



Date: June 4, 2015
TO: Stanislaus County Planning Commission
FROM: Department of Planning and Community Development
SUBJECT: **USE PERMIT APPLICATION NO. PLN2013-0079 – JNM DAIRY**

DISCUSSION

Use Permit Application No. PLN2013-0079 – JNM Dairy was originally scheduled to be heard during the May 21, 2015, Planning Commission meeting. Due to a lack of quorum for the item, the item was rescheduled to be heard during the regularly scheduled June 4, 2015, Planning Commission meeting.

RECOMMENDATION

Staff recommends the Planning Commission approve this request based on the discussion provided within the attached May 21, 2015, Planning Commission Staff Report and on the whole of the record provided to the County. If the Planning Commission decides to approve the project, Exhibit A of the May 21, 2015, Planning Commission Staff Report provides an overview of all of the findings required for project approval.

Attachments:

- 1 - UP PLN2013-0079 – JNM Dairy May 21, 2015, Planning Commission Staff Report (with Attachments)

STANISLAUS COUNTY PLANNING COMMISSION

May 21, 2015

STAFF REPORT

USE PERMIT APPLICATION NO. PLN2013-0079
JNM DAIRY

REQUEST: REQUEST TO RE-ESTABLISH AND EXPAND A DAIRY FACILITY TO INCLUDE 1,120 MILK COWS, 151 DRY COWS, AND 577 BRED HEIFERES ON A 97± ACRE PARCEL.

APPLICATION INFORMATION

Applicant/Owner:	John & Nicole Morris – JNM Dairy
Agent:	Jeff Fleming – Western Dairy Design Associates Inc.
Location:	7742 Paradise Road, on the south side of Paradise Road, west of Shiloh Road, northeast of and adjacent to the Tuolumne River, in the Modesto area.
Section, Township, Range:	12-4-7 & 7-4-8
Supervisorial District:	Three (Supervisor Withrow)
Assessor's Parcel:	017-027-040
Referrals:	See Exhibit F Environmental Review Referrals
Area of Parcel(s):	97± acres
Water Supply:	Well
Sewage Disposal:	Septic
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	Agriculture
Sphere of Influence:	N/A
Community Plan Designation:	N/A
Williamson Act Contract No.:	71-0300
Environmental Review:	Negative Declaration
Present Land Use:	Heifer facility, two residences and cropland
Surrounding Land Use:	Almond orchard to the north; almond orchard to the east; Tuolumne River and almond orchard to the south; field crops to the west; and scattered single-family homes

RECOMMENDATION

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

PROJECT DESCRIPTION

The project is a request to re-establish and expand a dairy facility to include 1,120 milk cows, 151 dry cows, and 577 bred heifers. The project will include 366,508 square feet of new construction including five livestock barns, three hay barns, two new mobile homes, a commodity barn, a calf barn, a holding pen shade, a shop building, and a liquid storage pond with a surface area of 57,828 square feet and a volume of 378,840 cubic feet. The operation will have six employees on a maximum shift and three employees on a minimum shift.

SITE DESCRIPTION

The project site is located at 7742 Paradise Road on the south side of Paradise Road, west of Shiloh Road. The project site is surrounded by an almond orchard to the north, an almond orchard to the east, the Tuolumne River and almond orchards to the south, field crops to the west, and scattered single-family ranch homes in each direction.

The project site was used as a dairy facility from 1950 to 2003 and has been used as a heifer facility from 2003 to present day. The project site currently contains two dwellings (3,180 and 2,120 square feet), two garages (760 and 924 square feet), a 1,152 square foot shop, a 4,658 square foot milking barn and a liquid storage pond with a surface area of 95,570 square feet and 12 feet in depth. Also currently on site are a 7,450 square foot cattle shade and 4,688 square foot hay barn, both to be demolished. The site also consists of 75 acres of cropland.

As described above, the project site is north of and adjacent to the Tuolumne River. The subject property has two existing buildings (single-family home and milking parlor) within the Federal Emergency Management Act (FEMA) Special Flood Hazard Area (SFHA), Zone A, which is subject to inundation by the 1% annual chance flood (100-year flood). (See Exhibit B – *Maps*).

ISSUES

Staff has evaluated this project and identified two issues: (1) development within a FEMA SFHA Zone A and (2) development adjacent to a natural riparian habitat and wetland.

1. Development within FEMA SFHA Zone A

The project site is developed with a single-family home and milking parlor (both existing) within the SFHA. In addition, the project proposes the development of new “non-habitable/non-urban” buildings within the designated SFHA, including livestock barns and a calf barn. Development of structures within the SFHA requires additional review of and compliance with development standards and protocols adopted by both the Central Valley Flood Protection Board (CVFPB) and the County Board of Supervisors. This is further discussed in the “General Plan Consistency” section of this report. The project will be conditioned to meet these additional levels of compliance review. (See Exhibit C – *Conditions of Approval*).

2. Development Adjacent to a Natural Riparian Habitat and Wetland

The Tuolumne River borders the site’s southern property line. During the Early Consultation process, a referral response from the California Department of Fish and Wildlife (CDFW) identified potential project-related impacts to the on-site stream channels, mixed riparian forest and uplands habitats that are adjacent to or within the project site, as well as the associated impacts to species that utilize these habitat types. The CDFW recommended focused biological surveys be conducted

during the appropriate survey period(s) and prior to any project-related activities to determine if any special status species are present and if they could be impacted. The project does not propose development activities within the riparian habitat. Development is planned to occur in areas of the property that have already been under crop cultivation activities. To avoid potential disturbances to special status species that may frequent the site, proposed construction activities will be conditioned to take place after a certified biologist has conducted biotic studies consistent with requirements of the CDFW. (See Exhibit C – *Conditions of Approval*).

GENERAL PLAN CONSISTENCY

The site is currently designated as “Agriculture” in the Stanislaus County General Plan and this designation is consistent with an A-2 (General Agriculture) zoning district. The agricultural designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas. The following goals, objectives, and policies of the County General Plan reflect the County’s commitment to a strong agricultural economy.

Land Use Element

Goal One – Provide for diverse land use needs by designating patterns which are responsive to the physical characteristics of the land as well as to environmental, economic and social concerns.

Policy Four – Urban development shall be discouraged in areas with growth-limiting factors such as high water table or poor soil percolation, and prohibited in geological fault and hazard areas, flood plains, riparian areas, and airport hazard areas unless measures to mitigate the problems are included as part of the application.

Implementation Measure No. 3 – Development within the 100-year flood boundary shall meet the requirements of Chapter 16.50 (Flood Damage Protection) of the County Code and within the designated floodway shall obtain Reclamation Board approval.

Policy Eight – The County will continue to provide proper ordinances to ensure that flood insurance can be made available to qualified property owners through state and federal programs.

Implementation Measure No. 1 – Development within the 100-year flood boundary shall meet the requirements of Chapter 16.50 (Flood Damage Protection) of the County Code and within the designated floodway shall obtain Reclamation Board approval.

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.

Agricultural Element

Goal One - Strengthen the agricultural sector of our economy.

Objective No. 1.3 - Minimizing Agricultural Conflicts.

Implementation Measure No 1 - The County shall continue to implement the Right-to-Farm ordinance.

Goal Two - *Conserve our agricultural lands for agricultural uses.*

Safety Element

Goal One – Prevent loss of life and reduce property damage as a result of natural disasters.

Policy Two – Development should not be allowed in areas that are within the designated floodway.

Implementation Measure No. 1 - Development within the 100-year flood boundary shall meet the requirements of Chapter 16.50 (Flood Damage Protection) of the County Code and within the designated floodway shall obtain Reclamation Board approval.

Implementation Measure No. 2 – The County shall utilize the California Environmental Quality Act (CEQA) process to ensure that development does not occur that would be especially susceptible to flooding. Most discretionary projects require review for compliance with CEQA. As part of this review potential impacts must be identified and mitigated.

The project will be in compliance with Chapter 16.50 (Flood Damage Protection) of the County Code as required in the Implementation Measures described in the above discussion. Compliance is ensured through the building permit process. The proposed project will not place any new housing and/or enclosed structures within the flood zone. The requirements mentioned have been included in the project's conditions of approval (See Exhibit C – *Conditions of Approval*).

The Implementation Measures listed above also require any development within the floodway to obtain approval from the Reclamation Board. The Reclamation Board is now known as the Central Valley Flood Protection Board (CVFPB). The project was referred to CVFPB for review and no comments were received. A condition of approval has been added to the project requiring approval from the CVFPB. (See Exhibit C – *Conditions of Approval*).

Staff believes this project is consistent with the General Plan. The proposed dairy is an agricultural use located and surrounded by other agricultural uses. Development within the Federal Emergency Management Act (FEMA) Special Flood Hazard Area (SFHA) will be conditioned for review and approval by both the County's Chief Building Official and the CVFPB. The findings necessary for approval are discussed in the following Zoning Ordinance Consistency section.

ZONING ORDINANCE CONSISTENCY

The site is currently zoned A-2-40 (General Agriculture). It is the intent of the General Agriculture (A-2) zoning district to support and enhance agriculture as the predominant land use in the unincorporated areas of Stanislaus County. The procedures contained within the A-2 zoning district are specifically established to ensure that all land uses are compatible with agriculture and open space, including natural resource management, outdoor recreation, and enjoyment of scenic beauty.

Confined Animal Facilities (CAF), which include dairies, are considered to be permitted agricultural uses; however, a use permit is required for new or expanding CAFs requiring a new or modified permit, waiver, order, or Waste Discharge Requirements (WDRs) from the Regional Water Quality Control Board (RWQCB), where the issuance of such permit, waiver, order, or WDR requires compliance with CEQA. The County adopted the use permit requirement in 2003 in order to allow the County to facilitate the environmental review (in accordance with CEQA) required for issuance of any permit, waiver, order, or WDR by the RWQCB.

The proposed project is only required to obtain a use permit because the RWQCB has determined that the proposed dairy is subject to issuance of WDRs requiring CEQA review. WDRs are State regulations pertaining to the treatment, storage, processing or disposal of solid waste.

Since the project is subject to obtaining a use permit, the following finding is required for approval:

1. *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.*

Conditions have been added to the project requiring that the project comply with the SJVAPCD's Rules which are designed to reduce a facility's impact to air quality including the requirement of an Authorization to Construct (ATC) permit with SJVAPCD prior to the issuance of a building permit. (See Exhibit C - *Conditions of Approval*). The RWQCB monitors dairies for compliance with their Nutrient Management Plan (NMP), WMP, and WDRs. A NMP and WMP are required by the RWQCB in order to determine the need for permits, waivers, or WDRs. The applicant has submitted both an NMP and Waste Management Plan (WMP) to RWQCB. Both were deemed complete and acceptable by the RWQCB.

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

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

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

The project site is enrolled in Williamson Act Contract No. 71-0300. 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 expansion of the existing dairy will not significantly compromise the long-term productive agricultural capability of the subject property. The proposed expansion will not result in new facilities limiting the return of the property to agricultural production in the future. The proposed expansion will not remove any adjacent contracted land from agricultural or open space use. All surrounding lands will be able to continue their agricultural operations.

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

The specific findings required for approval of the proposed use permit are outlined in Exhibit A of this report. 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. (See Exhibit F - *Environmental Review Referrals*.) A Negative Declaration has been prepared for approval as the project will not have a significant effect on the environment. (See Exhibit E - *Negative Declaration*.) Conditions of approval reflecting referral responses have been placed on the project. (See Exhibit C - *Conditions of Approval*.)

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: Javier Camarena, Associate Planner, (209) 525-6330

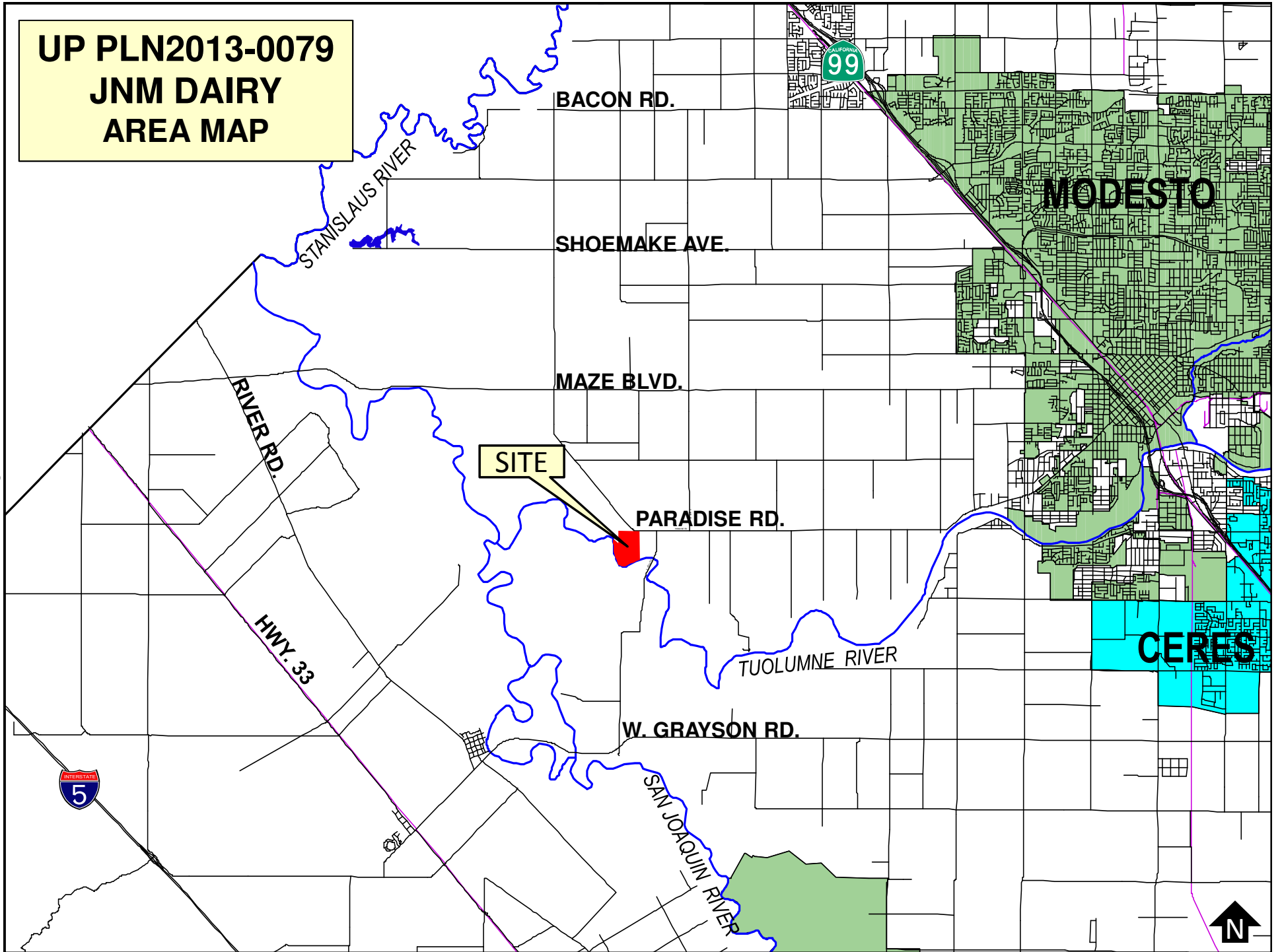
Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval
- Exhibit D - Initial Study
- 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 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;
 - (c) 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
 - (d) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.
 - (e) 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. PLN2013-0079 – JNM Dairy, subject to the attached Conditions of Approval.

**UP PLN2013-0079
JNM DAIRY
AREA MAP**



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EXHIBIT B

**UP PLN2013-0079
JNM DAIRY
GP & ZONING MAP**

CALIFORNIA AVE.

S. HART RD.

**AG
A-2-40**

PARADISE RD.

SITE

**AG
A-2-40**

BANGROFT RD.

YOUNG RD.

SHILOH RD.

TUOLUMNE RIVER

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

EXHIBIT B
SAN JUAN

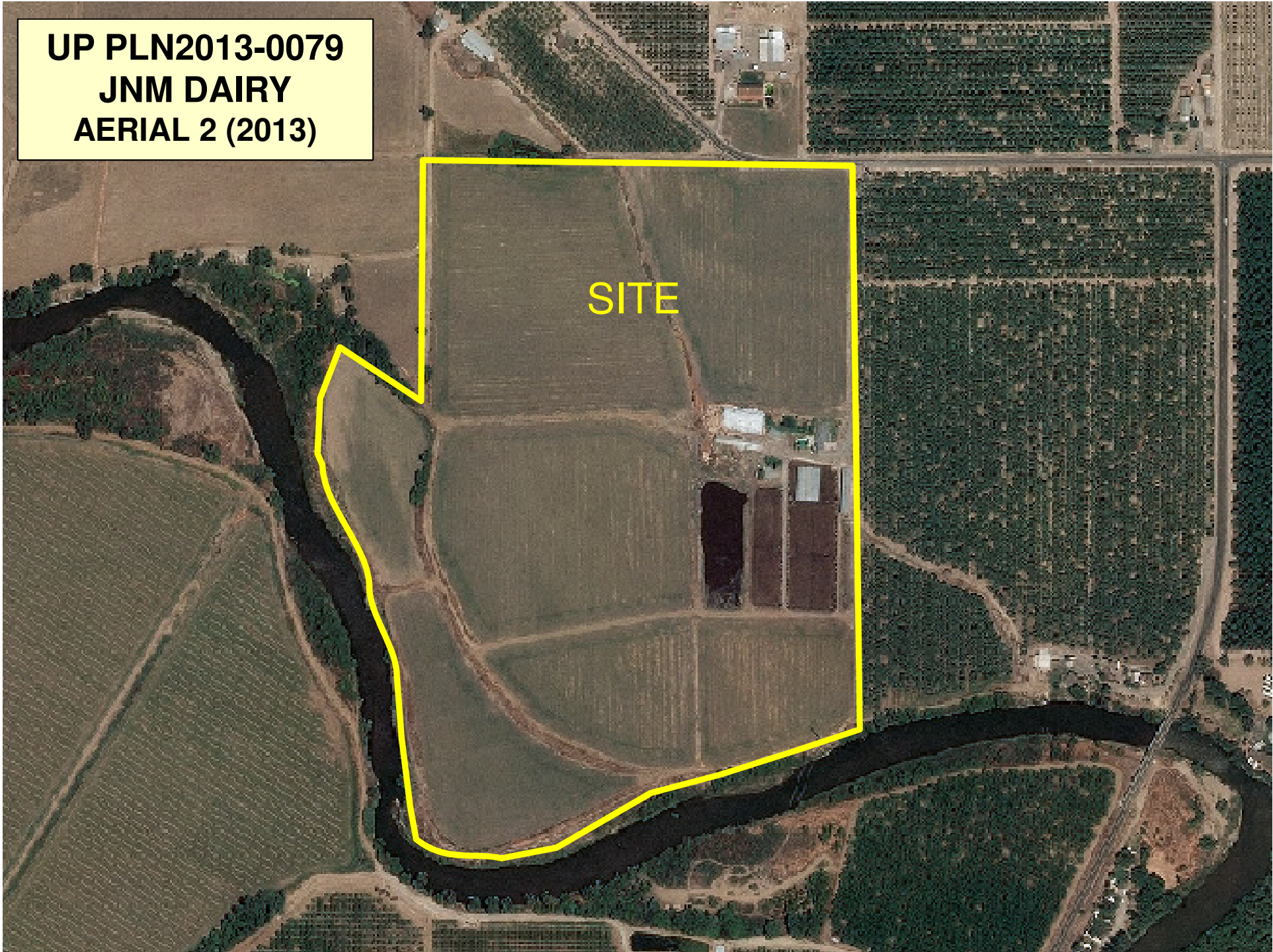
**UP PLN2013-0079
JNM DAIRY
AERIAL 1 (2013)**

SITE



**UP PLN2013-0079
JNM DAIRY
AERIAL 2 (2013)**

SITE



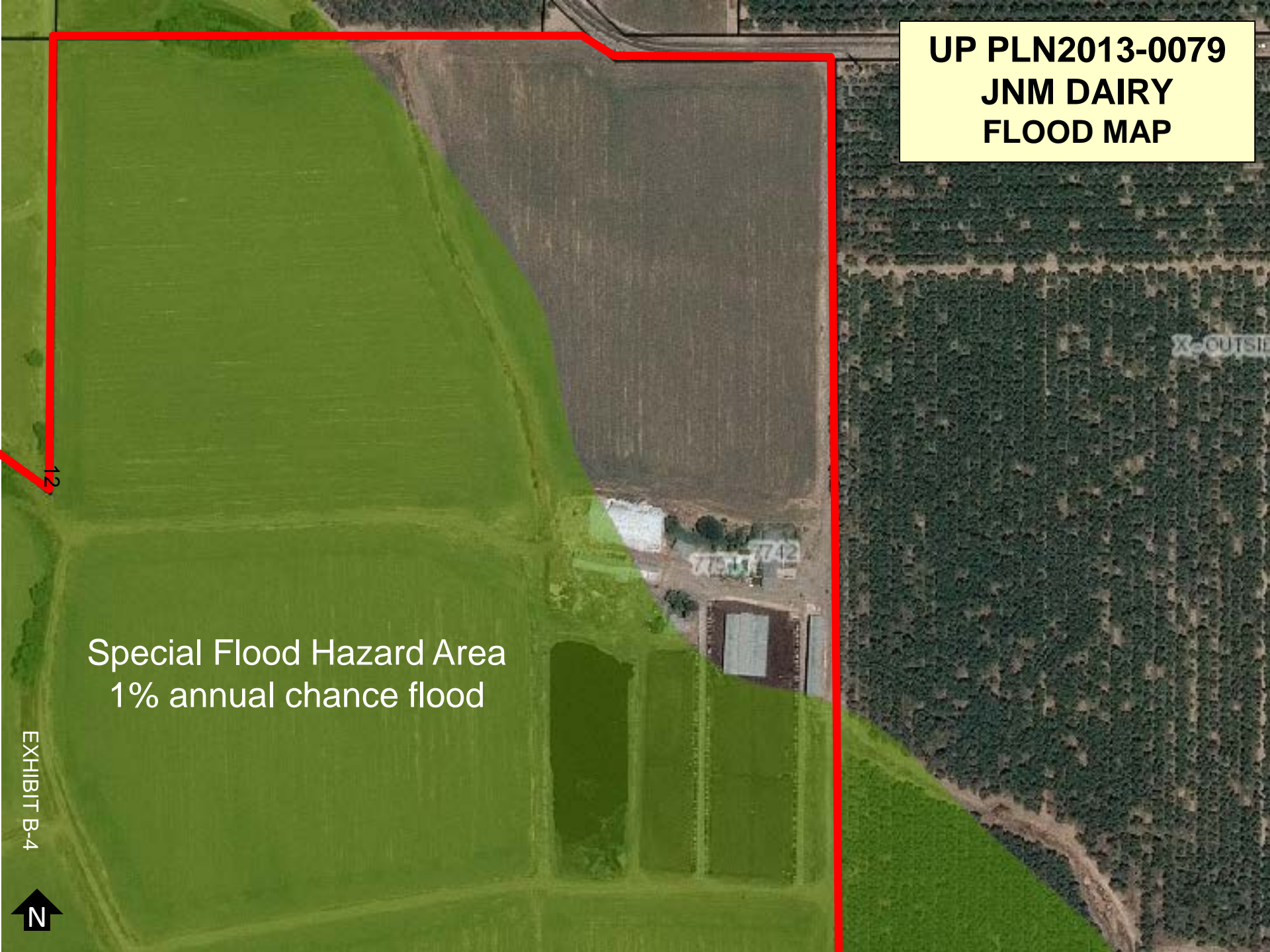
**UP PLN2013-0079
JNM DAIRY
FLOOD MAP**

Special Flood Hazard Area
1% annual chance flood

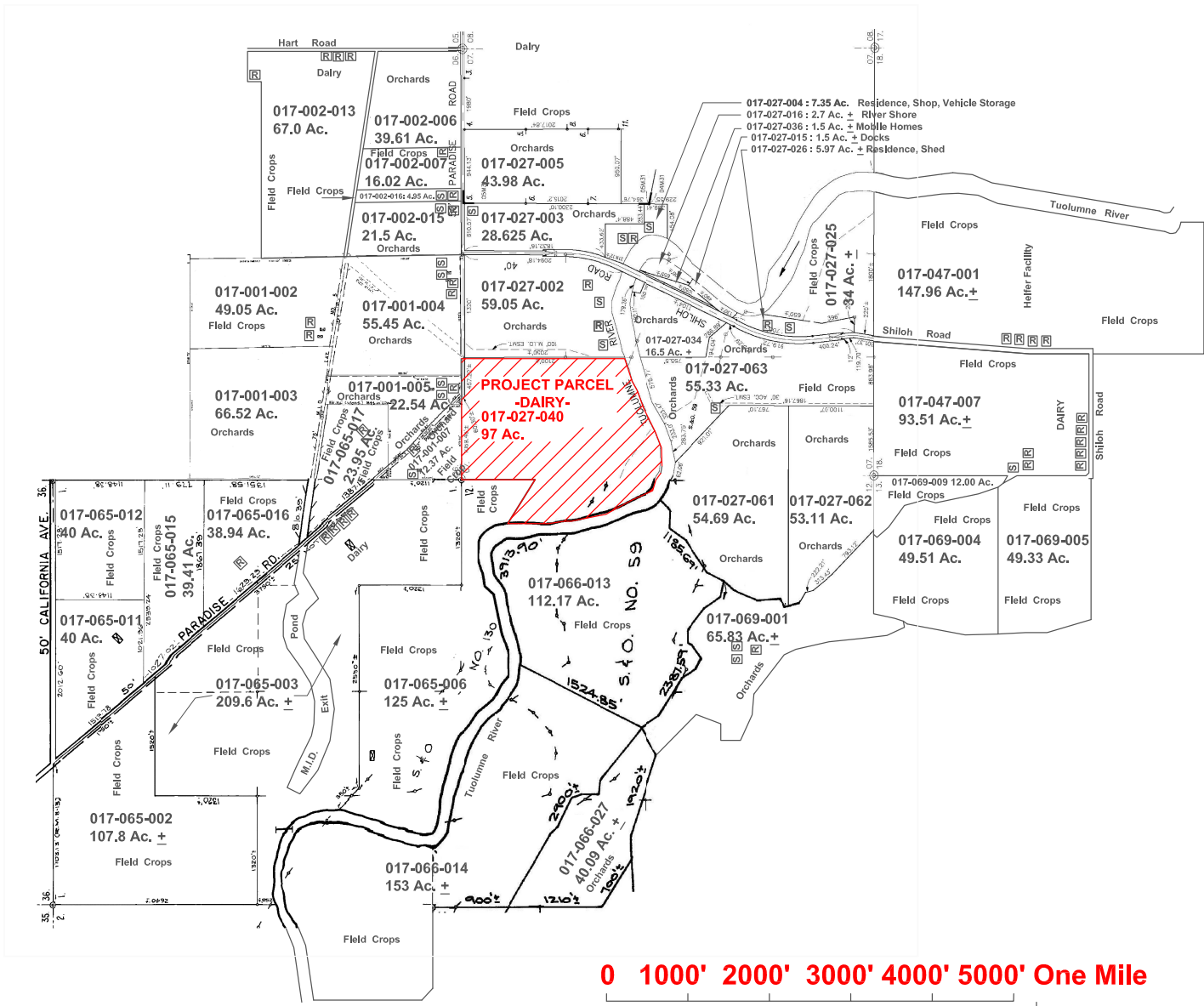
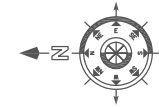
EXHIBIT B-4



12



PRINT DATE	BY
2013-08-24	JLF



0 1000' 2000' 3000' 4000' 5000' One Mile

AREA MAP / NEIGHBOR USE MAP

SCALE: 1" = 1275'

BAR SCALE

LEGEND:

- Residence
 - Shop/Shed/Storehouse
- NOTE: Not all buildings on dairies and other ag operations are shown on this map.

AREA MAP / NEIGHBOR USE MAP
MORRIS DAIRY

OWNER:

John & Nicole Morris
1241 Fawn Lilly Drive
Patterson, CA 95363
(209) 404-3909

SITE:

Morris Dairy
7742 Paradise Road
Modesto, CA 95328
(209) 714-5392



Western Dairy Design
Associates, Inc.
316 West F Street, Ste 100
Oakdale, CA 95361
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Dwg. Date: 8/25/2013

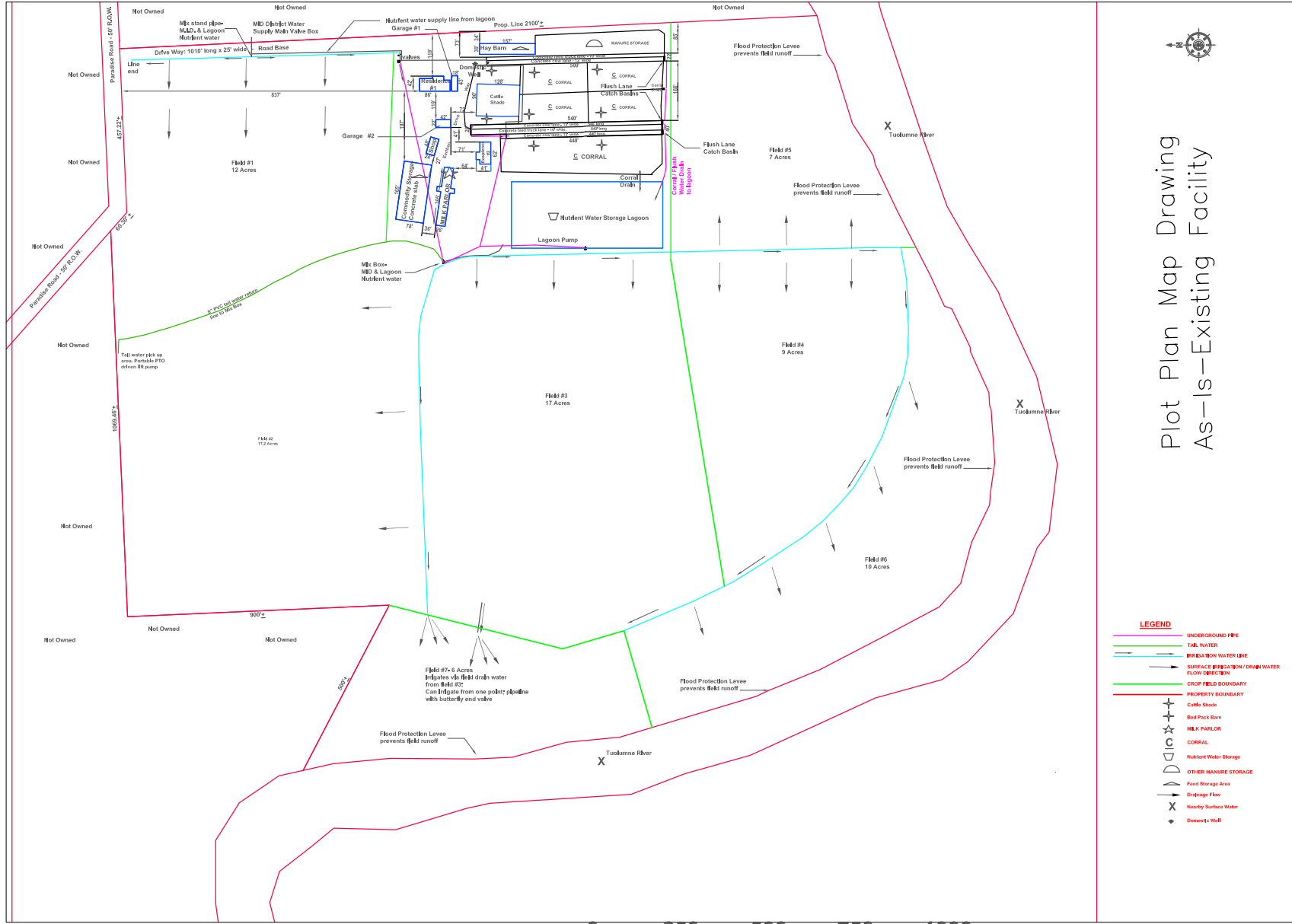
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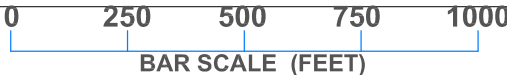
Job: 477-03

Sheet # 7

of 7 Sheets



PLOT PLAN - (Existing Facility)
SCALE 1" = 275'



Plot Plan Map Drawing
As-Is—Existing Facility

- LEGEND**
- UNDERGROUND PIPE
 - TAIL WATER
 - IRRIGATION WATER LINE
 - SURFACE IRRIGATION / DRAINAGE WATER FLOW DIRECTION
 - CROP FIELD BOUNDARY
 - PROPERTY BOUNDARY
 - Cattle Shade
 - Bed Pack Barn
 - MILK PARLOR
 - CORRAL
 - Nutrient Water Storage
 - OTHER MANURE STORAGE
 - Feed Storage Area
 - Drainage Flow
 - Nearby Surface Water
 - Domestic Wall

TITLE	DESCRIPTION	SHEET	DATE
PG REV: A	INITIAL RELEASE	REV: ALL SHEETS	08/30/12
B			
C			
D			

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Plot Plan Existing Facility
MORRIS DAIRY

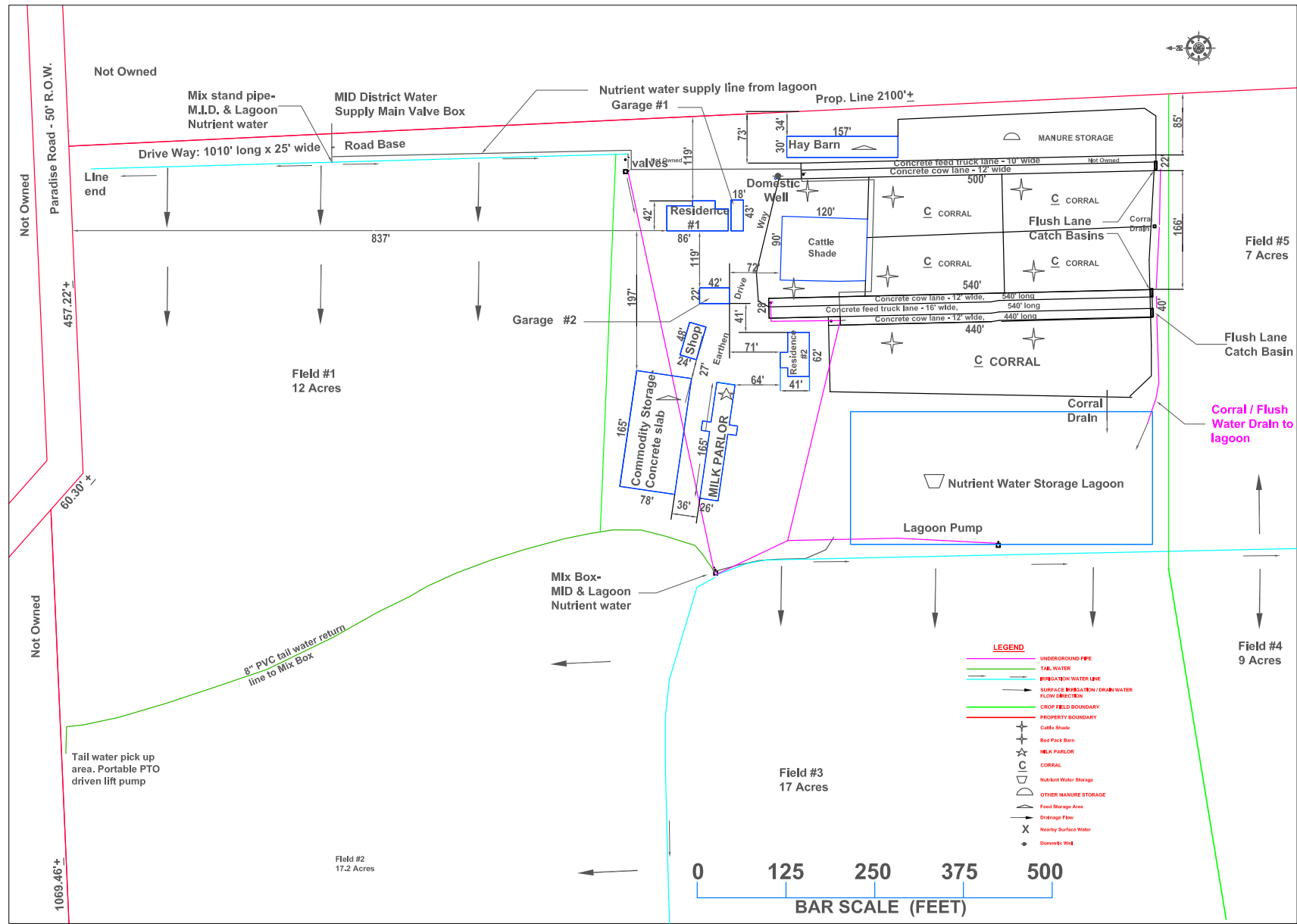
OWNER:
John & Nicole Morris
1241 Fawn Lily Drive
Patterson, CA 95363
(209) 404-3909

SITE:
Morris Dairy
7742 Paradise Road
Modesto, CA 95328
(209) 714-5392



Dwg. Date:	8/31/2013
Scale:	1" = 275'
Drawn:	JLF
Job:	477-03
Sheet #	1
of 7 Sheets	Rev Level A

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PRODUCTION SITE PLAN - (Existing Facility)

SCALE 1" = 137.5'

SHEET REV:	DATE
	08-2013
TITLE	DESCRIPTION
A	INITIAL RELEASE
B	
C	
D	

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Production Site Plan
Existing Facility
MORRIS DAIRY

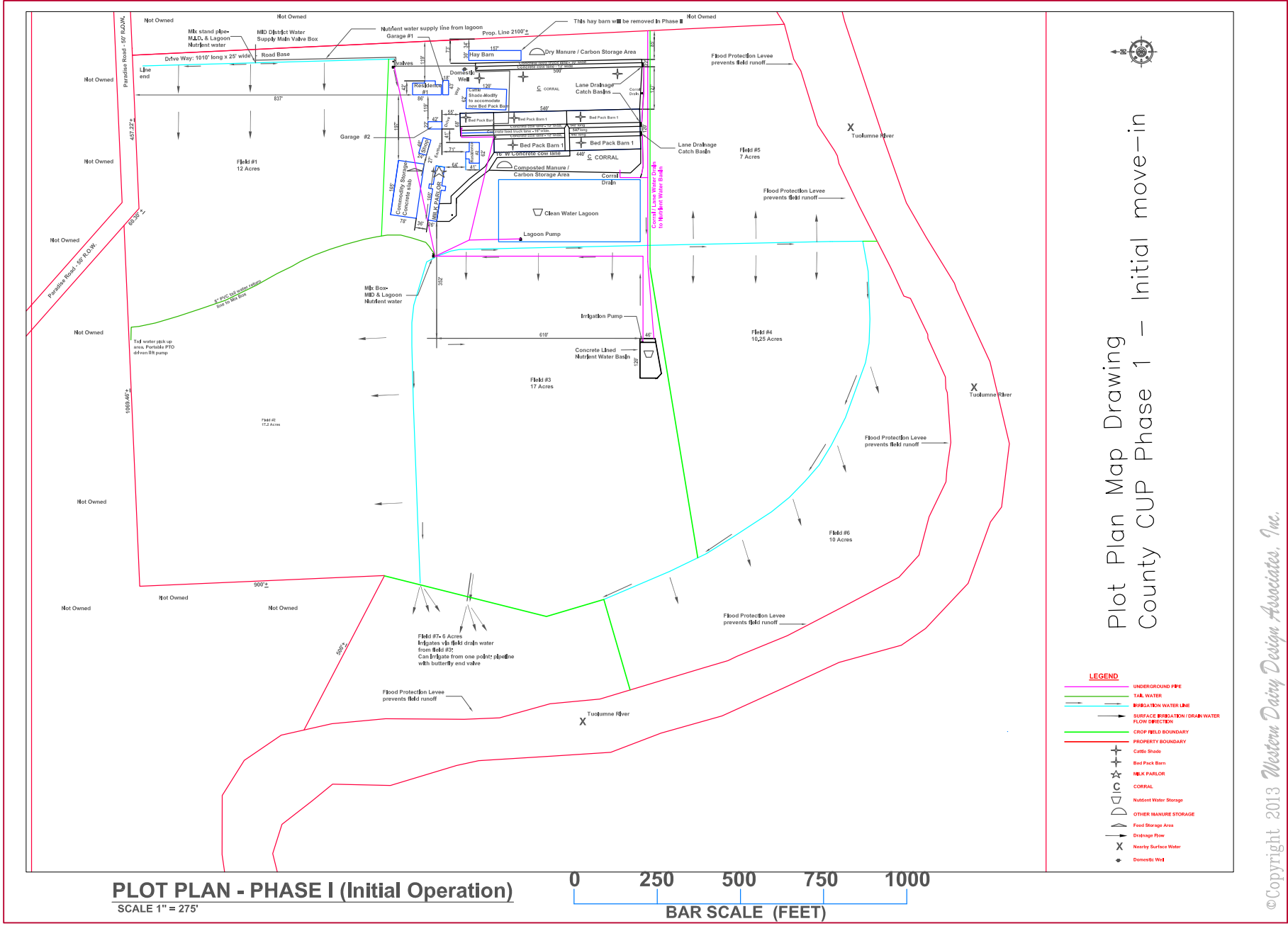
OWNER:
 John & Nicole Morris
 1241 Fawn Lilly Drive
 Patterson, CA 95363
 (209) 404-3909

SITE:
 Morris Dairy
 7742 Paradise Road
 Modesto, CA 95328
 (209) 714-5392

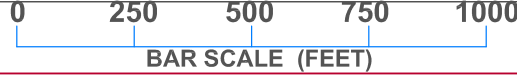
Western Dairy Design Associates, Inc.
 310 Mill Street, Ste 100
 Oakland, CA 94612
 (209) 848-8674
 www.wddesign.com

Dwg. Dates	8/31/2013
Scale:	1" = 137.5'
Drawn:	JLF
Job:	477-03
Sheet #	2
of 7 Sheets	Rev Level
	A

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PLOT PLAN - PHASE I (Initial Operation)
SCALE 1" = 275'



Plot Plan Map Drawing
County CUP Phase 1 – Initial move-in

- LEGEND**
- UNDERGROUND PIPE
 - MILK WATER
 - IRRIGATION WATER LINE
 - SURFACE IRRIGATION / DRAIN WATER FLOW ORIENTED
 - CROP FIELD BOUNDARY
 - PROPERTY BOUNDARY
 - Cattle Shade
 - Bed Pack Barn
 - MILK PARLOR
 - CORRAL
 - Nutrient Water Storage
 - OTHER MANURE STORAGE
 - Food Storage Area
 - Drainage Flow
 - Nearby Surface Water
 - Domestic Well

DATE	SHEET REV.	DESCRIPTION
08/30/12	A	INITIAL RELEASE
	B	
	C	
	D	

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Plot Plan - Phase I
Initial Operation
MORRIS DAIRY

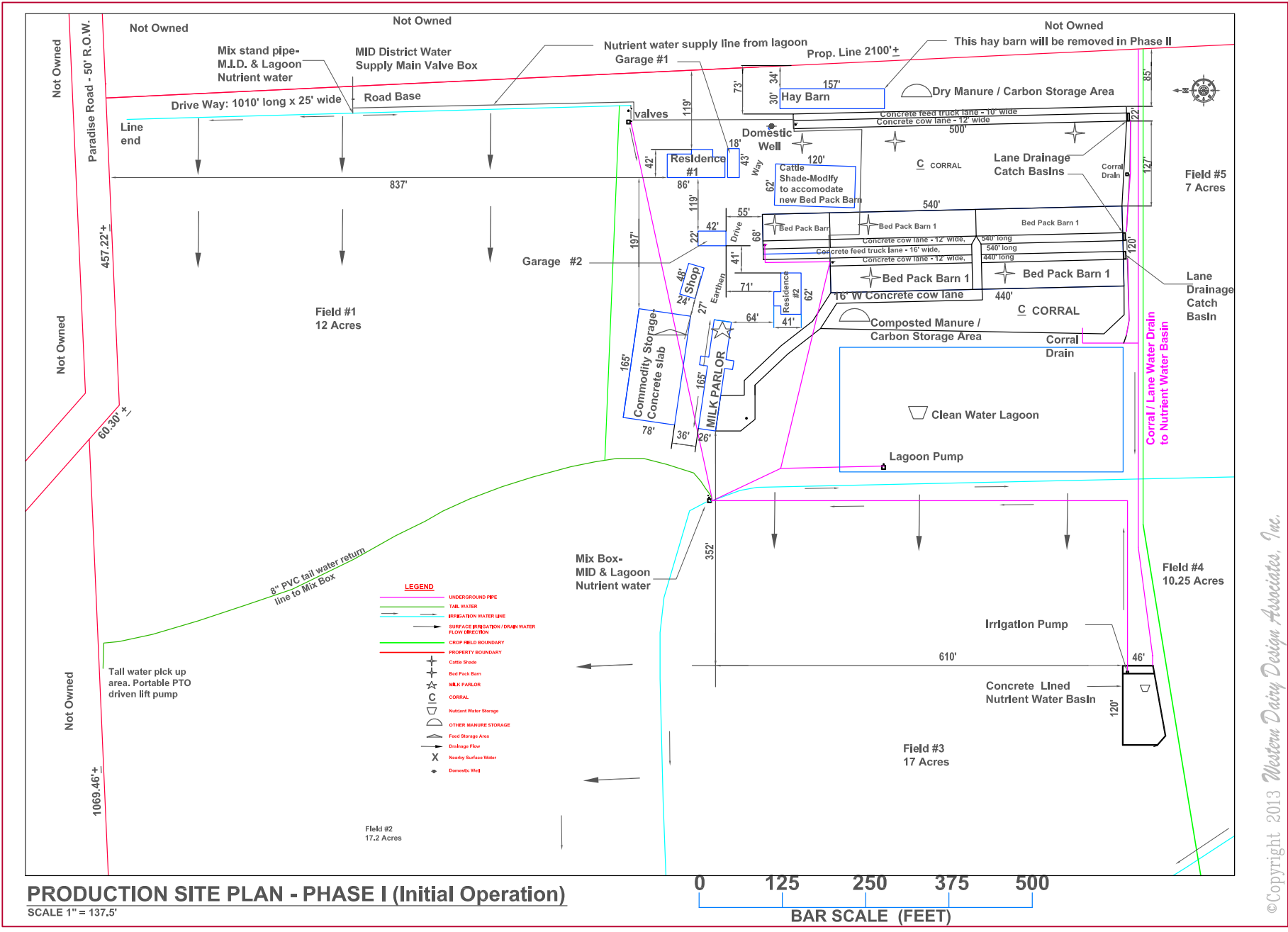
OWNER:
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SITE:
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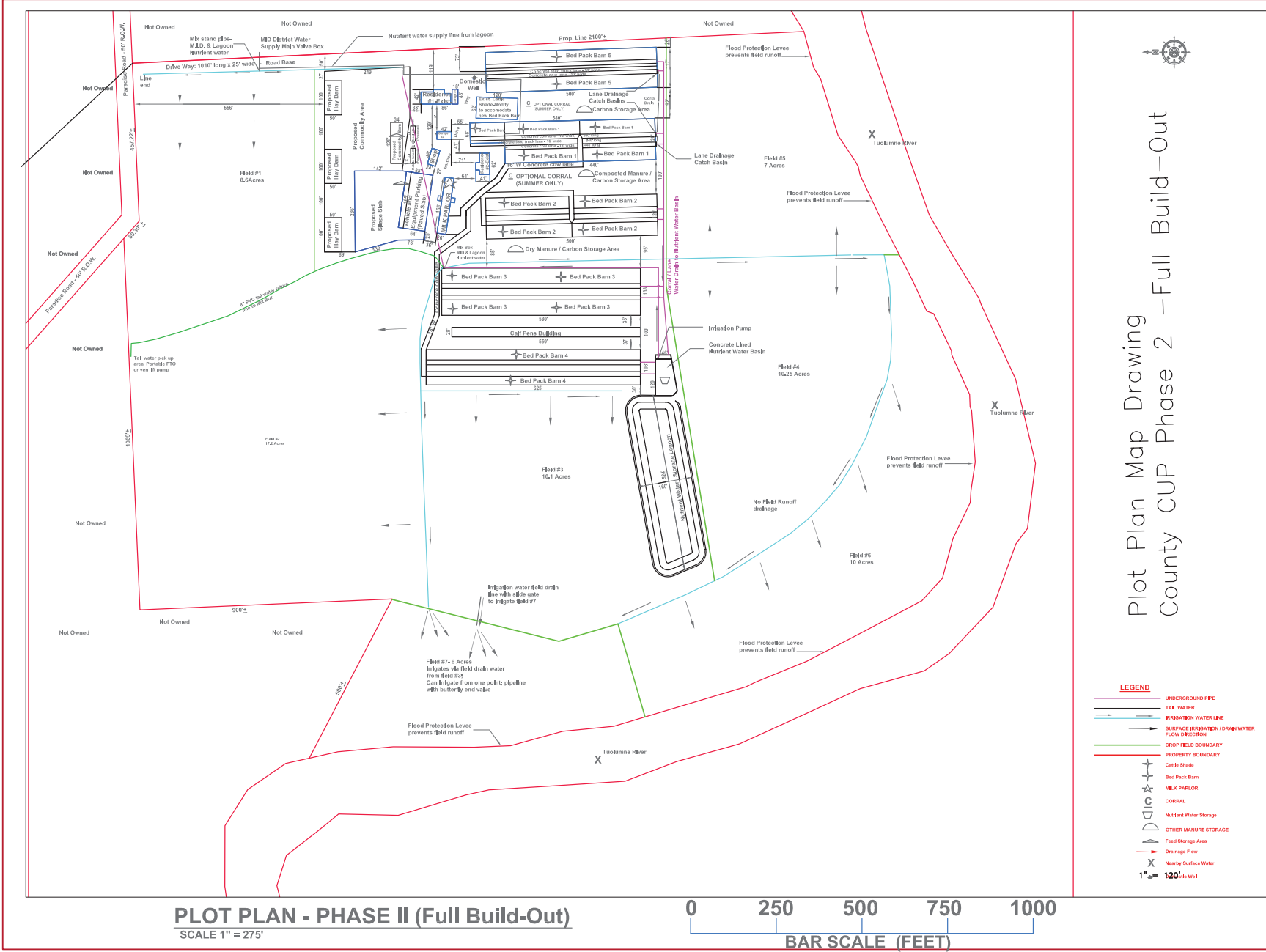


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Dwg. Date:	9/12/2013
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Drawn:	JLF
Job:	477-03
Sheet #	3
of 7 Sheets	A
Rev Level	



DATE	08/30/17
SHEET REV:	ALL SITS REV A
DESCRIPTION	INITIAL RELEASE
TITLE FOR REV:	A B C D
<p>THIS IS AN ORIGINAL UNPUBLISHED WORK & MAY NOT BE DUPLICATED, PUBLISHED OR OTHERWISE USED WITHOUT THE WRITTEN CONSENT OF WESTERN DAIRY DESIGN.</p> <p>©Copyright 2013 Western Dairy Design Associates, Inc.</p> <p>Production Site Plan - Phase I Initial Operation MORRIS DAIRY</p> <p>OWNER: John & Nicole Morris 1241 Fawn Lily Drive Patterson, CA 95363 (209) 404-3909</p> <p>SITE: Morris Dairy 7742 Paradise Road Modesto, CA 95328 (209) 714-5392</p> <p> Western Dairy Design Associates, Inc. 316 West F Street, Ste 100 Modesto, CA 95301 (209) 948-9674 www.wddp.com</p>	
Dwg. Date:	9/12/2013
Scale:	1" = 137.5'
Drawn:	JLF
Job:	477-03
Sheet #	4
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of 7 Sheets	Rev Level

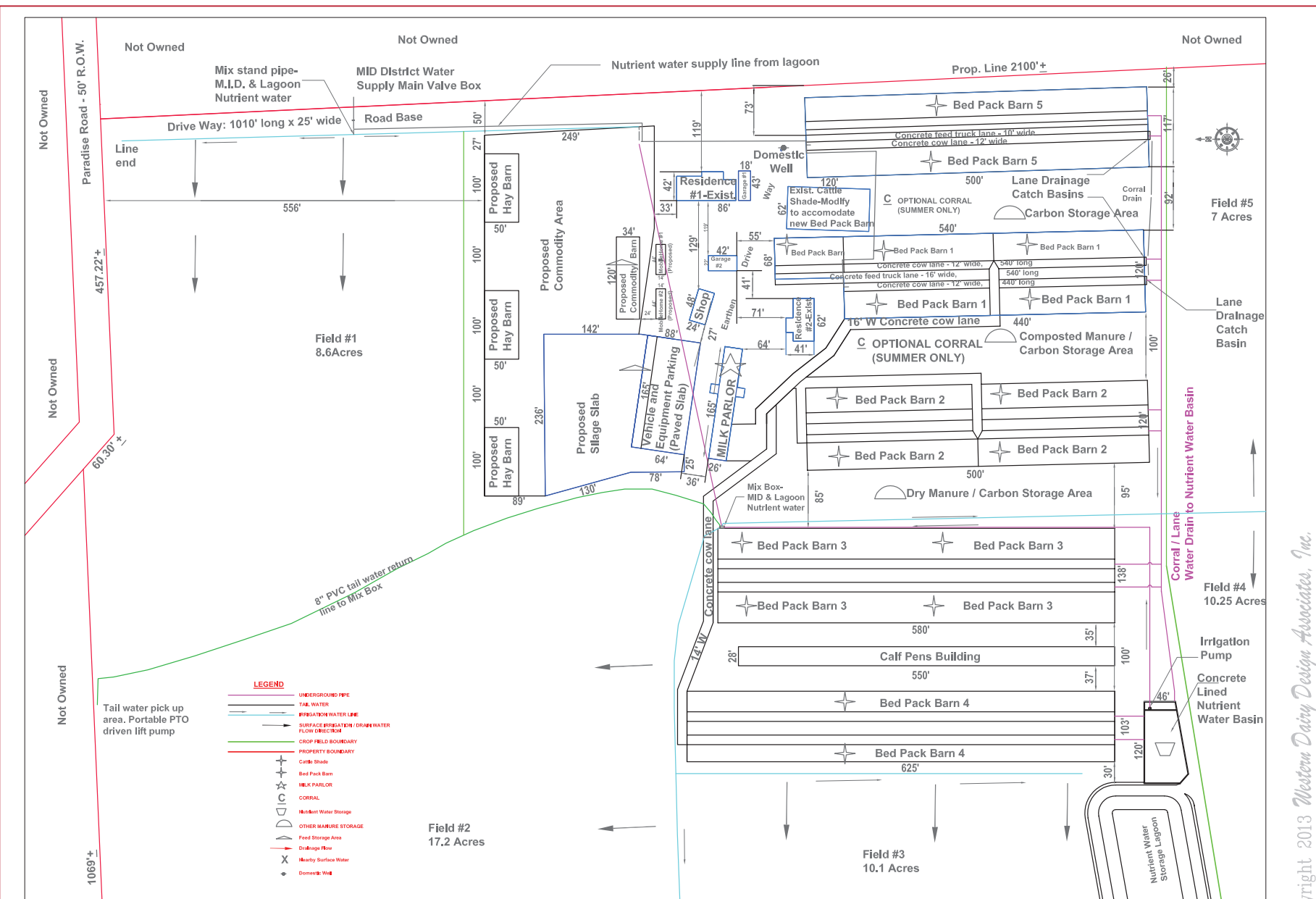


TITLE	DESCRIPTION	SHEET	DATE
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C		ACQ: A	
D			

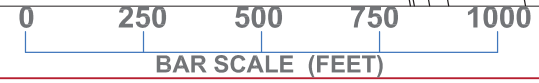
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Production Site Plan – Phase II
Full Build-Out
MORRIS DAIRY

Dwg. Date: 9/12/2013
Scale: 1" = 275'
Drawn: JLF
Job: 477-03
Sheet #: 5 of 5
Rev Level: A



PRODUCTION SITE PLAN - PHASE II (Full Build-Out)
 SCALE 1" = 137.5'



DATE	06/20/20
REVISION	ALL STAFF REV A
DESCRIPTION	INITIAL RELEASE
FILE NAME	A B C D

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Production Site Plan - Phase II
Full Build-Out
MORRIS DAIRY

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 Morris Dairy
 7742 Paradise Road
 Modesto, CA 95328
 (209) 714-5392

316 West F Street, Ste 100
 Modesto, CA 95201
 (209) 546-0274
 www.dairydesign.com

Dwg. Date:	9/12/2013
Scale:	1" = 137.5'
Drawn:	JLF
Job:	477-03
Sheet #	6 A
of 7 Sheets	Rev Level

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. PLN2013-0079 JNM DAIRY

Department of Planning and Community Development

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 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 sky glow (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. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary.
7. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
8. 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.
9. Pursuant to Sections 1600 and 1603 of the California Fish and Wildlife Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Wildlife and shall be responsible for obtaining all appropriate stream-bed alteration agreements, permits, or authorizations, if necessary.
10. 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.
11. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Wildlife to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
12. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.
13. 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.
14. The developer will obtain an encroachment permit from the Central Valley Flood Protection Board (CVFPB) prior to any earthmoving, demolition, construction, or plantings within the Tuolumne River Designated floodway.

15. The proposed two mobile homes for employee housing shall be allowed to provide housing for full-time employees of the on-site dairy or other permitted confined animal facility. The mobile homes shall be removed within one year of no longer being needed for employee housing. The applicant shall obtain all necessary building permits and, unless deferred, payment of all applicable Public Facilities Fees for the mobile home(s).
16. The applicant and/or property owner shall, at all times, implement and comply with all waste management practices as approved by the Regional Water Quality Control Board (RWQCB); including future modification to Nutrient Management Plan (NMP) and Waste Management Plan (WMP) in accordance with RWQCB review, permitting, and approval.

San Joaquin Valley Air Pollution Control District (SJVAPCD)

17. The proposed project will be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require District permits. Prior to the start of construction the project proponent shall submit to the District an application for an Authority to Construct (ATC). If SJVAPCD determines that an ATC is not required, the applicant shall provide verification in writing to the Stanislaus County Department of Planning and Community Development.
18. The proposed project may be subject to the following District Rules:
 - Regulation VIII (Fugitive PM10 Prohibitions);
 - Rule 4102 (Nuisance) – This rule applies to any source operation that emits or may emit air contaminants or other materials. In the event that the project or construction of the project creates a public nuisance, it could be in violation and be subject to District enforcement action;
 - Rule 4601 (Architectural Coatings);
 - Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations);
 - Rule 4002 (National Emission Standards for Hazardous Air Pollutants); and
 - Rule 4550 (Conservation Management Practices) – The purpose of this rule is to limit fugitive dust emissions from agricultural operation sites. These sites include areas of crop production, animal feeding operations and unpaved roads/equipment areas.
19. A Rule 4570 (Confined Animal Facilities) application shall be submitted to the District. District Rule 4570 was adopted by the District's Governing Board on June 15, 2006. Dairies with greater than or equal to 500 milk cows are subject to the requirements of District Rule 4570.
20. This list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant shall contact SJVAPCD prior to building permit issuance. The applicant shall provide written verification from SJVAPCD to the Stanislaus County Department of Planning and Community Development that all permits and rules have been adhered to.

Modesto Irrigation District (MID)

21. The applicant receives irrigation service from MID through an existing improvement district pipeline (ID 151 – Bucher) that enters the parcel near the northeast corner. Sufficient backflow prevention is required to be installed where the existing improvement district pipeline enters the applicant’s parcel to prevent the mixed water from migrating upstream.
22. Use of MID irrigation water outside of the irrigation boundary shall be prohibited.
23. In conjunction with related site improvement requirements, existing overhead and underground electric facilities within or adjacent to the proposed development shall be protected, relocated or removed as required by the District’s Electric Engineering Department.
24. Relocation or installation of electric facilities shall conform to the District’s Electric Service Rules.
25. Costs for relocation of the District’s facilities at the request of others will be borne by the requesting party. Estimates for relocating existing facilities will be supplied upon request.
26. A 15 foot clearance is required adjacent to the existing 12kv overhead high voltage lines.
27. The existing 100 foot wide easement centered on the 230kv overhead high voltage lines shall be maintained in order to protect the existing electrical facilities.

Stanislaus County Environmental Review Committee

28. The applicant shall determine, to the satisfaction of the Department of Environmental Resources (DER), that a site containing (or formerly containing) residences or farm buildings, or structures, has been fully investigated (via Phase I study, and Phase II study if necessary) prior to the issuance of a grading permit. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of DER.

Department of Public Works

29. An encroachment permit shall be taken out for any new driveway or for any work done in the Paradise Road right-of-way. Any new driveway location will have to be approved by Public Works.
30. Paradise Road is classified as a 60-foot Collector Roadway. The current right-of-way is 50-feet. If 30-feet of the road right-of-way south of the roadway centerline do not exist, then the remainder 30-feet shall be dedicated with an Irrevocable Offer of Dedication for the entire project frontage on Paradise Road. The Irrevocable Offer of Dedication shall be submitted and approved prior to the issuance of any building permit associated with this project.
31. A grading and drainage plan for the project site shall be submitted before any building permit for the site is issued that creates a new or bigger building footprint on this parcel. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:

- A. 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.
- B. The grading, drainage and erosion/sediment control plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit.
- C. 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.
- D. 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. The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.

Modesto City Schools

- 32. The appropriate residential and commercial fees will be assessed on all construction during the building permit application process.

California Department of Fish and Wildlife

- 33. A 100-foot “no-disturbance” buffer and 200-foot “no-construction” buffer delineated from the high water mark of the waterway along the Tuolumne River shall be maintained at all times. The applicant shall provide a map to the Stanislaus County Department of Planning and Community Development showing the high water mark and buffer prior to the issuance of a building permit.
- 34. The Tuolumne River may provide nesting habitat for songbirds, raptors, and the State threatened Swainson’s Hawk. If any ground disturbing activities occur during the nesting season (February through mid-September), the owner shall hire a qualified biologist to conduct surveys for active nests and nesting raptors prior to any work commencing. A minimum no-disturbance buffer of 0.5 miles shall be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If implementation of the 0.5 mile no-disturbance buffer is not feasible, consultation with CDFW is required and the acquisition of an Incidental Take Permit pursuant to Fish and Game Code Section 2081(b) may be warranted prior to initiating any ground disturbing activities.

Department of Environmental Resources

- 35. The water system may now be or may become a state small water system as defined by California Health and Safety Code (CA HSC), Section 116275(n) and Title 22 California Code of Regulations (CCR) Sections 64211. Prior to issuance of building permits or licenses to conduct business identified in the Use Permit Application No. PLN2013-0079 JNM Dairy, the property owner shall certify to Stanislaus County Department of Environmental Resources (Department) that: the property use does not or will not constitute

a state small water system, or submit a state small water supply permit application to the Department accompanied by a water system technical report [CCR 64211(b)] and obtain a water supply permit to operate the state small water system [CCR 64211(a)].

Building Permits Division

36. Building permits are required and the project shall conform with the California Code of Regulations, Title 24.
37. Flood resistant materials up to one foot above the base flood elevation regardless of the location of any buildings are required. Buildings within the flood zone shall be open on all sides. Elevation certificate(s) shall be required, as determined necessary by the Chief Building Official.

Modesto Regional Fire Authority

38. Project shall comply with current Fire Code requirements. All proposed buildings constructed shall comply with on-site water for fire protection. An approved fire apparatus access road shall be provided to all portions of the facility. Fire apparatus access roads shall have an unobstructed width of not less than 13 feet 6 inches. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turn-around.

*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. PLN2013-0079 - JNM Dairy
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Javier Camarena, Associate Planner
(209) 525-6330
4. **Project location:** 7742 Paradise Road, on the south side of Paradise Road, west of Shiloh Road, northeast of and adjacent to the Tuolumne River, in the Modesto area. APN: 017-027-040
5. **Project sponsor's name and address:** JNM Dairy
John & Nicole Morris
3513 Shiloh Road
Modesto, CA 95358
6. **General Plan designation:** Agriculture
7. **Zoning:** A-2-40 (General Agriculture)
8. **Description of project:**
Request to re-establish and expand an existing dairy facility to include 1,120 milk cows, 151 dry cows, and 577 bred heifers. The project will include 366,508 square feet of new construction including five livestock barns, three hay barns, two mobile homes, a commodity barn, a calf barn, a holding pen shade, and a shop building. This project is a permitted use in Stanislaus County; however, the project is being circulated in compliance with the California Environmental Quality Act (CEQA) as the California Regional Water Quality Control Board (RWQCB) has determined that Waste Discharge Requirements (WDRs) are required.
9. **Surrounding land uses and setting:** Almond orchard to the north; almond orchard to the east; Tuolumne River and almond orchard to the south; field crops (corn, sudan, and oats) to the west; and scattered single-family ranch homes.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** California 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.

Javier Camarena, Associate Planner
Prepared By _____

March 23, 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. Any development resulting from this project will be consistent with existing area developments.</p>				
<p>Mitigation: None.</p>				
<p>References: 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 is currently enrolled under Williamson Act Contract No. 71-0300. Surrounding land uses consist of an almond orchard to the north; an almond orchard to the east; the Tuolumne River and an almond orchard to the south; field crops (corn, sudan, and oats) to the west; and scattered single-family ranch homes in each direction. The parcel has soils classified mostly as Prime Farmland with parts designated as Farmland of Local Importance and Confined Animal Agriculture by the California Department of Conservation Farmland Mapping and Monitoring Program. The 2007 Stanislaus Soil Survey identifies the following soils within the parcel: CpA - Columbia soils, 0 to 1 percent slopes; DpA - Dinuba fine sandy loam, 0 to 1 percent slopes; FoA - Foster very fine sandy loam, 0 to 1 percent slopes; GmA - Grangeville very fine sandy loam, 0 to 1 percent slopes; GnA - Grangeville very fine sandy loam, 0 to 1 percent slopes; and HbmA - Hanford fine sandy loam, 0 to 3 percent slopes.

The project site is currently being used to house heifers and is improved with two single-family dwellings, accessory garages, a 1,152 square foot shop, a 4,688 square foot hay barn, a 7,450 square foot cattle shade, and a 4,658 square foot milk barn. The milk barn is not currently being used. The proposed project will establish a dairy consisting of 1,120 milk cows, 151 dry cows, and 577 bred heifers. The project will also include 366,508 square feet of new construction including five livestock barns, three hay barns, two mobile homes, a commodity barn, a calf barn, a holding pen shade, and a shop building.

This project will have no impact to forest land or timberland. The project will not conflict with any agricultural activities in the area and/or lands enrolled in the Williamson Act. The project was referred to the Department of Conservation, but a response has not been received to date.

The proposed use is permitted in Stanislaus County; however, the RWQCB has determined that WDRs are required, which requires CEQA compliance.

Mitigation: None.

References: Email from the California Regional Water Quality Control Board dated December 8, 2014; Stanislaus Soil Survey (2007); California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2010; 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	

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

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

A referral response from the SJVAPCD, dated October 30, 2013, states that the District requires construction and operational emissions stay below the District's levels of significance of 10 tons per year of oxides of nitrogen (Nox), 10 tons per year of reactive organic gases (ROG), or 15 tons per year of particulate matter of 10 microns or less in size (PM10).

In order to ensure that construction related emissions be less than significant, the SJVAPCD is recommending that the applicant utilize off-road construction fleets that can achieve fleet average emissions equal to or cleaner than the Tier II emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, as Part 89 of Title 40 Code of Federal Regulations. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards. This will be included as a condition of approval on the project.

The applicant's representative has calculated stationary source operational emissions for the project at full build out using a Dairy Emissions Calculator provided by SJVAPCD. At full build out, the project is estimated to produce a PM10 of approximately 1.32 metric tons per year, well below the SJVAPCD's level of significance. For non-stationary source operational emissions, the applicant's representative has calculated daily number of vehicle trips per day at 76 at full build out of the dairy. According to the SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI), at the Small Project Analysis Level (SPAL), the SJVAPCD has pre-calculated the emissions on large numbers and types of projects to identify the level at which they have no possibility of exceeding the emissions thresholds (ROG of 10 tons/year or NOx of 10 tons/year). The proposed 76 daily vehicle trips is well below the numbers listed in the GAMAQI which range from 1,453 to 1,707 trips per day depending on land use.

The project site is in a rural area of the County with additional dairies in the vicinity. No odor complaints have been filed with the County in the area and the project site is not near any sensitive receptors.

Mitigation: None.

References: 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 October 30, 2013; San Joaquin Valley Air Pollution Control District Guide for Assessing and Mitigating Air Quality Impacts; Stanislaus County General Plan and Support Documentation¹.

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or 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	

Discussion: According to the California Department of Fish and Wildlife (CDFW) Natural Diversity Database (CNDDDB), the project site is located near an area where a record of the Burrowing Owl has occurred. The project has been referred to the CDFW for review. CDFW has not raised any issues or concerns related to the burrowing owl.

A referral response from the CDFW, dated October 31, 2013, includes recommendations related to biological resources. The project site is adjacent to the Tuolumne River which contains riparian habitat. CDFW is recommending a minimum 200-foot no-disturbance buffer delineated from the high water mark of the waterway, or from the outside edge of the riparian vegetation, whichever is greater, for areas with riparian vegetation. CDFW is also recommending a minimum 100-foot no-disturbance buffer around the high water mark of the waterway that has no riparian vegetation. The applicant has stated that the riparian area is protected by road/berms, dikes, and vegetation buffers and is being required to have a 100 foot buffer from the Tuolumne River from the RWQCB. Planning staff has spoken with CDFW staff regarding the no-disturbance buffer recommendations and CDFW is ok with RWQCB's 100-foot no-disturbance buffer so long as any building construction be kept at least 200 feet from the high water mark of the waterway or from the edge of the riparian vegetation, whichever is greater. This will be included as a condition of approval on the project. In addition, all proposed construction is located over 750 feet away from the river and its high water mark.

CDFW has also raised concerns that the project could result in pollution into the Tuolumne River from storm water runoff, and surface and groundwater contamination from dairy activities, which can have potential impacts to plants and wildlife. As mentioned previously, the riparian area, including the Tuolumne River, is separated from the project site by a road/berm and dikes. RWQCB is responsible for water quality issues related to the project. The project is being circulated for CEQA purposes as RWQCB has determined that WDRs are required. The applicant has submitted a Waste Management Plan (WMP) to RWQCB that was deemed complete and acceptable by the RWQCB.

CDFW has stated that trees, shrubs, and grasses within the project site, within the vicinity of the project site, and along the Tuolumne River may provide nesting habitat for songbirds, raptors, and the State threatened Swainson's Hawk. CDFW is recommending that, if any ground disturbing activities occur during the nesting season (February through mid-September), a qualified biologist conduct surveys for active nests and nesting raptors prior to any work commencing and provide specific no-disturbance buffers around the nests until the nesting season has ended. Staff will include these recommendations as conditions of approval on the project.

Mitigation: None.

References: Referral response from the California Department of Fish and Wildlife dated October 31, 2013; 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.

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: It does not appear this project will result in significant impacts to any archaeological or cultural resources. The project was referred to the Native American Heritage Commission (NAHC) via the State Clearinghouse as well as the appropriate tribal contacts. A response was received from NAHC that provided information related to cultural resources review of the project. Although no information was included stating specific cultural resources may be present on site, a standard condition of approval will be added to this project requiring that, should any cultural resources or human remains be found during any ground disturbing activities, all work shall halt until a qualified archaeologist can survey the site.</p>				
<p>Mitigation: None.</p>				
<p>References: Referral response from the Native American Heritage Commission dated October 21, 2013, and the 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. Likewise, any addition of a septic tank or alternative waste water disposal system would require approval by the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements. The project has been referred to Public Works and DER. Neither department has raised any concerns related to geology and soils.

Mitigation: None.

References: Referral response from the Stanislaus County Department of Public Works dated October 31, 2013; referral response from the Stanislaus County Department of Environmental Resources dated October 23, 2013; 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: Construction and operations will be required to be in compliance with the SJVAPCD standards for emissions. The Environmental Protection Agency (EPA) has issued a rule mandating that livestock facilities report methane and nitrous oxide emissions if they have manure management systems that emit 25,000 metric tons, or 55.1 million pounds, of carbon dioxide each day. The EPA further estimated that 3,200 mature dairy cows produce the 25,000 metric tons of annual carbon dioxide equivalent that would trigger reporting requirements. The USDA Agricultural Research Service's Northwest Irrigation and Soils Research laboratory, in Kimberly, Idaho, conducted a study on a 10,000 milking cow facility and found that emissions thresholds for 25,000 metric tons of annual carbon dioxide equivalent is actually 4,808 mature cows, based on the dairy it monitored. The proposed project will include a total of 1,120 milk cows, 151 dry cows, and 577 bred heifers. These numbers are well below the EPA and USDA estimates for 25,000 metric tons of annual carbon dioxide.

Mitigation: None.

References: "Piloting Innovative Beef and Dairy GHG Emission Reduction Strategies in U.S. Feedlots and Dairies" www.csrwire.com/press_releases/33079-Innovativ; Michael Marsh, Western United Dairyman; 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: Hazardous materials potentially used on site are those commonly associated with dairies. Potential materials include: pipeline cleaning soap; acid cleaner; iodine; teat dip; refrigerant (R22) (used in milk barns); formaldehyde; and copper sulfate (used in cow foot baths). Pesticide exposure is a risk in agricultural areas. Sources of exposure include contaminated groundwater which is consumed and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. DER is responsible for overseeing hazardous materials in this area. The project was referred to the DER Hazardous Material Division for review but no response has been received to date.</p>				
<p>Mitigation: None.</p>				
<p>References: 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	

Discussion: Run-off is not considered an issue because of several factors which limit the potential impact. These factors include a relative flat terrain of the subject site and relatively low rainfall intensities. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act. Most of the activity area of the proposed project is within a Special Flood Hazard Area (SFHA) subject to inundation by the 1% annual chance flood. No base flood elevations have been determined for the site; therefore, the project site is within Zone A. The proposed project itself is not located within a recognized flood zone and, as such, flooding is not an issue with respect to this project. The Stanislaus County Chief Building Official (CBO) has reviewed the project and has stated that agricultural buildings are not exempt from Flood Zone requirements. The Building Permits Division is requiring flood resistant materials up to one foot above the base flood elevation regardless of the location of the building. Buildings within the flood zone shall be open on all sides. The proposed project will not place any housing within the flood zone. The applicant’s representative has indicated that the project will be in compliance with the requirements provided by the CBO.

As mentioned previously, the RWQCB is responsible for water quality issues related to the project. The project is being circulated for CEQA purposes as RWQCB has determined that WDRs are required. The applicant has submitted a WMP to RWQCB that was deemed complete and acceptable by the RWQCB. The applicant will be required to adhere to the accepted WMP and all RWQCB standards.

Mitigation: None.

References: Email from the Regional Water Quality Control Board dated December 8, 2014, and the Stanislaus County General Plan and Support Documentation¹.

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 in the General Plan and zoned A-2-40 (General Agriculture). The proposed buildings and confined animals are permitted uses in the agricultural zone; however, the RWQCB has determined that the proposed project is subject to CEQA and, therefore, requires that the applicant obtain a Use Permit in accordance with §21.20.030(F) of the Stanislaus County Zoning Ordinance. This project will not conflict with any applicable habitat conservation plan or natural community conservation plan and will not physically divide an established community.</p>				
<p>Mitigation: None.</p>				
<p>References: Email from the Regional Water Quality Control Board dated December 8, 2014, 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
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>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
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 on-site activities and traffic are not anticipated to exceed the normally acceptable level of noise. The project will increase ambient noise levels. Permanent increases may result as the number of animal units is increased on site; however, noise associated with animals in the Agricultural zone is permissible. The nearest sensitive noise receptors are homes on neighboring properties. The nearest home is over 1,000 feet away from the proposed dairy facility footprint.

Mitigation: None.

References: 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
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: Stanislaus County General Plan and Support Documentation¹.

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
<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. Conditions of approval will be added to this project to insure that any modifications to existing structures 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. The project was referred to school districts within the area, the local fire authority, the Stanislaus County Department of Parks and Recreation via DER, and the Stanislaus County Environmental Review Committee (ERC). The local fire authority responded through the Modesto Regional Fire Authority and provided standard conditions of approval related to on-site water storage and access roads.</p>				
<p>Mitigation: None.</p>				
<p>References: Referral response from the Modesto Regional Fire Authority dated October 30, 2013, and the Stanislaus County General Plan and Support Documentation¹.</p>				
XV. RECREATION --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
<p>Discussion: This project is not anticipated to increase significant demands for recreational facilities as such impacts are typically associated with residential development.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				

XVI. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X
<p>Discussion: Significant impacts to traffic and transportation were not identified by reviewing agencies. The existing facility has direct access onto Paradise Road which is County maintained. The access onto the project site is large enough to offer emergency access and the size of the parcel is large enough to offer adequate on-site parking opportunities. The project was referred to the Stanislaus County Department of Public Works and Caltrans District 10. The Department of Public Works has requested conditions of approval to address new driveway approaches and the need for an irrevocable offer of dedication.</p>				
<p>Mitigation: None.</p>				
<p>References: Referral response from the Stanislaus County Department of Public Works dated October 31, 2013, and the Stanislaus County General Plan and Support Documentation¹.</p>				
XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	

Discussion: Limitations on providing services have not been identified. The applicant has provided a WMP to the RWQCB. The RWQCB has deemed the WMP accepted and complete and has not indicated any issues. Impacts to the existing utility and service systems are anticipated to be minimal as a result of this project. Staff has not received any referral responses indicating limitations on providing services.

Mitigation: None.

References: Email from the Regional Water Quality Control Board dated December 8, 2014, 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

<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>				<p>X</p>
<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. PLN2013-0079 - JNM Dairy

LOCATION OF PROJECT: 7742 Paradise Road, on the south side of Paradise Road, west of Shiloh Road, northeast of and adjacent to the Tuolumne River, in the Modesto area. APN: 017-027-040

PROJECT DEVELOPERS: JNM Dairy
John & Nicole Morris
3513 Shiloh Road
Modesto, CA 95358

DESCRIPTION OF PROJECT: Request to re-establish and expand an existing dairy facility to include 1,120 milk cows, 151 dry cows, and 577 bred heifers. The project will include 366,508 square feet of new construction including five livestock barns, three hay barns, two mobile homes, a commodity barn, a calf barn, a holding pen shade, and a shop building. This project is a permitted use in Stanislaus County; however, the project is being circulated in compliance with the California Environmental Quality Act (CEQA) as the California Regional Water Quality Control Board (RWQCB) has determined that Waste Discharge Requirements (WDRs) are required.

Based upon the Initial Study, dated **March 23, 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: Javier Camarena, Associate Planner

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

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: USE PERMIT APPLICATION NO. PLN2013-0079 - JNM DAIRY

REFERRED TO:	RESPONDED			RESPONSE			MITIGATION MEASURES		CONDITIONS			
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF CONSERVATION: Land Resources / Mine Reclamation	X	X	X		X							
CA DEPT OF FISH & WILDLIFE	X	X	X	X		X				X	X	
CA DEPT OF TRANSPORTATION DIST 10	X	X	X		X							
CA OPR STATE CLEARINGHOUSE	X	X	X		X							
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X		X				X	X	
CENTRAL VALLEY FLOOD PROTECTION	X	X	X		X							
COOPERATIVE EXTENSION	X	X			X							
FIRE PROTECTION DIST: WOODLAND	X	X	X		X							
IRRIGATION DISTRICT: MODESTO	X	X	X	X		X				X	X	
MODESTO REGIONAL FIRE AUTHORITY	X		X	X		X				X	X	
MOSQUITO DISTRICT: EASTSIDE	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: SHILOH	X	X	X		X							
SCHOOL DISTRICT 2: MODESTO	X	X	X	X		X				X	X	
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X		X		X				X	X	
STAN CO CEO	X	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							
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 3: WITHROW	X	X			X							
STAN COUNTY COUNSEL	X	X			X							
STANISLAUS LAFCO	X	X			X							
SURROUNDING LAND OWNERS			X		X							
TELEPHONE COMPANY: AT&T	X	X	X		X							
TRIBAL CONTACTS: COX & CAMP (CA Government Code §65352.3)	X	X	X		X							
TUOLUMNE RIVER TRUST	X	X	X		X							
US ARMY CORPS OF ENGINEERS	X	X	X	X		X				X		X
US FISH & WILDLIFE	X	X	X		X							
US MILITARY AGENCIES (SB 1462) (5 agencies)	X	X	X		X							