

STANISLAUS COUNTY PLANNING COMMISSION

April 2, 2015

STAFF REPORT

USE PERMIT APPLICATION NO. PLN2014-0094
BLAKER 40 BREWING

REQUEST: TO CHANGE THE USE OF AN EXISTING 1,944 SQUARE FOOT FORMER MILKING PARLOR INTO A MICROBREWERY WHICH PRODUCES HAND-CRAFTED BEER.

APPLICATION INFORMATION

Applicant/Owner:	Michael Lucas, Lucas Dairy
Agent:	Thomas Lucas, Blaker 40 Brewing
Location:	11204 Fulkerth Road, in the Turlock area
Section, Township, Range:	16-5-9
Supervisorial District:	Two (Supervisor Chiesa)
Assessor's Parcel:	022-037-010
Referrals:	See Exhibit F Environmental Review Referrals
Area of Parcel(s):	97± acres
Water Supply:	Private Well
Sewage Disposal:	Septic/Leach System
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	Agriculture
Sphere of Influence:	Not Applicable
Community Plan Designation:	Not Applicable
Williamson Act Contract No.:	71-0341
Environmental Review:	Negative Declaration
Present Land Use:	Dairy farm with corn and wheat crops
Surrounding Land Use:	To the north, a dairy farm, an almond orchard, and corn and wheat crops; to the east, a hog farm and wheat and corn crops; to the west, corn, wheat, and alfalfa crops; to the south, a dairy farm, corn and wheat crops, and truck parking; and scattered single-family dwellings on surrounding parcels

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

The project is a request to change the use of an existing 1,944 square foot former milking parlor into a microbrewery, which produces hand-crafted beer, on a 97± acre parcel in the A-2-40 (General Agriculture) zoning district. On-site agricultural crops will be used in the microbrewery operation (hops and 50 percent of wheat). Business hours will be from 8:00 a.m. to 5:00 p.m., seven days per week.

Inside the main room of the former milking parlor, there is space for grain storage and a hand mill for use on the hops and wheat before the brewing process. The proposed brewery will produce 20 gallons of beer in a 25 gallon kettle once per week. After the brewing process, beer will be placed in fermentation chests before it is filled into kegs and stored in the existing cold storage room. When the product is ready, it will be distributed to commercial businesses via a cold storage box truck once per week, by Blaker 40 Brewing. There will not be a taproom at the project site and patrons will not be allowed. There are future expansion plans for a Blaker 40 Brewing taproom off site within city limits.

All spent grains remaining from the brewing process will be fed to the livestock on site. The brewing operation will create approximately 150 gallons of secondary-use wastewater per week which includes the brewing and clean up. This waste will not enter a septic system or city treatment plant. All liquid waste, including post fermentation sediment, will go through a sand trap, over a solids separator, and end up in the seven (7) million gallon lagoon which is used as part of the on-site dairy operation. A full year of wastewater will constitute less than .1% of daily storage space. From there, it will be used as needed for irrigation for wheat, corn, and hops. Any solids collected on the sand trap or on the solids separator will be used as fertilizer.

Currently, Lucas Dairy has 10 full time employees with two (2) milk pickups per day, one (1) delivery drop per day, one (1) sales call per day, and one (1) vet service call biweekly. Once the microbrewery is in operation, the traffic is proposed to increase by two (2) partners on site daily, two (2) delivery drops per day, and one (1) output delivery per day.

SITE DESCRIPTION

The 97± acre site is located on the south side of Fulkerth Road, which is designated as a 60 foot wide Collector Road. The site is located four (4) miles west of the City of Turlock's Sphere of Influence.

The site has operated as a dairy farm (Lucas Dairy) since 1938. The existing dairy operation is not proposed to be amended at this time. The proposed change of use will occur in a former 1,944 square foot milking parlor that has not been in operation since 1978. There is another milking parlor on site which is used in the dairy operation.

The surrounding land uses consist of a mixture of agricultural and scattered single-family dwellings. A dairy farm, an almond orchard, and corn and wheat crops exist to the north; a hog farm and wheat and corn crops lie to the east; corn, wheat, and alfalfa crops are located to the west; and a dairy farm, corn and wheat crops, and truck parking exist to the south. The closest single-family dwellings are located on the north side of Fulkerth Road.

ISSUES

No issues have been identified during the review of this application. Standard conditions of approval have been added to this project to address less than significant impacts associated with the proposed use. (*See Exhibit C - Conditions of Approval.*)

GENERAL PLAN CONSISTENCY

The site is currently designated “Agriculture” in the Stanislaus County General Plan. The agricultural designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas. The proposed project is addressed by the following goals, objectives, and policies of the Land Use and Agricultural Elements of the General Plan:

Land Use Element

Goal Three - Foster stable economic growth through appropriate land use policies.

Policy Sixteen – Agriculture, as the primary industry of the County, shall be promoted and protected.

Policy Seventeen - Promote diversification and growth of the local economy.

Agricultural Element

Goal One - Strengthen the agricultural sector of our economy.

Objective Number 1.1 - Enhance the marketing and promotion of agriculture in Stanislaus County.

Policy 1.1 - Efforts to promote the location of new agriculture-related business and industry in Stanislaus County shall be supported.

Objective Number 1.2 - Support the development of agriculture-related uses.

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 they meet the A-2 zoning requirements (pages 4 and 5).

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 processing facilities, such as wineries and canneries, 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.

Policy 1.6 - Processing facilities and storage facilities for agricultural products either grown or processed on the site shall be permissible in agricultural areas.

Policy 1.8 - To encourage vertical integration of agriculture, the County shall allow research, production, processing, distribution, marketing, and wholesale and limited retail sales of agricultural

products in agricultural areas, provided such uses do not interfere with surrounding agricultural operations.

Agricultural Buffer Purpose and Intent:

The purpose of the Agricultural Buffer and Setback Guidelines (Appendix A of the Agricultural Element) is 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. The intent of the guidelines is to establish standards for the development and maintenance of buffers and setbacks designed to physically avoid conflicts between agricultural and nonagricultural uses. All projects shall incorporate a minimum 150 foot wide buffer setback. Projects which propose people intensive outdoor activities, such as athletic fields, shall incorporate a minimum 300 foot wide buffer setback.

The guidelines are applicable to new or expanding uses approved in or adjacent to the A-2 (General Agriculture) zoning district. Appendix A states that low people intensive Tier One and Tier Two uses (such as nut hulling, shelling, dehydrating, grain warehousing, and agricultural processing facilities) which do not serve the general public shall not be subject to compliance with these guidelines; however, conditions of approval consistent with these guidelines may be required as part of the project approval. The decision making body (Planning Commission) shall have the ultimate authority to determine if a use is "low people intensive". The applicant and staff agreed that no agricultural buffer was necessary as the Tier Two use of agricultural processing facilities, as proposed, is a "low people intensive" use.

Staff believes this project can be found to be consistent with the General Plan, through the Agricultural Element, Goal One.

ZONING ORDINANCE CONSISTENCY

Section 21.20.030(B)(3) of the Stanislaus County Zoning Ordinance defines agricultural processing plants, such as wineries, dehydrators, canneries, and similar agriculture-related industrial uses, as Tier Two uses. Tier Two consists of agriculturally related commercial and industrial uses that may be allowed when the planning commission or board of supervisors finds that:

1. The use as proposed will not be substantially detrimental to or in conflict with 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 establishments to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage.

The Stanislaus County Zoning Ordinance, under Section 21.20.030(B)(3), allows agricultural processing plants and facilities such as wineries and similar agriculture-related industrial uses under a Tier Two Use Permit provided:

1. The plant or facility is operated in conjunction with, or as a part of, a bona fide agricultural production operation;

2. At least fifty percent of the produce to be processed is grown on the premises or on property located in Stanislaus County in the same ownership or lease; and
3. The number of full time, year-round employees involved in the processing shall not exceed ten, and the number of part-time, seasonal employees shall not exceed twenty.

The project site is enrolled in Williamson Act Contract No. 71-0341. Section 21.20.045(A) of the A-2 zoning district requires that all uses requiring use permits that are approved on Williamson Act contracted lands shall be consistent with the following three 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.

The project was referred to the State Department of Conservation during the Early Consultation and 30-day Initial Study review periods and no comments were received.

The proposed change in use of the former milking parlor will not significantly compromise the long-term productive agricultural capability of the subject property. The proposed change in use of the milking parlor will not result in new facilities limiting the return of the property to agricultural production in the future. The proposed change of use of the milking parlor will not remove any adjacent contracted land from agricultural or open space use. This parcel and all surrounding lands will be able to continue their agricultural operations.

The reuse of the former milking parlor as a microbrewery is consistent with the A-2 (Agricultural) zoning designation and can be supported by the General Plan as an agricultural operation. The small scale microbrewery will produce a limited amount of product. The crops will be grown on site and waste from the microbrewery will be reused in the existing agricultural operations on site. Based on the information provided in this report, staff believes that all of the findings necessary for approval of this request can be made.

To address potential growth in the volume of beer which could be produced within the existing structure, without addition or modification to the structure, a condition of approval has been added reflecting the 20 gallon production being requested at this time. The condition of approval does not restrict expansion but does allow for oversight.

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 prior to action on the use permit itself as the project will not have a significant effect on the environment. (See Exhibit E - *Negative Declaration*.) Conditions of approval reflecting referral responses have been placed on the project. (See Exhibit C - *Conditions of Approval*.)

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 **\$2,267.00** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Contact Person: Timothy Vertino, Assistant Planner, (209) 525-6330

Attachments:

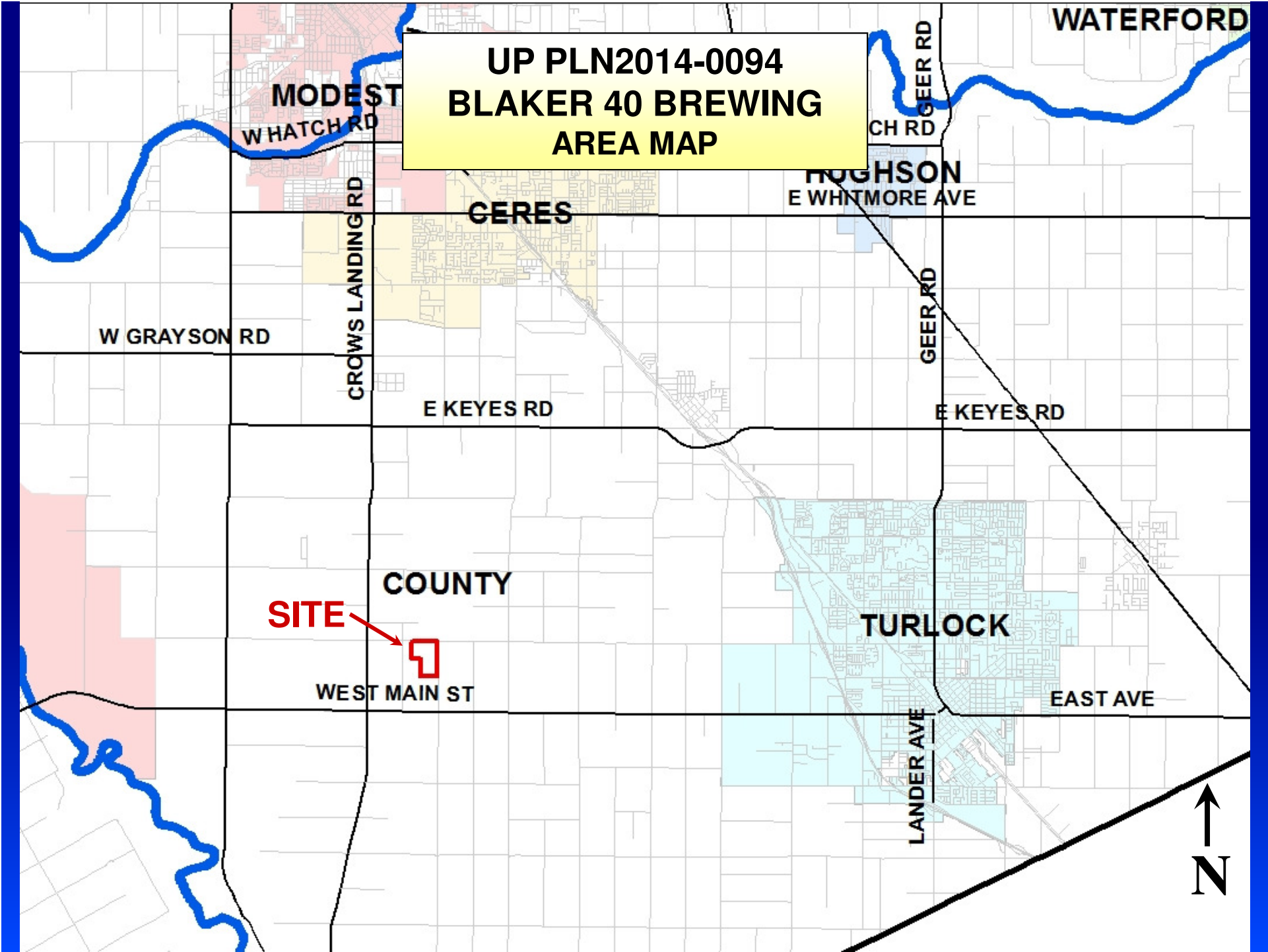
- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps, Site Plan, Floor Plan
- Exhibit C - Conditions of Approval
- Exhibit D - Initial Study
- Exhibit E - Negative Declaration
- Exhibit F - Environmental Review Referrals

Exhibit A
Findings and Actions Required for Project Approval

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
 - (a) The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County;
 - (b) The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity;
 - (c) The use as proposed will not create a concentration of commercial and industrial uses in the vicinity;
 - (d) It is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage;
 - (e) The plant or facility is operated in conjunction with, or as a part of, a bona fide agricultural production operation;
 - (f) At least fifty percent of the produce to be processed is grown on the premises or on property located in Stanislaus County in the same ownership or lease;
 - (g) The number of full time year-round employees involved in the processing shall not exceed ten, and the number of part-time, seasonal employees shall not exceed twenty;
 - (h) 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;
 - (i) 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;

- (j) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use; and
 - (k) The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
4. Approve Use Permit Application No. PLN2014-0094 – Blaker 40 Brewing subject to the attached Conditions of Approval.

**UP PLN2014-0094
BLAKER 40 BREWING
AREA MAP**



6

EXHIBIT B

**UP PLN2014-0094
BLAKER 40 BREWING
GENERAL PLAN MAP**

**SITE
97±
acres**

AG

AG

AG

AG=GENERAL AGRICULTURE



CROWS LANDING RD

EL KATRINA LN

E TUOLUMNE RD

W FULKERTH RD

FULKERTH RD

CENTRAL AVE

BYSTRUM RD

N BLAKER RD

N MORGAN RD

WEST MAIN ST

**UP PLN2014-0094
BLAKER 40 BREWING
ZONING DESIGNATION MAP**

A-2-40

E-TUOLUMNE RD

EL-KATRINA LN

CROWS LANDING RD

W-FULKERTH RD

FULKERTH RD

CENTRAL AVE

SITE

**97±
acres**

A-2-40

BYSTRUM RD

A-2-40

A-2-40

N-MORGAN RD

N-BLAKER RD

WEST MAIN ST

A-2-40=GENERAL AGRICULTURE (40 acre minimum)



**UP PLN2014-0094
BLAKER 40 BREWING
2013 AERIAL MAP**

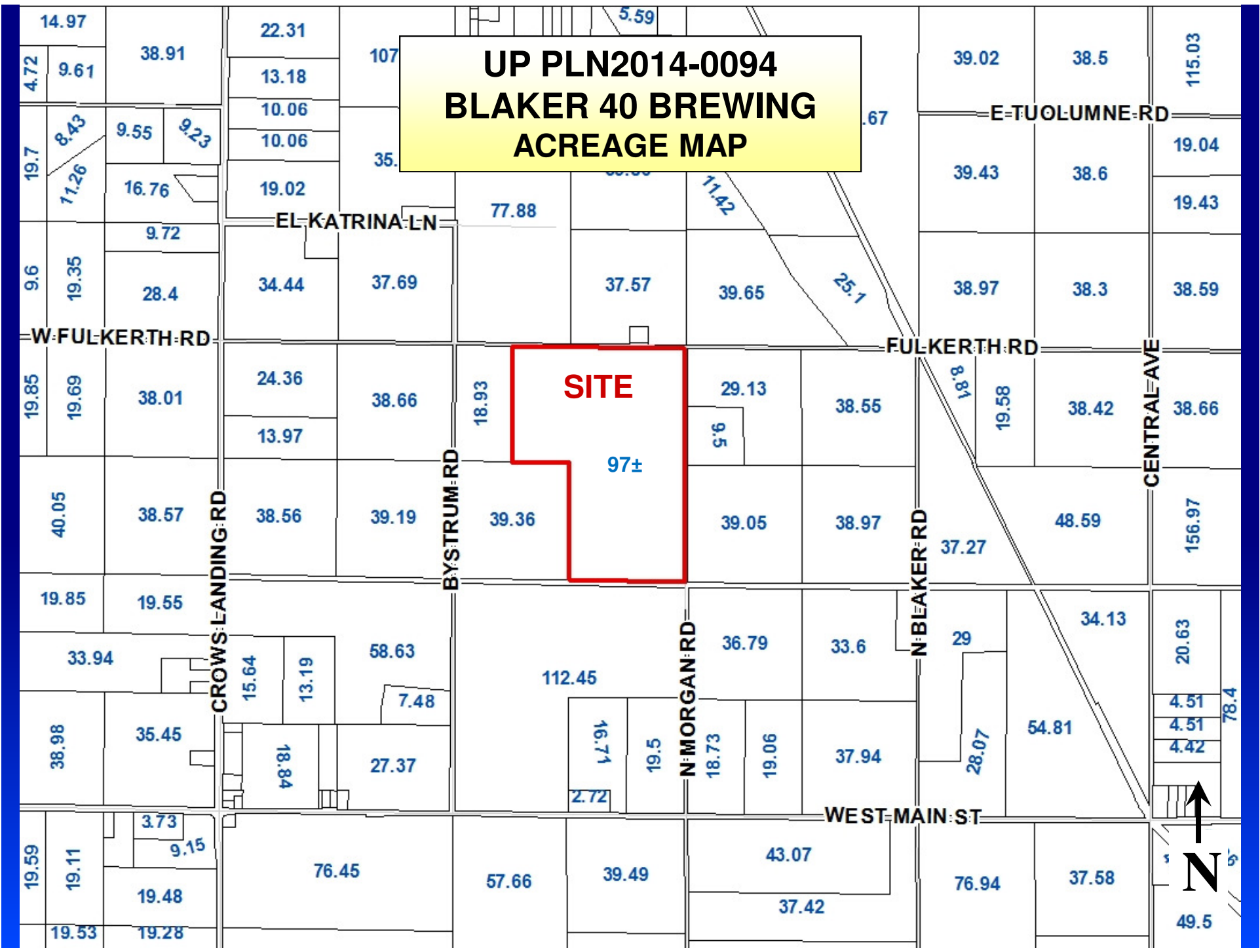
BYSTRUM RD

SITE

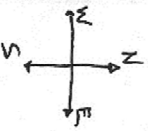


**UP PLN2014-0094
BLAKER 40 BREWING
ACREAGE MAP**

SITE
97±



UP PLN2014-0094 BLAKER 40 BREWING SITE PLAN



APN# 022-037-010
97.7 ACRES

A - Proposed Project
87' From Foulkett Rd.

Well - 25' From Building A

B - Home 90' From Building A

C - Machine Shop 108' From Building A

D - Garage & Barn 70' From Building A

E - Pole Barn 75' From Building A

F - Loftive Barn

G - Pole Barn

ENTRANCE 2 57' WIDE 375' TO BUILDING A

ENTRANCE 1 162' WIDE 87' TO BUILDING A

SEPTIC 4' FROM BUILDING A 95' SETBACK

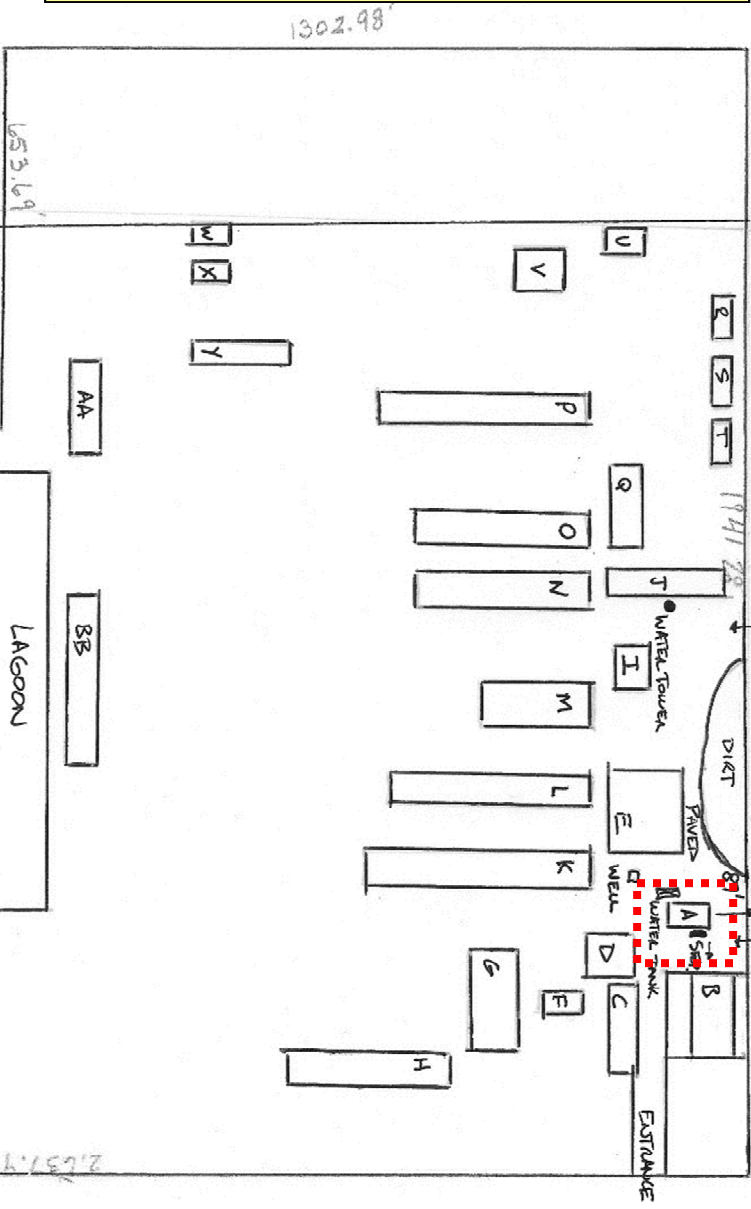
H - Loftive Barn

☑ 4500 GAL. WATER TANK

I - Pole Barn

J - Milk Barn

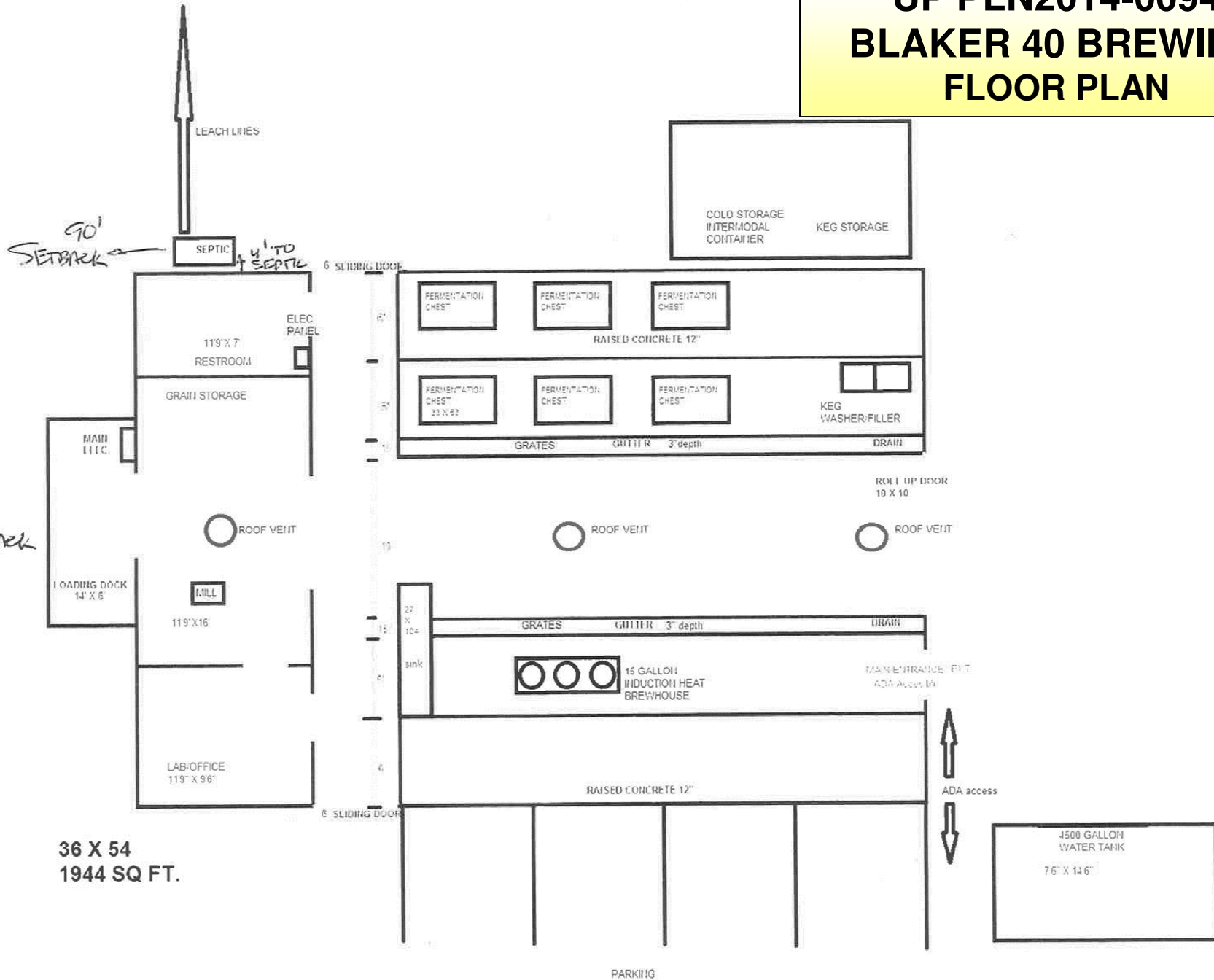
● - WATER TOWER 10,000 GAL. 125' TO BUILDING A
K-P FREESTAL BARN



Project Site

- Q - Hospital Barn
- R/S/T - Mobile Homes
- U - Home
- V - Hay Barn
- W/X - Loftive Barn
- Y - Calf Barn
- AA - Loftive Barn
- BB - Loftive Barn
- CC - Home
- DD - Community Barn

UP PLN2014-0094 BLAKER 40 BREWING FLOOR PLAN



**UP PLN2014-0094
BLAKER 40 BREWING
ELEVATIONS**



**UP PLN2014-0094
BLAKER 40 BREWING
SITE PICTURES**



Hop Yard located on site



Former milking parlor



Former milking parlor

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

USE PERMIT APPLICATION NO. PLN2014-0094 BLAKER 40 BREWING

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, 2015), 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 **\$2,267.00**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk Recorder filing fees.

Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid
3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
4. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
5. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).

6. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
7. A sign plan for all proposed on-site signs indicating the location, height, area of the sign(s), and message must be approved by the Planning Director or appointed designee(s) prior to installation.
8. 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.
9. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.
10. Any on-site beer production exceeding 20 gallons per week shall be subject to further review by the Planning Department and may be required to obtain a staff approval permit or apply for an amended use permit.

Department of Public Works

11. The applicant shall obtain an encroachment permit prior to any work being done in the Fulkerth Road or Morgan Road rights-of-way.
12. Public Works shall approve the location and width of any new driveway approaches on any County maintained roadway.
13. A grading and drainage plan for the project site shall be submitted before any building permit for the site is issued. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:
 - A. Drainage calculations shall be prepared as per the Stanislaus County Standards and Specifications that are current at the time the permit is issued.
 - B. The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.
 - C. The grading and drainage plan shall comply with the current Stanislaus County National Pollutant Discharge Elimination System (NPDES) General Permit and the Quality Control standards for New Development and Redevelopment contained therein.
 - D. An Engineer's Estimate shall be submitted for the grading and drainage work.

- E. The grading, drainage, and associated work shall be accepted by Stanislaus County Public Works prior to a final inspection or occupancy, as required by the building permit.
 - F. The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the building and/or grading plan.
- 14. An Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined.
 - 15. No parking, loading, or unloading of vehicles shall be permitted within the county road right-of-way.
 - 16. Fulkerth Road is classified as a 60 foot Local Roadway. The required ½ width of Fulkerth Road is 30 feet south of the centerline of the roadway. If 30 feet of the road right-of-way does not exist, then the remainder 30 feet shall be dedicated with an Irrevocable Offer of Dedication for the entire parcel frontage.

Department of Environmental Resources

- 17. Prior to issuance of building permits or license to conduct business identified in use permit application PLN2014-0094, the property owner shall certify to Stanislaus County Department of Environmental Resources that: the property use does not or will not constitute a public water system, or submit a public water supply permit application to the Department accompanied by a public water system technical report, financial aid managerial and technical information, and obtain a public water supply permit to operate the public water system.
- 18. On-site wastewater disposal system (OSWDS) shall be by individual Primary and Secondary wastewater treatment units operated under conditions and guidelines established by Measure X.

Building Permits Division

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

California Regional Water Quality Control Board (RWQCB)

- 20. Prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if any of the following are required: a Construction Storm Water General Permit; a Storm Water Pollution Prevention Plan (SWPPP); a Phase I and II Municipal Separate Storm Sewer System (MS4) Permit; an Industrial Storm Water General Permit; a Clean Water Act Section 404 Permit; a Clean Water Act Section 401 Permit-Water Quality Certification; or Waste Discharge Requirements (WDR). If a SWPPP is required, it shall be completed prior to construction and a copy shall be submitted to the Stanislaus County Department of Public Works.

*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~~.*



Stanislaus County Planning and Community Development

1010 10th Street, Suite 3400
Modesto, California 95354

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

CEQA INITIAL STUDY

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

1. **Project title:** Use Permit Application No. PLN2014-0094 - Blaker 40 Brewing
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Timothy Vertino, Assistant Planner
(209) 525-6330
4. **Project location:** 11204 Fulkerth Road, at the southwest corner of Fulkerth and N. Morgan Roads, west of the City of Turlock. APN: 022-037-010
5. **Project sponsor's name and address:** Thomas Lucas
854 Bystrum Road
Turlock, CA 95380
6. **General Plan designation:** Agriculture
7. **Zoning:** A-2-40 (General Agriculture)
8. **Description of project:**

Request to change the use of an existing 1,944 square foot converted milking parlor into a microbrewery, which produces hand-crafted beer, on a 97.7± acre parcel in the A-2-40 (General Agriculture) zoning district. On-site agricultural crops will be used in the microbrewery operation (hops and 50% of wheat). The existing dairy operation is not proposed to be amended at this time.
9. **Surrounding land uses and setting:** All surrounding parcels are zoned General Agriculture (A-2-40), and are currently in agriculture production. To the east: hog farm, wheat, and corn cultivation. To the west: single family dwelling, corn, wheat, and alfalfa cultivation. To the north: dairy, corn, wheat, and almonds. To the south: dairy, corn, wheat, and truck parking.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Department of Public Works
Department of Environmental Resources
Building Permits Division
Regional Water Quality Control Board

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.

- Aesthetics
- Agriculture & Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology /Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology / Water Quality
- Land Use / Planning
- Mineral Resources
- Noise
- Population / Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities / Service Systems
- 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.

Timothy Vertino, Assistant Planner
Prepared By _____

January 9, 2015
Date _____

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

- a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference 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
<p>Discussion: The site itself is not considered to be a scenic resource or a unique scenic vista. Community standards generally do not dictate the need or desire for architectural review of agricultural uses. The proposed use is to be located in an existing converted milking parlor; therefore, construction of new structures will not take place. The microbrewery operational hours are from 8:00 am to 5:00 p.m., seven days a week, thus not creating additional light or glare at nighttime.</p> <p>Any development resulting from this project will be consistent with existing area developments.</p>				
<p>Mitigation: None.</p>				
<p>References: Application information; Stanislaus County General Plan and Support Documentation¹.</p>				
II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X

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

Discussion: The project site has a general plan designation of Agriculture and a zoning designation of A-2-40 (General Agriculture). Within the A-2 zoning district, the County has determined that certain uses related to agricultural production are “necessary for a healthy agricultural economy.” The majority of the property will remain in operation as a dairy. The proposal involves the re-use of an existing and former milking parlor. The location of the microbrewery in the norther center of the property will not affect the operation of the dairy.

The County allows three tiers of related uses within the A-2 zone when it is found that the proposed use “will not be substantially detrimental to or in conflict with the agricultural use of other property in the vicinity.” The proposed use falls under the Tier Two use category for the A-2 zoning. In accordance with Section 21.20.030 of the County Code, Tier 2 use permits can be obtained through agriculture-related commercial and industrial uses, if the following conditions are met:

1. The establishment as proposed will not be substantially detrimental to or in conflict with 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.
3. It is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage.
 - b. “Agriculture processing plants and facilities, such as wineries, dehydrators, canneries, and similar agriculture related industrial uses, provided”:
 1. The plant or facility is operated in conjunction with, or as part of a bona fide agriculture production operation;
 2. At least 50 percent of the produce to be processed is grown on the premises or on the property located in Stanislaus County un the same ownership or lease; and
 3. The number of full time, year round employees involved in the processing shall not exceed ten, and the number of part time, seasonal employees shall not exceed twenty.

This project site is enrolled in Williamson Act Contract 71-0341. The proposed development, on agriculturally zoned land, will support and increase agricultural resources on the site.

Section 21.20.045(A) of the Stanislaus County Zoning Ordinance requires that all uses approved on Williamson Act contracted lands be consistent with three 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.
3. The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.

Low people intensive Tier Two Use Permit applications, which do not serve the general public shall not be subject to compliance with agriculture buffer guidelines.

Mitigation: None.

References: Stanislaus County Geographical Information Systems; Stanislaus County Zoning Ordinance; and the Stanislaus County General Plan and Support Documentation¹.

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	
<p>Discussion: The proposed project is located within the San Joaquin Valley Air Basin (SJVAB) and, therefore, falls under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In conjunction with the Stanislaus Council of Governments (StanCOG), the SJVAPCD is responsible for formulating and implementing air pollution control strategies. The SJVAPCD's most recent air quality plans are the 2007 PM10 (respirable particulate matter) Maintenance Plan, the 2008 PM 2.5 (fine particulate matter) Plan, and the 2007 Ozone Plan. These plans establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SJVAB, which has been classified as "extreme non-attainment" for ozone, "attainment" for respirable particulate matter (PM-10), and "non-attainment" for PM 2.5, as defined by the Federal Clean Air Act.</p> <p>The primary source of air pollutants generated by this project would be generated from "mobile" sources. Mobile sources would generally include dust from roads, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies.</p> <p>The proposed microbrewery is expected to increase current traffic on the site. Initially the expected increase in traffic will consist of two (2) partners on site daily, two (2) delivery drops per week, one (1) output delivery per day, and one (1) cattle maintenance input/output per month.</p> <p>The proposed microbrewery is not expected to produce any volatile gases during the brewing process. Some steam is produced in the mashing and boiling process. Fermentation by yeast results in the production of CO2. Spent grains can produce odors if not fed quickly. The applicant proposes to feed the product off quickly on site to livestock.</p> <p>An Early Consultation referral was sent to the SJVAPCD on October 29, 2014 but no response has been received to date.</p>				
<p>Mitigation: None.</p>				
<p>References: Application information; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; and the Stanislaus County General Plan and Support Documentation¹.</p>				

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 US 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	
<p>Discussion: It does not appear that this project will result in impacts to endangered species or habitats, locally designated species, wildlife dispersal, or mitigation corridors. The California Natural Diversity Database has identified the land as prime farmland and confined animal agriculture.</p> <p>The proposed microbrewery will occupy an existing converted milking parlor that has been out of operation since 1978. Consequently, no new areas of disturbance will occur as a result of this request. The remaining portion of the site is used for growing corn and wheat along with a dairy farm.</p> <p>The project was referred to the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the United States Fish and Wildlife Service for Early Consultation comments, but no response has been received to date.</p>				
<p>Mitigation: None.</p>				
<p>References: California Department of Fish and Wildlife (formerly the Department of Fish and Game) California Natural Diversity Database; and the Stanislaus County General Plan and Support Documentation¹.</p>				

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
<p>Discussion: As the site has been previously developed and no new building construction is being proposed, the potential for disturbing cultural and/or historical resources is minimal. It does not appear that this project will result in significant impacts to any archaeological or cultural resources. A condition of approval will be placed on the project that requires that if any resources are found, construction activities will halt at that time. The project was referred to the Native American Heritage Commission, via the State Clearinghouse; no referral response was received to date.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
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:				
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: As contained in Chapter Five 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 as part of the building permit process. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Public Works Standards and Specifications which consider the potential for erosion and run-off prior to permit approval. The project was referred to Department of Environmental Resources (DER) and the County's Building Permits Division and no geology and soil concerns were addressed.

Mitigation: None.

References: California Building Code; and the Stanislaus County General Plan and Support Documentation - Safety Element¹.

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 proposed microbrewery is not expected to generate significant levels of greenhouses gases. This project was referred to the San Joaquin Valley Air Pollution Control District (SJVAPCD) on October 29, 2014 no referral response was received to date.

Mitigation: None.

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

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
<p>Discussion: Sources of exposure include contaminated groundwater from microbrewery discharge. The waste water will contain Starsan and PBW for cleaning purposes. Starsan is an acid-based sanitizer. It is non-toxic. PBW is a non-hazardous buffered alkaline cleaner. DER is responsible for overseeing hazardous materials in this area. The project was referred to the Hazardous Materials Division (HazMat) via the Environmental Review Committee (ERC) but no environmental response was received to date.</p> <p>The Envirostar database was accessed to determine if any of the properties were listed as potential hazardous waste or superfund sites. 11204 Fulkerth Road was not identified as a hazardous site.</p>				
<p>Mitigation: None.</p>				
<p>References: Application information; Department of Toxic Substances Control (www.envirostar.dtsc.ca.gov); Stanislaus County Geographical Information System; and the Stanislaus County General Plan and Support Documentation¹.</p>				
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
<p>Discussion: Approximately 150 gallons of secondary use waste water per week will be generated from the microwbrewery. Waste water will remain on site and will be used to irrigate wheat, corn, and hops. The waste is not proposed to enter a septic system or city waste water treatment plant. All liquid waste including post fermentation sediment will go through a sand trap, over a solids separator, and end up in the seven (7) million gallon lagoon located on site. A full year of waste water is proposed to consist of less than .1% of daily storage space. From there, it will be used as needed for irrigation. Any solids collected on the sand trap or on the solids separator will be used as fertilizer.</p> <p>The project was referred to the Regional Water Quality Control Board (RWQCB). The RWQCB recommends appropriate discharge permits may be required for the project. The project was referred to the ERC, which also recommended that the applicant apply for a water discharge report from the RWQCB.</p>				
<p>Mitigation: None.</p>				
<p>References: Application information; Referral Response from Regional Water Quality Control Board dated November 13, 2014; Referral Response from Environmental Review Committee dated November 18, 2014; and the Stanislaus County General Plan and Support Documentation¹.</p>				

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
<p>Discussion: The project site is designated Agriculture and zoned A-2-40 (General Agriculture, 40-acre minimum). The site is currently operating as a dairy farm, with corn and wheat crops grown on site. The applicant is seeking a Tier 2 Use Permit which states:</p> <p>3. It is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage.</p> <p style="padding-left: 20px;">b. "Agriculture processing plants and facilities, such as wineries, dehydrators, canneries, and similar agriculture related industrial uses, provided":</p> <ol style="list-style-type: none"> 1. The plant or facility is operated in conjunction with, or as part of a bona fide agriculture production operation; 2. At least 50 percent of the produce to be processed is grown on the premises or on the property located in Stanislaus County un the same ownership or lease; and 3. The number of full time, year round employees involved in the processing shall not exceed ten, and the number of part time, seasonal employees shall not exceed twenty. <p>The features of this project 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 applicable land use plan, policy, or regulation of any agency with jurisdiction over the project.</p>				
Mitigation: None.				
References: Stanislaus County Zoning Ordinance; Stanislaus County General Plan and Support Documentation ¹ .				
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
<p>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.</p>				

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: Noise impacts associated with project activities and traffic are not anticipated to exceed the normally acceptable level of noise. The project will increase ambient noise levels. The nearest sensitive noise receptors are two residential homes on neighboring properties. The nearest dwellings to the north, are located on an existing almond orchard. The closest dwelling unit is located 160 feet from of the existing facility footprint.

Mitigation: None.

References: Application information; Stanislaus County Geographical Information Systems; and the Stanislaus County General Plan and Support Documentation¹.

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

<p>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</p>				X
<p>Discussion: The proposed use of the site will not create significant service extensions or new infrastructure which could be considered as growth inducing. No housing or persons will be displaced by this project. This project is adjacent to large scale agricultural operations and the nature of the use is considered consistent with the A-2 zoning district.</p>				
<p>Mitigation: None.</p>				
<p>References: Application information; and the Stanislaus County General Plan and Support Documentation¹.</p>				
<p>XIV. PUBLIC SERVICES --</p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant With Mitigation Included</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
<p>a) Would the project result in 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:</p>				
<p>Fire protection?</p>			X	
<p>Police protection?</p>				X
<p>Schools?</p>				X
<p>Parks?</p>				X
<p>Other public facilities?</p>			X	
<p>Discussion: The County has adopted Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance. The project was referred to the school districts within the area, the Sheriff's office, Mountain View Fire Department, and ERC. A referral response was not received from the Sheriff's office or the fire district; however, conditions of approval will be added to this project to insure that the microbrewery will comply with all applicable fire department standards with respect to access and water for fire protection. On-site water storage for fire protection will be further evaluated as part of any future building permit process. Referral responses were received from the ERC. The ERC responded with comments unrelated to public services.</p>				
<p>Mitigation: None.</p>				
<p>References: Application Information; The Stanislaus County General Plan and Support Documentation¹.</p>				
<p>XV. RECREATION --</p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant With Mitigation Included</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
<p>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?</p>				
				X

<p>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?</p>				X
<p>Discussion: This project is not anticipated to increase significant demands for recreational facilities as such impacts typically are associated with residential development.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				

<p>XVI. TRANSPORTATION/TRAFFIC -- Would the project:</p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant With Mitigation Included</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
<p>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?</p>			X	
<p>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?</p>			X	
<p>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?</p>			X	
<p>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</p>			X	
<p>e) Result in inadequate emergency access?</p>				X
<p>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?</p>				X

Discussion: The project was referred to the Stanislaus County Department of Public Works and ERC, who responded with concerns (which were addressed in other categories), however, none of the comments were relevant to transportation/traffic. The project was referred to the Department of Transportation, which has not responded to date.

Current traffic on site includes (10) full time employees, (2) milk handling pickups per day, (1) delivery drop per day, (1) sales call per day, and (1) cattle maintenance input/output per month. The proposed change in use from converted milking parlor to microbrewery is expected to increase traffic. Initially the applicant estimates (2) partners on site daily, (2) delivery drops per week, (1) output delivery per day, (1) cattle maintenance input/output per month. The beer will be self-distributed off site via cold storage box truck.

The microbrewery will not include a taproom at the manufacturing facility, and guests will not be allowed.

Public Works has requested conditions of approval to address any new driveway approaches, the need for an irrevocable offer of dedication, and a financial guarantee for road improvements.

Mitigation: None.				
References: Application information; referral response from the Stanislaus County Department of Public Works dated November 14, 2014; and the Stanislaus County General Plan and Support Documentation ¹ .				
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	
<p>Discussion: Limitations on providing services have not been identified. The site is served by a private well, a septic system, and a lagoon. A referral response from Public Works requires that they review and approve a grading and drainage plan prior to issuance of any building permit. Impacts to the existing utility and service systems are anticipated to be minimal as a result of this project. Less than significant impacts associated with public utility and irrigation easement(s) will be reflected in the project's conditions of approval.</p> <p>A referral response was received by the Turlock Irrigation District (TID), which had no comments concerning irrigation and electrical facilities on the proposed project.</p>				
Mitigation: None.				
References: Referral response from Turlock Irrigation District on November 4, 2014; and the Stanislaus County General Plan and Support Documentation ¹ .				

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	
<p>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.</p>				

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¹Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and updated elements of the General Plan and Support Documentation: **Agricultural Element** adopted on December 18, 2007; **Housing Element** adopted on August 28, 2012; **Circulation Element** and **Noise Element** adopted on April 18, 2006.

NEGATIVE DECLARATION

NAME OF PROJECT: Use Permit Application No. PLN2014-0094 - Blaker 40 Brewing

LOCATION OF PROJECT: 11204 Fulkerth Road, at the southwest corner of Fulkerth and N. Morgan Roads, west of the City of Turlock. APN: 022-037-010

PROJECT DEVELOPERS: Thomas Lucas
854 Bystrum Road
Turlock, CA 95380

DESCRIPTION OF PROJECT: Request to change the use of an existing 1,944 square foot converted milking parlor into a microbrewery, which produces hand-crafted beer, on a 97± acre parcel in the A-2-40 (General Agriculture) zoning district. On-site agricultural crops will be used in the microbrewery operation (hops and 50% of wheat). The existing dairy operation is not proposed to be amended at this time.

Based upon the Initial Study, dated **January 9, 2015** 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: Timothy Vertino, Assistant Planner

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

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: USE PERMIT APPLICATION NO. PLN2014-0094 - BLAKER 40 BREWING

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
DATE:	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 (cert.)	X	X	X		X							
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA OPR STATE CLEARINGHOUSE	X	X	X	X				X		X		X
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X				X		X	X	
CITY OF: TURLOCK	X	X	X		X							
COOPERATIVE EXTENSION	X	X			X							
FIRE PROTECTION DIST: MOUNTAIN VIEW	X	X	X		X							
IRRIGATION DISTRICT: TURLOCK	X	X	X	X				X		X		X
MOSQUITO DISTRICT: TURLOCK	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
RAILROAD: UNION PACIFIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X		X							
SCHOOL DISTRICT 1: TURLOCK	X	X	X		X							
SCHOOL DISTRICT 2: CHATOM	X	X	X		X							
STAN CO AG COMMISSIONER	X	X			X							
STAN CO BUILDING PERMITS DIVISION	X	X		X				X		X	X	
STAN CO CEO	X				X							
STAN CO DER	X	X		X		X				X	X	
STAN CO ERC	X	X		X				X		X		X
STAN CO FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X			X							
STAN CO PUBLIC WORKS	X	X		X		X				X	X	
STAN CO SHERIFF	X	X			X							
STAN CO SUPERVISOR DIST 2: CHIESA	X	X			X							
STAN COUNTY COUNSEL	X	X			X							
STANISLAUS FIRE PREVENTION BUREAU	X	X			X							
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS			X									
TELEPHONE COMPANY: AT&T	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							
US MILITARY AGENCIES (SB 1462) (5 agencies)	X	X	X		X							
USDA NRCS	X	X	X		X							