatible with agriculture. The project site is not enrolled under the Williamson Act.

As discussed in the *Issues* section of the report, Confined Animal Facilities (CAF), which include dairies, are considered to be permitted agricultural uses; however, a use permit is required for new or expanding CAFs requiring a new or modified permit, waiver, order, or Waste Discharge Requirements (WDRs) from the Central Valley Regional Water Quality Control Board (CVRWQCB), where the issuance of such permit, waiver, order, or WDR requires compliance with the California Environmental Quality Act (CEQA) (Section 21.20.030 (F) of the Stanislaus County Zoning Ordinance). The County adopted the use permit requirement in 2003 in order to allow the County to facilitate the environmental review (in accordance with CEQA) required for issuance of any permit, waiver, order, or WDR by the CVRWQCB. The proposed project is only required to obtain a use permit because the CVRWQCB has determined that the proposed dairy is subject to issuance of WDRs requiring CEQA review. WDRs are State of California regulations pertaining to the treatment, storage, processing or disposal of solid waste.

Any project required to obtain a use permit is subject to the following finding for approval:

*The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" and will not, under the*

*circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.*

CAFs are agricultural uses protected by the County's Right-to-Farm Ordinance, which was adopted in 1991. The Ordinance states that:

*The County of Stanislaus recognizes and supports the right-to-farm agricultural lands in a manner consistent with accepted customs and standards. Residents of property on or near agricultural land should be prepared to accept the inconveniences or discomforts associated with agricultural operations, including but not limited to noise, odors, flies, fumes, dust, the operation of machinery of any kind during any 24-hour period (including aircraft), the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides. Stanislaus County has determined that inconveniences or discomfort associated with such agricultural operations shall not be considered to be a nuisance if such operations are consistent with accepted customs and standards.*

Staff believes the necessary findings for approval of this project can be made. With the mitigation measures and conditions of approval in place, there is no indication that, under the circumstances of this particular case, the proposed project will be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use or that it will be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. Dairy facilities are an important component of the agricultural economy in Stanislaus County.

## **ENVIRONMENTAL REVIEW**

An environmental assessment for the project has been prepared in accordance with the California Environmental Quality Act (CEQA). The assessment included preparation of an Initial Study (IS) (see Exhibit E – *Initial Study, with amendments, dated April 18, 2024*). Pursuant to CEQA, the proposed project was circulated to interested parties and responsible agencies for review and comment and no significant issues, aside from those discussed in the *Issues* section of this report, were raised (see Exhibit H – *Environmental Review Referrals*).

As discussed in the *Issues* section of this report, Section VIII – *Greenhouse Gas Emissions* of the IS prepared for the project has been amended to reflect clarifications regarding the project and greenhouse gas (GHG) emissions in response to the letter received from Advocates for the Environment regarding the IS prepared for the project. The amended IS specifically provides clarification on the following: existing legislation, including Senate Bill (SB) 1383 (Lara), and the enforcement of GHG emission reduction targets through the California Air Resources Board (CARB) and California Department of Food and Agriculture (CDFA) alternative manure management program (AMMP); primary sources of emissions of GHGs on dairies from enteric fermentation (cow digestion process) and manure; GHG inventories for livestock emissions within the County; overall trends in dairy herd sizes across Stanislaus County and the State of California since 2005; and clarification on the construction of the free stall barn and the California Green Building Code (Title 24) which contains minimum statewide standards to reduce GHG emissions from new construction. The GHG section of the IS was also amended to include information on

vehicles miles traveled (VMT) as discussed in Section III - Air *Quality* of the IS, and to clarify the number of employees which will be a maximum of four under this request. Information regarding the mechanical manure separator was also added to further clarify the project's built-in emission reductions that will result from the separator which will be implemented utilizing funds awarded from the CDFA's AMMP for the proposed herd size. The amended text within the IS is shown in bold and underlined and deleted text is in strikeout (see Exhibit E – *Initial Study, with amendments, dated April 18, 2024*).

The amended language in the IS is considered to be informational in nature and to have no new significant effects. As discussed in the *Issues* section of this report, Planning staff believes that the amendments made to the IS meets CEQA Guidelines Section 15073.5(c), and that re-circulation of the IS is not required.

Mitigation Measures have been incorporated into the project to mitigate potential impacts to water quality. The Mitigation Measures included in the IS and Mitigation Monitoring and Reporting Program (MMRP) require the operator to: 1) follow specifically identified best management practices (BMPs); 2) comply with the WMP and NMP submitted to the County as part of the UP; and 3) enroll in the Central Valley Dairy Representative Monitoring Program (CVDRMP) to meet the requirements for groundwater monitoring.

A Mitigated Negative Declaration has been prepared for adoption prior to action on the project (see Exhibit G – *Mitigated Negative Declaration*). Conditions of approval reflecting referral responses have been placed on the project (see Exhibit C – *Conditions of Approval and Mitigation Measures*).

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**Note:** Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay **\$2,973.75** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk-Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Contact Person: Emily DeAnda, Associate Planner, (209) 525-6330

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps and Site Plan
- Exhibit C - Conditions of Approval
- Exhibit D - Letter received from Advocates for the Environment, dated April 8, 2024
- Exhibit E - Initial Study, with amendments, dated April 18, 2024
- Exhibit F - Mitigation Monitoring and Reporting Program
- Exhibit G - Mitigated Negative Declaration
- Exhibit H - Environmental Review Referrals



## Findings and Actions Required for Project Approval

1. Adopt the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the amended 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 Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
  - a. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
  - b. 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 Use Permit Application No. PLN2021-0104 – Kooistra Dairy, subject to the attached Conditions of Approval and Mitigation Measures.

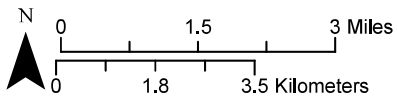
# KOOISTRA DAIRY

## UP PLN2021-0104

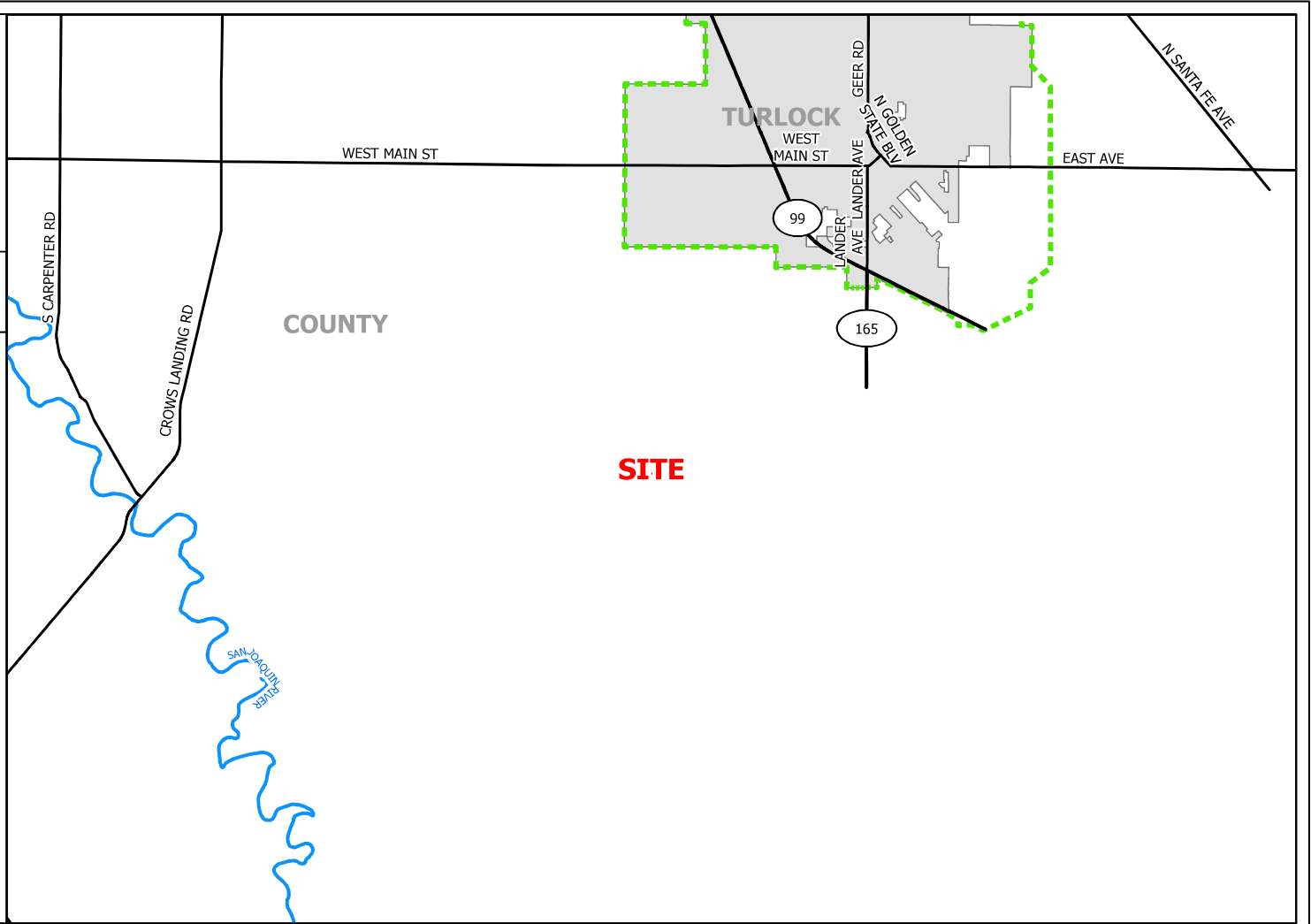
### AREA MAP

#### LEGEND

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



Source: Planning Department GIS      Date Exported: 3/5/2024








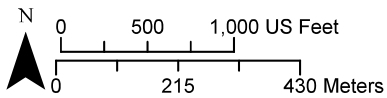
# KOOISTRA DAIRY

## UP PLN2021-0104

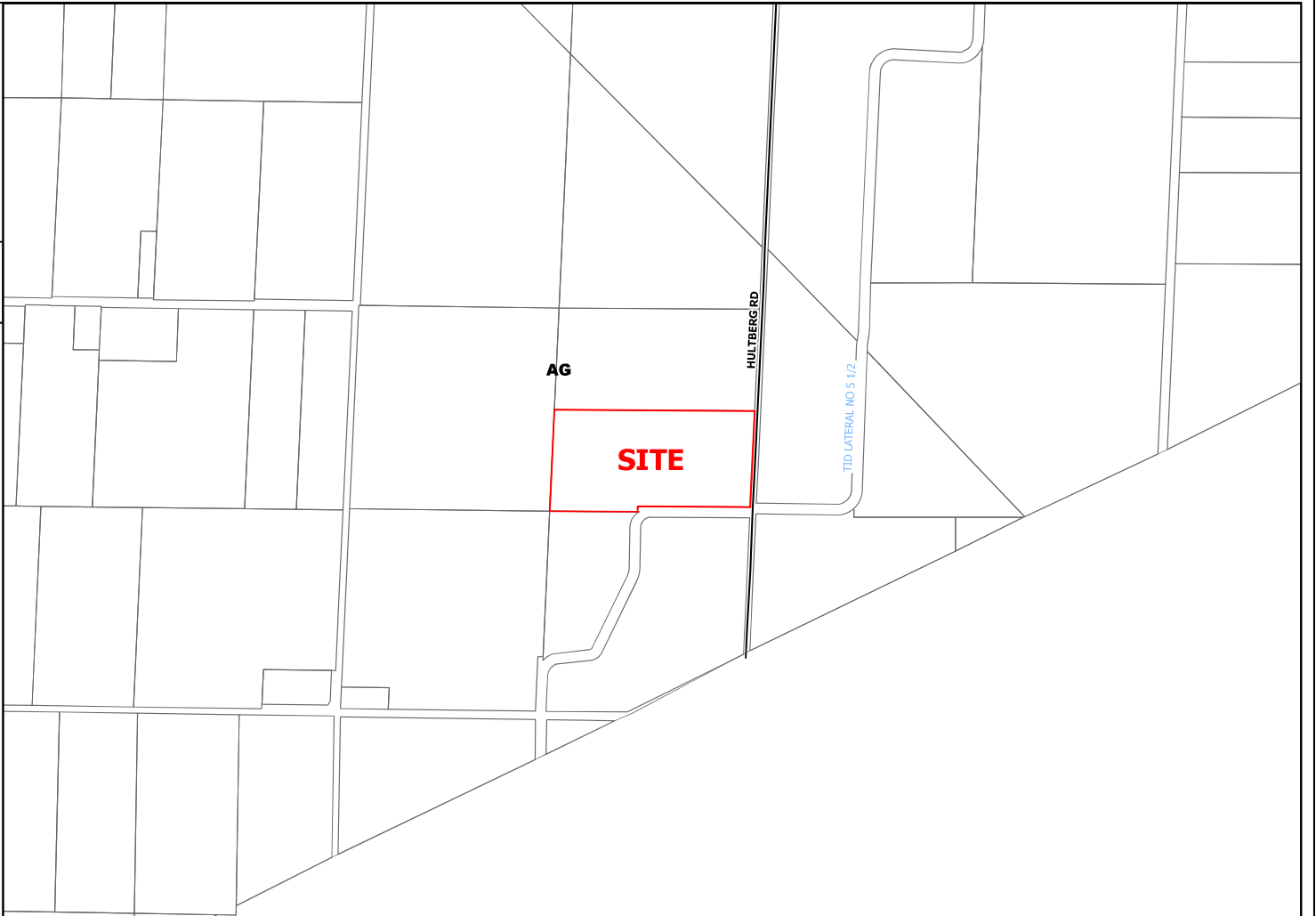
### GENERAL PLAN MAP

#### LEGEND

-  Project Site
-  Parcel
-  Canal
-  Agriculture
-  Street



Source: Planning Department GIS Date Exported: 3/5/2024



# KOOISTRA DAIRY


## UP PLN2021-0104

### ZONING MAP

#### LEGEND


 Project Site

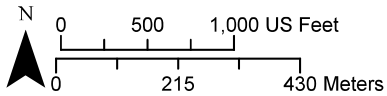
 Parcel

 Canal

#### Zoning Designation

 General Agriculture 40 Acre

 Street



Source: Planning Department GIS

Date Exported: 3/5/2024







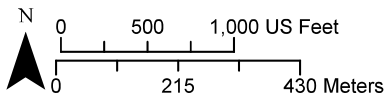
# KOOISTRA DAIRY

## UP PLN2021-0104

2023 AERIAL AREA MAP

### LEGEND

-  Project Site
-  Parcel
-  Canal
-  Street



Source: Planning Department GIS Date Exported: 3/5/2024









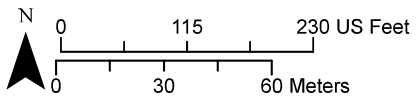
# KOOISTRA DAIRY

## UP PLN2021-0104

2023 AERIAL SITE MAP

### LEGEND

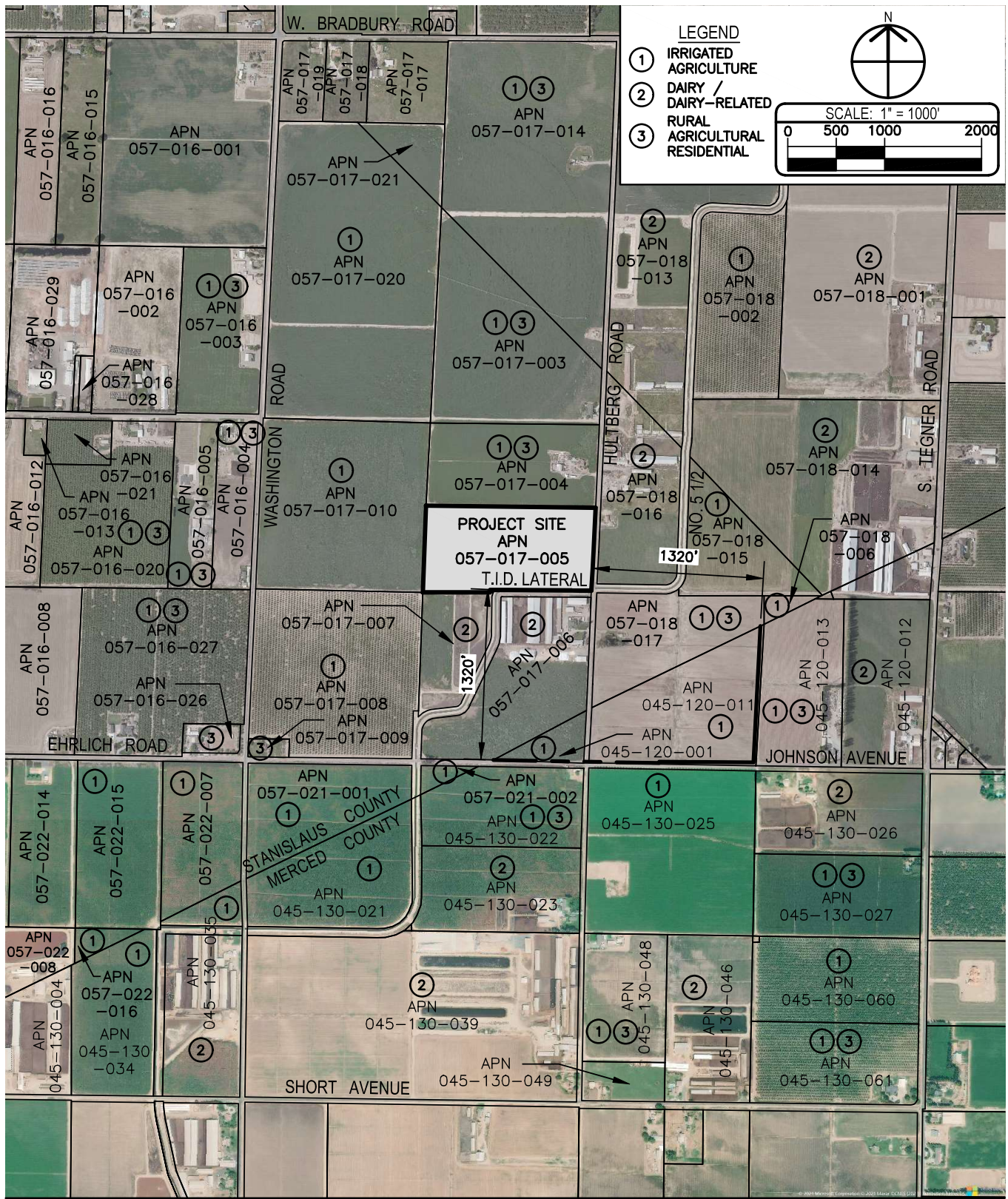
-  Project Site
-  Parcel
-  Canal
-  Street



Source: Planning Department GIS Date Exported: 3/5/2024







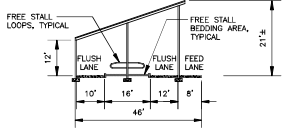
**SOUSA**  
 ENGINEERING  
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 AGRICULTURE

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 WWW.SOUSAENG.COM

AREA LAND USE MAP  
 KOOISTRA DAIRY

STANISLAUS COUNTY, CA



FREE STALL BARN END ELEVATION  
SCALE: 1" = 20'

NOTE: FEATURES AND DIMENSIONS SHOWN ARE CONCEPTUAL ONLY. DETAILS MAY DIFFER AT THE TIME OF BUILDING DEPARTMENT SUBMITTAL.

APN 057-017-010

APN 057-017-008

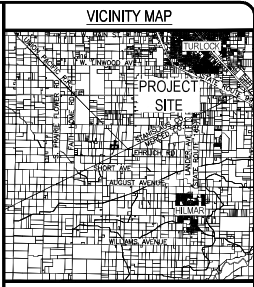
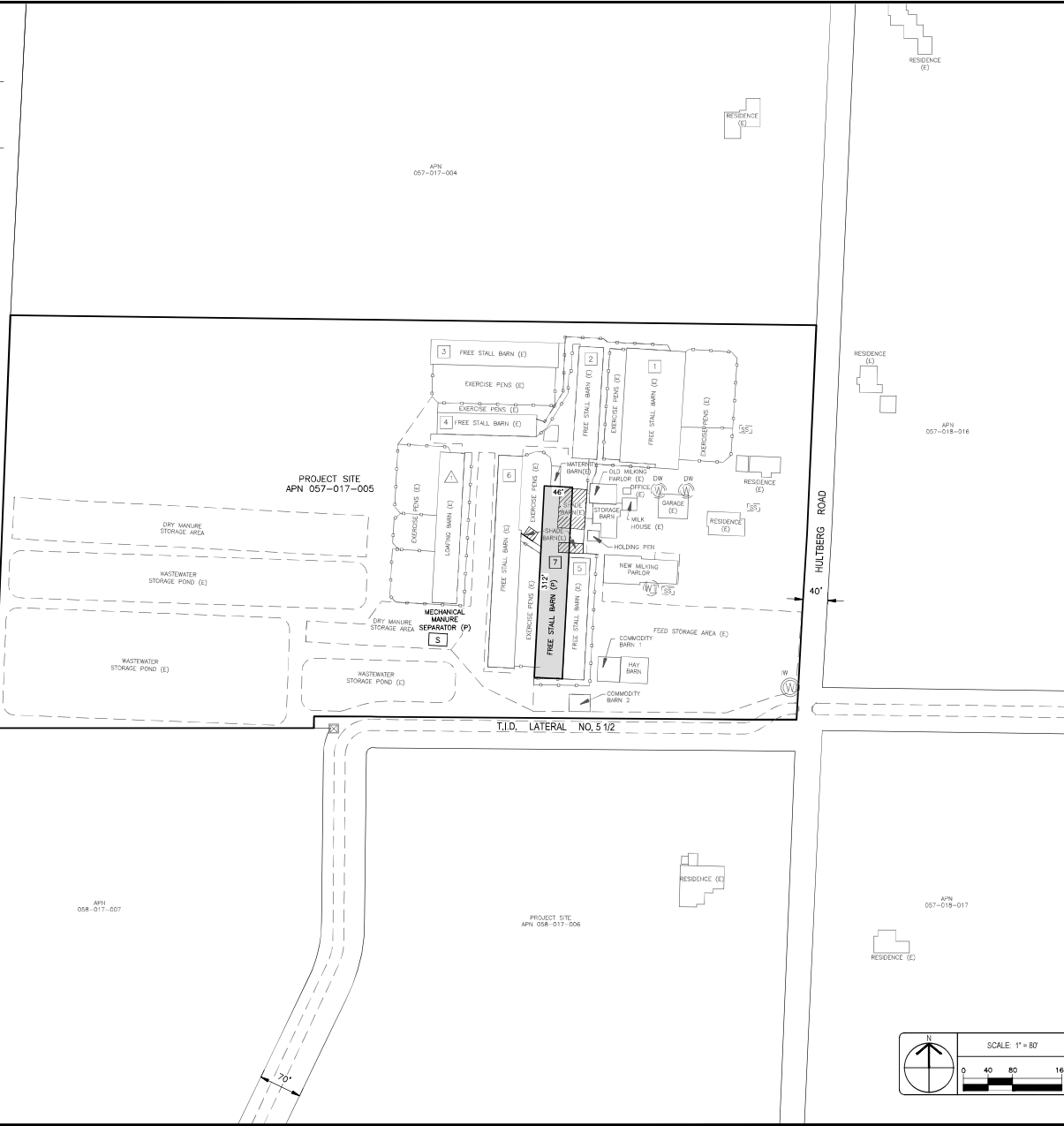
APN 058-017-007

APN 057-017-004

PROJECT SITE  
APN 058-017-006

APN 057-018-016

APN 057-018-017



**PROJECT SITE INFORMATION**

APPLICANT: KOOSTRA DAIRY  
ATTN: SAM AND CYNTHIA KOOSTRA  
5837 HULTBERG ROAD  
TURLOCK, CA 95380

PROPERTY OWNER: SAM AND CYNTHIA KOOSTRA  
5837 HULTBERG ROAD  
TURLOCK, CA 95380

PROPERTY ADDRESS: 5837 HULTBERG ROAD  
TURLOCK, CA 95380

PROPERTY ASSessor'S PARCEL NUMBER: 057-017-005

PROPOSED BUILDING SQUARE FOOTAGE: 14,352 S.F.

THE PROJECT SITE IS LOCATED IN ZONE X PER FEMA FLOOD INSURANCE RATE MAP DE0902000P. ZONE X IS DEFINED AS AN AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

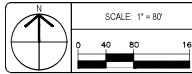
THE PROJECT SITE IS LOCATED NEAR THE 80' CONTOUR ACCORDING TO USGS TOPOGRAPHIC MAPS (NAD83 DATUM). ALL STRUCTURES LABELED "LOADING BARN" OR "FREE STALL BARN" ARE ANIMAL HOUSING STRUCTURES.

- LEGEND**
- FREE STALL BARN (E) EXISTING FACILITY IMPROVEMENT
  - EXISTING FENCE
  - EXISTING DOMESTIC WELL
  - EXISTING IRRIGATION WELL
  - APPROXIMATE LOCATION OF EXISTING SEPTIC TANK AND LEACH FIELD
  - EXISTING WATER TANK
  - EXISTING IRRIGATION BOX OR VALVE
  - EXISTING STRUCTURE TO BE REMOVED
  - FREE STALL BARN (P) PROPOSED STRUCTURE OR IMPROVEMENT
  - MECHANICAL MANURE SEPARATOR - PROPOSED

- ANIMAL HOUSING IDENTIFICATION LEGEND**
- EXISTING LOADING BARN NUMBER
  - EXISTING FREE STALL BARN NUMBER
  - PROPOSED FREE STALL BARN NUMBER

**FACILITY BUILDING DIMENSIONS**

BUILDING NO.	LENGTH (FT.)	WIDTH (FT.)	AREA (SQ. FT.)
FREE STALL 1	187.5	96	18,000
FREE STALL 2	158	40	7,280
FREE STALL 3	208	40	8,320
FREE STALL 4	162	35	5,670
FREE STALL 5	198	35	6,930
FREE STALL 6	345	WARES	14,352
FREE STALL 7	312	46	14,352
LOADING BARN 1	245	40	9,800
WATERING BARN	32	15	480
OLD MILKING	44	32	1,408
OFFICE	12	10	120
MILK HOUSE	24	20	480
STORAGE BARN	IRREGULAR	IRREGULAR	2,030
HOLDING PEN	20	18	320
NEW MILKING	IRREGULAR	IRREGULAR	5,040
COMMODITY 1	40	37	1,480
COMMODITY 2	35	28	980
HAY BARN	45	42	1,890

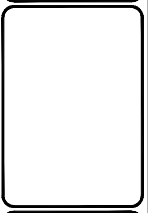


SHEET 1 OF 1

**SOUSA ENGINEERING**  
INFRASTRUCTURE - DEVELOPMENT - AGRICULTURE

PH: (209)282-8151  
WWW.SOUSAENG.COM

PO BOX 1813  
OWDALE, CA 95871



SITE PLAN TO ACCOMPANY USE PERMIT APPLICATION  
KOOSTRA DAIRY  
STANISLAUS COUNTY, CA

DRAWN BY: MS  
DATE: 11/7/2021  
FILE: 01\_2106040  
JOB NO: 22081-014

SYMBOL	DESCRIPTION	APPL.



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

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## **CONDITIONS OF APPROVAL AND MITIGATION MEASURES**

### **USE PERMIT APPLICATION NO. PLN2021-0104 KOOISTRA DAIRY**

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

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 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 **\$2,973.75**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk-Recorder filing fees.  
  
Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
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. 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.

6. 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.
7. A photometric lighting plan shall be submitted for review and approval by the Planning Department, prior to the installation of any additional lighting. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties). The height of any freestanding lighting fixtures should not exceed 15 feet above grade.

**Department of Public Works**

8. No parking, loading, or unloading of vehicles will be permitted within the Stanislaus County road right-of-way.
9. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted.
10. Prior to either increasing the herd or the issuance of a grading permit or building permit, whichever comes first, an Encroachment Permit shall be obtained for the unpaved driveways that accesses the dairy site from Hultberg Road. The driveways shall be installed as per Stanislaus County Public Work Standards and Specifications.
11. Prior to increasing the herd or the issuance of a grading permit or a building permit, whichever comes first, Hultberg Road is classified as a 60-foot Local Road. The current right-of-way width of the Hultberg Road at the project site is 40-foot for the full road width. The required  $\frac{1}{2}$  width of Hultberg Road is 30-foot west of the centerline of the roadway. The existing right-of-way is 20-foot west of the centerline of the roadway. The remaining 10-foot west of the centerline shall be dedicated as an Irrevocable Offer of Dedication.
12. 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.

**Building Permits Division**

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

**Department of Environmental Resources**

- 14. Prior to issuance of any grading or building permit, the applicant shall submit a site plan that includes the location, layout and design of all-existing and proposed on-site wastewater treatment systems (OWTS) and the future 100 percent expansion (replacement) areas, and evidence that the existing OWTS meets the County's Local Agency Management Program (LAMP) requirements, and that the existing and/or any proposed OWTS meets conditions and guidelines, as established by Measure X, regarding Primary and Secondary wastewater treatment.
- 15. Prior to issuance of a building permit, the applicant shall secure all necessary permits for the destruction/relocation of any on-site water wells and water distribution lines, and/or the on-site wastewater treatment system (OWTS) at the project site under the direction of the Stanislaus County Department of Environmental Resources (DER). All applicable County Local Agency Management Program (LAMP) standards and required setbacks are to be met.

**Department of Environmental Resources – HAZMAT Division**

- 16. The applicant shall contact the Department of Environmental Resources regarding appropriate permitting requirements for monitoring wells, exploratory borings, hazardous materials, and/or wastes. The applicant and/or occupants handling hazardous materials or generating wastes must notify the department prior to operation.

**Turlock Irrigation District (TID)**

- 17. The owner/developer must apply for a facility change for any pole or electrical facility relocation. Facility changes are performed at developer's expense. The applicant shall contact TID to request any service removals or new services for overhead primary lines currently serving the parcel.
- 18. Prior to issuance of a building permit, TID shall review and approve all maps and plans of the project, and any improvements to the property which impact irrigation facilities will be subject to TID's approval and must meet all TID standards and specifications.

**San Joaquin Valley Air Pollution Control District (SJVAPCD)**

19. Any construction resulting from this project shall comply with standardized dust controls adopted by the SJVAPCD and may be subject to additional regulations/permits, as determined by the SJVAPCD.
20. Prior to final of any building permit for the proposed use, an Authority to Construct (ATC) and Permit to Operate (PTO) must be issued to the project proponent by the SJVAPCD.
21. Prior to issuance of a building permit to demolish a structure, the applicant shall contact the SJVAPCD to determine rules or permits required under Rule 4002 for a thorough inspection for asbestos.
22. Prior to the start of construction, the property owner/operator shall contact the SJVAPCD to determine if any SJVAPCD rules or permits are required, including, but not limited to, Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), Rule 4550 (Conservation Management Practices), and Rule 4570 (Confined Animal Facilities).

**Central Valley Regional Water Quality Control Board**

23. Prior to increasing the herd, the dairy operator shall be responsible for contacting the Central Valley Regional Water Quality Control Board to determine if any permits are required.

**Mitigation Measures**

24. The following Best Management Practices shall be implemented as applicable: Positive drainage shall be included in project design and construction to ensure that excessive ponding does not occur. The design shall comply with Title 3, Division 2, Chapter 1, Article 22, Section 646.1 of the Food and Agriculture Code for construction and maintenance of dairy or facility surroundings, corrals, and ramps, as described below. Dirt or unpaved corrals, or unpaved lanes, shall not be located closer than 25 feet from the milking barn or closer than 50 feet from the milk house. Corral drainage must be provided. A paved (concrete or equivalent) ramp or corral shall be provided to allow the animals to enter and leave the milking barn. This paved area shall be curbed (minimum of six inches high and six inches wide) and sloped to a drain. Cow washing areas shall be paved (concrete or equivalent) and sloped to a drain. The perimeter of the area shall be constructed in a manner that will retain the wash water to a paved drained area. Paved access shall be provided to permanent feed racks, mangers, and water troughs. Water troughs shall be provided with: (1) a drain to carry the water from the corrals; and (2) pavement (concrete or equivalent) which is at least 10 feet wide at the drinking area. The cow standing platform at permanent feed racks shall be paved with concrete or equivalent for at least ten feet back of the stanchion line. As unpaved areas are cleaned, depressions tend to form, allowing ponding and increased infiltration. Regular maintenance shall include filling of depressions. Personnel shall be taught the correct use of manure collection machines (wheel loaders or elevating scrapers). The dairy operator/property owner shall be responsible for providing, to the satisfaction of the Planning Director, documentation of the

implementation of the aforementioned Best Management Practices. The dairy operator/property owner shall be responsible for paying the County's actual costs of verifying compliance. If the County finds any of the applicable Best Management Practices have not been implemented, the dairy operator/property owner shall implement said Best Management Practices within the time frame specified in writing by the County.

25. The applicant shall comply with requirements of the Nutrient Management Plan (NMP) and Waste Management Plan (WMP) submitted to the County, as part of the Use Permit approval. The application rates of liquid and/or solid manure identified within the NMP shall not result in total nitrogen applied to the land application areas exceeding 1.65 times total nitrogen that will be removed from the field in the harvested portion of the crop. Upon request, compliance shall be verified by the collection of nutrient samples for nitrogen, potassium, phosphorus, and salts prior to and during application periods to confirm agronomic rates within all portions of cropped areas receiving manure, and to protect water supplies. The dairy operator/property owner shall be responsible for hiring a qualified professional, approved by the Planning Director, to collect nutrient samples, interpret the results, and provide said results to the County for review. If determined necessary by the Planning Director, the dairy operator/property owner shall pay for the County's actual costs to hire a third party to review the annual results.
26. The applicant shall enroll in the Central Valley Dairy Representative Monitoring Program (CVDRMP) to meet the requirements for groundwater monitoring. Documentation reflecting enrollment shall be provided to the Stanislaus County Department of Planning and Community Development prior to increasing the herd.

\*\*\*\*\*

*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 font, and deleted wording is in strikethrough text.*

April 8, 2024

## Advocates for the Environment

A non-profit public-interest law firm  
and environmental advocacy organization



Emily DeAnda  
Associate Planner  
Stanislaus County  
1010 10th Street  
Modesto, CA 95354

Via U.S. Mail and email to [deandae@stancounty.com](mailto:deandae@stancounty.com)

Re: Comments on Mitigated Negative Declaration for the Use Permit Application No.  
PLN2021-0104 – Kooistra Dairy, Hultberg Road Project, SCH No. 2021120032

Dear Ms. DeAnda:

Advocates for the Environment submits the comments in this letter regarding the Mitigated Negative Declaration (MND) for the Use Permit Application No. PLN2021-0104 – Kooistra Dairy, Hultberg Road Project (Project). The Project Site is located near the intersection of Ehrlich and Bradbury Roads in the County of Stanislaus (County). The Project proposes to expand an existing dairy cow herd from 436 to 1,000 cows, and construct a 14,352 square-foot free stall barn for animal housing located within the existing dairy facility footprint.

Advocates for the Environment is a public interest law firm and advocacy organization with the mission to educate the public about the law as it pertains to the environment and provide legal services in support of environmental causes. We have reviewed the MND released in March 2024, and submit comments regarding the sufficiency of the MND's Greenhouse-Gas (GHG) analysis under the California Environmental Quality Act (CEQA).

### The MND Substantially Underestimates the Project's GHG Emissions

The Project's GHG actual emissions would be much higher than the figure given in the MND. The CalEEMod report quantified the Project's operational emissions at 0 MTCO<sub>2e</sub>. But the Project will add 564 additional dairy cows to the existing herd, a factor not included in the MND's GHG analysis. The average dairy cow emits 116.6 kg of methane per year.<sup>1</sup> The total annual emissions increase from the expansion, excluding existing emissions, would therefore amount to at least 5,524.04 MTCO<sub>2e</sub>.<sup>2</sup> Omitting this significant source of additional emissions violates CEQA's requirement for a thorough and accurate analysis of the Project's GHG impacts.

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<sup>1</sup> In 2015, 116.6 kg of methane emissions per North American dairy cow per year [North America defined as US, Canada, and Greenland] (Climate Change and the Global Dairy Cattle, p. 21, <https://www.fao.org/3/CA2929EN/ca2929en.pdf>)

<sup>2</sup> 1 kg methane = 84 kg CO<sub>2</sub> ([https://climatechangeconnection.org/emissions/co2-equivalents/#:~:text=84%20x%20%E2%80%93%20methane%20\(CH4,to%20derive%20CO2e.\)](https://climatechangeconnection.org/emissions/co2-equivalents/#:~:text=84%20x%20%E2%80%93%20methane%20(CH4,to%20derive%20CO2e.)))

10211 Sunland Blvd., Shadow Hills, CA 91040 (818) 650-0030 X101 [dw@aenv.org](mailto:dw@aenv.org)

Additionally, the MND indicates that the Project would increase the number of truck trips, which should have been calculated as part of the operational emissions, but was omitted from the CalEEMod operational assumptions with no explanation. While the MND asserts that the criteria pollutants would not exceed 100 pounds per day during construction or operation, this is distinct from GHG emissions, which the analysis was silent on. (MND, p. 14.) An increase in truck trips would create an increase in GHG emissions, especially if utilizing non-renewable fuels such as diesel.

## **GHG Mitigation is Insufficient under CEQA**

The MND adopted two significance thresholds based on the CEQA Guidelines Appendix G. The County concluded that the Project would have a less-than-significant impact on GHG emissions. The Project would emit methane emissions from the additional cows, which is an indirect GHG impact that the MND failed to address. Given the inadequacy of analysis, and the lack of supporting information for the GHG significance conclusion, the MND was not sufficient to analyze the environmental impact of this Project. There is a fair argument that the Project would create a significant impact on GHG emissions because the methane from the cows would contribute to a significant source of GHG emissions and would be inconsistent with applicable plans and policies for the reduction of GHGs.

The MND did not discuss the Project's operational GHG emissions, and the CalEEMod report included as part of the Health Risk Assessment and Ambient Air Quality Analysis erroneously indicated that the Project would have no operational emissions at all. Yet, this is inaccurate because CEQA requires that all direct and indirect GHG impacts should be assessed, which would include the GHGs emitted from housing the additional cows.

## **The County's Analysis of GHG Significance is Not Supported by Substantial Evidence**

Threshold (a), asks whether the Project would "generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment." (MND, p. 13) Under this threshold, the County concluded that the Project would have a less-than-significant impact without providing evidence to support this conclusion. In fact, the "Greenhouse Gas Emissions" section of the analysis seemed to primarily discuss the Project's contribution to air quality pollutants, such as CO, NO<sub>x</sub>, SO<sub>x</sub>, and PM<sub>10</sub>, rather than GHGs. (MND, p. 13-15.) Thus, there was no support for the finding that the Project would have a less than significant GHG impact. This significance analysis violates CEQA by being deficient and misleading in several areas.

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$$564 \text{ new animals} \times 116.6 \text{ kg} \frac{\text{methane}}{\text{year}} \times \frac{84 \text{ kg CO}_2}{1 \text{ kg methane}} \times \frac{1 \text{ metric ton (MT)}}{1,000 \text{ kg}} = 5,524.04 \text{ MTCO}_2\text{e}$$

### **Consistency with Applicable Plans, Policies, and Regulations**

The GHG analysis briefly described criteria air pollutant regulatory requirements of the San Joaquin Valley Air Pollution Control District (SJVACPD) as well as the CALGreen Code, yet did not connect these details back to the Project or how the Project has demonstrated consistency with these regulations with regard to GHGs.

Air quality is an entirely different and distinct environmental concern than GHG emissions. Therefore, the content that is included on pages 13 through 15 of the MND is not a sufficient GHG analysis despite adherence to various air quality regulatory requirements discussed within.

### **The MND Did Not Analyze Other Applicable Plans**

The County chose, as its second GHG threshold, Threshold (b), which asks whether the Project would “[c]onflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.” (MND, p. 13.) This language requires that the MND analyze the Project’s consistency with *all* other applicable plans, not just the plans that the County prefers to analyze.

Accordingly, the Project must show consistency with long-term State GHG goals for the entirety of the Project’s lifespan to comply with CEQA. In particular, the MND must also demonstrate consistency with Executive Order B-55-18 (EO B-55-18) and the 2017 CARB Scoping Plan.

EO B-55-18 requires the State of California to achieve carbon neutrality—net zero GHG emissions—by 2045. The Project is inconsistent with EO B-55-18 because the methane emissions produced by the increase in the dairy herd, as well as the truck emissions, are inherently inconsistent with carbon neutrality.

The 2017 Scoping Plan was developed to facilitate California’s compliance with SB 32, which requires statewide GHG emissions to be reduced to 40% below 1990 levels by 2030. (Health & Safety Code § 38566.) The MND did not discuss how the Project is consistent with any of the goals, including the 2050 goal of 80% below 1990 levels. The 2017 Scoping Plan also sets out statewide goals for total GHG emissions targets of 6 MTCO<sub>2</sub>e/capita by 2030, and 2 MTCO<sub>2</sub>e/capita by 2050 (CARB Scoping Plan, p. 99).

The Project would reduce the number of employees by one person. The MND did not indicate a total employee amount, only stating that there would be four employees off-site and one employee on-site. Thus, the Project’s per-service population GHG emissions would exceed 1,000 MTCO<sub>2</sub>e/capita, far exceeding the 2030 target, which would have to be achieved well within the



Project's lifespan to be consistent with the 2017 Scoping Plan.<sup>3</sup> Thus, the Project's GHG impact is significant under the second threshold because it is inconsistent with applicable plans for the reduction of GHGs.

## **The County Should Have Prepared an EIR**

No GHG mitigation measures were considered due to the erroneous determination of less-than-significant impact. However, because the County should have found significant impact for GHG emissions based on inconsistency with applicable plans, it should update its findings accordingly and would therefore be required to create a full Environmental Impact Report (EIR) and mitigate to the extent required by CEQA.

If the County had used appropriate significant thresholds and accurate analysis, it would have concluded that the Project's GHG emissions are significant. Inconsistency with applicable plans for the reduction of GHG emissions supports a fair argument that the Project would have a significant environmental effect. Because the above discussion provides a fair argument that the Project may have significant GHG impacts, the County must prepare an EIR. Therefore, the County was mistaken in its choice to create an MND for a Project that would likely create such a considerable GHG impact which would require fair-share mitigation. (*Napa Citizens for Honest Gov't v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 364.)

## **Dairy Emission Mitigation Measures Are Feasible**

There are many options for mitigation measures specifically for reducing emissions in the dairy sector. Overall, enhancing animal productivity would reduce the number of animals needed to maintain the same goals that the Project has for expanding dairy production capacity of the farm. Some measures to increase animal productivity include optimizing the protein and energy content in the animal feed, improving manure collection, storage, herd-structure management strategies, reducing diseases, and improving genetic potential.

There are also ways to reduce GHG emissions while still maintaining high production rates, such as better grassland management to store carbon in the soil, spread fertilizer at optimal times, and switch from raw to composted manures. These are just some measures that the County could include in the MND as potential mitigation strategies to reduce the Project's GHG impact.<sup>4</sup>

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<sup>3</sup> Minimum of 5,524.04 MTCO<sub>2</sub>e (based on the calculation in footnote 2) ÷ 5 employees = 1,104.808 MTCO<sub>2</sub>e per service population

<sup>4</sup> Strategies mentioned in this section of the comment letter were suggested measures in a report by the Food and Agriculture Report of the United Nations, "Climate Change and the Global Dairy Cattle Sector, p. 30 <https://www.fao.org/3/CA2929EN/ca2929en.pdf>.

### **Offsets Are Feasible**

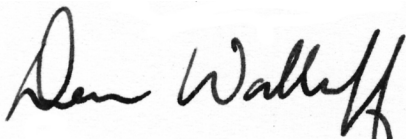
Since there is no reason why CEQA-compliant offsets are infeasible, the conclusion presented in the MND that further mitigation is infeasible and therefore the impact is unavoidable, is not supported by substantial evidence. The County should require the Applicant to purchase offsets to the extent necessary to mitigate the Project's emissions, if they cannot be fully mitigated on-site.

### **Conclusion**

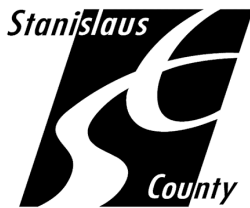
For the reasons given in this letter, the MND is not in conformance with CEQA requirements. Notably, the MND failed as an informational document for decision makers and the public, the significance analysis was inadequate, and the County should have concluded that the Project would contribute to a significant GHG impact.

Please put Advocates for the Environment on the interest list to receive updates about the progress of this Project. We make this request under Public Resources Code, section 21092.2.

Sincerely,



Dean Wallraff, Attorney at Law  
Executive Director, Advocates for the Environment



## CEQA INITIAL STUDY

(Additional text is shown in bold and underlined and deleted text is in strikeout.)

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

1. **Project title:** Use Permit Application No. PLN2021-0104 – Kooistra Dairy
2. **Lead agency name and address:** Stanislaus County  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354
3. **Contact person and phone number:** Emily DeAnda, Associate Planner
4. **Project location:** 5831 and 5837 Hultberg Road, between Ehrlich and Bradbury Roads, between Ehrlich and Bradbury Roads, in the Turlock area. (APN: 057-017-005).
5. **Project sponsor's name and address:** Sam and Cynthia Kooistra, Kooistra Dairy.  
5387 Hultberg Road, Turlock, CA 95380
6. **General Plan designation:** Agriculture
7. **Zoning:** General Agriculture (A-2-40)
8. **Description of project:**

Request to expand the herd of an existing dairy facility on a 19.11± acre parcel in the General Agricultural (A-2-40) zoning district. The applicant proposes to expand the heard from 436 to 1,000 mature cows, which includes an increase of 425 milk and 139 dry cows. Currently, no support stock is located on-site, which will remain unchanged. The existing facility is currently improved with: 85,153 square feet of free stall barns and other accessory structures associated with the dairy, a dry manure storage area, feed storage area, and three wastewater ponds. Additionally, two single-family residences have been developed on the property which are utilized by the property owner, and one employee who lives on-site. This request will not increase the number of employees living on-site. The applicant proposes to demolish three existing structures totaling approximately 3,700 square feet in order to construct a 14,352 square-foot free stall barn for animal housing as well as install a mechanical manure separator adjacent to an existing wastewater storage pond to process wastewater before it reaches the pond.

The applicant anticipates an increase of 1,156 cubic feet of additional manure per-day generated from the proposed herd expansion, for a total of 2,056 cubic feet of manure per-day for the entire dairy operation. Nutrients produced from the herd will be used to fertilize irrigated cropland on parcels located in both Stanislaus and Merced Counties on land owned by the dairy operator as well as parcels under different ownership. Hours of operation are up to 24 hours per-day, seven days a week.

There are currently five employees on a maximum shift. The proposed request is expected to decrease the number of employees by one for a total of four employees on a maximum shift: three employees will continue to live off-site and one employee will continue to live on-site. The applicant does not anticipate any customers on-site. The dairy currently receives five truck trips for tallow, feed, and veterinary services every two weeks, and a total of two milk truck trips per-day. The proposed request is expected to increase the number of feed truck trips from one to three per-week and decrease milk truck trips from two to one per-day for a new combined total of nine truck trips for tallow, feed, and veterinary services every two weeks, and one milk truck trip per-day.

The project site is served by private well and septic system and has access to a County-maintained road by way of Hultberg Road. Confined Animal Facilities (CAF), which include dairies, are considered to be permitted agricultural

uses; however, a use permit is required for new or expanding CAFs requiring a new or modified permit waiver, order, or Waste Discharge Requirements (WDRs) from the Regional Water Quality Control Board (RWQCB), where the issuance of such permit, waiver, order, or WDR requires compliance with the California Environmental Quality Act (CEQA) (Section 21.20.030 (F) of the Stanislaus County Zoning Code). The County adopted the use permit requirement in 2003 in order to allow the County to facilitate the environmental review (in accordance with CEQA) required for issuance of any permit, waiver, order, or WDR by the RWQCB.

- 9. Surrounding land uses and setting:** Dairy and County of Merced to the south; scattered single-family dwellings, corn, wheat, and oats in all directions; and almonds southwest of the project site.
- 10. 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 Milk and Dairy Division  
 Regional Water Quality Control Board  
 San Joaquin Valley Air Pollution Control District
- 11. Attachments:**

  - I. Nutrient Management Plan prepared by Patrick Machado, dated October 8, 2021
  - II. Waste Management Plan prepared by Sousa Engineering, dated October 2021
  - III. Health Risk Assessment and Ambient Air Quality Analysis prepared by Trinity Consultants, dated January 2024

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aesthetics                           | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources                 | <input type="checkbox"/> Cultural Resources               | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology / Soils                      | <input type="checkbox"/> Greenhouse Gas Emissions         | <input type="checkbox"/> Hazards & Hazardous Materials      |
| <input checked="" 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 DeAnda, Associate Planner

March 11, 2024 (Amended April 18, 2024)  
Date

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, than the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

a) Earlier Analysis Used. Identify and state where they are available for review.

b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). References to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

a) the significant criteria or threshold, if any, used to evaluate each question; and

b) the mitigation measure identified, if any, to reduce the impact to less than significant.

**ISSUES**

I. AESTHETICS – 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. Aesthetics associated with the project site and proposed structures are not anticipated to change as a result of this project. The site is currently developed with an existing dairy facility. The proposed 14,352 square-foot free stall barn will be similar in nature to the other structures on-site and will be comprised of materials consistent with structures in and around the A-2 (General Agriculture) zoning district. Likewise, all proposed improvements are to occur within the footprint of the existing facility. Standard conditions of approval will be added to this project to address glare and nightglow from any proposed on-site lighting.

**Mitigation:** None.

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

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	

<p><b>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))?</b></p>			<p><b>X</b></p>	
<p><b>d) Result in the loss of forest land or conversion of forest land to non-forest use?</b></p>				<p><b>X</b></p>
<p><b>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?</b></p>			<p><b>X</b></p>	

**Discussion:** This is a request to expand the herd size of an existing dairy. This project proposes to expand the number of milk and dry cows from 436 mature cows (375 milk cows and 61 dry) to 1,000 mature cows (800 milk and 200 dry). No support stock is located on-site which will remain unchanged. The total amount of animals is to increase by 564. The existing dairy operation is developed with 85,153 square feet of free stall barns and other accessory structures associated with the dairy, two single-family residences, a dry manure storage area, feed storage area, and three wastewater ponds. Due to the proposed increase in animal units, the applicant proposes to demolish three existing structures totaling approximately 3,700 square feet in order to construct a 14,352 square-foot free stall barn for animal housing located within the existing dairy facility footprint. The applicant also proposes to install a mechanical manure separator adjacent to an existing wastewater storage pond to process wastewater before it reaches the pond. Surrounding land uses consist of a dairy and the County of Merced to the south; scattered single-family dwellings, corn, wheat, and oats in all directions; and almonds southwest of the project site.

In determining most productive agricultural areas, factors to be considered include but are not limited to soil types and potential for agricultural production; the availability of irrigation water; and the existence of Williamson Act contracts. According to Goal Two, Policy 2.5, Implementation Measure 1, of the General Plan’s Agricultural Element, when defining the County’s most productive agricultural areas, it is important to recognize that soil types alone should not be the determining factor. Although soil types should be considered, the designation of "most productive agricultural areas" also should be based on existing uses and their contributions to the agricultural sector of our economy. The California Revised Storie Index is a rating system based on soil properties, including texture, steepness, and drainage, that dictate the potential for soils to be used for irrigated agricultural production in California. This rating system grades soils with an index rating between 81-100 to be excellent (Grade 1), 61-80 to be good (Grade 2), 41-60 to be fair (Grade 3), 21-40 to be poor (Grade 4), 11-20 to be very poor (Grade 5), and ten or less to be nonagricultural (Grade 6). While the project site is not enrolled in the Williamson Act, the 19.11± acre project site is developed with a confined animal facility. The project site is designated by the California Department of Conservation Farmland Mapping and Monitoring Program as Confined Animal Agriculture and Farmland of Statewide Importance. According to the California Department of Agriculture’s Natural Resources Conservation Service’s Soil Survey, the project site’s soil is classified as being comprised of Hilmar loamy sand, 0 to 1 percent slopes (HfA – Storie Index Rating: 68, Grade 2). However, the site does qualify as prime agricultural land based on the site having irrigated land, which supports livestock used for the production of food and fiber. Based on this information, the project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use and will not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use, as the existing project site is developed with a confined animal facility and will remain a confined animal facility following project approval.

The Agricultural Element includes a requirement for an agricultural buffer to protect the long-term health of local agriculture by minimizing conflicts resulting from normal agricultural practices as a consequence of new or expanding uses approved in or adjacent to the A-2 (General Agriculture) zoning district. These guidelines apply to all new or expanding uses approved by discretionary permitting in the A-2 zoning district or on a parcel adjoining the A-2 zoning district. However, dairies are considered to be a permitted agricultural use in the A-2 zoning district in Stanislaus County. Use permits are only processed for the expansion of dairy facilities when the Regional Water Quality Control Board (RWQCB) determines that Waste Discharge Requirements (WDRs) are required, which requires CEQA compliance. As dairies are a permitted use, an agricultural buffer is not required for this project.

The existing dairy facility utilizes a scrape cleaning system and is already improved with all the necessary corrals, feed storage, waste management, and utilities necessary to accommodate the proposed herd expansion. The site is served by an on-site domestic well and private septic systems. The attached Waste Management Plan (WMP) and Nutrient Management Plan (NMP) provide details on managing the expanded dairy cow stock. Nutrients produced from the herd



will be used to fertilize 68± acres of irrigated cropland on parcels located in both Stanislaus and Merced Counties on land owned by the dairy operator as well as parcels under different ownership.

The project site is located within the Turlock Irrigation District (TID) boundaries. The project was referred to TID which responded stating the District's Lateral 5.5 is located along a portion on the southern boundary of the project site, and irrigation distribution pipelines are in the vicinity of the project. The District clarified that none of the irrigation facilities appear to be affected by the proposed project; however, the District shall review and approve all maps and plans of the project, and any improvements to the property which impact irrigation facilities will be subject to the District's approval and must meet all District standards and specifications. TID's comments will be applied to the project as conditions of approval.

The project will have no impact to forest land or timberland. If approved, the project will not conflict with any agricultural activities in the area and/or lands enrolled in the Williamson Act, as the parcels will continue to be used for agricultural purposes.

Based on the specific features and design of this project, it does not appear this project will impact the long-term productive agricultural capability of surrounding contracted lands in the A-2 zoning district. There is no indication this project will result in the removal of adjacent contracted land from agricultural use.

**Mitigation:** None.

**References:** Application information; E-mail correspondence Regional Water Quality Control Board, dated January 20, 2022; USDA – NRCS Web Soil Survey; California State Department of Conservation Farmland Mapping and Monitoring Program – Stanislaus County Farmland 2022; Waste Management Plan prepared by Sousa Engineering, dated October 2021; Nutrient Management Plan prepared by Patrick Machado, dated October 8, 2021; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan and Support Documentation<sup>1</sup>.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those odors adversely affecting a substantial number of people?			X	

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

The project requests to expand the herd from 436 to 1,000 mature cows, which includes an increase of 425 milk and 139 dry cows. No support stock is located on-site which will remain unchanged. The existing facility is improved with 85,153 square feet of free stall barns and other accessory structures associated with the dairy, two single-family residences, a dry manure storage area, feed storage area, and three wastewater ponds. The applicant proposes to demolish three existing structures totaling approximately 3,700 square feet in order to construct a 14,352 square-foot free stall barn for animal housing as well as install a mechanical manure separator adjacent to an existing wastewater storage pond to process wastewater before it reaches the pond. Hours of operation are 24-hours a day, seven days a week. The dairy currently

receives five truck trips for tallow, feed, and veterinary services every two weeks, a total of two milk truck trips per-day, and a total of eight employee vehicle trips per-day (inbound and outbound trips for the four employees living off-site). The proposed request is expected to increase the number of feed truck trips from one to three per-week and decrease milk truck trips from two to one per-day for a new combined total of nine truck trips for tallow, feed, and veterinary services every two weeks, and one milk truck trip per-day. The proposed request is expected to decrease the number of employees by one for a total of four employees on a maximum shift (three employees living off-site and one employee living on-site). No additional employees are proposed to live on-site. Employee trip numbers are proposed to decrease from eight to six per-day (three employees coming from off-site into and out of the project site). If all truck trips for tallow, feed, veterinary service, and milk were to fall on the same day, at most there will be a maximum total of 20 truck trips in one day (total inbound and outbound trips), and a total of six automobile trips per-day (anticipated inbound and outbound trips by the three employees not living on-site). The applicant does not anticipate any customers on-site.

A referral response was received from the SJVAPCD which recommended that a more detailed preliminary review of the project be conducted for the project's construction and operational emissions to determine whether the project will exceed the District's thresholds of significance for carbon monoxide (CO), oxides of nitrogen (NOx), reactive organic gases (ROG), oxides of sulfur (SOx), and particulate matter (PM10 and PM2.5). Further, the SJVAPCD recommended other potential air impacts related to Toxic Air Contaminants, Ambient Air Quality Standards, and Hazards and Odors be addressed. The SJVAPCD recommended the project be evaluated for potential health impacts to surrounding receptors (on-site and off-site) resulting from operational and multiyear construction Toxic Air Contaminants (TAC) emissions and stated that a Health Risk Assessment should evaluate the risk associated with sensitive receptors in the area and mitigate any potentially significant risk to help limit emission exposure to sensitive receptors. The SJVAPCD also recommended the County advise the applicant to utilize zero emission equipment. Additionally, SJVAPCD recommended that if emissions exceed 100 pounds per-day of any pollutant, an Ambient Air Quality Analysis (AAQA) be performed. The SJVAPCD also recommended the environmental document include a discussion on nuisance odors; however, Stanislaus County has adopted a Right-to-Farm Ordinance (§9.32.050) which states that inconveniences associated with agricultural operations, such as noise, odors, flies, dust, or fumes shall not be considered to be a nuisance if agricultural operations are consistent with accepted customs and standards.

The SJVAPCD response indicated the project will be subject to District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), and Rule 4002 (National Emissions Standards for Hazardous Air Pollutants). The project may also be subject to the following rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), Rule 4550 (Conservation Management Practices), and Rule 4570 (Confined Animal Facilities). The project may be subject to other applicable District permits and rules, which must be met as part of the District's Authority to Construct (ATC) and Permit to Operate (PTO) permitting process.

In response to the Air District comments, a Health Risk Assessment (HRA) and Ambient Air Quality Analysis (AAQA) were prepared by Trinity Consultants, dated January 2024. The HRA evaluated the potential risk to the population attributable to emissions of hazardous air pollutants from the proposed dairy expansion and the AAQA evaluated the criteria pollutants compared to the California and national ambient air quality standards. Emissions of hazardous air pollutants attributable to the proposed construction activities, animal movement, manure management, and on-site mobile sources were calculated using generally accepted emission factors and the California Emissions Estimator Model version 2020.4.0 (CalEEMod). Construction emissions were evaluated assuming construction would occur within one phase, to be conservative, and be completed within five years of issuance of a use permit. The actual total construction activities were estimated to be two months.

According to the assessment, construction equipment sources evaluated included: diesel-fueled dozers, loaders, backhoes, excavators, graders, cranes, forklifts, generator sets, concrete/industrial saws, and welders. CalEEMod default equipment listing for general heavy industrial usages were utilized. Default horsepower, daily operating hours, and load factors were also used. Operational mobile sources include: diesel-fueled solids manure removal trucks, commodity delivery trucks, a manure loading tractor, a feed loading tractor, and a feed delivery tractor. There will also be emissions from the housing barns, milk barn, lagoons, solid manure storage, and land application areas associated with increased herd size.

The air dispersion model, which calculates the concentration of selected pollutants at specific downwind points such as residential or off-site workplace receptors, used for this HRA was the American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD), which is the model recommended by the SJVAPCD. The construction activities, animal housing areas, milk barn, lagoons, solid manure storage, and land application areas were modeled as area sources. The travel route for the feed delivery tractor, bedding delivery tractor, commodity delivery trucks, and manure

removal trucks were modeled as line sources. The feed loading tractor, the manure loading tractor, commodity truck idling, and manure removal truck idling were modeled as point sources. A total of one on-site residential receptor, and 265 off-site receptors, consisting of residences and workers, were assessed in the HRA modeling. The nearest off-site sensitive receptor is approximately 74± feet from the dairy.

Ambient air concentrations were predicted with dispersion modeling to arrive at a conservative estimate of increased individual carcinogenic risk that might occur as a result of continuous exposure over a 70-year lifetime. Similarly, concentrations of compounds with non-cancer adverse health effects were used to calculate health hazard indexes, which are the ratio of expected exposure to acceptable exposure. The Air District has set the level of significance for carcinogenic risk to 20 in one million and the maximum predicted cancer risk among the modeled receptors is 18.9 in one million. The level of significance for acute and chronic non-cancer risk is a hazard index of 1.0, and the maximum predicted acute and chronic non-cancer hazard index among the modeled receptors are 0.228 and 0.192, respectively. As both levels are below the SJVAPCD’s level of significance, the potential health risk attributable to the proposed project is determined to be less than significant.

As stated previously, the Air District recommended that an AAQA be performed for all criteria pollutants when emissions of any criteria pollutant resulting from project construction or operational activities exceed the 100 pounds per-day screening level, after compliance with Rule 9510 requirements and implementation of all enforceable mitigation measures. The proposed project’s construction emissions were estimated to be 0.07 NOx, 0.85 CO, 0.00 SOx, 0.06 PM10, and 0.04 PM2.5 (pounds per-day). Operational emissions were estimated to be 0.13 NOx, 2.05 CO, 0.004 SOx, 1.71 PM10, and 0.20 PM2.5 (pounds per-day). The proposed project’s construction and operational activities will not exceed 100 pounds per-day of any criteria pollutant that has an ambient air quality standard. Therefore, the proposed project is considered less than significant for ambient air quality impacts.

The SJVAPCD reviewed the HRA/AAQA and responded with no comments or questions regarding the assessment and analysis. Therefore, impacts to air quality are anticipated to be less than significant.

**Mitigation:** None.

**References:** Application information; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; [www.valleyair.org](http://www.valleyair.org); Referral response from San Joaquin Valley Air Pollution Control District, dated December 16, 2021; Health Risk Assessment and Ambient Air Quality Analysis prepared by Trinity Consultants, dated January 2024; E-mail correspondence from San Joaquin Valley Air Pollution Control District, dated February 13, 2024; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

**Discussion:** The project is located within the Hatch Quad of the California Natural Diversity Database (CNDDDB). There are seven species of animals and plants which are state or federally listed, threatened, or identified as species of special concern within the Hatch California Natural Diversity Database Quad. These species include the following: Swainson's hawk, cackling goose, tricolored blackbird, green sturgeon - southern DPS, steelhead - Central Valley DPS, western pond turtle, and California alkali grass. According to the CNDDDB, none of the species have been sited within the project area. The Swainson's hawk has been sited approximately 1.4± miles southeast of the project site within the County of Merced. The project site is developed with an existing dairy and the area where the proposed constructed will be located is already disturbed. There are no known Waters of the United States on-site. It does not appear that this project will result in impacts to endangered species or habitats, locally designated species, wildlife dispersal, or mitigation corridors as the site is disturbed and improved. The project is anticipated to have a less than significant impact to biological resources.

The project was referred to the California Department of Fish and Wildlife, and no comments have been received to date.

**Mitigation:** None.

**References:** Application information; California Department of Fish and Wildlife's Natural Diversity Database Quad Species List; California Natural Diversity Database, Planning and Community Development GIS, accessed March 5, 2024; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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:** As this project is not a General Plan Amendment it was not referred to the tribes listed with the Native American Heritage Commission (NAHC), in accordance with SB 18. Tribal notification of the project was not referred to any tribes in conjunction with AB 52 requirements, as Stanislaus County has not received any requests for consultation from the tribes listed with the NAHC. It does not appear this project will result in significant impacts to any archaeological or cultural resources. The project site is currently improved with 85,153 square feet of free stall barns and other accessory structures associated with the dairy, two single-family residences, a dry manure storage area, feed storage area, and three wastewater ponds. As part of this request, the applicant proposes to demolish three existing structures totaling approximately 3,700 square feet in order to construct a 14,352 square-foot free stall barn for animal housing as well as install a mechanical manure separator adjacent to an existing wastewater storage pond to process wastewater before it reaches the pond. Standard conditions of approval regarding the discovery of cultural resources during the construction process will be added to the project. No significant impacts to cultural resources are anticipated to occur as a result of this project.

**Mitigation:** None.

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

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

**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, which shall be taken into consideration when evaluating energy impacts. Additionally, the project’s compliance with applicable state or local energy legislation, policies, and standards must be considered.

All construction activities shall be in compliance with all SJVAPCD regulations and with Title 24, Green Building Code, which includes energy efficiency requirements. The operation proposes to operate out of existing buildings and proposes to demolish three existing structures totaling approximately 3,700 square feet in order to construct a 14,352 square-foot free stall barn for animal housing for which building permits will be required. Any future construction activities will be required to occur in compliance with all SJVAPCD regulations.

This is a request to expand the herd size of an existing dairy. This project proposes to expand the number of milk and dry cows from 436 mature cows (375 milk cows and 61 dry) to 1,000 mature cows (800 milk and 200 dry). No support stock is located on-site which will remain unchanged. The total amount of animals is to increase by 564. The existing dairy operation has been previously developed with 85,153 square feet of free stall barns and other accessory structures associated with the dairy; two single-family residences, a dry manure storage area, feed storage area, and three wastewater ponds. Additionally, the applicant also proposes to install a mechanical manure separator adjacent to an existing wastewater storage pond to process wastewater before it reaches the pond. The proposed request is expected to increase the number of feed truck trips from one to three per-week and decrease milk truck trips from two to one per-day for a new combined total of nine truck trips for tallow, feed, and veterinary services every two weeks, and one milk truck trip per-day. The proposed request is expected to decrease the number of employees by one for a total of four employees on a maximum shift (three employees living off-site and one employee living on-site). No additional employees are proposed to live on-site. Employee trip numbers are proposed to decrease from eight to six per-day (three employees coming from off-site into and out of the project site). If all truck trips for tallow, feed, veterinary service, and milk were to fall on the same day, at most there will be a maximum total of 20 truck trips in one day (total inbound and outbound trips), and a total of six automobile trips per-day (anticipated inbound and outbound trips by the three employees not living on-site). The applicant does not anticipate any customers on-site.

Energy consuming equipment and processes include construction and operational equipment, trucks, and the employee vehicles. As discussed in Section III – Air Quality, this project was estimated to utilize construction equipment sources consisting of diesel-fueled dozers, loaders, backhoes, excavators, graders, cranes, forklifts, generator sets, concrete/industrial saws, and welders. Operational mobile sources may include: diesel-fueled solids manure removal trucks, commodity delivery trucks, a manure loading tractor, a feed loading tractor, and a feed delivery tractor. The construction equipment will be temporary in nature and is not anticipated to consume a significant amount of energy resources. Additionally, operational equipment consisting of the vehicle and truck trips would not significantly increase Vehicle Miles Traveled (VMT), due to the number of vehicle trips not exceeding a total of 110 vehicle trips per-day. If all truck trips for tallow, feed, veterinary service, and milk were to fall on the same day, at most there will be a maximum total of 20 truck trips in one day (total inbound and outbound trips), and a total of six automobile trips per-day (anticipated inbound and outbound trips by the three employees not living on-site). The trucks are the main consumers of energy associated with this project but shall be required to meet all Air District regulations, including rules and regulations that increase energy efficiency for heavy trucks. Consequently, emissions would be minimal. Therefore, consumption of energy resources would be less-than significant without mitigation for the proposed project.

The project was referred to Turlock Irrigation District (TID) which responded that should a facility change be required, the change will be performed at the developer's expense, and that the owner/developer must apply for a facility change for any pole or electrical facility relocation. The District also noted there are several overhead services feeding the customers panels on the project site. If any service removals or new services are required, then the applicant will be required to contact the District's Electrical Engineering Department. TID's comments will be added to the project as conditions of approval.

It does not appear that 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. Additionally, a condition of approval will be added requiring any site lighting to meet industry standards for energy efficiency.

Impacts to energy are considered to be less than significant.

**Mitigation:** None.

**References:** Application information; CEQA Guidelines; Title 16 of County Code; CA Building Code; Governor's Office of Planning and Research Technical Advisory, December 2018; Referral response from the San Joaquin Valley Air Pollution Control District (SJVAPCD) dated December 16, 2021; Health Risk Assessment (HRA) and Ambient Air Quality Analysis (AAQA) prepared by Trinity Consultants, dated January 2024; Referral response from Turlock Irrigation District, dated December 13, 2021; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

VII. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<b>a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:</b>				
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>b) Result in substantial soil erosion or the loss of topsoil?</b>			X	
<b>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</b>			X	
<b>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?</b>			X	
<b>e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?</b>			X	
<b>f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</b>			X	

**Discussion:** The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that the soil consists of Hilmar loamy sand. 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 the building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Public Works Standards and Specifications, which consider the potential for erosion and run-off prior to permit approval. Likewise, any addition or expansion of a septic tank or alternative wastewater disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements.

The project was referred to the Stanislaus County Department of Environmental Resources (DER) who requested any new building requiring an on-site wastewater treatment system (OWTS) shall meet all Local Agency Management Program (LAMP) standards and be designed according to type and/or maximum occupancy of the proposed structure to the estimated waste/sewage design flow. DER also requested the applicant secure all necessary permits for the destruction/relocation of any on-site water wells and water distribution lines, and/or OWTS at the project site under the direction of DER. No new septic system, or well is proposed under this project. DER's comments will be added to the project as conditions of approval.

An Early Consultation referral response received from the Department of Public Works indicated that a grading, drainage, and erosion/sediment control plan will be required, subject to Public Works review and Standards and Specifications. Public Works' comment will be applied to the project as a condition of approval.

DER, Public Works, and the Building Permits Division review and approve any building or grading permit to ensure their standards are met. Conditions of approval regarding these standards will be applied to the project and will be triggered when a building permit is requested. Accordingly, the potential impacts to the soil are considered to be less-than significant.

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. Impacts to Geology and Soils are anticipated to be less than significant.

**Mitigation:** None.

**References:** Application information; USDA – NRCS Web Soil Survey; Referral response from the Department of Environmental Resources (DER), dated December 17, 2021; Referral response received from Stanislaus County Department of Public Works dated, December 7, 2021; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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

**Discussion:** The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H<sub>2</sub>O). CO<sub>2</sub> is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported *in metric tons of as CO<sub>2</sub> equivalents (MTCO<sub>2e</sub>)*. In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (CARB) 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 percent of 1990 levels by 2030. **Senate Bill (SB) 1383 (Lara) was enacted in 2015 to address short-lived climate pollutants (SLCP), such as methane, and requires the dairy and livestock sector to reduce its methane emissions by 40 percent below 2013 levels by 2030.**

The California Regulation for the Mandatory Reporting of Greenhouse Gas Emissions (California Mandatory Reporting Rule) approved in 2007, requires certain large emitters and suppliers that emit 10,000 metric tons of CO<sub>2</sub>e (MTCO<sub>2</sub>e) or more per year to report their GHG data on an annual basis. While the California Mandatory Reporting Rule excludes GHG emissions related to livestock manure management systems, Stanislaus County conducted a County-wide GHG inventory analysis of GHGs in 2013 which summarized inventory levels captured in 2005 which reported agriculture emissions from livestock as 18% of total GHGs within the County at a total of 1,113,647 MTCO<sub>2</sub>e. From the mid-2000s into the 2020s, milk cow numbers within the County have fluctuated between 175,000 milk cows at the lowest end to 185,000 milk cows at the highest. In 2005, Stanislaus County had 183,762 milk cows. In the California Department of Food and Agriculture's (CDFA) most recent Agricultural Statistics from 2022, the County had 185,000 milk cows. The fluctuating trend of milk cows within the County is the result of many dairies having either merged, or larger dairies purchasing milk cows from smaller dairies that have left the industry throughout the state. State-wide, the number of milk cows in California has decreased overall from 2005 to 2022 from 1,757,661 milk cows (2005) to 1,720,000 milk cows (2022), resulting in an overall decrease of 37,661 milk cows within the state.

This is a request to expand the herd size of an existing dairy. This project proposes to expand the number of milk and dry cows from 436 mature cows (375 milk cows and 61 dry) to 1,000 mature cows (800 milk and 200 dry). No support stock is located on-site which will remain unchanged. The total amount of animals is to increase by 564. The existing dairy operation has been previously developed with 85,153 square feet of free stall barns and other accessory structures associated with the dairy, two single-family residences, a dry manure storage area, feed storage area, and three wastewater ponds. Due to the proposed increase in animal units, the applicant proposes to demolish three existing structures totaling approximately 3,700 square feet in order to construct a 14,352 square-foot free stall barn for animal housing located within the existing dairy facility footprint. Additionally, the applicant also proposes to install a mechanical manure separator adjacent to an existing wastewater storage pond to process separate solids from the liquid manure waste wastewater before it reaches the pond. ~~The applicant does not anticipate any customers on-site.~~

Dairy and livestock methane emissions originate from two primary sources, manure management and enteric fermentation (the digestive process within a cow). As a result of this request for additional cows on-site, methane emissions will increase for the facility. Reductions in methane emissions can primarily be achieved through modifications to manure management activities such as the installation of an anaerobic digester or solid separation, and strategies to reduce enteric methane emissions such as incorporating methane inhibiting feed additives. The California Air Resources Board (CARB) 2017 Scoping Plan was adopted in November of 2017 in order to meet the reduction requirements under SB 1383. CARB is only authorized to implement regulations to meet the SB 1383 2030 target (as of January 1, 2024) provided that CARB, in consultation with the California Department of Food and Agriculture (CDFA), determine the regulations are technologically and economically feasible, cost-effective, include provisions to minimize and mitigate potential leakage, and include an evaluation of the achievements made by incentive-based programs. While further research is being conducted regarding enteric methane reduction options, the dairy and livestock sector has predominantly relied on manure management strategies to achieve the methane emissions reductions required under SB 1383. The CDFA provides financial assistance to dairies through the Alternative Manure Management Program (AMMP) to implement alternative manure management strategies in order to reduce methane emissions from manure and achieve the SB 1383 reduction target. The Sam Kooistra Dairy was awarded funds from the CDFA's 2022 AMMP funding for a mechanical manure solid separator to reduce methane on-site which will result in a reduction of 6,293 MTCO<sub>2</sub>e over the next five years for a herd size of up to 1,000 cows. The installation of a mechanical manure separator is proposed as part of this request; therefore, the dairy facility is in compliance with SB 1383 reduction targets as the dairy proposes to install the mechanical manure separator under the CDFA AMMP to reduce methane emissions on-site for the ultimate herd size of 1,000 cows.

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



The dairy currently receives five truck trips for tallow, feed and veterinary services every two weeks, and a total of two milk truck trips per-day. The proposed request is expected to increase the number of feed truck trips from one to three per-week and decrease milk truck trips from two to one per-day for a new combined total of nine truck trips for tallow, feed, and veterinary services every two weeks, and one milk truck trip per-day. The proposed request is expected to decrease the *total* number of employees by one for a total of four employees ~~on a maximum shift~~ (three employees living **will live** off-site and one employee living **will continue to live** on-site). No additional employees are proposed to live on-site. Employee trip numbers are proposed to decrease from eight to six per-day (**a total of three** employees coming from off-site into and out of the project site). If all truck trips for tallow, feed, veterinary service, and milk were to fall on the same day, at most there will be a maximum total of 20 truck trips in one day (total inbound and outbound trips), and a total of six automobile trips per-day (anticipated inbound and outbound trips by the three employees not living on-site). ~~The applicant does not anticipate any customers on-site.~~ The increase of two feed truck trips per week associated with this project will not exceed the threshold of 110 trips per day. As this is below the District's threshold of significance, no significant impacts to GHGs related to VMT are anticipated.

A referral response was received from the SJVAPCD indicating that emissions resulting from construction and/or operation of the project may exceed the District's thresholds of significance for carbon monoxide (CO), oxides of nitrogen (NOx), reactive organic gases (ROG), oxides of sulfur (SOx), (PM10), and particulate matter. The SJVAPCD recommended that a more detailed preliminary review of the project be conducted for the project's construction and operational emissions. Construction and operational emissions were analyzed with the California Emissions Estimator Model (CalEEMOD), by Trinity Consultants, dated January 2024. The analysis evaluated construction and operational ROG, NOx, CO, SO2, PM10, PM2.5, CO2, CH4, and N2O emissions. CalEEMod default equipment listing for general heavy industrial usages were utilized. Default horsepower, daily operating hours, and load factors were also used. According to the analysis, construction equipment sources evaluated included: diesel-fueled dozers, loaders, backhoes, excavators, graders, cranes, forklifts, generator sets, concrete/industrial saws, and welders. Operational mobile sources include: diesel-fueled solids manure removal trucks, commodity delivery trucks, a manure loading tractor, a feed loading tractor, and a feed delivery tractor. The actual total construction activities were estimated to be over the course of two months. The analysis found the average daily emissions for construction and operational activities associated with this project would not exceed 100 pounds per-day for any criteria pollutant that has an ambient air quality standard and therefore are below the Air District's thresholds of significance. **The project will not have the potential to significantly contribute to an exceedance of state or federal Ambient Air Quality Standards which include standards for GHGs.** A more detailed discussion may be found in the Air Quality section of this checklist.

**The 2016 California Green Building Standards Code (CALGreen Code) went into effect on January 1, 2017, and includes mandatory provisions applicable to all new residential, commercial, and school buildings. The intent of the CALGreen Code is to establish minimum statewide standards to significantly reduce the GHG emissions from new construction. The Code includes provisions to reduce water use, wastewater generation, and solid waste generation. It is the intent of the CALGreen Code that buildings constructed pursuant to the Code achieve at least a 15 percent reduction in energy usage when compared to the state's mandatory energy efficiency standards contained in Title 24. The Code also sets limits on VOCs (volatile organic compounds) and formaldehyde content of various building materials, architectural coatings, and adhesives. With the requirements of meeting the Title 24, Green Building Code energy impacts from the project are considered to be less-than significant. A condition of approval will be added to this project that any construction resulting from the project will comply with Title 24, Green Building Code, which includes energy efficiency requirements, prior to issuance of a building permit in order to meet statewide standards.**

The SJVAPCD response *also* indicated the project will be subject to District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), and Rule 4002 (National Emissions Standards for Hazardous Air Pollutants). The project may also be subject to the following rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), Rule 4550 (Conservation Management Practices), and Rule 4570 (Confined Animal Facilities). The project may be subject to other applicable District permits and rules, which must be met as part of the District's Authority to Construct (ATC) and Permit to Operate (PTO) permitting process.

~~The 2016 California Green Building Standards Code (CALGreen Code) went into effect on January 1, 2017, and includes mandatory provisions applicable to all new residential, commercial, and school buildings. The intent of the CALGreen Code is to establish minimum statewide standards to significantly reduce the greenhouse gas emissions from new construction. The Code includes provisions to reduce water use, wastewater generation, and solid waste generation. It is the intent of the CALGreen Code that buildings constructed pursuant to the Code achieve at least a 15 percent reduction in energy~~

usage when compared to the state’s mandatory energy efficiency standards contained in Title 24. The Code also sets limits on VOCs (volatile organic compounds) and formaldehyde content of various building materials, architectural coatings, and adhesives. With the requirements of meeting the Title 24, Green Building Code energy impacts from the project are considered to be less than significant. A condition of approval will be added to this project to address compliance with Title 24, Green Building Code, which includes energy efficiency requirements.

Impacts associated with greenhouse gas emissions are expected to have a less than significant impact.

**Mitigation:** None.

**References:** California Air Resources Board 2019 Edition, California Greenhouse Gas Emission Inventory: 2000 – 2017; Application information; **Senate Bill (SB) 1383 (Lara); Stanislaus Countywide Regional Community Greenhouse Gas Inventory, prepared by ICF International, July 2013; California Department of Food and Agriculture’s California Agriculture Statistics Review, 2021-2022; United States Department of Agriculture, California Agricultural Statistics, October 2006; California Air Resources Board 2017 Scoping Plan; California Air Resources Board’s Final Analysis of Progress toward Achieving the 2030 Dairy and Livestock Methane Emissions Target, dated March 2022; California Department of Food and Agriculture 2022 Alternative Manure Management Program Projects Selected for Award of Funds, as updated on March, 2023; Governor’s Office of Planning and Research Technical Advisory, December 2018;** Referral response from the San Joaquin Valley Air Pollution Control District (SJVAPCD) referral response, dated December 16, 2021; Health Risk Assessment (HRA) and Ambient Air Quality Analysis (AAQA) prepared by Trinity Consultants, dated January 2024; CA Building Code; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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

**Discussion:** Cleaning chemicals are used to regularly clean the existing milk processing equipment in the milking parlor. These chemicals include acids, chlorine, and detergents which, after cleaning is complete, are discharged to the milking parlor sanitary sewer system after the equipment is rinsed. Iodine is applied to the cows’ udders after milking; however, iodine is applied directly to the cows and is not discharged. The County Department of Environmental Resources –

Hazardous Materials Division (DER HazMat) is responsible for overseeing hazardous materials. This project was referred to the DER HazMat who responded that the applicant should contact DER for any appropriate handling and permitting requirements for hazardous materials and/or wastes. This will be added as a condition of approval to the project. Pesticide exposure is a risk in areas located in the vicinity of agriculture. Sources of exposure include contaminated groundwater from drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits.

Animal waste resulting from daily operations will be managed through Waste and Nutrient Management Plans, which have been submitted to the Central Valley Regional Water Quality Control Board (CVRWQCB).

The project site is not listed on the EnviroStor database managed by the CA Department of Toxic Substances Control or within the vicinity of any airport. The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Mountain View Fire Protection District. The project was referred to the District and no comments have been received to date. The project was referred to the Environmental Review Committee (ERC), which responded with no comments. The project site is not within the vicinity of any airstrip or wildlands. No significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project.

**Mitigation:** None.

**References:** Application Information; Referral response from Stanislaus County Department of Environmental Resources – Hazardous Materials Division, dated December 15, 2021; Waste Management Plan prepared by Sousa Engineering, dated October 2021; Nutrient Management Plan prepared by Patrick Machado, dated October 8, 2021; Department of Toxic Substances Control's data management system (EnviroStar); Referral response from Stanislaus County Environmental Review Committee, dated December 17, 2021; Stanislaus General Plan and Support Documentation<sup>1</sup>.

X. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?		X		
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(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:** Dairies pose a number of potential risks to water quality, primarily related to the amount of manure and wastewater that they generate. Manure and wastewater from animal confinement facilities can contribute pollutants such as nutrients (nitrogen), ammonia, phosphorus, organic matter, sediments, pathogens, hormones, antibiotics, and total dissolved solids (salts). These pollutants, if uncontrolled, can cause several types of water quality impacts, including contamination of drinking water, interference with irrigation systems, and impairment of surface water and groundwater quality. Federal, state, and local regulations have been implemented to protect the quality of surface water and groundwater resources. The primary federal laws for protection of water quality are the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA). Federal and state regulations based on this underlying legislation range from establishing maximum contaminant levels to setting antidegradation policies.

The primary regulatory program for implementing water quality standards is the federal National Pollutant Discharge Elimination System (NPDES) Program. The United States Environmental Protection Agency (EPA) has delegated NPDES enforcement and administration to the State of California Regional Water Quality Control Board (RWQCB). The Central Valley RWQCB (CVRWQCB) administers the federal NPDES program for dairies within Stanislaus County. The CVRWQCB adopted the General Waste Discharge Requirements and General NPDES Permit for Existing Milk Cow Dairy Concentrated Animal Feeding Operations (CAFO) within the Central Valley Region, Revised Order No. R5-2011-0091, in December 2011. The CAFO Order serves as a NPDES permit. Under the CAFO Order, owners and operators ("dischargers") of dairies are required to apply for and receive a NPDES permit if the dairy is an operation that stables or confines 700 or more mature dairy cows, whether milked or dry (a Large CAFO) and the operator discharges, or proposes to discharge, pollutants to the waters of the United States. This project requests to expand the herd from 436 to 1,000 mature cows, which includes an increase of 425 milk and 139 dry cows. Currently, no support stock is located on-site which will remain unchanged. The CAFO Order was written to follow the format of the 2007 General Order for Existing Milk Cow Dairies and Individual Waste Discharge Requirements as closely as possible, while incorporating requirements of the Federal CAFO rule.

Large CAFOs are required to prepare and implement a Nutrient Management Plan (NMP) and Waste Management Plan (WMP), which describe the regulatory requirements for the facility, and together they serve as the primary tool to prevent groundwater contamination and to establish best management practices (BMP) for dairy waste management. The General Order establishes a schedule for dischargers to develop and implement their WMP and NMP, and requires them to make facility modifications as necessary to protect surface water, improve storage capacity, and improve the facility's nitrogen balance before all infrastructure changes are completed. In addition, BMPs intended to minimize surface water discharges and subsurface discharges at dairies are required.

The WMP and NMP have been submitted to the CVRWQCB staff to determine if the amount of wastewater generated was in accordance with the standards outlined in the General Order and whether new individual WDRs are needed. The purpose of review of these plans and compliance with the General Order is to ensure that approved plans are designed and implemented to ensure that the impact of animal waste on surface and groundwater quality is minimized and poses a less than significant impact on water quality. According to the WMP, the total process wastewater generated daily will be 30,967 gallons per-day under normal precipitation. The existing and required storage capacities were calculated to be 3,764,197 and 2,962,286 gallons, respectively. CVRWQCB staff is responsible for determining that the aforementioned plans are compliant with the General Order and that the existing lagoons are adequately sized to handle any additional waste resulting from the reorganization.

In May 2018, the CVRWQCB approved new Salt and Nitrate Control Programs. The Nitrate Control Program was developed to address widespread nitrate pollution in the Central Valley. The Board identified areas, referred to as Priority 1 and Priority 2 basins, where nitrates pose a high risk based on the presence of nitrates in groundwater that is being used for drinking water. The site is located within the Turlock Subbasin, which was included in one of these priority areas. Most nitrates in the Turlock Subbasin groundwater are from anthropogenic sources, such as nitrogen fertilizer, feedlot and dairy drainage, septic systems, or wastewater drainage. Nitrate concentrations are generally highest at shallow depths in the unconfined aquifer system but can reach deeper portions of aquifers by downward vertical hydraulic gradients, which can be exacerbated by pumping, or by intra-borehole flow through wells screened at multiple aquifer depths. During Water Year (WY) 2022, 174 of the 318 representative monitoring wells (RMWs) in the Groundwater Sustainability Plan (GSP) monitoring network were sampled for nitrate. In addition, 76 RMWs are classified in the western principal aquifers (western wells screened in both the upper and lower principal aquifers). Nitrate concentrations in the Turlock Subbasin groundwater ranged from not detected (ND) to 56 mg/L. In total, 31 wells (18 percent of all wells) had baseline values that are greater than the 10 mg/L minimum threshold (MT), and four of the wells had the maximum nitrate concentration measured for the first-time during WY 2022. Most of the WY 2022 RMWs are located in the Western Principal Aquifers. In total, 60 RMWs are in the Eastern Subbasin Principal Aquifer, 29 are in the Western Lower Principal Aquifer, and 23 are in the Western Upper Principal Aquifer.

An email provided by CVRWQCB dated January 20, 2022, which was a direct response to the project which included information relating to all current dairy projects, stated the proposed NMP is in agreement with the current Dairy General Order; however, data collected by the Central Valley Dairy Representative Monitoring Program (CVDRMP) has indicated that these nutrient management practices are not sufficient to prevent the pollution of groundwater from cropland. CVRWQCB is placing the review of all NMP & WMP on hold and operators are to proceed at their own discretion; therefore, the proposed project could result in degradation of groundwater resources. The CVRWQCB suggested the CAFO enrolls in the Central Valley Dairy Representative Monitoring Program (CVDRMP) to meet the requirements for groundwater monitoring. While the proposed dairy expansion is not anticipated to increase the potential for impacts to groundwater quality, because elevated nitrate levels have been observed from agricultural operations in general in the Central Valley. Mitigation measures have been incorporated into the project requiring implementation of BMPs, compliance with their WMP and NMP, and enrollment in the CVDRMP. With mitigation in place impacts to hydrology and water quality are considered to be less than significant.

Stanislaus County adopted a Groundwater Ordinance in November 2014 (Chapter 9.37 of the County Code, hereinafter, the "Ordinance") that codifies requirements, prohibitions, and exemptions intended to help promote sustainable groundwater extraction in unincorporated areas of the County. The Ordinance prohibits the unsustainable extraction of groundwater and makes issuing permits for new wells, which are not exempt from this prohibition, discretionary. For unincorporated areas covered in an adopted GSP pursuant to SGMA, the County can require permit holders for wells as it reasonably concludes, are withdrawing groundwater unsustainably to provide substantial evidence that continued operation of such wells does not constitute unsustainable extraction and has the authority to regulate future groundwater extraction. The project site utilizes an existing septic system and on-site well and no additional septic systems or wells are included in the request. The project was referred to the Department of Environmental Resources and Environmental Review Committee, who had no comments regarding the project. Any future proposals for new wells will be subject to review under the County's Groundwater Ordinance and Well Permitting Program.

The Sustainable Groundwater Management Act (SGMA) was passed in 2014 with the goal of ensuring the long-term sustainable management of California's groundwater resources. SGMA requires agencies throughout California to meet certain requirements including forming Groundwater Sustainability Agencies (GSA), developing Groundwater Sustainability Plans (GSP), and achieving balanced groundwater levels within 20 years. The site is located in the West Turlock Subbasin covered by the West Turlock Subbasin GSA. The West Turlock Subbasin GSA (consisting of 12 public agencies) and the East Turlock Subbasin GSA (five agencies) are jointly developing a single GSP to manage groundwater sustainably through at least 2042. The GSAs adopted the Turlock Subbasin GSP on January 6, 2022, and submitted the GSP to the California Department of Water Resources (DWR) on January 28, 2022. DWR has until the end of 2024 to review the plan. The GSAs jointly prepared their second annual report for the Turlock Subbasin addressing groundwater and surface water conditions during Water Year (WY) 2022 and submitted the report to DWR on March 29, 2023. Total groundwater extractions in the Turlock Subbasin during WY 2022 were approximately 554,400 AF. This total is based on both direct measurements by local water agencies and estimates for private agricultural and domestic pumping. During WY 2022, agricultural groundwater extraction accounts for 93 percent (516,200 AF) of the total pumping in the Turlock Subbasin, while urban groundwater extraction accounts for the remaining seven percent (38,200 AF). The proposed dairy expansion would be subject to the requirements of the GSP for the region, when adopted, which would further minimize impacts to groundwater supplies.

Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). Runoff is not considered an issue because of several factors which limit the potential impact. These factors include a relative flat terrain of the subject site and relatively low rainfall intensities. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project site is located in FEMA Flood Zone X, which includes areas determined to be outside the 0.2 percent annual chance floodplains. As such, flooding is not considered to be an issue with respect to this project. Flood zone requirements will be addressed by the Building Permits Division during the building permit application process. The Stanislaus County Department of Public Works has reviewed the project and is requiring a grading, drainage, and erosion/sediment control plan for any on-site work that will alter the building footprint for the site. Consequently, run-off associated with the construction of any new structure will be reviewed as part of the overall building permit review process.

The project site is located within the boundaries of the Turlock Irrigation District (TID). The project was referred to TID which responded stating the District's Lateral 5.5 is located along a portion on the southern boundary of the project site, and irrigation distribution pipelines are in the vicinity of the project. The District clarified that none of the irrigation facilities appear to be affected by the proposed project; however, the District shall review and approve all maps and plans of the project, and

any improvements to the property which impact irrigation facilities will be subject to the District's approval and must meet all District standards and specifications. TID's comments will be applied to the project as conditions of approval.

Impacts to hydrology and water quality are considered to be less-than significant with mitigation.

**Mitigation:**

1. The following Best Management Practices shall be implemented as applicable:
  - Positive drainage shall be included in project design and construction to ensure that excessive ponding does not occur. The design shall comply with Title 3, Division 2, Chapter 1, Article 22, Section 646.1 of the Food and Agriculture Code for construction and maintenance of dairy or facility surroundings, corrals, and ramps, as described below.
  - Dirt or unpaved corrals, or unpaved lanes, shall not be located closer than 25 feet from the milking barn or closer than 50 feet from the milk house. Corral drainage must be provided.
  - A paved (concrete or equivalent) ramp or corral shall be provided to allow the animals to enter and leave the milking barn. This paved area shall be curbed (minimum of six inches high and six inches wide) and sloped to a drain. Cow washing areas shall be paved (concrete or equivalent) and sloped to a drain. The perimeter of the area shall be constructed in a manner that will retain the wash water to a paved drained area. Paved access shall be provided to permanent feed racks, mangers, and water troughs. Water troughs shall be provided with: (1) a drain to carry the water from the corrals; and (2) pavement (concrete or equivalent) which is at least ten feet wide at the drinking area.
  - The cow standing platform at permanent feed racks shall be paved with concrete or equivalent for at least ten feet back of the stanchion line.
  - As unpaved areas are cleaned, depressions tend to form, allowing ponding and increased infiltration. Regular maintenance shall include filling of depressions. Personnel shall be taught the correct use of manure collection machines (wheel loaders or elevating scrapers).

The dairy operator/property owner shall be responsible for verifying, to the satisfaction of the Planning Director, implementation of the aforementioned Best Management Practices. The dairy operator/property owner shall be responsible for paying the County's actual costs of verifying compliance. If the County finds any of the applicable Best Management Practices have not been implemented, the dairy operator/property owner shall implement said Best Management Practices within the time frame specified in writing by the County. The dairy operator/property owner's verification shall be submitted to the Stanislaus County Planning Department within 60-days of written notice being delivered to the dairy operator/property owner.

2. The applicant shall comply with requirements of the Nutrient Management Plan (NMP) and Waste Management Plan (WMP) submitted to the County, as part of the Use Permit approval. The application rates of liquid and/or solid manure identified within the NMP shall not result in total nitrogen applied to the land application areas exceeding 1.65 times total nitrogen that will be removed from the field in the harvested portion of the crop. Upon request, compliance shall be verified by the collection of nutrient samples for nitrogen, potassium, phosphorus, and salts prior to and during application periods to confirm agronomic rates within all portions of cropped areas receiving manure, and to protect water supplies. The dairy operator/property owner shall be responsible for hiring a qualified professional, approved by the Planning Director, to collect nutrient samples, interpret the results, and provide said results to the County for review. If determined necessary by the Planning Director, the dairy operator/property owner shall pay for the County's actual costs to hire a third party to review the annual results.
3. The applicant shall enroll in the Central Valley Dairy Representative Monitoring Program (CVDRMP) to meet the requirements for groundwater monitoring prior to increasing the herd.

**References:** Application information; Waste Management Plan prepared by Sousa Engineering, dated October 2021; Nutrient Management Plan prepared by Patrick Machado, dated October 8, 2021; Referral response from the Environmental Review Committee, dated December 17, 2021; Email from the Central Valley Regional Water Quality Control Board (CVRWQCB), dated January 20, 2022; West Turlock Subbasin and East Turlock Subbasin Groundwater Sustainability Agencies (GSAs) Turlock Subbasin Groundwater Sustainability Plan (GSP) First Annual Report Water Year 2022; Valley Water Collaborative Interactive Ambient Nitrate Map; Referral response received from Stanislaus County Department of Public Works, dated December 7, 2021; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XI. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?			X	
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

**Discussion:** The project site is designated Agriculture in the County General Plan and is zoned A-2-40 (General Agriculture).

Dairies are considered to be a permitted agricultural use in the A-2 zoning district in Stanislaus County. Use permits are only processed for the expansion of dairy facilities when the Regional Water Quality Control Board (RWQCB) determines that Waste Discharge Requirements (WDRs) are required. The RWQCB has determined that the proposed project required amended Waste Discharge Requirements (WDR) which is subject to CEQA and, therefore, requires that the applicants obtain a Use Permit in accordance with §21.20.030(F) of the Stanislaus County Zoning Ordinance. Agricultural uses requiring a Use Permit which do not fall under Tier One, Two, or Three uses may be allowed when the Planning Commission finds that the establishment, maintenance, and operation of the proposed use or buildings applied for are consistent with the General Plan and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use, and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

The Agricultural Element of the General Plan includes a requirement for an agricultural buffer to protect the long-term health of local agriculture by minimizing conflicts resulting from normal agricultural practices as a consequence of new or expanding uses approved in or adjacent to the A-2 (General Agriculture) zoning district. These guidelines apply to all new or expanding uses approved by discretionary permit in the A-2 zoning district or on a parcel adjoining the A-2 zoning district. Dairies are considered a permitted use under the A-2 Zoning Ordinance. Use permits are only processed for the expansion of dairy facilities when the Regional Water Quality Control Board (RWQCB) determines that Waste Discharge Requirements (WDRs) are required, which requires CEQA compliance. Therefore, an agricultural buffer is not required for this project as the use of a dairy facility is a permitted use within the A-2 zoning district.

Based on the specific features and design of this project, it does not appear this project will impact the long-term productive agricultural capability of surrounding contracted lands in the A-2 zoning district. There is no indication this project will result in the removal of adjacent contracted land from agricultural use.

The project will not physically divide an established community nor conflict with any habitat conservation plans.

**Mitigation:** None.

**References:** Application information; Waste Management Plan prepared by Sousa Engineering, dated October 2021; Nutrient Management Plan prepared by Patrick Machado, dated October 8, 2021; E-mail correspondence Regional Water Quality Control Board, dated January 20, 2022; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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

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

**Mitigation:** None.

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

XIII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	

**Discussion:** The Stanislaus County General Plan identifies noise levels up to 75 dB Ldn (or CNEL) as the normally acceptable level of noise for agricultural uses. The Stanislaus County General Plan identifies noise levels for residential or other noise-sensitive land uses of up to 55 hourly Leq, dBA and 75 Lmax, dBA from 7 a.m. to 10 p.m. and 45 hourly Leq, dBA and 65 Lmax, dBA from 10 p.m. to 7 a.m. Pure tone noises, such as music, shall be reduced by five dBA; however, when ambient noise levels exceed the standards, the standards shall be increased to the ambient noise levels. The closest sensitive noise receptors are agricultural storage buildings and a residence located within approximately 85-268± feet from the project site to the south. On-site grading and construction 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. Permanent increases may result as the number of animal units is increased on-site; however, Stanislaus County has adopted a Right-to-Farm Ordinance (§9.32.050) which states that inconveniences associated with agricultural operations, such as noise, odors, flies, dust, or fumes shall not be considered to be a nuisance if agricultural operations are consistent with accepted customs and standards. The site itself is impacted by noise generated by vehicular traffic on Hultberg Road, and neighboring dairy operations. The site is not located within an airport land use plan. Impacts associated with noise are considered to be less than significant.

**Mitigation:** None.

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

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 site is not included in the vacant sites inventory for the 2016 Stanislaus County Housing Element, which covers the 5th cycle Regional Housing Needs Allocation (RHNA) for the County and will therefore not impact the County’s ability to meet their RHNA. No population growth will be induced nor will any existing housing be displaced as a result of this project. The project site is adjacent to large scale agricultural operations, and the nature of the use is considered consistent with the General Agriculture (A-2) zoning district.

There are two single-family residences that have been developed on the property which are utilized by the property owner, and one employee who lives on-site. No additional employee housing is proposed as part of this project, therefore the project is not required to obtain a Permit to Operate Employee Housing through the Department of Environmental Resources, which addresses housing standards. Should any additional employee housing be proposed in the future, it will be evaluated to determine which permits are necessary or if environmental review is required. The provisions of the California Building Standards Code (Title 24) govern the construction of permanent buildings used for employee housing. Additionally, Title 25 of the California Code of Regulations includes specific requirements for the construction of housing, maintenance of grounds and buildings, minimum allowable sleeping space and facilities, sanitation, and heating.

**Mitigation:** None.

**References:** Application information; (Cal. Code Regs., Title 24); Employee Housing (Cal Code Regs., Title 25, Division 1, Chapter 1, Subchapter 3); Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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

**Discussion:** The County has adopted Public Facilities Fees, as well as one for Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance.

The project was referred to the appropriate public service agencies, as well as the Stanislaus County Environmental Review Committee (ERC). This project was circulated to all applicable school, fire, police, irrigation, public works departments, and districts including Chatom Union School District, Turlock Unified School District, Mountain View Fire Protection District, Stanislaus County Sheriff’s Office, Turlock Irrigation District and Stanislaus County Public Works Department during the Early Consultation referral period and no concerns were identified with regard to public services.

A referral response received from TID for the project stated that the District’s Lateral 5.5 is located along a portion on the southern boundary of the project site, and irrigation distribution pipelines are in the vicinity of the project. The District clarified that none of the irrigation facilities appear to be affected by the proposed project; however, the District shall review and approve all maps and plans of the project, and any improvements to the property which impact irrigation facilities will be subject to the District’s approval and must meet all District standards and specifications. The owner/developer must apply for a facility change for any pole or electrical facility relocation and contact the District’s Electrical Engineering Department to request any service removals or new services for overhead lines. TID’s comments will be applied to the project as conditions of approval.

The Department of Public Works indicated in a referral response to the project that a grading, drainage, and erosion/sediment control plan for the project shall be submitted prior to the issuance of any building permit. A Storm Water Pollution Prevention Plan (SWPPP) will be required for future construction prior to the approval of any grading. Public Works requested an Encroachment Permit for the unpaved driveways that access the dairy site from Hultberg Road; the driveways will need to be installed as per Public Works' Standards and Specifications. Public Works also requested a road dedication be provided for the half-width of Hultberg Road. These comments will be applied as conditions of approval.

**Mitigation:** None.

**References:** Application information; Referral response from Turlock Irrigation District, dated December 13, 2021; Referral response from Stanislaus County Environmental Review Committee, dated December 17, 2021; Referral response received from Stanislaus County Public Works Department, dated December 7, 2021; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>XVI. RECREATION --</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Would the project 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?</b>			<b>X</b>	
<b>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?</b>			<b>X</b>	

**Discussion:** This project will not increase demands for recreational facilities, as such impacts typically are associated with residential development.

Impacts to recreation are considered to be less than significant.

**Mitigation:** None.

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

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

**Discussion:** The project site has access to County-maintained Hultberg Road, which is classified as 60-foot-wide local road. It is not anticipated that the project would substantially affect the level of service on Hultberg Road. The project was referred to the Stanislaus County Department of Public Works, which has requested conditions of approval to address driveway approaches installed according to Public Works' Standards and Specifications, restrictions on loading, parking, unloading within the County right-of-way, the need for road reservations, and a grading, drainage, and sediment management plan. These conditions will be applied to the project.

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

There are currently five truck trips for tallow, feed, and veterinary services every two weeks, a total of two milk truck trips per-day and a total of eight employee vehicle trips per-day (inbound and outbound trips for the four employees living off-site). The proposed request is expected to increase the number of feed truck trips from one to three per-week and decrease milk truck trips from two to one per-day for a new combined total of nine truck trips for tallow, feed, and veterinary services every two weeks, and one milk truck trip per-day. As part of this request, employee numbers are anticipated to decrease by one for a total of four employees with three employees continuing to live off-site and one employee who will continue to live on-site. Accordingly, employee trip numbers are proposed to decrease from eight to six per-day. If all truck trips for tallow, feed, veterinary service, and milk were to fall on the same day, at most there will be a maximum total of 20 truck trips in one day (total inbound and outbound trips), and a total of six automobile trips per-day (anticipated inbound and outbound trips by the three employees not living on-site). VMT increase associated with the proposed project is less-than significant as the number of vehicle trips will not exceed 110 per-day.

Transportation impacts associated with the project are considered to be less than significant.

**Mitigation:** None.

**References:** Application information; Governor's Office of Planning and Research Technical Advisory, December 2018; Referral response received from Stanislaus County Department of Public Works, dated December 7, 2021; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XVIII. TRIBAL CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X	
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set for the in subdivision (c) of Public Resource Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X	

**Discussion:** It does not appear that this project will result in significant impacts to any archaeological or cultural resources. The project site is already improved with multiple buildings. In accordance with SB 18 and AB 52, this project was not referred to the tribes listed with the Native American Heritage Commission (NAHC) as the project is not a General Plan Amendment and no tribes have requested consultation or project referral noticing. While the site is already developed,

if any resources are found during future construction, construction activities would halt until a qualified survey takes place and the appropriate authorities are notified.

**Mitigation:** None.

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

<b>XIX. UTILITIES AND SERVICE SYSTEMS -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) 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?</b>			X	
<b>b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?</b>			X	
<b>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?</b>			X	
<b>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?</b>			X	
<b>e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?</b>			X	

**Discussion:** Limitations on providing services have not been identified. The project proposes to utilize an existing well and existing septic facilities. The project was referred to the Turlock Irrigation District (TID) which responded stating the District's Lateral 5.5 is located along a portion on the southern boundary of the project site, and irrigation distribution pipelines are in the vicinity of the project. The District clarified that none of the irrigation facilities appear to be affected by the proposed project; however, the District shall review and approve all maps and plans of the project, and any improvements to the property which impact irrigation facilities will be subject to the District's approval and must meet all District standards and specifications. The owner/developer must apply for a facility change for any pole or electrical facility relocation and contact the District's Electrical Engineering Department to request any service removals or new services for overhead lines. TID's comments will be applied to the project as conditions of approval. A referral response received from the Department of Public Works indicated that a grading, drainage, and erosion/sediment control plan for the project shall be submitted prior to the herd increase, or issuance of any building permit or grading permit. A Storm Water Pollution Prevention Plan (SWPPP) will be required for future construction prior to the approval of any grading. These comments will be applied as conditions of approval.

The project was also referred to PG&E and AT&T and no response has been received to date.

No new wells or septic systems are proposed for this expansion; installation of any future wells or septic systems must be reviewed and approved by the Department of Environmental Resources (DER) and must adhere to current Local Agency Management Program (LAMP) standards. LAMP standards include minimum setbacks from wells to prevent negative impacts to groundwater quality. The project was referred to DER, which responded requiring that any new building requiring an on-site wastewater treatment system (OWTS) shall meet LAMP standards and be designed according to type and/or maximum occupancy of the proposed structure to the estimated waste/sewage design flow. DER also requested the applicant secure all necessary permits for the destruction/relocation of any on-site water wells and water distribution lines, and/or OWTS at the project site under the direction of DER. DER's comments will be added to the project as conditions of approval.

The project was also referred to the Environmental Review Committee who responded with no comment.

Impacts to utilities and services are considered to be less than significant.

**Mitigation:** None.

**References:** Application information; Referral response received from Turlock Irrigation District, dated December 13, 2021; Referral response received from Stanislaus County Department of Public Works, dated December 7, 2021; Referral response received from Stanislaus County Department of Environmental Resources, dated December 17, 2021; Referral Response received from Stanislaus County Environmental Review Committee, dated December 17, 2021; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XX. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
c) Require the installation of maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

**Discussion:** The Stanislaus County Local Hazard Mitigation Plan identifies risks posed by disasters and identifies ways to minimize damage from those disasters. The terrain of the site is relatively flat, and the site has access to a County-maintained road. The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Mountain View Fire Protection District. The project was referred to the District, and no comments have been received to date. California Building and Fire Code establishes minimum standards for the protection of life and property by increasing the ability of a building to resist intrusion of flame and burning embers. The building permit for the 14,352± square-foot free stall barn will be reviewed by the County’s Building Permits Division and Fire Prevention Bureau to ensure all State of California Building and Fire Code requirements are met prior to construction. Wildfire risk and risks associated with postfire land changes are considered to be less-than significant.

**Mitigation:** None.

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

XXI. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

**Discussion:** The project has a General Plan designation of Agriculture and zoning designation of General Agriculture with a 40-acre minimum (A-2-40) which allows dairies as a permitted agricultural use; however, a use permit is required if a dairy is expanding and a new or modified permit, waiver, order, or waste discharge requirement is needed from the Regional Water Quality Control Board which requires CEQA compliance. In this case, discretionary approval is required for the expansion of the dairy to allow for amendments to the operation’s Waste Discharge Requirements.

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.

It does not appear that this project will result in significant impacts to any archaeological or cultural resources. The project site is already developed, and no new construction is proposed. The project site has already been disturbed. Standard conditions of approval regarding the discovery of cultural resources during any future construction resulting from this request will be added to the project.

The project will not physically divide an established community. The site is surrounded by A-2-40 zoned parcels and parcels within the County of Merced improved with agricultural uses, including dairies and other confined animal facilities, irrigated cropland, orchards, and scattered single-family dwellings in all directions. Development of the surrounding area is subject to the permitted uses and uses allowed when a use permit is obtained as permitted by the A-2 zoning district. Additionally, the majority of the surrounding parcels located within Stanislaus County are restricted by Williamson Act Contracts and are limited to the uses found to be compatible with the Williamson Act. Any uses beyond the uses permitted in the A-2 zoning district would require a General Plan Amendment and rezoning of the property which would be evaluated through additional environmental review and would take into consideration impacts from the loss of farmland and the potential for farmland conversion and cumulative impacts to the surrounding area.

The proposed project will generate a low amount of vehicle trips. If all truck trips for tallow, feed, veterinary service, and milk were to fall on the same day, at most there will be a maximum total of 20 truck trips in one day (total inbound and outbound trips), and a total of six automobile trips per-day (anticipated inbound and outbound trips by the three employees not living on-site). As this is below the threshold of significance for vehicle and heavy truck trips as discussed in Section XVII - *Transportation*, no significant impacts from the one vehicle trip to transportation are anticipated.

Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area.

**Mitigation:** None.

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

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

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10th Street, Suite 3400, Modesto, CA 95354

Planning Phone: (209) 525-6330 Fax: (209) 525-5911

Building Phone: (209) 525-6557 Fax: (209) 525-7759

# Stanislaus County

## Planning and Community Development

### Mitigation Monitoring and Reporting Program

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

**March 11, 2024**

- 1. Project title and location: Use Permit Application No. PLN2021-0104 – Kooistra Dairy  
  
5831 and 5837 Hultberg Road, between Ehrlich and Bradbury Roads, in the Turlock area. (APN: 057-017-005).
- 2. Project Applicant name and address: Sam and Cynthia Kooistra  
5837 Hultberg Road  
Turlock, CA 95380
- 3. Person Responsible for Implementing Mitigation Program (Applicant): Sam and Cynthia Kooistra  
Dairy Operator/Property Owner
- 4. Contact person at County: Emily DeAnda, Associate Planner, (209) 525-6330

#### MITIGATION MEASURES AND MONITORING PROGRAM:

List all Mitigation Measures by topic as identified in the Mitigated Negative Declaration and complete the form for each measure.

#### X. HYDROLOGY AND WATER QUALITY

- No.1 Mitigation Measure: The following Best Management Practices shall be implemented as applicable:
  - Positive drainage shall be included in project design and construction to ensure that excessive ponding does not occur. The design shall comply with Title 3, Division 2, Chapter 1, Article 22, Section 646.1 of the Food and Agriculture Code for construction and maintenance of dairy or facility surroundings, corrals, and ramps, as described below.
  - Dirt or unpaved corrals, or unpaved lanes, shall not be located closer than 25 feet from the milking barn or closer than 50 feet from the milk house. Corral drainage must be provided.
  - A paved (concrete or equivalent) ramp or corral shall be provided to allow the animals to enter and leave the milking barn. This paved area shall be curbed (minimum of six inches high and six inches wide) and sloped to a drain. Cow washing areas shall be paved (concrete or equivalent) and sloped to a drain. The perimeter of the area shall be constructed in a manner that will retain the wash water to a paved drained area. Paved access shall be provided to permanent feed racks, mangers, and water troughs. Water troughs shall be provided with: (1) a drain to carry the water from the corrals; and (2) pavement (concrete or equivalent) which is at least ten feet wide at the drinking



area.

- The cow standing platform at permanent feed racks shall be paved with concrete or equivalent for at least ten feet back of the stanchion line.
- As unpaved areas are cleaned, depressions tend to form, allowing ponding and increased infiltration. Regular maintenance shall include filling of depressions. Personnel shall be taught the correct use of manure collection machines (wheel loaders or elevating scrapers).

The dairy operator/property owner shall be responsible for providing, to the satisfaction of the Planning Director, documentation of the implementation of the aforementioned Best Management Practices. The dairy operator/property owner shall be responsible for paying the County's actual costs of verifying compliance. If the County finds any of the applicable Best Management Practices have not been implemented, the dairy operator/property owner shall implement said Best Management Practices within the time frame specified in writing by the County.

Who Implements the Measure:	Dairy Operator/Property Owner
When should the measure be implemented:	Prior to increase in herd size
When should it be completed:	Prior to increase in herd size
Who verifies compliance:	Stanislaus County Department of Planning and Community Development
Other Responsible Agencies:	Department of Environmental Resources, Milk and Dairy Inspections

No.2 Mitigation Measure: The applicant shall comply with requirements of the Nutrient Management Plan (NMP) and Waste Management Plan (WMP) submitted to the County, as part of the Use Permit approval. The application rates of liquid and/or solid manure identified within the NMP shall not result in total nitrogen applied to the land application areas exceeding 1.65 times total nitrogen that will be removed from the field in the harvested portion of the crop. Upon request, compliance shall be verified by the collection of nutrient samples for nitrogen, potassium, phosphorus, and salts prior to and during application periods to confirm agronomic rates within all portions of cropped areas receiving manure, and to protect water supplies. The dairy operator/property owner shall be responsible for hiring a qualified professional, approved by the Planning Director, to collect nutrient samples, interpret the results, and provide said results to the County for review. If determined necessary by the Planning Director, the dairy operator/property owner shall pay for the County's actual costs to hire a third party to review the annual results.

Who Implements the Measure:	Dairy Operator/Property Owner
When should the measure be implemented:	Prior to increase in herd size
When should it be completed:	Ongoing
Who verifies compliance:	Stanislaus County Department of Planning and Community Development

Other Responsible Agencies: None

No.3 Mitigation Measure: The applicant shall enroll in the Central Valley Dairy Representative Monitoring Program (CVDRMP) to meet the requirements for groundwater monitoring. Documentation reflecting enrollment shall be provided to the Stanislaus County Department of Planning and Community Development prior to increasing the herd.

Who Implements the Measure: Dairy Operator/Property Owner

When should the measure be implemented: Prior to increase in herd size

When should it be completed: Prior to increase in herd size

Who verifies compliance: Stanislaus County Department of Planning and Community Development

Other Responsible Agencies: None

I, the undersigned, do hereby certify that I understand and agree to be responsible for implementing the Mitigation Program for the above listed project.

**Signature on File** \_\_\_\_\_

03/13/2024 \_\_\_\_\_

Signature

Date



## MITIGATED NEGATIVE DECLARATION

**NAME OF PROJECT:** Use Permit Application No. PLN2021-0104 – Kooistra Dairy

**LOCATION OF PROJECT:** 5831 and 5837 Hultberg Road, between Ehrlich and Bradbury Roads, in the Turlock area. (APN: 057-017-005).

**PROJECT DEVELOPER:** Kooistra Dairy

**DESCRIPTION OF PROJECT:** To expand an existing dairy facility located on a 19.11± acre parcel, in the General Agriculture (A-2-40) zoning district, to allow the herd size to increase from 436 mature cows to 1,000, and to allow construction of a 14,352± square-foot new free stall barn.

Based upon the Amended Initial Study, dated **March 11, 2024, as amended on April 18, 2024** 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 aforementioned findings are contingent upon the following mitigation measures (if indicated) which shall be incorporated into this project:

1. The following Best Management Practices shall be implemented as applicable: Positive drainage shall be included in project design and construction to ensure that excessive ponding does not occur. The design shall comply with Title 3, Division 2, Chapter 1, Article 22, Section 646.1 of the Food and Agriculture Code for construction and maintenance of dairy or facility surroundings, corrals, and ramps, as described below. Dirt or unpaved corrals, or unpaved lanes, shall not be located closer than 25 feet from the milking barn or closer than 50 feet from the milk house. Corral drainage must be provided. A paved (concrete or equivalent) ramp or corral shall be provided to allow the animals to enter and leave the milking barn. This paved area shall be curbed (minimum of six inches high and six inches wide) and sloped to a drain. Cow washing areas shall be paved (concrete or equivalent) and sloped to a drain. The perimeter of the area shall be constructed in a manner that will retain the wash water to a paved drained area. Paved access shall be provided to permanent feed racks, mangers, and water troughs. Water troughs shall be provided with: (1) a drain to carry the water from the corrals; and (2) pavement (concrete or equivalent) which is at least 10 feet wide at the drinking area. The cow standing platform at permanent feed racks shall be paved with concrete or equivalent for at least ten feet back of the stanchion line. As unpaved areas are cleaned, depressions tend to

form, allowing ponding and increased infiltration. Regular maintenance shall include filling of depressions. Personnel shall be taught the correct use of manure collection machines (wheel loaders or elevating scrapers). The dairy operator/property owner shall be responsible for providing, to the satisfaction of the Planning Director, documentation of the implementation of the aforementioned Best Management Practices. The dairy operator/property owner shall be responsible for paying the County's actual costs of verifying compliance. If the County finds any of the applicable Best Management Practices have not been implemented, the dairy operator/property owner shall implement said Best Management Practices within the time frame specified in writing by the County.

2. The applicant shall comply with requirements of the Nutrient Management Plan (NMP) and Waste Management Plan (WMP) submitted to the County, as part of the Use Permit approval. The application rates of liquid and/or solid manure identified within the NMP shall not result in total nitrogen applied to the land application areas exceeding 1.65 times total nitrogen that will be removed from the field in the harvested portion of the crop. Upon request, compliance shall be verified by the collection of nutrient samples for nitrogen, potassium, phosphorus, and salts prior to and during application periods to confirm agronomic rates within all portions of cropped areas receiving manure, and to protect water supplies. The dairy operator/property owner shall be responsible for hiring a qualified professional, approved by the Planning Director, to collect nutrient samples, interpret the results, and provide said results to the County for review. If determined necessary by the Planning Director, the dairy operator/property owner shall pay for the County's actual costs to hire a third party to review the annual results.
3. The applicant shall enroll in the Central Valley Dairy Representative Monitoring Program (CVDRMP) to meet the requirements for groundwater monitoring. Documentation reflecting enrollment shall be provided to the Stanislaus County Department of Planning and Community Development prior to increasing the herd.

The Amended 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 DeAnda, Associate Planner

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

**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**

**PROJECT: USE PERMIT APPLICATION NO. PLN2021-0104 - KOOISTRA DAIRY**

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 OPR STATE CLEARINGHOUSE	X	X	X		X							
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X				X		X	X	
COOPERATIVE EXTENSION	X	X	X		X							
COUNTY OF: MERCED	X	X	X		X							
DER GROUNDWATER RESOURCES DIVISION	X	X	X		X							
FIRE PROTECTION DIST: MOUNTAIN VIEW	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							
STANISLAUS COUNTY EMERGENCY MEDICAL SERVICES		X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X	X				X		X	X	
SCHOOL DISTRICT 1: CHATOM UNION	X	X	X		X							
SCHOOL DISTRICT 2: TURLOCK 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
STAN CO FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X	X	X		X				X	X	
STAN CO MILK AND DAIRY	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							
STATE OF CA SWRCB DIVISION OF DRINKING WATER DIST. 10	X	X	X		X							
TELEPHONE COMPANY: AT&T	X	X	X		X							
US FISH & WILDLIFE		X	X		X							

**UP PLN2021-0104**

# **KOOISTRA DAIRY**

**Planning Commission**  
**May 2, 2024**

# Overview

- Use Permit
- Request to expand an existing dairy facility operating on a 19.11± acre parcel, in the General Agriculture (A-2-40) zoning district.

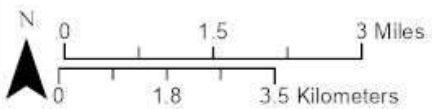
# KOOISTRA DAIRY

## UP PLN2021-0104

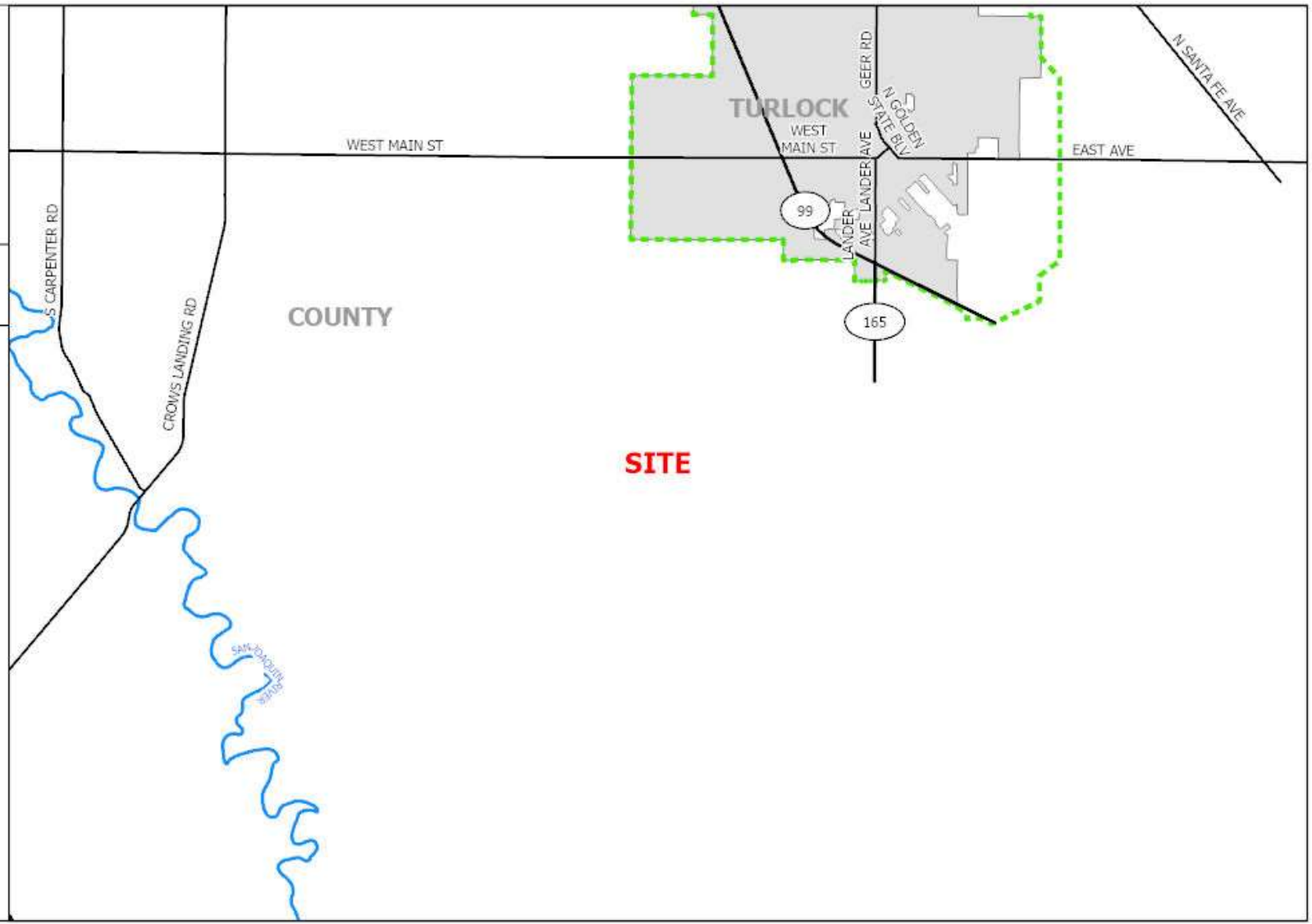
### AREA MAP

#### LEGEND

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



Source: Planning Department GIS Date Exported: 3/5/2024










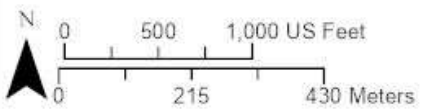
# KOOISTRA DAIRY

## UP PLN2021-0104

### GENERAL PLAN MAP

#### LEGEND

-  Project Site
-  Parcel
-  Canal
-  Agriculture
-  Street



# KOOISTRA DAIRY

## UP PLN2021-0104

### ZONING MAP


#### LEGEND


 Project Site

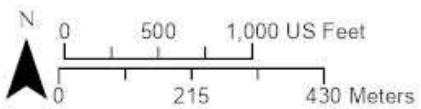
 Parcel

 Canal

#### Zoning Designation

 General Agriculture 40 Acre

 Street



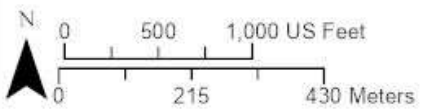
# KOOISTRA DAIRY

## UP PLN2021-0104

2023 AERIAL AREA MAP

### LEGEND

-  Project Site
-  Parcel
-  Canal
-  Street



Source: Planning Department GIS Date Exported: 3/5/2024



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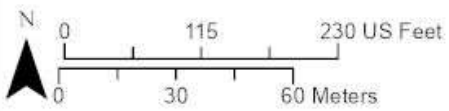
# KOOISTRA DAIRY

## UP PLN2021-0104

2023 AERIAL SITE MAP

### LEGEND

-  Project Site
-  Parcel
-  Canal
-  Street
-  Single-family dwellings



Source: Planning Department GIS Date Exported: 3/5/2024



# KOOISTRA DAIRY

UP  
PLN2021-0104

## SITE PLAN



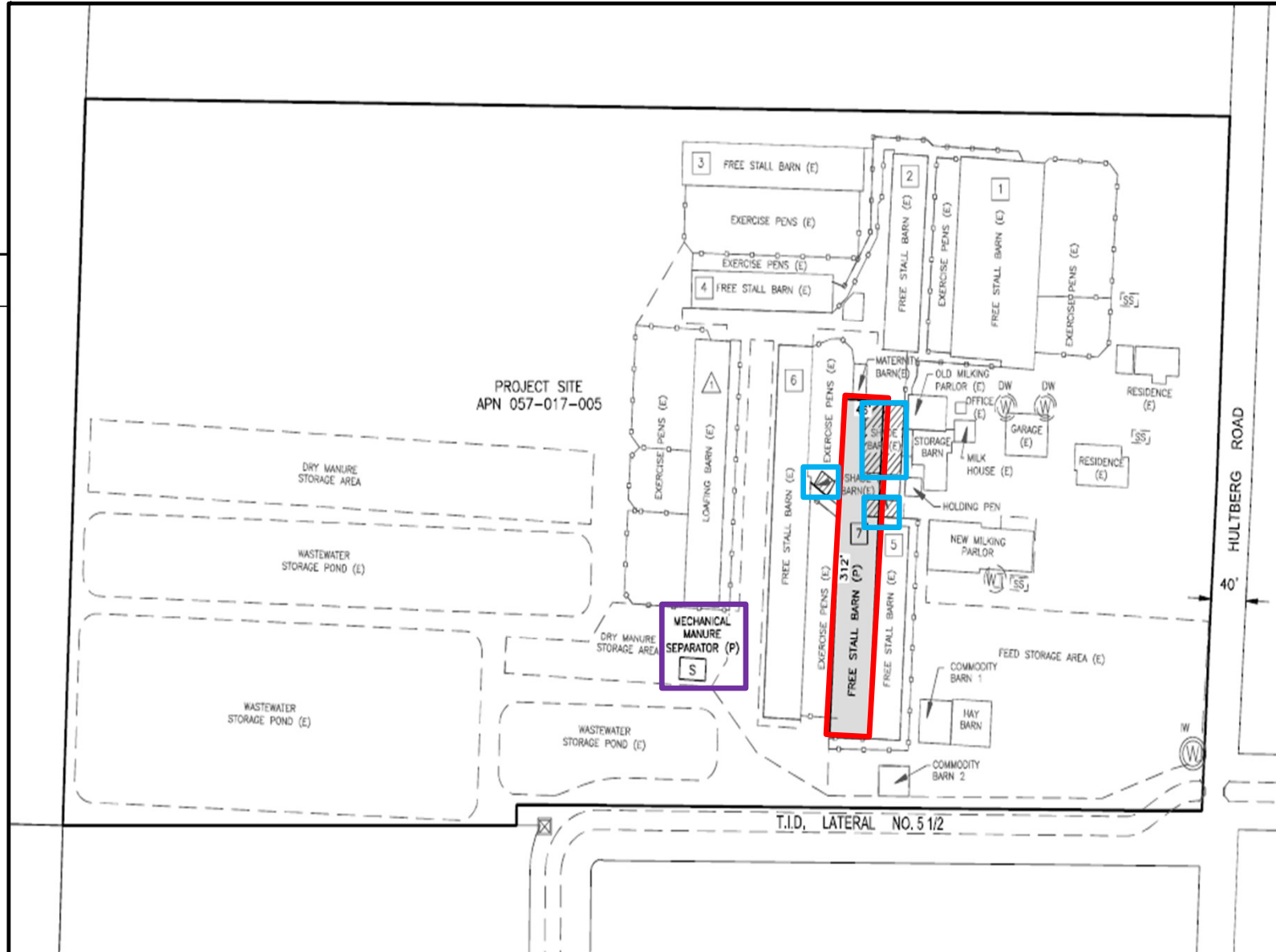
Proposed freestall barn



Proposed mechanical manure separator



Shade barns to be demolished



# Issue No. 1

- Letter received from Advocates for the Environment on April 8, 2024.
  - Concerns regarding greenhouse gas (GHG) emission analysis in the Initial Study.
  - Mitigated Negative Declaration (MND) does not comply with CEQA requirements and project contributes significantly to GHG impacts.
- Section VIII – Greenhouse Gas Emissions of the Initial Study (IS) amended to reflect clarifying information related to the project and GHG emissions in accordance with CEQA Guidelines Section 15073.5(c).
  - CEQA Guidelines Section 15073.5(c) allows an Initial Study to be amended without circulation if the amendments are not new avoidable significant effects or if new information merely clarifies or amplifies the MND.

## Issue No. 2

- Central Valley Regional Water Quality Control Board
  - Comments received regarding Nutrient Management Plan (NMP) and Waste Management Plan (WMP) reviews placed on hold.
  - Under CEQA Regional Water is a responsible state agency with responsibility to protect water quality in California's Central Valley.
- County prepared a MND with more specific requirements to be met in terms of best management practices (BMPs) and protection of surface and groundwater from nitrates in wastewater.

## Issue No. 2

- Dairies subject to obtaining a permit, waiver, order or Waste Discharge Requirements (WDRs) that requires CEQA review as requested from Regional Water requires a use permit (UP).
  - UP provides dairy operators with an environmental document and determination under CEQA that can be used by Regional Water.
- Previous requests relied on WDR issued by Regional Water
  - Haven't been issuing WDR, relying on State Water Code (which is now in question).
- Herd expansion requires Regional Water approval, timing of Mitigation Measures (MM) reflects that.



## Issue No. 2

- Three Use Permits (UPs) have been heard by the Planning Commission since review of NMP & WMP went on hold.
- Most recent UP No. PLN2021-0033 – John Brasil Dairy
  - Included adoption of MND with three MM.
- The same MM applied over John Brasil Dairy are being applied to this project.

# General Plan and Zoning Ordinance Consistency

- Land Use Element designation of Agriculture
- Zoning designation of General Agriculture (A-2-40)
  - Confined Animal Facilities (CAF) (dairies) are permitted agricultural uses
  - A use permit is required for new or expanding CAFs

# Environmental Review

- CEQA
  - Amended Initial Study
    - Guidelines Section 15073.5(c)
  
- Mitigated Negative Declaration
  - Mitigation Measures incorporated to mitigate potential impacts to water quality including:
    - Requirements to follow best management practices
    - Compliance with Nutrient & Waste Management Plan (NMP & WMP)
    - Enrollment in the Central Valley Dairy Representative Monitoring Program (CVDRMP)

# Recommendation

- Findings – Exhibit A
  - Environmental Determination
  - Use Permit Finding
  - Road Improvement Finding
  - Project Approval

# Questions