



November 19, 2015

MEMO TO: Stanislaus County Planning Commission

FROM: Rachel Wyse, Associate Planner, Department of Planning and Community Development

**SUBJECT: USE PERMIT 2011-01 – HENNINGS BROTHERS AG DRILLING – CONDITION OF APPROVAL MODIFICATION REQUEST**

### **RECOMMENDATION**

Staff recommends the Planning Commission approve the requested modification to Condition of Approval No. 21, 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, the necessary finding for approval of this project is provided in the Findings section of this memo.

### **BACKGROUND**

Use Permit 2011-01 – Hennings Brothers Ag Drilling was approved by the Planning Commission on November 3, 2011 to allow establishment of a well drilling business on a 17.6± acre parcel located at 1920 Ladd Road, in the Del Rio area. Proposed improvements to the project site included:

- 5,000 square-foot steel frame building
- 960 square-foot prefabricated office for clerical work
- 1,950 square-foot pole structure for welding and equipment storage
- 3.5± acre material storage and truck parking yard improved with an aggregate base
- Fueling station
- Asphalt parking area and driveway
- 6-foot cyclone fencing around the material storage yard and a landscape buffer

The operation proposed seven (7) employees on a maximum shift, operating Monday thru Friday from 7 a.m. to 5 p.m., with two (2) office staff, four (4) outside employees and one (1) outside sales person. The approved equipment for this operation consists of four (4) drill trucks, eight (8) accessory trucks, and specialty support equipment used for daily operation and for more complex well drilling. According to the applicant, three (3) to four (4) pieces of equipment would be in use for maximum daily operations.

Since the 2011 approval of this Use Permit, the applicant has begun operations at the Ladd Road location, obtained a building permit for a 4,880 square-foot equipment repair shop and applied for a permit to construct the 960 square-foot modular office.

## **PROJECT DESCRIPTION**

This is a request to defer the requirements of Condition of Approval No. 21 requiring a 12-foot-wide paved vehicle lane and a 4-foot wide paved asphalt shoulder along the entire parcel length, south of the centerline of Ladd Road, prior to issuance of a building or grading permit. The building permit for the repair shop has been conditionally issued pending the outcome of this request.

Attachment "2" consists of the Applicant's request for deferral. Per the request, the modified condition would read as follows:

21. ~~Prior to the final of any building or grading permit~~ **At such a time as the neighboring parcels are required to install road frontage improvements**, the applicant shall make road frontage improvements along the entire parcel length on Ladd Road. These improvements shall include asphalt road widening, bringing the existing road up to 12-foot wide paved vehicle lane, and a 4-foot wide paved asphalt shoulder south of the centerline of Ladd Road. Improvement plans are to be submitted to this department for approval. The structural section and cross slopes shall meet Stanislaus County Public Works Standards and Specifications.

As a follow-up to the proposed modified condition language, the applicant has clarified, in an email dated November 5, 2011, the definition of "neighboring" and "improvements" to mean:

- "Neighboring parcels" refers to all of the residential and farmland parcels along the 4 mile stretch of Ladd Road that at present have not had roadway widening improvements. It is our expectation that at some time in the future the Public Works Department may wish to conduct an improvement project of the entire Ladd Road rather than have small in-congruent sections improved.
- "Frontage improvements" refers to the off-site improvements required by the conditions of approval for the parcel at 1920 Ladd Road. The required improvements involved widening of the pavement on the outside of the fog line.

The original Condition of Approval was requested by the County Public Works Department. While the Public Works Department has noted a concern with the safety of the motoring public, the Department has no comment on the deferral of the improvements. (See Attachment "3" – Public Works Referral Response).

## **ISSUES AND ENVIRONMENTAL REVIEW**

This request is exempt from the California Environmental Quality Act (CEQA); however, in compliance with CEQA the project was referred to all responding agencies and departments. The condition of approval being modified was not required as a mitigation measure of the original project and is not a requirement per the County's Standards and Specifications.

## **FINDINGS REQUIRED FOR PROJECT APPROVAL**

Find that the modification to Condition of Approval No. 21, as outlined in this memo, is logical in response to other improvements existing along Ladd Road and in the neighborhood of the project site and approved modified Condition of Approval No. 21 to read as follows:

21. ~~Prior to the final of any building or grading permit~~ **At such a time as the neighboring parcels are required to install road frontage improvements**, the applicant shall make road frontage improvements along the entire parcel length on Ladd Road. These improvements shall include asphalt road widening, bringing the existing road up to 12-foot wide paved vehicle lane, and a 4-foot wide paved asphalt shoulder south of the centerline of Ladd Road. Improvement plans are to be submitted to this department for approval. The structural section and cross slopes shall meet Stanislaus County Public Works Standards and Specifications. **Neighboring and improvements shall be as specified in the Applicant's November 6, 2011 e-mail to the Stanislaus County Planning Department.**

**Attachments:**

- Attachment 1 – Planning Commission Staff Report dated November 3, 2011
- Attachment 2 – Applicant's Request and November 6, 2011 email
- Attachment 3 - November 4, 2015 Public Works Referral Response
- Attachment 4 - Environmental Review Referrals

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# STANISLAUS COUNTY PLANNING COMMISSION

November 3, 2011

## STAFF REPORT

### USE PERMIT APPLICATION NO. 2011- 01 HENNINGS BROTHERS AG DRILLING

**REQUEST: TO ESTABLISH AN AGRICULTURAL WELL DRILLING BUSINESS ON A 17.6± ACRE PARCEL IN THE A-2-40 (GENERAL AGRICULTURE) ZONING DISTRICT. THE PROPERTY IS LOCATED AT 1920 LADD ROAD, WEST OF CARVER ROAD, EAST OF AMERICAN AVENUE, IN THE DEL RIO AREA.**

#### APPLICATION INFORMATION

Applicant:	Sean Roddy
Property Owner:	Madeline Roddy
Engineer:	NorthStar Engineering Group
Location:	1920 Ladd Road, west of Carver Road, east of American Avenue, in the Del Rio area
Section, Township, Range:	30-2-9
Supervisory District:	Four (Supervisor Monteith)
Assessor's Parcel:	004-066-055
Referrals:	See Exhibit "J" Environmental Review Referrals
Area of Parcel:	17.6± acres
Water Supply:	Private Well
Sewage Disposal:	Septic System
Existing Zoning:	A-2-40 (General Agriculture, 40 acre minimum)
General Plan Designation:	Agriculture
Community Plan Designation:	Not Applicable
Williamson Act Contract No.:	Not Applicable
Environmental Review:	Negative Declaration

#### RECOMMENDATION

Staff recommends that the Planning Commission deny this request based on the inability to make the necessary findings required for approval of a Tier Two agricultural service establishment in the A-2 (General Agriculture) zoning district. If the Planning Commission decides to approve the project, the Tier Two findings necessary for approval are outlined in the Zoning Conformance section of this report. Exhibit A provides an overview of all of the findings required for project approval.

#### PROJECT DESCRIPTION AND BACKGROUND

This is a request to relocate an agricultural water well drilling business to a 17.6± acre parcel located at 1920 Ladd Road, in the Del Rio area. Proposed improvements to the project site will include:

- 5,000 square foot steel frame building
- 960 square foot prefabricated office for clerical work
- 1,950 square foot pole structure for welding and equipment storage
- 3.5± acre material storage and truck parking yard improved with an aggregate base
- Fueling station
- Asphalt parking area and driveway
- 6-foot cyclone fencing around the material storage yard and a landscape buffer

The proposed operation will consist of seven (7) employees on a maximum shift. Operating hours will be Monday thru Friday from 7 a.m. to 5 p.m. There will be two (2) office staff, four (4) outside employees and one (1) outside sales person. Equipment for this operation will consist of four (4) drill trucks, eight (8) accessory trucks, and specialty support equipment used for daily operation and for more complex well drilling. (See Exhibit F - *Application*.) According to the applicant, three (3) to four (4) pieces of equipment would be in use for maximum daily operations. Hennings Brothers Drilling has provided documentation asserting that 65% of the wells they drill are agriculturally related. (See Exhibit G - *Agriculture and Non-Agriculture Business Summary*.)

In an email dated March 4, 2011, the applicant's representative, Eric Boyd with NorthStar Engineering Group, provided the following reasons for the relocation:

"Hennings Brothers wishes to relocate because Pelandale has become an expressway which causes access issues for the business. As mentioned in the findings, having the business in a congested commercial district causes delays for the drilling rigs, raises the risk of accidents, and increases environmental pollution. (See Exhibit H - *Applicant's Findings*.) There are also significant concerns that future City of Modesto plans for Pelandale will significantly limit access to the existing business with the intended construction of a median. Most importantly, Hennings Brothers is an agriculture business with ties to the agriculture community. Being in a heavy commercial area severely limits their ability to service the agriculture community."

The existing business, currently located at 3525 Pelandale Avenue, was annexed to the city of Modesto on June 30, 1997. Planning files indicate that the well drilling business was approved to occupy the Pelandale parcel on April 15, 1976. The business had been located at 2500 West Rumble Road; however, according to the staff report, the applicants felt the Rumble location would result in land use conflicts with the encroaching City of Modesto and that they had an existing legal non-conforming use on the Pelandale site as some well drilling equipment was stored on site. Planning staff recommended denial of the Use Permit application, but the Commission ultimately approved the move.

## **SITE DESCRIPTION**

The 17.6± acre project site, zoned A-2 (General Agriculture), is currently fallow and improved with a single-family dwelling, garage apartment, and agricultural shop building. The site was previously planted in a peach orchard. Access to the site is provided from Ladd Road. Surrounding uses include orchards and farm residences to the north; orchards and ranchettes to the east; orchards to the south; and orchards and a dairy to the west.

## **ISSUES**

The primary issues associated with this project include determining whether or not the proposal meets the definition of an “agricultural service establishment” and whether or not it is “necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial uses.”

Based on the nature of the current use and past determination on similar uses made by the Planning Commission and Board of Supervisors, staff believes that although the project may meet the broadest definition of an agricultural service establishment to be located in the agricultural area, it is, however, not “necessary and desirable” for this establishment to be located in the agricultural area.

## **GENERAL PLAN CONSISTENCY**

Agricultural service establishments are defined in the Agricultural Element of the Stanislaus County General Plan, and the County Zoning Ordinance, as meaning:

“A business engaging in activities designed to aid production agriculture. Service does not include the provision of tangible goods except those sold directly to farmers and used specifically to aid in production of farm animals or crops. Nor does service industry include any business which has the primary function of manufacturing products.”

Production agriculture is defined as meaning agriculture for the purpose of producing any and all plant and animal commodities for commercial purposes.

The establishment of agricultural service establishments in the A-2 zoning district is primarily supported by the following goal and objective of the Agricultural Element of the County General Plan:

### **Goal One: Strengthen the agricultural sector of our economy.**

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

The following is an excerpt from the discussion provided for Objective 1.2 in the Agricultural Element, “...Agricultural service establishments designed to serve the immediate area and agricultural processing plants such as wineries and canneries are allowed when the Planning Commission finds that (1) they will not be substantially detrimental to or in conflict with the agricultural use of other property in the vicinity; (2) the establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity; and (3) it is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned commercial or industrial.

In general, agricultural service establishments can be difficult to evaluate due to their wide diversity of service types and service areas. This diversity often leads to requests for uses which provide both agricultural and non-agricultural services and/or have a wide-spread service area. Maintaining a focus on production agriculture is key to evaluating agricultural service establishments in the

agricultural area. In order to control the scale and intensity of these facilities, the County requires such facilities in the agricultural area to show a direct connection to production agriculture in Stanislaus County and applies limitations on the number of employees.”

This objective is further supported through the following additional policies:

**Policy 1.5:** Agricultural service establishments shall be permissible in agricultural areas if they are designed to serve production agriculture in the immediately surrounding area as opposed to having a widespread service area, and if they will not be detrimental to agricultural use of other property in the vicinity.

**Policy 1.7:** Concentrations of commercial and industrial uses, even if related to surrounding agricultural activities, are detrimental to the primary use of the land for agriculture and shall not be allowed.

**Policy 1.8:** To encourage vertical integration of agriculture, the County shall allow research, production, processing, distribution, marketing, and wholesale and limited retail sales of agricultural products in agricultural areas, provided such uses do not interfere with surrounding agricultural operations.

Furthermore, the Land Use Element of the General Plan states that the Agriculture designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas. This designation establishes agriculture as the primary use in land so designated, but allows limited agriculturally related commercial services and agriculturally related light industrial uses, and other uses which by their unique nature are not compatible with urban uses, provided they do not conflict with the primary use.

This project is subject to the Buffer and Setback Guidelines adopted as Appendix “A” of the Agricultural Element. In accordance with the guidelines, an alternative buffer was presented to the Agricultural Advisory Board (AAB) on May 2, 2011. (See Exhibit I - *Alternative Buffer Proposal*.) While the AAB did not support the alternative buffer as initially requested by the applicant, the AAB voted to support an alternative buffer that included cyclone fencing around the equipment storage area, a 30-foot setback along the eastern property line, and a double row of evergreen trees along the 600-foot eastern edge of the proposed structures and equipment storage area.

Staff believes this project can be found to be consistent with the General Plan if the Planning Commission can make the necessary findings for approval of an agricultural service establishment. The findings necessary for approval are discussed in the following section.

## **ZONING CONFORMANCE**

The proposed request to operate a well drilling business as an agricultural service establishment is classified by Section 21.20.030 of the Stanislaus County Zoning Ordinance as a Tier Two use. Tier Two uses are agriculture-related commercial and industrial uses that may be allowed when the planning commission finds that:

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

2. The establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity; and
3. It is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage.

Section 21.20.030((B)(3)(a) recognized agricultural service establishments as a Tier Two use when primarily engaging in the provision of agricultural services to farmers and when such establishments are designed to serve the immediately surrounding area as opposed to having a widespread service area.

Staff requested documentation outlining the service area for the drilling company. The applicant was asked to provide a breakdown differentiating municipal/residential well drilling from wells drilled for agricultural uses such as irrigation. The information provided by the applicant showed five (5) years of job locations and whether the drilling was done for agriculture or non-agriculture purposes. When averaged, 65±% of the jobs were for agriculture purposes and 35±% were for non-agriculture purposes. (See Exhibit G - *Agriculture and Non-Agriculture Business Summary*.)

According to documentation supplied by the applicant, the service area for Hennings Brothers includes the following counties: Stanislaus; San Joaquin; Merced; Madera; Contra Costa; Sacramento; Solano; Glenn; Alameda; Yolo; Butte; and Calaveras. The most widespread service area is for agriculture; however, based on the addresses provided, it appears any well drilled in the agricultural zone for residential, municipal, or irrigation purposes was placed in the agricultural category.

In addition to the Tier Two findings listed above, the following finding is required for approval of any use permit:

- 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.

The proposed project appears to be consistent with some of the criteria necessary to be permitted as a Tier Two use and, in fact, the business was originally approved in its existing location with a Use Permit in an unincorporated Agriculturally zoned area, prior to annexation; however, staff does not believe that the project meets the current definition of an agricultural service establishment, nor is it necessary and desirable for the business to be located within the agricultural area as opposed to its existing location or some other commercial or industrial zoned lands.

According to the General Plan, maintaining a focus on production agriculture is key to evaluating agricultural service establishments in the agricultural area. Given the widespread service area, no benefit to production agriculture will be gained by moving the business to Ladd Road. Furthermore, the well drilling business is already located in a commercial zone and closer to a major transportation hub, State Highway 99, then it will be if the proposed Ladd Road location is approved. According to the AT&T Yellow Pages, there are two (2) other well drillers in Stanislaus



County; Calwater Drilling Company and Maselis Drilling Inc. Calwater is located in an industrial zone within Turlock's city limits. Maselis is located in the General Agriculture zoning district and, based on issuance of a Staff Approval in 1987, may have a legal non-conforming status.

### **ASSESSMENT OF SIMILAR PROJECTS**

Use Permit 2002-14 - Jerry Applegate was approved by the Planning Commission in December of 2002. The project, located at 7501 E. Grayson Road, in the Hughson area, requested an office, equipment storage, daily operation, and 10 employees for a backhoe service business that provided the following agricultural services: digging out trees; clearing orchards; cleaning out ponds; digging ponds; trenching; cleaning dairy lagoons; and digging tree and fence post holes. Non-agricultural services included drilling holes for septic systems, sign poles, and drain wells. Over a three (3) year period, roughly 69% of the business was agricultural and 31% was non-agricultural.

Use Permit 2002-32 - Five J's Trucking was denied by the Planning Commission in March of 2003. The project requested to park 10 trucks (hay and milk) on one (1) acre of a 31-acre parcel for a dairy business located at 23937 Villa Manucha Road in the Newman area. The main reasons for denial were: 1) the business was already existing in an industrial zone within the city limits of Newman; and 2) the business was making deliveries as far as Humboldt County, well outside the local area.

Use Permit 2006-38 - ALP Custom Spreading was approved by the Planning Commission in March of 2008. This agricultural service establishment, located at 2324 Villa Manucha Road in the Newman area, specialized in manure spreading on properties in the southern part of Stanislaus County and the northern part of Merced County. Staff recommended approval arguing that given the nature of the business, there was a need for flexibility in determining the immediate surrounding area.

Zoning Use Permit 78-21 - Amerine Irrigation Systems (a sprinkler irrigation business located at 10866 Cleveland Avenue in the Oakdale area) was approved by the Board of Supervisors in 1978 after being denied by the Planning Commission. In 1987, a second use permit was obtained to expand the business. Use Permit 87-14 was denied by the Planning Commission because the commissioners were not convinced that the use was "designed to serve the immediate surrounding area as opposed to having a widespread area." The applicant appealed and the Board of Supervisors approved the application. By 2009, 10% of the Amerine Systems business was with cities in Stanislaus and San Joaquin Counties. The business owner was required to apply for a third land use permit (Use Permit 2009-08) to construct additional facilities and add a non-agricultural component to the business. Planning staff was unable to make finding number three (3) for Tier Two uses and recommended denial. The Planning Commission approved the project in December of 2009.

Use Permit 99-11 - Central Valley Ag Grinding (CVAG), located at 5507 Langworth Road in the Oakdale area, was approved by the Planning Commission in October of 1999 to establish a Tier One agricultural product storage and grinding facility to process agricultural waste/products (orchard prunings, almond hulls, etc.). Use Permit 2010-06 - Central Valley Ag Grinding, Inc. was approved by the Planning Commission in December of 2010 to expand their business by adding acreage for additional material storage and a cogeneration unit and to clarify the uses for the green

waste. CVAG grinded, dehydrated, and reused organic material for animal bedding, soil amendments, and raw material for DuraFlame fireplace logs. Planning staff recommended approval for both Use Permits.

Use Permit 2011-09 - T & L Partnership (an agricultural service establishment specializing in contract harvesting), located at 3312 S. Blaker Road in the Turlock area, was approved by the Planning Commission in September of 2011. T & L's customer base was 100% agricultural with 70% of customers within a 10 mile radius of the project site and the remaining 30% within a 30 mile radius of the project site. Planning staff was able to make all findings and recommend approval.

### **SUMMARY**

Overall, although the project may comply with some of the Tier Two agricultural service establishment criteria, staff cannot find substantial evidence to support finding number three which states that it is necessary and desirable for the establishment to be located in the agricultural area and, as such, recommends the Planning Commission deny the request.

If new information is provided to the Planning Commission allowing the Commissioners to make the findings and, on the basis of the whole record, approve the project, the findings required for project approval are outlined in Exhibit A of this Staff Report.

### **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to various agencies. (See Exhibit J - *Environmental Review Referrals*.) Based on the Initial Study prepared for this project, adoption of a Negative Declaration is being proposed. (See Exhibit E - *Negative Declaration*.) The Initial Study and comments to the Initial Study have not presented any substantial information to identify a potential significant impact needing to be mitigated.

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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 **\$2,101.00** for the Department of Fish and Game and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Contact Person: Rachel Wyse, Assistant Planner, (209) 525-6330

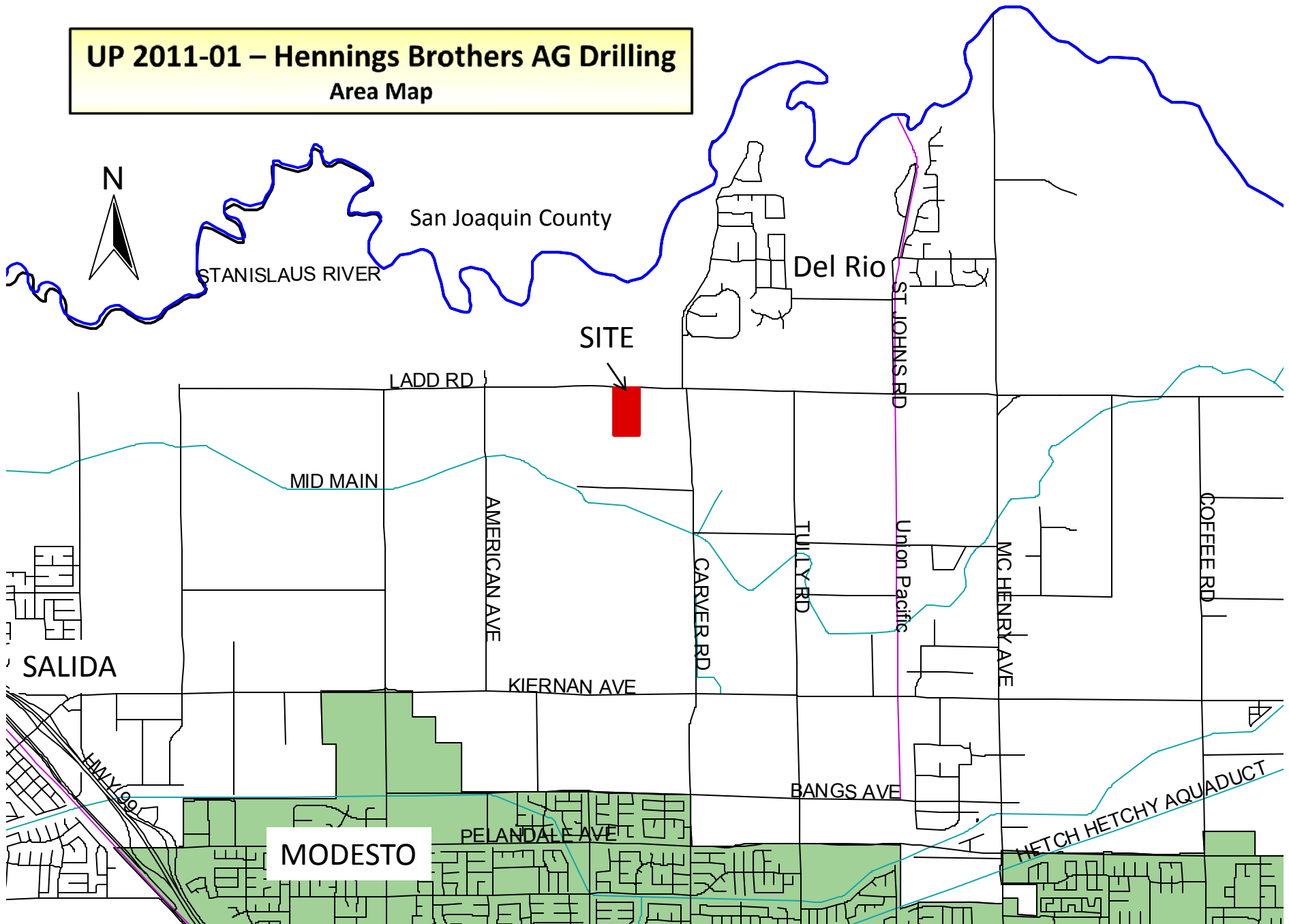
Attachments:

- 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 - Application
- Exhibit G - Agriculture and Non-Agriculture Business Summary
- Exhibit H - Applicant's Findings
- Exhibit I - Alternative Buffer Proposal
- Exhibit J - Environmental Review Referrals

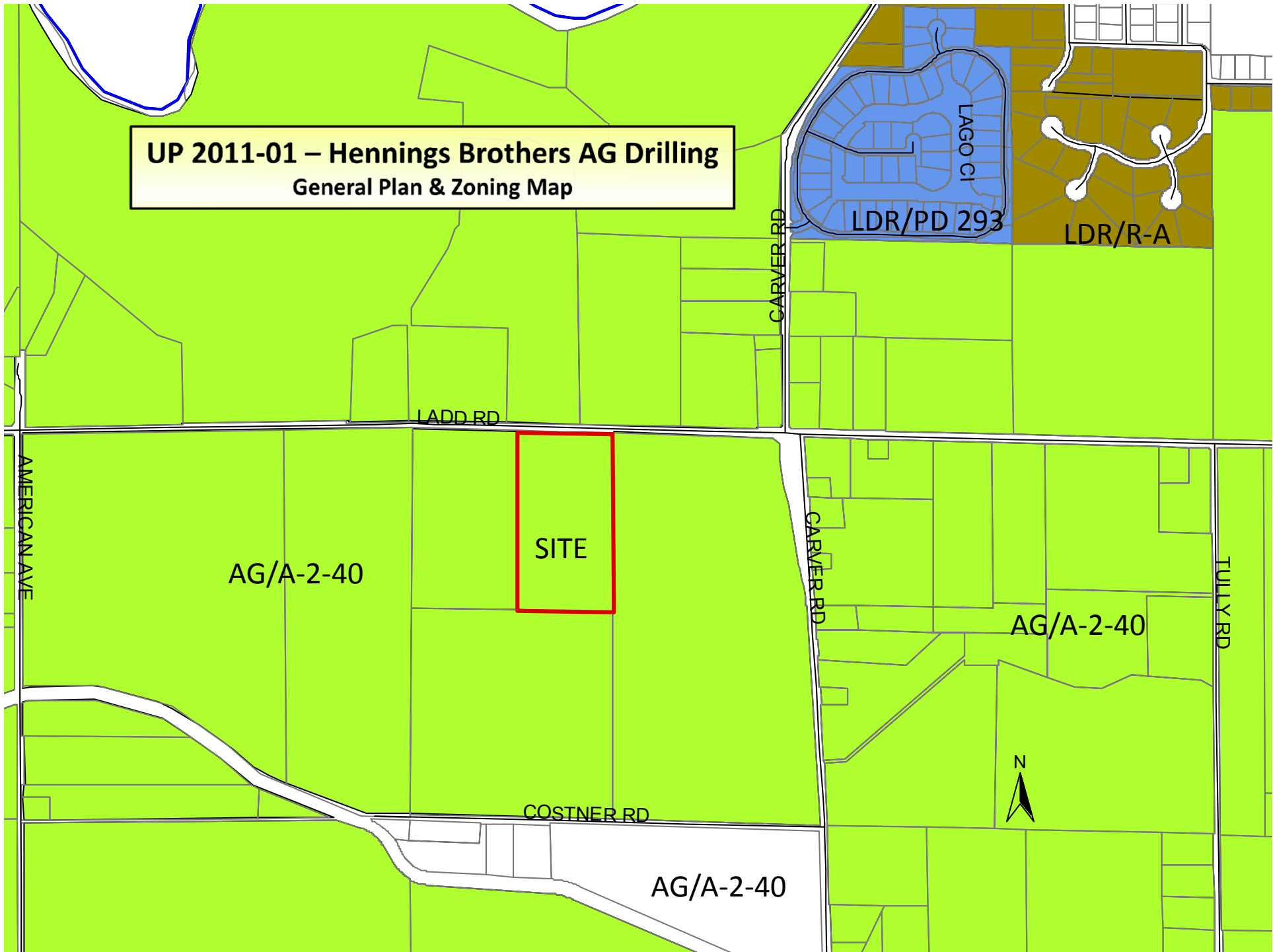
**Exhibit A**  
**Findings and Actions Required for Project Approval**

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 judgement 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:
  - 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 establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity;
  - C. The establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity;
  - D. It is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage;
  - E. The alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the existing buffer standards; and
  - F. 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. 2011-01 - Hennings Brothers Ag Drilling, subject to the attached Conditions of Approval.

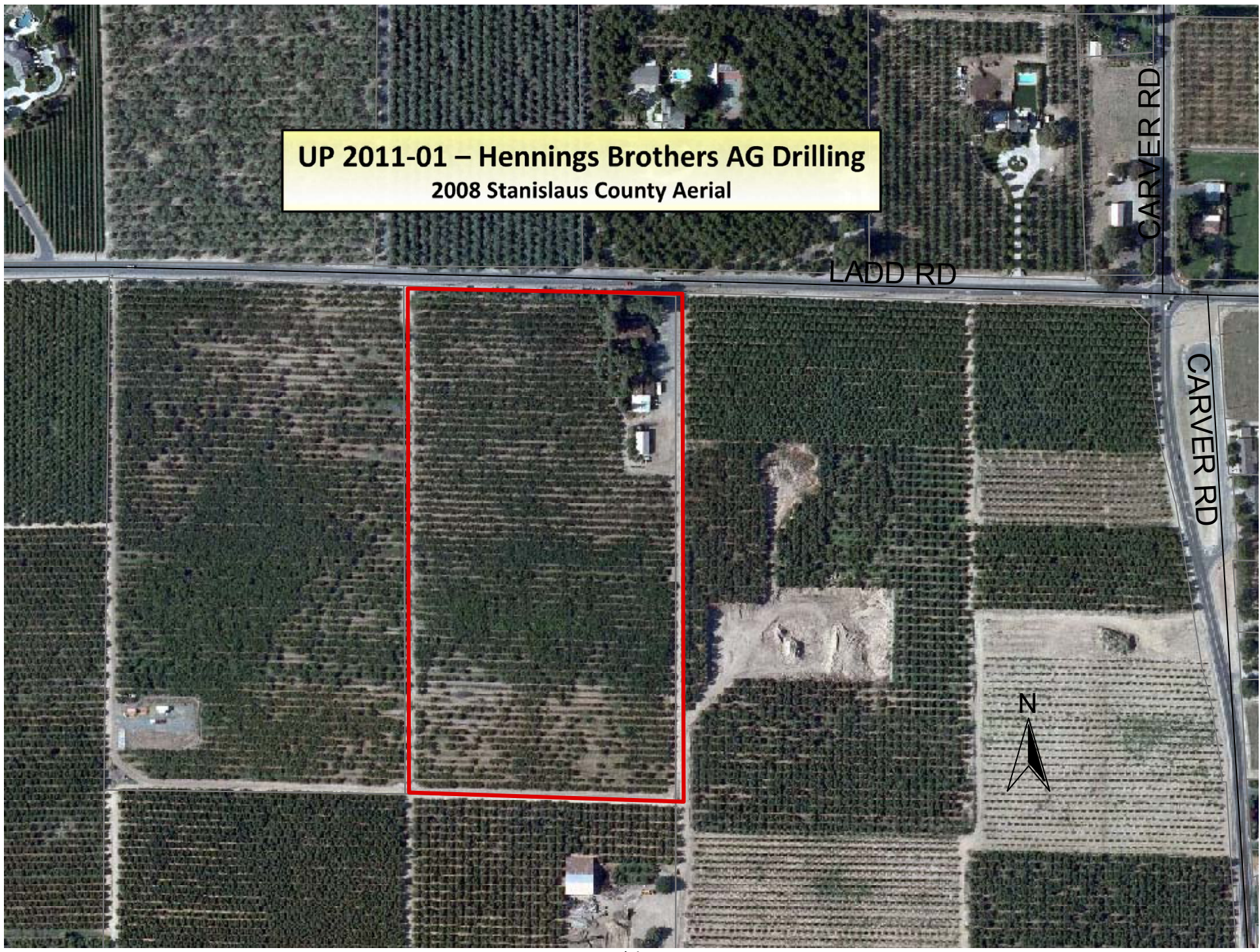
**UP 2011-01 – Hennings Brothers AG Drilling  
Area Map**

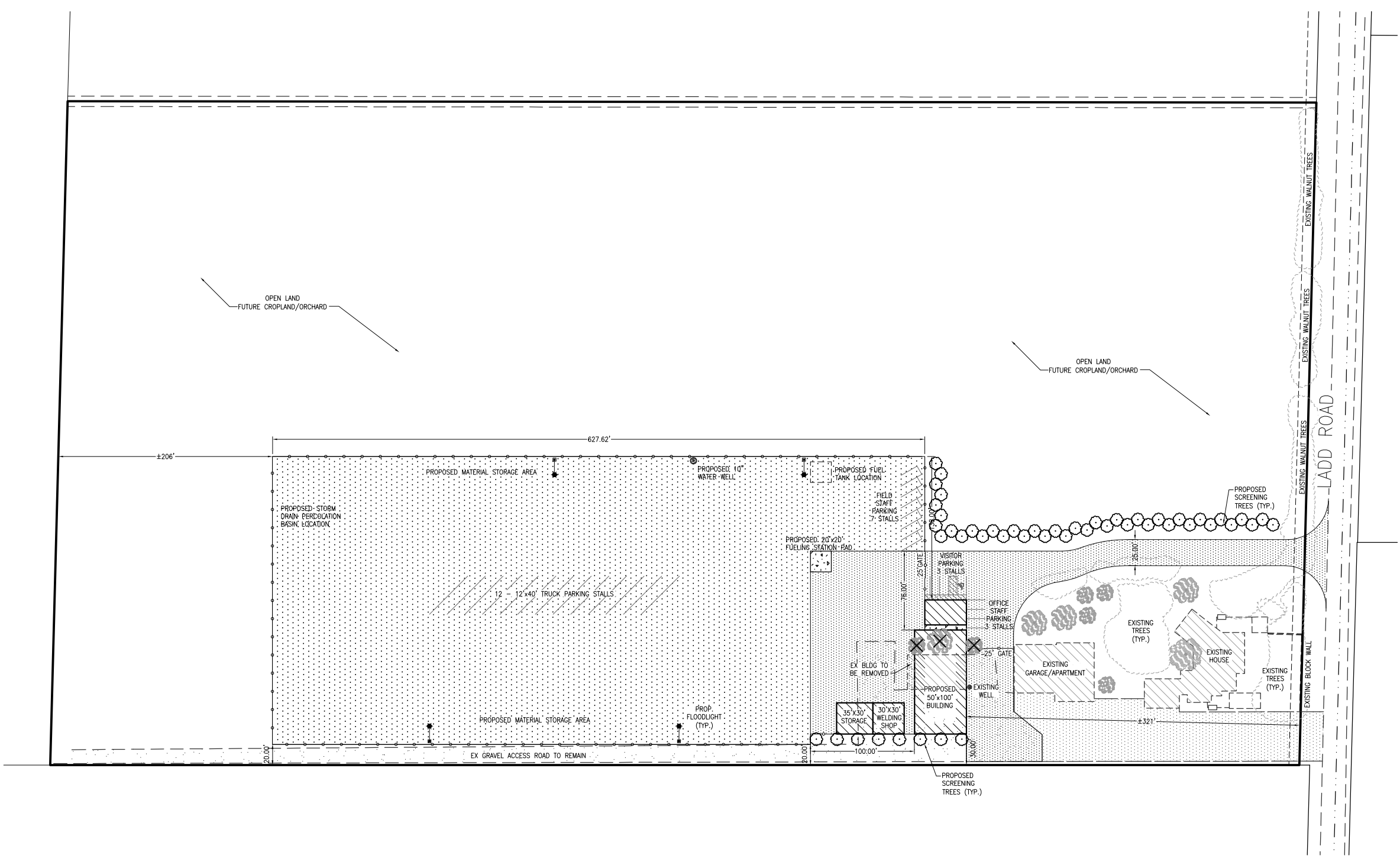
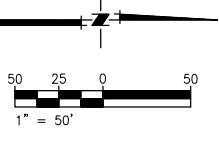


**UP 2011-01 – Hennings Brothers AG Drilling**  
General Plan & Zoning Map



**UP 2011-01 – Hennings Brothers AG Drilling**  
2008 Stanislaus County Aerial





**PROJECT SITE COVERAGE:**

EXISTING BUILDING COVERAGE:	±10660 S.F.
PROPOSED BUILDING COVERAGE:	±7910 S.F.
EXISTING BUILDING REMOVED:	±1890 S.F.
TOTAL BUILDING COVERAGE:	±16680 S.F.
PAVED SURFACE AREA:	±30600 S.F.

**LEGEND**

	EX TREE TO BE REMOVED
	PROPOSED 6' CHAINLINK SECURITY FENCE

**HATCHING LEGEND**

	EX GRAVEL AREA
	EX PAVEMENT AREA
	PROPOSED PAVEMENT AREA
	PROPOSED GRAVEL AREA
	PROPOSED CONCRETE AREAS

PRELIMINARY: NOT FOR CONSTRUCTION



NO.	DESCRIPTION	APPROVED	DATE

**RODDY PROPERTY  
PROPOSED SITE PLAN**

**HENNING BROTHERS COMPANY, INC.**  
MODESTO, CALIFORNIA



JOB #:	11-942
DATE:	02/04/11
SCALE:	1" = 50'
DRAWN:	EWB
DESIGN:	EWB
CHK'D:	BJ

SHEET NUMBER  
**1**  
OF **1**

PLOTTER: 02/07/11 16:59 PLOTTED BY: ehw  
DWG NAME: E:\11-942 Roddy Property\DWG\Exhibit\01\_PLOT\_PLAN.dwg

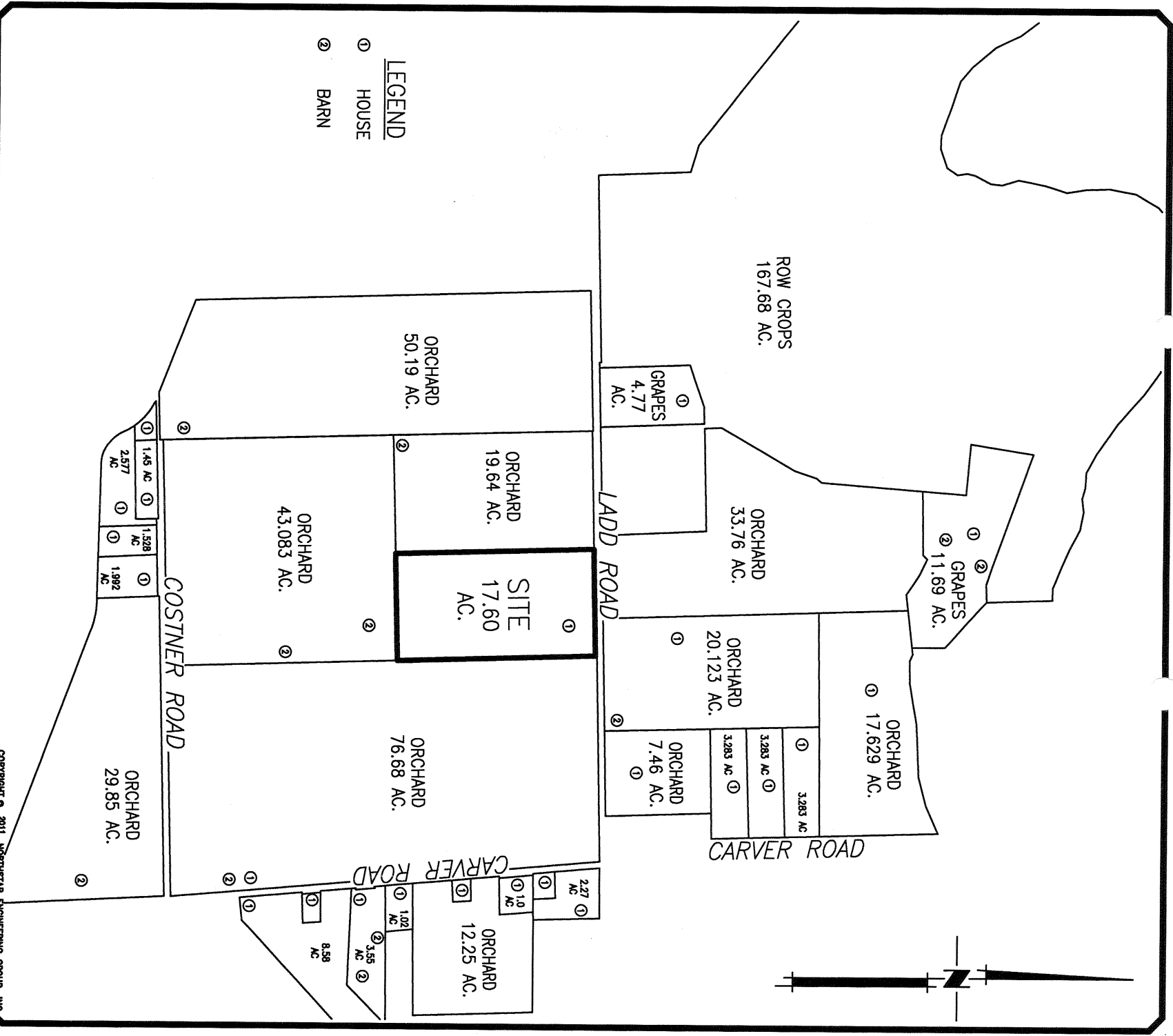


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**LAND USE PLAN**  
**HENNINGS BROTHERS**  
**DRILLING CO, INC.**  
 16  
**MODESTO CALIFORNIA**

JOB: 11-942  
 DATE: 01/14/2011  
 SCALE: 1" = 800'  
 DRAWN: EMB  
 DESIGN: EMB  
 CHK'D: BJ  
 SHEET: **01** OF **01**

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**LEGEND**  
 ① HOUSE  
 ② BARN

ROW CROPS 167.68 AC.  
 GRAPES 4.77 AC.  
 ORCHARD 33.76 AC.  
 ORCHARD 20.123 AC.  
 ORCHARD 7.46 AC.  
 ORCHARD 17.629 AC.  
 3.283 AC.  
 3.283 AC.  
 3.283 AC.  
 CARVER ROAD  
 LADD ROAD  
 COSTNER ROAD  
 ORCHARD 50.19 AC.  
 ORCHARD 19.64 AC.  
 ORCHARD 43.083 AC.  
 ORCHARD 76.68 AC.  
 ORCHARD 29.85 AC.  
 1.45 AC.  
 2.577 AC.  
 1.528 AC.  
 1.992 AC.  
 2.27 AC.  
 1.0 AC.  
 ORCHARD 12.25 AC.  
 1.02 AC.  
 3.55 AC.  
 8.59 AC.

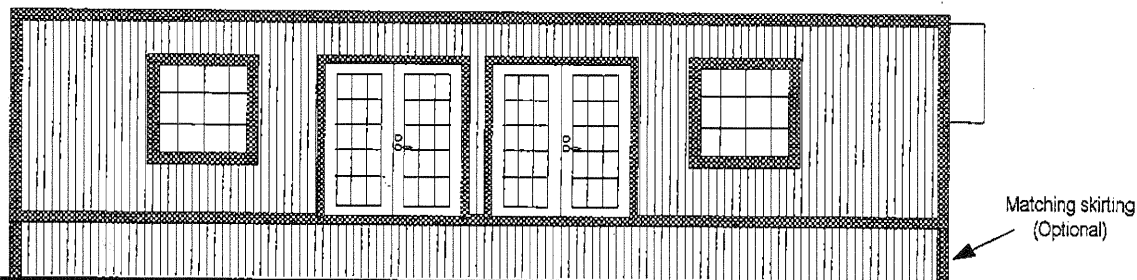
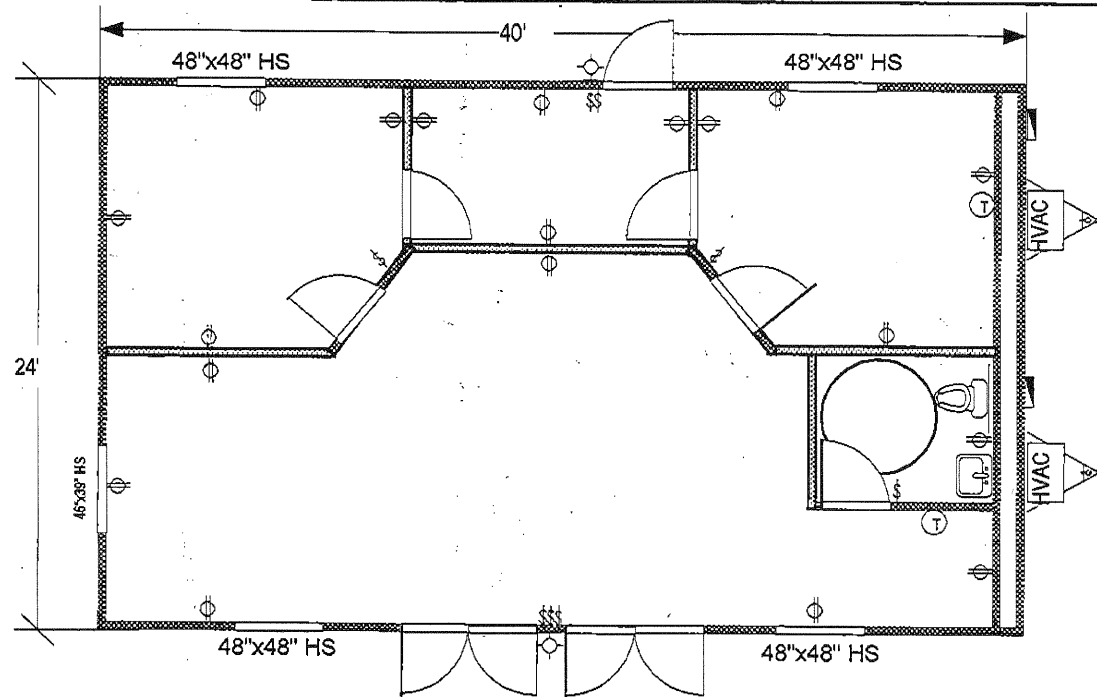
①  
 ②  
 GRAPES 11.69 AC.



UNIT # 6070

24' x 40' OFFICE BUILDING

SCALE: 1/8" = 1'



PACIFIC MOBILE  
STRUCTURES, INC.  
800/441-8603

DATE: 12/1/06

DRAWN BY: Charla

**STANDARD FEATURES**

- ~ 26 gauge galvanized standing seam roof
- ~ Suspended T-grid ceiling w/ recessed 2'x4' & canned lights
- ~ T1-11 ext. siding 8" O.C.
- ~ Endwall HVAC w/ t-stat controls

- ~ Horizontal sliding Dual Glaze windows
- ~ Raw sheet rock, tape/texture ready
- ~ Carpet ready
- ~ (2) Double French doors w/ closure
- ~ (1) 36" x 80" steel clad exterior door w/deadbolt, passage
- ~ Siding color - Cargo, Trim color - Oyster

**LEGEND**

(T) T-stat

2' x 4' (4-tube) light fixture

125 amp panel box

⊕ porch light

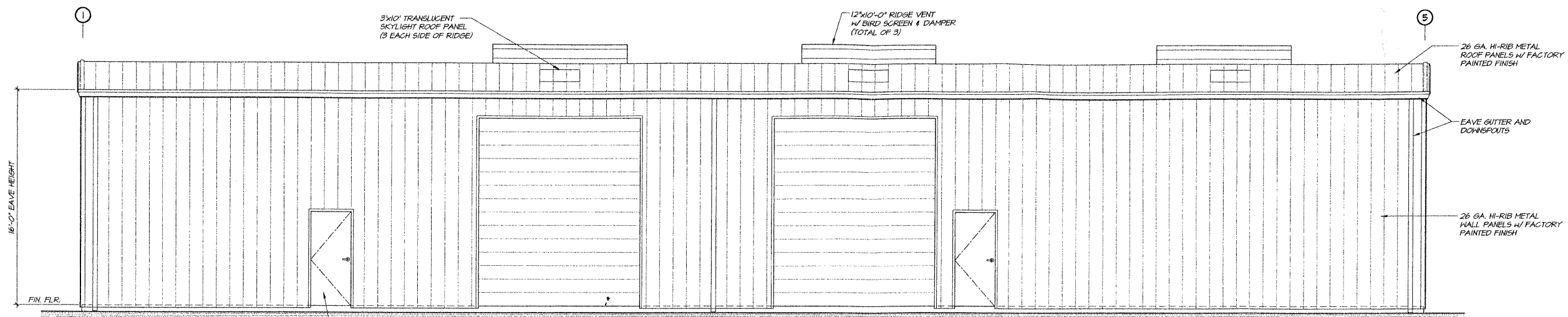
⊕ duplex elec. outlet

\$ light switch

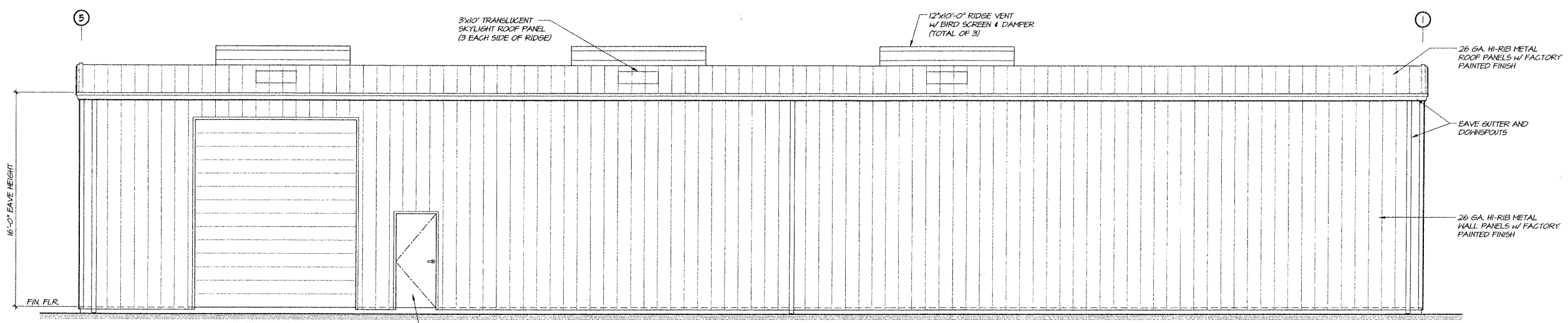
⊗ supply air grill

⊘ return air grill

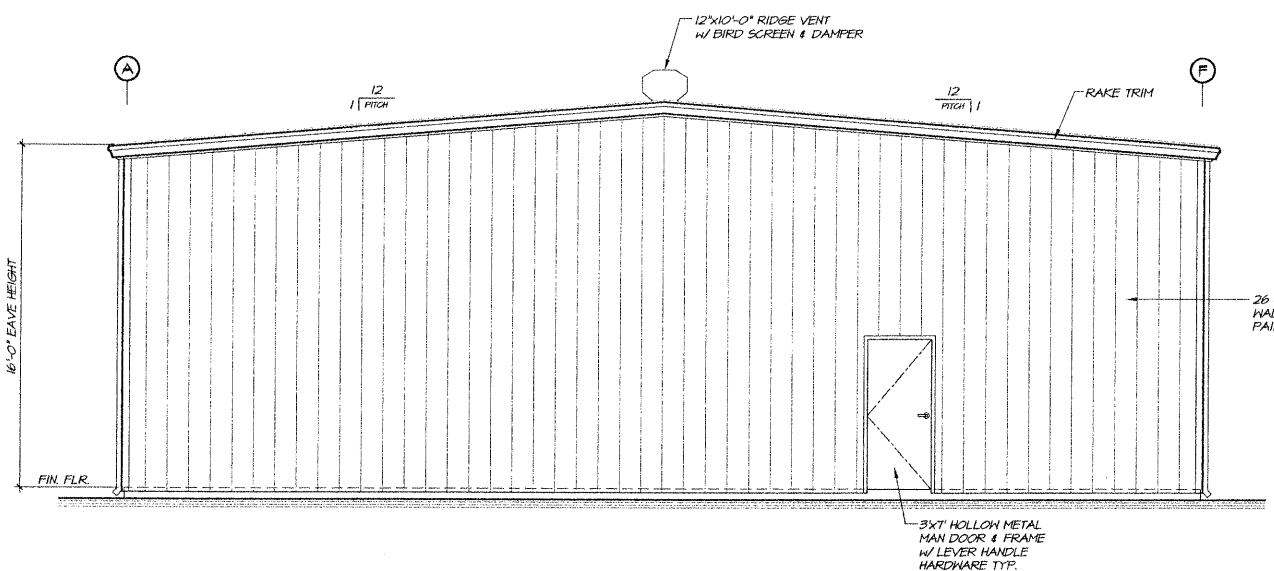
This drawing is the property of Pacific Mobile Structures, Inc. and may not be duplicated without prior approval.



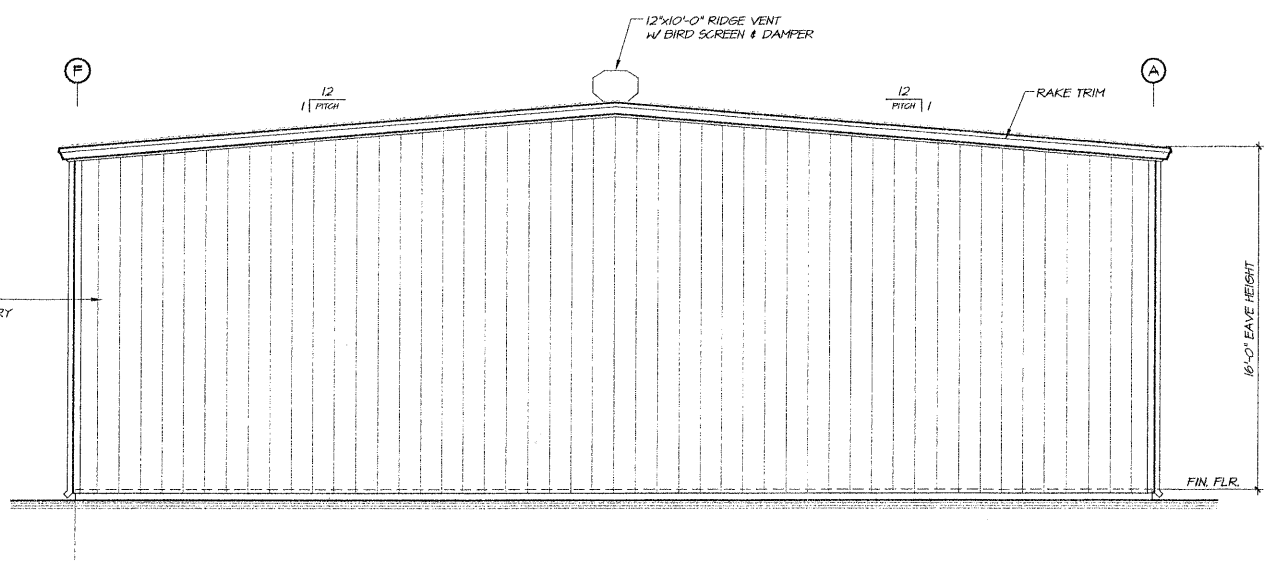
**SIDEWALL ELEVATION AT LINE "F"**  
SCALE: 1/4" = 1'-0"



**SIDEWALL ELEVATION AT LINE "A"**  
SCALE: 1/4" = 1'-0"



**ENDWALL ELEVATION AT LINE 1**  
SCALE: 1/4" = 1'-0"



**ENDWALL ELEVATION AT LINE 5**  
SCALE: 1/4" = 1'-0"

REVISIONS	BY

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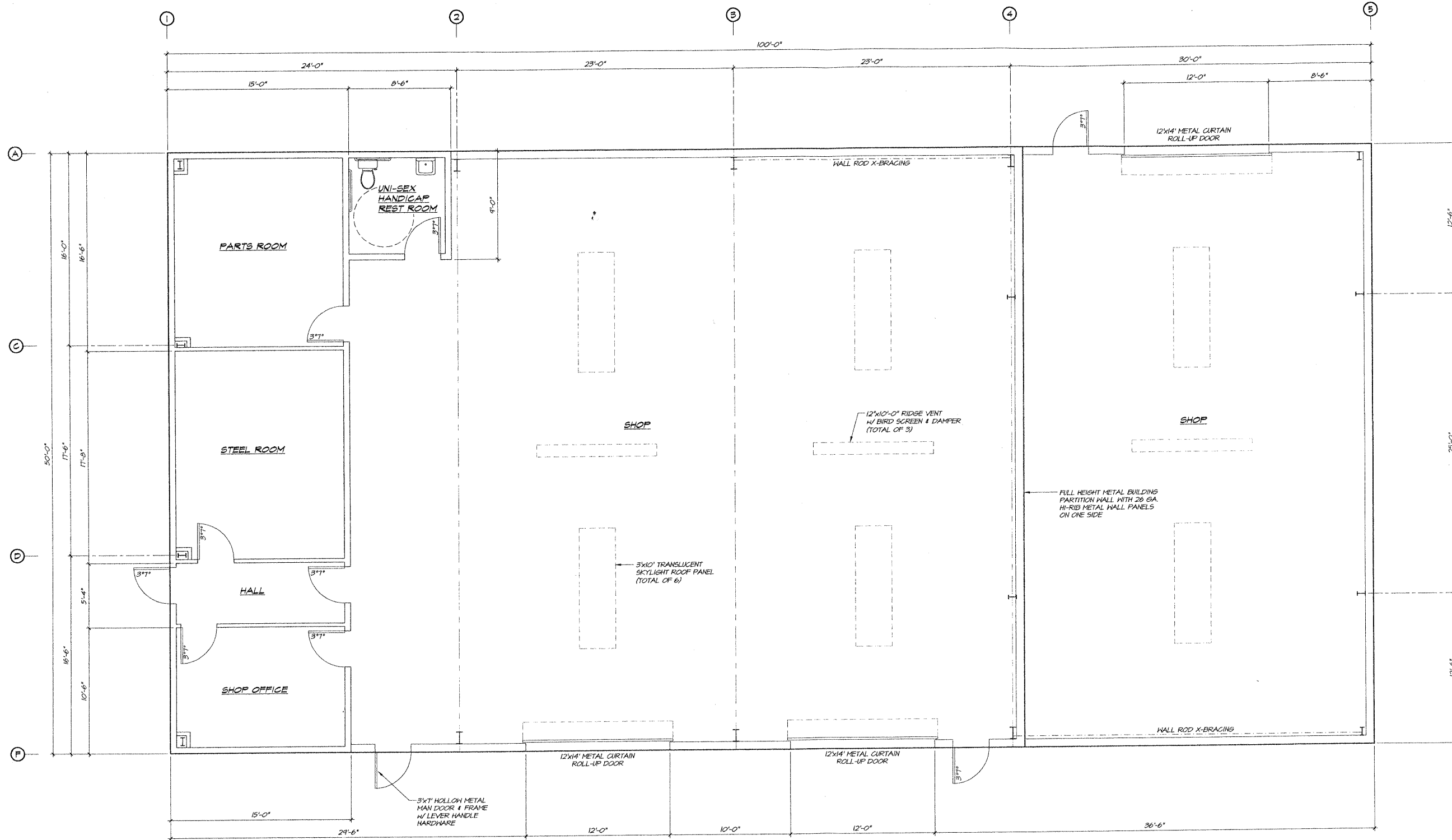
3000 E. 2nd St., Suite 200, Modesto, CA 95207  
3024 Shields Drive, Modesto, CA 95207  
mss@modernsteel.net FAX: (209) 537-8985  
TEL: (209) 537-2571

**MSS**

PROPOSED BUILDING FOR:  
**HENNINGS BROS. DRILLING CO., INC.**  
MODESTO, CALIFORNIA

This Drawing is the Property of Modern Steel Structures and is loaned subject to the condition that it is not to be used or reproduced except as modified in writing by Modern Steel Structures.

DATE: 01/21/2011  
JOB: 11R23  
DRAWN: JMD  
SHEET: **A2**  
OF SHEETS

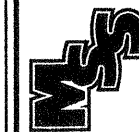


**FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

REVISIONS BY

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Modern Steel Structures  
P.O. Box 398, Corona, CA 92707  
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TEL: (951) 261-9985 FAX: (951) 261-3271



PROPOSED BUILDING FOR:  
**HENNINGS BROS. DRILLING CO., INC.**  
MODESTO, CALIFORNIA

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DATE: 01/21/2011  
JOB: 11R23  
DRAWN: JMD  
SHEET: **A1**  
OF SHEETS

**As Approved by the Planning Commission**

**November 3, 2011**

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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. 2011-01  
HENNINGS BROTHERS AG DRILLING**

**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, 2011), the applicant is required to pay a Department of Fish and Game filing fee at the time of recording 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 **\$2,101.00**, made payable to **Stanislaus County**, for the payment of Fish and Game 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. During the construction phases of the project, if any human remains, significant or potentially unique, are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist.
7. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary.
8. 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.
9. 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 his appointed designee prior to installation.
10. Pursuant to Section 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate stream-bed alteration agreements, permits, or authorizations, if necessary.
11. 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.
12. Fences and landscaping adjacent to roadways shall be in compliance with County policies regarding setbacks, visibility, and obstructions along roadways.
13. Business owner shall maintain a valid Stanislaus County Business License for the trucking business and for the truck accessory business.

**Building Permits Division**

14. Building permits are required and the project must conform to the California Code of Regulations, Title 24. Project and site must comply with A.D.A. standards.

**Department of Public Works**

15. An encroachment permit shall be obtained for any new driveway approaches on Ladd Road.

16. Public Works shall approve the location and width of any new driveway approaches on any County-maintained roadway.
17. A grading and drainage plan for the project site shall be submitted with the first building permit. 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.

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. A deposit of 3% of the Engineer's Estimate shall be made prior to the plan check.

The applicant will be responsible for any charges that are incurred over the plan check deposit. The plans shall not be released until such time that all plan check fees have been paid. Any fees left over from the deposit shall be returned to the applicant at the completion and acceptance of the plans by Stanislaus County Public Works.

18. The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. This shall include a deposit of 10% of the Engineer's Estimate for the grading and drainage work. 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.

19. Ladd Road is classified as a 60-foot collector roadway. The required ½ width would be 30-feet south of the centerline for the project parcel. The project's surveyor will need to verify that a minimum of 30-feet of road right-of-way is dedicated. If there is not, the applicant's engineer or surveyor shall prepare an Irrevocable Offer of Dedication for 30-feet south of the centerline of Ladd along the entire frontage of the project's parcel. The Irrevocable Offer of Dedication will be submitted and recorded prior to final inspection/occupancy of any building permit.
20. No parking, loading, or unloading of vehicles shall be permitted within the right-of-way of Ladd Road.
21. Prior to the final of any building or grading permit, the applicant shall make road frontage improvements along the entire parcel length on Ladd Road. These improvements shall include asphalt road widening, bringing the existing road up to 12' wide paved vehicle lane, and a 4' wide paved asphalt shoulder south of the centerline of Ladd Road. Improvement plans are to be submitted to this department for approval. The structural section and cross slopes shall meet Stanislaus County Public Works Standards and Specifications.
22. 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.
23. An Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined.

**Salida Fire Protection District**

24. The project will be subject to Fire Service Impact Mitigation Fees as adopted by the District Board of Directors and currently in place at the time of issuance of construction permits.
25. This project shall meet the District's requirements of on-site water for fire protection prior to construction of combustible materials. Fire hydrant(s) and static source locations, connections, and access shall be approved by the District.
26. Prior to and during combustible construction, the District shall approve provisions for serviceable fire vehicle access and fire protection water supplies.
27. A District specified Rapid Entry System (Knox) shall be installed and serviceable prior to final inspection allowing fire department access into gated areas, limited access points, and/or buildings.
28. Buildings of 5,000 square feet and greater shall be required to have fire sprinklers meeting the standards listed within the adopted California Fire code and related amendments. In addition, there may be revisions to the fire sprinkler requirements in future fire code adoptions. At the time of construction, the most current, adopted fire code will be required and must be adhered to.

29. For buildings of 30 feet or three (3) or more stories in height, gated 2 ½" hose connections (Class III) for fire department use shall be installed on all floors in each required exit stairwell.
30. The project shall meet fire apparatus access standards. Two ingress/egress accesses to each parcel meeting the requirements listed within the California Fire Code.
31. Prior to recording the final map, issuance of a permit, and/or development, the owner(s) of the property will be required to form or annex into a community facilities district for operational services with the Salida Fire Protection District. Due to the fact this may take 60-120 days to complete, it is recommended that advanced consideration be given to initiate this requirement early in the project.

**Modesto Irrigation District (MID)**

32. There is an irrigation pipeline running south to north along the applicant's west property line that is protected by a 10' irrigation easement. No encroachment into the easement is permitted.
33. The attached drawings are marked showing the approximate location to the District's existing electrical facilities.
34. In conjunction with related site improvement requirements, existing overhead and underground electric facilities within or adjacent to the proposed project shall be protected, relocated, or removed as required by the District's electric Engineering Department.
35. Relocation or installation of electric facilities shall conform to the District's Electric Service Rules.
36. Costs for relocation and/or under grounding the District's facilities at the request of others will be borne by the requesting party. Estimates for relocating or under grounding existing facilities will be supplied upon request.
37. Existing electric service to the proposed project may not be adequate to serve any proposed load additions. Customer should contact the District's Electric Engineering Department to arrange for electric service for the proposed project. Additional easements may be required with development of this property.

**California Regional Water Quality Control Board (RWQCB)**

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



**California Department of Transportation (Caltrans)**

39. Traffic impact fees shall be collected for any future improvements at State Route 108/Ladd Road/Patterson Road.

**United States Fish and Wildlife Service (USFWS)**

40. USFWS has determined that the proposed project will occur within five (5) miles of known occurrences of the federally threatened California tiger salamander (*Ambystoma californiense*). It appears the neighboring property may have a water body that is inundated long enough to provide potential breeding habitat for the California tiger salamander. Based on this information, USFWS feels that this project may affect the California tiger salamander. Consequently, the applicant shall contact USFWS for species consultation prior to ground disturbance and/or construction.

\*\*\*\*\*

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



# Stanislaus County

## Planning and Community Development

1010 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. 2011-01 - Hennings Brothers Ag Drilling
2. **Lead agency name and address:** Stanislaus County  
1010 10th Street, Suite 3400  
Modesto, CA 95354
3. **Contact person and phone number:** Rachel Wyse, Assistant Planner  
(209) 525-6330
4. **Project location:** 1920 Ladd Road, west of Carver Road, north of Costner Road, southwest of the Del Rio Community. APN: 004-066-055
5. **Project sponsor's name and address:** Sean Roddy  
3525 Pelandale Avenue  
Modesto, CA 95356
6. **General Plan designation:** Agriculture
7. **Zoning:** A-2-40 (General Agriculture)
8. **Description of project:**  
Request to relocate an agricultural water well drilling business from 3525 Pelandale Avenue to a 17.6± acre parcel located at 1920 Ladd Road. Applicants are proposing to construct a 5,000 square foot steel frame building, a 960 square foot prefabricated office for clerical work, and a 1,950 square foot pole structure for welding and equipment storage.
9. **Surrounding land uses and setting:** Peach orchards to the east, west, and south; walnut orchard and scattered single-family dwellings to the north; and ranchettes to the east
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Department of Public Works  
Department of Environmental Resources  
California Department of Fish and Game  
Modesto Regional Fire Authority FPB  
San Joaquin Valley Air Pollution Control District

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

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

On the basis of this initial evaluation:

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

Rachel Wyse, Assistant Planner  
Prepared By

August 17, 2011  
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 or residential uses. The proposed structures will be similar in nature to structures commonly found in the A-2 (General Agriculture) zoning district. The site itself is not considered to be a scenic resource or a unique scenic vista. Aesthetics associated with the project site and proposed metal structures and modular office are not anticipated to change as a result of this project.</p> <p>Standard conditions of approval will be added to this project to address glare from any proposed on-site lighting. Night lighting shall be hooded and/or fitted with directional lenses to prevent illumination and glare onto adjoining properties.</p> <p><b>Mitigation:</b> None.</p> <p><b>References:</b> Application information; 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	

<p><b>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))?</b></p>				<p><b>X</b></p>
<p><b>d) Result in the loss of forest land or conversion of forest land to non-forest use?</b></p>				<p><b>X</b></p>
<p><b>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?</b></p>			<p><b>X</b></p>	

**Discussion:** The project site has Tujunga loamy sand with 0-3 percent slopes, and is classified as Prime Farmland by the Farmland Mapping and Monitoring Program. According to the County of Stanislaus General Plan Land Use Map, the project area is designated for agricultural land uses and the conversion of the property would change the existing environment; however, an Agricultural Service Establishment is permitted per the zoning ordinance. If the property and business becomes more commercialized, the applicant would need to relocate to a commercial or industrial zoning district or submit an application for a General Plan Amendment/Rezone.

The project site is not enrolled in the Williamson Act. The property is 17.6± acres in size. The homesite occupies approximately one (1) acre. The proposed Agricultural Service Establishment will utilize approximately four (4) acres. Consequently, the remaining 12± acres will be utilized as cropland and/or orchard.

In December of 2007, Stanislaus County adopted an updated Agricultural Element which incorporated guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 zoning district. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts resulting from the interaction of agricultural and non-agricultural uses.

Due to the existing and proposed structures' proximity to the northern and eastern property line, the project was reviewed by the Ag Advisory Board (AAB) on May 2, 2011. The applicant proposed an alternative agricultural buffer for the eastern portion of the project site as it did not meet the 150-foot minimum setback. The alternative proposed to fence the equipment storage area and maintain a 30-foot setback with a single row of evergreen trees along the buildings and paved surfaces along the eastern property line. The AAB was concerned with possible spray drift from the orchards to the east and would not support the alternative. The AAB instead chose to support a linear buffer measuring 600 feet along the eastern property line improved with a double row of evergreen trees which would provide an equal or greater buffer requirement.

**Mitigation:** None.

**References:** Agricultural Advisory Board meeting dated May 2, 2011; application information; County policies; Stanislaus County General Plan and Support Documentation<sup>1</sup>; Stanislaus County Agricultural Element<sup>1</sup>; Stanislaus County Zoning Ordinance; and the State of California Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 1996.

<p><b>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:</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 or obstruct implementation of the applicable air quality plan?</b></p>			<p><b>X</b></p>	
<p><b>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</b></p>			<p><b>X</b></p>	

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?				X

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

The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin. This project was referred to the district on March 7, 2011, but no comments have been received to date.

This request is to relocate a business which averages 3-5 truck trips per day. The request is not for expansion; therefore, should the project be approved, an increase in emissions is not expected to occur.

**Mitigation:** None.

**References:** San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; 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. There is a record of Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) existing 2.6 miles to the northeast of the project site. The residential community of Del Rio is located 0.85 miles northeast of the project site.

According to a referral response from the United States Fish and Wildlife Service (USFWS), the proposed project site is within five (5) miles of known occurrences of the federally threatened California tiger salamander (*Ambystoma californiense*). The USFWS has some concerns regarding the neighboring property being improved with a body of water that could provide potential breeding habitat for the California tiger salamander. Aerial photos of the adjacent site show a disturbed area on the project site; however, it is not a body of water, according to the applicant, but sand that is being mined from the neighboring site. Standard conditions of approval requiring the applicant to contact the USFWS will be incorporated into the project.

**Mitigation:** None.

**References:** Referral response from the United States Fish and Wildlife Service dated April 4, 2011; Stanislaus County General Plan and Support Documentation<sup>1</sup>; and the California Department of Fish and Game California Natural Diversity Database.

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 standard condition of approval will be placed on the project requiring that 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.

**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, as defined in Table 1804.2 of the California Building Code (2007), 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 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 2007 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 at building permit application. 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 considers 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 through the building permit process, which also takes soil type into consideration within the specific design requirements.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> California Building Code (2007); 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	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	
<p><b>Discussion:</b> The proposed project should not generate significant greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment or conflict with any plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
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	

<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><b>X</b></p>
<p><b>Discussion:</b> 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 County Department of Environmental Resources (DER) is responsible for overseeing hazardous materials in this area. The project site is not near an airport or private air strip.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
<p><b>IX. HYDROLOGY AND WATER QUALITY -- 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) Violate any water quality standards or waste discharge requirements?</b></p>			<p><b>X</b></p>	
<p><b>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)?</b></p>			<p><b>X</b></p>	
<p><b>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?</b></p>			<p><b>X</b></p>	
<p><b>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?</b></p>				<p><b>X</b></p>
<p><b>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?</b></p>			<p><b>X</b></p>	
<p><b>f) Otherwise substantially degrade water quality?</b></p>				<p><b>X</b></p>
<p><b>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?</b></p>				<p><b>X</b></p>
<p><b>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</b></p>				<p><b>X</b></p>

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

**Discussion:** Run-off is not considered an issue because of several factors which limit the potential impact. These factors include a relative flat terrain of the subject site and relatively low rainfall intensities. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act. 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. A drainage and grading plan will be required for this project and incorporated into the conditions of approval.

**Mitigation:** None.

**References:** Referral response from the Stanislaus County Department of Public Works dated March 24, 2011; 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 proposed water well drilling business is requesting to obtain a Tier Two Use Permit. An agricultural service establishment primarily engaging in the provision of agricultural service to farmers is classified as a Tier Two use per County Code §21.20.030(a). Such establishments shall be designed to serve the immediately surrounding area as opposed to having a widespread service area. Tier Two uses are agriculture-related commercial and industrial uses that may be allowed when the Planning Commission finds that, in addition to the findings under Zoning Section 21.96.050: 1) the establishment, as proposed, will not be substantially detrimental to or in conflict with the agricultural use of other property in the vicinity; 2) the establishment, as proposed, will not create a concentration of commercial and industrial uses in the vicinity; and 3) it is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage. The property is currently fallow and improved with a single-family dwelling, ag shop, and garage/apartment.

This project will not conflict with any applicable habitat conservation plan or natural community conservation plan and will not physically divide an established community.

**Mitigation:** None.

**References:** Application information; Stanislaus County Zoning Ordinance; Stanislaus County Assessor Records; 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
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
<p><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; however, as per the applicant and aerial photos it does appear that sand is being removed from the adjacent eastern parcel. The County does not recognize this parcel as an active mine under the State Mining and Reclamation Act (SMARA); however, SMARA does permit exceptions from the code for agricultural grading purposes.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> State Mining and Reclamation Act (SMARA); and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
XII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
<p><b>Discussion:</b> A temporary noise increase will be associated with construction of the new structures. A standard condition will be incorporated into the conditions of approval limiting hours of construction from 7:00 a.m to 6:00 p.m., Monday thru Friday. Approval of this project may result in a marginal permanent increase in ambient noise levels. Noise sources could include, but are not limited to: trucks; employees; and equipment repair. According to the application, the number of employees on a maximum shift will include two (2) office staff, four (4) outside employees, and one (1) outside sales person. As mentioned earlier, the site will be improved with a 960 square foot office, 5,000 square foot equipment warehouse, and 1,950 square foot pole structure for welding and equipment storage. The project site is not within two (2) miles of a public airport or private airstrip.</p>				

<b>Mitigation:</b> None.				
<b>References:</b> Application information; and the Stanislaus County General Plan and Support Documentation <sup>1</sup> .				
<b>XIII. POPULATION AND HOUSING -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</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)?			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
<b>Discussion:</b> The proposed use of the site will not create significant service extensions or new infrastructure which could be considered as growth inducing. No housing or persons will be displaced by this project.				
<b>Mitigation:</b> None.				
<b>References:</b> Stanislaus County General Plan and Support Documentation <sup>1</sup> .				
<b>XIV. PUBLIC SERVICES</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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
<b>Discussion:</b> The County has adopted a standardized condition of approval requiring payment of all applicable 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. The necessary fees will be collected at which time the building permit is issued. A referral response was submitted by the Salida Fire Protection District which outlined specific conditions that must be met in order to comply with the California Fire Code. These conditions will be incorporated into the project's conditions of approval.				

**Mitigation:** None.

**References:** Referral response from the Salida Fire Protection District dated March 18, 2011; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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:** This project is not anticipated to increase significant demands for recreational facilities as such impacts typically are associated with residential development.

**Mitigation:** None.

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

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

<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>
<p><b>Discussion:</b> The project was referred to the Stanislaus County Department of Public Works and CalTrans. CalTrans did not comment on the project. The Department of Public Works has requested improvements and dedication of 30 feet south of the existing centerline of Ladd Road along the parcel's road frontage. These requirements, along with other standard conditions of approval, will be incorporated into the project.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Referral response from the Stanislaus County Department of Public Works dated March 24, 2011; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
<p><b>XVII. UTILITIES AND SERVICE SYSTEMS -- 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) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</b></p>				<p><b>X</b></p>
<p><b>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?</b></p>				<p><b>X</b></p>
<p><b>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?</b></p>			<p><b>X</b></p>	
<p><b>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</b></p>				<p><b>X</b></p>
<p><b>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?</b></p>				<p><b>X</b></p>
<p><b>f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</b></p>			<p><b>X</b></p>	
<p><b>g) Comply with federal, state, and local statutes and regulations related to solid waste?</b></p>				<p><b>X</b></p>
<p><b>Discussion:</b> Limitations on providing services have not been identified. The site will be served by private well, septic system, and on-site drainage. Referral responses from the Department of Public Works and the Department of Environmental Resources have not indicated any concerns in this area.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				



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 April 20, 2010 and pending certification by the California Department of Housing and Community Development; **Circulation Element** and **Noise Element** adopted on April 18, 2006.

## NEGATIVE DECLARATION

**NAME OF PROJECT:** Use Permit Application No. 2011-01 - Hennings Brothers Ag Drilling

**LOCATION OF PROJECT:** 1920 Ladd Road, west of Carver Road, north of Costner Road, southwest of the Del Rio Community. APN: 004-066-055

**PROJECT DEVELOPERS:** Sean Roddy  
3525 Pelandale Avenue  
Modesto, CA 95356

**DESCRIPTION OF PROJECT:** Request to relocate an agricultural water well drilling business from 3525 Pelandale Avenue to a 17.6± acre parcel located at 1920 Ladd Road. Applicants are proposing to construct a 5,000 square foot steel frame building, a 960 square foot prefabricated office for clerical work, and a 1,950 square foot pole structure for welding and equipment storage.

Based upon the Initial Study, dated **August 17, 2011**, 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: Rachel Wyse, Assistant Planner

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



# APPLICATION QUESTIONNAIRE

<p><b>Please Check all applicable boxes</b>  <b>APPLICATION FOR:</b>  <i>Staff is available to assist you with determining which applications are necessary</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> General Plan Amendment  <input type="checkbox"/> Rezone  <input checked="" type="checkbox"/> Use Permit  <input type="checkbox"/> Variance  <input type="checkbox"/> Historic Site Permit         </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Subdivision Map  <input type="checkbox"/> Parcel Map  <input type="checkbox"/> Exception  <input type="checkbox"/> Williamson Act Cancellation  <input type="checkbox"/> Other _____         </td> </tr> </table>	<input type="checkbox"/> General Plan Amendment <input type="checkbox"/> Rezone <input checked="" type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> Historic Site Permit	<input type="checkbox"/> Subdivision Map <input type="checkbox"/> Parcel Map <input type="checkbox"/> Exception <input type="checkbox"/> Williamson Act Cancellation <input type="checkbox"/> Other _____	<p><b>PLANNING STAFF USE ONLY:</b>          Application No(s): _____          Date: _____          S _____ T _____ R _____          GP Designation: _____          Zoning: _____          Fee: _____          Receipt No. _____          Received By: _____          Notes: _____</p>
<input type="checkbox"/> General Plan Amendment <input type="checkbox"/> Rezone <input checked="" type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> Historic Site Permit	<input type="checkbox"/> Subdivision Map <input type="checkbox"/> Parcel Map <input type="checkbox"/> Exception <input type="checkbox"/> Williamson Act Cancellation <input type="checkbox"/> Other _____		

In order for your application to be considered COMPLETE, please answer all applicable questions on the following pages, and provide all applicable information listed on the checklist on pages i – v. Under State law, upon receipt of this application, staff has 30 days to determine if the application is complete. We typically do not take the full 30 days. It may be necessary for you to provide additional information and/or meet with staff to discuss the application. Pre-application meetings are not required, but are highly recommended. An incomplete application will be placed on hold until all the necessary information is provided to the satisfaction of the requesting agency. An application will not be accepted without all the information identified on the checklist.

Please contact staff at (209) 525-6330 to discuss any questions you may have. Staff will attempt to help you in any way we can.

## PROJECT INFORMATION

**PROJECT DESCRIPTION:** (Describe the project in detail, including physical features of the site, proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, etc. – Attach additional sheets as necessary)

*\*Please note: A detailed project description is essential to the reviewing process of this request. In order to approve a project, the Planning Commission or the Board of Supervisors must decide whether there is enough information available to be able to make very specific statements about the project. These statements are called "Findings". It is your responsibility as an applicant to provide enough information about the proposed project, so that staff can recommend that the Commission or the Board make the required Findings. Specific project Findings are shown on pages 17 – 19 and can be used as a guide for preparing your project description. (If you are applying for a Variance or Exception, please contact staff to discuss special requirements).*

**Three new structures are to be built to support a water well drilling business.**

**The main structure is a 50'x100' steel frame building where most of the work will be done**

**The second structure is a 24'x40' prefabricated office for clerical work. The last structure is a pole structure for welding and equipment storage.**

# PROJECT SITE INFORMATION

Complete and accurate information saves time and is vital to project review and assessment. Please complete each section entirely. If a question is not applicable to your project, please indicated this to show that each question has been carefully considered. Contact the Planning & Community Development Department Staff, 1010 10<sup>th</sup> Street – 3<sup>rd</sup> Floor, (209) 525-6330, if you have any questions. Pre-application meetings are highly recommended.

ASSESSOR'S PARCEL NUMBER(S): Book 004 Page 066 Parcel 055

Additional parcel numbers: \_\_\_\_\_

Project Site Address  
or Physical Location:

1920 Ladd Road

Modesto, CA 95356

Property Area: Acres: 17.60 or Square feet: \_\_\_\_\_

Current and Previous Land Use: (Explain existing and previous land use(s) of site for the last ten years)

***Previous - Peach Orchard Current - Vacant land***

List any known previous projects approved for this site, such as a Use Permit, Parcel Map, etc.: (Please identify project name, type of project, and date of approval)

Existing General Plan & Zoning: A-2-40

Proposed General Plan & Zoning: \_\_\_\_\_  
(if applicable)

ADJACENT LAND USE: (Describe adjacent land uses within 1,320 feet (1/4 mile) and/or two parcels in each direction of the project site)

East: Peach Orchard

West: Peach Orchard

North: walnut Orchard

South: Peach Orchard

WILLIAMSON ACT CONTRACT:

Yes  No

Is the property currently under a Williamson Act Contract?

Contract Number: \_\_\_\_\_

If yes, has a Notice of Non-Renewal been filed?

Date Filed: \_\_\_\_\_

Yes  No

Do you propose to cancel any portion of the Contract?

Yes  No

Are there any agriculture, conservation, open space or similar easements affecting the use of the project site. (Such easements do not include Williamson Act Contracts)

If yes, please list and provide a recorded copy: \_\_\_\_\_

**SITE CHARACTERISTICS:** (Check one or more) Flat  Rolling  Steep

**VEGETATION:** What kind of plants are growing on your property? (Check one or more)

Field crops  Orchard  Pasture/Grassland  Scattered trees

Shrubs  Woodland  River/Riparian  Other

Explain Other: \_\_\_\_\_

Yes  No

Do you plan to remove any trees? (If yes, please show location of trees planned for removal on plot plan and provide information regarding transplanting or replanting.)

**GRADING:**

Yes  No

Do you plan to do any grading? (If yes, please indicate how many cubic yards and acres to be disturbed. Please show areas to be graded on plot plan.) ***Approximately 4.4 acres***

**STREAMS, LAKES, & PONDS:**

Yes  No

Are there any streams, lakes, ponds or other watercourses on the property? (If yes, please show on plot plan)

Yes  No

Will the project change any drainage patterns? (If yes, please explain – provide additional sheet if needed) \_\_\_\_\_

Yes  No

Are there any gullies or areas of soil erosion? (If yes, please show on plot plan)

Yes  No

Do you plan to grade, disturb, or in any way change swales, drainages, ditches, gullies, ponds, low lying areas, seeps, springs, streams, creeks, river banks, or other area on the site that carries or holds water for any amount of time during the year? (If yes, please show areas to be graded on plot plan)

**Please note: If the answer above is yes, you may be required to obtain authorization from other agencies such as the Corps of Engineers or California Department of Fish and Game.**

**STRUCTURES:**

Yes  No  Are there structures on the site? (If yes, please show on plot plan. Show a relationship to property lines and other features of the site.)

Yes  No  Will structures be moved or demolished? (If yes, indicate on plot plan.)

Yes  No  Do you plan to build new structures? (If yes, show location and size on plot plan.)

Yes  No  Are there buildings of possible Historical significance? (If yes, please explain and show location and size on plot plan.) \_\_\_\_\_

**PROJECT SITE COVERAGE:**

Existing Building Coverage: 10660 Sq. Ft. Landscaped Area: 8800 Sq. Ft.

Proposed Building Coverage: 7910 Sq. Ft. Paved Surface Area: 30600 Sq. Ft.

**BUILDING CHARACTERISTICS:**

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) \_\_\_\_\_

**Main bldg - 5,000 s.f. Office bldg - 960 s.f. Welding/storage bldg - 1,950 s.f.**

Number of floors for each building: **1 floor each**

Building height in feet (measured from ground to highest point): (Provide additional sheets if necessary) \_\_\_\_\_

**Main bldg - 19'-6" Office bldg - 10'-0" Welding/storage bldg - 20'-0"**

Height of other appurtenances, excluding buildings, measured from ground to highest point (i.e., antennas, mechanical equipment, light poles, etc.): (Provide additional sheets if necessary) \_\_\_\_\_

**6' tall chainlink security fence, 25' tall light standards.**

Proposed surface material for parking area: (Provide information addressing dust control measures if non-asphalt/concrete material to be used) **Equipment parking areas shall be aggregate base material**

**Public parking areas shall be asphalt pavement**

**UTILITIES AND IRRIGATION FACILITIES:**

Yes  No  Are there existing public or private utilities on the site? Includes telephone, power, water, etc. (If yes, show location and size on plot plan)

Who provides, or will provide the following services to the property?

Electrical: Modesto Irrigation District

Sewer\*: Septic Tank

Telephone: AT & T

Gas/Propane: PG & E

Water\*\*: Well Water

Irrigation: Modesto Irrigation District

**\*Please Note:** A "will serve" letter is required if the sewer service will be provided by City, Sanitary District, Community Services District, etc.

**\*\*Please Note:** A "will serve" letter is required if the water source is a City, Irrigation District, Water District, etc., and the water purveyor may be required to provide verification through an Urban Water Management Plan that an adequate water supply exists to service your proposed development.

Will any special or unique sewage wastes be generated by this development other than that normally associated with resident or employee restrooms? Industrial, chemical, manufacturing, animal wastes? (Please describe:)

**No.**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Please Note:** Should any waste be generated by the proposed project other than that normally associated with a single family residence, it is likely that Waste Discharge Requirements will be required by the Regional Water Quality Control Board. Detailed descriptions of quantities, quality, treatment, and disposal may be required.

Yes  No  Are there existing irrigation, telephone, or power company easements on the property? (If yes, show location and size on plot plan.)

Yes  No  Do the existing utilities, including irrigation facilities, need to be moved? (If yes, show location and size on plot plan.)

Yes  No  Does the project require extension of utilities? (If yes, show location and size on plot plan.)

**AFFORDABLE HOUSING/SENIOR:**

Yes  No  Will the project include affordable or senior housing provisions? (If yes, please explain)

**RESIDENTIAL PROJECTS:** (Please complete if applicable – Attach additional sheets if necessary)

Total No. Lots: \_\_\_\_\_ Total Dwelling Units: \_\_\_\_\_ Total Acreage: \_\_\_\_\_

Net Density per Acre: \_\_\_\_\_ Gross Density per Acre: \_\_\_\_\_

<i>(complete if applicable)</i>	Single Family	Two Family Duplex	Multi-Family Apartments	Multi-Family Condominium/Townhouse
Number of Units:	_____	_____	_____	_____
Acreage:	_____	_____	_____	_____

**COMMERCIAL, INDUSTRIAL, MANUFACTURING, RETAIL, USE PERMIT, OR OTHER PROJECTS:** (Please complete if applicable – Attach additional sheets if necessary)

Square footage of each existing or proposed building(s): \_\_\_\_\_

**7910 sq. ft.**  
\_\_\_\_\_

Type of use(s): **Office, shop, and maintenance**  
\_\_\_\_\_

Days and hours of operation: **Monday - Friday 7 am - 5 pm**

Seasonal operation (i.e., packing shed, huller, etc.) months and hours of operation: \_\_\_\_\_

Occupancy/capacity of building: **2 office staff, 4 outside employees, and 1 outside sales person**

Number of employees: (Maximum Shift): **7** (Minimum Shift): **2**

Estimated number of daily customers/visitors on site at peak time: **NIA**

Other occupants: \_\_\_\_\_

Estimated number of truck deliveries/loadings per day: **3 to 5**

Estimated hours of truck deliveries/loadings per day: **8-9 am and 3-5 pm**

Estimated percentage of traffic to be generated by trucks: **50%**

Estimated number of railroad deliveries/loadings per day: **0**

Square footage of:

Office area: **960** Warehouse area: **5000**

Sales area: \_\_\_\_\_ Storage area: **1050**

Loading area: \_\_\_\_\_ Manufacturing area: \_\_\_\_\_

Other: (explain type of area) **welding shop 900 sf**

Yes  No  Will the proposed use involve toxic or hazardous materials or waste? (Please explain)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**ROAD AND ACCESS INFORMATION:**

What County road(s) will provide the project's main access? (Please show all existing and proposed driveways on the plot plan)

**All access to the site will be from Ladd Road.**

\_\_\_\_\_

\_\_\_\_\_



- Yes  No  Are there private or public road or access easements on the property now? (If yes, show location and size on plot plan)
- Yes  No  Do you require a private road or easement to access the property? (If yes, show location and size on plot plan)
- Yes  No  Do you require security gates and fencing on the access? (If yes, show location and size on plot plan)

**Please Note: Parcels that do not front on a County-maintained road or require special access may require approval of an Exception to the Subdivision Ordinance. Please contact staff to determine if an exception is needed and to discuss the necessary Findings.**

**STORM DRAINAGE:**

How will your project handle storm water runoff? (Check one)  Drainage Basin  Direct Discharge  Overland

Other: (please explain) \_\_\_\_\_

If direct discharge is proposed, what specific waterway are you proposing to discharge to? \_\_\_\_\_

**Please Note: If direct discharge is proposed, you will be required to obtain a NPDES permit from the Regional Water Quality Control Board, and must provide evidence that you have contacted them regarding this proposal with your application.**

**EROSION CONTROL:**

If you plan on grading any portion of the site, please provide a description of erosion control measures you propose to implement.

***Temporary measures to include straw wattles, inlet protection and other measures as necessary until vegetation grows in as permanent erosion control.***

**Please note: You may be required to obtain an NPDES Storm Water Permit from the Regional Water Quality Control Board and prepare a Storm Water Pollution Prevention Plan.**

**ADDITIONAL INFORMATION:**

Please use this space to provide any other information you feel is appropriate for the County to consider during review of your application. (Attach extra sheets if necessary)

***There will be no retail sales from this site.***

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



# HENNINGS BROS. DRILLING CO., INC.



3525 Pelandale Avenue • Modesto, CA 95356-9781  
Office: (209) 545-1185 • Fax: (209) 545-1729  
Contractors License No. 290813

June 6, 2011

TO WHOM IT MAY CONCERN:

The following is a summary of the years 2006-2010

<u>YEAR</u>		<u>TOTAL NUMBER</u>	<u>PERCENTAGE</u>
<u>2006</u>			
	AG	167	60.5%
	NON-AG	<u>109</u>	<u>39.5%</u>
	TOTAL	276	100%
<u>2007</u>			
	AG	140	66.7%
	NON-AG	<u>70</u>	<u>33.3%</u>
	TOTAL	210	100%
<u>2008</u>			
	AG	139	66.5%
	NON-AG	<u>70</u>	<u>33.5%</u>
	TOTAL	209	100%
<u>2009</u>			
	AG	130	69.5%
	NON-AG	<u>57</u>	<u>30.5%</u>
	TOTAL	187	100%
<u>2010</u>			
	AG	79	59.0%
	NON-AG	<u>55</u>	<u>41.0%</u>
	TOTAL	134	100%
<u>5-YEAR TOTAL</u>			
	AG	655	64.5%
	NON-AG	<u>361</u>	<u>35.5%</u>
	TOTAL	1,016	100%

## **Findings – CUP (Tier 2)**

The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity, and

The proposed use for this site will be a well drilling business. The nature of the business is such that very little of the business will be done on site. Well drilling trucks will leave to the jobsite each morning and return each afternoon. The trucks will be restocked with supplies and pipe that is stored on site each afternoon. Maintenance and equipment repairs may occur on site occasionally and are similar to the types of repairs and maintenance that would occur on a farm. Delivery vehicles will come to the site once or twice per month. No retail business will be run from this site. Most of the business done by Hennings Brothers is agriculture related, providing wells for farmers for irrigation purposes.

The establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity;

The establishment of Hennings Brothers' business in this area does not create a concentration of commercial or industrial uses in the vicinity for two reasons. First, Hennings Brothers' business is an agriculture related service provider. They provide water wells for agricultural purposes throughout the surrounding area. Second, theirs is the only business in the area.

It is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage.

As mentioned above, the purpose of this business is to drill wells mainly in agricultural areas. The trucks will work much the same as those of a dairy farm or crop farm do. Bringing them into a commercial or industrial area each evening only to send them out again the next day into the rural area where they work leads to excessive wear on the trucks, extra traffic on the streets, higher risk of accidents due to heavier traffic conditions, and increased pollution as the trucks negotiate more congested streets with stop and go traffic patterns.



**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

1010 10<sup>TH</sup> Street, Suite 3400, Modesto, CA 95354  
Phone: 209.525.6330 Fax: 209.525.5911

May 3, 2011

MEMO TO: Ag Advisory Board  
FROM: Rachel Wyse, Assistant Planner

**SUBJECT: USE PERMIT APPLICATION NO. 2011-01 - HENNINGS BROTHERS AG DRILLING**

The Stanislaus County Department of Planning and Community Development has received an application to establish an agricultural water well drilling business on a 17.6± acre parcel in the A-2-40 (General Agricultural) zoning District. The applicants are proposing to construct a 50' x 100' steel frame building for repair and maintenance of drilling equipment, a 24' x 40' prefabricated office for clerical work, and a pole structure for welding and equipment storage, and a fenced concrete area for material storage and truck parking. The agricultural well drilling business is considered to be a Tier II (agricultural service establishment) in the A-2 zoning district. The 17.6 acre site is located at 1920 Ladd Road, east of American Avenue and west of Carver Road, in the Modesto area. The applicant has proposed an alternative to the Agricultural buffer standards which requests a reduced setback and alternative vegetative screen along the eastern portion of the property. The applicant's proposal and the County's Buffer and Setback Guidelines are outlined below:

**Stanislaus County Buffer & Setback Guidelines Requirements** (as supported for Tier I & II Uses on September 8, 2008 and November 2, 2009 by the Agricultural Advisory Board)

- All new non-agricultural uses shall incorporate a minimum 150-foot wide buffer.
- The buffer shall incorporate a six (6) foot high fence and a vegetative screen consisting of two staggered rows of trees and shrubs extending along the length of the facility/use. No fence is required if trespassing is determined to not be an issue.

**Applicant's Proposal**

- Planning Staff has determined that no fencing will be required due to the fact that the general public will not be accessing the property and the applicant will have control over all employees on site; however the applicants are proposing to fence the equipment storage area.
- The northern, western, and southern property lines meet the 150' setback. A 30' setback with a single row of evergreen trees along the buildings and the adjacent pavement as shown in the attached site plan. The applicants Statement of Compliance indicates that the peach orchard to the east is sprayed mainly at night with a fan sprayer from ground level a few times a year.
- Alternatively, if the Ag Advisory Board determines that the single row of evergreen trees is not adequate than the applicant is willing to install a double row of trees along the eastern property line while maintaining the buildings 30' from the property line.

**Staff's Comments**

The application states that most of the on-site work is done within the proposed 5000 square foot steel building; however, Planning staff has concerns about spray drift impacting the Hennings Brothers' employees, working in the proposed material storage area.



BUFFER AND SETBACK GUIDELINES - STATEMENT OF COMPLIANCE

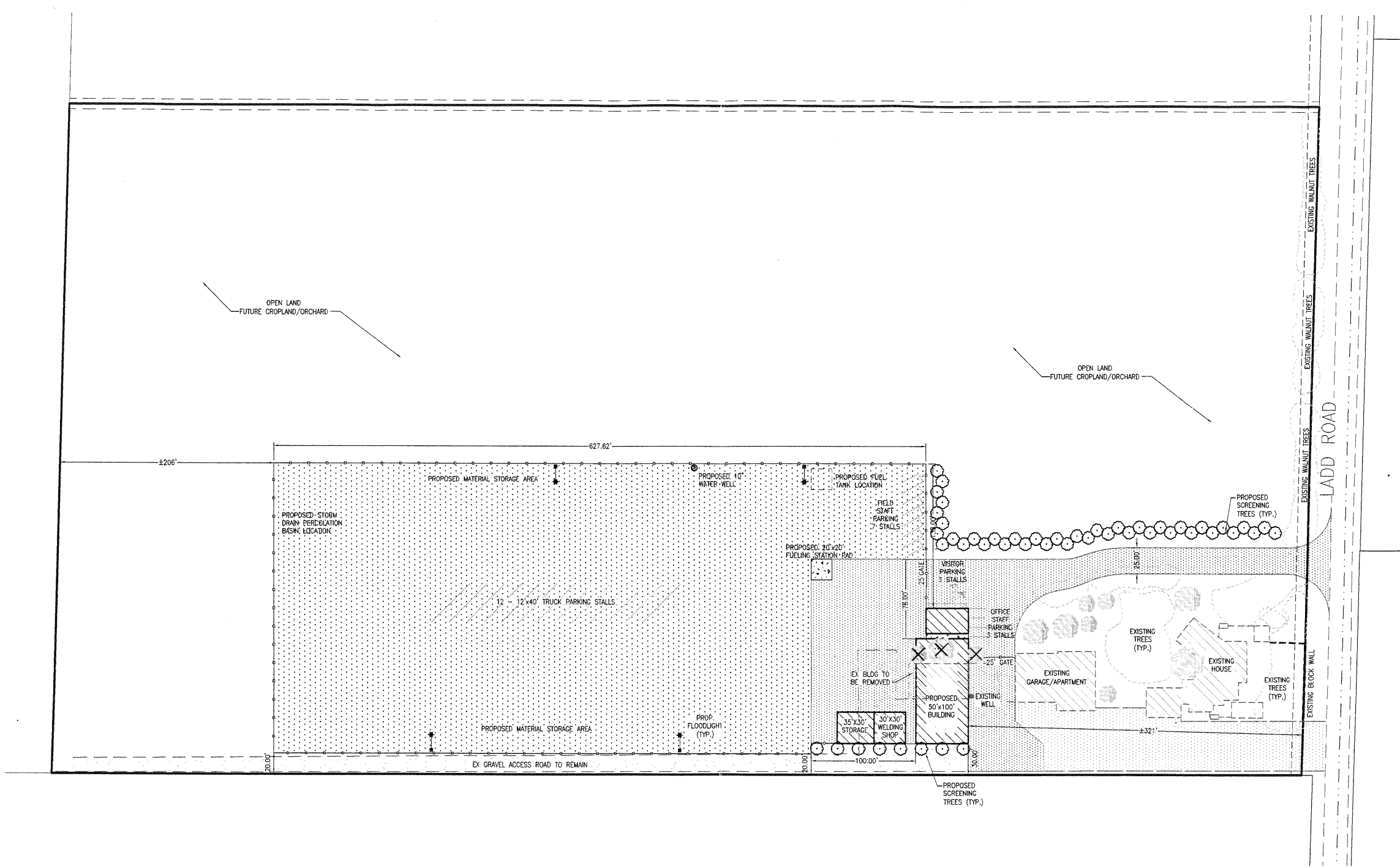
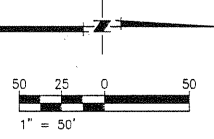
Roddy Property  
1920 Ladd Road, Modesto, CA

To comply with the County's Agricultural Buffer requirements, we propose the following:

Buildings will be setback from the east property line 30' with one row of screening trees along the buildings and adjacent pavement as shown in the attached plan.

Alternatively we propose to plant a double row of screening trees along the east property line maintaining the buildings 30' from the property line.

It is important to note that the adjoining property to the east is planted into peach orchard. Crop spraying activities, which occur only a few times per year, are done mainly at night and with a fan sprayer from ground level. These activities will in no way affect the employees of the well drilling facility since no employees will be on site at the time of day the spraying occurs.



**PROJECT SITE COVERAGE:**

EXISTING BUILDING COVERAGE: ±10660 S.F.

PROPOSED BUILDING COVERAGE: ±7910 S.F.

EXISTING BUILDING REMOVED: ±1890 S.F.

TOTAL BUILDING COVERAGE: ±16680 S.F.

PAVED SURFACE AREA: ±30600 S.F.

**LEGEND**

✕ — EX TREE TO BE REMOVED

—○— — PROPOSED 6' CHAINLINK SECURITY FENCE

**HATCHING LEGEND**

— EX GRAVEL AREA

— EX PAVEMENT AREA

— PROPOSED PAVEMENT AREA

— PROPOSED GRAVEL AREA

— PROPOSED CONCRETE AREAS

PRELIMINARY: NOT FOR CONSTRUCTION



NO.	DESCRIPTION	APPROVED	DATE

**RODDY PROPERTY  
PROPOSED SITE PLAN**

**HENNINGSON BROTHERS COMPANY, INC.**  
MODESTO, CALIFORNIA



JOB #: 11-942  
DATE: 02/04/11  
SCALE: 1" = 50'  
DRAWN: EWB  
DESIGN: EWB  
CHK'D: BJ

SHEET NUMBER

1

OF 1

PLOTED: 02/11/11 15:32 PLOTTED BY: ebyd  
DWG NAME: T:\11-942\_Roddy\_Property\Civil\NorthStar\01\_Plot\_Plan.dwg

**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**

**PROJECT: USE PERMIT APPLICATION NO. 2011-01 - HENNINGS BROTHERS AG DRILLING**

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
AGRICULTURE COMMISSIONER	X	X			X							
AIRPORT LAND USE COMMISSION	X	X			X							
ALLIANCE	X	X			X							
BUILDING PERMITS DIVISION	X	X		X		X				X	X	
CALTRANS DISTRICT 10	X	X	X	X		X				X	X	
CHIEF EXECUTIVE OFFICE	X	X			X							
COOPERATIVE EXTENSION	X	X			X							
CORPS OF ENGINEERS	X	X			X							
COUNTY COUNSEL	X	X			X							
ENVIRONMENTAL RESOURCES	X	X		X				X				
FIRE PROTECTION DIST: SALIDA	X	X	X	X		X				X	X	
FISH & GAME, DEPT OF	X	X	X		X							
HAZARDOUS MATERIALS	X	X		X				X				
IRRIGATION DISTRICT: MODESTO	X	X	X	X		X				X	X	
LAFCO	X	X	X		X							
MODESTO REGIONAL FIRE AUTHORITY	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							
PUBLIC WORKS	X	X		X		X				X	X	
RAILROAD: UNION PACIFIC	X	X	X		X							
REGIONAL WATER QUALITY CONTROL	X	X	X	X		X				X	X	
SAN JOAQUIN VALLEY APCD	X	X	X		X							
SCHOOL DISTRICT 1: STANISLAUS	X	X	X									
SCHOOL DISTRICT 2: MODESTO	X	X	X	X		X				X		X
SHERIFF	X	X			X							
StanCOG	X	X			X							
STANISLAUS COUNTY FARM BUREAU	X	X	X		X							
STANISLAUS ERC	X	X		X				X		X		X
STATE CLEARINGHOUSE	X	X	X	X				X				
SUPERVISORIAL DISTRICT 4: MONTEITH	X	X			X							
SURROUNDING LAND OWNERS			X		X							
TELEPHONE COMPANY: AT&T	X	X	X		X							
UNITED STATES MILITARY AGENCIES (SB 1462) (5 agencies)	X	X	X		X							
US FISH & WILDLIFE	X	X	X	X		X				X	X	



# HENNINGS BROS. DRILLING CO., INC.



3525 Pelandale Avenue • Modesto, CA 95356-9781  
Office: (209) 545-1185 • Fax: (209) 545-1729  
Contractors License No. 290813

## CONDITIONS OF APPROVAL MODIFICATION REQUEST

Dear Stanislaus County Planning Commission,

This narrative submission is a request for deferment of a portion of Item # 21, originally included as part of the “Conditions of Approval” of Use Permit No. 2011-01 dated November 4, 2011 for Hennings Brothers Ag Drilling.

Item # 21 reads as follows:

“Prior to the final of any building or grading permit, the applicant shall make road frontage improvements along the entire parcel length on Ladd Road. These improvements shall include asphalt road widening, bringing the existing road up to 12’ wide paved vehicle lane, and a 4’ wide paved asphalt shoulder south of the centerline of Ladd Road. Improvement plans are to be submitted to this department for approval. The structural section and cross slopes shall meet Stanislaus County Public Works Standards and Specifications.”

We first wish to describe the present condition of the parcel along Ladd Road. Please see Attachment Number 1: aerial photo with designation of off-site work area.

The entire length of the parcel along Ladd Road is 637 feet. From east to west, the first 45 feet is an existing driveway to the residence. The next 94 feet is bordered on the south of the right-of-way with an existing masonry fence and 9 feet of asphalt paving between the fence and the fog line. See Attachment Number 2: photo of fence from the roadway south. The remaining 498 feet from the west end of the fence to the west end of the parcel is unimproved dirt shoulder.

Next is a description of the proposed improvements.

Attachment Number 3 shows an overview of the off-site improvement plans which include an access driveway to the new on-site building including the total of 150 feet of approach (75 feet each side of center) as described in Attachment Number 4, Public Works Plate 3-F5.

Once the new driveway and approaches are in place, the remaining length of 70 feet will exist from the existing driveway on the east end of the frontage to the approach wing of the new driveway and 368 feet west of the new driveway approach wing to the west border of the parcel frontage.

Wishing to comply with all conditions, we obtained a contractor’s bid for all of the off-site-encroachment improvements outlined in COA #21.

To our surprise, the bid for this small public works improvement requirement represented some 13% of the entire project cost.





# HENNINGS BROS. DRILLING CO., INC.



3525 Pelandale Avenue • Modesto, CA 95356-9781  
Office: (209) 545-1185 • Fax: (209) 545-1729  
Contractors License No. 290813

PAGE TWO OF TWO

We then investigated Ladd Road and discovered the requirements set forth for our off-site improvements would be the only such improvement on the entire length of Ladd Road. We additionally noted other commercial driveways not in compliance with Plate 3-F5 and no other shoulder widening sections in front of agricultural property.

Considering the cost to our overall project, combined with the section of non-functional widening we sought to request a deferment of the widening portion of the condition of approval.

We were advised to first meet with Public Works to discuss our situation. That meeting took place on June 29<sup>th</sup>. In brief, Public Works suggested they might be able to provide the required work well below the quote we had obtained from a local contractor. They indicated that they routinely conducts this type of work in the \$3 to \$5 a square foot range. As the required widening work was about 1,000 square feet, it was felt the total cost would be agreeable to us rather than spending additional money and time delay to file for a Planning Commission's deferment. Public Works provided a quote on July 6<sup>th</sup>. The quote was for \$36,675 (almost \$37 a square foot). This quote was very close to the quote we had received from the contractor for the corresponding work (the Public Works bid did not include the driveway and approaches, nor traffic control costs).

Unfortunately, either quote still represents an unacceptable percentage of the total cost of the project.

We have agreed (and still agree) to construct the rural driveway approach (plate number 3-F5) at our Ladd Road location.

We are asking the Planning Commission to simply defer the time in which we must participate in the widening portion of Ladd Road in front of the parcel until a future date when Ladd Road, in total, is improved.

Should the Commission approve our request for deferment, we will amend the off-site plans to address the driveway and approaches and add a "feathering" to both sides of the approaches to better transition with the existing roadway.

Sincerely,

Madeline Roddy, property owner

HENNINGS BROTHERS AG DRILLING  
ATTACHMENT NUMBER 1

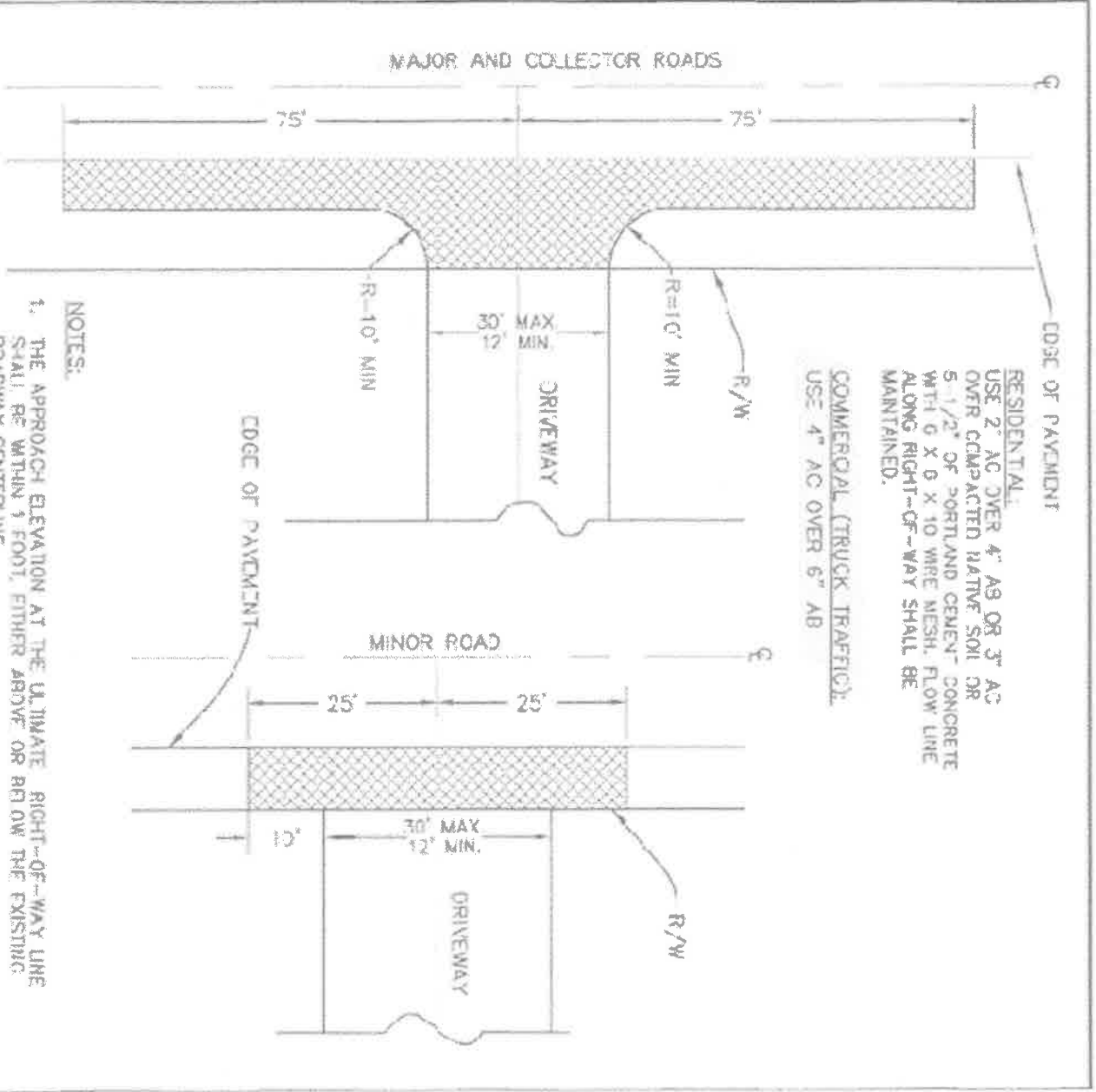



HENNINGS BROTHERS AG DRILLING  
ATTACHMENT NUMBER 2





HENNINGS BROTHERS AG DRILLING  
ATTACHMENT NUMBER 4



		NO.	REVISED	BY	<b>KIKAI DRIVEWAY APPROACH</b>	APPROVED BY:  MATTHEW MACHADO, PCE DIRECTOR OF PUBLIC WORKS
		CREATED BY:	DATE:	DATE		
Stanislaus County DEPARTMENT OF PUBLIC WORKS		PREPARED BY: DONALD HOBBS, SR. ENG. TECH CHECKED BY: DAVE LEWIS, PCE	DATE: 04/02/2018	DATE: 04/02/2018	PLATE NO.: 3-15	

**Miguel Galvez - Re: Hennings Bros. amendment to UP 2011-01 Condition of Approval**

**From:** Steven Whitney <henningsbrosdrilling@gmail.com>  
**To:** Miguel Galvez <galvezm@stancounty.com>  
**Date:** 11/5/2015 5:03 PM  
**Subject:** Re: Hennings Bros. amendment to UP 2011-01 Condition of Approval  
**CC:** Rachel Wyse <wyser@stancounty.com>

---

Mr. Galvez,

Thank you for your communication to us asking for clarification of our proposed amended condition.

You asked for further definition of two sub-phrases within our proposal:

- (1) Neighboring parcels, and;
- (2) frontage improvements.

1. Ladd Road is just at 4 miles long, from Stoddard Ave to McHenry Ave (Hwy 108). The majority of parcels along this 4 mile stretch is a mixture of residential and farmland. Our reference to "neighboring parcels" refers to all of the residential and farmland parcels along the 4 mile stretch of Ladd Road that at present have not had roadway widening improvements. It is our expectation that at some time in the future the Public Works Department may wish to conduct an improvement project of the entire Ladd Road rather than have small incongruent sections improved.

2. "Frontage improvements" refers to the off-site improvements required by the conditions of approval for the parcel at 1920 Ladd Road. The required improvements involved widening of the pavement on the outside of the fog line.

Thank you, again, for the opportunity to clarify our position.

Please don't hesitate to contact me with any further questions or concerns.

Regards,

Steve Whitney  
 For Madeline Roddy  
 Property Owner

On Thu, Nov 5, 2015 at 4:11 PM, Miguel Galvez <galvezm@stancounty.com> wrote:

Hi Steve,

Just a couple of items per our phone conversation today.

- 1) Planning Commission date: We are targeting taking your application to amend Use Permit 2011-01 Condition of Approval 21 for consideration by the Stanislaus Planning Commission at their regular meeting of November 19, 2015 at 6:00 p.m. If we are not able to make this date, the next meeting date would be December 3, 2015.
- 2) Clarification of Proposed Wording. The proposed wording for the new condition of approval affects the timing of when the improvements have to be installed. To avoid confusion, the County would like to understand your definition

of the following two words in as they will be used in the revised Condition of Approval.

The two words are:

- (1) Neighboring parcels, and;
- (2) frontage improvements.

Will you please describe what these terms mean to you.

To help, the proposed amended condition would read as follows:

**"At such a time as the neighboring parcels are required to install road frontage improvements,** the applicant shall make road frontage improvements along the entire parcel length on Ladd Road. ..."

Thank you for speaking with me on the phone today and I look forward to your response.

Respectfully,

*Miguel A. Galvez*

Senior Planner/Manager III

Stanislaus County Planning

and Community Development

1010 10th St., Suite 3400

Modesto, CA 95354

(209) 525-6330

[Galvezm@Stancounty.com](mailto:Galvezm@Stancounty.com)



**DEPARTMENT OF PUBLIC WORKS**

**Matt Machado, PE, LS**  
*Director, County Surveyor*

**Chris Brady, PE**  
*Deputy Director - Construction/Roads/Bridges*

**Colt Esenwein, PE**  
*Deputy Director - Engineering/Survey/Fleet*

**David Leamon, PE**  
*Deputy Director - Development/Traffic*

**Kathy Johnson**  
*Assistant Director - Finance/GIS/HR/Transit*

[www.stancounty.com/publicworks](http://www.stancounty.com/publicworks)

November 4, 2015

**MEMORANDUM**

To: Rachel Wyse, Associate Planner, Planning and Community Development  
From: Angie Halverson, Senior Land Development Coordinator  
Subject: UP 2011-0001 Hennings Bros Ag Drilling

The Planning Commission approved Use Permit 2011-01 Hennings Bros Ag Drilling on November 4, 2011. As part of the conditions of approval for the project, Public Works recommended that "Prior to the final of any building or grading permit, the applicant shall make road frontage improvements along the entire parcel length on Ladd Road. These improvements shall include asphalt road widening, bringing the existing road up to 12' wide paved vehicle lane and a 4' wide paved asphalt shoulder south of the centerline of Ladd Road. Improvement plans are to be submitted to this department for approval. The structural section and cross slopes shall meet Stanislaus County Public Works Standards and Specifications."

The Hennings Bros Ag Drilling project anticipates that 54 daily trips will occur to and from the site. Approximately 40% of these trips will be big vehicles such as drill rigs and work trucks. The remaining trips will be employee vehicles. This is a significant amount of traffic using a single rural driveway on a high speed rural county roadway. This section of Ladd Road sees nearly 7,000 vehicle trips a day. Of these trips, 85% of the vehicles are traveling at 63 Miles Per Hour with 11% of the existing traffic as truck traffic. Public Works primary concern is the safety of the motoring public. Having a commercial business with access on a busy roadway intensifies this concern.

As stated, Hennings Bros Ag Drilling has requested a deferral of the road improvement condition. Instead of a building permit or a grading permit triggering the improvements, they suggested "At such a time as the neighboring parcels are required to install road frontage improvements. . . ." Public Works has no comment on this deferral of the improvements.



**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**

**PROJECT: UP. 2011-01 - HENNINGS BROTHERS AG DRILLING - COA NO.21 MODIFICATION**

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
AGRICULTURE COMMISSIONER	X	X			X							
AIRPORT LAND USE COMMISSION	X	X			X							
ALLIANCE	X	X			X							
BUILDING PERMITS DIVISION	X	X			X							
CALTRANS DISTRICT 10	X	X			X							
CHIEF EXECUTIVE OFFICE	X	X			X							
COOPERATIVE EXTENSION	X	X			X							
CORPS OF ENGINEERS	X	X	X		X							
COUNTY COUNSEL	X	X			X							
ENVIRONMENTAL RESOURCES	X	X			X							
FIRE PROTECTION DIST: SALIDA	X	X	X		X							
FISH & GAME, DEPT OF	X	X	X		X							
HAZARDOUS MATERIALS	X	X			X							
IRRIGATION DISTRICT: MODESTO	X	X	X		X							
LAFCO	X	X	X		X							
MODESTO REGIONAL FIRE AUTHORITY	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							
PUBLIC WORKS	X	X			X							
RAILROAD: UNION PACIFIC	X	X	X		X							
REGIONAL WATER QUALITY CONTROL	X	X	X	X		X				X		X
SAN JOAQUIN VALLEY APCD	X	X	X		X							
SCHOOL DISTRICT 1: STANISLAUS	X	X	X		X							
SCHOOL DISTRICT 2: MODESTO	X	X	X		X							
SHERIFF	X	X			X							
StanCOG	X	X			X							
STANISLAUS COUNTY FARM BUREAU	X	X	X		X							
STANISLAUS ERC	X	X		X				X		X		X
STATE CLEARINGHOUSE	X	X	X	X				X		X		X
SUPERVISORIAL DISTRICT 4: MONTEITH	X	X			X							
SURROUNDING LAND OWNERS			X		X							
TELEPHONE COMPANY: AT&T	X	X	X		X							
UNITED STATES MILITARY AGENCIES (SB 1462) (5 agencies)	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							