

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Planning and Community Development BOARD AGENDA #: 6:35 p.m.

AGENDA DATE: April 18, 2017

SUBJECT:

Public Hearing to Consider the Planning Commission's Recommendation for Approval of Williamson Act Contract Cancellation and Parcel Map Application No. PLN2016-0108, Beachler - Rumble, a Request to Cancel a 3.56 Acre Portion of Williamson Act Contract No. 1971-0064, to Allow the Creation of a 3.56 Acre Parcel and a 36.74 Acre Remainder, from a 40.3 Gross Acre Parcel, Located at 3780 Ladd Road, on the Southeast Corner of Ladd and Stoddard Roads, in the Salida Area; and Adoption of a Negative Declaration

BOARD ACTION AS FOLLOWS:

No. 2017-195

On motion of Supervisor Withrow , Seconded by Supervisor Monteith
and approved by the following vote,

Ayes: Supervisors: Olsen, Withrow, Monteith, DeMartini, and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST: Pam Villarreal
PAM VILLARREAL, Assistant Clerk

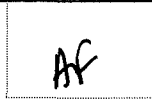
File No.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM

DEPT: Planning and Community Development
Urgent Routine

BOARD AGENDA #: 6:35 p.m.

AGENDA DATE: April 18, 2017



CEO CONCURRENCE:

4/5 Vote Required: Yes No

SUBJECT:

Public Hearing to Consider the Planning Commission's Recommendation for Approval of Williamson Act Contract Cancellation and Parcel Map Application No. PLN2016-0108, Beachler - Rumble, a Request to Cancel a 3.56 Acre Portion of Williamson Act Contract No. 1971-0064, to Allow the Creation of a 3.56 Acre Parcel and a 36.74 Acre Remainder, from a 40.3 Gross Acre Parcel, Located at 3780 Ladd Road, on the Southeast Corner of Ladd and Stoddard Roads, in the Salida Area; and Adoption of a Negative Declaration

PLANNING COMMISSION AND STAFF RECOMMENDATIONS:

1. Conduct a public hearing to consider the Planning Commission's recommendation for approval of Williamson Act Contract Cancellation and Parcel Map Application No. PLN2016-0108, Beachler - Rumble, a request to cancel a 3.56 acre portion of Williamson Act Contract No. 1971-0064, to allow the creation of a 3.56 acre parcel and a 36.74 acre remainder, from a 40.3 gross acre parcel, located at 3780 Ladd Road, on the southeast corner of Ladd and Stoddard Roads, in the Salida Area.
2. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
3. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
4. Find that:
 - (a) The cancellation is consistent with the purposes of the Williamson Act.
 - (b) The cancellation is for land on which a notice of non-renewal has been served pursuant to California Government Code Section 51245.
 - (c) The cancellation is not likely to result in the removal of adjacent lands from agricultural use.
 - (d) The cancellation is for an alternative use which is consistent with the applicable provisions of the County General Plan.
 - (e) The cancellation will not result in discontinuous patterns of urban development.

Public Hearing to Consider the Planning Commission's Recommendation for Approval of Williamson Act Contract Cancellation and Parcel Map Application No. PLN2016-0108, Beachler - Rumble, a Request to Cancel a 3.56 Acre Portion of Williamson Act Contract No. 1971-0064, to Allow the Creation of a 3.56 Acre Parcel and a 36.74 Acre Remainder, from a 40.3 Gross Acre Parcel, Located at 3780 Ladd Road, on the Southeast Corner of Ladd and Stoddard Roads, in the Salida Area; and Adoption of a Negative Declaration

- (f) There is no proximate non-contracted land which is available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.
 - (g) The cancellation is in the public interest.
 - (h) Other public concerns substantially outweigh the objectives of the Williamson Act.
5. Accept the cancellation value of the subject property as \$210,000 as determined by the County Assessor.
 6. Certify to the County Auditor-Controller that the cancellation fee, which must be paid as deferred taxes, is an amount equal to 12 ½ percent of the cancellation value, or a total of twenty-six thousand two-hundred and fifty dollars (\$26,250).
 7. Approve the tentative cancellation of a portion of Williamson Act Contract No. 1971-0064 subject to payment of the cancellation fee. Unless the fee is paid within one year of the filing of the Certificate of Tentative Cancellation, the fee shall be re-computed as provided by state law.
 8. Direct the Clerk of the Board to record a Certificate of Tentative Cancellation within 30 days of this action.
 9. Direct the Clerk of the Board, within 30 days of the Board action, to publish the Notice of the Decision and to deliver a copy of the published Notice of the Decision to the Director of the Department of Conservation (DOC).
 10. Find that:
 - (a) The proposed map is consistent with applicable general and community plans as specified in CA Government Code Section 65451.
 - (b) The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
 - (c) The site is physically suitable for the type of development.
 - (d) The site is physically suitable for the proposed density of development.
 - (e) The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

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- (f) The design of the subdivision or type of improvements are not likely to cause serious public health problems.
- (g) The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these will be substantially equivalent to ones previously acquired by the public.
- (h) The proposed parcel map is consistent with the restrictions and conditions of the existing Williamson Act contract(s).
- (i) The proposed parcels are of a size suitable to sustain agricultural uses.
- (j) The proposed parcel map will not result in residential development not incidental to the commercial agricultural use of the land.
- (k) The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.

11. Approve Williamson Act Cancellation and Parcel Map Application No. PLN2016-0108, Beachler - Rumble, subject to the attached Conditions of Approval.

DISCUSSION:

This is a request to cancel a 3.56 acre portion of Williamson Act Contract No. 1971-0064, to allow the creation of a 3.56 gross acre parcel (currently operating a custom ripping and leveling agricultural services business under Use Permit No. PLN2015-0086, Rumble Ag Services, Inc.) and a 36.74 gross acre remainder, from a 40.3 gross acre parcel in the Salida Community Plan – Planned Industrial zoning district. This request would allow Rumble Ag Services, Inc. to be located on a separate legal parcel. No change in land use is proposed as part of this project.

Use Permit No. PLN2015-0086 approved operation of a custom ripping and leveling agricultural services business. Rumble Ag Services, Inc. has been in operation since 1986, and has been operating out of the Stoddard Road site since 2009. The operation utilizes caterpillars, wheeled tractors, disks (tillage equipment), and light trucks to provide the custom ripping and leveling service. Equipment is assembled, repaired and maintained on-site, and specialized parts are manufactured on-site as needed.

Proposed Parcel 1 includes the 3.56 acre area which contains the existing Rumble Ag Services, Inc. operation. The 3.56 acre portion is currently improved with a 10,000 square-foot

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shop, and 1,000 square-foot office, and is approved for an additional 10,000 square-foot shop and 1,000 square-foot office. The proposed remainder includes a single-family dwelling, agricultural storage building, orchard trees and row crops. The entire parcel is enrolled in Williamson Act Contract Number 1971-0064.

The project site is located adjacent to a commercial landscaping business (Grover Landscape Services) and is surrounded by orchard and row crop operations, six to sixty acres in size, in the Salida Community Plan area.

The subject property is zoned Salida Community Plan Planned Industrial (SCP-PI). However; the project is being processed under the Stanislaus County Zoning Ordinance, Chapter 21.20 – General Agriculture District (A-2) due to its Williamson Act Contract. In accordance with the A-2 Zoning Ordinance, the minimum allowable lot area for creation of a parcel in the A-2 zoning district shall be 3, 5, 10, 20, 40, or 160 acres, unless a parcel is operating under a Use Permit. When a property is operating under a Use Permit, it may be exempted from the minimum parcel size requirement provided that it exhibits size, location, and orientation characteristics which are supportive of the use without detriment to other agricultural usage in the vicinity. The uses existing on the project site will not change as a result of project approval and have previously been determined by the Planning Commission to not be detrimental to agricultural uses in the vicinity.

In order to create a parcel less than 10 acres in size, a Williamson Act Contract Cancellation is required. In order for a Williamson Act Contract to be canceled, the Board of Supervisors must hold a public hearing on the request and make several findings as required by state law. Listed below are the findings required by California Government Code Section 51282 for tentative approval for cancellation of a contract:

1. That the cancellation is consistent with the purposes of the Williamson Act; or
2. That cancellation is in the public interest.

Stanislaus County has modified this action through language in the contract itself which states that both findings must be made.

Government Code Section 51282 further specifies that cancellation is consistent with the purposes of the Williamson Act only if the Board of Supervisors makes all of the following findings:

1. That the cancellation is for land on which a notice of non-renewal has been served pursuant to Government Code Section 51245.
2. That cancellation is not likely to result in the removal of adjacent lands from agricultural uses.

Public Hearing to Consider the Planning Commission's Recommendation for Approval of Williamson Act Contract Cancellation and Parcel Map Application No. PLN2016-0108, Beachler - Rumble, a Request to Cancel a 3.56 Acre Portion of Williamson Act Contract No. 1971-0064, to Allow the Creation of a 3.56 Acre Parcel and a 36.74 Acre Remainder, from a 40.3 Gross Acre Parcel, Located at 3780 Ladd Road, on the Southeast Corner of Ladd and Stoddard Roads, in the Salida Area; and Adoption of a Negative Declaration

3. That cancellation is for an alternative use which is consistent with the applicable provision of the city or county general plan.
4. That cancellation will not result in discontinuous patterns of urban development.
5. That there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.

In addition, cancellation of a contract shall be in the public interest only if the Board of Supervisors makes the following findings:

1. That other public concerns substantially outweigh the objectives of the Williamson Act; and,
2. That there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.

The applicant has provided written evidence to support the cancellation findings. (See Attachment 1 - Planning Commission Staff Report, March 16, 2017, Exhibit D – *Applicant's Draft Williamson Act Contract Cancellation Findings*.) Planning staff believes the necessary findings for approval can be made. As stated in the draft findings provided by the applicant, the agricultural services establishment currently operating out of proposed Parcel 1 was permitted as a Tier 2 Use Permit, under Use Permit PLN2015-0086, as an agricultural services establishment primarily engaging in the provision of agricultural services to farmers. Approval of this Use Permit included that the business was appropriately located within the Agricultural zoning district and finding that the business was consistent with the Williamson Act. However; because the portion of the property operating under the Use Permit is under the minimum 10 acre size required for a Williamson Act Contract, a cancellation of a portion of the contract is required in order for the parcel map application to be approved. Canceling the portion of the contract that covers proposed Parcel 1 will not change anything at the site other than to allow the creation of a separate legal parcel for the business. There is no proximate non-contracted land which is both available and suitable for the use, as the use has already been approved for this specific location and is already in operation. A non-renewal has been filed for the entire 40.3 gross acre parcel. The 36.74 acre remainder will continue to be farmed and will be re-entered into the Williamson Act with applications to be considered for approval by the Board of Supervisors in December 2017. Removal of this portion of the property from contract is not expected to result in the removal of adjacent lands.

A notice of request for cancellation of the Williamson Act Contract was referred to the Department of Conservation (DOC) on December 7, 2016; the resulting referral response

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stated that the DOC had no comments on the cancellation request. (See Attachment 1 - Planning Commission Staff Report, March 16, 2017, Exhibit E – *Department of Conservation Referral Response, dated January 9, 2017.*)

Prior to any action by the Board giving tentative approval to the cancellation of any contract, the Stanislaus County Assessor shall determine the current fair market value of the land as though it were free of the contractual restriction and shall certify to the Board the cancellation valuation of the land for the purpose of determining the cancellation fee. That fee shall be an amount equal to 12 ½ percent of the cancellation valuation of the property. The Stanislaus County Assessor's Office determined the current fair market value of the land, free of contractual restriction, to be \$210,000. If approved, the applicant will pay a cancellation fee in the amount of \$26,250, based on the current fair market value of the land. (See Attachment 1 - Planning Commission Staff Report, March 16, 2017, Exhibit F – *Assessor's Office Cancellation Valuation Letter, dated February 6, 2017.*)

On March 16, 2017, the Planning Commission held a public hearing to consider the application. No one spoke in opposition of the project. Dave Romano of Newman-Romano Consulting spoke in favor of the project. On a 9-0 vote, the Planning Commission recommended that the Board of Supervisors approve the request as proposed.

POLICY ISSUE:

In order for a Williamson Act Contract to be canceled, the Board of Supervisors must hold a public hearing on the request and make the necessary findings as required by California Government Code Section 51282, the County's Williamson Act Uniform Rules, and the contract itself. The purpose of the Williamson Act cancellation is to allow for the approval of a parcel map creating parcels consistent with Stanislaus County's General Plan and Zoning Ordinance.

FISCAL IMPACT:

Cost associated with the public hearing, publishing required notices, and conducting the hearing are covered by the application fee paid by the applicant. The County will receive a minimal amount in additional property tax revenue with the 3.56 acres not being enrolled in a Williamson Act Contract. Also, the applicant will pay a cancellation penalty of \$26,250 to the Department of Conservation.

BOARD OF SUPERVISORS' PRIORITY:

Approval of this action supports the Board of Supervisors' priority of Efficient Delivery of Public Services and A Well Planned Infrastructure System by considering a Williamson Act Cancellation request necessary to create parcels that are consistent with the Stanislaus County's General Plan and Zoning Ordinance.

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STAFFING IMPACT:

Planning and Community Development Department staff is responsible for reviewing all applications, preparing all reports, and attending meetings associated with the proposed Williamson Act Contract Cancellation and Parcel Map application.

CONTACT PERSON:

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

ATTACHMENT(S):

1. Planning Commission Staff Report, March 16, 2017
 - Exhibit A - Findings and Actions Required for Project Approval
 - Exhibit B - Maps
 - Exhibit C - Conditions of Approval
 - Exhibit D - Applicant's Draft Williamson Act Contract Cancellation Findings
 - Exhibit E - Department of Conservation Referral Response, dated January 9, 2017
 - Exhibit F - Assessor's Office Cancellation Valuation Letter, dated February 6, 2017
 - Exhibit G - Planning Commission Staff Report - Use Permit No. PLN2015-0086 – Rumble Ag Service, Inc., March 17, 2016, without Attachments
 - Exhibit H - Initial Study
 - Exhibit I - Negative Declaration
 - Exhibit J - Environmental Review Referrals

2. Planning Commission Minutes, March 16, 2017 (Excerpt)

Attachment 1

STANISLAUS COUNTY PLANNING COMMISSION

March 16, 2017

STAFF REPORT

WILLIAMSON ACT CONTRACT CANCELLATION AND PARCEL MAP APPLICATION NO. PLN2016-0108 BEACHLER - RUMBLE

REQUEST: TO CANCEL A 3.56 ACRE PORTION OF WILLIAMSON ACT CONTRACT NO. 1971-0064, TO ALLOW THE CREATION OF A 3.56 ACRE PARCEL AND A 36.74 ACRE REMAINDER FROM A 40.3 GROSS ACRE PARCEL.

APPLICATION INFORMATION

Applicant/Property owner:	Darin Beachler
Agent:	David Romano, P.E., AICP, Newman-Romano LLC
Location:	3780 Ladd Road; southeast corner of Ladd and Stoddard Roads in the Salida area, north of the City of Modesto and south of the Stanislaus River.
Section, Township, Range:	26-2-8
Supervisorial District:	Three (Supervisor Withrow)
Assessor's Parcel:	003-021-020 (formerly 003-021-016)
Referrals:	See Exhibit J Environmental Review Referrals
Area of Parcel(s):	Proposed Parcel 1: 3.56 acres (gross) Proposed Remainder: 36.74 acres (gross)
Water Supply:	Private well
Sewage Disposal:	Private septic system
Existing Zoning:	SCP-PI (Salida Community Plan – Planned Industrial)
General Plan Designation:	PI (Planned Industrial)
Sphere of Influence:	Not Applicable
Community Plan Designation:	PI (Planned Industrial)
Williamson Act Contract No.:	1971-0064
Environmental Review:	Negative Declaration
Present Land Use:	Custom ripping and leveling agricultural services business, orchard, and accessory single-family dwelling.
Surrounding Land Use:	Grover Landscaping to the south, orchard and row crop operations, six to sixty acres in size, surround the site to the north, south, east, and west, low density residential, in the Community of Salida, is located approximately one mile to the southwest of the site. The Stanislaus River is located approximately a half mile north of the site.

RECOMMENDATION

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

PROJECT DESCRIPTION

This is a request to cancel a 3.56 acre portion of Williamson Act Contract No. 1971-0064, to allow the creation of a 3.56 gross acre parcel (currently operating a custom ripping and leveling agricultural services business under Use Permit No. PLN2015-0086, Rumble Ag Services, Inc.) and a 36.74 gross acre remainder (currently improved with a single-family dwelling, detached agricultural storage barn, row crops, and almond orchard), from a 40.3 gross acre parcel in the Salida Community Plan – Planned Industrial zoning district. This request would allow Rumble Ag Services, Inc. to be located on a separate legal parcel. No change in land use is proposed as part of this project.

Use Permit No. PLN2015-0086 approved operation of a custom ripping and leveling agricultural services business. Rumble Ag Services, Inc. has been in operation since 1986, and has been operating out of the Stoddard Road site since 2009. The operation utilizes caterpillars, wheeled tractors, disks (tillage equipment), and light trucks to provide the custom ripping and leveling service. Equipment is assembled, repaired and maintained on-site, and specialized parts are manufactured on-site as needed. If this request is approved, all conditions of approval from Use Permit No. PLN2015-0086 would remain effective.

The 30-day Initial Study and project description advertised for this project identified the proposed parcel map and Williamson Act Contract Cancellation as a 4.06 acre parcel and a 36.23 acre remainder. However, since the environmental review was circulated, the applicant has reduced the proposed Parcel 1 from 4.06 acres to 3.56 gross acres (3.5 net acres). This change was reflected in a revised Assessor's Cancellation Valuation calculation, provided as Exhibit F.

SITE DESCRIPTION

Proposed Parcel 1 includes the 3.56 acre area which contains the existing Rumble Ag Services, Inc. operation. The 3.56 acre portion is currently improved with a 10,000 square-foot shop, and 1,000 square-foot office, and is approved for an additional 10,000 square-foot shop and 1,000 square-foot office. The proposed remainder includes a single-family dwelling, agricultural storage building, orchard trees and row crops. The entire parcel is enrolled in Williamson Act Contract Number 1971-0064.

The project site is located adjacent to a commercial landscaping business (Grover Landscape Services) and is surrounded by orchard and row crop operations, six to sixty acres in size, in the Salida Community Plan Area.

ISSUES

No issues have been identified as a part of this request. Standard conditions of approval have been added to the project.

GENERAL PLAN CONSISTENCY

The project site is designated in the Land Use Element of the General Plan as Planned Industrial (PI). The intent of the PI designation is to provide locations for light industrial development. The PI designation is preferred to the Industrial designation as it allows more control of development to ensure that impacts on adjoining properties are reduced. It shall be used largely in areas without public sewer and/or water service but shall only be used if it is practical, both physically and financially, to provide sewage disposal and water service as needed by the proposed development.

The project site is also identified within the Salida Community Plan, of the Land Use Element of the General Plan, as PI. The Salida Community Plan (Community Plan) provides land use planning and guidance for development of approximately 4,600 acres of land in the Salida area. The Community Plan encompasses both the urbanized portion of Salida and an undeveloped area (the "Amendment Area") encompassing approximately 3,383 acres around the Salida urbanized area. Approximately 1,259 acres of land are designated as PI, which represents approximately 37.2 percent of the Amendment Area. The majority of these lands are located in the northeastern portion of the Amendment Area.

The Salida Community Plan states, "In order to offer a long-term planning approach, non-agricultural land use designations are applied to lands which may still be subject to Williamson Act Contracts. However, the provisions of the Salida Community Plan zoning district should require that until such time as contracts are terminated, lands encumbered by a Williamson Act Contract shall remain subject to the zoning restrictions found within the County's A-2 zoning regulations." The subject property is currently enrolled in Williamson Act Contract Number 1971-0064, and as such, is able to be processed under the A-2 zoning regulations. Likewise, the project site was previously processed under the A-2 zoning regulations when a Tier 2 Use Permit was obtained for operation of an Agricultural Services Establishment (Use Permit No. PLN2015-0086, Rumble Ag Services, Inc.). Agricultural service establishments are identified as businesses engaging in activities designed to aid the production of agriculture.

Goal Two, Policy Fourteen, Implementation Measure 1 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 and to ensure compatibility between land uses.

Processing a partial Williamson Act Contract Cancellation in conjunction with the proposed parcel map, allows this project proposal to maintain consistency with both the Williamson Act and with the General Plan by allowing for an Agricultural Services Establishment to be located on a separate legal parcel, as allowed for by the A-2 regulations, while allowing the remainder of the project site to remain in a Williamson Act Contract. Staff believes that if the project is approved as proposed, it is consistent with the General Plan.

ZONING & SUBDIVISION ORDINANCE CONSISTENCY

As stated above, although the property is zoned Salida Community Plan Planned Industrial (SCP-PI), the project is being processed under the A-2 Zoning Ordinance (Chapter 21.20) due to its Williamson Act Contract. In accordance with the A-2 Zoning Ordinance, the minimum allowable area for creation of a parcel in the A-2 zoning district shall be 3, 5, 10, 20, 40, or 160 acres, unless a parcel is operating under a Use Permit. When a property is operating under a Use Permit, it may be exempted from the minimum parcel size requirement provided that it exhibits size, location, and orientation characteristics which are supportive of the use without detriment to other agricultural

usage in the vicinity. The uses existing on the project site will not change as a result of project approval and have previously been determined by the Planning Commission to not be detrimental to agricultural uses in the vicinity.

In order to create a parcel less than 10 acres in size, a Williamson Act Contract Cancellation is required. In order for a Williamson Act Contract to be canceled, the Board of Supervisors must hold a public hearing on the request and make several findings as required by State law. Listed below are the findings required by California Government Code Section 51282 for tentative approval for cancellation of a contract:

1. That the cancellation is consistent with the purposes of the Williamson Act; **or**
2. That cancellation is in the public interest.

Stanislaus County has modified this action through language in the contract itself which states that **both** findings must be made.

Government Code Section 51282 further specifies that cancellation is consistent with the purposes of the Williamson Act only if the Board of Supervisors makes all of the following findings:

1. That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Government Code Section 51245.
2. That cancellation is not likely to result in the removal of adjacent lands from agricultural uses.
3. That cancellation is for an alternative use which is consistent with the applicable provision of the city or county general plan.
4. That cancellation will not result in discontiguous patterns of urban development.
5. That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

In addition, cancellation of a contract shall be in the public interest only if the Board of Supervisors makes the following findings:

1. That other public concerns substantially outweigh the objectives of the Williamson Act; and
2. That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

The applicant has provided written evidence to support the cancellation findings. (See Exhibit D – *Applicant's Draft Williamson Act Contract Cancellation Findings*.) Planning staff believes the necessary findings for approval can be made. As stated in the draft findings provided by the applicant, the agricultural services establishment currently operating out of proposed Parcel 1 was permitted as a Tier 2 Use Permit, under UP PLN2015-0086, as an agricultural service establishment

primarily engaging in the provision of agricultural services to farmers. Approval of this Use Permit included that the business was appropriately located within the agricultural zoning district and finding that the business was consistent with the Williamson Act. However, because the portion of the property operating under the Use Permit is under the minimum 10 acre size required for a Williamson Act Contract, a cancellation of a portion of the contract is required in order for the parcel map application to be approved. Canceling the portion of the contract that covers proposed Parcel 1 will not change anything at the site other than to allow the creation of a separate legal parcel for the business. There is no proximate non-contracted land which is both available and suitable for the use, as the use has already been approved for this specific location and is already in operation. A non-renewal has been filed for the entire 40.3 gross acre parcel. The 36.74 acre remainder will continue to be farmed and will be re-entered into the Williamson Act with applications to be considered for approval by the Board of Supervisors in December 2017. Removal of this portion of the property from contract is not expected to result in the removal of adjacent lands.

A notice of request for cancellation of the Williamson Act Contract was referred to the Department of Conservation (DOC) on December 7, 2016; the resulting referral response stated that the DOC had no comments on the cancellation request. (See Exhibit E – *Department of Conservation Referral Response, dated January 9, 2017.*)

Prior to any action by the Board giving tentative approval to the cancellation of any contract, the Stanislaus County Assessor shall determine the current fair market value of the land as though it were free of the contractual restriction and shall certify to the Board the cancellation valuation of the land for the purpose of determining the cancellation fee. That fee shall be an amount equal to 12 ½ percent of the cancellation valuation of the property. The Stanislaus County Assessor's Office determined the current fair market value of the land, free of contractual restriction, to be \$210,000. If approved, the applicant will pay a cancellation fee in the amount of \$26,250, based on the current fair market value of the land. (See Exhibit F – *Assessor's Office Cancellation Valuation Letter, dated February 6, 2017.*)

In accordance with the requirements of the Subdivision Ordinance, both proposed Parcel 1 and the proposed remainder will have physical access to the County-maintained Ladd Road to the north and the proposed remainder will also have access to the County-maintained Stoddard Road to the west.

Planning staff believes that this request is consistent with the A-2 zoning regulations and with the design criteria identified within the Subdivision Ordinance.

ENVIRONMENTAL REVIEW

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

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay \$2,273.25 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: Kristin Doud, Associate Planner, (209) 525-6330

Attachments:

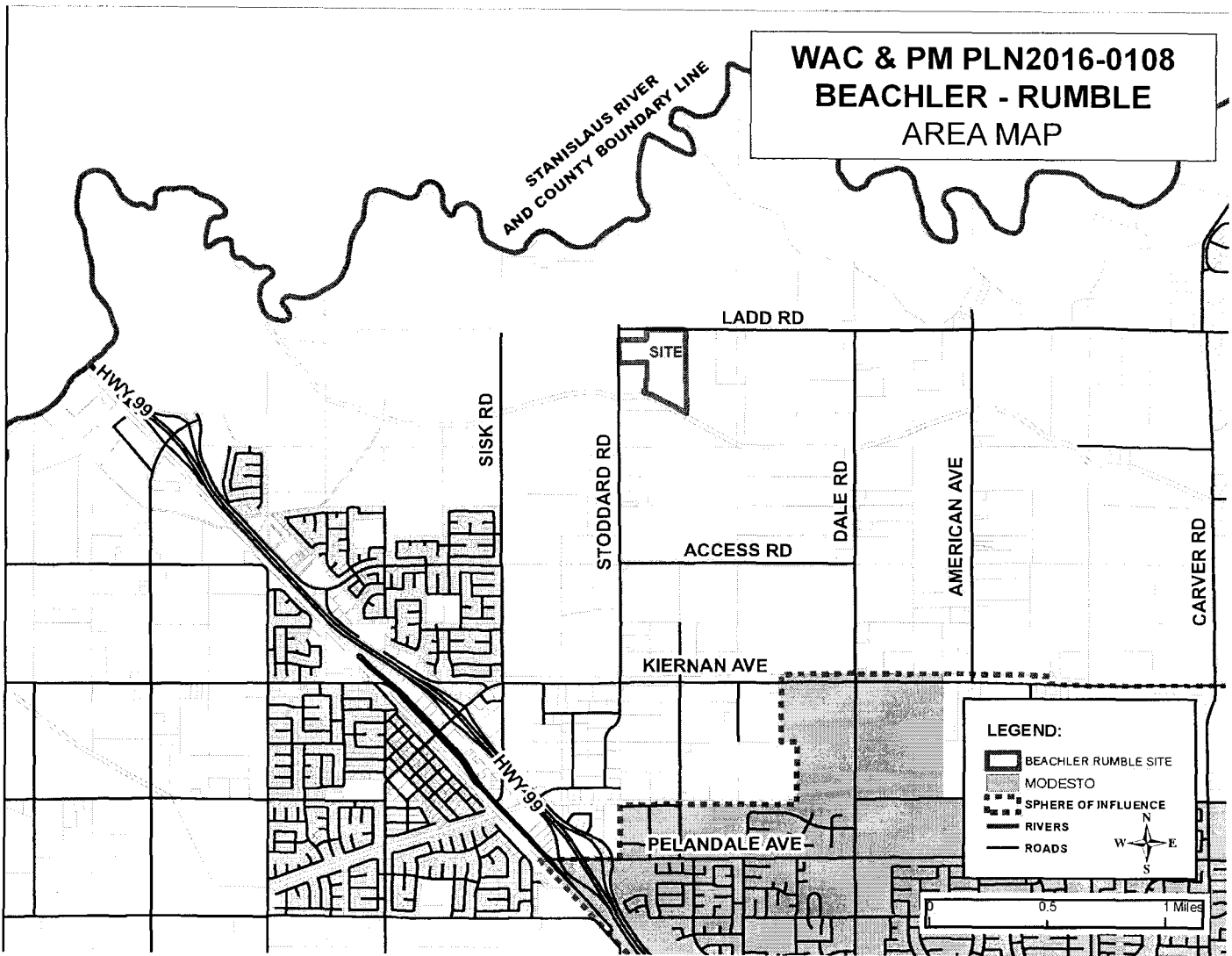
- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval
- Exhibit D - Applicant's Draft Williamson Act Contract Cancellation Findings
- Exhibit E - Department of Conservation Referral Response, dated January 9, 2017
- Exhibit F - Assessor's Office Cancellation Valuation Letter, dated February 6, 2017
- Exhibit G - Planning Commission Staff Report - Use Permit No. PLN2015-0086 – Rumble Ag Service, Inc., March 17, 2016, without Attachments
- Exhibit H - Initial Study
- Exhibit I - Negative Declaration
- Exhibit J - Environmental Review Referral

Exhibit A
Findings and Actions Required for Project Approval

***NOTE:** The proposed project must obtain approval from the Stanislaus County Board of Supervisors to be permitted. The Planning Commission may make a recommendation to the Board. Should the Commission support the project, the Commission may recommend the following:*

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
 - (a) The cancellation is consistent with the purposes of the Williamson Act.
 - (b) The cancellation is for land on which a notice of nonrenewal has been served pursuant to California Government Code Section 51245.
 - (c) The cancellation is not likely to result in the removal of adjacent lands from agricultural use.
 - (d) The cancellation is for an alternative use which is consistent with the applicable provisions of the County General Plan.
 - (e) The cancellation will not result in discontinuous patterns of urban development.
 - (f) There is no proximate noncontracted land which is available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.
 - (g) The cancellation is in the public interest.
 - (h) Other public concerns substantially outweigh the objectives of the Williamson Act.
4. Accept the cancellation value of the subject property as \$210,000 as determined by the County Assessor.
5. Certify to the County Auditor-Controller that the cancellation fee, which must be paid as deferred taxes, is an amount equal to 12 ½ percent of the cancellation value, or a total of twenty-six thousand two-hundred and fifty dollars (\$26,250).
6. Approve the tentative cancellation of a portion of Williamson Act Contract No. 1971-0064 subject to payment of the cancellation fee. Unless the fee is paid within one year of the filing of the Certificate of Tentative Cancellation, the fee shall be re-computed as provided by State law.

7. Direct the Clerk of the Board to record a Certificate of Tentative Cancellation within 30 days of this action.
8. Direct the Clerk of the Board, within 30 days of the Board action, to publish the Notice of the Decision and to deliver a copy of the published Notice of the Decision to the Director of the Department of Conservation (DOC).
9. Find that:
 - (a) The proposed map is consistent with applicable general and community plans as specified in Section 65451.
 - (b) The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
 - (c) The site is physically suitable for the type of development.
 - (d) The site is physically suitable for the proposed density of development.
 - (e) The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - (f) The design of the subdivision or type of improvements are not likely to cause serious public health problems.
 - (g) The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these will be substantially equivalent to ones previously acquired by the public.
 - (h) The proposed parcel map is consistent with the restrictions and conditions of the existing Williamson Act contract(s).
 - (i) The proposed parcels are of a size suitable to sustain agricultural uses.
 - (j) The proposed parcel map will not result in residential development not incidental to the commercial agricultural use of the land.
10. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
11. Approve Williamson Act Cancellation and Parcel Map Application No. PLN2016-0108 – Beachler - Rumble, subject to the attached Conditions of Approval.



**WAC & PM PLN2016-0108
BEACHLER - RUMBLE
AREA MAP**

LEGEND:

- BEACHLER RUMBLE SITE
- MODESTO
- SPHERE OF INFLUENCE
- RIVERS
- ROADS

0.5 1 Miles

N
W E
S

**WAC & PM PLN2016-0108
BEACHLER - RUMBLE
GENERAL PLAN MAP**

STANISLAUS RIVER
AND COUNTY BOUNDARY LINE

LADD RD

SITE

SISK RD
















STODDARD RD

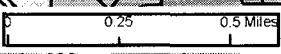
DALE RD

AMERICAN AVE

ACCESS RD

LEGEND:

-  BEACHLER RUMBLE SITE
 -  RIVERS
 -  ROADS
- General Plan**
-  AG
 -  COM
 -  LDR
 -  PD
 -  PI
 -  SCPA2
 -  SCPC2
 -  SCPIB
 -  SCPP1
 -  SCPR1
 -  SCPR2
 -  SCPR3






10

EXHIBIT B-1















**WAC & PM PLN2016-0108
BEACHLER - RUMBLE
ZONING MAP**

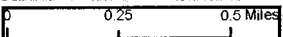
STANISLAUS RIVER
AND COUNTY BOUNDARY LINE

LEGEND:

-  BEACHLER RUMBLE SITE
-  RIVERS
-  ROADS

Zoning Designation

-  GENERAL AG 10 ACRE
-  GENERAL AG 40 ACRE
-  C-2
-  P-D
-  P-1
-  R-1
-  SCP-A-2
-  SCP-C-2
-  SCP-IBP
-  SCP-PI
-  SCP-R-1
-  SCP-R-1-ST
-  SCP-R-2
-  SCP-R-3



11

EXHIBIT B-2

LADD RD

SITE

SISK RD

STODDARD RD

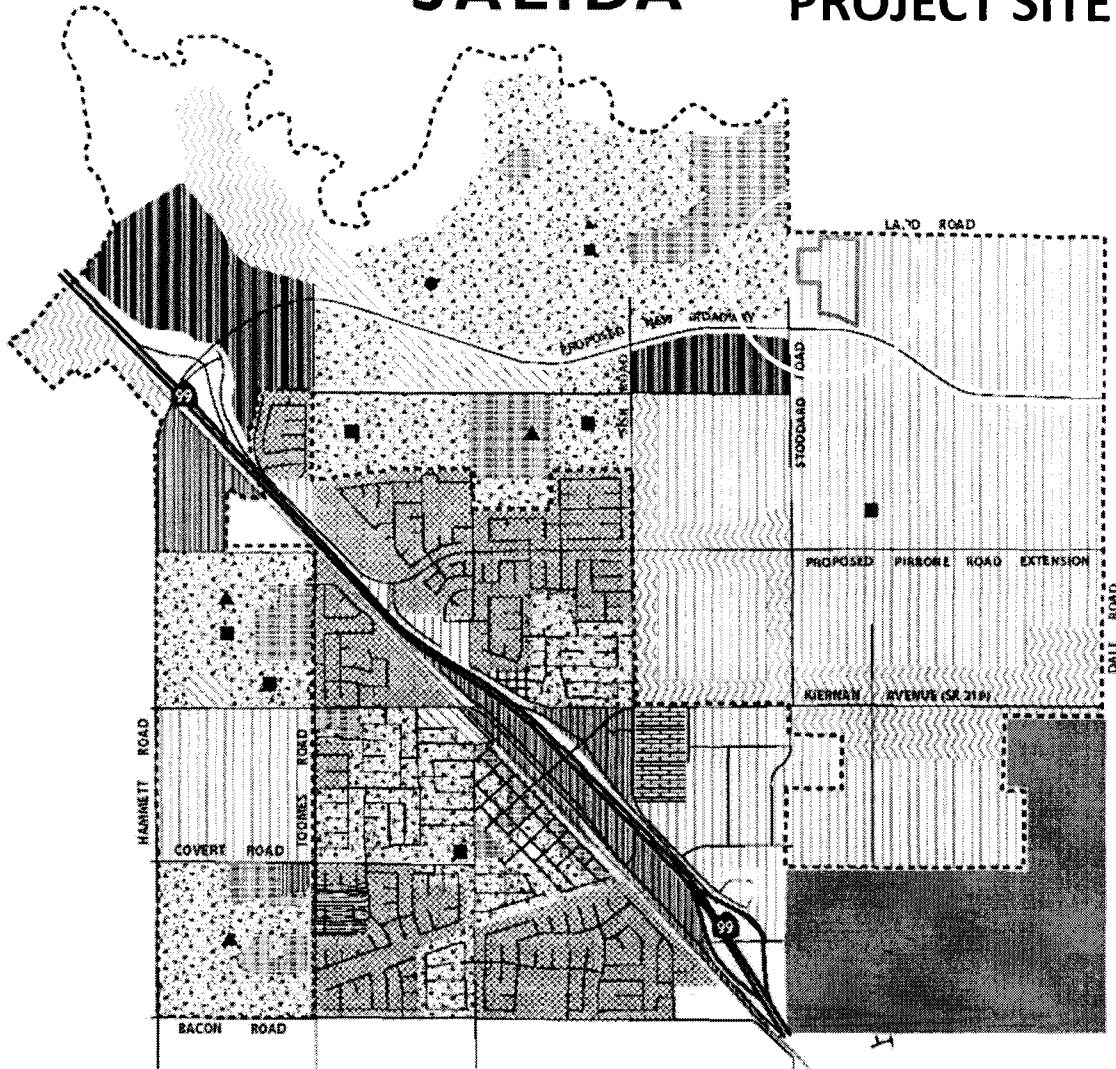
ACCESS RD

DALE RD

AMERICAN AVE

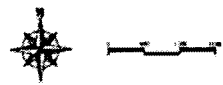
SALIDA LAND USE DIAGRAM

SALIDA PROJECT SITE

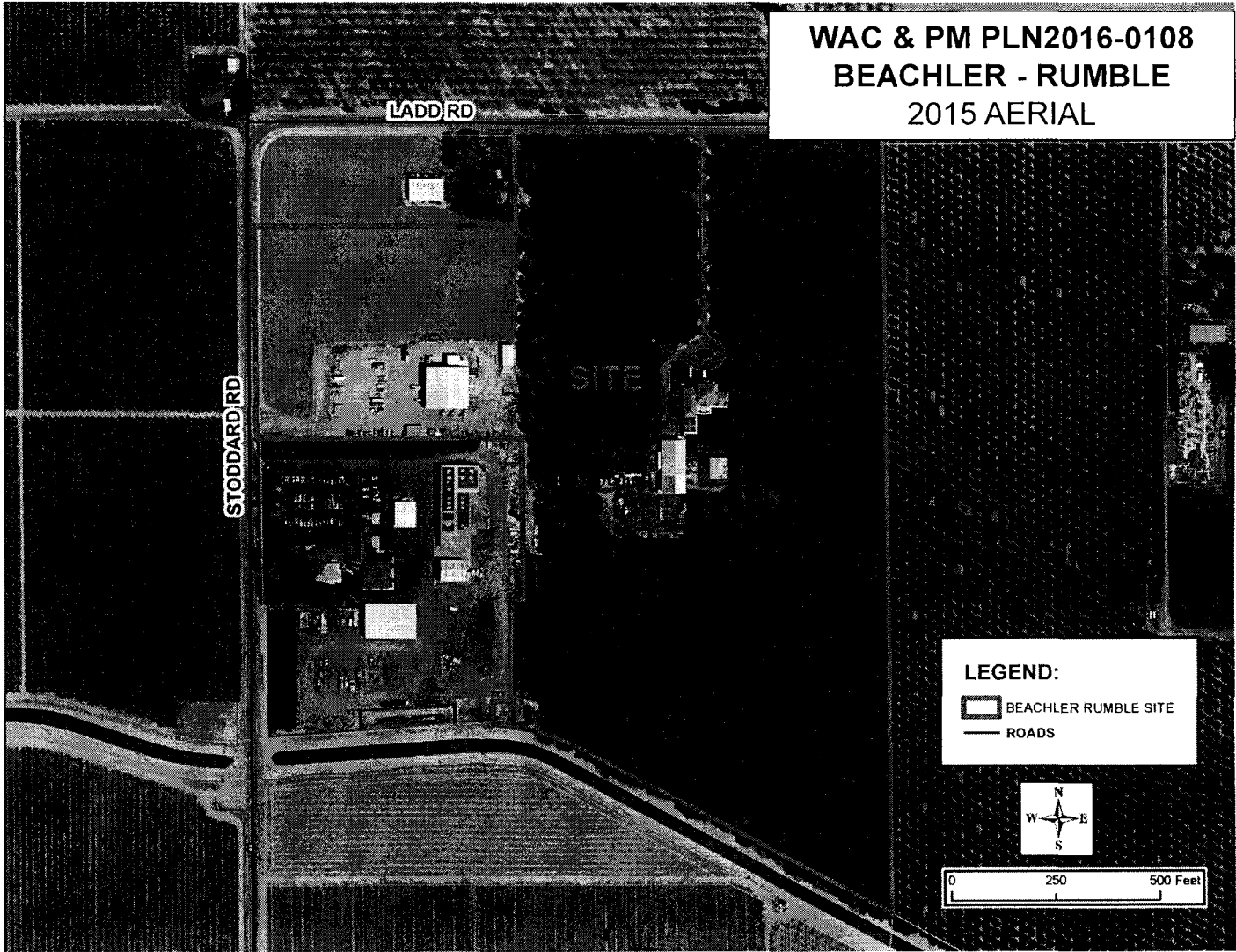


LAND USES

- | | | |
|--|--|------------------------------------|
| Planned Development | Agriculture | ★ Airport |
| Planned Industrial | Commercial | ▲ Park |
| Specific Plan | Highway Commercial / Planned Development | ● Solid/Liquid Waste Disposal Site |
| Urban Transition | Historical | ■ School |
| RESIDENTIAL | | - - - Amendment Area Boundary |
| Estate
ONE (0.3) / 3 ACRES | Industrial | — Roads |
| Low-Density
0-3 D.U./NET ACRE OR
0-7 D.U./NET ACRE | Industrial Transition | - - - Railroads |
| Medium-Density
0-14 D.U./NET ACRE | City | ~~~~~ Rivers |
| Medium High-Density
0-25 D.U./NET ACRE | Business Park | - - - Canals |



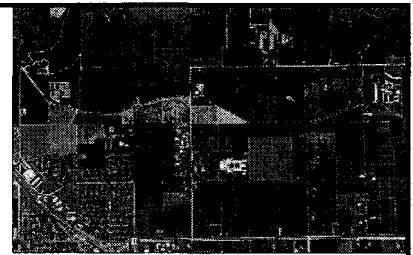
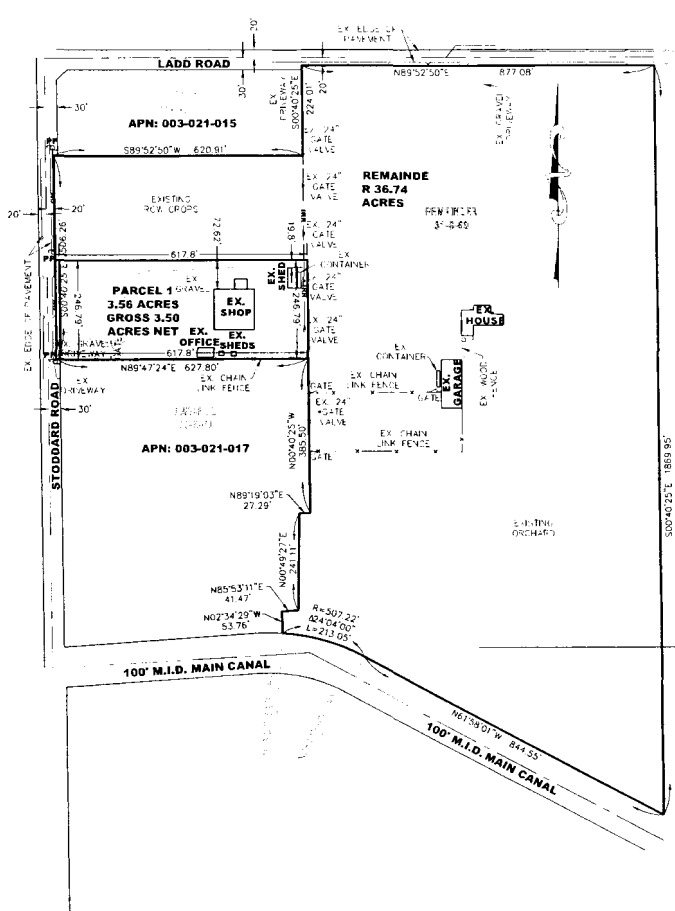
**WAC & PM PLN2016-0108
BEACHLER - RUMBLE
2015 AERIAL**



LEGEND:
[Outline] BEACHLER RUMBLE SITE
[Line] ROADS



0 250 500 Feet
[Scale bar]



VICINITY MAP
NO SCALE

APN: 003-021-002

APN	003-021-015	APPLICANT	RUMBLE FABRICATION & AC SERVICE
CARRIER	JARRELL HEATHEN & SONS, INC. 3790 LADD ROAD MCCESSTO, CA 95356 (925) 453-2828	CONTACT	DAN RUMBLE 6296 STODDARD ROAD MCCESSTO, CA 95356 (925) 453-2828
SITE ADDRESS	1780 LADD ROAD MCCESSTO, CA 95356	ZONING	ROP-RI
TOTAL AREA	40.29 AC	CONCRETE FLOOR	ASPH
WATER	PRIVATE WELL	IRRIGATION	M/I/D
SANITARY SEWER	PRIVATE SEPTIC		
STORM DRAIN	ON-SITE		
SLOPE OF LAND	FLAT-0%		

PREPARED BY: MORRIS ENGINEERING & SURVEYING, INC.
114 N. YOSEMITE AVENUE, SUITE D
DARDALE, CA 95336
(209) 845-9175



TENTATIVE PARCEL MAP

BEING ALL OF THE NEW REMAINDER PARCEL AS SHOWN IN BOOK 31 OF SURVEYS, AT PAGE 60, STANISLAUS COUNTY RECORDS, LYING IN THE SOUTHWEST QUARTER OF SECTION 26, T.2S., R.8E., M.D.M., STANISLAUS COUNTY, CALIFORNIA
SCALE: 1"=150' MAY 2015

MORRIS
ENGINEERING & SURVEYING, INC.

114 N. YOSEMITE AVENUE, SUITE D
DARDALE, CA 95336
(209) 845-9175 ☎ (209) 845-0177 (FAX)

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

CONDITIONS OF APPROVAL

WILLIAMSON ACT CONTRACT CANCELLATION AND PARCEL MAP APPLICATION NO. PLN2016-0108 BEACHLER - RUMBLE

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, 2017), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,273.25**, 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. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
4. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
5. The recorded parcel map shall contain the following statement:

"All persons purchasing lots within the boundaries of this approved map should be prepared to accept the inconveniences associated with the agricultural operations, such as noise, odors, flies, dust, or fumes. Stanislaus County has determined that such inconveniences shall not be considered to be a nuisance if agricultural operations are consistent with accepted customs and standards."

6. A "No Build" restriction on the construction of any residential development shall be observed until parcels are no longer enrolled under a Williamson Act Contract or one (1) of the following criteria are met:
 - A. Ninety percent or more of the parcel shall be in production agriculture use with its own on-site irrigation infrastructure and water rights to independently irrigate. For land which is not irrigated by surface water, on-site irrigation infrastructure may include a self-contained drip or sprinkler irrigation system. Shared off-site infrastructure for drip or sprinkler irrigation systems, such as well pumps and filters, may be allowed provided recorded long-term maintenance agreements and irrevocable access easements to the infrastructure are in place; or
 - B. Use of the parcel includes a confined animal facility (such as a commercial dairy, cattle feedlot, or poultry operation) or a commercial aquaculture operation.
7. All Conditions of Approval from Use Permit No. PLN2015-0086 shall remain applicable to proposed Parcel 1 and shall be satisfied prior to recording of the parcel map.
8. The Williamson Act Cancellation shall be recorded concurrently with recording of the parcel map, or upon acceptance of the parcel map by the Stanislaus County Department of Public Works.

Department of Public Works

9. The recorded parcel map shall be prepared by a licensed land surveyor or a registered civil engineer licensed to practice land surveying.
10. All existing structures not shown on the tentative parcel maps shall be removed prior to the parcel map being recorded.
11. The new parcels shall be surveyed and fully monumented prior to the recording of the final parcel map.
12. Road right-of-way shall be dedicated to Stanislaus County either as a certificate on the final parcel map or by separate instrument prior to the recording of the final parcel map to provide for 30 feet of right-of-way east of the centerline of Stoddard Road. The existing half width of Stoddard Road is 20 feet.

Modesto Irrigation District

13. In conjunction with related project requirements, existing MID overhead and underground electric facilities shall be protected, relocated, or removed as required by the District's Electric Engineering Department.
14. Costs for the relocation of the District's electrical facilities at the request of others will be borne by the requesting party. Estimates for relocating existing facilities will be supplied upon request.
15. Relocation or installation of electrical facilities shall conform to the District's Electric Service Rules.

16. A 10-foot public utility easement is to be maintained along the Ladd Road and Stoddard Road frontages in order to protect existing overhead electric facilities and to maintain necessary safety clearance.
17. The actual depth and location of the existing underground MID electric cable shall be verified before trenching, grading, excavating, or digging new building foundations. The District's Electric Engineering Department does not allow new buildings to be constructed over existing MID underground electric facilities. A minimum of 10-foot safety clearance must be maintained for underground facilities at all times.
18. The Modesto Irrigation District reserves its future right to utilize its property (along the MID canal) in a manner it deems necessary for the installation and maintenance of electric and telecommunication facilities. These needs, which have not yet been determined, may consist of poles, cross arms, wires, cables, braces, insulators, transformers, service lines, control structures, and any necessary appurtenances, as may, in the District's opinion, be necessary.

Central Valley Regional Water Quality Control Board

19. Prior to recording of the final parcel map, the Central Valley Regional Water Quality Control Board shall be contacted to determine if any Regional Water Quality Control Board permits are required.

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

DRAFT FINDINGS

The following are excerpts from Government Code §51282 which include the required findings for tentative cancellation of a Williamson Act Contract. Section 51282 actually provides two alternative findings for cancellation of the contract. One is that "the cancellation is consistent with the purposes of this chapter" and the second is that the "cancellation is in the public interest". Each of these findings has a subset of additional questions which must be answered and findings which must be made. Proposed findings under each of these sections are set forth in the balance of this Exhibit.

Government Code §51282(a)(1) finding "[t]hat the cancellation is consistent with the purposes of this chapter"

(b) For purposes of paragraph (1) of subdivision (a) cancellation of a contract shall be consistent with the purposes of this chapter only if the board or council makes all of the following findings:

(1) That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245.

A notice of nonrenewal has been filed.

(2) That cancellation is not likely to result in the removal of adjacent lands from agricultural use.

The project involves the cancellation of 4.06 acres of a Williamson Act contract, leaving the remaining 36.23 acres of the contract in place. The 4.06 acres proposed for cancellation is occupied by the Rumble Agricultural Services business. This business is permitted on the property and has obtained a Use Permit from Stanislaus County. The property provides agricultural services, and is a Tier 2 use under the Stanislaus County zoning code. The County Code allows property with a Use Permit to be parceled off from the larger remainder parcel. Creating a parcel allows sale, lease or financing separate from the remainder parcel, which is currently utilized to grow almonds and alfalfa. The remainder parcel is of adequate size to remain in the Williamson Act, as it is greater than 10 acres in size and is considered "prime" agricultural soils. The parcel being created is under 10 acres in size, and therefore does not qualify to remain in the Williamson Act. The 4.06-acre site is graveled and developed with a large metal building, office and facilities (see attached aerial map). As an agricultural use, the project site is appropriate in the agricultural zone and has no impacts on adjacent properties. Cancelling the contract will not change anything at the site other than allow the creation of a parcel for the business, so the cancellation would not result in the removal of any adjacent lands from agricultural use.

(3) That cancellation is for an alternative use which is consistent with the applicable provisions of the city or county general plan.

As set forth previously, the site is being operated as a Tier 2 agricultural use (an agricultural services establishment) and has acquired all appropriate permits to operate at this location. As such, the project is consistent with the County General Plan.

(4) That cancellation will not result in discontinuous patterns of urban development.

The project site is located in Stanislaus County. A Tier 2 agricultural use is operated on the project site, and such use has been determined appropriate in the agricultural zone. The existing business on the property has acquired all necessary permits to operate. The project only allows the creation of a new parcel over the site. The existing use is not considered an urban use and therefore the creation of a new parcel over the existing use will not result in a discontinuous pattern of urban development.

(5) That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

While only one of the two findings in finding #5 is required to be made, both findings are appropriate.

First, the existing use is permitted on contracted land. The reason for the request is solely to allow the creation of a new parcel over the permitted use. The use has already taken the 4.06 acre parcel out of agricultural production, so the creation of a new parcel will allow the business to continue to operate, but also allow it to avail itself of individual financing or ownership. As set forth previously, the cancellation request only allows the creation of a separate parcel, and the remainder parcel will remain in the Williamson Act.

The County has already determined the use of the property is appropriate, so the finding that there is no proximate noncontracted land which is both available and suitable for the use which the contracted land is proposed to be put can easily be made.

As to the second part of finding #5, and as discussed under item #4, the development of this contracted land will provide for a contiguous pattern of urban development. The project site is located in Stanislaus County. A Tier 2 agricultural use is operated in the project site, and such use has been determined appropriate in the agricultural zone. The existing business on the property has acquired all necessary permits to operate. The project only allows the creation of a new parcel over the site. The existing use is not considered an urban use and therefore the creation of a new parcel over the existing use will not result in a discontinuous pattern of urban development.

Government Code §S1282(a)(2) finding "[t]hat cancellation is in the public interest"

(c) For purposes of paragraph (2) of subdivision (a) cancellation of a contract shall be in the public interest only if the councilor board makes the following findings:

(1) that other public concerns substantially outweigh the objectives of this chapter; and

The County of Stanislaus has determined that public concerns substantially outweigh the objectives of this chapter. The County has performed all necessary environmental review, and granted a Use Permit for the business operating on the project site. The subject of this cancellation request is the creation of a new parcel over the business site.

The County finds that the allowing the business to be located on its own parcel has benefits such as allowing individual ownership separate from the larger remainder parcel, and allowing financing of the property to only affect the business site and avoid encumbering the larger agricultural operation on the remainder parcel.

The use will operate regardless of the cancellation, but will not be able to avail itself of all business financing and separate utility that a typical business would, without being on a separate parcel. The business provides agricultural services and its viability is important to the County. The business exists, and no additional effects on agriculture will result from allowing the new parcel to be created.

As such, the County therefore finds that public concerns substantially outweigh the objectives of the chapter to keep this property under contract.

(2) that there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

While only one of the two findings in finding #2 is required to be made, both findings are appropriate.

First, the existing use is permitted on contracted land. The reason for the request is solely to allow the creation of a parcel over the permitted use. The use has already taken the 4.06 acre parcel out of agricultural production, so the creation of a parcel will allow the business to continue to operate, but also allow it to avail itself of individual financing or ownership. As set forth previously, the cancellation request only allows the creation of a separate parcel, and the remainder parcel will remain in the Williamson Act.

The County has already determined the use of the property is appropriate, so the finding that there is no proximate noncontracted land which is both available and suitable for the use which the contracted land is proposed to be put can easily be made.

As to the second part finding #5, and as discussed under item #4, the development of this contracted land will provide for a contiguous pattern of urban development. The project site is located in Stanislaus County. A Tier 2 agricultural use is operated in the project site, and such use has been determined appropriate in the agricultural zone. The existing business on the property has acquired all necessary permits to operate. The project only allows the creation of a new parcel over the site. The existing use is not considered an urban use and therefore the creation of a new parcel over the existing use will not result in a discontinuous pattern of urban development.

Dear Kristin, Thank you for your patience. The Department of Conservation has reviewed the petition and has no additional comments for the Board of Supervisors.

Jacquelyn Ramsey
Associate Environmental Planner
Department of Conservation
Division of Land Resource Protection
Conservation Support Unit
(916) 323-2379
Jacquelyn.Ramsey1@conservation.ca.gov



SaveOurWater.com · Drought.CA.gov

“Surviving is important. Thriving is elegant.” – Maya Angelou

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From: Kristin Doud [doudk@stancounty.com]
Sent: Monday, December 19, 2016 4:16 PM
To: Ramsey1, Jacquelyn@DOC
Subject: RE: FW: BEACHLER - RUMBLE WILLIAMSON ACT CANCELLATION AND PARCEL MAP APPLICATION (APN 003-020-000), STANISLAUS COUNTY (COUNTY)

Sounds good. I can't schedule the item for a hearing until I get your comments. But I will let you know as soon as we have one scheduled. Thank you so much!

>>> "Ramsey1, Jacquelyn@DOC" <Jacquelyn.Ramsey1@conservation.ca.gov> 12/19/2016 3:53 PM >>>

Kristin, The Department received the County's findings completing the cancellation petition on December 7, 2016. From receipt of the findings with a cancellation petition, the Department of Conservation has 30 days to review the completed petition and provide comments. I forwarded the draft comments for the Beachler – Rumbler Williamson Act cancellation to my Supervisor, Meri Meraz (Meri) on December 13, 2016. for review and permission to final. We hope to get the draft letter back from the Directorate, soon with permission to final for signature. At latest, the Department will have to January 7, 2016 to be in compliance with Government Code §51284.1 (a)(4) which states, "The deadline for submitting comments regarding the proposed cancellation...shall be consistent with the Permit Streamlining Act..."

Do you have a date for the Board of Supervisor's Hearing, yet. If you let me know, I can pass that information on to Meri. If she gets permission to finalize the letter sooner than anticipated, she has assured me that she will get the letter out to you via email.

I will be on vacation from December 26, 2016, however, Meri has assured me that if she gets the comments back while I am out of the office that she will get the letter out you.

Jacquelyn Ramsey
Associate Environmental Planner
Department of Conservation
Division of Land Resource Protection
Conservation Support Unit
(916) 323-2379
Jacquelyn.Ramsey1@conservation.ca.gov



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From: Kristin Doud [<mailto:doudk@stancounty.com>]
Sent: Monday, December 19, 2016 2:10 PM
To: Ramsey1, Jacquelyn@DOC
Subject: RE: FW: BEACHLER - RUMBLE WILLIAMSON ACT CANCELLATION AND PARCEL MAP APPLICATION (APN 003-020-000), STANISLAUS COUNTY (COUNTY)

Jacquelyn - Can you tell me the estimated time for receipt of DOC comments this project? Thank you.

>>> Kristin Doud 12/7/2016 12:17 PM >>>

Jacquelyn - Please see attached the County's findings for the Notice of Cancellation. I used the Aker project as a reference. Let me know if it's missing anything.

Thank you for you help!

Sincerely,

-Kristin Doud

Kristin C. Doud
Associate Planner
Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354
Phone: 209.525.6330

FAX: 209.525.5911
email: doudk@stancounty.com

-- -- -- Let Us Know How We Are Doing -- -- --

Please take a moment and complete the Customer Satisfaction Survey by clicking on the following link:
<http://www.stancounty.com/customercenter/index.shtm>

>>> "Ramsey1, Jacquelyn@DOC" <Jacquelyn.Ramsey1@conservation.ca.gov> 12/6/2016 9:53 AM >>>
Dear Kristin,

Thank you for responding to my telephone call this morning. And, thank you, also, for providing me with a copy of the Notice of Nonrenewal for this cancellation project. As we discussed the Department of Conservation provides comment with regard to a tentative cancellation notice (often referred to as the cancellation petition) as outlined in Government Code §51284.1. Some of the required information required by GC §51284.1 has been received by the Department (e.g., the application filled out by the petitioner/applicant and maps), but additional information is needed. Please provide the following information (via email):

- **Justification of the findings approved by the county which indicate**
 - A cancellation petition is considered to be complete once the county has either conducted a preliminary review and deemed the petition data and findings to be acceptable, or they have finished their own environmental review and a set of findings to forward on to the Department. As a result, the cancellation petition will reflect the views of the county as a lead agency.
 - The Notice of Request For Cancellation, dated November 23, 2016, received by the Department did not adequately address the findings, nor were the "Draft Findings" reflective of the County's finding. Rather, the "Draft Findings" were those provided by petitioner/applicant to the County for review.

I look forward to receiving the information as requested, so that I can begin drafting the Department's comments. Thank you in advance.

Respectfully,
Jacquelyn Ramsey
Associate Environmental Planner
Department of Conservation
Division of Land Resource Protection
Conservation Support Unit
(916) 323-2379
Jacquelyn.Ramsey1@conservation.ca.gov



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From: Kristin Doud [<mailto:doudk@stancounty.com>]
Sent: Monday, December 5, 2016 3:59 PM
To: Ramsey1, Jacquelyn@DOC
Subject: Re: FW: BEACHLER - RUMBLE WILLIAMSON ACT CANCELLATION AND PARCEL MAP APPLICATION (APN 003-020-000)

See attached the Notice of Non-Renewal (I had to wait to get it back from the Recorder's which takes several weeks). The letter you received was a Notice of Request for Cancellation. The intention of this step is to elicit comments from the DOC. See attached our procedures...What I sent you is intended to satisfy step I. A. a). The Early Consultation was sent to you because you are a reviewing agency and also because it contained information required to be submitted with the Notice of Request for Cancellation. We will use your comments in our environmental review and when determining if we can make the required findings for cancellation. No public hearing is set as of yet. After I receive your comments I will send out the 30-day Initial Study CEQA review document, then schedule the hearings. You will be notified when each of these steps happens.

Does that answer your questions? If not, let me know and I will try to get you what you need.

Thanks Jacquelyn!

>>> "Ramsey1, Jacquelyn@DOC" <Jacquelyn.Ramsey1@conservation.ca.gov> 12/5/2016 3:31 PM >>>

Dear Kristin, I don't believe your last email answered my questions with respect to the letter we received on November 28, 2016, addressed "To Whom It May Concern" dated November 23, 2016 concerning the BEACHLER - RUMBLE WILLIAMSON ACT CANCELLATION AND PARCEL MAP APPLICATION (APN 003-020-000). My question to you was stated in the original email, below. I need to know if the document that we received dated November 23, 2016 is Stanislaus County's actual petition for cancellation or a "Early Consultation" request? Also, I asked for a copy of the Notice of Nonrenewal? The November 23 letter states, "A non-renewal has been filed for the entire 40.29 gross acre parcel (APN 003-020-000), but the documentation submitted in the November 23 letter did not contain a copy of the Nonrenewal.

In addition, the information titled "Draft Findings" which was included in the November 23 letter did not appear to be findings were made by Stanislaus County Board of Supervisors or Stanislaus County staff. Was the inclusion of that document meant to let us know that the "Draft Findings" submitted by the Applicant were certified by the Staff as written by the Applicant? If the findings are not the findings drafted by Stanislaus County, then the documentation sent in the November 23 is not the information required to be submitted consistent statute (Government Code Section 51282), which reads as follows:

“...The board or council may grant tentative approval for cancellation of a contract only if it makes one of the following findings:

- (1) That the cancellation is consistent with the purposes of this chapter.
- (2) That cancellation is in the public interest.

(b) For purposes of paragraph (1) of subdivision (a) cancellation of a contract shall be consistent with the purposes of this chapter only if the board or council makes all of the following findings:

- (1) That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245.
- (2) That cancellation is not likely to result in the removal of adjacent lands from agricultural use.
- (3) That cancellation is for an alternative use which is consistent with the applicable provisions of the city or county general plan.
- (4) That cancellation will not result in discontinuous patterns of urban development.
- (5) That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land...”

I am trying to get some idea of where we are in the review process. I unable to determine whether I should be responding to an Early Consultation or an actual request to review a cancellation petition, which has a rigid response timeline. Also, do you have any date yet for this to go to the Board for a Hearing?

Jacquelyn Ramsey
Associate Environmental Planner
Department of Conservation
Division of Land Resource Protection
Conservation Support Unit
(916) 323-2379
Jacquelyn.Ramsey1@conservation.ca.gov



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From: Ramsey1, Jacquelyn@DOC
Sent: Friday, December 2, 2016 2:32 PM

To: 'Kristin Doud'

Subject: RE: BEACHLER - RUMBLE WILLIAMSON ACT COANCELLATION AND PARCEL MAP APPLICATION

Thank you for responding so promptly.

Meri, is now the supervisor of the Williamson Act Program and I am handling cancellations on behalf of the Department. I am new to working with cancellations as my previous area of expertise was with regard to public agency acquisition of property restricted to agricultural production for infrastructure. So, I will have a lot of questions, at first.

I would like to know if the document that I received dated November 23, 2016 is Stanislaus County's petition for cancellation or a "Early Consultation" request? Also, the documents state that a Notice of Nonrenewal has been filed, but no copy of that document came to the Department. Could you please provide me with a copy of the recorded Notice of Nonrenewal for the administrative record? In addition, the information that we received had a document headed "DRAFT FINDINGS." Are these the draft findings made by Stanislaus County or the findings made by the petitioners?

Jacquelyn Ramsey
Associate Environmental Planner
Department of Conservation
Division of Land Resource Protection
Conservation Support Unit
(916) 323-2379
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From: Kristin Doud [<mailto:doudk@stancounty.com>]

Sent: Friday, December 2, 2016 2:20 PM

To: Ramsey1, Jacquelyn@DOC

Subject: Re: BEACHLER - RUMBLE WILLIAMSON ACT COANCELLATION AND PARCEL MAP APPLICATION

Thank you. I had tried to email it to Meredith Meraz several times but it kept getting returned to me. Does she no longer handle cancellations?

>>> "Ramsey1, Jacquelyn@DOC" <Jacquelyn.Ramsey1@conservation.ca.gov> 12/2/2016 1:55 PM >>>
Dear Ms. Doud,

The Department of Conservation (Department) has received your letter dated November 23, 2016 notifying us

about the intention to cancel a 4.06-acre portion of Williamson Act contract No. 1971-0064 to allow for the creation of a parcel for a planned industrial use. In accordance with Government Code §51284.1, the Director shall provide a comment to Stanislaus County 30 after receiving the petition for review.

Jacquelyn Ramsey
Associate Environmental Planner
Department of Conservation
Division of Land Resource Protection
Conservation Support Unit
(916) 323-2379
Jacquelyn.Ramsey1@conservation.ca.gov



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Don H. Gaekle
Stanislaus County Assessor

Mercy Maya
Assistant Assessor
Administration

Matt N. Reavill
Assistant Assessor
Valuation

1010 Tenth St., Suite 2400
Modesto, CA 95354-0863

Phone: (209) 525-6461
Fax: (209) 525-6586

www.stancounty.com/assessor

February 24, 2017

Stanislaus County Board of Supervisors
c/o Planning and Community Development
1010 Tenth Street, Suite 3400
Modesto, CA 95354

Dear Board Members:

Reference: **Amended Cancellation Valuation Request**
Property Owner: Beachler Darin L & Sandra I Trs
Assessor's Parcel Number: 003-021-020-000
Williamson Act Contract Number: 0064

In accordance with California Government Code Section 51283, the Assessor's Office has made the following determination:

The revised cancellation valuation of the 3.56 amended acres (previously 4.06 acres) of the above referenced property restricted under the California Land Conservation Act is two hundred ten thousand dollars (\$210,000) representing current fair market value. The cancellation fee is an amount equal to 12½% of the cancellation valuation, or a total of twenty six thousand two hundred fifty dollars (\$26,250).

I hereby certify the cancellation valuation of the above parcel to be \$210,000.

Respectfully,

Don H. Gaekle Assessor

BY: Daryl Finney
Supervising Appraiser
Stanislaus County

RECEIVED

FEB 27 2017

STANISLAUS CO. PLANNING &
COMMUNITY DEVELOPMENT DEPT.

cc: Beachler Darin L & Sandra I Trs
California Department of Conservation

STANISLAUS COUNTY PLANNING COMMISSION

March 17, 2016

STAFF REPORT

USE PERMIT APPLICATION NO. PLN2015-0086
RUMBLE AG SERVICE, INC.

REQUEST: TO ESTABLISH A CUSTOM RIPPING AND LEVELING AGRICULTURAL SERVICES BUSINESS, CURRENTLY IMPROVED WITH A 10,000 SQUARE-FOOT SHOP, AND A 1,000 SQUARE-FOOT OFFICE, AND TO ALLOW FOR FUTURE EXPANSION OF AN ADDITIONAL 10,000 SQUARE-FOOT SHOP AND 1,000 SQUARE-FOOT OFFICE.

APPLICATION INFORMATION

Property Owner:	Darin Beachler
Applicant:	Dan Rumble
Agent:	Dave Romano, P.E., AICP
Location:	3780 Ladd Road, on the southeast corner of Ladd and Stoddard Roads, in the Salida area
Section, Township, Range:	26-2-8
Supervisory District:	Three (Supervisor Withrow)
Assessor's Parcel:	003-021-020
Referrals:	See Exhibit F Environmental Review Referrals
Area of Parcel(s):	39.98 acres
Water Supply:	Private well
Sewage Disposal:	Private septic system
General Plan Designation:	Planned Industrial (Planned Industrial)
Community Plan Designation:	Planned Industrial (Planned Industrial)
Existing Zoning:	SCP-PI (Salida Community Plan – Planned Industrial)
Sphere of Influence:	N/A
Williamson Act Contract No.:	1971-0064
Environmental Review:	Negative Declaration
Present Land Use:	Custom ripping and leveling agricultural services business, orchard, and accessory single-family dwelling.
Surrounding Land Use:	Grover Landscaping is located adjacent to the site to the south, orchard and row crop operations, six to sixty acres in size, surround the site to the north, south, east, and west, low density residential, in the community of Salida, is located approximately one mile to the southwest of the site. The Stanislaus River is located approximately a half mile north of the site.

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 which includes use permit findings.

PROJECT DESCRIPTION

This is a request to establish a custom ripping and leveling agricultural services business, currently improved with a 10,000 square-foot shop, and a 1,000 square-foot office, and to allow for future expansion of an additional 10,000 square-foot shop and 1,000 square-foot office.

Rumble Ag Services, Inc. has been in operation since 1986, and has been operating out of the Stoddard Road site since 2009. The operation utilizes caterpillars, wheeled tractors, disks (tillage equipment), and light trucks to provide the custom ripping and leveling service. Equipment is assembled, repaired and maintained on-site, and specialized parts are manufactured on-site as needed. The ripping and leveling activities occur off-site. The project proposes to continue to operate Monday through Friday 7 a.m. to 4 p.m., with a maximum of 30 employees, 5 daily visitors, and 3 truck deliveries/loadings per day. Approximately 18 employees work on-site during the off season (fall and winter months) and report to specific job sites throughout the spring and summer harvesting seasons. The remaining 12 employees report to the locations where the ripping and leveling occurs only on a seasonal basis, as needed. The property is served by private well and septic systems.

SITE DESCRIPTION

The project site is located adjacent to a commercial landscaping business (Grover Landscape Services) and is surrounded by orchard and row crop operations, six to sixty acres in size, in the Salida Community Plan Area. The entire parcel is enrolled in Williamson Act Contract Number 1971-0064. Approximately 36.5 acres, of the total 39.98 acre parcel, is planted in almonds and row crops. The proposed expansion will be located on the already developed 3.5 acre area which contains the current operation. The remaining acreage will remain planted in orchard trees and row crops. There is an existing single-family dwelling and an agricultural storage building located in the middle of the orchard, located east of the project area on the parcel. However, these structures are not associated with the operation.

ISSUES

No issues have been identified during the review of this application. As discussed in the environmental review section of this report, the initial study has been revised to address public water system requirement. If the operation increases the number of employees that report on-site to more than 24 in the future, it will be required to obtain a public water supply permit through the Stanislaus Department of Environmental Resources. Standard conditions of approval have been added to this project. (See Exhibit C - *Conditions of Approval*.)

GENERAL PLAN CONSISTENCY

The Stanislaus County General Plan land use designation is Planned Industrial (PI). The intent of the Planned Industrial designation is to provide locations for light industrial development. The Planned Industrial designation is preferred to the Industrial designation as it allows more control of development to ensure that impacts on adjoining properties are reduced. It shall be used largely in

areas without public sewer and/or water service but shall only be used if it is practical, both physically and financially, to provide sewage disposal and water service as needed by the proposed development.

The Salida Community Plan (Community Plan) provides land use planning and guidance for development of approximately 4,600 acres of land in the Salida area. The Community Plan encompasses both the urbanized portion of Salida and an undeveloped area (the "Amendment Area") encompassing approximately 3,383 acres around the Salida urbanized area. Approximately 1,259 acres of land are designated as Planned Industrial, which represents approximately 37.2 percent of the Amendment Area. The majority of these lands are located in the northeastern portion of the Amendment Area.

The Salida Community Plan states, "In order to offer a long-term planning approach, non-agricultural land use designations are applied to lands which may still be subject to Williamson Act contracts. However, the provisions of the Salida Community Plan Zoning District should require that until such time as contracts are terminated, lands encumbered by a Williamson Act contract shall remain subject to the zoning restrictions found within the County's A-2 zoning regulations." The subject property is currently enrolled in Williamson Act Contract Number 1971-0064, and as such is able to be processed under the A-2 zoning regulations, as a Tier Two Agricultural Services Establishment.

Agricultural service establishments are defined in the Agricultural Element of the Stanislaus County General Plan, and the County Zoning Ordinance, as:

"A business engaging in activities designed to aid production agriculture. Service does not include the provision of tangible goods except those sold directly to farmers and used specifically to aid in production of farm animals or crops. Nor does service industry include any business which has the primary function of manufacturing products."

Objective 1.2 of the Agricultural Element states:

"...Agricultural service establishments designed to serve the immediate area and agricultural processing plants such as wineries and canneries are allowed when the Planning Commission finds that (1) they will not be substantially detrimental to or in conflict with the agricultural use of other property in the vicinity; (2) the establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity; and (3) it is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned commercial or industrial.

In general, agricultural service establishments can be difficult to evaluate due to their wide diversity of service types and service areas. This diversity often leads to requests for uses which provide both agricultural and non-agricultural services and/or have a wide-spread service area. Maintaining a focus on production agriculture is key to evaluating agricultural service establishments in the agricultural area. In order to control the scale and intensity of these facilities, the County requires such facilities in the agricultural area to show a direct connection to production agriculture in Stanislaus County and applies limitations on the number of employees."

The Land Use Element of the General Plan recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas. This designation establishes agriculture as the primary use in land so designated, but allows limited agriculturally

related commercial services and agriculturally related light industrial uses, and other uses which by their unique nature are not compatible with urban uses, provided they do not conflict with the primary use.

Goal Two, Policy Fourteen, Implementation Measure 1 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 and to ensure compatibility between land uses.

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, Appendix "A" of the Agricultural Element requires a buffer between agricultural and non-agricultural uses. The project is not subject to the Buffer and Setback Guidelines on the west, south, and east boundaries of the project site, due to the adjoining zoning designations of Salida Community Plan - Single-Family Residential (SCP-SF) and Salida Community Plan - Planned Industrial (SCP-PI). However, A-2 zoning is located north of the project site, which means a buffer must be provided from the project site to the property to the north. The proposed project area is located more than 500 feet from the A-2 zoned property to the north, which meets the minimum buffer standard.

This project is considered to be consistent with the General Plan policies detailed above. The project is a request to establish an agricultural service establishment, and incorporates buffers designed to address conflicts between surrounding agricultural uses. Staff believes this project can be found to be consistent with the General Plan if the Planning Commission can make the necessary findings for approval of an agricultural service establishment. The findings necessary for approval are discussed in more detail in the following section.

ZONING ORDINANCE CONSISTENCY

The property is zoned Salida Community Plan – Planned Industrial (SCP-PI) and is located in the amended Salida Community Plan Amendment Area. The Salida Community Plan was passed by initiative in 2007 and requires that prior to new development in the Salida Community Plan (SCP) Amendment Area, that a programmatic-level Environmental Impact Report (EIR) evaluating the environmental impacts associated with the development be prepared at the landowner's expense. However, as stated above, this project is exempt from that requirement and may be processed under the A-2 zoning ordinance due to the existence of a Williamson Act Contract.

The proposed request to operate a custom ripping and leveling business is being processed under the A-2 Zoning District as an agricultural service establishment. Section 21.20.030(B)(3)(a) of the Zoning Ordinance recognizes agricultural service establishments as a Tier Two use when primarily engaging in the provision of agricultural services to farmers and when such establishments are designed to serve the immediately surrounding area as opposed to having a widespread service area. Echoing the Agricultural Element of the General Plan, Tier Two uses may be allowed when the Planning Commission finds that: (1) they will not be substantially detrimental to or in conflict with the agricultural use of other property in the vicinity; (2) the establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity; and (3) it is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned commercial or industrial.

According to documentation supplied by the applicant, out of a total of 370 customers, 279 are from Stanislaus County (or 75%), 48 are from San Joaquin County, 8 are from Merced County and 35 are from other counties. Over 90% of the work conducted by Rumble Ag Service, Inc. overall is done on agricultural properties.

In addition, all use permits must be found to be consistent with the General Plan and not to be detrimental to the health, safety, and general welfare of the neighborhood or to the general welfare of the county. According to the General Plan, maintaining a focus on production agriculture is key to evaluating agricultural service establishments in the agricultural area.

Lastly, because the property is under a Williamson Act Contract, the Planning Commission must also find that the project is consistent with the following three Williamson Act Principles of Compatibility:

1. The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district;
2. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping; and
3. The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.

During the Early Consultation referral process, the Department of Conservation (DOC) provided a comment letter which recommended that Planning staff evaluate the project's impacts to the agricultural productivity of the subject land, including how the project is consistent with the Williamson Act Principles of Compatibility stated above, and any potential growth and/or loss of commercially viable agricultural land.

Planning staff believes that the Use Permit and Williamson Act Principles of Compatibility findings referenced above can be made. The current operation occupies 3.5 acres of the total 39.98 acre site. The remainder of the parcel is currently farmed in almonds, with a few acres in row crops. The expansion proposed by this project will not take any farmed land out of production and will be located within the existing 3.5 acre area currently utilized by the operation. Over 90% of the property is currently and will continue to be farmed for commercial agricultural purposes. The proposed use is focused on serving local production agriculture. No negative impacts to the health, safety, and general welfare of the neighborhood, to surrounding agricultural operations, or to the county are anticipated to occur as a result of this project.

ENVIRONMENTAL REVIEW

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

A comment was received from the Stanislaus County Department of Environmental Resources (DER) requesting that the environmental review for the project include a statement that acknowledges that the project site may be considered a public water system, if the operation expands to more than 24 employees reporting on-site. This information was added to Chapter IX

Hydrology and Water Quality of the Initial Study to allow the operator to complete the public water system permit, should it become necessary in the future. The following language was added to Chapter IX Hydrology and Water Quality (See Exhibit D – *Initial Study, with revisions*):

“The California Safe Drinking Water Act (CA Health and Safety Code Section 116275(h)) defines a Public Water System as a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system includes the following:

- (1) Any collection, treatment, storage, and distribution facilities under control of the operator of the system that are used primarily in connection with the system.*
- (2) Any collection or pretreatment storage facilities not under the control of the operator that are used primarily in connection with the system.*
- (3) Any water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption.*

Based on the proposed number of maximum number of employees on-site (18) this project does not qualify as a public water system. The project did indicate a maximum of 30 employees in their application. However, the remaining 12 employees identified in the project description do not report on-site. They report to the locations where the ripping and leveling occurs only on a seasonal basis, as needed. However, it may be subject to obtaining a public water system permit, if the number of employees is increased in the future. The project will include a condition of approval to require a public water system permit be obtained through the Stanislaus Department of Environmental Resources (DER) if the operation ever modifies their operations in such a way that they qualify as a public water system, under Section 116275(h) of the California Health and Safety Code. A condition of approval will also be applied to the project requiring public signs be posted throughout the operation that state, “public restrooms are not available.”

In addition the following language was added to the project description of the Initial Study to clarify that not all of the 30 employees identified in the application report on-site:

“The remaining 12 employees do not report on-site. They report to the locations where the ripping and leveling occurs only on a seasonal basis, as needed. The property is served by private well and septic systems. If the operation increases the number of employees that report on-site to more than 24 in the future, it will be required to obtain a public water supply permit through the Stanislaus Department of Environmental Resources.”

As permitted by CEQA Guidelines Section 15073.5(c), revisions to a Negative Declaration may be approved by the Planning Commission without a new period of environmental review if the project revisions are added in response to written or verbal comments on the project’s effects identified in the proposed negative declaration which are not new avoidable significant effects, or if the new information merely clarifies, amplifies, or makes insignificant modifications to the negative declaration. This additional language is considered to be informational in nature and to have no new significant effects. The operation was already identified as being served by a private well. Planning staff believes that the modification meets this statute and that re-circulation of the environmental assessment document is not required.

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 \$2,267.25 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: Kristin Doud, Associate Planner, (209) 525-6330

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval
- Exhibit D - Initial Study (with revisions)
- Exhibit E - Negative Declaration
- Exhibit F - Environmental Review Referral



CEQA INITIAL STUDY

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

1. **Project title:** Williamson Act Cancellation and Parcel Map Application No. PLN2016-0108 – Beachler – Rumble
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Kristin Doud, Associate Planner
(209) 525-6330
4. **Project location:** 3780 Ladd Road, on the southeast corner of Ladd and Stoddard Roads in the Salida area, north of the city of Modesto and south of the Stanislaus River. (APN: 003-021-020 [formerly 003-021-016]) .
5. **Project sponsor’s name and address:** Darin Beachler
3780 Ladd Road
Salida, CA 95356
6. **General Plan designation:** SCPPI (Salida Community Plan - Planned Industrial)
7. **Zoning:** SCP PI (Salida Community Plan - Planned Industrial)
8. **Description of project:**
Request to cancel a 4.06 acre portion of Williamson Act contract No. 1971-0064, to allow the creation of a 4.06 acre parcel (currently operating a custom ripping and leveling agricultural services business under Use Permit No. PLN2015-0086, Rumble Ag Services, Inc.) and a 36.23 acre remainder (currently improved with a single-family dwelling, detached agricultural storage barn, row crops, and almond orchard), from a 40.29 gross acre parcel in the Salida Community Plan – Planned Industrial Zoning District. Although the property is zoned Salida Community Plan Planned Industrial, the project is being processed under the A-2 Zoning Ordinance (Chapter 21.20) due to its Williamson Act Contract. In accordance with the A-2 Zoning Ordinance, the minimum allowable area for creation of a parcel in the A-2 zoning district shall be three (3), five (5), ten (10), twenty (20), forty (40), or one hundred sixty (160) acres, unless a parcel is operating under a use permit. When a property is operating under a use permit, it may be exempted from the minimum parcel size requirement provided that it exhibits size, location, and orientation characteristics which are supportive of the use without detriment to other agricultural usage in the vicinity. If approved, all conditions of approval from Use Permit No. PLN2015-0086 would remain effective. A non-renewal has been filed for the entire 40.29 gross acre parcel. The 36.23 acre remainder will be re-entered into the Williamson Act with the 2017 applications, which if approved will become effective January 1, 2018.
9. **Surrounding land uses and setting:** The project site is located next to Grover Landscape Services and is surrounded by orchard and row crop operations, six to sixty acres in size, in the community of Salida.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Department of Public Works
California Department of Conservation

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

Kristin Doud
Signature

January 17, 2017
Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, than the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

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

- a) **Earlier Analysis Used.** Identify and state where they are available for review.
 - b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) **Mitigation Measures.** For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). References to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
 - 7) **Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
 - 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
 - 9) The explanation of each issue should identify:
 - a) the significant criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

ISSUES

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Discussion: The site itself is not considered to be a scenic resource or a unique scenic vista. No construction or additional lighting is proposed as part of this project. However, conditions of approval applied to the Rumble Ag Services, Inc. Use Permit (UP PLN2015-0086) still apply, including a requirement that that all lighting be designed (aimed down and towards the site) to provide adequate illumination without glare effect and unnecessary light spillage onto neighboring properties. No adverse impacts to the existing visual character of the site or its surroundings are anticipated.

Mitigation: None.

References: Use Permit PLN2015-0086 – Rumble Ag Service, Inc.; Application information; Stanislaus County General Plan and Support Documentation¹; and Title 21 – Zoning Ordinance.

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

d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

Discussion: The project site is located adjacent to a commercial landscaping business and is surrounded by orchard and row crop operations, six (6) to 60 acres in size, in the community of Salida. Over 90% of the 40.29 gross acre parcel is planted in almonds and row crops. The entire parcel is enrolled in Williamson Act Contract Number 1971-0064. The California Department of Conservation’s (CDC) Important Farmland Maps identifies the portion of the property which contains the current ag services business as Urban and Built-Up Land and the remaining portion of the site, planted in almonds, as Prime Farmland. The USDA Natural Resources Conservation Service’s Eastern Stanislaus County Soil Survey indicates that over 95% of the property has grade 1 Hanford soils, with a Storie Index Rating ranging from 90-100, which are considered prime soils.

Although the property is zoned Salida Community Plan - Planned Industrial, the project is being processed under the A-2 Zoning Ordinance (Chapter 21.20) due to its Williamson Act Contract. In accordance with the A-2 Zoning Ordinance, the minimum allowable area for creation of a parcel in the A-2 zoning district shall be three (3), five (5), ten (10), twenty (20), forty (40), or one hundred sixty (160) acres, unless a parcel is operating under a use permit. When a property is operating under a use permit, it may be exempted from the minimum parcel size requirement provided that it exhibits size, location, and orientation characteristics which are supportive of the use without detriment to other agricultural usage in the vicinity. The existing custom ripping and leveling business is permitted as a Tier 2 Use Permit, under UP PLN2015-0086, as an agricultural service establishments primarily engaging in the provision of agricultural services to farmers, which is considered to be consistent with the Williamson Act. However, because the portion of the property which is operating under the Use Permit is under the minimum 10 acre size required for a Williamson Act Contract, a cancellation of a portion of the contract is required in order for the parcel map application to be approved. A non-renewal has been filed for the entire 40.29 gross acre parcel. The 36.23 acre remainder will continue to be farmed and will be re-entered into the Williamson Act with the 2017 applications, which if approved will become effective January 1, 2018.

In order for a Williamson Act Contract to be canceled, the Board of Supervisors must hold a public hearing on the request and make several findings as required by State law. Listed below are the findings required by California Government Code Section 51282 for tentative approval for cancellation of a contract:

1. That the cancellation is consistent with the purposes of the Williamson Act; or
2. That cancellation is in the public interest.

Stanislaus County has modified this action through language in the contract itself which states that **both** findings must be made.

Government Code Section 51282 further specifies that cancellation is consistent with the purposes of the Williamson Act only if the Board of Supervisors makes all of the following findings:

1. That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Government Code Section 51245.
2. That cancellation is not likely to result in the removal of adjacent lands from agricultural uses.

3. That cancellation is for an alternative use which is consistent with the applicable provision of the city or county general plan.
4. That cancellation will not result in discontinuous patterns of urban development.
5. That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed, the contracted land be put or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

In addition, cancellation of a contract shall be in the public interest only if the Board makes the following findings:

1. That other public concerns substantially outweigh the objectives of the Williamson Act; and
2. That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

The applicant has provided written evidence to support the cancellation findings. Planning staff believes the necessary findings for approval can be made. No changes to the current land use are proposed, other than the creation of a 4.06 acre parcel; therefore, no removal of adjacent lands from agricultural use are anticipated.

A notice of request for cancellation of the Williamson Act Contract was referred to the California Department of Conservation on December 7, 2016; the resulting referral response stated that the Department of Conservation (DOC) has no comments on the County's cancellation findings.

Considering the information above, no negative impacts to agricultural resources are anticipated. The operation will be providing a service deemed necessary for a healthy agricultural economy, and will not compromise the long-term productive agricultural capabilities of the subject parcel, surrounding parcels, or other contracted lands in the A-2 zoning district. No forest resources exist in the area.

Mitigation: None.

References: Referral response from the Department of Conservation dated January 9, 2017; USDA Natural Resource Conservation Service Web Soil Survey; USDA Soil Conservation Service Soil Survey of Eastern Stanislaus Area CA; California Farmland Mapping and Monitoring Program Data; Application information; Stanislaus County General Plan and Support Documentation¹; and Title 21 – Zoning Ordinance.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	

d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	

Discussion: The project site is within the San Joaquin Valley Air Basin, which has been classified as "severe non-attainment" for ozone and respirable particulate matter (PM-10) as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. As such, the District maintains permit authority over stationary sources of pollutants.

The primary source of air pollutants generated by the currently approved uses on this project site would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California Environmental Protection Agency (EPA) which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies.

This is a request to allow 4.06 acres of a 40.29 gross acre site, permitted by a use permit to operate an agricultural services operation, to become its own legal parcel, as allowed by County Zoning Code. A cancellation of a Williamson Act Contract is required, as the proposed 4.06 acre parcel is too small to meet the 10 acre minimum parcel size required for Williamson Act Contracts. No changes to the current land uses are proposed.

The project will not conflict with, nor obstruct implementation of any applicable air quality plan. An early consultation project referral was sent to the SJVAPCD, and a no comment letter was received. Based on the project details stated above, no significant impacts to air quality are anticipated.

Mitigation: None.

References: Referral response letter received on January 9, 2017 from the San Joaquin Valley Air Pollution Control District; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; Application information; Stanislaus County General Plan and Support Documentation¹; and Title 21 – Zoning Ordinance.

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X

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

Discussion: The project is located within the Salida Quad of the California Natural Diversity Database. There are eight (8) plants and animals which are State or Federally listed, threatened, or identified as species of special concern within the Salida California Natural Diversity Database Quad. These species include the California Tiger Salamander, Swainson’s Hawk, Tricolored Blackbird, Steelhead, Obscure Bumble Bee, Cortch Bumble Bee, Valley Elderberry Longhorn Beetle, and the Molestan Blister Beetle.

No additional development is proposed as part of this project. The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans. Impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors are considered to be less than significant.

An Early Consultation was referred to the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and no response was received.

Mitigation: None.

References: California Department of Fish and Wildlife (formerly the Department of Fish and Game); California Natural Diversity Database; Application information; Stanislaus County General Plan and Support Documentation¹; and Title 21 – Zoning Ordinance.

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

Discussion: It does not appear that this project will result in significant impacts to any archaeological or cultural resources; however, a standard condition of approval will be added to this project to address any discovery of cultural resources during any ground disturbing activities.

Mitigation: None.

References: Application information; Stanislaus County General Plan and Support Documentation¹; and Title 21 – Zoning Ordinance.

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

Discussion: The USDA Natural Resources Conservation Service's Eastern Stanislaus County Soil Survey indicates that the soils on the project site are made up of mostly Hanford sandy loam (HbA). 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 with any future building permit applications. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering will be required to compensate for the soil deficiency. Although no construction is proposed as part of this project, any future construction will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. The Department of Public Works are responsible for reviewing and approving any grading, drainage, and erosion/sediment control plan, in accordance with the current Public Works Standards and Specifications. Likewise, any addition of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements.

Mitigation: None.

References: California Building Code; Application information; Stanislaus County General Plan and Support Documentation¹; and Title 21 – Zoning Ordinance.

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

Discussion: The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H₂O). CO₂ is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO₂ equivalents (CO₂e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020.

Although no construction is proposed as part of this project, any future construction would be subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11). Minimal greenhouse gas emissions that occur during construction are considered to be less than significant as they are temporary in nature and are subject to meeting SJVAPCD standards for air quality control. No significant impacts from greenhouse gas emissions occurring as a result of this project are anticipated.

Mitigation: None.

References: Application information; Stanislaus County General Plan and Support Documentation¹; and Title 21 – Zoning Ordinance.

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

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	

Discussion: The project was referred to DER Hazardous Materials (HazMat) Division and no response was received. However, conditions of approval from HazMat applied to the Rumble Ag Services, Inc. use permit (UP PLN2015-0086) still apply, including a requirement that prior to issuance of a grading/building permit, the applicant shall ensure that the project site has been fully investigated via a Phase I or Phase II Study, if needed, and should contact HazMat regarding appropriate permitting requirements for hazardous materials and/or wastes. No significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project.

Mitigation: None.

References: Use Permit PLN2015-0086 – Rumble Ag Service, Inc.; Application information; Stanislaus County General Plan and Support Documentation¹; and Title 21 – Zoning Ordinance.

IX. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X	
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?				X

Discussion: Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project site is located in FEMA Flood Zone X, which includes areas determined to be outside the 0.2% annual chance floodplains. Although no construction is proposed as part of this project, any future construction will address all flood zone requirements through the Building Permits Division during the building permit process. A project referral was sent to the Stanislaus County Department of Public Works, Environmental Resources, and the Building Division of the Planning and Community Development Department, and no concerns regarding hydrology or water quality were provided. The Central Valley Regional Water Quality Control Board (RWQCB) provided an Early Consultation referral response which provided basic information on Water Board permits and requirements, and where to obtain additional information, if needed. No negative impacts to hydrology or water quality are anticipated to occur as a result of this project.

Mitigation: None.

References: Referral response from the Central California Regional Water Quality Control Board dated December 5, 2016; FEMA Flood Maps; Application information; Stanislaus County General Plan and Support Documentation¹; and Title 21 – Zoning Ordinance.

X. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?			X	

Discussion: Although the property is zoned Salida Community Plan Planned Industrial, the project is being processed under the A-2 Zoning Ordinance (Chapter 21.20) due to its Williamson Act Contract. In accordance with the A-2 Zoning Ordinance, the minimum allowable area for creation of a parcel in the A-2 zoning district shall be three (3), five (5), ten (10), twenty (20), forty (40), or one hundred sixty (160) acres, unless a parcel is operating under a use permit. When a property is operating under a use permit, it may be exempted from the minimum parcel size requirement provided that it exhibits size, location, and orientation characteristics which are supportive of the use without detriment to other agricultural usage in the vicinity. If approved, all conditions of approval from Use Permit No. PLN2015-0086 would remain effective. A non-renewal has been filed for the entire 40.29 gross acre parcel. The 36.23 acre remainder will be re-entered into the Williamson Act with the 2017 applications, which if approved will become effective January 1, 2018. A maximum of two (2) homes are permitted on the remainder parcel, as it will still be over 20 acres in size.

The proposed use will not physically divide an established community and/or conflict with any habitat conservation plan or natural community conservation plan. This project is not known to conflict with any adopted land use plan, policy, or regulation of any agency with jurisdiction over the project.

Mitigation: None.

References: Use Permit PLN2015-0086 – Rumble Ag Service, Inc.; Application information; Stanislaus County General Plan and Support Documentation¹; and Title 21 – Zoning Ordinance.

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

Discussion: The 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.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹

XII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			X	

Discussion: Section 10.46.080(H) of the Stanislaus County Code exempts noise created as a part of agricultural activity from the Noise Control Ordinance. The potential for noise impacts occurring as a result of this project is considered to be less than significant.

Mitigation: None.

References: Application information; Stanislaus County General Plan and Support Documentation¹; and Chapter 10.46 – Noise Control, of the County Code.

XIII. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Discussion: This project does not propose any significant type of growth inducing features; therefore, adverse effects created by population growth should not occur.

Mitigation: None.

References: Application information; Stanislaus County General Plan and Support Documentation¹; and Title 21 – Zoning Ordinance.

XIV. PUBLIC SERVICES --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in the substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
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 a Fire Facility Fee on behalf of the appropriate fire district, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance and are included as conditions of approval for Rumble Ag Services, Inc. (UP PLN2015-0086), which remain applicable.

This project was circulated to all applicable school, fire, police, irrigation, and public works departments and districts during the Early Consultation referral period and no concerns were identified with regard to public services. The Modesto Irrigation District (MID) did request that standard conditions of approval be applied in regard to existing irrigation and electrical infrastructure prior to grading or construction. MID's conditions mirror the condition of approval that were applied to the Rumble Ag Service, Inc. use permit (UP PLN2015-0086). Conditions of approval will be added to this project to reflect the comments provided by MID.

Mitigation: None.

References: Use Permit PLN2015-0086 – Rumble Ag Service, Inc.; Referral response dated December 1, 2016 from the Modesto Irrigation District; Application information; Stanislaus County General Plan and Support Documentation¹; and Title 21 – Zoning Ordinance.

XV. RECREATION --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

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

Mitigation: None.

References: Application information; Stanislaus County General Plan and Support Documentation¹; and Title 21 – Zoning Ordinance.

XVI. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X	
--	--	--	---	--

Discussion: Although no development is being proposed as a part of this project, all conditions of approval for Rumble Ag Services, Inc. (UP PLN2015-0086) will remain applicable. Conditions of approval applied by the Department of Public Works to the Rumble Ag Services Use Permit require: an encroachment permit be obtained for the driveway existing in the right-of-way (ROW) of Stoddard Rd.; ROW be dedicated through an Irrevocable Offer of Dedication; that no parking, loading, or unloading of vehicles occur within County Road ROW; and that a grading and drainage plan be submitted to the Department of Public Works for review and approval prior to issuance of any building permit which creates a new or bigger building footprint.

Mitigation: None.

References: Use Permit PLN2015-0086 – Rumble Ag Service, Inc.; Referral response dated November 22, 2016 from the Stanislaus County Department of Public Works; Application information; Stanislaus County General Plan and Support Documentation¹; and Title 21 – Zoning Ordinance.

XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

Discussion: Limitations on providing services have not been identified. The site is served by private well, septic system, and on-site drainage. A condition of approval from the Rumble Ag Services Use Permit (UP PLN2015-0086) requires that the Department of Public Works review and approve a grading and drainage plan prior to issuance of any building permit which will create a new or bigger building footprint. On-site septic and well infrastructure will be reviewed by DER for adequacy through the building permit process. No new wells are proposed as part of this project. Rumble Ag Services does not currently qualify as a public water system. However, there is a condition of approval attached to their use permit that is still applicable, which requires that should they expand their employee numbers, they will be required to obtain a public water system permit.

Mitigation: None.

References: Use Permit PLN2015-0086 – Rumble Ag Service, Inc.; Referral response dated October 20, 2016 from the Stanislaus County Department of Public Works; Referral response dated October 26, 2016 from the Stanislaus County Department of Environmental Resources; Application information; Stanislaus County General Plan and Support Documentation¹; and Title 21 – Zoning Ordinance.

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

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

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

NEGATIVE DECLARATION

NAME OF PROJECT: Williamson Act Cancellation & Parcel Map Application No. PLN2016-0108 – Beachler - Rumble

LOCATION OF PROJECT: 3780 Ladd Road, on the southeast corner of Ladd and Stoddard Roads in the Salida area, north of the City of Modesto and south of the Stanislaus River.
APN: 003-021-020 (formerly 003-021-016)

PROJECT DEVELOPERS: David Romano
1034 12th Street
Modesto, Ca 95354

DESCRIPTION OF PROJECT: Request to cancel a 3.56 acre portion of Williamson Act contract No. 1971-0064, to allow the creation of a 3.56 acre parcel and a 36.74 acre remainder from a 40.3 gross acre parcel. The property is located in the Salida Community Plan – Planned Industrial Zoning District, 3780 Ladd Road, on the southeast corner of Ladd and Stoddard Roads, in the Salida area. The Planning Commission will consider recommendation to the Board of Supervisors of a CEQA Negative Declaration for this project.

Based upon the Initial Study, dated **January 17, 2017**, the Environmental Coordinator finds as follows:

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

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

Initial Study prepared by: Kristin Doud, 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: WILLIAMSON ACT CANCELLATION PARCEL MAP APPLICATION NO. PLN2016-0108 - BEACHLER/RUMBLE

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 CONSERVATION, LAND RESOURCES	X	X	X	X				X		X		X
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF TRANSPORTATION: DISTRICT 10	X	X	X		X							
CA OPR STATE CLEARINGHOUSE	X	X	X	X				X		X		X
CA RWQCB CENTRAL VALLEY REGION				X				X		X	X	
COMMUNITY SERVICES DISTRICT: SALIDA	X	X	X		X							
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: SALIDA FIRE	X	X	X		X							
IRRIGATION DISTRICT: MODESTO	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
MUNICIPAL ADVISORY COUNCIL: SALDIA	X	X	X		X							
NATIVE AMERICAN HERITAGE COMMISS				X				X		X		X
PACIFIC GAS & ELECTRIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X	X				X		X		X
SCHOOL DISTRICT 1: SALIDA UNION	X	X	X		X							
SCHOOL DISTRICT 2: MODESTO UNION	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X	X		X							
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X	X				X		X		X
STAN CO ERC	X	X	X	X				X		X		X
STAN CO FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X	X	X				X		X		X
STAN CO PUBLIC WORKS	X	X	X	X				X		X	X	
STAN CO SHERIFF	X	X	X		X							
STAN CO SUPERVISOR DIST #3: WITHROW	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							
TELEPHONE COMPANY: AT&T	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							
US MILITARY (5 AGENCIES)	X	X			X							

Attachment 2

Stanislaus County Planning Commission
Minutes
March 16, 2017
Pages 1 and 2

- A. **WILLIAMSON ACT CONTRACT CANCELLATION AND PARCEL MAP APPLICATION NO. PLN2016-0108 – BEACHLER - RUMBLE** – Request to cancel a 3.56 acre portion of Williamson Act Contract No. 1971-0064, to allow the creation of a 3.56 acre parcel and a 36.74 acre remainder from a 40.3 gross acre parcel. The property is located in the Salida Community Plan – Planned Industrial Zoning District, 3780 Ladd Road, on the southeast corner of Ladd and Stoddard Roads, in the Salida area. The Planning Commission will consider recommendation to the Board of Supervisors of a CEQA Negative Declaration for this project. APN: 003-021-020
Staff Report: Kristin Doud, Senior Planner, Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: None.
FAVOR: Dave Romano, Engineer, 1034 12th Street, Modesto, CA
Public hearing closed.
Orvis/Blom (9/0) **RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT.**

EXCERPT

**PLANNING COMMISSION
MINUTES**

Signature on file

Angela Freitas, Secretary

March 16, 2017

Date



BOARD OF SUPERVISORS

Kristin Olsen, 1st District
Vito Chiesa, 2nd District
Terry Withrow, 3rd District
Dick Monteith, 4th District
Jim DeMartini, 5th District

1010 10th Street, Suite 6500
Modesto, CA 95354
Phone: 209.525.6560 Fax: 209.525.4410

**STANISLAUS COUNTY
NOTICE OF DECISION FOR TENTATIVE CANCELLATION OF A PORTION
OF WILLIAMSON ACT CONTRACT NO. 71-0064 – BEACHLER-RUMBLE**

NOTICE IS HEREBY GIVEN pursuant to Government Code Section 51284, that upon motion of Supervisor , seconded by Supervisor , a petition to cancel a portion of Williamson Act Contract No. 71-0064, affecting the land and improvements located on Assessor's Parcel No. 003-004-017, owned by Beachler Trust, was granted tentative approval at the 6:35 p.m. public hearing held during a regular meeting of the Board of Supervisors, of the County of Stanislaus, State of California, located at 1010 10th Street, Modesto, California, this 18th day of April 2017, by the following called vote:

AYES: SUPERVISORS: Olsen, Withrow, Monteith, DeMartini and
Chairman Chiesa
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None
ABSTAINING: SUPERVISORS: None

NOTICE IS FURTHER GIVEN that pursuant to Government Code Section 51282, the Board finds that the cancellation is consistent with the purposes of the California Land Conservation Act and that cancellation is in the public interest.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: April 18, 2017

ATTEST: Elizabeth King, Clerk
of the Board of Supervisors
of the County of Stanislaus,
State of California

BY: 
Pamela Villarreal, Assistant Clerk

RECORDED AT REQUEST OF:
Stanislaus County Board of Supervisors
NO FEE


Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2017-0030970-00
Monday, MAY 01, 2017 14:38:40
Ttl Pd \$0.00 Rcpt # 0003965080
OLD/R2/1-5

WHEN RECORDED MAIL TO:
Stanislaus County Board of Supervisors
Elizabeth A. King, Assistant Clerk
1010 10th Street, Suite 6700
Modesto, CA 95354

**CERTIFICATE OF TENTATIVE APPROVAL OF CANCELLATION OF A PORTION OF WILLIAMSON
ACT CONTRACT NO. 71-0064 – Beachler Rumble**

500

REC'T # 0003965080
May 01, 2017 ----- 14:38:40

Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office

Official # 17-0030970-00

REQD BY
Free Issue

Total fee	\$0.00
Amount Tendered...	\$0.00
Change	\$0.00
OLD,R2/1/5	



BOARD OF SUPERVISORS

Kristin Olsen, 1st District
Vito Chiesa, 2nd District
Terry Withrow, 3rd District
Dick Monteith, 4th District
Jim DeMartini, 5th District

1010 10th Street, Suite 6500
Modesto, CA 95354
Phone: 209.525.6560 Fax: 209.525.4410

**CERTIFICATE OF TENTATIVE APPROVAL OF
CANCELLATION OF A PORTION OF
WILLIAMSON ACT CONTRACT NO. 71-0064**

NOTICE IS HEREBY GIVEN that on April 18, 2017, the Board of Supervisors of the County of Stanislaus, State of California granted tentative approval of a petition to cancel a portion of Williamson Act Contract No. 71-0064, recorded on December 8, 1970. Instrument Number 41088, Volume 2362, Page 75, affecting the land and improvements located on 3.56 acres of land, previously identified as Assessor's Parcel No. 003-004-017, owned by Beachler Trust. The property is more fully identified on the attached maps (Exhibits A & B).

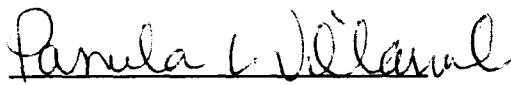
NOTICE IS FURTHER GIVEN that a Certificate of Cancellation of a Portion of Williamson Act Contract No. 71-0064 will be issued and recorded if the following specified conditions and contingencies are satisfied within one year of the date this notice is recorded:

1. Payment of the Cancellation fee of \$26,250.00.
2. Unless the fee is paid, or a certificate of cancellation of a portion of the contract is issued within one year from the date of the recording of this certificate of tentative cancellation, such fee shall be recomputed as required by State statute.
3. Per California Government Code Section 51283.4(b), the landowner shall notify the Board of Supervisors when he has satisfied the conditions and contingencies enumerated in this Certificate of Tentative Cancellation.

The undersigned duly authorized officer of Stanislaus County declares that the foregoing is true and correct under penalty of perjury under the laws of the State of California.

DATE: April 18, 2017

ATTEST: ELIZABETH A. KING, Clerk of the
Board of Supervisors of the County of
Stanislaus, State of California

By: 
Pamela L. Villarreal
Assistant Clerk of the Board

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Stanislaus

On April 27, 2017 before me, Jennifer Jacquetz, Notary Public
(insert name and title of the officer)

personally appeared Pamela L. Villarreal
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

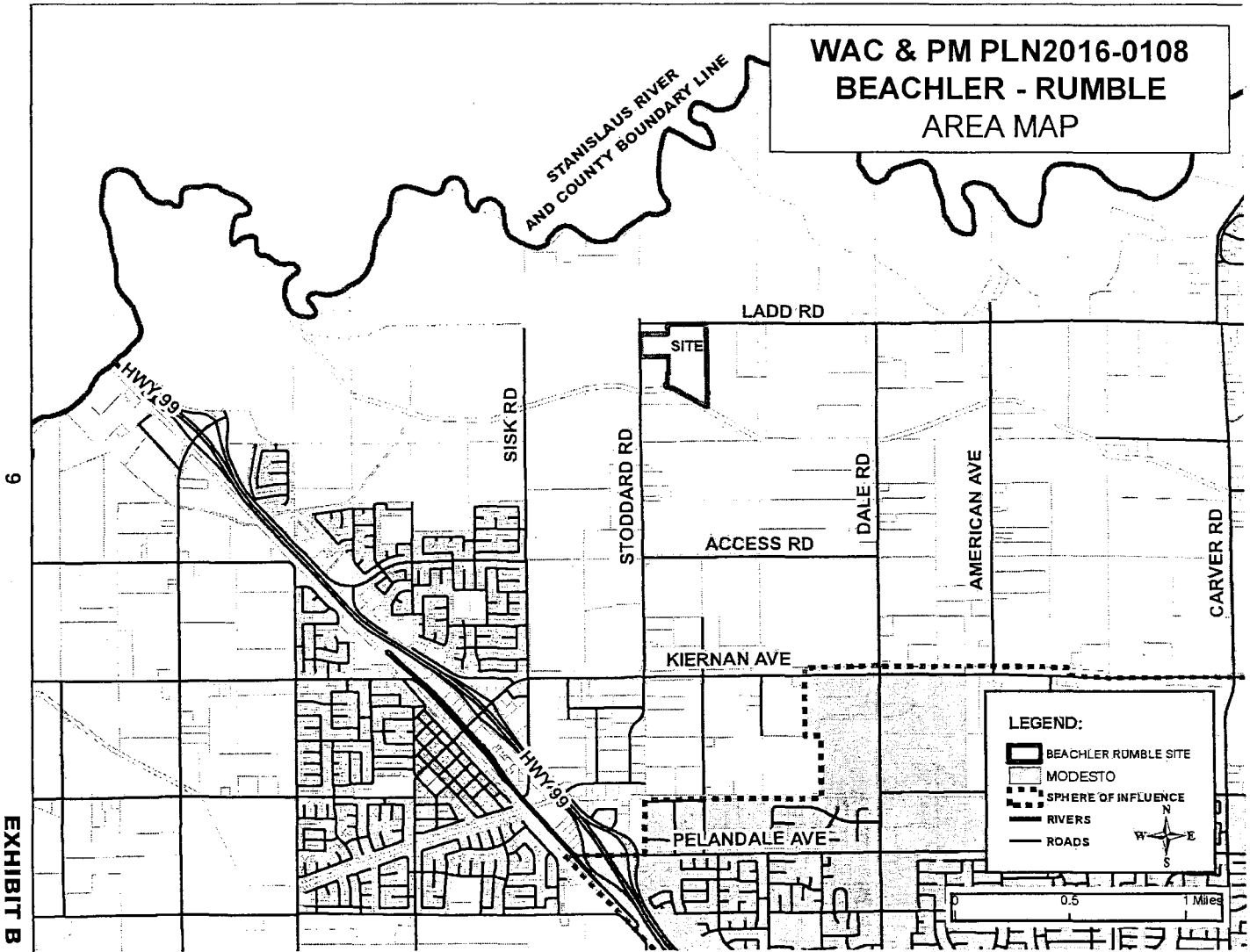
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jennifer Jacquetz (Seal)



EXHIBIT B





CLERK OF THE BOARD OF SUPERVISORS

STANISLAUS COUNTY

1010 10th Street, Suite 6700, Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4420

May 1, 2017

Darin Beachler
3780 Ladd Road
Modesto, CA 95356

Dave Romano, P.E., AICP
1034 12th Street
Modesto, CA 95354

RE: CERTIFICATE OF TENTATIVE APPROVAL OF CANCELLATION OF A
PORTION OF WILLIAMSON ACT CONTRACT NO. 71-0064 AND NOTICE OF
DECISION – BEACHLER - RUMBLE

Dear Applicant:

Please find enclosed a copy of the Certificate of Tentative Approval of Cancellation for a portion of Williamson Act Contract No. 71-0064 and the Notice of Decision. The original Certificate of Tentative Approval of Cancellation was sent to the Office of the Clerk-Recorder to be recorded. The Board of Supervisors granted tentative approval to cancel this Williamson Act Contract on April 18, 2017.

For further information, please call the Planning and Community Development Department at 525-6330 or the Board of Supervisors at 525-6415.

Sincerely,

Pamela L. Villarreal
Assistant Clerk of the
Board of Supervisors



BOARD OF SUPERVISORS

Kristin Olsen, 1st District
Vito Chiesa, 2nd District
Terry Withrow, 3rd District
Dick Monteith, 4th District
Jim DeMartini, 5th District

1010 10th Street, Suite 6500
Modesto, CA 95354
Phone: 209.525.6560 Fax: 209.525.4410

May 1, 2017

David Bunn, Director
Department of Conservation
801 K Street, MS 18-01
Sacramento, CA 95814

RE: NOTICE OF DECISION TENTATIVE CANCELLATION OF A PORTION OF
WILLIAMSON ACT CONTRACT NO. 71-0064 – BEACHLER – RUMBLE

Dear Mr. Bunn:

Enclosed is a copy of the Notice of Decision for Tentative Cancellation of a Portion of Williamson Act Contract No. 71-0064 – Beachler – Rumble, which is to be published in The Modesto Bee. The Stanislaus County Board of Supervisors granted tentative approval to cancel a portion of this Williamson Act Contract on April 18, 2017.

For further information, please call the Planning and Community Development Department at 209-525-6330 or the Board of Supervisors at 209-525-6414.

Sincerely,

A handwritten signature in black ink that reads "Pam Villarreal". The signature is written in a cursive, flowing style.

Pam Villarreal, Assistant Clerk
Board of Supervisors

DECLARATION OF MAILING

IN RE: NOTICE OF DECISION FOR TENTATIVE CANCELLATION OF A PORTION
OF WILLIAMSON ACT CONTRACT NO. 71-0064 – BEACHLER-RUMBLE

I, Pam Villarreal, declare that I am a citizen of the United States, over 18 years of age, a resident of Stanislaus County, and not a part to the within action; that my business address is 1010 10th St., Ste. 6700, Modesto, California; that I served a copy of the attached notice by placing said copy in an envelope addressed to the following:

DAVE ROMANO, P.E., AICP, 1034 12TH STREET MODESTO, CA, 95354	DARIN BEACHLER 3780 LADD ROAD MODESTO, CA, 95356
--	--

which envelope was then sealed and postage fully prepaid thereon and thereafter, on May 2, 2017, deposited in the United States Mail at Modesto, California; that there is delivery service by United States Mail at the place so addressed or regular communication by United States Mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Pam Villarreal



BOARD OF SUPERVISORS

Kristin Olsen, 1st District
Vito Chiesa, 2nd District
Terry Withrow, 3rd District
Dick Monteith, 4th District
Jim DeMartini, 5th District

1010 10th Street, Suite 6500
Modesto, CA 95354
Phone: 209.525.6560 Fax: 209.525.4410

**CERTIFICATE OF TENTATIVE APPROVAL OF
CANCELLATION OF A PORTION OF
WILLIAMSON ACT CONTRACT NO. 71-0064**

NOTICE IS HEREBY GIVEN that on April 18, 2017, the Board of Supervisors of the County of Stanislaus, State of California granted tentative approval of a petition to cancel a portion of Williamson Act Contract No. 71-0064, recorded on December 8, 1970. Instrument Number 41088, Volume 2362, Page 75, affecting the land and improvements located on 3.56 acres of land, previously identified as Assessor's Parcel No. 003-004-017, owned by Beachler Trust. The property is more fully identified on the attached maps (Exhibits A & B).


NOTICE IS FURTHER GIVEN that a Certificate of Cancellation of a Portion of Williamson Act Contract No. 71-0064 will be issued and recorded if the following specified conditions and contingencies are satisfied within one year of the date this notice is recorded:

1. Payment of the Cancellation fee of \$26,250.00.
2. Unless the fee is paid, or a certificate of cancellation of a portion of the contract is issued within one year from the date of the recording of this certificate of tentative cancellation, such fee shall be recomputed as required by State statute.
3. Per California Government Code Section 51283.4(b), the landowner shall notify the Board of Supervisors when he has satisfied the conditions and contingencies enumerated in this Certificate of Tentative Cancellation.

The undersigned duly authorized officer of Stanislaus County declares that the foregoing is true and correct under penalty of perjury under the laws of the State of California.

DATE: April 18, 2017

ATTEST: ELIZABETH A. KING, Clerk of the
Board of Supervisors of the County of
Stanislaus, State of California

By: 
Pamela L. Villarreal
Assistant Clerk of the Board

WAC PM PLN2016-0108

BEACHLER - RUMBLE

**Board of Supervisors
April 18, 2017**

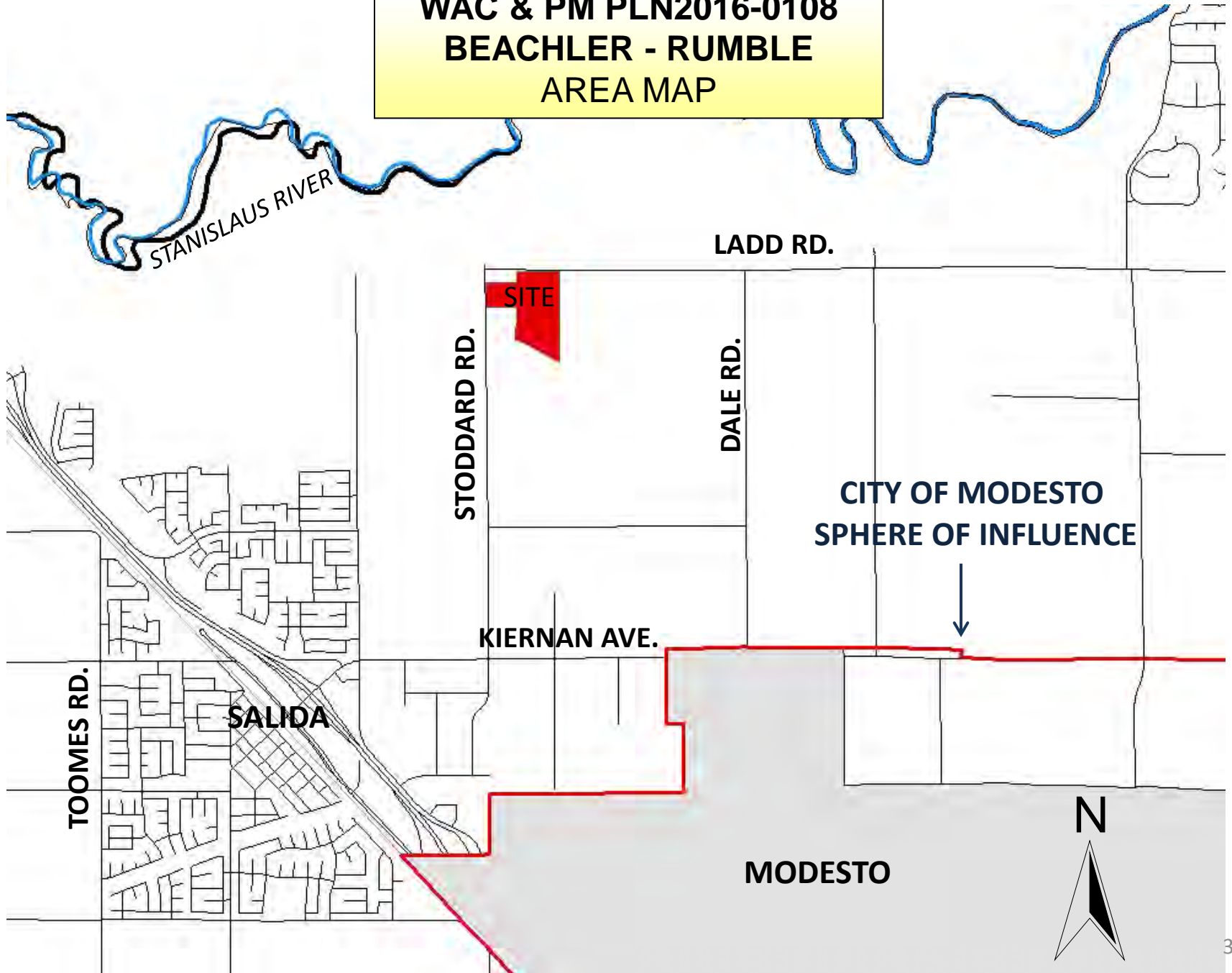


Overview

- Parcel Map
- Williamson Act Cancellation
- Request to cancel a 3.56 acre portion of a Williamson Act contract, to allow the creation of a 3.56 acre parcel and a 36.74 acre remainder.



**WAC & PM PLN2016-0108
BEACHLER - RUMBLE
AREA MAP**



**WAC & PM PLN2016-0108
BEACHLER - RUMBLE
GENERAL PLAN MAP**

MDR

AG

AG

LADD RD.

LDR

PI

SITE






STODDARD RD.

PI

COM

PI



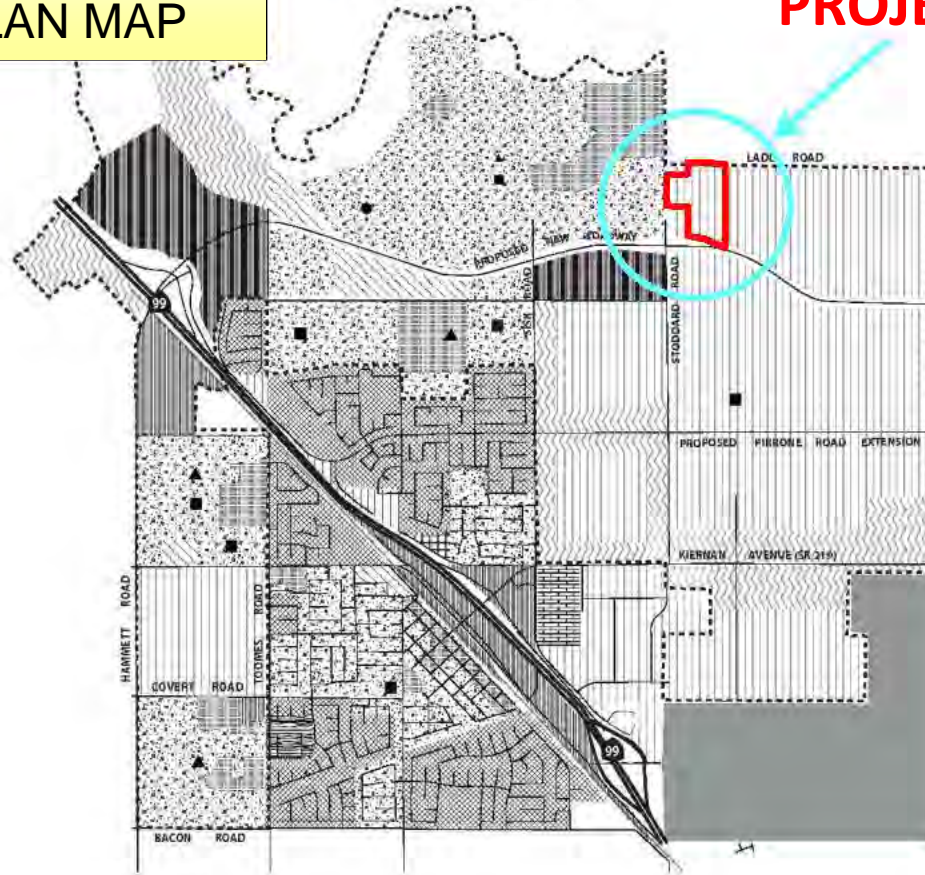
-  **MDR - MEDIUM DENISTY RESIDENTIAL**
-  **LDR - LOW DENISTY RESIDENTIAL**
-  **COM - COMMERCIAL**
-  **AG - GENERAL AGRICULTURE**
-  **PI - PLANNED INDUSTRIAL**

**WAC & PM PLN2016-0108
BEACHLER - RUMBLE
COMMUNITY PLAN MAP**

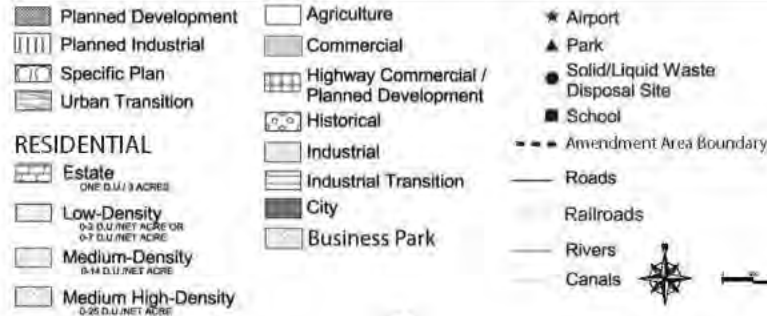
SALIDA LAND USE DIAGRAM

SALIDA

PROJECT SITE



LAND USES



**WAC & PM PLN2016-0108
BEACHLER - RUMBLE
ZONING MAP**

A-2-40

SCP-MDR

LADD RD.

A-2-40

SCP-SF






STODDARD RD.

SITE

SCP-PI

SCP-C2

SCP-PI

-  **SCP-MDR - SALIDA COMMUNITY PLAN - MEDIUM DENISTY RESIDENTIAL**
-  **SCP-SF - SALIDA COMMUNITY PLAN - SINGLE FAMILY**
-  **SCP-C2 - SALIDA COMMUNITY PLAN - GENERAL COMMERCIAL**
-  **A-2-40 - GENERAL AGRICULTURE (40 ACRE MINIMUM)**
-  **SCP-PI - SALIDA COMMUNITY PLAN - PLANNED INDUSTRIAL**



SCP-PI

**WAC & PM PLN2016-0108
BEACHLER - RUMBLE
2015 AERIAL**

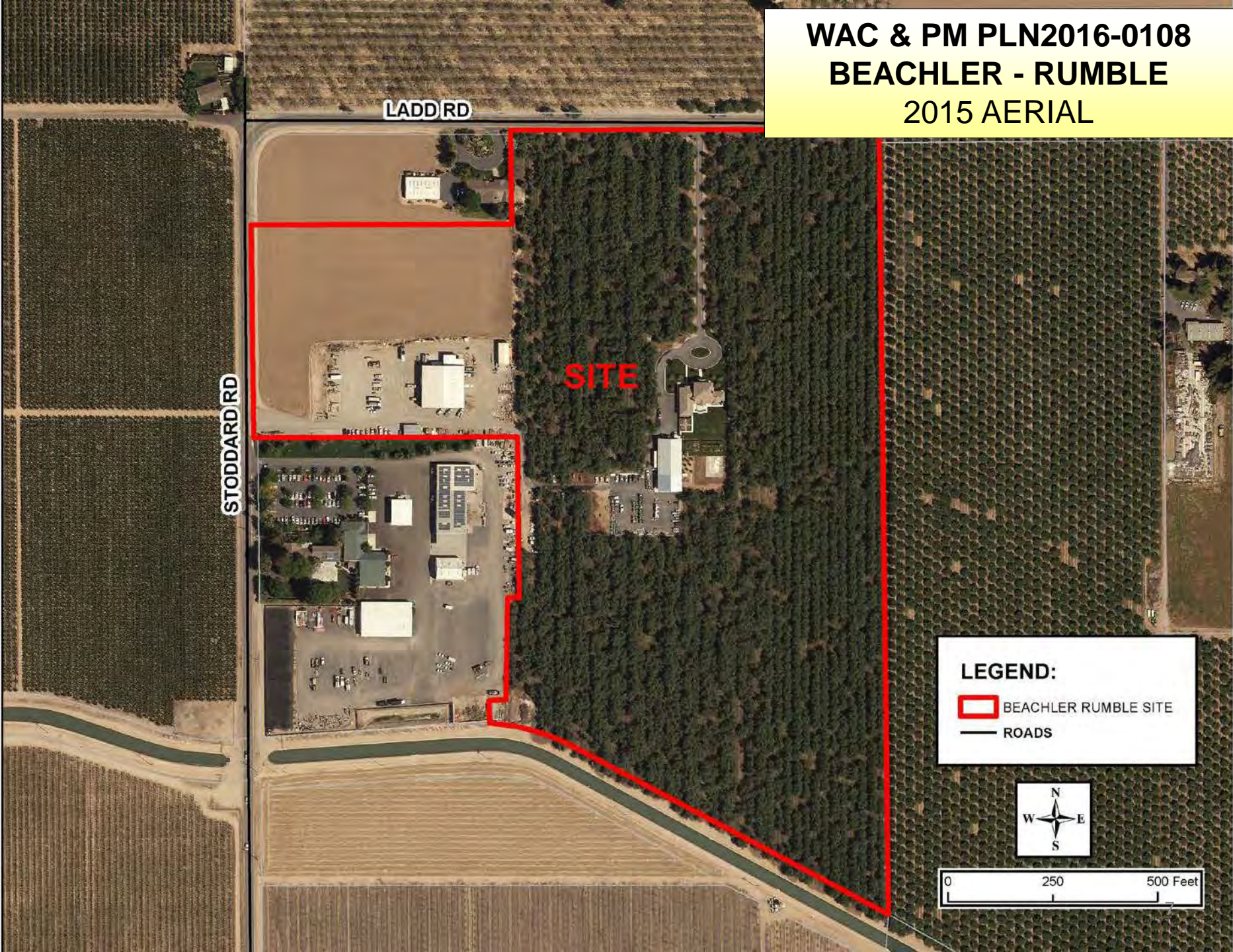
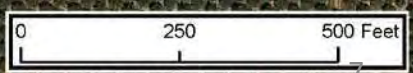
STODDARD RD

LADD RD

SITE

LEGEND:

-  BEACHLER RUMBLE SITE
-  ROADS



**WAC & PM PLN2016-0108
BEACHLER - RUMBLE
2015 AERIAL**

PROPOSED PARCEL 1



STODDARD RD

X-OUTSIDE THE 0.2% FLOODPLAIN

50 m

WAC & PM PLN2016-0108
BEACHLER - RUMBLE
2015 SITE PHOTOS

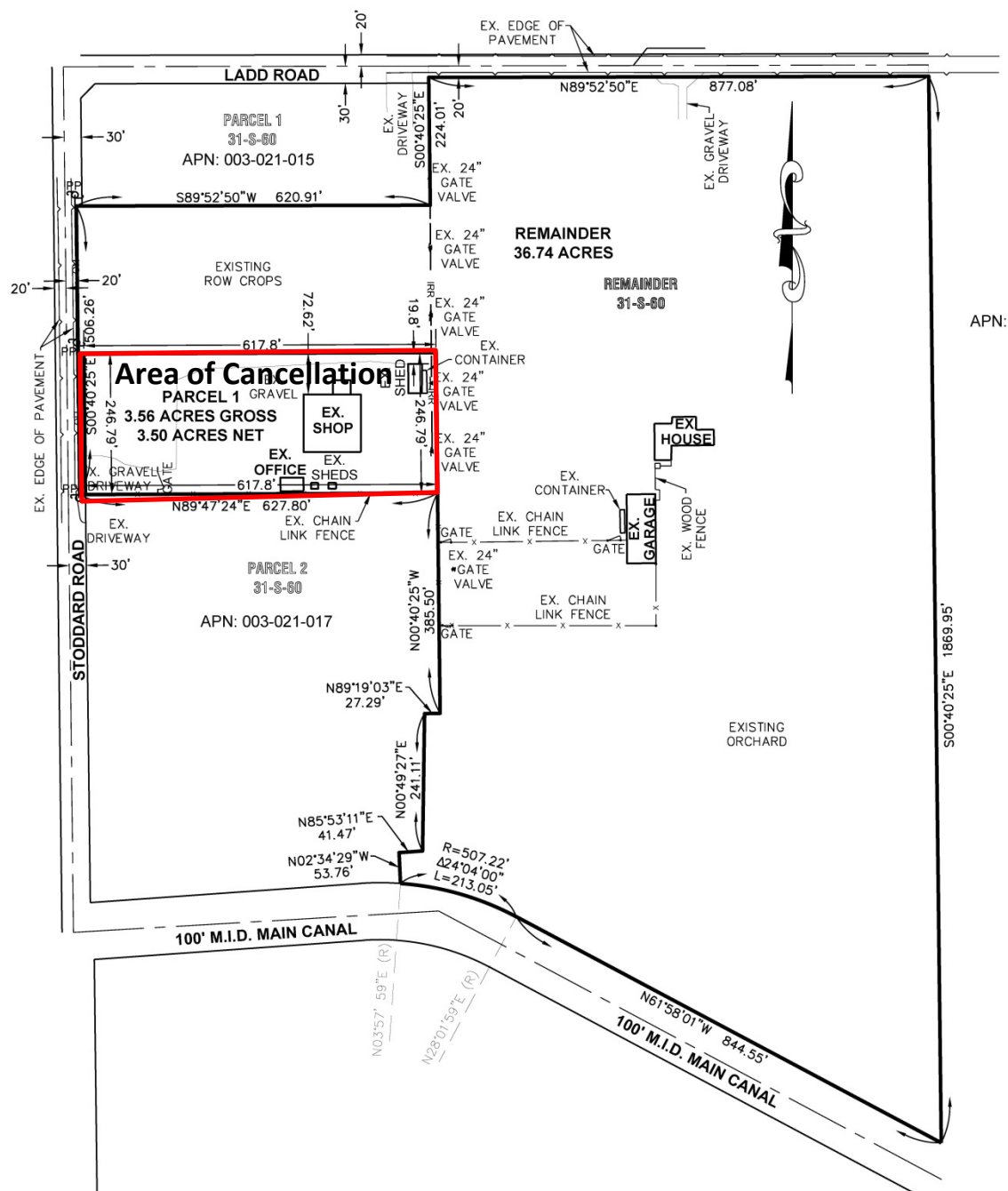


General Plan & Zoning Consistency

- General Plan
 - Planned Industrial
 - Salida Community Plan
- Zoning
 - A-2 Zoning Designation
 - Parcel Map
 - Use Permit - Ag Services Establishment
 - Williamson Act Cancellation



WAC & PM PLN2016-0108 BEACHLER - RUMBLE CANCELLATION AREA MAP



10-S-21
 APN: 003-021-002

Williamson Act Cancellation

- Assessor Cancellation Valuation
 - Fair Market Value - \$210,00
 - Cancellation Fee - \$26,250
- Department of Conservation
- Findings:
 - That the cancellation is consistent with the purposes of the Williamson Act **AND**
 - That cancellation is in the public interest



Williamson Act Cancellation Findings

- Consistent with the Williamson Act and in the Public Interest:
 - Filed non-renewal
 - Not likely to remove adjacent land from ag
 - Will not cause discontinuous patterns of urban development
 - For alternative use consistent with general plan
 - Weighing of other public concerns/benefits
 - No available/suitable proximate noncontracted land



Environmental Review

- CEQA - Negative Declaration



Planning Commission

- March 16, 2017
 - No one spoke in opposition to the project
 - On a 9-0 vote recommended that the Board of Supervisors Approve the request



Recommendation

- Staff recommendation
 - Recommend approval to the Board of Supervisors
- Findings – Exhibit A
 - Environmental Review
 - Parcel Map
 - Williamson Act Cancellation



Questions

