

STANISLAUS COUNTY PLANNING COMMISSION

May 21, 2015

STAFF REPORT

USE PERMIT APPLICATION NO. PLN2015-0008
NUTCHER FARMS

REQUEST: REQUEST TO CHANGE THE USE OF AN EXISTING 3,500 SQUARE FOOT AGRICULTURAL STORAGE BUILDING INTO A MILK BOTTLING FACILITY.

APPLICATION INFORMATION

Property Owner:	Carolyn Sanders
Applicant:	Rick Nutcher, Nutcher Farms
Location:	5213 W. Grayson Road, in the Modesto area
Section, Township, Range:	21-4-8
Supervisorial District:	Five (Supervisor DeMartini)
Assessor's Parcel:	017-050-005
Referrals:	See Exhibit F Environmental Review Referrals
Area of Parcel(s):	220± 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.:	85-4020
Environmental Review:	Negative Declaration
Present Land Use:	Dairy facility with cropland, and two single family dwellings
Surrounding Land Use:	Almond and walnut orchards to the north; a cherry orchard to the east; a dairy facility and orchards to the south; almond orchards to the west; 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 3,500 square foot agricultural storage building into a milk bottling facility accessory to an on-site dairy. Natcher Farms is an existing dairy facility with 800 milking cows producing 6,000 gallons of milk per day. The proposed change in use of the building will allow for on-site pasteurizing and bottling of 500 gallons of milk per week, initially, with future plans to bottle up to of 3,000 gallons per day. The project does not propose to add any additional milking cows on-site, therefore, the existing dairy facility will not be expanded. The proposed change in use of the existing building will reduce the amount of milk that is shipped off-site for processing and no off-site milk is proposed to be bottled. The project proposal includes a 400 square foot retail component which will be located in the milk bottling facility office, with sales to the general public. The applicant anticipates four (4) to five (5) customer pick-ups per day.

The milk bottling facility and retail sales will operate eight (8) hours a day, six (6) days a week, year round. The facility will be operated by the dairy operator, family, and existing dairy employees. The facility, at start up production, will operate with a maximum of four (4) and a minimum of two (2) employees per shift. At full production, there will be a need for four (4) additional employees, totaling eight (8) employees per shift.

Natcher Farms anticipates an increase in traffic (employees and truck deliveries) on-site after production begins. The proposed milk bottling facility anticipates a maximum of three (3) box truck deliveries per day. One truck delivery consists of unloading empty returned milk bottles, and then loading full milk bottles onto the truck. Every eight (8) truck deliveries will subtract one (1) milk truck pick-up from the site. The existing agriculture storage building has a total of seven (7) designated parking spaces, which consists of one (1) handicapped parking space, and six (6) standard parking spaces. The project proposes nine (9) additional parking spaces to accommodate the milk bottling facility, which will be located to the west of the existing parking spaces.

The project proposes to create 450 gallons of wastewater per day of operation, which includes the entire milk bottling and clean-up process. The amount of wastewater produced will remain consistent from startup (500 gallons once per week) to full production (3,000 gallons per day). The proposed wastewater is similar to milk barn wastewater, which will be diverted into the existing dairy lagoon and used for land application.

The project is proposing to install signage, advertising the milk bottling facility and retail outlet. The signage is being proposed on the south side of the milk bottling facility, with a possible 3'x4' (12 square feet) sign along W. Grayson Road. All proposed signage will be addressed through Condition of Approval No. 7.

SITE DESCRIPTION

The 220± acre site is located on the north side of W. Grayson Road, which is designated as a 110 foot wide four (4) lane Expressway. The proposed facility is 1 ½ miles south of the Tuolumne River, and 2 ½ miles east of the San Joaquin River.

The project site consists of an active dairy farm on the southeastern portion of the 220± acre site. The remainder of the parcel consists of supporting cropland. There are two existing single-family dwellings, which take access from W. Grayson Road, located roughly ¼ of a mile west of the parcel's eastern property line. The single family dwellings are both located 150 feet from the proposed milk bottling facility.

The surrounding land uses consist of a mixture of agricultural and scattered single-family dwellings. Located to the north of the project site is an almond and walnut orchard. Located to the east, is a cherry orchard. Located to the south, is a dairy facility. Located to the west is an almond orchard.

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.

The proposed milk bottling facility will support the existing dairy facility on site. The proposed use will promote and strengthen agriculture related business in the County. Staff believes this project can be found to be consistent with the General Plan.

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.

In conjunction with an agricultural processing plant or facility, incidental retail sales, tasting rooms and/or facilities for on-site consumption of agricultural produce processed on the premises, provided:

- i. The primary purpose is to promote sales of the agricultural product(s) produced and processed on the premises;
- ii. The use is subordinate to the production of such product and the use of such agricultural processing facility; and
- iii. The number of full-time, year-round employees involved in the operation shall not exceed ten, and the number of part-time, seasonal employees shall not exceed twenty;
- iv. However, the total number of fulltime, year-round employees allowed under subsections (B)(3)(b)(iii) and (B)(3)(c)(iii) of this section shall not exceed ten, and the total number of part-time, seasonal employees shall not exceed twenty.

The project site is enrolled in Williamson Act Contract No. 85-4020. 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 agriculture storage building will not significantly compromise the long-term productive agricultural capability of the subject property. The proposed change in use of the building 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 building 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 proposed change in use of the former agriculture storage building as a milk bottling facility is consistent with the A-2 (General Agricultural) zoning designation and can be supported by the General Plan as an agricultural operation. Based on the information provided in this report, staff

believes that all of the findings necessary for approval of this request can be made.

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:

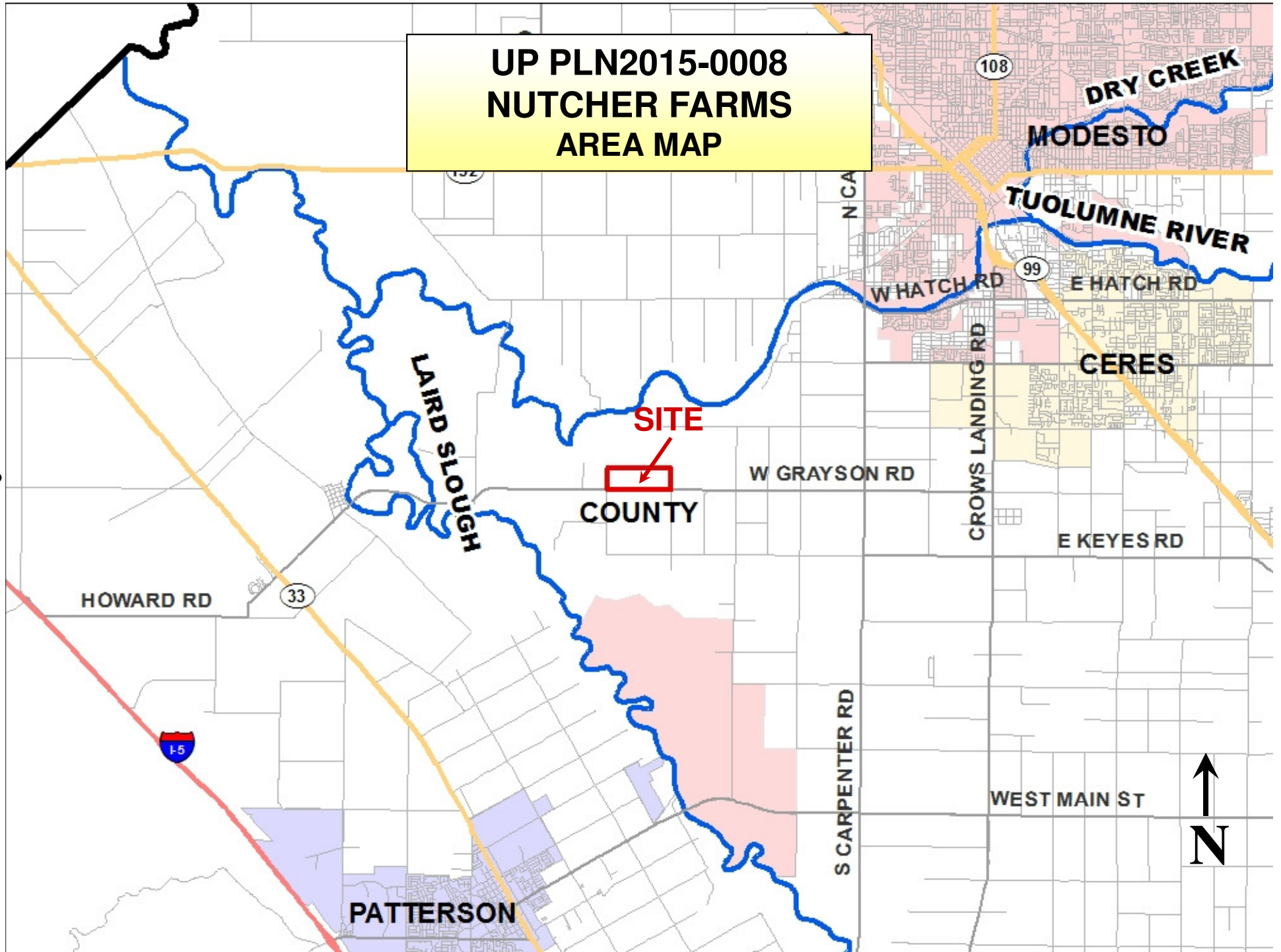
- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps, Site Plan, Floor Plan
- Exhibit C - Conditions of Approval
- Exhibit D - Initial Study
- Exhibit E - Negative Declaration
- Exhibit F - Environmental Review Referral

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. PLN2015-0008 – Natcher Farms subject to the attached Conditions of Approval.

**UP PLN2015-0008
NUTCHER FARMS
AREA MAP**



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EXHIBIT B

**UP PLN2015-0008
NUTCHER FARMS
GENERAL PLAN MAP**

AG

AG

SITE

AG

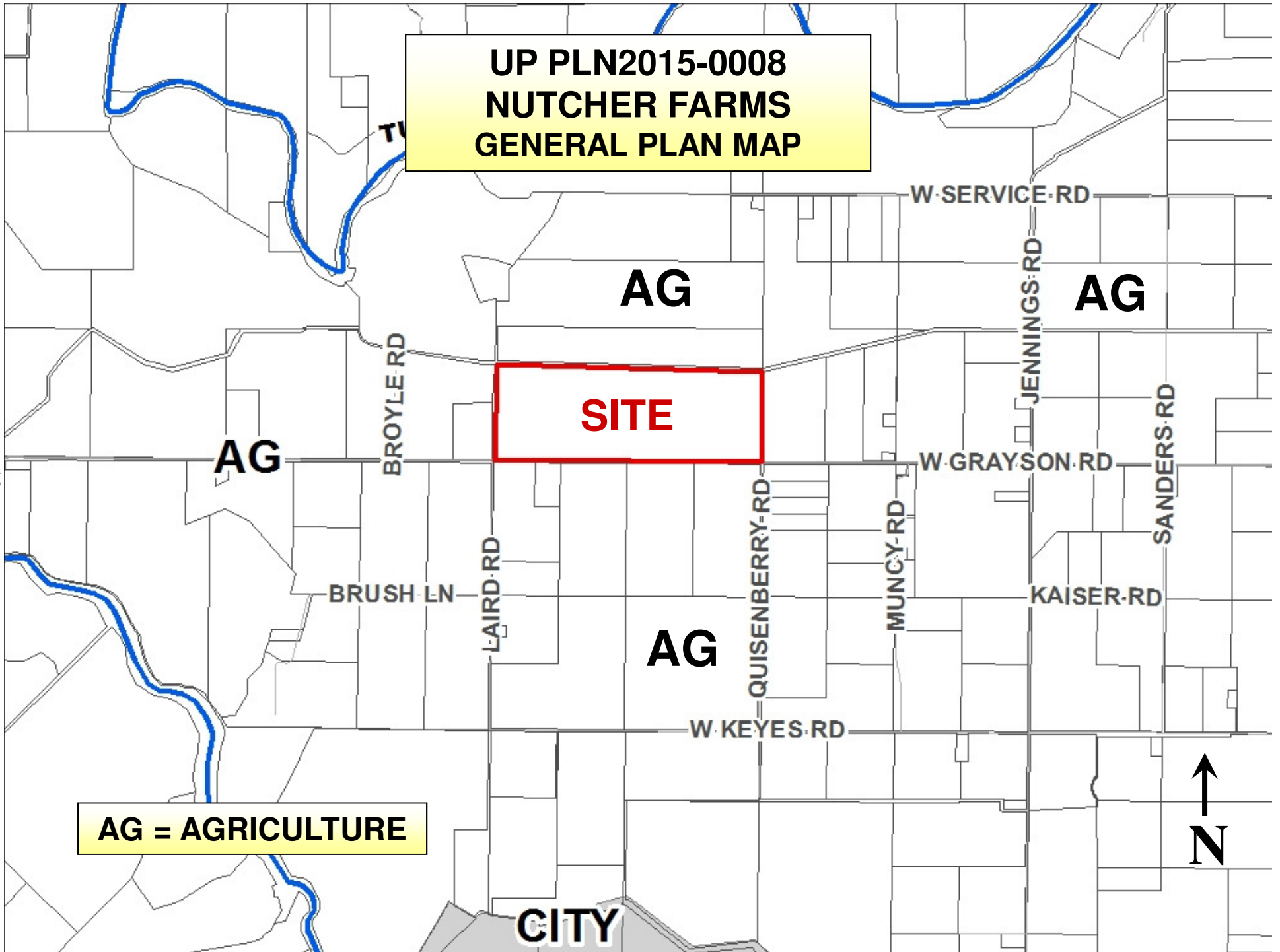
AG

AG = AGRICULTURE

CITY



10



**UP PLN2015-0008
NUTCHER FARMS
ZONING DESIGNATION MAP**

A-2-40

SITE

A-2-40

A-2-40

**A-2-40 = GENERAL AGRICULTURE
(40 ACRE MINIMUM)**

A-2-20

MODESTO



**UP PLN2015-0008
NUTCHER FARMS
STANISLAUS COUNTY AERIAL MAP**

SITE

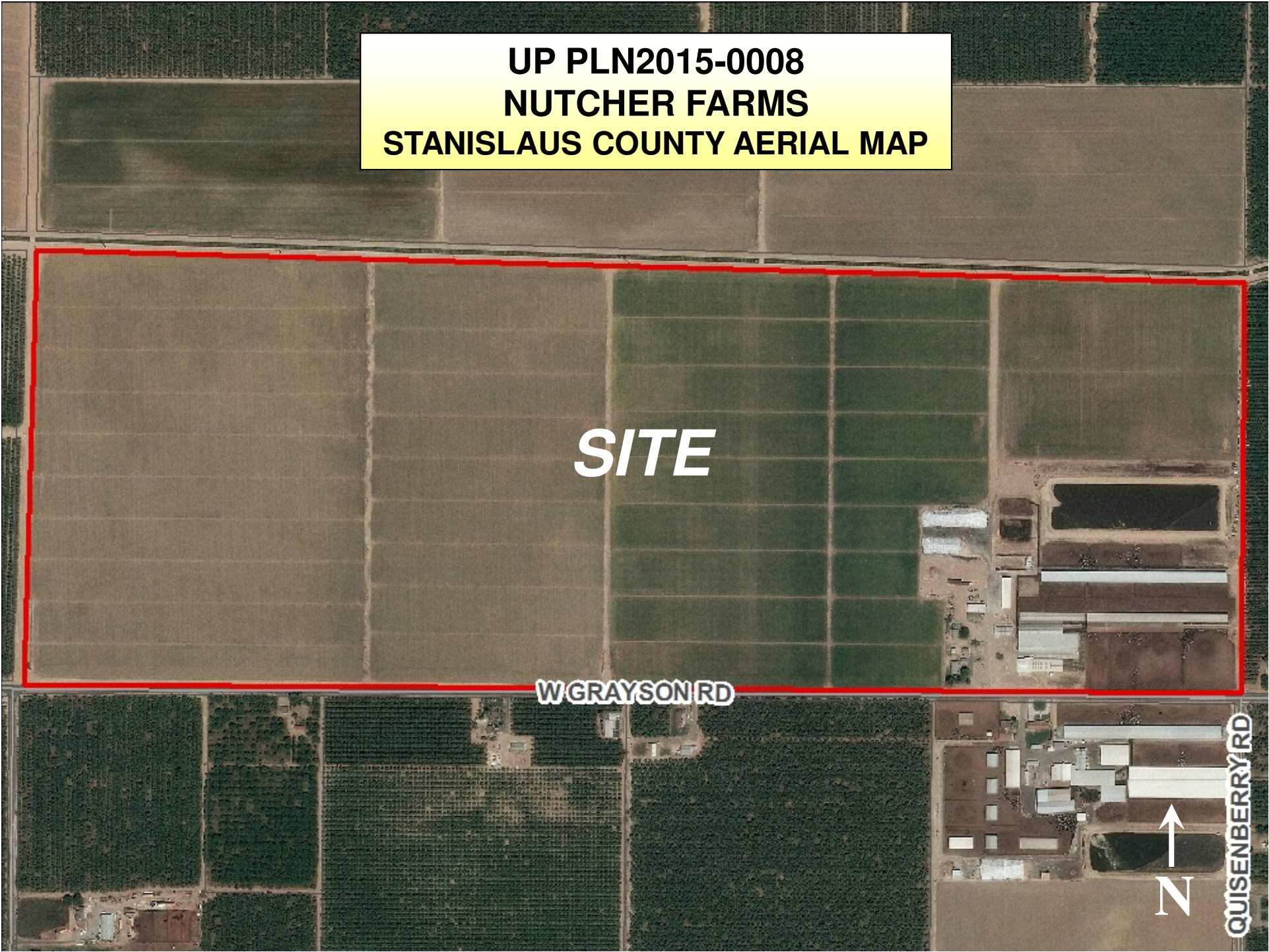
W GRAYSON RD

QUISENBERRY RD



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EXHIBIT B-3



**UP PLN2015-0008
NUTCHER FARMS
ACREAGE MAP**

SITE
220±

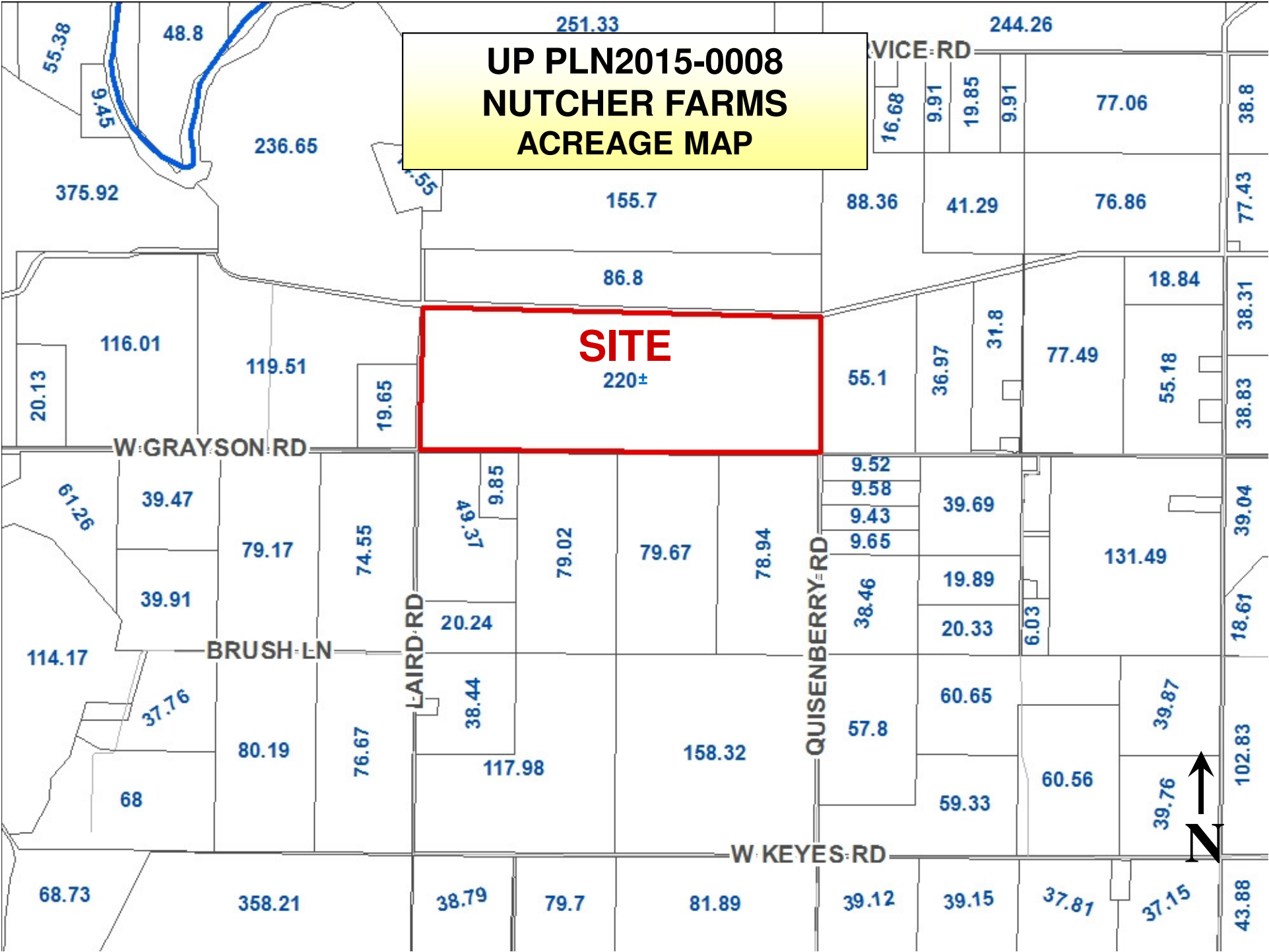
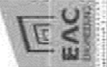


EXHIBIT B-4

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UP PLN2015-0008 NUTCHER FARMS SITE PLAN

California Office
1000 O Street - 7th Floor, Suite 1000
Sacramento, CA 95833
Tel: 916.227.1600
Fax: 916.227.1601
www.eac-engineers.com

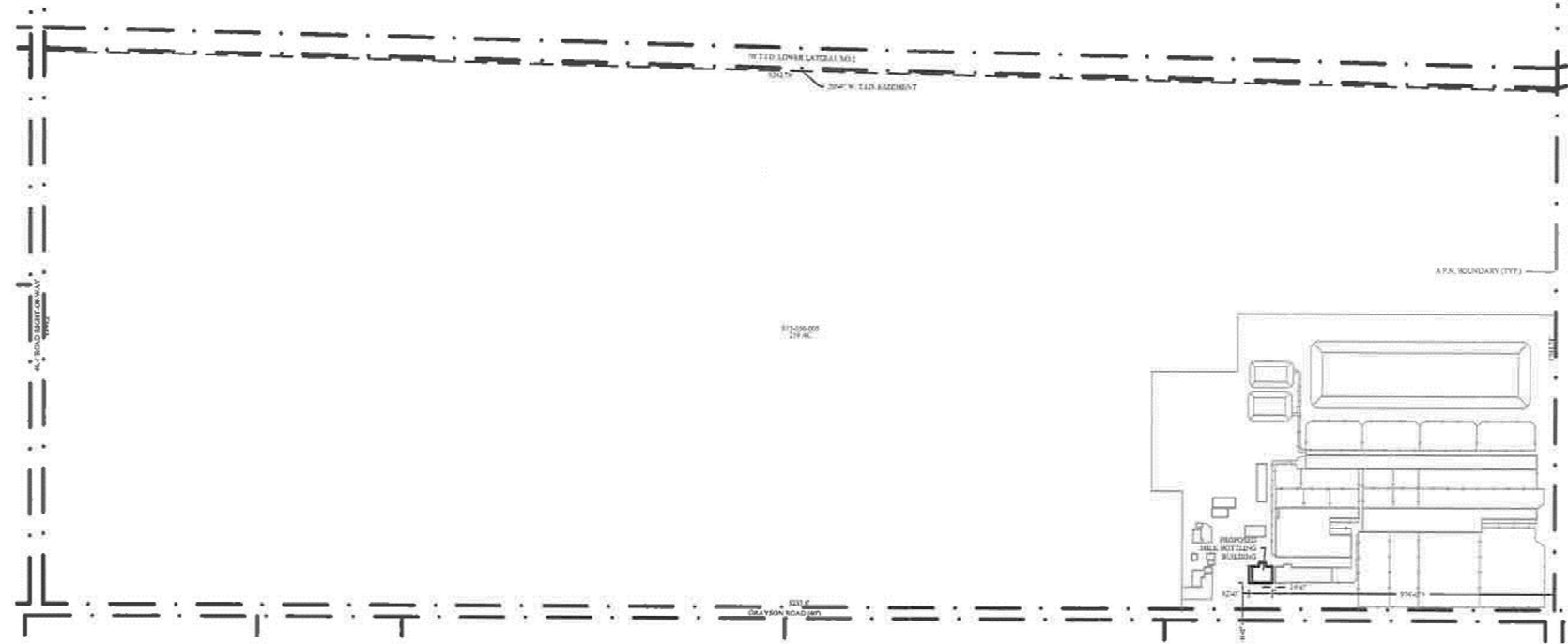


NUTCHER FARMS
5217 W. GRAYSON RD.
MODESTO, CA

**SITE
APN MAP**

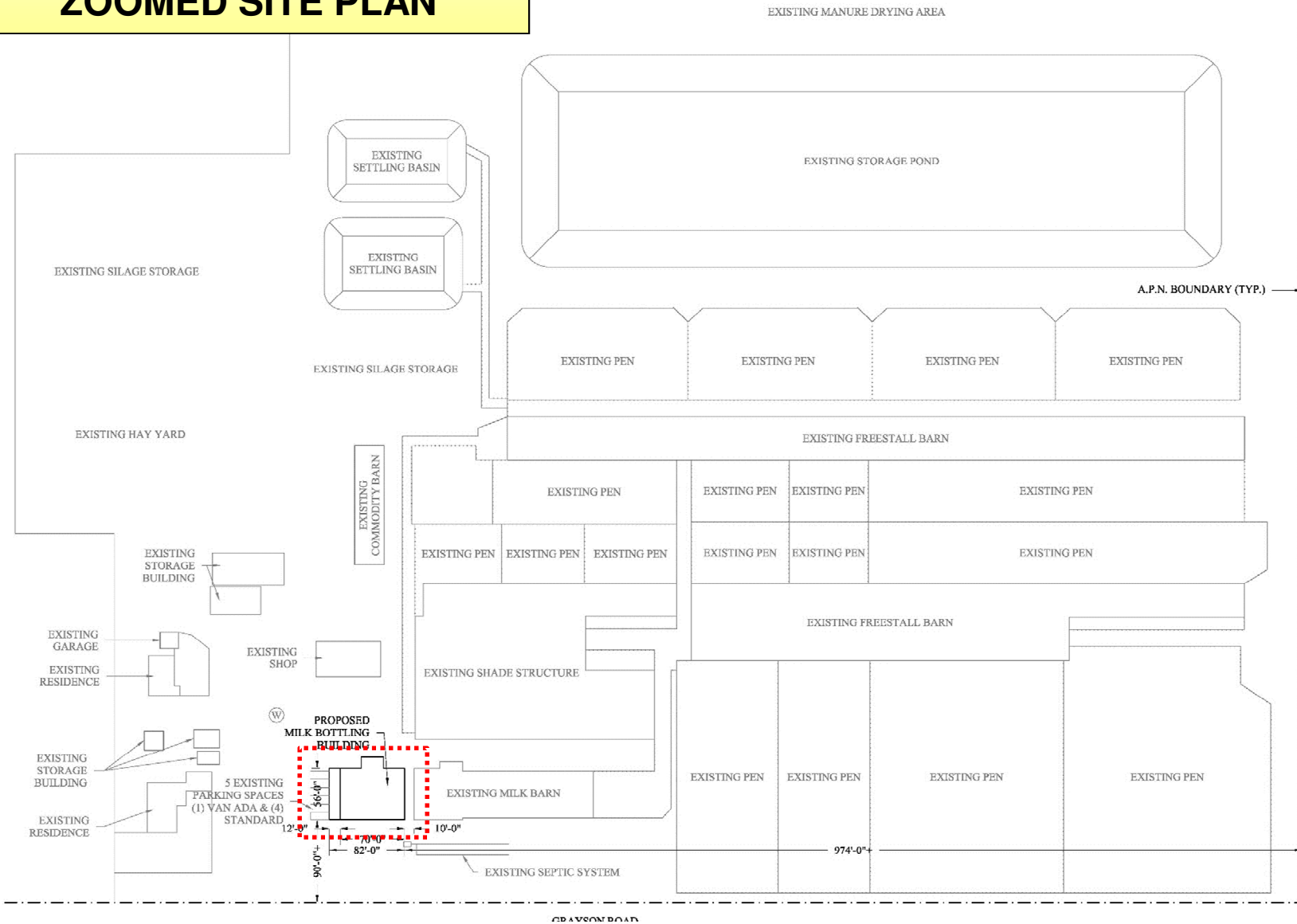
PROJECT # 14-106
DESIGN: TCK
DRAWN: TCK
REVIEW: MCM
DATE: 01/12/15
SCALE: 1" = 600'-0"
DWG NAME: SITE

SHEET
S2
OF 3 SHEETS



W. Grayson Road

UP PLN2015-0008 NUTCHER FARMS ZOOMED SITE PLAN



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California Office
1836 E. Chase - Stockton, CA 95210
(209) 644-1001 - (209) 644-6161 (fax)
Reno Office
300 S. 4th Street - Reno, NV 89501
(775) 787-7772 - (775) 787-5484 (fax)

EAC
Engineering & Architecture, Inc.

NUTCHER FARMS
5217 W. GRAYSON RD.
MODESTO, CA

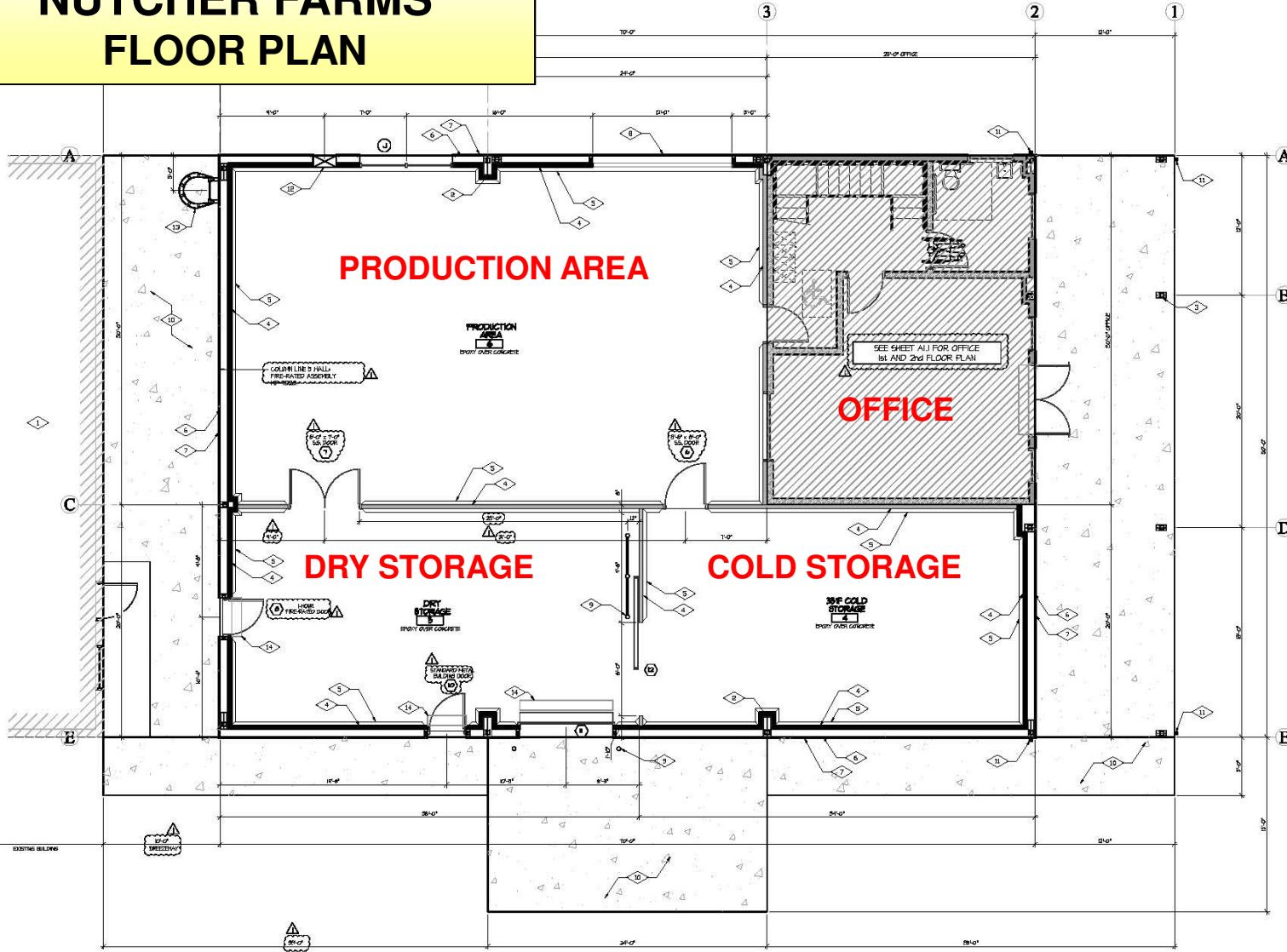
SITE PLAN

PROJECT #	14-106
DESIGN:	TCK
DRAWN:	TCK
REVIEW:	MCM
DATE:	01/12/15
SCALE:	1" = 50'-0"
DRG NAME:	SITE

S3
OF 3 SHEETS

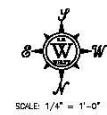
EXHIBIT B-6

UP PLN2015-0008 NUTCHER FARMS FLOOR PLAN



- KEY NOTES:**
- 1 EXISTING BUILDING TO REMAIN
 - 2 METAL BUILDING FRAME PROVIDED BY METAL BUILDING MANUFACTURER
 - 3 WADING FRAME PROVIDED BY METAL BUILDING MANUFACTURER
 - 4 4" INSULATED METAL PANEL (IMP) WALLS WITH PLASTISOL COATING AND EXTENDED BY WALL LEGEND. COLOR SUBJECT TO BE DETERMINED BY OWNER.
 - 5 2" FILL CONCRETE CURB
 - 6 WALL GIRTS PROVIDED BY METAL BUILDING MANUFACTURER
 - 7 EXTERIOR FINISH: 26ga. PBR SHEET METAL SIDING PROVIDED BY METAL BUILDING MANUFACTURER. COLOR SUBJECT TO BE DETERMINED BY OWNER. METAL PANELS TO BE FILL WITH EXTERIOR PANELS.
 - 8 2" RAIN FIVE DOLLAR CONC. FILLED & CAPPED PAINT TO SAFETY TIE/CLIP FOR PROJECT STANDARDS AND/OR AS REQ'D BY IFC.
 - 9 4" THICK CONCRETE WALK
 - 10 RAIN WATER LEADER, CONNECT TO GROUND DRAIN - REFER TO CIVIL DRAWINGS.
 - 11 HALL MOUNTED EXHAUST FANS
 - 12 PRE-FABRICATED ROOF ACCESS LADDER BY OWNER
 - 13 ALL EXTERIOR DOORS TO HAVE AIR CURTAIN/DOOR AS MANUFACTURED BY BAKER INTERNATIONAL CORP. OR AN APPROVED EQUAL.
 - 14 DOOR, REFER TO DOOR & WINDOW SCHEDULE FOR MAKE, INFO.
 - 15 GATE FRAME HINGED, REFER TO DOOR & WINDOW SCHEDULE FOR MAKE, INFO.

- WALL LEGEND:**
- INTERIOR HALL: 4" METAL STUD
 - EXTERIOR HALL: 4" METAL STUD
 - INTERIOR HALL: 4" INSULATED METAL PANEL (IMP) WITH PLASTISOL COATING ON INSIDE AND 2-SIDES AS SHOWN
 - EXTERIOR HALL: 4" INSULATED METAL PANEL (IMP) WITH PLASTISOL COATING ON 1-SIDE EXTERIOR SIDE



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EXHIBIT B-7

REVISIONS		ISSUE DATE
NO.	DESCRIPTION	DATE
1	STAKE/AS-BUILT CHECK/FINAL REVISION	04/20/2014

R.B. WELTY & ASSOCIATES, INC.
 STRUCTURAL ENGINEERS • CIVIL ENGINEERS • LAND SURVEYORS
 321 13TH STREET, MODESTO, CALIFORNIA 95354 PHONE: (209) 526-1414 FAX: (209) 522-2383

OVERALL BUILDING PLAN
 BUILDING EXPANSION
 NUTCHER FARMS
 5213 W. GRAYSON RD.
 MODESTO, CA 95358

JOB: 12767
 SHEET:
A1.0

**UP PLN2015-0008
NUTCHER FARMS
ELEVATIONS**



**UP PLN2015-0008
NUTCHER FARMS
ELEVATIONS**



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. PLN2015-0008 NUTCHER FARMS

Department of Planning and Community Development

1. The use 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. 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.

7. 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.

Department of Public Works

8. An encroachment permit shall be taken out for a new driveway on Grayson Road. The driveway location will have to be approved by Public Works and shall be installed prior to the change of occupancy of the building.
9. Public Works shall approve the location and width of any new driveway approaches on any County maintained roadway.
10. 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.
11. An Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined.
12. No parking, loading, or unloading of vehicles shall be permitted within the W. Grayson Road right-of-way. The developer will be required to install or pay for the installation of all required signs and/or markings.
13. W. Grayson Road is classified as a 110 foot four (4) lane Expressway. The required ½ width of W. Grayson Road is 55 feet south of the centerline of the roadway. If 55 feet of the road right-of-way does not exist, then the remainder 55 feet shall be dedicated with an Irrevocable Offer of Dedication for the entire parcel frontage.

Building Permits Division

14. A building permit for change of use will be required along with any and all modifications. The applicant will be responsible for payment of all Public Facility Impact and Fire Facility Fees associated with the change of use required by Condition of Approval No. 3.

Turlock Irrigation District

15. The owner/developer shall apply for a facility change for any pole or electrical facility relocation. Facility changes are performed at developer's expense.

*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~~.*



CEQA Referral Initial Study and Notice of Intent to Adopt a Negative Declaration

Date: April 1, 2015

To: Distribution List (See Attachment A)

From: Timothy Vertino, Assistant Planner, Planning and Community Development

Subject: USE PERMIT APPLICATION NO. PLN2015-0008 - NUTCHER FARMS

Comment Period: April 1, 2015 - May 4, 2015

Respond By: May 4, 2015

Public Hearing Date: Not yet scheduled. A separate notice will be sent to you when a hearing is scheduled.

You may have previously received an Early Consultation Notice regarding this project, and your comments, if provided, were incorporated into the Initial Study. Based on all comments received, Stanislaus County anticipates adopting a Negative Declaration for this project. This referral provides notice of a 30-day comment period during which Responsible and Trustee Agencies and other interested parties may provide comments to this Department regarding our proposal to adopt the Negative Declaration.

All applicable project documents are available for review at: Stanislaus County Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, CA 95354. Please provide any additional comments to the above address or call us at (209) 525-6330 if you have any questions. Thank you.

Applicant: Rick Nutcher, Nutcher Farms

Project Location: 5213 W. Grayson Road, near the intersection of W. Grayson and Jennings Roads, southwest of the City of Modesto.

APN: 017-050-005

Williamson Act Contract: 85-4020

General Plan: Agriculture

Zoning: A-2-40 (General Agriculture)

Project Description: Request to change the use of an existing 3,500 square foot agricultural storage building into a milk bottling facility. Nutcher Farms is an existing dairy facility, with 800 milking cows, which produces 6,000 gallons of milk per day, where it is bottled off site. The proposed change in use will initially pasteurize and bottle 500 gallons of milk, once per week, with future growth anticipating a maximum of 3,000 gallons per day.

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

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USE PERMIT APPLICATION NO. PLN2015-0008 - NUTCHER FARMS

Attachment A

Distribution List

X	CA DEPT OF CONSERVATION Land Resources (cert.)		STAN CO ALUC
X	CA DEPT OF FISH & WILDLIFE		STAN CO ANIMAL SERVICES
	CA DEPT OF FORESTRY (CAL FIRE)	X	STAN CO BUILDING PERMITS DIVISION
	CA DEPT OF TRANSPORTATION DIST 10	X	STAN CO CEO
X	CA OPR STATE CLEARINGHOUSE		STAN CO CSA
X	CA RWQCB CENTRAL VALLEY REGION	X	STAN CO DER
	CA STATE LANDS COMMISSION	X	STAN CO ERC
	CEMETERY DIST:	X	STAN CO FARM BUREAU
	CENTRAL VALLEY FLOOD PROTECTION	X	STAN CO HAZARDOUS MATERIALS
	CITY OF:		STAN CO PARKS & RECREATION
	COMMUNITY SERVICES / SANITARY DIST	X	STAN CO PUBLIC WORKS
X	COOPERATIVE EXTENSION		STAN CO RISK MANAGEMENT
	COUNTY OF:	X	STAN CO SHERIFF
X	FIRE PROTECTION DIST: WESPORT	X	STAN CO SUPERVISOR DIST 5: DeMARTINI
	HOSPITAL DIST:	X	STAN COUNTY COUNSEL
X	IRRIGATION DIST: TURLOCK		StanCOG
X	MOSQUITO DIST: TURLOCK	X	STANISLAUS FIRE PREVENTION BUREAU
X	MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES	X	STANISLAUS LAFCO
	MUNICIPAL ADVISORY COUNCIL:		SURROUNDING LAND OWNERS (on file w/the Clerk to the Board of Supervisors)
X	PACIFIC GAS & ELECTRIC	X	TELEPHONE COMPANY: AT&T
	POSTMASTER:	X	TRIBAL CONTACTS: COX & CAMP
	RAILROAD:	X	TUOLUMNE RIVER TRUST
X	SAN JOAQUIN VALLEY APCD		US ARMY CORPS OF ENGINEERS
X	SCHOOL DIST 1: CERES	X	US FISH & WILDLIFE
	SCHOOL DIST 2:	X	US MILITARY (SB 1462) (7 agencies)
	STAN ALLIANCE		USDA NRCS
X	STAN CO AG COMMISSIONER		WATER DIST:

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STANISLAUS COUNTY CEQA REFERRAL RESPONSE FORM

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

FROM: _____

PROJECT: USE PERMIT APPLICATION NO. PLN2015-0008 - NUTCHER FARMS

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

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

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

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

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

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

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

Response prepared by:

Name	Title	Date
------	-------	------



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. PLN2015-0008 - Nutter Farms
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:** 5213 W. Grayson Road, near the intersection of W. Grayson and Jennings Roads, southwest of the City of Modesto. APN: 017-050-005
5. **Project sponsor's name and address:** Rick Nutter
Nutter Farms
P.O. Box 268
Denair, CA 95316
6. **General Plan designation:** Agriculture
7. **Zoning:** A-2-40 (General Agriculture)
8. **Description of project:**

Request to change the use of an existing 3,500 square foot agricultural storage building into a milk bottling facility. Nutter Farms is an existing dairy facility, with 800 milking cows, which produces 6,000 gallons of milk per day, where it is bottled off site. The proposed change in use will initially pasteurize and bottle 500 gallons of milk, once per week, with future growth anticipating a maximum of 3,000 gallons per day.
9. **Surrounding land uses and setting:** All surrounding parcels are in agricultural production. A cherry orchard is located to the east; an almond orchard to the west; almonds and walnut orchards to the north; a dairy farm to the south; and several scattered single-family dwellings on surrounding parcels.
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
San Joaquin Valley Air Pollution Control District

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 _____

April 1, 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 structures. The proposed change of use is proposed in an existing agricultural storage building; therefore, construction of new structures will not take place. The milk bottling facility will operate eight (8) hours a day, six (6) days a week during regular daytime farming hours, thus not creating additional light or glare at nighttime. Any development resulting from this project will be consistent with existing area developments.</p>				
<p>Mitigation: None.</p>				
<p>References: Application information and the 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 farm. The project proposal involves the change of use of an existing 3,500 square foot agricultural storage building to a milk bottling facility.

The proposed use falls under a Tier Two Use Permit for the A-2 zoning district. In accordance with Section 21.20.030 of the County Code, Tier Two Use Permits can be obtained for 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; and
 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 for commercial or industrial usage.
- b. Agricultural processing plants and facilities, such as wineries, dehydrators, canneries, and similar agriculture-related industrial uses, provided:
- i. The plant or facility is operated in conjunction with, or as a part of, a bona fide agricultural production operation;
 - ii. 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
 - iii. 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 No. 85-4020. 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 agricultural buffer guidelines. The existing agricultural storage building is 90± feet from the property line, creating its own buffer from adjacent parcels.

Mitigation: None.				
References: Stanislaus County Geographic Information Systems; Stanislaus County Zoning Ordinance; and the Stanislaus County General Plan and Support Documentation ¹ .				
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>Nutcher Farms anticipates an increase of mobile sources (employee traffic and truck deliveries). The proposed milk bottling facility anticipates a maximum of four (4), and a minimum of two (2) employees per shift, and a maximum of three (3) truck deliveries per day. A 400 square foot retail component of the project will add four (4) to five (5) customer pick-ups per day.</p> <p>The SJVAPCD commented that the project would not have significant adverse impacts on air quality and that the project may be subject to district rules and review.</p>				
Mitigation: None.				
References: Application information; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; referral response from the San Joaquin Valley Air Pollution Control District dated February 24, 2015; and the Stanislaus County General Plan and Support Documentation ¹ .				

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 the change of use of an existing building 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 milk bottling facility will occupy an existing agricultural storage building. Consequently, no new areas of disturbance will occur as a result of this request. The remaining portion of the site is an active dairy farm (Nutcher Farms) which has 800 milking cows producing and shipping 6,000 gallons of milk per day.</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 on February 6, 2015, but no response has been received to date.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County Geographic Information Systems; State of California Department of Conservation PDF map (ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2012/sta12_no.pdf); 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 requiring 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 on February 6, 2015, but no response has been 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 the Department of Environmental Resources (DER) and the County's Building Permits Division and no geology and soils 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: Nutter Farms anticipates an increase of mobile sources (employee traffic and truck deliveries) which may contribute to greenhouse gas emissions. The proposed milk bottling facility anticipates a maximum of four (4), and a minimum of two (2) employees per shift, and a maximum of three (3) truck deliveries per day. A small retail component of the project will add four (4) to five (5) customer pick-ups per day.

The proposed milk bottling facility is not expected to generate significant levels of greenhouses gases. This project was referred to the SJVAPCD, but no concerns of greenhouse gasses were addressed.

Mitigation: None.

References: Application information; referral response from the San Joaquin Valley Air Pollution Control District dated February 24, 2015; and the 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: The proposed milk bottling plant is proposing to discharge wastewater to the existing dairy containment pond system for land application in accordance with the existing facility waste and nutrient management plans. Milk bottling plant wastewater is expected to be the same chemistry as milk barn wastewater. A waste discharge report was submitted to the Central Valley Regional Water Quality Control Board (RWQCB).</p> <p>DER is responsible for overseeing hazardous materials in this area. The project was referred to the DER Hazardous Materials Division (HazMat) via the Environmental Review Committee (ERC) on February 6, 2015, but no response has been received to date.</p> <p>The Envirostor database was accessed to determine if any of the properties were listed as potential hazardous waste or superfund sites. 5213 W. Grayson Road was not identified as a hazardous site.</p>				
<p>Mitigation: None.</p>				
<p>References: Application information; Department of Toxic Substances Control (http://www.envirostor.dtsc.ca.gov); Stanislaus County Geographic Information Systems; 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	

<p>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)?</p>			X	
<p>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?</p>				X
<p>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?</p>				X
<p>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?</p>			X	
<p>f) Otherwise substantially degrade water quality?</p>			X	
<p>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?</p>				X
<p>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</p>				X
<p>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?</p>				X
<p>j) Inundation by seiche, tsunami, or mudflow?</p>				X
<p>Discussion: Proposed wastewater from the milk bottling facility should not exceed 450 gallons per day. Waste water will remain on site and will be discharged to the dairy lagoon and used for irrigation. The waste is not proposed to enter a septic system or city waste water treatment plant. Milk bottling plant wastewater is expected to consist of similar chemical composition as milk barn wastewater.</p> <p>The RWQCB requested that a water discharge report be submitted and the waste management plan be revised to include additional wastewater information. The applicant has submitted a Report of Waste Discharge to the RWQCB.</p> <p>The ERC commented that applicant information is required to establish projected water demand calculations for the industrial water wells that will serve the bottling plant and dairy. The applicant has submitted appropriate information to DER for review.</p>				
<p>Mitigation: None.</p>				
<p>References: Application information; referral response from the Regional Water Quality Control Board dated February 23, 2015; referral response from the Environmental Review Committee dated February 25, 2015; 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 crops grown on site. The applicant is seeking a Tier Two Use Permit which allows agriculture-related commercial and industrial uses if the following conditions are met:</p> <ol style="list-style-type: none"> 1. The establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; and 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 for commercial or industrial usage. <p>b. Agricultural processing plants and facilities, such as wineries, dehydrators, canneries, and similar agriculture-related industrial uses, provided:</p> <ol style="list-style-type: none"> i. The plant or facility is operated in conjunction with, or as a part of, a bona fide agricultural production operation; ii. 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 iii. 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 the building conversion 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>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County Zoning Ordinance and the Stanislaus County General Plan and Support Documentation¹.</p>				
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

<p>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?</p>				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>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
<p>XII. NOISE -- Would the project result in:</p>	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<p>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?</p>			X	
<p>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</p>			X	
<p>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</p>			X	
<p>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</p>			X	
<p>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?</p>				X
<p>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?</p>				X
<p>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 several scattered residential homes on adjacent properties. The nearest single-family dwelling is located 1,100 feet to the east of the existing facility footprint.</p>				
<p>Mitigation: None.</p>				
<p>References: Application information; Stanislaus County Geographic Information Systems; and the Stanislaus County General Plan and Support Documentation¹.</p>				
<p>XIII. POPULATION AND HOUSING -- Would the project:</p>	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<p>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)?</p>				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: 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.

Mitigation: None.

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

XIV. PUBLIC SERVICES --

XIV. PUBLIC SERVICES --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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:				
Fire protection?			X	
Police protection?				X
Schools?				X
Parks?				X
Other public facilities?			X	

Discussion: The County has adopted Public Facilities Fees, as well as one for 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 Ceres Unified School District, the Sheriff’s Department, Westport Fire Protection District, and the ERC. Referral responses were not received from the Ceres Unified School District, the Sheriff’s Department, or Westport Fire Protection District; however, conditions of approval will be added to this project to insure that the milk bottling facility 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. A referral response was received from the ERC, but no comments were related to public services.

Mitigation: None.

References: Application Information and the Stanislaus County General Plan and Support Documentation¹.

XV. RECREATION --

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

<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>				<p>X</p>
<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>			<p>X</p>	
<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>			<p>X</p>	
<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>			<p>X</p>	
<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>				<p>X</p>
<p>e) Result in inadequate emergency access?</p>				<p>X</p>
<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>				<p>X</p>

Discussion: The project was referred to the ERC; however, none of the ERC comments were relevant to transportation/traffic.

Current traffic on site includes five (5) employees daily. Weekly traffic includes fuel delivery, colostrum milk pick up, cleaning supplies delivery, medical supply delivery, and towel and uniform deliveries. Monthly traffic includes 12 truck deliveries for feed and 20 automobiles sales reps. Spring and summer traffic includes 50 trucks for each season. The fall season traffic consists of 20 trucks.

Nutcher Farms anticipates an increase of mobile sources (employee traffic and truck deliveries). The proposed milk bottling facility anticipates a maximum of four (4), and a minimum of two (2) employees per shift, and a maximum of three (3) truck deliveries per day. A small retail component of the project will add four (4) to five (5) customer pick-ups per day.

The Stanislaus County Department of Public Works has requested conditions of approval to address any new driveway approaches, if needed, and the need for an Irrevocable Offer of Dedication to meet future right-of-way standards.

Mitigation: None.

References: Application information; referral response from the Stanislaus County Department of Public Works dated March 9, 2015; and the Stanislaus County General Plan and Support Documentation¹.

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 by any of the responsible agencies. The site is served by a private well, a septic system, and a dairy lagoon. The ERC requested additional information for establishing projected water demand calculations for the industrial water wells that will serve the bottling plant and dairy. The applicant has submitted appropriate information to DER.

A referral response from Public Works requires that they review and approve a grading, drainage, and erosion/sediment control plan for the project site 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.

A referral response was received from the Turlock Irrigation District (TID) which had no comments concerning irrigation and electrical facilities on the proposed project. TID commented that the owner/developer must apply for a facility change for any pole or electric facility relocation. Facility changes are performed at the developer's expense.

Mitigation: None.

References: Referral response from the Environmental Review Committee dated February 25, 2015; referral response from the Stanislaus County Department of Public Works dated March 9, 2015; referral response from Turlock Irrigation District dated February 23, 2015; and the Stanislaus County General Plan and Support Documentation¹.

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. PLN2015-0008 -Nutcher Farms

LOCATION OF PROJECT: 5213 W. Grayson Road, near the intersection of W. Grayson and Jennings Roads, southwest of the City of Modesto.
APN: 017-050-005

PROJECT DEVELOPERS: Rick Nutcher
Nutcher Farms
P.O. Box 268
Denair, CA 95316

DESCRIPTION OF PROJECT: Request to change the use of an existing 3,500 square foot agricultural storage building into a milk bottling facility. Nutcher Farms is an existing dairy facility, with 800 milking cows, which produces 6,000 gallons of milk per day, where it is bottled off site. The proposed change in use will initially pasteurize and bottle 500 gallons of milk, once per week, with future growth anticipating a maximum of 3,000 gallons per day.

Based upon the Initial Study, dated **April 1, 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. PLN2015-0008 - NUTCHER FARMS

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							
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA OPR STATE CLEARINGHOUSE	X	X	X	X				X		X		X
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X				X		X		X
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: WESTPORT	X	X	X		X							
FLOOD CONTROL DISTRICT:	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							
SAN JOAQUIN VALLEY APCD	X	X	X	X		X				X		X
SCHOOL DISTRICT 1: CERES	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X	X	X				X		X	X	
STAN CO CEO	X	X	X		X							
STAN CO CSA	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 PUBLIC WORKS	X	X	X	X		X				X	X	
STAN CO SHERIFF	X	X	X		X							
STAN CO SUPERVISOR DIST #: 5 DeMARTIN	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							
TRIBAL CONTACTS (CA Government Code §65352.3)	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							
US MILITARY AGENCIES (SB 1462) (5 agencies)	X	X	X		X							