

# STANISLAUS COUNTY PLANNING COMMISSION

July 2, 2015

## STAFF REPORT

USE PERMIT APPLICATION NO. PLN2014-0093  
PATTERSON NUT COMPANY

**REQUEST: TO CONSTRUCT TEN (10) 5,600 SQUARE FOOT BUILDINGS FOR THE PURPOSE OF STORING UNPROCESSED NUTS.**

### APPLICATION INFORMATION

Applicant/Property Owner:	Kirk Jensen/ Jensen Brothers Company
Agent:	Thomas Owens, Owens Design Consultants
Location:	112 Holly Avenue, in the Patterson area
Section, Township, Range:	32-5-8
Supervisory District:	Five (Supervisor DeMartini)
Assessor's Parcel:	048-036-034
Referrals:	See Exhibit G Environmental Review Referrals
Area of Parcel(s):	4± acres
Water Supply:	Private Well
Sewage Disposal:	Septic/Leach System
Existing Zoning:	A-2-20 (General Agriculture)
General Plan Designation:	Agriculture
Sphere of Influence:	Patterson (partial)
Community Plan Designation:	Not Applicable
Williamson Act Contract No.:	Not Applicable
Environmental Review:	Negative Declaration
Present Land Use:	Field Crops with single family dwelling
Surrounding Land Use:	All adjacent parcels are in agriculture production, with scattered single family dwellings. A nut processing facility is located to the north.

### RECOMMENDATION

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

## **PROJECT DESCRIPTION**

The project is a request to construct ten (10) 5,600 square foot open sided buildings for the purpose of storing unprocessed nuts. The project site will serve as an ancillary storage facility for a nearby nut processing plant located to the north, at the intersection of Highway 33 and Bartch Avenue. The project will be phased over a period of five (5) to ten (10) years, at a pace of one (1) to two (2) buildings per year.

The proposed project site will replace rented land located 4± miles south in the Crows Landing area on Highway 33. The site will serve as excess storage to the existing nut processing facility, if the product needs to be stored longer prior to processing. The change in storage sites will reduce traffic, and travel distance between the two sites.

The proposed use will only receive deliveries during harvest season, which begins in September and lasts four (4) to six (6) weeks in duration. The proposed use will operate 7:00 a.m. to 3:30 p.m., Monday through Saturday. The proposed use is estimated to have zero (0) to four (4) truck deliveries per day during harvest season. The site will operate with a maximum of two (2) employees per shift.

The project site will create two (2) driveways on to Holly Avenue. The main driveway and circulation through the site will be paved, and the secondary driveway will be covered with rock. The project proposes two (2) storm water swales on site, one to the east and one to the south, to collect runoff water from on site. The project proposes three (3) 8 x 36 foot long fire suppression tanks, to meet fire department standards.

## **SITE DESCRIPTION**

The 4± acre project site is located on the south side of Holly Avenue, which is designated as a 60 foot wide Local Road, and west of State Highway 33. The site is located south east of the City of Patterson, and is partially located within the City of Patterson's Sphere of Influence.

Currently, the site is developed with a 440 square foot garage and a 1,297 square foot single family dwelling which is serviced by a private well and septic/leach system. The site is not in agriculture production or enrolled in a Williamson Act Contract.

The adjacent surrounding land uses consist of a mixture of agriculture and scattered single family dwellings. The existing nut processing plant is located to the north of the proposed project site, at the intersection of Highway 33 and Bartch Road. All surrounding parcels are zoned A-2-20 (General Agriculture, 20 acre minimum), with a General Plan Designation of Agriculture.

## **ISSUES**

All discretionary applications for development within the County and located in a City's LAFCO (Local Agency Formation Commission) adopted Sphere of Influence, are referred to the appropriate cities per Stanislaus County's General Plan Land Use Element Sphere of Influence policy. In this case, the project site is partially located within the City of Patterson's Sphere of Influence. The City of Patterson responded to the Early Consultation for this project (see *Exhibit D*) with a concern that the proposed warehouse development would not be consistent with the City's General Plan designation of low density residential for the site.

The County's Sphere of Influence policy addresses agricultural uses and churches separately from other discretionary development proposals requiring written city approval prior to approval by the County. In the case of agricultural uses, written city approval is not required, however, the County shall consider the responses of the cities in the permitting process and if the County finds that a project is inconsistent with the affected city's general plan designation, it shall not be approved.

Since the City's initial response to this project indicated an inconsistency based on an adopted land use designation, the project was referred, by the City Planner, to the City of Patterson's Planning Commission for consideration on June 11, 2015. The City of Patterson's Planning Commission determined that the proposed project is a logical extension of the existing business and can be accommodated as the City's General Plan area builds out. The City has requested that a condition of approval be included requiring the property owner enter into a deferral agreement with the City requiring construction of, connection to, or payment of fees related to street, water, sewer, and storm drainage improvements upon annexation of this area to the city. Staff has amended the recommended condition of approval to request that this agreement be completed prior to the issuance of a building permit. This requested condition has been added to the project's proposed conditions of approval.

No other issues have been identified.

### **GENERAL PLAN CONSISTENCY**

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

#### **Land Use Element**

*Goal One - Strengthen the agricultural sector of our economy.*

*Objective No. 1.2 - Support the development of agriculture-related uses.*

The discussion section of Objective No. 1.2 states: "The A-2 (General Agriculture) zoning district of the County Zoning Ordinance encourages vertical integration of agriculture by organizing uses requiring use permits into three tiers based on the type of uses and their relationship to agriculture. Tier one includes uses closely related to agriculture such as nut hulling and drying, wholesale nurseries, and warehouses for storage of grain and other farm produce grown on-site or in proximity to the site."

*Objective No. 1.3 - Minimizing agricultural conflicts.*

*Policy 1.10 - The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.*

In response to Policy 1.10, Buffer and Setback Guidelines (Appendix A of the Agricultural Element) applicable to new or expanding uses approved in or adjacent to the A-2 (General Agriculture)

zoning district have been adopted. Appendix A states that low people intensive Tier One and Tier Two uses (such as nut hulling, shelling, dehydrating, grain warehousing, and agricultural processing facilities) which do not serve the general public, shall not be subject to compliance with these guidelines; however, conditions of approval consistent with these guidelines may be required as part of the project approval. The decision making body (Planning Commission) shall have the ultimate authority to determine if a use is "low people intensive". The applicant proposed that no agricultural buffer was necessary as the Tier One use of agricultural product storage, as proposed, is a "low people intensive" use. Staff agrees that no agriculture buffer is necessary for a low people intensive Tier One Use Permit.

*Spheres of Influence Policy* – This Policy supports Goal Five – *Complement the general plans of cities within the County* by establishing procedures for consideration of applications within the sphere of influence of a city. As discussed in the Issues section of this report, an inconsistency with the City of Patterson's General Plan land use designation for the site exists, however, the City is in support of the project.

Staff believes the proposed nut storage site is seen as an agricultural use, and can be found to be consistent with the County's General Plan.

### **ZONING ORDINANCE CONSISTENCY**

The Site is currently zoned A-2-20 (General Agriculture, 20 acre minimum). Section 21.20.030(B)(3) of the Stanislaus County Zoning Ordinance allows stationary installations such as alfalfa and feed dehydrators; commercial viners; fuel alcohol stills designed to serve a localized area; nut hulling, shelling, and drying; agricultural experiment stations; **warehouses for storage of grain and other farm produce**; weighing, loading and grading stations; wholesale nurseries and landscape contractors when conducted in conjunction with a wholesale nursery; agricultural backhoe services; sale of firewood; and similar agricultural facilities; as a Tier One Use Permit.

Tier One uses are uses closely related to agriculture, considered to be necessary for a healthy agricultural economy, and may be allowed when the Planning Commission makes the following findings:

- 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; and
- 2). The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.

There is no indication that, under the circumstances of this particular case, the proposed use 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. The use supports agriculture and will not be substantially detrimental to or in conflict with agricultural use of property in the area.

## **ENVIRONMENTAL REVIEW**

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

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**Note:** Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay **\$2,267.00** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

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

### Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps, Site Plan, Elevations
- Exhibit C - Conditions of Approval
- Exhibit D - City of Patterson Letter dated October 21, 2014
- Exhibit E - Initial Study
- Exhibit F - Negative Declaration
- Exhibit G - Environmental Review Referrals

**Exhibit A**  
**Findings and Actions Required for Project Approval**

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
  - (a). The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County; and
  - (b). The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
  - (c). The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
4. Approve Use Permit Application No. PLN2014-0093 – Patterson Nut Company subject to the attached Conditions of Approval.

**UP PLN2014-0093  
PATTERSON NUT CO.  
AREA MAP**

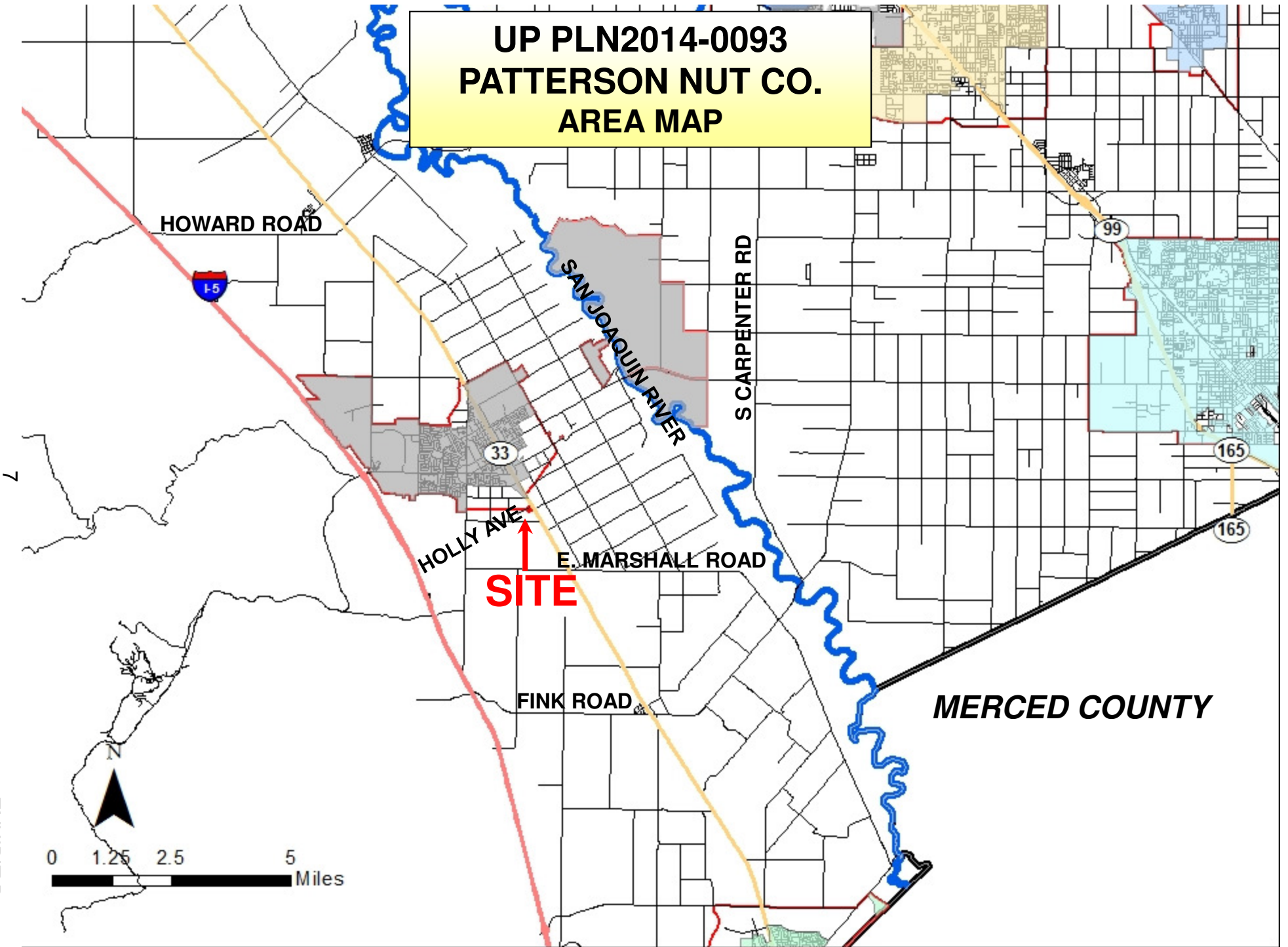
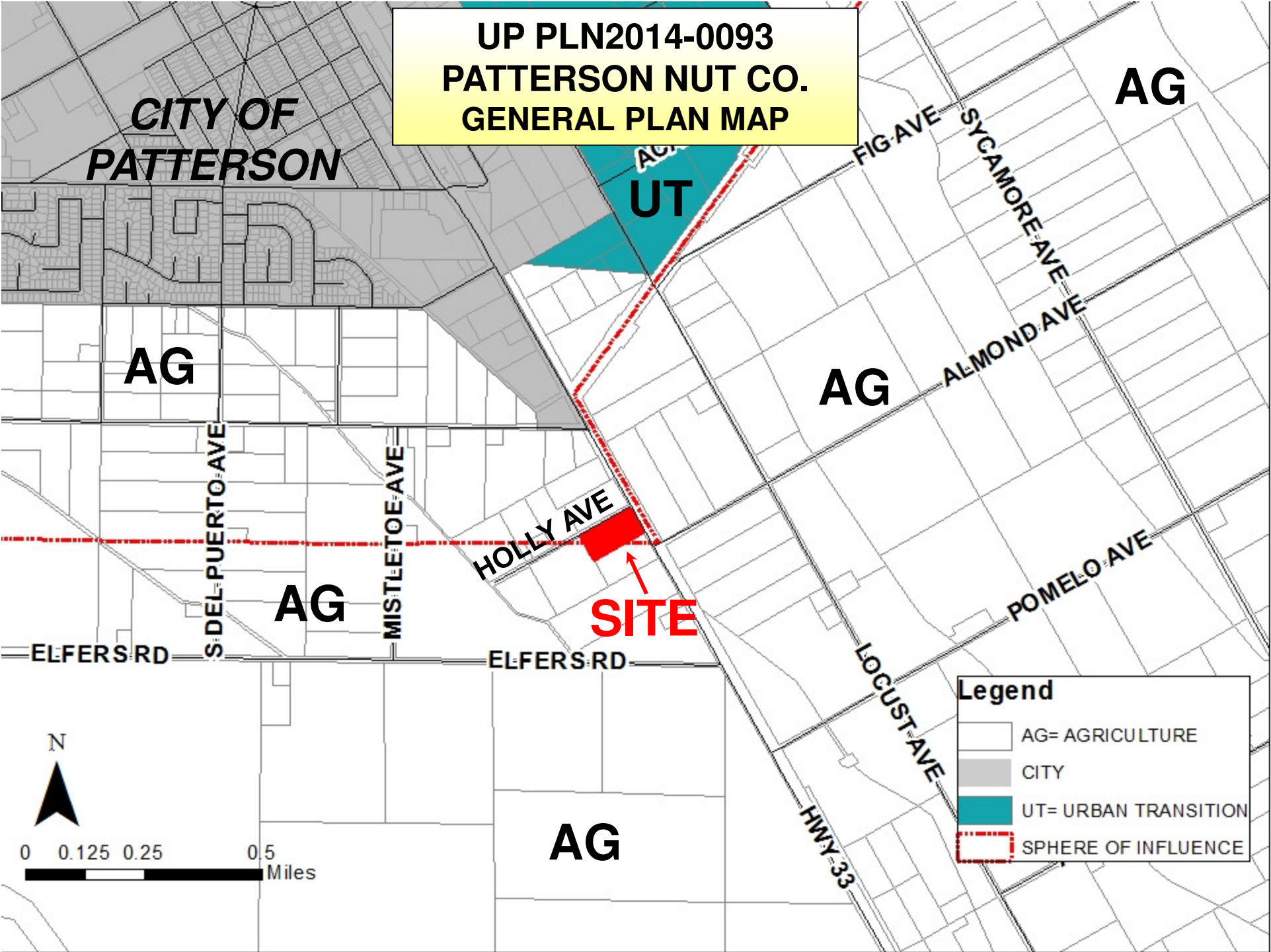


EXHIBIT B

7

**MERCED COUNTY**

**UP PLN2014-0093  
PATTERSON NUT CO.  
GENERAL PLAN MAP**





**UP PLN2014-0093  
PATTERSON NUT CO.  
ZONING DESIGNATION MAP**

**CITY OF  
PATTERSON**






**A-2-10**

**A-2-20**

**A-2-40**

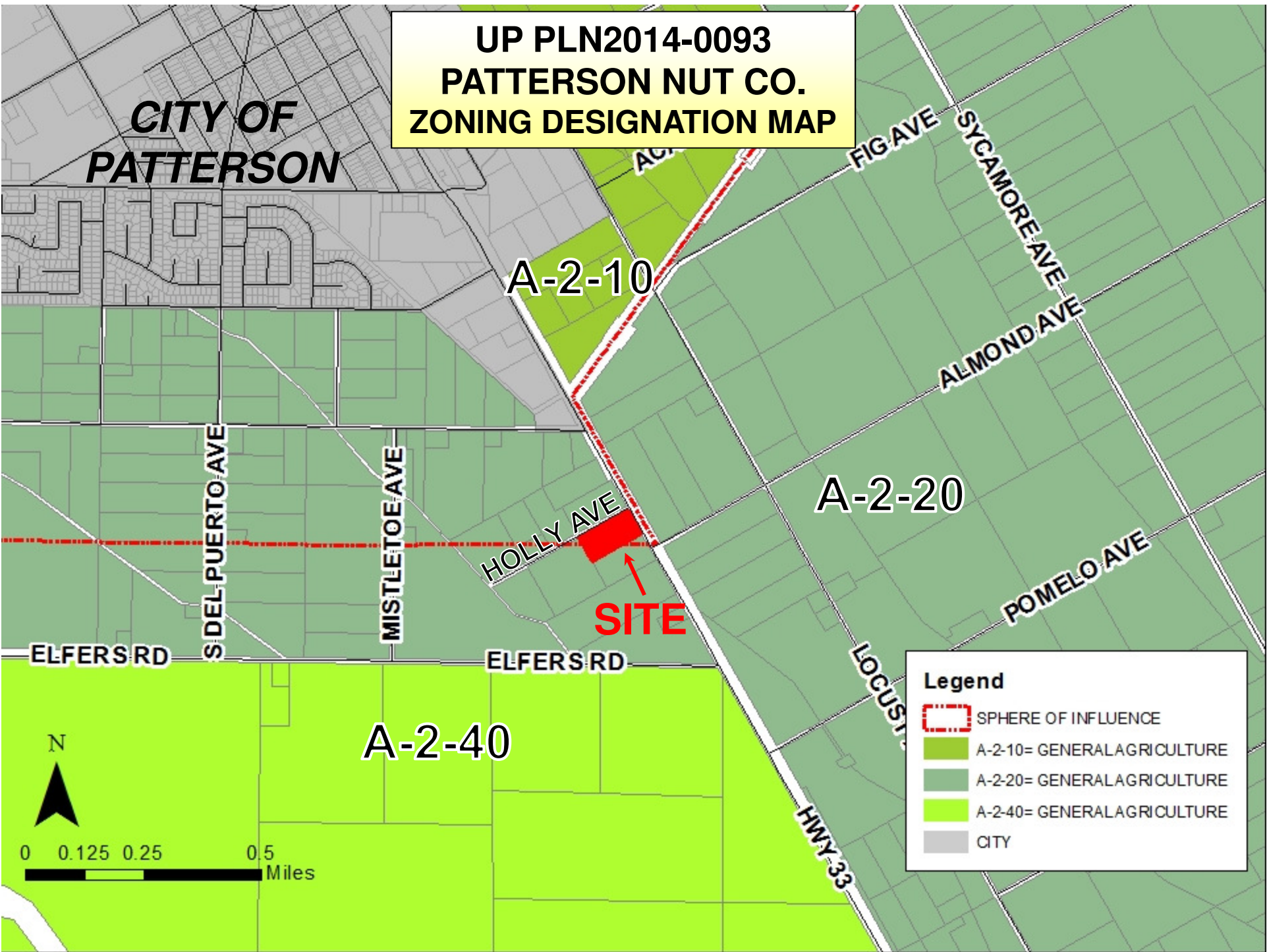
**SITE**

**Legend**

-  SPHERE OF INFLUENCE
-  A-2-10= GENERAL AGRICULTURE
-  A-2-20= GENERAL AGRICULTURE
-  A-2-40= GENERAL AGRICULTURE
-  CITY



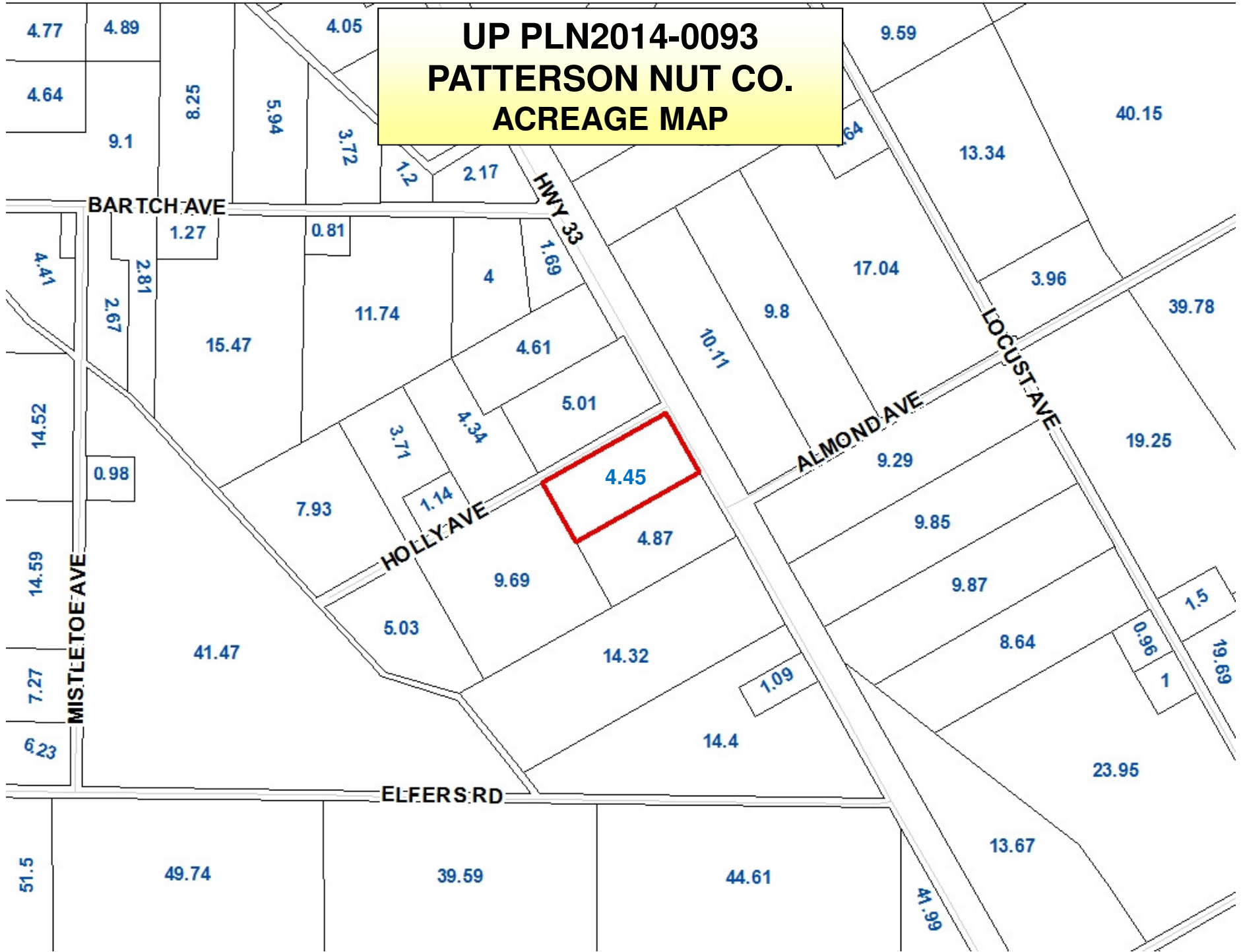
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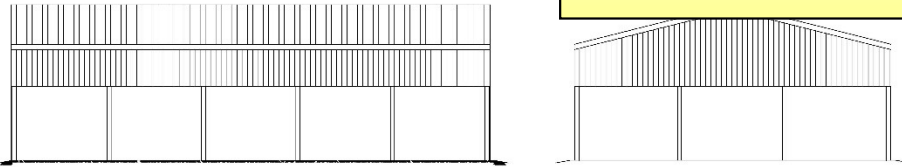
**UP PLN2014-0093  
PATTERSON NUT CO.  
2013 COUNTY AERIAL MAP**



**UP PLN2014-0093  
PATTERSON NUT CO.  
ACREAGE MAP**



# UP PLN2014-0093 PATTERSON NUT CO. SITE PLAN



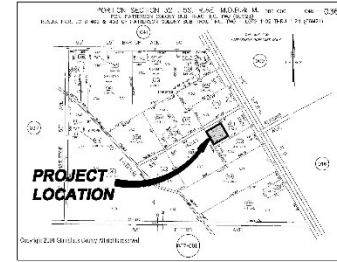
SIDE ELEVATION

END ELEVATION

PROPOSED ELEVATIONS  
SCALE: 3/32"=1'-0"

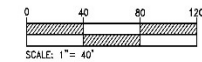
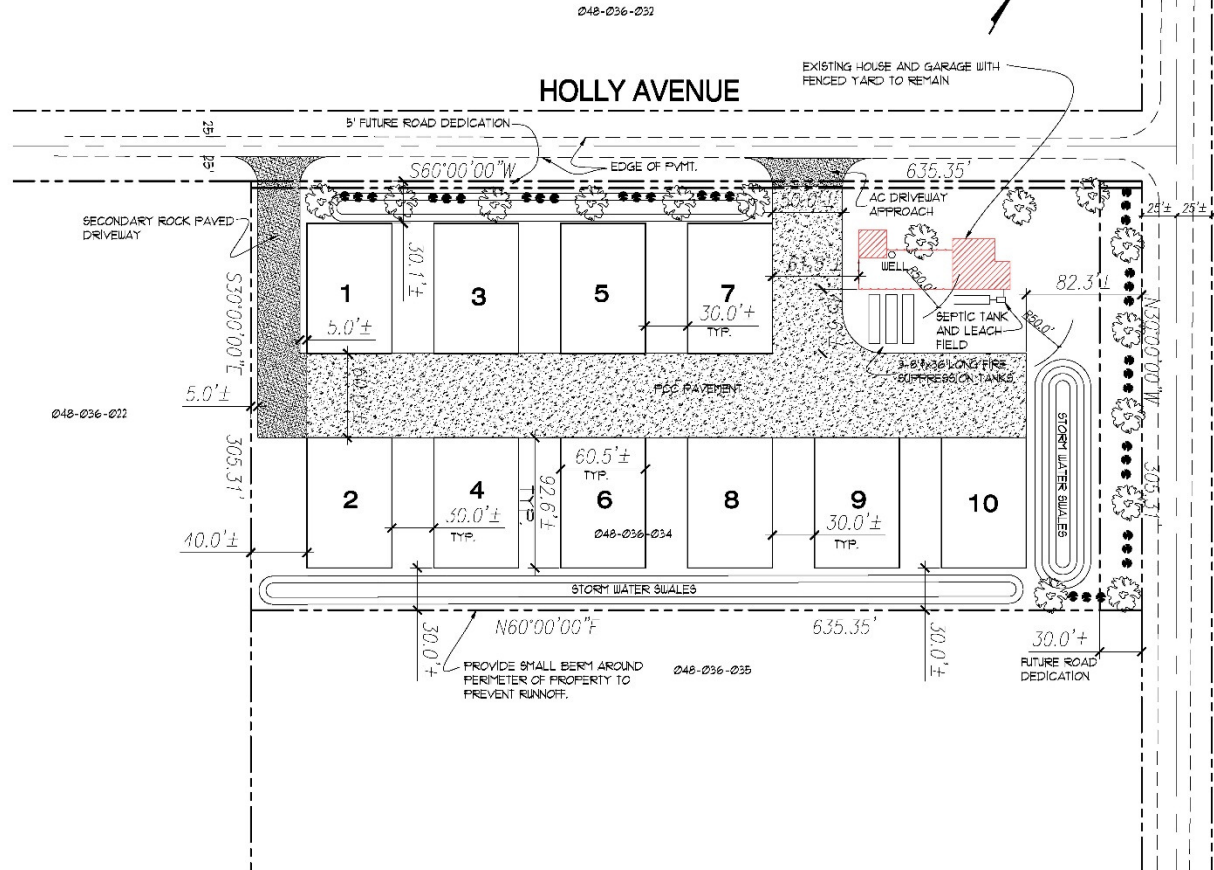
A.P.N.: 048-036-034  
 ZONING: AG-2-70  
 LOT AREA: 4.45 AC.  
 BUILDING AREA: 1291 SF EXISTING R BUILDING  
 440 SF EXISTING U BUILDING  
 59363 SF PROPOSED AG STORAGE BUILDINGS

BUILDING COVERAGE: 29.77%  
 LANDSCAPE COVERAGE: 16.3%



VICINITY MAP

- NOTES:
1. THIS PROPERTY WILL BE USED AS A STORAGE FACILITY FOR UNPROCESSED NUTS.
  2. STORM DRAINAGE WILL BE RETAINED ON SITE.
  3. NO SEWER FACILITIES ARE REQUIRED FOR PROPOSED BUILDINGS.
  4. WATER IS PROVIDED BY EXISTING WELL ON SITE.
  5. THIS PROJECT WILL BE PHASED OVER A PERIOD OF 5 TO 10 YEARS.
  6. APPLICANT PROPOSES THAT ONE TO TWO BUILDINGS WILL BE BUILT PER YEAR.
  7. APPLICANT HAS BEEN USING A STORAGE FACILITY THAT IS 4.5 MILES SOUTH ON HWY 33 THAT WILL BE ELIMINATED WHEN THIS PROPERTY IS DEVELOPED.
  8. NO REQUESTED CHANGE TO ZONING OR GENERAL PLAN.
  9. ALL STREET FRONTAGES SHALL BE PLANTED WITH TREES AND SHRUBBERY.
  10. EACH NEW BUILDING IS 5,000± SF.
  11. EARTHWORK SHALL BALANCE. AN ESTIMATED 400 CY WILL BE MOVED FOR STORM PONDING SWALES.
  12. FIRE SUPPRESSION TANKS WILL BE INSTALLED AT PHASE 1, PHASE 3 AND PHASE 5. TANKS TOTAL 40,000 GALS.



SITE PLAN

**OWENS DESIGN CONSULTANTS**  
 P.O. Box 965  
 Ripon, CA 95366  
 (209) 822-8081 - Fax: (209) 822-4738 - www.owensdc.com

THOMAS J. OWENS  
 R.C.E. 53630

NEW AG FACILITY  
 SITE PLAN  
 FOR:  
 PATTERSON NUT COMPANY

112 HOLLY ROAD  
 PATTERSON, CA

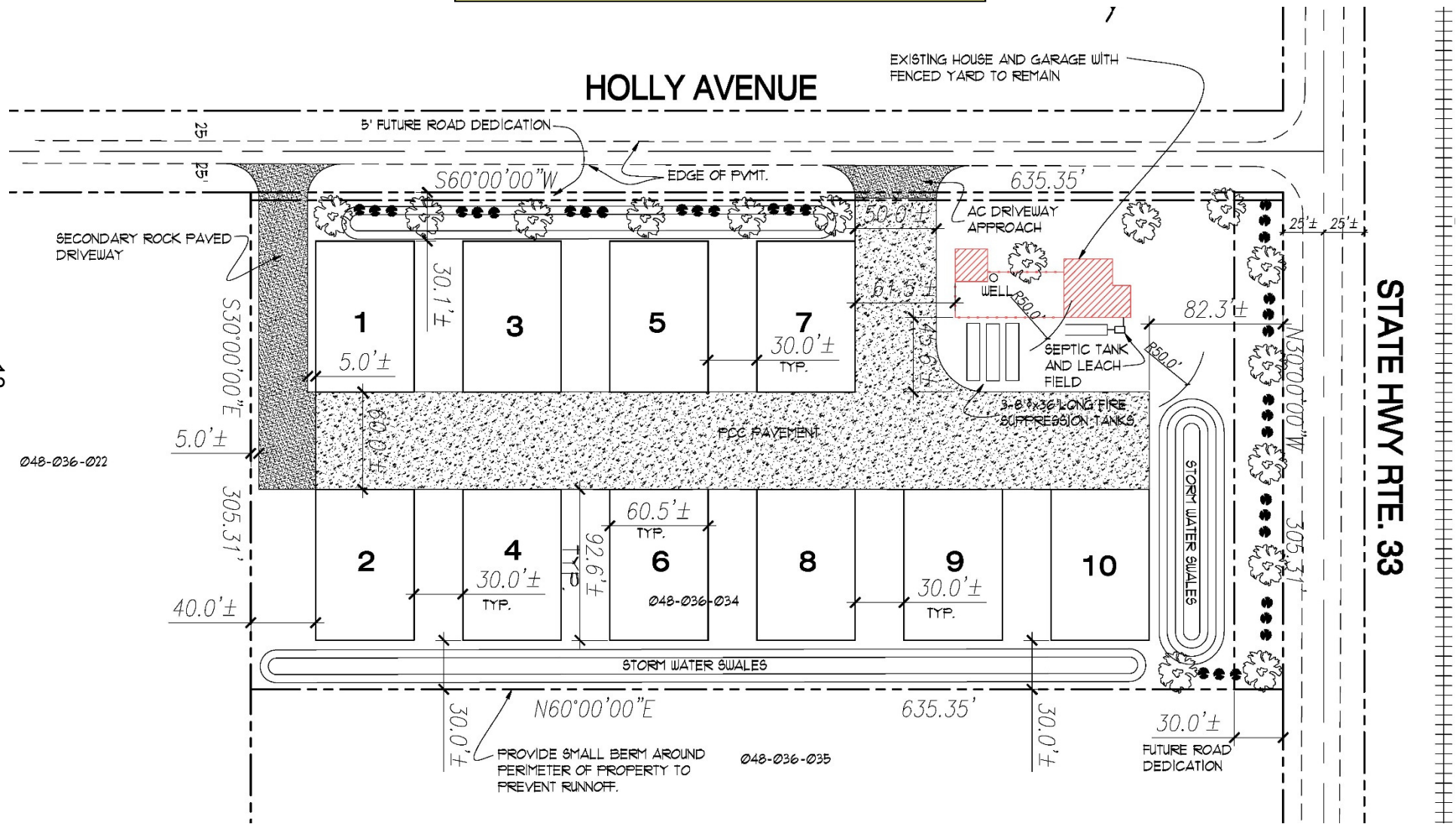
Revisions:	Date

Title:  
**COVER SHEET**

Drawn By: TJO  
 Checked By: TJO  
 Scale: AS NOTED  
 Job No. 2014021  
 Date: SEPT. 2014  
 CAD File Name: 2014021SITEBASE  
 Sheet No.

# A0

# UP PLN2014-0093 PATTERSON NUT CO. SITE PLAN



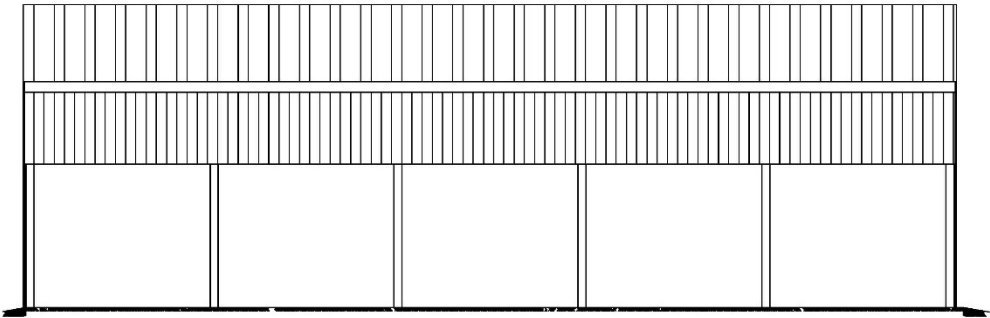
13

EXHIBIT B-6

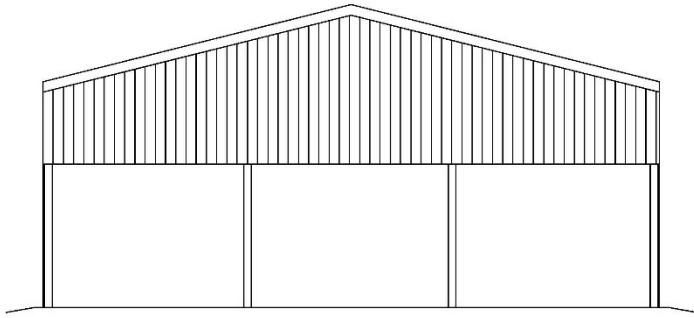
STATE HWY RTE. 33

**UP PLN2014-0093  
PATTERSON NUT CO.  
ELEVATIONS**

14



**SIDE ELEVATION**



**END ELEVATION**

**PROPOSED ELEVATIONS**

SCALE: 3/32"=1'-0"

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

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## **CONDITIONS OF APPROVAL**

### **USE PERMIT APPLICATION NO. PLN2014-0093 PATTERSON NUT COMPANY**

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

1. The use shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2015), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,267.00**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk Recorder filing fees.  
  
Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
4. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
5. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).

6. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
7. A sign plan for all proposed on-site signs indicating the location, height, area of the sign(s), and message must be approved by the City of Patterson and the Stanislaus County Planning Director, or appointed designee(s), prior to installation. All applicable building permits for such signage must be obtained from the Building Permits Division of the Stanislaus County Planning and Community Development Department or the City of Patterson following annexation.
8. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
9. 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 Game 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.
10. 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.
11. 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.

**Department of Public Works**

12. The applicant shall obtain an encroachment permit prior to any work being done in the Holly Avenue right-of-way. If any work is to be done on State Route 33, and encroachment permit shall be taken out with Caltrans.
13. Public Works and/ or Caltrans shall approve the location and width of any new driveway approaches on roadway.
14. Holly Avenue is classified as a 60 foot Local Roadway. The required ½ width of Holly Avenue is 30 feet south of the centerline of the roadway. If 30 feet of the road right-of-way does not exist, then the remainder 30 feet shall be dedicated with a Road Easement for the entire parcel frontage.



15. Prior to the third building permit for a storage building, the applicant shall make road frontage improvements along the entire parcel length of Holly Avenue. These improvements shall include asphalt road widening, bringing the existing road up to 12 foot wide paved vehicle land and a 4 foot wide asphalt shoulder south of the centerline of Holly Avenue. Improvement Plans will be submitted to Stanislaus County Public Works for approval. The structural section and cross slopes shall meet Stanislaus County Public Works Standards and Specifications.
16. A grading and drainage plan for the project site shall be submitted before any building permit for the site is issued. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:
  - A. Drainage calculations shall be prepared as per the Stanislaus County Standards and Specifications that are current at the time the permit is issued.
  - B. The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.
  - C. The grading and drainage plan shall comply with the current Stanislaus County National Pollutant Discharge Elimination System (NPDES) General Permit and the Quality Control standards for New Development and Redevelopment contained therein.
  - D. An Engineer's Estimate shall be submitted for the grading and drainage work.
  - E. The grading, drainage, and associated work shall be accepted by Stanislaus County Public Works prior to a final inspection or occupancy, as required by the building permit.
  - F. The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the building and/or grading plan.
17. The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. A preliminary Engineer's Estimate for the grading and drainage work shall be submitted to determine the amount of deposit for the inspection of the grading. The deposit shall be made prior to the issuance of the building permit. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site. The Public Works inspector will not sign on the grading or building permit until such time that all inspection fees have been paid. Any fees left over from the deposit shall be returned to the applicant at the completion and acceptance of the grading and drainage construction by Stanislaus County Public Works.
18. An acceptable financial guarantee for the road improvements shall be provided to the Department of Public Works prior to the issuance of any building permit. This may be deferred if the work in the right-of-way is done prior to the issuance of any building permit.
19. An Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined.
20. No parking, loading, or unloading of vehicles shall be permitted within the county road right-of-way.

**Building Permits Division**

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

**City of Patterson**

22. Prior to issuance of a building permit, the owner of the property shall enter into a deferral agreement with the City of Patterson which would require construction to, connection to, or payment of fees related to street, water, sewer, and storm drainage improvements upon annexation.

**State of California Department of Transportation**

23. State Highway 33 future expansion calls for a two-lane conventional highway with turn pockets and passing lanes as needed. This would require a right away acquisition along the frontage of the property 30 feet. The applicant shall provide an Irrevocable Offer of Dedication and a drainage easement in order to preserve the right-of-way.
24. The applicant must proceed with an Encroachment Permit application prior to any commencement of work within the State's right-of-way (ROW) and upon any access (driveway) point onto the State Highway System. All work performed within/adjacent to the State's ROW will be subject to Caltrans Highway Design Manual Standards and Specifications.

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*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~~.*



# City of Patterson

1 Plaza  
P.O. Box 667  
Patterson, California 95363  
Phone (209) 895-8000

October 21, 2014

Stanislaus County Planning and Community Development  
c/o Timothy Vertino  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

Re: Use Permit Application No. 2014-0093 – Patterson Nut Co.

Dear Mr. Vertino:

As noted in the County's referral, the proposed project is partially located within the City of Patterson's Sphere of Influence. The City's General Plan designates this area for low density residential uses. The warehouse buildings under contemplation are not consistent with this designation. The City requests that this plan be respected with respect to this project.

Should the proposed project be approved, the City requests that a condition be placed on the project requiring that the owner enter into a deferral agreement with the City which would require construction to, connection to, or payment of fees related to street, water, sewer, and storm drainage improvements upon annexation of this area to the City.

Thank you for the opportunity to comment on this item.

Please let me know if you have any questions. You can reach me at (209) 895-8024 or [jandrews@ci.patterson.ca.us](mailto:jandrews@ci.patterson.ca.us).

Sincerely,

Joel Andrews  
City Planner



# Stanislaus County

## Planning and Community Development

1010 10<sup>th</sup> Street, Suite 3400  
Modesto, California 95354

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

### CEQA INITIAL STUDY

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

1. **Project title:** Use Permit Application No. PLN2014-0093 - Patterson Nut Co.
2. **Lead agency name and address:** Stanislaus County  
1010 10th Street, Suite 3400  
Modesto, CA 95354
3. **Contact person and phone number:** Timothy Vertino, Assistant Planner  
(209) 525-6330
4. **Project location:** 112 Holly Avenue, at the southwest corner of Holly Avenue and Highway 33, southeast of the City of Patterson. APN: 048-036-034
5. **Project sponsor's name and address:** Kirk Jensen  
Jensen Brothers Co.  
100 Bartch Road  
Patterson, CA 95363
6. **General Plan designation:** Agriculture
7. **Zoning:** A-2-20 (General Agriculture)
8. **Description of project:**

Request to construct ten (10) buildings for the purpose of storing unprocessed nuts on a 4.45± acre parcel. The proposed buildings measure 5,600 square feet each for a total building site coverage of approximately 56,000 square feet. The project will be phased over a period of five (5) to ten (10) years, at a pace of one (1) to two (2) buildings per year. The proposed project will serve as an ancillary storage facility site for a nearby nut processing plant.
9. **Surrounding land uses and setting:** All surrounding parcels are zoned A-2-20 (General Agriculture). There are several residential dwellings on the surrounding agriculturally zoned parcels.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** City of Patterson  
Department of Public Works  
Department of Environmental Resources  
Building Permits Division  
California Department of Transportation  
Regional Water Quality Control Board

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

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

Timothy Vertino, Assistant Planner  
Prepared By

March 18, 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><b>Discussion:</b> The site itself is not considered to be a scenic resource or a unique scenic vista. Community standards generally do not dictate the need or desire for architectural review of agricultural uses.</p> <p>The project site is partially located in the City of Patterson’s Sphere of Influence. This project was referred to the City of Patterson. Their referral response addressed concerns that the proposal is not consistent with the City’s General Plan designation for low density residential uses. The City of Patterson recommends, if the proposed project is approved, that a condition be placed on the project requiring that the owner enter into a deferral agreement with the City of Patterson which would require construction of, connection to, or payment of fees related to street, water, sewer, and storm drainage improvements upon annexation of this area to the City.</p> <p>The proposed nut storage buildings will stand 30 feet in height. Hours of operation will be 7:00 a.m. to 3:30 p.m., Monday through Saturday, not creating significant additional lighting at nighttime. Conditions of approval will be placed on the project to mitigate any lighting impacts that may effect surrounding neighbors. Any development resulting from this project will be consistent with existing area developments.</p> <p><b>Mitigation:</b> None.</p> <p><b>References:</b> Application information; referral response from the City of Patterson dated October 21, 2014; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

**Discussion:** The project site has a General Plan designation of Agriculture and a zoning designation of A-2-20 (General Agriculture). Within the A-2 zoning district, the County has determined that certain uses related to agricultural production are “necessary for a healthy agricultural economy”. The parcel is not currently in agricultural production. The project site consists of an existing 1,297 square foot single-family dwelling with a 440 square foot garage. The project proposal includes the use of a small berm around the perimeter of the property to prevent runoff to adjacent parcels.

The County allows three tiers of related uses within the A-2 zone when it is found that the proposed use “will not be substantially detrimental to or in conflict with the agricultural use of other property in the vicinity”. The proposed use falls under the Tier One Use Permit category for the A-2 zoning district. In accordance with Section 21.20.030 of the County Code, Tier One Use Permits are allowed when the proposed use includes nut hulling, shelling, and drying, and warehouses for storage of grain and other farm produce. Low people intensive Tier One uses (such as nut hulling, shelling, dehydrating, grain warehousing, and agricultural processing facilities) which do not serve the general public shall not be subject to agriculture buffer guidelines; however, conditions of approval consistent with these guidelines may be required as part of the project approval.

This project site is not enrolled in a Williamson Act Contract. The proposed development, on agriculturally zoned land, will support and increase agricultural production.

**Mitigation:** None.

**References:** Application information; Stanislaus County Geographic Information Systems (GIS); Stanislaus County Zoning Ordinance; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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

The primary source of air pollutants generated by this project would be generated from "mobile" sources. Mobile sources would generally include dust from roads and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. The proposed nut storage buildings will support and serve the nearby nut processing plant and will not create additional traffic numbers between the two sites. The project proposal estimated zero (0) to four (4) truck deliveries per day.

An early consultation referral was sent to the SJVAPCD. The District commented that proposed project emissions are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 tons/year ROG, and 15 tons/year PM10. The District also commented that the project is not subject to District Rule 9510 (Indirect Source Review).

**Mitigation:** None.

**References:** Application information; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; referral response from the San Joaquin Valley Air Pollution Control District dated October 8, 2014; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or 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:** It does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. The California Natural Diversity Database has identified the site as Grazing Land.

Currently the land consists of a 1,297 square foot single-family dwelling with a 440 square foot garage, with the remainder of the parcel consisting of non-cultivated land.

An early consultation referral was sent to the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the United States Fish and Wildlife Service for comment on October 3, 2014, but no response has been received to date.

**Mitigation:** None.

**References:** Applicant email dated January 13, 2015; Stanislaus County Geographic Information Systems (GIS); State of California Department of Conservation PDF map ([ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2012/sta12\\_so.pdf](ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2012/sta12_so.pdf)); and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

**V. CULTURAL RESOURCES -- Would the project:**

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

**Discussion:** It does not appear this project will result in significant impacts to any archaeological or cultural resources. A condition of approval will be placed on the project requiring that, if any resources are found, construction activities will halt at that time.

**Mitigation:** None.

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

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	
<p><b>Discussion:</b> As contained in Chapter Five of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required as part of the building permit process. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Public Works Standards and Specifications which consider the potential for erosion and run-off prior to permit approval. The project was referred to the Department of Environmental Resources and the County's Building Permits Division and no geology and soil concerns were addressed.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> California Building Code and the Stanislaus County General Plan and Support Documentation - Safety Element<sup>1</sup>.</p>				
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	

<p><b>b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</b></p>			<p>X</p>	
<p><b>Discussion:</b> The proposed nut storage buildings are not expected to generate significant levels of greenhouses gases. A referral response was received from the SJVAPCD dated October 8, 2014, and no concerns of greenhouse gas emissions were identified.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Application information; referral response from the San Joaquin Valley Air Pollution Control District dated October 8, 2014; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
<p><b>VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:</b></p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant With Mitigation Included</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
<p><b>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</b></p>			<p>X</p>	
<p><b>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?</b></p>			<p>X</p>	
<p><b>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</b></p>				<p>X</p>
<p><b>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?</b></p>				<p>X</p>
<p><b>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?</b></p>				<p>X</p>
<p><b>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?</b></p>				<p>X</p>
<p><b>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</b></p>				<p>X</p>
<p><b>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?</b></p>				<p>X</p>
<p><b>Discussion:</b> The Department of Environmental Resources is responsible for overseeing hazardous materials in this area. The project was referred to the Hazardous Materials Division via the Environmental Review Committee (ERC) on October 3, 2014, but no referral response has been received to date.</p>				

The Envirostar database was accessed to determine if any of the properties were listed as potential hazardous waste or superfund sites. 112 Holly Avenue was not identified as a hazardous site.

**Mitigation:** None.

**References:** Application information; Department of Toxic Substances Control ([www.envirostar.dtsc.ca.gov](http://www.envirostar.dtsc.ca.gov)); Stanislaus County Geographic Information Systems (GIS); and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

**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 no additional water will be needed on site for the proposed nut storage buildings. The project proposal consists of two (2) storm water swales on the property, one on the east and one to the south areas of the parcel.

Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act. The project site itself is not located within a recognized flood zone and, as such, flooding is not an issue with respect to this project. No septic systems or additional wells are being proposed as a part of this project.

The project was referred to the Regional Water Quality Control Board (RWQCB), which recommended that appropriate water permits may be required.

**Mitigation:** None.

**References:** Application information; referral response from the Regional Water Quality Control Board (RWQCB) dated October 21, 2014; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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

**Discussion:** The project site is designated Agriculture and zoned A-2-20 (General Agriculture, 20-acre minimum). The applicant is seeking a Tier One Use Permit.

Tier One uses listed below are closely related to agriculture and are necessary for a healthy agricultural economy. Tier One uses may be allowed when the Planning Commission finds that, in addition to the findings required under Section 21.96.050, the use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity. Tier One uses can consist of nut hulling, shelling, and drying, and warehouses for storage of grain and other farm produce.

The project site is partially located within the City of Patterson's Sphere of Influence. The property is designated as Low Density Residential in the City of Patterson General Plan. The city has commented that the project is not consistent with the General Plan designation, but provided conditions of approval if the project is approved by the county.

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

**Mitigation:** None.

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

XI. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X

<p><b>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?</b></p>				X
<p><b>Discussion:</b> 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><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
<p><b>XII. NOISE -- Would the project result in:</b></p>	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<p><b>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?</b></p>			X	
<p><b>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</b></p>			X	
<p><b>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</b></p>			X	
<p><b>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</b></p>			X	
<p><b>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?</b></p>				X
<p><b>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?</b></p>				X
<p><b>Discussion:</b> Noise impacts associated with project activities and traffic are not anticipated to exceed the normally acceptable level of noise. The project will increase ambient noise levels. The nearest sensitive noise receptors are two residential homes on nearby properties. The closest dwelling is located 300 feet to the east of the project site. The second closest dwelling unit is located 450 feet to the west of the project site.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Application information; Stanislaus County Geographic Information Systems (GIS); and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
<p><b>XIII. POPULATION AND HOUSING -- Would the project:</b></p>	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<p><b>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)?</b></p>			X	

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

**Discussion:** The proposed use of the site will not create 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 agricultural operations and the nature of the use is considered consistent with the A-2 zoning district.

**Mitigation:** None.

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

**XIV. PUBLIC SERVICES --**

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

**Discussion:** The County has adopted Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance. The project was referred to the Patterson Unified School District, West Stanislaus Fire Department, and the Stanislaus County Environmental Review Committee (ERC) which includes the Sheriff’s Department. Referral responses have not been received to date; however, conditions of approval will be added to this project to insure that the nut storage buildings will comply with all applicable fire department standards with respect to access and water for fire protection. Three (3) 8 x 36 foot fire suppression tanks are being proposed for the site.

**Mitigation:** None.

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

**XV. RECREATION --**

XV. RECREATION --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X



<p><b>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</b></p>				<p><b>X</b></p>
<p><b>Discussion:</b> This project is not anticipated to increase demands for recreational facilities as such impacts typically are associated with residential development.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				

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

**Discussion:** No additional traffic is being proposed between the project site and the existing associated nut processing facility to the north (located at 142 Bartch Avenue). This project site is being proposed to store overflow from the main processing plant. Currently, deliveries are received at the existing facility during harvest season, which begins in late September/early October, and lasts four (4) to six (6) weeks in duration. There are an estimated zero (0) to four (4) truck deliveries per day. Employees will be based and park at the existing facility.

In a referral response dated October 17, 2014, Caltrans commented that Holly Avenue appears to be substandard and may not accommodate the types of vehicles that would be delivering nuts. Caltrans suggests that the connection to State Route 33 may need to be widened to accommodate the types of vehicles that will be accessing this facility. Caltrans requires that the applicant proceed with an Encroachment Permit application prior to any commencement of work within the State's right-of-way and that all work performed in the right-of-way will be subject to Caltrans Highway Design Manual and Standards and Specifications. Caltrans recommends that 80 feet would be the required right-of-way.

A referral response from the Stanislaus County Department of Public Works states that, at this time, Public Works does not have the amount of right-of-way that Caltrans requires for their ultimate build out of State Route 33. Per the Circulation Element in the General Plan, Caltrans will determine the right-of-way width for this road segment. "State Route 33 within the cities of Patterson and Newman is planned to be an 80-foot major road unless otherwise determined by Caltrans."

**Mitigation:** None.

**References:** Application information; applicant email dated January 9, 2015; referral response from the State of California Department of Transportation dated October 17, 2014; referral response from the Stanislaus County Department of Public Works dated February 27, 2015; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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

**Discussion:** Limitations on providing services have not been identified. The site is served by a private well and a septic system. A referral response from Public Works requires that they review and approve a grading and drainage plan prior to issuance of any building permit. Impacts to the existing utility and service systems are anticipated to be minimal as a result of this project. Less than significant impacts associated with public utility and irrigation easement(s) will be reflected in the project's conditions of approval.

A referral response from the Turlock Irrigation District (TID) had no comments concerning irrigation for the proposed project as the site is outside of their irrigation service area. TID did comment that the owner/developer must apply for a facility change for any pole or electrical facility relocation.

**Mitigation:** None.

**References:** Referral response from Turlock Irrigation District dated October 17, 2014; referral response from the Stanislaus County Department of Public Works dated February 27, 2015; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	
<p><b>Discussion:</b> 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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<sup>1</sup>Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and updated elements of the General Plan and Support Documentation: **Agricultural Element** adopted on December 18, 2007; **Housing Element** adopted on August 28, 2012; **Circulation Element** and **Noise Element** adopted on April 18, 2006.

## NEGATIVE DECLARATION

**NAME OF PROJECT:** Use Permit Application No. PLN2014-0093 -Patterson Nut Co.

**LOCATION OF PROJECT:** 112 Holly Avenue, at the southwest corner of Holly Avenue and Highway 33, southeast of the City of Patterson. APN: 048-036-034

**PROJECT DEVELOPERS:** Kirk Jensen  
Jensen Brothers Co.  
100 Bartch Road  
Patterson, CA 95363

**DESCRIPTION OF PROJECT:** Request to construct ten (10) buildings for the purpose of storing unprocessed nuts on a 4.45± acre parcel. The proposed buildings measure 5,600 square feet each for a total building site coverage of approximately 56,000 square feet. The project will be phased over a period of five (5) to ten (10) years, at a pace of one (1) to two (2) buildings per year. The proposed project will serve as an ancillary storage facility site for a nearby nut processing plant.

Based upon the Initial Study, dated **March 18, 2015**, the Environmental Coordinator finds as follows:

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

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

Initial Study prepared by: Timothy Vertino, Assistant Planner

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

**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**

**PROJECT: USE PERMIT APPLICATION NO. PLN2014-0093 - PATTERSON NUT CO.**

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF TRANSPORTATION DIST 10	X	X	X	X		X				X	X	
CA OPR STATE CLEARINGHOUSE	X	X	X	X				X		X		X
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X				X		X		X
CITY OF PATTERSON	X	X	X	X				X		X	X	
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST WEST STAN	X	X	X		X							
HOSPITAL DISTRICT DEL PUERTO	X	X	X		X							
IRRIGATION DISTRICT PATTERSON	X	X	X		X							
MOSQUITO DISTRICT:	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
RAILROAD:	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X	X		X				X		X
SCHOOL DISTRICT 1: PATTERSON	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X	X	X				X		X	X	
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X		X							
STAN CO ERC	X	X	X	X				X		X		X
STAN CO FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X	X		X							
STAN CO PUBLIC WORKS	X	X	X		X							
STAN CO SHERIFF	X	X	X		X							
STAN CO SUPERVISOR DIST #:5 DeMARTIN	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS			X									
TELEPHONE COMPANY: AT&T	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							
US MILITARY AGENCIES (SB 1462) (5 agencies)	X	X	X		X							