

STANISLAUS COUNTY PLANNING COMMISSION

September 17, 2015

STAFF REPORT

USE PERMIT APPLICATION NO. PLN2015-0035 SUNSET FARMS

REQUEST: TO ESTABLISH AN ALMOND PACKING AND STORAGE OPERATION. THE PROJECT WILL INCLUDE CONSTRUCTION OF A 7,000 SQUARE FOOT-BUILDING WITH A 3,500 SQUARE-FOOT LEAN-TO STRUCTURE FOR THE STORAGE OF ALMONDS AND USE OF AN EXISTING 16,000 SQUARE-FOOT BUILDING, AND A 2,660 SQUARE FOOT SHADE STRUCTURE FOR PACKING AND STORAGE.

APPLICATION INFORMATION

Applicant:	Grant G. Ecker
Property Owners:	Grant G. & Patty L. Ecker
Agent:	Enrique Moran, Cal-Coast MFG. Inc.
Location:	519 Timmie Lane, at the northwest corner of the Timmie Lane and Canal Drive intersection, south of Yosemite Boulevard (Hwy 132), in the Waterford area.
Section, Township, Range:	32-3-11
Supervisorial District:	One (Supervisor O'Brien)
Assessor's Parcel:	080-007-049
Referrals:	See Exhibit F Environmental Review Referrals
Area of Parcel(s):	21± acres
Water Supply:	Private well
Sewage Disposal:	Septic tank and leach field
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.:	1977-2832
Environmental Review:	Negative Declaration
Present Land Use:	Almond Orchard with single-family dwelling, accessory structures, and agricultural storage buildings.
Surrounding Land Use:	Almond orchards to the north and east; walnut and almond orchards to the south; almond orchards, S. Missouri Avenue and MID Lateral No. 12 to the west; and scattered single-family homes in each direction.

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 include use permit findings.

PROJECT DESCRIPTION

The project is a request to establish an almond packing and storage operation on a 21± acre parcel in the A-2-40 (General Agriculture) zoning district. The proposed project will include the construction of a new 7,000 square-foot agricultural building, a new 3,500 square-foot lean-to structure for the storage of almonds; and use of an existing 16,000 square-foot agricultural building for packing and storage and use of an existing 2,660 square-foot shade structure to be used for storage. The project was originally described to also include the use of an existing 9,800 square-foot agricultural storage building; however, the building is in private use and is no longer part of the packing and storage operation request. The operation consists of 18 employees on a maximum shift and hours of operation are Monday through Friday, 9:00 a.m. to 4:00 p.m.

Almonds are brought to the site from a huller/sheller. Almonds are grown on site as well as on contracted farming sites. Almonds are sorted by employees and packaged for shipping. Packaged almonds are stored inside of the buildings until they are ready to be shipped.

SITE DESCRIPTION

The site is located at 519 Timmie Lane, at the northwest corner of the Timmie Lane and Canal Drive intersection, south of Yosemite Boulevard (Highway 132), west of South Eucalyptus Avenue, and north of the Tuolumne River. The site is located adjacent to the Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI) for the City of Waterford.

The 21± acre property currently contains a 9,800 square-foot agricultural building that is used for personal use by the owner living on site as well as a 2,956 square-foot residence and a 3,200 square-foot garage. The site also contains a 16,000 square-foot agricultural storage building and 2,660 square-foot shade structure where most of the almond packing activities take place. All buildings are located within a 5± acre footprint fronting on Timmie Lane. The remaining 16± acres are planted in almonds.

BACKGROUND

The property has been in use since the early 1980's as a small scale almond sorting and storage operation. The operation has since obtained a number of building permits mostly for expansions of the existing agricultural building where the sorting, packing, and storage are taking place. A use permit was never obtained for the operation.

The applicant applied for a building permit in November of 2014 for a new 7,000 square-foot agricultural building and 3,500 square-foot lean-to structure. During the building permit review, the applicant was informed that a use permit was required for the operation. Further discussion regarding the use permit requirement can be found in the *Zoning Ordinance Consistency* section of this report.

ISSUES

During the course of the application's processing, staff has identified the following issues and provides the subsequent comments:

Private Agricultural Storage Building

The 9,800 square-foot building was included and circulated as part of the project description in the California Environmental Quality Act (CEQA) Initial Study and referenced in the Negative Declaration. Staff conducted a site visit during the Initial Study 30 day review period and learned that the 9,800 square-foot agricultural building is used for private storage by the property owner and is not used as part of the operation. Therefore, staff has amended the project description to remove this building as part of the request.

Road Dedications – Missouri Avenue and Canal Drive

The Stanislaus County Department of Public Works reviewed the proposed project and stated that Canal Drive is classified as a 60 foot Local Road. Public Works is requiring an irrevocable offer of dedication of 30 feet from the center of the road along the parcel frontage if it has not been already dedicated. Missouri Avenue is classified as a 60 foot Local Road, but is not fully developed. Modesto Irrigation District Lateral No. 12 lies adjacent to and west of Missouri Avenue. Consequently, additional dedication cannot be accommodated to the west of Missouri Road. Public Works is requiring the remainder of the 60 feet of street right-of-way on Missouri Road be required from the eastern side of the road, along the project site, through an irrevocable offer of dedication.

Electrical Service - Modesto Irrigation District

Staff received a referral response dated July 30, 2015, from the Modesto Irrigation District (MID) stating the following:

Existing electric service to the project site may not be adequate to serve any proposed load additions. The customer should contact the District's Electric Engineering Design Department if additional electric service is required.

Since this response comment was received, MID conducted a site visit of the facility and determined that the current 600 Amp transformer will need to be upgraded to an 800 Amp transformer to provide sufficient electrical service to the area. A condition of approval requiring installation of an upgraded transformer prior to the issuance of any building permits associated with this request is included.

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. Objective No. 1.2 of Goal One of the Land Use Element of the General Plan 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." The proposed use is consistent with this objective and goal and the associated policies and implementation measures, of the Land Use Element of the General Plan.

ZONING ORDINANCE CONSISTENCY

The site is currently zoned A-2-40 (General Agriculture). Section 21.20.030(A) of the Stanislaus County Code allows almond sorting, packing and storage facilities as a Tier One Use Permit.

The Planning Commission will need to make the following findings for a Tier One Use Permit:

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.

This site is enrolled in Williamson Act Contract No. 1977-2832. Section 21.20.045(B) (3) of the A-2 zoning district identifies Tier One uses as consistent with the Principles of Compatibility unless the Planning Commission makes a finding to the contrary. The Williamson Act Principles of Compatibility are:

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

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

The specific findings required for approval of the proposed use permit are outlined in Exhibit A of this report. Staff believes that all of the findings necessary for approval of this request can be made.

CORRESPONDENCE

Staff received one e-mail correspondence from a neighbor expressing concerns with: electrical service, noise, water, heat emitting from equipment, and width of ingress/egress roads to the project site. The project was referred to Modesto Irrigation District and the Public Works Department and these agencies have not indicated any issues related to neighbor's concerns that were raised. Public Works is requiring an irrevocable offer of dedication along Missouri Avenue and Canal Drive for future road widening. Planning staff visited the project site and did not notice any issues related to heat emissions or noise. The expansion of the facility is for storage and will not require a high water usage.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment and no significant issues

were raised. (See Exhibit F- *Environmental Review Referrals*.) A Negative Declaration has been prepared for approval prior to action on the use permit itself as the project will not have a significant effect on the environment. (See Exhibit E - *Negative Declaration*.) Conditions of approval reflecting referral responses have been placed on the project. (See Exhibit C- *Conditions of Approval*.)

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

Contact Person: 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 pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that the proposed project is consistent with the Stanislaus County General Plan as described in the staff report.
4. Find that:
 - (a) The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County;
 - (b) The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity;
 - (c) The use 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;
 - (d) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural product on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping;
 - (e) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use; and
 - (f) The project will increase activities in and around the project area and increase demands for roads and services thereby requiring dedication and/or improvements.
5. Approve Use Permit Application No. PLN2015-0035 – Sunset Farms, subject to the attached conditions of approval.

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 Code 21.104.030)

CONDITIONS OF APPROVAL

USE PERMIT APPLICATION NO. PLN2015-0035 SUNSET FARMS

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 owner/operator 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 owner/operator 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. Owner/operator 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. Within 6 months of use permit approval, the operator shall contact the Stanislaus County Building Permits Division to verify the need for obtaining a building permit for any changes in the occupancy classification of existing buildings to be used as part of the approved operation. The owner/operator shall obtain all required building permits and pay all applicable Public Facilities Impact Fees and Fire Facilities as determined by the Chief Building Official. The fee amount shall be calculated based upon a percentage of the area of total building area determined by the Chief Building Official to have changed in occupancy use.
5. The owner/operator 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 owner/operator of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.

6. 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).
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. 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.
10. 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.
11. A valid Stanislaus County Business License shall be maintained.
12. Prior to the issuance of the building permit, the developer shall obtain written approval from Modesto Irrigation District verifying that the proposed building(s) are able to be served by MID electrical service.

Department of Public Works

13. An encroachment permit shall be taken out for any new driveway or for any work to be done in the Canal drive or Missouri Avenue road right-of-way.
14. Canal Drive is classified as a 60 foot Local Road. The required ½ width of Canal Drive is 30 feet north of the centerline of the roadway. If 30 feet of the road right-of-way does not exist, then the remaining 30 feet shall be dedicated with an Irrevocable Offer of Dedication for the parcel frontage.
15. Missouri Avenue is classified as a 60 foot Local Road. The required ½ width of Missouri Avenue is 60 feet east of the east edge of Waterford Irrigation District (Now Modesto Irrigation District) Lateral #12's right-of-way. If 60 feet of the road right-of-way does not exist, then the remainder of the 60 feet shall be dedicated with an Irrevocable Offer of Dedication for the parcel frontage on Missouri Avenue.

16. No parking, loading or unloading of vehicles will be permitted within the County Road right-of-way.
17. A grading, drainage, and erosion/sediment control 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:
 - 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.
 - 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.
 - 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.
 - 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.

Department of Environmental Resources

18. Prior to issuance of a building permit or issuance of a license to conduct business identified in "Use Permit Application PLN2015-0035, the property owner shall certify to Stanislaus County Department of Environmental Resources (Department) that: the property use does not or will not constitute a public water system, or submit a public water supply permit application [(CA HSC) 116525] to the Department accompanied by a public water system technical report [(CA HSC) 116530], financial and managerial and technical information [(CA HSC) 116540], and obtain a public water supply permit to operate the public water system [(CAHSC) Sections 116525, 116530, 116540, 116550].

Central Valley Regional Water Quality Control Board (RWQCB)

19. Prior to any ground disturbing activities or building permit issuance, the applicant/owner shall be responsible for contacting the RWQCB to ensure compliance with all RWQCB standards and obtain any required permits, including but not limited to:
 - a) Construction Storm Water General Permit
 - b) Phase I and II Municipal Separate Storm Sewer System (MS4) Permits
 - c) Industrial Storm Water General Permit
 - d) Clean Water Act Section 404 Permit
 - e) Clean Water Act Section 401 Permit – Water Quality Certification
 - f) Waste Discharge Requirements
 - g) Low or Limited Threat General (NPDES) Permit

Modesto Irrigation District

20. In conjunction with related site improvement requirements, existing overhead and underground electric facilities shall conform to the District's Electric Service Rules.
21. Relocation or installation of electric facilities shall conform to the District's Electric Service Rules.
22. Costs for relocation and/or undergrounding the District's facilities at the request of others will be borne by the requesting party. Estimates for relocating or undergrounding existing facilities will be supplied upon request.
23. MID currently has an existing 12kv overhead electric facility along Timmie Lane. The existing overhead 12kv high voltage electric lines requires a 30 foot wide easement centered on the overhead lines in order to protect the existing overhead electric facilities and to maintain necessary safety clearances.
24. Prior to the issuance of a building permit, the owner/operator shall contact the District to coordinate upgrading the existing transformer to provide for sufficient electrical service to the project site and neighboring area as determined by the District. MID required improvements shall be installed prior to issuance of final occupancy permit.

STANISLAUS COUNTY HAZARDOUS MATERIALS DIVISION

25. 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.

*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~~.*

Exhibit A
Findings and Actions Required for Project Approval

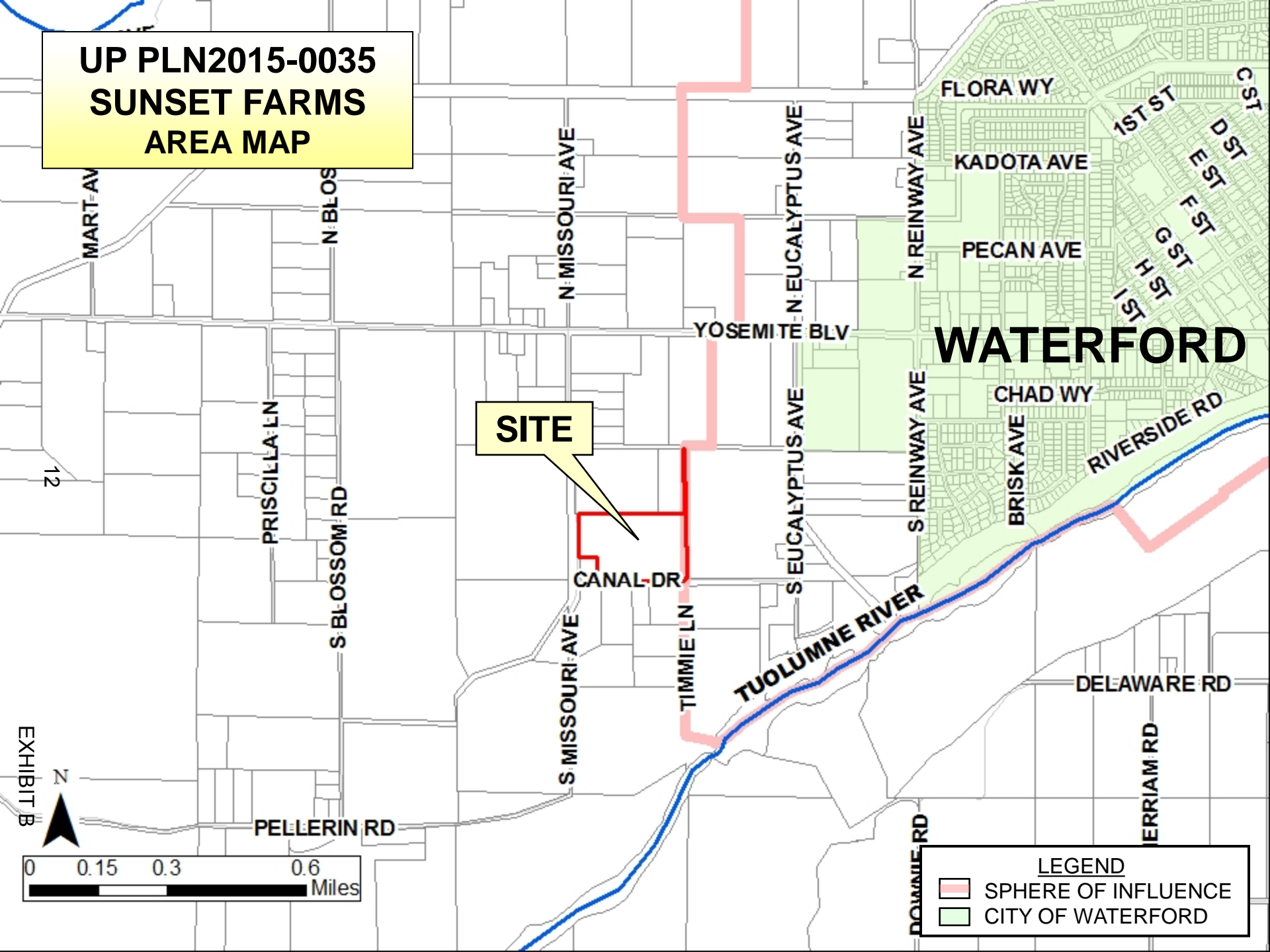
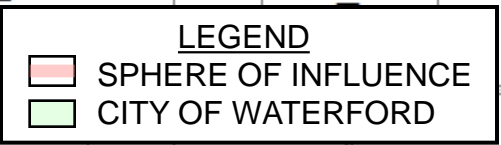
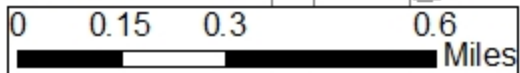
1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that the proposed project is consistent with the Stanislaus County General Plan as described in the staff report.
4. Find that:
 - (a) The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County;
 - (b) The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity;
 - (c) The use 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;
 - (d) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural product on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping;
 - (e) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use; and
 - (f) The project will increase activities in and around the project area and increase demands for roads and services thereby requiring dedication and/or improvements.
5. Approve Use Permit Application No. PLN2015-0035 – Sunset Farms, subject to the attached conditions of approval.

**UP PLN2015-0035
SUNSET FARMS
AREA MAP**

SITE

WATERFORD

EXHIBIT B



**UP PLN2015-0035
SUNSET FARMS
GENERAL PLAN MAP**

SITE

CANAL DR

CITY

AG

PECAN AVE

YOSEMITE BLV

CHAD WY
WASHINGTON RD

TUOLUMNE RIVER

FEARL DR

PRISCILLA LN

S BLOSSOM RD

S EUCALYPTUS AVE

S REINWAY AVE

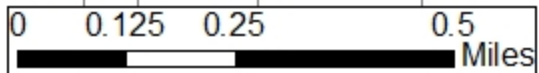
S MISSOURI AVE

TIMMIE LN

DELAWARE RD

PELLERIN RD

IE RD



13

EXHIBIT B-1

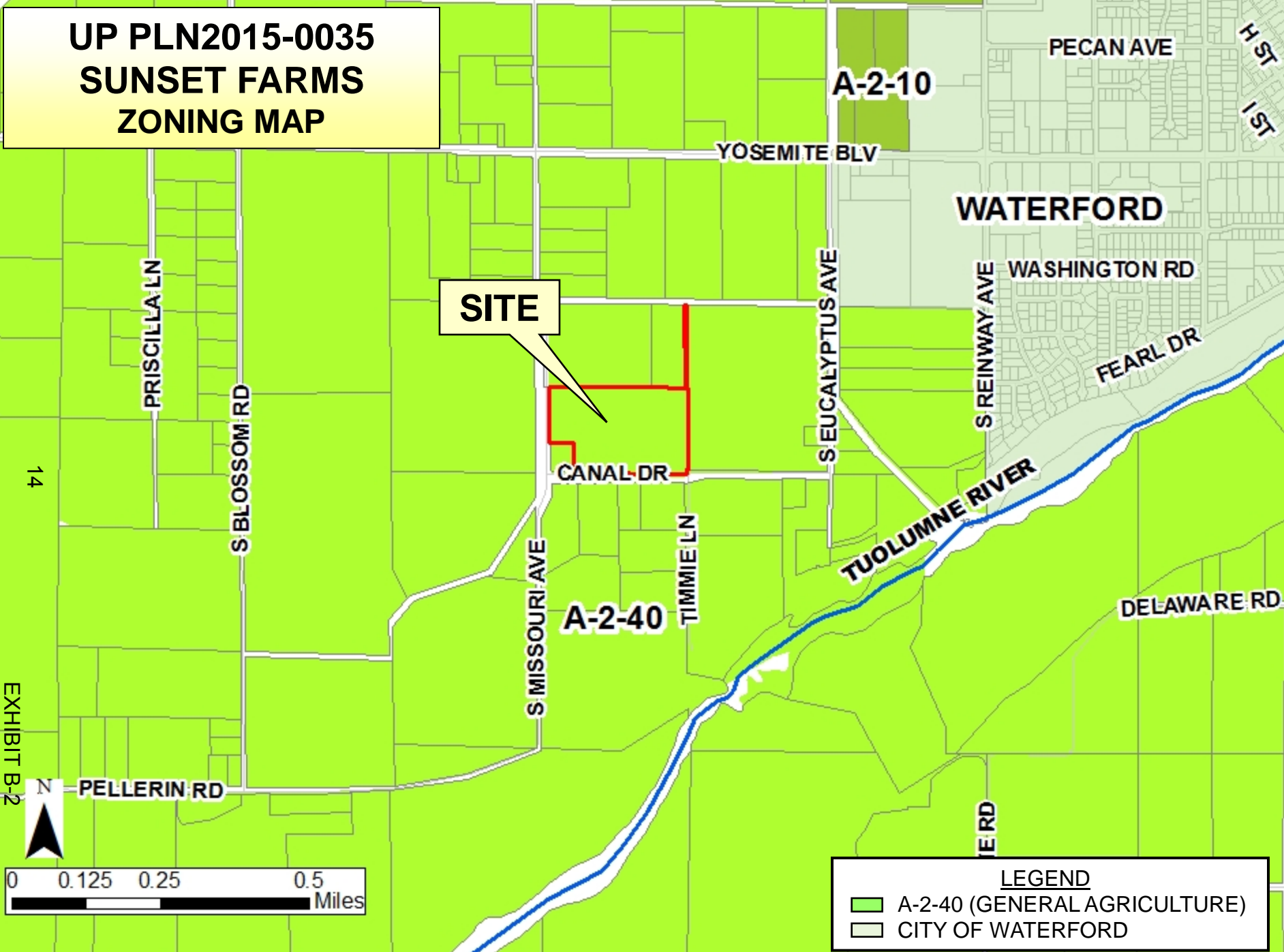


LEGEND

- AGRICULTURE (AG)
- CITY OF WATERFORD

H ST
I ST

**UP PLN2015-0035
SUNSET FARMS
ZONING MAP**



SITE

CANAL DR

TIMMIE LN

A-2-40

A-2-10

YOSEMITE BLV

PECAN AVE

H ST
I ST

WATERFORD

WASHINGTON RD

S REINWAY AVE

FEARL DR

TUOLUMNE RIVER

DELAWARE RD

IE RD

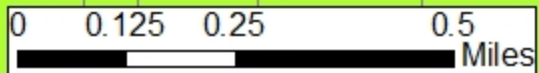
PELLERIN RD

PRISCILLA LN



S BLOSSOM RD

14

EXHIBIT B-2

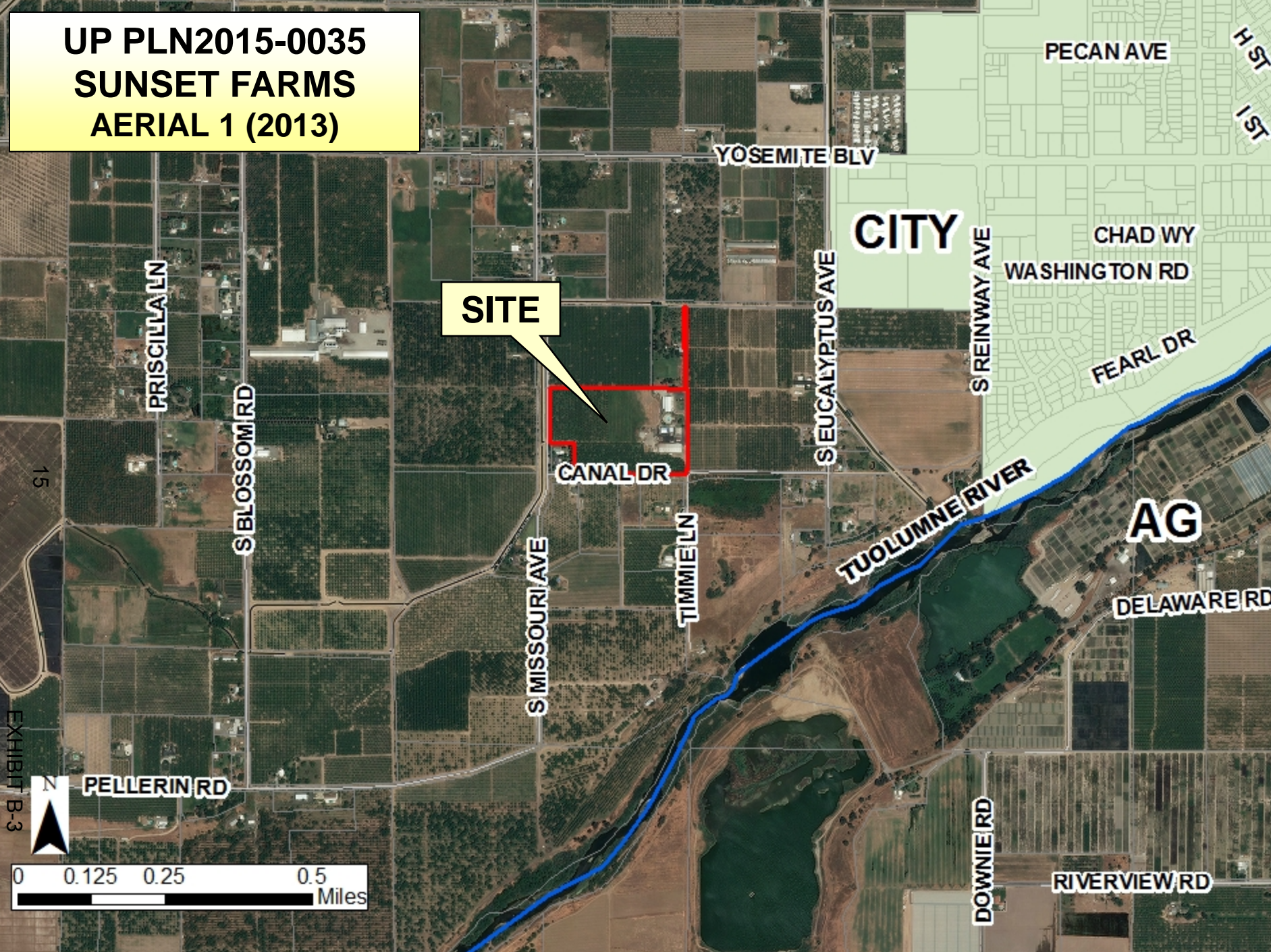


LEGEND

-  A-2-40 (GENERAL AGRICULTURE)
-  CITY OF WATERFORD

**UP PLN2015-0035
SUNSET FARMS
AERIAL 1 (2013)**

SITE



PECAN AVE

H ST
I ST

YOSEMITE BLV

CITY

CHAD WY

WASHINGTON RD

PRISCILLA LN

S BLOSSOM RD

15

CANAL DR

S EUCALYPTUS AVE

S REINWAY AVE

FEARL DR

TUOLUMNE RIVER

AG

DELAWARE RD

S MISSOURI AVE

TIMMIEL LN

PELLERIN RD

DOWNIE RD

RIVERVIEW RD

EXHIBIT B-3

0 0.125 0.25 0.5 Miles

**UP PLN2015-0035
SUNSET FARMS
AERIAL 2 (2013)**

SITE

TIMMIE LN

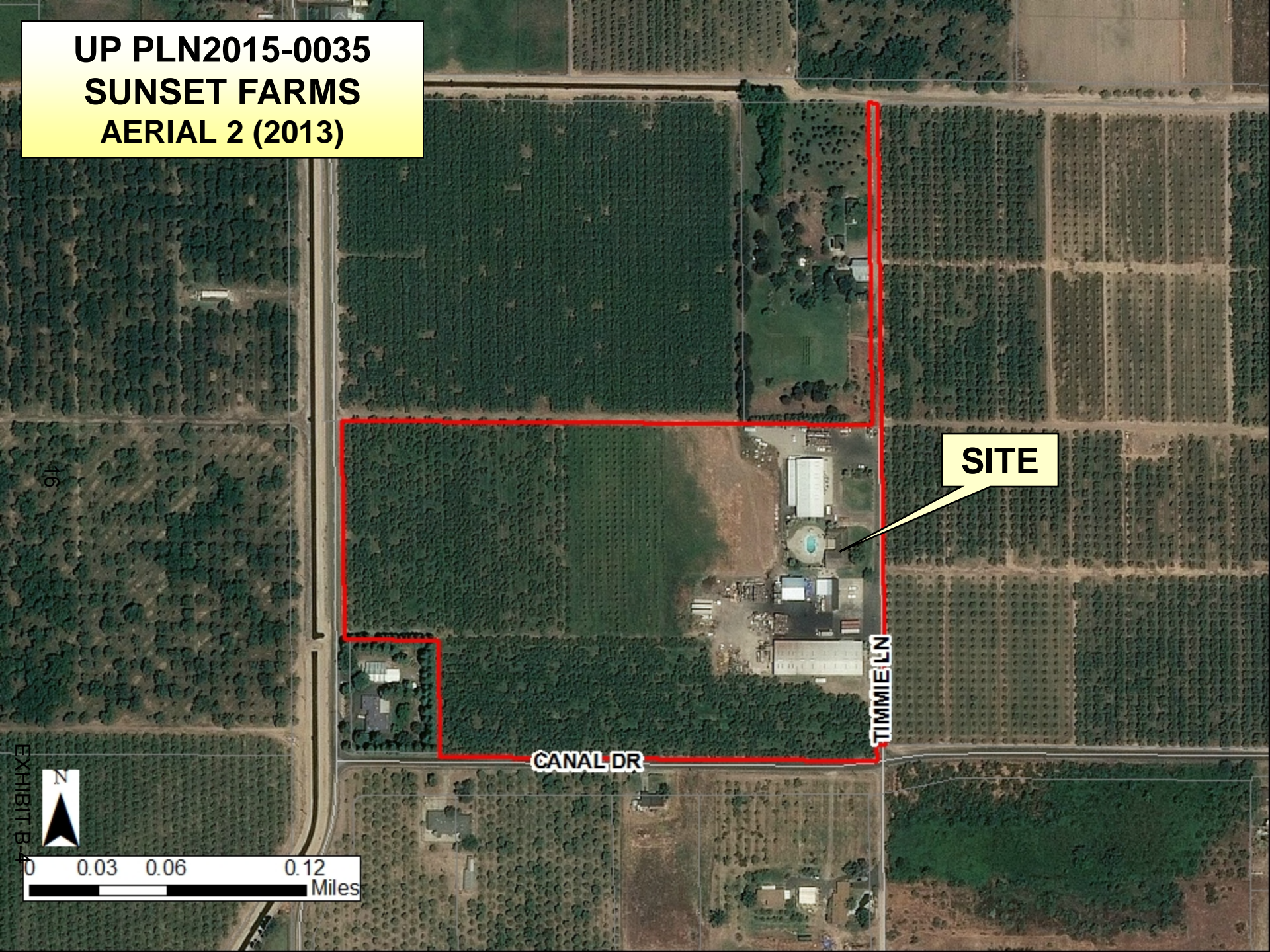
CANAL DR

46

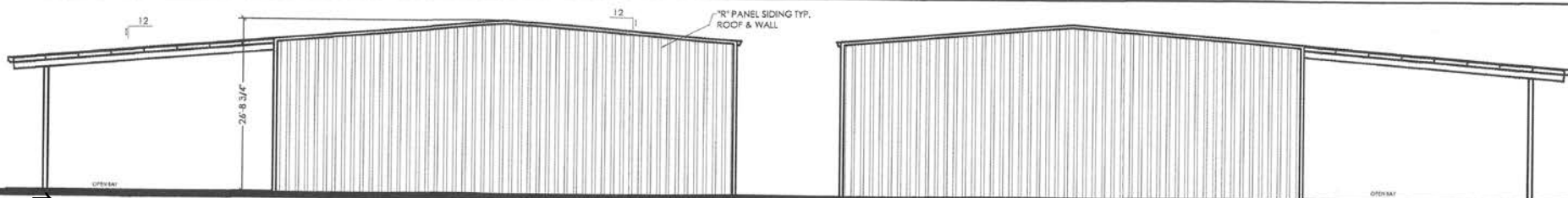
EXHIBIT B-2



0 0.03 0.06 0.12 Miles

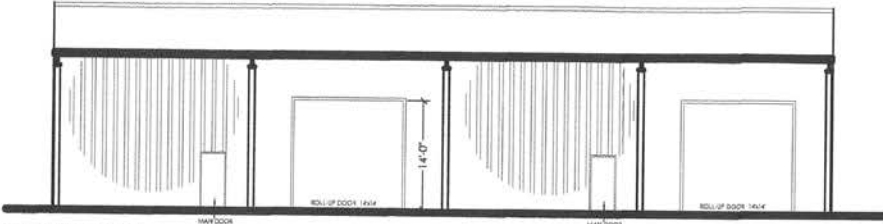


UP PLN2015-0035 SUNSET FARMS ELEVATIONS

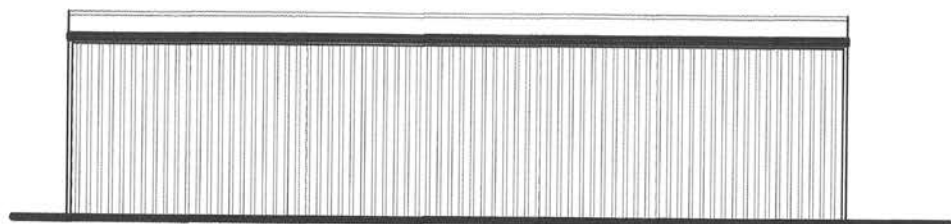


A. WEST ELEVATION
SCALE: 1/8" = 1'-0"

B. EAST ELEVATION
SCALE: 1/8" = 1'-0"



C. NORTH ELEVATION
SCALE: 1/8" = 1'-0"



D. SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

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CONDITIONS OF APPROVAL

USE PERMIT APPLICATION NO. PLN2015-0035 SUNSET FARMS

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 owner/operator 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 owner/operator 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. Owner/operator 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. Within 6 months of use permit approval, the operator shall contact the Stanislaus County Building Permits Division to verify the need for obtaining a building permit for any changes in the occupancy classification of existing buildings to be used as part of the approved operation. The owner/operator shall obtain all required building permits and pay all applicable Public Facilities Impact Fees and Fire Facilities as determined by the Chief Building Official. The fee amount shall be calculated based upon a percentage of the area of total building area determined by the Chief Building Official to have changed in occupancy use.
5. The owner/operator 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 owner/operator of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.

6. 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).
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. 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.
10. 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.
11. A valid Stanislaus County Business License shall be maintained.
12. Prior to the issuance of the building permit, the developer shall obtain written approval from Modesto Irrigation District verifying that the proposed building(s) are able to be served by MID electrical service.

Department of Public Works

13. An encroachment permit shall be taken out for any new driveway or for any work to be done in the Canal drive or Missouri Avenue road right-of-way.
14. Canal Drive is classified as a 60 foot Local Road. The required ½ width of Canal Drive is 30 feet north of the centerline of the roadway. If 30 feet of the road right-of-way does not exist, then the remaining 30 feet shall be dedicated with an Irrevocable Offer of Dedication for the parcel frontage.
15. Missouri Avenue is classified as a 60 foot Local Road. The required ½ width of Missouri Avenue is 60 feet east of the east edge of Waterford Irrigation District (Now Modesto Irrigation District) Lateral #12's right-of-way. If 60 feet of the road right-of-way does not exist, then the remainder of the 60 feet shall be dedicated with an Irrevocable Offer of Dedication for the parcel frontage on Missouri Avenue.

16. No parking, loading or unloading of vehicles will be permitted within the County Road right-of-way.
17. A grading, drainage, and erosion/sediment control 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:
 - 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.
 - 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.
 - 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.
 - 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.

Department of Environmental Resources

18. Prior to issuance of a building permit or issuance of a license to conduct business identified in "Use Permit Application PLN2015-0035, the property owner shall certify to Stanislaus County Department of Environmental Resources (Department) that: the property use does not or will not constitute a public water system, or submit a public water supply permit application [(CA HSC) 116525] to the Department accompanied by a public water system technical report [(CA HSC) 116530], financial and managerial and technical information [(CA HSC) 116540], and obtain a public water supply permit to operate the public water system [(CAHSC) Sections 116525, 116530, 116540, 116550].

Central Valley Regional Water Quality Control Board (RWQCB)

19. Prior to any ground disturbing activities or building permit issuance, the applicant/owner shall be responsible for contacting the RWQCB to ensure compliance with all RWQCB standards and obtain any required permits, including but not limited to:
 - a) Construction Storm Water General Permit
 - b) Phase I and II Municipal Separate Storm Sewer System (MS4) Permits
 - c) Industrial Storm Water General Permit
 - d) Clean Water Act Section 404 Permit
 - e) Clean Water Act Section 401 Permit – Water Quality Certification
 - f) Waste Discharge Requirements
 - g) Low or Limited Threat General (NPDES) Permit

Modesto Irrigation District

20. In conjunction with related site improvement requirements, existing overhead and underground electric facilities shall conform to the District's Electric Service Rules.
21. Relocation or installation of electric facilities shall conform to the District's Electric Service Rules.
22. Costs for relocation and/or undergrounding the District's facilities at the request of others will be borne by the requesting party. Estimates for relocating or undergrounding existing facilities will be supplied upon request.
23. MID currently has an existing 12kv overhead electric facility along Timmie Lane. The existing overhead 12kv high voltage electric lines requires a 30 foot wide easement centered on the overhead lines in order to protect the existing overhead electric facilities and to maintain necessary safety clearances.
24. Prior to the issuance of a building permit, the owner/operator shall contact the District to coordinate upgrading the existing transformer to provide for sufficient electrical service to the project site and neighboring area as determined by the District. MID required improvements shall be installed prior to issuance of final occupancy permit.

STANISLAUS COUNTY HAZARDOUS MATERIALS DIVISION

25. 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.

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



CEQA INITIAL STUDY

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

1. **Project title:** Use Permit Application No. PLN2015-0035 – Sunset Farms
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
4. **Project location:** 519 Timmie Lane, at the northwest corner of the Timmie Lane and Canal Drive intersection, south of Yosemite Boulevard/Hwy 132, west of S. Eucalyptus Avenue, north of the Tuolumne River in the Waterford area. (APN: 080-007-049)
5. **Project sponsor's name and address:** Grant & Patty Ecker
519 Timmie Ln.
Waterford, CA 95386
6. **General Plan designation:** Agriculture
7. **Zoning:** A-2-40 (General Agriculture)
8. **Description of project:**

Request to establish an almond packing and storage operation on a 21± acre parcel in the A-2-40 (General Agriculture) zoning district. The proposed project will include a new 7,000 square foot agricultural building, a new 3,500 square foot lean-to structure for the storage of almonds; an existing 9,800 square foot agricultural building for storage, and an existing 16,000 square foot agricultural building for packing and storage. The operation consists of 18 employees on a maximum shift and hours of operation are Monday through Friday, 9 a.m. to 4 p.m.
9. **Surrounding land uses and setting:** The project site is surrounded by almond orchards to the east, walnut and almond orchards to the south, almond orchards, S. Missouri Avenue and an MID Lateral No. 12 to the west, Almond orchards to the north and scattered single family homes in each direction.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Public Works Department
Stanislaus County Building Permits Division
Stanislaus Consolidated Fire Protection District

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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



 Javier Camarena, Associate Planner

July 10, 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, than the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

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

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

ISSUES

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

Discussion: The site itself is not considered to be a scenic resource or a unique scenic vista. Any development resulting from this project will be consistent with existing area developments. The proposed structure is consistent with accessory structures in and around the A-2 (General Agriculture) zoning district. Standard conditions of approval will be added to this project to address glare from any proposed on-site lighting.

Mitigation: None

References: Stanislaus County General Plan and Support Documentation¹.

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

<p>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?</p>				<p style="text-align: center;">x</p>
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Discussion: The project site is currently enrolled in Williamson Act Contract No. 77-2832 and has soils classified by the Farmland Mapping and Monitoring Program as being Prime Farmland and Rural Residential Land. The United States Department of Agriculture Web Soil Survey classifies the following soils on site:

- Hanford fine sandy loam, 0 to 3 percent slopes
- Hanford fine sandy loam, deep over silt, 0 to 1 percent slopes
- Hanford sandy loam, 0 to 3 percent slopes

This project will have no impact to forest land or timberland. The site is planted in almonds and the area on site where this project is proposed is not in agricultural production, so there should be no impact to the agriculture on site.

This project site is located within the A-2 (General Agricultural) zoning district. The proposed project is considered a “Tier One” use requiring a Use Permit. Tier One uses are uses that the County has determined to be related to agricultural production, and “necessary for a healthy agricultural economy,” provided 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.”

Under the Williamson Act, Government Code §51238.1 provides direction to local governments for determining a compatible use based on established Williamson Act Principles of Compatibility. Section 21.20.045(A) of the Stanislaus County Zoning Ordinance requires that all uses approved on Williamson Act contracted lands be consistent with three principles of compatibility:

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

Pursuant to Section 21.20.045(B)(3) of the Stanislaus County Zoning Ordinance, Tier One uses are determined to be consistent with the Principles of Compatibility and may be approved on contracted land unless a finding to the contrary is made. This project was referred to the State of California Department of Conservation (DOC); however, no response has been received by this date.

General Plan Amendment No. 2011-01 - Revised Agricultural Buffers was approved by the Board of Supervisors on December 20, 2011, to modify County requirements for buffers on agricultural projects. As this is a Tier One use, and not considered people intensive, agricultural buffers will not be required.

Mitigation: None

References: United States Department of Agriculture Web Soil Survey; The State of California Department of Conservation Farmland Mapping and Monitoring Program – Stanislaus County Farmland 2013; 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 SJVAPCD 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 SJVAPCD has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin. The project was referred to the SJVAPCD and no response has been received.

Mitigation: None

References: 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 U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X

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

Discussion: It does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. According to the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB), the project is located within quad number 3712067. The quad includes records of the Sawinson’s hawk, tricolored blackbird, Colusa grass, valley elderberry longhorn beetle, San Joaquin Valley Orcutt grass, and Greene’s tuctoria. The CNDBB website does not specify the exact location that these records were taken. The project site, as well as surrounding properties, are currently developed with existing farm related structures and are planted in walnut and almond orchards. This project was referred to the State of California Department of Fish and Wildlife and no comments have been received.

Mitigation: None

References: 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	

Discussion: The project will not result in significant impacts to any archaeological or cultural resources. The site is currently improved with an existing residence, garage, agricultural roof shade, and two agricultural storage buildings. A standard condition of approval will be placed on the project requiring that if any archaeological remains are found during construction, construction activities shall halt until a certified archaeologist can assess the discovery.

Mitigation: None

References: Stanislaus County General Plan and Support Documentation¹

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 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required 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 the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements. The project was referred to Stanislaus County DER. No comments have been received related to Geology and soils.

Mitigation: None

References: Referral Response dated May 15, 2015, from the Stanislaus County Department of Environmental Resources; Stanislaus County General Plan and Support Documentation¹

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

Discussion: The proposed nut storage building is not expected to generate significant levels of greenhouse gases. The project was referred to the San Joaquin Valley Air Pollution Control District (SJVAPCD). No comments have been received.

Mitigation: None

References: 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

Discussion: No known hazardous materials are on site. 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. The groundwater is not known to be contaminated in this area. The Stanislaus County Department of Environmental Resources (DER) is responsible for overseeing hazardous materials in the County. The project was referred to DER. However, no comments were received related to hazardous materials.

Mitigation: None

References: Stanislaus County General Plan and Support Documentation¹

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: 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. Run-off is not considered an issue because of several factors which limit the potential impact. These factors include a relatively 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. According to FEMA flood insurance rate map no. 06099CO368E the project site is not located within a FEMA Flood Zone and as such, flooding is not an issue with respect to this project. County standards require a review of drainage and grading prior to issuance of any building permit for structures resulting from this project. To insure compliance, the Stanislaus County Department of Public Works has added a condition of approval to confirm that drainage and grading related impacts are minimized. Public Works is responsible for overseeing concerns in the issues listed above and has not indicated any particular concerns on the project site.

Mitigation: None

References: FEMA Flood Insurance Rate Map No. 06099CO368E; Referral Response dated May 19, 2015, from the Stanislaus County Department of Public Works; 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

Discussion: This project is consistent with the Agricultural designation and A-2-40 (General Agriculture) zoning of the site. This application is for a “use” that is considered a “Tier One” use which is permitted by securing a use permit. 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 General Plan and Support Documentation¹

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

Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the project site.

Mitigation: None

References: Stanislaus County General Plan and Support Documentation¹

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

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
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Discussion: The activities proposed by this project may temporarily increase the area’s ambient noise levels; however, a significant impact is not anticipated since the use itself will be primarily conducted within the proposed building. Noise impacts associated with increased on-site activities and traffic are not anticipated to exceed the area’s existing level of noise. The nearest sensitive noise receptors are several scattered residential homes on adjacent parcels. The nearest single-family dwelling to the project site is located approximately 400 feet to the north of the project site 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 this site will not create significant service extension or any new infrastructure which could be considered as growth inducing. No housing or persons will be displaced by this project. This project is surrounded by orchards and other agricultural uses. The proposed 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 the substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?				X
Parks?				X
Other public facilities?			X	

Discussion: The County has adopted Public Facilities Fees, as well as 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 the proposed use complies with all

applicable fire department standards with respect to access and water for fire protection. This project was referred to the Modesto Irrigation District (MID) as they provide electricity and agricultural irrigation water to the site. A referral response was received from MID requiring standard conditions related to existing electrical facilities on site. These will be placed as conditions of approval on the project

Mitigation: None

References: Referral response dated June 3, 2015; from Modesto Irrigation District; Stanislaus County General Plan and Support Documentation¹

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

Discussion: The project is not anticipated to result in significant demands for recreational facilities as such impacts typically are associated with residential development.

Mitigation: None

References: Stanislaus County General Plan and Support Documentation¹

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	
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Discussion: The project site currently utilizes a private road (Timmie Lane) to gain access off of Canal Drive (County maintained road). Timmie Lane runs along the east side of the parcel. Significant impacts to traffic and transportation were not identified by reviewing agencies. The project site provides adequate parking for employees and visitors on site. The project was referred to Public Works and CalTrans for review. CalTrans did not respond. The Stanislaus County Public Works Department has requested standard conditions of approval relating to encroachment permits and right-of-way dedication. Public Works is also requiring road frontage improvements along the Canal Drive. The improvements required include asphalt road widening along the parcel’s frontage. Improvement will bring the existing vehicle lane up to twelve-foot-wide (12’) and provide a 4-foot-wide (4’) shoulder.

Mitigation:

References: Referral Response dated May 19, 2015, from the Stanislaus County Department of Public Works; Stanislaus County General Plan and Support Documentation¹

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

Discussion: Limitations on providing services have not been identified. The site will be served by private well, septic system, and on-site drainage. A referral response from DER has indicated that the project could result in the water well supply for the proposed project being defined by State regulations as a public water system. Conditions of approval shall be added to the project requiring owner to certify to DER that the property use does not or will not constitute a public water system or submit a public water supply permit application to DER accompanied by a public water system technical report, financial and managerial and technical information, and obtain a public water supply permit to operate a public water system.

Mitigation: None

References: Referral Response dated May 15, 2015, from the Stanislaus County Department of Environmental Resources; Stanislaus County General Plan and Support Documentation¹

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

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

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

NEGATIVE DECLARATION

NAME OF PROJECT: USE PERMIT APPLICATION NO. PLN2015-0035 – SUNSET FARMS

LOCATION OF PROJECT: 519 Timmie Lane, at the northwest corner of the Timmie Lane and Canal Drive intersection, south of Yosemite Boulevard/Hwy. 132, west of S. Eucalyptus Avenue, north of the Tuolumne River in the Waterford area (APN: 080-007-049).

PROJECT DEVELOPERS: Grant & Patty Ecker
519 Timmie Ln.
Waterford, CA 95386

DESCRIPTION OF PROJECT: Request to establish an almond packing and storage operation on a 21± acre parcel in the A-2-40 (General Agriculture) zoning district. The proposed project will include a new 7,000 square foot agricultural building, a new 3,500 square foot lean-to structure for the storage of almonds; and use of an existing 9,800 square foot agricultural building for storage, and an existing 16,000 square foot agricultural building for packing and storage. The operation consists of 18 employees on a maximum shift and hours of operation are Monday through Friday, 9 a.m. to 4 p.m.

Based upon the Initial Study, dated **July 10, 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: UP PLN2015-0035 - SUNSET FARMS

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF CONSERVATION: Land Resources / Mine Reclamation	X	X	X		X							
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF TRANSPORTATION DIST 10	X	X	X		X							
CA OPR STATE CLEARINGHOUSE	X	X	X		X					X	X	
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X		X						
CITY OF: WATERFORD	X	X	X		X							
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: STANISLAUS CONS.	X	X	X		X							
HOSPITAL DISTRICT: OAK VALLEY	X	X	X		X							
IRRIGATION DISTRICT: MODESTO	X	X	X	X		X				X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X	X		X				X	X	
SCHOOL DISTRICT 1: WATERFORD	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	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		X				X	X	
STAN CO PUBLIC WORKS	X	X		X		X				X	X	
STAN CO SHERIFF	X	X			X							
STAN CO SUPERVISOR DIST 1: O'BRIEN	X	X			X							
STAN COUNTY COUNSEL	X	X			X							
STANISLAUS FIRE PREVENTION BUREAU	X	X			X							
STANISLAUS LAFCO	X	X			X							
SURROUNDING LAND OWNERS			X		X							
TELEPHONE COMPANY:	X	X	X		X							
TUOLUMNE RIVER TRUST	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							